

State of Iowa

1996

# **JOURNAL OF THE SENATE**

1996

**REGULAR SESSION  
SEVENTY-SIXTH  
GENERAL ASSEMBLY**

Convened January 8, 1996

Adjourned May 1, 1996

Volume II

April 29 – May 1

**LEONARD L. BOSWELL, President of the Senate  
RON J. CORBETT, Speaker of the House**

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# JOURNAL OF THE SENATE

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ONE HUNDRED THIRTEENTH CALENDAR DAY  
SIXTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 29, 1996

The Senate met in regular session at 10:26 a.m., President Boswell presiding.

Prayer was offered by the Honorable Brad Banks, member of the Senate from Plymouth County, Westfield, Iowa.

The Journal of Friday, April 26, 1996, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Vilsack and Judge until they arrive on request of Senator Horn, and Senators McLaren, Rittmer, McKean and Drake until they arrive on request of Senator Rife.

## BILL ASSIGNED TO COMMITTEE

The Chair announced the assignment of **House Concurrent Resoluton 128** to the committee on **State Government**.

## BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House File 2412** be referred from the Unfinished Business Calendar to the committee on **Business and Labor**.

## QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.



**ADOPTION OF RESOLUTIONS**  
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolutions 122 and 123.

**Senate Resolution 122**

On motion of Senator Priebe, Senate Resolution 122, a senate resolution requesting the Attorney General to investigate diesel fuel prices, was taken up for consideration.

Senator Priebe moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

**Senate Resolution 123**

On motion of Senator Priebe, Senate Resolution 123, a senate resolution to urge that Ms. Oprah Winfrey retract negative comments regarding the safety of cattle herds in this country and the integrity of beef products consumed by the public, and to encourage the public to protest sponsors supporting her program, was taken up for consideration.

Senator Priebe moved the adoption of Senate Resolution 123, which motion prevailed by a voice vote.

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

**House File 2500**

On motion of Senator Szymoniak, House File 2500, a bill for an act providing for the modification or termination of certain testamentary trusts by the court, with report of committee recommending passage, was taken up for consideration.

Senator Freeman asked and received unanimous consent that action on **House File 2500** be **deferred**.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

**House File 2387**

Senator Gronstal called up for consideration House File 2387, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5843 to Senate amendment H—6042 filed April 24, 1996.

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

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2469.

**Senate File 2469**

On motion of Senator Szymoniak, Senate File 2469, a bill for an act relating to the establishment of a problem gambling treatment program and applying a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bisignano asked and received unanimous consent that action on **Senate File 2469** be **deferred**.

RECESS

On motion of Senator Horn, the Senate recessed at 10:57 a.m., until 2:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:55 p.m., President Boswell presiding.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2387** be **immediately messaged** to the House.

## RECESS

On motion of Senator Horn, the Senate recessed at 2:57 p.m., until 4:30 p.m.

## RECONVENED

The Senate reconvened at 4:37 p.m., President Boswell presiding.

## QUORUM CALL

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

The vote revealed 39 present, 11 absent and a quorum present.

## BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2463** be referred from the Unfinished Business Calendar to the committee on **Ways and Means**.

ADOPTION OF RESOLUTION  
(Regular Calendar)**Senate Concurrent Resolution 106**

On motion of Senator Husak, Senate Concurrent Resolution 106, a senate concurrent resolution commemorating the veterans of the United States armed forces who fought and won the Battle

of the Bulge during World War II, with report of committee recommending passage, was taken up for consideration.

Senator Husak moved the adoption of Senate Concurrent Resolution 106, which motion prevailed by a voice vote.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2497

Senator Flynn called up for consideration House File 2497, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5808 to Senate amendment H-5976 filed April 17, 1996.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rensink for the remainder of the day on request of Senator Rife.

## BUSINESS PENDING

### House File 2497

The Senate resumed consideration of House File 2497.

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

On the question "Shall the bill pass?" (H.F. 2497) the vote was:

Ayes, 42:

Bartz  
Borlaug

Bennett  
Boswell

Black  
Connolly

Boettger  
Dearden

Deluhery	Douglas	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
Maddox	McLaren	Murphy	Neuhauser
Palmer	Priebe	Redfern	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 5:

Banks	Bisignano	Dvorsky	Fink
Giannetto			

Absent or not voting, 3:

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

## BUSINESS PENDING

### House File 2500

The Senate resumed consideration of House File 2500, a bill for an act providing for the modification or termination of certain testamentary trusts by the court, previously deferred.

Senator Freeman offered amendment S—5854 filed by her from the floor to page 1 and the title page of the bill.

Senator Vilsack raised the point of order that amendment S—5854 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5854 out of order.

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

On the question "Shall the bill pass?" (H.F. 2500) the vote was:

Ayes, 44:

Bartz	Bennett	Black	Boettger
Borlaug	Boswell	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Giannetto	Gronstal	Halvorson	Hammond
Hansen	Hedge	Horn	Husak
Iverson	Jensen	Judge	Kibbie
Kramer	Lind	Lundby	Maddox
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 3:

Banks	Bisignano	Rife
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Absent or not voting, 3:

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

### MOTION TO RECONSIDER ADOPTED

Senator Gronstal called up the motion to reconsider Senate File 2147 filed by him on April 16, 1996, found on page 1417 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2147) the vote was:

Ayes, 39:

Bartz	Black	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hedge	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Lundby	Maddox
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rife	Sorensen
Szymoniak	Tinsman	Vilsack	

Nays, 8:

Banks	Bennett	Bisignano	Boettger
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Hansen

Iverson

Rittmer

Zieman

Absent or not voting, 3:

Drake

McKean

Rensink

The motion prevailed.

Senator Gronstal moved to reconsider the vote by which Senate File 2147 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2147

On motion of Senator Gronstal, Senate File 2147, a bill for an act increasing the membership of the Iowa telecommunications and technology commission, was taken up for reconsideration.

Senator Gronstal 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—5615 as amended to Senate File 2147 on April 16, 1996.

The motion prevailed by a voice vote and House amendment S—5615 as amended was taken up for reconsideration.

Senator Gronstal 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—5792 as amended to House amendment S—5615 to Senate File, 2147 was adopted by the Senate on April 16, 1996.

The motion prevailed by a voice vote and amendment S—5792 as amended by Senator Dvorsky to House amendment S—5615 was taken up for reconsideration.

Senator Gronstal offered amendment S—5853 filed by Senators Gronstal and Dvorsky on April 26, 1996, to amendment S—5792 to House amendment S—5615 and moved its adoption.

Amendment S—5853 was adopted by a voice vote.

With the adoption of amendment S—5853, the Chair ruled amendment S—5850 filed by Senators Gronstal and Dvorsky on April 25, 1996, to House amendment S—5615, out of order.

The Senate stood at ease at 5:21 p.m. until the fall of the gavel.

The Senate resumed session at 5:39 p.m., President Boswell presiding.

### BUSINESS PENDING

#### Senate File 2147

The Senate resumed consideration of Senate File 2147.

Senator McLaren offered amendment S—5857 filed by him from the floor to amendment S—5792 to House amendment S—5615.

Senator Dvorsky raised the point of order that amendment S—5857 to amendment S—5792 to House amendment S—5615 was not germane.

The Chair ruled the point well taken and amendment S—5857 out of order.

Senator Dvorsky moved the adoption of amendment S—5792 to House amendment S—5615, which motion prevailed by a voice vote.

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

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe for the remainder of the day on request of Senator Horn.



## BUSINESS PENDING

## Senate File 2147

The Senate resumed consideration of Senate File 2147.

Senator Dvorsky 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. 2147) the vote was:

Ayes, 39:

Bartz	Bennett	Black	Boettger
Boswell	Connolly	Dearden	Deluhery
Douglas	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Judge
Kibbie	Kramer	Lundby	Maddox
McLaren	Murphy	Neuhauser	Palmer
Redfern	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 7:

Banks	Bisignano	Borlaug	Iverson
Jensen	Lind	Rife	

Absent or not voting, 4:

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

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1996, insisted on its amendment to House File 2387, a bill for an act relating to the office of secretary of state and the conduct of elections

and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date, and that the members of the **Conference Committee** on the part of the House are: The Representative from Polk, Mrs. Jacobs, Chair; the Representative from Pottawattamie, Mr. Drake; the Representative from Dubuque, Ms. Jochum; the Representative from Scott, Mrs. Martin; the Representative from Black Hawk, Mr. Witt.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2387** on the part of the Senate: Senators Gronstal, Chair; Sorensen, Dearden, Rittmer and Drake.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2497 and 2500, Senate File 2147 and Senate Concurrent Resolution 106** be immediately messaged to the House.

### BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2450** be referred from the Unfinished Business Calendar to the committee on **Ways and Means**.

## APPENDIX

### EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 25, 1996, when the vote was taken on the House File 560. Had I been present, I would have voted "aye" on the bill.

MAGGIE TINSMAN

### SUBCOMMITTEE ASSIGNMENT

#### House Concurrent Resolution 128

STATE GOVERNMENT: Fink, Chair; Drake and Giannetto

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Olivia Bailey, Waukee — For being named to the Des Moines Register's 1996 Academic All-State Team. Senator Douglas (4-29-96).

### COMMUNICATIONS RECEIVED

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

March 1, 1996

#### DEPARTMENT OF PUBLIC HEALTH

VITAL STATISTICS OF IOWA. Pursuant to Iowa Code Ch. 144.5(5).

ORGANIZED DELIVERY SYSTEMS IN IOWA. Pursuant to Ch. 158, 75th G.A.

Annual Report and executive Summary of Council on Chemically Exposed Infants and Children. Pursuant to Iowa Code Ch. 235C.3(7).

#### LEGISLATIVE FISCAL BUREAU

A report on the Living Roadway Trust Fund submitted in accordance with Section 32 of SF 481 (Transportation, Infrastructure, and Capitals Appropriation Act.)

March 4, 1996

IOWA CENTRAL COMMUNITY COLLEGE

Job Training Partnership Act - Promise Jobs. The changes to the Local Training Plan for Titles II-A, II-B, II-C and the Title III Sub State Area Plan for Program Years 1996 and 1997.

March 11, 1996

DEPARTMENT OF HUMAN SERVICES

Annual Report of Savings for FY95, in accordance with Chapter 8D.10 of The Code of Iowa.

DEPARTMENT OF COMMERCE  
ALCOHOLIC BEVERAGES DIVISION

61st Annual Report - July 1, 1994-June 1995.

DEPARTMENT OF TRANSPORTATION

As required in Iowa Code section 307.21, a report of purchasing activity for soy based inks and recycled content trash bags.

March 14, 1996

DEPARTMENT OF EMPLOYMENT SERVICES

A copy of the 1995 Annual Status Report on the Unemployment Compensation Fund from the division of Job Service in accordance with Iowa Code Section 96.35.

DEPARTMENT OF HUMAN SERVICES

The Plan for Community development relating to Conner vs. Branstad Consent Decree.

March 18, 1996

IOWA DEPARTMENT OF TRANSPORTATION

Annual Report as required by Section 307.12(14).

LOTTERY DIVISION  
IOWA DEPARTMENT OF REVENUE AND FINANCE

Independent Auditors Reports, Financial Statement and Supplemental Information Comment and Recommendation.

April 2, 1996

IOWA HEALTH REFORM TRANSITION TEAM

Final Report.

April 10, 1996

DEPARTMENT OF GENERAL SERVICES

Annual Report for Fiscal Year 1995.

April 11, 1996

IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT

Iowa New Jobs Training Program Annual Report 1995.

April 16, 1996

IOWA COLLEGE STUDENT AID COMMISSION

A diversity summary as required by Iowa Code Section 261.25, subsection 5.

April 22, 1996

IOWA DEPARTMENT OF NATURAL RESOURCES

Annual Report for Fiscal Year 1995.

April 25, 1996

LIVESTOCK PRODUCTION STUDY COMMITTEE

Final Report.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2409, the following correction was made:

1. Page 1, line 16, the word and number "section 15.341."

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 29th day of April, 1996:

Senate Files 284 and 2409.

JOHN F. DWYER  
Secretary of the Senate

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(Senate File 2443)

A conference committee report signed by the following Senate and House members was filed April 29, 1996, on Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes:

On the Part of the Senate:

TOM VILSACK, Chair  
TONY BISIGNANO  
STEVEN D. HANSEN

On the Part of the House:

STEVEN W. CHURCHILL, Chair  
TOM BAKER  
PHIL WISE

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(House File 2458)

A conference committee report signed by the following Senate and House members was filed April 29, 1996, on House File 2458, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases:

On the Part of the Senate:

STEVEN D. HANSEN, Chair  
RICHARD F. DRAKE  
RANDAL J. GIANNETTO  
O. GENE MADDOX  
TOMVILSACK

On the Part of the House:

DWIGHT DINKLA, Chair  
JEFFREY LAMBERTI  
HAROLD VAN MAANEN

## AMENDMENTS FILED

S—5854	H.F.	2500	Elaine Szymoniak
S—5855	S.F.	2469	Elaine Szymoniak
S—5856	S.F.	2469	Tony Bisignano
S—5857	S.F.	2147	Derryl McLaren

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:58 p.m., until 10:00 a.m., Tuesday, April 30, 1996.

# JOURNAL OF THE SENATE

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ONE HUNDRED FOURTEENTH CALENDAR DAY  
SIXTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 30, 1996

The Senate met in regular session at 10:12 a.m., President Boswell presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Monday, April 29, 1996, was approved.

## QUORUM CALL

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

The vote revealed 46 present, 4 absent and a quorum present.

## BILL REMOVED CALENDAR

Senator Judge asked and received unanimous consent that further action on **Senate File 2385** be deferred and that it be removed from the Senate Calendar.

## RECESS

On motion of Senator Judge, the Senate recessed at 11:25 a.m., until 2:00 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:22 p.m., President Boswell presiding:



## HOUSE MESSAGES RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 30, 1996, 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 2147**, a bill for an act increasing the membership of the Iowa telecommunications and technology commission.

**ALSO:** That the House has on April 30, 1996, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2153**, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy (S—5858).

**ALSO:** That the House has on April 30, 1996, adopted the conference committee report and passed **House File 2458**, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

## INTRODUCTION OF BILL

**Senate File 2470**, by committee on Appropriations, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

Read first time and placed on Appropriations Calendar.

## 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.

## CONFERENCE COMMITTEE REPORT ADOPTED

### House File 2458

Senator Hansen called up the conference committee report on House File 2458, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases, filed on April 29, 1996, 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 Hansen 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. 2458) the vote was:

Ayes, 47:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Jensen	Judge
Kibbie	Lind	Lundby	Maddox
McKean	McLaren	Murphy	Neuhauser
Palmer	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

## HOUSE AMENDMENT CONSIDERED

### Senate File 2153

Senator Bisignano called up for consideration Senate File 2153, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy, amended by the House, and moved that the Senate concur in House amendment S—5858 filed April 30, 1996.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer until she returns on request of Senator Borlaug.

## BUSINESS PENDING

### Senate File 2153

The Senate resumed consideration of Senate File 2153.

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

On the question "Shall the bill pass?" (S.F. 2153) the vote was:

Ayes, 47:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Jensen	Judge
Kibbie	Lind	Lundby	Maddox
McKean	McLaren	Murphy	Neuhauser
Palmer	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Banks Iverson Kramer

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

### COMMITTEE REPORT

#### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2470 (LSB 4436), a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Murphy, Boswell, Lind, Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2470.

#### Senate File 2470

On motion of Senator Murphy, Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates, was taken up for consideration.

Senator Murphy offered amendment S—5861 filed by him from the floor to pages 9 and 12 of the bill and moved its adoption.

Amendment S—5861 was adopted by a voice vote.

Senator Judge offered amendment S—5860 filed by Senators Judge and Bartz from the floor to page 26 of the bill and moved its adoption.

Amendment S—5860 was adopted by a voice vote.

Senator Flynn offered amendment S—5864 filed by him from the floor to page 29 of the bill and moved its adoption.

Amendment S—5864 was adopted by a voice vote.

Senator Gronstal offered amendment S—5862 filed by him from the floor to page 30 of the bill and moved its adoption.

Amendment S—5862 was adopted by a voice vote.

Senator Neuhauser offered amendment S—5859 filed by her from the floor to page 33 of the bill.

Senator Palmer raised the point of order that amendment S—5859 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5859 out of order.

The Senate stood at ease at 3:12 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:10 p.m., President pro tempore Bisignano presiding.

### QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

### BUSINESS PENDING

#### Senate File 2470

The Senate resumed consideration of Senate File 2470.

Senator Gronstal offered amendment S—5863 filed by him from the floor to page 33 of the bill.

President Boswell took the chair at 4:20 p.m.

Senator Lind asked and received unanimous consent that action on amendment S—5863 be deferred.

Senator Murphy offered amendment S—5866 filed by him from the floor to pages 6 and 9 of the bill and moved its adoption.

Amendment S—5866 was adopted by a voice vote.

Senator Giannetto asked and received unanimous consent to withdraw amendment S—5865 filed by Senators Flynn, Giannetto and Bartz from the floor to page 26 of the bill.

Senator Black offered amendment S—5867 filed by Senators Black, et al., from the floor to page 26 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 31, nays 3.

Amendment S—5867 was adopted.

The Senate stood at ease at 4:26 p.m. until the fall of the gavel.

The Senate resumed session at 4:30 p.m., President Boswell presiding.

Senator Murphy offered amendment S—5868 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—5868 was adopted by a voice vote.

The Senate stood at ease at 4:31 p.m. until the fall of the gavel.

The Senate resumed session at 4:39 p.m., President Boswell presiding.

The Senate resumed consideration of amendment S—5863 by Senator Gronstal to page 33 of the bill, previously deferred.

Senator Lind offered amendment S—5870 filed by him from the floor to amendment S—5863 and moved its adoption.

Amendment S—5870 was adopted by a voice vote.

Senator Hansen raised the point of order that amendment S—5863 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5863 as amended out of order.

Senator Murphy offered amendment S—5871 filed by Senators Murphy and Black from the floor to page 25 of the bill and moved its adoption.

Amendment S—5871 was adopted by a voice vote.

Senator Hammond asked and received unanimous consent to withdraw amendment S—5872 filed by Senators Hammond, et al., from the floor to page 11 of the bill.

The Senate stood at ease at 4:59 p.m. until the fall of the gavel.

The Senate resumed session at 5:11 p.m., President Boswell presiding.

Senator Kramer offered amendment S—5869 filed by her from the floor to page 20 of the bill.

Senator Vilsack raised the point of order that amendment S—5869 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5869 out of order.

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. 2470) the vote was:

Ayes, 30:

Bartz	Bisignano	Black	Boswell
Cannolly	Dearden	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Giannetto	Gronstal	Halvorson	Hammond
Horn	Husak	Judge	Kibbie
Lundby	McLaren	Murphy	Neuhauser
Palmer	Priebe	Rensink	Sorensen
Szymoniak	Vilsack		

Nays, 20:

Banks	Bennett	Boettger	Borlaug
Douglas	Drake	Freeman	Hansen
Hedge	Iverson	Jensen	Kramer
Lind	Maddox	McKean	Redfern
Rife	Rittmer	Tinsman	Zieman

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2458** and **Senate File 2470** be immediately messaged to the House and to send an immediate message to the House on **Senate File 2153**.

### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2442)

A conference committee report signed by the following Senate and House members was filed April 30, 1996, on Senate File 2442, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates:

On the Part of the Senate:

JOHNIE HAMMOND, Chair  
PATRICK J. DELUHÉRY  
ELAINE SZYMONIAK  
NANCY BOETTGER  
MAGGIE TINSMAN

On the Part of the House:

HUBERT HOUSER, Chair  
RICHARD ARNOLD  
DANNY CARROLL  
ED FALLON  
PAM JOCHUM

### CONFERENCE COMMITTEE REPORT ADOPTED

#### Senate File 2442

Senator Hammond called up the conference committee report on Senate File 2442, a bill for an act relating to appropriations for the department of human services and the prevention of



disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates, filed on April 30, 1996, 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 Hammond 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.2442) the vote was:

Ayes, 44:

Bartz	Bennett	Bisignano	Black
Boettger	Boswell	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Giannetto	Gronstal	Halvorson	Hammond
Hansen	Hedge	Horn	Husak
Judge	Kibbie	Kramer	Lundby
Maddox	McKean	McLaren	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rife	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 6:

Banks	Borlaug	Douglas	Iverson
Jensen	Lind		

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

#### SUBCOMMITTEE ASSIGNMENT

#### House Concurrent Resolution 129

JUDICIARY: Bisignano, Chair; Boettger, Drake, Giannetto and Vilsack

## CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Albia Community High School Band, Albia — For receiving high honors at the Orlando Festival of Music, Orlando, Florida, and for being named the Grand Champion Marching Band. Senator Judge (4-29-96).

Bi-State Motorcycle Awareness Council — For your support of motorcycle awareness, caution and courtesy on the road. Senator Rife (5-4-96).

Jennifer Braden, Newman; Allison Cooper, Ventura; Jennifer Craighton, Rockwell-Swaledale; Jeffrey Freidhof, New Hampton; Stephen Locher, Mason City; Susan Meggers, North Tama (Traer); Kelly Moretz, Lake Mills; Maegan Plagge, Clear Lake; Chris Snell, Nora Springs-Rock Falls; Jamie Squier, St. Ansgar and Jay Weselmann, Northwood-Kensett High School — For being nominated for Academic All-State Team. "The Best and Brightest of 96". Senator Bartz (4-30-96).

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2195, the following correction was made:

1. Page 3, line 18, the number "10.0" was changed to the number "10.00".

JOHN F. DWYER  
Secretary of the Senate

## BILL 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 bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 30th day of April, 1996:

Senate File 2195.

JOHN F. DWYER  
Secretary of the Senate

**BILLS SIGNED BY THE GOVERNOR**

Communications were received announcing that on April 30, 1996, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2351 — Relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, making an annual allocation from an appropriation, and establishing an effective date.

SENATE FILE 2357 — Relating to school finance providing for an increase in the amount certified for levy in excess of that previously authorized for bonded indebtedness repayment.

SENATE FILE 2366 — Relating to lease-purchase agreements.

SENATE FILE 2399 — Relating to child protection system provisions involving the child abuse assessment pilot projects administered by the department of human services and certain multidisciplinary teams, and providing an effective date.

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(House File 2486)

A conference committee report signed by the following Senate and House members was filed April 30, 1996, on House File 2486, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated:

On the Part of the Senate:

TOM FLYNN, Chair  
BRAD BANKS  
H. KAY HEDGE  
MARY NEUHAUSER

On the Part of the House:

STEVE SUKUP, Chair  
BOB BRUNKHORST  
JANET METCALF

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2442 passed the Senate on April 30, 1996.

LARRY MURPHY

## AMENDMENTS FILED

S—5858	S. F.	2153	House amendment
S—5859	S. F.	2470	Mary Neuhauser
S—5860	S. F.	2470	Patty Judge Merlin E. Bartz
S—5861	S. F.	2470	Larry Murphy
S—5862	S. F.	2470	Michael E. Gronstal
S—5863	S. F.	2470	Michael E. Gronstal
S—5864	S. F.	2470	Tom Flynn
S—5865	S. F.	2470	Tom Flynn Randal J. Giannetto Merlin E. Bartz
S—5866	S. F.	2470	Larry Murphy
S—5867	S. F.	2470	Dennis H. Black Berl E. Priebe Don Gettings Brad Banks Derryl McLaren
S—5868	S. F.	2470	Larry Murphy
S—5869	S. F.	2470	Mary Kramer
S—5870	S. F.	2470	Jim Lind
S—5871	S. F.	2470	Larry Murphy Dennis H. Black
S—5872	S. F.	2470	Johnie Hammond Elaine Szymoniak Steven D. Hansen Maggie Tinsman
S—5873	S. F.	2464	Michael E. Gronstal

The Senate stood at ease at 5:47 p.m. until the fall of the gavel.

The Senate resumed session at 7:18 p.m., Senator Gronstal presiding.

**MOTION TO RECONSIDER WITHDRAWN****Senate File 2442**

Senator Murphy withdrew the motion to reconsider Senate File 2442, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates, filed by him on April 30, 1996, and found on page 1550 of the Senate Journal.

**IMMEDIATELY MESSAGED**

Senator Murphy asked and received unanimous consent that **Senate File 2442** be immediately messaged to the House.

**CONFERENCE COMMITTEE REPORT RECEIVED  
(House File 2421)**

A conference committee report signed by the following Senate and House members was filed April 30, 1996, on House File 2421, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date:

On the Part of the Senate:

ROD HALVORSON, Chair  
MICHAEL GRONSTAL  
JOHN W. JENSEN  
LARRY MURPHY

On the Part of the House:

DAVID MILLAGE, Chair  
CLYDE BRADLEY  
BARRY BRAUNS  
DENNIS M. COHOON  
STEVE WARNSTADT

The Senate stood at ease at 7:21 p.m. until the fall of the gavel.

The Senate resumed session at 7:40 p.m., Senator Gronstal presiding.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 1996, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

**House File 2477**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions (S—5874 to H—5522).

ALSO: That the House has on April 30, 1996, adopted the conference committee report and passed **House File 2486**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

### AMENDMENT FILED

S—5874      H.F.      2477      House amendment

### ADJOURNMENT

On motion of Senator Dvorsky, the Senate adjourned at 7:42 p.m., until 9:00 a.m., Wednesday, May 1, 1996.

# JOURNAL OF THE SENATE

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ONE HUNDRED FIFTEENTH CALENDAR DAY  
SIXTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, May 1, 1996

The Senate met in regular session at 9:13 a.m., President Boswell presiding.

Prayer was offered by Peter Small from Iowa City, Iowa, who sang "How Can I Keep from Singing".

The Journal of Tuesday, April 30, 1996, 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 30, 1996, receded from the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

**Senate File 2140**, a bill for an act increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date.

ALSO: That the House has on April 30, 1996, adopted the conference committee report and passed **Senate File 2442**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

ALSO: That the House has on April 30, 1996, adopted the conference committee report and passed **House File 2421**, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date.

## QUORUM CALL

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

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

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2477

Senator Kibbie called up for consideration House File 2477, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5874 to Senate amendment H—5522 filed April 30, 1996.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Banks until he arrives on request of Senator Bartz.

## BUSINESS PENDING

### House File 2477

The Senate resumed consideration of House File 2477.

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

On the question "Shall the bill pass?" (H.F. 2477) the vote was:



Ayes, 49:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Banks

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

## CONFERENCE COMMITTEE REPORTS ADOPTED

### House File 2486

Senator Flynn called up the conference committee report on House File 2486, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, filed on April 30, 1996, 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 Rife asked unanimous consent that action on House File 2486 be deferred.

Senator Rife withdrew his request to defer.

Senator Flynn 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. 2486) the vote was:

Ayes, 48:

Bartz	Bennett	Bisignano	Boettger
Borlaug	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Giannetto	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
Maddox	McKean	McLaren	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rife	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Banks                      Black

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

### House File 2421

Senator Halvorson called up the conference committee report on House File 2421, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date, filed on April 30, 1996, 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 Halvorson 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. 2421) the vote was:

Ayes, 45:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Husak	Jensen	Judge	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 4:

Giannetto	Iverson	Kibbie	Rife
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Absent or not voting, 1:

Banks

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

## HOUSE AMENDMENT CONSIDERED

### Senate File 2464

Senator Gronstal called up for consideration Senate File 2464, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date, amended by the House in House amendment S—5738 filed April 12, 1996.

Senator Gronstal offered amendment S—5873 filed by him on April 30, 1996, to House amendment S—5738.

Senator Maddox called for a division of amendment S—5873 to House amendment S—5738: Page 1, lines 3-50; page 2, lines 1-19 and 28-50 as division S—5873A.

Page 2, lines 20-27 as division S—5873B.

Senator Maddox asked and received unanimous consent that action on division S—5873A to House amendment S—5738 be deferred.

Senator Gronstal moved the adoption of division S—5873B to House amendment S—5738, which motion prevailed by a voice vote.

Senator Gronstal asked and received unanimous consent that action on division S—5873A to House amendment S—5738, House amendment S—5738 and **Senate File 2464** be deferred.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2477 and 2421** be **immediately messaged** to the House.

### CONFERENCE COMMITTEE REPORT CONSIDERED

#### **Senate File 2443**

Senator Vilsack called up the conference committee report on Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes, filed on April 29, 1996.

### 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 11, 1996, adopted the conference committee report and passed, **Senate File 2448**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health,

the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 124**, by Boswell, Kibbie, Giannetto, Dearden, Judge, Murphy, Gettings, Sorensen, and Connolly, a resolution supporting the use of more than one crew member in freight railroad operations.

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

## RESOLUTION ASSIGNED TO COMMITTEE

President Boswell announced that **Senate Resolution 124** was assigned to the committee on **Transportation**.

The Senate stood at ease at 10:36 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 11:04 a.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2443

The Senate resumed consideration of Senate File 2443, and the conference committee report.

Senator Vilsack moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

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

On the question "Shall the bill pass?" (S.F. 2443) the vote was:

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

Ayes, 28:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Murphy	Neuhauser	Palmer
Priebe	Sorensen	Szymoniak	Vilsack

Nays, 21:

Bartz	Bennett	Boettger	Borlaug
Douglas	Drake	Freeman	Hansen
Hedge	Iverson	Lind	Lundby
Maddox	McKean	McLaren	Redfern
Rensink	Rife	Rittmer	Tinsman
Zieman			

Absent or not voting, 1:

Banks

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 2443** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred April 29, 1996)

#### Senate File 2469

The Senate resumed consideration of Senate File 2469, a bill for an act relating to the establishment of a problem gambling treatment program and applying a penalty, deferred April 29, 1996.

Senator Szymoniak offered amendment S—5852 filed by the committee on Human Resources on April 26, 1996, to pages 1-3 and the title page of the bill.

Senator Bisignano offered amendment S—5856 filed by him on April 29, 1996, to amendment S—5852 and moved its adoption.

Amendment S—5856 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5855 filed by her on April 29, 1996, to amendment S—5852 and moved its adoption.

Amendment S—5855 was adopted by a voice vote.

Senator Szymoniak moved the adoption of amendment S—5852 as amended, which motion prevailed by a voice vote.

Senator Bartz offered amendment S—5876 filed by him from the floor to page 5 of the bill.

Senator Szymoniak raised the point of order that amendment S—5876 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5876 out of order.

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

On the question "Shall the bill pass?" (S.F. 2469) the vote was:

Ayes, 49:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Banks

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 2469** be **immediately messaged** to the House.

### MOTION TO RECONSIDER WITHDRAWN

#### House File 121

Senator Murphy withdrew the motion to reconsider House File 121, a bill for an act relating to the taping and broadcasting of certain high school athletic events, filed by him on March 25, 1996, and found on page 1026 of the Senate Journal.

The Senate stood at ease at 11:32 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 11:52 a.m., President Boswell presiding.

### QUORUM CALL

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

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

### SPECIAL PRESENTATION TO SENATE PAGES

The Senate pages were invited to the well of the Senate by President Boswell for a special presentation and were thanked by President Boswell and Senators Horn and Rife for their service to the Senate.

A Certificate of Recognition for serving with honor and distinction as a Senate Page during the 1996 Regular Session of the Seventy-sixth General Assembly and an individual and Page group picture were presented to each of the following Pages:

Annette Athy, Sara Bailey, Laura Brown, Brent Elswick, Nathan Haggard, Patrick Hassenfritz, Tom Hopkins, Amy Longwill, Christopher Noring, Luke Quinn, Angie Richardson,



Carrie Stephens, Justin Thiltgen, Leah Van Mersbergen and Amanda Whims. (Absent were Jason Hedden and Beth Bernholtz).

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 454**, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties (S—5877).

ALSO: That the House has on May 1, 1996, adopted the conference committee report and passed **House File 2472**, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

### CONFERENCE COMMITTEE REPORT RECEIVED (House File 2472)

A conference committee report signed by the following Senate and House members was filed May 1, 1996, on House File 2472, a bill for an act relating to and making appropriations to the justice system and providing effective dates:

On the Part of the Senate:

EUGENE FRAISE, Chair  
ROBERT DVORSKY  
EMIL J. HUSAK  
STEWART IVERSON, JR.  
DONALD B. REDFERN

On the Part of the House:

TERESA GARMAN, Chair  
PAUL BELL  
DAVE HEATON  
RICK LARKIN  
LYNN SCHULTE

### CONFERENCE COMMITTEE REPORT ADOPTED

#### House File 2472

Senator Fraise called up the conference committee report on House File 2472, a bill for an act relating to and making

appropriations to the justice system and providing effective dates, filed on May 1, 1996, 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 Fraise 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. 2472) the vote was:

Ayes, 43:

Bartz	Bisignano	Black	Boettger
Borlaug	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gettings
Giannetto	Gronstal	Halvorson	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lundby	Maddox	McKean	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 6:

Bennett	Freeman	Hammond	Lind
McLaren	Rife		

Absent or not voting, 1:

Banks

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

Senator Horn asked and received unanimous consent that House File 2472 be immediately messaged to the House.

## BUSINESS PENDING

### Senate File 2464

The Senate resumed consideration of Senate File 2464, a bill

for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date, House amendment S—5738 and division S—5873A to House amendment S—5738.

Senator Gronstal withdrew division S—5873A to House amendment S—5738.

Senator Maddox asked and received unanimous consent to withdraw amendment S—5875 filed by Senators Maddox and Borlaug from the floor to House amendment S—5738.

Senator Gronstal offered amendment S—5878 filed by Senators Gronstal, Maddox and Borlaug from the floor to House amendment S—5738.

Senator Priebe asked unanimous consent that action on amendment S—5878 to House amendment S—5738, House amendment S—5738 and Senate File 2464 be deferred.

Senator Priebe withdrew his request to defer.

Senator Gronstal moved the adoption of amendment S—5878 to House amendment S—5738, which motion prevailed by a voice vote.

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

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

Senator Gronstal 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. 2464) the vote was:

Ayes, 47:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise

Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Redfern
Rensink	Rife	Rittmer	Sorensen
Szymoniak	Tinsman	Zieman	

Nays, 2:

Priebe                      Vilsack

Absent or not voting, 1:

Banks

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 2464** be immediately messaged to the House.

### RECESS

On motion of Senator Horn, the Senate recessed at 12:35 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:12 p.m., Senator Flynn presiding.

### QUORUM CALL

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

The vote revealed 36 present, 14 absent and a quorum present.

### ADOPTION OF RESOLUTION (Regular Calendar)

**House Concurrent Resolution 28**

On motion of Senator Bisignano, House Concurrent Resolution 28, a concurrent resolution requesting that the United States Congress repeal the decriminalization of status offenses mandate contained in the federal Juvenile Justice Delinquency Prevention Act of 1974, with report of committee recommending passage, was taken up for consideration.

Senator Bisignano withdrew amendment S—5781 filed by him on April 15, 1996, to pages 1 and 2 of the resolution.

Senator Bisignano moved the adoption of House Concurrent Resolution 28, which motion prevailed by a voice vote.

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

#### House File 2481

On motion of Senator Vilsack, House File 2481, a bill for an act relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack offered amendment S—5838 filed by him on April 23, 1996, to pages 3 and 4 of the bill.

President Boswell took the chair at 1:35 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen until he returns on request of Senator Rensink.

### BUSINESS PENDING

#### House File 2481

The Senate resumed consideration of House File 2481.

Senator Vilsack moved the adoption of amendment S—5838.

A record roll call was requested.

On the question "Shall amendment S—5838 be adopted?" (H.F. 2481) the vote was:

Ayes, 29:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Horn	Husak	Judge	Kibbie
Lundby	Murphy	Neuhauser	Palmer
Priebe	Sorensen	Szymoniak	Tinsman
Vilsack			

Nays, 19:

Bartz	Bennett	Boettger	Borlaug
Douglas	Drake	Freeman	Hedge
Iverson	Kramer	Lind	Maddox
McKean	McLaren	Redfern	Rensink
Rife	Rittmer	Zieman	

Absent or not voting, 2:

Banks	Jensen
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Amendment S—5838 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2481) the vote was:

Ayes, 46:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Giannetto	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Husak	Iverson	Judge	Kibbie
Kramer	Lind	Lundby	Maddox
McKean	McLaren	Murphy	Neuhauser
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 2:

Connolly, Palmer

Absent or not voting, 2:

Banks, Jensen

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

#### COMMITTEE REPORT

#### TRANSPORTATION

**Final Bill Action:** SENATE RESOLUTION 125 (formerly Senate Resolution 124), a senate resolution supporting the use of more than one crew member in freight railroad operations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Gettings, Fraise, Black, Connolly, Dearden, Douglas, Fink, Halvorson, Jensen, Lind and Rittmer. Nays, none. Pass, 1: Drake.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### INTRODUCTION OF RESOLUTION

**Senate Resolution 125**, by committee on Transportation, a resolution supporting the use of more than one crew member in freight railroad operations.

Read first time and placed on calendar.

#### ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolution 125.

#### Senate Resolution 125

On motion of Senator Fraise, Senate Resolution 125, a resolution supporting the use of more than one crew member in freight railroad operations, was taken up for consideration.

Senator Lind offered amendment S—5879 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5879 lost by a voice vote.

Senator Fraise moved the adoption of Senate Resolution 125, which motion prevailed by a voice vote.

### HOUSE AMENDMENT CONSIDERED

(Deferred April 15, 1996)

#### Senate File 2256

The Senate resumed consideration of Senate File 2256, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty, and House amendment S—5707, deferred April 15, 1996.

Senator Maddox offered amendment S—5780 filed by Senators Maddox, et al., on April 15, 1996, to House amendment S—5707.

Action on amendment S—5780 to House amendment S—5707, House amendment S—5707 and **Senate File 2256** was deferred.

### HOUSE AMENDMENT CONSIDERED

(Deferred April 22, 1996)

#### Senate File 2370

The Senate resumed consideration of Senate File 2370, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision, House amendment S—5818 and amendment S—5826 to House amendment S—5818, deferred April 22, 1996.

Senator Husak called up the motion to reconsider the vote by which amendment S—5825 to House amendment S—5818 to Senate File 2370 was adopted by the Senate on April 22, 1996, found on page 1465 of the Senate Journal and moved its adoption.



A record roll call was requested:

On the question "Shall the motion to reconsider be adopted?" (S.F. 2370) the vote was:

Ayes, 34:

Bartz	Bennett	Bisignano	Boettger
Boswell	Dearden	Deluhery	Douglas
Drake	Fraise	Gettings	Giannetto
Gronstal	Hansen	Horn	Husak
Iverson	Judge	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Palmer	Priebe	Redfern
Rensink	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack		

Nays, 12:

Borlaug	Connolly	Dvorsky	Flynn
Freeman	Halvorson	Hammond	Hedge
Jensen	Kibbie	Neuhauser	Zieman

Absent or not voting, 4:

Banks	Black	Fink	Rife
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The motion prevailed and amendment S—5825 by Senators Freeman, et al., to House amendment S—5818 was taken up for reconsideration.

Senator Fink asked and received unanimous consent to withdraw amendment S—5851 filed by Senators Fink, et al., on April 25, 1996, to amendment S—5825 to House amendment S—5818.

Senator Freeman moved the adoption of amendment S—5825 to House amendment S—5818, which motion lost by a voice vote.

Senator Fink withdrew amendment S—5848 filed by him on April 25, 1996, to House amendment S—5818.

With the reconsideration and defeat of amendment S—5825, the Chair announced that amendments S—5824 and S—5823, previously ruled out of order on April 22, 1996, were now eligible for consideration by the Senate.

Senator Freeman offered amendment S—5824 by Senators Freeman, et al., to House amendment S—5818 and moved its adoption.

Amendment S—5824 lost by a voice vote.

Senator Halvorson withdrew amendment S—5844 filed by him on April 25, 1996, to House amendment S—5818.

Senator Halvorson asked and received unanimous consent that action on amendment S—5845 filed by him on April 25, 1996, to House amendment S—5818 be deferred.

Senator Halvorson offered amendment S—5846 filed by him on April 25, 1996, to House amendment S—5818 and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 27.

Amendment S—5846 lost.

Senator Gronstal offered amendment S—5880 filed by Senators Gronstal and Fink from the floor to House amendment S—5818.

Senator Black offered amendment S—5883 filed by him from the floor to amendment S—5880 to House amendment S—5818 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5883 to amendment S—5880 to House amendment S—5818 be adopted?" (S.F. 2370) the vote was:

Ayes, 11:

Black	Borlaug	Dvorsky	Freeman
Gettings	Halvorson	Husak	Iverson
Jensen	Kibbie	Priebe	

Nays, 37:

Bartz	Bennett	Bisignano	Boettger
Boswell	Connolly	Dearden	Deluhery
Douglas	Drake	Fink	Flynn

Fraise	Giannetto	Gronstal	Hammond
Hansen	Hedge	Horn	Judge
Kramer	Lind	Lundby	Maddox
McKean	McLaren	Murphy	Neuhauser
Palmer	Redfern	Rensink	Rife
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Absent or not voting, 2:

Banks                      Rittmer

Amendment S—5883 lost.

Senator Gronstal offered amendment S—5882 filed by him from the floor to amendment S—5880 to House amendment S—5818 and moved its adoption.

Amendment S—5882 was adopted by a voice vote.

Senator Gronstal moved the adoption of amendment S—5880 as amended to House amendment S—5818, which motion prevailed by a voice vote.

Senator Fink asked and received unanimous consent to withdraw amendment S—5823 by Senators Fink, et al., on April 22, 1996, to House amendment S—5818.

Senator Halvorson withdrew amendment S—5847 filed by him on April 25, 1996, to House amendment S—5818.

Senator Fink asked and received unanimous consent to withdraw amendment S—5849 filed by Senators Fink, et al., on April 25, 1996, to House amendment S—5818.

The Senate resumed consideration of amendment S—5826 by Senators Freeman, et al., to House amendment S—5818, deferred April 22, 1996.

Senator Freeman moved the adoption of amendment S—5826 to House amendment S—5818, which motion lost by a voice vote.

Senator Halvorson withdrew amendment S—5845 to House amendment S—5818, previously deferred.

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

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

Senator Gronstal 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. 2370) the vote was:

Ayes, 42:

Bartz	Bennett	Bisignano	Boettger
Borlaug	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hammond	Hansen
Hedge	Horn	Husak	Jensen
Judge	Kramer	Lind	Lundby
Maddox	McKean	McLaren	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rittmier	Sorensen	Szymoniak
Tinsman	Vilsack		

Nays, 6:

Black	Fink	Halvorson	Iverson
Kibbie	Zieman		

Absent or not voting, 2:

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 2370** and **House Concurrent Resolution 28** be immediately messaged to the House.

### BUSINESS PENDING

**Senate File 2256**

The Senate resumed consideration of Senate File 2256, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty, House amendment S—5707 and amendment S—5780 by Senators Maddox, et al., to House amendment S—5707, previously deferred.

Senator Vilsack offered amendment S—5881 filed by Senators Vilsack, Giannetto and Black from the floor to amendment S—5780 to House amendment S—5707.

The Senate stood at ease at 3:20 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:05 p.m., President Boswell presiding.

### BUSINESS PENDING

#### Senate File 2256

The Senate resumed consideration of Senate File 2256, and amendment S—5881 to amendment S—5780 to House amendment S—5707.

Senator Dearden raised the point of order that amendment S—5881 to amendment S—5780 to House amendment S—5707 was not germane.

The Chair ruled the point not well taken and amendment S—5881 in order.

Senator Maddox asked and received unanimous consent that action on amendment S—5881 to amendment S—5780 to House amendment S—5707, amendment S—5780 to House amendment S—5707, House amendment S—5707 and **Senate File 2256** be deferred.

The Senate stood at ease at 4:11 p.m. until the fall of the gavel.

The Senate resumed session at 4:35 p.m., President Boswell presiding.

## QUORUM CALL

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

The vote revealed 46 present, 4 absent and a quorum present.

## BUSINESS PENDING

### Senate File 2256

The Senate resumed consideration of Senate File 2256.

Senator Vilsack moved the adoption of amendment S—5881 to amendment S—5780 to House amendment S—5707.

A record roll call was requested.

On the question “Shall amendment S—5881 to amendment S—5780 to House amendment S—5707 be adopted?” (S.F. 2256) the vote was:

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

Ayes, 26:

Bisignano	Black	Boswell	Connolly
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Horn
Husak	Judge	Kibbie	Murphy
Neuhauser	Palmer	Priebe	Sorensen
Szymoniak	Vilsack		

Nays, 23:

Bartz	Bennett	Boettger	Borlaug
Dearden	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Redfern	Rensink	Rife
Rittmer	Tinsman	Zieman	

Absent or not voting, 1:

Banks

Amendment S—5881 was adopted.

With the adoption of amendment S—5881 to amendment S—5780 to House amendment S—5707, the Chair ruled amendment S—5884 filed by Senator Kramer from the floor to amendment S—5780 to House amendment S—5707, out of order.

Senator Maddox moved the adoption of amendment S—5780 as amended to House amendment S—5707, which motion prevailed by a voice vote.

Senator Bartz raised the point of order that Senate File 2256 should be referred to the committee on Ways and Means under Rule 38.

Senator Horn asked and received unanimous consent that **Senate File 2256** be referred to the committee on **Ways and Means** and be returned to the Senate Calendar by 5:30 p.m.

The Senate stood at ease at 5:25 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 5:35 p.m., President Boswell presiding.

#### COMMITTEE REPORT

##### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2256, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Palmer, Husak, Bennett, Connolly, Deluhery, Drake, Freeman, Hedge, Iverson, McLaren, Neuhauser, Priebe, Szymoniak and Vilsack. Nays, none. Absent or not voting, 1: Murphy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### UNFINISHED BUSINESS

##### Senate File 2256

The Senate resumed consideration of Senate File 2256 and House

amendment S—5707 as amended, with report of committee on Ways and Means recommending passage.

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

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

Senator Maddox 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. 2256) the vote was:

Ayes, 26:

Bisignano	Black	Boswell	Connolly
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Horn
Husak	Judge	Kibbie	Murphy
Neuhauser	Palmer	Priebe	Sorensen
Szymoniak	Vilsack		

Nays, 23:

Bartz	Bennett	Boettger	Borlaug
Dearden	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Redfern	Rensink	Rife
Rittmer	Tinsman	Zieman	

Absent or not voting, 1:

Banks

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

President pro tempore Bisignano took the chair at 5:40 p.m.



**ADOPTION OF RESOLUTION  
(Regular Calendar)**

**Senate Resolution 117**

Senator Horn asked and received unanimous consent to take up the following resolution:.

1                   **SENATE RESOLUTION 117**  
2           By: committee on Rules and Administration  
3 A Resolution honoring Senator Leonard L. Boswell.  
4   WHEREAS, Senator Leonard L. Boswell is retiring  
5 from legislative office after completing three terms  
6 in office as a state Senator; and  
7   WHEREAS, Senator Boswell's distinguished career as  
8 a state legislator has included service as the  
9 President of the Senate during the Seventy-fifth and  
10 Seventy-sixth General Assemblies; and  
11   WHEREAS, Senator Boswell's service as Chairperson  
12 of the Appropriations Committee and the Small Business  
13 and Economic Development Committee and of the Economic  
14 Development and Iowa Plan Appropriations Subcommittee  
15 is well recognized; and  
16   WHEREAS, Senator Boswell's untiring dedication,  
17 valuable leadership, and expertise regarding state  
18 appropriations and economic development issues are  
19 well recognized; and  
20   WHEREAS, Senator Boswell has served honorably and  
21 has unselfishly given of his time and efforts to  
22 further the interests of the State of Iowa and to  
23 provide beneficial programs for the citizens of Iowa;  
24 and  
25   WHEREAS, Senator Boswell has served on many other  
26 standing committees throughout his twelve years of  
27 legislative service and has been an influential and  
28 devoted legislator in this state; **NOW THEREFORE,**  
29 **BE IT RESOLVED BY THE SENATE,** That the Senate pay  
30 tribute to Senator Leonard L. Boswell for his devoted

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1 service to the Iowa General Assembly and the citizens  
2 of this state and wish him the very best in the years  
3 ahead; and  
4   **BE IT FURTHER RESOLVED,** That an official copy of  
5 this Resolution be prepared and presented to Senator  
6 Leonard L. Boswell.

Several senators rose to express their tribute to Senator Boswell.

Senator Horn moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

Senators Horn and Judge escorted Senator Boswell to the well of the Senate where he addressed the Senate with brief remarks.

The Senate rose and expressed its final tribute to Senator Boswell.

Senators Horn and Judge presented Senator Boswell with an engraved plaque and an enrolled copy of Senate Resolution 117.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

**Senate File 2370**, a bill for an act relating to energy efficiency and alternate energy programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision.

**Senate File 2464**, a bill for an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective date.

ALSO: That the House has on May 1, 1996, failed on reconsideration to pass the items of the bill, the objection of the Governor to the contrary notwithstanding, the following bill in which the concurrence of the House was asked:

**House File 2114**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

ALSO: That the House has on May 1, 1996, failed to adopt the conference committee report on **Senate File 2443**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the

department of employment services, and making related statutory changes, and on May 1, 1996, appointed a second conference committee. The conferees are: The Representative from Scott, Mr. Millage, Chair; the Representative from Polk, Mr. Baker; the Representative from Winneshiek, Mr. Gipp; the Representative from Marion, Mr. Van Maanen and the Representative from Lee, Mr. Wise.

## HOUSE AMENDMENT CONSIDERED

### Senate File 454

Senator Tinsman called up for consideration Senate File 454, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties, amended by the House, and moved that the Senate concur in House amendment S—5877 filed May 1, 1996.

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

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

On the question "Shall the bill pass?" (S.F. 454) the vote was:

Ayes, 49:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Banks

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

Senator Horn asked and received unanimous consent that **Senate File 454** be immediately messaged to the House.

Senator Hansen took the chair at 7:00 p.m.

**ADOPTION OF RESOLUTION**  
(Regular Calendar)

**Senate Resolution 116**

Senator Rife asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION 116  
2           By: committee on Rules and Administration  
3 A Resolution honoring Senator Bradley C. Banks.  
4   WHEREAS, Senator Bradley C. Banks is retiring from  
5 legislative office after completing one term in office  
6 as a state Senator and two terms as a member of the  
7 House of Representatives; and  
8   WHEREAS, Senator Banks' service as Ranking Member  
9 of the House Energy and Environmental Protection  
10 Committee and of the Senate Agriculture and Natural  
11 Resources Appropriations Subcommittees is well  
12 recognized; and  
13   WHEREAS, Senator Banks' dedication, leadership, and  
14 expertise in the area of state agricultural and  
15 environmental policy are well recognized; and  
16   WHEREAS, Senator Banks has served honorably and has  
17 unselfishly given of his time and efforts to further  
18 the interests of the State of Iowa and to provide  
19 beneficial programs for the citizens of Iowa; and  
20   WHEREAS, Senator Banks has served on many other  
21 standing committees throughout his eight years of  
22 legislative service and has been an influential and  
23 devoted legislator in this state; NOW THEREFORE,  
24   BE IT RESOLVED BY THE SENATE, That the Senate pay  
25 tribute to Senator Bradley C. Banks for his devoted  
26 service to the Iowa General assembly and the citizens  
27 of this state and wish him the very best in the years  
28 ahead; and  
29   BE IT FURTHER RESOLVED, That an official copy of  
30 this Resolution be prepared and presented to Senator

## Page 2

1 Brady C. Banks.

Several senators rose to express their tribute to Senator Banks.

Senator Rife moved the adoption of Senate Resolution 116 and requested a record roll call.

President Boswell took the chair at 7:44 p.m.

On the question "Shall the resolution be adopted?" (S.R. 116) the vote was:

Ayes, 47:

Bartz	Bennett	Black	Boettger
Borlaug	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Giannetto	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
Maddox	McKean	McLaren	Neuhauser
Palmer	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 2:

Bisignano                      Murphy

Absent or not voting, 1:

Banks

The resolution was adopted.

Senator Banks will be presented with an engraved plaque and an enrolled copy of Senate Resolution 116.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate File 2256 be immediately messaged to the House.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2265**, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date (S—5885).

## HOUSE AMENDMENT CONSIDERED

### Senate File 2265

Senator Hammond called up for consideration Senate File 2265, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date, amended by the House in House amendment S—5885 filed May 1, 1996.

Action on House amendment S—5885 and **Senate File 2265** was deferred.

## MOTION TO RECONSIDER ADOPTED

Senator Gronstal called up the motion to reconsider House File 400 filed by him on March 25, 1996, found on page 1026 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 400) the vote was:

Ayes, 39:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Giannetto	Gronstal	Halvorson
Hammond	Hansen	Horn	Husak

Judge McLaren	Kibbie Murphy	Kramer Neuhauser	Lundby Palmer
Priebe Szymoniak	Redfern Tinsman	Rittmer Vilsack	Sorensen

Nays, 9:

Douglas Lind	Hedge Maddox	Iverson McKean	Jensen Rensink
Zieman			

Absent or not voting, 2:

Banks	Rife
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The motion prevailed.

Senator Gronstal moved to reconsider the vote by which House File 400 went to its last reading, which motion prevailed by a voice vote.

### House File 400

On motion of Senator Gronstal, House File 400, a bill for an act relating to the joint purchasing of equipment by political subdivisions of the state, was taken up for reconsideration.

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

On the question "Shall the bill pass?" (H.F. 400) the vote was:

Ayes, 40:

Bartz	Bennett	Bisignano	Boettger
Borlaug	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Giannetto	Gronstal	Halvorson
Hammond	Hansen	Horn	Husak
Judge	Kibbie	Kramer	Lind
Lundby	McLaren	Murphy	Neuhauser
Palmer	Priebe	Redfern	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack

Nays, 8:

Black	Hedge	Iverson	Jensen
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Maddox

McKean

Rensink

Zieman

Absent or not voting, 2:

Banks

Rife

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 400** be **immediately messaged** to the House.

The Senate stood at ease at 8:00 p.m. until the fall of the gavel.

The Senate resumed session at 8:07 p.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2265

The Senate resumed consideration of Senate File 2265, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date and House amendment S—5885, previously deferred.

Senator Hammond moved that the Senate concur in House amendment S—5885.

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

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

On the question "Shall the bill pass?" (S.F. 2265) the vote was:

Ayes, 43:

Bennett  
Borlaug  
Douglas  
Flynn

· Bisignano  
Boswell  
Drake  
Fraise

Black  
Connolly  
Dvorsky  
Freeman

Boettger  
Deluhery  
Fink  
Gettings



Giannetto	Gronstal	Halvorson	Hammond
Hansen	Hedge	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 2:

Bartz                      Sorensen

Absent or not voting, 5:

Banks                      Dearden                      Iverson                      Murphy  
Rittmer

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 2265 be immediately messaged to the House.

## ADOPTION OF RESOLUTION (Regular Calendar)

### Senate Resolution 118

Senator Horn asked and received unanimous consent to take up the following resolution:

1                                      SENATE RESOLUTION 118  
2                      By: committee on Rules and Administration  
3 A Resolution honoring Senator Tony Bisignano.  
4        WHEREAS, Senator Tony Bisignano is retiring from  
5 legislative office after completing one term in office  
6 as a state Senator and three terms as a member of the  
7 House of Representatives; and  
8        WHEREAS, Senator Bisignano's distinguished career  
9 as a state legislator has included service as the  
10 Senate President Pro Tempore during the Seventy-sixth  
11 General Assembly; and  
12        WHEREAS, Senator Bisignano's service as Chairperson  
13 of the Economic Development Appropriations  
14 Subcommittee and as Vice Chair of the Rules and  
15 Administration Committee and State Government  
16 Committee is well recognized; and  
17        WHEREAS, Senator Bisignano's dedication,

18 leadership, and skills as an orator are well  
19 recognized; and  
20 WHEREAS, Senator Bisignano has served honorably and  
21 has unselfishly given of his time and efforts to  
22 further the interests of the State of Iowa and to  
23 provide beneficial programs for the citizens of Iowa;  
24 and  
25 WHEREAS, Senator Bisignano has served on many other  
26 standing committees throughout his ten years of  
27 legislative service and has been an influential and  
28 devoted legislator in this state; NOW THEREFORE,  
29 BE IT RESOLVED BY THE SENATE, That the Senate pay  
30 tribute to Senator Tony Bisignano for his devoted

**Page 2**

1 service to the Iowa General Assembly and the citizens  
2 of this state and wish him the very best in the years  
3 ahead; and  
4 BE IT FURTHER RESOLVED, That an official copy of  
5 this Resolution be prepared and presented to Senator  
6 Tony Bisignano.

Several senators rose to pay their tribute to Senator Bisignano.

Senator Horn moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

Senators Horn and Vilsack escorted Senator Bisignano to the well of the Senate and he was presented with an engraved plaque an enrolled copy of Senate Resolution 118. Senator Giannetto presented him with his parking space sign.

Senator Bisignano addressed the Senate with brief remarks.

The Senate rose and expressed its final tribute to Senator Bisignano.

**MOTION TO RECONSIDER WITHDRAWN**

**House File 2481**

Senator Murphy withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which House File 2481 passed the Senate on May 1, 1996.

Senator Horn asked and received unanimous consent that **House File 2481** be immediately messaged to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, adopted the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 132**, a concurrent resolution recognizing the importance of the fossil crinoid.

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

### ADOPTION OF RESOLUTION

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 132.

#### House Concurrent Resolution 132

On motion of Senator Dvorsky, House Concurrent Resolution 132, a concurrent resolution recognizing the importance of the fossil crinoid, was taken up for consideration.

Senator Dvorsky moved the adoption of House Concurrent Resolution 132, which motion prevailed by a voice vote.

Senator Hansen took the chair at 10:03 p.m.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2470**, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of

runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates (S—5886).

### LEADERSHIP RECOGNITION

The Chair invited Senators Boswell, Horn, Bisignano and Rife to the well of the Senate.

Senator Boswell was presented with an inscribed gavel and Senators Horn, Bisignano and Rife were presented with an inscribed desk clock on behalf of the members of the Senate in recognition of their leadership service during the Seventy-sixth General Assembly.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2470

Senator Gronstal called up for consideration Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates, amended by the House, and moved that the Senate concur in House amendment S—5886 filed May 1, 1996.

Action on House amendment S—5886 and Senate File 2470 was deferred.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bills in which the concurrence of the Senate is asked:

**House File 560**, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates (S—5887 to H—6054).

**House File 2369**, a bill for an act relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting (S—5888 to H—5821).

## HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

### House File 2369

Senator Gronstal called up for consideration House File 2369, a bill for an act relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5888 to Senate amendment H—5821 filed May 1, 1996.

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

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

On the question “Shall the bill pass?” (H.F. 2369) the vote was:

Ayes, 49:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymboniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Banks

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

### House File 560

Senator Priebe called up for consideration House File 560, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-5887 to Senate amendment H-6054 filed May 1, 1996.

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

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

On the question "Shall the bill pass?" (H.F. 560) the vote was:

Ayes, 48:

Bartz	Bennett	Black	Boettger
Borlaug	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Giannetto	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
Maddox	McKean	McLaren	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rife	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Banks

Bisignano

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

President Boswell took the chair at 10:32 p.m.

### Senate File 2470

The Senate resumed consideration of Senate File 2470, a bill for an act relating to state expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates and House amendment S—5886, previously deferred.

Senator Murphy moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2470) the vote was:

Ayes, 40:

Bartz	Bennett	Bisignano	Black
Boettger	Boswell	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Giannetto	Gronstal	Halvorson	Hammond
Hansen	Horn	Husak	Jensen
Judge	Kibbie	Kramer	Lundby
Maddox	Murphy	Neuhauser	Palmer
Priebe	Rensink	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 9:

Borlaug	Drake	Hedge	Iverson
Lind	McKean	McLaren	Redfern
Rife			

Absent or not voting, 1:

Banks

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

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

On the question "Shall the bill pass?" (S.F. 2470) the vote was:

Ayes, 38:

Bartz	Bennett	Bisignano	Black
Boettger	Boswell	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lundby	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack		

Nays, 11:

Borlaug	Douglas	Drake	Hedge
Iverson	Lind	Maddox	McKean
McLaren	Rife	Zieman	

Absent or not voting, 1:

Banks

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 560 and 2369 and Senate File 2470** be **immediately messaged** to the House.



## CONFERENCE COMMITTEE REPORT ADOPTED

### Senate File 2449

Senator Palmer called up the conference committee report on Senate File 2449, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions, filed on April 17, 1996, 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 Palmer 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. 2449) the vote was:

Ayes, 43:

Bartz	Bennett	Black	Boettger
Borlaug	Boswell	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Palmer	Priebe	Redfern
Rensink	Rife	Rittmer	Sorensen
Tinsman	Vilsack	Zieman	

Nays, 6:

Bisignano  
Neuhauser

Dearden  
Szymoniak

Halvorson

Hammond

Absent or not voting, 1:

Banks

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 2449** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 2481**, a bill for an act relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 126**, by committee on Rules and Administration, a senate concurrent resolution to provide for adjournment sine die.

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

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 126, a concurrent resolution to provide for adjournment sine die.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Bisignano, Gettings, Gronstal, Husak, Kramer and Lind. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ADOPTION OF RESOLUTION  
(Regular Calendar)**

Senator Horn asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 126.

**Senate Concurrent Resolution 126**

On motion of Senator Horn, Senate Concurrent Resolution 126, a senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Horn moved the adoption of Senate Concurrent Resolution 126, which motion prevailed by a voice vote.

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 126** be immediately messaged to the House.

## APPENDIX

### EXPLANATION OF VOTE

MR. PRESIDENT: I was inadvertently absent from the Senate chamber when the vote was taken on House File 2486. Had I been present, I would have voted "aye".

DENNIS BLACK

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

Convened: April 30, 1996, 11:30 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Amended and approved LSB 4436 as a committee bill.

**Adjourned:** 11:52 a.m.

#### TRANSPORTATION

Convened: May 1, 1996, 11:40 a.m.

**Members Present:** Gettings, Chair; Fraise, Vice Chair; Drake, Ranking Member; Black, Connolly, Dearden, Douglas, Fink, Halvorson, Jensen, Lind and Rittmer.

**Members Absent:** none.

**Committee Business:** Amended Senate Resolution 124 and ordered redrafted as a new committee resolution.

**Adjourned:** 11:50 a.m.

#### WAYS AND MEANS

Convened: May 1, 1996, 5:28 p.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Bennett, Ranking Member; Connolly, Deluhery, Drake, Freeman, Hedge, Iverson, McLaren, Neuhauser, Priebe, Szymoniak and Vilsack.

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

**Committee Business:** Recommended passage of Senate File 2256.

**Adjourned:** 5:29 p.m.

## CERTIFICATES OF RECOGNITION

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

Sandra Lake-Bullock, Davenport — For the Women's Encouragement Board Leader Award, Barbara Douglas Award for Community Service, and Quad Citian of the Year. Senator Tinsman (5-1-96).

Emily Pearson, Dubuque — For being selected a Northeast regional winner for the Des Moines Register's 1996 Academic All State Team. Senator Connolly (5-1-96).

Chad Johnson, Farragut — For his service as Chief Clerk's Page in the House during the 76th General Assembly. Senator McLaren (5-1-96).

## PRESENTATION OF VISITORS

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

Thirty-three fourth grade students from Stanton Elementary School, Stanton, accompanied by Karen Mead, Susan Peterson and Jill Kinser. Senator McLaren.

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2486 passed the Senate on May 1, 1996.

JACK RIFE

## AMENDMENTS FILED

S—5875

S.F.

2464

O. Gene Maddox

S-5876	S. F.	2469	Allen Borlaug
S-5877	S. F.	454	Merlin E. Bartz
S-5878	S. F.	2464	House amendment
			Michael E. Gronstal
			O. Gene Maddox
			Allen Borlaug
S-5879	S. R.	125	Jim Lind
S-5880	S. F.	2370	Michael E. Gronstal
			Bill Fink
S-5881	S. F.	2256	Tom Vilsack
			Randal J. Giannetto
			Dennis H. Black
S-5882	S. F.	2370	Michael E. Gronstal
S-5883	S. F.	2370	Dennis H. Black
S-5884	S. F.	2256	Mary Kramer
S-5885	S. F.	2265	House amendment
S-5886	S. F.	2470	House amendment
S-5887	H. F.	560	House amendment
S-5888	H. F.	2369	House amendment

The Senate stood at ease at 11:30 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 remaining on the Senate calendar upon the adjournment of the 1996 Regular Session of the Seventy-sixth General Assembly, will be considered to have failed:

**SENATE FILE 2372**, a bill for an act relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property. (Senate passed April 23, 1996). Motion filed by Senator Halvorson on April 23, 1996.

**HOUSE FILE 2486**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or

if federal block grants are more or less than anticipated. (Senate passed May 1, 1996). Motion filed by Senator Rife on May 1, 1996.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on May 1, 1996, adopted the conference committee report and passed **Senate File 2449**, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions.

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1996, adopted the following resolution in which the concurrence of the Senate is asked:

**Senate Concurrent Resolution 126**, 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 2245, the following correction was made:

1. Page 70, line 3, the words "DIVISION IV" were changed to the words "DIVISION VI".

ALSO: That in enrolling Senate File 2370, the following correction was made:

1. Page 9, line 26, a comma was added after the word "Act".

ALSO: That in enrolling Senate File 2442, the following corrections were made:

1. Page 14, line 5, the word "entrepreneural" was changed to the word "entrepreneurial".

2. Page 41, line 21, the word "in-patient" was changed to the word "inpatient".

3. Page 42, line 8, the word "medicare" was changed to the word "Medicare".

4. Page 66, line 21, the word "timeframe" was changed to the words "time frame".

ALSO: That in enrolling Senate File 2448, the following correction was made:

1. Page 21, line 29, the period was deleted after the word "APPROPRIATION".

ALSO: That in enrolling Senate File 2464, the following correction was made:

1. Page 20, line 10, the word and number "subparagraph 10" were changed to the word and number "subparagraph (10)".

ALSO: That in enrolling Senate File 2470, the following corrections were made:

1. Title page, line 1, a comma was added after the word "expenditure".

2. Page 56, line 9, the word and number "section 12" were changed to the word and number "section 88".

3. Page 56, line 13, the word and number "section 13" were changed to the word and number "section 89".

4. Page 56, line 14, the word and number "section 13" were changed to the word and number "section 89".

5. Page 61, line 15, the word and number "section 150" were changed to the word and number "section 78".

6. Page 69, line 31, the word and number "Section 100" were changed to the word and number "Section 102".

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 1st day of May, 1996:



Senate Files 454, 2140, 2147, 2153, 2245, 2265, 2370, 2372, 2442, 2446, 2448, 2449, 2464 and 2470.

JOHN F. DWYER  
Secretary of the Senate

### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 1, 1996, the governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 284 — Relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing criminal penalties and providing civil penalties for employers hiring individuals with forged documents regarding the individuals' entry into, study, or employment in the United States.

### COMMUNICATIONS RECEIVED

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

April 30, 1996

#### IOWA RACING AND GAMING COMMISSION

The 1995 Annual Report.

May 1, 1996

#### IOWA DEPARTMENT OF TRANSPORTATION

Intermodal Study, mandated by Chapter 220, Section 3, of the Acts of 1995 Session of the Iowa General Assembly.

### 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 126.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Gronstal, Hansen and Lind.

### 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 126.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Bisignano, Husak and Rife.

### 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 Bisignano 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 Gronstal reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

### FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 126, duly adopted, the day of May 1, 1996, having arrived, President Boswell declared the 1996 Regular Session of the Seventy-sixth General Assembly adjourned sine die.

## MESSAGE FROM THE GOVERNOR

June 20, 1996

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

Dear Mr. President:

This session of the General Assembly has produced positive, lasting changes in Iowa laws that will improve educational opportunities for our children and the safety of our citizens.

The most significant action was passage of the five-year, \$150 million School Improvement and Technology Program that will help local districts give elementary and secondary students, and their teachers, more opportunities to work with and learn from computer technology. Approval of the school aid formula for two years also provided local school officials with stable, predictable funding for the future.

This session was one of the most productive that I have seen in enacting public safety legislation. All Iowans have the right to feel safe and secure in their homes and neighborhoods and this legislature responded to the concerns for safer streets. We abolished parole for sexual predators and criminals who commit forcible felonies, such as first-degree robbery, second-degree murder and second-degree kidnapping. We provided Iowa employers with greater, easier access to criminal records when conducting employee background checks and parents with access to information on child care providers. And, we enacted tougher penalties for the use, sale and manufacturing of methamphetamine.

Several significant steps were taken to enhance Iowa's economic competitiveness. The Legislature approved our work force development initiatives, which will help prepare Iowa's workers for the challenges of the 21st Century. By strengthening our farmers cooperative laws, we may be able to save meat processing jobs in Iowa and improve profitability for many family farmers. This, along with improvements in the New Jobs and Income Program will help create more quality jobs and greater investment in rural Iowa.

Finally, I was pleased to see the legislature increase the school foundation level from 83 percent to 87.5 percent, thus providing \$85 million in direct property tax relief for Iowa taxpayers. This, coupled with full indexation of the income tax rates, help for some Subchapter S small businesses, and a property tax credit for family farmers with cow-calf operations provides significant tax relief to the people of Iowa.

Sincerely,  
TERRY E. BRANSTAD  
Governor

**SUPPLEMENT  
TO THE  
SENATE JOURNAL**

**Seventy-sixth General Assembly  
1996 Regular Session**

## SENATE BILLS APPROVED AND ITEM 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 1996 Regular Session:

- S.F. 454 — Relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties. Approved May 17.
- S.F. 2140 — Increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date. Approved May 16.
- S.F. 2147 — Increasing the membership of the Iowa telecommunications and technology commission, providing for matters relating to the authority and duties of the commission, and providing an effective date. Approved May 30.
- S.F. 2153 — Relating to Iowa law enforcement officer certification by the Iowa law enforcement academy. Approved May 30.
- S.F. 2195 — Relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates. Item Vetoed and approved 5-10. See Governor's Item Veto Message.
- S.F. 2245 — Relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates. Item Vetoed and approved May 10. See Governor's Item Veto Message.
- S.F. 2265 — Relating to domestic relations including the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date. Approved May 20.
- S.F. 2370 — Relating to energy efficiency programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research and requiring the location of a principal office within the state and providing an effective date and providing an applicability provision. Approved May 20.
- S.F. 2372 — Relating to termination of rental agreements, the definition of notice, and notice provisions for actions to recover property. Approved May 30.

- S.F. 2409 — Relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards. Approved May 2.
- S.F. 2442 — Relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates. Item Vetoed and approved May 29. See Governor's Item Veto Message.
- S.F. 2446 — Relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates. Item Vetoed and approved May 29. See Governor's Item Veto Message.
- S.F. 2448 — Relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date. Item Vetoed and approved May 28. See Governor's Item Veto Message.
- S.F. 2449 — Changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations; increasing the amount of the appropriations for homestead credit, military service credit, and low-income elderly and disabled credit and reimbursement claims; providing tax credit for livestock production; increasing the regular program foundation base level under the school aid program; requiring full funding for certain property tax credits; and providing effective and applicability date provisions. Item Vetoed and approved May 29. See Governor's Item Veto Message.
- S.F. 2464 — Relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective and applicability dates. Item Vetoed and approved May 30. See Governor's Item Veto Message.
- S.F. 2470 — Relating to public levy, expenditure and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates. Item Vetoed and approved May 30. See Governor's Item Veto Message.

## GOVERNOR'S ITEM VETO MESSAGES

May 10, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2195, an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates.

Approval of this bill means that work can immediately proceed on connecting an additional 110 video classroom sites. This work represents the second year of a four-year commitment to construct Part III of the network.

Senate File 2195 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 5, in its entirety. This item appropriates \$220,000 for a spare parts depot. This amount exceeds the \$450,000 recommended in my budget and approved by the General Assembly which includes funding for the same purpose. The funding otherwise provided in the bill is sufficient.

I am unable to approve the item designated as Section 2, subsection 6, in its entirety. This item would provide for the purchase of new computers for a regional scheduling system. I support the concept of a regional scheduling system, however, I do not believe that new computers are needed for every new application. This effort can proceed without the additional \$110,000 in funding.

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 2195 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 10, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2245, an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

Senate File 2245 is therefore approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 32, in its entirety. This provision is unnecessary and discriminatory. The Legislature appropriately removed the covered wage ceiling for all members in the IPERS system. However, this provision permanently reduces the value credited to members' salary increments above a set arbitrary amount. In doing so, it unnecessarily discriminates against those members by prohibiting them from receiving full value of their wages in the calculation of their retirement benefits.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2245 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 28, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2448, an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

Senate File 2448 is therefore approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designed as Section 2, unnumbered and unlettered paragraph 3, in its entirety. This item would restrict the Iowa Civil Rights Commission in effectively enforcing Iowa's anti-discrimination laws by reducing the maximum fine that could be assessed for first time violations detected during a random test. Information received from the U.S. Department of Housing and Urban Development indicates this restriction would negatively affect the Commission's ability to contract with and obtain grants from HUD. It could also



impact the Commission's continued certification as a "substantially equivalent agency" under the Fair Housing Act.

I am unable to approve the item designated as Section 8, in its entirety. This item would appropriate the balance remaining in the Gamblers Treatment Fund at the end of this fiscal year for other purposes in fiscal year 1997. This is yet another example of a bad budgeting practice in that it would fund ongoing programs from a one-time revenue source. As a result of this action, these funds will remain in the Gamblers Treatment Fund to be used to treat the increasing number of persons with gambling addictions.

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 2448 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 29, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2442, an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Senate File 2442 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 10, in its entirety. This item would require the Department of Human Services to expand its "pay and chase" policies relating to third-party reimbursements for pharmacy services to include all pharmacy claims involving third-party payors. The projected first year cost for this item is \$345,000 which is not included in any appropriations made to the department for the next fiscal year.

I am unable to approve the item designated as Section 4, subsection 3, in its entirety. This item directs the Department of Human Services to include specific terms and conditions in all future contracts negotiated under the Medicaid program. It is appropriate for the legislature to expect the department to negotiate contracts which provide the needed services at the best price for Iowa taxpayers, and to hold the department accountable for the quality and costs of those services. However, to assure that the goals of quality and cost-effectiveness are accomplished,

the department must retain the flexibility necessary to negotiate the specific details of the contracts.

I am unable to approve the item designated as Section 6, subsection 10, in its entirety. This item appropriates \$20,000 to the Department of Human Services to study child care issues, including the development of "volunteer evaluation teams" to inspect registered family day care homes. The department has adequate resources to review the state's policies relating to child care, including the most appropriate system to evaluate the quality of care provided by registered family day care homes. As a result of this action, this \$20,000 will remain unspent and will revert to the general fund at the end of the fiscal year that begins on July 1, 1996 and ends on June 30, 1997.

I am unable to approve the item designated as Section 6, subsection 12, in its entirety. This item would create an entitlement for certain persons to receive child care assistance. Establishing child care services as an entitlement for certain persons is inconsistent with long-standing state policy and would treat some persons differently than others in the receipt of child care services.

I am unable to approve the item designated as Section 6, subsection 13, in its entirety. This item would roll forward and reappropriate unspent fiscal year 1996 child care dollars to be used in fiscal year 1997. Additional funding in the amount of \$4.6 million is provided for child care in this bill, an amount that doubles current state spending for child care assistance. With this increase, over \$36.2 million will be available in fiscal year 1997 to address the child care needs of low income Iowans.

I am unable to approve the designated portion of Section 11, subsection 5. This item would provide an additional \$115,000 for the Healthy Families program. I included in my budget recommendations an increase of \$285,000 for the Healthy Families program, making a total of \$952,000 available for the program in fiscal year 1997. The additional funding recommended in my budget is included in House File 2448, which I have already approved. As a result of this action, this \$115,000 will remain unspent and will revert to the general fund at the end of the fiscal year that begins July 1, 1996 and ends on June 30, 1997.

I am unable to approve the designated portion of Section 20, unnumbered and unlettered paragraph 2. This item would assign responsibilities to one division within the Department of Human Services under the authority granted to another in the Iowa Code. A veto of this provision will avoid possible confusion and problems in implementing the pilot program funded in this section.

I am unable to approve the item designated as Section 22, subsection 2, paragraph a, in its entirety. This item would prohibit the Department of Human Services from taking action in response to federal legislation affecting the operation and funding of its programs without specific authority from the legislature to do so. This provision would make it nearly impossible for the department to respond to unanticipated action by Congress at times when the legislature is not in session.

I am unable to approve the designated portion of Section 23. This item would appropriate \$75,000 to the legislative council to study the structure functions of the Department of Human Services. While a legislative review of the department's organization and responsibilities is appropriate, an appropriation to support the effort is unnecessary.

I am unable to approve the item designated as Section 25, subsection 11, in its entirety. This item would require the Department of Human Services to negotiate with certain service providers revisions to the department's rules relating to reimbursement for their services. While the goals of simplifying the reimbursement process and reducing paperwork for providers are laudable and should be accomplished, the third goal of increasing the reimbursement rate by departmental rule without providing an accompanying appropriation is fiscally irresponsible and can not be approved.

I am unable to approve the designated portion of Section 28, subsection 3. This item would require the Department of Human Service and the Department of Management to include specific recommendations in their fiscal year 1998 budgets. This requirement exceeds the authority of the legislature in the budgeting process and for that reason can not be approved.

I am unable to approve Section 28, subsection 6, in its entirety. This item would impose certain procedural requirements on the Department of Human Services in its planning for the state hospital schools and mental health institutes. The state's practice is to make adjustments at the institutions only after appropriate placements in the community have been found for the residents. Therefore, the procedure provided in this subsection is unnecessary.

I am unable to approve the item designated as Section 29, in its entirety. This item would direct the Department of Human Services to develop a plan for meeting national standards for social worker caseloads. Social workers' duties vary from state to state and the differences are often related to the technology available to workers in performing their tasks. New technologies are being implemented on a continuous basis to make it possible for Iowa workers to work more efficiently and effectively. Also, services that may be included as part of a social worker's duties in other states are contracted out in Iowa. Given these variances, national standards can not be directly applied to Iowa's experience.

I am unable to approve the item designated as Section 31, in its entirety. This item would require the Department of Human Services to consult with rehabilitation treatment providers in a review of the requirements and process relating to financial and statistical accountability reporting. While I support efforts to simplify and streamline the reporting requirements and process, the time frame for implementation provided in this section is unrealistic and can not be approved.

I am unable to approve the designated portion of Section 35. This item would allow an exception to be granted for group foster care placement when the budget targets would be exceeded if alternative services would be more costly and more restrictive than the proposed placement. While I support the goal of providing appropriate services at the lowest cost for Iowa taxpayers, I am not convinced

that the policy change proposed here can be accomplished without creating a deficit situation in the department's budget.

I am unable to approve the item designed as Section 38, in its entirety. This item would create a new program to begin July 1, 1997, having an estimated on-going cost in excess of \$1.75 million. This proposal requires more review by the legislature, with special consideration given to the potential cost of the program, before it can be approved.

I am unable to approve the item designated as Section 40, in its entirety. This item would change the dates mental health property tax relief payments are due, which will result in a cost to the state of \$1 million in lost interest income.

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 2442 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 29, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2446, an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates.

Senate File 2446 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Section 1, subsection 3, paragraph a, subparagraph 2, and Section 1, subsection 4, paragraph a, subparagraph 2, in their entirety. These items would fund two new positions in the Department of Agriculture and Land Stewardship which were not included in my budget recommendations.

I am unable to approve Section 11, subsections 2, 3, and 4, subsection 5, paragraph a, and subsections 6 and 7, in their entirety. These items make appropriations from the Organic Nutrient Management Fund for variety of purposes. The Organic Nutrient Management Fund was established to provide financial incentives to establish livestock manure management systems, to facilitate the proper utilization of livestock manure as a nutrient source, and to protect water resources from livestock runoff. The vetoed items fall outside the intended purposes of the fund.

For the above reasons, I 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 2446 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 29, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2449, an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations; increasing the amount of the appropriations for homestead credit, military service credit, and low-income elderly and disabled credit and reimbursement claims; providing tax credit for livestock production; increasing the regular program foundation base level under the school aid program; requiring full funding for certain property tax credits; and providing effective and applicability date provisions.

Senate File 2449 represents the second year of a major commitment to reduce the tax burden for Iowa families and businesses. Following up on last year's \$100 million reduction, this bill contains an additional \$90 million of actual tax reductions in fiscal year 1997. The value of these reductions will grow in the future.

I am especially pleased that Iowa's income tax rates will now be fully indexed to inflation, as I had recommended, so that Iowans will not be pushed into higher tax brackets simply as a result of inflationary growth in their incomes. Also, Iowa's competitive position will be enhanced as a result of changes in the taxation of certain Subchapter S corporations. While this action does not totally remove the inequity in the way that Iowa Sub-S corporations are treated, it does begin to remove the disincentive for a Sub-S corporation to locate or expand in Iowa. Tax changes for smaller cow-calf operations will also enhance Iowa's economic growth.

Most significantly, Senate File 2449 will decrease the tax burden for property taxpayers by enhancing the state's share of K-12 school funding. An increase in the program foundation base level from 83 percent to 87.5 percent will result in annual property tax savings of \$85 million.

Senate File 2449, is therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designed as Sections 7, 8, 9, 10, 11 and 12, in their entirety. These items would provide for full funding of certain property tax credits. While property taxpayers already enjoy the full benefit of the homestead, military and the elderly or disabled tax credits, the cost to local governments of providing these credits is not currently fully reimbursed by the state. These sections would appropriate a total of \$22.5 million to local governments.

While the concept of full funding for these tax credits has been characterized as property tax relief, in fact there is no assurance of property tax relief. Local budgets for fiscal year 1997 have already been set, meaning none of these funds would be used for tax relief this year. Future tax relief would depend on what each local government chooses to do with the additional funds. I feel there are better alternatives to changing Iowa's property tax system, and instead invite local governments to join in a more comprehensive review aimed at making the overall system simpler, more predictable, and giving local governments greater flexibility in their budgets.

I am unable to approve the item designated as Section 25, in its entirety. This item provides that if the state ever fails to fully fund a property tax credit in the future, the local government may reduce the amount of credit to the taxpayer in an amount equivalent to the shortfall. This action would place the taxpayer at a permanent disadvantage, when the taxpayer, instead, should be protected.

For the above reasons, I 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 2449 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 30, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2464, an act relating to housing development, including tax increment financing, providing for the assessment of certain property for tax purposes, and providing an effective and applicability dates.

Senate File 2464 is a significant accomplishment of the Seventy-Sixth General Assembly, containing many of the recommendations that I made to enhance the ability of local communities to provide for quality, affordable housing. Among other provisions, the bill expands the real estate improvement district program from six counties to the entire state, provides additional flexibility in Iowa's Tax Increment Financing (TIF) law for residential development and gives local

governments a variety of tools to expedite the process of dealing with vacant or dilapidated housing stock. In addition, a \$1 million appropriation is provided to assist cities and counties in organizing housing councils to conduct housing needs assessments and develop pro-active housing strategies and actions tailored to the needs of the community. Together, this set of tools will enable local communities to eliminate what has been one of the state's most significant barriers to economic development.

Senate File 2464 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Sections 33 and 34, in their entirety. Beginning in fiscal year 1998, Section 34 would divert \$5.1 million from the general fund into the housing improvement fund, and Section 33 specifies how a portion of these new funds are to be spent. If the General Assembly wishes to enhance spending for housing, it should do so in a straightforward manner through a general fund appropriation rather than through an earmarking of receipts. Because these sections would not take effect until fiscal year 1998, this item veto will have no impact on our ability to address housing needs this year.

For the above reasons, I 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 2464 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 30, 1996

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2470, an act relating to public levy, expenditure, and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

Senate File 2470 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Section 14, subsections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, in their entirety. These items make numerous appropriations from a one-time source of fiscal year 1995 lottery funds. With the exception of subsection 2 which I have approved, all of this spending is for items beyond what was included in my budget

recommendations. It is in the state's financial interest to keep spending as low as possible. In addition, many of these items are for ongoing expenses that are inappropriately funded from a one-time source. As a result of these item vetoes, total state spending will be reduced by \$2.1 million.

I am unable to approve the item designated as Section 17, in its entirety. This item would provide that, in determining the amount of lottery revenues to be transferred to the general fund each month, not more than \$1.5 million could be retained by the lottery fund. The Iowa Lottery, the Iowa Department of Justice and the State Auditor have all raised concerns about this language, suggesting the Iowa Lottery would be unable to pay prize winnings on a timely basis and possibly result in reporting negative retained earnings. Moreover, the Multi-State Lottery Association advises the Iowa Lottery would be expelled from the Multi-State Lottery Association and be prohibited from participating in Powerball, a \$1.25 billion per year sales organization headquartered in Iowa. As a result of this item veto, an estimated \$1.35 million of spending contained in Section 15 of this bill will not occur.

I am unable to approve the item designated as Section 41, in its entirety. This item would provide a fiscal year 1996 supplemental appropriation of \$200,000 for the State Hygienic Laboratory to conduct analyses of test samples for alcohol or controlled substances. This provision was added to the bill in anticipation of the passage of an employee drug testing bill. The bill did not pass and therefore the appropriation is unnecessary.

I am unable to approve the item designated as Section 53, in its entirety. This item provides a \$70,000 appropriation to the E911 communications council. This is spending beyond the level recommended in my budget.

I am unable to approve the item designated as Section 63, in its entirety. This item greatly expands the membership of county joint E911 boards at a time when most counties report difficulty in having a quorum of members present under the current membership requirements. Expanding membership to include political subdivisions that have no direct responsibilities for E911 services would reduce the ability of these service boards to carry out their duties, and for this reason should not be approved.

I am unable to approve the items designated as Sections 66, 67, 68 and 69, in their entirety. These items relate to a new runaway treatment program. According to the House Co-Chair of the Appropriations Committee, the funding for this program was struck, but the language creating the program was inadvertently left in the bill. Without the appropriation, the program provisions in Sections 66 through 69 are meaningless.

I am unable to approve the designated portions of Section 78, subsection 2, paragraph d. This item would impose a new wage requirement for all projects funded through the Community Economic Betterment Account (CEBA) Program. Ironically, the effect of this language would be to lower the wage requirement for eligibility in the larger cities and increase the wage requirement in rural areas where new jobs are most critically needed. It would damage development



efforts in our rural areas while increasing the eligibility of lower wage projects in the more populous counties. The Department of Economic Development Board voted unanimously to oppose this provision and feels strongly it is not workable in its current form. The Board should be complimented on the progress it has made in raising the average wage of CEBA projects, and I am confident it will continue to make additional progress in the future.

I am unable to approve the item designated as Section 78, subsection 3, paragraph f, in its entirety. This item appropriates \$50,000 to councils of government for distribution on a per capita basis. This is spending beyond the level recommended in my budget.

I am unable to approve the designated portion of Section 78, subsection 5, paragraph a. This item earmarks \$100,000 from tourism operations for a grant program for annual community celebrations of Iowa's agricultural heritage. The practice of special-interest earmarking should be discouraged. As a result of this action, this \$100,000 will remain unspent and revert to the general fund at the end of the fiscal year that begins on July 1, 1996 and ending on June 30, 1997.

I am unable to approve the item designated as Section 83, in its entirety. This item requires the Iowa Seed Capital Corporation to cease making new investments and to transfer its portfolio to private sector management on June 30, 1997. I believe the Iowa Seed Capital Corporation needs to be reconfigured and moved to private sector management. However, the timetable provided in the bill may be too short to allow for adequate consideration of all options for accomplishing this change in a manner that best meets the full range of state objectives.

I am unable to approve the designated portion of Section 86, unnumbered and unlettered paragraph 1. This item would authorize the legislature to be involved in decisions relating to the staffing and organization of the Department of Workforce Development. Decisions concerning the personnel needs and structure of the department fall properly within the discretion of the director of the department. Legislative attempts to encroach into matters that are the prerogative of the executive branch cannot be approved.

I am unable to approve the designated portion of Section 86, subsection 7, paragraph a, unnumbered and unlettered subparagraph 1. This item would earmark \$800,000 from the youth conservation corps for a summer youth program in one city. The practice of special-interest earmarking should be discouraged. As a result of this action, this \$800,000 will remain unspent and revert to the general fund at the end of the fiscal year that begins on July 1, 1996 and ends on June 30, 1997.

I am unable to approve the items designated as Section 88, subsections 1 and 2, in their entirety. These items relate to the operations of workforce development centers and the management of workers' compensation hearings. These items would allow the legislative branch to interfere in decisions that are best made by the director of the Department of Workforce Development and for that reason, can not be approved.

For the above reasons, I 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 2470 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

**IN MEMORIAM****Senate**

Laverty, Charles O. ....	April 5, 1916 - June 10, 1995
Mowry, John L. ....	December 15, 1905 - November 1, 1995
Nims, Daryl H. ....	July 18, 1923 - January 7, 1996
Plymat, Sr., William N. ....	July 3, 1911 - October 20, 1995
Stephens, Richard L. ....	February 8, 1904 - October 9, 1994

## CHARLES O. LAVERTY

Charles O. Laverty was born April 5, 1916, in Indianola, Iowa, and passed away on June 10, 1995, at the age of seventy-nine. He lived in the Indianola area most of his life before moving to the Village Retirement Community prior to his death. He was the son of Charlie and Bertha Laverty. He and his wife, Irene, were married in Burlington in 1946. They are the parents of two children, Becky Laverty of Kimberling City, Missouri, and David Laverty of Indianola.

Mr. Laverty graduated from Indianola High School in 1935, and graduated from Iowa State University in 1941 with a degree in Dairy Science.

He was a farmer and businessman and the retired owner of Laverty Elevator. Mr. Laverty served on the boards of the Warren County Brenton Bank, Simpson College, Iowa Power, Warren County Fair, Living History Farms and the Iowa State University Athletic Council. He was active in the Warren County Historical Society, Warren County Farm Bureau, Izaak Walton League and many other farm-related associations. He was a member of Indianola Rotary Club, Warren Masonic Lodge and the Methodist Church.

Mr. Laverty was elected to the Iowa Senate in 1969 and served in the 63rd and 64th General Assemblies.

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

WILLIAM FINK, Chair  
JoANN DOUGLAS  
PATTY JUDGE

Committee

## JOHN L. MOWRY

John L. Mowry was born in Baxter, Iowa, on December 15, 1905, and passed away on November 1, 1995, at the age of 89. His parents were William and Grace Lindsay (Conn) Mowry. He was married to Irene Lounsberry on June 7, 1941, in Marshalltown, Iowa. He was the father of one daughter, Madelyn (Mrs. Stephen R.) Irvine of Marshalltown and grandfather of two grandchildren, Kristin Barker and John Irvine. He has two great-grandchildren, Mitchell and Stephen McCrink of Marshalltown. He was a loving husband, father and grandfather.

Mr. Mowry graduated from Marshalltown High School in 1924, where he was President of his senior class. He attended Ohio State University and the University of Iowa from which he received degrees of Bachelor of Arts and Juris Doctor, graduating from the College of Law in 1930. From 1930 to 1934, he served as a special agent in the FBI and was assigned to the "rackets" in New York City. He was named as a special agent in New York County when Mr. Thomas E. Dewey was made Special Prosecutor. He also served in the Army Air Forces from 1941 until 1944 in Philadelphia. In 1945, he was appointed by Mr. Dewey as Deputy Liquor Commissioner for the State of New York. He was elected as National President of the Society of Former Agents of the FBI in 1945.

Senator Mowry began his political career in 1938 as Marshall County Attorney, a position that he served four years. He was elected Mayor of Marshalltown in 1950 and served until 1955. In 1957 he was elected to the House of Representatives and served in the 57th through the 61st General Assemblies until 1967, when he was elected to the Iowa Senate and served until 1970 in the 62nd and 63rd General Assemblies. He served a total of twelve years in the Legislature representing Marshall County.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John L. Mowry, 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.

RANDAL J. GIANNETTO, Chair  
STEWART E. IVERSON, JR.  
JOHN W. JENSEN

Committee

#### DARYL H. NIMS

Daryl H. Nims was born on July 18, 1923, in Des Moines and passed away on January 7, 1996, at the age of 72. His parents were Harold and Aline (Schaal) Nims. He married Margaret Rasmussen on December 28, 1945. They had one son, Nyle, of Wading River, N.Y., and five daughters: Nancy Hagen of Ames, Nadine Billstein of Denver, Colorado, Norine Dawson of Urbana, Illinois, Normagene Wilson of Ogden, and Nichelle Thompson of Iowa City.

Mr. Nims was a World War II pilot with the U.S. Army Air Corps and a graduate of Drake University with a B.S. degree in marketing. He operated Nims Sportsman's Store in Ames for 35 years. He was a member of the Elks, American Legion, Izaak Walton League, National Sporting Goods Association, Ames

Chamber of Commerce, and Story County Development Committee. He also served on the Board of Directors for the Des Moines Area Community College.

Senator Nims was elected to the Iowa Senate in 1964 from Story County and served in the 61st General Assembly from 1965 to 1966. Mr. Nims served as a doorman for the Senate in 1989, 1990, and 1991.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Daryl H. Nims, 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.

JOHNIE HAMMOND, Chair  
STEWART E. IVERSON, JR.  
RANDAL J. GIANNETTO

Committee

#### WILLIAM N. PLYMAT, SR.

William N. Plymat, Sr. was born on July 3, 1911, in Mankato, Minnesota, and passed away on October 20, 1995, at the age of 82. His parents were Judge Walter A. and Ida Robel Plymat. He married Ruth Clubb in 1940. They were parents to two children, William, Jr. and Amy, both of Des Moines. He was a loving husband and father.

Mr. Plymat graduated from Mankato High School, received his Bachelors degree from Stanford University, and got his law degree from the University of Minnesota. He moved to Des Moines where he practiced law from 1937 to 1941, taught business law at Drake University, and was the Iowa District OPA during World War II. In 1947, he was one of three founders of Preferred Risk Insurance Company, a firm that would only issue automobile insurance to non-drinkers. Preferred Risk is now a \$300 million-a-year company. During his career, he held top executive positions at Preferred Risk, including serving as President for nine years and Chairman of the Board of Directors for 11 years, before retiring in 1977.

Mr. Plymat served as a board member of Midwest Mutual Insurance Company and American Businessmen's Research Foundation. He was President of the Iowa and American Councils on Alcohol Problems, Executive Director of the American Council on Alcoholism, Chairman of the International Council of Parliamentarians, and a member of the Iowa Commission on Substance Abuse. In addition he was a member of the National Safety Council's Committee on Alcohol and Drugs, and the Governor's Task Force on Drunken Driving, as well as the Kiwanis Club,

Des Moines Advertising Club, and Polk County and Iowa Bar Associations. He was a member of the Methodist Church.

Senator Plymat's political career began in 1968, when he ran for nomination to the U.S. Senate. In 1970 he ran for nomination to the U. S. House of Representatives. In 1972 he was elected to the Iowa Senate in District 30 of Polk County and served in the 65th and 66th General Assemblies. Senator Plymat retired in 1976 after serving four years in the Iowa State Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable William N. Plymat, 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.

O. GENE MADDOX, Chair  
ELAINE SZYMONIAK  
MARY E. KRAMER

Committee

#### RICHARD L. STEPHENS

Richard L. Stephens was born February 8, 1904, in Ainsworth, Iowa, and passed away October 9, 1994, at the age of ninety years at Halycon House, Washington, Iowa. His parents were D. D. and Blanche (Cocklin) Stephens. He married Florence Krause on August 28, 1926. They became parents of two sons, Richard of Washington and Boyd of Crawfordsville and were grandparents of three grandchildren. His wife preceded him in death in 1993.

Mr. Stephens graduated from Ainsworth High School and attended Iowa State University. He lived in the Ainsworth and Crawfordsville communities most of his life, moving to Washington in 1979. He served on the first Soil Conservation Committee of Washington County and was a member of the first Agricultural Adjustment Committee in 1933. He was elected vice-president of the Iowa Farm Bureau Federation serving for nine years and was treasurer of the Iowa Swine Producers Association. He served as school board president, was a past member of National Planning Association, and a trustee and honorary member of the Iowa 4-H Club Foundation. He served on the State Advisory Committee of Blue Cross and Blue Shield. He was also a member of Gamma Sigma Delta honorary National Agricultural fraternity, the Iowa Master Farmer's Club and was designated Master Swine Producer and Master Corn Grower. Other organizations included his memberships in the Masons, Kaaba Shrine and Ainsworth Community Church. He was a farmer and livestock producer.

Senator Stephens's political career began in 1957, when he was elected to the House of Representatives from Washington County until 1962, serving in the 57th, 58th, and 59th General Assemblies. He was elected to the Iowa Senate in 1963 and served until 1972 in the 60th, 60x, 61st, 62nd, 63rd and 64th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Richard L. Stephens, 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.

H. KAY HEDGE, Chair  
RICHARD F. DRAKE  
TOM VILSACK

Committee



**AMENDMENTS FILED**  
**During The**  
**Seventy-sixth General Assembly**  
**1996 Regular Session**

## S-5001

1 Amend Senate File 2030 as follows:  
2 1. By striking page 2, line 28, through page 3,  
3 line 12, and inserting the following: "certified in  
4 accordance with chapter 24. For purposes of this  
5 section, "qualified mental health, mental retardation,  
6 and developmental disabilities services" means the  
7 services specified on forms issued for this purpose by  
8 the county finance committee. Unless a written  
9 request for revision is submitted by a county and  
10 accepted by the county finance committee as provided  
11 in this section, the amount of the levy certified in  
12 accordance with this section by a county shall be the  
13 amount reported to the county finance committee by  
14 December 1, 1995. The county finance committee may  
15 accept or reject a revision in whole or in part. The  
16 revised amount shall not exceed the maximum amount  
17 contained in the county's final budget and the revised  
18 amount shall not cause the total amount of the  
19 property taxes levied and certified by the county to  
20 exceed the amount certified by the county for the  
21 fiscal year beginning July 1, 1995. The request for  
22 revision must be submitted within fourteen days of the  
23 effective date of this section of this Act, and a  
24 decision by the county finance committee to accept or  
25 reject the revised amount must be issued within  
26 twenty-eight days of the effective date of this  
27 section of this Act. The decision of the committee is  
28 final."

ELAINE SZYMONIAK

## S-5002

1 Amend Senate File 2030 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Sec. 100. Section 331.424A, subsection 4, Code  
5 Supplement 1995, is amended to read as follows:  
6 4. For the fiscal year beginning July 1, 1996, and  
7 for each subsequent fiscal year, the county shall  
8 certify a levy for payment of services. Unless  
9 otherwise provided by state law, for each fiscal year,  
10 county revenues from taxes imposed by the county  
11 credited to the services fund shall not exceed an  
12 amount equal to the amount of base year budgeted  
13 expenditures for services in the base fiscal year  
14 beginning July 1, ~~1993~~ 1995, and ending June 30, ~~1994~~  
15 1996, as defined in section ~~331.438~~ and reported to

16 the county finance committee by December 1, 1995, less  
 17 the amount of property tax relief to be received  
 18 pursuant to section 426B.2, subsections 1 and 3, in  
 19 the fiscal year for which the budget is certified.  
 20 The county auditor and the board of supervisors shall  
 21 reduce the amount of the levy certified for the  
 22 services fund by the amount of property tax relief to  
 23 be received."

24 2. Page 1, line 3, by striking the word  
 25 "Notwithstanding" and inserting the following: "If a  
 26 county has contracted with a managed care entity,  
 27 notwithstanding".

28 3. Page 2, by striking lines 8 through 14.

29 4. By striking page 2, line 15, through page 3,  
 30 line 12, and inserting the following:

31 "Sec. 200. REVISION OF-LEVY LIMIT. A county may  
 32 request a revision of the amount the county reported  
 33 to the county finance committee by December 1, 1995,  
 34 as provided in section 331.424A, subsection 4, as  
 35 enacted by this Act. The request must be submitted in  
 36 writing. The county finance committee may accept or  
 37 reject a revision in whole or in part. The revised  
 38 amount shall not cause the total amount of the  
 39 property taxes levied and certified by the county to  
 40 exceed the amount certified by the county for the  
 41 fiscal year beginning July 1, 1995. The request for  
 42 revision must be submitted within fourteen days of the  
 43 effective date of this section of this Act, and a  
 44 decision by the county finance committee to accept or  
 45 reject the revised amount must be issued within  
 46 twenty-eight days of the effective date of this  
 47 section of this Act. The decision of the committee is  
 48 final."

49 5. Page 3, line 13, by striking the word and  
 50 figure "Section 4" and inserting the following:

**Page 2**

1 "Sections 100 and 200".

2 6. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5003

1 Amend Senate File 2046 as follows:

2 1. Page 1, by striking lines 24 and 25 and  
 3 inserting the following:

4 "Sec. 3. EFFECTIVE DATE -- APPLICABILITY.

5 1. This Act, being deemed of immediate importance,

6 takes effect upon enactment.

7 2. Section 1 of this Act applies to written  
8 reports of accidents involving water and ice vessel  
9 accidents occurring on or after the effective date of  
10 this Act.

11 3. Section 2 of this Act is retroactively  
12 applicable to January 1, 1995, for those water and ice  
13 vessel accident reports filed with the department of  
14 natural resources on or after that date."

15 2. Title page, line 3, by inserting after the  
16 word "for" the following: "an effective date and".

JOHN P. KIBBIE

S-5004

1 Amend Senate File 2062 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 1995, is amended to read as follows:

6 9. Administer and enforce this chapter, and  
7 chapters 99B, 135B, 135C, 135G, 135H, 135J, 137A,  
8 137B, 137C, 137D, and 137E."

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

11 "Sec. \_\_\_\_ . Section 147A.26, subsection 2, Code  
12 Supplement 1995, is amended to read as follows:

13 2. The data collected by and furnished to the  
14 department pursuant to this section ~~shall not be~~  
15 public records under chapter 22 are confidential  
16 records of the condition, diagnosis, care, or  
17 treatment of patients or former patients, including  
18 outpatients, pursuant to section 22.7. The  
19 compilations prepared for release or dissemination  
20 from the data collected ~~shall be public records are~~  
21 not confidential under chapter 22, which are not  
22 subject to section 22.7, subsection 2. However, the  
23 confidentiality of information which individually  
24 identifies patients is to be protected shall not be  
25 disclosed and the laws of this state and federal law  
26 regarding patient confidentiality shall apply with  
27 regard to patient confidentiality."

28 3. Page 4, by striking lines 31 through 35.

29 4. By renumbering and correcting internal  
30 references as necessary.

COMMITTEE ON JUDICIARY  
RANDAL J. GIANNETTO, Chairperson

S-5005

- 1 Amend Senate File 2066 as follows:  
 2 1. Page 1, by striking lines 11 through 22 and  
 3 inserting the following:  
 4 "A person commits a class "C" felony if the person  
 5 intentionally or knowingly, aids or abets, assists,  
 6 solicits, or incites another person to commit or  
 7 attempt to commit suicide, or participates in a  
 8 physical act by which another person commits or  
 9 attempts to commit suicide."

RANDAL J. GIANNETTO

S-5006

- 1 Amend Senate File 2034 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 335.2, Code 1995, is amended  
 5 to read as follows:  
 6 335.2 FARMS AGRICULTURAL USES EXEMPT.  
 7 1. As used in this section:  
 8 a. "Agricultural purpose" means any use connected  
 9 or related to farming.  
 10 b. "Animal feeding operation structure" means the  
 11 same as defined in section 455B.161.  
 12 c. "Confinement feeding operation" means a  
 13 confinement feeding operation as defined in section  
 14 455B.161.  
 15 d. "Farming" means the same as defined in section  
 16 9H.1.  
 17 e. "Farming operation" means land where the owner  
 18 of land is engaged in farming.  
 19 f. "Manure management plan" means the same as  
 20 provided in section 455B.203.  
 21 g. "Small animal feeding operation" means the same  
 22 as defined in section 455B.161.  
 23 2. Except to the extent required to implement  
 24 section 335.27, no as provided in this section, an  
 25 ordinance adopted under this chapter applies shall not  
 26 apply to land, farm including houses, farm barns, farm  
 27 outbuildings or other buildings or structures located  
 28 on the land, which are is primarily adapted, by reason  
 29 of nature and area, for use for an agricultural  
 30 purposes purpose, while so used. However, the  
 31 ordinances may apply to any  
 32 3. Subsection 2 shall not prohibit the adoption of  
 33 an ordinance adopted under this chapter which applies  
 34 to a confinement feeding operation which produces

35 swine, including an animal feeding operation structure  
36 which is part of the confinement feeding operation, as  
37 provided by the board of supervisors. However, this  
38 subsection shall not apply to a small animal feeding  
39 operation. An ordinance adopted under this chapter  
40 shall not apply to a confinement feeding operation, if  
41 the board of supervisors determines that all of the  
42 following apply:

43 a. The confinement feeding operation is located on  
44 land which is part of a farming operation owned by the  
45 owner of the confinement feeding operation.

46 b. The farming operation where the confinement  
47 feeding operation is located produces an amount of  
48 grain at least equal to twenty percent of the grain  
49 required to finish all swine produced by the  
50 confinement feeding operation during any year. The

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1 calculation regarding the amount of grain produced by  
2 the farming operation shall be based upon the average  
3 county yield for the county in which the farming  
4 operation is located for last the five years as  
5 compiled by the United States department of  
6 agriculture statistical reporting service. The owner  
7 of the farming operation must provide the county board  
8 of supervisors with any available information  
9 regarding land where grain is produced to feed the  
10 swine.

11 c. The land where the grain is produced to feed  
12 the swine is not land which is the subject of a manure  
13 management plan other than the manure management plan  
14 submitted for the application of manure originating  
15 from the proposed confinement feeding operation.

16 d. Each year, as required by the county board of  
17 supervisors, the owner of the confinement feeding  
18 operation certifies to the board that the confinement  
19 feeding operation complies with the requirements of  
20 this subsection. If the farming operation cannot  
21 produce enough grain to satisfy the requirement of  
22 this subsection, the owner shall have thirty days to  
23 comply with the requirement. The owner may comply  
24 with the requirement by reducing the number of swine  
25 confined in the confinement feeding operation.

26 If an owner of a confinement feeding operation  
27 fails to provide information required by the board to  
28 determine compliance with this subsection, the owner  
29 shall be subject to a civil penalty imposed by the  
30 district court of not more than twenty-five thousand  
31 dollars. The amount shall be placed upon the tax

32 books, and collected during the next tax year as part  
 33 of other property taxes due and owing.  
 34 4. This section shall not apply to either of the  
 35 following:  
 36 a. An ordinance required to implement an  
 37 agricultural preservation ordinance, as provided in  
 38 section 335.27.  
 39 b. A structure, building, dam, obstruction,  
 40 deposit or excavation in or on the flood plains of any  
 41 a river or stream."

BERL E. PRIEBE

S-5007

1 Amend Senate File 2034 as follows:  
 2 1. Page 1 by inserting before line 1, the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 9H.1, Code 1995, is amended by  
 5 adding the following new subsections:  
 6 NEW SUBSECTION. 2A. "Animal weight capacity"  
 7 means the same as defined in section 455B.161.  
 8 NEW SUBSECTION. 5A. "Confinement feeding  
 9 operation" means the same as defined in section  
 10 455B.161.  
 11 NEW SUBSECTION. 5B. "Confinement swine feeding  
 12 enterprise" means the same as defined in section  
 13 335.2.  
 14 Sec. \_\_\_\_ . Section 9H.5A, subsection 3, paragraph  
 15 g, Code Supplement 1995, is amended to read as  
 16 follows:  
 17 g. The approximate number of livestock, including  
 18 cattle, sheep, swine, ostriches, rheas, emus, or  
 19 poultry, owned, contracted for, or kept by the  
 20 corporation, limited liability company, trust, or  
 21 limited partnership; ~~and~~ the approximate number of  
 22 offspring produced from the livestock; and for each  
 23 county the animal weight capacity of each confinement  
 24 feeding operation in which swine are fed.  
 25 Sec. \_\_\_\_ . Section 9H.5B, Code 1995, is amended by  
 26 adding the following new subsection:  
 27 NEW SUBSECTION. 4. For each county, the animal  
 28 weight capacity of each confinement feeding operation  
 29 in which swine are fed pursuant to a care and feeding  
 30 contract in which the contract feeder is a party.  
 31 Sec. \_\_\_\_ . NEW SECTION. 9H.5C REPORTS BY  
 32 CONFINEMENT FEEDING OPERATIONS.  
 33 A person who owns one or more confinement feeding  
 34 operations having a total animal weight capacity of  
 35 thirty million pounds or more shall file with the

36 secretary of state on or before March 31 of each year  
37 a report stating all of the following:  
38 1. The name and address of the person.  
39 2. The total animal weight capacity of all  
40 confinement feeding operations which are owned by the  
41 person.  
42 3. For each county, the animal weight capacity of  
43 all confinement feeding operations which are owned by  
44 the person.  
45 4. Whether the person is required to file a report  
46 as a contract feeder pursuant to section 9H.5B.  
47 Sec. \_\_\_\_ . Section 9H.14, Code 1995, is amended to  
48 read as follows:  
49 9H.14 DUTIES OF SECRETARY OF STATE.  
50 1. The secretary of state shall notify the

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1 attorney general when the secretary of state has  
2 reason to believe a violation of this chapter has  
3 occurred. It is the intent of this section that  
4 information Information compiled from reports required  
5 under this section shall be made available to members  
6 of the general assembly and appropriate committees of  
7 the general assembly in order to determine the extent  
8 of farming being carried out in this state by  
9 corporations and other business entities and the  
10 effect of such farming practices upon the economy of  
11 this state. The secretary of state shall assist any  
12 committee of the general assembly existing or  
13 established for the purposes of studying the effects  
14 of this chapter and the practices this chapter seeks  
15 to study and regulate.  
16 2. The Notwithstanding chapter 22, reports of  
17 corporations, limited liability companies, limited  
18 partnerships, trusts, contractors, and processors  
19 required in this chapter shall be confidential reports  
20 except as to the. However, the reports may be made  
21 available to the attorney general for review and  
22 appropriate action when necessary. Information  
23 regarding confinement swine feeding enterprises shall  
24 not be confidential.  
25 3. The secretary of state shall assist any  
26 committee of the general assembly existing or  
27 established for the purposes of studying the effects  
28 of this chapter and the practices this chapter seeks  
29 to study and regulate each year compile information  
30 regarding commercial confinement swine feeding  
31 enterprises. The information shall be made available  
32 upon request to a county. The information may be



33 compiled from reports required to be filed pursuant to  
34 this chapter, including sections 9H.5A, 9H.5B, 9H.5C,  
35 and financing statements required to be filed pursuant  
36 to section 554.9401."

37 2. Page 1, by striking lines 5 through 18, and  
38 inserting the following:

39 "a. "Agricultural purpose" means any use connected  
40 or related to farming:

41 b. "Animal feeding operation structure" means the  
42 same as defined in section 455B.161.

43 c. "Animal weight capacity" means the same as  
44 defined in section 455B.161.

45 d. "Confinement feeding operation" means the same  
46 as defined in section 455B.161.

47 e. "Confinement swine feeding enterprise" means a  
48 person who owns or is a party to a contract for the  
49 care and feeding of swine, and one of the following  
50 applies to confinement feeding operations in which the

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1 person has an interest and to confinement feeding  
2 operations feeding swine subject to a care and feeding  
3 contract to which the person is a party:

4 (1) The animal weight capacity of a confinement  
5 feeding operation at the location subject to an  
6 ordinance adopted under this chapter is seven hundred  
7 fifty thousand pounds or more.

8 (2) The total animal weight capacity of  
9 confinement feeding operations located in the same  
10 county where a confinement feeding operation is  
11 subject to an ordinance adopted under this chapter is  
12 one million five hundred thousand pounds or more.

13 (3) The total animal weight capacity of  
14 confinement feeding operations located in the state is  
15 thirty million pounds or more."

16 3. Page 1, line 21, by striking the words "this  
17 section" and inserting the following: "subsection 3".

18 4. By striking page 1, line 28, through page 2,  
19 line 24, and inserting the following:

20 "3. Subsection 2 shall not apply to any of the  
21 following:

22 a. Land where there is located a confinement  
23 feeding operation, including a related animal feeding  
24 operation structure, if the confinement feeding  
25 operation is part of a confinement swine feeding  
26 enterprise."

27 5. Page 2, line 25, by striking the letter "a"  
28 and inserting the following: "b".

29 6. Page 2, line 27, by striking the letter "b"

30 and inserting the following: "c".

31 7. Page 2, by inserting after line 28, the  
32 following:

33 "Sec. \_\_\_\_ . Section 554.9402, subsection 1, Code  
34 1995, is amended to read as follows:

35 1. A financing statement is sufficient if it gives  
36 the names of the debtor and the secured party, is  
37 signed by the debtor, gives an address of the secured  
38 party from which information concerning the security  
39 interest may be obtained, gives a mailing address of  
40 the debtor and contains a statement indicating the  
41 types, or describing the items, of collateral. A  
42 financing statement may be filed before a security  
43 agreement is made or a security interest otherwise  
44 attaches. When the financing statement covers crops  
45 growing or to be grown, the statement must also  
46 contain a description of the real estate concerned.  
47 When a financing statement covers swine fed in a  
48 confinement feeding operation as defined in section  
49 455B.161, the financing statement shall state the  
50 animal weight capacity of the confinement feeding

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1 operation as verified by the debtor. When the  
2 financing statement covers timber to be cut or covers  
3 minerals or the like (including oil and gas) or  
4 accounts subject to section 554.9103, subsection 5, or  
5 when the financing statement is filed as a fixture  
6 filing (section 554.9313) and the collateral is goods  
7 which are or are to become fixtures, the statement  
8 must also comply with subsection 5. A copy of the  
9 security agreement is sufficient as a financing  
10 statement if it contains the above information and is  
11 signed by the debtor. A copy of a jobs training  
12 agreement entered into under chapter 260E or 260F  
13 between an employer and a community college is  
14 sufficient as a financing statement if it contains the  
15 information required by this section and is signed by  
16 the employer. A carbon, photographic or other  
17 reproduction of a security agreement or a financing  
18 statement is sufficient as a financing statement if  
19 the security agreement so provides or if the original  
20 has been filed in this state. The secretary of state  
21 must accept for filing a copy of a signature required  
22 by this section. The secretary of state may adopt  
23 rules for the electronic filing of a financing  
24 statement.

25 Sec. \_\_\_\_ . Section 554.9402, subsection 3, Code  
26 1995, is amended to read as follows:

27 3. A form substantially as follows is sufficient  
 28 to comply with subsection 1:  
 29 Name of debtor (or assignor) .....  
 30 Address .....  
 31 Name of secured party (or assignee) .....  
 32 Address .....  
 33 (1) This financing statement covers the following  
 34 types (or items) of property:  
 35 (Describe) .....  
 36 (2) (If collateral is crops) The above described  
 37 crops are growing or are to be grown on:  
 38 (Describe Real Estate) .....  
 39 (3) (If collateral is swine fed in a confinement  
 40 feeding operation) The above described swine are fed  
 41 in a confinement feeding operation that has an animal  
 42 weight capacity of:  
 43 (State animal weight capacity) .....  
 44 (3) (4) (If applicable) The above goods are to  
 45 become fixtures on  
 46 Where appropriate either add or substitute "The  
 47 above timber is standing on ..... " or "The above  
 48 minerals or the like (including oil and gas) are  
 49 located on ..... " or "The above accounts will be  
 50 financed at the wellhead or minehead of the well or

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1 mine located on ..... " or any or all of these  
 2 (Describe Real Estate) .....  
 3 and this financing statement is to be filed for record  
 4 in the real estate records. (If the debtor does not  
 5 have an interest of record) The name of a record owner  
 6 is .....  
 7 (4) (5) (If products of collateral are claimed)  
 8 Products of the collateral are also covered.  
 9 (use whichever is applicable) .....  
 10 Signature of Debtor (or Assignor) .....  
 11 Signature of Secured Party (or Assignee) .....  
 12 .....  
 13 8. By renumbering and relettering as necessary.

TOM FLYNN

S-5008

1 Amend Senate File 2063 as follows:  
 2 1. Page 1, line 8, by striking the word "Act" and  
 3 inserting the following: "chapter".  
 4 2. Page 1, lines 9 and 10, by striking the words  
 5 "as provided in this chapter".

6 3. Page 1, line 16, by striking the figure "2000"  
7 and inserting the following: "2001".

MIKE CONNOLLY

S-5009

1 Amend Senate File 2080 as follows:

2 1. Page 10, by inserting after line 27 the  
3 following:

4 "Sec. \_\_\_\_ . Section 331.602, subsection 10, Code  
5 Supplement 1995, is amended to read as follows:  
6 10. Carry out duties relating to the issuance of  
7 hunting, fishing, and trapping fur harvester licenses  
8 as provided in sections 483A.10, 483A.12, 483A.13,  
9 483A.14, 483A.15 and 483A.22.

10 Sec. \_\_\_\_ . Section 331.605, subsection 2,  
11 unnumbered paragraph 1, Code 1995, is amended to read  
12 as follows:

13 For issuance of hunting, fishing and trapping fur  
14 harvester licenses:"

15 2. Page 14, by inserting after line 30 the  
16 following:

17 "Sec. \_\_\_\_ . Section 483A.19, Code 1995, is amended  
18 to read as follows:

19 483A.19 SHOWING LICENSE TO OFFICER.

20 Every person shall, while fishing, hunting, or  
21 trapping fur harvesting, show the person's license,  
22 certificate, or permit, to any peace officer or the  
23 owner or person in lawful control of the land or water  
24 upon which licensee may be hunting, fishing, or  
25 trapping fur harvesting when requested by said the  
26 persons to do so. Any failure to so carry or refusal  
27 to show or so exhibit the person's license,  
28 certificate or permit, shall be a violation of this  
29 chapter.

30 Sec. \_\_\_\_ . Section 483A.20, Code 1995, is amended  
31 to read as follows:

32 483A.20 RECIPROCITY.

33 Licenses for bait dealers or for fishing, hunting,  
34 or trapping fur harvesting shall not be issued to  
35 residents of states that do not sell similar licenses  
36 or certificates to residents of Iowa. However, the  
37 licensing of nonresident bait dealers who sell at  
38 wholesale to licensed dealers in Iowa for resale is  
39 permitted."

40 3. By renumbering and correcting internal  
41 references as necessary.

COMMITTEE ON JUDICIARY  
RANDAL J. GIANNETTO, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 2030

S-5010

1 Amend Senate File 2030, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Sec. 100. Section 331.424A, subsection 4, Code  
6 Supplement 1995, is amended to read as follows:  
7 4. For the fiscal year beginning July 1, 1996, and  
8 for each subsequent fiscal year, the county shall  
9 certify a levy for payment of services. Unless  
10 otherwise provided by state law, for each fiscal year,  
11 county revenues from taxes imposed by the county  
12 credited to the services fund shall not exceed an  
13 amount equal to the amount of base year expenditures  
14 for services in the fiscal year beginning July 1,  
15 1993, and ending June 30, 1994, as defined in section  
16 331.438, less the amount of property tax relief to be  
17 received pursuant to section 426B.2, subsections 1 and  
18 3, in the fiscal year for which the budget is  
19 certified. The county auditor and the board of  
20 supervisors shall reduce the amount of the levy  
21 certified for the services fund by the amount of  
22 property tax relief to be received."

23 2. Page 1, by striking lines 1 through 9.

24 3. Page 1, by inserting after line 9 the  
25 following:

26 "Sec. 200. Section 331.438, subsection 1, Code  
27 Supplement 1995, is amended to read as follows:

28 1. For the purposes of section 331.424A, this  
29 section, ~~and~~ section 331.439, and chapter 426B, unless  
30 the context otherwise requires:

31 a. "Base year expenditures" means the actual the  
32 amount selected by a county and reported to the county  
33 finance committee pursuant to this paragraph. The  
34 amount selected shall be equal to the amount of net  
35 expenditures made by the county for qualified mental  
36 health, mental retardation, and developmental  
37 disabilities services provided in either of the  
38 following fiscal year beginning July 1, 1993, and  
39 ending June 30, 1994. years:

40 (1) The actual amount reported to the state on  
 41 October 15, 1994, for the fiscal year beginning July  
 42 1, 1993.  
 43 (2) The net expenditure amount contained in the  
 44 county's final budget certified in accordance with  
 45 chapter 24 for the fiscal year beginning July 1, 1995,  
 46 and reported to the county finance committee.  
 47 b. "Qualified mental health, mental retardation,  
 48 and developmental disabilities services" means the  
 49 services specified on forms issued by the county  
 50 finance committee following consultation with the

Page 2

1 state-county management committee.  
 2 b. c. "State payment" means the payment made by  
 3 the state to a county determined to be eligible for  
 4 the payment in accordance with section 331.439."  
 5 4. Page 1, lines 18 and 19, by striking the words  
 6 "allowed an inflation factor adjustment" and inserting  
 7 the following: "authorized an allowed growth factor  
 8 adjustment as established by the general assembly".  
 9 5. Page 1, by striking lines 25 and 26, and  
 10 inserting the following: "recommend an allowed growth  
 11 factor adjustment to the governor by November 15 for  
 12 the succeeding fiscal year."  
 13 6. Page 1, line 27, by striking the word  
 14 "inflation" and inserting the following: "allowed  
 15 growth".  
 16 7. Page 1, by striking lines 29 through 31, and  
 17 inserting the following: "investments for economy and  
 18 efficiency."  
 19 8. Page 1, line 32, by striking the word  
 20 "council's" and inserting the following:  
 21 "committee's".  
 22 9. Page 1, line 33, by striking the word  
 23 "inflation" and inserting the following: "allowed  
 24 growth".  
 25 10. Page 2, by striking lines 2 through 7.  
 26 11. Page 2, by inserting before line 8 the  
 27 following:  
 28 "Sec. 300. Section 426B.2, subsection 1, paragraph  
 29 c, Code Supplement 1995, is amended to read as  
 30 follows:  
 31 c. One-third based upon the county's proportion of  
 32 all counties' base year expenditures, as defined in  
 33 section 331.438, Code 1995, and reported to the state  
 34 on October 15, 1994."  
 35 12. By striking page 2, line 15, through page 3,  
 36 line 14, and inserting the following:

37 "Sec. 4. BASE YEAR DEFINITION ESTABLISHED. For  
38 purposes of establishing the amount of a county's base  
39 year expenditures under section 331.438, subsection 1,  
40 as enacted by this Act, unless a county submits a  
41 revision request in accordance with the provisions of  
42 this section, the amount the county shall be deemed to  
43 have selected for the county's base year expenditures  
44 is the amount of mental health, mental retardation,  
45 and developmental disabilities expenditures in the  
46 county's certified budget for fiscal year 1995-1996  
47 the county reported to the county finance committee by  
48 December 1, 1995. A revision request must be  
49 submitted in writing to the county finance committee  
50 which may accept or reject the revision in whole or in

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1 part. The revised amount shall be either the amount  
2 specified in section 331.438, subsection 1, paragraph  
3 "a", subparagraph (1), or correction of the amount  
4 reported by December 1, 1995, to the county finance  
5 committee. The request for revision must be submitted  
6 within fourteen days of the effective date of this  
7 section, and a decision by the county finance  
8 committee to accept or reject the revised amount must  
9 be issued within twenty-eight days of the effective  
10 date of this section. The decision of the county  
11 finance committee is final."

12 13. Page 3, by inserting after line 14 the  
13 following:

14 "Sec. 400. APPEAL FOR PROPERTY TAXES IN EXCESS OF  
15 LIMITATION. Notwithstanding section 444.25A,  
16 subsection 3, the requirement for a county to submit  
17 budget forms by March 1, 1996, to be considered for  
18 appeal, is changed to March 15, 1996, for budgets  
19 submitted for the fiscal year beginning July 1, 1996,  
20 and ending June 30, 1997.

21 Sec. 500. COUNTY MANAGEMENT PLAN SUBMISSION DATE.  
22 Notwithstanding section 331.439, subsection 1,  
23 paragraph "c", subparagraph (1), a county may apply to  
24 the director of human services for an extension of not  
25 more than thirty days beyond the April 1, 1996,  
26 deadline for submission of the county's plan for  
27 mental health service management for the fiscal year  
28 beginning July 1, 1996. The director may grant the  
29 extension if the director determines there are  
30 exceptional circumstances which warrant the extension.

31 Sec. \_\_\_\_ . MEDICAL ASSISTANCE COSTS FOR SERVICES TO  
32 MINORS WITH MENTAL RETARDATION. There is appropriated  
33 from the property tax relief fund created in section

34 426B.1 to the department of human services to  
 35 supplement the medical assistance appropriation for  
 36 the fiscal year beginning July 1, 1996, and ending  
 37 June 30, 1997, the following amount, or so much  
 38 thereof as is necessary, to be used for the purposes  
 39 designated:

40 For the nonfederal share of the costs of services  
 41 provided to minors with mental retardation under the  
 42 medical assistance program to meet the requirements of  
 43 section 249A.12, subsection 4:

44 ..... \$ 6,600,000

45 Notwithstanding section 426B.2, subsection 1, the  
 46 amount of moneys distributed under that subsection  
 47 shall be \$71.4 million."

48 14. Page 3, line 15, by striking the word and  
 49 figure "Section 4" and inserting the following:  
 50 "Sections 100, 200, 300, 4, 400, 500,".

#### Page 4

1 15. Page 3, line 29, by striking the word  
 2 "inflation" and inserting the following: "allowed  
 3 growth".

4 16. Title page, line 2, by inserting after the  
 5 word "funding" the following: "and related".

6 17. Title page, by striking line 3 and inserting  
 7 the following: "appropriation, an effective date, and  
 8 an applicability provision."

9 18. By renumbering and revising internal  
 10 references as necessary.

#### S-5011

1 Amend Senate File 2066 as follows:

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

4 "Sec. 4. Section 901.3, Code 1995, is amended by  
 5 adding the following new subsection:

6 **NEW SUBSECTION.** 7. Any mitigating circumstances  
 7 relating to the offense and the defendant's potential  
 8 as a candidate for deferred judgment, deferred  
 9 sentencing, a suspended sentence, or probation, if the  
 10 defendant is charged with or convicted of assisting  
 11 suicide pursuant to section 707A.2."



S-5012

- 1 Amend the amendment, S-5005, to Senate File 2066,
- 2 as follows:
- 3 1. Page 1, line 5, by striking the words ", aids
- 4 or abets,".

DONALD B. REDFERN

S-5013

- 1 Amend Senate File 2022 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "county." the following: "Notwithstanding this
- 4 subsection, the county board of supervisors may waive
- 5 the additional tonnage fee for a county, city, or
- 6 individually contracted industry which is located
- 7 outside of the county if solid waste received from the
- 8 county, city, or individually contracted industry
- 9 accounts for not more than three-tenths of one percent
- 10 of the annual total amount of solid waste disposed of
- 11 at the sanitary landfill."

MERLIN E. BARTZ

S-5014

- 1 Amend Senate File 2063 as follows:
- 2 1. Page 1, line 8, by striking the word "Act" and
- 3 inserting the following: "chapter".
- 4 2. Page 1, lines 9 and 10, by striking the words
- 5 "as provided in this chapter".
- 6 3. Page 1, line 15, by striking the figure "1996"
- 7 and inserting the following: "1995".
- 8 4. Page 4, by inserting after line 24 the follow-
- 9 ing:
- 10 "Sec. \_\_\_\_ . This Act, being deemed of immediate
- 11 importance, takes effect upon enactment."
- 12 5. Title page, line 5, by inserting after the
- 13 word "appropriations" the following: ", and providing
- 14 an effective date".

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5015

- 1 Amend Senate File 2063 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "year" the following: ", except that the Iowa braille

4 and sight saving school and the state school for the  
5 deaf shall each receive not less than sixty thousand  
6 dollars in a fiscal year”.

7 2. Page 1, line 33, by striking the words “four  
8 hundred fifty” and inserting the following: “three  
9 hundred sixty”.

MARY LOU FREEMAN

S-5016

1 Amend Senate File 2063 as follows:

2 1. Page 1, line 17, by inserting after the word  
3 “program.” the following: “For each fiscal year  
4 beginning on or after July 1, 2000, there is  
5 appropriated from the general fund of the state to the  
6 department of education the sum of twenty million  
7 dollars for the school improvement technology  
8 program.”

JIM LIND

S-5017

1 Amend Senate File 2063 as follows:

2 1. Page 1, line 20, by striking the figure “1996”  
3 and inserting the following: “1995”.  
4 2. Page 1, line 21, by striking the figure “2001”  
5 and inserting the following: “2000”.  
6 3. Page 3, line 25, by striking the words and  
7 figures “1996, and ending June 30, 1997” and inserting  
8 the following: “1995, and ending June 30, 1996”.  
9 4. Page 3, line 29, by striking the figure “1997”  
10 and inserting the following: “1996”.  
11 5. Page 4, line 24, by striking the figure “2001”  
12 and inserting the following: “2000”.  
13 6. Page 4, by inserting after line 24, the  
14 following:  
15 “Sec. \_\_\_\_ . Notwithstanding section 295.2,  
16 subsection 2, of this Act, for the fiscal year  
17 beginning July 1, 1995, and ending June 30, 1996, the  
18 Iowa braille and sight saving school, the state school  
19 for the deaf, and the Price laboratory school at the  
20 university of northern Iowa shall certify their basic  
21 enrollment to the department of education upon  
22 enactment of this Act.  
23 Sec. \_\_\_\_ . Notwithstanding section 295.2,  
24 subsection 4, of this Act, for the fiscal year  
25 beginning July 1, 1995, and ending June 30, 1996, the  
26 allocation made to each school district and area

27 education agency under section 295.2 shall be made in  
28 one payment within thirty days of the enactment of  
29 this Act."

LARRY MURPHY  
MIKE CONNOLLY

S-5018

1 Amend Senate File 2063 as follows:  
2 1. Page 3, line 8, by inserting after the word  
3 "administrators." the following: "The advisory  
4 committee appointed by the board pursuant to section  
5 280.12, subsection 2, shall advise the board  
6 concerning the development of goals and the assessment  
7 process and measurements to be used under the plan".

TOM VILSACK

S-5019

1 Amend Senate File 2063 as follows:  
2 1. Page 1, line 14, by striking the words "each  
3 fiscal year of".  
4 2. Page 1, line 15, by striking the word "period"  
5 and inserting the following: "year".  
6 3. Page 1, line 16, by striking the figure "2000"  
7 and inserting the following: "1997".  
8 4. Page 1, line 16, by striking the word "thirty"  
9 and inserting the following: "forty".  
10 5. Page 1, by striking lines 19 through 21, and  
11 inserting the following: "the moneys allocated in  
12 subsection 3, the amount of moneys allocated to school  
13 districts shall".  
14 6. Page 1, line 26, by striking the words "in a  
15 fiscal year".  
16 7. Page 2, line 6, by striking the word "each"  
17 and inserting the following: "the".  
18 8. Page 3, by striking lines 24 through 31 and  
19 inserting the following: "development and training.  
20 Prior to the receipt of school improvement technology  
21 funds, each area education agency shall submit its  
22 plan to the department of education. The".  
23 9. Page 4, line 5, by striking the words "an  
24 annual" and inserting the following: "a".  
25 10. Page 4, line 24, by striking the figure  
26 "2001" and inserting the following: "1997".

BRAD BANKS

S-5020

1 Amend Senate File 2063 as follows:

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

4 "Sec. 102. Notwithstanding any other provision of  
5 this Act, before any per pupil allocation is made in  
6 the fiscal year beginning July 1, 1995, and ending  
7 June 30, 1996, twenty-five thousand dollars for the  
8 purpose of equipping an Iowa communications network  
9 classroom, shall be allocated to each school district  
10 that is not, by the date of enactment of this Act,  
11 connected, or equipped to be connected to the Iowa  
12 communications network."

PATTY JUDGE

S-5021

1 Amend Senate File 2063 as follows:

2 1. Page 1, line 8, by striking the word "Act" and  
3 inserting the following: "chapter".

4 2. Page 1, lines 9 and 10, by striking the words  
5 "as provided in this chapter".

6 3. Page 1, line 15, by striking the figure "1996"  
7 and inserting the following: "1995".

8 4. Page 4, by inserting after line 24 the follow-  
9 ing:

10 "Sec. \_\_\_\_ . This Act, being deemed of immediate  
11 importance, takes effect upon enactment."

12 5. Title page, line 5, by inserting after the  
13 word "appropriations" the following: ", and providing  
14 an effective date".

LARRY MURPHY

S-5022

1 Amend Senate File 2082 as follows:

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

4 "Sec. 100. NEW SECTION. 257.13 ADVANCE FOR  
5 INCREASING ENROLLMENT.

6 1. If a district's actual enrollment for the  
7 budget year, determined under section 257.6 is at  
8 least ten percent greater than its budget enrollment  
9 for the budget year, the district is granted an  
10 advance from the state of an amount equal to its  
11 regular program district cost per pupil for the budget  
12 year multiplied by the difference between the actual

13 enrollment for the budget year and the budget  
14 enrollment for the budget year. The advance is  
15 miscellaneous income.

16 2. If the board of directors of a school district  
17 determines a need for additional funds exceeding the  
18 amount provided by the schedule, a request for  
19 supplemental aid based upon increased enrollment may  
20 be submitted to the school budget review committee as  
21 provided in section 257.31 and section 260D.14.

22 3. If a district receives an advance under this  
23 section for a budget year, the department of  
24 management shall determine the amount of the advance  
25 which would have been generated by local property tax  
26 revenues if the actual enrollment for the budget year  
27 had been used in determining district cost for that  
28 budget year, shall reduce the district's total state  
29 school aids otherwise available under this chapter for  
30 the next following budget year by the amount so  
31 determined, and shall increase the district's  
32 additional property tax levy for the next following  
33 budget year by the amount necessary to compensate for  
34 the reduction in state aid, so that the local property  
35 tax for the next following year will be increased only  
36 by the amount which it would have been increased in  
37 the budget year if the enrollment calculated in this  
38 section could have been used to establish the levy.

39 4. There is appropriated each fiscal year from the  
40 general fund of the state to the department of  
41 education the amount required to pay advances  
42 authorized under this section, which shall be paid to  
43 school districts in the same manner as other state  
44 aids are paid under section 257.16.

45 Sec. 101. Section 257.16, unnumbered paragraph 2,  
46 Code Supplement 1995, is amended to read as follows:

47 All state aids paid under this chapter, unless  
48 otherwise stated, shall be paid in monthly  
49 installments beginning on September 15 of a budget  
50 year and ending on or about June 15 of the budget year

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1 as determined by the department of management, taking  
2 into consideration the relative budget and cash  
3 position of the state resources. However, the state  
4 aid paid to school districts under section 257.13  
5 shall be paid in monthly installments beginning on  
6 December 15 and ending on June 15 of that year.

7 Sec. \_\_\_\_ Sections 100 and 101 of this Act, being  
8 deemed of immediate importance, take effect upon  
9 enactment for the purpose of computations required for

10 payment of state aid to and levying of property taxes  
 11 by school districts for budget years beginning on or  
 12 after July 1, 1996.”  
 13 2. Page 1, line 13, by striking the word “This”  
 14 and inserting the following: “Section 1 of this”.  
 15 3. Title page, line 2, by inserting after the  
 16 word “program” the following: “, providing an advance  
 17 for increasing enrollment.”.

JOANN DOUGLAS  
 MAGGIE TINSMAN  
 MARY LUNDBY  
 ANDY McKEAN

S-5023

1 Amend Senate File 2082 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 “Sec. 100. Section 257.1, subsection 2, Code  
 5 Supplement 1995, is amended by adding the following  
 6 new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. For the budget years  
 8 commencing July 1, 1997, the combined foundation base  
 9 is the sum of the regular program foundation base for  
 10 the budget year beginning July 1, 1996, the special  
 11 education support services foundation base for the  
 12 budget year beginning July 1, 1996, one hundred  
 13 percent of allowable growth determined for the budget  
 14 years beginning July 1, 1997, and 1998, including  
 15 allowable growth for area education association media  
 16 services and education services, and eighty-three  
 17 percent of allowable growth for the budget year  
 18 beginning July 1, 1999, and each subsequent budget  
 19 year.  
 20 Sec. 200. Section 257.4, subsection 1, Code 1995,  
 21 is amended to read as follows:  
 22 1. Computation of tax. A school district shall  
 23 cause an additional property tax to be levied each  
 24 year. The rate of the additional property tax levy in  
 25 a school district shall be determined by the  
 26 department of management and shall be calculated to  
 27 raise the difference between the combined district  
 28 cost for the budget year and the sum of the products  
 29 of the regular program foundation base per pupil times  
 30 the weighted enrollment in the district and the  
 31 special education support services foundation base per  
 32 pupil times the special education support services  
 33 weighted enrollment in the district combined  
 34 foundation base for the budget years commencing July

35 1, 1997, and each subsequent budget year as determined  
36 in section 257.1, subsection 2."

WAYNE BENNETT

S-5024

- 1 Amend Senate File 2063 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "public" the following: "and nonpublic".
- 4 2. Page 1, line 22, by inserting after the word
- 5 "district," the following: "and the enrollment in the
- 6 accredited nonpublic school located in that
- 7 district,".
- 8 3. Page 1, line 24, by inserting after the word
- 9 "districts" the following: ", and the sum of the
- 10 enrollments in all accredited nonpublic schools,".
- 11 4. Page 1, line 26, by striking the word "The"
- 12 and inserting the following: "Accredited nonpublic
- 13 schools, the".
- 14 5. Page 1, line 30, by inserting after the figure
- 15 "1." the following: "Boards of directors of school
- 16 districts allocated funds under this section shall be
- 17 required to establish a fund and deposit into the fund
- 18 moneys to which the accredited nonpublic schools are
- 19 entitled based upon the proportion that the accredited
- 20 nonpublic school's enrollment bears to the sum of the
- 21 basic enrollment of the school district and the
- 22 enrollment of the accredited nonpublic school. Moneys
- 23 in the funds established by the boards shall be used
- 24 to provide instructional technology equipment,
- 25 including hardware, software, and materials and
- 26 supplies related to instructional technology to
- 27 nonpublic school students."
- 28 6. Page 3, line 7, by inserting after the word
- 29 "developed" the following: "in consultation with the
- 30 accredited nonpublic schools located in the
- 31 district,".
- 32 7. Page 3, line 8, by inserting after the word
- 33 "administrators." the following: "The advisory
- 34 committee appointed by the board pursuant to section
- 35 280.12, subsection 2, shall advise the board
- 36 concerning the development of goals and the assessment
- 37 process and measurements to be used under the plan".
- 38 8. Page 3, line 15, by inserting after the word
- 39 "district" the following: "and accredited nonpublic
- 40 schools,".
- 41 9. Title page, line 2, by inserting after the

42 word "districts," the following: "accredited  
43 nonpublic schools,".

ALLEN BORLAUG  
H. KAY HEDGE  
WILMER RENSINK

S-5025

1 Amend the House amendment, S-5010, to Senate File  
2 2030, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking line 23.  
5 2. By renumbering as necessary.

EMIL J. HUSAK  
TOM VILSACK

S-5026

1 Amend Senate File 2066 as follows:  
2 1. Page 1, by inserting before line 23 the  
3 following:  
4 "3. This section does not apply to a parent,  
5 child, or spouse of the person who attempts to commit  
6 or commits suicide."

ROD HALVORSON

S-5027

1 Amend the House amendment, S-5010, to Senate File  
2 2030, as amended, passed, and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by inserting after line 4 the  
5 following:  
6 ""Sec. 600. Section 331.424, subsection 1,  
7 paragraph a, subparagraph (1), Code Supplement 1995,  
8 is amended to read as follows:  
9 (1) The costs of inpatient or outpatient substance  
10 abuse admission, commitment, transportation, care, and  
11 treatment at any of the following:  
12 (a) Care and treatment of persons at the The  
13 alcoholic treatment center at Oakdale. However, the  
14 county may require that an admission to the center  
15 shall be reported to the board by the center within  
16 five days as a condition of the payment of county  
17 funds for that admission.  
18 (b) A state mental health institute, or a  
19 community-based public or private facility or



20 service."

21 2. Page 3, line 50, by inserting after the word

22 "Sections" the following: "600,"

23 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5028

1 Amend House File 555, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 27 through 33 and

4 inserting the following: "under this subsection. The

5 credit in this subsection does not apply to a taxpayer

6 whose net income, as properly computed for state tax

7 purposes, is forty-five thousand dollars or more. In

8 the case where the taxpayer is married, whether filing

9 jointly or separately, the credit does not apply if

10 the combined net income of the taxpayer and spouse is

11 forty-five thousand dollars or more. The department,

12 when".

13 2. Page 2, line 3, by striking the figure "1995"

14 and inserting the following: "1996".

LARRY MURPHY

S-5029

1 Amend Senate File 2098 as follows:

2 1. Page 1, line 1, by striking the figure "8.64"

3 and inserting the following: "8.57A".

4 2. Page 1, by inserting after line 26 the

5 following:

6 "Section 1. Section 8.58, Code Supplement 1995, is

7 amended to read as follows:

8 8.58 EXEMPTION FROM AUTOMATIC APPLICATION.

9 To the extent that moneys appropriated under

10 section 8.57 do not result in moneys being credited to

11 the general fund under section 8.55, subsection 2,

12 moneys appropriated under section 8.57 and moneys

13 contained in the cash reserve fund, rebuild Iowa

14 infrastructure fund, and Iowa economic emergency fund,

15 and lost federal funds stabilization account shall not

16 be considered in the application of any formula,

17 index, or other statutory triggering mechanism which

18 would affect appropriations, payments, or taxation

19 rates, contrary provisions of the Code

20 notwithstanding.

21 To the extent that moneys appropriated under

22 section 8.57 do not result in moneys being credited to

- 23 the general fund under section 8.55, subsection 2,  
 24 moneys appropriated under section 8.57 and moneys  
 25 contained in the cash reserve fund, rebuild Iowa  
 26 infrastructure fund, and Iowa economic emergency fund,  
 27 and lost federal funds stabilization account shall not  
 28 be considered by an arbitrator or in negotiations  
 29 under chapter 20.”  
 30 3. By renumbering as necessary.

LARRY MURPHY

S-5030

- 1 Amend House File 419, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by striking lines 8 through 16 and  
 4 inserting the following:  
 5 “A road with an area service “C” classification  
 6 shall retain the classification until such time as a  
 7 petition for reclassification is submitted to the  
 8 board of supervisors. The petition shall be signed by  
 9 adjoining landowners. The board of supervisors shall  
 10 approve or deny the request for reclassification  
 11 within sixty days of receipt of the petition.”

COMMITTEE ON TRANSPORTATION  
 DON E. GETTINGS, Chairperson

S-5031

- 1 Amend House File 511, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 20, by striking the words “a  
 4 mailed” and inserting the following: “a mailed an”.  
 5 2. Page 2, by striking lines 19 through 30.

COMMITTEE ON COMMERCE  
 PATRICK J. DELUHERY, Chairperson

S-5032

- 1 Amend Senate File 2102 as follows:  
 2 1. Page 3, by inserting after line 19 the  
 3 following:  
 4 “Sec. 6. EFFECTIVE DATE. This Act, being deemed  
 5 of immediate importance, takes effect upon enactment.”  
 6 2. Title page, line 2, by inserting after the

7 word "facilities" the following: "and providing an  
8 effective date".

MARY E. KRAMER  
NANCY BOETTGER

S-5033

1 Amend Senate File 2103 as follows:  
2 1. Page 1, by striking lines 22 through 25 and  
3 inserting the following: "under this section shall be  
4 limited to not more than two sessions of service or  
5 two sessions of treatment within a period of two  
6 consecutive weeks. Following completion of the two  
7 sessions of outpatient services or treatment, the  
8 mental".

NANCY BOETTGER  
MARY E. KRAMER

S-5034

1 Amend Senate File 2074 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 392.6, unnumbered paragraph 2,  
5 Code 1995, is amended to read as follows:  
6 Cities maintaining an institution as provided for  
7 in this section which have a board of trustees  
8 consisting of three members may by ordinance increase  
9 the number of members to five and provide for the  
10 appointment of one of the additional members until the  
11 next succeeding general or city election, and for the  
12 appointment of the other additional member until the  
13 second succeeding general or city election.  
14 Thereafter, the terms of office of such additional  
15 members shall be four years. However, if a city has  
16 adopted an ordinance which increases the number of  
17 members of the board of trustees to five members and  
18 the terms of office of four of the five members end in  
19 the same year, the date of expiration of the term of  
20 one of the four members, to be determined by lot,  
21 shall be extended by an additional two years."  
22 2. By renumbering as necessary.

ALBERT SORENSEN

S-5035

1 Amend Senate File 2098 as follows:  
2 1. Page 1, line 21, by inserting after the word  
3 "state." the following: "Moneys appropriated from the  
4 fund for the purposes of a program shall be limited to  
5 the reduction in the amount of federal funds expended  
6 for purposes of the program for a state fiscal year  
7 from the amount expended by the federal government in  
8 either of the two state fiscal years preceding the  
9 state fiscal year for which the funds are  
10 appropriated."

MERLIN E. BARTZ  
LARRY MURPHY

HOUSE AMENDMENT TO  
SENATE FILE 482

S-5036

1 Amend Senate File 482, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, lines 15 and 16, by striking the words  
4 "if enacted by Senate File 446".  
5 2. Page 3, lines 18 and 19, by striking the words  
6 "if enacted by Senate File 446".  
7 3. Page 7, line 14, by inserting after the word  
8 "manner" the following: "pursuant to this section".  
9 4. Page 8, by striking lines 8 through 12 and  
10 inserting the following: "court a surety bond or cash  
11 in an amount determined by the court to be reasonable  
12 in light of the fair market value of the property.  
13 Property shall not be released if any of the following  
14 apply:  
15 a. The owner fails to post the required bond."  
16 5. Page 10, line 12, by striking the word  
17 "either" and inserting the following: "any".  
18 6. Page 10, by inserting after line 16 the  
19 following:  
20 "(3) A request for an extension of time in which  
21 to file a claim or petition for recognition of  
22 exemption."  
23 7. Page 10, by striking line 18 and inserting the  
24 following: "only be granted for good cause shown for  
25 mistake, inadvertence, surprise, excusable neglect, or  
26 unavoidable casualty."  
27 8. Page 13, line 4, by inserting after the word  
28 "practical" the following: "but not later than ten  
29 days."

- 30 9. Page 14, line 17, by inserting after the word  
31 "days" the following: "of such notice".
- 32 10. Page 16, line 1, by inserting after the word  
33 "mail" the following: "or other service which  
34 indicates the date on which the claim was received by  
35 the seizing agency and prosecuting attorney".
- 36 11. Page 16, line 3, by striking the words "not  
37 be granted" and inserting the following: "only be  
38 granted for good cause shown for mistake,  
39 inadvertence, surprise, excusable neglect, or  
40 unavoidable casualty".
- 41 12. Page 18, line 17, by striking the word  
42 "claimant," and inserting the following: "claimant."
- 43 13. Page 18, by striking lines 18 and 19 and  
44 inserting the following: "However, once the claimant  
45 comes forward with some evidence supporting the  
46 existence of the exemption, the state must provide  
47 some evidence to negate the assertion of the  
48 exemption. The state's evidence must be substantial,  
49 though not necessarily rising to the level of a  
50 preponderance of the evidence, and more than a simple

**Page 2**

- 1 assertion of the claimant's interest in the property."
- 2 14. Page 18, by inserting before line 20 the  
3 following: "The agency or political subdivision  
4 bringing the forfeiture action shall pay the  
5 reasonable attorneys fees and costs, as determined by  
6 the court, incurred by a claimant who prevails on a  
7 claim for exemption in a proceeding under this  
8 chapter."
- 9 15. Page 18, line 33, by striking the word "A"  
10 and inserting the following: "Subject to the  
11 exemptions contained in section 809A.5, a".
- 12 16. By striking page 18, line 35, through page  
13 19, line 1, and inserting the following: "establishes  
14 any of the following:"
- 15 17. Page 21, by striking lines 13 through 26 and  
16 inserting the following:  
17 "5. The answer shall be filed within twenty days  
18 after service on the claimant of the civil in rem  
19 complaint."
- 20 18. Page 26, line 24, by inserting after the word  
21 "holder" the following: "or interest holder".
- 22 19. Page 26, line 26, by inserting after the word  
23 "holder" the following: "or interest holder".
- 24 20. Page 26, line 29, by inserting after the word  
25 "holder's" the following: "or interest holder's".
- 26 21. Page 26, line 31, by inserting after the word

- 27 "holder" the following: "or interest holder".
- 28 22. Page 26, line 32, by inserting after the word
- 29 "holder's" the following: "or interest holder's".
- 30 23. Page 27, line 1, by inserting after the word
- 31 "holder" the following: "or interest holder".
- 32 24. Page 27, line 7, by inserting after the word
- 33 "holder" the following: "or interest holder".
- 34 25. Page 27, line 9, by inserting after the word
- 35 "holder" the following: "or interest holder".
- 36 26. Page 27, line 11, by inserting after the word
- 37 "holder's" the following: "or interest holder's".
- 38 27. Page 27, line 12, by inserting after the word
- 39 "the" the following: "regulated interest holder or".
- 40 28. Page 46, line 25, by striking the words "five
- 41 thousand" and inserting the following: "seven
- 42 thousand five hundred".
- 43 29. By striking page 49, line 34, through page
- 44 50, line 7.
- 45 30. Page 53, by inserting before line 28 the
- 46 following:
- 47 "Sec. \_\_\_\_ . Section 22.7, Code Supplement 1995, is
- 48 amended by adding the following new subsection:
- 49 NEW SUBSECTION. 33. A record required under the
- 50 Iowa financial transaction reporting Act listed in

### Page 3

- 1-section 529.2, subsection 10."
- 2 31. Page 54, by striking lines 25 through 35 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_ . Section 321J.4B, subsection 12, Code
- 5 Supplement 1995, is amended to read as follows:
- 6 12. Operating a motor vehicle on a street or
- 7 highway in this state in violation of an order of
- 8 impoundment or immobilization is a serious
- 9 misdemeanor. A motor vehicle which is subject to an
- 10 order of impoundment or immobilization that is
- 11 operated on a street or highway in this state in
- 12 violation of the order shall be seized and forfeited
- 13 to the state under ~~chapter~~ chapters 809 and 809A."
- 14 32. Page 55, by inserting before line 1 the
- 15 following:
- 16 "Sec. \_\_\_\_ . Section 321J.4B, subsections 13 and 16,
- 17 Code Supplement 1995, are amended to read as follows:
- 18 13. Once the period of impoundment or
- 19 immobilization has expired, the owner of the motor
- 20 vehicle shall have thirty days to claim the motor
- 21 vehicle and pay the fees and charges imposed under
- 22 this section. If the owner or the owner's designee
- 23 has not claimed the vehicle and paid the fees and

24 charges imposed under this section within seven days  
25 from the date of expiration of the period, the clerk  
26 shall send written notification to the motor vehicle  
27 owner, at the owner's last known address, notifying  
28 the owner of the date of expiration of the period of  
29 impoundment or immobilization and of the period in  
30 which the motor vehicle must be claimed. If the motor  
31 vehicle owner fails to claim the motor vehicle and pay  
32 the fees and charges imposed within the thirty-day  
33 period, the motor vehicle shall be forfeited to the  
34 state under ~~chapter~~ chapters 809 and 809A.

35 16. Notwithstanding the requirements of this  
36 section, the holder of a security interest in a  
37 vehicle which is impounded or immobilized pursuant to  
38 this section or forfeited in the manner provided in  
39 ~~chapter~~ chapters 809 and 809A shall be notified of the  
40 impoundment, immobilization, or forfeiture within  
41 seventy-two hours of the seizure of the vehicle and  
42 shall have the right to claim the motor vehicle  
43 without payment of any fees or surcharges unless the  
44 value of the vehicle exceeds the value of the security  
45 interest held by the creditor."

46 33. Page 55, line 35, by inserting after the word  
47 "Code" the following: "Supplement".

48 34. Page 56, by inserting after line 1, the  
49 following:

50 "Sec. \_\_\_\_ . Section 809.4, Code 1995, is amended to

#### Page 4

1 read as follows:

2 809.4 HEARING -- APPEAL.

3 An application for the return of seized property  
4 shall be set for hearing not less than five nor more  
5 than thirty days after the filing of the application  
6 and shall be tried to the court. All claims to the  
7 same property shall be heard in one proceeding unless  
8 it is shown that the proceeding would result in  
9 prejudice to one or more of the parties. If the total  
10 value of the property sought to be returned is less  
11 than five thousand dollars, the proceeding may be  
12 conducted by a magistrate or a district associate  
13 judge with appeal to be as in the case of small  
14 claims. In all other cases, the hearing shall be  
15 conducted by a district judge, with appeal as provided  
16 in section ~~809.12~~ 809.12A.

17 Sec. \_\_\_\_ . NEW SECTION. 809.12A APPEALS.

18 An appeal from a denial of an application for the  
19 return of seized property or from an order for the  
20 return of seized property shall be made within thirty

21 days after the entry of a judgment order. The  
 22 appellant, other than the state, shall post a bond of  
 23 a reasonable amount as the court may fix and approve,  
 24 conditioned to pay all costs of the proceedings if the  
 25 appellant is unsuccessful on appeal. The appellant,  
 26 other than the state, may be required to post a  
 27 supersedeas bond or other security, as the court finds  
 28 to be reasonable, in order to stay the operation of a  
 29 forfeiture order under section 809A.16.

30 Sec. \_\_\_\_ . Section 809.15, Code 1995, is amended to  
 31 read as follows:

32 809.15 COMBINING PROCEEDINGS.

33 In cases involving seized property and ~~forfeitable~~  
 34 property subject to forfeiture pursuant to section  
 35 809A.4, the court may order that the proceedings be  
 36 combined for purposes of this chapter.”

37 35. By striking page 56, line 12, through page  
 38 57, line 2.

39 36. By renumbering, relettering, and correcting  
 40 internal references as necessary.

S-5037

1 Amend Senate File 2098 as follows:

2 1. Page 1, by inserting after line 26 the  
 3 following:

4 “. This section is repealed September 1, 1998,  
 5 and effective upon repeal, moneys remaining in the  
 6 stabilization account which are unexpended or  
 7 unobligated shall be transferred to the general fund  
 8 of the state.”

9 2. By renumbering as necessary.

BRAD BANKS

S-5038

1 Amend Senate File 2098 as follows:

2 1. Page 1, line 21, by inserting after the word  
 3 “state.” the following: “Except as provided in  
 4 subsection 1 for cash flow purposes, an appropriation  
 5 shall not be made from the stabilization account  
 6 unless the appropriation is made in accordance with  
 7 all of the following:

8 a. The appropriation is contained in a bill or  
 9 joint resolution in which the appropriation is the  
 10 only subject matter of the bill or joint resolution.

11 b. The bill or joint resolution states the reasons  
 12 the appropriation is necessary.

13 c. The bill or joint resolution is approved by



14 vote of at least three-fifths of the members of both  
15 chambers of the general assembly and is signed by the  
16 governor.”  
17 2. By renumbering as necessary.

BRAD BANKS

S-5039

1. Amend Senate File 2098 as follows:  
2 1. Page 1, by inserting after line 21 the  
3 following:  
4 “\_\_\_ . The federal block grant purposes for which  
5 appropriations may be made under this section shall  
6 include but are not limited to substance abuse.”  
7 2. Page 1, by inserting after line 21 the  
8 following:  
9 “\_\_\_ . The federal block grant purposes for which  
10 appropriations may be made under this section shall  
11 include but are not limited to community mental health  
12 services.”  
13 3. Page 1, by inserting after line 21 the  
14 following:  
15 “\_\_\_ . The federal block grant purposes for which  
16 appropriations may be made under this section shall  
17 include but are not limited to maternal and child  
18 health services.”  
19 4. Page 1, by inserting after line 21 the  
20 following:  
21 “\_\_\_ . The federal block grant purposes for which  
22 appropriations may be made under this section shall  
23 include but are not limited to preventive health and  
24 health services.”  
25 5. Page 1, by inserting after line 21 the  
26 following:  
27 “\_\_\_ . The federal block grant purposes for which  
28 appropriations may be made under this section shall  
29 include but are not limited to drug control and system  
30 improvement grants.”  
31 6. Page 1, by inserting after line 21 the  
32 following:  
33 “\_\_\_ . The federal block grant purposes for which  
34 appropriations may be made under this section shall  
35 include but are not limited to community services.”  
36 7. Page 1, by inserting after line 21 the  
37 following:  
38 “\_\_\_ . The federal block grant purposes for which  
39 appropriations may be made under this section shall  
40 include but are not limited to community development.”  
41 8. Page 1, by inserting after line 21 the

42 following:

43 "\_\_\_\_. The federal block grant purposes for which  
44 appropriations may be made under this section shall  
45 include but are not limited to education."

46 9. Page 1, by inserting after line 21 the  
47 following:

48 "\_\_\_\_. The federal block grant purposes for which  
49 appropriations may be made under this section shall  
50 include but are not limited to low-income home energy

**Page 2**

1 assistance."

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

4 "\_\_\_\_. The federal block grant purposes for which  
5 appropriations may be made under this section shall  
6 include but are not limited to social services."

7 11. Page 1, by inserting after line 21 the  
8 following:

9 "\_\_\_\_. The federal block grant purposes for which  
10 appropriations may be made under this section shall  
11 include but are not limited to projects for assistance  
12 in transition from homelessness."

13 12. Page 1, by inserting after line 21 the  
14 following:

15 "\_\_\_\_. The federal block grant purposes for which  
16 appropriations may be made under this section shall  
17 include but are not limited to child care and  
18 development."

19 13. Page 1, by inserting after line 21 the  
20 following:

21 "\_\_\_\_. The federal block grant purposes for which  
22 appropriations may be made under this section shall  
23 include but are not limited to department of  
24 agriculture and land stewardship programs."

25 14. Page 1, by inserting after line 21 the  
26 following:

27 "\_\_\_\_. The federal block grant purposes for which  
28 appropriations may be made under this section shall  
29 include but are not limited to United States  
30 department of agriculture programs and payments".

31 15. Page 1, by inserting after line 21 the  
32 following:

33 "\_\_\_\_. The federal block grant purposes for which  
34 appropriations may be made under this section shall  
35 include but are not limited to department of justice  
36 programs."

37 16. Page 1, by inserting after line 21 the  
38 following:

39 "\_\_\_ . The federal block grant purposes for which  
40 appropriations may be made under this section shall  
41 include but are not limited to auditor of state  
42 programs."

43 17. Page 1, by inserting after line 21 the  
44 following:

45 "\_\_\_ . The federal block grant purposes for which  
46 appropriations may be made under this section shall  
47 include but are not limited to department for the  
48 blind programs."

49 18. Page 1, by inserting after line 21 the  
50 following:

### Page 3

1 "\_\_\_ . The federal block grant purposes for which  
2 appropriations may be made under this section shall  
3 include but are not limited to ethics and campaign  
4 disclosure board programs."

5 19. Page 1, by inserting after line 21 the  
6 following:

7 "\_\_\_ . The federal block grant purposes for which  
8 appropriations may be made under this section shall  
9 include but are not limited to Iowa state civil rights  
10 commission programs."

11 20. Page 1, by inserting after line 21 the  
12 following:

13 "\_\_\_ . The federal block grant purposes for which  
14 appropriations may be made under this section shall  
15 include but are not limited to college student aid  
16 commission programs."

17 21. Page 1, by inserting after line 21 the  
18 following:

19 "\_\_\_ . The federal block grant purposes for which  
20 appropriations may be made under this section shall  
21 include but are not limited to department of commerce  
22 programs."

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

25 "\_\_\_ . The federal block grant purposes for which  
26 appropriations may be made under this section shall  
27 include but are not limited to department of  
28 corrections programs."

29 23. Page 1, by inserting after line 21 the  
30 following:

31 "\_\_\_ . The federal block grant purposes for which  
32 appropriations may be made under this section shall  
33 include but are not limited to department of cultural  
34 affairs programs."

35 24. Page 1, by inserting after line 21 the

36 following:

37 "\_\_\_ . The federal block grant purposes for which  
38 appropriations may be made under this section shall  
39 include but are not limited to department of elder  
40 affairs programs."

41 25. Page 1, by inserting after line 21 the

42 following:

43 "\_\_\_ . The federal block grant purposes for which  
44 appropriations may be made under this section shall  
45 include but are not limited to department of  
46 employment services programs."

47 26. Page 1, by inserting after line 21 the

48 following:

49 "\_\_\_ . The federal block grant purposes for which  
50 appropriations may be made under this section shall

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1 include but are not limited to department of general  
2 services programs."

3 27. Page 1, by inserting after line 21 the

4 following:

5 "\_\_\_ . The federal block grant purposes for which  
6 appropriations may be made under this section shall  
7 include but are not limited to governor and lieutenant  
8 governor programs."

9 28. Page 1, by inserting after line 21 the

10 following:

11 "\_\_\_ . The federal block grant purposes for which  
12 appropriations may be made under this section shall  
13 include but are not limited to department of human  
14 rights programs."

15 29. Page 1, by inserting after line 21 the

16 following:

17 "\_\_\_ . The federal block grant purposes for which  
18 appropriations may be made under this section shall  
19 include but are not limited to department of  
20 inspections and appeals programs."

21 30. Page 1, by inserting after line 21 the

22 following:

23 "\_\_\_ . The federal block grant purposes for which  
24 appropriations may be made under this section shall  
25 include but are not limited to judicial department  
26 programs."

27 31. Page 1, by inserting after line 21 the

28 following:

29 "\_\_\_ . The federal block grant purposes for which  
30 appropriations may be made under this section shall  
31 include but are not limited to Iowa law enforcement  
32 academy programs."

33 32. Page 1, by inserting after line 21 the  
34 following:

35 "\_\_\_ . The federal block grant purposes for which  
36 appropriations may be made under this section shall  
37 include but are not limited to department of  
38 management programs."

39 33. Page 1, by inserting after line 21 the  
40 following:

41 "\_\_\_ . The federal block grant purposes for which  
42 appropriations may be made under this section shall  
43 include but are not limited to department of natural  
44 resources programs."

45 34. Page 1, by inserting after line 21 the  
46 following:

47 "\_\_\_ . The federal block grant purposes for which  
48 appropriations may be made under this section shall  
49 include but are not limited to board of parole  
50 programs."

Page 5

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

3 "\_\_\_ . The federal block grant purposes for which  
4 appropriations may be made under this section shall  
5 include but are not limited to department of personnel  
6 programs."

7 36. Page 1, by inserting after line 21 the  
8 following:

9 "\_\_\_ . The federal block grant purposes for which  
10 appropriations may be made under this section shall  
11 include but are not limited to department of public  
12 defense programs."

13 37. Page 1, by inserting after line 21 the  
14 following:

15 "\_\_\_ . The federal block grant purposes for which  
16 appropriations may be made under this section shall  
17 include but are not limited to public employment  
18 relations board programs."

19 38. Page 1, by inserting after line 21 the  
20 following:

21 "\_\_\_ . The federal block grant purposes for which  
22 appropriations may be made under this section shall  
23 include but are not limited to state board of regents  
24 programs."

25 39. Page 1, by inserting after line 21 the  
26 following:

27 "\_\_\_ . The federal block grant purposes for which  
28 appropriations may be made under this section shall  
29 include but are not limited to department of revenue

30 and finance programs.”

31 40. Page 1, by inserting after line 21 the

32 following:

33 “\_\_\_ . The federal block grant purposes for which  
34 appropriations may be made under this section shall  
35 include but are not limited to secretary of state  
36 programs.”

37 41. Page 1, by inserting after line 21 the

38 following:

39 “\_\_\_ . The federal block grant purposes for which  
40 appropriations may be made under this section shall  
41 include but are not limited to Iowa state fair  
42 authority programs.”

43 42. Page 1, by inserting after line 21 the

44 following:

45 “\_\_\_ . The federal block grant purposes for which  
46 appropriations may be made under this section shall  
47 include but are not limited to office of state-federal  
48 relations programs.”

49 43. Page 1, by inserting after line 21 the

50 following:

#### Page 6

1 “\_\_\_ . The federal block grant purposes for which  
2 appropriations may be made under this section shall  
3 include but are not limited to treasurer of state  
4 programs.”

5 44. Page 1, by inserting after line 21 the

6 following:

7 “\_\_\_ . The federal block grant purposes for which  
8 appropriations may be made under this section shall  
9 include but are not limited to department of public  
10 safety programs.”

11 45. Page 1, by inserting after line 21 the

12 following:

13 “\_\_\_ . The federal block grant purposes for which  
14 appropriations may be made under this section shall  
15 include but are not limited to Iowa department of  
16 public health programs.”

17 46. Page 1, by inserting after line 21 the

18 following:

19 “\_\_\_ . The federal block grant purposes for which  
20 appropriations may be made under this section shall  
21 include but are not limited to department of human  
22 services programs.”

23 47. Page 1, by inserting after line 21 the

24 following:

25 “\_\_\_ . The federal block grant purposes for which  
26 appropriations may be made under this section shall

27 include but are not limited to department of economic  
28 development programs.”

29 48. Page 1, by inserting after line 21 the  
30 following:

31 “— . The federal block grant purposes for which  
32 appropriations may be made under this section shall  
33 include but are not limited to state department of  
34 transportation programs.”

35 49. Page 1, by inserting after line 21 the  
36 following:

37 “— . The federal block grant purposes for which  
38 appropriations may be made under this section shall  
39 include but are not limited to department of education  
40 programs.”

41 50. Page 1, by inserting after line 21 the  
42 following:

43 “— . The federal block grant purposes for which  
44 appropriations may be made under this section shall  
45 include but are not limited to commission of veterans  
46 affairs programs.”

47 51. Page 1, by inserting after line 21 the  
48 following:

49 “— . The federal block grant purposes for which  
50 appropriations may be made under this section shall

### Page 7

1 include but are not limited to governor's alliance on  
2 substance abuse programs.”  
3 52. By renumbering as necessary.

JIM LIND

S-5040

1 Amend the amendment, S-5039, to Senate File 2098,  
2 as follows:  
3 1. Page 2, line 27, by inserting after the word  
4 “grant” the following: “and other programs and  
5 payment”.

MERLIN E. BARTZ

S-5041

1 Amend Senate File 2102 as follows:  
2 1. Page 1, by striking line 31 and inserting the  
3 following:  
4 “(2) Open heart surgical service.”  
5 2. Page 1, line 32, by striking the figure “(3)”

- 6 and inserting the following: "~~(3)~~ (2)".  
 7 3. Page 1, line 33, by striking the figure "(4)"  
 8 and inserting the following: "(3)".  
 9 4. Page 1, line 34, by striking the figure "~~(5)~~"  
 10 and inserting the following: "(4)".

BRAD BANKS

S-5042

- 1 Amend Senate File 2102 as follows:  
 2 1. Page 1, by striking line 31 and inserting the  
 3 following:  
 4 "(2) Open heart surgical service."  
 5 2. Page 1, line 32, by striking the figure "(3)"  
 6 and inserting the following: "~~(3)~~ (2)".  
 7 3. Page 1, line 33, by striking the figure "(4)"  
 8 and inserting the following: "(3)".  
 9 4. Page 1, by striking line 34.

BRAD BANKS

S-5043

- 1 Amend Senate File 2102 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 68B.35, subsection 2,  
 5 paragraph e, Code 1995, is amended to read as follows:  
 6 e. Members of the banking board, the ethics and  
 7 campaign disclosure board, the credit union review  
 8 board, the economic development board, the employment  
 9 appeal board, the environmental protection commission,  
 10 the health facilities council, the Iowa business  
 11 investment corporation board of directors, the Iowa  
 12 finance authority, the Iowa seed capital corporation,  
 13 the Iowa public employees' retirement system  
 14 investment board, the lottery board, the natural  
 15 resource commission, the board of parole, the  
 16 petroleum underground storage tank fund board, the  
 17 public employment relations board, the state racing  
 18 and gaming commission, the state board of regents, the  
 19 tax review board, the transportation commission, the  
 20 office of consumer advocate, the utilities board, and  
 21 any full-time members of other boards and commissions  
 22 as defined under section 7E.4 who receive an annual  
 23 salary for their service on the board or commission.  
 24 Sec. 2. Section 97B.41, subsection 8, paragraph b,  
 25 subparagraph (13), Code Supplement 1995, is amended to  
 26 read as follows:



27 (13) Members of the state transportation  
28 commission; and the board of parole; and the state  
29 health facilities council unless a member elects by  
30 filing an application with the department to be  
31 covered under this chapter.

32 Sec. 3. Section 135C.2, subsection 5, unnumbered  
33 paragraph 1, Code Supplement 1995, is amended to read  
34 as follows:

35 The department shall establish a special  
36 classification within the residential care facility  
37 category in order to foster the development of  
38 residential care facilities which serve persons with  
39 mental retardation, chronic mental illness, a  
40 developmental disability, or brain injury, as  
41 described under section 225C.26, and which contain  
42 five or fewer residents. ~~A facility within the~~  
43 ~~special classification established pursuant to this~~  
44 ~~subsection is exempt from the requirements of section~~  
45 ~~135.62.~~ The department shall adopt rules which are  
46 consistent with rules previously developed for the  
47 waiver demonstration project pursuant to 1986 Iowa  
48 Acts, chapter 1246, section 206, and which include all  
49 of the following provisions:

50 Sec. 4. Section 135H.6, subsection 4, Code 1995,

Page 2

1 is amended by striking the subsection.

2 Sec. 5. Section 145.3, subsection 1, Code 1995, is  
3 amended to read as follows:

4 1. The health data commission shall enter into an  
5 agreement with the health policy corporation of Iowa  
6 or any other corporation, association, or entity it  
7 deems appropriate to provide staff for the commission,  
8 to provide staff for the compilation, correlation, and  
9 development of the data collected by the commission,  
10 to conduct or contract for studies on health-related  
11 questions which will further the purpose and intent  
12 expressed in section 145.1; ~~and to provide data to the~~  
13 ~~health facilities council as requested by the Iowa~~  
14 ~~department of public health.~~ The agreement may  
15 provide for the corporation, association, or entity to  
16 prepare and distribute or make available data to  
17 health care providers, health care subscribers, third-  
18 party payers, and the general public.

19 Sec. 6. Section 231B.2, subsection 1, Code 1995,  
20 is amended to read as follows:

21 1. The department shall establish by rule in  
22 accordance with chapter 17A a special classification  
23 for elder group homes. ~~An elder group home~~

24 established pursuant to this subsection is exempt from  
25 the requirements of section 135.63.  
26 Sec. 7. Sections 135.61, 135.62, and 135.64  
27 through 135.83, Code 1995, are repealed.  
28 Sec. 8. Section 135.63, Code Supplement 1995, is  
29 repealed.”  
30 2. Title page, line 1, by inserting after the  
31 word “the” the following: “elimination of the”.

BRAD BANKS

S-5044

1 Amend Senate File 2101 as follows:  
2 1. Page 1, by inserting after line 24 the  
3 following:  
4 “\_\_\_ . “Next-of-kin” means the surviving spouse and  
5 heirs at law of the deceased.”  
6 2. By striking page 1, line 34, through page 2,  
7 line 13, and inserting the following:  
8 “b. Following a period of at least sixty days  
9 after the mailing of the notice to the director, the  
10 seller shall disburse any remaining funds from the  
11 burial trust fund as follows:  
12 (1) If within the sixty-day period the seller  
13 receives a claim from the personal representative of  
14 the deceased, any remaining funds shall be disbursed  
15 to the personal representative, notwithstanding any  
16 claim by the director.  
17 (2) If within the sixty-day period the seller has  
18 not received a claim from the personal representative  
19 of the deceased but receives a claim from the  
20 director, the seller shall disburse the remaining  
21 funds up to the amount of the claim to the director.  
22 (3) Any remaining funds not disposed of pursuant  
23 to subparagraphs (1) and (2) shall be disbursed to any  
24 person who is identified as the next-of-kin of the  
25 deceased in an affidavit submitted in accordance with  
26 subsection 6.”

ELAINE SZYMONIAK

S-5045

1 Amend Senate File 2106 as follows:  
2 1. Page 1, line 5, by inserting after the word  
3 “riders.” the following: “For purposes of this  
4 subsection, railroad trains include sleeping and  
5 dining cars, trolleys, dome or other sight-seeing

6 cars, and any other rolling stock if operated for the  
7 amusement and pleasure of the riders."

MERLIN E. BARTZ

S-5046

- 1 Amend Senate File 2077 as follows:
- 2 1. Page 1, line 28, by striking the word
- 3 "property" and inserting the following: "taxable".
- 4 2. Page 1, line 31, by striking the word
- 5 "becomes" and inserting the following: "became".

BILL FINK

S-5047

- 1 Amend Senate File 2140 as follows:
- 2 1. Page 1, lines 7 and 8, by striking the words
- 3 "sixty-five" and inserting the following: "sixty-five
- 4 seventy".

TONY BISIGNANO

S-5048

- 1 Amend Senate File 2138 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "expended." the following: "After the moneys in the
- 4 county services fund are expended, any costs incurred
- 5 which are otherwise payable under this section shall
- 6 be paid by the state."

ALBERT G. SORENSEN  
DENNIS H. BLACK  
BILL FINK  
O. GENE MADDOX  
ANDY MCKEAN  
EUGENE S. FRAISE  
LYLE E. ZIEMAN  
ROD HALVORSON

S-5049

- 1 Amend Senate File 2138 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "expended." the following: "After the moneys in the
- 4 county services fund are expended, any costs incurred

5 which are otherwise payable under this section shall  
6 be paid by the state."

PATTY JUDGE  
ALBERT G. SORENSEN  
DENNIS H. BLACK  
BILL FINK  
O. GENE MADDOX  
ANDY MCKEAN  
EUGENE S. FRAISE  
LYLE E. ZIEMAN  
ROD HALVORSON  
JOHN P. KIBBIE  
BERL E. PRIEBE  
EMIL J. HUSAK  
LARRY MURPHY  
MICHAEL E. GRONSTAL  
PATRICK J. DELUHERY  
ELAINE SZYMONIAK  
RANDAL J. GIANNETTO

S-5050

- 1 Amend Senate File 2140 as follows:  
2 1. Page 1, by inserting after line 23 the  
3 following:  
4 "Sec. \_\_\_\_ . CONSTRUCTION AREA SAFETY STUDY. The  
5 state department of transportation and the department  
6 of public safety shall study and prepare a joint  
7 report relating to vehicle speed management, enhanced  
8 speed limit enforcement, and work zone safety in  
9 construction areas. The departments shall confer with  
10 representatives of the private sector construction  
11 industry to develop guidelines to promote motorist and  
12 construction worker safety. The departments shall  
13 file the joint report with the general assembly by  
14 January 1, 1997."  
15 2. Title page, line 1, by inserting after the  
16 word "highways" the following ", requiring a report on  
17 safety in construction zones."  
18 3. By renumbering as necessary.

DON GETTINGS

S-5051

- 1 Amend Senate File 2035 as follows:  
2 1. Page 3, by striking lines 3 and 4 and  
3 inserting the following: "water be posted as  
4 infested. The department may prohibit boating,

5 fishing, swimming, and trapping in infested bodies of  
6 water."

COMMITTEE ON NATURAL RESOURCES,  
ENVIRONMENT, AND ENERGY  
WILLIAM FINK, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 73

S-5052

- 1 Amend Senate File 73, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 30, by inserting after the word  
4 "Code" the following: "Supplement".  
5 2. Page 6, line 34, by striking the figure "1997"  
6 and inserting the following: "1998".  
7 3. Page 7, line 22, by striking the figure "1995"  
8 and inserting the following: "1996".  
9 4. Page 7, line 24, by striking the figure "1997"  
10 and inserting the following: "1998".  
11 5. Page 7, line 30, by striking the figure "1995"  
12 and inserting the following: "1996".  
13 6. Page 8, line 16, by inserting after the word  
14 "Code" the following: "Supplement".  
15 7. Page 8, line 22, by striking the figure "1997"  
16 and inserting the following: "1998".

S-5053

- 1 Amend Senate File 2149 as follows:  
2 1. Page 1, line 27, by striking the words "be the  
3 incident commander" and inserting the following:  
4 "maintain control of the incident in accordance with  
5 the provisions of chapter 102".

ALBERT SORENSEN

S-5054

- 1 Amend Senate File 2002 as follows:  
2 1. Page 1, line 5, by inserting after the figure  
3 "518," the following: "518A".

JOHN P. KIBBIE

S-5055

1 Amend Senate File 2013 as follows:

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

4 "Sec. \_\_\_\_ . Section 147.2, Code 1995, is amended to  
5 read as follows:

6 147.2 LICENSE REQUIRED.

7 A person shall not engage in the practice of  
8 medicine and surgery, podiatry, osteopathy,  
9 osteopathic medicine and surgery, psychology,  
10 chiropractic, physical therapy, nursing, dentistry,  
11 dental hygiene, optometry, speech pathology,  
12 audiology, occupational therapy, respiratory care,  
13 pharmacy, cosmetology, barbering, dietetics, or  
14 mortuary science or shall not practice as a physician  
15 assistant as defined in the following chapters of this  
16 subtitle, unless the person has obtained from the  
17 department a license for that purpose."

18 2. Page 3, line 22, by striking the word "two"  
19 and inserting the following: "one".

20 3. Page 3, line 23, by striking the words  
21 "physicians with training in respiratory care, two"  
22 and inserting the following: "physician with training  
23 in respiratory care, three".

24 4. Page 3, by striking lines 27 through 29 and  
25 inserting the following: "respiratory care, and one  
26 member not licensed to practice medicine or  
27 respiratory care who shall represent the general  
28 public. A majority of members of the board constitute  
29 a quorum."

30 5. Page 10, line 29, by striking the word  
31 "employed" and inserting the following: "qualified".

32 6. Page 11, line 8, by striking the word "or" and  
33 inserting the following: "and".

34 7. Page 11, line 18, by striking the word "or"  
35 and inserting the following: "and".

36 8. Page 12, by striking lines 31 through 33.

37 9. Page 13, line 1, by inserting after the word  
38 "state" the following: "who administer respiratory  
39 care procedures".

40 10. Page 14, line 31, by striking the word  
41 "committee" and inserting the following: "committee  
42 board".

43 11. By striking page 14, line 33, through page  
44 15, line 2.

45 12. Page 15, line 25, by striking the word  
46 "twenty-four" and inserting the following: "thirty-  
47 six".

48 13. Page 15, line 27, by striking the word

49 "twenty-four" and inserting the following: "thirty-  
50 six".

Page 2

1 14. By renumbering, relettering, and correcting  
2 internal references as necessary.

COMMITTEE ON STATE GOVERNMENT  
MICHAEL E. GRONSTAL, Chairperson

S-5056

1 Amend Senate File 2140 as follows:  
2 1. Page 1, line 7, by inserting before the word  
3 "is" the following: "and on primary highways on the  
4 commercial and industrial network".

ROD HALVORSON

S-5057

1 Amend Senate File 2135 as follows:  
2 1. Page 13, line 2, by inserting after the word  
3 "interest." the following: "A director shall be  
4 deemed to have a conflict of interest in a matter  
5 concerning a transaction between the cooperative and  
6 another entity, if the director owns a twenty-five  
7 percent or greater ownership interest in the other  
8 entity."

STEWART IVERSON, Jr.  
EMIL J. HUSAK

S-5058

1 Amend House File 2114, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 23 and 24 and  
4 inserting the following: "designated in the  
5 succeeding fiscal year."  
6 2. Page 1, by inserting before line 25 the  
7 following:  
8 "Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES -- CHILD  
9 DAY CARE. There is appropriated from the general fund  
10 of the state to the department of human services for  
11 the fiscal year beginning July 1, 1995, and ending  
12 June 30, 1996, to supplement the appropriation made in  
13 1995 Iowa Acts, chapter 205, section 6, the following  
14 amount, or so much thereof as is necessary, to be used

15 for the purpose designated:

16 For state child care assistance:

17 ..... \$ 2,100,000".

18 3. Page 2, by inserting before line 1 the

19 following:

20 "Sec. \_\_\_\_ . DEPARTMENT OF EDUCATION -- GENERAL

21 ADMINISTRATION. There is appropriated from the

22 general fund of the state to the department of

23 education for the fiscal year beginning July 1, 1995,

24 and ending June 30, 1996, to supplement the amount

25 appropriated in 1995 Iowa Acts, chapter 218, section

26 1, subsection 1, the following amount, or so much

27 thereof as is necessary, to be used for the purpose

28 designated:

29 For general administration to be used to provide

30 assistance to school districts involved in a financial

31 reporting pilot project:

32 ..... \$ 50,000

33 Notwithstanding section 8.33, moneys appropriated

34 in this section which remain unexpended or unobligated

35 at the close of the fiscal year shall not revert to

36 the general fund of the state but shall remain

37 available for expenditure in the succeeding fiscal

38 year for the purpose designated.

39 Sec. \_\_\_\_ . ETHICS AND CAMPAIGN DISCLOSURE BOARD.

40 There is appropriated from the general fund of the

41 state to the ethics and campaign disclosure board for

42 the fiscal year beginning July 1, 1995, and ending

43 June 30, 1996, to supplement the appropriation made in

44 1995 Iowa Acts, chapter 219, section 2, the following

45 amount, or so much thereof as is necessary, to be used

46 for the purpose designated:

47 For salaries, support, maintenance, and

48 miscellaneous purposes:

49 ..... \$ 40,000".

50 4. Page 2, by inserting after line 9 the

Page 2

1 following:

2 "Sec. \_\_\_\_ . DEPARTMENT OF INSPECTIONS AND APPEALS.

3 There is appropriated from the general fund of the

4 state to the department of inspections and appeals for

5 the fiscal year beginning July 1, 1995, and ending

6 June 30, 1996, to supplement the appropriation made in

7 1995 Iowa Acts, chapter 219, section 9, the following

8 amount, or so much thereof as is necessary, to be used

9 for the purpose designated:

10 For racetrack regulation, to be used for employment

11 of not more than one full-time equivalent position



12 which shall be in addition to the full-time equivalent  
13 positions authorized in 1995 Iowa Acts, chapter 219,  
14 section 9:

15 ..... \$ 42,000".

16 5. Page 2, line 20, by striking the figure  
17 "150,000" and inserting the following: "116,850".

18 6. Page 2, line 25, by striking the word  
19 "appropriation" and inserting the following:  
20 "appropriations".

21 7. Page 2, line 26, by striking the word and  
22 figure "subsection 3,".

23 8. Page 2, line 27, by striking the word  
24 "purpose" and inserting the following: "purposes".

25 9. Page 2, by striking lines 29 and 30 and  
26 inserting the following:

27 "1. For state financial management to supplement  
28 the amount appropriated in 1995 Iowa Acts, chapter  
29 219, section 19, subsection 2, to be used for payments  
30 under section 422.73, subsection 3, as enacted by this  
31 Act:

32 ..... \$ 17,400,000

33 Notwithstanding section 8.33, moneys appropriated  
34 in this subsection which remain unexpended or  
35 unobligated at the close of the fiscal year shall not  
36 revert to the general fund of the state but shall  
37 remain available for expenditure in the succeeding  
38 fiscal year for the purpose designated and the moneys  
39 are not subject to transfer under section 8.39.

40 2. For internal resources management to supplement  
41 the amount appropriated in 1995 Iowa Acts, chapter  
42 219, section 19, subsection 3:

43 ..... \$ 104,500".

44 10. Page 2, by inserting before line 31 the  
45 following:

46 "Sec. \_\_\_\_ . Section 422.73, Code 1995, is amended  
47 by adding the following new subsection:

48 NEW SUBSECTION. 3. Notwithstanding subsection 2,  
49 a claim for refund of individual income tax paid for  
50 any tax year beginning on or after January 1, 1985,

Page 3

1 and before January 1, 1989, is considered timely if  
2 filed with the department on or before July 1, 1996,  
3 if the taxpayer's claim is the result of the  
4 unconstitutional taxation of federal pension benefits  
5 based upon the decision in Davis v. Michigan  
6 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
7 (1989).

8 A taxpayer entitled to a refund of tax paid under

9 this subsection shall receive an amount equal to one  
10 hundred percent of the refund with interest calculated  
11 to January 12, 1994, less five dollars to be retained  
12 by the department to defray costs of notification and  
13 the cost of processing the refund claim. The claim  
14 for refund shall be filed separate from any income tax  
15 return and shall not be allowed as a credit for income  
16 taxes owed. A claim shall be filed between the  
17 effective date of this subsection and July 1, 1996.

18 An extension for filing shall not be allowed and  
19 claims disallowed on the basis of timeliness shall not  
20 be allowed upon appeal to any other state agency  
21 notwithstanding any other provision of law.

22 The claim for refund shall be made on claim forms  
23 to be made available by the department. In order for  
24 a taxpayer to have a valid refund claim, the taxpayer  
25 must supply legible copies of documents the director  
26 deems necessary to show entitlement to the refund,  
27 including but not limited to income tax forms and W-2P  
28 forms, which will establish the state income tax that  
29 was paid on the federal pension benefits for the tax  
30 years in question. The burden of proof is on the  
31 taxpayer to show that the claim for refund is valid.  
32 Estates are not entitled to file a claim for refund  
33 under this subsection. However, if a taxpayer has  
34 filed a claim under this subsection and subsequently  
35 dies before receipt of the refund, the taxpayer's  
36 estate is entitled to receipt of any valid refund  
37 claim.

38 The department shall make a reasonable attempt to  
39 notify individuals who are entitled to a refund under  
40 this subsection."

41 11. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5059

1 Amend Senate File 2170 as follows:

2 1. Page 2, by striking lines 7 through 13 and  
3 inserting the following:

4 "2. The medical examiner releasing and permitting  
5 the removal of a body or part shall maintain a  
6 permanent record of the date and time of the release  
7 of the body or part and the name of the person to whom  
8 the body or part was released. Additionally, if the  
9 name of the decedent is known at the time that the  
10 release of the body or part is made or if the name of  
11 the decedent subsequently becomes known, the medical

12 examiner shall include the name of the decedent in the  
13 permanent record.”

NANCY BOETTGER

S-5060

1 Amend Senate File 2135 as follows:

2 1. Page 1, by striking lines 32 through 34 and  
3 inserting the following:

4 “1. A cooperative corporation organized under  
5 chapter 501, if the cooperative buys grain from  
6 producers who are members or a licensed grain dealer,  
7 and the cooperative does not resell that grain.”

8 2. Page 10, by inserting after line 35 the  
9 following:

10 “Sec. — . NEW SECTION. 501.305 FINANCIAL  
11 INFORMATION.

12 The cooperative shall make available financial  
13 information to its membership by doing either of the  
14 following:

15 1. Preparing and providing to its members a  
16 financial statement for the cooperative's last fiscal  
17 year.

18 a. The financial statement must be based upon an  
19 unqualified opinion based upon an audit performed by a  
20 certified public accountant licensed in this state.  
21 However, a qualification in an opinion is valid, if it  
22 is unavoidable by any audit procedure that is  
23 permitted under generally accepted accounting  
24 principles. An opinion that is qualified because of a  
25 limited audit procedure or because the scope of an  
26 audit is limited is invalid for purposes of this  
27 section.

28 b. The financial statement must disclose the  
29 assets, liabilities, and net worth of the cooperative.  
30 The financial statement must be prepared according to  
31 generally accepted accounting principles. Assets must  
32 be shown at original cost less depreciation, or based  
33 upon a valuation in accordance with a competent  
34 appraisal. Unpriced contracts for agricultural  
35 commodities or products must be shown as a liability  
36 and valued at the applicable current market price of  
37 the agricultural commodities or products as of the  
38 date the financial statement is prepared.

39 2. Honoring a demand to provide access at all  
40 reasonable hours at its offices the books, records,  
41 accounts, papers, documents, and computer programs or  
42 other recordings relating to the property, assets,  
43 business, and financial affairs of the cooperative.

44 The demand shall be in writing and signed by at least  
45 fifty percent of all the members of the cooperative.  
46 The cooperative shall honor the demand within one day  
47 from its receipt. Upon receipt of the demand, the  
48 cooperative must provide access to one or more persons  
49 selected by the fifty percent of the members to  
50 conduct the examination."

Page 2

1 3. Page 16, line 23, by inserting after the word  
2 "stock" the following: ", other than voting stock,".

3 4. By striking page 16, line 30, through page 17,  
4 line 9, and inserting the following:

5 "Sec. \_\_\_\_ . NEW SECTION. 501.502 TERMINATION OF  
6 MEMBERSHIP.

7 1. A membership shall terminate upon the death of  
8 the member.

9 2. The articles or bylaws may authorize the board  
10 to terminate a membership for any of the following  
11 reasons:

12 a. The member has attempted to transfer stock to a  
13 person who is not a member and has not been approved  
14 for membership.

15 b. The member has failed to meet the member's  
16 commitment to provide products to the cooperative or  
17 to buy the cooperative's products.

18 c. The member is no longer an authorized person.

19 d. The member is no longer a farming entity.

20 3. A member's right to vote at member meetings  
21 shall cease upon termination of the membership.

22 4. The cooperative shall redeem, without interest,  
23 the voting stock of a terminated member within one  
24 year after the termination of the membership for the  
25 fair market value of the stock. If the amount  
26 originally paid by the member for the voting stock was  
27 less than ten percent of the total amount the member  
28 paid for all classes of stock, the cooperative may  
29 redeem the voting stock for its issue price if the  
30 cooperative's articles of incorporation grant the  
31 cooperative this authority.

32 5. The cooperative shall redeem, without interest,  
33 all of the terminated member's allocated patronage  
34 refunds and preferred stock originally issued as  
35 allocated patronage refunds for the issue price. A  
36 cooperative shall make this payment within one year  
37 after the termination of the membership. However, if  
38 a terminated member's current equity equals or exceeds  
39 two percent of the cooperative's total members'  
40 equity, the cooperative shall redeem the terminated

- 41 member's equity in annual amounts of not less than  
42 fifteen percent of the total amount provided that the  
43 entire amount must be redeemed within seven years."  
44 5. By renumbering as necessary.

BERL E. PRIEBE  
DERRYL McLAREN

S-5061

- 1 Amend Senate File 2135 as follows:  
2 1. By striking page 2, line 31, through page 3,  
3 line 1.

TOM VILSACK

S-5062

- 1 Amend Senate File 2181 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. NEW SECTION. 261.52 IOWA RESIDENTS'  
5 GUARANTEED STUDENT LOAN REPAYMENT PROGRAM.  
6 1. A guaranteed student loan repayment program is  
7 established, to be administered by the commission, for  
8 Iowa resident students who meet all of the following  
9 conditions:  
10 a. The student was an Iowa resident at least six  
11 months before and during the period of time of  
12 enrollment in an accredited higher education  
13 institution for which repayment of student loans is  
14 sought.  
15 b. The student files, or has already filed, a  
16 state income tax return for the year in which  
17 repayment is sought.  
18 c. The student attended an Iowa community college,  
19 a university under the control of the state board of  
20 regents, or an accredited private institution as  
21 defined in section 261.9.  
22 d. The student graduated from one of the  
23 institutions specified in paragraph "c" on or after  
24 April 1, 1996.  
25 e. The student is not receiving reimbursement or  
26 forgiveness of any student loans under any other state  
27 student loan repayment or forgiveness program.  
28 f. The student has never defaulted on a loan  
29 guaranteed by the commission or by the federal  
30 government.  
31 g. The student has a final cumulative grade point  
32 average of at least 2.5 on a 4.0 scale or better, or

33 the equivalent of that grade point average.  
34 2. The maximum annual reimbursement to an eligible  
35 student shall equal an amount equal to ten percent of  
36 the student's guaranteed student loan debt; provided,  
37 however, that the total reimbursement to the student  
38 shall not exceed the maximum total reimbursement  
39 amount to which the student is entitled.  
40 3. The maximum total reimbursement amount per  
41 student is as follows:  
42 a. For a student who has attended a two-year  
43 institution, up to five thousand dollars.  
44 b. For a student who has attended a four-year  
45 institution, up to ten thousand dollars.  
46 c. For a student who has attended a four-year  
47 institution, and completed a post-graduate degree, up  
48 to twenty-five thousand dollars.  
49 4. The commission may adopt rules as necessary for  
50 the administration and implementation of this

## Page 2

1 program.”  
2 2. Title page, line 3, by inserting after the  
3 word “circumstances” the following: “and establishing  
4 a guaranteed student loan repayment program for Iowa  
5 resident students who graduate from accredited higher  
6 education institutions in this state and who remain  
7 residents and file tax returns in the state of Iowa.”  
8 3. By renumbering as necessary.

MERLIN E. BARTZ

S-5063

1 Amend House File 2114, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 11, by inserting after the letter  
4 “d” the following: “, provided that the funds  
5 appropriated in this subsection which are used for the  
6 purposes of the community economic betterment program  
7 are not used for awards of more than \$750,000 or for  
8 forgivable loan awards of more than \$500,000, are  
9 awarded only for jobs paying at least 100 percent of  
10 the average county wage, that the \$9.00 per hour cap  
11 on the minimum wage threshold for urban counties be  
12 discontinued, that the department establish a policy  
13 to increase the number of no or low interest loans in  
14 order to decrease the number of forgivable loans  
15 awarded, to establish procedures to provide short  
16 term, no or low interest loans from obligated but

17 unexpended funds in the community economic betterment  
18 account, and to establish community revolving loan  
19 funds utilizing a portion of amounts repaid on loans  
20 awarded under the community economic betterment  
21 program”.

TOM VILSACK

S-5064

1 Amend the committee amendment, S-5058, to House  
2 File 2114, as amended, passed, and reprinted by the  
3 House, as follows:  
4 1. Page 3, line 14, by striking the word “shall”  
5 and inserting the following: “may, at the option of  
6 the taxpayer, be filed with any income tax return or  
7 may”.  
8 2. Page 3, line 15, by inserting after the word  
9 “and” the following: “, if filed with an income tax  
10 return, shall be allowed as a credit for income taxes  
11 owed, otherwise the claim”.

MERLIN E. BARTZ

S-5065

1 Amend Senate File 2135 as follows:  
2 1. Page 3, by striking line 33 and inserting the  
3 following: “exceed six hundred forty acres.”

JOANN DOUGLAS

S-5066

1 Amend the amendment, S-5058, to House File 2114, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by striking line 32 and inserting the  
5 following:  
6 “..... \$ 18,300,000”  
7 2. Page 2, by inserting after line 32 the  
8 following:  
9 “Notwithstanding section 422.73, subsection 3, as  
10 enacted by this Act, if the department receives claims  
11 for refunds in excess of the amounts appropriated in  
12 this subsection for payment of the refunds and  
13 interest, the department shall prorate the refund  
14 payments and the prorated amount shall be the full  
15 amount of refund a taxpayer is entitled to receive.”  
16 3. Page 3, line 17, by striking the word and

17 figures "July 1, 1996" and inserting the following:  
18 "October 31, 1996".

19 4. By striking page 3, lines 32 through 37 and  
20 inserting the following: "A spouse of a deceased  
21 taxpayer who was the spouse of the taxpayer when the  
22 unconstitutional tax was imposed may file a claim for  
23 refund without reopening the deceased taxpayer's  
24 estate."

LARRY MURPHY

S-5067

1 Amend Senate File 2142 as follows:

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

4 "\_\_\_ . The Iowa state police association."

5 2. Page 5, by inserting after line 14 the  
6 following:

7 "Sec. 100. NEW SECTION. 13.34 LEGAL SERVICES FOR  
8 PERSONS IN POVERTY GRANT PROGRAM.

9 1. The attorney general shall contract with an  
10 eligible nonprofit organization to provide legal  
11 assistance to persons in poverty. The contract shall  
12 be awarded within thirty days after May 30, 1996. The  
13 contract may be terminated by the attorney general  
14 upon written notice and for good cause.

15 2. A nonprofit organization must comply with all  
16 of the following to be eligible for a contract under  
17 this section:

18 a. Be a nonprofit organization incorporated in  
19 this state.

20 b. Employ attorneys admitted to practice before  
21 the Iowa supreme court and the United States district  
22 courts.

23 c. Have offices throughout this state.

24 d. Employ attorneys and staff qualified to address  
25 legal problems experienced by persons in poverty.

26 3. The contracting nonprofit organization shall do  
27 all of the following:

28 a. Offer direct representation of eligible  
29 individuals in litigation and administrative cases.

30 b. Offer technical support to eligible  
31 individuals.

32 c. Utilize, to the fullest extent feasible,  
33 existing resources of accredited law schools within  
34 this state to provide consulting assistance to  
35 attorneys in the practice of law in their  
36 representation of persons in poverty.

37 d. Assist, to the fullest extent feasible,



38 accredited law schools within this state in enhancing  
39 the schools' expertise in the practice of law  
40 representing persons in poverty so that all attorneys  
41 within the state will have a resource available to  
42 provide training and experience in the practice of law  
43 representing persons in poverty.  
44 e. Cooperate, to the fullest extent feasible, with  
45 existing informational and referral networks among  
46 persons in poverty, providers of assistance to persons  
47 in poverty, and others concerned with assistance to  
48 persons in poverty.  
49 4. The contracting nonprofit organization is not a  
50 state agency for the purposes of chapters 19A, 20, and

Page 2

1 669.  
2 5. An individual is eligible to obtain legal  
3 representation and legal assistance from the  
4 contracting nonprofit organization if the individual  
5 meets all of the following criteria:  
6 a. The individual is a resident of this state.  
7 b. The individual is financially unable to acquire  
8 legal assistance."  
9 3. Page 5, line 28, by inserting after the figure  
10 "13A," the following: "shall transmit the next seven  
11 hundred thousand dollars to the office of the attorney  
12 general to be used to implement the contract to  
13 provide legal services to persons in poverty in  
14 accordance with section 13.34,".  
15 4. By renumbering and relettering as necessary.

MARY NEUHAUSER  
ROBERT E. DVORSKY  
STEVEN D. HANSEN  
BERL E. PRIEBE  
PATRICK J. DELUHERY  
RANDAL J. GIANNETTO  
DICK L. DEARDEN  
TONY BISIGNANO  
JOHN P. KIBBIE  
JIM LIND  
MARY A. LUNDBY  
MICHAEL E. GRONSTAL  
DONALD B. REDFERN  
PATTY JUDGE  
ANDY MCKEAN

S-5068

- 1 Amend Senate File 2142 as follows:
- 2 1. Page 4, lines 20 and 21, by striking the words
- 3 " , as directed by the division".

MICHAEL E. GRONSTAL

S-5069

- 1 Amend the amendment, S-5058, to House File 2114, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 38 the
- 5 following:
- 6 "Sec. \_\_\_\_ . SCHOOL FOR THE DEAF AND BRAILLE AND
- 7 SIGHT SAVING SCHOOL. There is appropriated from the
- 8 general fund of the state to the state board of
- 9 regents for the fiscal year beginning July 1, 1995,
- 10 and ending June 30, 1996, to supplement the amounts
- 11 appropriated in 1995 Iowa Acts, chapter 218, section
- 12 6, subsections 5 and 6, the following amounts, or so
- 13 much thereof as is necessary, to be used for the
- 14 purposes designated:
- 15 1. For the state school for the deaf:
- 16 ..... \$ 47,000
- 17 2. For the Iowa braille and sight saving school:
- 18 ..... \$ 47,000
- 19 3. Of the moneys appropriated to the state school
- 20 for the deaf and the Iowa braille and sight saving
- 21 school in this section, each school may expend not
- 22 more than \$45,000 for technology needs of the school.
- 23 Notwithstanding section 8.33, moneys appropriated in
- 24 this section which remain unexpended or unobligated at
- 25 the close of the fiscal year shall not revert to the
- 26 general fund of the state, but shall remain available
- 27 for expenditure for technology needs at the designated
- 28 school in the succeeding fiscal year."
- 29 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
EMIL J. HUSAK

S-5070

- 1 Amend Senate File 2160 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ . NEW SECTION. 257.13 CURRENT YEAR
- 5 ADDITIONAL FUNDING."

6 If a district's actual enrollment for the budget  
7 year, determined under section 257.6, is greater than  
8 its budget enrollment for the budget year, the  
9 district is granted an additional funding from the  
10 state equal in amount to the product of one-half of  
11 its regular program district cost per pupil for the  
12 budget year multiplied by the difference between the  
13 actual enrollment for the budget year and the budget  
14 enrollment for the budget year. The additional  
15 funding received under this section is miscellaneous  
16 income to the district.

17 If a district receives additional funding under  
18 this section for a budget year, the department of  
19 management shall determine the amount of the  
20 additional funding which would have been generated by  
21 local property tax revenues if the actual enrollment  
22 for the budget year had been used in determining  
23 district cost for that budget year. The department of  
24 management shall reduce, but not by more than the  
25 amount of the additional funding, the district's total  
26 state school aids otherwise available under this  
27 chapter for the next following budget year by the  
28 amount so determined, and shall increase the  
29 district's additional property tax levy for the next  
30 following budget year by the amount necessary to  
31 compensate for the reduction in state aid, so that the  
32 local property tax for the next following year will be  
33 increased only by the amount which it would have been  
34 increased in the budget year if the enrollment  
35 calculated in this section could have been used to  
36 establish the levy.

37 There is appropriated each fiscal year from the  
38 general fund of the state to the department of  
39 education the amount required to pay additional  
40 funding authorized under this section, which shall be  
41 paid to school districts in monthly installments  
42 beginning on December 15 and ending on June 15 of a  
43 budget year."

44 2. Title page, line 2, by striking the word  
45 "year" and inserting the following: "year, providing  
46 a formula to fund costs resulting from increased  
47 student enrollment, making an appropriation,".

48 3. By renumbering as necessary.

MARY NEUHAUSER  
TONY BISIGNANO  
JOHNIE HAMMOND

S-5071

- 1 Amend Senate File 2177 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "damages" the following: ", removes,".

BILL FINK

S-5072

- 1 Amend Senate File 2142 as follows:
- 2 1. Page 10, by inserting after line 31 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 912.14, Code 1995, is amended
- 5 to read as follows:
- 6 912.14 VICTIM COMPENSATION FUND.
- 7 A victim compensation fund is established as a
- 8 separate fund in the state treasury. Moneys deposited
- 9 in the fund shall be administered by the department
- 10 and dedicated to and used for the purposes of ~~section~~
- 11 sections 236.15 and 709.10 and this chapter. The
- 12 department may use moneys in the victim compensation
- 13 fund to award funding to programs providing services
- 14 and support to victims of domestic abuse or sexual
- 15 assault as provided in chapter 236. Notwithstanding
- 16 section 8.33, any balance in the fund on June 30 of
- 17 any fiscal year shall not revert to the general fund
- 18 of the state."
- 19 2. By renumbering as necessary.

PATRICK J. DELUHERY  
 MARY NEUHAUSER  
 ROBERT E. DVORSKY  
 BERL E. PRIEBE  
 STEVEN D. HANSEN  
 TONY BISIGNANO  
 RANDAL J. GIANNETTO  
 JOHN P. KIBBIE  
 MARY A. LUNDBY  
 SHELDON RITTMER  
 MICHAEL E. GRONSTAL  
 PATTY JUDGE  
 MAGGIE TINSMAN  
 JOHNNIE HAMMOND  
 NANCY BOETTGER  
 MARY KRAMER  
 MARY LOU FREEMAN  
 ANDY MCKEAN  
 O. GENE MADDOX  
 TOM FLYNN

S-5073

- 1 Amend Senate File 2135 as follows:  
 2 1. Page 10, by inserting after line 35 the  
 3 following:  
 4 "Sec. \_\_\_\_ . NEW SECTION. 501.305 NUMBER OF VOTES.  
 5 A person who is a member or shareholder shall not  
 6 own more than one membership or share of voting stock.  
 7 The person shall be entitled to cast not more than one  
 8 vote regarding any matter in which a vote is  
 9 conducted, including any matter subject to a vote  
 10 during a cooperative meeting."  
 11 2. By renumbering as necessary.

BERL E. PRIEBE

S-5074

- 1 Amend Senate File 2142 as follows:  
 2 1. Page 2, line 18, by inserting after the word  
 3 "home" the following: ", including retirement of  
 4 outstanding debt for such a home".

ALLEN BORLAUG  
MICHAEL E. GRONSTAL

S-5075

- 1 Amend Senate File 2178 as follows:  
 2 1. Page 1, line 6, by inserting after the word  
 3 "contract." the following: "Additionally, any  
 4 contract to provide managed care services under the  
 5 medical assistance program which was entered into  
 6 prior to July 1, 1996, shall require the performance  
 7 of a program evaluation to be performed prior to  
 8 extension or renewal of the contract."

MARY NEUHAUSER

S-5076

- 1 Amend Senate File 2135 as follows:  
 2 1. Page 10, by inserting after line 35 the  
 3 following:  
 4 "Sec. \_\_\_\_ . NEW SECTION. 501.305 MULTIPLE  
 5 MEMBERSHIP PROHIBITED.  
 6 A person who is a member owning fifteen percent or  
 7 more of a cooperative shall not be eligible to be a  
 8 member of any other cooperative organized under this  
 9 chapter. A person violating this section is subject

10 to a civil penalty of not more than one hundred  
 11 dollars. The person's membership in a cooperative  
 12 shall terminate if the person's acquisition of an  
 13 interest in that cooperative caused the person to be  
 14 in violation of this section."

JOANN DOUGLAS  
 BERL E. PRIEBE

S-5077

1 Amend the amendment, S-5058, to House File 2114, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 16, by inserting after the word  
 5 "assistance" the following: ", provided moneys  
 6 appropriated in this section are not subject to  
 7 transfer under section 8.39 or any other provision but  
 8 shall only be used for funding of state child care  
 9 assistance for persons who are eligible for or are on  
 10 a waiting list for but who are not receiving the  
 11 assistance as of the effective date of this section".

LARRY MURPHY  
 JOHNIE HAMMOND

S-5078

1 Amend House Concurrent Resolution 105, as amended,  
 2 passed, and reprinted by the House, as follows:  
 3 1. Page 5, line 11, by inserting after the name  
 4 "Hammitt" the following: "Barry".  
 5 2. Page 5, line 17, by striking the word  
 6 "represented" and inserting the following: "have  
 7 represented and continue to represent".

COMMITTEE ON HUMAN RESOURCES  
 ELAINE SZYMONIAK, Chairperson

S-5079

1 Amend Senate File 2142 as follows:  
 2 1. Page 1, line 9, by inserting after the word  
 3 "city" the following: ", school district or  
 4 accredited nonpublic school."  
 5 2. Page 1, line 12, by inserting after the words  
 6 "serious misdemeanor" the following: ", or for crime  
 7 prevention activities".  
 8 3. Page 2, line 13, by inserting after the word  
 9 "infrastructure" the following: "or school-based

10 crime prevention”.

11 4. Page 2, by inserting after line 21 the  
12 following:

13 “(6) A school-based crime prevention program.”

14 5. Page 3, line 7, by inserting after the word  
15 “general” the following: “, the department of  
16 education.”.

17 6. Page 4, by inserting after line 3 the  
18 following:

19 “— . Local school officials.”

MARY E. KRAMER  
MERLIN E. BARTZ

S-5080

1 Amend the amendment, S-5034, to Senate File 2074 as  
2 follows:

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

5 “Section 1. Section 347.9, Code 1995, is amended  
6 to read as follows:

7 347.9 TRUSTEES -- APPOINTMENT -- TERMS OF OFFICE.

8 When it has been determined by the voters of a  
9 county to establish a county public hospital, the  
10 board shall appoint seven trustees chosen from among  
11 the resident citizens of the county with reference to  
12 their fitness for office, and not more than four of  
13 the trustees shall be residents of the city at which  
14 the hospital is located. The trustees shall hold  
15 office until the following general election, at which  
16 time their successors shall be elected, two for a term  
17 of two years, two for four years, and three for six  
18 years, and they shall determine by lot their  
19 respective terms, and thereafter their successors  
20 shall be elected for regular terms of six years each.  
21 If county supervisors of the county are elected from  
22 equal-population districts under section 331.206,  
23 subsection 1, paragraph “b”, or single-member equal-  
24 population districts under section 331.206, subsection  
25 1, paragraph “c”, at least one trustee shall be  
26 elected from the election district of each county  
27 supervisor. A person or spouse of a person with  
28 medical or special staff privileges in the county  
29 public hospital or who receives direct or indirect  
30 compensation from the county public hospital or direct  
31 or indirect compensation from a person contracting for  
32 services with the hospital shall not be eligible to

- 33 serve as a trustee for that county public hospital.”  
 34 2. By renumbering as necessary.

BERL E. PRIEBE

S-5081

- 1 Amend the House amendment, S-5036, to Senate File  
 2 482, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 2, by inserting after line 39, the  
 5 following:  
 6 “\_\_\_ . Page 32, by inserting after line 23, the  
 7 following:  
 8 “Sec. \_\_\_ . NEW SECTION. 809A.25 RULEMAKING.  
 9 The attorney general shall adopt, amend, or repeal  
 10 rules pursuant to chapter 17A to carry out the  
 11 provisions of this chapter.””  
 12 2. Page 4, by inserting after line 36, the  
 13 following:  
 14 “Sec. \_\_\_ . Section 809.16, Code 1995, is amended  
 15 to read as follows:  
 16 809.16 RULEMAKING.  
 17 The attorney general ~~may~~ shall adopt, amend, or  
 18 repeal rules pursuant to chapter 17A to carry out the  
 19 provisions of this chapter.””

BERL E. PRIEBE  
 JOHN P. KIBBIÉ

S-5082

- 1 Amend Senate File 2154 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 “Section 1. Section 124.206, subsection 4, Code  
 5 1995, is amended by adding the following new  
 6 paragraph:  
 7 NEW PARAGRAPH. e. Ephedrine.”  
 8 2. By renumbering as necessary.

TONY BISIGNANO

S-5083

- 1 Amend Senate File 2154 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 “Section 1. Section 124.212, Code 1995, is amended  
 5 by adding the following new subsection:



6 **NEW SUBSECTION.** 5. Ephedrine, but not including  
7 natural herbal ephedra dietary supplement products.”

TONY BISIGNANO

S-5084

1 Amend Senate File 2173 as follows:

2 1. Page 4, by inserting after line 33 the  
3 following:

4 “Sec. \_\_\_\_ . Section 452A.63, unnumbered paragraph  
5 1, Code Supplement 1995, is amended to read as  
6 follows:

7 All information obtained by the department of  
8 revenue and finance or the state department of  
9 transportation from the examining of reports or  
10 records required to be filed or kept under this  
11 chapter shall be treated as confidential and shall not  
12 be divulged except to other state officers, a member  
13 or members of the general assembly, or any duly  
14 appointed committee of either or both houses of the  
15 general assembly, or to a representative of the state  
16 having some responsibility in connection with the  
17 collection of the taxes imposed or in proceedings  
18 brought under the provisions of this chapter. The  
19 appropriate state agency may make available to the  
20 public on or before forty-five days following the last  
21 day of the month in which the tax is required to be  
22 paid, the names of suppliers, restrictive suppliers,  
23 and importers and as to each of them the total gallons  
24 of motor fuel, undyed special fuel, and ethanol-  
25 blended gasoline withdrawn from terminals or imported  
26 into the state during that month. The department of  
27 revenue and finance or the state department of  
28 transportation, upon request of officials entrusted  
29 with enforcement of the motor vehicle fuel tax laws of  
30 the federal government or any other state, may forward  
31 to such officials any pertinent information which the  
32 appropriate state agency may have relative to motor  
33 fuel and special fuel provided the officials of the  
34 other state furnish like information.”

35 2. By renumbering as necessary.

MARY NEUHAUSER

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 258

S-5085

1 Amend the amendment, H-4229, to House File 258, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 13 through 15 and  
5 inserting the following:

6 "b. "Employee" means employee as defined in  
7 section 85.61 and includes the employer, and any chief  
8 executive officer, president, vice president,  
9 supervisor, manager, and officer of the employer."

10 2. Page 1, lines 28 and 29, by striking the words  
11 and figures "in effect on or before February 16,  
12 1995".

13 3. Page 1, lines 36 and 37, by striking the words  
14 and figures "in effect on or before February 16,  
15 1995".

16 4. Page 2, by striking lines 7 through 10.

17 5. Page 2, line 11, by striking the figure "(3)"  
18 and inserting the following: "(2)".

19 6. Page 2, line 14, by striking the word "five"  
20 and inserting the following: "one".

21 7. Page 2, line 16, by striking the figure "(4)"  
22 and inserting the following: "(3)".

23 8. Page 2, line 29, by inserting after the word  
24 "sample." the following: "The report and information  
25 provided the employer may be both qualitative and  
26 quantitative but only concerning the presence of  
27 alcohol or an illegal controlled substance in any test  
28 sample."

29 9. By striking page 2, line 32, through page 3,  
30 line 12, and inserting the following: "test."

31 10. Page 3, line 22, by striking the words "For a  
32 preemployment physical, the" and inserting the  
33 following: "For a preemployment physical, the During  
34 a preemployment application process. The".

35 11. Page 3, line 24, by striking the word  
36 "physical" and inserting the following: "physical  
37 application process".

38 12. Page 3, line 28, by inserting after the word  
39 "interview.", the following: "However, in order to  
40 conduct a drug test pursuant to this paragraph, the  
41 employer shall provide that a preemployment  
42 application process which includes a drug test shall  
43 be required in the same manner for all job  
44 classifications of the employer in which applicants

45 for employment are sought.

46 13. Page 3, line 29, by striking the words "For a  
47 regularly scheduled physical, the" and inserting the  
48 following: "For a regularly scheduled physical, the  
49 During a regularly scheduled physical. The".

50 14. Page 3, line 32, by inserting after the word

Page 2

1 "scheduled." the following: "However, in order to  
2 conduct a drug test pursuant to this paragraph, the  
3 employer shall provide that a regularly scheduled  
4 physical which includes a drug test shall be required  
5 in the same manner for all classifications of  
6 employees of the employer."

7 15. Page 3, by striking lines 33 through 38 and  
8 inserting the following:

9 "c. An employer may require an employee, as a  
10 condition of employment to undergo drug testing, if  
11 the employer has provided substance abuse evaluation,  
12 and treatment, if recommended by the evaluation, which  
13 have been paid for in whole or in part by the employer  
14 or its insurance carrier. The employee may be  
15 required to undergo".

16 16. Page 3, line 40, by striking the word "two"  
17 and inserting the following: "four".

18 17. Page 3, line 40, by striking the word  
19 "twelve-" and inserting the following: "twenty-four-  
20 "

21 18. Page 4, line 1, by striking the word "twelve"  
22 and inserting the following: "twenty-four".

23 19. Page 4, line 5, by striking the word "twelve-  
24 month" and inserting the following: "twenty-four-  
25 month".

26 20. Page 4, line 11, by striking the word  
27 "physical" and inserting the following: "physical  
28 application process".

29 21. Page 4, by inserting after line 11 the  
30 following:

31 "Sec. \_\_\_\_ . Section 730.5, subsection 11, Code  
32 1995, is amended by striking the subsection."

33 22. Page 4, by striking lines 15 through 43 and  
34 inserting the following: "drug test pursuant to this  
35 section shall submit a report annually to the labor  
36 division of the department of employment services,  
37 documenting the number of drug tests conducted, the  
38 results of the tests conducted, and the direct costs  
39 associated with the testing."

S-5086

- 1 Amend Senate File 2108 as follows:
- 2 1. Page 1, line 3, by striking the words "which
- 3 is" and inserting the following: ", owned by a
- 4 governmental agency, and".
- 5 2. Page 1, by inserting after line 9, the
- 6 following:
- 7 "Sec. \_\_\_\_ . The state department of transportation
- 8 shall study the issue of visibility of snow removal
- 9 equipment and the use of such equipment and the effect
- 10 on highway and traffic safety during snow removal.
- 11 The study shall include an analysis of municipal and
- 12 county snow removal practices. The department shall
- 13 provide the general assembly with an analysis of the
- 14 issues presented and any recommendations for safety
- 15 improvements by January 15, 1997."
- 16 3. Title page, line 2, by inserting after the
- 17 word "removal" the following: ", requiring a safety
- 18 study by the department of transportation,".
- 19 4. By renumbering as necessary.

BILL FINK

S-5087

- 1 Amend House File 511 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the words "not to
- 4 exceed ten" and inserting the following: "~~not to~~
- 5 ~~exceed ten~~ up to".
- 6 2. Page 1, by striking line 32 and inserting the
- 7 following: "not paid in full within ten days after
- 8 its due date, as".
- 9 3. Page 1, lines 33 and 34, by striking the words
- 10 "not to exceed ten" and inserting the following: "~~not~~
- 11 ~~to exceed ten~~ up to".
- 12 4. Page 2, by striking line 6 and inserting the
- 13 following: "paid in full within ten days after its
- 14 deferred".
- 15 5. Page 2, lines 12 and 13, by striking the words
- 16 "~~within ten days after~~ on or before" and inserting the
- 17 following: "within ten days after".

WILLIAM PALMER

S-5088

- 1 Amend Senate File 2114 as follows:
- 2 1. Page 3, by striking lines 20 through 33, and

3 inserting the following:

4 "Sec. \_\_\_\_ SENTENCING TASK FORCE. The legislative  
5 council is requested to establish a task force to  
6 study currently available sentencing and incarceration  
7 options. The task force may, but is not limited to,  
8 the review of the following: the availability of  
9 jail, community corrections, and prison beds; the  
10 potential impact of the use of split sentencing on  
11 jail, community corrections, and prison bed space;  
12 security needs and costs associated with the  
13 implementation of hard labor requirements for persons  
14 incarcerated in corrections institutions; and the  
15 nature and costs associated with other sentencing  
16 options. The legislative council may employ a  
17 consultant to assist the task force. The task force  
18 shall have the following membership:

19 1. Five ex officio, nonvoting members each from  
20 the senate and the house of representatives."

21 2. Page 4, by inserting after line 4 the  
22 following:

23 "6. A representative from the board of parole.

24 7. A district director of a judicial district  
25 department of correctional services.

26 8. A district judge.

27 9. A justice of the supreme court.

28 The task force shall not hold any meetings prior to  
29 November 5, 1996. However, the consultant shall be  
30 employed prior to that date and operate under guidance  
31 from the acting co-chairpersons of the task force  
32 prior to the first meeting of the task force."

33 3. Page 4, line 5, by striking the word  
34 "committee" and inserting the following: "task  
35 force".

36 4. Title page, line 6, by striking the words  
37 "legislative interim" and inserting the following:  
38 "sentencing task force".

39 5. By renumbering as necessary.

TONY BISIGNANO  
TOM VILSACK

S-5089

1 Amend Senate File 2102 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 135.61, Code 1995, is amended  
5 to read as follows:

6 135.61 DEFINITIONS.

7 As used in this division, unless the context

8 otherwise requires:

9 1. "Affected persons" means, with respect to an  
10 application for a certificate of need:

11 a. The person submitting the application.

12 b. Consumers who would be served by the new  
13 institutional health service proposed in the  
14 application.

15 c. Each institutional health facility or health  
16 maintenance organization which is located in the  
17 geographic area which would appropriately be served by  
18 the new institutional health service proposed in the  
19 application. The appropriate geographic service area  
20 of each institutional health facility or health  
21 maintenance organization shall be determined on a  
22 uniform basis in accordance with criteria established  
23 in rules adopted by the department.

24 d. Each institutional health facility or health  
25 maintenance organization which, prior to receipt of  
26 the application by the department, has formally  
27 indicated to the department pursuant to this division  
28 an intent to furnish in the future institutional  
29 health services similar to the new institutional  
30 health service proposed in the application.

31 e. Any other person designated as an affected  
32 person by rules of the department.

33 f. Any payer or third-party payer for health  
34 services.

35 2. "Birth center" means birth center as defined in  
36 section 135G.2.

37 ~~3.~~ 2. "Consumer" means any individual whose  
38 occupation is other than health services, who has no  
39 fiduciary obligation to an institutional health  
40 facility, health maintenance organization or other  
41 facility primarily engaged in delivery of services  
42 provided by persons in health service occupations, and  
43 who has no material financial interest in the  
44 providing of any health services.

45 4. ~~3.~~ "Council" means the state health facilities  
46 council established by this division.

47 5. ~~4.~~ "Department" means the Iowa department of  
48 public health.

49 6. ~~5.~~ "Develop", when used in connection with  
50 health services, means to undertake those activities

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1 which on their completion will result in the offer of  
2 a new institutional health service or the incurring of  
3 a financial obligation in relation to the offering of  
4 such a service.

5 ~~7-6.~~ "Director" means the director of public  
6 health, or the director's designee.

7 ~~8-7.~~ "Financial reporting" means reporting by  
8 which hospitals and health care facilities shall  
9 respectively record their revenues, expenses, other  
10 income, other outlays, assets and liabilities, and  
11 units of services.

12 ~~9-8.~~ "Health care facility" means health care  
13 facility as defined in section 135C.1.

14 ~~10-9.~~ "Health care provider" means a person  
15 licensed or certified under chapter 147, 148, 148A,  
16 148C, 149, 150, 150A, 151, 152, 153, 154, 154B, or  
17 155A to provide in this state professional health care  
18 service to an individual during that individual's  
19 medical care, treatment or confinement.

20 ~~11-10.~~ "Health maintenance organization" means  
21 health maintenance organization as defined in section  
22 514B.1, subsection 6.

23 ~~12-11.~~ "Health services" means clinically related  
24 diagnostic, curative, or rehabilitative services, and  
25 includes alcoholism, drug abuse, and mental health  
26 services.

27 ~~13-10.~~ "Hospital" means hospital as defined in  
28 section 135B.1, subsection 3.

29 ~~14-12.~~ "Institutional health facility" means any  
30 of the following a health care facility, without  
31 regard to whether the facilities referred to are  
32 facility is publicly or privately owned or are is  
33 organized for profit or not or whether the facilities  
34 are facility is part of or sponsored by a health  
35 maintenance organization:

36 a. A hospital.

37 b. A health care facility.

38 c. A kidney disease treatment center, including  
39 any freestanding hemodialysis unit but not including  
40 any home hemodialysis unit.

41 d. An organized outpatient health facility.

42 e. An outpatient surgical facility.

43 f. A community mental health facility.

44 g. A birth center.

45 ~~15-13.~~ "Institutional health service" means any  
46 health service furnished in or through institutional  
47 health facilities or health maintenance organizations,  
48 including mobile health services.

49 ~~16-14.~~ "Mobile health service" means equipment  
50 used to provide a health service that can be

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- 1 transported from one delivery site to another.
- 2 17: 15. "Modernization" means the alteration,  
3 repair, remodeling, replacement or renovation of  
4 existing buildings or of the equipment previously  
5 installed therein, or both.
- 6 18: 16. "New institutional health service" or  
7 "changed institutional health service" means any of  
8 the following:
- 9 a. The construction, development or other  
10 establishment of a new institutional health facility  
11 regardless of ownership.
- 12 b. Relocation of an institutional health facility.
- 13 c. Any capital expenditure, lease, or donation by  
14 or on behalf of an institutional health facility in  
15 excess of eight hundred thousand dollars within a  
16 twelve-month period.
- 17 d. A permanent change in the bed capacity, as  
18 determined by the department, of an institutional  
19 health facility. For purposes of this paragraph, a  
20 change is permanent if it is intended to be effective  
21 for one year or more.
- 22 e. Any expenditure in excess of three hundred  
23 thousand dollars by or on behalf of an institutional  
24 health facility for health services which are or will  
25 be offered in or through an institutional health  
26 facility at a specific time but which were not offered  
27 on a regular basis in or through that institutional  
28 health facility within the twelve-month period prior  
29 to that time.
- 30 f. The deletion of one or more health services,  
31 previously offered on a regular basis by an  
32 institutional health facility or health maintenance  
33 organization or the relocation of one or more health  
34 services from one physical facility to another.
- 35 g. Any acquisition by or on behalf of a health  
36 care provider or a group of health care providers of  
37 any piece of replacement equipment with a value in  
38 excess of four hundred thousand dollars, whether  
39 acquired by purchase, lease, or donation.
- 40 h. Any acquisition by or on behalf of a health  
41 care provider or group of health care providers of any  
42 piece of equipment with a value in excess of three  
43 hundred thousand dollars, whether acquired by  
44 purchase, lease, or donation, which results in the  
45 offering or development of a health service not  
46 previously provided. A mobile service provided on a  
47 contract basis is not considered to have been



48 previously provided by a health care provider or group  
 49 of health care providers.  
 50 i. Any acquisition by or on behalf of an

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1 institutional health facility or a health maintenance  
 2 organization of any piece of replacement equipment  
 3 with a value in excess of four hundred thousand  
 4 dollars, whether acquired by purchase, lease, or  
 5 donation.  
 6 j. Any acquisition by or on behalf of an  
 7 institutional health facility or health maintenance  
 8 organization of any piece of equipment with a value in  
 9 excess of three hundred thousand dollars, whether  
 10 acquired by purchase, lease, or donation, which  
 11 results in the offering or development of a health  
 12 service not previously provided. A mobile service  
 13 provided on a contract basis is not considered to have  
 14 been previously provided by an institutional health  
 15 facility.  
 16 k. Any air transportation system for  
 17 transportation of patients or medical personnel.  
 18 l. Any mobile health service with a value in  
 19 excess of three hundred thousand dollars.  
 20 m. Any of the following:  
 21 (1) Cardiac catheterization service;  
 22 (2) Open heart surgical service;  
 23 (3) Organ transplantation service.  
 24 19. 17. "Offer", when used in connection with  
 25 health services, means that an institutional health  
 26 facility, health maintenance organization, health care  
 27 provider, or group of health care providers holds  
 28 itself out as capable of providing, or as having the  
 29 means to provide, specified health services.  
 30 20. "Organized outpatient health facility" means a  
 31 facility, not part of a hospital, organized and  
 32 operated to provide health care to  
 33 noninstitutionalized and nonhomebound persons on an  
 34 outpatient basis; it does not include private offices  
 35 or clinics of individual physicians, dentists or other  
 36 practitioners, or groups of practitioners, who are  
 37 health care providers:  
 38 21. "Outpatient surgical facility" means a  
 39 facility which as its primary function provides,  
 40 through an organized medical staff and on an  
 41 outpatient basis to patients who are generally  
 42 ambulatory, surgical procedures not ordinarily  
 43 performed in a private physician's office, but not  
 44 requiring twenty-four hour hospitalization, and which

45 is neither a part of a hospital nor the private office  
46 of a health care provider who there engages in the  
47 lawful practice of surgery. "Outpatient surgical  
48 facility" includes a facility certified or seeking  
49 certification as an ambulatory surgical center, under  
50 the federal Medicare program or under the medical

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1 assistance program established pursuant to chapter  
2 249A.

3 ~~22: 18.~~ "Technologically innovative equipment"  
4 means equipment potentially useful for diagnostic or  
5 therapeutic purposes which introduces new technology  
6 in the diagnosis or treatment of disease, the  
7 usefulness of which is not well enough established to  
8 permit a specific plan of need to be developed for the  
9 state.

10 Sec. 2. Section 135.63, subsection 2, Code  
11 Supplement 1995, is amended to read as follows:

12 2. This division shall not be construed to  
13 augment, limit, contravene, or repeal in any manner  
14 any other statute of this state which may authorize or  
15 relate to licensure, regulation, supervision, or  
16 control of, nor to be applicable to:

17 a. ~~Private offices and private clinics of an~~  
18 ~~individual physician, dentist or other practitioner or~~  
19 ~~group of health care providers, except as provided by~~  
20 ~~section 135.61, subsection 18, paragraphs "g" and "h",~~  
21 ~~and subsections 20 and 21.~~

22 b. ~~Dispensaries and first aid stations, located~~  
23 ~~within schools, businesses or industrial~~  
24 ~~establishments, which are maintained solely for the~~  
25 ~~use of students or employees of those establishments~~  
26 ~~and which do not contain inpatient or resident beds~~  
27 ~~that are customarily occupied by the same individual~~  
28 ~~for more than twenty-four consecutive hours.~~

29 c. a. Establishments such as motels, hotels, and  
30 boarding houses which provide medical, nursing  
31 personnel, and other health related services as an  
32 incident to their primary business or function.

33 d. b. The remedial care or treatment of residents  
34 or patients in any home or institution conducted only  
35 for those who rely solely upon treatment by prayer or  
36 spiritual means in accordance with the creed or tenets  
37 of any recognized church or religious denomination.

38 e. c. A health maintenance organization or  
39 combination of health maintenance organizations or an  
40 institutional health facility controlled directly or  
41 indirectly by a health maintenance organization or

42 combination of health maintenance organizations,  
43 except when the health maintenance organization or  
44 combination of health maintenance organizations does  
45 any of the following:  
46 (1) Constructs, develops, renovates, relocates, or  
47 otherwise establishes an institutional health  
48 facility.  
49 (2) Acquires major medical equipment as provided  
50 by section 135.61, subsection 18 16, paragraphs "i"

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1 and "j".

2 f. d. A residential care facility, as defined in  
3 section 135C.1, including a residential care facility  
4 for the mentally retarded, notwithstanding any  
5 provision in this division to the contrary.

6 g. e. A reduction in bed capacity of an  
7 institutional health facility, notwithstanding any  
8 provision in this division to the contrary, if all of  
9 the following conditions exist:

10 (1) The institutional health facility reports to  
11 the department the number and type of beds reduced on  
12 a form prescribed by the department at least thirty  
13 days before the reduction. In the case of a health  
14 care facility, the new bed total must be consistent  
15 with the number of licensed beds at the facility. In  
16 the case of a hospital, the number of beds must be  
17 consistent with bed totals reported to the department  
18 of inspections and appeals for purposes of licensure  
19 and certification.

20 (2) The institutional health facility reports the  
21 new bed total on its next annual report to the  
22 department.

23 If these conditions are not met, the institutional  
24 health facility is subject to review as a "new  
25 institutional health service" or "changed  
26 institutional health service" under section 135.61,  
27 subsection 18 16, paragraph "d", and subject to  
28 sanctions under section 135.73. If the institutional  
29 health facility reestablishes the deleted beds at a  
30 later time, review as a "new institutional health  
31 service" or "changed institutional health service" is  
32 required pursuant to section 135.61, subsection 18 16,  
33 paragraph "d".

34 h. f. The deletion of one or more health services,  
35 previously offered on a regular basis by an  
36 institutional health facility or health maintenance  
37 organization, notwithstanding any provision of this  
38 division to the contrary, if all of the following

39 conditions exist:

40 (1) The institutional health facility or health  
41 maintenance organization reports to the department the  
42 deletion of the service or services at least thirty  
43 days before the deletion on a form prescribed by the  
44 department.

45 (2) The institutional health facility or health  
46 maintenance organization reports the deletion of the  
47 service or services on its next annual report to the  
48 department.

49 If these conditions are not met, the institutional  
50 health facility or health maintenance organization is

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1 subject to review as a "new institutional health  
2 service" or "changed institutional health service"  
3 under section 135.61, subsection ~~18 16~~, paragraph "f",  
4 and subject to sanctions under section 135.73.

5 If the institutional health facility or health  
6 maintenance organization reestablishes the deleted  
7 service or services at a later time, review as a "new  
8 institutional health service" or "changed  
9 institutional health service" may be required pursuant  
10 to section 135.61, subsection ~~18 16~~.

11 i. A residential program exempt from licensing as  
12 a health care facility under chapter 135C in  
13 accordance with section 135C.6, subsection 8.

14 Sec. 3. Section 135.64, subsection 3, Code 1995,  
15 is amended by striking the subsection.

16 Sec. 4. Section 135.74, Code 1995, is amended to  
17 read as follows:

18 135.74 UNIFORM FINANCIAL REPORTING.

19 1. The department, after study and in consultation  
20 with any advisory committees which may be established  
21 pursuant to law, shall promulgate by rule pursuant to  
22 chapter 17A uniform methods of financial reporting,  
23 including such allocation methods as may be  
24 prescribed, by which ~~hospitals and~~ health care  
25 facilities shall respectively record their revenues,  
26 expenses, other income, other outlays, assets and  
27 liabilities, and units of service, according to  
28 functional activity center. These uniform methods of  
29 financial reporting shall not preclude a ~~hospital or~~  
30 health care facility from using any accounting methods  
31 for its own purposes provided these accounting methods  
32 can be reconciled to the uniform methods of financial  
33 reporting prescribed by the department and can be  
34 audited for validity and completeness. Each ~~hospital~~  
35 ~~and each~~ health care facility shall adopt the

36 appropriate system for its fiscal year, effective upon  
37 such date as the department shall direct. In  
38 determining the effective date for reporting  
39 requirements, the department shall consider both the  
40 immediate need for uniform reporting of information to  
41 effectuate the purposes of this division and the  
42 administrative and economic difficulties which  
43 hospitals and health care facilities may encounter in  
44 complying with the uniform financial reporting  
45 requirement, but the effective date shall not be later  
46 than January 1, 1980.

47 2. In establishing uniform methods of financial  
48 reporting, the department shall consider:

49 a. The existing systems of accounting and  
50 reporting currently utilized by hospitals and health

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1 care facilities;

2 b. Differences among hospitals and health care  
3 facilities, respectively, according to size, financial  
4 structure, methods of payment for services, and scope,  
5 type and method of providing services; and

6 c. Other pertinent distinguishing factors.

7 3. The department shall, where appropriate,  
8 provide for modification, consistent with the purposes  
9 of this division, of reporting requirements to  
10 correctly reflect the differences among hospitals and  
11 among health care facilities referred to in subsection  
12 2, and to avoid otherwise unduly burdensome costs in  
13 meeting the requirements of uniform methods of  
14 financial reporting.

15 4. The uniform financial reporting methods, where  
16 appropriate, shall be structured so as to establish  
17 and differentiate costs incurred for patient-related  
18 services rendered by hospitals and health care  
19 facilities, as distinguished from those incurred in  
20 the course of educational, research and other  
21 nonpatient-related activities including but not  
22 limited to charitable activities of these hospitals  
23 and health care facilities.

24 Sec. 5. Section 135.75, Code 1995, is amended to  
25 read as follows:

26 135.75 ANNUAL REPORTS BY HOSPITALS, HEALTH CARE  
27 FACILITIES.

28 1. Each hospital and each health care facility  
29 shall annually, after the close of its fiscal year,  
30 file with the department:

31 a. A balance sheet detailing the assets,  
32 liabilities and net worth of the hospital or health

33 care facility;

34 b. A statement of its income and expenses; and

35 c. Such other reports of the costs incurred in  
36 rendering services as the department may prescribe.

37 2. Where more than one licensed ~~hospital~~ or health  
38 care facility is operated by the reporting  
39 organization, the information required by this section  
40 shall be reported separately for each licensed  
41 ~~hospital~~ or health care facility. The department  
42 shall require preparation of specified financial  
43 reports by a certified public accountant, and may  
44 require attestation of responsible officials of the  
45 reporting ~~hospital~~ or health care facility that the  
46 reports submitted are to the best of their knowledge  
47 and belief prepared in accordance with the prescribed  
48 methods of reporting. The department shall have the  
49 right to inspect the books, audits and records of any  
50 ~~hospital~~ or health care facility as reasonably

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1 necessary to verify reports submitted pursuant to this  
2 division.

3 3. In obtaining the reports required by this  
4 section, the department and other state agencies shall  
5 co-ordinate their reporting requirements.

6 4. All reports filed under this section, except  
7 privileged medical information, shall be open to  
8 public inspection.

9 Sec. 6. Section 135.76, subsections 1, 2, and 3,  
10 Code 1995, are amended to read as follows:

11 1. The department shall from time to time  
12 undertake analyses and studies relating to ~~hospital~~  
13 ~~and~~ health care facility costs and to the financial  
14 status of ~~hospitals~~ or health care facilities, or  
15 both, which are subject to the provisions of this  
16 division. It shall further require the filing of  
17 information concerning the total financial needs of  
18 each individual ~~hospital~~ or health care facility and  
19 the resources currently or prospectively available to  
20 meet these needs, including the effect of proposals  
21 made by health systems agencies. The department shall  
22 also prepare and file such summaries and compilations  
23 or other supplementary reports based on the  
24 information filed with it as will, in its judgment,  
25 advance the purposes of this division.

26 2. The analyses and studies required by this  
27 section shall be conducted with the objective of  
28 providing a basis for determining whether or not  
29 regulation of ~~hospital~~ and health care facility rates

30 and charges by the state of Iowa is necessary to  
31 protect the health or welfare of the people of the  
32 state.

33 3. In conducting its analyses and studies, the  
34 department should determine whether:

35 a. The rates charged and costs incurred by  
36 ~~hospitals and~~ health care facilities are reasonably  
37 related to the services offered by those respective  
38 groups of institutions.

39 b. Aggregate rates of ~~hospitals and of~~ health care  
40 facilities are reasonably related to the aggregate  
41 costs incurred by those respective groups of  
42 institutions.

43 c. Rates are set equitably among all purchasers or  
44 classes of purchasers of ~~hospital and of~~ health care  
45 facility services.

46 d. The rates for particular services, supplies or  
47 materials established by ~~hospitals and by~~ health care  
48 facilities are reasonable. Determination of  
49 reasonableness of rates shall include consideration of  
50 a fair rate of return to proprietary ~~hospitals and~~

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1 health care facilities.

2 Sec. 7. Section 135.78, Code 1995, is amended to  
3 read as follows:

4 135.78 DATA TO BE COMPILED.

5 Immediately upon July 1, 1978, or as soon  
6 thereafter as reasonably possible, the department  
7 shall begin to compile all relevant financial and  
8 utilization data in order to have available the  
9 statistical information necessary to properly monitor  
10 ~~hospital and~~ health care facility charges and costs.  
11 Such data shall include necessary operating expenses,  
12 appropriate expenses incurred for rendering services  
13 to patients who cannot or do not pay, all properly  
14 incurred interest charges, and reasonable depreciation  
15 expenses based on the expected useful life of the  
16 property and equipment involved. The department shall  
17 also obtain from each ~~hospital and~~ health care  
18 facility a current rate schedule as well as any  
19 subsequent amendments or modifications of that  
20 schedule as it may require. In collection of the data  
21 required by sections 135.74 to 135.78, the department  
22 and other state agencies shall co-ordinate their  
23 reporting requirements.

24 Sec. 8. Section 135.79, Code 1995, is amended to  
25 read as follows:

26 135.79 CIVIL PENALTY.

27 Any ~~hospital or~~ health care facility which fails to  
 28 file with the department the financial reports  
 29 required by sections 135.74 to 135.78 is subject to a  
 30 civil penalty of not to exceed five hundred dollars  
 31 for each offense.

32 Sec. 9. Section 135.83, Code 1995, is amended to  
 33 read as follows:

34 135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES,  
 35 STUDIES AND DATA.

36 In furtherance of the department's responsibilities  
 37 under sections 135.76, 135.77 and 135.78, the director  
 38 may contract with the ~~Iowa hospital association and~~  
 39 ~~third party payers~~, the Iowa health care facilities  
 40 association and third party payers, or the Iowa  
 41 association of homes for the aging and third party  
 42 payers for the establishment of pilot programs dealing  
 43 with prospective rate review in ~~hospitals or~~ health  
 44 care facilities; ~~or both~~. Such contract shall be  
 45 subject to the approval of the executive council and  
 46 shall provide for an equitable representation of  
 47 health care providers, third party payers, and health  
 48 care consumers in the determination of criterion for  
 49 rate review. No third party payer shall be excluded  
 50 from positive financial incentives based upon volume

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1 of gross patient revenues. No state or federal funds  
 2 appropriated or available to the department shall be  
 3 used for any such pilot program."

MARY LOU FREEMAN  
 WAYNE D. BENNETT  
 BERL E. PRIEBE  
 WILMER RENSINK  
 H. KAY HEDGE  
 BRAD BANKS  
 DON GETTINGS  
 JOHN W. JENSEN

S-5090

1 Amend House Concurrent Resolution 105, as amended,  
 2 passed, and reprinted by the House, as follows:

3 1. Page 4, by inserting after line 19 the  
 4 following:

5 " 1993-present".

ELAINE SZYMONIAK



S-5091

- 1 Amend Senate File 2027 as follows:
- 2 1. Page 1, line 4, by striking the figure "\$5.00"
- 3 and inserting the following: "\$6.00".
- 4 2. Page 1, line 5, by striking the figure "\$5.50"
- 5 and inserting the following: "\$6.50".
- 6 3. Page 1, line 6, by striking the figure "\$6.00"
- 7 and inserting the following: "\$7.00".

COMMITTEE ON BUSINESS  
AND LABOR RELATIONS  
DICK L. DEARDEN, Chairperson

S-5092

- 1 Amend Senate File 2203 as follows:
- 2 1. Page 1, by striking lines 3 through 19, and
- 3 inserting the following:
- 4 "The child development coordinating council shall
- 5 develop a strategic plan, to internally coordinate,
- 6 increase collaboration, reduce regulation, eliminate
- 7 duplication, and develop a system for evaluation of
- 8 existing and future programs and activities relating
- 9 to children and families. The council shall develop
- 10 the strategic plan in consultation with entities which
- 11 provide services to children and families, including
- 12 but not limited to the department of human services,
- 13 the Iowa department of public health, the department
- 14 of education, the department of economic development,
- 15 the department of employment services, the department
- 16 of human rights, service providers, and community
- 17 leaders. The council shall submit a comprehensive
- 18 report to the general assembly detailing the progress
- 19 in meeting the directive, initially, prior to the end
- 20 of the regular session of the general assembly meeting
- 21 in 1996, and, annually, thereafter, on or before
- 22 December 1."
- 23 2. Page 1, line 24, by inserting after the word
- 24 "statewide." the following: "The plan developed shall
- 25 provide for expansion in a manner which directs
- 26 funding to those areas of the state which have the
- 27 greatest high-risk populations relative to infant
- 28 mortality."
- 29 3. Page 2, by inserting after line 24, the
- 30 following:
- 31 "Sec. 4. EFFECTIVE DATE. Section 1 of this Act,
- 32 being deemed of immediate importance, takes effect
- 33 upon enactment."
- 34 4. Title page, line 1, by inserting after the

35 word "families" the following: "and providing an  
36 effective date".

MARY NEUHAUSER

S-5093

- 1 Amend Senate File 2108 as follows:  
2 1. Page 1, line 3, by striking the words "which  
3 is" and inserting the following: ", owned by a  
4 governmental agency, and".  
5 2. Page 1, by inserting after line 9, the  
6 following:  
7 "Sec. \_\_\_\_ . The state department of transportation  
8 shall study the issue of visibility of snow removal  
9 equipment and the use of such equipment and the effect  
10 on highway and traffic safety during snow removal.  
11 The study shall include an analysis of municipal and  
12 county snow removal practices. The department shall  
13 provide the general assembly with an analysis of the  
14 issues presented and any recommendations for safety  
15 improvements by January 15, 1997."  
16 3. Title page, line 2, by inserting after the  
17 word "removal" the following: ", requiring a safety  
18 study by the department of transportation."  
19 4. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
DON GETTINGS, Chairperson

S-5094

- 1 Amend the amendment, S-5052, to Senate File 73, as  
2 amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. By inserting after line 12 the following:  
5 "\_\_\_\_ . Page 8, by inserting after line 15 the  
6 following: "The licensing requirements of this  
7 chapter and chapter 147 do not apply to social workers  
8 employed by the state of Iowa."  
9 2. By renumbering as necessary.

TOM VILSACK

S-5095

- 1 Amend Senate File 2108 as follows:  
2 1. Page 1, by striking lines 6 and 7 and

- 3 inserting the following: "vehicle is removing snow.  
4 A violation of this".

JOANN DOUGLAS  
RICHARD F. DRAKE  
BILL FINK

S-5096

- 1 Amend Senate File 2100 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 123.3, subsection 19, Code  
5 1995, is amended to read as follows:  
6 19. "Legal age" means ~~nineteen~~ eighteen years of  
7 age or more.  
8 Sec. 2. Section 137C.25C, subsection 3, Code 1995,  
9 is amended to read as follows:  
10 3. The owner or operator reasonably believes that  
11 the individual is using the premises for an unlawful  
12 purpose including, but not limited to, the unlawful  
13 use or possession of controlled substances or the use  
14 of the premises for the consumption of alcohol by an  
15 individual in violation of section 123.47 ~~or 123.47A~~.  
16 Sec. 3. Section 321.216B, Code 1995, is amended to  
17 read as follows:  
18 321.216B USE OF MOTOR VEHICLE LICENSE BY UNDERAGE  
19 PERSON TO OBTAIN ALCOHOL.  
20 A person who is under the ~~age of twenty-one~~ legal  
21 age, as defined in section 123.3, for the consumption  
22 of alcohol, who alters or displays or has in the  
23 person's possession a fictitious or fraudulently  
24 altered motor vehicle license and who uses the license  
25 to violate or attempt to violate section 123.47 ~~or~~  
26 ~~123.47A~~, commits a simple misdemeanor. The court  
27 shall forward a copy of the conviction or order of  
28 adjudication under section 232.47 to the department.  
29 Sec. 4. Section 805.8, subsection 10, paragraph a,  
30 Code Supplement 1995, is amended by striking the  
31 paragraph.  
32 Sec. 5. REPEAL. Section 123.47A, Code 1995, is  
33 repealed."

TONY BISIGNANO

S-5097

- 1 Amend Senate File 2037 as follows:  
2 1. Page 1, line 20, by striking the words "This  
3 section" and inserting the following: "Subsection 2".

- 4 2. Page 1, by striking line 21, and inserting the  
 5 following:  
 6 "a. An animal feeding operation structure which is  
 7 part of a confinement feeding operation, if the  
 8 confinement feeding operation has an animal".  
 9 3. Page 1, by striking lines 23 and 24, and  
 10 inserting the following: "animals. However,  
 11 subsection 2 shall apply to an animal feeding  
 12 operation structure which is part of a confinement  
 13 feeding operation which confines only bovine animals  
 14 or poultry."  
 15 4. By renumbering as necessary.

COMMITTEE ON NATURAL RESOURCES,  
 ENVIRONMENT AND ENERGY  
 BILL FINK, Chairperson

S-5098

- 1 Amend Senate File 2173 as follows:  
 2 1. Page 3, line 19, by striking the words  
 3 "dispensed;" and inserting the following: "dispensed,  
 4 including only those pumps located on a farm that are  
 5 used exclusively for dispensing fuel for highway  
 6 travel."

MERLIN E. BARTZ

S-5099

- 1 Amend Senate File 2201 as follows:  
 2 1. Page 2, by inserting after line 7 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 282.18, subsection 4,  
 5 unnumbered paragraph 1; Code 1995, is amended to read  
 6 as follows:  
 7 In all districts involved with voluntary or court-  
 8 ordered desegregation, minority and nonminority pupil  
 9 ratios shall be maintained in each building according  
 10 to the desegregation plan or order. The  
 11 superintendent of a district subject to voluntary or  
 12 court-ordered desegregation may deny a request for  
 13 transfer under this section if the superintendent  
 14 finds that enrollment or release of a pupil will  
 15 adversely affect the district's implementation of the  
 16 desegregation order or plan. However, a school  
 17 district's policy of using district-wide desegregation  
 18 goals shall not be a basis for denying an open  
 19 enrollment application. If, however, a transfer  
 20 request would facilitate a voluntary or court-ordered

21 desegregation plan, the district shall give priority  
22 to granting the request over other requests.”  
23 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5100

1 Amend Senate File 2154 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 “Section 1. Section 124.210, subsection 5, Code  
5 1995, is amended by adding the following new paragraph  
6 and relettering the subsequent paragraphs:  
7 NEW PARAGRAPH. c. Ephedrine or pseudoephedrine,  
8 as the only active medicinal ingredient or in  
9 combination with therapeutically insignificant  
10 quantities of another active medicinal ingredient.  
11 Pseudoephedrine is ephedrine that is altered or  
12 synthesized.”  
13 2. Page 1, by inserting after line 23 the  
14 following:  
15 “Sec. \_\_\_\_ . Section 124.401, subsection 1, Code  
16 1995, is amended by adding the following new  
17 paragraph:  
18 NEW PARAGRAPH. g. Violation of this subsection,  
19 with respect to ephedrine, its salts, optical isomers,  
20 and salts of optical isomers, or pseudoephedrine, its  
21 salts, optical isomers, and salts of optical isomers,  
22 with the intent to manufacture methamphetamine or any  
23 of methamphetamine’s analogs, is a class “D” felony. .  
24 Sec. \_\_\_\_ . Section 124.401, Code 1995, is amended  
25 by adding the following new subsection:  
26 NEW SUBSECTION. 2A. It is unlawful for any person  
27 to sell or distribute any product containing  
28 ephedrine, its salts, optical isomers, and salts of  
29 optical isomers, or pseudoephedrine, its salts,  
30 optical isomers, and salts of optical isomers, for  
31 purposes of physical or mental stimulation, energy, or  
32 other purposes not approved by the United States food  
33 and drug administration. A person who violates this  
34 subsection commits a serious misdemeanor.”  
35 3. By renumbering as necessary.

TONY BISIGNANO

S-5101

1 Amend Senate File 2131 as follows:  
2 1. Page 1, lines 9 and 10, by striking the words

3 "is not an annual budget appropriation and".

EUGENE FRAISE

S-5102

- 1 Amend Senate File 2140 as follows:  
2 1. Page 1, line 8, by striking the word "may" and  
3 inserting the following: "shall".  
4 2. Page 1, line 10, by inserting after the word  
5 "highways" the following: "unless specific safety  
6 concerns warrant establishing a lower speed limit".

ROD HALVORSON

S-5103

- 1 Amend Senate File 2168 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "Sec. 100. Section 422.5, Code 1995, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 12. If a taxpayer repays in the  
7 current tax year certain amounts of income that were  
8 subject to tax under this division in a prior year and  
9 a tax benefit would be allowed under similar  
10 circumstances under section 1341 of the Internal  
11 Revenue Code, a tax benefit shall be allowed on the  
12 Iowa return. The tax benefit shall be the reduced tax  
13 for the current tax year due to the deduction for the  
14 repaid income or the reduction in tax for the prior  
15 year or years due to exclusion of the repaid income.  
16 The reduction in tax shall qualify as a refundable tax  
17 credit on the return for the current year pursuant to  
18 rules prescribed by the director."  
19 2. Page 2, line 23, by striking the word "This"  
20 and inserting the following: "Section 100 of this  
21 Act, amending section 422.5, applies retroactively to  
22 January 1, 1992, for tax years beginning on or after  
23 that date. The remainder of this".  
24 3. By renumbering and correcting internal  
25 references as necessary.

JIM LIND

S-5104

- 1 Amend Senate File 2140 as follows:  
2 1. Page 1, line 10, by inserting before the word  
3 "However" the following: "The department shall

- 4 establish a speed limit of sixty-five miles per hour
- 5 on primary highways on the commercial and industrial
- 6 network, unless specific safety concerns warrant
- 7 establishing a lower speed limit."

ROD HALVORSON

S-5105

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 1, line 13, by striking the words "or
- 3 more raffles" and inserting the following: "raffle".

WAYNE BENNETT

S-5106

- 1 Amend Senate File 2060 as follows:
- 2 1. Page 1, line 3, by striking the words "DEER
- 3 AND PHEASANT" and inserting the following: "DEER".
- 4 2. Page 1, line 4, by striking the words
- 5 "pheasant or deer" and inserting the following:
- 6 "deer".
- 7 3. Page 1, line 8, by adding after the word
- 8 "orange." the following: "This provision shall not
- 9 apply to persons hunting with firearms for wild
- 10 turkeys, crows, pigeons, ducks, geese, or furbearers."
- 11 4. Title page, line 1, by striking the word
- 12 "pheasant" and inserting the following: "certain".

COMMITTEE ON NATURAL RESOURCES,  
 ENVIRONMENT, AND ENERGY  
 BILL FINK, Chairperson

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2114

S-5107

- 1 Amend the Senate amendment, H-5079, to House File
- 2 2114, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 21.
- 5 2. Page 1, by striking line 42 and inserting the
- 6 following:
- 7 "..... \$ 1,050,000".
- 8 3. By striking page 1, line 45, through page 2,
- 9 line 13.
- 10 4. Page 2, by striking lines 14 through 36.

11 5. By striking page 2, line 37 through page 3,  
12 line 13.

13 6. Page 3, by striking lines 16 through 48.

14 7. Page 4, by striking lines 1 through 47 and

15 inserting the following:

16 "Sec. \_\_\_\_ DEPARTMENT OF REVENUE AND FINANCE --  
17 REFUND CLAIMS. There is appropriated from the general  
18 fund of the state to the department of revenue and  
19 finance for the fiscal year beginning July 1, 1995,  
20 and ending June 30, 1996, an amount estimated by the  
21 department to be sufficient to pay all refund claims  
22 timely filed pursuant to section 422.73, subsection 3,  
23 as enacted by this Act, and to pay up to \$75,000 for  
24 processing such claims.

25 Notwithstanding section 8.33, moneys appropriated  
26 in this section which remain unexpended or unobligated  
27 at the close of the fiscal year shall not revert to  
28 the general fund of the state but shall remain  
29 available for expenditure in the succeeding fiscal  
30 year for the purposes of paying refund claims and  
31 processing costs as provided and the moneys are not  
32 subject to transfer under section 8.39.

33 Sec. \_\_\_\_ Section 422.73, Code 1995, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 3. Notwithstanding subsection 2,  
36 a claim for refund of individual income tax paid for  
37 any tax year beginning on or after January 1, 1985,  
38 and before January 1, 1989, is considered timely if  
39 filed with the department on or before October 31,  
40 1996, if the taxpayer's claim is the result of the  
41 unconstitutional taxation of federal pension benefits  
42 based upon the decision in *Davis v. Michigan*  
43 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
44 (1989).

45 A taxpayer entitled to a refund of tax paid under  
46 this subsection shall receive an amount equal to one  
47 hundred percent of the refund without interest. The  
48 claim for refund shall be filed separate from any  
49 income tax return and shall not be allowed as a credit  
50 for income taxes owed. A claim shall be filed between

**Page 2**

1 the effective date of this subsection and October 31,  
2 1996. An extension for filing shall not be allowed  
3 and claims disallowed on the basis of timeliness shall  
4 not be allowed upon appeal to any other state agency  
5 notwithstanding any other provision of law.

6 The claim for refund shall be made on claim forms  
7 to be made available by the department. In order for



8 a taxpayer to have a valid refund claim, the taxpayer,  
9 must supply legible copies of documents the director  
10 deems necessary to show entitlement to the refund,  
11 including but not limited to income tax forms and W-2P  
12 forms, which will establish the state income tax that  
13 was paid on the federal pension benefits for the tax  
14 years in question. The burden of proof is on the  
15 taxpayer to show that the claim for refund is valid.  
16 Estates are not entitled to file a claim for refund  
17 under this subsection. However, if a taxpayer has  
18 filed a claim under this subsection and subsequently  
19 dies before receipt of the refund, the taxpayer's  
20 estate is entitled to receipt of any valid refund  
21 claim.  
22 The department shall make a reasonable attempt to  
23 notify individuals who are entitled to a refund under  
24 this subsection.”

S-5108

1 Amend Senate File 2157 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 “Sec. —. NEW SECTION. 261.52 IOWA RESIDENTS’  
5 GUARANTEED STUDENT LOAN REPAYMENT PROGRAM.  
6 1. A guaranteed student loan repayment program is  
7 established, to be administered by the commission, for  
8 Iowa resident students who meet all of the following  
9 conditions:  
10 a. The student was an Iowa resident at least six  
11 months before and during the period of time of  
12 enrollment in an accredited higher education  
13 institution for which repayment of student loans is  
14 sought.  
15 b. The student files, or has already filed, a  
16 state income tax return for the year in which  
17 repayment is sought.  
18 c. The student attended an Iowa community college,  
19 a university under the control of the state board of  
20 regents, or an accredited private institution as  
21 defined in section 261.9.  
22 d. The student graduated from one of the  
23 institutions specified in paragraph “c” on or after  
24 April 1, 1996.  
25 e. The student is not receiving reimbursement or  
26 forgiveness of any student loans under any other state  
27 student loan repayment or forgiveness program.  
28 f. The student has never defaulted on a loan  
29 guaranteed by the commission or by the federal  
30 government.

- 31 g. The student has a final cumulative grade point  
 32 average of at least 2.5 on a 4.0 scale or better, or  
 33 the equivalent of that grade point average.
- 34 2. The maximum annual reimbursement to an eligible  
 35 student shall equal an amount equal to ten percent of  
 36 the student's guaranteed student loan debt, provided,  
 37 however, that the total reimbursement to the student  
 38 shall not exceed the maximum total reimbursement  
 39 amount to which the student is entitled.
- 40 3. The maximum total reimbursement amount per  
 41 student is as follows:
- 42 a. For a student who has attended a two-year  
 43 institution, up to five thousand dollars.
- 44 b. For a student who has attended a four-year  
 45 institution, up to ten thousand dollars.
- 46 c. For a student who has attended a four-year  
 47 institution, and completed a post-graduate degree, up  
 48 to twenty-five thousand dollars.
- 49 4. The commission may adopt rules as necessary for  
 50 the administration and implementation of this

**Page 2**

1 program.”

- 2 2. Title page, line 1, by inserting after the  
 3 word “Act” the following: “establishing a guaranteed  
 4 student loan repayment program for Iowa resident  
 5 students who graduate from accredited higher education  
 6 institutions in this state and who remain residents  
 7 and file tax returns in the state of Iowa.”.
- 8 3. By renumbering as necessary.

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
 SENATE FILE 2063

S-5109

- 1 Amend Senate File 2063 as amended, passed, and  
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 12 through 16 and  
 4 inserting the following:
- 5 “1. a. There is appropriated from the general  
 6 fund of the state to the department of education for  
 7 the fiscal year beginning July 1, 1996, and ending  
 8 June 30, 1997, the sum of fifteen million dollars for  
 9 the school improvement technology program.
- 10 b. There is appropriated from the rebuild Iowa  
 11 infrastructure account of the state to the department

12 of education for the fiscal year beginning July 1,  
13 1996, and ending June 30, 1997, the sum of fifteen  
14 million dollars for the school improvement technology  
15 program.

16 c. There is appropriated from the general fund of  
17 the state to the department of education for each  
18 fiscal year of the fiscal period beginning July 1,  
19 1997, and ending June 30, 2001, the sum of thirty  
20 million dollars for the school improvement technology  
21 program."

22 2. Page 1, line 18, by striking the word "of" and  
23 inserting the following: "in".

24 3. Page 1, by striking lines 19 and 20 and  
25 inserting the following: "which moneys are  
26 appropriated, the amount of moneys allocated to school  
27 districts shall".

28 4. Page 1, line 29, by inserting after the figure  
29 "1." the following: "The department of human services  
30 shall certify the average student yearly enrollments  
31 of the state training school, the Iowa juvenile home,  
32 Woodward state hospital-school, and Glenwood state  
33 hospital-school to the department of education by  
34 October 1."

35 5. Page 1, by striking lines 30 through 32 and  
36 inserting the following:  
37 "\_\_\_ . From the moneys appropriated in subsection  
38 1, for each fiscal year in which moneys are  
39 appropriated, the sum of four hundred fifty thousand  
40 dollars".

41 6. Page 2, line 28, by inserting after the figure  
42 "257" the following: "or are considered encumbered".

43 7. Page 2, by inserting after line 31 the  
44 following:

45 "\_\_\_ . Moneys received under this section shall not  
46 be used for payment of any collective bargaining  
47 agreement or arbitrator's decision negotiated or  
48 awarded under chapter 20."

49 8. Page 2, by striking lines 34 and 35 and  
50 inserting the following: "state school for the deaf,

#### Page 2

1 the Price laboratory school at the university of  
2 northern Iowa, the state training school, the Iowa  
3 juvenile home, Woodward state hospital-school, and  
4 Glenwood state hospital-school."

5 9. Page 3, by striking line 24 and inserting the  
6 following: "1, 1996, and ending June 30, 1997, prior  
7 to the receipt of".

8 10. Page 3, line 28, by striking the figure

9 "1996" and inserting the following: "1997".

10 11. Page 4, by inserting after line 5 the  
11 following:

12 "\_\_\_\_. The state training school, the Iowa juvenile  
13 home, and the Glenwood and Woodward state hospital-  
14 schools shall each develop a technology plan that  
15 supports and improves student achievement,  
16 demonstrates the manner in which technology will be  
17 utilized to improve student achievement, and includes  
18 an evaluation component. Plans and an annual progress  
19 report shall be submitted to the departments of human  
20 services and education."

21 12. Page 4, line 14, by inserting after the word  
22 "training" the following: "related to instructional  
23 technology".

24 13. Page 4, line 15, by inserting after the word  
25 "funds." the following: "However, funds received by a  
26 school district pursuant to section 295.2 shall not be  
27 expended to add a full-time equivalent position or  
28 otherwise increase staffing."

29 14. Page 4, line 21, by inserting after the word  
30 "training" the following: "related to instructional  
31 technology".

32 15. Page 4, line 23, by striking the figure  
33 "2000" and inserting the following: "2001."

34 16. By striking page 4, line 24, through page 5,  
35 line 3.

36 17. Title page, by striking lines 4 through 6 and  
37 inserting the following: "the Price laboratory  
38 school, the state hospital-schools, the state training  
39 school, and the Iowa juvenile home, providing for  
40 properly related matters, and making appropriations."

41 18. By renumbering as necessary.

S-5110

1 Amend House File 514, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 1 through line 30.

4 2. Page 1, by inserting before line 31 the  
5 following:

6 "Sec. \_\_\_\_ . **NEW SECTION. 303.9A IOWA HERITAGE**  
7 **FUND.**

8 1. An Iowa heritage fund is created in the state  
9 treasury to be administered by the state historical  
10 society board of trustees. The fund shall consist of  
11 all moneys allocated to the fund by the treasurer of  
12 state.

13 2. Moneys in the fund shall be used in accordance  
14 with the following:

15 a. Sixty-five percent shall be retained by the  
16 state historical society and used to maintain and  
17 expand Iowa's history curriculum, to provide teacher  
18 training in Iowa history, and to support museum  
19 exhibits, historic sites, and adult education  
20 programs.

21 b. Five percent shall be retained by the state  
22 historical society to be used for start-up costs for  
23 the one hundred seventy-fifth and two hundredth  
24 anniversaries of Iowa statehood.

25 c. Five percent shall be retained by the state  
26 historical society to be used for the promotion of the  
27 sale of the Iowa heritage registration plate issued  
28 under section 321.34."

29 3. By striking page 1, line 31 through page 2,  
30 line 7.

31 4. Page 2, line 8, by inserting after the word  
32 "Code" the following: "Supplement".

33 5. Page 2, by striking lines 31 through 35 and  
34 inserting the following: "plate."

35 6. By striking page 3, line 9 through page 4,  
36 line 6.

37 7. Page 4, line 7, by inserting after the word  
38 "Code" the following: "Supplement".

39 8. Page 8, by striking lines 3 through 23.

40 9. By striking page 9, line 28 through page 10,  
41 line 14.

42 10. Page 10, by inserting before line 15 the  
43 following:

44 "NEW SUBSECTION. 28. IOWA HERITAGE SPECIAL  
45 PLATES.

46 a. An owner referred to in subsection 18, may upon  
47 written application to the department, order special  
48 registration plates with an Iowa heritage emblem. The  
49 emblem shall contain a picture of the American gothic  
50 house and the words "Iowa Heritage" and shall be

## Page 2

1 designed by the department in consultation with the  
2 state historical society of Iowa.

3 b. The special Iowa heritage fee for letter number  
4 designated plates is thirty-five dollars. The special  
5 fee for personalized Iowa heritage plates is twenty-  
6 five dollars which shall be paid in addition to the  
7 special fee of thirty-five dollars. The special fee  
8 shall be in addition to the regular annual  
9 registration fee.

10 c. The special fees collected by the director  
11 under this subsection shall be paid monthly to the

12 treasurer of state and credited to the road use tax  
 13 fund. Notwithstanding section 423.24, and prior to  
 14 the crediting of revenues to the road use tax fund  
 15 under section 423.24, subsection 1, paragraph "d", the  
 16 treasurer of state shall credit monthly the amount of  
 17 the special fees collected in the previous month for  
 18 the Iowa heritage plates from those revenues in the  
 19 following manner:

20 (1) Seventy-five percent shall be credited to the  
 21 Iowa heritage fund, created under section 303.9A.

22 (2) Twenty-five percent shall be allocated to the  
 23 department of education. The department shall use the  
 24 moneys to support teacher training in Iowa history, to  
 25 purchase Iowa history classroom materials, to support  
 26 student participation in Iowa history and citizenship-  
 27 building activities and to create a grant program for  
 28 school districts to apply for funding to support field  
 29 trips to museums, historic sites, and heritage  
 30 attractions."

31 11. Page 10, by striking lines 21 through 27 and  
 32 inserting the following: "registration plate issued  
 33 by the county treasurer shall display the name of the  
 34 county ~~except plates issued for truck tractors,  
 35 motorcycles, motorized bicycles, travel trailers,  
 36 semitrailers and trailers. The year of expiration or  
 37 the date of expiration shall be displayed on vehicle  
 38 registration plates, except plates issued under  
 39 section 321.19, including any plate issued pursuant to  
 40 section 321.34, except Pearl Harbor and purple heart  
 41 registration plates issued prior to January 1, 1997,  
 42 and collegiate, firefighter, and Congressional medal  
 43 of honor registration plates. Special".~~

44 12. By striking page 10, line 29, through page  
 45 11, line 3.

46 13. Page 11, lines 6 and 7, by striking the words  
 47 "Except as otherwise provided by law, special" and  
 48 inserting the following: "Special".

49 14. Page 11, line 8, by inserting after the  
 50 figure "1997," the following: "other than

### Page 3

1 Congressional medal of honor, collegiate, fire  
 2 fighter, and natural resources registration plates,".

3 15. Page 11, by striking lines 16 through 20 and  
 4 inserting the following:

5 "NEW SUBSECTION. 10. If the department reissues a  
 6 new registration plate design for a special  
 7 registration plate under section 321.34, all persons  
 8 who have purchased or obtained the special

9 registration plates shall not be required to pay the  
10 issuance fee."

11 16. Page 11, line 21, by inserting after the word  
12 "Code" the following: "Supplement".

13 17. Page 12, line 18, by striking the figure  
14 "10" and inserting the following: "9".

15 18. Page 12, line 19, by inserting after the word  
16 "Code" the following: "Supplement".

17 19. Page 12, line 21, by striking the figure "10"  
18 and inserting the following: "9".

19 20. Page 12, line 22, by inserting after the word  
20 "Code" the following: "Supplement".

21 21. Title page, by striking lines 3 and 4 and  
22 inserting the following: "plates, special Iowa  
23 heritage plates and an Iowa heritage fund, and special  
24 silver and bronze".

25 22. By renumbering as necessary.

EUGENE FRAISE  
DON GETTINGS

S-5111

1 Amend Senate File 2157 as follows:

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

4 "Sec. \_\_\_\_ . Section 422.9, subsection 2, Code  
5 Supplement 1995, is amended by adding the following  
6 new paragraph:

7 NEW PARAGRAPH. g. Add the amount, not to exceed  
8 twenty-five percent of the actual tuition the taxpayer  
9 has paid for a course of study leading to an associate  
10 or baccalaureate degree for each dependent attending  
11 an accredited postsecondary institution situated in  
12 Iowa. As used in this paragraph, "accredited  
13 postsecondary institution" means an institution of  
14 higher learning under the control of the state board  
15 of regents, a community college established under  
16 chapter 260C, or an accredited private institution as  
17 defined in section 261.9.

18 Sec. \_\_\_\_ . Section 422.12, Code Supplement 1995, is  
19 amended by adding the following new subsection:

20 NEW SUBSECTION. 4. For those who do not itemize  
21 their deductions, a tuition credit equal to one and  
22 one-quarter percent of the actual tuition the taxpayer  
23 has paid for a course of study leading to an associate  
24 or baccalaureate degree for each dependent attending  
25 an accredited postsecondary institution situated in  
26 Iowa. As used in this subsection, "accredited  
27 postsecondary institution" means an institution of

28 higher learning under the control of the state board  
 29 of regents, a community college established under  
 30 chapter 260C, or an accredited private institution as  
 31 defined in section 261.9. Notwithstanding any other  
 32 provision, all other credits allowed under sections  
 33 422.12 and 422.12B shall be deducted before the  
 34 tuition credit under this subsection."

35 2. Title page, line 1, by inserting after the  
 36 word "Act" the following "providing an income tax  
 37 credit or deduction for tuition paid to accredited  
 38 postsecondary institutions located in Iowa under  
 39 certain circumstances,".

JOANN DOUGLAS

S-5112

1 Amend Senate File 2036 as follows:

2 1. Page 1, line 20, by striking the word  
 3 "Lebanon," and inserting the following: "Lebanon  
 4 during the conflict in Lebanon,".

5 2. Page 1, line 22, by striking the word  
 6 "Grenada," and inserting the following: "Grenada  
 7 during the conflict in Grenada,".

8 3. Page 1, line 25, by striking the word  
 9 "Panama," and inserting the following: "Panama during  
 10 the conflict in Panama,".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-5113

1 Amend Senate File 2140 as follows:

2 1. Page 1, by striking lines 7 through 10 and  
 3 inserting the following: "~~administration and this~~  
 4 ~~state (23 U.S.C. § 103(e)) is sixty-five fifty-five~~  
 5 miles per hour. However, the department or cities  
 6 with".

TONY BISIGNANO  
 JIM LIND  
 BRAD BANKS  
 STEVEN D. HANSEN

S-5114

1 Amend Senate File 2114 as follows:

2 1. Page 4, by striking line 3, and inserting the



3 following:

4 "4. Three representatives from the department of  
5 corrections, two of whom shall be correctional  
6 officers who are members of a statewide employee  
7 organization."

TONY BISIGNANO

S-5115

1 Amend Senate File 2266 as follows:

2 1. Page 1, by striking lines 16 and 17 and  
3 inserting the following: "owner of a commercial motor  
4 vehicle with a gross vehicle weight rating of twenty-  
5 six thousand one pounds or more;".

DON GETTINGS

S-5116

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

3 "Sec. \_\_\_\_ . Section 321.69, subsection 3, Code  
4 Supplement 1995, is amended to read as follows:

5 3. The damage disclosure statement shall be  
6 provided by the transferor to the transferee at or  
7 before the time of sale. If the transferor is not a  
8 resident of this state the transferee shall not be  
9 required to submit a damage disclosure statement from  
10 the transferor with the transferee's application for  
11 title unless the state of the transferor's residence  
12 requires a damage disclosure statement. However, the  
13 transferee shall submit a damage disclosure statement  
14 with the transferee's application for title indicating  
15 whether a salvage or rebuilt title had ever existed  
16 for the vehicle, whether the vehicle had incurred  
17 prior damage of three thousand dollars or more per  
18 incident, and the year, make, and vehicle  
19 identification number of the motor vehicle. The  
20 transferee shall not be required to submit a damage  
21 disclosure statement under this subsection if the  
22 prior certificate of title is from another state and  
23 if it indicates that the vehicle is salvaged and not  
24 rebuilt or is another state's salvage certificate of  
25 title."

26 2. By renumbering as necessary.

EUGENE FRAISE  
DON GETTINGS

S-5117

- 1 Amend House File 111, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "associations" the following: "representing twenty-
- 5 five or fewer dwelling units".

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5118

- 1 Amend Senate File 2245 as follows:
- 2 1. Page 16, line 31, by inserting after the word
- 3 "percent." the following: "However, effective July 1,
- 4 1996, and for monthly benefits payable on or after
- 5 that date, the applicable percentage multiplier for
- 6 members retiring pursuant to this subparagraph shall
- 7 be fifty-eight percent, and the department shall
- 8 recalculate and pay monthly benefits accordingly."

TOM VILSACK

S-5119

- 1 Amend Senate File 2245 as follows:
- 2 1. Page 1, by inserting after line 2 the
- 3 following:
- 4 "Section 1. Section 2.11, Code 1995, is amended by
- 5 adding the following new unnumbered paragraph after
- 6 unnumbered paragraph one:
- 7 NEW UNNUMBERED PARAGRAPH. A temporary employee of
- 8 the general assembly may elect to receive payment of
- 9 the employee's salary during each month of the same
- 10 calendar year in which the temporary employee is
- 11 employed, for payment at the same time as other state
- 12 employees are paid, by notifying the finance officer
- 13 prior to commencing employment as a temporary employee
- 14 of the general assembly."
- 15 2. Page 8, by striking lines 19 through 27.
- 16 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5120

- 1 Amend Senate File 2245 as follows:
- 2 1. By striking page 28, line 15, through page 32,

3 line 8.

4 2. By renumbering as necessary.

SHELDON RITTMER

S-5121

1 Amend Senate File 2245 as follows:

2 1. Page 19, by striking lines 17 through 19 and  
3 inserting the following: "paragraph "a", the  
4 applicable".

5 2. Page 19, line 23, by striking the words  
6 "subparagraph (1) or (2)".

7 3. Page 24, by striking lines 11 through 26.

8 4. By renumbering as necessary.

SHELDON RITTMER

S-5122

1 Amend Senate File 2245 as follows:

2 1. Page 70, by inserting after line 15 the  
3 following:

4 "DIVISION \_\_\_\_  
5 CONGRESSIONAL ACTION

6 Sec. \_\_\_\_ . CONGRESSIONAL ACTION. The general  
7 assembly urges the members of Iowa's congressional  
8 delegation to reassert the rights of states to make  
9 decisions concerning the implementation of their  
10 governmental pension plans and, in particular, to  
11 adopt legislation to eliminate arbitrary federal  
12 restrictions on the rights of states to decide on any  
13 limitation regarding the time period during which a  
14 beneficiary may apply to the pension plan to receive  
15 rightful payment of a death benefit. The secretary of  
16 the senate shall send a copy of this section of this  
17 Act to the members of Iowa's congressional delegation,  
18 upon enactment."

19 2. By renumbering as necessary.

ANDY McKEAN

S-5123

1 Amend Senate File 2184 as follows:

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

4 "j. One milk producer appointed by the Iowa dairy  
5 products association, who serves on the association's  
6 board of directors, to represent the association."

- 7 2. Page 2, line 6, by striking the letter "j."  
 8 and inserting the following: "k."  
 9 3. Page 2, line 12, by striking the letter "k."  
 10 and inserting the following: "l."  
 11 4. Page 2, line 23, by striking the letter ""k""  
 12 and inserting the following: ""l"".  
 13 5. Page 3, line 13, by striking the word "Seven"  
 14 and inserting the following: "Eight".

PATTY JUDGE

S-5124

- 1 Amend Senate File 2128 as follows:  
 2 1. Page 1, by inserting after line 2 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 331.557, subsection 3, Code  
 5 1995, is amended to read as follows:  
 6 3. Collect the use tax on vehicles subject to  
 7 registration as provided in sections 423.6, and 423.7,  
 8 and 423.7A.  
 9 Sec. \_\_\_\_ . Section 423.2, Code 1995, is amended to  
 10 read as follows:  
 11 423.2 IMPOSITION OF TAX.  
 12 An excise tax is imposed on the use in this state  
 13 of tangible personal property purchased for use in  
 14 this state, at the rate of five percent of the  
 15 purchase price of the property. An excise tax is  
 16 imposed on the use of leased vehicles at the rate of  
 17 five percent of the amount otherwise subject to tax as  
 18 calculated pursuant to section 423.7A. The excise tax  
 19 is imposed upon every person using the property within  
 20 this state until the tax has been paid directly to the  
 21 county treasurer or the state department of  
 22 transportation, to a retailer, or to the department.  
 23 An excise tax is imposed on the use in this state of  
 24 services enumerated in section 422.43 at the rate of  
 25 five percent. This tax is applicable where services  
 26 are rendered, furnished, or performed in this state or  
 27 where the product or result of the service is used in  
 28 this state. This tax is imposed on every person using  
 29 the services or the product of the services in this  
 30 state until the user has paid the tax either to an  
 31 Iowa use tax permit holder or to the department.  
 32 Sec. \_\_\_\_ . Section 423.4, Code 1995, is amended by  
 33 adding the following new subsection:  
 34 **NEW SUBSECTION. 16.** Vehicles subject to  
 35 registration under chapter 321, with a gross vehicle  
 36 weight rating of less than sixteen thousand pounds,  
 37 excluding motorcycles and motorized bicycles, when

38 purchased for lease and titled by the lessor licensed  
39 pursuant to chapter 321F and actually leased for a  
40 period of twelve months or more if the lease of the  
41 vehicle is subject to taxation under section 423.7A.  
42 Sec. \_\_\_\_ . Section 423.6, subsection 1, Code 1995,  
43 is amended to read as follows:

44 1. The tax upon the use of all vehicles subject to  
45 registration or subject only to the issuance of a  
46 certificate of title shall be collected by the county  
47 treasurer or the state department of transportation  
48 pursuant to ~~section sections~~ sections 423.7 and 423.7A. The  
49 county treasurer shall retain one dollar from each tax  
50 payment collected, to be credited to the county

Page 2

1 general fund.

2 Sec. \_\_\_\_ . NEW SECTION. 423.7A MOTOR VEHICLE  
3 LEASE TAX.

4 1. The tax imposed upon the use of leased vehicles  
5 subject to registration under chapter 321, with gross  
6 vehicle weight ratings of less than sixteen thousand  
7 pounds, excluding motorcycles and motorized bicycles,  
8 which are leased by a lessor licensed pursuant to  
9 chapter 321F for a period of twelve months or more  
10 shall be paid by the owner of the vehicle to the  
11 county treasurer or state department of transportation  
12 from whom the registration receipt or certificate of  
13 title is obtained. A registration receipt for a  
14 vehicle subject to registration or issuance of a  
15 certificate of title shall not be issued until the tax  
16 is paid in the initial instance.

17 2. The amount subject to tax shall be computed on  
18 each separate lease transaction by multiplying the  
19 number of months of the lease by the monthly lease  
20 payments, plus the downpayment, less any  
21 manufacturer's rebate. The county treasurer or the  
22 state department of transportation shall require every  
23 applicant for a registration receipt for a vehicle  
24 subject to tax under this section to supply informa-  
25 tion as the county treasurer or director deems  
26 necessary as to the date of the lease transaction, the  
27 lease price, and other information relative to the  
28 lease of the vehicle.

29 3. On or before the tenth day of each month the  
30 county treasurer or the state department of  
31 transportation shall remit to the department the  
32 amount of the taxes collected during the preceding  
33 month.

34 4. If the lease is terminated prior to the

35 termination date contained in the lease agreement, no  
 36 refund shall be allowed for tax previously paid on the  
 37 monthly rental payments.

38 Sec. \_\_\_\_ . Section 423.24, subsection 1, unnumbered  
 39 paragraph 1, Code Supplement 1995, is amended to read  
 40 as follows:

41 Eighty percent of all revenues derived from the use  
 42 tax on motor vehicles, trailers, and motor vehicle  
 43 accessories and equipment as collected pursuant to  
 44 section 423.7 and section 423.7A shall be deposited  
 45 and credited as follows:"

46 2. Page 2, by inserting after line 3 the  
 47 following:

48 "Sec. \_\_\_\_ . APPLICABILITY. The section of this Act  
 49 which enacts section 423.7A applies to leases entered  
 50 into on or after July 1, 1996."

### Page 3

1 3. Title page, line 4, by inserting after the  
 2 word "revenues," the following: "providing for use  
 3 tax payments for leased vehicles,".

4 4. Title page, line 5, by inserting after the  
 5 word "state" the following: ", and providing an  
 6 applicability provision".

7 5. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5125

1 Amend Senate File 2245 as follows:

2 1. Page 2, lines 28 and 29, by striking the words  
 3 "three and seven-tenths" and inserting the following:  
 4 "~~three and seven-tenths~~ four and seven hundred twenty-  
 5 five thousandths".

6 2. Page 2, line 32, by striking the words "five  
 7 and seventy-five hundredths" and inserting the  
 8 following: "~~five and seventy-five hundredths~~ four and  
 9 seven hundred twenty-five thousandths".

10 3. Page 25, line 6, by striking the word "Sixty"  
 11 and inserting the following: "Sixty Fifty".

12 4. Page 25, line 8, by striking the word "forty"  
 13 and inserting the following: "~~forty~~ fifty".

H. KAY HEDGE

S-5126

- 1 Amend Senate File 2289 as follows:
- 2 1. Page 1, line 13, by striking the word "and"
- 3 and inserting the following: "~~and~~ or".
- 4 2. Page 1, line 15, by inserting after the word
- 5 "services" the following: ", and employees of the
- 6 commission of veterans affairs.".

RANDAL GIANNETTO

S-5127

- 1 Amend Senate File 2266 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 321.69, subsection 3, Code
- 5 Supplement 1995, is amended to read as follows:
- 6 3. The damage disclosure statement shall be
- 7 provided by the transferor to the transferee at or
- 8 before the time of sale. If the transferor is not a
- 9 resident of this state the transferee shall not be
- 10 required to submit a damage disclosure statement from
- 11 the transferor with the transferee's application for
- 12 title unless the state of the transferor's residence
- 13 requires a damage disclosure statement. However, the
- 14 transferee shall submit a damage disclosure statement
- 15 with the transferee's application for title indicating
- 16 whether a salvage or rebuilt title had ever existed
- 17 for the vehicle, whether the vehicle had incurred
- 18 prior damage of three thousand dollars or more per
- 19 incident, and the year, make, and vehicle
- 20 identification number of the motor vehicle. The
- 21 transferee shall not be required to submit a damage
- 22 disclosure statement under this subsection if the
- 23 prior certificate of title is from another state and
- 24 if it indicates that the vehicle is salvaged and not
- 25 rebuilt or is another state's salvage certificate of
- 26 title."
- 27 2. By renumbering as necessary.

EUGENE FRAISE  
DON GETTINGS

S-5128

- 1 Amend Senate File 2090 as follows:
- 2 1. Page 2, by inserting after line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 543D.18, Code 1995, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 7. A certified real estate

7 appraiser, for purposes of providing a subsequent

8 appraisal to a person on the same property for a

9 different financial institution, shall not charge a

10 person the fee which the appraiser would charge for an

11 original appraisal on such property if such subsequent

12 appraisal occurs within the same transaction chain.

13 For purposes of this subsection, minor changes made by

14 the appraiser in the appraisal do not constitute

15 sufficient reason for charging the fee which the

16 appraiser would charge for providing an original

17 appraisal on the property.”

18 2. Page 2, line 4, by striking the word “This”

19 and inserting the following: “1. This”.

20 3. Page 2, by inserting after line 17 the

21 following:

22 “2. This chapter does not apply to a person, or an

23 employee of such person, who renders an estimate or

24 opinion of value of real estate or any interest in

25 real estate when such estimate or opinion is for the

26 purpose of real estate taxation. An opinion or

27 appraisal of market value rendered under this

28 subsection must contain the following language in bold

29 print in a prominent location: “This opinion of value

30 was not prepared by a certified appraiser.”

31 3. a. This chapter does not apply to a salaried

32 employee of any of the following:

33 (1) The federal government.

34 (2) The state, an agency or a political

35 subdivision of the state which appraises real estate.

36 (3) An insurance company authorized to engage in

37 the business of insurance in this state.

38 (4) A financial institution as defined in section

39 535A.1.

40 b. Notwithstanding paragraph “a”, an employee of

41 an entity identified in paragraph “a”, subparagraphs

42 (1) through (4), who also practices as an independent

43 real estate appraiser is subject to this chapter and

44 must comply with the requirements of this chapter

45 prior to engaging in such other real estate

46 appraising.”

47 4. By renumbering as necessary.



S-5129

- 1 Amend Senate File 2220 as follows:  
 2 1. Page 4, line 29, by striking the word "must".  
 3 2. Page 4, line 30, by striking the words "must  
 4 be" and inserting the following: "are".  
 5 3. Page 4, line 30, by striking the words "more  
 6 than".  
 7 4. Page 4, line 31, by inserting after the word  
 8 "feet" the following: "or less".  
 9 5. Page 15, line 23, by striking the words  
 10 "provide for" and inserting the following: "require".

COMMITTEE ON NATURAL RESOURCES,  
 ENVIRONMENT, AND ENERGY  
 BILL FINK, Chairperson

S-5130

- 1 Amend Senate File 2245 as follows:  
 2 1. Page 67, by inserting after line 5 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 411.36, subsection 1, paragraph  
 5 a, Code Supplement 1995, is amended to read as  
 6 follows:  
 7 a. Two fire fighters from different participating  
 8 cities, one of whom is an active member of the  
 9 retirement system and one of whom is a retired member.  
 10 The fire fighters shall be appointed by the governing  
 11 body of the Iowa association of professional fire  
 12 fighters selected pursuant to an election as provided  
 13 in section 411.36A.  
 14 Sec. \_\_\_\_ . NEW SECTION. 411.36A ELECTION TO BOARD  
 15 -- FIRE FIGHTERS.  
 16 The fire fighters who are voting members of the  
 17 board shall be elected by the active members of the  
 18 system who are fire fighters. The board shall adopt  
 19 guidelines governing the election of the fire fighter  
 20 members that shall provide a nomination procedure, the  
 21 manner for each participating city fire department to  
 22 conduct the election, and that ensures compliance with  
 23 the requirements of state law."  
 24 2. Page 69, by inserting after line 11 the  
 25 following:  
 26 "Sec. \_\_\_\_ BOARD OF TRUSTEES -- TRANSITION. The  
 27 section of this Act that amends section 411.36 shall  
 28 not apply to the members of the board selected  
 29 pursuant to section 411.36, subsection 1, paragraph  
 30 "a", prior to the effective date of this Act, and  
 31 those members shall serve until the expiration of the

32 terms to which they were appointed. Upon the  
 33 expiration of their terms, section 411.36, as amended  
 34 by this Act, and section 411.36A shall apply to their  
 35 successors."  
 36 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5131

1 Amend Senate File 2289 as follows:  
 2 1. Page 3, by striking lines 2 through 18.  
 3 2. Title page, lines 2 and 3, by striking the  
 4 words "inmate hard labor,".  
 5 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5132

1 Amend Senate File 2245 as follows:  
 2 1. Page 62, by inserting after line 28 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 411.6, subsection 1, Code 1995,  
 5 is amended by adding the following new paragraph:  
 6 NEW PARAGRAPH. d. In lieu of retirement pursuant  
 7 to paragraphs "a" through "c" with twenty-two years of  
 8 service and upon attaining the age of fifty-five, a  
 9 member may retire upon written application to the  
 10 system who has served twenty-five or more years of  
 11 service.  
 12 Sec. \_\_\_\_ . Section 411.6, subsection 2, paragraph  
 13 d, unnumbered paragraph 1, Code 1995, is amended to  
 14 read as follows:  
 15 Commencing July 1, 1990, if the member has  
 16 completed more than twenty-two years of creditable  
 17 service, or twenty-five years of creditable service  
 18 pursuant to subsection 1, paragraph "d", the service  
 19 retirement allowance shall consist of a pension which  
 20 equals the amount provided in paragraphs "b" and "c",  
 21 plus an additional percentage as set forth below:"  
 22 2. Page 65, by inserting after line 5 the  
 23 following:  
 24 "Sec. \_\_\_\_ . Section 411.6, subsection 12, paragraph  
 25 d, Code 1995, is amended to read as follows:  
 26 d. A retired member eligible for benefits under  
 27 subsection 1 of this section is not eligible for the  
 28 readjustment of pensions provided in this subsection  
 29 unless the member served twenty-two years and attained  
 30 the age of fifty-five years prior to the member's

- 31 termination of employment, or the member has served  
32 twenty-five years and retired pursuant to subsection  
33 1, paragraph "d."  
34 3. By renumbering as necessary.

MARY LUNDBY

S-5133

- 1 Amend Senate File 2325 as follows:  
2 1. Page 1, line 8, by striking the figure  
3 "\$500,000" and inserting the following: "\$1,500,000".  
4 2. Page 1, line 32, by striking the figure  
5 "500,000" and inserting the following: "1,500,000".  
6 3. By renumbering as necessary.

BILL FINK

S-5134

- 1 Amend Senate File 2300 as follows:  
2 1. Page 1, line 3, by inserting after the word  
3 "damages" the following: ", removes,".

BILL FINK

S-5135

- 1 Amend Senate File 2245 as follows:  
2 1. Page 1, by inserting after line 2 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 12.8, unnumbered paragraph 3,  
5 Code 1995, is amended to read as follows:  
6 The treasurer of state, with the approval of the  
7 investment board of trustees of the Iowa public  
8 employees' retirement system, may conduct a program of  
9 lending securities in the Iowa public employees'  
10 retirement system portfolio. When securities are  
11 loaned as provided by this paragraph, the treasurer  
12 shall act in the manner provided for investment of  
13 moneys in the Iowa public employees' retirement fund  
14 under section 97B.7. The treasurer of state shall  
15 report at least annually to the investment board of  
16 trustees of the Iowa public employees' retirement  
17 system on the program and shall provide additional  
18 information on the program upon the request of the  
19 investment board of trustees or the employees of the  
20 Iowa public employees' retirement system division of  
21 the department of personnel.  
22 Sec. \_\_\_\_ . Section 19A.1, subsection 3, paragraph

23 c, Code 1995, is amended to read as follows:

24 c. The ~~investment~~ board of trustees of the Iowa  
25 public employees' retirement system created by section  
26 ~~97B-8 97B.8A.~~

27 Sec. \_\_\_\_ . Section 68B.35, subsection 2, paragraph

28 e, Code 1995, is amended to read as follows:

29 e. Members of the banking board, the ethics and  
30 campaign disclosure board, the credit union review  
31 board, the economic development board, the employment  
32 appeal board, the environmental protection commission,  
33 the health facilities council, the Iowa business  
34 investment corporation board of directors, the Iowa  
35 finance authority, the Iowa seed capital corporation,  
36 the Iowa public employees' retirement system  
37 ~~investment~~ board of trustees, the lottery board, the  
38 natural resource commission, the board of parole, the  
39 petroleum underground storage tank fund board, the  
40 public employment relations board, the state racing  
41 and gaming commission, the state board of regents, the  
42 tax review board, the transportation commission, the  
43 office of consumer advocate, the utilities board, and  
44 any full-time members of other boards and commissions  
45 as defined under section 7E.4 who receive an annual  
46 salary for their service on the board or commission.

47 Sec. \_\_\_\_ . Section 97B.1, Code 1995, is amended to  
48 read as follows:

49 97B.1 SYSTEM CREATED -- ORGANIZATIONAL  
50 DEFINITIONS.

## Page 2

1 1. The "Iowa Public Employees' Retirement System"  
2 is created. The system is within the department of  
3 personnel, subject to the administration of the board.

4 2. As used in this chapter unless the context  
5 requires otherwise:

6 a. "Board" means the ~~investment~~ board of trustees  
7 created by section ~~97B-8 97B.8A.~~

8 b. "Department" means the department of personnel.

9 c. "Director" means the director of the department  
10 of personnel.

11 d. "System" means the Iowa public employees'  
12 retirement system."

13 2. By striking page 1, line 3, through page 2,  
14 line 23, and inserting the following:

15 "Sec. \_\_\_\_ . Section 97B.4, Code 1995, is amended to  
16 read as follows:

17 97B.4 ADMINISTRATION OF SYSTEM -- POWERS AND  
18 DUTIES -- IMMUNITY.

19 The ~~department board~~, through the department and

20 the chief investment officer and chief benefits  
21 officer, shall administer this chapter. The  
22 department, upon the approval of the board, may adopt,  
23 amend, or rescind rules, employ persons, execute  
24 contracts with outside parties, make expenditures,  
25 require reports, make investigations, and take other  
26 action it deems necessary for the administration of  
27 the system in conformity with the requirements of this  
28 chapter, the applicable provisions of the Internal  
29 Revenue Code, and all other applicable federal and  
30 state laws. The rules shall be effective upon  
31 compliance with chapter 17A. Not later than the  
32 fifteenth day of December of each year, the department  
33 shall submit to the governor a report covering the  
34 administration and operation of this chapter during  
35 the preceding fiscal year and shall make  
36 recommendations for amendments to this chapter. The  
37 report shall include a balance sheet of the moneys in  
38 the Iowa public employees' retirement fund.  
39 In the administration of the investment of moneys  
40 in the fund and in making benefit recommendations,  
41 employees of the department and members of the board  
42 may travel outside the state for the purpose of  
43 meeting with investment and benefit firms and  
44 consultants and attending conferences and meetings to  
45 fulfill their fiduciary responsibilities. This travel  
46 is not subject to section 421.38, subsection 2.  
47 The department, members of the investment board,  
48 and the treasurer of state are not personally liable  
49 for actions or omissions under this chapter that do  
50 not involve malicious or wanton misconduct even if

Page 3

1 those actions or omissions violate the standards  
2 established in section 97B.7.  
3 Sec. \_\_\_\_ . Section 97B.7, subsection 2, paragraphs  
4 b and d, Code 1995, are amended to read as follows:  
5 b. To invest the portion of the retirement fund  
6 which in the judgment of the department is not needed  
7 for current payment of benefits under this chapter.  
8 The department shall execute the disposition and  
9 investment of moneys in the retirement fund in  
10 accordance with the investment policy and goal  
11 statement established by the investment board. In  
12 establishing the investment policy of the fund and the  
13 investment of the fund, the department and investment  
14 board shall exercise the judgment and care, under the  
15 circumstances then prevailing, which persons of  
16 prudence, discretion, and intelligence exercise in the

17 management of their own affairs, not for the purpose  
18 of speculation, but with regard to the permanent  
19 disposition of the funds, considering the probable  
20 income, as well as the probable safety, of their  
21 capital. Within the limitations of the standard  
22 prescribed in this section, the treasurer of state,  
23 the department, and the board may acquire and retain  
24 every kind of property and every kind of investment  
25 which persons of prudence, discretion, and  
26 intelligence acquire or retain for their own account.  
27 The department and investment board shall give  
28 appropriate consideration to those facts and  
29 circumstances that the department and investment board  
30 know or should know are relevant to the particular  
31 investment or investment policy involved, including  
32 the role the investment plays in the total value of  
33 the retirement fund.

34 For the purposes of this paragraph, appropriate  
35 consideration includes, but is not limited to, a  
36 determination by the department and investment board  
37 that the particular investment or investment policy is  
38 reasonably designed to further the purposes of the  
39 retirement system, taking into consideration the risk  
40 of loss and the opportunity for gain or other return  
41 associated with the investment or investment policy  
42 and consideration of the following factors as they  
43 relate to the retirement fund:

44 (1) The composition of the retirement fund with  
45 regard to diversification.

46 (2) The liquidity and current return of the  
47 investments in the fund relative to the anticipated  
48 cash flow requirements of the retirement system.

49 (3) The projected return of the investments  
50 relative to the funding objectives of the retirement

Page 4

1 system.

2 Consistent with this paragraph, investments made  
3 under this paragraph shall be made in a manner that  
4 will enhance the economy of this state, and in  
5 particular, will result in increased employment of the  
6 residents of this state. Investments of moneys in the  
7 fund are not subject to sections 73.15 through 73.21.

8 Except as provided in section 97B.4, if there is  
9 loss to the fund, the treasurer, the department, and  
10 the board are not personally liable, and the loss  
11 shall be charged against the retirement fund. There  
12 is appropriated from the retirement fund the amount  
13 required to cover a loss. Expenses incurred in the

14 sale and purchase of securities belonging to the  
15 retirement fund shall be charged to the retirement  
16 fund, and there is appropriated from the retirement  
17 fund the amount required for the expenses incurred.  
18 Investment management expenses shall be charged to the  
19 investment income of the retirement fund, and there is  
20 appropriated from the retirement fund the amount  
21 required for the investment management expenses,  
22 subject to the limitations stated in this unnumbered  
23 paragraph. The amount appropriated for a fiscal year  
24 under this unnumbered paragraph shall not exceed one-  
25 half percent of the market value of the retirement  
26 fund. The department shall report the investment  
27 management expenses for a fiscal year as a percent of  
28 the market value of the retirement fund in the annual  
29 report to the governor required in section 97B.4. A  
30 person who has signed a contract with the department  
31 for investment management purposes shall meet the  
32 requirements for doing business in Iowa sufficient to  
33 be subject to tax under rules of the department of  
34 revenue and finance.

35 d. To sell any securities or other property in the  
36 trust fund and reinvest the proceeds in accordance  
37 with the direction of the department when such action  
38 may be deemed advisable by the department for the  
39 protection of the trust fund or the preservation of  
40 the value of the investment. Such sale of securities  
41 or other property of the trust fund shall only be made  
42 after advice from the investment board in the manner  
43 and to the extent provided in this chapter in regard  
44 to the purchase of investments.

45 Sec. — . **NEW SECTION. 97B.8A BOARD OF TRUSTEES.**

46 1. **BOARD ESTABLISHED.** A board is established to  
47 be known as the "Board of Trustees of the Iowa Public  
48 Employees' Retirement System", referred to in this  
49 chapter as the "board", whose duties are to establish  
50 policy for the department in matters relating to the

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1 administration of the system, including the investment  
2 of the trust funds and the disbursement of benefits  
3 provided to members of the system.

4 2. **REVIEW.**

5 a. At least annually the board shall review the  
6 investment policies and procedures used by the  
7 department under section 97B.7, subsection 2,  
8 paragraph "b", and shall hold a public meeting on the  
9 investment policies and investment performance of the  
10 fund. Following its review and the public meeting,

11 the board shall establish an investment policy and  
12 goal statement which shall direct the investment  
13 activities of the department. The development of the  
14 investment policy and goal statement and its  
15 subsequent execution shall be performed cooperatively  
16 between the board and the department.

17 b. At least every two years, the board shall  
18 review the benefits provided to members under chapter  
19 97B and shall hold a public meeting on the benefits  
20 provided to members under this chapter. Following its  
21 review and public meeting, the board shall make  
22 recommendations to the general assembly concerning the  
23 benefits provided under this chapter.

### 24 3. MEMBERSHIP.

25 a. The board consists of eleven members. Eight of  
26 the members shall be appointed by the governor. One  
27 member shall be an executive of a domestic life  
28 insurance company; one member shall be an executive of  
29 a state or national bank operating within the state of  
30 Iowa; one member shall be an executive of an  
31 industrial corporation located within the state of  
32 Iowa; one, not a member of the system, who is a member  
33 of a county board of supervisors or local school  
34 board; and four shall be members of the system, one of  
35 whom is an active member who is an employee of a  
36 school district, area education agency, or merged  
37 area, one of whom is an active member who is not  
38 employed in a position described under section 97B.49,  
39 subsection 16, and is not an employee of a school  
40 district, area education agency, or merged area, one  
41 of whom is employed in a position described under  
42 section 97B.49, subsection 16, and one of whom is a  
43 retired member of the system. The president of the  
44 senate, after consultation with the majority leader  
45 and the minority leader of the senate, shall appoint  
46 one member from the membership of the senate and the  
47 speaker of the house of representatives, after  
48 consultation with the majority leader and the minority  
49 leader of the house of representatives, shall appoint  
50 one member from the membership of the house. The

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1 following members are ex officio, voting members of  
2 the board: the two legislative members; the member  
3 who is a member of a county board of supervisors or local  
4 school board; the active member who is an employee of  
5 a school district, area education agency, or merged  
6 area; the active member who is not employed in a  
7 position described under section 97B.49, subsection



8 16, and is not an employee of a school district, area  
9 education agency, or merged area; and the active  
10 member who is employed in a position described under  
11 section 97B.49, subsection 16. The director of the  
12 department of personnel is an ex officio, nonvoting  
13 member of the board. Six voting members of the board  
14 shall constitute a quorum.

15 b. The members who are an executive of a domestic  
16 life insurance company, an executive of a state or  
17 national bank operating within the state of Iowa, an  
18 executive of an industrial corporation located within  
19 the state of Iowa, a member of a county board of  
20 supervisors or school board, and the member who is a  
21 retired member of the system, shall be paid their  
22 actual expenses incurred in performance of their  
23 duties and shall receive a per diem as specified in  
24 section 7E.6 for each day of service not exceeding  
25 forty days per year. Legislative members shall be  
26 paid the per diem specified in section 2.10,  
27 subsection 6, for each day of service, and their  
28 actual expenses incurred in the performance of their  
29 duties. The per diem and expenses of the legislative  
30 members shall be paid from funds appropriated under  
31 section 2.12. The following members shall be paid  
32 their actual expenses incurred in the performance of  
33 their duties as members of the board and the  
34 performance of their duties as members of the board  
35 shall not affect their salaries, vacations, or leaves  
36 of absence for sickness or injury: the director of  
37 the department of personnel; the active member who is  
38 an employee of a school district, area education  
39 agency, or merged area; the active member who is not  
40 employed in a position described under section 97B.49,  
41 subsection 16, and is not an employee of a school  
42 district, area education agency, or merged area; and  
43 the active member who is employed in a position  
44 described under section 97B.49, subsection 16. The  
45 appointive terms of the members appointed by the  
46 governor are for a period of six years beginning and  
47 ending as provided in section 69.19. A vacancy in the  
48 membership of the board shall be filled in the same  
49 manner as the original appointment. Gubernatorial  
50 appointees to the board are subject to confirmation by

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1 the senate.

2 4. ADMINISTRATIVE AUTHORITY.

3 The authority of the department to carry out its  
4 duties as provided by this chapter are,

5 notwithstanding provisions of this chapter to the  
6 contrary, subject to the approval of the board."

7 3. Page 50, by inserting after line 23 the  
8 following:

9 "Sec. \_\_\_\_ . Section 473.11, subsection 2,  
10 unnumbered paragraph 1, Code 1995, is amended to read  
11 as follows:

12 The treasurer of state shall be the custodian of  
13 the energy conservation trust and shall invest the  
14 moneys in the trust, in consultation with the energy  
15 fund disbursement council established in subsection 3  
16 and the investment board of trustees of the Iowa  
17 public employees' retirement system, in accordance  
18 with the following guidelines:

19 Sec. \_\_\_\_ . BOARD TRANSITION -- EFFECTIVE DATE.

20 1. Notwithstanding provisions of section 97B.8A,  
21 as enacted in this Act, to the contrary, the initial  
22 board of trustees of the Iowa public employees'  
23 retirement system shall consist of the following  
24 members, who shall serve the following terms:

25 a. The governor shall appoint to the initial board  
26 of trustees one member, not a member of the system,  
27 who is a member of a county board of supervisors or  
28 local school board and one member who is an active  
29 member of the system and is employed in a position  
30 described under section 97B.49, subsection 16. The  
31 terms of these two members appointed under this  
32 paragraph shall commence on July 1, 1996 and expire on  
33 April 30, 2002.

34 b. The members of the investment board established  
35 under section 97B.8, Code 1995, who were appointed by  
36 the governor shall cease membership on the investment  
37 board and commence membership on the initial board of  
38 trustees on July 1, 1996. The terms of these members  
39 on the initial board of trustees shall expire on the  
40 same date as their terms would have expired on the  
41 investment board in accordance with section 97B.8,  
42 Code 1995.

43 c. The members of the investment board established  
44 under section 97B.8, Code 1995, who are legislative  
45 members shall cease membership on the investment board  
46 and commence membership on the initial board of  
47 trustees on July 1, 1996. The terms of these members  
48 shall expire at the pleasure of the appointing  
49 authorities as provided in section 97B.8A, as enacted  
50 in this Act.

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- 1 d. The director of the department of personnel  
2 shall cease membership on the investment board  
3 established under section 97B.8, Code 1995, and  
4 commence membership on the initial board of trustees  
5 on July 1, 1996. The director of the department of  
6 personnel shall serve on the board of trustees as  
7 provided in section 97B.8A, as enacted in this Act.  
8 2. Initial appointments by the governor under this  
9 section are subject to confirmation by the senate. If  
10 a vacancy occurs as to a member of the initial board  
11 of trustees who is appointed by the governor prior to  
12 the expiration of a term as provided in this section,  
13 the governor shall appoint a member to serve the  
14 remainder of the term so that the membership  
15 requirements of section 97B.8A, as enacted in this  
16 Act, are fulfilled, and the appointment shall be  
17 subject to confirmation by the senate. Upon the  
18 expiration of a term established in this section, a  
19 member shall be appointed in the manner and for a term  
20 of service as specified in section 97B.8A, as enacted  
21 in this Act. Except as otherwise provided in this  
22 section, the initial board of trustees shall be  
23 subject to the requirements of section 97B.8A, as  
24 enacted in this Act.  
25 3. In order to provide for the appointments to the  
26 initial board of trustees, this section of this Act,  
27 being deemed of immediate importance, takes effect  
28 upon enactment.  
29 Sec. \_\_\_\_ . REPEAL. Section 97B.8, Code 1995, is  
30 repealed.”  
31 4. By renumbering as necessary.

JIM LIND  
MICHAEL E. GRONSTAL

S-5136

- 1 Amend Senate File 244 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 “Section 1. Section 231.42, Code 1995, is amended  
5 by adding the following new subsection before  
6 unnumbered paragraph 2:  
7 NEW SUBSECTION. 8. a. Establish a local long-  
8 term care resident’s advocate program in a designated  
9 entity in each of the area agency on aging planning  
10 and service areas throughout the state. The long-term  
11 care resident’s advocate, in consultation with the

12 department, shall establish a procedure for  
13 certification of local resident's advocates. The  
14 certification procedure shall require, at a minimum,  
15 that the local long-term care resident's advocate has  
16 demonstrated the capability to carry out the  
17 responsibilities of the office, be free of conflicts  
18 of interest, and meet any additional requirements as  
19 specified by the state resident's advocate.

20 b. The state resident's advocate, the designated  
21 entities in which local long-term care resident's  
22 advocate programs are established, and the local  
23 resident's advocates are not liable for any action  
24 undertaken by a local resident's advocate in the  
25 performance of duty, if the action is undertaken and  
26 carried out in good faith.

27 c. The local resident's advocates shall assist the  
28 state resident's advocate by doing, at a minimum, all  
29 of the following:

30 (1) Providing services to protect the health,  
31 safety, welfare, and rights of residents in long-term  
32 care facilities.

33 (2) Ensuring that the residents of long-term care  
34 facilities in the service area of the local long-term  
35 care resident's advocate program have regular, timely  
36 access to the local resident's advocate and are  
37 provided timely responses to complaints and requests  
38 for assistance.

39 (3) Identifying, investigating, and resolving  
40 complaints and grievances that may adversely affect  
41 the health, safety, welfare, or rights of residents in  
42 long-term care facilities.

43 (4) Representing the interests of residents of  
44 long-term care facilities before government agencies  
45 and seeking administrative, legal, and other remedies  
46 to protect the health, safety, welfare, and rights of  
47 the residents of long-term care facilities.

48 (5) Providing information to other agencies and to  
49 the public about the problems of residents in long-  
50 term care facilities and facilitating the ability of

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1 the public to comment on laws, regulations, and  
2 policies which affect the residents in long-term care  
3 facilities.

4 (6) Reviewing, and, if necessary, commenting on  
5 any existing and proposed laws, rules, and other  
6 government policies and actions that pertain to the  
7 rights and well-being of residents in long-term care  
8 facilities.

9 (7) Developing and assisting care review  
10 committees in the performance of their duties through  
11 recruitment, training, and publicity.

12 (8) Supporting the development of resident and  
13 family councils.

14 (9) Assisting in the development of consumer  
15 organizations to participate in the local long-term  
16 care resident's advocate program.

17 (10) Carrying out other activities that the state  
18 resident's advocate determines to be appropriate.

19 d. The department of elder affairs shall  
20 establish, in consultation with the state resident's  
21 advocate, policies and procedures for monitoring local  
22 long-term care resident's advocate programs, the  
23 entities in which the programs are established, and  
24 the local resident's advocates.

25 Sec. 2. Section 231.42, unnumbered paragraph 2,  
26 Code 1995, is amended by striking the paragraph and  
27 inserting in lieu thereof the following:

28 The state resident's advocate shall have access to  
29 long-term care facilities, private access to  
30 residents, access to residents' personal, social, and  
31 medical records for the purpose of reviewing and upon  
32 request copying the records, and access to other  
33 records maintained by the facilities or governmental  
34 agencies only as necessary and pertaining only to the  
35 person on whose behalf a complaint is being  
36 investigated. A local resident's advocate shall have  
37 comparable access to facilities, residents, and  
38 records as provided in this paragraph if the local  
39 resident's advocate obtains consent from the resident  
40 or from the resident's legal representative. If the  
41 resident is unable to provide consent and the  
42 resident's legal representative refuses to consent to  
43 the access, access shall be granted if the local  
44 resident's advocate has reasonable cause to believe  
45 that the legal representative is not acting in the  
46 resident's best interests and if the local resident's  
47 advocate obtains approval from the state long-term  
48 care resident's advocate.

49 Sec. 3. Section 231.43, subsection 3, Code 1995,  
50 is amended to read as follows:

Page 3

1 3. Procedures to enable the state long-term care  
2 resident's advocate and local long-term care  
3 resident's advocates to elicit, receive, and process  
4 complaints regarding administrative actions which may  
5 adversely affect the health, safety, welfare, or

6 rights of elderly residents in long-term care  
 7 facilities.  
 8 Sec. 4. LOCAL LONG-TERM CARE RESIDENT'S ADVOCATE  
 9 PROGRAM -- PILOT PROJECT -- APPROPRIATION. There is  
 10 appropriated from the general fund of the state to the  
 11 department of elder affairs for the fiscal year  
 12 beginning July 1, 1996, and ending June 30, 1997, the  
 13 following amount or so much thereof as is necessary,  
 14 to be used for the purpose designated:  
 15 For the establishment of a pilot program beginning  
 16 July 1, 1996, and ending June 30, 1998, to create the  
 17 position of local long-term care resident's advocate  
 18 in each of three agency on aging planning and service  
 19 areas in the state to determine the efficacy of  
 20 establishing local resident's advocates in all area  
 21 agency on aging planning and service area locations:  
 22 ..... \$ 240,000  
 23 Notwithstanding section 8.33, the moneys  
 24 appropriated in this section that remain unencumbered  
 25 and unobligated at the end of any fiscal year shall  
 26 not revert to the general fund but shall remain  
 27 available for expenditure during subsequent fiscal  
 28 years for the purposes for which originally  
 29 appropriated.  
 30 Sec. 5. EFFECTIVE DATE. Sections 1 through 3 of  
 31 this Act take effect July 1, 1998."  
 32 2. Title page, line 1, by striking the word  
 33 "area" and inserting the following: "local".  
 34 3. Title page, line 2, by inserting after the  
 35 word "aging" the following: "planning and service  
 36 areas".

MERLIN E. BARTZ

S-5137

1 Amend the amendment, S-5135, to Senate File 2245 as  
 2 follows:  
 3 1. Page 5, line 25, by striking the words "eleven  
 4 members. Eight" and inserting the following: "twelve  
 5 members. Nine".  
 6 2. Page 5, line 32, by inserting after the word  
 7 "Iowa;" the following: "one member shall be a  
 8 certified financial planner;".  
 9 3. Page 6, line 2, by striking the words "the two  
 10 legislative members;".  
 11 4. Page 6, line 12, by striking the words "is an"  
 12 and inserting the following: "and the two legislative  
 13 members are".  
 14 5. Page 6, line 13, by striking the word "member"  
 15 and inserting the following: "members".

- 16 6. Page 6, line 13, by striking the word "Six"  
 17 and inserting the following: "Five".
- 18 7. Page 6, line 16, by inserting after the word  
 19 "company," the following: "a certified financial  
 20 planner,".
- 21 8. Page 7, by inserting after line 33 the  
 22 following:  
 23 "\_\_\_\_. The governor shall appoint to the initial  
 24 board of trustees one member who shall be a certified  
 25 financial planner. The term of the member appointed  
 26 under this paragraph shall commence on July 1, 1996,  
 27 and expire on April 30, 2000."
- 28 9. By relettering as necessary.

JIM LIND

S-5138

- 1 Amend Senate File 2012 as follows:
- 2 1. Page 1, by striking lines 9 and 10 and  
 3 inserting the following: "combined value not greater  
 4 than twenty one hundred thousand dollars may be  
 5 offered. The cost of each ticket for an annual raffle  
 6 shall not exceed twenty-five dollars. If the prize is  
 7 merchandise,".
- 8 2. Page 1, by striking lines 26 and 27 and  
 9 inserting the following: "calendar year at which  
 10 prizes having a combined value not greater than twenty  
 11 one hundred thousand dollars may be".
- 12 3. Page 1, line 28, by inserting after the word  
 13 "awarded." the following: "The cost of each ticket  
 14 for an annual raffle shall not exceed twenty-five  
 15 dollars."

ROD HALVORSON

S-5139

- 1 Amend Senate File 2260 as follows:
- 2 1. Page 1, by striking lines 27 and 28 and  
 3 inserting the following: "provided under section  
 4 70A.9 for state business use."
- 5 2. Page 2, by striking lines 13 through 16 and  
 6 inserting the following: "land subject to an  
 7 agreement is converted to a nonagricultural use that  
 8 does not require a permanent soil and water  
 9 conservation practice which has been established with  
 10 financial incentives, the permanent soil and water  
 11 conservation practice shall not be removed, until the  
 12 owner pays an amount to the district, which shall be

13 deposited into a fund established by the district for  
 14 use in providing financial incentives under this  
 15 chapter. The amount shall be a prorated share of the  
 16 amount paid in financial incentives to establish the  
 17 practice, as provided in rules adopted by the  
 18 division."

EUGENE FRAISE

S-5140

1 Amend Senate File 2003 as follows:  
 2 1. Page 1, line 1, by inserting after the letter  
 3 "c" the following: "unnumbered paragraph 1,".  
 4 2. Page 1, line 3, by striking the figure "(1)".  
 5 3. Page 1, line 16, by striking the word "eight"  
 6 and inserting the following: "eight one thousand  
 7 five".  
 8 4. Page 1, by striking lines 18 and 19 and  
 9 inserting the following: "prizes. A jackpot bingo  
 10 game is not prohibited by paragraph "h"."  
 11 5. By striking page 1, line 33, through page 2,  
 12 line 29.  
 13 6. Title page, line 2, by striking the word  
 14 "certain".

ROD HALVORSON

S-5141

1 Amend Senate File 2182 as follows:  
 2 1. Page 1, line 10, by striking the words "work  
 3 additional" and inserting the following: "make up".  
 4 2. Page 1, lines 14 and 15, by striking the words  
 5 "trade of work time" and inserting the following:  
 6 "time trade".

COMMITTEE ON LOCAL GOVERNMENT  
 ALBERT SORENSEN, Chairperson

S-5142

1 Amend House File 2165, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 22 through 25 and  
 4 inserting the following: "authorized to do business  
 5 in Iowa as an insurer and having fifty or more persons



6 employed in this state excluding licensed insurance  
7 agents."

COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, Chairperson

S-5143

1 Amend Senate File 2268 as follows:

2 1. Page 10, by inserting after line 26 the  
3 following:

4 "Sec. \_\_\_\_ . Section 555B.4, subsection 3, Code  
5 1995, is amended to read as follows:

6 3. If a tax lien exists on the mobile home or  
7 personal property at the time an action for  
8 abandonment is initiated, the real property owner  
9 shall notify the county treasurer of each county in  
10 which a tax lien appears by restricted certified mail  
11 sent not less than ten days before the hearing. The  
12 notice shall describe the mobile home and shall state  
13 the docket, case number, date and time at which the  
14 hearing is scheduled, and the county treasurer's right  
15 to assert a claim to the mobile home at the hearing.  
16 The notice shall also state that failure to assert a  
17 claim to the mobile home is deemed a waiver of all  
18 right, title, claim, and interest in the mobile home  
19 and is deemed consent to the sale or disposal of the  
20 mobile home."

21 2. By renumbering as necessary.

EUGENE FRAISE

S-5144

1 Amend the amendment, S-5116, to Senate File 2266 as  
2 follows:

3 1. Page 1, lines 20 and 21, by striking the words  
4 "submit a damage disclosure statement" and inserting  
5 the following: "indicate whether the vehicle had  
6 incurred prior damage of three thousand dollars or  
7 more per incident".

8 2. Page 1, line 22, by striking the word "prior"  
9 and inserting the following: "transferor's".

EUGENE FRAISE

S-5145

1 Amend Senate File 2299 as follows:

2 1. Page 1, by striking lines 1 through 11.

- 3 2. Page 1, lines 13 and 14, by striking the words  
 4 "this chapter regarding the obtaining of a permit for,  
 5 training for, and" and inserting the following:  
 6 "sections 724.6 and 724.11 regarding obtaining or  
 7 renewing a permit for".
- 8 3. Title page, line 1, by inserting after the  
 9 word "obtaining" the following: "or renewing".
- 10 4. Title page, line 2, by striking the words "and  
 11 carrying weapons".
- 12 5. By renumbering as necessary.

EUGENE FRAISE

S-5146

- 1 Amend Senate File 2170 as follows:
- 2 1. Page 2, by inserting after line 13 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 142C.7, Code Supplement 1995,  
 5 is amended to read as follows:  
 6 142C.7 CONFIDENTIAL INFORMATION.  
 7 A hospital, licensed or certified health care  
 8 professional, pursuant to chapter 148, 148C, 150A, or  
 9 152, or medical examiner may release patient  
 10 information to an organ procurement organization, or  
 11 bank or storage organization as part of a referral or  
 12 ~~evaluation~~ retrospective review of the patient as a  
 13 potential donor. Any information regarding a patient,  
 14 including the patient's identity, however, constitutes  
 15 confidential medical information and under any other  
 16 circumstances is prohibited from disclosure without  
 17 the written consent of the patient or the patient's  
 18 legal representative."
- 19 2. Title page, line 1, by inserting after the  
 20 words "relating to" the following: "anatomical gifts  
 21 including the use of confidential information and".
- 22 3. By renumbering as necessary.

NANCY BOETTGER

S-5147

- 1 Amend Senate File 2210 as follows:
- 2 1. Page 3, by striking lines 11 through 24.  
 3 2. By renumbering as necessary.

TOM VILSACK

S-5148

- 1 Amend Senate File 2128 as follows:  
 2 1. Page 1, line 29, by striking the figure  
 3 "422.43" and inserting the following: "422.43. This  
 4 seven million dollar allocation to the road use tax  
 5 fund is based upon the estimated revenue received from  
 6 sales tax imposed".

MICHAEL E. GRONSTAL

S-5149

- 1 Amend Senate File 2104 as follows:  
 2 1. Page 1, line 28, by inserting after the word  
 3 "executive" the following: "or legislative".  
 4 2. Page 2, by inserting after line 28 the  
 5 following:  
 6 "Sec. \_\_\_\_ . Section 70A.28, subsection 7, Code  
 7 1995, is amended to read as follows:  
 8 7. The director of the department of personnel or,  
 9 for employees of the general assembly, the legislative  
 10 council, shall provide procedures for notifying new  
 11 state employees of the provisions of this section and  
 12 shall periodically conduct promotional campaigns to  
 13 provide similar information to all state employees.  
 14 The information shall include the toll-free telephone  
 15 number of the citizens' aide.  
 16 Sec. \_\_\_\_ . Section 70A.28, Code 1995, is amended by  
 17 adding the following new subsection:  
 18 NEW SUBSECTION. 8. For purposes of this section,  
 19 "state employee" and "employee" include, but is not  
 20 limited to, persons employed by the general assembly."  
 21 3. By renumbering as necessary.

JIM LIND

S-5150

- 1 Amend Senate File 198 as follows:  
 2 1. Page 1, line 17, by striking the figure "1995"  
 3 and inserting the following: "1996".

COMMITTEE ON LOCAL GOVERNMENT  
 ALBERT SORENSEN, Chairperson

S-5151

- 1 Amend Senate File 2221 as follows:  
 2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 422.51, Code 1995, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 5. The taxes remitted pursuant to  
7 this division shall be reduced by an alternate energy  
8 purchase tax credit. An electric utility which has  
9 purchased electricity from an alternate energy  
10 production facility or small hydro facility pursuant  
11 to section 476.43 shall be granted the credit. The  
12 credit shall equal the difference between the  
13 competitively bid rate that the utility paid for  
14 purchase of the electricity and the rate which is  
15 equivalent to the true economic cost attributed to  
16 production of the electricity by the electric utility,  
17 as established by the board pursuant to section  
18 476.43.

19 Sec. 2. Section 476.1A, Code 1995, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 7. Encouragement of alternate  
22 energy production and the purchase of alternate  
23 energy.

24 Sec. 3. Section 476.1A, unnumbered paragraph 3,  
25 Code 1995, is amended to read as follows:

26 However, sections 476.20, 476.21, ~~476.41 through~~  
27 ~~476.44~~, 476.51, 476.56, 476.62, and 476.66 and  
28 chapters 476A and 478, to the extent applicable, apply  
29 to such electric utilities.

30 Sec. 4. Section 476.1B, subsection 1, paragraph g,  
31 Code 1995, is amended by striking the paragraph and  
32 inserting in lieu thereof the following:

33 g. Encouragement of alternate energy production  
34 and the purchase of alternate energy.

35 Sec. 5. Section 476.42, subsection 1, paragraph a,  
36 Code 1995, is amended to read as follows:

37 a. A solar, wind turbine, ~~waste management,~~  
38 ~~resource methane~~ recovery, ~~refuse-derived fuel,~~  
39 agricultural crops or residues, or woodburning  
40 facility.

41 Sec. 6. Section 476.42, subsection 3, Code 1995,  
42 is amended by striking the subsection.

43 Sec. 7. Section 476.42, Code 1995, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 5. "Alternate energy" means  
46 electricity derived from hydro, solar, wind, methane  
47 recovery, agricultural crops or residues, or  
48 woodburning energy.

49 Sec. 8. Section 476.43, subsection 1, Code 1995,  
50 is amended to read as follows:

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1 1. Subject to section 476.44, the board shall  
2 require electric utilities to enter into long-term  
3 contracts to do the following:  
4 a. Purchase or wheel electricity from alternate  
5 energy production facilities or small hydro facilities  
6 located in the utility's service area under the terms  
7 and conditions that the board finds are just and  
8 economically reasonable to the electric utilities'  
9 ratepayers, are nondiscriminatory to alternate energy  
10 producers and small hydro producers and will further  
11 the policy stated in section 476.41.

12 b. Provide for the availability of supplemental or  
13 backup power to alternate energy production facilities  
14 or small hydro facilities on a nondiscriminatory basis  
15 and at just and reasonable rates.

16 c. If the parties fail to agree on the terms of a  
17 contract required pursuant to this section, a party  
18 may request that the board intervene. The board shall  
19 have sixty days from the date of the intervention  
20 request to render a decision on the contract.

21 Sec. 9. Section 476.43, subsections 2, 3, and 4,  
22 Code 1995, are amended by striking the subsections and  
23 inserting in lieu thereof the following:

24 2. The board shall establish a uniform competitive  
25 bidding process so that an electric utility may  
26 acquire alternate energy at a just and economically  
27 based market rate. An electric utility may produce  
28 its own alternate energy by constructing and operating  
29 an alternate energy production facility or small hydro  
30 facility if the facility is constructed and operated  
31 as a separate affiliate entity. However, the electric  
32 utility shall participate in the competitive bidding  
33 process using a third-party evaluator. A bid from an  
34 electric utility producing its own alternate energy  
35 shall not take into account regulated industry-based  
36 factors including eminent domain and transmission  
37 ownership in order to produce a lower cost bid.

38 3. Notwithstanding section 476.51, an electric  
39 utility which fails to comply with the requirements of  
40 subsection 1 shall be subject to a civil penalty,  
41 levied by the board, in an amount that is equivalent  
42 to three times the amount of the lowest bid filed with  
43 the board to comply with the requirements of  
44 subsection 1. Civil penalties collected under this  
45 subsection shall be forwarded to the treasurer of  
46 state to be credited to the Iowa energy center. Any  
47 moneys allocated to the Iowa energy center pursuant to  
48 this subsection shall be used solely for providing

49 grants to nonprofit agencies for alternate energy  
50 production. These penalties shall be excluded from

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1 the electric utility's costs when determining the  
2 electric utility's revenue requirement, and shall not  
3 be included either directly or indirectly in the  
4 electric utility's rates or charges to customers.

5 4. Notwithstanding subsection 2, alternate energy  
6 produced by recovery of methane at a sanitary landfill  
7 shall be purchased at the rate existing as of January  
8 1, 1996.

9 Sec. 10. Section 476.43, Code 1995, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 7. An electric utility purchasing  
12 alternate energy pursuant to this section shall be  
13 entitled to an alternate energy purchase tax credit.  
14 The electric utility shall reflect the tax credit  
15 received by the utility in the utility's automatic  
16 adjustment pursuant to section 476.6, subsection 11.  
17 The credit shall be equal to the difference between  
18 the rate established through the competitive bidding  
19 process and the rate that is equivalent to the true  
20 economic cost attributed to production of the  
21 electricity by the electric utility, as established by  
22 the board. The board shall establish a true economic  
23 cost rate for purposes of the tax credit provided  
24 under section 422.51. After January 1, 1997, this  
25 rate shall be based upon the conclusions of an  
26 independent study of the true economic value and cost  
27 of energy production.

28 Sec. 11. Section 476.44, subsection 1, Code 1995,  
29 is amended to by striking the subsection.

30 Sec. 12. Section 476.44, subsection 2, Code 1995,  
31 is amended to read as follows:

32 2. a. An electric utility subject to this  
33 division, except a utility which elects rate  
34 regulation pursuant to section 476.1A, shall ~~not~~ be  
35 required to purchase, ~~at any one time, more than its~~  
36 ~~share of one two hundred five ten~~ megawatts of power  
37 from alternative energy production facilities or small  
38 hydro facilities ~~at the rates in accordance with the~~  
39 competitive bidding process established pursuant to  
40 section 476.43. The board shall allocate the ~~one two~~  
41 ~~hundred five ten~~ megawatts based upon each utility's  
42 percentage of the total Iowa retail peak demand, for  
43 the year beginning January 1, 1990, of all utilities  
44 subject to this section. If a utility undergoes  
45 reorganization as defined in section 476.76, the board

46 shall combine the allocated purchases of power for  
47 each utility involved in the reorganization.  
48 Notwithstanding the ~~one two~~ hundred ~~five ten~~  
49 megawatt maximum, the board may increase the amount of  
50 power that a utility is required to purchase at the

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1 rates established pursuant to section ~~476.43~~ if the  
2 board finds that a utility, including a reorganized  
3 utility, exceeds its 1990 Iowa retail peak demand by  
4 twenty percent and the additional power the utility is  
5 required to purchase will encourage the development of  
6 alternate energy production facilities and small hydro  
7 facilities. The increase shall not exceed the  
8 utility's increase in peak demand multiplied by the  
9 ratio of the utility's share of the ~~one two~~ hundred  
10 ~~five ten~~ megawatt maximum to its 1990 Iowa retail peak  
11 demand.

12 b. Of that portion of alternate energy required to  
13 be purchased by a utility under this section, eighty-  
14 five percent shall be purchased from alternate energy  
15 production facilities or small hydro facilities  
16 generating electricity with current and viable  
17 technologies and fifteen percent shall be purchased  
18 from alternate energy production facilities generating  
19 electricity from new technologies. For purposes of  
20 this section, new technologies include only those  
21 technologies that use nonfossil fuel to derive  
22 renewable energy.

23 Sec. 13. TRUE ECONOMIC COST AND VALUE STUDY. The  
24 Iowa utilities board and the office of the Consumer  
25 Advocate shall conduct an independent study of the  
26 true economic cost of generating electricity. The  
27 report shall be sent to the general assembly by  
28 January 1, 1997. The study shall include an economic  
29 analysis of electric utility rates and alternate  
30 energy production rates. In addition to other  
31 relevant factors, a determination of a true economic  
32 rate shall consider the economic value of bringing the  
33 production of energy to the state versus the value of  
34 importing fossil fuels and the environmental impacts  
35 associated with energy production and use. The study  
36 shall provide a definitive statement of a true  
37 economic rate.

38 Sec. 14. APPLICABILITY TO EXISTING CONTRACTS.  
39 This Act shall not affect the terms and conditions of  
40 any contract between an alternate energy production  
41 facility or small hydro facility and an electric  
42 utility that was entered into pursuant to sections

43 476.43 and 476.44 for purchase of alternate energy if  
44 the contract was entered into prior to the effective  
45 date of this Act.”

COMMITTEE ON NATURAL RESOURCES,  
ENERGY, AND ENVIRONMENT  
BILL FINK, Chairperson

S-5152

1 Amend Senate File 2012 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 “Section 1. REAL PROPERTY RAFFLE AUTHORIZED --  
5 TEMPORARY.

6 1. Notwithstanding a contrary provision of section  
7 99B.7, upon application and payment of a fee of one  
8 hundred dollars, the department of inspections and  
9 appeals shall issue a raffle license to a tax-exempt,  
10 nonprofit, charitable organization for the purpose of  
11 raffling a parcel of real property which was acquired  
12 as a gift by the organization. The license shall  
13 allow the conducting of a raffle for not more than  
14 nine months during the calendar years 1996 and 1997.  
15 The license to conduct the real estate raffle shall be  
16 purchased within ten days after the effective date of  
17 this Act. The value of the parcel of real property to  
18 be raffled may exceed twenty thousand dollars and the  
19 cost to participate in the raffle may exceed one  
20 dollar for each participant.

21 2. The licensee shall meet all other requirements  
22 for licensees under section 99B.2 and 99B.7. In  
23 addition, the licensee shall keep the receipts from  
24 the raffle in a separate financial account and shall  
25 file a cumulative report for the raffle by July 1,  
26 1997, with the department of inspections and appeals  
27 in a form determined by the department.

28 3. The department of inspections and appeals shall  
29 conduct a special audit of the raffle by July 15,  
30 1997, to verify compliance with the appropriate  
31 requirements of chapter 99B and this Act, except as  
32 otherwise provided in this Act. The department of  
33 inspections and appeals shall file a copy of the audit  
34 report with the governor and the general assembly on  
35 or before July 30, 1997.

36 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
37 immediate importance, takes effect upon enactment.

38 Sec. 3. REPEALER. This Act is repealed effective  
39 July 30, 1997.”

40 2. Title page, line 1, by inserting after the



41 word "raffles" the following: "and providing an  
42 effective date".

ROD HALVORSON

S-5153

1 Amend Senate File 2245 as follows:  
2 1. Page 28, line 25, by striking the word  
3 "January" and inserting the following: "July".  
4 2. Page 29, line 9, by striking the word  
5 "January" and inserting the following: "July".  
6 3. Page 29, by striking lines 13 through 22.  
7 4. Page 29, line 33, by striking the word  
8 "January" and inserting the following: "July".  
9 5. Page 30, line 14, by striking the word  
10 "January" and inserting the following: "July".  
11 6. Page 50, by inserting after line 23 the  
12 following:  
13 "Sec. \_\_\_\_ . INTERIM STUDY COMMITTEE. The  
14 legislative council shall direct the public retirement  
15 systems committee established under section 97D.4 to  
16 meet during the 1996 legislative interim and make  
17 recommendations regarding diseases which are presumed  
18 to have been contracted while on active duty for  
19 purposes of accidental disability benefits provided  
20 under section 97B.50A, as enacted in this Act."  
21 7. By renumbering and relettering as necessary.

SHELDON RITTMER

S-5154

1 Amend Senate File 2245 as follows:  
2 1. Page 1, by inserting after line 2 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 12.8, unnumbered paragraph 3,  
5 Code 1995, is amended to read as follows:  
6 The treasurer of state, with the approval of the  
7 investment board of trustees of the Iowa public  
8 employees' retirement system, may conduct a program of  
9 lending securities in the Iowa public employees'  
10 retirement system portfolio. When securities are  
11 loaned as provided by this paragraph, the treasurer  
12 shall act in the manner provided for investment of  
13 moneys in the Iowa public employees' retirement fund  
14 under section 97B.7. The treasurer of state shall  
15 report at least annually to the investment board of  
16 trustees of the Iowa public employees' retirement  
17 system on the program and shall provide additional

18 information on the program upon the request of the  
 19 investment board of trustees or the employees of the  
 20 Iowa public employees' retirement system division of  
 21 the department of personnel.

22 Sec. \_\_\_\_ . Section 19A.1, subsection 3, paragraph  
 23 c, Code 1995, is amended to read as follows:

24 c. The investment board of trustees of the Iowa  
 25 public employees' retirement system created by section  
 26 97B.8 97B.8A.

27 Sec. \_\_\_\_ . Section 68B.35, subsection 2, paragraph  
 28 e, Code 1995, is amended to read as follows:

29 e. Members of the banking board, the ethics and  
 30 campaign disclosure board, the credit union review  
 31 board, the economic development board, the employment  
 32 appeal board, the environmental protection commission,  
 33 the health facilities council, the Iowa business  
 34 investment corporation board of directors, the Iowa  
 35 finance authority, the Iowa seed capital corporation,  
 36 the Iowa public employees' retirement system  
 37 investment board of trustees, the lottery board, the  
 38 natural resource commission, the board of parole, the  
 39 petroleum underground storage tank fund board, the  
 40 public employment relations board, the state racing  
 41 and gaming commission, the state board of regents, the  
 42 tax review board, the transportation commission, the  
 43 office of consumer advocate, the utilities board, and  
 44 any full-time members of other boards and commissions  
 45 as defined under section 7E.4 who receive an annual  
 46 salary for their service on the board or commission.

47 Sec. \_\_\_\_ . Section 97B.1, Code 1995, is amended to  
 48 read as follows:

49 97B.1 SYSTEM CREATED -- ORGANIZATIONAL  
 50 DEFINITIONS.

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1 1. The "Iowa Public Employees' Retirement System"  
 2 is created. The system is within the department of  
 3 personnel, subject to the administration of the board.

4 2. As used in this chapter unless the context  
 5 requires otherwise:

6 a. "Board" means the investment board of trustees  
 7 created by section 97B.8 97B.8A.

8 b. "Department" means the department of personnel.

9 c. "Director" means the director of the department  
 10 of personnel.

11 d. "System" means the Iowa public employees'  
 12 retirement system."

13 2. By striking page 1, line 3, through page 2,  
 14 line 23, and inserting the following:

15 "Sec. \_\_\_\_ . Section 97B.4, Code 1995, is amended to  
16 read as follows:

17 97B.4 ADMINISTRATION OF SYSTEM -- POWERS AND  
18 DUTIES -- IMMUNITY.

19 The department board, through the department and  
20 the chief investment officer and chief benefits  
21 officer, shall administer this chapter. The  
22 department, upon the approval of the board, may adopt,  
23 amend, or rescind rules, employ persons, execute  
24 contracts with outside parties, make expenditures,  
25 require reports, make investigations, and take other  
26 action it deems necessary for the administration of  
27 the system in conformity with the requirements of this  
28 chapter, the applicable provisions of the Internal  
29 Revenue Code, and all other applicable federal and  
30 state laws. The rules shall be effective upon  
31 compliance with chapter 17A. Not later than the  
32 fifteenth day of December of each year, the department  
33 shall submit to the governor a report covering the  
34 administration and operation of this chapter during  
35 the preceding fiscal year and shall make  
36 recommendations for amendments to this chapter. The  
37 report shall include a balance sheet of the moneys in  
38 the Iowa public employees' retirement fund.

39 In the administration of the investment of moneys  
40 in the fund and in making benefit recommendations,  
41 employees of the department and members of the board  
42 may travel outside the state for the purpose of  
43 meeting with investment and benefit firms and  
44 consultants and attending conferences and meetings to  
45 fulfill their fiduciary responsibilities. This travel  
46 is not subject to section 421.38, subsection 2.

47 The department, members of the investment board,  
48 and the treasurer of state are not personally liable  
49 for actions or omissions under this chapter that do  
50 not involve malicious or wanton misconduct even if

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1 those actions or omissions violate the standards  
2 established in section 97B.7.

3 Sec. \_\_\_\_ . Section 97B.7, subsection 2, paragraphs  
4 b and d, Code 1995, are amended to read as follows:

5 b: To invest the portion of the retirement fund  
6 which in the judgment of the department is not needed  
7 for current payment of benefits under this chapter.  
8 The department shall execute the disposition and  
9 investment of moneys in the retirement fund in  
10 accordance with the investment policy and goal  
11 statement established by the investment board. In

12 establishing the investment policy of the fund and the  
13 investment of the fund, the department and ~~investment~~  
14 board shall exercise the judgment and care, under the  
15 circumstances then prevailing, which persons of  
16 prudence, discretion, and intelligence exercise in the  
17 management of their own affairs, not for the purpose  
18 of speculation, but with regard to the permanent  
19 disposition of the funds, considering the probable  
20 income, as well as the probable safety, of their  
21 capital. Within the limitations of the standard  
22 prescribed in this section, the treasurer of state,  
23 the department, and the board may acquire and retain  
24 every kind of property and every kind of investment  
25 which persons of prudence, discretion, and  
26 intelligence acquire or retain for their own account.  
27 The department and ~~investment~~ board shall give  
28 appropriate consideration to those facts and  
29 circumstances that the department and ~~investment~~ board  
30 know or should know are relevant to the particular  
31 investment or investment policy involved, including  
32 the role the investment plays in the total value of  
33 the retirement fund.

34 For the purposes of this paragraph, appropriate  
35 consideration includes, but is not limited to, a  
36 determination by the department and ~~investment~~ board  
37 that the particular investment or investment policy is  
38 reasonably designed to further the purposes of the  
39 retirement system, taking into consideration the risk  
40 of loss and the opportunity for gain or other return  
41 associated with the investment or investment policy  
42 and consideration of the following factors as they  
43 relate to the retirement fund:

- 44 (1) The composition of the retirement fund with  
45 regard to diversification.
- 46 (2) The liquidity and current return of the  
47 investments in the fund relative to the anticipated  
48 cash flow requirements of the retirement system.
- 49 (3) The projected return of the investments  
50 relative to the funding objectives of the retirement

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1 system.

2 Consistent with this paragraph, investments made  
3 under this paragraph shall be made in a manner that  
4 will enhance the economy of this state, and in  
5 particular, will result in increased employment of the  
6 residents of this state. Investments of moneys in the  
7 fund are not subject to sections 73.15 through 73.21.

8 Except as provided in section 97B.4, if there is

9 loss to the fund, the treasurer, the department, and  
10 the board are not personally liable, and the loss  
11 shall be charged against the retirement fund. There  
12 is appropriated from the retirement fund the amount  
13 required to cover a loss. Expenses incurred in the  
14 sale and purchase of securities belonging to the  
15 retirement fund shall be charged to the retirement  
16 fund, and there is appropriated from the retirement  
17 fund the amount required for the expenses incurred.  
18 Investment management expenses shall be charged to the  
19 investment income of the retirement fund, and there is  
20 appropriated from the retirement fund the amount  
21 required for the investment management expenses,  
22 subject to the limitations stated in this unnumbered  
23 paragraph. The amount appropriated for a fiscal year  
24 under this unnumbered paragraph shall not exceed one-  
25 half percent of the market value of the retirement  
26 fund. The department shall report the investment  
27 management expenses for a fiscal year as a percent of  
28 the market value of the retirement fund in the annual  
29 report to the governor required in section 97B.4. A  
30 person who has signed a contract with the department  
31 for investment management purposes shall meet the  
32 requirements for doing business in Iowa sufficient to  
33 be subject to tax under rules of the department of  
34 revenue and finance.

35 d. To sell any securities or other property in the  
36 trust fund and reinvest the proceeds in accordance  
37 with the direction of the department when such action  
38 may be deemed advisable by the department for the  
39 protection of the trust fund or the preservation of  
40 the value of the investment. Such sale of securities  
41 or other property of the trust fund shall only be made  
42 after advice from the investment board in the manner  
43 and to the extent provided in this chapter in regard  
44 to the purchase of investments.

45 Sec. \_\_\_\_ . NEW SECTION. 97B.8A BOARD OF TRUSTEES.

46 1. BOARD ESTABLISHED. A board is established to  
47 be known as the "Board of Trustees of the Iowa Public  
48 Employees' Retirement System", referred to in this  
49 chapter as the "board", whose duties are to establish  
50 policy for the department in matters relating to the

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1 administration of the system, including the investment  
2 of the trust funds and the disbursement of benefits  
3 provided to members of the system consistent with the  
4 goals established in section 97D.1.

5 2. REVIEW.

6 a. At least annually the board shall review the  
7 investment policies and procedures used by the  
8 department under section 97B.7, subsection 2,  
9 paragraph "b", and shall hold a public meeting on the  
10 investment policies and investment performance of the  
11 fund. Following its review and the public meeting,  
12 the board shall establish an investment policy and  
13 goal statement which shall direct the investment  
14 activities of the department. The development of the  
15 investment policy and goal statement and its  
16 subsequent execution shall be performed cooperatively  
17 between the board and the department.

18 b. At least every two years, the board, in  
19 consultation with the benefits advisory committee,  
20 shall review the benefits provided to members under  
21 chapter 97B and shall make recommendations to the  
22 general assembly concerning the benefits, benefits  
23 policy, and benefit goal, provided under this chapter.

### 24 3. MEMBERSHIP.

25 a. The board consists of thirteen members. Eight  
26 of the members shall be appointed by the governor. Of  
27 the members appointed by the governor, one member  
28 shall be an executive of a domestic life insurance  
29 company; one member shall be an executive of a state  
30 or national bank operating within the state of Iowa;  
31 one member shall be a certified financial planner; one  
32 member shall be a retirement benefits specialist; one,  
33 not a member of the system, who is a member of a  
34 county board of supervisors or local school board; one  
35 member shall be an active member who is an employee of  
36 a school district, area education agency, or merged  
37 area; one member shall be an active member who is not  
38 an employee of a school district, area education  
39 agency, or merged area; and one member who is a  
40 retired member of the system. One member shall be  
41 appointed by the benefits advisory committee. The  
42 president of the senate, after consultation with the  
43 majority leader and the minority leader of the senate,  
44 shall appoint one member from the membership of the  
45 senate and the speaker of the house of  
46 representatives, after consultation with the majority  
47 leader and the minority leader of the house of  
48 representatives, shall appoint one member from the  
49 membership of the house. The director of the  
50 department of personnel, the treasurer of state or the

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1 treasurer's designee, and the two legislative members.  
2 are ex officio, nonvoting members of the board. Five

3 voting members of the board shall constitute a quorum.  
4 b. The members who are an executive of a domestic  
5 life insurance company, an executive of a state or  
6 national bank operating within the state of Iowa, a  
7 certified financial planner, a retirement benefits  
8 specialist, a member of a county board of supervisors  
9 or school board, the member who is a retired member of  
10 the system, and, if an active member is not selected,  
11 the member selected by the benefits advisory committee  
12 shall be paid their actual expenses incurred in  
13 performance of their duties and shall receive a per  
14 diem as specified in section 7E.6 for each day of  
15 service not exceeding forty days per year.  
16 Legislative members shall be paid the per diem  
17 specified in section 2.10, subsection 6, for each day  
18 of service, and their actual expenses incurred in the  
19 performance of their duties. The per diem and  
20 expenses of the legislative members shall be paid from  
21 funds appropriated under section 2.12. The following  
22 members shall be paid their actual expenses incurred  
23 in the performance of their duties as members of the  
24 board and the performance of their duties as members  
25 of the board shall not affect their salaries,  
26 vacations, or leaves of absence for sickness or  
27 injury: the director of the department of personnel;  
28 the treasurer of state, or the treasurer's designee;  
29 the active member who is an employee of a school  
30 district, area education agency, or merged area; the  
31 active member who is not an employee of a school  
32 district, area education agency, or merged area; and,  
33 if an active member is selected, the active member  
34 selected by the benefits advisory committee. The  
35 appointive terms of the members appointed by the  
36 governor and the member selected by the benefits  
37 advisory committee are for a period of six years  
38 beginning and ending as provided in section 69.19. A  
39 vacancy in the membership of the board shall be filled  
40 in the same manner as the original appointment.  
41 Gubernatorial appointees to the board are subject to  
42 confirmation by the senate.

#### 43 4. ADMINISTRATIVE AUTHORITY.

44 The authority of the department to carry out its  
45 duties as provided by this chapter are,  
46 notwithstanding provisions of this chapter to the  
47 contrary, subject to the approval of the board.

#### 48 Sec. \_\_\_\_ . NEW SECTION. 97B.8B BENEFITS ADVISORY 49 COMMITTEE.

50 A benefits advisory committee shall be established

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1 whose duties are to make recommendations to the board  
2 of trustees concerning the disbursement of benefits to  
3 members of the system and to select a member of the  
4 board of trustees.

5 The benefits advisory committee shall be comprised  
6 of representatives of constituent groups concerned  
7 with the system and shall consist of representatives  
8 of employers, active members, and retired members.  
9 The Iowa public employees' retirement system division  
10 of the department shall adopt rules under chapter 17A  
11 to provide for the selection of members to the  
12 committee."

13 3. Page 50, by inserting after line 23 the  
14 following:

15 "Sec. \_\_\_\_ . Section 473.11, subsection 2,  
16 unnumbered paragraph 1, Code 1995, is amended to read  
17 as follows:

18 The treasurer of state shall be the custodian of  
19 the energy conservation trust and shall invest the  
20 moneys in the trust, in consultation with the energy  
21 fund disbursement council established in subsection 3  
22 and the ~~investment~~ board of trustees of the Iowa  
23 public employees' retirement system, in accordance  
24 with the following guidelines:

25 Sec. \_\_\_\_ . BOARD TRANSITION -- EFFECTIVE DATE.

26 1. Notwithstanding provisions of section 97B.8A,  
27 as enacted in this Act, to the contrary, the initial  
28 board of trustees of the Iowa public employees'  
29 retirement system shall consist of the following  
30 members, who shall serve the following terms:

31 a. The governor shall appoint to the initial board  
32 of trustees one member, not a member of the system,  
33 who is a member of a county board of supervisors or  
34 local school board and one member who is a retirement  
35 benefits specialist. The terms of these two members  
36 appointed under this paragraph shall commence on July  
37 1, 1996 and expire on April 30, 2002.

38 b. The members of the investment board established  
39 under section 97B.8, Code 1995, who are an executive  
40 of a domestic life insurance company, an executive of  
41 a state or national bank, an active member who is an  
42 employee of a school district, area education agency,  
43 or merged area, an active member who is not an  
44 employee of a school district, area education agency,  
45 or merged area, and a retired member shall cease  
46 membership on the investment board and commence  
47 membership on the initial board of trustees on July 1,  
48 1996. The terms of these members on the initial board



49 of trustees shall expire on the same date as their  
50 terms would have expired on the investment board in

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1 accordance with section 97B.8, Code 1995.

2 c. The term of the member of the investment board  
3 established under section 97B.8, Code 1995, who is an  
4 executive of an industrial corporation located within  
5 the state of Iowa shall cease on July 1, 1996. The  
6 governor shall appoint to the initial board of  
7 trustees one member who is a certified financial  
8 planner, for a term which shall commence on July 1,  
9 1996, and expire on the same date as the term would  
10 have expired of the member of the investment board  
11 established under section 97B.8, Code 1995, who is an  
12 executive of an industrial corporation.

13 d. The benefits advisory committee established in  
14 section 97B.8B, as enacted in this Act, shall appoint  
15 one member to the initial board of trustees for a term  
16 which shall commence on July 1, 1996, and expire on  
17 April 30, 2000.

18 e. The members of the investment board established  
19 under section 97B.8, Code 1995, who are legislative  
20 members shall cease membership on the investment board  
21 and commence membership on the initial board of  
22 trustees on July 1, 1996. The terms of these members  
23 shall expire at the pleasure of the appointing  
24 authorities as provided in section 97B.8A, as enacted  
25 in this Act.

26 f. The director of the department of personnel  
27 shall cease membership on the investment board  
28 established under section 97B.8, Code 1995, and  
29 commence membership on the initial board of trustees  
30 on July 1, 1996. The director of the department of  
31 personnel shall serve on the board of trustees as  
32 provided in section 97B.8A, as enacted in this Act.

33 g. The treasurer of state or the treasurer's  
34 designee shall commence membership on the initial  
35 board of trustees on July 1, 1996, and shall serve on  
36 the board of trustees as provided in section 97B.8A,  
37 as enacted in this Act.

38 2. Initial appointments by the governor under this  
39 section are subject to confirmation by the senate. If  
40 a vacancy occurs as to a member of the initial board  
41 of trustees who is appointed by the governor prior to  
42 the expiration of a term as provided in this section,  
43 the governor shall appoint a member to serve the  
44 remainder of the term so that the membership  
45 requirements of section 97B.8A, as enacted in this

46 Act, are fulfilled, and the appointment shall be  
 47 subject to confirmation by the senate. If a vacancy  
 48 occurs as to the member appointed by the benefits  
 49 advisory committee prior to the expiration of the term  
 50 established in this section, the benefits advisory

**Page 9**

1 committee shall appoint a member to serve the  
 2 remainder of the term. Upon the expiration of a term  
 3 established in this section, a member shall be  
 4 appointed in the manner and for a term of service as  
 5 specified in section 97B.8A, as enacted in this Act.  
 6 Except as otherwise provided in this section, the  
 7 initial board of trustees shall be subject to the  
 8 requirements of section 97B.8A, as enacted in this  
 9 Act.

10 3. In order to provide for the appointments to the  
 11 initial board of trustees, this section of this Act,  
 12 being deemed of immediate importance, takes effect  
 13 upon enactment.

14 Sec. \_\_\_\_ . REPEAL. Section 97B.8, Code 1995, is  
 15 repealed."

16 4. Page 70, by inserting after line 25 the  
 17 following:

18 " \_\_\_\_ . The section of this Act which enacts section  
 19 97B.8B, being deemed of immediate importance, takes  
 20 effect upon enactment."

21 5. By renumbering as necessary.

JIM LIND  
 MICHAEL E. GRONSTAL

S-5155

1 Amend Senate File 2245 as follows:

2 1. Page 67, by inserting after line 5 the  
 3 following:

4 "Sec. \_\_\_\_ . Section 411.36, subsection 1, paragraph  
 5 c, Code Supplement 1995, is amended to read as  
 6 follows:

7 c. The city ~~treasurers officials~~ of four  
 8 participating cities, one of whom is from a city  
 9 having a population of less than forty thousand, and  
 10 three of whom are from cities having a population of  
 11 forty thousand or more. The city ~~treasurers officials~~  
 12 shall be appointed by the governing body of the Iowa

- 13 league of cities.”  
14 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5156

- 1 Amend Senate File 2245 as follows:  
2 1. Page 50, by inserting after line 23 the  
3 following:  
4 “Sec. \_\_\_\_ DEVELOPMENT OF PROPOSAL FOR  
5 ESTABLISHING A DEFINED CONTRIBUTION OPTION -- IOWA  
6 PUBLIC EMPLOYEES' RETIREMENT SYSTEM -- REPORT. The  
7 Iowa public employees' retirement system division, in  
8 consultation with the public retirement systems  
9 committee established in section 97D.4, shall develop  
10 a proposal concerning various alternatives for  
11 establishing a defined contribution option for members  
12 of the Iowa public employees' retirement system. On  
13 or before September 1, 1997, the Iowa public  
14 employees' retirement system division shall file a  
15 report with the legislative service bureau, for  
16 distribution to the public retirement systems  
17 committee, which contains a proposal, or proposals,  
18 for establishing a defined contribution option. The  
19 report shall also contain actuarial information  
20 concerning the costs of the proposal or proposals.”  
21 2. By renumbering as necessary.

MARY E. KRAMER

S-5157

- 1 Amend Senate File 2253 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 “section” the following: “, including but not limited  
4 to establishing the duration of assistance”.

STEWART IVERSON, Jr.

S-5158

- 1 Amend the amendment, S-5127, to Senate File 2266 as  
2 follows:  
3 1. Page 1, lines 21 and 22, by striking the words  
4 “submit a damage disclosure statement” and inserting  
5 the following: “indicate whether the vehicle had  
6 incurred prior damage of three thousand dollars or  
7 more per incident”.

8 2. Page 1, line 23, by striking the word "prior"  
9 and inserting the following: "transferor's".

EUGENE FRAISE

S-5159

1 Amend Senate File 2353 as follows:  
2 1. Page 1, line 14, by inserting after the word  
3 "device." the following: "However, a financial  
4 institution shall not own, operate or maintain a  
5 satellite terminal to dispense cash or credit for  
6 gambling purposes which is located on property  
7 controlled by a pari-mutuel racetrack licensee or an  
8 excursion gambling boat licensee."

ANDY McKEAN  
MARY A. LUNDBY  
RODNEY HALVORSON

S-5160

1 Amend Senate File 2265 as follows:  
2 1. Page 1, by striking everything after the  
3 enacting clause and inserting the following:  
4 "Section 1. NEW SECTION. 598.19A MANDATORY  
5 COURSE -- PARTIES TO CERTAIN PROCEEDINGS.  
6 1. A decree dissolving a marriage shall not be  
7 granted in any proceeding which involves child  
8 custody, child support, or visitation and an order  
9 relating to a modification or paternity which involves  
10 child custody, child support, child visitation shall  
11 not be entered until the parties have participated in  
12 a court-approved course to educate and sensitize the  
13 parties to the needs of any child or the parties  
14 during and subsequent to the proceeding.  
15 Participation in the course may be waived by the court  
16 for good cause.  
17 2. Each party shall be responsible for arranging  
18 for participation in the course and for payment of the  
19 costs of participation in the course.  
20 3. Each party shall submit certification of  
21 completion of the course to the court prior to the  
22 granting of a final decree or the entry of an order.  
23 4. Each judicial district shall certify approved  
24 courses for parties required to participate in a  
25 course under this section. Approved courses may  
26 include those provided by a public or private entity.  
27 At a minimum, an approved course shall include  
28 information relating to the parents regarding divorce

29 and its impact on the children and family  
30 relationship, parenting skills for divorcing parents,  
31 children's needs and coping techniques, and the  
32 financial responsibilities of parents following  
33 divorce. The supreme court may prescribe rules to  
34 implement this section.

35 Sec. 2. EFFECTIVE DATE. This Act takes effect  
36 January 1, 1997."

37 2. Title page, line 1, by striking the words "of  
38 minor".

39 3. Title page, by striking lines 2 through 4 and  
40 inserting the following: "in a mandatory course prior  
41 to the granting of a dissolution of marriage decree  
42 and certain other orders, and providing an effective  
43 date."

JOHNNIE HAMMOND  
RODNEY HALVORSON

S-5161

1 Amend Senate File 2419 as follows:

2 1. Page 14, by inserting after line 2 the  
3 following:

4 "Sec. \_\_\_\_ . Section 261C.3, subsection 2, Code  
5 1995, is amended to read as follows:

6 2. "Eligible pupil" means a pupil classified by  
7 the board of directors of a school district, by the  
8 state board of regents for pupils of the school for  
9 the deaf and the Iowa braille and sight saving school,  
10 or by the authorities in charge of an accredited  
11 nonpublic school as a ninth or tenth grade pupil who  
12 is identified according to the school district's  
13 gifted and talented criteria and procedures, pursuant  
14 to section 257.43, as a gifted and talented child, or  
15 an eleventh or twelfth grade pupil, during the period  
16 the pupil is participating in the enrollment option  
17 provided under this chapter. A pupil attending an  
18 accredited nonpublic school shall be counted as a  
19 shared-time student in the school district in which  
20 the nonpublic school of attendance is located for  
21 state foundation aid purposes. All pupils enrolling  
22 pursuant to this chapter who select postsecondary  
23 courses in a core course area must be maintaining at  
24 least a two point nine-five grade average on a four-  
25 point scale in the related subject area core courses  
26 offered by the high school the pupil is currently  
27 enrolled in, and must meet the entrance standards of  
28 the postsecondary institution without the option of a  
29 waiver by the district.

30 Sec. \_\_\_\_ . Section 261C.4, Code 1995, is amended to  
31 read as follows:

32 261C.4 AUTHORIZATION.

33 An eligible pupil may make application to an  
34 eligible institution to allow the eligible pupil to  
35 enroll for academic or vocational-technical credit in  
36 a nonsectarian course offered at that eligible  
37 institution. A comparable course, as defined in rules  
38 made by the board of directors of the public school  
39 district, covers substantially the same subject matter  
40 in similar scope and depth, and must not be offered by  
41 the school district or accredited nonpublic school  
42 which the pupil attends. If an eligible institution  
43 accepts an eligible pupil for enrollment under this  
44 section, the institution shall send written notice to  
45 the pupil, the pupil's school district or accredited  
46 nonpublic school or the school for the deaf or the  
47 Iowa braille and sight saving school, and the  
48 department of education. The notice shall list the  
49 course, the clock hours the pupil will be attending  
50 the course, and the number of hours of postsecondary

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1 academic or vocational-technical credit that the  
2 eligible pupil will receive from the eligible  
3 institution upon successful completion of the course.

4 Sec. \_\_\_\_ . Section 261C.5, unnumbered paragraph 1,  
5 Code 1995, is amended to read as follows:

6 A school district, the school for the deaf, the  
7 Iowa braille and sight saving school, or accredited  
8 nonpublic school shall grant high school academic or  
9 vocational-technical credit to an eligible pupil  
10 enrolled in a course under this chapter if the  
11 eligible pupil successfully completes the course as  
12 determined by the eligible institution. Eligible  
13 pupils, who have completed the eleventh grade but who  
14 have not yet completed the requirements for  
15 graduation, may take up to seven semester hours of  
16 credit during the summer months when school is not in  
17 session and receive credit for that attendance, if the  
18 pupil pays the cost of attendance of those summer  
19 credit hours. The board of directors of the school  
20 district, the state board of regents for the school  
21 for the deaf and the Iowa braille and sight saving  
22 school, or authorities in charge of an accredited  
23 nonpublic school shall determine the number of high  
24 school credits that shall be granted to an eligible  
25 pupil who successfully completes a course. During the  
26 school year, the number of courses an eligible pupil

27 may take in any one semester, is limited to not more  
 28 than seven semester hours of credit or three courses  
 29 of instruction. Students must be enrolled in a  
 30 minimum of four high school courses in conjunction  
 31 with postsecondary course work. Credits earned in a  
 32 postsecondary course shall be computed at the rate of  
 33 three postsecondary credits equalling one high school  
 34 course, with the grade received computed into the  
 35 pupil's high school grade point average."

36 2. By renumbering as necessary.

WILMER RENSINK

S-5162

1 Amend Senate File 2037 as follows:

2 1. Page 1, by striking lines 1 through 28 and

3 inserting the following:

4 "Sec. \_\_\_\_ . Section 335.2, Code 1995, is amended to  
 5 read as follows:

6 335.2 FARMS AGRICULTURAL USES EXEMPT.

7 1. As used in this section:

8 a. "Animal feeding operation" means a lot, yard,  
 9 corral, building, or other area in which animals are  
 10 confined and fed and maintained for forty-five days or  
 11 more in any twelve-month period, and all structures  
 12 used for the storage of manure from animals in the  
 13 operation. Two or more animal feeding operations  
 14 under common ownership or management are deemed to be  
 15 a single animal feeding operation if they are adjacent  
 16 or utilize a common system for manure storage. An  
 17 animal feeding operation does not include a livestock  
 18 market.

19 b. "Agricultural purpose" means any use connected  
 20 or related to farming.

21 c. "Farm animal feeding operation" means an animal  
 22 feeding operation other than an industrial feeding  
 23 operation.

24 d. "Farming" means the same as defined in section  
 25 9H.1.

26 e. "Industrial feeding operation structure" means  
 27 an animal feeding operation structure as defined in  
 28 section 45B.161 which is part of an industrial  
 29 feeding operation.

30 f. "Partially zoned county" means an unzoned  
 31 county in which is established an agricultural area  
 32 pursuant to section 352.6 or an area subject to zoning  
 33 pursuant to this chapter, if the county has not  
 34 adopted countywide zoning pursuant to chapter 335.

35 g. "Production inputs" means feed, supplies, and

36 veterinary medicine used to feed or breed livestock,  
37 but does not include labor, construction materials,  
38 equipment, or tools.

39 h. "Unzoned county" means a county which has not  
40 adopted zoning pursuant to this chapter, if no part of  
41 the county is subject to partial zoning.

42 i. "Zoned county" means a county which has adopted  
43 zoning on a countywide basis as provided in this  
44 chapter.

45 2. As used in this section, "industrial feeding  
46 operation" means an animal feeding operation, if the  
47 operation contains six hundred twenty-five thousand or  
48 more pounds animal weight capacity for all animal  
49 species other than beef cattle, or one million six  
50 hundred thousand or more pounds animal weight capacity

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1 for beef cattle, or fails to meet one of the following  
2 criteria:

3 a. The owner of the agricultural land where an  
4 animal feeding operation is located is qualified to  
5 file for a homestead tax credit as provided pursuant  
6 to section 425.2 or a family farm tax credit as  
7 provided in section 425A.4 in the county where the  
8 agricultural land is located. However, if the owner  
9 of the agricultural land is a business entity all of  
10 the following apply:

11 (1) One of the following persons must be eligible  
12 to file:

13 (a) If the person is filing for a homestead tax  
14 credit, one of the following persons must be eligible  
15 to file:

16 (i) If the owner is a corporation, the majority  
17 shareholder of the corporation.

18 (ii) If the owner is a partnership, any partner.

19 (iii) If the owner is a limited liability company,  
20 the person holding the greatest membership interest in  
21 the limited liability company.

22 (iv) If the owner is a limited partnership, the  
23 person contributing the most value to the limited  
24 partnership.

25 (v) If the owner is a trust, the beneficiary  
26 having the greatest interest in the trust.

27 (b) If the person is filing for a family farm tax  
28 credit one of the following persons must be eligible  
29 to file:

30 (i) If the owner is a corporation, the majority  
31 shareholder of the corporation.

32 (ii) If the owner is a partnership, any partner.



- 33 b. At least forty percent of the interest in the  
 34 business entity must be held by persons related to  
 35 each other as spouse, parent, grandparent, lineal  
 36 ascendants of grandparents or their spouses, or lineal  
 37 descendants of the grandparents or their spouses, or  
 38 persons acting in a fiduciary capacity to persons so  
 39 related.
- 40 c. More than fifty percent of the production  
 41 inputs used to maintain livestock on the agricultural  
 42 land are purchased within sixty miles from the borders  
 43 of the agricultural land where the livestock operation  
 44 is located.
- 45 d. The operation cannot have benefited from any of  
 46 the following:
- 47 (1) The job training partnership program and other  
 48 programs administered under section 15.108.
- 49 (2) The community economic betterment program  
 50 created in sections 15.315 through 15.320.

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- 1 (3) The self-employment loan program created in  
 2 section 15.241.
- 3 (4) The targeted small business financial  
 4 assistance program created in section 15.247.
- 5 (5) An agreement for a supplemental new jobs tax  
 6 credit as provided in section 15.331.
- 7 (6) The industrial new jobs training program as  
 8 provided in chapter 260E.
- 9 (7) The small business new jobs training program  
 10 as provided in chapter 260F.
- 11 (8) An economic development area established  
 12 pursuant to chapter 403.
- 13 For purposes of reimbursing a county that has  
 14 acquired real estate containing an industrial feeding  
 15 operation structure following nonpayment of taxes  
 16 pursuant to section 446.19, all shareholders of any  
 17 corporation, partners of a partnership, members of a  
 18 limited liability company, limited partners of any  
 19 limited partnership, or beneficiaries of any trust  
 20 shall be liable for the entire costs of remediating  
 21 the site, as if they owned the industrial feeding  
 22 operation personally, regardless of the amount of  
 23 interest that is held in the entity.
- 24 3. Except to the extent required to implement  
 25 section 385.27, no An ordinance adopted under this  
 26 chapter applies shall apply to land, farm including  
 27 houses, farm barns, farm outbuildings or other  
 28 buildings or structures located on the land, which are  
 29 is primarily adapted, by reason of nature and area,

30 ~~for use for an agricultural purposes purpose, while so~~  
 31 ~~used, only as provided in this section. However, the~~  
 32 ~~ordinances may apply to any~~ The ordinance shall not  
 33 apply to the land, unless an industrial feeding  
 34 operation is located on the land. If an industrial  
 35 feeding operation is located on the land, the  
 36 ordinance shall only apply to the site of the  
 37 industrial feeding operation as provided in this  
 38 section and not land where other farming operations  
 39 occur. The following shall apply to the site of a  
 40 farm animal feeding operation constructed on or after  
 41 the effective date of this Act, regardless of whether  
 42 the county has adopted an ordinance under this  
 43 chapter:  
 44 a. A farm animal feeding operation may be located  
 45 anywhere in a county other than within the corporate  
 46 limits of a city. A farm animal feeding operation may  
 47 be located in an unzoned, partially zoned, or zoned  
 48 county. An ordinance adopted under this chapter shall  
 49 not apply to the farm animal feeding operation.  
 50 b. An industrial feeding operation shall not be

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1 located within the corporate limits of a city. An  
 2 industrial feeding operation shall not be located in  
 3 an unzoned county, the unzoned portion of a partially  
 4 zoned county, or an agricultural area within a  
 5 partially zoned county.  
 6 4. This section shall not apply to either of the  
 7 following:  
 8 a. An ordinance required to implement an  
 9 agricultural land preservation ordinance, as provided  
 10 in section 335.27.  
 11 b. A structure, building, dam, obstruction,  
 12 deposit or excavation in or on the flood plains of any  
 13 a river or stream."

MERLIN E. BARTZ

S-5163

1 Amend Senate File 2353 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 "Iowa" the following: "whether or not the financial  
 4 institution has a business location in this state."  
 5 2. Page 1, line 8, by striking the word "any" and  
 6 inserting the following: "any each".  
 7 3. Page 1, line 10, by striking the word "any"  
 8 and inserting the following: "each".

9 4. Title page, lines 3 and 4, by striking the  
10 words "and a business location in Iowa".

TOM FLYNN  
PATRICK J. DELUHERY  
JOHN W. JENSEN

S-5164

1 Amend Senate File 2201 as follows:

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

4 "Section 1. NEW SECTION. 282.9 ENROLLMENT  
5 OPTIONS IN ADJOINING STATES.

6 1. Iowa students and students residing in  
7 adjoining states that have reciprocal agreements may  
8 enroll in school districts in the other state. In  
9 order to qualify for this option the students must be  
10 residents of a county which is contiguous to a state  
11 border.

12 The intention of an out-of-state student to enroll  
13 in an Iowa school district shall be made known to the  
14 affected school district before July 1 of the school  
15 year of enrollment.

16 2. A non-Iowa student who resides in a school  
17 district in a county that borders Iowa may enroll in  
18 an Iowa school district if either the school board of  
19 the district in which the student resides or the state  
20 in which the student resides pays tuition to the Iowa  
21 school district in which the student is enrolled,  
22 provided adequate classroom space is available in the  
23 Iowa school district as determined by the board of the  
24 school district. The tuition must be comparable to  
25 the tuition established according to section 282.24.

26 In each odd-numbered year, before March 1, the  
27 state board of education shall agree to rates of  
28 tuition for Iowa elementary and secondary students  
29 attending in other states for the next two fiscal  
30 years. The board shall negotiate equal, reciprocal  
31 rates with the designated authority in each state  
32 applicable to students who reside in another adjoining  
33 state and enroll in an Iowa school district.

34 3. It is the primary responsibility of a parent or  
35 guardian to provide transportation for students  
36 attending school pursuant to this section. However,  
37 for any student attending school pursuant to this  
38 section, the provision of student transportation may  
39 be negotiated between the districts of residence and  
40 attendance with consideration given to differing  
41 transportation needs: Transportation options may

- 42 include bus service to and from the district boundary  
 43 or to and from a student's home.”  
 44. 2. Title page, line 2, by inserting after the  
 45 word “process” the following: “, and to student  
 46 enrollment options across state boundaries for  
 47 students residing in bordering counties”.  
 48 3. By renumbering as necessary.

WILMER RENSINK  
 BERL E. PRIEBE  
 JOHN P. KIBBIE

S-5165

- 1 Amend Senate File 2295 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 “Section 1. Section 607A.8, Code 1995, is amended  
 5 to read as follows:  
 6 607A.8 FEES AND EXPENSES FOR JURORS.  
 7 Grand jurors and petit jurors in all courts shall  
 8 receive ~~ten dollars~~ the minimum wage as provided in  
 9 section 91D.1 as compensation for each ~~day's~~ hour of  
 10 service or attendance, including attendance required  
 11 for the purpose of being considered for service,  
 12 reimbursement for mileage expenses at the rate  
 13 specified in section 70A.9 or section 602.1509 for  
 14 each mile traveled each day to and from their  
 15 residences to the place of service or attendance, and  
 16 reimbursement for actual expenses of parking, as  
 17 determined by the clerk. A juror shall not receive  
 18 reimbursement for mileage expenses or actual expenses  
 19 of parking when the juror travels in a vehicle for  
 20 which another juror is receiving reimbursement for  
 21 mileage and parking expenses.”  
 22 2. Title page, line 1, by inserting after the  
 23 word “to” the following: “compensation for jurors  
 24 and”.  
 25 3. By renumbering as necessary.

BRAD BANKS

S-5166

- 1 Amend Senate File 2304 as follows:  
 2 1. Page 9, line 1, by striking the word “ninety-  
 3 five” and inserting the following: “seventy-five”.

ROD HALVORSON

S-5167

1 Amend Senate File 2037 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 335.2, Code 1995, is amended  
5 to read as follows:

6 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.

7 1. As used in this section:

8 a. "Agricultural purpose" means any use connected  
9 or related to farming as defined in section 9H.1.

10 b. "Animal feeding operation" and "animal feeding  
11 operation structure" mean the same as defined in  
12 section 455B.161.

13 c. "Manure storage structure" means a structure  
14 used to store manure produced by an animal feeding  
15 operation and includes an anaerobic lagoon, earthen  
16 manure storage basin, or formed manure storage  
17 structure, as defined in section 455B.161.

18 2. Except to the extent required to implement as  
19 provided in this section, 335.27, no an ordinance  
20 adopted under this chapter applies shall not apply to  
21 land, farm including houses, farm barns, farm  
22 outbuildings, or and other buildings or structures,  
23 which are is primarily adapted, by reason of nature  
24 and area, for use for an agricultural purposes  
25 purpose, while so used. However, the ordinances may  
26 apply to any

27 3. Subsection 2 shall not prohibit an ordinance  
28 adopted pursuant to this chapter if the ordinance  
29 applies to either of the following:

30 a. A structure, building, dam, obstruction,  
31 deposit or excavation in or on the flood plains of any  
32 river or stream.

33 b. The implementation of an agricultural  
34 preservation ordinance, as provided in section 335.27.

35 4. a. Subsection 2 shall not prohibit an  
36 ordinance adopted pursuant to this subsection which  
37 applies to animal feeding operations, including animal  
38 feeding operation structures, constructed or expanded  
39 after the effective date of this Act.

40 b. The county board of supervisors shall not adopt  
41 the ordinance until the board conducts a county-wide  
42 nitrogen use analysis as provided for in this  
43 subsection. The methodology employed in performing  
44 the analysis must be approved by the department of  
45 natural resources according to procedures adopted by  
46 the department after consultation with the animal  
47 agriculture consulting organization as provided in  
48 1995 Iowa Acts, chapter 195, section 37.

49 c. The analysis must find that the total nitrogen  
50 content of manure that is expected to be applied to

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1 land in the county and originating from manure storage  
2 structures located in the county, during the course of  
3 the next twelve-month period, exceeds the expected  
4 total nitrogen use necessary to obtain optimum crop  
5 yields on land used for producing crops in the county.  
6 Deductions shall be made for nitrogen credits from  
7 legume production and expected commercial nitrogen  
8 fertilizer applications. The resulting value shall  
9 then be corrected for expected nitrogen loss.  
10 Information to complete the required calculations must  
11 account for the soil types used to produce crops, the  
12 number of acres used to produce crops, and the types  
13 of crops produced in the county.

14 d. The calculations used by the county board of  
15 supervisors in its analysis shall be based upon rules  
16 adopted by the department of natural resources in  
17 cooperation with Iowa state university and the  
18 department of agriculture and land stewardship. The  
19 rules shall provide that the calculations may be based  
20 on conclusions by sources determined credible by the  
21 department of natural resources, including, but not  
22 limited to, Iowa state university, the United States  
23 department of agriculture, a registered professional  
24 engineer, or an individual certified as a crop  
25 consultant by the American registry of certified  
26 professionals in agronomy, crops, and soils, certified  
27 crop consultants, or the registry of environmental and  
28 agricultural professionals. Upon request, the  
29 department of natural resources shall provide to a  
30 county information regarding the nitrogen content of  
31 manure to be applied on land in the county according  
32 to manure management plans filed with the department  
33 pursuant to section 455B.203.

34 e. At any time after twelve months following the  
35 adoption of an ordinance under this subsection, a  
36 petition protesting the findings of the analysis may  
37 be submitted to the county board of supervisors. The  
38 petition must be signed by at least ten percent of all  
39 owners of animal feeding operations in the county,  
40 each of whom resides in the county and has received at  
41 least ten thousand dollars for animals sold in the  
42 previous twelve-month period. The ordinance shall be  
43 nullified unless within six months following receipt  
44 of the petition by the county board of supervisors,  
45 the board conducts a subsequent analysis as provided

46 in this subsection which confirms the findings of the  
47 previous analysis, and the board adopts the subsequent  
48 analysis by resolution."

DERRYL McLAREN  
BRAD BANKS

S-5168

- 1 Amend Senate File 2037 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. **NEW SECTION. 331.309 AGRICULTURAL**  
5 **DRAINAGE WELLS -- PENALTY.**  
6 1. The owner of land shall do all of the following  
7 by July 1, 1998:  
8 a. If the land contains a surface water intake  
9 emptying into an agricultural drainage well, including  
10 a surface water intake located in a road ditch, the  
11 owner shall remove the surface water intake by July 1,  
12 1998. This surface-water-intake removal requirement  
13 does not require a person to remove or prohibit a  
14 person from installing a tile line that empties into  
15 an agricultural drainage well, if the tile line does  
16 not have a surface water intake.  
17 b. If the land contains a cistern connecting to an  
18 agricultural drainage well, the owner shall construct  
19 and maintain sidewalls surrounding the cistern in  
20 order to prevent surface water runoff directly  
21 emptying into the agricultural drainage well.  
22 c. If the land contains an agricultural drainage  
23 well, the owner shall install a vented cover over the  
24 agricultural drainage well in order to prevent surface  
25 water runoff directly emptying into the agricultural  
26 drainage well.  
27 2. A county may adopt minimum standards to  
28 administer the requirements of this section. The  
29 department of natural resources shall provide  
30 information relating to owners registering  
31 agricultural drainage wells pursuant to section 159.29  
32 to each county board of supervisors and each drainage  
33 district organized pursuant to chapter 468, where an  
34 agricultural drainage well is registered.  
35 3. Landowners of land where an agricultural  
36 drainage well is located shall be notified of the  
37 deadline for complying with this section by print,  
38 electronic media, or other notification process, as  
39 follows:  
40 a. If the agricultural drainage well is not  
41 located on land within a drainage district as provided

42 in chapter 468, the county shall provide the notice.

43 b. If the agricultural drainage well is located on  
44 land within a drainage district as provided in chapter  
45 468, the board of the drainage district shall provide  
46 the notice, unless the county and the district  
47 determine that notice will be provided by the county.

48 4. A surface tile emptying into an agricultural  
49 drainage well shall be inspected to ensure compliance  
50 with this section, as follows:

Page 2

1 a. If the agricultural drainage well is not within  
2 a drainage district as provided in chapter 468, the  
3 inspection shall be made as required by the county  
4 board of supervisors.

5 b. If the agricultural drainage well is located on  
6 land which is within a drainage district as provided  
7 in chapter 468, the inspection shall be made as  
8 required by the board of the drainage district, unless  
9 the county and the district determine that inspection  
10 will be made by the county.

11 The expenses incurred by the board of supervisors  
12 for notification, inspection, and recordation shall be  
13 paid equally by landowners in the county who own land  
14 where there is located an agricultural drainage well.  
15 The amount shall be placed upon the tax books, and  
16 collected with interest and penalties after due, in  
17 the same manner as other unpaid property taxes.  
18 However, if expenses are incurred by the board of the  
19 drainage district, the amount shall be charged to the  
20 landowners in the district.

21 5. A person who does not comply with this section  
22 is guilty of a simple misdemeanor. However, if a  
23 person was guilty of violating this section and again  
24 violates this section by not taking action necessary  
25 to correct a previous violation within sixty days  
26 after judgment is entered, the person is guilty of a  
27 serious misdemeanor. If a person was guilty of  
28 violating this section two or more times and again  
29 violates this section by not taking action necessary  
30 to correct a previous violation within sixty days  
31 after the last judgment is entered, the person is  
32 guilty of an aggravated misdemeanor.

33 Sec. 2. Section 455B.173, subsection 13, Code  
34 Supplement 1995, is amended to read as follows:

35 13. a. Adopt, modify, or repeal rules relating to  
36 the construction or operation of animal feeding  
37 operations. The rules shall include, but are not  
38 limited to, minimum manure control requirements,



39 requirements for obtaining permits, and departmental  
40 evaluations of animal feeding operations. The  
41 department shall not require that a person obtain a  
42 permit for the construction of an animal feeding  
43 operation structure, if the structure is part of a  
44 small animal feeding operation.  
45 b. The department shall collect an indemnity fee  
46 as provided in section 204.3 prior to the issuance of  
47 a construction permit. The department shall deposit  
48 moneys collected in indemnity fees in the manure  
49 storage indemnity fund created in section 204.2.  
50 c. The department shall not approve a permit for

Page 3

1 the construction of three or more animal feeding  
2 operation structures unless the applicant files a  
3 statement approved by a professional engineer  
4 registered pursuant to chapter 542B certifying that  
5 the construction of the animal feeding operation  
6 structure will not impede the drainage through  
7 established drainage tile lines which cross property  
8 boundary lines unless measures are taken to  
9 reestablish the drainage prior to completion of  
10 construction. The department shall deposit moneys  
11 collected in indemnity fees in the manure storage  
12 indemnity fund created in section 204.2.  
13 d. The department shall issue a permit for an  
14 animal feeding operation, if an application is  
15 submitted according to procedures required by the  
16 department according to this section, and the  
17 application meets standards established by the  
18 department, regardless of whether the animal feeding  
19 operation is required to obtain such a permit. An  
20 applicant for a construction permit shall not begin  
21 construction at the location of a site planned for the  
22 construction of an animal feeding operation structure,  
23 until the person has been granted a permit for the  
24 construction of the structure by the department.  
25 e. The department shall make a determination  
26 regarding the approval or denial of a permit within  
27 sixty days from the date that the department receives  
28 a completed application for a the approval of the  
29 permit, as provided in this paragraph. However, the  
30 sixty-day requirement shall not apply to an  
31 application, if the applicant is not required to  
32 obtain a permit in order to construct an animal  
33 feeding operation structure or to operate an animal  
34 feeding operation. The department shall deliver a  
35 copy or require the applicant to deliver a copy of the

36 application for a construction permit to the county  
37 board of supervisors in the county where the  
38 confinement feeding operation or ~~confinement~~ animal  
39 feeding operation structure subject to the permit is  
40 to be located. Upon receipt of an application for  
41 departmental approval under this section, the  
42 department shall determine if the application complies  
43 with all permit requirements. The process of  
44 approving or disapproving a permit shall be as  
45 follows:

46 (1) If the total animal weight capacity of all  
47 permitted confinement feeding operations in the county  
48 is less than fifty million pounds, the department  
49 shall not approve the application or issue a  
50 construction permit until thirty days following

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1 delivery of the application to the county board of  
2 supervisors. The department shall consider comments  
3 from the county board of supervisors, regarding  
4 compliance by the applicant with the legal  
5 requirements for the construction of the confinement  
6 feeding operation structure as provided in this  
7 chapter, and rules adopted by the department pursuant  
8 to this chapter, if the comments are delivered to the  
9 department within fourteen days after receipt of the  
10 application by the county board of supervisors.

11 (2) If the total animal weight capacity of all  
12 permitted confinement feeding operations in the county  
13 is fifty million pounds or more, the department shall  
14 not approve the application or issue a construction  
15 permit until the county has approved the application.  
16 The county shall receive the application from the  
17 applicant or the department as required by the  
18 department. Within sixty days after receipt of the  
19 application by the county board of supervisors, the  
20 board shall either approve or disapprove the  
21 application; endorse its approval or disapproval on  
22 the application; and forward the application to the  
23 department as required by the department. An  
24 application which is not received by the department in  
25 a timely manner shall be deemed to be approved by the  
26 department.

27 f. Prior to granting a permit to a person for the  
28 construction of an animal feeding operation, the  
29 department may require the installation and operation  
30 of a hydrological monitoring system for an exclusively  
31 earthen manure storage structure, if, after an on-site  
32 inspection, the department determines that the site

33 presents an extraordinary potential for groundwater  
34 pollution.  
35 g. A person shall not obtain a permit for the  
36 construction of a confinement feeding operation,  
37 unless the person develops a manure management plan as  
38 provided in section 455B.203.  
39 h. The department shall not issue a permit to a  
40 person under this subsection if an enforcement action  
41 by the department, relating to a violation of this  
42 chapter concerning a confinement feeding operation in  
43 which the person has an interest, is pending. The  
44 department shall not issue a permit to a person under  
45 this subsection for five years after the date of the  
46 last violation committed by a person or confinement  
47 feeding operation in which the person holds a  
48 controlling interest during which the person or  
49 operation was classified as a habitual violator under  
50 section 455B.191. The department shall conduct an

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1 annual review of each confinement feeding operation  
2 which is a habitual violator and each confinement  
3 feeding operation in which a habitual violator holds a  
4 controlling interest. The department shall notify  
5 persons classified as habitual violators of their  
6 classification, additional restrictions imposed upon  
7 the persons pursuant to the classification, and  
8 special civil penalties that may be imposed upon the  
9 persons. The notice shall be sent to the persons by  
10 certified mail.

11 Sec. 3. Section 455B.201, subsection 4, Code  
12 Supplement 1995, is amended by adding the following  
13 new subsection:

14 4. A person shall not use spray irrigation  
15 equipment to apply manure on land from which water  
16 drains into an agricultural drainage well. A person  
17 shall not otherwise apply manure by spray irrigation  
18 equipment, except as provided by rules which shall be  
19 adopted by the department pursuant to chapter 17A.

20 Sec. 4. Section 455B.203, subsection 1, Code  
21 Supplement 1995, is amended to read as follows:

22 1. In order to receive a permit for the  
23 construction of a A person constructing an animal  
24 feeding operation structure which is part of a  
25 confinement feeding operation, as provided in section  
26 455B.173 other than a small animal feeding operation,  
27 a person shall submit a manure management plan to the  
28 department. If the person is required to obtain a  
29 construction permit for a confinement feeding

- 30 operation as provided in section 455B.173, the person  
 31 shall submit the manure management plan together with  
 32 the application for a construction permit. If the  
 33 person is not required to obtain a construction  
 34 permit, the person shall submit the manure management  
 35 plan prior to construction."
- 36 2. Title page, by striking lines 2 and 3 and  
 37 inserting the following: "drainage, construction  
 38 permits, and manure management plans".
- 39 3. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5169

- 1 Amend Senate File 2220 as follows:
- 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. **NEW SECTION. 331.309 AGRICULTURAL**  
 5 **DRAINAGE WELLS -- PENALTY.**
- 6 1. The owner of land shall do all of the following  
 7 by July 1, 1998:
- 8 a. If the land contains a surface water intake  
 9 emptying into an agricultural drainage well, including  
 10 a surface water intake located in a road ditch, the  
 11 owner shall remove the surface water intake by July 1,  
 12 1998. This surface-water-intake removal requirement  
 13 does not require a person to remove or prohibit a  
 14 person from installing a tile line that empties into  
 15 an agricultural drainage well, if the tile line does  
 16 not have a surface water intake.
- 17 b. If the land contains a cistern connecting to an  
 18 agricultural drainage well, the owner shall construct  
 19 and maintain sidewalls surrounding the cistern in  
 20 order to prevent surface water runoff directly  
 21 emptying into the agricultural drainage well.
- 22 c. If the land contains an agricultural drainage  
 23 well, the owner shall install a vented cover over the  
 24 agricultural drainage well in order to prevent surface  
 25 water runoff directly emptying into the agricultural  
 26 drainage well.
- 27 2. A county may adopt minimum standards to  
 28 administer the requirements of this section. The  
 29 department of natural resources shall provide  
 30 information relating to owners registering  
 31 agricultural drainage wells pursuant to section 159.29  
 32 to each county board of supervisors and each drainage  
 33 district organized pursuant to chapter 468, where an  
 34 agricultural drainage well is registered.
- 35 3. Landowners of land where an agricultural

36 drainage well is located shall be notified of the  
37 deadline for complying with this section by print,  
38 electronic media, or other notification process, as  
39 follows:

40 a. If the agricultural drainage well is not  
41 located on land within a drainage district as provided  
42 in chapter 468, the county shall provide the notice.

43 b. If the agricultural drainage well is located on  
44 land within a drainage district as provided in chapter  
45 468, the board of the drainage district shall provide  
46 the notice, unless the county and the district

47 determine that notice will be provided by the county.

48 4. A surface tile emptying into an agricultural  
49 drainage well shall be inspected to ensure compliance  
50 with this section, as follows:

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1 a. If the agricultural drainage well is not within  
2 a drainage district as provided in chapter 468, the  
3 inspection shall be made as required by the county  
4 board of supervisors.

5 b. If the agricultural drainage well is located on  
6 land which is within a drainage district as provided  
7 in chapter 468, the inspection shall be made as  
8 required by the board of the drainage district, unless  
9 the county and the district determine that inspection  
10 will be made by the county.

11 The expenses incurred by the board of supervisors  
12 for notification, inspection, and recordation shall be  
13 paid equally by landowners in the county who own land  
14 where there is located an agricultural drainage well.  
15 The amount shall be placed upon the tax books, and  
16 collected with interest and penalties after due, in  
17 the same manner as other unpaid property taxes.  
18 However, if expenses are incurred by the board of the  
19 drainage district, the amount shall be charged to the  
20 landowners in the district.

21 5. A person who does not comply with this section  
22 is guilty of a simple misdemeanor. However, if a  
23 person was guilty of violating this section and again  
24 violates this section by not taking action necessary  
25 to correct a previous violation within sixty days  
26 after judgment is entered, the person is guilty of a  
27 serious misdemeanor. If a person was guilty of  
28 violating this section two or more times and again  
29 violates this section by not taking action necessary  
30 to correct a previous violation within sixty days  
31 after the last judgment is entered, the person is  
32 guilty of an aggravated misdemeanor.

33 Sec. 2. Section 455B.173, subsection 13, Code  
34 Supplement 1995, is amended to read as follows:  
35 13. a. Adopt, modify, or repeal rules relating to  
36 the construction or operation of animal feeding  
37 operations. The rules shall include, but are not  
38 limited to, minimum manure control requirements,  
39 requirements for obtaining permits, and departmental  
40 evaluations of animal feeding operations. The  
41 department shall not require that a person obtain a  
42 permit for the construction of an animal feeding  
43 operation structure, if the structure is part of a  
44 small animal feeding operation.  
45 b. The department shall collect an indemnity fee  
46 as provided in section 204.3 prior to the issuance of  
47 a construction permit. The department shall deposit  
48 moneys collected in indemnity fees in the manure  
49 storage indemnity fund created in section 204.2.  
50 c. The department shall not approve a permit for

**Page 3**

1 the construction of three or more animal feeding  
2 operation structures unless the applicant files a  
3 statement approved by a professional engineer  
4 registered pursuant to chapter 542B certifying that  
5 the construction of the animal feeding operation  
6 structure will not impede the drainage through  
7 established drainage tile lines which cross property  
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9 reestablish the drainage prior to completion of  
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14 animal feeding operation, if an application is  
15 submitted according to procedures required by the  
16 department according to this section, and the  
17 application meets standards established by the  
18 department, regardless of whether the animal feeding  
19 operation is required to obtain such a permit. An  
20 applicant for a construction permit shall not begin  
21 construction at the location of a site planned for the  
22 construction of an animal feeding operation structure,  
23 until the person has been granted a permit for the  
24 construction of the structure by the department.  
25 e. The department shall make a determination  
26 regarding the approval or denial of a permit within  
27 sixty days from the date that the department receives  
28 a completed application for a the approval of the  
29 permit, as provided in this paragraph. However, the

30 sixty-day requirement shall not apply to an  
31 application, if the applicant is not required to  
32 obtain a permit in order to construct an animal  
33 feeding operation structure or to operate an animal  
34 feeding operation. The department shall deliver a  
35 copy or require the applicant to deliver a copy of the  
36 application for a construction permit to the county  
37 board of supervisors in the county where the  
38 confinement feeding operation or confinement animal  
39 feeding operation structure subject to the permit is  
40 to be located. Upon receipt of an application for  
41 departmental approval under this section, the  
42 department shall determine if the application complies  
43 with all permit requirements. The process of  
44 approving or disapproving a permit shall be as  
45 follows:  
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47 permitted confinement feeding operations in the county  
48 is less than fifty million pounds, the department  
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1 delivery of the application to the county board of  
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3 from the county board of supervisors, regarding  
4 compliance by the applicant with the legal  
5 requirements for the construction of the confinement  
6 feeding operation structure as provided in this  
7 chapter, and rules adopted by the department pursuant  
8 to this chapter, if the comments are delivered to the  
9 department within fourteen days after receipt of the  
10 application by the county board of supervisors.  
11 (2) If the total animal weight capacity of all  
12 permitted confinement feeding operations in the county  
13 is fifty million pounds or more, the department shall  
14 not approve the application or issue a construction  
15 permit until the county has approved the application.  
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17 applicant or the department as required by the  
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25 a timely manner shall be deemed to be approved by the  
26 department.

27 f. Prior to granting a permit to a person for the  
28 construction of an animal feeding operation, the  
29 department may require the installation and operation  
30 of a hydrological monitoring system for an exclusively  
31 earthen manure storage structure, if, after an on-site  
32 inspection, the department determines that the site  
33 presents an extraordinary potential for groundwater  
34 pollution.

35 g. A person shall not obtain a permit for the  
36 construction of a confinement feeding operation,  
37 unless the person develops a manure management plan as  
38 provided in section 455B.203.

39 h. The department shall not issue a permit to a  
40 person under this subsection if an enforcement action  
41 by the department, relating to a violation of this  
42 chapter concerning a confinement feeding operation in  
43 which the person has an interest, is pending. The  
44 department shall not issue a permit to a person under  
45 this subsection for five years after the date of the  
46 last violation committed by a person or confinement  
47 feeding operation in which the person holds a  
48 controlling interest during which the person or  
49 operation was classified as a habitual violator under  
50 section 455B.191. The department shall conduct an

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1 annual review of each confinement feeding operation  
2 which is a habitual violator and each confinement  
3 feeding operation in which a habitual violator holds a  
4 controlling interest. The department shall notify  
5 persons classified as habitual violators of their  
6 classification, additional restrictions imposed upon  
7 the persons pursuant to the classification, and  
8 special civil penalties that may be imposed upon the  
9 persons. The notice shall be sent to the persons by  
10 certified mail.

11 Sec. 3. Section 455B.201, subsection 4, Code  
12 Supplement 1995, is amended by adding the following  
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16 drains into an agricultural drainage well. A person  
17 shall not otherwise apply manure by spray irrigation  
18 equipment, except as provided by rules which shall be  
19 adopted by the department pursuant to chapter 17A.

20 Sec. 4. Section 455B.203, subsection 1, Code  
21 Supplement 1995, is amended to read as follows:

22 1. In order to receive a permit for the  
23 construction of a A person constructing an animal



24 feeding operation structure which is part of a  
 25 confinement feeding operation, as provided in section  
 26 455B.173 other than a small animal feeding operation,  
 27 a person shall submit a manure management plan to the  
 28 department. If the person is required to obtain a  
 29 construction permit for a confinement feeding  
 30 operation as provided in section 455B.173, the person  
 31 shall submit the manure management plan together with  
 32 the application for a construction permit. If the  
 33 person is not required to obtain a construction  
 34 permit, the person shall submit the manure management  
 35 plan prior to construction."

36 2. Title page, by striking lines 5 through 8 and  
 37 inserting the following: "of natural resources and  
 38 other entitles."

39 3. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5170

1 Amend Senate File 2268 as follows:

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

4 "Sec. \_\_\_\_ . Section 435.1, subsection 5, Code  
 5 Supplement 1995, is amended to read as follows:

6 5. "Modular home" means a factory-built structure  
 7 ~~built on a permanent chassis~~ which is manufactured to  
 8 be used as a place of human habitation, is constructed  
 9 to comply with the Iowa state building code for  
 10 modular factory-built structures, and must display the  
 11 seal issued by the state building code commissioner.  
 12 If a modular home is placed in a mobile home park, the  
 13 home is subject to the annual tax as required by  
 14 section 435.22. If a modular home is placed outside a  
 15 mobile home park, the home shall be considered real  
 16 property and is to be assessed and taxed as real  
 17 estate."

18 2. Page 10, by inserting after line 26 the  
 19 following:

20 "Sec. \_\_\_\_ . Section 555B.4, subsection 3, Code  
 21 1995, is amended to read as follows:

22 3. If a tax lien exists on the mobile home or  
 23 personal property at the time an action for  
 24 abandonment is initiated, the real property owner  
 25 shall notify the county treasurer of each county in  
 26 which a tax lien appears by restricted certified mail  
 27 sent not less than ten days before the hearing. The  
 28 notice shall describe the mobile home and shall state  
 29 the docket, case number, date and time at which the

30 hearing is scheduled, and the county treasurer's right  
31 to assert a claim to the mobile home at the hearing.  
32 The notice shall also state that failure to assert a  
33 claim to the mobile home is deemed a waiver of all  
34 right, title, claim, and interest in the mobile home-  
35 and is deemed consent to the sale or disposal of the  
36 mobile home.

37 Sec. \_\_\_\_ . Section 562B.7, subsection 6, Code 1995,  
38 is amended by striking the subsection and inserting in  
39 lieu thereof the following:

40 6. "Mobile home park" means a site, lot, field, or  
41 tract of land upon which three or more mobile homes,  
42 manufactured homes, or modular homes, or a combination  
43 of any of these homes are placed on developed spaces  
44 and operated as a for-profit enterprise with water,  
45 sewer or septic, and electrical services available."

46 3. By renumbering as necessary.

EUGENE FRAISE

S-5171

1 Amend the amendment, S-5112, to Senate File 2036,  
2 as follows:

3 1. Page 1, by striking lines 2 through 10 and  
4 inserting the following:

5 " \_\_\_\_ . Page 1, line 20, by inserting after the  
6 word "duty" the following: "during the conflict".

7 \_\_\_\_ . Page 1, line 22, by inserting after the word  
8 "duty" the following: "during the conflict".

9 \_\_\_\_ . Page 1, line 25, by inserting after the word  
10 "duty" the following: "during the conflict"."

11 2. By renumbering as necessary.

MIKE CONNOLLY

S-5172

1 Amend Senate File 2260 as follows:

2 1. Page 1, line 12, by inserting after the word  
3 "resides." the following: "If a commissioner is  
4 absent for sixty or more percent of monthly meetings  
5 during any twelve-month period, the other  
6 commissioners by their unanimous vote may declare the  
7 member's office vacant."

EUGENE FRAISE

S-5173

- 1 Amend Senate File 2406 as follows:
- 2 1. Title page, line 1, by inserting after the
- 3 word "Act" the following: "providing for notification
- 4 to schools by peace officers of the possession of
- 5 alcohol or controlled substances by juveniles,
- 6 providing that certain identifying information
- 7 regarding juveniles involved in delinquent acts is a
- 8 public record."

MIKE CONNOLLY

S-5174

- 1 Amend Senate File 2403 as follows:
- 2 1. Page 6, line 20, by inserting after the word
- 3 "submit" the following: "to the general assembly".

JOHN P. KIBBIE

S-5175

- 1 Amend Senate File 2298 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words
- 3 "an administrative hearing a contested case" and
- 4 inserting the following: "an administrative hearing".
- 5 2. Page 1, line 8, by striking the word "
- 6 incurred" and inserting the following: "7
- 7 "Reasonable litigation costs" are those costs
- 8 incurred".

TOM VILSACK

S-5176

- 1 Amend Senate File 2220 as follows:
- 2 1. Page 8, line 33, by inserting after the word
- 3 "confinement" the following: "swine".
- 4 2. Page 8, line 34, by inserting after the word
- 5 "requirement" the following: "for a confinement swine
- 6 feeding operation structure".
- 7 3. Page 13, line 5, by inserting after the word
- 8 "confinement" the following: "swine".
- 9 4. Page 15, line 25, by inserting after the word
- 10 "confinement" the following: "swine".

PATTY JUDGE

S-5177

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "(4) The number of livestock purchased from a
- 5 seller by a dealer or a broker, or an agent."

DERRYL McLAREN  
RANDAL J. GIANNETTO

S-5178

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 1, line 24, by inserting after the words
- 3 "Prior to" the following: "or after".

BERL E. PRIEBE

S-5179

- 1 Amend Senate File 2286 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "crimes" the following: ", including the
- 4 reimbursement of expenses incurred by county,
- 5 municipal, and other local governmental agencies
- 6 cooperating with the department in the investigation
- 7 and prosecution of environmental crimes".

BERL E. PRIEBE

S-5180

- 1 Amend Senate File 2220 as follows:
- 2 1. Page 15, line 13, by inserting after the word
- 3 "manure" the following: "from a confinement swine
- 4 feeding operation".
- 5 2. Page 18, by inserting after line 32 the
- 6 following:
- 7 "Sec. \_\_\_\_ . REPEAL OF DEPARTMENT OF NATURAL
- 8 RESOURCES RULES. The department of natural resources
- 9 shall repeal provisions in 567 IAC 65.2(9) and 567 IAC
- 10 65.2(10) which apply to the application of manure by
- 11 spray irrigation equipment by September 1, 1996."

BILL FINK

S-5181

1 Amend Senate File 2017 as follows:

2 1. Page 1, line 8, by striking the words "on a  
3 day" and inserting the following: "during the time  
4 period".

5 2. Page 1, line 9, by inserting after the word  
6 "session." the following: "For purpose of this  
7 section, "session" includes after school care, summer  
8 school, extracurricular activities, and any other  
9 activities conducted at the school for the benefit of  
10 students."

BILL FINK  
JOANN DOUGLAS  
RICHARD F. DRAKE

S-5182

1 Amend Senate File 2287 as follows:

2 1. Page 2, line 35, by striking the words "or  
3 labels" and inserting the following: "~~or~~ labels, tin-  
4 plated steel, electro-galvanized steel, or hot-dipped-  
5 coated galvanized steel".

BILL FINK

S-5183

1 Amend Senate File 2370 as follows:

2 1. Page 3, by striking line 4 and inserting the  
3 following:

4 "a. Gas and electric utilities required to be  
5 rate-regulated under this chapter shall file".

6 2. Page 3, by striking lines 18 and 19 and  
7 inserting the following: "review of energy efficiency  
8 plans and budgets filed by gas and electric utilities  
9 required to be rate-regulated under this chapter. The  
10 board may approve,".

11 3. Page 3, by striking line 26 and inserting the  
12 following: "consumer advocate or a gas or electric  
13 utility required to be rate-regulated under this  
14 chapter,".

15 4. Page 4, by striking line 3 and inserting the  
16 following:

17 "e. A gas or electric utility required to be rate-  
18 regulated under this chapter may".

PATRICK J. DELUHERY  
MARY LUNDBY  
MICHAEL E. GRONSTAL

S-5184

1 Amend Senate File 2343 as follows:  
2 1. Page 2, by inserting after line 11 the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 172A.14A REPORTING.  
5 1. As used in this section:  
6 a. "Packer" means a person, other than a packer's  
7 agent, who is engaged in this state or out-of-state in  
8 the business of slaughtering live animals or  
9 receiving, buying, or soliciting live animals for  
10 slaughtering, the meat products of which are directly  
11 or indirectly to be offered for resale or for public  
12 consumption.  
13 b. "Packer's agent" means a person engaged in  
14 buying or soliciting livestock for slaughter on behalf  
15 of a packer.  
16 2. A packer, other than a cold storage plant  
17 regulated under chapter 171 or a frozen food locker  
18 plant regulated under chapter 172, shall make  
19 available for publication and to a board of trade  
20 approved by the secretary of state, a daily report  
21 setting forth information regarding prices paid for  
22 livestock, under each contract in force, in which the  
23 packer or the packer's agent, and an Iowa resident are  
24 parties for the purchase of the livestock by the  
25 packer or the packer's agent, and which sets a date  
26 for delivery more than twenty days after the making of  
27 the contract.  
28 3. The reports shall be completed on forms  
29 prepared by the secretary of state for comparison with  
30 cash market prices for livestock according to  
31 procedures required by the secretary of state.  
32 4. The failure to report as required by this  
33 section is punishable by a civil penalty not to exceed  
34 one thousand dollars for each day that a timely or  
35 truthful report is not published. The secretary of  
36 state shall refer to the attorney general any packer  
37 or packer's agent who the secretary of state believes  
38 is in violation of this section. The attorney general  
39 may, upon referral from the secretary of state, file

- 40 an action in district court to enforce this section.”  
41 2. By renumbering as necessary.

MERLIN E. BARTZ  
RANDAL J. GIANNETTO  
WAYNE BENNETT

S-5185

- 1 Amend Senate File 2347 as follows:  
2 1. Page 1, line 7, by inserting after the word  
3 “rented.” the following: “The customer shall sign a  
4 form, at the location from which the vehicle was  
5 initially rented, verifying that the customer was  
6 given written and verbal notification of any  
7 additional charges referred to in this subsection that  
8 the customer may incur.”

DENNIS BLACK

S-5186

- 1 Amend the amendment, S-5095, to Senate File 2108 as  
2 follows:  
3 1. Page 1, line 3, by inserting after the word  
4 “snow” the following: “on highways, other than  
5 highways located in state or county parks”.

BILL FINK

S-5187

- 1 Amend Senate File 2331 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 “Section 1. **NEW SECTION. 715A.6A PROHIBITIONS**  
5 **RELATING TO FALSE ACADEMIC DEGREES, GRADES, OR HONORS.**  
6 1. As used in this section, “academic degree”  
7 means a diploma, certificate, license, transcript, or  
8 other document which signifies or purports to signify  
9 completion of the academic requirements of a  
10 secondary, postsecondary, professional, or  
11 governmental program of study.  
12 2. A person commits a serious misdemeanor if the  
13 person, knowingly and willingly, does any of the  
14 following:  
15 a. Falsely makes or alters, procures to be falsely  
16 made or altered, or assists in falsely making or  
17 altering, an academic degree.  
18 b. Uses, offers, or presents as genuine, a falsely

19 made or altered academic degree.  
 20 c. Sells, gives, purchases, or obtains, procures  
 21 to be sold, given, purchased, or obtained, or assists  
 22 in selling, giving, buying, or obtaining, a false  
 23 academic degree.  
 24 d. Makes a false written representation relating  
 25 to the person's academic grades, honors, or awards, or  
 26 makes a false written representation that the person  
 27 has received an academic degree from a specific  
 28 secondary, postsecondary, professional institution, or  
 29 governmental program of study, in an application for  
 30 any of the following:  
 31 (1) Employment.  
 32 (2) Admission to an educational program.  
 33 (3) An award or other recognition.  
 34 (4) The issuance of an academic degree to the  
 35 person."  
 36 2. Title page, by striking lines 1 through 3 and  
 37 inserting the following: "An Act prohibiting certain  
 38 uses and false representations relating to academic  
 39 degrees, grades, or honors, and providing a penalty."

DONALD B. REDFERN

S-5188

1 Amend Senate File 2037 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 335.2, Code 1995, is amended  
 5 to read as follows:  
 6 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.  
 7 1. As used in this section:  
 8 a. "Agricultural purpose" means any use connected  
 9 or related to farming as defined in section 9H.1.  
 10 b. "Animal feeding operation" and "animal feeding  
 11 operation structure" mean the same as defined in  
 12 section 455B.161.  
 13 c. "Manure storage structure" means a structure  
 14 used to store manure produced by an animal feeding  
 15 operation and includes an anaerobic lagoon, earthen  
 16 manure storage basin, or formed manure storage  
 17 structure, as defined in section 455B.161.  
 18 2. Except to the extent required to implement as  
 19 provided in this section, 335.27, no an ordinance  
 20 adopted under this chapter applies shall not apply to  
 21 land, farm including houses, farm barns, farm  
 22 outbuildings, or and other buildings or structures,  
 23 which are is primarily adapted, by reason of nature  
 24 and area, for use for an agricultural purposes



25 purpose, while so used. However, the ordinances may  
26 apply to any  
27 3. Subsection 2 shall not prohibit an ordinance  
28 adopted pursuant to this chapter if the ordinance  
29 applies to either of the following:  
30 a. A structure, building, dam, obstruction,  
31 deposit or excavation in or on the flood plains of any  
32 river or stream.  
33 b. The implementation of an agricultural  
34 preservation ordinance, as provided in section 335.27.  
35 4. a. Subsection 2 shall not prohibit an  
36 ordinance adopted pursuant to this subsection which  
37 applies to animal feeding operations, including animal  
38 feeding operation structures, constructed or expanded  
39 after the effective date of this Act.  
40 b. The county board of supervisors shall not adopt  
41 the ordinance until the board conducts a county-wide  
42 nitrogen use analysis as provided for in this  
43 subsection. The methodology employed in performing  
44 the analysis must be approved by the department of  
45 natural resources according to procedures adopted by  
46 the department after consultation with the animal  
47 agriculture consulting organization as provided in  
48 1995 Iowa Acts, chapter 195, section 37.  
49 c. The analysis must find that the total nitrogen  
50 content of manure that is expected to be applied to

Page 2

1 land in the county and originating from manure storage  
2 structures located in the county, during the course of  
3 the next twelve-month period, exceeds the expected  
4 total nitrogen use necessary to obtain optimum crop  
5 yields on land used for producing crops in the county.  
6 The resulting value shall then be corrected for  
7 expected nitrogen loss. Information to complete the  
8 required calculations must account for the soil types  
9 used to produce crops, the number of acres used to  
10 produce crops, and the types of crops produced in the  
11 county.  
12 d. The calculations used by the county board of  
13 supervisors in its analysis shall be based upon rules  
14 adopted by the department of natural resources in  
15 cooperation with Iowa state university and the  
16 department of agriculture and land stewardship. The  
17 rules shall provide that the calculations may be based  
18 on conclusions by sources determined credible by the  
19 department of natural resources, including, but not  
20 limited to, Iowa state university, the United States  
21 department of agriculture, a registered professional

22 engineer, or an individual certified as a crop  
 23 consultant by the American registry of certified  
 24 professionals in agronomy, crops, and soils, certified  
 25 crop consultants, or the registry of environmental and  
 26 agricultural professionals. Upon request, the  
 27 department of natural resources shall provide to a  
 28 county information regarding the nitrogen content of  
 29 manure to be applied on land in the county according  
 30 to manure management plans filed with the department  
 31 pursuant to section 455B.203.  
 32 e. At any time after twelve months following the  
 33 adoption of an ordinance under this subsection, a  
 34 petition protesting the findings of the analysis may  
 35 be submitted to the county board of supervisors. The  
 36 petition must be signed by at least ten percent of all  
 37 owners of animal feeding operations in the county,  
 38 each of whom resides in the county and has received at  
 39 least ten thousand dollars for animals sold in the  
 40 previous twelve-month period. The ordinance shall be  
 41 nullified unless within six months following receipt  
 42 of the petition by the county board of supervisors,  
 43 the board conducts a subsequent analysis as provided  
 44 in this subsection which confirms the findings of the  
 45 previous analysis, and the board adopts the subsequent  
 46 analysis by resolution."

DERRYL McLAREN  
BRAD BANKS

S-5189

- 1 Amend Senate File 2252 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "judges" the following: ", and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

DONALD B. REDFERN

S-5190

- 1 Amend Senate File 2380 as follows:
- 2 1. Page 1, line 6, by striking the word "twelve"
- 3 and inserting the following: "fourteen".

4 2. Page 1, line 29, by striking the word "twelve"  
5 and inserting the following: "fourteen".

MERLIN E. BARTZ

S-5191

1 Amend Senate File 2410 as follows:  
2 1. Page 2, by striking lines 23 through 25 and  
3 inserting the following: "a medically relevant test  
4 as defined in section 232.73. ~~The parent, guardian,~~  
5 ~~or custodian may select the laboratory which processes~~  
6 ~~the test from among the laboratories approved~~".  
7 2. Page 2, line 28, by striking the word "drug."  
8 and inserting the following: "drug."  
9 3. Page 2, line 31, by inserting after the word  
10 "division" the following: "based upon evidence  
11 indicating the presence of an illegal drug in the  
12 child's body".

ELAINE SZYMONIAK

S-5192

1 Amend Senate File 2114 as follows:  
2 1. Page 2, by striking lines 9 through 16 and  
3 inserting the following:  
4 "Except as otherwise provided in section 903A.2, a  
5 person serving a sentence for conviction of a forcible  
6 felony shall serve one hundred".  
7 2. Page 2, line 22, by striking the word and  
8 figure "subsection 2".  
9 3. Page 2, line 27, by striking the word and  
10 figure "subsection 2".  
11 4. By striking page 2, line 34, through page 3,  
12 line 3, and inserting the following: "program  
13 approved by the director. However, if an inmate is  
14 sentenced under section 902.12, the total number of  
15 days which may be accumulated by the inmate to reduce  
16 the inmate's sentence shall not exceed fifteen percent  
17 of the inmate's total sentence of confinement.  
18 Reduction of sentence pursuant to this section".

MAGGIE TINSMAN  
ANDY McKEAN  
RANDAL J. GIANNETTO  
EUGENE S. FRAISE  
TOM VILSACK

S-5193

1 Amend Senate File 2265 as follows:  
2 1. Page 1, by striking lines 27 through 29 and  
3 inserting the following: "granted prior to  
4 fulfillment of the requirement if any of the following  
5 applies:  
6 a. A party demonstrates that the other party  
7 refuses to participate in the seminar.  
8 b. A history of domestic abuse, as defined in  
9 section 236.2, exists. In determining whether a  
10 history of domestic abuse exists, the court's  
11 consideration shall include, but is not limited to,  
12 commencement of an action pursuant to section 236.3,  
13 the issuance of a protective order against the parent  
14 or the issuance of a court order or consent agreement  
15 pursuant to section 236.5, the issuance of an  
16 emergency order pursuant to section 236.6, the holding  
17 of the parent in contempt pursuant to section 236.8,  
18 the response of a peace officer to the scene of  
19 alleged domestic abuse or the arrest of the parent  
20 following response to a report of alleged domestic  
21 abuse, or a conviction for domestic abuse assault  
22 pursuant to section 708.2A."

MERLIN E. BARTZ

S-5194

1 Amend the amendment, S-5149, to Senate File 2104 as  
2 follows:  
3 1. Page 1, line 9, by inserting after the word  
4 "assembly" the following: "or of the state board of  
5 regents".  
6 2. Page 1, line 10, by inserting after the word  
7 "council" the following: "or the state board of  
8 regents, respectively".  
9 3. Page 1, line 19, by striking the word  
10 "include" and inserting the following: "includes".  
11 4. Page 1, line 20, by inserting after the word  
12 "assembly" the following: "and persons employed by  
13 the state board of regents".

ROD HALVORSON  
JIM LIND  
JOHNIE HAMMOND

S-5195

- 1 Amend Senate File 2037 as follows:
- 2 1. Page 1, by inserting before line 29, the
- 3 following:
- 4 "The ordinance adopted as part of this section must
- 5 include provisions designating parts of the county
- 6 where residences may be constructed and parts of the
- 7 county where residences shall not be constructed, in
- 8 order to preserve agricultural uses in the county.
- 9 The county shall adopt exceptions necessary for the
- 10 construction of residences by persons actively engaged
- 11 in agricultural production. An agricultural land
- 12 preservation ordinance enacted by the county pursuant
- 13 to section 335.27 shall meet the requirements of this
- 14 paragraph."

BRAD BANKS

S-5196

- 1 Amend the amendment, S-5168, to Senate File 2037 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "including".
- 5 2. Page 1, by striking line 10 and inserting the
- 6 following: "the".

MARY LOU FREEMAN

S-5197

- 1 Amend Senate File 2037 as follows:
- 2 1. Page 2, line 5, by striking the words "a
- 3 confinement" and inserting the following: "an
- 4 animal".
- 5 2. Page 2, line 5, by inserting after the word
- 6 "structure" the following: "which is part of or
- 7 connected to a confinement feeding operation".
- 8 3. Page 2, line 7, by inserting after the word
- 9 "operation." the following: "However, this paragraph
- 10 does not require a person to obtain a construction
- 11 permit to construct an animal feeding operation
- 12 structure which is part of or connected to and used
- 13 exclusively by a confinement feeding operation in
- 14 which only bovine or avian animals are confined."

JOHN P. KIBBIE

S-5198

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 1, line 24, by striking the words "Prior
- 3 to" and inserting the following: "After".

BERL E. PRIEBE

S-5199

- 1 Amend Senate File 2186 as follows:
- 2 1. Page 6, by inserting after line 20 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 321J.4, subsection 7, Code
- 5 Supplement 1995, is amended to read as follows:
- 6 7. On a conviction for or as a condition of a
- 7 deferred judgment for a violation of section 321J.2,
- 8 the court may order the defendant to install ignition
- 9 interlock devices of a type approved by the
- 10 commissioner of public safety on all motor vehicles
- 11 owned or operated by the defendant which, without
- 12 tampering or the intervention of another person, would
- 13 prevent the defendant from operating the motor vehicle
- 14 with an alcohol concentration greater than a level set
- 15 by rule of the commissioner of public safety. The
- 16 commissioner of public safety shall adopt rules to
- 17 approve certain ignition interlock devices and the
- 18 means of installation of the devices, and shall
- 19 establish the level of alcohol concentration beyond
- 20 which an ignition interlock device will not allow
- 21 operation of the motor vehicle in which it is
- 22 installed. The order shall remain in effect for a
- 23 period of time as determined by the court which shall
- 24 not exceed the maximum term of imprisonment which the
- 25 court could have imposed according to the nature of
- 26 the violation. While the order is in effect, the
- 27 defendant shall not operate a motor vehicle which does
- 28 not have an approved ignition interlock device
- 29 installed. If the defendant's motor vehicle license
- 30 or nonresident operating privilege has been revoked,
- 31 the department shall not issue a temporary permit or a
- 32 motor vehicle license to the person without
- 33 certification that approved ignition interlock devices
- 34 have been installed in all motor vehicles owned or
- 35 operated by the defendant while the order is in
- 36 effect. A defendant who fails within a reasonable
- 37 time to comply with an order to install an approved
- 38 ignition interlock device may be declared in contempt
- 39 of court and punished accordingly. The department
- 40 shall not reinstate a person's motor vehicle license

41 without certification of removal of the ignition  
 42 interlock device from the motor vehicle. The  
 43 certification of removal shall be issued by the  
 44 manufacturer or installer and shall indicate that the  
 45 device has been returned intact to the manufacturer or  
 46 installer and that the device has not been tampered  
 47 with. A person who tampers with or circumvents an  
 48 ignition interlock device installed under a court  
 49 order while an order is in effect commits a serious  
 50 misdemeanor."

Page 2.

1 2. By renumbering as necessary.

RICHARD F. DRAKE  
 DON GETTINGS

S-5200

1 Amend Senate File 2220 as follows:  
 2 1. Page 15, line 13, by inserting after the word  
 3 "manure" the following: "from a confinement swine  
 4 feeding operation".  
 5 2. Page 18, by inserting after line 32 the  
 6 following:  
 7 "Sec. \_\_\_\_ . REPEAL OF DEPARTMENT OF NATURAL  
 8 RESOURCES RULES. The department of natural resources  
 9 shall repeal provisions in 567 IAC 65.2(9) and IAB,  
 10 Volume XVIII, No. 17 (2/14/96) pp. 1356-1357, ARC  
 11 6250A, Item 4, rule 65.2, new subrule 10, which apply  
 12 to the application of manure by spray irrigation  
 13 equipment by September 1, 1996."

BILL FINK

S-5201

1 Amend Senate File 2037 as follows:  
 2 1. Page 1, by striking lines 1 through 28 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . NEW SECTION. 331.309 CONFINEMENT  
 5 FEEDING OPERATIONS -- SITING ORDINANCE.  
 6 1. As used in this section:  
 7 a. "Animal feeding operation structure" means the  
 8 same as defined in section 455B.161.  
 9 b. "Animal weight capacity" means the same as  
 10 defined in section 455B.161.  
 11 c. "Confinement feeding operation" means the same  
 12 as defined in section 455B.161.

13 2. Notwithstanding section 335.2, a county may  
14 adopt a confinement feeding operations siting  
15 ordinance, pursuant to section 331.302. The purpose  
16 of the ordinance shall be to provide authority to a  
17 county to approve the site of the construction or  
18 expansion of a confinement feeding operation,  
19 including confinement feeding operation buildings and  
20 related animal feeding operation structures in order  
21 to preserve and protect natural resources, including  
22 water sources and fragile environmental locations;  
23 lessen congestion and overcrowding of confinement  
24 feeding operations, especially near cities; and to  
25 protect the health and welfare of the public. The  
26 ordinance shall provide for a method and procedure  
27 required to approve the site. In administering the  
28 ordinance, the county shall establish a confinement  
29 feeding operations siting commission which shall  
30 review each proposal for the construction or expansion  
31 of a confinement feeding operation, and recommend to  
32 the county board of supervisors that the board approve  
33 or disapprove the proposal. The board shall appoint  
34 five members of the commission. A member shall not  
35 reside in a city. At least three members shall be or  
36 have been actively engaged in animal agriculture. A  
37 confinement feeding operations siting ordinance shall  
38 not apply to a confinement feeding operation, if  
39 either of the following apply:  
40 a. Only bovine or poultry are confined in the  
41 confinement feeding operation.  
42 b. The confinement feeding operation has an animal  
43 weight capacity of less than three hundred thousand  
44 pounds.”  
45 2. Title page, line 2, by striking the words  
46 “county zoning” and inserting the following:  
47 “siting”.  
48 3. By renumbering as necessary.

EUGENE FRAISE  
BILL FINK  
EMIL J. HUSAK  
PATTY JUDGE  
JOHN P. KIBBIE  
MARY A. LUNDBY  
ANDY MCKEAN  
JOHN W. JENSEN  
TOM FLYNN  
ALBERT G. SORENSEN



S-5202

- 1 Amend the amendment, S-5184, to Senate File 2343,  
 2 as follows:  
 3 1. Page 1, line 31, by inserting after the word  
 4 "state." the following: "However, a report shall not  
 5 include information regarding the identity of a  
 6 seller."

MERLIN E. BARTZ  
 WAYNE BENNETT

S-5203

- 1 Amend Senate File 2037 as follows:  
 2 1. Page 2, line 5, by striking the words "a  
 3 confinement" and inserting the following: "an  
 4 animal".  
 5 2. Page 2, line 5, by inserting after the word  
 6 "structure" the following: "which is part of or  
 7 connected to a confinement feeding operation".  
 8 3. Page 2, line 7, by inserting after the word  
 9 "operation." the following: "However, unless  
 10 otherwise required by departmental rule, this  
 11 paragraph does not require a person to obtain a  
 12 construction permit to construct an animal feeding  
 13 operation structure which is part of or connected to  
 14 and used exclusively by a confinement feeding  
 15 operation in which only bovine or avian animals are  
 16 confined."

JOHN P. KIBBIE

S-5204

- 1 Amend Senate File 2037 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 103A.7A SWINE  
 5 CONFINEMENT FEEDING OPERATION STRUCTURES -- MODEL  
 6 CODE.  
 7 The commissioner shall establish a model building  
 8 code for confinement swine feeding operation  
 9 structures required to obtain a license as provided in  
 10 section 455B.173, for use by counties in amending  
 11 their building codes.  
 12 Sec. 2. Section 137.6, Code 1995, is amended by  
 13 adding the following new subsection:  
 14 NEW SUBSECTION. 6. Monitor drinking water wells  
 15 which exist in close proximity to animal feeding

16 operations as provided by the state department  
17 pursuant to section 455B.201.

18 Sec. 3. Section 204.5, unnumbered paragraph 1,  
19 Code Supplement 1995, is amended to read as follows:

20 A county which has acquired real estate containing  
21 a confinement feeding operation manure storage  
22 structure or egg washwater storage structure, as  
23 defined in section 455B.161, following the nonpayment  
24 of taxes pursuant to section 446.19, may clean up the  
25 site, including removing and disposing of manure at  
26 any time. The county may seek reimbursement including  
27 by bringing an action for the costs of the removal and  
28 disposal from the person abandoning the real estate.

29 Sec. 4. Section 331.304, subsection 3, paragraph  
30 b, Code 1995, is amended to read as follows:

31 b. A Except as otherwise provided in this  
32 paragraph, a county building code shall not apply to  
33 farm houses, barns, outbuildings, or other farm  
34 buildings or structures which are primarily adapted  
35 for use for an agricultural purposes purpose, while so  
36 used or under construction for that use. The county  
37 building code may apply to a confinement swine feeding  
38 operation structure constructed or expanded on or  
39 after the effective date of this Act, which is  
40 required to obtain a construction permit as provided  
41 in section 455B.173.

42 Sec. 5. **NEW SECTION. 364.25 CONFINEMENT SWINE**  
43 **FEEDING OPERATIONS.**

44 A city may adopt an ordinance which prohibits the  
45 construction or expansion of a confinement swine  
46 feeding operation structure required to obtain a  
47 construction permit pursuant to section 455B.173 from  
48 being constructed or expanded after the effective date  
49 of this Act in an area within two miles beyond the  
50 limits of the city, regardless of whether a county

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1 zoning ordinance exists or whether the city has  
2 adopted an ordinance which extends its powers within  
3 the area as provided in section 414.23. The ordinance  
4 adopted by the city shall describe in general terms  
5 the area in which the city is prohibiting construction  
6 or expansion of the confinement swine feeding  
7 operation or a confinement swine feeding operation  
8 structure.

9 Sec. 6. Section 414.23, Code 1995, is amended to  
10 read as follows:

11 **414.23 EXTENDING BEYOND CITY LIMITS.**

12 **1. a.** The powers granted by this chapter may be

13 extended by ordinance by any a city to the  
14 unincorporated area up to two miles beyond the limits  
15 of such the city, except for those areas any part of  
16 the area located within a county where a county zoning  
17 ordinance exists. The ordinance adopted by the city  
18 shall describe in general terms the area to be  
19 included in the area subject to the city ordinance.  
20 The exemption from regulation granted by section 335.2  
21 to property used for agricultural purposes shall apply  
22 to such unincorporated area. If the limits of any  
23 such the city are at any place less than four miles  
24 distant from the limits of any other city which has  
25 extended or thereafter extends its zoning jurisdiction  
26 under this section, then at such time the powers  
27 herein granted under this subsection shall extend to a  
28 line equidistant between the limits of said the  
29 cities.

30 b. A municipality city, during the time its zoning  
31 jurisdiction is extended under this section  
32 subsection, shall increase the size of its planning  
33 and zoning commission and its board of adjustment each  
34 by two members. The additional members shall be  
35 residents of the area outside the city limits over  
36 which the zoning jurisdiction is extended. They The  
37 additional members shall be appointed by the board of  
38 supervisors of the county in which such the extended  
39 area is located and for the same terms of office and  
40 have the same rights, privileges, and duties as the  
41 other members of each of said the respective bodies of  
42 the additional members.

43 c. Property owners affected by such zoning  
44 regulations adopted pursuant to this subsection shall  
45 have the same rights of hearing, protest, and appeal  
46 as those property owners residing within the  
47 municipality city exercising this power those rights.

48 d. Except as provided in subsection 2, the  
49 exemption from regulation granted by section 335.2 to  
50 property used for agricultural operations shall apply

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1 to the unincorporated area over which the city is  
2 exercising its power.  
3 e. Whenever a county in which this power is being  
4 exercised by a municipality Except as provided in  
5 subsection 2, if a county adopts a county zoning  
6 ordinance, the power exercised by the municipality  
7 city and the specific regulations and districts  
8 thereunder established by the city under this  
9 subsection shall be terminated within three months of

10 the establishment of the administrative authority for  
 11 county zoning, or at such date as mutually agreed upon  
 12 by the ~~municipality~~ city and county.

13 2. A city may adopt an ordinance under this  
 14 chapter which prohibits the construction or expansion  
 15 of a confinement swine feeding operation structure  
 16 required to obtain a construction permit as provided  
 17 in section 455B.173, if the confinement swine feeding  
 18 operation structure is to be constructed or expanded  
 19 after the effective date of this Act, or which  
 20 regulates a confinement swine feeding operation  
 21 structure. The ordinance shall apply to the  
 22 unincorporated area where the city may exercise its  
 23 jurisdiction beyond the limits of the city pursuant to  
 24 section 414.23, regardless of whether a county zoning  
 25 ordinance exists, or whether an ordinance extends its  
 26 powers within the area under subsection 1. The  
 27 ordinance adopted by the city under this subsection  
 28 shall describe in general terms the area over which  
 29 the city is exercising its jurisdiction.

30 Sec. 7. Section 455B.161, subsection 1, paragraph  
 31 a, Code Supplement 1995, is amended to read as  
 32 follows:

33 a. A confinement feeding operation structure. An  
 34 earthen manure storage basin, formed manure storage  
 35 structure, egg washwater storage structure, or  
 36 confinement building.

37 Sec. 8. Section 455B.161, subsection 3, Code  
 38 Supplement 1995, is amended to read as follows:

39 3. a. "Animal feeding operation" means a lot,  
 40 yard, corral, building, or other area in which animals  
 41 are confined and fed and maintained for forty-five  
 42 days or more in any twelve-month period, and all  
 43 structures used for the storage of manure from animals  
 44 in the operation.

45 b. Two or more animal feeding operations under  
 46 common ownership or management are deemed to be a  
 47 single animal feeding operation if they are adjacent  
 48 as follows:

49 (1) If the animal feeding operations do not  
 50 include a confinement swine feeding operation, the

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1 animal feeding operations must be both of the  
 2 following:

3 (a) Under common ownership or management.

4 (b) Adjacent or utilize a common system for manure  
 5 storage.

6 (2) If the animal feeding operations include a

7 confinement swine feeding operation, either of the  
8 following must apply to the animal feeding operations:

9 (a) They must utilize a common system for manure  
10 storage.

11 (b) They must be separated by more than two  
12 thousand five hundred feet, unless the combined animal  
13 weight capacity of the animal feeding operations is  
14 two hundred thousand pounds or less.

15 c. An animal feeding operation does not include a  
16 livestock market.

17 Sec. 9. Section 455B.161, subsection 4, Code  
18 Supplement 1995, is amended to read as follows:

19 4. "Animal feeding operation structure" means an  
20 anaerobic lagoon, earthen manure storage basin, formed  
21 manure storage structure, egg washwater storage  
22 structure, or confinement feeding operation structure  
23 building.

24 Sec. 10. Section 455B.161, subsection 9, Code  
25 Supplement 1995, is amended by striking the  
26 subsection.

27 Sec. 11. Section 455B.161, Code Supplement 1995,  
28 is amended by adding the following new subsections:

29 NEW SUBSECTION. 9A. "Confinement swine feeding  
30 operation" means a confinement feeding operation in  
31 which swine are confined and fed.

32 NEW SUBSECTION. 9B. "Confinement swine feeding  
33 operation structure" means a confinement building or a  
34 formed swine manure storage structure.

35 Sec. 12. Section 455B.161, subsection 14, Code  
36 Supplement 1995, is amended to read as follows:

37 14. "Formed manure storage structure" means a  
38 manure storage structure, either covered or uncovered,  
39 used to store manure from a confinement feeding  
40 operation, which has walls and a floor constructed of  
41 poured concrete, concrete block, wood, steel, or  
42 similar materials.

43 Sec. 13. Section 455B.161, Code Supplement 1995,  
44 is amended by adding the following new subsections:

45 NEW SUBSECTION. 14A. "Formed swine manure storage  
46 structure" means a formed manure storage structure  
47 used to store swine manure, which has walls and a  
48 floor constructed of poured concrete.

49 NEW SUBSECTION. 16A. "Manure storage structure"  
50 means any structure used to store manure from an

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1 animal feeding operation, including an anaerobic  
2 lagoon, earthen manure storage basin, or formed manure  
3 storage structure.

4 Sec. 14. Section 455B.162, unnumbered paragraph 1,  
 5 Code Supplement 1995, is amended to read as follows:  
 6 1. The Except as provided in subsection 1A, the  
 7 following shall apply to animal feeding operation  
 8 structures constructed on or after May 31, 1995; to  
 9 the expansion of structures constructed on or after  
 10 May 31, 1995; or, except as provided in section  
 11 455B.163, to the expansion of structures constructed  
 12 prior to May 31, 1995:

13 Sec. 15. Section 455B.162, subsection 1,  
 14 unnumbered paragraph 1, Code Supplement 1995, is  
 15 amended by striking the unnumbered paragraph.

16 Sec. 16. Section 455B.162, Code Supplement 1995,  
 17 is amended by adding the following new subsection:  
 18 NEW SUBSECTION. 1A. The following shall apply to  
 19 confinement swine feeding operation structures  
 20 constructed on or after the effective date of this  
 21 Act, if the confinement swine feeding operations are  
 22 established on or after the effective date of this  
 23 Act:

24 a. The following table represents the minimum  
 25 separation distance in feet required between a  
 26 confinement swine feeding operation structure and a  
 27 residence not owned by the owner of the confinement  
 28 swine feeding operation, or a commercial enterprise,  
 29 bona fide religious institution, or an educational  
 30 institution:

31	32	33	34	35	36	37	38	39	40	41	42	43	44
	Minimum		Minimum		Minimum								
	separation		separation		separation								
	distance		distance		distance								
	in feet		in feet		in feet								
	for		for		for								
	operations		operations		operations								
	having an		having an		having an								
	animal weight		animal weight		animal weight								
	capacity of		capacity of		capacity of								
	less than		625,000 or		1,250,000 or								
	625,000		more pounds		more pounds								
	pounds		but less than		1,250,000								
			pounds										

45 Type of  
 46 structure  
 47 \_\_\_\_\_  
 48 Uncovered  
 49 formed  
 50 manure

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1 storage			
2 structure	2,250	2,750	3,250
3 Covered			
4 formed			
5 manure			
6 storage			
7 structure	1,900	2,250	2,750

8 b. The following table represents the minimum  
 9 separation distance in feet required between  
 10 confinement swine feeding operation structures and a  
 11 public use area or a residence not owned by the owner  
 12 of the confinement swine feeding operation, a  
 13 commercial enterprise, a bona fide religious  
 14 institution, or an educational institution located  
 15 within the corporate limits of a city:

16	Minimum	Minimum	Minimum
17	separation	separation	separation
18	distance	distance	distance
19	in feet	in feet	in feet
20	for	for	for
21	operations	operations	operations
22	having an	having an	having an
23	animal weight	animal weight	animal weight
24	weight	capacity of	capacity of
25	capacity of	625,000 or	1,250,000 or
26	less than	more pounds	more pounds
27	625,000	but less than	
28	pounds	1,250,000	
29		pounds	

30 Type of  
 31 structure

---

32			
33 Confinement			
34 swine			
35 feeding			
36 operation			
37 structure	2,500	3,025	3,750

38 Sec. 17. Section 455B.165, subsections 1, 2, and  
 39 4, Code Supplement 1995, are amended to read as  
 40 follows:

41 1. A confinement An animal feeding operation  
 42 structure, other than an anaerobic lagoon, which  
 43 provides for the storage of manure exclusively in a  
 44 dry form.

45 2. A confinement An animal feeding operation  
 46 structure, other than an anaerobic lagoon or earthen  
 47 manure storage basin, if the structure is part of a  
 48 confinement feeding operation which qualifies as a

49 small animal feeding operation.  
50 4. An animal feeding operation which is

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1 constructed or expanded within the corporate limits of  
2 a city, or the area within a separation distance  
3 required pursuant to this part, if the city approves a  
4 waiver which shall be memorialized in writing. The  
5 written waiver becomes effective only upon recording  
6 the waiver in the office of the recorder of deeds of  
7 the county in which the benefited land is located.  
8 The filed waiver shall preclude enforcement by the  
9 state of this part as it relates to the animal feeding  
10 operation structure. However, this subsection shall  
11 not affect a separation distance required between  
12 residences, educational institutions, commercial  
13 enterprises, bona fide religious institutions, or  
14 public use areas, as provided in this part.

15 4. A city which adopts an ordinance on or after  
16 the effective date of this Act which prohibits the  
17 construction or expansion of a confinement feeding  
18 operation structure or which provides a different  
19 separation distance requirement than provided for in  
20 section 455B.162. The ordinance may apply within the  
21 corporate limits of the city, or within the area where  
22 the city may exercise its jurisdiction beyond the  
23 corporate limits of the city as provided in section  
24 364.25 or 414.23.

25 Sec. 18. Section 455B.171, subsection 2, Code  
26 Supplement 1995, is amended to read as follows:  
27 2. a. "Animal feeding operation" means a lot,  
28 yard, corral, building, or other area in which animals  
29 are confined and fed and maintained for forty-five  
30 days or more in any twelve-month period, and all  
31 structures used for the storage of manure from animals  
32 in the animal feeding operation.

33 b. Two or more animal feeding operations under  
34 common ownership or management are deemed to be a  
35 single animal feeding operation if they are adjacent  
36 as follows:

37 (1) If the animal feeding operations do not  
38 include a confinement swine feeding operation, the  
39 animal feeding operations must be both of the  
40 following:

41 (a) Under common ownership or management,  
42 (b) Adjacent or utilize a common area or system  
43 for manure disposal.

44 (2) If the animal feeding operations include a  
45 confinement swine feeding operation, either of the



46 following must apply to the animal feeding operations:

47 (a) They must utilize a common system or area for  
48 manure storage.

49 (b) They must be separated by more than two  
50 thousand five hundred feet, unless the combined animal

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1 weight capacity of the animal feeding operations is  
2 two hundred thousand pounds or less.

3 c. An animal feeding operation does not include a  
4 livestock market as defined in section 455B.161.

5 Sec. 19. Section 455B.171, Code Supplement 1995,  
6 is amended by adding the following new subsections:

7 NEW SUBSECTION. 4A. "Confinement swine feeding  
8 operation" means the same as defined in section  
9 455B.161.

10 NEW SUBSECTION. 4B. "Confinement swine feeding  
11 operation structure" means the same as defined in  
12 section 455B.161.

13 NEW SUBSECTION. 9A. "Formed manure storage  
14 structure" means the same as defined in section  
15 455B.161.

16 NEW SUBSECTION. 9B. "Formed swine manure storage  
17 structure" means the same as defined in section  
18 455B.161.

19 NEW SUBSECTION. 12A. "Manure storage structure"  
20 means the same as defined in section 455B.161.

21 Sec. 20. Section 455B.173, subsection 13, Code  
22 Supplement 1995, is amended to read as follows:

23 13. a. Adopt, modify, or repeal rules relating to  
24 the construction or operation of animal feeding  
25 operations. The rules shall include, but are not  
26 limited to, minimum manure control requirements,  
27 requirements for obtaining permits, and departmental  
28 evaluations of animal feeding operations. The  
29 department shall require that a person obtain a permit  
30 for the construction of a confinement swine feeding  
31 operation structure. The department shall approve or  
32 disapprove a permit for a confinement swine feeding  
33 operation structure based upon the most current  
34 available standards for the construction of structures  
35 of a similar size. However, the department shall not  
36 require that a person obtain a permit for the  
37 construction of an animal feeding operation structure,  
38 if the structure is part of a small animal feeding  
39 operation.

40 b. The department shall collect an indemnity fee  
41 as provided in section 204.3 prior to the issuance of  
42 a construction permit. The department shall deposit

43 moneys collected from indemnity fees in the manure  
44 storage indemnity fund created in section 204.2.  
45 c. The department shall not approve a permit for  
46 the construction of a confinement swine feeding  
47 operation structure or three or more other animal  
48 feeding operation structures, unless the applicant  
49 files a statement approved by a professional engineer  
50 registered pursuant to chapter 542B certifying that

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1 the construction of the animal feeding operation  
2 structure will not impede the drainage through  
3 established drainage tile lines which cross property  
4 boundary lines unless measures are taken to  
5 reestablish the drainage prior to completion of  
6 construction. The department shall deposit moneys  
7 collected in indemnity fees in the manure storage  
8 indemnity fund created in section 204.2. The permit  
9 for a confinement swine feeding operation structure  
10 shall be conditional upon the removal of any drainage  
11 tile located within fifty feet of the structure prior  
12 to its operation, according to rules adopted by the  
13 department, which shall provide for the removal,  
14 capping, and rerouting of the drainage tile.  
15 d. The department shall issue a permit for an  
16 animal feeding operation, if an application is  
17 submitted according to procedures required by the  
18 department, and the application meets standards  
19 established by the department, regardless of whether  
20 the animal feeding operation is required to obtain  
21 such a permit. An applicant for a construction permit  
22 shall not begin construction at the location of a site  
23 planned for the construction of an animal feeding  
24 operation structure, until the person has been granted  
25 a permit for the construction of the structure by the  
26 department. The department shall make a determination  
27 regarding the approval or denial of a permit within  
28 sixty days from the date that the department receives  
29 a completed application for a permit. However, the  
30 sixty-day requirement shall not apply to an  
31 application, if the applicant is not required to  
32 obtain a permit in order to construct an animal  
33 feeding operation structure or to operate an animal  
34 feeding operation. The department shall deliver a  
35 copy or require the applicant to deliver a copy of the  
36 application for a construction permit and the  
37 applicant's manure management plan as provided in  
38 section 455B.203, for a confinement swine feeding  
39 operation, to the county board of supervisors in the

40 county where the confinement feeding operation or  
41 confinement related animal feeding operation structure  
42 subject to the permit is to be located. The board may  
43 file the application and the manure management plan  
44 for a confinement swine feeding operation with the  
45 county recorder, and require that the applicant submit  
46 a filing fee. The department shall not approve the  
47 application or issue a construction permit for an  
48 animal feeding operation structure until thirty days  
49 following delivery of the application to the county  
50 board of supervisors. If the construction permit is

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1 for an animal feeding operation structure for which a  
2 construction permit is required, the county may submit  
3 comments to the department regarding compliance by the  
4 applicant with the legal requirements for the  
5 construction of the animal feeding operation structure  
6 as provided in this chapter, and rules adopted by the  
7 department pursuant to this chapter. The department  
8 shall consider comments from the county board of  
9 supervisors, regarding compliance by the applicant  
10 with the legal requirements for the construction of  
11 the confinement feeding operation structure as  
12 provided in this chapter, and rules adopted by the  
13 department pursuant to this chapter, if the comments  
14 are delivered to the department within fourteen days  
15 after receipt of the application by the county board  
16 of supervisors. However, if the construction permit  
17 is for a confinement swine feeding operation  
18 structure, the department shall not issue the permit,  
19 if the county board of supervisors submits an  
20 objection to the department within thirty days after  
21 receipt of the application by the county board of  
22 supervisors. The objection must be based upon a  
23 threat to environmental quality or the public health  
24 that the board determines may be caused by the  
25 location or design of the confinement swine feeding  
26 operation structure.  
27 e. Prior to granting a permit to a person for the  
28 construction of an animal feeding operation, the  
29 department may require the installation and operation  
30 of a hydrological monitoring system for an exclusively  
31 earthen manure storage structure, if, after an on-site  
32 inspection, the department determines that the site  
33 presents an extraordinary potential for groundwater  
34 pollution. The department shall require the  
35 installation and operation of a hydrological  
36 monitoring system for a manure storage structure which

37 is part of a confinement feeding operation prior to  
 38 issuing a permit to the confinement feeding operation,  
 39 unless after an on-site inspection, the department  
 40 determines that no potential for groundwater pollution  
 41 exists.

42 f. A person shall not obtain a permit for the  
 43 construction of a confinement feeding operation,  
 44 unless the person develops a manure management plan as  
 45 provided in section 455B.203.

46 g. During each major stage of construction, the  
 47 department shall conduct an inspection of the  
 48 confinement swine feeding operation structure subject  
 49 to a permit required to be approved by the department,  
 50 in order to ensure that a confinement swine feeding

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1 operation structure is being constructed according to  
 2 design requirements approved by the department. A  
 3 confinement swine feeding operation structure shall  
 4 not operate unless the department conducts a final  
 5 inspection and certifies that the confinement swine  
 6 feeding operation structure is constructed according  
 7 to requirements approved by the department.

8 h. The department shall not issue a permit to a  
 9 person under this subsection if an enforcement action  
 10 by the department, relating to a violation of this  
 11 chapter concerning a confinement feeding operation in  
 12 which the person has an interest, is pending. The  
 13 department shall not issue a permit to a person under  
 14 this subsection for five years after the date of the  
 15 last violation committed by a person or confinement  
 16 feeding operation in which the person holds a  
 17 controlling interest during which the person or  
 18 operation was classified as a habitual violator under  
 19 section 455B.191. The department shall conduct an  
 20 annual ~~review~~ inspection of each confinement feeding  
 21 operation which is a habitual violator and each  
 22 confinement feeding operation in which a habitual  
 23 violator holds a controlling interest. The department  
 24 shall notify persons classified as habitual violators  
 25 of their classification, additional restrictions  
 26 imposed upon the persons pursuant to the  
 27 classification, and special civil penalties that may  
 28 be imposed upon the persons. The notice shall be sent  
 29 to the persons by certified mail.

30 Sec. 21. Section 455B.191, subsection 7,  
 31 paragraphs a through d, Code Supplement 1995, are  
 32 amended to read as follows:

33 a. The construction or operation of a confinement

34 ~~an animal~~ feeding operation structure or ~~anaerobic~~  
 35 ~~lagoon~~ which is part of a confinement feeding  
 36 operation, or the installation or use of a related  
 37 pollution control device or practice, for which the  
 38 person must obtain a permit, in violation of this  
 39 chapter, or rules adopted by the department, including  
 40 the terms or conditions of the permit.

41 b. Intentionally making a false statement or  
 42 misrepresenting information to the department as part  
 43 of an application for a construction permit for a  
 44 ~~confinement an animal~~ feeding operation structure or  
 45 ~~anaerobic lagoon~~ which is part of a confinement  
 46 feeding operation, or the installation of a related  
 47 pollution control device or practice for which the  
 48 person must obtain a construction permit.  
 49 c. Failing to obtain a permit or approval by the  
 50 department in violation of this chapter or

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1 departmental rule which requires a permit to construct  
 2 or operate a confinement feeding operation or use a  
 3 ~~confinement an animal~~ feeding operation structure,  
 4 ~~anaerobic lagoon~~, or a pollution control device or  
 5 practice which is part of a confinement feeding  
 6 operation.

7 d. Operating a confinement feeding operation,  
 8 including a ~~confinement an animal~~ feeding operation  
 9 structure or ~~anaerobic lagoon~~ which is part of a  
 10 confinement feeding operation, or a related pollution  
 11 control device or practice, which causes pollution to  
 12 the waters of the state, if the pollution was caused  
 13 intentionally, or caused by a failure to take measures  
 14 required to abate the pollution which resulted from an  
 15 act of God.

16 Sec. 22. Section 455B.191, subsection 7, Code  
 17 Supplement 1995, is amended by adding the following  
 18 new paragraph:

19 NEW PARAGRAPH. f. To apply manure subject to a  
 20 manure management plan in violation of the plan, if  
 21 another manure management plan provides for the  
 22 application of manure on the same land.

23 Sec. 23. Section 455B.201, subsection 4, Code  
 24 Supplement 1995, is amended to read as follows:

25 4. A person shall not apply manure by spray  
 26 irrigation equipment; except as provided by rules  
 27 which shall be adopted by the department pursuant to  
 28 chapter 17A.

29 Sec. 24. Section 455B.201, Code Supplement 1995,  
 30 is amended by adding the following new subsections:

31 NEW SUBSECTION. 5. On and after the effective  
32 date of this Act, a person shall not construct a  
33 manure storage structure which is part of a  
34 confinement swine feeding operation unless the manure  
35 storage structure is a formed swine manure storage  
36 structure.

37 NEW SUBSECTION. 6. The department shall provide  
38 for the installation and operation of a hydrological  
39 monitoring system for a manure storage structure which  
40 is part of a confinement feeding operation structure,  
41 unless after an on-site inspection, the department,  
42 determines that the site presents no potential for  
43 groundwater pollution.

44 NEW SUBSECTION. 7. The department shall do all of  
45 the following:

46 a. Cooperate with the Iowa department of public  
47 health in regularly monitoring drinking water wells  
48 which are located in close proximity to animal feeding  
49 operations. The monitoring may be performed by  
50 employees of a county board of health in the county

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1 where a drinking water well is located and reported to  
-2 the department of natural resources as provided by the  
3 Iowa department of public health.

4 b. Regularly inspect and evaluate the structural  
5 integrity of manure storage structures which are part  
6 of confinement swine feeding operations. The  
7 department shall annually inspect and evaluate not  
8 less than ten percent of all anaerobic lagoons and  
9 earthen manure storage basins which are part of those  
10 operations and for which a construction permit has  
11 been issued by the department.

12 NEW SUBSECTION. 8. Drainage tile shall not be  
13 located within fifty feet from a manure storage  
14 structure which is part of a confinement swine feeding  
15 operation. The department shall adopt rules for the  
16 inspection, removal, capping, and rerouting of the  
17 drainage tile. The owner of a confinement swine  
18 feeding operation shall comply with this subsection  
19 not later than July 1, 1998.

20 Sec. 25. Section 455B.203, subsection 2, paragraph  
21 a. Code Supplement 1995, is amended to read as  
22 follows:

23 a. Calculations necessary to determine the land  
24 area required for the application of manure from a  
25 confinement feeding operation based on nitrogen use  
26 levels in order to obtain optimum crop yields  
27 according to a crop schedule specified in the plan,

28 and according to requirements adopted by the  
29 department, as follows:

30 (1) If the manure is produced from a confinement  
31 feeding operation other than a confinement swine  
32 feeding operation, the calculations shall be based on  
33 nitrogen use levels.

34 (2) If the manure is produced from a confinement  
35 swine feeding operation, the calculations shall be  
36 based on phosphorus use levels.

37 The department shall adopt calculations required  
38 under this paragraph "a" after receiving  
39 recommendations from the animal agriculture consulting  
40 organization provided for in 1995 Iowa Acts, chapter  
41 195, section 37.

42 Sec. 26. Section 455B.203, subsection 2, Code  
43 Supplement 1995, is amended by adding the following  
44 new paragraph:

45 NEW PARAGRAPH. h. A written record describing  
46 actions taken to determine the existence of drainage  
47 tile lines, including the findings, and actions taken  
48 to comply with permit requirements in section  
49 455B.173, and minimum manure control requirements  
50 provided in section 455B.201.

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1 Sec. 27. Section 455B.203, Code Supplement 1995,  
2 is amended by adding the following new subsection:  
3 NEW SUBSECTION. 2A. A person required to submit a  
4 manure management plan shall not apply manure on the  
5 land other than as provided in the manure management  
6 plan.

7 Sec. 28. Section 455B.204, subsection 1,  
8 unnumbered paragraph 1, Code Supplement 1995, is  
9 amended to read as follows:

10 An animal feeding operation structure shall not be  
11 located at least constructed or expanded less than  
12 five hundred feet away from the surface intake of an  
13 agricultural drainage well or known sinkhole, and at  
14 least not less than two hundred feet away from a lake,  
15 river, or stream located within the territorial limits  
16 of the state, any marginal river area adjacent to the  
17 state, which can support a floating vessel capable of  
18 carrying one or more persons during a total of a six-  
19 month period in one out of ten years, excluding  
20 periods of flooding. However, no a distance  
21 separation is not required between a location or  
22 object and a farm pond or privately owned lake, as  
23 defined in section 462A.2. A confinement swine  
24 feeding operation structure shall not be constructed

25 or expanded less than five hundred feet away from a  
26 drinking water well.

27 Sec. 29. Section 657.1, Code Supplement 1995, is  
28 amended to read as follows:

29 657.1 NUISANCE -- WHAT CONSTITUTES -- ACTION TO  
30 ABATE.

31 Whatever is injurious to health, indecent, or  
32 ~~unreasonably~~ offensive to the senses, or an  
33 obstruction to the free use of property, so as  
34 essentially to unreasonably interfere with the  
35 comfortable enjoyment of life or property, is a  
36 nuisance, and a civil action by ordinary proceedings  
37 may be brought to enjoin and abate the same and to  
38 recover damages sustained on account thereof.

39 Sec. 30. Section 657.2, subsection 1, Code  
40 Supplement 1995, is amended to read as follows:

41 1. The erecting, continuing, or using any building  
42 or other place for the exercise of any trade,  
43 employment, or manufacture, which, by occasioning  
44 noxious exhalations, ~~unreasonably~~ offensive smells, or  
45 other annoyances, becomes injurious and dangerous to  
46 the health, comfort, or property of individuals or the  
47 public.

48 Sec. 31. APPLICABILITY. Notwithstanding contrary  
49 provisions of this Act, and except as provided in  
50 section 455B.163, as enacted by 1995 Iowa Acts,

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1 chapter 195, section 17, with regard to the continued  
2 operation of animal feeding operations constructed  
3 prior to May 31, 1995, or the expansion of structures  
4 constructed prior to May 31, 1995, the provisions of  
5 section 455B.162, subsection 1, paragraph "a", and  
6 paragraph "b", Code Supplement 1995, as enacted by  
7 1995 Iowa Acts, chapter 195, section 16, shall  
8 continue to apply to animal feeding operation  
9 structures as defined in section 455B.161, subsection  
10 4, Code Supplement 1995, as enacted by 1995 Iowa Acts,  
11 chapter 195, section 15, if constructed or expanded on  
12 or after May 31, 1995, but prior to the effective date  
13 of this Act.

14 Sec. 32. DEPARTMENT OF NATURAL RESOURCES RULES  
15 REQUIRED. The department of natural resources shall  
16 adopt as rules recommended manure application  
17 practices as provided in 567 IAC 65.2(1), to apply to  
18 confinement swine feeding operations, unless  
19 inconsistent with statute or rules required to  
20 implement this Act.

21 Sec. 33. REPEAL OF NUISANCE SUIT RESTRICTION.



22 Section 657.11, Code Supplement 1995, is repealed.  
 23 Sec. 34. EFFECTIVE DATE. This Act, being deemed  
 24 of immediate importance, takes effect upon enactment."

MARY A. LUNDBY

S-5205

1 Amend Senate File 2343 as follows:  
 2 1. Page 1, by inserting after line 30 the  
 3 following:  
 4 "2A. The dealer, broker, or agent shall, at the  
 5 beginning of each day in which livestock are  
 6 purchased, post in a conspicuous place at the point of  
 7 delivery, all prices for livestock to be paid that  
 8 day."  
 9 2. By renumbering as necessary.

BERL E. PRIEBE  
 RANDAL J. GIANNETTO

S-5206

1 Amend the amendment, S-5201, to Senate File 2037 as  
 2 follows:  
 3 1. Page 1, line 36, by inserting after the word  
 4 "agriculture." the following: "The ordinance adopted  
 5 as part of this section must include provisions  
 6 designating parts of the county where residences may  
 7 be constructed and parts of the county where  
 8 residences shall not be constructed, in order to  
 9 preserve agricultural uses in the county. The county  
 10 shall adopt exceptions necessary for the construction  
 11 of residences by persons actively engaged in  
 12 agricultural production. An agricultural land  
 13 preservation ordinance enacted by the county pursuant  
 14 to section 335.27 shall meet the requirements of this  
 15 paragraph."

BRAD BANKS

S-5207

1 Amend Senate File 2037 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 335.2, Code 1995, is amended  
 5 to read as follows:  
 6 335.2 FARMS AGRICULTURAL USES EXEMPT.  
 7 1. As used in this section:

8 a. "Animal feeding operation" means a lot, yard,  
 9 corral, building, or other area in which animals are  
 10 confined and fed and maintained for forty-five days or  
 11 more in any twelve-month period, and all structures  
 12 used for the storage of manure from animals in the  
 13 operation. Two or more animal feeding operations  
 14 under common ownership or management are deemed to be  
 15 a single animal feeding operation if they are adjacent  
 16 or utilize a common system for manure storage. An  
 17 animal feeding operation does not include a livestock  
 18 market.

19 b. "Agricultural purpose" means any use connected  
 20 or related to farming.

21 c. "Confinement feeding operation" means an animal  
 22 feeding operation in which animals are confined to  
 23 areas which are totally roofed.

24 d. "Farming" means the same as defined in section  
 25 9H.1.

26 2. Except to the extent required to implement  
 27 section 335.27, no as provided in this section, an  
 28 ordinance adopted under this chapter applies shall not  
 29 apply to land, farm including houses, farm barns, farm  
 30 outbuildings or other buildings or structures located  
 31 on the land, which are is primarily adapted, by reason  
 32 of nature and area, for use for an agricultural  
 33 purposes purpose, while so used. However, the  
 34 ordinances may apply to any

35 3. If the owner of the farming operation is  
 36 engaged in a confinement feeding operation, the  
 37 farming operation must include a sufficient number of  
 38 acres to be capable of feeding at least twenty percent  
 39 of all animals confined in the confinement feeding  
 40 operation at any time, as determined by the county  
 41 board of supervisors in the county where the farming  
 42 operation is located. The feed must originate on land  
 43 located not more than fifty miles from the site of the  
 44 confinement feeding operation. In determining whether  
 45 the farming operation is capable of feeding the  
 46 animals, the county board of supervisors may provide  
 47 that the confinement feeding operation is not required  
 48 to satisfy the requirement of this subsection, if the  
 49 confinement feeding operation meets any one of the  
 50 following criteria:

Page 2

1 a. Has an animal weight capacity of two hundred  
 2 thousand pounds or less for animals other than bovine,  
 3 or four hundred thousand pounds or less for bovine.  
 4 The animal weight capacity shall be the product of

5 multiplying the maximum number of animals confined in  
6 the confinement feeding operation at any one time by  
7 the average weight during a production cycle.  
8 b. Is operated for experimental purposes by Iowa  
9 state university's cooperative extension service in  
10 agriculture and home economics, or by a 4-H or future  
11 farmers of America organization.  
12 c. Is owned and operated by a person who is  
13 related as spouse, parent, grandparent, lineal  
14 ascendant of a grandparent or spouse, or lineal  
15 descendant of a grandparent or spouse to a person  
16 engaged in farming who owns enough acres of land to  
17 satisfy the requirement of this subsection.  
18 4. This section shall not apply to either of the  
19 following:  
20 a. An ordinance required to implement an  
21 agricultural preservation ordinance, as provided in  
22 section 335.27.  
23 b. A structure, building, dam, obstruction,  
24 deposit or excavation in or on the flood plains of any  
25 a river or stream."

JIM LIND

S-5208

1 Amend the amendment, S-5201, to Senate File 2037,  
2 as follows:  
3 1. Page 1, lines 34 and 35, by striking the words  
4 "A member shall not reside in a city."

ROD HALVORSON

S-5209

1 Amend Senate File 2333 as follows:  
2 1. Page 1, by inserting after line 9, the  
3 following:  
4 "Sec. \_\_\_\_ . CONDITIONAL REPEAL. In the event that  
5 the requirements to provide for closure of records of  
6 the state department of transportation as contained in  
7 18 U.S.C. § 2721 et seq., are repealed, the amendment  
8 to section 321.11, as contained in this Act, is  
9 repealed."  
10 2. By renumbering as necessary.

JIM LIND

S-5210

1 Amend Senate File 2344 as follows:

2 1. Page 14, by inserting after line 19, the  
3 following:

4 "DIVISION IX  
5 LIEN RELEASE

6 Sec. \_\_\_\_ . NEW SECTION. 252B.5A LIEN -- RELEASE  
7 -- CASE CLOSURE.

8 At the time of closure of a case for which the  
9 child support recovery unit is providing enforcement  
10 services pursuant to this chapter, and no later than  
11 thirty days following receipt of a written request by  
12 an obligor, the child support recovery unit shall  
13 acknowledge the closure of the case upon the record of  
14 the judgment or by execution of an instrument  
15 referring to the judgment, duly acknowledged and filed  
16 in the office of the clerk of the district court, in  
17 every county where the judgment is a lien."

18 2. By renumbering as necessary.

JIM LIND

S-5211

1 Amend Senate File 2341 as follows:

2 1. Page 4, line 16, by inserting after the word  
3 "amount," the following: "If the individual repays  
4 the overpayment within ninety days, section 96.5,  
5 subsection 8, shall not apply unless the individual  
6 had an overpayment which occurred in five or more  
7 weeks or the individual had a prior overpayment for  
8 nondisclosure or misrepresentation."

9 2. Page 5, by inserting after line 31 the  
10 following:

11 "Sec. \_\_\_\_ . APPLICABILITY PROVISION. Any  
12 overpayments to an individual due to nondisclosure or  
13 misrepresentation pursuant to section 96.16,  
14 subsection 4, that occurred prior to the effective  
15 date of the amendment to section 96.16, subsection 4,  
16 in this Act, shall constitute a prior overpayment for  
17 nondisclosure or misrepresentation as provided in the  
18 amendment to section 96.16, subsection 4, as provided  
19 in this Act."

20 3. By renumbering as necessary.

DICK L. DEARDEN

S-5212

- 1 Amend Senate File 2128 as follows:
- 2 1. Page 2, line 2, by inserting after the figure
- 3 "465B." the following: "A minimum of fifty percent of
- 4 the appropriation shall be used for acquisition and
- 5 construction of new recreational trails and the
- 6 remainder shall be used for maintenance of existing
- 7 recreational trails."

DERRYL McLAREN  
LARRY MURPHY  
MICHAEL E. GRONSTAL

S-5213

- 1 Amend Senate File 2369 as follows:
- 2 1. Page 1, line 3, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 1, by striking line 4 and inserting the
- 5 following: "offer to".
- 6 3. Page 1, line 5, by inserting after the word
- 7 "farmers," the following: "as needed,".
- 8 4. Title page, line 1, by striking the word
- 9 "providing" and inserting the following: "relating
- 10 to".

JOHN P. KIBBIE

S-5214

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 1, line 9, by inserting after the figure
- 3 "172A.6." the following: "This section shall not
- 4 apply to a livestock market as defined in section
- 5 455B.161."

BERL E. PRIEBE  
JOHN P. KIBBIE  
RANDAL J. GIANNETTO

S-5215

- 1 Amend Senate File 2153 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "completed" the following: "the".
- 4 2. Page 1, line 5, by inserting after the word
- 5 "investigation" the following: "national academy".

RANDAL J. GIANNETTO

S-5216

- 1 Amend Senate File 2362 as follows:
- 2 1. Page 12, by inserting after line 21 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 524.1802, subsection 1, Code
- 5 1995, is amended to read as follows:
- 6 1. a. A bank holding company shall not directly
- 7 or indirectly acquire ownership or control of more
- 8 than twenty-five percent of the voting shares of a
- 9 bank, savings and loan association, or savings bank,
- 10 or the power to control in any manner the election of
- 11 a majority of the directors of a bank, savings and
- 12 loan association, or savings bank if upon the
- 13 acquisition the banks, savings and loan associations,
- 14 and savings banks so owned or controlled by the bank
- 15 holding company would have, in the aggregate, more
- 16 than ten percent, or such greater percentage as
- 17 determined under paragraph "b", of the total time and
- 18 demand deposits of all banks, savings and loan
- 19 associations, and savings banks in this state, as
- 20 determined by the superintendent on the basis of the
- 21 most recent reports of the banks, savings and loan
- 22 associations, and savings banks in the state to their
- 23 supervisory authorities which are available at the
- 24 time of the acquisition.
- 25 b. The percentage limitation set forth in
- 26 paragraph "a" shall be thirteen percent for purposes
- 27 of an acquisition which includes only an office which
- 28 is located within a county with a population of more
- 29 than thirty-three thousand or which the bank holding
- 30 company agrees in writing with the superintendent to
- 31 dispose of or close within three years of the
- 32 acquisition.
- 33 c. If the federal reserve board determines in an
- 34 application for approval of an acquisition pursuant to
- 35 12 U.S.C. § 1842(d), that any part of paragraph "b" is
- 36 a limitation which is not permitted by 12 U.S.C. §
- 37 1842(d)(2)(C), paragraph "b", in its entirety, shall
- 38 not apply to such acquisition."
- 39 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
JOANN DOUGLAS

S-5217

- 1 Amend Senate File 2337 as follows:
- 2 1. Page 1, line 26, by inserting after the word

3 "receiver," the following: "in order to protect  
4 interested sellers,".

EMIL J. HUSAK

S-5218

1 Amend Senate File 2238 as follows:

- 2 1. Page 1, by striking lines 27 through 30, and  
3 inserting the following: "this Act, all of the  
4 following shall apply:  
5 (1) The eligibility for brood mare residence shall  
6 be achieved if all of the following apply:  
7 (a) The brood mare establishes residence from  
8 December 1.  
9 (b) The foal is raised in Iowa for the first six  
10 months of its life.  
11 (c) The brood mare shall be rebred to a registered  
12 Iowa stallion.  
13 (2) To be eligible for registration as an Iowa  
14 thoroughbred, quarter horse, or standardbred stallion,  
15 all of the following apply:  
16 (a) The stallion must establish residency in the  
17 state from December 1 through June 30 for the year of  
18 registration. However, a stallion going to stud for  
19 the first year shall be eligible upon registration  
20 with residency to continue through June 30.  
21 (b) At least fifty-one percent of the stallion  
22 must be owned by bona fide Iowa residents.  
23 The department of agriculture and land  
24 stewardship".  
25 2. Page 1, line 32, by inserting after the word  
26 "paragraph" the following: "c".

BERL E. PRIEBE

S-5219

1 Amend Senate File 2324 as follows:

- 2 1. Page 10, by inserting after line 14 the  
3 following:  
4 "DIVISION ———  
5 OTHER PUBLIC ASSISTANCE PROVISIONS  
6 Sec. \_\_\_\_ Section 252.25, unnumbered paragraph 1,  
7 Code 1995, is amended to read as follows:  
8 The board of supervisors of each county shall  
9 provide for the assistance of poor persons lawfully in  
10 its the county who are ineligible for, or are in  
11 immediate need and are awaiting approval and receipt  
12 of, assistance under programs provided by state or

13 federal law, or whose actual needs cannot be fully met  
 14 by the assistance furnished under those programs. The  
 15 county board of supervisors shall establish general  
 16 rules as ~~its~~ the board's members deem necessary to  
 17 properly discharge their responsibility under this  
 18 section.

19 Sec. \_\_\_\_ . PUBLIC ASSISTANCE ELIGIBILITY WAIVER.

20 1. For the purposes of this section, unless the  
 21 context otherwise requires, "public assistance" means  
 22 assistance for the following purposes paid for in  
 23 whole or in part by the federal government in  
 24 combination with the state or a political subdivision  
 25 of the state:

26 a. The family investment program under chapter  
 27 239.

28 b. The medical assistance program under chapter  
 29 249A.

30 c. Child day care funding.

31 2. The department of human services shall submit  
 32 waiver requests to the United States department of  
 33 health and human services for authorization for the  
 34 state and political subdivisions of the state to apply  
 35 an additional eligibility provision to public  
 36 assistance, if existing eligibility provisions require  
 37 the recipient to have a dependent child. The  
 38 eligibility provision shall require that at the time  
 39 of the dependent child's birth, at least one of the  
 40 parents of the child was either a citizen or was  
 41 lawfully present in the United States. The department  
 42 shall report to the general assembly by December 15,  
 43 1996, as to the status of the request or requests. If  
 44 implementation of an approved federal waiver would  
 45 require a change in a state law, the department shall  
 46 submit a proposal for amending the state law to the  
 47 governor and the general assembly."

48 2. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5220

1 Amend Senate File 2170 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. NEW SECTION. 142C.4A. AUTHORITY OF  
 5 MEDICAL EXAMINER -- RELEASE AND REMOVAL OF PART FOR  
 6 MAKING OF ANATOMICAL GIFT.

7 1. A medical examiner may permit the removal of a  
 8 part from a body in the custody of the medical  
 9 examiner and may release the part for any purpose



10 authorized pursuant to section 142C.5 if the body of  
11 the decedent cannot be identified or if the next of  
12 kin of the decedent cannot be located, and if all of  
13 the following conditions are met:

14 a. The medical examiner has received a request for  
15 the part from a hospital, physician, organ procurement  
16 organization, or bank or storage organization.

17 b. Given the useful life of the specific part, the  
18 medical examiner is satisfied that a reasonable effort  
19 has been made by the organ procurement organization or  
20 bank or storage organization to locate and examine the  
21 decedent's medical records and to inform a person  
22 specified in section 142C.4 of the option to make or  
23 object to the making of an anatomical gift.

24 c. The medical examiner does not know of a refusal  
25 or contrary indication by the decedent or of an  
26 objection by a person having priority to act pursuant  
27 to section 142C.4 regarding the making of an  
28 anatomical gift.

29 d. The medical examiner does not know that the  
30 decedent, at the time of death, was a member of a  
31 religion, church, sect, or denomination which relies  
32 solely upon prayer for the healing of disease or which  
33 has religious tenets that would be violated by the  
34 disposition of the decedent's body or part for any of  
35 the purposes provided pursuant to section 142C.5.

36 e. Removal of a part will be performed by a  
37 physician, technician, or enucleator.

38 f. Removal of a part will not significantly alter  
39 or compromise the results of any autopsy or  
40 investigation.

41 g. Removal of a part will be in accordance with  
42 accepted medical standards.

43 h. Cosmetic restoration will be performed, if  
44 appropriate.

45 i. The person's death is not a death which affects  
46 the public interest as defined in section 331.802, or  
47 if the death is a death which affects the public  
48 interest, any investigation relating to the decedent's  
49 death has been completed.

50 2. The medical examiner releasing and permitting

Page 2

1 the removal of a part shall maintain a permanent  
2 record of all of the following:

3 a. The name of the decedent, if available.

4 b. The date and time of the release of the body or  
5 part and the name of the person to whom the body or  
6 part was released.

7 Sec. 2. Section 142C.7, Code Supplement 1995, is  
8 amended to read as follows:

9 142C.7 CONFIDENTIAL INFORMATION.

10 A hospital, licensed or certified health care  
11 professional, pursuant to chapter 148, 148C, 150A, or  
12 152, or medical examiner may release patient  
13 information to an organ procurement organization, or  
14 bank or storage organization as part of a referral or  
15 evaluation retrospective review of the patient as a  
16 potential donor. Any information regarding a patient,  
17 including the patient's identity, however, constitutes  
18 confidential medical information and under any other  
19 circumstances is prohibited from disclosure without  
20 the written consent of the patient or the patient's  
21 legal representative."

22 2. Title page, line 1, by inserting after the  
23 words "relating to" the following: "anatomical gifts  
24 including the use of confidential information and".

NANCY BOETTGER

S-5221

1 Amend Senate File 2289 as follows:

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

4 "Sec. \_\_\_\_ . Section 904.701, Code Supplement 1995,  
5 is amended by adding the following new subsection:  
6 **NEW SUBSECTION. 1A. a.** An inmate of an  
7 institution who is within five years of release shall  
8 participate in a steps-for-success program. The  
9 inmate shall agree to participate in programs or  
10 activities designed to improve the inmate's chances  
11 for success once released from the institution which  
12 may include any of the following:

- 13 (1) At least thirty hours of hard labor.  
14 (2) Completion of a general equivalency degree or  
15 attainment of other educational competence,  
16 commensurate with the inmate's ability.  
17 (3) Vocational training.  
18 (4) Completion of required treatment programs,  
19 such as sex offender or substance abuse treatment  
20 programs.  
21 (5) A community class designed to familiarize the  
22 inmate with programs and benefits existing in the  
23 community to aid in the inmate's transition from the  
24 institution and into the community and to make the  
25 inmate aware of the inmate's responsibilities to the  
26 community.  
27 (6) A life skills class.

28 The steps-for-success program shall require  
 29 approximately fifty hours of the inmate's time per  
 30 week. Failure to abide by the terms agreed to by the  
 31 inmate may lead to a loss of time earned toward  
 32 reducing the inmate's sentence. Successful completion  
 33 of the program components may qualify the inmate for  
 34 good conduct time.

35 b. An inmate who is between five and ten years  
 36 from anticipated release shall also enter into an  
 37 agreement providing for hard labor, completion of  
 38 educational competence, the community class, and  
 39 special programs relating to the offense committed by  
 40 the inmate as recommended by the inmate's counselor.  
 41 Completion of programs under the agreement may qualify  
 42 the inmate for good conduct time.

43 c. Prisoners who are over ten years from release  
 44 or who have been incarcerated for life may participate  
 45 in a program of restorative justice designed to help  
 46 the inmate partially repay society for the losses  
 47 caused by the inmate. Restorative justice programs  
 48 may include college courses leading toward a degree in  
 49 teaching or computer science which degree could be  
 50 used within the institution to teach other inmates,

Page 2

1 teaching other inmates unique or socially valuable  
 2 skills such as carpentry or gardening, researching and  
 3 leading discussion groups on positive subjects such as  
 4 good grooming, language skills, or interviewing  
 5 skills, or contributing to the good appearance of the  
 6 institution. Completion of the programs may qualify  
 7 the inmate for good conduct time."

8 2. Page 3, lines 6 and 7, by striking the words  
 9 "which shall average, as nearly as possible, forty  
 10 hours each week" and inserting the following: "which  
 11 shall average, as nearly as possible, forty hours each  
 12 week designed to show an inmate how to assume  
 13 responsibility, work hard, and complete projects".

14 3. Page 3, lines 8 and 9, by striking the words  
 15 "treatment or education programs," and inserting the  
 16 following: "treatment programs,".

JOHNIE HAMMOND

S-5222

- 1 Amend Senate File 2037 as follows:
- 2 1. Page 1, by inserting before line 29 the
- 3 following:

4

## "DIVISION VI

5

## SWINE ODOR CONTROL RESEARCH

6

Sec. \_\_\_\_ . NEW SECTION. 266.50 DEFINITIONS.

7

As used in this chapter:

8

1. "Assessment" means an excise tax on the sale of

9

porcine animals as provided in this division.

10

2. "Department" means the department of

11

agriculture and land stewardship.

12

3. "First purchaser" means a person who buys

13

porcine animals from a producer in the first instance.

14

4. "Porcine animals" means swine raised for

15

slaughter, feeder pigs, or swine seedstock.

16

5. "Producer" means a person engaged in this state

17

in the business of producing and selling porcine

18

animals in the previous calendar year, if at any time

19

during that year the person owns twenty-five thousand

20

or more porcine animals.

21

Sec. \_\_\_\_ . NEW SECTION. 266.51 ODOR CONTROL

22

RESEARCH FUND.

23

1. An odor control research fund is created as a

24

separate fund in the state treasury under the control

25

of Iowa state university. The fund consists of moneys

26

from an assessment and moneys as provided in this

27

division, and any other contributions from public or

28

private sources.

29

2. Moneys in the fund are appropriated to Iowa

30

state university for purposes of supporting research

31

relating to methods to reduce and eliminate odor

32

created by porcine animals, including but not limited

33

to manure in confinement feeding operation structures,

34

or as applied to land. Moneys in the fund shall not

35

be subject to or expended for any other purpose.

36

3. The treasurer of state shall act as custodian

37

of the fund and amounts contained in the fund shall be

38

expended as directed by Iowa state university.

39

4. The treasurer of state may invest the moneys

40

deposited into the fund. Section 8.33 does not apply

41

to moneys deposited into the fund. Notwithstanding

42

section 12C.7, interest or earnings on investments or

43

time deposits of the moneys in the fund shall be

44

credited to the fund. The fund shall be administered

45

by Iowa state university which shall make expenditures

46

from the fund consistent with the purposes set out in

47

this section. The moneys in the fund shall be

48

disbursed upon warrants drawn by the director of

49

revenue and finance pursuant to the order of the

50

university. The auditor of state shall regularly

Page 2

1 perform audits of the fund.

2 Sec. \_\_\_\_ . NEW SECTION. 266.52 ASSESSMENT.

3 There shall be an assessment on the sale of porcine  
4 animals. The amount of the assessment shall be two  
5 cents of the gross sale price of a porcine animal for  
6 deposit in the odor control research fund each fiscal  
7 year as provided in this division. The assessment  
8 shall be deducted by the first purchaser from the  
9 price paid to the producer. The first purchaser, at  
10 the time of sale, shall make and deliver to the seller  
11 an invoice for each purchase showing the names and  
12 addresses of the producer and the first purchaser, the  
13 number and kind of animals sold, the date of sale, and  
14 the assessment made on the sale. The first purchaser  
15 shall pay an assessment to the department or its  
16 designated agent at a time prescribed by the  
17 department, but not later than the last day of the  
18 month following the month in which the porcine animal  
19 was purchased.

20 Sec. \_\_\_\_ . NEW SECTION. 266.53 REPORT.

21 Iowa state university shall prepare and submit a  
22 report to the governor, the department of revenue and  
23 finance, and the general assembly not later than March  
24 1 of each year, summarizing the activities of the  
25 university under this chapter. The university, in  
26 cooperation with the department of natural resources,  
27 shall conduct an annual survey of producer-supported  
28 pilot projects under section 266.54. The report shall  
29 analyze approaches which promise to successfully  
30 reduce or eliminate swine odor, and all income,  
31 expenses, and other relevant information concerning  
32 moneys deposited in the odor control research fund  
33 appropriated and expended during the previous fiscal  
34 year under the provisions of this division.

35 Sec. \_\_\_\_ . NEW SECTION. 266.54 PRODUCER-SPONSORED  
36 PROJECTS.

37 Each producer shall annually support projects  
38 designed to reduce and eliminate odor created by  
39 porcine animals confined by the producer. The amount  
40 expended each year by the producer to support the  
41 projects shall be at least equal to the total number  
42 of porcine animals confined by the producer during a  
43 calendar year multiplied by three cents. Two or more  
44 producers may cooperate in order to carry out the  
45 projects.

46 Sec. \_\_\_\_ . NEW SECTION. 266.55 PENALTY.

47 A person who violates or assists in the violation  
48 of section 266.52 is guilty of a simple misdemeanor.

- 49 Sec. \_\_\_\_ . NEW SECTION. 266.56 REPEAL.  
50 This division is repealed on June 30, 2001.

**Page 3**

- 1 However, the odor control research fund shall continue  
2 to exist and Iowa state university shall continue to  
3 perform research as provided in this division until  
4 remaining moneys in the fund have been expended."  
5 2. By renumbering as necessary.

BERL E. PRIEBE  
STEWART IVERSON, JR.  
RANDAL J. GIANNETTO

S-5223

- 1 Amend Senate File 2037 as follows:  
2 1. Page 1, by inserting before line 29 the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 331.309 CONFINEMENT  
5 FEEDING OPERATIONS -- SITING ORDINANCE.  
6 1. As used in this section:  
7 a. "Animal feeding operation structure" means the  
8 same as defined in section 455B.161.  
9 b. "Animal weight capacity" means the same as  
10 defined in section 455B.161.  
11 c. "Confinement feeding operation" means the same  
12 as defined in section 455B.161.  
13 2. a. Notwithstanding section 335.2, a county may  
14 adopt a confinement feeding operations siting  
15 ordinance, pursuant to section 331.302. The purpose  
16 of the ordinance shall be to approve the siting of a  
17 confinement feeding operation regardless of whether  
18 the county has adopted an ordinance under chapter 335  
19 or regardless of the classification of the confinement  
20 feeding operation. The ordinance shall provide  
21 authority to a county to approve the site of the  
22 construction or expansion of a confinement feeding  
23 operation, including confinement feeding operation  
24 buildings and related animal feeding operation  
25 structures in order to preserve and protect natural  
26 resources, including water sources and fragile  
27 environmental locations; lessen congestion and  
28 overcrowding of confinement feeding operations,  
29 especially near cities; and to protect the health and  
30 welfare of the public.  
31 b. The ordinance shall provide for a method and  
32 procedure required to approve the site. In  
33 administering the ordinance, the county shall

34 establish a confinement feeding operations siting  
 35 commission which shall review each proposal for the  
 36 construction or expansion of a confinement feeding  
 37 operation, and recommend to the county board of  
 38 supervisors that the board approve or disapprove the  
 39 proposal. The board shall appoint five members of the  
 40 commission. Four members shall not reside in a city,  
 41 and one member shall reside in a city. At least three  
 42 members shall be or have been actively engaged in  
 43 animal agriculture. The commission shall make its  
 44 recommendation to the board within forty-five days  
 45 from the date that the board receives a complete  
 46 proposal. The board shall approve or disapprove a  
 47 proposal within forty-five days from the date that the  
 48 board receives the commission's recommendation.  
 49 c. A confinement feeding operations siting  
 50 ordinance shall not apply to a confinement feeding

**Page 2**

- 1 operation, if either of the following apply:  
 2 (1) Only bovine or poultry are confined in the  
 3 confinement feeding operation.  
 4 (2) The confinement feeding operation has an  
 5 animal weight capacity of less than three hundred  
 6 thousand pounds.”  
 7 2. Title page, line 2, by inserting after the  
 8 word “zoning” the following: “and siting”.  
 9 3. By renumbering as necessary.

EUGENE FRAISE  
 JOHN P. KIBBIE  
 PATTY JUDGE  
 ANDY MCKEAN  
 MARY A. LUNDBY  
 RODNEY HALVORSON  
 TOM FLYNN  
 ALBERT G. SORENSEN

S-5224

- 1 Amend Senate File 2400 as follows:  
 2 1. Page 1, line 29, by striking the word  
 3 “diver’s” and inserting the following: “driver’s”.

ANDY McKEAN

S-5225

- 1 Amend Senate File 2164 as follows:
- 2 1. Page 2, by striking lines 1 through 16.
- 3 2. Title page, by striking lines 1 through 3 and
- 4 inserting the following: "An Act relating to
- 5 possession of certain real or simulated explosive or
- 6 incendiary devices and establishing penalties."
- 7 3. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5226

- 1 Amend Senate File 2164 as follows:
- 2 1. Page 1, by striking lines 14 through 35.
- 3 2. Title page, line 1, by striking the word
- 4 "activity," and inserting the following: "activity".
- 5 3. Title page, by striking lines 2 and 3 and
- 6 inserting the following: "and making".
- 7 4. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5227

- 1 Amend Senate File 2131 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 384.20, Code 1995, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Continuing appropriation
- 7 means the unexpended portion of the cost of public
- 8 improvements, as defined in section 384.95, which cost
- 9 was adopted through a public hearing pursuant to
- 10 section 384.102 and was included in an adopted or
- 11 amended budget of a city. A continuing appropriation
- 12 does not expire at the conclusion of a fiscal year. A
- 13 continuing appropriation continues until the public
- 14 improvement is completed, but expenditures under the
- 15 continuing appropriation shall not exceed the
- 16 resources available for paying for the public
- 17 improvement."
- 18 2. Title page, lines 1 and 2, by striking the
- 19 words "capital projects and major equipment" and
- 20 inserting the following: "public improvements".

EUGENE FRAISE



S-5228

1 Amend Senate File 2037 as follows:

2 1. By striking page 1, line 29, through page 4,  
3 line 14, and inserting the following:

4 "Sec. \_\_\_\_ . Section 9H.5A, subsection 3, paragraph  
5 g, Code Supplement 1995, is amended to read as  
6 follows:

7 g. The approximate number of livestock, including  
8 cattle, sheep, swine, ostriches, rheas, emus, or  
9 poultry, owned, contracted for, or kept by the  
10 corporation, limited liability company, trust, or  
11 limited partnership; ~~and~~ the approximate number of  
12 offspring produced from the livestock; and for each  
13 county the animal weight capacity of each confinement  
14 feeding operation in which swine are fed.

15 Sec. \_\_\_\_ . Section 9H.5B, Code 1995, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 4. For each county, the animal  
18 weight capacity of each confinement feeding operation  
19 in which swine are fed pursuant to a care and feeding  
20 contract in which the contract feeder is a party.

21 Sec. \_\_\_\_ . NEW SECTION. 9H.5C REPORTS BY  
22 CONFINEMENT FEEDING OPERATIONS.

23 A person who owns confinement feeding operations  
24 having a total animal weight capacity of seven million  
25 five hundred thousand pounds or more shall file with  
26 the secretary of state on or before March 31 of each  
27 year, a report stating all of the following:

28 1. The name and address of the person.  
29 2. The total animal weight capacity of all  
30 confinement feeding operations which are owned by the  
31 person.

32 3. For each county, the animal weight capacity of  
33 all confinement feeding operations which are owned by  
34 the person.

35 4. Whether the person is required to file a report  
36 as a contract feeder pursuant to section 9H.5B.

37 Sec. \_\_\_\_ . Section 9H.14, Code 1995, is amended to  
38 read as follows:

39 9H.14 DUTIES OF SECRETARY OF STATE.

40 1. The secretary of state shall notify the  
41 attorney general when the secretary of state has  
42 reason to believe a violation of this chapter has  
43 occurred. It is the intent of this section that  
44 information Information compiled from reports required  
45 under this section shall be made available to members  
46 of the general assembly and appropriate committees of  
47 the general assembly in order to determine the extent  
48 of farming being carried out in this state by

49 corporations and other business entities and the  
50 effect of such farming practices upon the economy of

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1 this state. The secretary of state shall assist any  
2 committee of the general assembly existing or  
3 established for the purposes of studying the effects  
4 of this chapter and the practices this chapter seeks  
5 to study and regulate.

6 2. The Notwithstanding chapter 22, reports of  
7 corporations, limited liability companies, limited  
8 partnerships, trusts, contractors, and processors  
9 required in this chapter shall be confidential reports  
10 except as to the. However, the reports may be made  
11 available to the attorney general for review and  
12 appropriate action when necessary. Information  
13 regarding confinement swine feeding enterprises as  
14 defined in section 455B.171, shall not be  
15 confidential.

16 3. The secretary of state shall assist any  
17 committee of the general assembly existing or  
18 established for the purposes of studying the effects  
19 of this chapter and the practices this chapter seeks  
20 to study and regulate each year compile information  
21 regarding commercial confinement swine feeding  
22 enterprises. The information shall be made available  
23 upon request to a county. The information may be  
24 compiled from reports required to be filed pursuant to  
25 this chapter, including sections 9H.5A, 9H.5B, and  
26 9H.5C, and financing statements required to be filed  
27 pursuant to section 554.9401.

28 Sec. \_\_\_\_ . Section 455B.171, Code Supplement 1995,  
29 is amended by adding the following new subsection:  
30 **NEW SUBSECTION. 4A.** "Confinement swine feeding  
31 enterprise" means a person who owns or is a party to a  
32 contract for the care and feeding of swine, if the  
33 swine are fed in confinement feeding operations and  
34 the total animal weight capacity of all confinement  
35 feeding operations in which the swine are fed in this  
36 state is seven million five hundred thousand pounds or  
37 more.

38 A confinement swine feeding operation which is  
39 owned by a person holding an interest in a profit or  
40 nonprofit entity, shall not be considered when  
41 calculating animal weight capacity and shall not be  
42 considered as part of a confinement swine feeding  
43 enterprise, unless the swine are owned by the business  
44 entity or subject to a contract for their care and  
45 feeding in which the enterprise is a party.

46 Sec. \_\_\_\_ . Section 455B.173, subsection 13, Code  
47 Supplement 1995, is amended to read as follows:  
48 13. a. Adopt, modify, or repeal rules relating to  
49 the construction or operation of animal feeding  
50 operations. The rules shall include, but are not

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1 limited to, minimum manure control requirements,  
2 requirements for obtaining permits, and departmental  
3 evaluations of animal feeding operations. The  
4 department shall not require that a person obtain a  
5 permit for the construction of an animal feeding  
6 operation structure, if the structure is part of a  
7 small animal feeding operation.

8 b. The department shall collect an indemnity fee  
9 as provided in section 204.3 prior to the issuance of  
10 a construction permit. The department shall deposit  
11 moneys collected in indemnity fees in the manure  
12 storage indemnity fund created in section 204.2.

13 c. The department shall not approve a permit for  
14 the construction of three or more animal feeding  
15 operation structures unless the applicant files a  
16 statement approved by a professional engineer  
17 registered pursuant to chapter 542B certifying that  
18 the construction of the animal feeding operation  
19 structure will not impede the drainage through  
20 established drainage tile lines which cross property  
21 boundary lines unless measures are taken to  
22 reestablish the drainage prior to completion of  
23 construction. The department shall deposit moneys  
24 collected in indemnity fees in the manure storage  
25 indemnity fund created in section 204.2.

26 d. The department shall issue a permit for an  
27 animal feeding operation, if an application is  
28 submitted according to procedures required by the  
29 department according to this section, and the  
30 application meets standards established by the  
31 department, regardless of whether the animal feeding  
32 operation is required to obtain such a permit. An  
33 applicant for a construction permit shall not begin  
34 construction at the location of a site planned for the  
35 construction of an animal feeding operation structure,  
36 until the person has been granted a permit for the  
37 construction of the structure by the department.

38 e. The department shall make a determination  
39 regarding the approval or denial of a permit within  
40 sixty days from the date that the department receives  
41 a completed application for a the approval of the  
42 permit, as provided in this paragraph. However, the

43 sixty-day requirement shall not apply to an  
44 application, if the applicant is not required to  
45 obtain a permit in order to construct an animal  
46 feeding operation structure or to operate an animal  
47 feeding operation. The department shall deliver a  
48 copy or require the applicant to deliver a copy of the  
49 application for a construction permit to the county  
50 board of supervisors in the county where the

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1 confinement feeding operation or confinement feeding  
2 operation structure subject to the permit is to be  
3 located. Upon receipt of an application for  
4 departmental approval under this subsection, the  
5 department shall determine if the application complies  
6 with all permit requirements. The process of  
7 approving or disapproving a permit shall be as  
8 follows:

9 (1) If the confinement feeding operation is not a  
10 confinement swine feeding enterprise, the department  
11 shall not approve the application or issue a  
12 construction permit until thirty days following  
13 delivery of the application to the county board of  
14 supervisors. The department shall consider comments  
15 from the county board of supervisors, regarding  
16 compliance by the applicant with the legal  
17 requirements for the construction of the confinement  
18 feeding operation structure as provided in this  
19 chapter, and rules adopted by the department pursuant  
20 to this chapter, if the comments are delivered to the  
21 department within fourteen days after receipt of the  
22 application by the county board of supervisors.

23 (2) If the confinement feeding operation is a  
24 confinement swine feeding enterprise, the department  
25 shall not approve the application unless the  
26 department receives the approval of the application  
27 from the county.

28 f. Prior to granting a permit to a person for the  
29 construction of an animal feeding operation, the  
30 department may require the installation and operation  
31 of a hydrological monitoring system for an exclusively  
32 earthen manure storage structure, if, after an on-site  
33 inspection, the department determines that the site  
34 presents an extraordinary potential for groundwater  
35 pollution.

36 g. A person shall not obtain a permit for the  
37 construction of a confinement feeding operation,  
38 unless the person develops a manure management plan as  
39 provided in section 455B.203.

40 h. The department shall not issue a permit to a  
41 person under this subsection if an enforcement action  
42 by the department, relating to a violation of this  
43 chapter concerning a confinement feeding operation in  
44 which the person has an interest, is pending. The  
45 department shall not issue a permit to a person under  
46 this subsection for five years after the date of the  
47 last violation committed by a person or confinement  
48 feeding operation in which the person holds a  
49 controlling interest during which the person or  
50 operation was classified as a habitual violator under

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1 section 455B.191. The department shall conduct an  
2 annual review of each confinement feeding operation  
3 which is a habitual violator and each confinement  
4 feeding operation in which a habitual violator holds a  
5 controlling interest. The department shall notify  
6 persons classified as habitual violators of their  
7 classification, additional restrictions imposed upon  
8 the persons pursuant to the classification, and  
9 special civil penalties that may be imposed upon the  
10 persons. The notice shall be sent to the persons by  
11 certified mail.

12 Sec. \_\_\_\_ . Section 554.9402, subsection 1, Code  
13 1995, is amended to read as follows:

14 1. A financing statement is sufficient if it gives  
15 the names of the debtor and the secured party, is  
16 signed by the debtor, gives an address of the secured  
17 party from which information concerning the security  
18 interest may be obtained, gives a mailing address of  
19 the debtor and contains a statement indicating the  
20 types, or describing the items, of collateral. A  
21 financing statement may be filed before a security  
22 agreement is made or a security interest otherwise  
23 attaches. When the financing statement covers crops  
24 growing or to be grown, the statement must also  
25 contain a description of the real estate concerned.  
26 When a financing statement covers swine fed in a  
27 confinement feeding operation as provided in section  
28 455B.161, the financing statement shall state the  
29 animal weight capacity of the confinement feeding  
30 operation as verified by the debtor. When the  
31 financing statement covers timber to be cut or covers  
32 minerals or the like (including oil and gas) or  
33 accounts subject to section 554.9103, subsection 5, or  
34 when the financing statement is filed as a fixture  
35 filing (section 554.9313) and the collateral is goods  
36 which are or are to become fixtures, the statement

37 must also comply with subsection 5. A copy of the  
 38 security agreement is sufficient as a financing  
 39 statement if it contains the above information and is  
 40 signed by the debtor. A copy of a jobs training  
 41 agreement entered into under chapter 260E or 260F  
 42 between an employer and a community college is  
 43 sufficient as a financing statement if it contains the  
 44 information required by this section and is signed by  
 45 the employer. A carbon, photographic or other  
 46 reproduction of a security agreement or a financing  
 47 statement is sufficient as a financing statement if  
 48 the security agreement so provides or if the original  
 49 has been filed in this state. The secretary of state  
 50 must accept for filing a copy of a signature required

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1 by this section. The secretary of state may adopt  
 2 rules for the electronic filing of a financing  
 3 statement.

4 Sec. \_\_\_\_ . Section 554.9402, subsection 3, Code  
 5 1995, is amended to read as follows:

6 3. A form substantially as follows is sufficient  
 7 to comply with subsection 1:

8 Name of debtor (or assignor) .....  
 9 Address .....

10 Name of secured party (or assignee) .....  
 11 Address .....

12 (1) This financing statement covers the following  
 13 types (or items) of property:

14 (Describe) .....

15 (2) (If collateral is crops) The above described  
 16 crops are growing or are to be grown on:  
 17 (Describe Real Estate) .....

18 (3) (If collateral is swine fed in a confinement  
 19 feeding operation) The above described swine are fed  
 20 in a confinement feeding operation that has an animal  
 21 weight capacity of:  
 22 (State Animal Weight Capacity) .....

23 (4) (If applicable) The above goods are to  
 24 become fixtures on

25 Where appropriate either add or substitute "The  
 26 above timber is standing on ..... " or "The above  
 27 minerals or the like (including oil and gas) are  
 28 located on ..... " or "The above accounts will be

29 financed at the wellhead or minehead of the well or  
 30 mine located on ..... " or any or all of these  
 31 (Describe Real Estate) .....

32 and this financing statement is to be filed for record  
 33 in the real estate records. (If the debtor does not

- 34 have an interest of record) The name of a record owner
- 35 is .....
- 36 (4) (5) (If products of collateral are claimed)
- 37 Products of the collateral are also covered.
- 38 (use whichever is applicable) .....
- 39 Signature of Debtor (or Assignor) .....
- 40 Signature of Secured Party (or Assignee) .....
- 41 2. By renumbering as necessary.

STEWART IVERSON, Jr.  
EMIL J. HUSAK

S-5229

- 1 Amend Senate File 2268 as follows:
- 2 1. Page 7, line 25, by striking the words “;
- 3 unnumbered paragraph 1,”.
- 4 2. Page 7, line 27, by striking the word “The”
- 5 and inserting the following: “1. The”.
- 6 3. Page 8, by striking lines 2 and 3 and
- 7 inserting the following: “of purchase will be issued.
- 8 2. To ensure that the random selection process is
- 9 fair to all bidders, an individual shall not contract
- 10 with or offer anything of value to another individual
- 11 to place a bid on a parcel as provided in subsection 1
- 12 for the purpose of transferring the certificate of
- 13 purchase to the contractor or offeror if the bid is
- 14 selected to receive the certificate of purchase by the
- 15 random selection process. An individual violating
- 16 this subsection is guilty of a simple misdemeanor. A
- 17 county treasurer may disqualify a repeat offender from
- 18 bidding at a tax sale for three years.”
- 19 4. Title page, line 6, by inserting after the
- 20 word “matters,” the following: “by providing a
- 21 penalty,”.

O. GENE MADDOX  
ALBERT G. SORENSEN

S-5230

- 1 Amend the amendment, S-5223, to Senate File 2037 as
- 2 follows:
- 3 1. Page 2, line 5, by striking the words “three
- 4 hundred” and inserting the following: “six hundred
- 5 twenty-five”.

ANDY McKEAN  
MERLIN E. BARTZ

S-5231

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 1, by striking lines 21 through 23 and
- 3 inserting the following:
- 4 "(3) An agreement for the delivery of livestock at
- 5 a specified date or time."
- 6 2. Page 1, by inserting after line 30 the
- 7 following:
- 8 "2A. A broker, dealer, or agent shall provide all
- 9 sellers with the same terms and conditions offered to
- 10 a seller who receives a differential price based on
- 11 any of the criteria described in subsection 2,
- 12 paragraph "a."
- 13 3. By renumbering as necessary.

RANDAL J. GIANNETTO  
MERLIN E. BARTZ

S-5232

- 1 Amend the amendment, S-5169, to Senate File 2220 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "including".
- 5 2. Page 1, by striking line 10 and inserting the
- 6 following: "the".

MARY LOU FREEMAN

S-5233

- 1 Amend Senate File 2422 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "may" the following: "but need not".
- 4 2. Page 1, line 12, by inserting after the word
- 5 "may" the following: "but need not".

STEVEN D. HANSEN

S-5234

- 1 Amend Senate File 2186 as follows:
- 2 1. Page 1, by inserting after line 30 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 321.52, Code Supplement 1995, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 3A. A damaged motor vehicle
- 7 subject to registration, for which the cost of repair
- 8 exceeds one hundred percent of the fair market value



9 of the vehicle, as determined in accordance with rules  
 10 adopted by the department, shall be issued a junking  
 11 certificate which shall state on the face of the  
 12 certificate the following: "100% Damaged". The  
 13 provisions of subsection 3 shall not apply to a one  
 14 hundred percent damaged junking certificate issued  
 15 under this subsection. A motor vehicle which has  
 16 sustained damage of one hundred percent or more shall  
 17 be sold only for parts or scrap to an authorized  
 18 vehicle recycler, as defined in section 321H.2. The  
 19 provisions of this subsection shall apply only to  
 20 motor vehicles which are five model years old or  
 21 less."  
 22 2. Title page, line 3, by inserting after the  
 23 word "offenses," the following: "requiring issuance  
 24 of one hundred percent damaged junking certificates,"  
 25 3. By renumbering as necessary.

EUGENE FRAISE

S-5235

1 Amend Senate File 2424 as follows:  
 2 1. Page 6, by inserting after line 9 the  
 3 following:  
 4 "Sec. \_\_\_\_ NEW SECTION. 633.699A MODIFICATION OR  
 5 TERMINATION OF TESTAMENTARY TRUST.  
 6 1. On petition by a trustee or beneficiary, and  
 7 after notice to all interested parties as determined  
 8 by the court, the court may modify the provisions of a  
 9 testamentary trust or may terminate a testamentary  
 10 trust in whole or in part if the continuation of the  
 11 trust under its terms would defeat or substantially  
 12 impair the accomplishment of the purposes of the  
 13 trust, or if the purposes of the trust have been  
 14 fulfilled, or have become illegal or impossible to  
 15 fulfill.  
 16 a. The court may order the trustee to do acts that  
 17 are not authorized or are forbidden by the will  
 18 creating the trust, or may order that the trustee be  
 19 prohibited from performing acts that are required by  
 20 the terms of the trust.  
 21 b. The existence of a trust provision restraining  
 22 transfer of the beneficiary's interest does not  
 23 prevent application of this subsection.  
 24 c. If the court orders the termination of the  
 25 trust, disposition of all property shall be made  
 26 according to the will provisions that address the  
 27 disposition of the property in the event the trust is  
 28 terminated. However, if the will does not address the

29 disposition of the property in the event the trust is  
30 terminated, the court shall determine the disposition  
31 of the trust property.  
32 2. On petition by a trustee or beneficiary, and  
33 after notice to all interested parties as determined  
34 by the court, if the court determines that the fair  
35 market value of a testamentary trust has become so low  
36 in relation to the cost of administration that  
37 continuation of the trust under its existing terms  
38 will defeat or substantially impair the accomplishment  
39 of its purposes, the court may, in its discretion,  
40 order termination of the trust, modification of the  
41 trust, or appointment of a new trustee.  
42 a. If the court orders the termination of the  
43 trust, disposition of all property shall be made  
44 according to the will provisions that address the  
45 disposition of the property in the event the trust is  
46 terminated. However, if the will does not address the  
47 disposition of the property in the event the trust is  
48 terminated, the court shall determine the disposition  
49 of the trust property.  
50 b. The existence of a trust provision restraining

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1 transfer of the beneficiary's interest does not  
2 prevent application of this subsection.  
3 3. In the case of a charitable testamentary trust,  
4 the attorney general shall be considered an interested  
5 party under this section. This section shall not be  
6 construed to limit intervention by the attorney  
7 general according to section 633.303."  
8 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5236

1 Amend Senate File 2341 as follows:  
2 1. Page 1, by inserting after line 34 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 96.4, subsection 4, unnumbered  
5 paragraph 1, Code 1995, is amended to read as follows:  
6 The individual has been paid wages for insured work  
7 during the individual's base period in an amount at  
8 least one and one quarter times the wages paid to the  
9 individual during that quarter of the individual's  
10 base period in which the individual's wages were  
11 highest; provided that the individual has been paid  
12 wages for insured work totaling at least three and

13 five-tenths percent of the statewide average annual  
 14 wage for insured work, computed for the preceding  
 15 calendar year if the individual's benefit year begins  
 16 on or after the first full week in July and computed  
 17 for the second preceding calendar year if the  
 18 individual's benefit year begins before the first full  
 19 week in July, in that calendar quarter in the  
 20 individual's base period in which the individual's  
 21 wages were highest, and the individual has been paid  
 22 wages for insured work totaling at least one-half of  
 23 the amount of wages required under this subsection in  
 24 the calendar quarter of the base period in which the  
 25 individual's wages were highest, in a calendar quarter  
 26 in the individual's base period other than the  
 27 calendar quarter in which the individual's wages were  
 28 highest. The calendar quarter wage requirements shall  
 29 be rounded to the nearest multiple of ten dollars."  
 30 2. By renumbering as necessary.

TOM VILSACK

S-5237

- 1 Amend Senate File 2220 as follows:  
 2 1. By striking page 17, line 30, through page 18,  
 3 line 12.  
 4 2. Page 18, by striking lines 33 and 34.

RANDAL J. GIANNETTO

S-5238

- 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 9H.5A, subsection 3, paragraph  
 5 g, Code Supplement 1995, is amended to read as  
 6 follows:  
 7 g. The approximate number of livestock, including  
 8 cattle, sheep, swine, ostriches, rheas, emus, or  
 9 poultry, owned, contracted for, or kept by the  
 10 corporation, limited liability company, trust, or  
 11 limited partnership; ~~and~~ the approximate number of  
 12 offspring produced from the livestock; and for each  
 13 county the animal weight capacity of each confinement  
 14 feeding operation in which swine are fed.  
 15 Sec. 2. Section 9H.5B, Code 1995, is amended by  
 16 adding the following new subsection:  
 17 NEW SUBSECTION. 4. For each county, the animal  
 18 weight capacity of each confinement feeding operation

19 in which swine are fed pursuant to a care and feeding  
20 contract in which the contract feeder is a party.

21 Sec. 3. NEW SECTION. 9H.5C REPORTS BY  
22 CONFINEMENT FEEDING OPERATIONS.

23 A person who owns confinement feeding operations  
24 having a total animal weight capacity of seven million  
25 five hundred thousand pounds or more shall file with  
26 the secretary of state on or before March 31 of each  
27 year, a report stating all of the following:

28 1. The name and address of the person.

29 2. The total animal weight capacity of all  
30 confinement feeding operations which are owned by the  
31 person.

32 3. For each county, the animal weight capacity of  
33 all confinement feeding operations which are owned by  
34 the person.

35 4. Whether the person is required to file a report  
36 as a contract feeder pursuant to section 9H.5B.

37 Sec. 4. Section 9H.14, Code 1995, is amended to  
38 read as follows:

39 9H.14 DUTIES OF SECRETARY OF STATE.

40 1. The secretary of state shall notify the  
41 attorney general when the secretary of state has  
42 reason to believe a violation of this chapter has  
43 occurred. It is the intent of this section that  
44 information compiled from reports required  
45 under this section shall be made available to members  
46 of the general assembly and appropriate committees of  
47 the general assembly in order to determine the extent  
48 of farming being carried out in this state by  
49 corporations and other business entities and the  
50 effect of such farming practices upon the economy of

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1 this state. The secretary of state shall assist any  
2 committee of the general assembly existing or  
3 established for the purposes of studying the effects  
4 of this chapter and the practices this chapter seeks  
5 to study and regulate.

6 2. The Notwithstanding chapter 22, reports of  
7 corporations, limited liability companies, limited  
8 partnerships, trusts, contractors, and processors  
9 required in this chapter shall be confidential reports  
10 except as to the. However, the reports may be made  
11 available to the attorney general for review and  
12 appropriate action when necessary. Information  
13 regarding confinement swine feeding enterprises as  
14 defined in section 455B.171, shall not be  
15 confidential.

16 3. The secretary of state shall assist any  
17 committee of the general assembly existing or  
18 established for the purposes of studying the effects  
19 of this chapter and the practices this chapter seeks  
20 to study and regulate each year compile information  
21 regarding commercial confinement swine feeding  
22 enterprises. The information shall be made available  
23 upon request to a county. The information may be  
24 compiled from reports required to be filed pursuant to  
25 this chapter, including sections 9H.5A, 9H.5B, and  
26 9H.5C, and financing statements required to be filed  
27 pursuant to section 554.9401.

28 Sec. 5. Section 455B.171, Code Supplement 1995, is  
29 amended by adding the following new subsection:

30 NEW SUBSECTION. 4A. "Confinement swine feeding  
31 enterprise" means a person who owns or is a party to a  
32 contract for the care and feeding of swine, if the  
33 swine are fed in confinement feeding operations and  
34 the total animal weight capacity of all confinement  
35 feeding operations in which the swine are fed in this  
36 state is seven million five hundred thousand pounds or  
37 more.

38 A confinement swine feeding operation which is  
39 owned by a person holding an interest in a profit or  
40 nonprofit entity, shall not be considered when  
41 calculating animal weight capacity and shall not be  
42 considered as part of a confinement swine feeding  
43 enterprise, unless the swine are owned by the business  
44 entity or subject to a contract for their care and  
45 feeding in which the enterprise is a party.

46 Sec. 6. Section 455B.173, subsection 13, Code  
47 Supplement 1995, is amended to read as follows:

48 13. a. Adopt, modify, or repeal rules relating to  
49 the construction or operation of animal feeding  
50 operations. The rules shall include, but are not

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1 limited to, minimum manure control requirements,  
2 requirements for obtaining permits, and departmental  
3 evaluations of animal feeding operations. The  
4 department shall not require that a person obtain a  
5 permit for the construction of an animal feeding  
6 operation structure, if the structure is part of a  
7 small animal feeding operation.

8 b. The department shall collect an indemnity fee  
9 as provided in section 204.3 prior to the issuance of  
10 a construction permit. The department shall deposit  
11 moneys collected in indemnity fees in the manure  
12 storage indemnity fund created in section 204.2.

13 c. The department shall not approve a permit for  
14 the construction of three or more animal feeding  
15 operation structures unless the applicant files a  
16 statement approved by a professional engineer  
17 registered pursuant to chapter 542B certifying that  
18 the construction of the animal feeding operation  
19 structure will not impede the drainage through  
20 established drainage tile lines which cross property  
21 boundary lines unless measures are taken to  
22 reestablish the drainage prior to completion of  
23 construction. ~~The department shall deposit moneys  
24 collected in indemnity fees in the manure storage  
25 indemnity fund created in section 204.2.~~

26 d. The department shall issue a permit for an  
27 animal feeding operation, if an application is  
28 submitted according to procedures required by the  
29 department according to this section, and the  
30 application meets standards established by the  
31 department, regardless of whether the animal feeding  
32 operation is required to obtain such a permit. An  
33 applicant for a construction permit shall not begin  
34 construction at the location of a site planned for the  
35 construction of an animal feeding operation structure,  
36 until the person has been granted a permit for the  
37 construction of the structure by the department.

38 e. The department shall make a determination  
39 regarding the approval or denial of a permit within  
40 sixty days from the date that the department receives  
41 a completed application for ~~a~~ the approval of the  
42 permit, as provided in this paragraph. However, the  
43 sixty-day requirement shall not apply to an  
44 application, if the applicant is not required to  
45 obtain a permit in order to construct an animal  
46 feeding operation structure or to operate an animal  
47 feeding operation. The department shall deliver a  
48 copy or require the applicant to deliver a copy of the  
49 application for a construction permit to the county  
50 board of supervisors in the county where the

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1 confinement feeding operation or confinement feeding  
2 operation structure subject to the permit is to be  
3 located. Upon receipt of an application for  
4 departmental approval under this subsection, the  
5 department shall determine if the application complies  
6 with all permit requirements. The process of  
7 approving or disapproving a permit shall be as  
8 follows:  
9 (1) If the confinement feeding operation is not a

10 confinement swine feeding enterprise, the department  
11 shall not approve the application or issue a  
12 construction permit until thirty days following  
13 delivery of the application to the county board of  
14 supervisors. The department shall consider comments  
15 from the county board of supervisors, regarding  
16 compliance by the applicant with the legal  
17 requirements for the construction of the confinement  
18 feeding operation structure as provided in this  
19 chapter, and rules adopted by the department pursuant  
20 to this chapter, if the comments are delivered to the  
21 department within fourteen days after receipt of the  
22 application by the county board of supervisors.

23 (2) If the confinement feeding operation is a  
24 confinement swine feeding enterprise, the department  
25 shall not approve the application unless the  
26 department receives the approval of the application  
27 from the county.

28 f. Prior to granting a permit to a person for the  
29 construction of an animal feeding operation, the  
30 department may require the installation and operation  
31 of a hydrological monitoring system for an exclusively  
32 earthen manure storage structure, if, after an on-site  
33 inspection, the department determines that the site  
34 presents an extraordinary potential for groundwater  
35 pollution.

36 g. A person shall not obtain a permit for the  
37 construction of a confinement feeding operation,  
38 unless the person develops a manure management plan as  
39 provided in section 455B.203.

40 h. The department shall not issue a permit to a  
41 person under this subsection if an enforcement action  
42 by the department, relating to a violation of this  
43 chapter concerning a confinement feeding operation in  
44 which the person has an interest, is pending. The  
45 department shall not issue a permit to a person under  
46 this subsection for five years after the date of the  
47 last violation committed by a person or confinement  
48 feeding operation in which the person holds a  
49 controlling interest during which the person or  
50 operation was classified as a habitual violator under

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1 section 455B.191. The department shall conduct an  
2 annual review of each confinement feeding operation  
3 which is a habitual violator and each confinement  
4 feeding operation in which a habitual violator holds a  
5 controlling interest. The department shall notify  
6 persons classified as habitual violators of their

7 classification, additional restrictions imposed upon  
8 the persons pursuant to the classification, and  
9 special civil penalties that may be imposed upon the  
10 persons. The notice shall be sent to the persons by  
11 certified mail.

12 Sec. 7. Section 554.9402, subsection 1, Code 1995,  
13 is amended to read as follows:

14 1. A financing statement is sufficient if it gives  
15 the names of the debtor and the secured party, is  
16 signed by the debtor, gives an address of the secured  
17 party from which information concerning the security  
18 interest may be obtained, gives a mailing address of  
19 the debtor and contains a statement indicating the  
20 types, or describing the items, of collateral. A  
21 financing statement may be filed before a security  
22 agreement is made or a security interest otherwise  
23 attaches. When the financing statement covers crops  
24 growing or to be grown, the statement must also  
25 contain a description of the real estate concerned.  
26 When a financing statement covers swine fed in a  
27 confinement feeding operation as provided in section  
28 455B.161, the financing statement shall state the  
29 animal weight capacity of the confinement feeding  
30 operation as verified by the debtor. When the  
31 financing statement covers timber to be cut or covers  
32 minerals or the like (including oil and gas) or  
33 accounts subject to section 554.9103, subsection 5, or  
34 when the financing statement is filed as a fixture  
35 filing (section 554.9313) and the collateral is goods  
36 which are or are to become fixtures, the statement  
37 must also comply with subsection 5. A copy of the  
38 security agreement is sufficient as a financing  
39 statement if it contains the above information and is  
40 signed by the debtor. A copy of a jobs training  
41 agreement entered into under chapter 260E or 260F  
42 between an employer and a community college is  
43 sufficient as a financing statement if it contains the  
44 information required by this section and is signed by  
45 the employer. A carbon, photographic or other  
46 reproduction of a security agreement or a financing  
47 statement is sufficient as a financing statement if  
48 the security agreement so provides or if the original  
49 has been filed in this state. The secretary of state  
50 must accept for filing a copy of a signature required

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1 by this section. The secretary of state may adopt  
2 rules for the electronic filing of a financing  
3 statement.



4 Sec. 8. Section 554.9402, subsection 3, Code 1995,  
5 is amended to read as follows:

6 3. A form substantially as follows is sufficient  
7 to comply with subsection 1:

8 Name of debtor (or assignor) .....

9 Address .....

10 Name of secured party (or assignee) .....

11 Address .....

12 (1) This financing statement covers the following  
13 types (or items) of property:

14 (Describe) .....

15 (2) (If collateral is crops) The above described  
16 crops are growing or are to be grown on:

17 (Describe Real Estate) .....

18 (3) (If collateral is swine fed in a confinement  
19 feeding operation) The above described swine are fed  
20 in a confinement feeding operation that has an animal  
21 weight capacity of:

22 (State Animal Weight Capacity) .....

23 ~~(3)~~ (4) (If applicable) The above goods are to  
24 become fixtures on

25 Where appropriate either add or substitute "The  
26 above timber is standing on ....." or "The above

27 minerals or the like (including oil and gas) are

28 located on ....." or "The above accounts will be

29 financed at the wellhead or minehead of the well or

30 mine located on ....." or any or all of these

31 (Describe Real Estate) .....

32 and this financing statement is to be filed for record

33 in the real estate records. (If the debtor does not

34 have an interest of record) The name of a record owner

35 is .....

36 ~~(4)~~ (5) (If products of collateral are claimed)

37 Products of the collateral are also covered.

38 (use whichever is applicable) .....

39 Signature of Debtor (or Assignor) .....

40 Signature of Secured Party (or Assignee) ....."

41 2. Title page, by striking lines 3 through 8 and

42 inserting the following: "including confinement

43 swine feeding operations."

44 3. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5239

1 Amend the amendment, S-5160, to Senate File 2265 as  
2 follows:

3 1. Page 1, line 14, by inserting after the word  
4 "proceeding." the following: "Participation in the

5 course is not required if the proceeding involves  
6 termination of parental rights of any of the parties."

MERLIN E. BARTZ

S-5240

1 Amend the amendment, S-5160, to Senate File 2265 as  
2 follows:

3 1. Page 1, line 16 by inserting after the word  
4 "cause" the following: "or if any of the following  
5 applies:

6 a. A party demonstrates that the other party  
7 refuses to participate in the seminar.

8 b. A history of domestic abuse, as defined in  
9 section 236.2, exists. In determining whether a  
10 history of domestic abuse exists, the court's  
11 consideration shall include, but is not limited to,  
12 commencement of an action pursuant to section 236.3,  
13 the issuance of a protective order against the parent  
14 or the issuance of a court order or consent agreement  
15 pursuant to section 236.5, the issuance of an  
16 emergency order pursuant to section 236.6, the holding  
17 of the parent in contempt pursuant to section 236.8,  
18 the response of a peace officer to the scene of  
19 alleged domestic abuse or the arrest of the parent  
20 following response to a report of alleged domestic  
21 abuse, or a conviction for domestic abuse assault  
22 pursuant to section 708.2A".

MERLIN E. BARTZ

S-5241

1 Amend Senate File 2220 as follows:

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

4 "Section 1. NEW SECTION. 7D.36 ANIMAL FEEDING  
5 OPERATIONS.

6 The executive council shall annually reimburse each  
7 county and city submitting a claim for an amount which  
8 equals the total costs incurred by the county or city  
9 for regulating animal feeding operations as provided  
10 pursuant to sections 331.304, 364.25, 414.23,  
11 455B.165, 455B.173, and 455B.201. Reimbursement shall  
12 be made out of any money in the state treasury not  
13 otherwise appropriated. The executive council may  
14 prescribe procedures for submitting and approving  
15 claims, including verifying that claims are accurate

16 by requiring certification or supporting  
17 documentation.”

JIM LIND

S-5242

1 Amend House File 334, 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 257.18, subsection 1, Code  
6 Supplement 1995, is amended to read as follows:  
7 1. An instructional support program that provides  
8 additional funding for school districts is  
9 established. A board of directors that wishes to  
10 consider participating in the instructional support  
11 program shall hold a public hearing on the question of  
12 participation. The board shall set forth its  
13 proposal, including the method that will be used to  
14 fund the program, in a resolution and shall publish  
15 the notice of the time and place of a public hearing  
16 on the resolution. Notice of the time and place of  
17 the public hearing shall be published in ~~one or more~~  
18 ~~newspapers~~ not less than ten nor more than twenty days  
19 before the public hearing. ~~For the purpose of~~  
20 ~~establishing and giving assured circulation to the~~  
21 ~~proceedings, only in~~ a newspaper which is a newspaper  
22 of general circulation issued at a regular frequency,  
23 distributed in the school district's area, and  
24 regularly delivered or mailed through the post office  
25 during the preceding two years may be used for the  
26 publication in the school district. In addition, the  
27 newspaper must have a list of subscribers who have  
28 paid, or promised to pay, at more than a nominal rate,  
29 for copies to be received during a stated period. At  
30 the hearing, the board shall announce a date certain,  
31 or no later than thirty days after the date of the  
32 hearing, that it will the board shall take action to  
33 adopt a resolution to participate in the instructional  
34 support program for a period not exceeding five years  
35 or to direct the county commissioner of elections to  
36 call an a special election to submit the question of  
37 participation in the program for a period not  
38 exceeding ten years to the registered voters of the  
39 school district or to submit the question at the next  
40 following regular school election in the base year or  
41 a special election held not later than December 1 of  
42 the base year. If the board calls submits the  
43 question at an election on the question of

44 participation, if a majority of those voting on the  
45 question favors participation in the program, the  
46 board shall adopt a resolution to participate and  
47 certify the results of the election to the department  
48 of management.

49 Sec. 2. Section 257.18, subsection 2, unnumbered  
50 paragraph 1, Code Supplement 1995, is amended to read

Page 2

1 as follows:

2 If the board does not provide for an election and  
3 adopts a resolution to participate in the  
4 instructional support program, the district shall  
5 participate in the instructional support program  
6 unless within twenty-eight days following the action  
7 of the board, the secretary of the board receives a  
8 petition containing the required number of signatures,  
9 asking that an election be called to approve or  
10 disapprove the action of the board in adopting the  
11 instructional support program. The petition must be  
12 signed by eligible electors equal in number to not  
13 less than one hundred or thirty percent of the number  
14 of voters at the last preceding regular school  
15 election, whichever is greater. The board shall  
16 either rescind its action or direct the county  
17 commissioner of elections to submit the question to  
18 the registered voters of the school district at the  
19 next following regular school election or a special  
20 election held not later than December 1 of the base  
21 year. If a majority of those voting on the question  
22 at the election favors disapproval of the action of  
23 the board, the district shall not participate in the  
24 instructional support program. If a majority of those  
25 voting on the question favors approval of the action,  
26 the board shall certify the results of the election to  
27 the department of management and the district shall  
28 participate in the program."

TOM FLYNN

S-5243

1 Amend Senate File 2174 as follows:

2 1. Page 2, by striking lines 11 through 14.

3 2. Page 2, by striking line 18 and inserting the  
4 following: "section 453A.2, 453A.36, subsection 6, 8,  
5 or 9, or 453A.39,"

6 3. Page 2, line 24, by striking the word  
7 "subsections" and inserting the following:

- 8 "subsection".
- 9 4. Page 2, by striking lines 25 through 33.
- 10 5. Page 3, by striking line 23.

STEVEN D. HANSEN

S-5244

- 1 Amend Senate File 2174 as follows:
- 2 1. Page 3, line 1, by striking the words
- 3 "advertising device" and inserting the following:
- 4 "billboard".

STEVEN D. HANSEN

S-5245

- 1 Amend Senate File 2390 as follows:
- 2 1. Page 2, line 25, by striking the words "under
- 3 paragraph "a".

ROBERT DVORSKY

S-5246

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 3, by inserting after line 5 the
- 3 following:
- 4 "Sec. \_\_\_\_ PARENTAL SUBSTANCE ABUSE STUDY. The
- 5 director of public health shall utilize the commission
- 6 on substance abuse to study the effects of fetal
- 7 alcohol syndrome on children and the issues associated
- 8 with removal of a child from the child's home based
- 9 upon substance abuse by the child's parent. The
- 10 process used to perform the study shall include
- 11 statewide hearings and consultation with the maternal
- 12 and child health division of the Iowa department of
- 13 public health, the council on chemically exposed
- 14 infants and children, the departments of human
- 15 services and education, and juvenile court judges and
- 16 other juvenile court officials. The director shall
- 17 present the findings of the study to any legislative
- 18 interim committee which reviews substance abuse issues
- 19 and shall submit a written report to the general
- 20 assembly on or before January 2, 1997."
- 21 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5247

- 1 Amend the amendment, S-5128, to Senate File 2090,  
 2 as follows:
- 3 1. Page 1, by striking lines 11 and 12 and  
 4 inserting the following: "original appraisal on such  
 5 property. However, a minimal administrative fee may  
 6 be charged for providing such subsequent appraisal."  
 7 2. Page 1, line 16, by inserting after the word  
 8 "appraiser" the following: ", or the different  
 9 financial institution."  
 10 3. Page 1, line 26, by striking the word  
 11 "taxation" and inserting the following: "valuation".  
 12 4. Page 1, line 28, by inserting after the word  
 13 "subsection" the following: "by a person other than a  
 14 certified real estate appraiser".

ROD HALVORSON

S-5248

- 1 Amend Senate File 2195 as follows:
- 2 1. Page 4, line 6, by striking the words "a  
 3 shared data network" and inserting the following: "a  
 4 network to be used exclusively for shared data".  
 5 2. Page 4, line 13, by striking the word "LEWIS"  
 6 and inserting the following:  
 7 "1. LEWIS".  
 8 3. Page 4, by inserting after line 19 the  
 9 following:  
 10 "2. ADDITIONS TO PART III. The Iowa  
 11 telecommunications and technology commission may  
 12 contract for construction relating to connections to  
 13 the Iowa communications network for the following  
 14 authorized users which were not identified in the  
 15 original Part III request for proposals, but which  
 16 meet the definition of a Part III user pursuant to  
 17 section 8D.13, subsection 2, paragraph "c":  
 18 a. Four oaks educational center, Cedar Rapids.  
 19 b. St. Augustin's school, Des Moines.  
 20 c. Keystone area education agency, Dubuque.  
 21 d. Eldora state training school, Eldora."  
 22 Sec. \_\_\_\_ . CONTRACT MODIFICATION. Notwithstanding  
 23 section 8D.13, the commission may modify the Part III  
 24 contract entered into with Sooland Cable, and  
 25 involving the connection of five Part III sites, to  
 26 provide for a lump-sum payment at the time of  
 27 installation and activation of the circuit which will  
 28 result in a real savings of approximately \$26,788 per  
 29 site when compared to the original contract price."

- 30 4. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5249

- 1 Amend Senate File 2443 as follows:  
2 1. Page 3, by striking lines 17 through 19 and  
3 inserting the following: "equivalent positions:".

ALLEN BORLAUG

S-5250

- 1 Amend Senate File 2171 as follows:  
2 1. Page 1, line 19, by inserting after the word  
3 "requirements." the following: "One year of obligated  
4 service shall be provided by the applicant in exchange  
5 for each year of loan repayment, unless federal  
6 requirements otherwise require."  
7 2. Page 1, line 32, by inserting after the word  
8 "requirements." the following: "One year of obligated  
9 service shall be provided by the applicant in exchange  
10 for each year of loan repayment, unless federal  
11 requirements otherwise require."

MARY NEUHAUSER

S-5251

- 1 Amend Senate File 2387 as follows:  
2 1. By striking page 2, line 14, through page 5,  
3 line 32.  
4 2. Title page, lines 3 and 4, by striking the  
5 words "for the terms and conditions of state lease-  
6 purchase agreements,".  
7 3. By renumbering as necessary.

BILL FINK

S-5252

- 1 Amend Senate File 2443 as follows:  
2 1. Page 8, by striking lines 3 through 6 and  
3 inserting the following: "materials and for making  
4 available up to one-half of the moneys appropriated in  
5 this lettered paragraph to regional tourism

6 associations on a per capita basis for funding local  
7 and regional tourism projects and promotions:"

TOM VILSACK

S-5253

1 Amend Senate File 2443 as follows:  
2 1. Page 5, line 19, by inserting after the word  
3 "governments" the following: "and counties not  
4 included in any council of governments".

TOM VILSACK

S-5254

1 Amend Senate File 2409 as follows:  
2 1. Page 1, line 17, by striking the words "In  
3 performing these" and inserting the following:  
4 "b. In performing these the".  
5 2. Page 1, line 18, by inserting after the word  
6 "duties" the following: "set out in paragraph "a"".  
7 3. Page 6, by striking lines 23 through 34 and  
8 inserting the following: "control the budget of the  
9 department and its divisions and shall approve the  
10 employment of all personnel of the department and its  
11 divisions."  
12 4. Page 7, line 30, by inserting after the word  
13 "labor." the following: "The labor representatives on  
14 the board shall be appointed by the governor upon the  
15 recommendations of statewide labor organizations."  
16 5. By striking page 18, line 35, through page 19,  
17 line 21, and inserting the following: "Sec. 25."

TOM VILSACK

S-5255

1 Amend Senate File 2301 as follows:  
2 1. Page 1, by striking lines 10 and 11, and  
3 inserting the following: "certified by the  
4 department. A person may be certified as both a lead  
5 inspector and a lead abater. However, a person who is  
6 certified as both a lead inspector and as a lead  
7 abater shall not provide both inspection and abatement  
8 services at the same site."  
9 2. Page 1, line 24, by striking the word  
10 "January" and inserting the following: "July".  
11 3. Page 1, by striking line 26, and inserting the  
12 following: "person has completed a training program



- 13 approved by the department and has".
- 14 4. Page 1, line 27, by striking the word "July"
- 15 and inserting the following: "December".
- 16 5. Page 1, by striking line 30, and inserting the
- 17 following:
- 18 "Sec. 2. NEW SECTION. 135.105B. VOLUNTARY
- 19 GUIDELINES -- HEALTH AND".
- 20 6. Page 1, by striking line 32, and inserting the
- 21 following:
- 22 "1. The department may develop voluntary
- 23 guidelines which may be".
- 24 7. Page 2, by striking line 1, and inserting the
- 25 following:
- 26 "2. The voluntary guidelines may be based upon
- 27 existing local".
- 28 8. Page 2, by striking line 5, and inserting the
- 29 following:
- 30 "3. Following development of the voluntary
- 31 guidelines, cities or counties may elect to utilize
- 32 the guidelines in".
- 33 9. Page 2, line 11, by striking the word
- 34 "standards" and inserting the following:
- 35 "guidelines".

ROBERT DVORSKY

S-5256

- 1 Amend Senate File 2442 as follows:
- 2 1. Page 17, by inserting after line 32 the
- 3 following:
- 4 "e. Of the funds allocated in this subsection, not
- 5 more than \$1,077,995 is allocated as the state match
- 6 funding for 50 highly structured juvenile program
- 7 beds."

PATRICK J. DELUHERY  
 MAGGIE TINSMAN  
 JOHNIE HAMMOND  
 O. GENE MADDOX  
 ALBERT SORENSEN  
 SHELDON RITTNER  
 ELAINE SZYMONIAK

HOUSE AMENDMENT TO  
SENATE FILE 376

S-5257

1 Amend Senate File 376, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 7 through 12 and  
4 inserting the following: "payments on shares or as  
5 deposits; including the right to conduct Christmas  
6 clubs, vacation clubs, and other such thrift  
7 organizations within the membership. Rules adopted  
8 allowing nonmember deposits in credit unions serving  
9 predominantly low-income members shall be designed  
10 solely to meet the needs of the low-income members."

11 2. Page 3, by inserting after line 18 the  
12 following:

13 "Sec. \_\_\_\_ . Section 533.6, subsection 2, Code 1995,  
14 is amended to read as follows:

15 2. The superintendent may make or cause to be made  
16 an examination of each credit union whenever the  
17 superintendent believes such examination is necessary  
18 or advisable, but in no event less frequently than  
19 once during each eighteen-month period. A credit  
20 union designated as serving predominantly low-income  
21 members shall be reviewed during each examination to  
22 ensure that such credit union is continuing to meet  
23 the standards established by rule of the  
24 superintendent. Each credit union and all of its  
25 officers and agents shall give to the representatives  
26 of the superintendent free access to all books,  
27 papers, securities, records, and other sources of  
28 information under their control. A report of such  
29 examination shall be forwarded to the chairperson of  
30 each credit union within thirty days after the  
31 completion of the examination. Within thirty days of  
32 the receipt of this report, a meeting of the directors  
33 shall be called to consider matters contained in the  
34 report and the action taken shall be set forth in the  
35 minutes of the board. The superintendent may accept,  
36 in lieu of the examination of a credit union, an audit  
37 report conducted by a certified public accounting firm  
38 selected from a list of firms previously approved by  
39 the superintendent. The cost of the audit shall be  
40 paid by the credit union."

41 3. Page 12, by inserting after line 13 the  
42 following:

43 "Sec. \_\_\_\_ . Section 533.61, subsection 2, Code  
44 1995, is amended by adding the following new  
45 paragraph:

46 NEW PARAGRAPH. f. A list of credit unions which  
 47 have been designated as serving predominantly low-  
 48 income members pursuant to section 533.4, subsection  
 49 1.”  
 50 4. By renumbering as necessary.

S-5258

1 Amend Senate File 2446 as follows:  
 2 1. Page 7, line 9, by striking the figure  
 3 “2,026,509” and inserting the following: “1,644,509”.  
 4 2. Page 7, line 10, by striking the figure  
 5 “213.50” and inserting the following: “206.50”.  
 6 3. Page 7, line 13, by striking the figure  
 7 “480,600” and inserting the following: “160,600”.  
 8 4. Page 7, line 13, by striking the figure “9.00”  
 9 and inserting the following: “2.00”.  
 10 5. Page 12, by inserting after line 26 the  
 11 following:

12 “Sec. \_\_\_\_ . DEPARTMENT OF JUSTICE -- ANIMAL FEEDING  
 13 OPERATIONS. There is appropriated from the general  
 14 fund of the state to the department of justice for the  
 15 fiscal year beginning July 1, 1996, and ending June  
 16 30, 1997, the following amount, or so much thereof as  
 17 is necessary, to be used for the purpose designated:  
 18 For salaries, support, maintenance, and  
 19 miscellaneous purposes related to administering the  
 20 provisions of section 455B.112 which are applicable to  
 21 animal feeding operations, as enacted by this Act, and  
 22 for not more than the following full-time equivalent  
 23 positions:

24 .....	\$	382,000
25 .....	FTEs	7.00”.

26 6. Page 17, by inserting after line 19 the  
 27 following:  
 28 “Sec. \_\_\_\_ . Section 455B.112, Code 1995, is amended  
 29 to read as follows:

30 455B.112 ACTIONS BY ATTORNEY GENERAL -- ANIMAL  
 31 FEEDING OPERATIONS.

32 1. In addition to the duty to commence legal  
 33 proceedings at the request of the director or  
 34 commission under this chapter, the attorney general  
 35 may institute civil or criminal proceedings, including  
 36 an action for injunction, to enforce the provisions of  
 37 this chapter including orders or permits issued or  
 38 rules adopted under this chapter.

39 2. The attorney general shall provide enforcement  
 40 for the compliance of animal feeding operations, as  
 41 defined in section 455B.161, with this chapter. The  
 42 attorney general, in cooperation with the department,

43 shall inspect animal feeding operations, enforce  
 44 provisions applicable to the operations, and provide  
 45 assistance to owners of operations, upon request, for  
 46 purposes of ensuring that the operations comply with  
 47 the provisions of this chapter. The attorney  
 48 general's office shall establish and publicize a toll-  
 49 free telephone number to facilitate the reporting of  
 50 suspected violations of chapter 455B by animal feeding

## Page 2

- 1 operations."
- 2 7. By renumbering as necessary.

MARY LUNDBY

## S-5259

- 1 Amend Senate File 2443 as follows:
- 2 1. Page 6, by striking lines 20 through 29.

DERRYL McLAREN  
ALLEN BORLAUG

## S-5260

- 1 Amend Senate File 2355 as follows:
- 2 1. Page 1, by striking lines 20 through 28.
- 3 2. Title page, line 2, by striking the words
- 4 "seizure of weapons,".
- 5 3. By renumbering as necessary.

MERLIN E. BARTZ

## S-5261

- 1 Amend Senate File 2390 as follows:
- 2 1. Page 2, lines 11 and 12, by striking the words
- 3 "community service, and pretrial release on one's
- 4 own recognizance" and inserting the following: "and
- 5 community service".
- 6 2. Page 2, line 25, by striking the words "under
- 7 paragraph "a".
- 8 3. Page 2, by striking lines 27 through 29 and
- 9 inserting the following: "regular probation or parole
- 10 supervision."
- 11 4. Page 3, line 1, by inserting before the word
- 12 "institutional" the following: "and".
- 13 5. Page 3, lines 1 and 2, by striking the words
- 14 "and release with intensive supervision services".

- 15 6. Page 3, by striking lines 19 through 21 and  
16 inserting the following:  
17 "(4) Violators' facilities."  
18 7. Page 4, lines 3 and 4, by striking the words  
19 "judicial district and the" and inserting the  
20 following: "chief judge of the judicial district and  
21 the director of the".  
22 8. Page 4, line 7, by striking the word "minor".  
23 9. Page 4, line 26, by striking the words  
24 "different level" and inserting the following: "more  
25 restrictive level or sublevel".  
26 10. Page 4, by striking lines 30 through 33 and  
27 inserting the following: "shall review the transfer  
28 without a hearing. The agreement must be made in  
29 writing, must advise the individual that the  
30 individual has the opportunity to consult with an  
31 attorney, that the individual is waiving the  
32 individual's".  
33 11. Page 5, line 9, by striking the words  
34 "different level" and inserting the following: "more  
35 restrictive level or sublevel".  
36 12. Page 7, line 9, by inserting after the word  
37 "committed" the following: ", except a person  
38 committed to the judicial district department of  
39 correctional services for supervision or services  
40 under section 901A.1, subsection 3.".

ROBERT DVORSKY

S-5262

- 1 Amend Senate File 2446 as follows:  
2 1. Page 16, by inserting after line 33 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 166D.10, Code 1995, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 4. In addition to other  
7 applicable requirements of this section, swine shall  
8 not be moved into this state from another state except  
9 to slaughter or to an approved premises by certificate  
10 of inspection, unless the swine are vaccinated by a  
11 differeniable vaccine. However, imported feeder pigs  
12 are not required to be vaccinated, if they are  
13 maintained separate and apart from other swine until  
14 they are vaccinated."

STEWART IVERSON, Jr.  
JOHN P. KIBBIE  
BRAD BANKS

S-5263

1 Amend Senate File 2443 as follows:

2 1. Page 17, by striking lines 12 through 22 and  
3 inserting the following: "In order for the general  
4 assembly to have accurate and complete information  
5 regarding expenditures for economic development and  
6 job training incentives and to respond to the job  
7 training needs of Iowa workers, the department shall  
8 report to the general assembly by January 15 of each  
9 year regarding all assistance or benefits provided  
10 under the community economic betterment program, the  
11 new jobs and income program, and the Iowa industrial  
12 new jobs training Act during the previous calendar  
13 year. The report shall identify by company name each  
14 individual business receiving any assistance or  
15 benefits and shall contain a breakdown by company name  
16 of the amount of assistance or benefits provided to  
17 each individual business, including the amount of  
18 local and state tax abatements, grants, loans, on-the-  
19 job and customized job training moneys received, and  
20 the actual or estimated tax credits taken."

21 2. Page 19, by inserting after line 6, the  
22 following:

23 "Sec. \_\_\_\_ . NEW SECTION. 15.328 PUBLIC RECORDS.

24 Notwithstanding any other provision of the Code to  
25 the contrary, applications from businesses and  
26 communities and application files maintained by the  
27 department are public records. All details of an  
28 award under this part shall be disclosed to the public  
29 at the time public notice of the award is given."

30 3. Page 19, by striking lines 19 through 26 and  
31 inserting the following: "is an enforceable contract  
32 between the business and a community group or  
33 coalition of community groups which requires the  
34 business to adhere to negotiated environmental,  
35 economic, labor, or other social and community  
36 standards."

37 4. Page 20, line 6, by inserting after the word  
38 "provide" the following: "that all funds allocated  
39 for job training, except administrative expenses,  
40 shall be used solely and exclusively for that purpose,  
41 and".

42 5. Page 20, by inserting after line 23 the  
43 following:

44 "Sec. \_\_\_\_ . PERFORMANCE AUDIT. The auditor of  
45 state shall conduct or cause to be conducted a  
46 performance audit of job training projects under the  
47 Iowa industrial new jobs training Act for at least the  
48 previous five years. The auditor shall report on the

49 performance audit to the general assembly not later  
50 than January 15, 1997. The report shall contain at

Page 2

- 1 least the following:
- 2 1. The types of program services funded under the  
3 program.
- 4 2. The type and quality of program services  
5 actually provided.
- 6 3. The amount of job training actually provided,  
7 if any.
- 8 4. The relative numbers of job training recipients  
9 who are production versus management employees.
- 10 5. The demographic characteristics of recipients  
11 of the job training, including but not limited to  
12 gender, race, age, and disability status."
- 13 6. By renumbering as necessary.

TOM VILSACK

S-5264

- 1 Amend Senate File 2195 as follows:
- 2 1. By striking page 2, line 35, through page 3,  
3 line 2, and inserting the following: "department of  
4 education to the area education agencies. The area  
5 education agencies shall use the funds to provide".

DERRYL McLAREN  
JOHN W. JENSEN

S-5265

- 1 Amend Senate File 2443 as follows:
- 2 1. Page 5, by striking lines 17 through 20 and  
3 inserting the following: "following full-time  
4 equivalent positions:"
- 5 2. Page 5, by striking lines 23 through 28.

WAYNE D. BENNETT

S-5266

- 1 Amend Senate File 2158 as follows:
- 2 1. Page 1, line 14, by striking the words

3 "learning stations" and inserting the following:

4 "textbooks".

LARRY MURPHY  
MARY NEUHAUSER  
MIKE CONNOLLY

S-5267

1 Amend Senate File 2446 as follows:

2 1. Page 17, by inserting after line 10 the  
3 following:

4 "Sec. 100. Section 455A.18, subsection 3,  
5 unnumbered paragraph 1, Code 1995, is amended to read  
6 as follows:

7 For each fiscal year of the fiscal period beginning  
8 July 1, ~~1990~~ 1997, and ending June 30, ~~2001~~ 2021,  
9 there is appropriated from the general fund, to the  
10 Iowa resources enhancement and protection fund, the  
11 amount of ~~thirty~~ twenty million dollars, ~~except that~~  
12 ~~for the fiscal year beginning July 1, 1990, the amount~~  
13 ~~is twenty million dollars~~, to be used as provided in  
14 this chapter. However, in any fiscal year of the  
15 fiscal period, if moneys from the lottery are  
16 appropriated by the state to the fund, the amount  
17 appropriated under this subsection shall be reduced by  
18 the amount appropriated from the lottery."

19 2. Page 17, line 20, by striking the word  
20 "Section" and inserting the following:

21 "1. Section".

22 3. Page 17, by inserting after line 22 the  
23 following:

24 "2. Section 100 of this Act, amending section  
25 455A.18, takes effect July 1, 1997."

26 4. Title page, line 3, by striking the words "an  
27 effective date" and inserting the following:  
28 "effective dates".

29 5. By renumbering as necessary.

LARRY MURPHY

S-5268

1 Amend Senate File 2440 as follows:

2 1. Page 1, by striking line 13 and inserting the  
3 following:

4 "2. If the board of supervisors of a county, board  
5 of directors of a school corporation, or city council  
6 of a city proposes that the annual levy of".

7 2. Page 1, line 15, by striking the word "a" and



- 8 inserting the following: "the".
- 9 3. Page 1, by striking lines 17 through 20 and  
10 inserting the following: "the proposition shall so  
11 state. However, a bond issuance proposition  
12 proposing".
- 13 4. Page 5, by striking lines 23 through 29.
- 14 5. By striking page 7, line 29, through page 8,  
15 line 18.
- 16 6. Page 9, by striking lines 10 through 22.
- 17 7. By striking page 10, line 26, through page 11,  
18 line 15.
- 19 8. By striking page 11, line 29, through page 12,  
20 line 6.
- 21 9. Page 15, by striking lines 9 through 22.
- 22 10. By renumbering, relettering, and correcting  
23 internal references as necessary.

STEWART IVERSON, Jr.  
EMIL J. HUSAK  
MARY LOU FREEMAN  
ANDY McKEAN  
JOANN DOUGLAS  
BERL E. PRIEBE  
TOM FLYNN  
RICHARD F. DRAKE  
JACK RIFE  
DERRYL McLAREN  
BRAD BANKS  
JOHN W. JENSEN  
JIM LIND  
WILMER RENSINK  
NANCY BOETTGER  
ALLEN BORLAUG  
MAGGIE TINSMAN  
H. KAY HEDGE  
LYLE E. ZIEMAN

S-5269

- 1 Amend Senate File 2443 as follows:
- 2 1. Page 3, line 19, by inserting after the word
- 3 "Iowa" the following: "and for allocating \$222,792 to
- 4 the self-employment loan program for the purposes of
- 5 the microbusiness rural enterprise assistance program
- 6 under section 15.114".

TOM VILSACK

S-5270

1 Amend Senate File 2443 as follows:

2 1. Page 14, by inserting after line 2 the  
3 following:

4 "..... FTEs .90".

TOM VILSACK

S-5271

1 Amend Senate File 2442 as follows:

2 1. Page 27, by inserting after line 28 the  
3 following:

4 "3. The department shall use moneys appropriated  
5 to the department under this Act as necessary to  
6 comply with requirements of the state under the  
7 consent decree of Conner v. Branstad, No. 4-86-CV-  
8 30871 (S.D. Iowa, July 15, 1994)."

ROBERT E. DVORSKY

S-5272

1 Amend Senate File 2442 as follows:

2 1. Page 6, line 22, by inserting after the words  
3 "implement the" the following: "screening component  
4 of the".

5 2. By striking page 7, line 30, through page 8,  
6 line 3, and inserting the following:

7 "2. The department shall negotiate with the  
8 department's contractor for mental health managed care  
9 under the medical assistance program to establish  
10 performance standards for successful outcomes for  
11 persons receiving services under the contract. The  
12 performance standards shall be incorporated into the  
13 contract or shall be made an addendum to the contract  
14 which is in effect as of the effective date of this  
15 subsection. The contractor's attainment of these  
16 performance standards shall be a factor in the  
17 department's decision to extend the contract in effect  
18 for managed mental health care or to initiate a new  
19 procurement process. Any future contract shall  
20 contain sanctions for failure to attain the  
21 performance standards."

22 3. Page 21, line 17, by striking the word "or"  
23 and inserting the following: "and".

24 4. Page 33, by striking lines 2 through 4.

25 5. Page 40, by striking line 4, and inserting the  
26 following: "pharmacists association, shall propose a

27 pilot project for an”.

28 6. Page 40, line 19, by inserting after the word  
 29 “limit.” the following: “The change required by this  
 30 subsection shall be implemented in a manner which is  
 31 cost neutral.”

32 7. Page 40, by inserting after line 19 the  
 33 following:

34 “\_\_\_ . In the event that the department and  
 35 providers of services under the department’s  
 36 rehabilitative treatment program for children and  
 37 families mutually agree to revise the department’s  
 38 rules providing reimbursement rates under the program,  
 39 the department may adopt rules implementing the  
 40 revision. Prior to adoption of the rules, the  
 41 department shall provide a description of the  
 42 agreement to the chairpersons and ranking members of  
 43 the joint appropriations subcommittee on human  
 44 services. The provisions of this subsection shall be  
 45 separate from the provisions of subsection 10.”

46 8. Page 40, by striking line 22 and inserting the  
 47 following:

48 “Sec. 27. RESIDENTIAL SERVICES -- PURCHASE OF  
 49 SERVICES -- REIMBURSEMENT RATE”.

50 9. Page 41, by striking lines 27 and 28 and

Page 2

1 inserting the following: “The department shall”.

2 10. By renumbering as necessary.

JOHNIE HAMMOND

S-5273

1 Amend Senate File 2443 as follows:

2 1. Page 4, by striking lines 30 through 32 and  
 3 insert the following: “and the rural enterprise  
 4 fund.”.

5 2. Page 6, by striking lines 2 through 5.

6 3. Page 8, by inserting after line 16 the  
 7 following:

8 “c. Welcome center program

9 To implement the recommendations of the statewide  
 10 long-range plan for developing and operating welcome  
 11 centers throughout the state and for allocating  
 12 \$150,000 for the construction of a new welcome center:

13 ..... \$ 250,000”

14 4. By striking page 17, line 23, through page 18,

15 line 29.

16 5. By renumbering as necessary.

O. GENE MADDOX

S-5274

1 Amend Senate File 2442 as follows:

2 1. Page 11, line 27, by striking the words

3 "block-of-hour" and inserting the following: "block-

4 of-hours".

5 2. Page 31, line 5, by striking the figure "1995"

6 and inserting the following: "1994".

7 3. Page 31, line 10, by striking the figure

8 "1995" and inserting the following: "1994".

9 4. Page 33, line 12, by inserting after the

10 letter "d," the following: "e,".

11 5. Page 36, line 29, by striking the word

12 "appropriated" and inserting the following:

13 "appropriate".

14 6. Page 47, line 8, by striking the word "wavier"

15 and inserting the following: "waiver".

16 7. Page 47, line 28, by striking the figure "19"

17 and inserting the following: "18".

JOHNIE HAMMOND

S-5275

1 Amend Senate File 2442 as follows:

2 1. Page 6, by striking lines 12 and 13, and

3 inserting the following:

4 "10. The department of human services shall expand

5 the program to administratively pursue

6 reimbursements".

JOHNIE HAMMOND

S-5276

1 Amend Senate File 2443 as follows:

2 1. Page 8, by striking lines 3 through 6 and

3 inserting the following: "materials:"

LYLE E. ZIEMAN

S-5277

1 Amend Senate File 2442 as follows:

2 1. Page 22, by striking lines 14 through 16 and

3 inserting the following: "services for pregnant or  
 4 parenting adolescents. It is the intent of the  
 5 general assembly that by July 1, 1998, grants awarded  
 6 under this subsection be required to meet the criteria  
 7 under subsection 2 including the provision of  
 8 community-wide services within the proximity of the  
 9 community or region."

ELAINE SZYMONIAK

S-5278

1 Amend Senate File 2195 as follows:

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

4 "a. There is appropriated from the general fund of  
 5 the state to the Iowa communications network fund  
 6 under the control of the Iowa telecommunications and  
 7 technology commission for the fiscal year beginning  
 8 July 1, 1996, and ending June 30, 1997, the following  
 9 amount, or so much thereof as is necessary, to be used  
 10 with the moneys appropriated in paragraph "b" for the  
 11 purpose designated:

12 ..... \$ 12,300,000

13 b. There is appropriated from the rebuild Iowa".

14 2. Page 1, line 13, by striking the figure  
 15 "20,800,000" and inserting the following:

16 "8,500,000".

17 3. By renumbering as necessary.

DERRYL McLAREN  
 JOHN W. JENSEN  
 DONALD B. REDFERN

S-5279

1 Amend Senate File 2443 as follows:

2 1. Page 2, line 14, by inserting after the word  
 3 "network," the following: "and".

4 2. Page 2, by striking lines 16 through 18 and  
 5 inserting the following: "technology resource and  
 6 technology access programs:"

7 3. Page 9, by inserting after line 18 the  
 8 following:

9 "Sec. \_\_\_\_ . WALLACE TECHNOLOGY TRANSFER FOUNDATION.

10 There is appropriated from the general fund of the  
 11 state to the Wallace technology transfer foundation  
 12 for the fiscal year beginning July 1, 1996, and ending  
 13 June 30, 1997, the following amount, or so much  
 14 thereof as is necessary, to be used for the purposes

15 designated:

16 For salaries, support, maintenance, miscellaneous

17 purposes, for not more than the following full-time

18 equivalent positions, and for allocating up to

19 \$150,000 to the graphic arts center and up to \$100,000

20 to the plastics technology center:

21 ..... \$ 350,000

22 ..... FTEs 1.00

23 The Wallace technology transfer foundation board of

24 directors shall review the operations of the

25 foundation including the criteria used to determine

26 whether projects are funded and the relationship of

27 the foundation fund to appropriations to board of

28 regents institutions for research."

29 4. Page 9, by striking lines 19 through 23.

30 5. By renumbering as necessary.

ALLEN BORLAUG  
DERRYL McLAREN

S-5280

1 Amend Senate File 2443 as follows:

2 1. Page 13, line 19, by striking the figure

3 "66,500" and inserting the following: "50,000".

DONALD B. REDFERN  
MICHAEL E. GRONSTAL  
MARY NEUHAUSER  
MIKE CONNOLLY  
ROBERT E. DVORSKY  
JIM LIND  
TOM FLYNN

S-5281

1 Amend Senate File 2442 as follows:

2 1. Page 46, by inserting after line 7, the

3 following:

4 "Sec. 101, 1995 Iowa Acts, chapter 115, section

5 13, is repealed."

6 2. Page 47, by inserting after line 31 the

7 following:

8 "5. Section 101, relating to child support

9 enforcement fees."

JOHNIE HAMMOND

S-5282

- 1 Amend Senate File 2442 as follows:
- 2 1. Page 40, by striking lines 9 through 13 and
- 3 inserting the following:
- 4 "9. For the fiscal year beginning July 1, 1996,
- 5 the department shall calculate reimbursement rates for
- 6 intermediate care facilities for the mentally retarded
- 7 at the 80th percentile. The department shall report
- 8 to the general assembly on or before January 2, 1997,
- 9 with proposals for other cost containment strategies
- 10 for consideration by the general assembly."
- 11 2. Page 47, by striking lines 30 and 31.

WILMER RENSINK  
JOHN P. KIBBIE

S-5283

- 1 Amend Senate File 2446 as follows:
- 2 1. Page 8, line 23, by striking the figure
- 3 "21,240,891" and inserting the following:
- 4 "21,365,891".
- 5 2. By renumbering as necessary.

DENNIS H. BLACK

S-5284

- 1 Amend Senate File 2442 as follows:
- 2 1. Page 11, line 27, by striking the words
- 3 "block-of-hour" and inserting the following: "block-
- 4 of-hours".
- 5 2. Page 31, line 5, by striking the figure "1995"
- 6 and inserting the following: "1994".
- 7 3. Page 31, line 10, by striking the figure
- 8 "1995" and inserting the following: "1994".
- 9 4. Page 33, line 12, by inserting after the
- 10 letter "d," the following: "e,".
- 11 5. Page 36, line 29, by striking the word
- 12 "appropriated" and inserting the following:
- 13 "appropriate".
- 14 6. Page 47, line 8, by striking the word "wavier"
- 15 and inserting the following: "waiver".
- 16 7. Page 47, lines 21 and 22, by striking the
- 17 words "relating to the mental health managed care
- 18 program contract,".

19 8. Page 47, line 28, by striking the figure "19"  
20 and inserting the following: "18".

JOHNNIE HAMMOND

S-5285

1 Amend Senate File 2442 as follows:

2 1. Page 6, line 10, by inserting after the word  
3 "inhibitors." the following: "The department shall  
4 not expand the requirement of drug prior authorization  
5 without prior approval of the general assembly except  
6 to require prior authorization of an equivalent of a  
7 prescription drug which is subject to prior  
8 authorization as of June 30, 1996."

9 2. Page 12, line 15, by inserting after the word  
10 "program." the following: "For family investment  
11 agreements developed in the fiscal year beginning July  
12 1, 1996, the maximum time period for postsecondary  
13 education is limited to two years."

14 3. Page 16, by striking line 8 and inserting the  
15 following:

16 "..... \$ 13,738,000"

17 4. Page 16, by striking lines 24 through 26 and  
18 inserting the following:

19 "4. Of the funds appropriated in this section,  
20 \$10,000 shall be used by the state training school and  
21 \$8,000 by the Iowa juvenile home for grants for  
22 adolescent pregnancy prevention activities at the  
23 institutions in the fiscal year beginning July 1,  
24 1996."

25 5. Page 22, by striking line 8 and inserting the  
26 following:

27 "..... \$ 2,502,000"

28 6. Page 22, line 10, by striking the figure  
29 "654,146" and inserting the following: "636,146".

30 7. Page 30, line 13, by inserting after the word  
31 "disability" the following: ", as described in rules  
32 adopted by the department".

33 8. Page 30, by striking lines 14 through 17.

34 9. By striking page 30, line 27, through page 31,  
35 line 2.

36 10. Page 33, line 11, by striking the words and  
37 figures "subsections 2 and 5" and inserting the  
38 following: "subsection 2".

39 11. Page 35, line 35, by inserting after the word  
40 "software" the following: "and for not more than the  
41 following full-time equivalent positions".

42 12. Page 36, by inserting after line 1 the  
43 following:



44 "..... FTEs 5.00"  
 45 13. Page 37, by striking lines 20 through 26 and  
 46 inserting the following:  
 47 "f. Home health agencies certified for the federal  
 48 Medicare program, hospice services, and acute care  
 49 mental hospitals shall be reimbursed for their current  
 50 federal Medicare audited costs."

**Page 2**

1 14. Page 42, line 9, by striking the words "AND  
 2 REIMBURSEMENT".  
 3 15. Page 42, line 10, by striking the figure "1."  
 4 16. Page 42, by striking lines 13 through 29.  
 5 17. Page 42, line 30, by striking the figure "3."  
 6 18. Page 42, line 33, by striking the figure  
 7 "1996" and inserting the following: "1997".  
 8 19. Page 42, by inserting after line 33 the  
 9 following:  
 10 "Sec. \_\_\_\_ . REPORTS. Any reports or information  
 11 required to be compiled and submitted under this Act  
 12 shall be submitted to the chairpersons and ranking  
 13 members of the joint appropriations subcommittee on  
 14 human services, the legislative fiscal bureau, the  
 15 legislative service bureau, and to the caucus staffs  
 16 on or before the dates specified for submission of the  
 17 reports or information."  
 18 20. Page 43, by striking lines 31 and 32 and  
 19 inserting the following: "debt for the three months  
 20 preceding the provision of the notice and reasonable  
 21 opportunity to be heard to the parent or guardian."

JOHNIE HAMMOND  
 MAGGIE TINSMAN

S-5286

1 Amend the amendment, S-5160, to Senate File 2265 as  
 2 follows:  
 3 1. Page 1, by striking lines 7 through 10, and  
 4 inserting the following: "granted in any proceeding  
 5 which involves contested child custody or visitation  
 6 and an order relating to a modification which involves  
 7 child custody or visitation shall".

JOHNIE HAMMOND

S-5287

- 1 Amend Senate File 2268 as follows:
- 2 1. Page 7, line 25, by striking the words “,
- 3 unnumbered paragraph 1.”
- 4 2. Page 7, line 27, by striking the word “The”
- 5 and inserting the following: “1. The”.
- 6 3. Page 8, by striking lines 2 and 3 and
- 7 inserting the following: “of purchase will be issued.
- 8 2. To ensure that the process is fair to all
- 9 bidders, an individual or agent acting on behalf of
- 10 another individual shall not contract with or offer
- 11 anything of value to another individual to place a bid
- 12 on a parcel as provided in subsection 1 for the
- 13 purpose of transferring the certificate of purchase to
- 14 the contractor or offeror. An individual or agent
- 15 acting on behalf of another individual violating this
- 16 subsection may be disqualified by a county treasurer
- 17 from bidding at a tax sale in this state for three
- 18 years.”
- 19 4. Page 10, by inserting after line 30 the
- 20 following:
- 21 “Sec. \_\_\_\_ . EFFECTIVE DATE. This section and
- 22 sections 13, 14, and 15 of this Act, being deemed of
- 23 immediate importance, take effect upon enactment.”
- 24 5. Title page, line 7, by inserting the word
- 25 “date” the following: “and an effective date”.

O. GENE MADDOX  
ALBERT G. SORENSEN

S-5288

- 1 Amend Senate File 2446 as follows:
- 2 1. Page 13, by inserting after line 10 the
- 3 following:
- 4 “Sec. \_\_\_\_ . There is appropriated from the state
- 5 fish and game protection fund to the division of fish
- 6 and wildlife of the department of natural resources
- 7 for the fiscal year beginning July 1, 1996, and ending
- 8 June 30, 1997, the following amount, or so much
- 9 thereof as is necessary, except that if revenues from
- 10 the income tax refund checkoff credited to the state
- 11 fish and game protection fund in calendar year 1995 do
- 12 not equal or exceed \$1,500,000, the amount of the
- 13 deficiency is appropriated from the general fund of
- 14 the state instead of from the state fish and game
- 15 protection fund, to be used for the purposes
- 16 designated:
- 17 To develop and support a comprehensive nongame

18 wildlife-oriented education program to be implemented  
 19 through the schools, county conservation boards, and  
 20 the department of natural resources.

21 To enhance opportunities for personal contact with,  
 22 and the public's appreciation for, all types of  
 23 wildlife by developing facilities for public  
 24 appreciation of wildlife.

25 To protect, develop, and manage habitats to enhance  
 26 nongame populations on public and private lands  
 27 through habitat development and acquisition.

28 To develop and support nongame wildlife species  
 29 management, research, and surveys.

30 To match moneys appropriated by the United States  
 31 or an agency, commission, or department of the United  
 32 States if the appropriation of moneys by a state is a  
 33 condition of the state or an agency, commission, or  
 34 department of the state, receiving federal moneys.

35 To adopt programs by the division of fish and  
 36 wildlife of the department of natural resources  
 37 relating to a wildlife diversity initiative by rule  
 38 pursuant to chapter 17A:

39 ..... \$ 1,500,000"

40 2. By renumbering as necessary.

MARY LUNDBY

S-5289

1 Amend Senate File 2344 as follows:

2 1. By striking page 1, line 1, through page 2,  
 3 line 5.

4 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5290

1 Amend Senate File 2210 as follows:

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

4 "(3) Criminal history data that does not contain  
 5 any disposition data after eighteen months from the  
 6 date of arrest may only be disseminated by the  
 7 department to criminal or juvenile justice agencies,  
 8 to the person who is the subject of the criminal  
 9 history data or the person's attorney, or to a person  
 10 requesting the criminal history data with a signed  
 11 release from the person who is the subject of the

12 criminal history data authorizing the requesting  
13 person access to criminal history data."

ANDY McKEAN

S-5291

1 Amend Senate File 2355 as follows:

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

4 "Sec. \_\_\_\_ . Notwithstanding section 708.2A, a  
5 court, located in a county which has been designated  
6 by the supreme court as a county establishing an  
7 alternative batterers' treatment pilot program, shall  
8 sentence a person who pleads guilty to or is convicted  
9 of domestic abuse assault under section 708.2A to  
10 either a batterers' treatment program under section  
11 708.2B or the alternative batterers' pilot program  
12 established in the county.

13 The judicial district in which the county is  
14 located shall report to the general assembly not later  
15 than January 15 of each year regarding the alternative  
16 batterers' pilot program. The judicial district shall  
17 submit a final report not later than August 1, 1998,  
18 regarding the pilot program.

19 This section is repealed effective June 30, 1998,  
20 except that the date for submission of the final  
21 report shall remain August 1, 1998."

22 2. Title page, line 3, by striking the word  
23 "and".

24 3. Title page, line 4, by inserting after the  
25 word "judges" the following: "establishing a pilot  
26 program, and establishing a repeal date".

27 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-5292

1 Amend Senate File 2355 as follows:

2 1. Page 1, line 17, by striking the word "four"  
3 and inserting the following: "two".

4 2. Page 1, line 18, by striking the word "per"  
5 and inserting the following: "every other".

ELAINE SZYMONIAK

S-5293

1 Amend Senate File 2355 as follows:

2 1. Page 1, by striking lines 22 through 28 and  
3 inserting the following:

4 "NEW SUBSECTION. 2A. A peace officer shall seize  
5 a weapon used in an assault or domestic abuse when  
6 arresting a person under subsection 2, paragraph "d",  
7 and, at the request of the victim, any weapon owned or  
8 possessed by the person.

9 A weapon seized under this subsection shall be  
10 returned to the person arrested or the owner if either  
11 of the following apply:

12 a. Not later than thirty days following the arrest  
13 or following the filing of a petition by the owner of  
14 the weapon, or at the time when the weapon is no  
15 longer needed as evidence in a criminal proceeding  
16 related to the arrest, whichever is later.

17 b. To the person arrested, not later than thirty  
18 days following the expiration of the first no-contact  
19 order issued against the person arrested following the  
20 arrest at which the weapon was seized."

ALLEN BORLAUG

S-5294

1 Amend Senate File 2446 as follows:

2 1. Page 1, line 16, by inserting after the word  
3 "horticulture." the following: "The president of the  
4 state horticulture society or the president's designee  
5 and the department shall consult and mutually agree on  
6 all expenditures of moneys in this subparagraph and on  
7 the filling of full-time equivalent positions, as  
8 allocated in this subparagraph."

9 2. By striking page 16, line 34, through page 17,  
10 line 10.

11 3. By renumbering as necessary.

BERL E. PRIEBE

S-5295

1 Amend Senate File 2442 as follows:

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

4 "b. Families who are at or between 101 percent and  
5 110 percent of the federal poverty level and who are  
6 employed at least 30 hours per week. Assistance  
7 provided to families pursuant to this paragraph shall

8 be provided in accordance with a sliding fee scale  
9 developed by the department. If an evaluation of  
10 expenditures for state child care assistance  
11 determines there is sufficient funding available, the  
12 department shall implement the provisions of this  
13 paragraph on or after January 2, 1997.”  
14 2. By renumbering and relettering as necessary.

MAGGIE TINSMAN

S-5296

1 Amend Senate File 2416 as follows:  
2 1. Page 1, line 9, by inserting after the word  
3 “misdemeanor.” the following: “As used in this  
4 section, a person, includes, but is not limited to, a  
5 public official and a public employee.”  
6 2. By renumbering as necessary.

MARY LUNDBY

S-5297

1 Amend Senate File 2247 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 “Section 1. Section 96.5, subsection 1, Code  
5 Supplement 1995, is amended by adding the following  
6 new paragraph:  
7 NEW PARAGRAPH. j. The individual is a temporary  
8 employee of a temporary employment firm who notifies  
9 the temporary employment firm of completion of an  
10 employment assignment and who seeks reassignment.  
11 Failure of the individual to notify the temporary  
12 employment firm of completion of an employment  
13 assignment within three working days of the completion  
14 of each employment assignment under a contract of hire  
15 shall be deemed a voluntary quit unless the individual  
16 was not advised in writing of the duty to notify the  
17 temporary employment firm upon completion of an  
18 employment assignment.  
19 For purposes of this paragraph:  
20 (1) “Temporary employee” means an individual who  
21 is employed by a temporary employment firm to provide  
22 services to clients to supplement their work force  
23 during absences, seasonal workloads, temporary skill  
24 or labor market shortages, and for special assignments  
25 and projects.  
26 (2) “Temporary employment firm” means a person  
27 engaged in the business of employing temporary

- 28 employees.”
- 29 2. By renumbering as necessary.

MARY E. KRAMER

S-5298

- 1 Amend Senate File 2442 as follows:
- 2 1. Page 9, by striking line 34 and inserting the
- 3 following:
- 4 “..... \$ 17,742,145”
- 5 2. Page 10, line 2, by striking the figure
- 6 “11,593,789” and inserting the following:
- 7 “13,395,934”.

JACK RIFE

S-5299

- 1 Amend Senate File 2186 as follows:
- 2 1. Page 12, line 12, by striking the figure
- 3 “805.8.” and inserting the following: “805.8, except
- 4 for moving traffic violations.”

RICHARD DRAKE

S-5300

- 1 Amend House File 2229, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 “Section 1. Section 96.5, subsection 1, Code
- 6 Supplement 1995, is amended by adding the following
- 7 new paragraph:
- 8 NEW PARAGRAPH. j. The individual is a temporary
- 9 employee of a temporary employment firm who notifies
- 10 the temporary employment firm of completion of an
- 11 employment assignment and who seeks reassignment.
- 12 Failure of the individual to notify the temporary
- 13 employment firm of completion of an employment
- 14 assignment within three working days of the completion
- 15 of each employment assignment under a contract of hire
- 16 shall be deemed a voluntary quit unless the individual
- 17 was not advised in writing of the duty to notify the
- 18 temporary employment firm upon completion of an
- 19 employment assignment.
- 20 For purposes of this paragraph:
- 21 (1) “Temporary employee” means an individual who
- 22 is employed by a temporary employment firm to provide

23 services to clients to supplement their work force  
 24 during absences, seasonal workloads, temporary skill  
 25 or labor market shortages, and for special assignments  
 26 and projects.  
 27 (2) "Temporary employment firm" means a person  
 28 engaged in the business of employing temporary  
 29 employees."  
 30 2. By renumbering as necessary.

MARY E. KRAMER

S-5301

1 Amend Senate File 2442 as follows:  
 2 1. By striking page 6, line 26, through page 7,  
 3 line 20.  
 4 2. Page 47, by striking lines 24 and 25.  
 5 3. By renumbering as necessary.

MERLIN E. BARTZ  
 JOHN P. KIBBIE

S-5302

1 Amend Senate File 2442 as follows:  
 2 1. Page 38, by inserting after line 12 the  
 3 following:  
 4 "\_\_\_ . For an individual who is dependent upon the  
 5 use of a ventilator for a minimum of eighteen hours  
 6 per day and is able to reside at the individual's home  
 7 with the assistance of a ventilator, the medical  
 8 equipment dealer shall be reimbursed for the actual  
 9 costs of the backup ventilator which is used in the  
 10 individual's home."  
 11 2. By renumbering as necessary.

JIM LIND  
 STEVEN D. HANSEN

S-5303

1 Amend Senate File 2266 as follows:  
 2 1. Page 2, by inserting after line 7 the  
 3 following:  
 4 "Sec. \_\_\_ . Section 321.52, Code Supplement 1995, is  
 5 amended by adding the following new subsection:  
 6 NEW SUBSECTION. 3A. A damaged motor vehicle  
 7 subject to registration, for which the cost of repair  
 8 exceeds one hundred percent of the fair market value  
 9 of the vehicle, as determined in accordance with rules



- 10 adopted by the department, shall be issued a junking  
11 certificate which shall state on the face of the  
12 certificate the following: "100% Damaged". The  
13 provisions of subsection 3 shall not apply to a one  
14 hundred percent damaged junking certificate issued  
15 under this subsection. A motor vehicle which has  
16 sustained damage of one hundred percent or more shall  
17 be sold only for parts or scrap to an authorized  
18 vehicle recycler, as defined in section 321H.2. The  
19 provisions of this subsection shall apply only to  
20 motor vehicles which are five model years old or  
21 less."  
22 2. Title page, line 2, by inserting after the  
23 word "permit," the following: "requiring issuance of  
24 one hundred percent damaged junking certificates."  
25 3. By renumbering as necessary.

EUGENE FRAISE

S-5304

- 1 Amend Senate File 2366 as follows:  
2 1. By striking page 5, line 35, through page 6,  
3 line 7, and inserting the following: "other funds  
4 legally available. The treasurer of state, in  
5 cooperation with the department of revenue and  
6 finance, shall implement procedures to ensure that  
7 state agencies are timely in making payments due under  
8 the financing agreements."

MICHAEL E. GRONSTAL

S-5305

- 1 Amend Senate File 2366 as follows:  
2 1. Page 6, line 28, by inserting after the word  
3 "financed." the following: "However, financing  
4 agreements for an energy conservation measure, as  
5 defined in section 7D.34, are exempt from the  
6 provisions of this subsection and section 8.46,  
7 subsection 2A, but are subject to the requirements of  
8 section 7D.34 or 473.20A."

MICHAEL GRONSTAL

S-5306

- 1 Amend House File 2399 as passed by the House as  
2 follows:

- 3 1. Page 1, line 11, by inserting after the word
- 4 "section" the following: "including but not limited
- 5 to establishing the duration of assistance".

STEWART IVERSON, Jr.

S-5307

- 1 Amend Senate File 2365 as follows:
- 2 1. Page 2, line 14, by inserting after the word
- 3 "funds" the following: "of a state government
- 4 deferred compensation plan".
- 5 2. Page 2, lines 15 and 16, by striking the words
- 6 "concerning the state's deferred compensation plan".

MICHAEL E. GRONSTAL

S-5308

- 1 Amend Senate File 2446 as follows:
- 2 1. Page 2, line 20, by striking the figure
- 3 "78.10" and inserting the following: "85.10".

DENNIS H. BLACK

S-5309

- 1 Amend Senate File 2442 as follows:
- 2 1. Page 29, by striking line 30 and inserting the
- 3 following:
- 4 "..... \$ 17,230,000"
- 5 2. Page 31, by inserting after line 11 the
- 6 following:
- 7 "\_\_\_\_. Of the funds appropriated in this section,
- 8 \$1,000,000 shall be distributed to counties in
- 9 accordance with the local purchase of service
- 10 provisions of subsection 7 and shall be used to
- 11 increase reimbursement for sheltered workshops."

BRAD BANKS

S-5310

- 1 Amend Senate File 2442 as follows:
- 2 1. Page 22, line 10, by striking the figure
- 3 "654,146" and inserting the following: "736,146".
- 4 2. Page 23, by striking lines 21 through 24.

ELAINE SZYMONIAK

S-5311

1 Amend Senate File 2281 as follows:  
2 1. Page 1, by striking lines 20 through 24 and  
3 inserting the following: "of public safety, and any  
4 other state agency. Any record, data, or information  
5 obtained by the division under this section and the  
6 division itself are subject to the federal and state  
7 confidentiality laws and regulations which are  
8 applicable to the original record, data, or  
9 information obtained by the division and to the  
10 original custodian of the record, data, or  
11 information. The access shall".

MICHAEL GRONSTAL

S-5312

1 Amend House File 2409, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 12, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 524.1802, subsection 1, Code  
6 1995, is amended to read as follows:  
7 1. a. A bank holding company shall not directly  
8 or indirectly acquire ownership or control of more  
9 than twenty-five percent of the voting shares of a  
10 bank, savings and loan association, or savings bank,  
11 or the power to control in any manner the election of  
12 a majority of the directors of a bank, savings and  
13 loan association, or savings bank if upon the  
14 acquisition the banks, savings and loan associations,  
15 and savings banks so owned or controlled by the bank  
16 holding company would have, in the aggregate, more  
17 than ten percent, or such greater percentage as  
18 determined under paragraph "b", of the total time and  
19 demand deposits of all banks, savings and loan  
20 associations, and savings banks in this state, as  
21 determined by the superintendent on the basis of the  
22 most recent reports of the banks, savings and loan  
23 associations, and savings banks in the state to their  
24 supervisory authorities which are available at the  
25 time of the acquisition.  
26 b. The percentage limitation set forth in  
27 paragraph "a" shall be thirteen percent for purposes  
28 of an acquisition which includes only an office which  
29 is located within a county with a population of more  
30 than thirty-three thousand or which the bank holding  
31 company agrees in writing with the superintendent to  
32 dispose of or close within three years of the

33 acquisition.

34 c. If the federal reserve board determines in an  
 35 application for approval of an acquisition pursuant to  
 36 12 U.S.C. § 1842(d), that any part of paragraph "b" is  
 37 a limitation which is not permitted by 12 U.S.C. §  
 38 1842(d)(2)(C), paragraph "b", in its entirety, shall  
 39 not apply to such acquisition."

40 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 JOANN DOUGLAS

S-5313

1 Amend Senate File 2446 as follows:

2 1. Page 3, line 4, by inserting after the letter  
 3 "'a'" the following: "and funded in paragraph "c"."

4 2. Page 3, line 35, by striking the words  
 5 "program planner" and inserting the following:  
 6 "position".

7 3. Page 10, by inserting after line 14 the  
 8 following:

9 "RELATED APPROPRIATIONS"

10 4. Page 11, by striking line 33.

11 5. By renumbering as necessary.

DENNIS H. BLACK

S-5314

1 Amend Senate File 2446 as follows:

2 1. Page 15, by inserting after line 20 the  
 3 following:

4 "Sec. \_\_\_\_ . NATIVE AMERICAN WAR MEMORIAL. The  
 5 department of natural resources may purchase, with  
 6 funds which become available under chapter 465A for  
 7 the fiscal year beginning July 1, 1996, and ending  
 8 June 30, 1997, lands on which to locate a native  
 9 American war memorial."

10 2. By renumbering as necessary.

WAYNE BENNETT

S-5315

1 Amend Senate File 401 as follows:

2 1. Page 1, lines 30 and 31, by striking the words  
 3 "work or production either by themselves or employees"  
 4 and inserting the following: "work or production  
 5 either by themselves or employees art or craft"

6 production".

7 2. Page 1, by inserting after line 32 the

8 following:

9 "Sec. \_\_\_\_ . Section 537.5201, subsection 1, Code

10 1995, is amended by adding the following new

11 paragraph:

12 NEW PARAGRAPH. bb. Check cashing practices under  
13 section 537.8101:

14 Sec. \_\_\_\_ . Section 537.6106, subsection 4, Code

15 1995, is amended to read as follows:

16 4. The administrator shall not make public the  
17 name or identity of a person whose acts or conduct the  
18 administrator investigates pursuant to this section or  
19 the facts disclosed in the investigation, but this  
20 subsection does not prohibit disclosures in actions or  
21 enforcement proceedings pursuant to this chapter.

22 However, a consumer complaint received by the  
23 administrator, including factual allegations which may  
24 be considered to violate this chapter, and responses  
25 to such complaints filed with the administrator, are  
26 public records under chapter 22, and this subsection  
27 shall not be interpreted so as to prevent the  
28 administrator from making public such complaints and  
29 responses.

30 Sec. \_\_\_\_ . Section 537.6113, subsection 2, Code

31 1995, is amended to read as follows:

32 2. The administrator may bring a civil action  
33 against a person to recover a civil penalty of no more  
34 than ~~five~~ ten thousand dollars for repeatedly and  
35 intentionally violating this chapter. ~~No~~ A civil  
36 penalty pursuant to this subsection ~~may~~ shall not be  
37 imposed for violations of this chapter occurring more  
38 than two years before the action is brought or for  
39 making unconscionable agreements or engaging in a  
40 course of fraudulent or unconscionable conduct."

41 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5316

1 Amend Senate File 401 as follows:

2 1. Page 1, line 4, by inserting before the word

3 "~~The~~" the following: "1."

4 2. Page 1, line 32, by striking the word

5 "Merchandise" and inserting the following:

6 "2. "Flea market" means a location, other than a  
7 permanent location for a retail store, at which space  
8 is rented, leased, or otherwise made available to  
9 others for the purpose of conducting business as a

- 10 transient merchant.  
 11 3. "Merchandise".  
 12 3. Page 1, by inserting after line 32 the  
 13 following:  
 14 "Sec. —. NEW SECTION. 9C.7A FLEA MARKETS --  
 15 PROHIBITED SALES.  
 16 A person conducting business as a transient  
 17 merchant at a flea market shall not sell, offer for  
 18 sale, or knowingly permit the sale of baby food,  
 19 infant formula, or similar product, or any  
 20 pharmaceutical, over-the-counter drug, cosmetic, or  
 21 medical device.  
 22 This section does not apply to a person who at all  
 23 times while engaged in business as a transient  
 24 merchant at a flea market makes available for public  
 25 inspection a valid identification certificate or card  
 26 identifying the person as an authorized representative  
 27 of a manufacturer or distributor of such  
 28 pharmaceutical, over-the-counter drug, cosmetic, or  
 29 medical device. Such certificate or card must be  
 30 issued by the manufacturer or distributor to be  
 31 valid."  
 32 4. Renumber as necessary.

MICHAEL GRONSTAL

S-5317

- 1 Amend Senate File 2396 as follows:  
 2 1. Page 1, lines 20 and 21, by striking the words  
 3 "owing by the debtor" and inserting the following:  
 4 "held".  
 5 2. Page 1, line 21, by striking the words "the  
 6 lease" and inserting the following: "a rental  
 7 agreement".

MARY NEUHAUSER

S-5318

- 1 Amend Senate File 2419 as follows:  
 2 1. Page 1, by striking lines 1 through 29 and  
 3 inserting the following:  
 4 "Sec. —. Section 11.6, subsection 4, Code 1995,  
 5 is amended by adding the following new paragraph:  
 6 NEW PARAGRAPH. d. The auditor of state receives  
 7 from the school budget review committee a written  
 8 request for a complete or partial reaudit of a school  
 9 district which had an undesignated fund deficit in a  
 10 statutory fund reported to the school budget review

11 committee in accordance with section 11.14. If the  
12 school district has not contracted with or employed a  
13 certified public accountant to perform an audit for  
14 the fiscal year in which the request is received by  
15 the auditor of state, the auditor may perform an audit  
16 required by subsection 1.

17 Sec. —. Section 11.14, Code 1995, is amended by  
18 adding the following new unnumbered paragraph after  
19 unnumbered paragraph 1:

20 NEW UNNUMBERED PARAGRAPH. If a report of an  
21 examination of a school district includes an  
22 undesignated fund deficit in a statutory fund, the  
23 auditor shall, by certified mail, notify the members  
24 of the board of directors of the school district and  
25 the chairperson of the school budget review committee,  
26 as established in section 257.30, that an audit  
27 contains an undesignated fund deficit.”

28 2. Page 6, by striking lines 24 through 26 and  
29 inserting the following:

30 NEW SUBSECTION. 17. The committee may request the  
31 auditor of state to conduct, in accordance with  
32 section 11.6, a complete or partial reaudit of a  
33 school district reported to the committee in  
34 accordance with section 11.14 because of an  
35 undesignated fund deficit in a statutory fund.”

36 3. Title page, line 6, by inserting after the  
37 word “districts,” the following: “tax certification  
38 filing dates for special levies.”

MARY NEUHAUSER  
STEWART IVERSON, Jr.

S-5319

1 Amend Senate File 2442 as follows:

2 1. Page 43, by striking lines 1 through 16 and  
3 inserting the following:

4 “NEW SUBSECTION. 5A. The department of human  
5 services may give approval to conversion of beds  
6 specializing in substance abuse treatment previously  
7 approved under subsection 5, paragraph “b”, to beds  
8 which are not specialized as referenced in subsection  
9 5, paragraph “a”. Beds converted under this  
10 subsection shall be in addition to the number of beds  
11 authorized under subsection 5, paragraph “a”.

12 However, the total number of beds approved under  
13 subsection 5 shall not exceed four hundred thirty.

14 Conversion of beds under this subsection shall not  
15 require a revision of the certificate of need issued

16 for the psychiatric institution making the  
17 conversion."

MIKE CONNOLLY  
JOHNIE HAMMOND

S-5320

1 Amend Senate File 2442 as follows:  
2 1. Page 37, line 9, by inserting before the word  
3 "In" the following: "Reimbursements made between July  
4 1, 1996, and June 30, 1997, under the outpatient  
5 hospital reimbursement system implemented pursuant to  
6 1994 Iowa Acts, chapter 1186, section 25, subsection  
7 1, paragraph "f", shall be retrospectively adjusted so  
8 that the reimbursement made is within a ten percent  
9 deviation of the lower of the cost of the charges for  
10 the services provided during the fiscal year ending  
11 June 30, 1996, as adjusted to reflect actual changes  
12 in inflation, increased insureds, utilization per  
13 insured, and acuity of service."

ELAINE SZYMONIAK  
MARY NEUHAUSER

S-5321

1 Amend House File 2383, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 481A.55, unnumbered paragraph  
6 1, Code 1995, is amended to read as follows:  
7 Except as otherwise provided, a person shall not  
8 buy or sell, dead or alive, a bird or animal or any  
9 part of one which is protected by this chapter, but  
10 this section does not apply to fur-bearing animals,  
11 and the skins, plumage, and antlers of legally taken  
12 game. This section does not prohibit the purchase of  
13 jackrabbits from sources outside this state. This  
14 section does not prohibit a commercial processor from  
15 disposing of unclaimed game for not more than the cost  
16 of processing and storage of the game. The processor  
17 must notify the owner that the game will be disposed  
18 of at least thirty days before the date of disposal.  
19 A person shall not purchase, sell, barter, or offer to  
20 purchase, sell, or barter for millinery or ornamental  
21 use the feathers of migratory game birds; and a person  
22 shall not purchase, sell, barter, or offer to  
23 purchase, sell, or barter mounted specimens of



24 migratory game birds.

25 Sec. 2. Section 481A.57, Code 1995, is amended to  
26 read as follows:

27 481A.57 POSSESSION AND STORAGE.

28 A person having lawful possession of ~~game or fur-~~  
29 bearing animals or their pelts may hold them for not  
30 to exceed ~~thirty~~ sixty days after the close of the  
31 open season for ~~such game or the~~ furbearers. A permit  
32 to hold a furbearer for a longer period may be granted  
33 by the department. A person having lawful possession  
34 of game may hold them for a period of one year."

35 2. By renumbering as necessary.

BERL E. PRIEBE  
ALLEN BORLAUG

S-5322

1 Amend Senate File 2446 as follows:

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

4 "3. To Iowa state university for supporting a  
5 person connected with the United States department of  
6 agriculture who engages in animal control, for  
7 purposes of contributing to the control of animals,  
8 and especially predators, which pose a threat to this  
9 state's agriculture:

10 ..... \$ 50,000"

11 2. By renumbering as necessary.

BRAD BANKS  
DENNIS H. BLACK  
BERL E. PRIEBE

S-5323

1 Amend Senate File 2446 as follows:

2 1. By striking page 13, line 20, through page 14,  
3 line 8, and inserting the following:

4 "Sec. \_\_\_\_ IOWA AGRICULTURE 2000 CONFERENCE.

5 There is appropriated from the general fund of the  
6 state to Iowa state university for the fiscal year  
7 beginning July 1, 1996, and ending June 30, 1997, the  
8 following amount, or so much thereof as is necessary,  
9 to be used for the purpose designated:

10 To support Iowa state university, in cooperation  
11 with the farm section of the attorney general's  
12 office, in sponsoring an Iowa agriculture 2000  
13 conference, with assistance provided by the department  
14 of agriculture and land stewardship and Iowa commodity

15 organizations, for independent agricultural producers  
16 and other persons interested in the future of Iowa  
17 agriculture:

18 ..... \$ 80,000

19 Moneys appropriated by this section shall be used  
20 to defray expenses incurred by Iowa state university  
21 and the farm section of the attorney general's office  
22 in planning and sponsoring the conference."

23 2. By renumbering as necessary.

DERRYL McLAREN  
DENNIS H. BLACK  
BRAD BANKS

S-5324

1 Amend the amendment, S-5258, to Senate File 2446,  
2 as follows:

3 1. Page 2, line 1, by inserting after the word  
4 "operations." the following: "However, the attorney  
5 general's office shall not investigate an anonymous  
6 report of a suspected violation which is communicated  
7 by a person using the toll-free telephone number. A  
8 person commits a serious misdemeanor, on the third  
9 occasion that the attorney general conducts an  
10 investigation of an animal feeding operation based  
11 upon the third report of a suspected violation by the  
12 person using the toll-free telephone number, and each  
13 report is frivolous or based upon malice and  
14 unsupported by facts."

MARY LUNDBY

S-5325

1 Amend Senate File 2399 as follows:

2 1. Page 2, line 27, by inserting after the word  
3 "considered" the following: "as harming or".  
4 2. Page 2, by striking line 28 and inserting the  
5 following: "however, if a child has suffered a  
6 significant injury or is at risk of suffering a  
7 significant injury, this provision shall not be  
8 construed to preclude the department from initiating  
9 court proceedings to secure medical treatment or to  
10 preclude a court from".  
11 3. Page 2, lines 29 and 30, by striking the words  
12 "where the child's health requires it" and inserting

13 the following: "where the child's health requires  
14 it".

ELAINE SZYMONIAK

S-5326

1 Amend Senate File 2355 as follows:  
2 1. Page 1, line 10, by striking the word "twelve"  
3 and inserting the following: "six".  
4 2. Page 1, lines 16 and 17, by striking the words  
5 "under this subsection".  
6 3. Page 1, line 17, by striking the words "at  
7 least four hours of".

RANDAL J. GIANNETTO

S-5327

1 Amend Senate File 2446 as follows:  
2 1. Page 16, by inserting after line 33 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 166D.10, Code 1995, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 4. In addition to other  
7 applicable requirements of this section, feeder swine  
8 shall not be moved into this state from another state  
9 except to slaughter, unless the feeder swine are  
10 vaccinated by a differentiable vaccine within ninety  
11 days of arrival in this state."

STEWART IVERSON, Jr.  
JOHN P. KIBBIE  
BRAD BANKS  
BERL E. PRIEBE

S-5328

1 Amend Senate File 2333 as follows:  
2 1. Page 1, by inserting after line 9 the  
3 following:  
4 "Personal information shall be disclosed to a  
5 requestor if the individual whose personal information  
6 is requested has not elected to prohibit disclosure of  
7 the information to the general public. The department  
8 shall give notice in a clear and conspicuous manner on  
9 forms for issuance or renewal of driver's licenses,  
10 titles, registrations, or nonoperator's identification  
11 cards that personal information collected by the  
12 department may be disclosed to any person. The

13 department shall provide in a clear and conspicuous  
 14 manner on these forms an opportunity for an individual  
 15 to prohibit disclosure of personal information to the  
 16 general public. As used in this paragraph, "personal  
 17 information" means information that identifies a  
 18 person, including a person's photograph, social  
 19 security number, driver's license number, name,  
 20 address, telephone number, and medical or disability  
 21 information, but does not include information on  
 22 vehicular accidents, driving violations, and driver's  
 23 status or a person's zip code.

24 Sec. 2. CONDITIONAL REPEAL. In the event that the  
 25 requirements to provide for closure of records of the  
 26 state department of transportation as contained in 18  
 27 U.S.C. § 2721 et seq., are repealed, or are declared  
 28 to be unconstitutional by a federal court of competent  
 29 jurisdiction, the amendment to section 321.11, as  
 30 contained in this Act, is repealed. The director of  
 31 the state department of transportation shall make a  
 32 determination that the federal law has been repealed  
 33 or declared unconstitutional and in that event shall  
 34 provide for immediate implementation of section  
 35 321.11, as it existed prior to the enactment of this  
 36 Act, through the rulemaking procedures of chapter 17A.  
 37 The director shall also propose to the general  
 38 assembly pursuant to section 2.16 necessary changes of  
 39 the Code. The Code editor may also include such  
 40 necessary changes in the next Code editor's bill."  
 41 2. Title page, line 1, by inserting after the  
 42 word "providing" the following: "a conditional repeal  
 43 and".  
 44 3. By renumbering as necessary.

LARRY MURPHY

S-5329

1 Amend Senate File 2289 as follows:  
 2 1. Page 3, by inserting after line 1 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 904.701, Code Supplement 1995,  
 5 is amended by adding the following new subsection:  
 6 NEW SUBSECTION. 1A. a. An inmate of an  
 7 institution who is within five years of release shall  
 8 participate in a steps-for-success program. The  
 9 inmate shall agree to participate in programs or  
 10 activities designed to improve the inmate's chances  
 11 for success once released from the institution which  
 12 shall include at least thirty hours per week of hard  
 13 labor and may include any of the following:

14 (1) Completion of a general equivalency degree or  
15 attainment of other educational competence,  
16 commensurate with the inmate's ability.

17 (2) Vocational training.

18 (3) Completion of required treatment programs,  
19 such as sex offender or substance abuse treatment  
20 programs.

21 (4) A community class designed to familiarize the  
22 inmate with programs and benefits existing in the  
23 community to aid in the inmate's transition from the  
24 institution and into the community and to make the  
25 inmate aware of the inmate's responsibilities to the  
26 community.

27 (5) A life skills class.

28 The steps-for-success program shall require  
29 approximately fifty hours of the inmate's time per  
30 week. Failure to abide by the terms agreed to by the  
31 inmate may lead to a loss of time earned toward  
32 reducing the inmate's sentence. Successful completion  
33 of the program components may qualify the inmate for  
34 good conduct time.

35 b. An inmate who is between five and ten years  
36 from anticipated release shall also enter into an  
37 agreement providing for at least thirty hours per week  
38 of hard labor, completion of educational competence,  
39 the community class, and special programs relating to  
40 the offense committed by the inmate as recommended by  
41 the inmate's counselor. Completion of programs under  
42 the agreement may qualify the inmate for good conduct  
43 time.

44 c. Prisoners who are over ten years from release  
45 or who have been incarcerated for life may participate  
46 in a program of restorative justice designed to help  
47 the inmate partially repay society for the losses  
48 caused by the inmate. Restorative justice programs  
49 shall include at least thirty hours per week of hard  
50 labor and may include college courses leading toward a

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1 degree in teaching or computer science which degree  
2 could be used within the institution to teach other  
3 inmates, teaching other inmates unique or socially  
4 valuable skills such as carpentry or gardening,  
5 researching and leading discussion groups on positive  
6 subjects such as good grooming, language skills, or  
7 interviewing skills, or contributing to the good  
8 appearance of the institution. Completion of the  
9 programs may qualify the inmate for good conduct  
10 time."

- 11 2. Page 3, lines 6 and 7, by striking the words  
 12 "which shall average, as nearly as possible, forty  
 13 hours each week" and inserting the following:  
 14 "designed to show an inmate how to assume  
 15 responsibility, work hard, and complete projects".  
 16 3. Page 3, lines 8 and 9, by striking the words  
 17 "treatment or education programs," and inserting the  
 18 following: "treatment programs,".

JOHNNIE HAMMOND

S-5330

- 1 Amend Senate File 2415 as follows:  
 2 1. Page 2, line 20, by striking the word "Assess"  
 3 and inserting the following: "Develop an instrument  
 4 and procedure for assessing".  
 5 2. Page 2, by striking line 30 and inserting the  
 6 following:  
 7 "\_\_\_ . Develop an instrument and procedure for  
 8 evaluating".  
 9 3. Page 3, line 6, by striking the words  
 10 "Function as" and inserting the following: "Promote  
 11 and aid in the establishment of".  
 12 4. Page 3, by striking lines 28 through 31 and  
 13 inserting the following:  
 14 "\_\_\_ . Cooperate with organizations, colleges,  
 15 universities, and other research-based institutions to  
 16 encourage research on environmental education as  
 17 called for in the state environmental education plan."  
 18 5. Page 5, by striking line 28 and inserting the  
 19 following: "2, fifty percent of any funds  
 20 appropriated by the general assembly for purposes of  
 21 this section shall be".  
 22 6. Page 5, lines 30 and 31, by striking the words  
 23 "One million one hundred thousand dollars" and  
 24 inserting the following: "The other fifty percent of  
 25 any funds appropriated by the general assembly for  
 26 purposes of this section".  
 27 7. By striking page 9, line 22, through page 10,  
 28 line 4, and inserting the following:  
 29 "\_\_\_ . The program shall be administered  
 30 cooperatively by the department of education and the  
 31 department of natural resources."  
 32 8. By renumbering, relettering, and redesignating  
 33 as necessary.

COMMITTEE ON APPROPRIATIONS  
 LARRY MURPHY, Chairperson

S-5331

1 Amend House File 2390, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_ . NEW SECTION. 159B.1 DEFINITIONS.

6 As used in this section, unless the context  
7 otherwise requires:

8 1. "Council" means the state livestock council  
9 established in section 159B.2.

10 2. "Livestock" means an animal belonging to the  
11 bovine, caprine, equine, ovine, or porcine species;  
12 ostriches, rheas, emus; farm deer, as defined in  
13 section 481A.1; or poultry.

14 Sec. \_\_\_\_ . NEW SECTION. 159B.2 ESTABLISHMENT OF  
15 THE STATE LIVESTOCK COUNCIL.

16 1. A state livestock council is established within  
17 the department. The council shall be composed of  
18 persons interested in the production and marketing of  
19 livestock. The members of the council shall include  
20 the following:

21 a. The governor, or a person designated by and  
22 representing the governor.

23 b. The secretary, or a person designated by the  
24 secretary, who shall represent the department of  
25 agriculture and land stewardship.

26 c. The attorney general, or an assistant attorney  
27 general designated by the attorney general, who shall  
28 represent the department of justice.

29 d. The director of the Iowa cooperative extension  
30 service in agriculture and home economics at Iowa  
31 state university, or a person designated by the  
32 director, who shall represent the service.

33 e. A person appointed by the secretary who is  
34 knowledgeable regarding brands and livestock branding.

35 f. Two cattle producers appointed by the Iowa  
36 cattlemen's association, who serve on the  
37 association's board of directors, to represent the  
38 association.

39 g. Two swine producers appointed by the Iowa pork  
40 producers association, who serve on the association's  
41 board of directors, to represent the association.

42 h. One sheep producer appointed by the Iowa sheep  
43 producers association, who serves on the association's  
44 board of directors, to represent the association.

45 i. One poultry producer appointed by the Iowa  
46 poultry association, who serves on the association's  
47 board of directors, to represent the association.

48 j. One milk producer appointed by the Iowa dairy

49 products association, who serves on the association's  
50 board of directors, to represent the association.

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1 k. One person involved in marketing livestock  
2 appointed by the Iowa livestock auction markets  
3 association, to represent the association.

4 l. One member appointed by the governor who shall  
5 represent a horse association, which may include the  
6 jockey club, American quarter horse association, or  
7 United States trotting association, who serves on the  
8 respective association's board of directors, to  
9 represent the person's association.

10 m. A member appointed by the governor who shall  
11 represent an association of other livestock producers,  
12 including farm deer, ostriches, rheas, and emus, who  
13 serves on the respective association's board of  
14 directors, to represent that person's association.

15 2. The governor shall serve as chairperson of the  
16 council, or appoint a member of the council who is  
17 actively engaged in livestock production as  
18 chairperson of the council, who shall be subject to  
19 confirmation by the senate, pursuant to section 2.32.

20 3. The members appointed pursuant to subsection 1,  
21 paragraphs "e" through "m", shall serve three-year  
22 terms beginning and ending as provided in section  
23 69.19. However, the governor shall provide that  
24 initial members serve for less than three years to  
25 ensure that members serve staggered terms. A member  
26 is eligible for reappointment. A vacancy on the  
27 council shall be filled for the unexpired portion of  
28 the regular term in the same manner as regular  
29 appointments are made.

30 4. The council shall include four ex officio  
31 nonvoting members who shall be legislative members.  
32 The legislative members are two state senators, one  
33 appointed by the president of the senate, after  
34 consultation with the majority leader of the senate,  
35 and one appointed by the minority leader of the  
36 senate, after consultation with the president of the  
37 senate, from their respective parties; and two state  
38 representatives appointed by the speaker of the house  
39 of representatives, after consultation with the  
40 majority leader and the minority leader of the house  
41 of representatives, from their respective parties.

42 5. The council shall meet on a regular basis and  
43 at the call of the chairperson or upon the written  
44 request to the chairperson of two or more voting  
45 members.



46 6. The members other than those enumerated in  
 47 subsection 1, paragraphs "a" through "d", shall  
 48 receive compensation as provided in section 7E.6.  
 49 7. Eight voting members constitute a quorum and  
 50 the affirmative vote of a majority of the voting

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1 members present is necessary for any substantive  
 2 action to be taken by the council. The majority shall  
 3 not include any member who has a conflict of interest  
 4 and a statement by a member that the member has a  
 5 conflict of interest is conclusive for this purpose.  
 6 A vacancy in the membership does not impair the duties  
 7 of the council.

8 8. The council shall be staffed by personnel of  
 9 the department as provided by the secretary.

10 Sec. —. NEW SECTION. 159B.3 PURPOSE.

11 The purpose of the council is to oversee conditions  
 12 affecting the livestock industry, including state,  
 13 national, and international factors which affect the  
 14 industry, in order to recommend solutions benefiting  
 15 livestock production in Iowa and to better provide for  
 16 the prosperity of Iowa livestock producers. The  
 17 council shall oversee and monitor the operations of  
 18 governmental agencies relating to issues affecting  
 19 livestock, and advise the governor, the general  
 20 assembly, and those agencies regarding the  
 21 administration of producer support programs; criminal  
 22 acts involving livestock; the promotion of livestock  
 23 health; the transportation of livestock; practices of  
 24 livestock dealers; the inspection of slaughter  
 25 facilities; livestock identification; and the  
 26 promotion, marketing, and export of livestock and  
 27 livestock products.

28 Sec. —. NEW SECTION. 159B.4 POWERS AND DUTIES.

29 In carrying out its purpose, the council shall do  
 30 all of the following:

31 1. Cooperate with, sponsor, and assist in the  
 32 coordination of joint activities conducted by, and  
 33 share information and recommendations of interest with  
 34 the governor, the department, the department of  
 35 justice, the Iowa cooperative extension service in  
 36 agriculture and home economics at Iowa state  
 37 university, the general assembly, livestock producers,  
 38 and other persons interested in livestock.

39 2. Cooperate with, sponsor, and assist in the  
 40 coordination of joint activities conducted by, and  
 41 share information and recommendations of interest with  
 42 the department, the agricultural products advisory

43 council established pursuant to section 15.203, the  
 44 state pseudorabies advisory committee established  
 45 pursuant to section 166D.3, the Iowa state fair  
 46 authority established pursuant to section 173.1, the  
 47 agricultural development authority established in  
 48 section 175.3, the executive committee of the Iowa  
 49 beef cattle producers association established in  
 50 section 181.3, the sheep and wool promotion board ,

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1 established pursuant to section 182.4, the Iowa pork  
 2 producers council established pursuant to section  
 3 183A.2, the Iowa egg council established pursuant to  
 4 section 196A.4, and the livestock health advisory  
 5 council established pursuant to section 267.2.  
 6 3. Prepare reports and recommendations regarding  
 7 methods to maximize the efficiency and effectiveness  
 8 of governmental operations affecting livestock  
 9 production. The council shall examine practices  
 10 involving the use of brands and tattoos and the  
 11 administration of brands and tattoos pursuant to  
 12 chapter 169A."  
 13 2. Title page, line 1, by inserting after the  
 14 word "Act" the following: "relating to livestock by  
 15 establishing a state livestock council and".  
 16 3. By renumbering as necessary.

PATTY JUDGE

S-5332

1 Amend the amendment, S-5299, to Senate File 2186 as  
 2 follows:  
 3 1. Page 1, line 4, by inserting after the word  
 4 "violations" the following: "or violations of  
 5 sections 321.449, 321.450, or chapters 325, 326, 327,  
 6 or 327A".

RICHARD F. DRAKE

S-5333

1 Amend Senate File 2186 as follows:  
 2 1. Page 4, by inserting after line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 321A.6, Code 1995, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 5. If, prior to the date that the  
 7 department would otherwise suspend the person's

8 license and registration or nonresident's operating  
9 privilege under section 321A.5, evidence of either of  
10 the following is filed with the department:

- 11 a. Evidence that the person made diligent and  
12 reasonable efforts to locate the prospective  
13 claimants, but was unable to do so.
- 14 b. Evidence that the person made a written request  
15 by restricted certified mail in an effort to settle  
16 the claim and no response was made to the request  
17 within thirty days of the request."
- 18 2. By renumbering as necessary.

DONALD B. REDFERN

S-5334

- 1 Amend Senate File 2223 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and  
3 inserting the following: "into an agriculture well,  
4 the owner shall remove the".

MARY LOU FREEMAN

S-5335

- 1 Amend Senate File 2385 as follows:
- 2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. NEW SECTION. 46.26 CONGRESSIONAL  
5 DISTRICT DEFINED.  
6 As used in this chapter, "congressional district"  
7 means those districts established following the most  
8 recent federal decennial census and described in  
9 chapter 40.  
10 Sec. 2. Section 46.1, Code 1995, is amended to  
11 read as follows:  
12 46.1 APPOINTMENT OF STATE JUDICIAL NOMINATING  
13 COMMISSIONERS.  
14 The governor shall appoint, subject to confirmation  
15 by the senate, one eligible elector of each  
16 congressional district to the state judicial  
17 nominating commission for a six-year term beginning  
18 and ending as provided in section 69.19. The terms of  
19 no more than ~~three~~ two nor less than ~~two~~ one of the  
20 members shall expire within the same two-year period.  
21 No more than a simple majority of the members  
22 appointed shall be of the same gender.  
23 Sec. 3. Section 46.2, Code 1995, is amended to  
24 read as follows:  
25 46.2 ELECTION OF STATE JUDICIAL NOMINATING

## 26 COMMISSIONERS.

27 The resident members of the bar of each  
28 congressional district shall elect one eligible  
29 elector of the district to the state judicial  
30 nominating commission for a six-year term beginning  
31 July 1. The terms of no more than ~~three~~ two nor less  
32 than ~~two~~ one of the members shall expire within the  
33 same two-year period, the expiration dates being  
34 governed by the expiration dates of the terms of the  
35 original appointive members. The members of the bar  
36 of the respective congressional districts shall in  
37 January, immediately preceding the expiration of the  
38 term of a member of the commission, elect a successor  
39 for a like term. For the first elective term open on  
40 or after July 1, ~~1987~~ 1997, in the ~~odd-numbered~~  
41 congressional districts four and five the elected  
42 member shall be a woman and in the ~~even-numbered~~  
43 congressional districts one, two, and three the  
44 elected member shall be a man. Thereafter, the  
45 districts shall alternate between women and men  
46 elected members.

## 47 Sec. 4. TRANSITION.

48 1. The term of the male commissioner who resides  
49 in congressional district one, as described in chapter  
50 40, and was elected to otherwise serve a term expiring

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1 on June 30, 1999, shall expire on April 30, 1996, and  
2 that commissioner shall not be replaced. Any election  
3 to replace that commissioner held before the effective  
4 date of this Act shall be a nullity.

5 2. The term of the male commissioner who resides  
6 in congressional district three, as described in  
7 chapter 40, and was appointed by the governor to  
8 otherwise serve a term expiring on April 30, 2001,  
9 shall expire on April 30, 1996, and that commissioner  
10 shall not be replaced. Any appointment made by the  
11 governor to replace that commissioner before the  
12 effective date of this Act shall be a nullity.

13 3. The terms of those commissioners appointed by  
14 the governor who reside in congressional district  
15 four, as described in chapter 40, shall expire on  
16 April 30, 1996, and the governor shall appoint one  
17 male commissioner for congressional district four  
18 pursuant to section 46.1, except that the term shall  
19 expire April 30, 1997. Thereafter, governor's  
20 appointees shall serve six-year terms as provided in  
21 section 46.1.

22 4. The term of the commissioner who resides in

23 congressional district four, as described in chapter  
 24 40, and was elected to otherwise serve a term expiring  
 25 on June 30, 1997, shall expire on April 30, 1996, and  
 26 that commissioner shall not be replaced. Any election  
 27 to replace that commissioner held before the effective  
 28 date of this Act shall be a nullity.

29 Sec. 5. EFFECTIVE AND APPLICABILITY DATES. This  
 30 Act, being deemed of immediate importance, takes  
 31 effect upon enactment and applies to appointive terms  
 32 ending on April 30, 1996, and thereafter, and to  
 33 elective terms ending on April 30, 1996, and  
 34 thereafter, as provided in this Act."

35 2. Title page, by striking lines 1 through 3 and  
 36 inserting the following: "An Act relating to  
 37 appointment and election of state judicial nominating  
 38 commissioners and providing effective and  
 39 applicability dates and transition provisions."

MARY NEUHAUSER

S-5336

1 Amend Senate File 2445 as follows:

2 1. Page 1, by striking lines 24 through 28 and  
 3 inserting the following:

4 "Notwithstanding section 8.33, moneys appropriated  
 5 in this section which remain unexpended or unobligated  
 6 at the close of the fiscal year shall not revert to  
 7 the rebuild Iowa infrastructure fund but shall remain  
 8 available for expenditure until June 30, 1998."

9 2. Page 2, by striking lines 8 through 11 and  
 10 inserting the following:

11 "2. Notwithstanding section 8.33, moneys  
 12 appropriated in this section which remain unexpended  
 13 or unobligated at the close of the fiscal year shall  
 14 not revert to the rebuild Iowa infrastructure fund but  
 15 shall remain available for expenditure until June 30,  
 16 1998."

LARRY MURPHY

S-5337

1 Amend Senate File 2386 as follows:

2 1. Page 1, line 29, by inserting after the words  
 3 "material rental" the following: "provided the person  
 4 informs the owner, the owner's agent, or trustee at  
 5 the time of rental of the material that the person has  
 6 a lien upon the building, improvement, or land to

7 secure payment for rental of the material".

8 2. By renumbering as necessary.

WILLIAM D. PALMER

S-5338

1 Amend Senate File 2350 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 96.3A SELF-EMPLOYMENT  
5 ASSISTANCE PROGRAM.

6 1. DEFINITIONS. As used in this section, unless  
7 the context otherwise requires:

8 a. "Self-employment assistance activities" means  
9 activities approved by the commissioner in which an  
10 individual participates for the purpose of  
11 establishing a business and becoming self-employed.  
12 "Self-employment assistance activities" includes, but  
13 is not limited to, entrepreneurial training, business  
14 counseling, and technical assistance.

15 b. "Self-employment assistance allowance" means an  
16 allowance payable, in lieu of regular benefits, from  
17 the unemployment compensation fund established in  
18 section 96.9 to an individual who meets the  
19 requirements of this section.

20 2. AMOUNT OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCE.

21 The weekly allowance payable under this section to an  
22 individual shall be equal to the weekly benefit amount  
23 for regular benefits otherwise payable pursuant to  
24 section 96.3. The maximum total amount of regular  
25 benefits and self-employment assistance allowances  
26 payable to an eligible individual during a benefit  
27 year shall, notwithstanding the maximum benefits as  
28 established by section 96.3, subsection 5, not exceed  
29 the lesser of the total of the wage credits accrued in  
30 the individual's account during the base period or  
31 twenty times the individual's weekly benefit amount.

32 3. ELIGIBILITY. The following eligibility  
33 requirements apply to the payment of a self-employment  
34 assistance allowance under this section.

35 a. An individual may receive a self-employment  
36 assistance allowance if the following requirements are  
37 met:

38 (1) The individual is eligible to receive regular  
39 benefits or would be eligible to receive regular  
40 benefits except for the requirements described in  
41 paragraph "b".

42 (2) The individual is identified by a worker  
43 profiling system as an individual likely to exhaust

44 regular benefits.

45 (3) The individual has filed an application for  
46 participation in the self-employment assistance  
47 program within sixty days of filing an initial  
48 application for regular benefits and has provided the  
49 information the commissioner may prescribe.

50 (4) The individual is still eligible for, at the

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1 time the application is filed, regular benefits equal  
2 to at least eighteen times the individual's weekly  
3 benefits amount and at least eighteen weeks remain in  
4 the individual's benefit year.

5 (5) The individual has been accepted into and is  
6 participating full-time in self-employment assistance  
7 activities.

8 (6) The individual has filed a weekly claim for  
9 the self-employment assistance allowance and provides  
10 the information the commissioner prescribes, including  
11 a log of self-employment activities.

12 (7) The individual has not previously participated  
13 in a self-employment assistance program.

14 (8) The individual seeks to become self-employed  
15 through participation in the self-employment  
16 assistance program and receipt of the self-employment  
17 assistance allowance under this section in an  
18 occupation or business for which the commission has  
19 determined there is a demand in the market.

20 (9) The individual seeks to become self-employed  
21 through participation in the self-employment  
22 assistance program and receipt of the self-employment  
23 assistance allowance under this section in an  
24 occupation or business that does not compete with any  
25 business or service offered to the public by either  
26 the employer who most recently employed the individual  
27 prior to the individual filing the application for  
28 participation in the self-employment assistance  
29 program or any employer from whom the individual  
30 received wage credits in the individual's base period.

31 b. A self-employment assistance allowance is  
32 payable to an individual at the same interval, on the  
33 same terms, and subject to the same conditions as  
34 regular benefits except for the following:

35 (1) The requirements of this chapter relating to  
36 availability for work and active search for work are  
37 not applicable to the individual.

38 (2) The requirements of this chapter relating to  
39 refusal to accept work are not applicable to the  
40 individual.

41 (3) The requirements of this chapter relating to  
42 self-employment income are not applicable to the  
43 individual.

44 (4) An individual who meets the requirements of  
45 this section shall be considered to be totally  
46 unemployed.

47 (5) An individual who fails to participate in  
48 self-employment assistance activities or who fails to  
49 actively engage on a full-time basis in activities,  
50 which may include training, related to establishing a

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1 business and becoming self-employed shall be  
2 disqualified for the week the failure occurs. If an  
3 individual is disqualified under this subparagraph for  
4 two consecutive weeks or for any three weeks while  
5 participating in the self-employment assistance  
6 program, the individual shall be removed from the  
7 program and disqualified from receiving any benefits  
8 under this chapter until the individual has  
9 requalified as provided in this section.

10 c. An individual who has received a self-  
11 employment assistance allowance under this section  
12 shall be disqualified for benefits under this chapter  
13 once the individual has left or been removed from the  
14 self-employment assistance program, including the  
15 situation when an individual has left the program upon  
16 receiving the maximum total of payments under  
17 subsection 2, until the individual has worked in and  
18 been paid wages for insured work equal to ten times  
19 the individual's weekly benefit amount after having  
20 left or been removed from the program, and provided  
21 the individual is otherwise eligible.

22 4. LIMITATION ON NUMBER OF INDIVIDUALS RECEIVING A  
23 SELF-EMPLOYMENT ASSISTANCE ALLOWANCE. The number of  
24 individuals receiving a self-employment assistance  
25 allowance at any time shall not exceed five per cent  
26 of the number of individuals receiving regular  
27 benefits at that time.

28 5. FINANCING. Self-employment assistance  
29 allowances paid pursuant to this section shall be  
30 charged to employers as provided under section 96.7  
31 relating to the charging of regular benefits.

32 6. EFFECTIVE DATE AND TERMINATION DATE. This  
33 section is effective for the weeks beginning on or  
34 after the effective date of this Act or beginning on  
35 or after the date any plan providing for a self-  
36 employment assistance program required by the United  
37 States department of labor is approved, whichever date



38 is later. This section is void as of the end of the  
39 week preceding the date when federal law no longer  
40 authorizes the provision of a self-employment  
41 assistance program, unless the date is a Saturday, in  
42 which case this section is void as of that date, or  
43 July 1, 1998, whichever occurs first.

44 Sec. 2. Section 96.6, subsection 2, Code  
45 Supplement 1995, is amended to read as follows:  
46 2. INITIAL DETERMINATION. A representative  
47 designated by the commissioner shall promptly notify  
48 all interested parties, including all employers  
49 identified in section 96.3A, subsection 3, paragraph  
50 "a", subparagraph (9), to the claim of its filing, and

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1 the parties have ten days from the date of mailing the  
2 notice of the filing of the claim by ordinary mail to  
3 the last known address to protest payment of benefits  
4 to the claimant. The representative shall promptly  
5 examine the claim and any protest, take the initiative  
6 to ascertain relevant information concerning the  
7 claim, and, on the basis of the facts found by the  
8 representative, shall determine whether or not the  
9 claim is valid, the week with respect to which  
10 benefits shall commence, the weekly benefit amount  
11 payable and its maximum duration, and whether any  
12 disqualification shall be imposed. The claimant has  
13 the burden of proving that the claimant meets the  
14 basic eligibility conditions of section 96.3A or 96.4.  
15 The employer has the burden of proving that the  
16 claimant is disqualified for benefits pursuant to  
17 section 96.5. However, the claimant has the initial  
18 burden to produce evidence showing that the claimant  
19 is not disqualified for benefits in cases involving  
20 section 96.5, subsection 1, paragraphs "a" through  
21 "h", and subsection 10. Unless the claimant or other  
22 interested party, after notification or within ten  
23 calendar days after notification was mailed to the  
24 claimant's last known address, files an appeal from  
25 the decision, the decision is final and benefits shall  
26 be paid or denied in accordance with the decision. If  
27 an administrative law judge affirms a decision of the  
28 representative, or the appeal board affirms a decision  
29 of the administrative law judge allowing benefits, the  
30 benefits shall be paid regardless of any appeal which  
31 is thereafter taken, but if the decision is finally  
32 reversed, no employer's account shall be charged with  
33 benefits so paid and this relief from charges shall  
34 apply to both contributory and reimbursable employers,

35 notwithstanding section 96.8, subsection 5.”  
36 2. Title page, by striking lines 1 through 4 and  
37 inserting the following: “An Act establishing a self-  
38 employment assistance program and providing an  
39 effective date and a termination date.”

ROBERT DVORSKY

S-5339

1 Amend the Amendment, S-5328, to Senate File 2333 as  
2 follows:  
3 1. Page 1, by inserting after line 23 the  
4 following:  
5 “Notwithstanding any other provisions of this  
6 section to the contrary, the department shall not  
7 release personal information to a person, other than  
8 to an officer or employee of a law enforcement agency,  
9 if the information is requested by the presentation of  
10 a registration plate number. However, a law  
11 enforcement agency may release the name, address, and  
12 telephone number of a motor vehicle registrant to a  
13 person requesting the information by the presentation  
14 of a registration plate number if the law enforcement  
15 agency believes that the information is necessary to  
16 prevent an unlawful act. A person seeking the  
17 information must state in writing the nature of the  
18 unlawful act that the person is attempting to  
19 prevent.”

MICHAEL E. GRONSTAL

S-5340

1 Amend the amendment, S-5305, to Senate File 2366,  
2 as follows:  
3 1. Page 1, line 8, by inserting after the figure  
4 “473.20A.” the following: “In addition, financing  
5 agreements funded through the materials and equipment  
6 revolving fund established in section 307.47 are  
7 exempt from the provisions of this subsection and  
8 section 8.46, subsection 2A.”

MICHAEL E. GRONSTAL  
RICHARD F. DRAKE

S-5341

1 Amend Senate File 2448 as follows:  
2 1. Page 26, line 16, by inserting after the word

3 "optometrist." the following: "A definition or  
4 designation contained in this subsection shall not be  
5 interpreted to expand the scope of practice of such  
6 licensees."

TOM FLYNN

S-5342

1 Amend House File 2144, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 14, by striking the words "or  
4 the" and inserting the following: ", the advanced  
5 registered nurse practitioner, or the advanced  
6 registered".

TOM VILSACK  
NANCY BOETTGER

S-5343

1 Amend Senate File 2003 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 99B.1, Code 1995, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 24. "Sports bingo" means a game  
7 in which each participant uses one or more cards each  
8 of which is marked off into spaces arranged in  
9 horizontal and vertical rows of spaces, with each  
10 space being designated by number and sport play, no  
11 two cards being identical, with the players covering  
12 the spaces as the sport play occurs during the  
13 sporting event. The winner of each game is the player  
14 or players first properly covering a predetermined and  
15 announced pattern of spaces on a card being used by  
16 the player or players. Each determination of a winner  
17 by the method described in the preceding sentence is a  
18 single sports bingo game at a sports bingo occasion.  
19 Sec. 2. NEW SECTION. 99B.2A SPORTS BINGO  
20 ADMINISTERED AS BINGO.  
21 The department of inspection and appeals shall  
22 administer and regulate the conduct of sports bingo in  
23 the same manner as the conduct of bingo is  
24 administered and regulated under its chapter. A  
25 qualified organization may conduct a sports bingo game  
26 subject to the same license fee, the maintenance of  
27 accounts and records, and other requirements specified  
28 for bingo licensees."  
29 2. Title page, line 1, by striking the words "the

- 30 maximum value of a prize for" and inserting the  
 31 following: "sports bingo and".  
 32 3. By renumbering sections as necessary.

ROD HALVORSON

S-5344

- 1 Amend Senate File 2406 as follows:  
 2 1. Page 2, by striking lines 16 through 29.  
 3 2. Page 3, by striking lines 5 through 17 and  
 4 inserting the following:  
 5 "Sec. 101. Section 299.1A, Code 1995, is amended  
 6 to read as follows:  
 7 299.1A COMPULSORY ATTENDANCE AGE.  
 8 A child who has reached the age of six and is under  
 9 sixteen years of age by September 15 is of compulsory  
 10 attendance age. However, once a child of less than  
 11 six years of age has been enrolled in kindergarten in  
 12 a school district or an accredited nonpublic school,  
 13 the compulsory age of attendance for the child begins  
 14 at the age at which the child is enrolled, unless the  
 15 child is withdrawn from the school of enrollment upon  
 16 the written request of the child's parent or  
 17 guardian."  
 18 3. Title page, by striking lines 1 through 4 and  
 19 inserting the following: "An Act relating to school  
 20 attendance and safety by providing for notification to  
 21 schools by peace officers of the possession of alcohol  
 22 or controlled substances by juveniles, providing that  
 23 certain identifying information regarding juveniles  
 24 involved in delinquent acts is a public record,  
 25 relating to an extension of the compulsory school  
 26 attendance age, relating to immunity from assault  
 27 charges for the use of force by a person to stop a  
 28 fight or disturbance at a school or school function,  
 29 establishing a penalty for a violation of chapter 299  
 30 in certain circumstances, establishing a penalty".  
 31 4. By renumbering as necessary.

MICHAEL CONNOLLY

S-5345

- 1 Amend Senate File 2174 as follows:  
 2 1. Page 2, by striking lines 3 through 9 and  
 3 inserting the following:  
 4 Enforcement of this chapter shall be implemented in  
 5 an equitable manner throughout the state. For the  
 6 purpose of equitable and uniform implementation,

7 application, and enforcement of state and local laws  
8 and regulations, the provisions of this chapter shall  
9 supersede any local law or regulation which is  
10 inconsistent with or conflicts with the provisions of  
11 this chapter, unless the local law or regulation is  
12 more restrictive in application to a public place  
13 other than a restaurant, in which case the more  
14 restrictive portion of the local law or regulation  
15 shall supersede any inconsistent or conflicting  
16 provision of this chapter. The Iowa department of  
17 public”.

18 2. Page 3, line 19, by inserting after the word  
19 “application” the following: “to a public place other  
20 than a restaurant.”.

JOANN DOUGLAS

S-5346

1 Amend House File 2140, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, line 19, by striking the words  
4 “dispensed;” and inserting the following: “dispensed,  
5 including only those pumps located on a farm that are  
6 used exclusively for dispensing fuel for highway  
7 travel.”.

MERLIN E. BARTZ

S-5347

1 Amend Senate File 2406 as follows:  
2 1. Title page, by striking lines 1 through 4 and  
3 inserting the following: “An Act relating to school  
4 attendance and safety by providing for notification to  
5 schools by peace officers of the possession of alcohol  
6 or controlled substances by juveniles, providing that  
7 certain identifying information regarding juveniles  
8 involved in delinquent acts is a public record,  
9 relating to an extension of the compulsory school  
10 attendance age, relating to immunity from assault  
11 charges for the use of force by a person to stop a  
12 fight or disturbance at a school or school function,  
13 establishing a penalty for a violation of chapter 299  
14 in certain circumstances, establishing a penalty”.

MIKE CONNOLLY

S-5348

- 1 Amend House File 2177, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 24 through 27.
- 4 2. Title page, lines 2 and 3, by striking the
- 5 words "and providing for the Act's applicability".

O. GENE MADDOX  
DENNIS H. BLACK

S-5349

- 1 Amend Senate File 2406 as follows:
- 2 1. Page 3, line 26, by inserting after the word
- 3 "license" the following: "or a temporary restricted
- 4 license or permit".
- 5 2. Page 3, line 28, by striking the word "who"
- 6 and inserting the following: "who shall surrender the
- 7 license if the person".
- 8 3. Page 3, by striking lines 31 and 32 and
- 9 inserting the following: "or adult education classes,
- 10 shall surrender the license and shall not be issued a
- 11 temporary restricted license under section 321.215."

MAGGIE TINSMAN  
MIKE CONNOLLY

S-5350

- 1 Amend Senate File 2399 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 135.43, subsection 3,
- 5 paragraph e, Code Supplement 1995, is amended to read
- 6 as follows:
- 7 e. Develop protocols for and establish a committee
- 8 to review assessments of harm to a child abuse
- 9 investigations which involve the death of a child.
- 10 Sec. \_\_\_\_ . Section 135.43, subsection 6, Code
- 11 Supplement 1995, is amended to read as follows:
- 12 6. The Iowa department of public health and the
- 13 department of human services shall adopt rules
- 14 providing for disclosure of information which is
- 15 confidential under chapter 22 or any other provision
- 16 of state law, to the review team for purposes of
- 17 performing its child death and assessment of harm to a
- 18 child abuse review responsibilities."
- 19 2. Page 10, by striking lines 23 through 26 and
- 20 inserting the following:

21 "b. A copy of this report the written assessment  
22 which pertains to the reported allegation of harm to a  
23 child shall be transmitted to the juvenile court  
24 within".

25 3. Page 11, by striking lines 1 and 2 and  
26 inserting the following: "contemplated with respect  
27 to the child named in the report of suspected harm to  
28 the child or any other individual named in the written  
29 assessment."

30 4. Page 17, by inserting after line 24 the  
31 following:

32 "Sec. \_\_\_\_ . Section 232.97, subsection 1, Code  
33 1995, is amended to read to read as follows:

34 1. The court shall not make a disposition of the  
35 petition until two working days after a social report  
36 has been submitted to the court and counsel for the  
37 child and has been considered by the court. The court  
38 may waive the two-day requirement upon agreement by  
39 all the parties. The court may direct either the  
40 juvenile court officer or the department of human  
41 services or any other agency licensed by the state to  
42 conduct a social investigation and to prepare a social  
43 report which may include any evidence provided by an  
44 individual providing foster care for the child. A  
45 report prepared shall include any ~~founded~~  
46 substantiated reports of child abuse.

47 Sec. \_\_\_\_ . Section 232.141, subsection 6, Code  
48 1995, is amended to read as follows:

49 6. If a child is given physical or mental  
50 examinations or treatment relating to a an assessment

Page 2

1 of harm to a child abuse investigation with the  
2 consent of the child's parent, guardian, or legal  
3 custodian and no other provision of law otherwise  
4 requires payment for the costs of the examination and  
5 treatment, the costs shall be paid by the state.  
6 Reimbursement for costs of services described in this  
7 subsection is subject to subsection 5."

8 5. Page 18, line 13, by inserting after the word  
9 "means" the following: "information compiled during  
10 an assessment prepared in accordance with section  
11 232.71 and".

12 6. Page 22, line 13, by striking the words "child  
13 abuse information" and inserting the following:  
14 "child abuse information disposition data".

15 7. Page 26, line 3, by inserting after the word  
16 "Only" the following: "child abuse".

17 8. Page 26, line 6, by striking the words "child

18 abuse information" and inserting the following:

19 "disposition data".

20 9. Page 26, line 7, by striking the words

21 "Disposition data" and inserting the following:

22 "Child abuse information".

23 10. Page 29, by inserting after line 23 the

24 following:

25 "Sec. \_\_\_\_ . Section 235B.16, subsection 5,

26 unnumbered paragraph 4, Code 1995, is amended to read

27 as follows:

28 A person required to complete both harm to a child

29 ~~abuse~~ and dependent adult abuse mandatory reporter

30 training may complete the training through a program

31 which combines harm to a child abuse and dependent

32 adult abuse curricula and thereby meet the training

33 requirements of both this subsection and section

34 232.69 simultaneously. A person who is a mandatory

35 reporter for both harm to a child abuse and dependent

36 adult abuse may satisfy the combined training

37 requirements of this subsection through completion of

38 a two-hour training program, if the training program

39 curriculum and content are approved by the department

40 of human services.

41 Sec. \_\_\_\_ . Section 272.2, subsection 14, Code 1995,

42 is amended to read as follows:

43 14. Adopt rules which permit the board to deny a

44 license to or revoke a license of a person upon the

45 board's finding by a preponderance of evidence that

46 either the person has been convicted of a crime or

47 that there has been a founded report determination of

48 substantiated child abuse against the person. Rules

49 adopted shall provide that in determining whether a

50 person should be denied a license or that a

### Page 3

1 practitioner's license should be revoked, the board

2 shall consider the nature and seriousness of the

3 founded substantiated child abuse or crime in relation

4 to the position sought, the time elapsed since the

5 founded substantiated child abuse or crime was

6 committed, the degree of rehabilitation which has

7 taken place since the incidence of founded

8 substantiated child abuse or the commission of the

9 crime, the likelihood that the person will commit the

10 same abuse or crime again, and the number of founded

11 abuses determinations of substantiated child abuse

12 committed or criminal convictions by the person

13 involved."

14 11. Page 30, by inserting after line 2 the



15 following:

16 "Sec. \_\_\_\_ . Section 331.653, subsection 24, Code

17 Supplement 1995, is amended to read as follows:

18 24. Carry out duties relating to the ~~investigation~~  
19 ~~of reported assessment of harm to a child abuse cases~~  
20 and the protection of ~~abused~~ children as provided in  
21 section 232.71.

22 Sec. \_\_\_\_ . Section 600.8, subsection 2, paragraph

23 b, Code 1995, is amended to read as follows:

24 b. The person making the investigation shall not  
25 approve a prospective adoption petitioner pursuant to  
26 subsection 1, paragraph "a", subparagraph (3) unless  
27 an evaluation has been made which considers the nature  
28 and seriousness of the crime or ~~founded~~ substantiated  
29 abuse in relation to the adoption, the time elapsed  
30 since the commission of the crime or ~~founded~~  
31 substantiated abuse, the circumstances under which the  
32 crime or ~~founded~~ substantiated abuse was committed,  
33 the degree of rehabilitation, and the number of crimes  
34 or ~~founded~~ determinations of substantiated abuse  
35 committed by the person involved."

36 12. Page 30, by inserting after line 9 the  
37 following:

38 "Sec. \_\_\_\_ . AMENDMENTS CHANGING TERMINOLOGY.

39 1. Sections 125.14A, 135H.7, 218.13, 237.8,  
40 237A.5, 237A.20, and 600.8, Code 1995, are amended by  
41 striking from the sections the words "founded child  
42 abuse" and inserting in lieu thereof the words  
43 "substantiated child abuse".

44 2. Sections 125.14A, 135C.33, 135H.7, 237.8, and  
45 237A.5, Code 1995, and section 249A.29, Code  
46 Supplement 1995, are amended by striking from the  
47 sections the words "founded child or dependent adult  
48 abuse" and inserting in lieu thereof the words  
49 "substantiated child abuse or founded adult abuse".

50 3. The Code editor is directed to substitute the

Page 4

1 words "substantiated child abuse" for the words  
2 "founded child abuse" in the Code or in the 1996 Iowa  
3 Acts when there appears to be no doubt as to the  
4 intent to refer to a determination of child abuse by  
5 the department of human services in accordance with  
6 section 232.71, as enacted by this Act."

7 13. By renumbering as necessary.

S-5351

- 1 Amend Senate File 2297 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 910A.7A, Code 1995, is amended  
5 to read as follows:  
6 910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.  
7 The department of justice shall notify a registered  
8 victim of ~~all dispositional orders of a case currently~~  
9 on appeal the filing of an appeal, all dispositional  
10 orders in the appeal, and the outcome of the appeal of  
11 a case in which the victim was involved."  
12 2. Title page, line 1, by inserting after the  
13 word "to" the following: "crime victims, including  
14 notification to victims regarding appeals in criminal  
15 cases involving the victim and".  
16 3. By renumbering as necessary.

PATRICK J. DELUHERY  
JOHNIE HAMMOND  
MAGGIE TINSMAN  
RANDAL J. GIANNETTO  
ANDY McKEAN

S-5352

- 1 Amend Senate File 2195 as follows:  
2 1. Page 3, by inserting after line 35 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 8D.4, Code 1995, is amended to  
5 read as follows:  
6 8D.4 EXECUTIVE DIRECTOR AND CHIEF OPERATING  
7 OFFICER APPOINTED.  
8 The commission shall appoint an executive director,  
9 of the commission, subject to confirmation by the  
10 senate, and a chief operating officer, subject to  
11 confirmation by the senate. Such individual The  
12 individuals shall not serve as a member members of the  
13 commission. The executive director and the chief  
14 operating officer shall serve at the pleasure of the  
15 commission. The executive director shall be selected  
16 primarily for administrative ability and knowledge in  
17 the field, without regard to political affiliation.  
18 The governor shall establish the salary of the  
19 executive director within range nine as established by  
20 the general assembly. The commission shall establish  
21 the salary of the chief operating officer. The salary  
22 and support of the executive director and the chief  
23 operating officer shall be paid from funds deposited

24 in the Iowa communications network fund."  
 25 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5353

1 Amend Senate File 2448 as follows:  
 2 1. Page 26, by inserting after line 30 the  
 3 following:  
 4 "Sec. \_\_\_\_ . 1993 Iowa Acts, chapter 55, section 1,  
 5 subsection 3, is amended to read as follows:  
 6 3. The project shall be completed on or before  
 7 June 30, 1997, and existing vital records shall be  
 8 converted to the electronic system by that date.  
 9 Moneys appropriated pursuant to this section which  
 10 remain ~~unexpended~~ unencumbered on June 30, 1997, shall  
 11 revert to the general fund of the state. The  
 12 remaining encumbered moneys which remain unexpended on  
 13 June 30, 1998, shall revert to the general fund of the  
 14 state. For the fiscal year beginning July 1, 1997,  
 15 and succeeding fiscal years, the provisions of section  
 16 144.46, requiring the vital records fee to be set by  
 17 rule based on the average administrative costs, shall  
 18 apply."  
 19 2. By renumbering as necessary.

TOM FLYNN

S-5354

1 Amend Senate File 2236 as follows:  
 2 1. Page 1, line 19, by striking the word "ten"  
 3 and inserting the following: "five".

JOHNIE HAMMOND

S-5355

1 Amend Senate File 2448 as follows:  
 2 1. By striking page 23, line 33, through page 24,  
 3 line 7, and inserting the following:  
 4 "Sec. \_\_\_\_ . COMMUNITY GRANT FUND AND SUBSTANCE  
 5 ABUSE GRANTS -- FISCAL YEAR 1996. There is  
 6 appropriated from the unobligated and unencumbered  
 7 balance of the gamblers assistance fund for the fiscal  
 8 year beginning July 1, 1995, and ending June 30, 1996,  
 9 the following amounts to be used for the purposes  
 10 designated:  
 11 1. COMMUNITY GRANT FUND

12 To the community grant fund established under  
 13 section 232.190, to be allocated by the division of  
 14 criminal and juvenile justice planning of the  
 15 department of human rights for a grant to an urban  
 16 facility whose primary function is to provide shelter  
 17 services for runaways ages 11 through 17:  
 18 ..... \$ 200,000

19 2. SUBSTANCE ABUSE GRANTS

20 To the Iowa department of public health for  
 21 substance abuse program grants administered by the  
 22 department:  
 23 ..... \$ 400,000

24 The appropriations made in this section shall be in  
 25 descending priority order and if the unobligated and  
 26 unencumbered balance of the fund is insufficient for  
 27 both appropriations, the appropriation in subsection 2  
 28 shall be reduced accordingly.

29 Notwithstanding section 8.33, moneys appropriated  
 30 in this section shall not revert to the gamblers  
 31 assistance fund but shall remain available to be used  
 32 for the purpose designated in the fiscal year  
 33 beginning July 1, 1996."

TOM FLYNN  
 TONY BISIGNANO

S-5356

1 Amend Senate File 2368 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 511.8, subsection 21,  
 5 paragraph a, subparagraph (1), Code 1995, is amended  
 6 to read as follows:  
 7 (1) "Clearing corporation" means a corporation as  
 8 defined in section 554.8102; ~~subsection 3.~~  
 9 Sec. \_\_\_\_ . Section 515.35, subsection 2, paragraphs  
 10 b and c, Code 1995, are amended to read as follows:  
 11 b. "Clearing corporation" means as defined in  
 12 section 554.8102; ~~subsection 3.~~  
 13 c. "Custodian bank" means ~~as defined in section~~  
 14 ~~554.8102; subsection 4~~ a bank or trust company that is  
 15 supervised and examined by state or federal authority  
 16 having supervision over banks and is acting as  
 17 custodian for a clearing corporation.  
 18 Sec. \_\_\_\_ . Section 518.14, subsection 2, paragraph  
 19 c, Code Supplement 1995, is amended to read as  
 20 follows:  
 21 c. "Custodian bank" means as defined in section  
 22 ~~554.8102~~ 515.35.

23 Sec. \_\_\_\_ . Section 518A.12, subsection 2, paragraph  
24 c, Code Supplement 1995, is amended to read as  
25 follows:

26 c. "Custodian bank" means as defined in section  
27 ~~554.8102~~ 515.35."

28 2. Page 2, by inserting after line 6 the  
29 following:

30 "Sec. \_\_\_\_ . Section 554.5114, subsection 2,  
31 paragraph a, Code 1995, is amended to read as follows:

32 a. the issuer must honor the draft or demand for  
33 payment if honor is demanded by a negotiating bank or  
34 other holder of the draft or demand which has taken  
35 the draft or demand under the credit and under  
36 circumstances which would make it a holder in due  
37 course (section 554.3302) and in an appropriate case  
38 would make it a person to whom a document of title has  
39 been duly negotiated (section 554.7502) or a bona fide  
40 purchaser of a certificated or uncertificated security  
41 who acquires rights in a security (section 554.8302);  
42 and".

43 3. Page 11, line 11, by striking the word "State"  
44 and inserting the following: "state".

45 4. Page 17, line 25, by striking the figure "4"  
46 and inserting the following: "4."

47 5. Page 20, line 3, by inserting before the word  
48 "security" the following: "a".

49 6. Page 20, line 9, by striking the words "its  
50 guaranty, whether or not".

## Page 2

1 7. Page 22, line 21, by striking the word  
2 "director" and inserting the following: "directly".

3 8. Page 24, line 2, by striking the words "if the  
4 purchaser" and inserting the following: "purchaser".

5 9. Page 24, line 4, by striking the word "sent,"  
6 and inserting the following: "sent,".

7 10. Page 24, line 12, by striking the words  
8 "paragraph "a"" and inserting the following:  
9 "subsection 1".

10 11. Page 33, line 18, by striking the word "by".

11 12. Page 33, lines 26 and 27, by striking the  
12 figures "~~554.8402~~ 554.8403" and inserting the  
13 following: "554.8402".

14 13. Page 34, line 29, by striking the word  
15 "endorsement" and inserting the following:  
16 "endorsement indorsement".

17 14. Page 34, line 32, by striking the word  
18 "endorsement" and inserting the following:  
19 "endorsement indorsement".

- 20 15. Page 34, line 33, by striking the word  
 21 "fiduciary," and inserting the following:  
 22 "fiduciary;"
- 23 16. Page 35, line 11, by striking the word  
 24 "Guarantee" and inserting the following: "Guaranty".
- 25 17. Page 35, line 12, by striking the word  
 26 "guarantee" and inserting the following: "guaranty".  
 27 guaranty".
- 28 18. Page 36, line 24, by striking the figure  
 29 "(1)" and inserting the following: "(i)".
- 30 19. Page 36, line 26, by striking the figure  
 31 "(2)" and inserting the following: "(ii)".
- 32 20. Page 37, line 3, by inserting after the  
 33 letter "'c'," the following: "may".
- 34 21. Page 45, line 1, by inserting after the words  
 35 "to the" the following: "entitlement holder for  
 36 damages."
- 37 22. Page 50, by inserting after line 7 the  
 38 following:  
 39 "Control" Section 554.9115".
- 40 23. Page 53, line 35, by striking the letter and  
 41 word "e. priority" and inserting the following: "5.  
 42 Priority"
- 43 24. Page 54, line 2, by striking the figure "(1)"  
 44 and inserting the following: "a."
- 45 25. Page 54, line 6, by striking the figure "(2)"  
 46 and inserting the following: "b."
- 47 26. Page 54, line 9, by striking the figure "(3)"  
 48 and inserting the following: "c."
- 49 27. Page 54, line 14, by striking the figure  
 50 "(4)" and inserting the following: "d."

### Page 3

- 1 28. Page 54, line 19, by striking the figure  
 2 "(5)" and inserting the following: "e."
- 3 29. Page 54, line 22, by striking the figure  
 4 "(6)" and inserting the following: "f."
- 5 30. Page 54, line 26, by striking the letter and  
 6 word "f. if" and inserting the following: "6. If"
- 7 31. Page 55, line 30, by striking the word  
 8 "interest" and inserting the following: "interests".
- 9 32. Page 56, line 11, by striking the word "and"  
 10 and inserting the following: "and".
- 11 33. Page 57, line 16, by striking the word "a".
- 12 34. Page 60, by inserting after line 10 the  
 13 following:  
 14 "Sec. \_\_\_\_ . Section 633.89, unnumbered paragraph 1,  
 15 Code 1995, is amended to read as follows:  
 16 A fiduciary as defined in section 633.3, subsection

17 ~~17~~, holding securities, and a bank as defined in  
 18 section 524.103, ~~subsection 7~~, which is holding  
 19 securities as a managing agent or as a custodian,  
 20 including a custodian for a fiduciary, may deposit  
 21 securities in a clearing corporation, as defined in  
 22 section 554.8102, ~~subsection 3~~, which is located  
 23 within or without the state of Iowa, if the clearing  
 24 corporation is federally regulated. A depositing bank  
 25 is subject to rules adopted by the superintendent of  
 26 banking, with respect to state banks, and by the  
 27 comptroller of the currency, with respect to national  
 28 banking associations."

29 35. Page 60, by inserting after line 34 the  
 30 following:

31 "Sec. \_\_\_\_ . Sections 633.130 through 633.138, Code  
 32 1995, are repealed.

33 Sec. \_\_\_\_ . PREVAILING STATUTE. If 1996 Iowa Acts,  
 34 Senate File 2270, or 1996 Iowa Acts, House File 2402,  
 35 is enacted, either of those Acts prevails over the  
 36 amendments to section 554.5114 in this Act."

37 36. By renumbering as necessary.

TOM FLYNN

S-5357

- 1 Amend Senate File 2448 as follows:
- 2 1. Page 26, by striking lines 2 through 16.
- 3 2. By renumbering as necessary.

MARY NEUHAUSER

S-5358

- 1 Amend House File 2383, as amended, passed, and
- 2 reprinted by the House, as follows:

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

5 "Section 1. Section 481A.55, unnumbered paragraph

6 1, Code 1995, is amended to read as follows:

7 Except as otherwise provided, a person shall not  
 8 buy or sell, dead or alive, a bird or animal or any  
 9 part of one which is protected by this chapter, but  
 10 this section does not apply to fur-bearing animals,  
 11 and the skins, plumage, and antlers of legally taken  
 12 game. This section does not prohibit the purchase of  
 13 jackrabbits from sources outside this state. This  
 14 section does not prohibit a commercial processor from  
 15 disposing of unclaimed game by donating the game to a  
 16 charitable organization for use in providing free

17 meals. The processor must notify the owner that the  
 18 game will be disposed of at least thirty days before  
 19 the date of disposal. A person shall not purchase,  
 20 sell, barter, or offer to purchase, sell, or barter  
 21 for millinery or ornamental use the feathers of  
 22 migratory game birds; and a person shall not purchase,  
 23 sell, barter, or offer to purchase, sell, or barter  
 24 mounted specimens of migratory game birds.  
 25 Sec. 2: Section 481A.57, Code 1995, is amended to  
 26 read as follows:  
 27 481A.57 POSSESSION AND STORAGE.  
 28 A person having lawful possession of ~~game or fur-~~  
 29 bearing animals or their pelts may hold them for not  
 30 to exceed ~~thirty~~ sixty days after the close of the  
 31 open season for ~~such game or the furbearers.~~ A permit  
 32 to hold a furbearer for a longer period may be granted  
 33 by the department. A person having lawful possession  
 34 of game may hold them for a period of one year."  
 35 2. By renumbering as necessary.

BERL E. PRIEBE

S-5359

1 Amend Senate File 2195 as follows:  
 2 1. Page 2, line 16, by striking the figure  
 3 "2,669,537" and inserting the following: "1,950,000".  
 4 2. Page 2, line 17, by striking the figure "12.0"  
 5 and inserting the following: "10.0".  
 6 3. Page 2, line 19, by striking the figure  
 7 "808,037" and inserting the following: "450,000".  
 8 4. Page 2, line 26, by striking the words "a  
 9 spare parts depot;".  
 10 5. Page 2, by striking line 30 and inserting the  
 11 following: "additional 5.00 FTEs for a total of 10.00  
 12 FTEs for the".  
 13 6. Page 2, line 33, by striking the figure  
 14 "1,861,500" and inserting the following: "1,500,000".  
 15 7. Page 3, by inserting after line 5 the  
 16 following:  
 17 "3. SPARE PARTS. There is appropriated from the  
 18 rebuild Iowa infrastructure fund of the state created  
 19 in section 8.57, subsection 5, to the Iowa  
 20 communications network fund created in section 8D.14,  
 21 for the fiscal year beginning July 1, 1996, and ending  
 22 June 30, 1997, the following amount, or so much  
 23 thereof as is necessary, to be used for the purpose  
 24 designated:  
 25 For establishing and maintaining a spare parts  
 26 depot related to the network:



27 ..... \$ 220,000

28 4. COMPUTERS, INTERNET CONNECTION, AND RELATED

29 COSTS. There is appropriated from the rebuild Iowa  
 30 infrastructure fund of the state created in section  
 31 8.57, subsection 5, to the Iowa communications network  
 32 fund created in section 8D.14, for the fiscal year  
 33 beginning July 1, 1996, and ending June 30, 1997, the  
 34 following amount, or so much thereof as is necessary,  
 35 to be used for the purpose designated:

36 For the purchase of computer equipment to be used  
 37 in connection with the network, providing for  
 38 connections to the Internet through the use of the  
 39 network, and for maintaining the regional scheduling  
 40 system:

41 ..... \$ 110,000".

42 8. Page 4, by inserting after line 19 the  
 43 following:

44 "Sec. 101. STUDY.

45 1. The Iowa telecommunications and technology  
 46 commission established in section 8D.3 shall  
 47 coordinate and assist in the completion of a task  
 48 force study concerning the provision of access to the  
 49 network to authorized users, including access to the  
 50 Internet. The study shall include a review of any

Page 2

1 legal and practical issues which are identified by the  
 2 commission or the individual members of the task force  
 3 created to conduct the study.

4 2. a. The Iowa telecommunications and technology  
 5 commission shall establish a task force to conduct the  
 6 study under subsection 1 composed of public members as  
 7 deemed appropriate by the commission.

8 b. In addition to the public members appointed by  
 9 the commission under paragraph "a", the majority and  
 10 minority leaders in the senate and the speaker and the  
 11 minority leader in the house of representatives shall  
 12 appoint one member each to serve on the task force.  
 13 The legislative appointees are eligible for per diem  
 14 and actual expenses in the fulfillment of their duties  
 15 as members of the task force.

16 3. The Iowa telecommunications and technology  
 17 commission shall utilize funds from the appropriation  
 18 for the study relating to the sale or conversion of  
 19 the network contained in 1995 Iowa Acts, chapter 210,  
 20 section 4, subsection 3, that remain unencumbered and  
 21 unobligated on the effective date of this section, for  
 22 the completion of the study to be conducted pursuant  
 23 to this section."

- 24 9. Page 4, by inserting after line 33 the  
25 following:  
26 "4. Section 101 of this Act, being deemed of  
27 immediate importance, takes effect upon enactment."  
28 10. By renumbering as necessary.

ROBERT DVORSKY

S-5360

- 1 Amend Senate File 2341 as follows:  
2 1. Page 2, by inserting after line 17 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 96.5, subsection 2, Code  
5 Supplement 1995, is amended by adding the following  
6 new paragraph:  
7 NEW PARAGRAPH. d. For purposes of this  
8 subsection, "misconduct" includes, but is not limited  
9 to, the nondisclosure or misrepresentation of relevant  
10 information on the individual's application for  
11 employment, the failure to comply with the employer's  
12 work-related rules, and the failure to comply with the  
13 provisions of an employee handbook if the handbook was  
14 provided to the individual upon commencing employment  
15 or during the individual's probationary period with  
16 the employer."  
17 2. Title page, line 4, by inserting after the  
18 word "charges," the following: "disqualification of  
19 benefits due to discharge of an individual for  
20 misconduct."  
21 3. By renumbering as necessary.

ALLEN BORLAUG

S-5361

- 1 Amend Senate File 2351 as follows:  
2 1. Page 1, by inserting before line 1, the  
3 following:  
4 "Section 101. NEW SECTION. 15.342A WORKFORCE  
5 DEVELOPMENT FUND ACCOUNT.  
6 A workforce development fund account is established  
7 in the office of the treasurer of state under the  
8 control of the department. The account shall receive  
9 funds pursuant to section 422.16A up to a maximum of  
10 ten million dollars per year.  
11 Sec. 102. Section 15.343, subsection 1, paragraph  
12 b, Code Supplement 1995, is amended by striking the  
13 paragraph."  
14 2. Page 1, by inserting after line 5 the

15 following:

16 "Sec. 103. Section 15.343, subsection 1, paragraph  
17 c, unnumbered paragraph 1, Code Supplement 1995, as  
18 otherwise amended by this Act, is amended by striking  
19 the unnumbered paragraph and inserting in lieu thereof  
20 the following:

21 Moneys appropriated to the fund from the workforce  
22 development fund account established in section  
23 15.342A."

24 3. Page 1, by inserting before line 6 the  
25 following:

26 "Sec. \_\_\_\_ . Section 15.343, subsection 2, Code  
27 Supplement 1995, is amended by striking the subsection  
28 and inserting in lieu thereof the following:

29 2. The assets of the fund shall be used by the  
30 department for the following programs and purposes:

31 a. Training and retraining programs for targeted  
32 industries.

33 b. Supplier network training projects.

34 c. Projects under chapter 260F. The department  
35 shall require a match from all businesses  
36 participating in a training project under chapter  
37 260F. The department shall allocate fifty percent of  
38 the funds under this paragraph for projects under  
39 chapter 260F which will be completed in the equivalent  
40 of one semester or less at a community college.

41 d. Apprenticeship programs under section 260C.44,  
42 including building trades apprenticeship programs.

43 e. If assets remain in the fund after funding  
44 programs and purposes under paragraphs "a" through  
45 "d", the department may use the excess funds for  
46 programs under the administration of the department of  
47 workforce development, if established by 1996 Iowa  
48 Acts, Senate File 2409 or House File 2463."

49 4. Page 1, by striking lines 6 through 21 and  
50 inserting the following:

Page 2

1 "Sec. \_\_\_\_ . NEW SECTION. 15.344 COMMON SYSTEM --  
2 ASSESSMENT AND TRACKING.

3 The department shall develop a common intake,  
4 assessment, and tracking system for all programs  
5 funded through the workforce development fund to  
6 determine the economic impact of the programs. The  
7 tracking system shall at least be able to track  
8 individuals and businesses who have received  
9 assistance or services through the fund to determine  
10 whether the assistance or services has resulted in  
11 increased wages paid to the individuals or paid by the

12 businesses.”

13 5. By striking page 2, line 17, through page 4,  
14 line 11.

15 6. Page 11, by inserting after line 23 the  
16 following:

17 “Sec. 104. Section 422.16A, Code Supplement 1995,  
18 as otherwise amended by this Act, is amended to read  
19 as follows:

20 422.16A JOB TRAINING WITHHOLDING -- CERTIFICATION  
21 AND TRANSFER.

22 Upon payment in full of a certificate of  
23 participation or other obligation issued to fund a job  
24 training program under chapter 260E, including a  
25 certificate of participation repaid in whole or in  
26 part by the supplemental new jobs credit from  
27 withholding under section 15A.7, the community college  
28 providing the job training program shall notify the  
29 department of economic development of the amount paid  
30 by the employer or business to the community college  
31 to retire the certificate during the previous last  
32 twelve months of withholding collections. The  
33 department of economic development shall notify the  
34 department of revenue and finance of that amount. The  
35 department shall credit to the workforce development  
36 fund account established in section ~~15.343~~ 15.342A  
37 twenty-five percent of that amount each quarter for a  
38 period of ten years. If the amount of withholding  
39 from the business or employer is insufficient, the  
40 department shall prorate the quarterly amount credited  
41 to the workforce development fund account. The  
42 maximum amount from all employers which shall be  
43 transferred to the workforce development fund account  
44 in any year is ~~two~~ ten million dollars.”

45 7. Page 12, by inserting after line 15 the  
46 following:

47 “Sec. \_\_\_\_ . Sections 15.345 and 15.346, Code  
48 Supplement 1995, are repealed.”

49 8. Page 12, by inserting after line 17 the  
50 following:

**Page 3**

1 “Sec. \_\_\_\_ . Sections 101, 102, 103, and 104 of this  
2 Act take effect on July 1, 1997.”

3 9. Title page, line 7, by striking the word  
4 “and”.

5 10. Title page, line 8, by inserting after the  
6 word “appropriation” the following: “, and

7 establishing an effective date".

8 11. By renumbering as necessary.

TOM VILSACK  
DERRYL McLAREN  
ALLEN BORLAUG

S-5362

1 Amend Senate File 2335 as follows:

2 1. Page 1, line 3, by striking the word "twenty-  
3 one" and inserting the following: "~~twenty-one~~  
4 eighteen".

5 2. Page 1, by striking lines 8 and 9 and  
6 inserting the following: "operated. However, a  
7 person eighteen years of age or older may be employed  
8 to work in a gambling area."

MERLIN E. BARTZ

S-5363

1 Amend House File 2477, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 37, by inserting after line 8 the  
4 following:

5 "Sec. 101. NEW SECTION. 266.39F HEALTHY  
6 LIVESTOCK FOR IOWA INITIATIVE.

7 1. A healthy livestock for Iowa initiative is  
8 established within the college of veterinary medicine  
9 at Iowa state university of science and technology to  
10 improve the efficiency and competitiveness of the  
11 livestock industry in Iowa. The objectives of the  
12 initiative shall include, but are not limited to, the  
13 following:

14 a. Modernization of teaching programs to provide  
15 veterinarians with specialized skills to service the  
16 livestock industry.

17 b. Support for additional high-priority livestock  
18 health research programs.

19 c. Support for preharvest food safety research  
20 efforts to ensure safe and wholesome meat products.

21 d. Development and improved delivery of accurate  
22 and timely diagnostic and other animal health  
23 information to veterinary practitioners.

24 e. Expansion of technology transfer efforts to  
25 Iowa's livestock producers and businesses.

26 2. "Livestock" for purposes of this section, shall  
27 include, but is not limited to, cattle, sheep, swine,  
28 llamas, alpacas, ostriches, rheas, emus, and poultry."

29 2. By renumbering, relettering, and redesignating  
30 as necessary.

EUGENE FRAISE

S-5364

1 Amend Senate File 2335 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 99D.7, subsection 18, Code  
5 Supplement 1995, is amended to read as follows:  
6 18. To revoke or suspend licenses and impose fines  
7 ~~not to exceed one thousand dollars.~~"  
8 2. By renumbering as necessary.

TONY BISIGNANO

S-5365

1 Amend Senate File 2424 as follows:  
2 1. Page 5, by inserting after line 28 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 633.552, subsection 2,  
5 paragraphs a and b, Code 1995, are amended by striking  
6 the paragraphs and inserting in lieu thereof the  
7 following:  
8 a. A person whose decision-making capacity is so  
9 impaired that at least one of the following conditions  
10 exists:  
11 (1) The personal safety of the person is at risk.  
12 (2) The person is unable to attend to or provide  
13 for necessities such as food, shelter, clothing, or  
14 medical care, without which physical injury or illness  
15 may occur.  
16 b. A minor.  
17 Sec. \_\_\_\_ . Section 633.556, Code 1995, is amended  
18 to read as follows:  
19 633.556 APPOINTMENT OF GUARDIAN.  
20 1. If the allegations of the petition as to the  
21 status of the proposed ward and the necessity for the  
22 appointment of a guardian are proved by clear and  
23 convincing evidence, the court may appoint a guardian.  
24 2. In considering the petition for appointment of  
25 a guardian, the court shall consider whether a limited  
26 guardianship should be ordered pursuant to section  
27 633.635, subsections 3 and 4.  
28 Sec. \_\_\_\_ . Section 633.566, subsection 2,  
29 paragraphs a and b, Code 1995, are amended by striking  
30 the paragraphs and inserting in lieu thereof the

31 following:

32 a. A person whose decision-making capacity is so  
33 impaired that the person is unable to make,  
34 communicate, or carry out important decisions  
35 concerning the person's own financial affairs.

36 b. A minor.

37 Sec. \_\_\_\_ . Section 633.570, Code 1995, is amended  
38 to read as follows:

39 633.570 APPOINTMENT OF CONSERVATOR.

40 1. If the allegations of the petition as to the  
41 status of the proposed ward and the necessity for the  
42 appointment of a conservator are proved by clear and  
43 convincing evidence, the court may appoint a  
44 conservator.

45 2. In considering the petition for appointment of  
46 a conservator, the court shall consider whether a  
47 limited conservatorship should be ordered pursuant to  
48 section 633.637.

49 Sec. \_\_\_\_ . Section 633.635, subsection 1,  
50 unnumbered paragraph 1, Code 1995, is amended by

Page 2

1 striking the paragraph and inserting in lieu thereof  
2 the following:

3 Based upon the evidence produced at the hearing,  
4 the court may grant a guardian authority to exercise  
5 any of the following powers and duties:

6 Sec. \_\_\_\_ . Section 633.635, subsections 3 and 4,  
7 Code 1995, are amended to read as follows:

8 3. The court may take into account all available  
9 information concerning the capabilities of the ward,  
10 the availability of a third party who may assist in  
11 meeting the ward's needs, and any additional  
12 evaluation deemed necessary, and may direct that the  
13 guardian have only a specially limited responsibility  
14 for the ward. In that event, the court shall state  
15 those areas of responsibility which shall be  
16 supervised by the guardian and all others shall be  
17 retained by the ward. The court may make a finding  
18 that the ward lacks the capacity to contract a valid  
19 marriage.

20 4. From time to time, upon a proper showing, the  
21 court may alter the respective responsibilities of the  
22 guardian and the ward, after notice to the ward and an  
23 opportunity to be heard. Any modification that would  
24 be more restrictive of the ward's liberties shall be  
25 based on clear and convincing evidence. Any  
26 modification that would be less restrictive of the  
27 ward's liberties shall be based upon consideration of

28 the factors set forth in section 633.675.

29 Sec. \_\_\_\_ . Section 633.637, Code 1995, is amended

30 to read as follows:

31 633.637 POWERS OF WARD.

32 1. A ward for whom a conservator has been  
 33 appointed shall not have the power to convey, encumber  
 34 or dispose of property in any manner, other than by  
 35 will if the ward possesses the requisite testamentary  
 36 capacity, unless the court determines that the ward  
 37 has a limited ability to handle the ward's own funds.  
 38 If the court makes such a finding, it shall specify to  
 39 what extent the ward may possess and use the ward's  
 40 own funds.

41 2. Any modification of the powers of the ward that  
 42 would be more restrictive of the ward's control of the  
 43 ward's property shall be based on clear and convincing  
 44 evidence. Any modification that would be less  
 45 restrictive shall be based upon consideration of the  
 46 factors set forth in section 633.675.

47 Sec. \_\_\_\_ . Section 633.675, subsection 3, Code  
 48 1995, is amended to read as follows:

49 3. A For a guardianship granted pursuant to  
 50 section 633.552, subsection 2, paragraph "a", or a

Page 3

1 conservatorship granted pursuant to section 633.566,  
 2 subsection 2, paragraph "a", a determination by the  
 3 court that the ward is competent and capable of  
 4 managing the ward's property and affairs, and that the  
 5 continuance of the guardianship or conservatorship  
 6 would not be in the ward's best interests ward's  
 7 decision-making capacity is no longer so impaired.

8 In a proceeding to terminate such a guardianship or  
 9 a conservatorship, the ward must make a prima facie  
 10 showing that the ward has some decision-making  
 11 capacity. Once the ward has made the showing, the  
 12 guardian or conservator has the burden to prove by  
 13 clear and convincing evidence that the ward's  
 14 decision-making capacity continues to be so impaired  
 15 that the guardianship or conservatorship should not be  
 16 terminated, according to the standard set forth in  
 17 section 633.552, subsection 2, paragraph "a", or in  
 18 section 633.566, subsection 2, paragraph "a".

19 2. Title page, line 3, by inserting after the  
 20 word "trusts," the following: "certain standards used  
 21 in guardianship and conservatorship proceedings,".

22 3. By renumbering as necessary.



S-5366

1 Amend Senate File 2012 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Section 99B.5, subsection 1, paragraph  
5 g, Code 1995, is amended by striking the paragraph and  
6 inserting in lieu thereof the following:

7 g. The actual retail value of any prize does not  
8 exceed two hundred dollars. If a prize consists of  
9 more than one item, unit, or part, the aggregate  
10 retail value of all items, units, or parts shall not  
11 exceed two hundred dollars. However, either a fair  
12 sponsor or a qualified organization, but not both, may  
13 hold one raffle per calendar year at which prizes  
14 having a combined value not greater than thirty  
15 thousand dollars may be offered. If the prize is  
16 merchandise, its value shall be determined by the  
17 purchase price paid by the fair sponsor or qualified  
18 organization.

19 Sec. 2. Section 99B.5, Code 1995, is amended by  
20 adding the following new subsections:

21 **NEW SUBSECTION. 3.** A licensee under this section  
22 may hold one real property raffle per calendar year at  
23 which the value of the real property may exceed twenty  
24 thousand dollars in lieu of the annual raffle  
25 authorized in subsection 1, paragraph "g", if all of  
26 the following requirements are met:

27 a. The licensee has submitted the special real  
28 property raffle license application and a fee of one  
29 hundred dollars to the department, has been issued a  
30 license, and prominently displays the license at the  
31 drawing area of the raffle.

32 b. The real property was acquired by gift or  
33 donation or has been owned by the licensee for a  
34 period of at least five years.

35 c. All other requirements of this section and  
36 section 99B.2 are met, except that the cost to  
37 participate in the raffle may exceed one dollar for  
38 each participant.

39 d. Receipts from the raffle are kept in a separate  
40 financial account.

41 e. A cumulative report for the raffle on a form  
42 determined by the department and one percent of the  
43 gross receipts are submitted to the department within  
44 sixty days of the raffle drawing. The one percent of  
45 the gross receipts shall be retained by the department  
46 to pay for the cost of the special audit.

47 **NEW SUBSECTION. 4.** For each real property raffle  
48 license issued, the department shall conduct a special

49 audit of the raffle to verify compliance with the  
50 appropriate requirements of this chapter.

Page 2

1 Sec. 3. Section 99B.7, subsection 1, paragraph d,  
2 Code 1995, is amended by striking the paragraph and  
3 inserting in lieu thereof the following:  
4 d. Cash prizes shall not be awarded in games other  
5 than bingo and raffles. The value of a prize shall  
6 not exceed two hundred dollars and merchandise prizes  
7 shall not be repurchased. If a prize consists of more  
8 than one item, unit, or part, the aggregate value of  
9 all items, units, or parts shall not exceed two  
10 hundred dollars. However, one raffle may be conducted  
11 per calendar year at which prizes having a combined  
12 value not greater than thirty thousand dollars may be  
13 awarded. If the prize is merchandise, its value shall  
14 be determined by purchase price paid by the  
15 organization or donor.

16 Sec. 4. Section 99B.7, subsection 1, Code 1995, is  
17 amended by adding the following new paragraphs:  
18 NEW PARAGRAPH. q. A licensee under this section  
19 may hold one real property raffle per calendar year at  
20 which the value of the real property may exceed twenty  
21 thousand dollars in lieu of the annual raffle  
22 authorized in subsection 1, paragraph "d", if all of  
23 the following requirements are met:

24 (1) The licensee has submitted the special real  
25 property raffle property license application and a fee  
26 of one hundred dollars to the department, has been  
27 issued a license, and prominently displays the license  
28 at the drawing area of the raffle.

29 (2) The real property was acquired by gift or  
30 donation or has been owned by the licensee for a  
31 period of at least five years.

32 (3) All other requirements of this section and  
33 section 99B.2 are met, except that the cost to  
34 participate in the raffle may exceed one dollar for  
35 each participant.

36 (4) Receipts from the raffle are kept in a  
37 separate financial account.

38 (5) A cumulative report for the raffle on a form  
39 determined by the department and one percent of the  
40 gross receipts are submitted to the department within  
41 sixty days of the raffle drawing. The one percent of  
42 the gross receipts shall be retained by the department  
43 to pay for the cost of the special audit.

44 NEW PARAGRAPH. r. For each real property license  
45 issued, the department shall conduct a special audit

46 of the raffle to verify compliance with the  
47 appropriate requirements of this chapter."

TONY BISIGNANO

S-5367

1 Amend Senate File 2365 as follows:  
2 1. Page 2, line 24, by striking the words "three  
3 dollars and fifty cents per hour" and inserting the  
4 following: "three dollars and fifty cents per hour  
5 the minimum wage provided by section 91D.1, subsection  
6 1, paragraph "b"".

TONY BISIGNANO

S-5368

1 Amend Senate File 2281 as follows:  
2 1. Page 1, lines 19 and 20, by striking the words  
3 "department of public safety, and any other state  
4 agency" and inserting the following: "and department  
5 of public safety".

MICHAEL E. GRONSTAL

S-5369

1 Amend Senate File 2180 as follows:  
2 1. Page 1, lines 24 through 26, by striking the  
3 words "employment, including consideration of child  
4 care necessary to maintain the employment;" and  
5 inserting the following: "employment; necessary child  
6 care;".  
7 2. Page 2, lines 14 through 16, by striking the  
8 words "Notwithstanding any limitations imposed on the  
9 department by this chapter or chapter 321, the  
10 department shall issue the license."  
11 3. Page 3, lines 4 through 6, by striking the  
12 words "employment, including consideration of child  
13 care necessary to maintain the employment;" and  
14 inserting the following "employment; necessary child  
15 care;".

TONY BISIGNANO

S-5370

1 Amend Senate File 2421 as follows:  
2 1. Page 1, by inserting after line 33 the

3 following:

- 4 "Sec. \_\_\_\_ . Section 28F.1, Code 1995, is amended by  
5 adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. A member city of an  
7 entity created under this chapter for the purpose of  
8 financing electric facilities may withdraw from  
9 membership in the entity upon sixty days' notice to  
10 the entity of appropriate action by the city council.  
11 If the member city has outstanding obligations to the  
12 entity, the member city shall provide for the  
13 assumption of the outstanding obligations by another  
14 municipal utility or shall otherwise provide for the  
15 payment of its outstanding obligations to the entity."  
16 2. By renumbering as necessary.

EUGENE FRAISE

S-5371

1 Amend Senate File 2203 as follows:

- 2 1. Page 1, by striking lines 1 through 19 and  
3 inserting the following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 7E.8 INNOVATION ZONES -  
5 COMMISSION CREATED - REQUIREMENTS.  
6 1. It is the purpose of this section to facilitate  
7 the establishment of partnerships to redirect existing  
8 public funds to achieve improved results for children  
9 and families. State agencies and local communities  
10 shall negotiate the decategorization of funding to  
11 create shared accountability and responsibilities in  
12 achieving results for children and families.  
13 2. A state-level commission is created consisting  
14 of the directors or the directors' designees of the  
15 department of human services, the department of human  
16 rights, the department of education, the Iowa  
17 department of public health, the department of  
18 employment services, the department of management, the  
19 department of economic development, and the department  
20 of elder affairs. The commission shall work in  
21 cooperation with and shall receive support and  
22 guidance from the council on human investment.  
23 Additional members may be included in the work of the  
24 commission as necessary and as determined by the  
25 commission.  
26 3. On or before June 30, 1997, the commission  
27 shall do all of the following:  
28 a. To the extent necessary, propose and adopt  
29 rules to govern the process of establishing innovation  
30 zones, including but not limited to rules regarding  
31 the minimum requirements for local organization

- 32 participation in the innovation zone entity.  
33 b. Issue a request for applications to be  
34 submitted by the participants in the innovation zone  
35 entity. The applications shall emphasize the  
36 development of community-based strategies which are  
37 cross-system in design and which improve results for  
38 children and families.  
39 c. Negotiate agreements with the innovation zone  
40 entities based upon the applications submitted and  
41 including identification of funding to be utilized in  
42 implementing innovation zone plans.  
43 d. Develop a structure to conduct a return-on-  
44 investment analysis of the innovation zones.  
45 e. Provide technical assistance and support in the  
46 development and implementation of innovation zone  
47 plans.  
48 f. Consult with local community leaders throughout  
49 the process regarding the design and implementation of  
50 the innovation zone plans.

Page 2

- 1 g. Provide maximum flexibility and encourage  
2 creativity in the design and implementation of  
3 innovation zone plans with an emphasis on the  
4 potential for improving results for children and  
5 families through the plans.  
6 h. Coordinate the process by which local  
7 participants in the innovation zones may apply for  
8 waivers of state administrative rules. Requests for  
9 waivers of administrative rules shall be approved by  
10 the agency administering the rules from which a waiver  
11 is requested. Previously approved waivers and  
12 existing waiver procedures shall be utilized to the  
13 maximum extent possible, and additional waivers shall  
14 be granted as necessary and to the maximum extent  
15 possible.  
16 i. Initiate requests for waivers of federal  
17 requirements, as appropriate and necessary to  
18 implement innovation zone plans.  
19 j. Negotiate performance-based agreements for each  
20 innovation zone which shall include individual and  
21 joint state and local responsibilities and the results  
22 to be achieved and the methods and performance  
23 measures to be used in measuring results.  
24 4. An innovation zone entity that submits an  
25 application shall do all of the following:  
26 a. Define the geographic service area of the  
27 innovation zone which may be one or more communities  
28 or counties.

- 29 b. Develop an innovation zone plan as agreed to in  
 30 cooperation with the commission.
- 31 c. Establish or designate an entity that will be  
 32 responsible for development and implementation of the  
 33 plan and that will certify the performance-based  
 34 agreement negotiated with the commission which  
 35 agreement shall include both individual and joint  
 36 local and state responsibilities under the innovation  
 37 zone plan.
- 38 d. Develop a budget for the implementation of the  
 39 innovation zone plan which includes a commitment of  
 40 ongoing, local, public and private resources.
- 41 5. Following negotiation and execution of the  
 42 agreement, the innovation zone entity shall implement  
 43 the plan and provide scheduled reports to the  
 44 commission and to the council on human investment.  
 45 The council on human investment shall make reports  
 46 available to the governor and to the general assembly  
 47 upon receipt of any report."
- 48 2. By striking page 1, line 26, through page 2,  
 49 line 24.

ELAINE SZYMONIAK

S-5372

- 1 Amend Senate File 2365 as follows:
- 2 1. Page 2, by inserting after line 16 the  
 3 following:
- 4 "Sec. \_\_\_\_ . Section 19A.1, subsection 3, paragraph  
 5 a, Code 1995, is amended by striking the paragraph.  
 6 Sec. \_\_\_\_ . Section 19A.2, subsection 2, Code 1995,  
 7 is amended by striking the subsection.  
 8 Sec. \_\_\_\_ . Section 19A.2A, Code 1995, is amended to  
 9 read as follows:
- 10 19A.2A PURPOSE AND APPLICABILITY OF CHAPTER.
- 11 The general purpose of this chapter is to establish  
 12 for the state of Iowa a system of personnel  
 13 administration based on merit principles and  
 14 scientific methods to govern the appointment,  
 15 promotion, welfare, transfer, layoff, removal, and  
 16 discipline of its civil employees, and other incidents  
 17 of state employment. It is also the purpose of this  
 18 chapter to promote the coordination of personnel rules  
 19 and policies with collective bargaining agreements  
 20 negotiated under chapter 20.
- 21 All appointments and promotions to positions in the  
 22 state merit system shall be made solely on the basis  
 23 of merit and fitness, to be ascertained by competitive  
 24 examinations, except as otherwise specified in this

25 chapter.

26 Provisions of this chapter pertaining to  
27 qualifications, examination, competitive appointment,  
28 probation, and just cause hearings apply only to  
29 employees covered by the merit system.

30 This chapter does not apply to persons who are paid  
31 a fee on a contract-for-services basis.

32 Sec. \_\_\_\_ . Section 19A.3, subsection 8, Code  
33 Supplement 1995, is amended by striking the  
34 subsection.

35 Sec. \_\_\_\_ . Section 19A.9, unnumbered paragraph 1,  
36 and subsections 1, 2, 14, and 23, Code 1995, are  
37 amended to read as follows:

38 The ~~personnel commission~~ director shall adopt and  
39 may amend rules for the administration and  
40 implementation of this chapter in accordance with  
41 chapter 17A. ~~The director shall prepare and submit~~  
42 ~~proposed rules to the commission.~~ Rulemaking shall be  
43 carried out with due regard to the terms of collective  
44 bargaining agreements. A rule shall not supersede a  
45 provision of a collective bargaining agreement  
46 negotiated under chapter 20. The rules shall provide:

47 1. For the preparation, maintenance, and revision  
48 of a position job classification plan ~~from a schedule~~  
49 ~~by separate department for each position and type of~~  
50 ~~employment not otherwise provided for by law in state~~

Page 2

1 ~~government for all positions that encompasses each job~~  
2 ~~in the executive branch, excluding positions job~~  
3 ~~classifications~~ under the state board of regents,  
4 based upon assigned duties performed and  
5 responsibilities ~~assumed~~, so that the same general  
6 qualifications may reasonably be required for and the  
7 same schedule of pay plan may be equitably applied to  
8 all positions jobs in the same class; in the same  
9 geographical area job classification. ~~After the~~  
10 ~~classification has been approved by the commission,~~  
11 ~~the~~ The director shall allocate ~~classify~~ the position  
12 of every employee in the executive branch, excluding  
13 employees of the state board of regents, ~~to into~~ one  
14 of the classes in the plan. Any employee or agency  
15 officials appointing authority ~~adversely~~ affected by  
16 the allocation classification or reclassification of a  
17 position to a class ~~shall, after filing~~ may file a  
18 request for reconsideration with the director a  
19 written request for reconsideration in the manner and  
20 form the director prescribes, and shall be given a  
21 reasonable opportunity to be heard by the director or

22 the director's designee. An appeal may be made to the  
23 ~~commission or to~~ a qualified classification committee  
24 appointed by the ~~commission~~ director. An allocation  
25 The classification or reallocation reclassification of  
26 a position by the ~~director to a different~~  
27 classification that would cause the expenditure of  
28 additional salary funds shall not become effective, if  
29 the ~~allocation or reallocation may result in the~~  
30 expenditure of funds is in excess of the total amount  
31 budgeted for the department of the appointing  
32 authority, until budgetary approval has been obtained  
33 from the director of the department of management.  
34 When the public interest requires a diminution or  
35 increase of employees in any position or type of  
36 employment not otherwise provided by law, or the  
37 creation or abolishment of any position or type of  
38 employment, the ~~governor~~ director, acting in good  
39 faith, shall so notify the ~~commission~~ governor.  
40 Thereafter the position or type of employment shall  
41 stand abolished or created and the number of employees  
42 therein reduced or increased. Schedules of positions  
43 and types of employment not otherwise provided for by  
44 law shall be reviewed at least once each year by the  
45 governor ~~director~~.  
46 2. For pay plans within the purview of an  
47 appropriation made by the general assembly and not  
48 otherwise provided by law for covering all employees  
49 in the executive branch of state government, excluding  
50 employees of the state board of regents, after

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1 consultation with the governor and appointing  
2 authorities, and consistent with due regard to the  
3 terms of collective bargaining agreements negotiated  
4 under chapter 20 and after a public hearing held by  
5 the commission. Review of the pay plan for revisions  
6 shall be made in the same manner at the discretion of  
7 the director, but not less than annually. The annual  
8 review by the director shall be made available to the  
9 governor a sufficient time in advance of collective  
10 bargaining negotiations to permit its recommendations  
11 to be considered during the negotiations. Each  
12 employee in the executive branch, excluding employees  
13 of the state board of regents, shall be paid at one of  
14 the rates set forth in the pay plan for the class of  
15 position in which employed and, unless otherwise  
16 designated by the commission, shall begin employment  
17 at the first step of the established range for the  
18 employee's class.



19 14. For layoffs by reason of lack of funds or  
 20 work, or organization, and for ~~re-employment~~ the  
 21 recall of employees so laid off, giving primary  
 22 consideration in both layoffs and ~~re-employment~~ recall  
 23 to the performance record and secondary consideration  
 24 to ~~seniority in~~ length of service. Any employee who  
 25 has been laid off may keep the employee's name on a  
 26 ~~preferred employment~~ recall list for one year, which  
 27 list shall be exhausted by the agency enforcing the  
 28 layoff before selection of an employee may be made  
 29 from the ~~register~~ promotional or nonpromotional list  
 30 of eligibles in the employee's classification.  
 31 Employees who are subject to contracts negotiated  
 32 under chapter 20 which include layoff and recall  
 33 provisions shall be governed by the contract  
 34 provisions.

35 23. For the establishment of work test  
 36 appointments for positions of ~~unskilled labor~~  
 37 laborers, attendants, aides, janitors, food service  
 38 workers, laundry workers, porters, elevator operators,  
 39 or custodial or similar types of employment when the  
 40 character of the work makes it impracticable to supply  
 41 the needs of the service effectively by written or  
 42 other type of competitive examination. If this  
 43 subsection conflicts with any other provisions of this  
 44 chapter, the provisions of this subsection govern the  
 45 positions to which it applies. All persons appointed  
 46 to the positions specified in this subsection shall  
 47 serve a probationary period in accordance with this  
 48 chapter, may acquire permanent status, and are subject  
 49 to the same rules as other classified employees. Such  
 50 persons shall be required to pass promotional

Page 4

1 examinations as prescribed by this chapter and the  
 2 rules adopted by the ~~personnel commission~~ director  
 3 before they may be promoted to a higher  
 4 classification.

5 Sec. \_\_\_\_ . Section 19A.15, Code Supplement 1995, is  
 6 amended by adding the following new unnumbered  
 7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The department's records  
 9 may be maintained in paper, magnetic, or electronic  
 10 format, including optical disk storage.

11 Sec. \_\_\_\_ . Section 19A.16, Code 1995, is amended to  
 12 read as follows:

13 19A.16 SERVICES TO POLITICAL SUBDIVISIONS.

14 ~~Subject to the rules approved by the commission,~~  
 15 the ~~The~~ director may enter into agreements with any

16 municipality or political subdivision of the state to  
17 furnish services and facilities of the agency to ~~such~~  
18 ~~the~~ municipality or political subdivision in the  
19 administration of its personnel on merit principles.  
20 ~~Any such~~ The agreement shall provide for the  
21 reimbursement to the state of the reasonable cost of  
22 the services and facilities furnished. All  
23 municipalities and political subdivisions of the state  
24 are authorized to enter into ~~such~~ agreements.  
25 Nothing in this chapter shall affect any municipal  
26 civil service programs presently established under and  
27 pursuant to the provisions of chapter 400.

28 Sec. \_\_\_\_ . Section 19A.18, unnumbered paragraph 7,  
29 Code 1995, is amended to read as follows:

30 The ~~commission~~ director shall adopt any rules  
31 necessary for further restricting political activities  
32 of persons holding positions in the classified  
33 service, but only to the extent necessary to comply  
34 with federal standards. Employees retain the right to  
35 vote as they please and to express their opinions on  
36 all subjects."

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

39 "Sec. \_\_\_\_ . Section 70A.1, unnumbered paragraphs 1  
40 and 7, Code 1995, are amended to read as follows:

41 Salaries specifically provided for in an  
42 appropriation Act of the general assembly shall be in  
43 lieu of existing statutory salaries, for the positions  
44 provided for in the Act, and all salaries, including  
45 longevity where applicable by express provision in the  
46 Code, shall be paid according to the provisions of  
47 chapter 91A and shall be in full compensation of all  
48 services, including any service on committees, boards,  
49 commissions or similar duty for Iowa government,  
50 except for members of the general assembly. A state

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1 employee on an annual salary shall not be paid for a  
2 pay period an amount which exceeds the employee's  
3 annual salary transposed into a rate applicable to the  
4 pay period by dividing the annual salary by the number  
5 of pay periods in the fiscal year. Salaries for state  
6 employees ~~other than annual salaries covered by the~~  
7 overtime payment provisions of the federal Fair Labor  
8 Standards Act shall be established on an hourly basis.

9 State employees, excluding state board of regents'  
10 faculty members with nine-month appointments, and  
11 employees covered under a collective bargaining  
12 agreement negotiated with the public safety bargaining

13 unit who are eligible for accrued vacation benefits  
 14 and accrued sick leave benefits, who have accumulated  
 15 thirty days of sick leave, and who do not use sick  
 16 leave during a full month of employment may elect to  
 17 accrue up to one-half day of additional vacation. The  
 18 accrual of additional vacation time by an employee for  
 19 not using sick leave during a month is in lieu of the  
 20 accrual of up to one and one-half days of sick leave  
 21 for that month. The personnel commission director of  
 22 the department of personnel may adopt the necessary  
 23 rules and procedures for the implementation of this  
 24 program for all state employees except employees of  
 25 the state board of regents. The state board of  
 26 regents may adopt necessary rules for the  
 27 implementation of this program for its employees.  
 28 Sec. \_\_\_\_ . Section 70A.16, subsection 2, unnumbered  
 29 paragraph 1, Code 1995, is amended to read as follows:  
 30 A state employee who is reassigned shall be  
 31 reimbursed for moving expenses incurred in accordance  
 32 with rules adopted by the personnel commission  
 33 director of the department of personnel when all of  
 34 the following circumstances exist:  
 35 3. Page 3, by inserting after line 26 the  
 36 following:  
 37 "Sec. \_\_\_\_ . Section 137.6, subsection 4, Code 1995,  
 38 is amended to read as follows:  
 39 4. Employ persons as necessary for the efficient  
 40 discharge of its duties. Employment practices shall  
 41 meet the requirements of the personnel commission  
 42 director of the department of personnel or any civil  
 43 service provision adopted under chapter 400."  
 44 4. Page 4, by inserting after line 16 the  
 45 following:  
 46 "Sec. \_\_\_\_ . REPEAL. Sections 19A.4, 19A.6, and  
 47 19A.7, Code 1995, are repealed."  
 48 5. Title page, line 3, by inserting after the  
 49 word "program," the following: "job classifications,  
 50 pay plans, recall from layoff, the personnel

Page 6.

1 commission,"

2 6. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5373

1 Amend Senate File 2399 as follows:

2 1. Page 30, by inserting after line 7 the

3 following:

- 4 "Sec. \_\_\_\_ . Section 910A.16, subsection 4, Code  
 5 1995, is amended to read as follows:  
 6 4. To the greatest extent possible, a  
 7 multidisciplinary team involving the county attorney,  
 8 law enforcement personnel, community-based child  
 9 advocacy organizations, and personnel of the  
 10 department of human services shall be utilized in  
 11 investigating and prosecuting cases involving a  
 12 violation of chapter 709 or 726 or other crime  
 13 committed upon a victim as defined in subsection 1. A  
 14 multidisciplinary team may also consult with or  
 15 include juvenile court officers, medical and mental  
 16 health professionals, court-appointed special  
 17 advocates, guardians ad litem, and members of a  
 18 multidisciplinary team created by the department of  
 19 human services for child abuse investigations. The  
 20 department of justice may provide training and other  
 21 assistance to support the activities of a  
 22 multidisciplinary team referred to in this  
 23 subsection."  
 24 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5374

- 1 Amend Senate File 2383 as follows:  
 2 1. Page 1, by striking lines 26 through 32 and  
 3 inserting the following: "the peace officer to whom  
 4 the information was given ~~but shall include a~~  
 5 ~~determination that the information appears credible~~  
 6 ~~either because sworn testimony indicates that the~~  
 7 ~~informant has given reliable information on previous~~  
 8 ~~occasions or because the informant or the information~~  
 9 ~~provided by the informant appears credible for reasons~~  
 10 ~~specified by the magistrate. The magistrate may in~~  
 11 ~~the magistrate's discretion".~~  
 12 2. Page 2, by striking lines 1 through 18.  
 13 3. Title page, by striking lines 1 and 2 and  
 14 inserting the following: "An Act relating to search  
 15 warrants and allowing the issuance".

RANDAL J. GIANNETTO

S-5375

- 1 Amend Senate File 2365 as follows:  
 2 1. Page 2, by inserting after line 16 the  
 3 following:

- 4 "Sec. \_\_\_\_ . Section 19A.23, Code 1995, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:  
7 19A.23 LONGEVITY PAY PERMITTED. All state  
8 employees, including employees of the department of  
9 public safety, covered by this chapter or chapter 80,  
10 shall be entitled to longevity pay as negotiated  
11 pursuant to chapter 20 if the employed are covered by  
12 a collective bargaining agreement. For state  
13 employees not covered by a collective bargaining  
14 agreement, longevity pay shall be determined by the  
15 department."  
16 2. Page 3, by inserting after line 26 the  
17 following:  
18 "Sec. \_\_\_\_ . Section 80.8, unnumbered paragraph 4,  
19 Code 1995, is amended by striking the unnumbered  
20 paragraph."  
21 3. Page 4, by inserting after line 16 the  
22 following:  
23 "Sec. \_\_\_\_ . REPEAL. Section 307.48, Code 1995, is  
24 repealed."  
25 4. Title page, line 2, by inserting after the  
26 word "compensation," the following: "longevity pay,".  
27 5. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5376

- 1 Amend Senate File 2372 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 562A.8, subsections 1 and 3,  
5 Code 1995, are amended by striking the subsections.  
6 Sec. 2. Section 562A.8, subsection 2, Code 1995,  
7 is amended to read as follows:  
8 2. A person "notifies" or "gives" a notice or  
9 notification to another by taking steps reasonably  
10 calculated to inform the other in ordinary course  
11 whether or not the other actually comes to know of it.  
12 A person "receives" a notice or notification when it  
13 comes to that person's attention or in the case of the  
14 landlord, it is delivered at in hand or mailed by  
15 certified mail, or restricted certified mail to the  
16 place of business of the landlord through which the  
17 rental agreement was made or at a place held out by  
18 the landlord as the place for receipt of the  
19 communication or delivered to any individual who is  
20 designated as an agent of the landlord or, when in the  
21 case of the tenant, it is delivered in hand to the

22 tenant or mailed by ~~registered or certified mail or~~  
23 restricted certified mail to such person at the place  
24 held out by such person as the place for receipt of  
25 the communication, or in the absence of such  
26 designation, to such person's last known place of  
27 residence."

28 2. Page 1, by striking lines 8 through 11 and  
29 inserting the following: "possession of the premises  
30 pursuant to chapter 648."

31 3. Page 1, by striking lines 21 through 27 and  
32 inserting the following:

33 "Sec. \_\_\_\_ . Section 562B.9, subsections 1 and 3,  
34 Code 1995, are amended by striking the subsections.  
35 Sec. \_\_\_\_ . Section 562B.9, subsection 2, Code 1995,  
36 is amended to read as follows:

37 2: A person "notifies" or "gives" a notice or  
38 notification to another by taking steps reasonably  
39 calculated to inform the other in ordinary course  
40 whether or not the other actually comes to know of it.  
41 A person "receives" a notice or notification when it  
42 comes to that person's attention, or in the case of  
43 the landlord, it is delivered in hand or mailed by  
44 registered certified mail or restricted certified mail  
45 to the place of business of the landlord through which  
46 the rental agreement was made or at any place held out  
47 by the landlord as the place for receipt of the  
48 communication or delivered to any individual who is  
49 designated as an agent by section 562B.14 or, in the  
50 case of the tenant, it is delivered in hand to the

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1 tenant or mailed by registered mail return receipt  
2 requested certified mail or restricted certified mail  
3 to the tenant at the place held out by the tenant as  
4 the place for receipt of the communication or, in the  
5 absence of such designation, to the tenant's last  
6 known place of residence other than the landlord's  
7 mobile home or space."

8 4. Page 2, line 9, by striking the word "five"  
9 and inserting the following: "five three".

10 5. Page 2, line 17, by striking the word "five"  
11 and inserting the following: "five three".

12 6. Title page, line 1, by inserting after the  
13 word "agreements" the following: ", the definition of  
14 notice,".

15 7. By renumbering as necessary.

S-5377

- 1 Amend the amendment, S-5359, to Senate File 2195,  
 2 as follows:  
 3 1. By striking page 1, line 42, through page 2,  
 4 line 27, and inserting the following:  
 5 "\_\_\_ . Page 4, line 2, by striking the word  
 6 "subsection" and inserting the following:  
 7 "subsections".  
 8 \_\_\_ . Page 4, by inserting after line 11 the  
 9 following:  
 10 "NEW SUBSECTION. 19. The use of the network or  
 11 its services shall not be resold, directly or  
 12 indirectly, to any unauthorized user. The commission  
 13 or an authorized user shall not collect a fee or  
 14 charge, directly or indirectly, for use of the network  
 15 or for any network services, except as expressly  
 16 authorized by this chapter.  
 17 NEW SUBSECTION. 20. Access to the network through  
 18 the use of a modem which permits an individual to  
 19 access the network through the facilities of an  
 20 authorized user shall not be permitted except that an  
 21 educational institution which is an authorized user  
 22 may permit a student or teacher associated with such  
 23 institution to access the network in such manner."  
 24 2. By renumbering as necessary.

DERRYL McLAREN  
 JOHN W. JENSEN  
 DONALD B. REDFERN

S-5378

- 1 Amend Senate File 2195 as follows:  
 2 1. Page 4, by inserting after line 11 the  
 3 following:  
 4 "Sec. \_\_\_ . NEW SECTION. 8D.15 NETWORK SINKING  
 5 FUND CREATED.  
 6 A network sinking fund is created in the state  
 7 treasury. The network sinking fund shall be separate  
 8 from the general fund of the state and shall not be  
 9 considered part of the general fund. Moneys shall be  
 10 deposited in the network sinking fund as determined by  
 11 the general assembly and as appropriated by the  
 12 general assembly from the rebuild Iowa infrastructure  
 13 fund of the state created in section 8.57, subsection  
 14 5. Moneys deposited in the network sinking fund shall  
 15 be appropriated by the general assembly and shall only  
 16 be used for the payment of costs associated with the  
 17 early redemption of the certificates of participation

18 issued to pay costs associated with the construction  
19 of the network. Interest or earnings on moneys  
20 deposited in the network sinking fund shall be  
21 credited to the network sinking fund.”  
22 2. Renumber as necessary.

DERRYL McLAREN  
JOHN W. JENSEN  
DONALD B. REDFERN

S-5379

1 Amend the amendment, S-5359, to Senate File 2195 as  
2 follows:  
3 1. Page 1, by inserting after line 14 the  
4 following:  
5 “\_\_\_ . Page 3, line 5, by inserting after the word  
6 “activities.” the following: “A regional  
7 telecommunications council shall not expend any funds  
8 received pursuant to this paragraph without the prior  
9 approval of the area education agency serving the area  
10 in which the council is located. In approving such  
11 expenditures, the area education agency shall consider  
12 and give priority to the best interests of students in  
13 grades kindergarten through twelve.””  
14 2. By renumbering as necessary.

DERRYL McLAREN

S-5380

1 Amend Senate File 2449 as follows:  
2 1. Page 24, by striking line 18 and inserting the  
3 following: “utilizes a computer or recordkeeping  
4 system designed to”.

MERLIN E. BARTZ

S-5381

1 Amend the House amendment, S-5109, to Senate File  
2 2063, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 5 through 15.  
5 2. Page 1, line 16, by striking the letter “c.”  
6 and inserting the following: “1.”



7 3. Page 1, line 19, by striking the figure "1997"  
8 and inserting the following: "1996".

MIKE CONNOLLY  
JOHN P. KIBBIE  
LARRY MURPHY

S-5382

1 Amend Senate File 2085 as follows:

2 1. Page 4, line 32, by inserting after the figure  
3 "321L.8." the following: "A person may be eligible  
4 for either a temporary, four-year, or an eight-year  
5 handicapped parking permit. An eight-year permit  
6 shall only be issued if the nature of the person's  
7 disability is such that the person's condition is  
8 permanent and irrevocable."

9 2. Page 5, line 28, by striking the word "or".

10 3. Page 5, line 32, by inserting after the word  
11 "years" the following: "or a semipermanent  
12 removable windshield placard, which shall be valid for  
13 a period of up to eight years. A person may be  
14 eligible for a semipermanent removable windshield  
15 placard if the physician's or chiropractor's statement  
16 indicates that the person is permanently and  
17 irrevocably handicapped".

18 4. Page 12, by inserting after line 30, the  
19 following:

20 "Sec. \_\_\_\_ . The department shall work with the  
21 American medical association and other groups to  
22 educate physicians and chiropractors regarding the  
23 chiropractors' and physicians' statements required for  
24 issuance of a handicapped parking permit and the  
25 requirements under section 321L.2 for issuance of a  
26 handicapped parking permit. If possible, this  
27 education effort shall be included within relevant  
28 continuing education curriculum."

JIM LIND

S-5383

1 Amend Senate File 2349 as follows:

2 1. Page 2, by inserting after line 27 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321.69, subsections 2 and 3,  
5 Code Supplement 1995, are amended to read as follows:

6 2. The damage disclosure statement required by  
7 this section shall, at a minimum, state the total  
8 retail dollar amount of all damage to the vehicle

9 during the period of the transferor's ownership of the  
10 vehicle and whether the transferor knows if the  
11 vehicle was titled as a salvage or flood vehicle in  
12 this or any other state prior to the transferor's  
13 ownership of the vehicle. For the purposes of this  
14 section, "damage" refers to damage to the vehicle  
15 caused by fire, vandalism, collision, weather, falling  
16 objects, submersion in water, or flood, where the cost  
17 of repair is three five thousand dollars or more per  
18 incident, but does not include normal wear and tear,  
19 glass damage, mechanical repairs or electrical repairs  
20 that have not been caused by fire, vandalism,  
21 collision, weather, falling objects, submersion in  
22 water, or flood. "Damage" does not include the cost  
23 of repairing, replacing, or reinstalling an inflatable  
24 restraint system. A determination of the amount of  
25 damage to a vehicle shall be based on estimates of the  
26 retail cost of repairing the vehicle, including labor,  
27 parts, and other materials, if the vehicle has not  
28 been repaired or on the actual retail cost of repair,  
29 including labor, parts, and other materials, if the  
30 vehicle has been repaired. Only individual incidents  
31 in which the retail cost of repairs is three five  
32 thousand dollars or more are required to be disclosed  
33 by this section. If the vehicle has incurred damage  
34 of three five thousand dollars or more per incident in  
35 more than one incident, the damage amounts must be  
36 combined and disclosed as the total of all separate  
37 incidents.

38 3. The damage disclosure statement shall be  
39 provided by the transferor to the transferee at or  
40 before the time of sale. If the transferor is not a  
41 resident of this state the transferee shall not be  
42 required to submit a damage disclosure statement from  
43 the transferor with the transferee's application for  
44 title unless the state of the transferor's residence  
45 requires a damage disclosure statement. However, the  
46 transferee shall submit a damage disclosure statement  
47 with the transferee's application for title indicating  
48 whether a salvage or rebuilt title had ever existed  
49 for the vehicle, whether the vehicle had incurred  
50 prior damage of three five thousand dollars or more

Page 2

- 1 per incident, and the year, make, and vehicle
- 2 identification number of the motor vehicle."
- 3 2. Title page, line 3, by inserting after the
- 4 word "replacement," the following: "increasing damage

- 5 disclosure statement limits.”  
 6 3. By renumbering as necessary.

BRAD BANKS  
 DERRYL McLAREN

S-5384

- 1 Amend Senate File 2421 as follows:  
 2 1. Page 2, by inserting before line 12 the  
 3 following:  
 4 “Sec. \_\_\_\_ . Section 28E.5, Code 1995, is amended by  
 5 adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. If the agreement  
 7 establishes an entity whose purposes include issuing  
 8 revenue bonds under chapter 28F for financing electric  
 9 power facilities, the agreement shall specify that  
 10 each public agency subscribing to the agreement is  
 11 entitled to at least one full-voting member on the  
 12 governing body of the entity.”

O. GENE MADDOX

S-5385

- 1 Amend the amendment, S-5248, to Senate File 2195,  
 2 as follows:  
 3 1. Page 1, by striking line 19.  
 4 2. By renumbering as necessary.

JIM LIND

S-5386

- 1 Amend the amendment, S-5311, to Senate File 2281 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 “ \_\_\_\_ . Page 1, line 19, by striking the words  
 6 “judicial department, department” and inserting the  
 7 following: “judicial department, and department.”  
 8 2. Page 1, lines 3 and 4, by striking the words  
 9 “and any other state agency”.

MICHAEL E. GRONSTAL

S-5387

- 1 Amend House File 2383, as amended, passed, and  
 2 reprinted by the House, as follows:

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

5 "Section 1. Section 481A.55, unnumbered paragraph  
6 1, Code 1995, is amended to read as follows:

7 Except as otherwise provided, a person shall not  
8 buy or sell, dead or alive, a bird or animal or any  
9 part of one which is protected by this chapter, but  
10 this section does not apply to fur-bearing animals,  
11 and the skins, plumage, and antlers of legally taken  
12 game. This section does not prohibit the purchase of  
13 jackrabbits from sources outside this state. This  
14 section does not prohibit a commercial processor from  
15 disposing of unclaimed game after sixty days from the  
16 date of receipt. The processor shall post a sign at a  
17 conspicuous location at the processor's place of  
18 business giving notice that unclaimed processed game  
19 will be disposed of after sixty days from the date of  
20 receipt from the owner. A person shall not purchase,  
21 sell, barter, or offer to purchase, sell, or barter  
22 for millinery or ornamental use the feathers of  
23 migratory game birds; and a person shall not purchase,  
24 sell, barter, or offer to purchase, sell, or barter  
25 mounted specimens of migratory game birds.

26 Sec. 2. Section 481A.57, Code 1995, is amended to  
27 read as follows:

28 481A.57 POSSESSION AND STORAGE.

29 A person having lawful possession of ~~game~~ or fur-  
30 bearing animals or their pelts may hold them for not  
31 to exceed ~~thirty~~ sixty days after the close of the  
32 open season for ~~such game~~ or the furbearers. A permit  
33 to hold a furbearer for a longer period may be granted  
34 by the department. A person having lawful possession  
35 of game may hold them for a period of one year."  
36 2. By renumbering as necessary.

BERL E. PRIEBE

S-5388

1 Amend Senate File 2450 as follows:

2 1. Page 1, line 5, by striking the word "five"  
3 and inserting the following: "nine".

4 2. Page 1, line 10, by inserting after the word  
5 "titles" the following: ", one member shall be a real  
6 estate broker, one member shall be a real estate  
7 salesperson, two members shall be mortgage bankers,  
8 and two members shall be members of the Iowa finance  
9 authority board established in section 16.2".

10 3. Page 1, by striking lines 15 through 21 and  
11 inserting the following: "unexpired term."

- 12 4. Page 3, line 26, by striking the word "Two"  
 13 and inserting the following: "Three".  
 14 5. Page 3, line 28, by striking the word "Two"  
 15 and inserting the following: "Three".  
 16 6. Page 3, line 29, by striking the words "One  
 17 member" and inserting the following: "Three members".

MERLIN E. BARTZ

S-5389

- 1 Amend House File 2140, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, line 13, by inserting after the word  
 4 "users." the following: "However, the department  
 5 shall not adopt rules requiring separate storage of  
 6 liquefied petroleum gas for highway and nonhighway use  
 7 if the pumps are located on a farm."

MERLIN E. BARTZ

S-5390

- 1 Amend Senate File 2253 as follows:  
 2 1. Page 1, by inserting after line 11 the  
 3 following:  
 4 "Sec. \_\_\_\_ PUBLIC ASSISTANCE ELIGIBILITY WAIVER.  
 5 1. For the purposes of this section, unless the  
 6 context otherwise requires, "public assistance" means  
 7 assistance for the following purposes paid for in  
 8 whole or in part by the federal government in  
 9 combination with the state or a political subdivision  
 10 of the state:  
 11 a. The family investment program under chapter  
 12 239.  
 13 b. The medical assistance program under chapter  
 14 249A.  
 15 c. Child day care funding.  
 16 2. The department of human services shall submit  
 17 waiver requests to the United States department of  
 18 health and human services for authorization for the  
 19 state and political subdivisions of the state to apply  
 20 an additional eligibility provision to public  
 21 assistance, if existing eligibility provisions require  
 22 the recipient to have a dependent child. The  
 23 eligibility provision shall require that at the time  
 24 of the dependent child's birth, at least one of the  
 25 parents of the child was either a citizen or was  
 26 lawfully present in the United States. The department  
 27 shall report to the general assembly by December 15,

28 1996, as to the status of the request or requests. If  
29 implementation of an approved federal waiver would  
30 require a change in a state law, the department shall  
31 submit a proposal for amending the state law to the  
32 governor and the general assembly."

33 2. Title page, line 1, by striking the words  
34 "county general" and inserting the following:  
35 "public".

36 3. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5391

1 Amend Senate File 2327 as follows:

2 1. Page 6, line 21, by inserting after the word

3 "full" the following: "written".

4 2. Page 6, line 22, by inserting after the word

5 "lessee" the following: "by the manufacturer,  
6 assistive device dealer, or assistive device lessor".

PATRICK J. DELUHERY  
ROBERT E. DVORSKY

S-5392

1 Amend House File 230, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 25 and 26 and  
4 inserting the following: "society of composers,  
5 authors, and publishers; broadcast music, inc.; the  
6 society of composers; and the society of European  
7 stage authors and composers."

8 2. Page 4, by striking lines 4 through 6 and  
9 inserting the following: "provides an initial  
10 disclosure regarding the contract. The initial  
11 disclosure must be presented to the proprietor not  
12 more than seven and not less than three days prior to  
13 the execution of the contract. The initial disclosure  
14 must be presented to the".

MERLIN E. BARTZ

S-5393

1 Amend Senate File 2447 as follows:

2 1. Page 8, by striking lines 25 through 27 and

3 inserting the following: "office. Not later than  
4 July 6 of each year, the assessing authority shall  
5 remit applications including certifications, for

6 exemptions with the assessing authority's  
7 recommendation for approval or disapproval. If the  
8 assessing authority recommends disapproval of an  
9 application, the assessing authority shall submit the  
10 reasons for the recommendation, in writing, to the  
11 county auditor. The county auditor shall forward the  
12 applications to the board of supervisors. The board  
13 shall approve or disapprove the applications. If the  
14 board disapproves an application, it shall send  
15 written notice, by mail, to the applicant at the  
16 applicant's last known address. The notice shall  
17 state the reasons for disapproving the application.  
18 The board is not required to send notice that an  
19 application is disapproved if the applicant  
20 voluntarily withdraws the application. All  
21 applications which have been approved by the board of  
22 supervisors shall be certified on or before August 1,  
23 in each year, by the county auditor to the county  
24 treasurer. The county treasurer shall certify to the  
25 agricultural development authority the total amount of  
26 dollars of exemptions due under this subsection.  
27 After receiving".

28 2. Page 8, line 81, by striking the words  
29 "assessing authority" and inserting the following:  
30 "county treasurer".

31 3. Page 8, line 32, by striking the words  
32 "assessing authority" and inserting the following:  
33 "county treasurer".

34 4. Page 8, line 33, by striking the words  
35 "assessing authorities" and inserting the following:  
36 "county treasurers".

37 5. Page 9, line 3, by striking the words  
38 "assessing authorities" and inserting the following:  
39 "county treasurers".

JOHN P. KIBBIE

S-5394

1 Amend House File 2477, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 34 the  
4 following:

5 "The department of education shall conduct a study  
6 of open enrollment across state boundaries and report

7 its findings and specific recommendations to the  
8 general assembly by January 1, 1997."

MERLIN E. BARTZ  
WILMER RENSINK  
JOHN P. KIBBIE

S-5395

- 1 Amend Senate File 2266 as follows:  
2 1. By striking page 1, line 12, through page 2,  
3 line 7.  
4 2. By renumbering as necessary.

MIKE CONNOLLY

S-5396

- 1 Amend the amendment, S-5151, to Senate File 2221 as  
2 follows:  
3 1. Page 1, by inserting after line 34 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 476.6, Code 1995, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 22. ALTERNATE ENERGY PROMOTIONAL  
8 RATES. The board shall require that electric  
9 utilities offer to their customers the opportunity to  
10 pay, on a voluntary basis, an alternate energy  
11 promotional rate. This rate shall exceed the rate for  
12 electricity otherwise payable and shall be designed  
13 and encouraged by the electric utility to maximize  
14 voluntary financial support for alternate energy  
15 production. The alternate energy promotional rate  
16 shall be filed as a tariff with the board pursuant to  
17 section 476.4. Retaining only amounts approved by the  
18 board for its administrative and marketing costs, the  
19 electric utility shall remit that portion of the  
20 electric rate attributable to the alternate energy  
21 promotional rate to the Iowa energy center to be used  
22 solely for providing grants to nonprofit agencies for  
23 alternate energy production."  
24 2. Page 1, by inserting after line 42 the  
25 following:  
26 "Sec. \_\_\_\_ . Section 476.42, subsection 4, paragraph  
27 a, Code 1995, is amended to read as follows:  
28 a. A hydroelectric facility at a dam located  
29 within this state."  
30 3. Page 2, line 25, by striking the word "may"  
31 and inserting the following: "shall".  
32 4. Page 2, line 36, by inserting after the word



33 "including" the following: " , but not limited to,".

34 5. Page 2, line 40, by inserting after the word  
35 and figure "subsection 1" the following: "or which  
36 obstructs the policy of this state as stated in  
37 section 476.41".

38 6. Page 2, line 42, by striking the word "amount"  
39 and inserting the following: "total project capital  
40 cost".

41 7. Page 3, line 22, by inserting after the word  
42 "true" the following: "long-term".

43 8. Page 3, line 40, by inserting after the figure  
44 "476.43" the following: "and pursuant to timelines  
45 established under paragraph "c". For purposes of this  
46 section, "megawatt" shall be determined in accordance  
47 with a utility's average capacity. "Average capacity"  
48 means a utility's total output over a year divided by  
49 the number of hours in the year."

50 9. Page 4, line 19, by inserting after the word

## Page 2

1 "technologies." the following: "Of the eighty-five  
2 percent, thirty percent shall be purchased in  
3 accordance with the following:

4 (1) At least ten percent shall be from dedicated  
5 energy crops grown within the state, fifty percent of  
6 which shall be from projects of five hundred kilowatts  
7 or less.

8 (2) At least ten percent shall be from  
9 agricultural wastes produced from agricultural crops  
10 grown within the state, fifty percent of which shall  
11 be from projects of five hundred kilowatts or less.

12 (3) At least ten percent shall be from small scale  
13 wind generation projects located within the state of  
14 two hundred fifty kilowatts or less.

15 c. By December 31, 1997, the board shall require  
16 an electric utility to enter into contracts for the  
17 purchase of the utility's allotted share of eighty-  
18 nine megawatts of electricity generated from alternate  
19 energy production facilities, and by July 1, 1999, the  
20 board shall require the utility to enter into  
21 contracts for the purchase of the utility's allotted  
22 share of an additional one hundred five megawatts."

23 10. Page 4, line 23, by inserting after the word  
24 "TRUE" the following: "LONG-TERM".

25 11. Page 4, line 26, by inserting after the word  
26 "true" the following: "long-term".

27 12. Page 4, line 31, by inserting after the word  
28 "true" the following: "long-term".

29 13. Page 4, line 32, by inserting before the word

30 "economic" the following: "long-term".  
 31 14. Page 4, line 34, by striking the words  
 32 "environmental impacts" and inserting the following:  
 33 "long-term environmental impacts and costs".  
 34 15. Page 4, line 36, by inserting after the word  
 35 "true" the following: "long-term".  
 36 16. Page 4, line 45, by inserting after the word  
 37 "Act." the following: "In addition, this Act shall  
 38 not affect potential contracts between alternate  
 39 energy production facilities and electric utilities if  
 40 a petition relating to the potential contracts has  
 41 been filed by January 1, 1996, and an action is  
 42 currently pending before the Iowa utilities board.  
 43 For purposes of the pending actions, the Iowa  
 44 utilities board shall not take into account the  
 45 changes contained in this Act."  
 46 17. Page 4, by inserting after line 45 the  
 47 following:  
 48 "Sec. \_\_\_\_ . It is the intent of the general  
 49 assembly that persons who have proceeded in good faith  
 50 under the terms and conditions of sections 476.43 and

### Page 3

1 476.44, prior to their amendment by this Act, not  
 2 suffer economic loss as a result of this Act. These  
 3 persons shall be reimbursed by the utilities for their  
 4 reasonable good faith development costs as determined  
 5 by the Iowa utilities board."  
 6 18. By renumbering as necessary.

BILL FINK

S-5397

1 Amend the amendment, S-5371, to Senate File 2203 as  
 2 follows:  
 3 1. Page 1, by inserting after line 3 the  
 4 following:  
 5 "Sec. 100. NEW SECTION. 7E.8 SERVICES TO  
 6 CHILDREN AND FAMILIES -- STATE AGENCIES -- DIRECTIVE.  
 7 The child development coordinating council shall  
 8 develop a strategic plan, to internally coordinate,  
 9 increase collaboration, reduce regulation, eliminate  
 10 duplication, and develop a system for evaluation of  
 11 existing and future programs and activities relating  
 12 to children and families. The council shall develop  
 13 the strategic plan in consultation with entities which  
 14 provide services to children and families, including  
 15 but not limited to the department of human services,

16 the Iowa department of public health, the department  
 17 of education, the department of economic development,  
 18 the department of employment services, the department  
 19 of human rights, service providers, and community  
 20 leaders. The council shall submit a comprehensive  
 21 report to the general assembly detailing the progress  
 22 in meeting the directive, initially, prior to the end  
 23 of the regular session of the general assembly meeting  
 24 in 1996, and, annually, thereafter, on or before  
 25 December 1."

26 2. Page 1, line 4, by striking the figure "7E.8"  
 27 and inserting the following: "7E.9".

28 3. Page 2, by inserting after line 47 the  
 29 following:

30 " \_\_\_\_ . Page 1, line 24, by inserting after the  
 31 word "statewide." the following: "The plan developed  
 32 shall provide for expansion in a manner which directs  
 33 funding to those areas of the state which have the  
 34 greatest high-risk populations relative to infant  
 35 mortality.""

36 4. Page 2, line 49, by inserting after the figure  
 37 "24" the following: "and inserting the following:

38 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this  
 39 Act, being deemed of immediate importance, takes  
 40 effect upon enactment."

41 \_\_\_\_ . Title page, line 1, by inserting after the  
 42 word "families" the following: "and providing an  
 43 effective date".

44 5. By renumbering as necessary.

MARY NEUHAUSER

S-5398

1 Amend Senate File 2266 as follows:

2 1. By striking page 1, line 7, through page 2,  
 3 line 7, and inserting the following: "highway any  
 4 vehicle of a type required to be registered ~~hereunder~~  
 5 under this chapter which is not registered, or for  
 6 which the appropriate fee has not been paid ~~when and~~  
 7 ~~as required hereunder~~ except as provided in section  
 8 321.109, subsection 3."

9 2. By renumbering as necessary.

MIKE CONNOLLY

S-5399

1 Amend Senate File 2268 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Sec. 100. Section 321.179, Code Supplement 1995,

5 is amended by adding the following new subsection:

6 **NEW SUBSECTION. 3.** By July 1, 1996, an additional  
7 twenty-four counties as designated by the department,  
8 and by July 1, 1997, any county requesting to do so,  
9 shall be authorized to issue motor vehicle licenses,  
10 nonoperator's identification cards, and handicapped  
11 identification devices on a permanent basis, as  
12 provided in this section."

13 2. Page 10, by inserting after line 26 the  
14 following:

15 "Sec. 101. **ISSUANCE OF MOTOR VEHICLE LICENSES BY**  
16 **COUNTY TREASURERS -- EXPANSION -- FUNDING.**

17 1. By July 1, 1996, twenty-four counties in  
18 addition to those counties referenced in section  
19 321.179 and by July 1, 1997, any other county  
20 requesting to do so, shall be authorized to issue  
21 motor vehicle licenses on a permanent basis. The  
22 department shall select the twenty-four new counties  
23 from a pool of counties which have so requested. The  
24 county treasurers' offices in the designated counties  
25 shall issue motor vehicle licenses, including  
26 commercial driver's licenses, nonoperator's  
27 identification cards, and handicapped identification  
28 devices. The department shall designate the counties  
29 by July 1, 1996. The department shall authorize any  
30 other county requesting to do so, to issue motor  
31 vehicle licenses pursuant to this section and section  
32 321.179 by July 1, 1997.

33 2. The state department of transportation shall  
34 work in conjunction with the county treasurer in each  
35 designated county and with a representative of the  
36 Iowa state county treasurers association to facilitate  
37 and implement the transfer of licensing duties and  
38 responsibilities to the designated counties in  
39 accordance with all of the following:

40 a. The department shall retain all administrative  
41 authority over licensing functions which shall include  
42 administrative procedures relating to cancellation,  
43 revocation, or suspension of licenses, administrative  
44 hearings and appeals, and training.

45 b. The department shall provide the county  
46 treasurer's office in each of the counties with all of  
47 the supplies, materials, and equipment necessary to  
48 carry out the provisions of this subsection.

49 c. If it is necessary for a county treasurer to  
50 hire additional employees, first priority in hiring

Page 2

1 shall be given to current employees of the department  
2 who become unemployed due to the changes necessitated  
3 by this section.

4 d. The county treasurers in the designated  
5 counties shall be required to offer hours and days of  
6 service to the public equal to or greater than the  
7 hours and days of service provided by the state  
8 department of transportation in the designated county  
9 immediately prior to the start of the county's  
10 provision of the service.

11 3. Notwithstanding any other provisions to the  
12 contrary, the county treasurers of the counties  
13 authorized to issue motor vehicle licenses may retain  
14 for deposit in the county general fund, up to five  
15 dollars for each motor vehicle license transaction,  
16 including, but not limited to, issuance or renewal of  
17 motor vehicle licenses, nonoperator's identification  
18 cards, or handicapped identification devices.

19 4. As a condition for retention of moneys under  
20 subsection 3, a county treasurer shall document the  
21 actual quarterly expenditures associated with motor  
22 vehicle license issuance including the amount of time  
23 spent during that quarter on motor vehicle license-  
24 related activities, the proportionate share of  
25 salaries and benefits for county employees performing  
26 motor vehicle license-related activities, the total  
27 numbers of transactions conducted, and other costs  
28 related to the administration of motor vehicle  
29 license-related activities. Each county treasurer  
30 shall provide the documentation of expenditures to the  
31 state department of transportation and legislative  
32 fiscal bureau. If the county treasurer's total  
33 expenses are less than the moneys retained under this  
34 subsection, the county treasurer shall submit the  
35 difference to the treasurer of state on a quarterly  
36 basis. The treasurer of state shall deposit that  
37 amount in the road use tax fund."

38 3. Page 10, by inserting after line 30 the  
39 following:

40 "Sec. \_\_\_\_ . Sections 100 and 101 of this Act, being  
41 deemed of immediate importance, take effect upon  
42 enactment."

43 4. Title page, by striking line 7 and inserting  
44 the following: "and by providing retroactive

45 applicability and effective dates.”  
 46 5. By renumbering as necessary.

EUGENE FRAISE  
 JOANN DOUGLAS  
 JOHN P. KIBBIE  
 DERRYL McLAREN  
 NANCY BOETTGER

S-5400

1 Amend the amendment, S-5151, to Senate File 2221 as  
 2 follows:  
 3 1. Page 4, line 19, by inserting after the word  
 4 “technologies,” the following: “The board shall  
 5 provide for a minimum of thirty percent of the eighty-  
 6 five percent required purchase of alternate energy  
 7 under this paragraph to be purchased from small hydro  
 8 facilities.”

ALLEN BORLAUG  
 JOHN W. JENSEN  
 MARY A. LUNDBY  
 TONY BISIGNANO  
 TOM FLYNN

S-5401

1 Amend Senate File 2399 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 “Sec. \_\_\_\_ Section 232.71A, subsection 8, Code  
 5 Supplement 1995, is amended to read as follows:  
 6 8. The department shall implement the pilot  
 7 projects by January 15, 1996. The department shall  
 8 report to the governor and the general assembly  
 9 concerning the pilot projects on or before ~~February 29~~  
 10 December 16, 1996. The report shall include a the  
 11 following information:  
 12 a. A description of successes and problems  
 13 encountered in implementing the pilot projects.  
 14 b. An analysis of the effect of the pilot projects  
 15 on utilizing the child abuse registry for the tracking  
 16 of a pattern of child abuse incidents.  
 17 c. The outcome changes for children in the pilot  
 18 project areas where the assessment approach is  
 19 utilized in response to an allegation of child abuse  
 20 versus the investigation approach utilized in other  
 21 areas of the state.  
 22 PARAGRAPH DIVIDED. It is the intent of the general

23 assembly to ~~implement~~ consider implementing statewide  
24 an assessment-based approach to respond to child abuse  
25 reports commencing with the fiscal year beginning July  
26 1, 1996 1997."

27 2. Title page, by striking lines 1 through 3 and  
28 inserting the following: "An Act requiring a report  
29 concerning the child abuse assessment pilot projects  
30 administered by the department of human services."

MARY NEUHAUSER

S-5402

1 Amend Senate File 2359 as follows:

2 1. Page 1, by striking lines 26 through 35 and

3 inserting the following:

4 "Sec. \_\_\_\_ . NEW SECTION. 910.3A NOTIFICATION OF A  
5 HOMICIDE VICTIM'S COUNTY OF RESIDENCE.

6 The county attorney of a county in which a judgment  
7 of conviction and sentence under section 707.2, 707.3,  
8 707.4, 707.5, or 707.6A is rendered against a  
9 defendant relating to a person's death, shall notify  
10 in writing the clerk of the district court of the  
11 county of the person's residence. Such notification  
12 shall be for the purpose of the county of the person's  
13 residence recovering from the defendant the fee and  
14 expenses incurred investigating the person's death  
15 pursuant to section 331.802, subsection 2."

SHELDON RITTMER

S-5403

1 Amend Senate File 2103 as follows:

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

4 "7. The costs of outpatient mental health services  
5 or treatment provided to a minor pursuant to this  
6 section, for whom financial reimbursement from the  
7 minor's parent or an insurer of the minor's parent is  
8 not available, are not required to be reimbursed  
9 through taxes levied by a county or by other county  
10 funds but may be reimbursed by funds allocated to a  
11 county by the state or federal government."

NANCY BOETTGER  
MARY KRAMER

S-5404

- 1 Amend Senate File 2418 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 "victim" the following: "at any time between the time
- 4 the victim is responded to or the victim's case is
- 5 opened and the time a conviction or plea of guilty is
- 6 obtained or the case is closed".

O. GENE MADDOX

S-5405

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 3, line 7, by inserting after the word
- 3 "device" the following: ", warranting the operation
- 4 of the assistive device without defect, unless
- 5 misused".

TOM VILSACK  
PATRICK J. DELUHERY  
ROBERT DVORSKY

S-5406

- 1 Amend Senate File 2335 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99F.4, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 22. To specify the style and size
- 7 of public notices, not less than twelve inches by
- 8 eighteen inches, which notify the patrons of the
- 9 racetrack enclosures and the excursion gambling boats
- 10 of the par sheet theoretical averages for payouts of
- 11 slot machines operating in those gambling facilities.
- 12 The public notices shall show the par sheet
- 13 theoretical averages for slot machine payouts by
- 14 denomination of coins or dollars and the overall
- 15 theoretical average for each racetrack enclosure and
- 16 excursion gambling boat. The commission shall provide
- 17 that the public notices are posted in locations
- 18 conspicuous to the patrons of the gambling
- 19 facilities."
- 20 2. Page 1, by inserting after line 9 the
- 21 following:
- 22 "Sec. \_\_\_\_ Section 99F.7, subsection 16, Code
- 23 Supplement 1995, is amended by striking the
- 24 subsection."
- 25 3. Title page, line 2, by inserting after the



26 word "enclosures" the following: "and the posting of  
27 par sheet theoretical payout averages for slot  
28 machines".

DENNIS BLACK

S-5407

- 1 Amend Senate File 2434 as follows:
- 2 1. Page 1, by striking lines 20 through 23 and
- 3 inserting the following:
- 4 "2. An enterprise zone shall only be formed in a
- 5 county which has an unemployment rate of at least one
- 6 hundred fifty percent of the average state
- 7 unemployment rate for the preceding year and which
- 8 meets at least one of the following criteria:"
- 9 2. By relettering as necessary.

TOM FLYNN  
ALLEN BORLAUG

S-5408

- 1 Amend House File 2419, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 1 through 23.
- 4 2. By striking page 3, line 16, through page 9,
- 5 line 3.
- 6 3. Page 9, by striking lines 27 through 32.
- 7 4. Title page, by striking lines 1 through 10 and
- 8 inserting the following: "An Act relating to
- 9 transportation by granting the state department of
- 10 transportation condemnation rights for utility
- 11 facility replacement, providing for entry onto private
- 12 property for sounding and drilling, and providing for
- 13 release of retained funds for public improvements."
- 14 5. By renumbering as necessary.

MIKE CONNOLLY

S-5409

- 1 Amend House File 2399, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "programs." the following: "If a poor person is not
- 5 in the county lawfully but has been recruited for
- 6 employment in the county by an employer, the employer
- 7 shall provide employment benefits to the person which
- 8 are equivalent to the assistance available under this

9 section to a poor person who is in the county  
10 lawfully."

MIKE CONNOLLY

S-5410

- 1 Amend Senate File 2349 as follows:  
2 1. Page 1, by inserting after line 35 the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 307.31 PROPERTY  
5 PAYMENTS.  
6 All payments for the purchase of property acquired  
7 by the department shall be made within sixty days of  
8 signing a written agreement for such purchase. If the  
9 department fails to complete the payment within sixty  
10 days, interest shall begin to accrue on the sixty-  
11 first day and be calculated at an annual rate equal to  
12 the coupon issue yield equivalent, as determined by  
13 the United States secretary of the treasury, of the  
14 average accepted auction price for the last auction of  
15 fifty-two-week United States treasury bills settled  
16 immediately before the date of the award. However,  
17 interest shall not begin to accrue after the sixty-  
18 first day, until such time as the department obtains a  
19 clear title and an abstract for the property.  
20 Sec. \_\_\_\_ . Section 307A.2, subsection 13, Code  
21 1995, is amended to read as follows:  
22 13. The criteria used by the commission for  
23 allocating funds as a result of any long-range  
24 planning process shall be adopted in accordance with  
25 the provisions of chapter 17A. The commission shall  
26 adopt such rules and regulations in accordance with  
27 the provisions of chapter 17A as it may deem necessary  
28 to transact its business and for the administration  
29 and exercise of its powers and duties."  
30 2. Page 2, by inserting after line 27 the  
31 following:  
32 "Sec. \_\_\_\_ . Section 321.69, subsection 3, Code  
33 Supplement 1995, is amended to read as follows:  
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 thousand dollars or more per  
47 incident, and the year, make, and vehicle  
48 identification number of the motor vehicle. The  
49 transferee shall not be required to indicate whether  
50 the vehicle had incurred prior damage of three

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1 thousand dollars or more per incident under this  
2 subsection if the transferor's certificate of title is  
3 from another state and if it indicates that the  
4 vehicle is salvaged and not rebuilt or is another  
5 state's salvage certificate of title.

6 Sec. \_\_\_\_ . Section 321.89, Code Supplement 1995, is  
7 amended to read as follows:

8 321.89 ABANDONED VEHICLES.

9 1. DEFINITIONS. As used in this section and  
10 sections 321.90 and 321.91 unless the context  
11 otherwise requires:

12 a. "Police authority" means the Iowa highway  
13 safety patrol, any law enforcement agency of a county  
14 or city or any special security officer employed by  
15 the state board of regents under section 262.13.

16 b. "Abandoned vehicle" means any of the following:

17 (1) A vehicle that has been left unattended on  
18 public property for more than ~~forty-eight~~ twenty-four  
19 hours and lacks current registration plates or two or  
20 more wheels or other parts which renders the vehicle  
21 totally inoperable; or,

22 (2) A vehicle that has remained illegally on  
23 public property for more than ~~seventy-two~~ twenty-four  
24 hours; or,

25 (3) A vehicle that has been unlawfully parked on  
26 private property or has been placed on private  
27 property without the consent of the owner or person in  
28 control of the property for more than twenty-four  
29 hours; or,

30 (4) A vehicle that has been legally impounded by  
31 order of a police authority and has not been reclaimed  
32 for a period of ten days; or, However, a police  
33 authority may declare the vehicle abandoned within the  
34 ten-day period by commencing the notification process  
35 in subsection 3.

36 (5) Any vehicle parked on the highway determined  
37 by a police authority to create a hazard to other  
38 vehicle traffic.

39 (6) A vehicle that has been impounded pursuant to  
40 section 321J.4B by order of the court and whose owner

41 has not paid the impoundment fees after notification  
 42 by the person or agency responsible for carrying out  
 43 the impoundment order.

44 However, a vehicle shall not be considered  
 45 abandoned for a period of five days if its owner or  
 46 operator is unable to move the vehicle and notifies  
 47 the police authority responsible for the geographical  
 48 location of the vehicle and requests assistance in the  
 49 removal of the vehicle.

50 c. "Demolisher" means any city or public agency

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1 organized for the disposal of solid waste, or any  
 2 person whose business it is to convert a vehicle to  
 3 junk, processed scrap or scrap metal, or otherwise to  
 4 wreck, or dismantle vehicles.

### 5 2. AUTHORITY TO TAKE POSSESSION OF ABANDONED

6 VEHICLES. A police authority ~~may, and on, upon the~~  
 7 authority's own initiative or upon the request of any  
 8 other authority having the duties of control of  
 9 highways or traffic, shall take into custody ~~any an~~  
 10 abandoned vehicle on public property and may take into  
 11 custody ~~any an~~ abandoned vehicle on private property.  
 12 A police authority taking into custody an abandoned  
 13 vehicle which has been determined to create a traffic  
 14 hazard shall report the reasons constituting the  
 15 hazard in writing to the appropriate authority having  
 16 duties of control of the highway. The police  
 17 authority may employ its own personnel, equipment, and  
 18 facilities, or hire other personnel a private entity,  
 19 equipment and facilities for the purpose of removing,  
 20 preserving, storing, or disposing of abandoned  
 21 vehicles. If a police authority employs a private  
 22 entity to dispose of abandoned vehicles, the police  
 23 authority shall provide the private entity with the  
 24 names and addresses of the registered owners, all  
 25 lienholders of record, and any other known claimant to  
 26 the vehicle or the personal property found in the  
 27 vehicle. The owners, lienholders, or other claimants  
 28 of the abandoned vehicle shall not have a cause of  
 29 action against a private entity for action taken under  
 30 this section, if the private entity provides notice as  
 31 required by subsection 3, paragraph "a", to those  
 32 persons whose names were provided by the police  
 33 authority.

### 34 3. NOTIFICATION OF OWNER, LIENHOLDERS, AND OTHER 35 CLAIMANTS.

36 a. A police authority or private entity which  
 37 takes into custody an abandoned vehicle shall notify,

38 within twenty days, by certified mail, the last known  
 39 registered owner of the vehicle, all lienholders of  
 40 record, and any other known claimant to the vehicle or  
 41 to personal property found in the vehicle, addressed  
 42 to their last known addresses of record, that the  
 43 abandoned vehicle has been taken into custody. Notice  
 44 shall be deemed given when mailed. The notice shall  
 45 describe the year, make, model, and serial number of  
 46 the vehicle, describe the personal property found in  
 47 the vehicle, set forth the location of the facility  
 48 where the vehicle is being held, and inform the  
 49 persons receiving the notice of their right to reclaim  
 50 the vehicle and personal property within ~~twenty-one~~

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1 ~~ten~~ days after the effective date of the notice upon  
 2 payment of all towing, preservation, and storage  
 3 charges resulting from placing the vehicle in custody  
 4 and upon payment of the costs of notice required  
 5 pursuant to this subsection. The notice shall also  
 6 state that the failure of the owner, ~~or~~ lienholders,  
 7 ~~or claimants~~ to exercise their right to reclaim the  
 8 vehicle ~~or personal property~~ within the time provided  
 9 shall be deemed a waiver by the owner, ~~and all~~  
 10 lienholders, ~~and claimants~~ of all right, title, claim,  
 11 and interest in the vehicle ~~or personal property~~ and  
 12 that failure to reclaim the vehicle ~~or personal~~  
 13 ~~property~~ is deemed consent to the sale of the vehicle  
 14 at a public auction or disposal of the vehicle to a  
 15 demolisher ~~and to disposal of the personal property by~~  
 16 ~~sale or destruction~~. The notice shall state that any  
 17 person claiming rightful possession of the vehicle or  
 18 personal property who disputes the planned disposition  
 19 of the vehicle or property by the police authority ~~or~~  
 20 ~~private entity~~ or of the assessment of fees and  
 21 charges provided by this section may ask for an  
 22 evidentiary hearing before the police authority to  
 23 contest those matters. If the persons receiving the  
 24 notice do not ask for a hearing or exercise their  
 25 right to reclaim the vehicle ~~or personal property~~  
 26 within the ~~twenty-one day~~ ~~ten-day~~ reclaiming period,  
 27 the owner, ~~and~~ lienholders, ~~or claimants~~ shall no  
 28 longer have any right, title, claim, or interest in or  
 29 to the vehicle ~~or the personal property~~. ~~No A~~ court  
 30 in any case in law or equity shall ~~not~~ recognize any  
 31 right, title, claim, or interest of the owner, ~~and~~  
 32 lienholders, ~~or claimants~~, after the expiration of the  
 33 ~~twenty-one day~~ ~~ten-day~~ reclaiming period.  
 34 b. If the identity of the last registered owner

35 cannot be determined, or if the registration contains  
36 no address for the owner, or if it is impossible to  
37 determine with reasonable certainty the identity and  
38 addresses of all lienholders, notice by one  
39 publication in one newspaper of general circulation in  
40 the area where the vehicle was abandoned shall be  
41 sufficient to meet all requirements of notice under  
42 this section. The published notice may contain  
43 multiple listings of abandoned vehicles and personal  
44 property but shall be published within the same time  
45 requirements and contain the same information as  
46 prescribed for mailed notice in subsection 3,  
47 paragraph "a" of this section.  
48 c. The owner, or any lienholders, or claimants  
49 may, by written request delivered to the police  
50 authority or private entity prior to the expiration of

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1 the ~~twenty one day~~ ten-day reclaiming period, obtain  
2 an additional ~~fourteen~~ five days within which the  
3 vehicle or personal property may be reclaimed.  
4 4. AUCTION OF ABANDONED VEHICLES. If an abandoned  
5 vehicle has not been reclaimed as provided for in  
6 subsection 3, the police authority or private entity  
7 shall make a determination as to whether or not the  
8 vehicle shall be sold for use upon the highways. If  
9 the vehicle is not sold for use upon the highways, it  
10 shall be sold for junk, or demolished and sold as  
11 scrap. The police authority or private entity shall  
12 sell the vehicle at public auction. Notwithstanding  
13 any other provision of this section, any a police  
14 authority or private entity, which has taken into  
15 possession any abandoned vehicle which lacks an  
16 engine, or two or more wheels, or another part which  
17 renders the vehicle totally inoperable, or which has a  
18 fair market value of less than five hundred dollars as  
19 determined by the police authority or private entity,  
20 may dispose of the vehicle to a demolisher for junk  
21 without public auction after complying with the  
22 notification procedures ~~enumerated~~ in subsection 3 and  
23 without public auction. The purchaser of the vehicle  
24 takes title free and clear of all liens and claims of  
25 ownership, shall receive a sales receipt from the  
26 police authority or private entity, and is entitled to  
27 register the vehicle and receive a certificate of  
28 title if sold for use upon the highways. If the  
29 vehicle is sold or disposed of to a demolisher for  
30 junk, the demolisher shall make application for a  
31 junking certificate to the county treasurer within

32 fifteen days of purchase and shall surrender the sales  
33 receipt in lieu of the certificate of title.  
34 From the proceeds of the sale of an abandoned  
35 vehicle the police authority, if the police authority  
36 did not hire a private entity, shall reimburse itself  
37 for the expenses of the auction, the costs of towing,  
38 preserving, and storing which resulted from placing  
39 the abandoned vehicle in custody, all notice and  
40 publication costs incurred pursuant to subsection 3,  
41 the cost of inspection, and any other costs incurred  
42 except costs of bookkeeping and other administrative  
43 costs. Any remainder from the proceeds of a sale  
44 shall be held for the owner of the vehicle or entitled  
45 lienholder for ninety days, and shall then be  
46 deposited in the road use tax fund. The costs to  
47 police authorities of auction, towing, preserving,  
48 storage, and all notice and publication costs, and all  
49 other costs which result from placing abandoned  
50 vehicles in custody, whenever the proceeds from a sale

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1 of the abandoned vehicles are insufficient to meet  
2 these expenses and costs, shall be paid from the road  
3 use tax fund and are the obligation of the last owner  
4 or owners, jointly and severally.

5 The director of transportation shall establish by  
6 rule a claims procedure to be followed by police  
7 authorities in obtaining expenses and costs from the  
8 fund. If a private entity has been hired, the police  
9 authority may file a claim with the department for  
10 reimbursement of towing fees which shall be paid from  
11 the road use tax fund."

12 3. Page 3, by inserting after line 15 the  
13 following:

14 "Sec. \_\_\_\_ . Section 321.449, Code Supplement 1995,  
15 is amended by adding the following new unnumbered  
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding other  
18 provisions of this section, rules adopted under this  
19 section concerning daily hours of service shall not  
20 apply to the operators of trucks hauling cement or  
21 cement products."

22 4. Title page, by striking lines 1 through 5, and  
23 inserting the following: "An Act relating to  
24 transportation by granting the state department of  
25 transportation condemnation rights for utility  
26 facility replacement, requiring sixty day property  
27 payments, requiring certain criteria be adopted by  
28 administrative rule, modifying certain damage

29 disclosure statement requirements, providing for entry  
30 onto private property for sounding and drilling,  
31 exempting operators of trucks hauling cement from  
32 certain regulations, and relating to the disposal of  
33 abandoned vehicles, and providing for release of  
34 retained funds for public improvements.”  
35 5. By renumbering as necessary.

MIKE CONNOLLY

S-5411

1 Amend Senate File 2384 as follows:  
2 1. Page 3, by striking lines 9 through 18.  
3 2. By striking page 5, line 24, through page 6,  
4 line 6.  
5 3. Page 6, line 33, by striking the words “in  
6 excess of ten dollars” and inserting the following:  
7 “in excess of ten dollars”.  
8 4. Page 7, by striking lines 1 through 3.  
9 5. By striking page 10, line 3, through page 13,  
10 line 1, and inserting the following:  
11 “Sec. \_\_\_\_ . Section 56.6, subsection 3, paragraph  
12 b, unnumbered paragraph 1, Code Supplement 1995, is  
13 amended to read as follows:  
14 The name and mailing address of each person who has  
15 made one or more contributions of money to the  
16 committee including the, together with the amount of  
17 contribution or contributions. All reports of  
18 proceeds from any fund-raising events shall include  
19 this information, except for those proceeds reportable  
20 under paragraph “f” of this subsection, when the  
21 aggregate amount in a calendar year exceeds the amount  
22 specified in the following schedule:  
23 Sec. \_\_\_\_ . Section 56.6, subsection 3, paragraphs f  
24 and h, Code Supplement 1995, are amended to read as  
25 follows:  
26 f. The total amount of ticket sales proceeds and  
27 other proceeds, separately designated, from any fund-  
28 raising event for which the per person ticket price  
29 was ten dollars or less. Contributions and sales at  
30 fund-raising events which involve the sale of a  
31 product acquired at less than market value and sold  
32 for an amount of money in excess of the amount  
33 specified in paragraph “b” of this subsection by the  
34 committee shall be designated separately from in-kind  
35 and monetary contributions and the report shall  
36 include the name and address of the donor, a  
37 description of the product, the market value of the  
38 product, the sales price of the product, and the name



39 and address of the purchaser, and the total amount  
40 paid by each purchaser.  
41 h. The amount and nature of debts and obligations  
42 owed by the committee, in excess of those amounts  
43 stated in the schedule in paragraph "b" of this  
44 subsection by the committee. Loans made to a committee  
45 and reported under paragraph "b" of this subsection  
46 "e" shall not be considered a debt or obligation under  
47 this paragraph. A loan made by a committee to any  
48 person shall be considered a disbursement.  
49 Sec. \_\_\_\_ . Section 56.6, subsection 3, paragraph i,  
50 Code Supplement 1995, is amended by striking the

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1 paragraph:"

2 6. Page 13, lines 10 and 11, by striking the  
3 words "under penalty of perjury".

4 7. Page 13, lines 17 and 18, by striking the  
5 words "under penalty of perjury".

6 8. Page 15, by striking lines 11 through 32 and  
7 inserting the following:

8 "Sec. \_\_\_\_ . Section 56.42, subsection 1, paragraph  
9 b, Code Supplement 1995, is amended to read as  
10 follows:

11 b. Contributions to national, state, or local  
12 political party central committees, ~~or~~ to partisan  
13 political committees organized to represent persons  
14 within the boundaries of a congressional district, or  
15 to committees representing a nonparty political  
16 organization described in section 44.1."

17 9. By striking page 16, line 34, through page 17,  
18 line 33.

19 10. Page 18, line 26, by striking the word  
20 "subsections" and inserting the following:  
21 "subsection".

22 11. Page 18, by striking lines 32 through 34.

23 12. Page 18, line 35, by inserting after the word  
24 and figure "subsections 2," the following: "3,".

25 13. Page 19, by inserting after line 10 the  
26 following:

27 "3. Unless the chairperson of the board concludes  
28 that immediate notification would prejudice a  
29 preliminary investigation or subject the complainant  
30 to an unreasonable risk, the board shall mail make  
31 best efforts to contact, and shall hand-deliver a copy  
32 of the complaint, to the subject of the complaint  
33 within three working days twenty-four hours of the  
34 acceptance filing of the complaint. If a  
35 determination is made by the chairperson not to mail

- 36 contact, or to deliver a copy of the complaint, to the  
 37 subject of the complaint within the ~~three working days~~  
 38 twenty-four-hour time period, the board shall approve  
 39 and establish the time and conditions under which the  
 40 subject will be informed of the filing and contents of  
 41 the complaint.”  
 42 14. Page 19, by striking lines 28 and 29.  
 43 15. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT  
 MICHAEL E. GRONSTAL, Chairperson

S-5412

- 1 Amend House File 2315, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 12, by striking the words  
 4 “calendar year” and inserting the following: “month”.  
 5 2. Page 1, line 21, by striking the words  
 6 “calendar year” and inserting the following: “month”.

COMMITTEE ON STATE GOVERNMENT  
 MICHAEL E. GRONSTAL, Chairperson

S-5413

- 1 Amend Senate File 2294 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 “Section 1. NEW SECTION. 331.909  
 5 **MULTIDISCIPLINARY COMMUNITY SERVICES TEAMS.**  
 6 1. A county or multicounty consortium of agencies  
 7 providing health, counseling, economic assistance, or  
 8 therapeutic services may establish a multidisciplinary  
 9 team for the more effective planning and delivery of  
 10 services to an individual or family under the  
 11 following conditions:  
 12 a. The team complies with federal regulations  
 13 regarding confidentiality.  
 14 b. The agencies comprising the team have written  
 15 confidentiality standards.  
 16 c. The agencies comprising the team enter into an  
 17 annual interagency agreement to comply with  
 18 confidentiality standards specified in the agreement.  
 19 d. An agency initiating a multidisciplinary team  
 20 obtains a signed agreement from an individual  
 21 authorizing the team to share information concerning  
 22 the individual or the individual’s family on a  
 23 confidential basis.  
 24 2. The activities of a multidisciplinary community

25 services team shall not duplicate the activities of a  
26 multidisciplinary team for child abuse under section  
27 235A.13, dependent adult abuse activities under  
28 section 235B.6, area education agency activities under  
29 section 294A.14, or child victim services provided  
30 under section 910A.16.

31 3. A multidisciplinary community services team  
32 shall select a chairperson and other officers as  
33 deemed necessary by the members of the team. A  
34 multidisciplinary community services team is not a  
35 governmental body as defined in section 21.2 and is  
36 not subject to the provisions of chapter 21, relating  
37 to open meetings. Notwithstanding chapter 22, the  
38 confidentiality of information in the possession of a  
39 multidisciplinary team which is required by law to be  
40 confidential shall be maintained except as  
41 specifically provided by this section.

42 4. The members of a multidisciplinary community  
43 services team are expressly authorized to orally  
44 disclose personally identifying information to one  
45 another which is otherwise required by law to be  
46 confidential. Disclosure of confidential information  
47 other than oral information between team members under  
48 provisions of this section is expressly prohibited.

49 5. A member of a multidisciplinary community  
50 services team shall not use confidential information

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1 obtained from another team member except in the best  
2 interests of the subject of the confidential  
3 information and shall not disclose such information to  
4 another person except as otherwise authorized by law.  
5 A member of a multidisciplinary community services  
6 team who willfully uses or discloses confidential  
7 information in violation of this section commits a  
8 serious misdemeanor. Notwithstanding section 903.1,  
9 the penalty for a person convicted pursuant to this  
10 subsection is a fine of not more than five hundred  
11 dollars in the case of a first offense and not more  
12 than five thousand dollars in the case of each  
13 subsequent offense."

JOHNIE HAMMOND

S-5414

1 Amend the amendment, S-5399, to Senate File 2268 as  
2 follows:

3 1. Page 1, by inserting after line 12 the

4 following:

5 "Sec. \_\_\_\_ . Section 321.190, subsection 1, Code

6 1995, is amended by adding the following new

7 paragraph:

8 NEW PARAGRAPH. e. Notwithstanding paragraph "d",

9 the fee for a nonoperator's identification card issued

10 by a county treasurer's office, shall be eight

11 dollars.

12 Sec. \_\_\_\_ . Section 321.191, Code 1995, is amended

13 by adding the following new subsection:

14 NEW SUBSECTION. 11. ADDITIONAL FEE.

15 Notwithstanding any of the fees provided for in this

16 section, an additional fee of three dollars shall be

17 required for issuance of any motor vehicle license by

18 a county treasurer's office."

19 2. By renumbering as necessary.

ROD HALVORSON

S-5415

1 Amend Senate File 2224 as follows:

2 1. By striking page 2, line 31, through page 3,  
3 line 18.

4 2. By striking page 10, line 32, through page 11,  
5 line 15.

RANDAL J. GIANNETTO

S-5416

1 Amend Senate File 2449 as follows:

2 1. Page 6, line 20, by striking the word and  
3 figure "subsection 1,".

4 2. Page 6, by inserting after line 28 the  
5 following:

6 "2. If the amount appropriated under subsection 1,

7 ~~as limited by section 8-59,~~ plus any supplemental

8 appropriation made for purposes of this section for a

9 fiscal year is insufficient to pay all claims in full,

10 the director shall pay, in full, all claims to be paid

11 during the fiscal year for reimbursement of rent

12 constituting property taxes paid or if moneys are

13 insufficient to pay all such claims on a pro rata

14 basis. If the amount of claims for credit for

15 property taxes due to be paid during the fiscal year

16 exceed the amount remaining after payment to renters,

17 the director of revenue and finance shall prorate the

18 payments to the counties for the property tax credit.

19 In order for the director to carry out the

20 requirements of this subsection, notwithstanding any  
 21 provision to the contrary in this division, claims for  
 22 reimbursement for rent constituting property taxes  
 23 paid filed before May 1 of the fiscal year shall be  
 24 eligible to be paid in full during the fiscal year and  
 25 those claims filed on or after May 1 of the fiscal  
 26 year shall be eligible to be paid during the following  
 27 fiscal year and the director is not required to make  
 28 payments to counties for the property tax credit  
 29 before June 15 of the fiscal year."

30 3. Page 7, line 17, by striking the words "in  
 31 full" and inserting the following: "in full".

32 4. Page 28, line 27, by striking the word  
 33 "assessing authority" and inserting the following:  
 34 "county treasurer".

35 5. Page 28, line 29, by striking the words  
 36 "assessing authorities" and inserting the following:  
 37 "county treasurers".

38 6. Page 28, line 34, by striking the words  
 39 "assessing authorities" and inserting the following:  
 40 "county treasurers".

WILLIAM D. PALMER

S-5417

1 Amend Senate File 2370 as follows:

2 1. Page 3, line 9, by inserting after the word  
 3 "persons" the following: "including a cooperative  
 4 program with any community action agency within the  
 5 utility's service area to implement countywide or  
 6 communitywide energy efficiency programs for qualified  
 7 low-income persons".

COMMITTEE ON NATURAL RESOURCES,  
 ENVIRONMENT, AND ENERGY  
 BILL FINK, Chairperson

S-5418

1 Amend House File 2419 as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 15 the  
 4 following:

5 "Sec. \_\_\_\_ . Section 321.69, subsections 2 and 3,  
 6 Code Supplement 1995, 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 and whether the transferor knows if the  
12 vehicle was titled as a salvage or flood vehicle in  
13 this or any other state prior to the transferor's  
14 ownership of the vehicle. For the purposes of this  
15 section, "damage" refers to damage to the vehicle  
16 caused by fire, vandalism, collision, weather, falling  
17 objects, submersion in water, or flood, where the cost  
18 of repair is three five thousand dollars or more per  
19 incident, but does not include normal wear and tear,  
20 glass damage, mechanical repairs or electrical repairs  
21 that have not been caused by fire, vandalism,  
22 collision, weather, falling objects, submersion in  
23 water, or flood. "Damage" does not include the cost  
24 of repairing, replacing, or reinstalling an inflatable  
25 restraint system. A determination of the amount of  
26 damage to a vehicle shall be based on estimates of the  
27 retail cost of repairing the vehicle, including labor,  
28 parts, and other materials, if the vehicle has not  
29 been repaired or on the actual retail cost of repair,  
30 including labor, parts, and other materials, if the  
31 vehicle has been repaired. Only individual incidents  
32 in which the retail cost of repairs is three five  
33 thousand dollars or more are required to be disclosed  
34 by this section. If the vehicle has incurred damage  
35 of three five thousand dollars or more per incident in  
36 more than one incident, the damage amounts must be  
37 combined and disclosed as the total of all separate  
38 incidents.

39 3. The damage disclosure statement shall be  
40 provided by the transferor to the transferee at or  
41 before the time of sale. If the transferor is not a  
42 resident of this state the transferee shall not be  
43 required to submit a damage disclosure statement from  
44 the transferor with the transferee's application for  
45 title unless the state of the transferor's residence  
46 requires a damage disclosure statement. However, the  
47 transferee shall submit a damage disclosure statement  
48 with the transferee's application for title indicating  
49 whether a salvage or rebuilt title had ever existed  
50 for the vehicle, whether the vehicle had incurred

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- 1 prior damage of three five thousand dollars or more
- 2 per incident, and the year, make, and vehicle
- 3 identification number of the motor vehicle."
- 4 2. By renumbering as necessary.

BRAD BANKS  
DERRYL McLAREN

S-5419

- 1 Amend House File 2458, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 14 and 15 and
- 4 inserting the following:
- 5 "An attorney who has not entered into a contract
- 6 authorized under section 13B-4 and who is appointed by
- 7 the court to".
- 8 2. Page 2, by striking lines 24 through 28 and
- 9 inserting the following: "and necessary briefs in
- 10 behalf of the defendant. Such attorney need not
- 11 follow the case".

COMMITTEE ON JUDICIARY  
RANDAL J. GIANNETTO, Chairperson

S-5420

- 1 Amend House File 2456, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 14 through 17 and
- 4 inserting the following:
- 5 "NEW SUBSECTION. 6. The transfer of custody of
- 6 the offender to another state or federal jurisdiction.
- 7 NEW SUBSECTION. 7. The procedures for contacting
- 8 the department to determine the offender's current
- 9 institution of residence."

COMMITTEE ON JUDICIARY  
RANDAL J. GIANNETTO, Chairperson

S-5421

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 1, line 33, by inserting after the word
- 3 "report," the following: "which is placed in the
- 4 central registry on or after July 1, 1996,".
- 5 2. Page 2, by striking lines 17 and 18 and
- 6 inserting the following:
- 7 "1. The person shall register with the child
- 8 abuse-child care registry prior to providing child".
- 9 3. Page 2, by striking lines 24 through 26 and
- 10 inserting the following:
- 11 "2. Within ten days of changing residence within
- 12 this state, notify the child abuse-child care registry
- 13 of the change of address and".
- 14 4. By striking page 2, line 30, through page 3,
- 15 line 3.
- 16 5. Page 3, by striking lines 5 and 6 and

17 inserting the following: "outside of this state, the  
18 person shall notify the child abuse-child care  
19 registry of the".

20 6. Page 3, by striking lines 10 through 26 and  
21 inserting the following:

22 "Sec. 6. NEW SECTION. 235D.4 REGISTRATION  
23 RENEWAL.

24 A person required to register with the department  
25 pursuant to section 235D.2 shall annually renew the  
26 person's registration and verify the person's address  
27 using a renewal form developed by the department. The  
28 person shall renew the registration in the month in  
29 which the person was initially required to register.  
30 The renewal form shall be signed by the person,".

31 7. Page 3, line 29, by striking the figure "1."

32 8. Page 3, line 30, by inserting after the word  
33 "registry" the following: "on or after July 1,  
34 1996,".

35 9. Page 3, line 34, by striking the letter "a."  
36 and inserting the following: "1."

37 10. By striking page 3, line 35, through page 4,  
38 line 3, and inserting the following:

39 "2. Inform the person of the person's duty to  
40 notify the child abuse-child care registry within ten  
41 days of changing residence within this state."

42 11. Page 4, by striking lines 4 through 7 and  
43 inserting the following:

44 "3. Inform the person of the person's duty to  
45 notify the child abuse-child care registry within ten  
46 days of changing residence to a location outside this  
47 state, and inform the person that, if".

48 12. Page 4, by striking lines 16 through 20.

49 13. Page 4, line 23 by striking the word "change"  
50 and inserting the following: "renewal".

## Page 2

1 14. Page 4, lines 24 and 25, by striking the  
2 words "of the county of residence".

3 15. Page 4, line 26, by striking the words "a  
4 fee" and inserting the following: "an annual fee".

5 16. Page 6, line 6, by inserting after the word  
6 "requirements." the following: "The department shall  
7 retain a disclosure form filed in accordance with this  
8 paragraph for a period of three years."

9 17. Page 6, line 11, by striking the words "and  
10 verifying addresses of".

11 18. Page 6, by striking lines 13 through 18 and  
12 inserting the following: "registration requirements  
13 by the persons."



- 14 19. Page 6, line 24, by striking the words "and  
15 verification".  
16 20. By renumbering as necessary.

TONY BISIGNANO

S-5422

- 1 Amend Senate File 2434 as follows:  
2 1. Page 1, line 22, by inserting after the word  
3 "rate" the following: "for the most recent annual  
4 period".  
5 2. Page 1, line 23, by inserting after the word  
6 "rate" the following: "for the most recent annual  
7 period".  
8 3. Page 1, by striking line 32 and inserting the  
9 following: "annual wage in insured employment in the  
10 state."

TOM FLYNN

S-5423

- 1 Amend Senate File 2421 as follows:  
2 1. Page 2, by inserting after line 13 the  
3 following:  
4 "Sec. \_\_\_\_ NEW SECTION. 476.1E APPLICABILITY OF  
5 AUTHORITY -- ELECTRIC POWER AGENCIES.  
6 1. Unless otherwise specifically provided statute,  
7 an electric power agency as defined in section 28F.2,  
8 is not subject to regulation by the board under this  
9 chapter, except for regulatory action pertaining to  
10 the following:  
11 a. Safety standards.  
12 b. Encouragement of alternate energy production  
13 facilities, as set forth in sections 476.41 through  
14 476.45.  
15 c. Enforcement of section 476.66.  
16 d. Assessment of fees for the support of the Iowa  
17 energy center created in section 266.39C and the  
18 center for global and environmental research created  
19 by the state board of regents.  
20 e. Filing energy efficiency plans and energy  
21 efficiency results with the board. The board may  
22 permit these utilities to file joint plans.  
23 2. The board may waive all or part of the energy  
24 efficiency filing and review requirements for electric  
25 power agencies which demonstrate superior results with

26 existing energy efficiency programs.”  
27 2. By renumbering as necessary.

BRAD BANKS

S-5424

1 Amend House File 61, as amended, passed, and  
2 reprinted, by the House, as follows:  
3 1. Page 1, lines 6 and 7, by striking the words  
4 “presumed to be acting in good faith and shall be”.  
5 2. Page 1, line 7, by inserting after the word  
6 “liability” the following: “, if the employer acted  
7 reasonably in providing the work-related  
8 information.”  
9 3. Page 1, by striking lines 12 through 17 and  
10 inserting the following: “last known address. For  
11 purposes of this section, an employer acts reasonably  
12 if all of the following are present:  
13 1. The information provided is accurate.  
14 2. The information does not violate the civil  
15 rights of the employee.  
16 3. The information is provided in writing to the  
17 employee within three days prior to the disclosure and  
18 the employee raises no objections to the accuracy of  
19 the information.  
20 For purposes of this section, “employer” and”.

COMMITTEE ON JUDICIARY  
RANDAL J. GIANNETTO, Chairperson

S-5425

1 Amend Senate File 2355 as follows:  
2 1. Page 1, by inserting after line 28 the  
3 following:  
4 “A weapon seized under this subsection shall be  
5 returned to the owner of the weapon or disposed of in  
6 accordance with chapter 809.”

TOM VILSACK  
ELAINE SZYMONIAK  
STEVEN D. HANSEN  
BERL E. PRIEBE

S-5426

1 Amend Senate File 2330 as follows:  
2 1. Page 1, by inserting after line 30 the  
3 following:

- 4 "Sec. \_\_\_\_ . Section 85B.5, unnumbered paragraph 1,
- 5 Code 1995, is amended to read as follows:
- 6 An excessive noise level exposure is sound which
- 7 exceeds the times and intensities listed in the
- 8 following table:"
- 9 2. Page 2, by striking lines 6 through 9.
- 10 3. Page 4, line 3, by striking the word
- 11 "EMPLOYERS" and inserting the following: "EMPLOYERS
- 12 EMPLOYER'S".
- 13 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-5427

- 1 Amend House File 2477, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 13 through 18.
- 4 2. Page 1, line 27, by striking the figure
- 5 "345,000" and inserting the following: "395,000".
- 6 3. Page 3, by inserting after line 4 the
- 7 following:
- 8 "\_\_\_\_. NATIONAL GUARD TUITION AID PROGRAM
- 9 For tuition aid for Iowa national guard members as
- 10 provided in section 261.21, as enacted by this Act:
- 11 ..... \$ 250,000"
- 12 4. Page 3, line 24, by striking the words "and
- 13 which are in addition" and inserting the following:
- 14 "if the amount of federal funds appropriated for state
- 15 student incentive grant purposes is less than the
- 16 amount needed for those purposes in the fiscal year
- 17 beginning July 1, 1996. If the amount of federal
- 18 funds for state student incentive grant purposes are
- 19 sufficient, the funds appropriated in this section
- 20 shall be divided equally for purposes of the Iowa
- 21 vocational-technical tuition grants and the work-study
- 22 program. Funds appropriated in this section are in
- 23 addition".
- 24 5. Page 3, line 25, by inserting after the figure
- 25 "3" the following: " , and section 261.85".
- 26 6. Page 4, line 4, by striking the figure
- 27 "150,000" and inserting the following: "155,000".
- 28 7. Page 4, by striking lines 6 through 8 and
- 29 inserting the following: "section 261.71, the next
- 30 \$15,000 shall be used to provide grants to students
- 31 who would meet the requirements for receipt of a
- 32 vocational-technical tuition grant, but who are
- 33 enrolled in a licensed school of cosmetology arts and
- 34 sciences under chapter 157, or a licensed barber
- 35 school under chapter 158, and any excess remaining".

- 36 8. Page 4, line 30, by striking the figure  
37 "1,061,568" and inserting the following: "1,081,918".  
38 9. Page 5, line 5, by striking the figure  
39 "2,523,932" and inserting the following: "2,643,267".  
40 10. Page 5, line 6, by striking the figure  
41 "58.00" and inserting the following: "58.75".  
42 11. Page 5, by striking lines 7 through 10.  
43 12. Page 5, line 15, by striking the figure  
44 "311,039" and inserting the following: "386,039".  
45 13. Page 5, line 16, by striking the figure  
46 "4.00" and inserting the following: "5.00".  
47 14. Page 5, line 21, by striking the figure  
48 "220,227" and inserting the following: "260,227".  
49 15. Page 6, line 4, by striking the figure  
50 "5,138,382" and inserting the following: "5,378,382".

**Page 2**

- 1 16. Page 6, line 5, by striking the figure  
2 "94.95" and inserting the following: "96.95".  
3 17. Page 6, by inserting after line 34 the  
4 following:  
5 "The department of education shall conduct a study  
6 of open enrollment across state boundaries and report  
7 its findings and specific recommendations to the  
8 general assembly by January 1, 1997."  
9 18. By striking page 6, line 35, through page 7,  
10 line 3.  
11 19. Page 7, line 8, by inserting after the figure  
12 "1." the following: "The department shall determine  
13 the goals of the K-12 and community college management  
14 information system and establish a timeline by which  
15 the goals shall be accomplished. The goals and  
16 timeline shall be included in the annual report  
17 submitted to the general assembly and the legislative  
18 fiscal bureau by January 1, 1997."  
19 20. Page 7, line 19, by striking the figure  
20 "194,582" and inserting the following: "284,582".  
21 21. Page 8, line 17, by striking the figure  
22 "2,470,915" and inserting the following: "2,914,455".  
23 22. Page 8, line 18, by striking the figure  
24 "34.50" and inserting the following: "35.50".  
25 23. Page 8, line 26, by striking the figure  
26 "6,925,335" and inserting the following: "7,121,340".  
27 24. Page 8, line 27, by striking the figure  
28 "101.00" and inserting the following: "104.50".  
29 25. Page 9, line 22, by striking the figure  
30 "13.00" and inserting the following: "14.00".  
31 26. Page 9, line 35, by striking the figure  
32 "69,400" and inserting the following: "84,400".

33 27. Page 10, by striking lines 11 through 17 and  
 34 inserting the following:

35 "\_\_\_ . CENTER FOR ASSESSMENT

36 For the purpose of developing academic standards in  
 37 the areas of math, history, science, English, language  
 38 arts, and geography:

39 ..... \$ 300,000

40 The department of education shall submit in a  
 41 report to the general assembly by January 1, 1997, the  
 42 amount of state funding anticipated to be needed to  
 43 fund the department's future participation with the  
 44 center for assessment and shall determine the number  
 45 of years participation is necessary.

46 \_\_\_ . NATIONAL ASSESSMENT OF EDUCATION PROGRESS  
 47 (NAEP)

48 For participation by the department of education in  
 49 a state and national project, the national assessment  
 50 of education progress (NAEP), to determine the

Page 3

1 academic achievement of Iowa students in math,  
 2 reading, science, United States history, or geography:

3 ..... \$ 50,000

4 \_\_\_ . ENVIRONMENTAL EDUCATION

5 For purposes of establishing an environmental  
 6 education program as set forth in Senate File 2415, as  
 7 amended in the 1996 legislative session by the Senate  
 8 committee on appropriations, and for the following  
 9 full-time equivalent position:

10 ..... \$ 150,000

11 ..... FTEs 1.00"

12 28. By striking page 10, line 27, through page  
 13 11, line 15, and inserting the following:

14 "..... \$126,371,270

15 The funds appropriated in this subsection shall be  
 16 allocated as follows:

17	a. Merged Area I .....	\$ 6,035,436
18	b. Merged Area II .....	\$ 7,116,730
19	c. Merged Area III .....	\$ 6,720,072
20	d. Merged Area IV .....	\$ 3,273,974
21	e. Merged Area V .....	\$ 6,848,081
22	f. Merged Area VI .....	\$ 6,346,118
23	g. Merged Area VII .....	\$ 9,052,574
24	h. Merged Area IX .....	\$ 11,099,434
25	i. Merged Area X .....	\$ 17,227,964
26	j. Merged Area XI .....	\$ 18,405,456
27	k. Merged Area XII .....	\$ 7,310,574
28	l. Merged Area XIII .....	\$ 7,477,178
29	m. Merged Area XIV .....	\$ 3,316,469

30	n. Merged Area XV .....	\$ 10,344,668
31	o. Merged Area XVI .....	\$ 5,796,542
32	Sec. 201. APPROPRIATION TO MERGED AREAS --	
33	CONTINGENCY. Notwithstanding any Act enacted in 1996	
34	during the Seventy-sixth General Assembly, all moneys	
35	from appropriations made pursuant to any Act enacted	
36	in 1996 by the Seventy-sixth General Assembly to a	
37	merged area shall be reduced by 100 percent, if the	
38	merged area enters into an agreement under chapter	
39	260E or 260F, for a project which includes program	
40	services for employees of a confinement feeding	
41	operation as defined in section 455B.161."	
42	29. By striking page 11, line 18, through page	
43	12, line 2, and inserting the following: "257B.1A,	
44	subsection 1, and subsequent to the distribution of	
45	funds as provided in section 257B.1A, subsections 2	
46	and 3, any unobligated or unencumbered moneys in the	
47	interest for Iowa schools fund on June 30, 1996, shall	
48	be transferred to the department of education for the	
49	fiscal year beginning July 1, 1996, and ending June	
50	30, 1997, to be used for local arts comprehensive	

Page 4

1	educational strategies (LACES)."	
2	30. Page 12, by striking lines 12 through 16.	
3	31. Page 12, by striking lines 22 through 32 and	
4	inserting the following: "general fund of the state	
5	but shall be distributed to the department of	
6	education for the fiscal year beginning July 1, 1996,	
7	and ending June 30, 1997, for purposes of the gifted	
8	and talented summer institute."	
9	32. Page 13, by striking lines 5 through 17 and	
10	inserting the following:	
11	" ____ . For salaries, support, maintenance,	
12	miscellaneous purposes; and for not more than the	
13	following full-time equivalent positions:	
14	.....	\$ 1,152,417
15	..... FTEs	15.63
16	If the moneys provided in this lettered paragraph	
17	are augmented by reimbursements from the institutions	
18	under the control of the state board of regents for	
19	the funding of the office of the state board of	
20	regents, the office shall report quarterly such	
21	reimbursements to the chairpersons and ranking members	
22	of the joint appropriations subcommittee on	
23	education."	
24	33. Page 13, line 34, by striking the figure	
25	"84,156" and inserting the following: "104,156".	
26	34. Page 14, line 21, by striking the figure	

27 "202,267,198" and inserting the following:  
 28 "203,577,328".  
 29 35. Page 14, line 22, by striking the figure  
 30 "4,020.47" and inserting the following: "4,022.97".  
 31 36. Page 14, line 33, by inserting after the word  
 32 "salaries," the following: "general".  
 33 37. Page 17, line 33, by striking the figure  
 34 "282,101" and inserting the following: "608,448".  
 35 38. Page 17, by inserting after line 34, the  
 36 following:  
 37 "It is the intent of the general assembly that  
 38 fiscal year 1996-1997 shall be the last fiscal year in  
 39 which the general assembly appropriates funds for  
 40 purposes of the planning and construction of the  
 41 national advanced driving simulator.  
 42 \_\_\_\_ . Research park  
 43 For salaries, support, maintenance, equipment,  
 44 miscellaneous purposes, and for not more than the  
 45 following full-time equivalent positions:  
 46 ..... \$ 321,000  
 47 ..... FTEs 4.35"  
 48 39. Page 18, line 5, by striking the figure  
 49 "160,639,691" and inserting the following:  
 50 "161,859,066".

Page 5

1 40. Page 18, line 6, by striking the figure  
 2 "3,581.98" and inserting the following: "3,583.64".  
 3 41. Page 18, line 9, by striking the figure  
 4 "1,500,000" and inserting the following: "2,000,000".  
 5 42. Page 18, by striking lines 10 through 13 and  
 6 inserting the following: "livestock program."  
 7 43. Page 18, line 26, by striking the figure  
 8 "19,270,398" and inserting the following:  
 9 "19,280,398".  
 10 44. Page 19, by inserting after line 4 the  
 11 following:  
 12 "\_\_\_\_ . Research park  
 13 For salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:  
 16 ..... \$ 370,000  
 17 ..... FTEs 4.31"  
 18 45. Page 19, line 9, by striking the figure  
 19 "71,771,714" and inserting the following:  
 20 "72,821,314".  
 21 46. Page 19, by striking lines 13 through 18 and  
 22 inserting the following:  
 23 "\_\_\_\_ . Metal casting

24	.....	\$	160,000
25	___ . Teaching coursework		
26	For providing teaching coursework through merged		
27	area XI at the Carroll campus:		
28	.....	\$	150,000"
29	47. Page 20, by striking lines 4 through 15.		
30	48. Page 23, by inserting after line 20 the		
31	following:		
32	"Sec. ___ . IOWA GRAIN QUALITY INITIATIVE.		
33	Notwithstanding section 423.24, subsection 1,		
34	paragraph "b", subparagraph (1), there is appropriated		
35	for the fiscal year beginning July 1, 1996, and ending		
36	June 30, 1997, an amount equal to two and three-		
37	quarters percent of the total revenues collected		
38	pursuant to section 423.7 and deposited in the value-		
39	added agricultural products and processes financial		
40	assistance fund, pursuant to section 423.24,		
41	subsection 1, paragraph "b", subparagraph (1), to the		
42	Iowa cooperative extension service in agriculture and		
43	home economics at Iowa state university of science and		
44	technology as matching funds for the Iowa grain		
45	quality initiative. Funds appropriated pursuant to		
46	this section are contingent upon the receipt of		
47	dollar-for-dollar matching funds from grain promotion		
48	boards."		
49	49. Page 24, by striking lines 17 through 23.		
50	50. By striking page 24, line 28, through page		

**Page 6**

- 1 25, line 31.
- 2 51. Page 25, line 33, by striking the word
- 3 "subsections" and inserting the following:
- 4 "subsection".
- 5 52. By striking page 25, line 34, through page
- 6 26, line 1.
- 7 53. Page 26, line 12, by striking the word
- 8 "subsections" and inserting the following:
- 9 "subsection".
- 10 54. By striking page 26, line 13, through page
- 11 27, line 12.
- 12 55. Page 27, line 28, by inserting before the
- 13 word "for" the following: "and".
- 14 56. Page 27, by striking lines 29 through 31 and
- 15 inserting the following: "258 and 260C, for a fiscal
- 16 year, shall".
- 17 57. Page 30, by striking line 2 and inserting the
- 18 following: "as defined under section 260D.2,".
- 19 58. Page 31, line 16, by striking the word
- 20 "hundred" and inserting the following: "one hundred".



21 59. By striking page 31, line 17, through page  
22 32, line 3.  
23 60. Page 34, by striking lines 13 through 25, and  
24 inserting the following:  
25 "4. The eligibility of applicants shall be".  
26 61. Page 35, by striking lines 3 through 13.  
27 62. Page 35, by striking lines 20 and 21 and  
28 inserting the following: "~~thirty-five~~ thirty-eight  
29 million ~~six~~ nine hundred sixty-four thousand seven  
30 hundred fifty dollars".  
31 63. Page 35, by inserting after line 24 the  
32 following:  
33 "Sec. \_\_\_\_ . Section 261.85, unnumbered paragraph 1,  
34 Code Supplement 1995, is amended to read as follows:  
35 There is appropriated from the general fund of the  
36 state to the commission for each fiscal year the sum  
37 of ~~two three~~ million ~~nine one~~ hundred fifty thousand  
38 dollars for the work-study program."  
39 64. Page 36, line 7, by striking the word  
40 "subsections" and inserting the following:  
41 "subsection".  
42 65. Page 36, by striking lines 19 through 22.  
43 66. By striking page 36, line 34, through page  
44 37, line 8, and inserting the following:  
45 "Sec. \_\_\_\_ . NEW SECTION. 273.10 MEMBERSHIP IN  
46 OTHER ORGANIZATIONS.  
47 Duly elected members of boards of directors of area  
48 education agencies and designated administrators of  
49 area education agencies may join, including the  
50 payment of dues, and participate in local, regional,

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1 and national organizations which directly relate to  
2 the functions of the board of directors and  
3 administrators.  
4 Sec. \_\_\_\_ . Section 280.18, Code 1995, is amended by  
5 adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. Not later than one year  
7 after the date on which the majority of the district's  
8 seniors graduate, the board shall conduct an annual  
9 survey of accredited higher education institutions, as  
10 defined in section 261.92, and employers  
11 representative of the local business community. The  
12 survey shall assess the employability skills of the  
13 district's high school graduates who have enrolled in  
14 accredited higher education institutions in Iowa or  
15 entered the local workforce. The employability skills  
16 assessed shall include, but are not limited to,  
17 reading for information, applied mathematics,

18 listening, and writing. Annually, the school district  
19 shall tabulate and summarize the information collected  
20 pursuant to this paragraph and shall file a report  
21 with the department of education. The board shall  
22 make copies of the report available upon request."

23 67. Page 37, by striking lines 13 and 14 and  
24 inserting the following: "alliance, ~~seventy thousand~~  
25 ~~dollars for gifted and talented~~; and one hundred  
26 eighty thousand dollars for a management".

27 68. Page 37, by striking lines 16 through 20 and  
28 inserting the following: "phase I to phase III."

29 69. By striking page 37, line 24 through page 38,  
30 line 9, and inserting the following: "thousand  
31 dollars for support for the operations of the new Iowa  
32 schools development corporation and for school  
33 transformation design and implementation projects  
34 administered by the corporation. Of the amount  
35 provided in this subsection, one hundred fifty  
36 thousand dollars shall be used for the school and  
37 community planning initiative."

38 70. Page 38, line 17, by striking the figure  
39 "25,000" and inserting the following: "50,000".

40 71. Page 38, by striking lines 18 through 23 and  
41 inserting the following:

42 "\_\_\_ . For matching grants for teachers who select  
43 to participate in the national board for professional  
44 teaching standards process:

45 ..... \$ 40,000

46 From the moneys appropriated in this subsection,  
47 not more than one thousand dollars per teacher shall  
48 be available toward the cost of the certification  
49 process to be matched by the teacher or by the school  
50 district which employs the teacher or has a continuing

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1 contract with the teacher.

2 \_\_\_ . For the development of a K-12 and community  
3 college management information system:

4 ..... \$ 150,000

5 If funds available are insufficient to fully fund  
6 the appropriation for a management information system  
7 in this subsection, the amount distributed for the  
8 management information system shall be reduced to an  
9 amount equal to the available funds.

10 Sec. \_\_\_. FUNDING FORMULA RECOMMENDATIONS. By  
11 January 1, 1997, the department of education, in  
12 consultation with the Iowa association of community  
13 college trustees, shall submit recommendations for a  
14 funding formula that identifies and addresses

15 community college needs.

16 Sec. \_\_\_\_ REPEAL -- DIRECTION TO CODE EDITOR.

17 Section 260C.18A, as enacted in this Act, is repealed

18 effective July 1, 1997. The Code editor shall strike

19 the reference to section 260C.18A in section 260C.34

20 effective July 1, 1997."

21 72. By striking page 38, line 29, through page

22 39, line 6.

23 73. Page 39, line 7, by striking the word and

24 figures "8, 12, and 46" and inserting the following:

25 "201, 8, and 12".

26 74. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, CHAIRPERSON

S-5428

1 Amend House File 2370, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 21 the

4 following:

5 "Sec. \_\_\_\_ Section 547.1, Code 1995, is amended to

6 read as follows:

7 547.1 USE OF TRADE NAME -- VERIFIED STATEMENT  
8 REQUIRED.

9 A person or copartnership shall not engage in or

10 conduct a business under a trade name, or an assumed

11 name of a character other than the true surname of

12 each person owning or having an interest in the

13 business, unless the person first records with the

14 county recorder of the county in which the business is

15 to be conducted a verified statement showing the name,

16 post office address, and residence address of each

17 person owning or having an interest in the business,

18 and the address where the business is to be conducted.

19 However, this provision does not apply to any

20 corporation or limited liability company incorporated

21 or organized in this state or any foreign corporation

22 or foreign limited liability company authorized to do

23 business in this state or doing business pursuant to

24 an exemption in chapter 490 or 490A."

25 2. Title page, line 3, by inserting after the

26 word "continued," the following: "use of trade names

27 by corporations and limited liability companies,".

28 3. By renumbering as necessary.

O. GENE MADDOX

S-5429

1 Amend House File 570, 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 257B.1A, subsections 2 and 3,  
6 Code Supplement 1995, are amended to read as follows:

7 2. For a transfer of moneys from the interest for  
8 Iowa schools fund to the first in the nation in  
9 education foundation, prior to July 1, October 1,  
10 January 1, and March 1 of each year, the governing  
11 board of the first in the nation in education  
12 foundation established in section 257A.2 shall certify  
13 to the treasurer of state the cumulative total value  
14 of contributions received under section 257A.7 for  
15 deposit in the first in the nation in education fund  
16 and for the use of the foundation. ~~The cumulative~~  
17 ~~total value of contributions received includes the~~  
18 ~~value of the amount deposited in the national center~~  
19 ~~endowment fund established in section 263.8A in excess~~  
20 ~~of eight hundred seventy-five thousand dollars. The~~  
21 value of in-kind contributions shall be based upon the  
22 fair market value of the contribution determined for  
23 income tax purposes.

24 The portion of the interest for Iowa schools fund  
25 that is equal to the cumulative total value of  
26 contributions, less the portion of the interest for  
27 Iowa schools fund dedicated to the ~~national~~  
28 international center for gifted and talented  
29 education, is dedicated to the first in the nation in  
30 education foundation for that year. The interest  
31 earned on this dedicated amount shall be transferred  
32 by the treasurer of state to the credit of the first  
33 in the nation in education foundation.

34 3. For a transfer of moneys from the interest for  
35 Iowa schools fund to the ~~national~~ international center  
36 endowment fund established in section 263.8A, prior to  
37 July 1, October 1, January 1, and March 1 of each  
38 year, the state university of Iowa shall certify to  
39 the treasurer of state the cumulative total value of  
40 contributions received and deposited in the ~~national~~  
41 international center endowment fund. Within fifteen  
42 days following certification by the state university  
43 of Iowa, the treasurer of state shall transfer from  
44 the interest for Iowa schools fund to the ~~national~~  
45 international center an amount equal to one-half the  
46 cumulative total value of the contributions deposited  
47 in the ~~national~~ international center endowment fund,  
48 not to exceed eight hundred seventy-five thousand

49 dollars. In addition, if the cumulative total value  
50 of contributions deposited in the international center

Page 2

1 endowment fund between July 1, 1995, and June 30,  
2 1999, equals or exceeds one million three hundred  
3 fifty thousand dollars, effective July 1, 1999, the  
4 portion of the interest for Iowa schools fund used to  
5 determine the dedicated amount of interest earned for  
6 a year shall also equal one-half that total, not to  
7 exceed six hundred seventy-five thousand dollars.  
8 However, if, prior to July 1, 1999, the general  
9 assembly appropriates moneys for the international  
10 center endowment fund established in section 263.8A in  
11 an aggregate amount equal to eight hundred seventy-  
12 five thousand dollars, the transfer of the interest  
13 earned based upon the cumulative value of  
14 contributions equal to one million seven hundred fifty  
15 thousand dollars deposited in the international center  
16 endowment fund on July 1, 1996, is no longer required  
17 under this section. If, on or after July 1, 1999, the  
18 general assembly appropriates moneys for the  
19 international center endowment fund in an aggregate  
20 amount equal to six hundred seventy-five thousand  
21 dollars, the transfer of interest earned based upon  
22 the cumulative value of contributions equal to one  
23 million three hundred fifty thousand dollars deposited  
24 in the international center endowment fund between  
25 July 1, 1996, and June 30, 1999, is no longer required  
26 under this section.

27 Sec. 2. Section 257B.1A, Code Supplement 1995, is  
28 amended by adding the following new subsection:  
29 **NEW SUBSECTION. 4.** Until the appropriations  
30 specified in subsection 3 have been made by the  
31 general assembly, fifty percent of the portion of the  
32 interest on the interest for Iowa schools fund  
33 remaining after the total of the transfer of moneys to  
34 the first in the nation in education foundation  
35 pursuant to subsection 2 and the transfer of moneys to  
36 the international center endowment fund in subsection  
37 3 shall in addition be transferred to the  
38 international center endowment fund and the remaining  
39 fifty percent shall become a part of the interest for  
40 Iowa schools fund.

41 Sec. 3. Section 263.8A, Code 1995, is amended to  
42 read as follows:

43 **263.8A NATIONAL INTERNATIONAL CENTER FOR TALENTED**  
44 **AND GIFTED EDUCATION.**

45 The state board of regents shall establish and

46 maintain at Iowa City as an integral part of the state  
 47 university of Iowa the ~~national~~ international center  
 48 for talented and gifted education. The ~~national~~  
 49 international center shall provide programs to assist  
 50 classroom teachers to teach gifted and talented

Page 3

1 students in regular classrooms, provide programs to  
 2 enhance the learning experiences of gifted and  
 3 talented students, serve as a center for national and  
 4 international symposiums and policy forums for  
 5 enhancing the teaching of gifted and talented  
 6 students, and undertake other appropriate activities  
 7 to enhance the programs of the center, including, but  
 8 not limited to, coordinating and working with the  
 9 world council for gifted and talented children,  
 10 incorporated.  
 11 ~~A national~~ An international center endowment fund  
 12 is established at the state university of Iowa and  
 13 gifts and grants to the ~~national~~ international center  
 14 and investment earnings and returns on the endowment  
 15 fund shall be deposited in the fund and interest  
 16 earned on moneys in the fund may be expended by the  
 17 state university of Iowa for the purposes for which  
 18 the ~~national~~ international center was established.”  
 19 2. Title page, by striking lines 1 through 3 and  
 20 inserting the following: “An Act relating to funding  
 21 for a talented and gifted education center at the  
 22 university of Iowa and naming of that center as an  
 23 international center.”

COMMITTEE ON APPROPRIATIONS  
 LARRY MURPHY, Chairperson

S-5430

- 1 Amend Senate File 2429 as follows:
- 2 1. By striking page 1, line 22, through page 2,
- 3 line 3.
- 4 2. Title page, by striking lines 3 and 4 and
- 5 inserting the following: “subject to dissolution may
- 6 be continued, and providing an”.

O. GENE MADDOX

S-5431

- 1 Amend Senate File 2344 as follows:
- 2 1. Page 14, by inserting after line 19 the

3 following:

4

"FEES FOR SERVICES

5 Sec. 100. Section 252B.4, subsection 6, unnumbered  
6 paragraph 1, Code 1995, is amended to read as follows:

7 An application fee paid by a recipient of services  
8 pursuant to subsection 1 and other fees established  
9 pursuant to this section which are paid by a recipient  
10 of services, may be recovered by the unit from the  
11 person responsible for payment of support and if  
12 recovered, shall be used to reimburse the recipient of  
13 services.

14 Sec. 101. Section 252B.4, subsection 6, paragraph  
15 e, Code 1995, is amended to read as follows:

16 e. Support payments collected shall not be applied  
17 to the recovery of the fee until all other support  
18 obligations under the support order being enforced,  
19 which have accrued through the end of the current  
20 calendar month, have been paid or satisfied in full.  
21 Fee payments collected shall not be considered support  
22 payments.

23 Sec. 102. 1995 Iowa Acts, chapter 115, section 13,  
24 is repealed.

25 Sec. 103. Section 102 of this Act, which repeals  
26 1995 Iowa Acts, chapter 115, section 13, being deemed  
27 of immediate importance, takes effect upon enactment."

28 2. Title page, line 1, by inserting after the  
29 word "enforcement" the following: ", providing an  
30 effective date, and providing a repeal".

31 3. By renumbering as necessary.

MARY NEUHAUSER

S-5432

1 Amend Senate File 2153 as follows:

2 1. Page 1, line 4, by inserting after the word  
3 "completed" the following: "the".

4 2. Page 1, by striking line 5 and inserting the  
5 following: "investigation national academy and who  
6 have corrected Snellen vision in both eyes of 20/20 or  
7 better."

RANDAL J. GIANNETTO

S-5433

1 Amend the amendment, S-5401, to Senate File 2399 as  
2 follows:

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

5 "Sec. \_\_\_\_ . Section 232.71A, subsections 6 and 8,  
 6 Code Supplement 1995, are amended to read as follows:  
 7 6. The department shall provide the county  
 8 attorney with a written copy of any assessment ~~which~~  
 9 ~~includes a recommendation for a juvenile or criminal~~  
 10 ~~court action or petition.~~ The county attorney shall  
 11 notify the department of any action taken concerning  
 12 an assessment provided by the department."

RANDAL J. GIANNETTO

S-5434

1 Amend Senate File 2103 as follows:  
 2 1. Page 2, by inserting after line 13 the  
 3 following:  
 4 "7. The costs of outpatient mental health services  
 5 or treatment provided to a minor pursuant to this  
 6 section, for which financial reimbursement is not  
 7 otherwise available, are not required to be reimbursed  
 8 through taxes levied by a county or by other county  
 9 funds but may be reimbursed by funds allocated to a  
 10 county by the state or federal government."

NANCY BOETTGER  
 MAGGIE TINSMAN  
 SHELDON RITTMER  
 BERL E. PRIEBE

S-5435

1 Amend Senate File 2357 as follows:  
 2 1. Page 1, line 5, by striking the word  
 3 "indebtedness" and inserting the following:  
 4 "indebtedness incurred before July 1, 1995,".  
 5 2. Page 2, by inserting after line 9 the  
 6 following:  
 7 "6. An adjustment shall not be permitted which  
 8 results in extending a levy beyond the earlier of the  
 9 following:  
 10 a. Ten years from the original date of  
 11 certification of the amount required to pay interest  
 12 and principal.  
 13 b. June 30, 2007."

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson



S-5436

- 1 Amend the amendment, S-5427, to House File 2477, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 11 the
- 5 following:
- 6 " \_\_\_\_ . Page 3, line 15, by striking the figure
- 7 "28.95" and inserting the following: "31.95".
- 8 2. Page 3, line 7, by striking the word "amended"
- 9 and inserting the following: "passed".
- 10 3. Page 3, line 8, by striking the words
- 11 "committee on appropriations".
- 12 4. Page 5, by striking lines 25 and 26 and
- 13 inserting the following:
- 14 " \_\_\_\_ . Distance education
- 15 To expand coursework at community colleges,
- 16 including support for the elementary education program
- 17 through merged".
- 18 5. Page 8, by inserting after line 20 the
- 19 following:
- 20 " \_\_\_\_ . Page 38, line 25, by striking the figure
- 21 "225.28".

JOHN P. KIBBIE

S-5437

- 1 Amend Senate File 2450 as follows:
- 2 1. Page 3, line 8, by striking the word "may" and
- 3 inserting the following: "shall".
- 4 2. Page 3, by striking lines 9 and 10 and
- 5 inserting the following: "applicant. An owner of an
- 6 abstract title plant may only be compensated for the
- 7 actual and necessary expenses incurred in providing
- 8 such plant to another person. The conditional".
- 9 3. Page 3, line 12, by striking the words "one
- 10 year" and inserting the following: "four years".
- 11 4. Page 3, by striking lines 15 through 18 and
- 12 inserting the following: "abstract title plant owned
- 13 or leased by the person."

ALLEN BORLAUG

S-5438

- 1 Amend Senate File 2060 as follows:
- 2 1. Page 1, line 6, by inserting after the word

3 "vest," the following: "hat or cap, gloves."

ALLEN BORLAUG

S-5439

1 Amend the amendment, S-5425, to Senate File 2355,  
2 as follows:

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

5 " \_\_\_\_ . Page 1, line 22, by inserting after the  
6 figure "5." the following: "a."

7 2. Page 1, by striking lines 4 through 6 and  
8 inserting the following:

9 "b. Notwithstanding chapter 809, a weapon seized  
10 under this subsection shall be returned to the owner  
11 of the weapon within seventy-two hours of the seizure  
12 of the weapon under this section if a criminal charge  
13 is not filed against the person within that time  
14 period.

15 c. A weapon seized under this subsection shall be  
16 returned to the owner of the weapon or disposed of in  
17 accordance with chapter 809 if a criminal charge is  
18 filed within seventy-two hours after the arrest of the  
19 person."

ALLEN BORLAUG

S-5440

1 Amend Senate File 2258 as follows:

2 1. Page 1, by striking lines 2 through 14 and  
3 inserting the following: "Code 1995, is amended by  
4 striking the paragraph and inserting in lieu thereof  
5 the following:

6 b. A motorboat equipped with any power unit as  
7 authorized by rule of the commission, mounted or  
8 carried aboard the vessel, may be operated at a no-  
9 wake speed on all artificial lakes of more than one  
10 hundred acres in size under the jurisdiction of the  
11 department."

MARY LUNDBY

S-5441

1 Amend Senate File 2449 as follows:

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

4 "DIVISION \_\_\_\_

## 5                   PROPERTY TAX STUDY

6    Sec. \_\_\_\_ . The legislative council shall direct the  
7 establishment of a legislative committee to study the  
8 system of local government property taxation. The  
9 committee shall conduct a comprehensive review of the  
10 property tax system in Iowa, including identifying the  
11 various classes of property taxpayers, the portion of  
12 property taxes collected from each class of taxpayer,  
13 the distribution of those taxes to local governments,  
14 and the value of local government services received by  
15 a class of taxpayers in relation to the amount of  
16 property taxes paid by that class. The committee  
17 shall also examine the current system of property tax  
18 credits and exemptions allowed to taxpayers, tax  
19 increment financing and tax abatement programs,  
20 property tax credits and exemptions, the effect of tax  
21 abatement programs, and tax increment financing on the  
22 tax rates applied to the other classes of property,  
23 and the general authority of local officials to abate  
24 property taxes.

25    As an integral part of the collection of taxes by  
26 local governments, the committee shall also review the  
27 budgeting procedures and practices of local  
28 governments, including the process of estimating and  
29 spending ending fund balances; the authorization to  
30 use, or the practice of using, unexpended funds or  
31 ending fund balances for capital improvements or other  
32 nonrecurring expenditures; and the impact on property  
33 tax rates of actions of the school budget review  
34 committee, the state appeal board, the application of  
35 the property tax rollback, and the application of  
36 equalization orders issued by the department of  
37 revenue and finance.

38    The committee shall also review the use of property  
39 taxes as the sole or major source of funding for  
40 school, city, and county services and the use of  
41 alternate sources of revenues to pay for such  
42 services, the repayment of bonds or other debt  
43 obligations by local governments, the use of alternate  
44 sources of revenue to repay bonds or other debt  
45 obligations, and the current statutory requirements  
46 for the issuance of bonds or other debt obligations by  
47 local governments."

48    2. Title page, line 12, by inserting after the  
49 word "credits;" the following: "establishing a study  
50 of the property tax system as the sole or major source

## Page 2

- 1 of local funding and of alternate sources of funding
- 2 for school, city, and county services, the repayment
- 3 of bonds or other debt obligations, and capital
- 4 improvements;”
- 5 3. By renumbering as necessary.

EMIL J. HUSAK  
LARRY MURPHY  
BRAD BANKS

## S-5442

- 1 Amend Senate File 2449 as follows:
- 2 1. Page 2, by striking lines 20 through 30 and
- 3 inserting the following:
- 4 “Sec. \_\_\_\_ . Section 450.7, subsection 1, unnumbered
- 5 paragraph 1, Code Supplement 1995, is amended to read
- 6 as follows:
- 7 Except for the share of the estate passing to the
- 8 surviving spouse, father or mother, each son and
- 9 daughter, including legally adopted sons and daughters
- 10 or biological sons and daughters, stepchildren, and
- 11 grandchildren, the tax is a charge against and a lien
- 12 upon the estate subject to tax under this chapter, and
- 13 all property of the estate or owned by the decedent
- 14 from the death of the decedent until paid, subject to
- 15 the following limitation:
- 16 Sec. \_\_\_\_ . Section 450.9, subsection 1, Code 1995,
- 17 is amended to read as follows:
- 18 1. Surviving spouse, father or mother, son or
- 19 daughter, including legally adopted sons and daughters
- 20 or biological sons and daughters, stepchildren, or
- 21 grandchild, the entire amount of property, interest in
- 22 property, and income.
- 23 Sec. \_\_\_\_ . Section 450.9, subsections 2 and 3, Code
- 24 1995, are amended by striking the subsections.
- 25 Sec. \_\_\_\_ . Section 450.10, subsection 1, unnumbered
- 26 paragraph 1, Code 1995, is amended to read as follows:
- 27 When the property, interest, or income passes to
- 28 ~~the father or mother, or to a child or a lineal~~
- 29 descendant of the decedent, grantor, donor, or vendor;
- 30 ~~including a legally adopted child or biological child~~
- 31 ~~entitled to inherit under the laws of this state not~~
- 32 ~~included in subsection 7~~, the tax imposed shall be on
- 33 the individual share so passing in excess of the
- 34 exemptions allowed as follows:
- 35 Sec. \_\_\_\_ . Section 450.10, subsection 2, unnumbered
- 36 paragraph 1, Code 1995, is amended to read as follows:

37 When the property or any interest therein in  
 38 property, or income ~~therefrom~~ from property taxable  
 39 under the provisions of this chapter passes to the  
 40 brother or sister, son-in-law, or daughter-in-law, or  
 41 ~~step-children~~, the rate of tax imposed on the  
 42 individual share so passing shall be as follows:  
 43 Sec. \_\_\_\_ . Section 450.10, subsection 7, Code 1995,  
 44 is amended to read as follows:  
 45 7. Property, interest in property, or income  
 46 passing to the surviving spouse, father or mother, son  
 47 or daughter, including legally adopted sons and  
 48 daughters or biological sons and daughters, stepchild,  
 49 or grandchild, is not taxable under this section."

ANDY MCKEAN  
 RICHARD F. DRAKE  
 MAGGIE TINSMAN  
 O. GENE MADDOX  
 LYLE E. ZIEMAN  
 WAYNE D. BENNETT  
 SHELDON RITTMER  
 H. KAY HEDGE  
 JOANN DOUGLAS  
 JOHN W. JENSEN  
 NANCY BOETTGER  
 STEWART IVERSON, JR.  
 BRAD BANKS  
 ALLEN BORLAUG  
 WILMER RENSINK

S-5443

- 1 Amend Senate File 2449 as follows:
- 2 1. Page 29, line 20, by striking the word
- 3 "thirty-five" and inserting the following: "forty".

MERLIN E. BARTZ  
 ALLEN BORLAUG

S-5444

- 1 Amend Senate File 2449 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 and figure "paragraph a, Code 1995, is" and inserting
- 4 the following: "paragraphs a and d, Code 1995, are".
- 5 2. Page 1, by inserting after line 22 the
- 6 following:
- 7 "d. Notwithstanding the computation of the annual
- 8 inflation factor under paragraph "a", the annual
- 9 inflation factor is one hundred percent for any

10 calendar year in which the unobligated state general  
11 fund balance on June 30 as certified by the director  
12 of the department of management by October 10, is less  
13 than sixty million dollars. Notwithstanding section  
14 8.58, in determining the unobligated state general  
15 fund balance on June 30, unobligated moneys in the  
16 cash reserve fund and Iowa economic emergency fund on  
17 June 30 shall be counted as part of the unobligated  
18 state general fund balance for purposes of this  
19 paragraph."

H. KAY HEDGE

S-5445

1 Amend Senate File 2449 as follows:

2 1. By striking page 20, line 31, through page 29,  
3 line 9, and inserting the following:

4 "LIVESTOCK PRODUCTION TAX CREDIT  
5 Sec. \_\_\_\_ . NEW SECTION. 422.120 LIVESTOCK  
6 PRODUCTION TAX CREDIT ALLOWED.

7 1. a. There is allowed a state tax credit for  
8 livestock production operations located in the state.  
9 The amount of the credit equals ten cents for each  
10 corn equivalent consumed by the livestock in the  
11 production operation as specified under this section.  
12 The credit shall be refunded as provided in section  
13 422.122.

14 b. The credit shall be available to an individual  
15 or corporate taxpayer who owns livestock and who  
16 receives, or accrues in the case of an accrual-basis  
17 taxpayer, more than one half of the taxpayer's gross  
18 income from farming or ranching operations during the  
19 tax year. Gross income from farming or ranching is  
20 the amount reported as gross income on schedule F, or  
21 the equivalent schedule, of the taxpayer's income tax  
22 return, the total gains from sales of breeding  
23 livestock, and, if applicable, the taxpayer's  
24 distributive share of income from farming or ranching  
25 from a partnership, limited liability company,  
26 subchapter S corporation, or an estate or trust. To  
27 determine whether a taxpayer receives more than one-  
28 half of gross income from farming or ranching, the  
29 taxpayer's amount of gross income from farming or  
30 ranching shall be divided by the taxpayer's total  
31 gross income as defined in section 61 of the federal  
32 Internal Revenue Code.

33 2. The amount of the credit per operation is  
34 determined by adding together for each head of  
35 livestock in the operation the product of ten cents

36 times the number of corn equivalents consumed by that  
 37 head of livestock. The amount of livestock production  
 38 credit per operation per tax year shall not exceed  
 39 three thousand dollars and the amount of livestock  
 40 production credit per taxpayer per tax year shall not  
 41 exceed three thousand dollars.

42 The maximum amount of corn equivalents for a head  
 43 of livestock in a production operation is the

44 following:

45 a. Hog operations:	Corn equivalents:
46 (1) Farrow to finish	13.0
47 (2) Farrow to feeder pig	2.6
48 (3) Finishing feeder pigs	10.4
49 b. Poultry operations:	
50 (1) Layers	0.88

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1 (2) Turkeys	1.5
2 (3) Broilers	0.15
3 c. Beef operations:	
4 (1) Cow-calf	111.5
5 (2) Stocker	41.5
6 (3) Feedlot	75.0
7 (4) Dairy	350.0
8 d. Sheep operations:	
9 (1) Ewe flock	20.5
10 (2) Feedlot	4.1

11 3. If the livestock operation is carried on partly  
 12 within and partly without the state, the portion of  
 13 the operation attributable to this state shall be  
 14 determined pursuant to rules adopted by the  
 15 department. The department may adjust the allocation  
 16 upon request of the taxpayer in order to reflect the  
 17 actual livestock operation carried on within this  
 18 state.

19 4. An individual may claim the livestock  
 20 production tax credit allowed a partnership, limited  
 21 liability company, subchapter S corporation, or estate  
 22 or trust electing to have the income taxed directly to  
 23 the individual. The amount claimed by the individual  
 24 shall be based upon the pro rata share of the  
 25 individual's earning of the partnership, limited  
 26 liability company, subchapter S corporation, or estate  
 27 or trust.

28 5. A fraudulent claim for a credit refund under  
 29 this division shall cause the forfeiture of any right  
 30 or interest to a tax credit refund in subsequent tax  
 31 years under this division.

32 Sec. \_\_\_\_ NEW SECTION. 422.121 APPROPRIATION.

33 There is appropriated annually from the general  
34 fund of the state ten million dollars to refund the  
35 credits allowed under this division.

36 Sec. \_\_\_\_ . NEW SECTION. 422.122 REFUND OF  
37 LIVESTOCK PRODUCTION CREDIT CLAIMS.

38 1. For the tax year the total amount of livestock  
39 production credit refund claims that shall be paid  
40 shall not exceed ten million dollars. If the total  
41 dollar amount of the refund claims exceeds that  
42 amount, each claim shall be paid an amount equal to  
43 ten million dollars divided by the total number of  
44 claims, not to exceed the amount of the taxpayer's  
45 claim. Remaining funds shall be prorated among those  
46 claims not paid in full in the proportion that each  
47 such claim bears to the total amount of such claims  
48 not paid in full.

49 2. In the case where refund claims are not paid in  
50 full, the amount of the refund to which the taxpayer

Page 3

1 is entitled is the amount computed in subsection 1,  
2 and paid to the taxpayer, and the taxpayer is not  
3 entitled to any unpaid portion of a claim and is not  
4 entitled to carry forward or backward to another tax  
5 year any unpaid portion of a claim. A taxpayer shall  
6 not use a refund as an estimated payment for the  
7 succeeding tax year.

8 3. A taxpayer must file a claim for refund within  
9 ten months from the close of the taxpayer's tax year.  
10 An extension for filing shall not be allowed. The  
11 department shall determine by February 28 of the  
12 calendar year following the calendar year in which the  
13 claims were filed if the total amount of claims for  
14 refund exceeds ten million dollars for the tax year.  
15 If the claim is not payable on February 28 because the  
16 taxpayer is a fiscal year filer, the claim shall be  
17 considered as a claim filed for the following tax  
18 year.

19 4. A claim for refund shall be made on claim forms  
20 to be made available by the department. In order for  
21 a taxpayer to have a valid refund claim, the taxpayer  
22 must supply legible copies of documents the director  
23 deems necessary to verify the amount of the refund.

24 Sec. \_\_\_\_ . This division of this Act applies  
25 retroactively to January 1, 1996, for tax years  
26 beginning on or after that date."

27 2. Title page, line 10, by striking the words



28 "family farm animal feeding" and inserting the  
29 following: "livestock production".

WAYNE D. BENNETT

S-5446

1 Amend House Concurrent Resolution 111 as follows:  
2 1. By striking page 1, line 30 through page 2,  
3 line 2 and inserting the following: "SENATE  
4 CONCURRING, That all Iowans".

COMMITTEE ON RULES AND ADMINISTRATION  
WALLY E. HORN, Chairperson

S-5447

1 Amend Senate File 2449 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "DIVISION I  
5 INCOME TAX INDEXATION  
6 Section 1. Section 422.4, subsection 1, paragraphs  
7 a and d, Code 1995, are amended to read as follows:  
8 a. "Annual inflation factor" means an index,  
9 expressed as a percentage, determined by the  
10 department by October 15 of the calendar year  
11 preceding the calendar year for which the factor is  
12 determined, which reflects the purchasing power of the  
13 dollar as a result of inflation during the fiscal year  
14 ending in the calendar year preceding the calendar  
15 year for which the factor is determined. In  
16 determining the annual inflation factor, the  
17 department shall use the annual percent change, but  
18 not less than zero percent, in the implicit price  
19 deflator for the gross national product gross domestic  
20 product price deflator computed for the second quarter  
21 of the calendar year by the bureau of economic  
22 analysis of the United States department of commerce  
23 and shall add ~~one-half~~ all of that percent change to  
24 one hundred percent. The annual inflation factor and  
25 the cumulative inflation factor shall each be  
26 expressed as a percentage rounded to the nearest one-  
27 tenth of one percent. The annual inflation factor  
28 shall not be less than one hundred percent.  
29 d. Notwithstanding the computation of the annual  
30 inflation factor under paragraph "a", the annual  
31 inflation factor is one hundred percent for any  
32 calendar year in which the unobligated state general  
33 fund balance on June 30 as certified by the director

34 of the department of management by October 10, is less  
 35 than sixty million dollars. Notwithstanding section  
 36 8.58, in determining the unobligated state general  
 37 fund balance on June 30, unobligated moneys in the  
 38 cash reserve fund and Iowa economic emergency fund on  
 39 June 30 shall be counted as part of the unobligated  
 40 state general fund balance for purposes of this  
 41 paragraph.

42 Sec. 2. Section 422.4, subsection 2, paragraph a,  
 43 Code 1995, is amended to read as follows:

44 a. "Annual standard deduction factor" means an  
 45 index, expressed as a percentage, determined by the  
 46 department by October 15 of the calendar year  
 47 preceding the calendar year for which the factor is  
 48 determined, which reflects the purchasing power of the  
 49 dollar as a result of inflation during the fiscal year  
 50 ending in the calendar year preceding the calendar

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1 year for which the factor is determined. In  
 2 determining the annual standard deduction factor, the  
 3 department shall use the annual percent change, but  
 4 not less than zero percent, in the implicit price  
 5 deflator for the gross national product gross domestic  
 6 product price deflator computed for the second quarter  
 7 of the calendar year by the bureau of economic  
 8 analysis of the United States department of commerce  
 9 and shall add one-half all of that percent change to  
 10 one hundred percent. The annual standard deduction  
 11 factor and the cumulative standard deduction factor  
 12 shall each be expressed as a percentage rounded to the  
 13 nearest one-tenth of one percent. The annual standard  
 14 deduction factor shall not be less than one hundred  
 15 percent.

16 Sec. 3. This division of this Act, being deemed of  
 17 immediate importance, takes effect upon enactment and  
 18 applies to the computation of the annual inflation  
 19 factor and annual standard deduction factor for  
 20 calendar years beginning on or after January 1, 1996.  
 21 The department of revenue and finance shall adjust the  
 22 annual inflation factor and annual standard deduction  
 23 factor previously computed for the 1996 calendar year  
 24 to reflect the change made in the computation of those  
 25 factors in this Act.

DIVISION II

INHERITANCE TAXATION

26  
 27 Sec. 4. Section 450.7, subsection 1, unnumbered  
 28 paragraph 1, Code Supplement 1995, is amended to read  
 29 as follows:  
 30

31 Except for the share of the estate passing to the  
32 surviving spouse, father or mother, each son and  
33 daughter, including legally adopted sons and daughters  
34 or biological sons and daughters, stepchildren, and  
35 grandchildren, the tax is a charge against and a lien  
36 upon the estate subject to tax under this chapter, and  
37 all property of the estate or owned by the decedent  
38 from the death of the decedent until paid, subject to  
39 the following limitation:

40 Sec. 5. Section 450.9, subsection 1, Code 1995, is  
41 amended to read as follows:

42 1. Surviving spouse, father or mother, son or  
43 daughter, including legally adopted sons and daughters  
44 or biological sons and daughters, stepchildren, or  
45 grandchild, the entire amount of property, interest in  
46 property, and income.

47 Sec. 6. Section 450.9, subsections 2 and 3, Code  
48 1995, are amended by striking the subsections.

49 Sec. 7. Section 450.10, subsection 1, unnumbered  
50 paragraph 1, Code 1995, is amended to read as follows:

Page 3

1 When the property, interest, or income passes to  
2 ~~the father or mother, or to a child or a lineal~~  
3 descendant of the decedent, grantor, donor, or vendor,  
4 ~~including a legally adopted child or biological child~~  
5 ~~entitled to inherit under the laws of this state not~~  
6 ~~included in subsection 7~~, the tax imposed shall be on  
7 the individual share so passing in excess of the  
8 exemptions allowed as follows:

9 Sec. 8. Section 450.10, subsection 2, unnumbered  
10 paragraph 1, Code 1995, is amended to read as follows:

11 When the property or any interest ~~therein in~~  
12 ~~property, or income therefrom from~~ property taxable  
13 under the provisions of this chapter passes to the  
14 brother or sister, son-in-law, or daughter-in-law, ~~or~~  
15 ~~step children~~, the rate of tax imposed on the  
16 individual share so passing shall be as follows:

17 Sec. 9. Section 450.10, subsection 7, Code 1995,  
18 is amended to read as follows:

19 7. Property, interest in property, or income  
20 passing to the surviving spouse, father or mother, son  
21 or daughter, including legally adopted sons and  
22 daughters or biological sons and daughters, stepchild,  
23 or grandchild, is not taxable under this section.

24 Sec. 10. This division of this Act applies to  
25 estates of decedents dying on or after July 1, 1996.

28 Sec. 11. Section 257.3, subsection 1, unnumbered  
29 paragraph 1, Code Supplement 1995, is amended to read  
30 as follows:

31 Except as provided in subsections 2 and 3, a A  
32 school district shall cause to be levied each year,  
33 for the school general fund, a foundation property tax  
34 equal to five four dollars and forty fifteen cents per  
35 thousand dollars of assessed valuation on all taxable  
36 property in the district. The county auditor shall  
37 spread the foundation levy over all taxable property  
38 in the district.

39 Sec. 12. Section 257.3, subsections 2 and 3, Code  
40 Supplement 1995, are amended by striking the  
41 subsections.

42 Sec. 13. Section 257.3, subsection 4, Code  
43 Supplement 1995, is amended to read as follows:  
44 4. RAILWAY CORPORATIONS. For purposes of section  
45 257.1, the "amount per pupil of foundation property  
46 tax" does not include the tax levied under subsection  
47 1; ~~2; or 3~~ on the property of a railway corporation,  
48 or on its trustee if the corporation has been declared  
49 bankrupt or is in bankruptcy proceedings.

50 Sec. 14. Section 275.55, unnumbered paragraph 4,

#### Page 4

1 Code 1995, is amended by striking the unnumbered  
2 paragraph.

3 Sec. 15. Section 425A.3, subsection 1, Code 1995,  
4 is amended to read as follows:

5 1. The family farm tax credit fund shall be  
6 apportioned each year in the manner provided in this  
7 chapter so as to give a credit against the tax on each  
8 eligible tract of agricultural land within the several  
9 school districts of the state in which the levy for  
10 the general school fund exceeds five four dollars and  
11 forty fifteen cents per thousand dollars of assessed  
12 value. The amount of the credit on each eligible  
13 tract of agricultural land shall be the amount the tax  
14 levied for the general school fund exceeds the amount  
15 of tax which would be levied on each eligible tract of  
16 agricultural land were the levy for the general school  
17 fund five four dollars and forty fifteen cents per  
18 thousand dollars of assessed value for the previous  
19 year. However, in the case of a deficiency in the  
20 family farm tax credit fund to pay the credits in  
21 full, the credit on each eligible tract of  
22 agricultural land in the state shall be proportionate  
23 and applied as provided in this chapter.

24 Sec. 16. Section 425A.5, Code 1995, is amended to

25 read as follows:

26 425A.5 COMPUTATION BY COUNTY AUDITOR.

27 The family farm tax credit allowed each year shall  
28 be computed as follows: On or before March 1, the  
29 county auditor shall list by school districts all  
30 tracts of agricultural land which are entitled to  
31 credit, the taxable value for the previous year, the  
32 budget from each school district for the previous  
33 year, and the tax rate determined for the general fund  
34 of the school district in the manner prescribed in  
35 section 444.3 for the previous year, and if the tax  
36 rate is in excess of five four dollars and forty  
37 fifteen cents per thousand dollars of assessed value,  
38 the auditor shall multiply the tax levy which is in  
39 excess of five four dollars and forty fifteen cents  
40 per thousand dollars of assessed value by the total  
41 taxable value of the agricultural land entitled to  
42 credit in the school district, and on or before March  
43 1, certify the total amount of credit and the total  
44 number of acres entitled to the credit to the  
45 department of revenue and finance.

46 Sec. 17. Section 426.3, Code 1995, is amended to  
47 read as follows:

48 426.3 WHERE CREDIT GIVEN.

49 The agricultural land credit fund shall be  
50 apportioned each year in the manner hereinafter

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1 provided in this chapter so as to give a credit  
2 against the tax on each tract of agricultural lands  
3 within the several school districts of the state in  
4 which the levy for the general school fund exceeds  
5 five four dollars and forty fifteen cents per thousand  
6 dollars of assessed value; the amount of such credit  
7 on each tract of such lands shall be the amount the  
8 tax levied for the general school fund exceeds the  
9 amount of tax which would be levied on said the tract  
10 of such lands were the levy for the general school  
11 fund five four dollars and forty fifteen cents per  
12 thousand dollars of assessed value for the previous  
13 year, except in the case of a deficiency in the  
14 agricultural land credits fund to pay said credits in  
15 full, in which case the credit on each eligible tract  
16 of such lands in the state shall be proportionate and  
17 shall be applied as hereinafter provided in this  
18 chapter.

19 Sec. 18. Section 426.6, unnumbered paragraph 1,  
20 Code 1995, is amended to read as follows:

21 The agricultural land tax credit allowed each year

22 shall be computed as follows: On or before the first  
23 of June the county auditor shall list by school  
24 districts all tracts of agricultural lands which they  
25 are entitled to credit, together with the taxable  
26 value for the previous year, together with the budget  
27 from each school district for the previous year, and  
28 the tax rate determined for the general fund of the  
29 district in the manner prescribed in section 444.3 for  
30 the previous year, and if ~~such the~~ tax rate is in  
31 excess of ~~five four~~ dollars and ~~forty fifteen~~ cents  
32 per thousand dollars of assessed value, the auditor  
33 shall multiply the tax levy which is in excess of ~~five~~  
34 ~~four~~ dollars and ~~forty fifteen~~ cents per thousand  
35 dollars of assessed value by the total taxable value  
36 of the agricultural lands entitled to credit in the  
37 district, and on or before the first of June certify  
38 the amount to the department of revenue and finance.  
39 Sec. 19.

40 1. Sections 11 through 14 of this division of this  
41 Act, being deemed of immediate importance, take effect  
42 upon enactment, and apply to the computation of school  
43 foundation property taxes payable during school budget  
44 years beginning on or after July 1, 1996.  
45 2. Sections 15 through 18 of this division of this  
46 Act take effect January 1, 1997, and apply to the  
47 computation of family farm tax credits and  
48 agricultural land tax credits granted for property  
49 taxes payable in school budget years beginning on or  
50 after July 1, 1997."

**Page 6**

1 2. Title page, by striking lines 1 through 13 and  
2 inserting the following: "An Act relating to taxation  
3 within the state by changing the computation of the  
4 inflation factors for the tax brackets and standard  
5 deduction of the state individual income tax,  
6 exemptions from the state inheritance tax, and  
7 reducing the school district uniform levy for purposes  
8 of providing tax relief and providing effective and  
9 retroactive and other applicability date provisions."

WAYNE D. BENNETT  
MERLIN E. BARTZ  
STEWART IVERSON, JR.  
JIM LIND  
O. GENE MADDOX  
DERRYL MCLAREN

S-5448

1 Amend Senate File 2414 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 633.3, Code 1995, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 18A. "Functional limitations"  
7 means the behavior or condition of a person which  
8 impairs the person's ability to care for the person's  
9 personal safety or to attend to or provide for  
10 necessities for the person.

11 Sec. 2. Section 633.3, subsection 22, Code 1995,  
12 is amended to read as follows:

13 22. Incompetent – ~~includes~~ means the condition of  
14 any person who has been adjudicated by a court to be  
15 incapable of managing the person's property, or caring  
16 for the person's own self, or both have a decision-  
17 making capacity which is so impaired that the person  
18 is unable to care for the person's personal safety or  
19 to attend to or provide for necessities for the person  
20 such as food, shelter, clothing, or medical care,  
21 without which physical injury or illness may occur.

22 Sec. 3. Section 633.552, subsection 2, paragraphs  
23 a and b, Code 1995, are amended by striking the  
24 paragraphs and inserting in lieu thereof the  
25 following:

26 a. Is a minor.

27 b. Is a person whose decision-making capacity is  
28 so impaired that the person is unable to care for the  
29 person's personal safety or to attend to or provide  
30 for necessities for the person such as food, shelter,  
31 clothing, or medical care without which physical  
32 injury or illness might occur.

33 Sec. 4. Section 633.556, Code 1995, is amended to  
34 read as follows:

35 633.556 APPOINTMENT OF GUARDIAN.

36 ~~If the allegations of the petition as to the status~~  
37 ~~of the proposed ward and the necessity for the~~  
38 ~~appointment of a guardian are proved, the court may~~  
39 ~~appoint a guardian.~~

40 The determination as to the appointment of a  
41 guardian, the type of guardianship, and the specific  
42 areas of protection, management, and assistance to be  
43 granted, shall be the exclusive decision of the court.  
44 In order to appoint a guardian, the court must find  
45 that the proposed ward meets the criteria of section  
46 633.552, subsection 2. In making the determination,  
47 the court shall consider the proposed ward's  
48 functional limitations and the extent to which any

49 functional limitations impair the proposed ward's  
50 ability to care for the person's personal safety or to

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1 attend to or provide for necessities. The court shall  
2 grant specific powers to the guardian which constitute  
3 the least restrictive form of intervention consistent  
4 with the findings regarding the proposed ward's  
5 functional limitations. Prior to establishing,  
6 modifying, or terminating a guardianship, the court  
7 shall consider whether a guardianship pursuant to  
8 section 633.635 is appropriate and whether third-party  
9 assistance is available to meet a ward's or proposed  
10 ward's need for necessities, if credible evidence of  
11 third-party assistance is adduced from any source.  
12 Sec. 5. NEW SECTION. 633.556A STANDARD OF PROOF  
13 AND BURDEN OF PERSUASION.

14 1. The determination of incompetency of the  
15 proposed ward or ward and the determination of the  
16 need for the appointment of a guardian or of the  
17 modification or termination of a guardianship shall be  
18 supported by clear and convincing evidence.

19 2. The burden of persuasion is on the petitioner  
20 in an initial proceeding to appoint a guardian.  
21 Following a prima facie showing that the proposed ward  
22 or ward has some decision-making capacity, the burden  
23 of persuasion is on the guardian in a proceeding to  
24 modify or terminate a guardianship.

25 Sec. 6. Section 633.562, Code 1995, is amended to  
26 read as follows:

27 633.562 NOTIFICATION OF GUARDIANSHIP POWERS.

28 In a proceeding for the appointment of a guardian,  
29 the proposed ward shall be given written notice which  
30 advises the proposed ward that if a guardian is  
31 appointed, the guardian may; ~~without court approval,~~  
32 make decisions regarding the ward's personal safety or  
33 provide for the care of the ward; manage the ward's  
34 personal property and effects; assist the ward in  
35 developing self-reliance and receiving professional  
36 care; counseling, treatment or services as needed; and  
37 ensure that the ward receives necessary emergency  
38 medical services necessities. The notice shall also  
39 advise the proposed ward that, upon the court's  
40 approval, the guardian may change the ward's permanent  
41 residence to a more restrictive residence; and arrange  
42 for major elective surgery or any other nonemergency  
43 major medical procedure or consent to the withholding  
44 or withdrawal of life-sustaining procedures pursuant  
45 to chapter 144A. The notice shall clearly advise the



46 proposed ward in boldfaced type of a minimum size of  
 47 ~~ten~~ **fourteen** points, of the right to counsel and the  
 48 potential deprivation of the proposed ward's civil  
 49 rights. **In an involuntary guardianship proceeding,**  
 50 **the** The notice shall be served upon the proposed ward

Page 3

1 with the notice of the filing of the petition as  
 2 provided in section 633.554.

3 Sec. 7. Section 633.566, subsection 2, paragraphs  
 4 a and b, Code 1995, are amended by striking the  
 5 paragraphs and inserting in lieu thereof the  
 6 following:

7 a. Is a minor.

8 b. Is a person whose decision-making capacity is  
 9 so impaired that the person is unable to make,  
 10 communicate, or carry out important decisions  
 11 concerning the person's own financial affairs.

12 Sec. 8. Section 633.570, Code 1995, is amended to  
 13 read as follows:

14 **633.570 APPOINTMENT OF CONSERVATOR.**

15 **1.** If the allegations of the petition as to the  
 16 status of the proposed ward and the necessity for the  
 17 appointment of a conservator are proved by clear and  
 18 convincing evidence, the court may appoint a  
 19 conservator.

20 **2.** In the determination as to the appointment of a  
 21 conservator, the court shall consider whether a  
 22 limited conservatorship is appropriate.

23 Sec. 9. Section 633.635, Code 1995, is amended to  
 24 read as follows:

25 **633.635 RESPONSIBILITIES OF GUARDIAN.**

26 **1.** A guardian may be granted the following powers  
 27 and duties which may be exercised without prior court  
 28 approval:

29 a. Providing for the care, comfort and maintenance  
 30 of the ward, including the appropriate training and  
 31 education to maximize the ward's potential.

32 b. Taking reasonable care of the ward's clothing,  
 33 furniture, vehicle and other personal effects.

34 c. Assisting the ward in developing maximum self-  
 35 reliance and independence.

36 d. Ensuring the ward receives necessary emergency  
 37 medical services.

38 e. Ensuring the ward receives professional care,  
 39 counseling, treatment or services as needed.

40 f. Any other powers or duties the court may  
 41 specify.

42 **2.** A guardian may be granted the following powers

43 which may only be exercised upon court approval:  
44 a. Changing, at the guardian's request, the ward's  
45 permanent residence if the proposed new residence is  
46 more restrictive of the ward's liberties than the  
47 current residence.  
48 1. A guardian shall have only the powers specified  
49 by the court, consistent with the findings of the  
50 court regarding the proposed ward's or ward's

Page 4

1 functional limitations.  
2 2. In addition to the powers of the guardian  
3 specified pursuant to subsection 1, the guardian may  
4 be granted additional powers, only with the prior  
5 approval of the court, including any of the following:  
6 b. a. Arranging the provision of major elective  
7 surgery or any other nonemergency major medical  
8 procedure.  
9 e. b. Consent Consenting to the withholding or  
10 withdrawal of life-sustaining procedures in accordance  
11 with chapter 144A.  
12 3. The court may take into account all available  
13 information concerning the capabilities of the ward  
14 and any additional evaluation deemed necessary, and  
15 may direct that the guardian have only a specially  
16 limited responsibility for the ward. In that event,  
17 the court shall state those areas of responsibility  
18 which shall be supervised by the guardian and all  
19 others shall be retained by the ward. The court may  
20 make a finding that the ward lacks the capacity to  
21 contract a valid marriage.  
22 4. From time to time, upon a proper showing, the  
23 court may alter the respective responsibilities of the  
24 guardian and the ward, after notice to the ward and an  
25 opportunity to be heard.  
26 3. A ward retains all rights not delegated to a  
27 guardian by the court.  
28 Sec. 10. Section 633.675, Code 1995, is amended to  
29 read as follows:  
30 **633.675 CAUSE FOR MODIFICATION OR TERMINATION.**  
31 A guardianship shall cease or shall be subject to  
32 modification, and a conservatorship shall terminate,  
33 upon the occurrence of any of the following  
34 circumstances:  
35 1. If the ward is a minor, when the ward reaches  
36 full age.  
37 2. The death of the ward.  
38 3. A In the case of a conservatorship, upon a  
39 determination by the court that the decision-making

40 capacity of the ward is competent and capable of  
41 managing the ward's property and affairs, and that the  
42 continuance of the guardianship or conservatorship  
43 would not be in the ward's best interests no longer  
44 impaired to the extent alleged in the petition  
45 pursuant to section 633.566, subsection 2.

46 4. In the case of a guardianship, upon a  
47 determination by the court that the ward is not  
48 incompetent. Additionally, the court shall consider  
49 the availability of third-party assistance in meeting  
50 the ward's necessities if credible evidence of such

Page 5

1 assistance is provided by any source.

2 4. 5. Upon determination by the court that the  
3 conservatorship or guardianship is no longer necessary  
4 for any other reason.

5 Sec. 11. Section 633.679, Code 1995, is amended to  
6 read as follows:

7 633.679 PETITION TO MODIFY OR TERMINATE.

8 At any time after the appointment of a guardian or  
9 conservator, the person under guardianship or  
10 conservatorship may apply to the court by petition;  
11 alleging that the person is no longer a proper subject  
12 thereof, and asking that the guardianship or  
13 conservatorship be modified or terminated.

14 Upon the filing of a petition, the court may order  
15 modification or termination of the guardianship, the  
16 conservatorship, or both. The action shall be triable  
17 as a proceeding in equity. A determination to  
18 continue, modify, or terminate a guardianship or  
19 conservatorship shall be based upon clear and  
20 convincing evidence. The burden of persuasion in the  
21 continuation, modification, or termination of a  
22 guardianship or conservatorship is on the petitioner.  
23 In a petition to terminate a guardianship or  
24 conservatorship, a ward shall make a prima facie  
25 showing that the ward has some decision-making  
26 capacity. Following the initial showing by the ward,  
27 the guardian or conservator shall have the burden of  
28 persuasion to demonstrate by clear and convincing  
29 evidence any incompetency on the part of the ward."

30 2. Title page, line 2, by striking the words "and  
31 providing penalties".

JOHNIE HAMMOND

S-5449

- 1 Amend Senate File 2449 as follows:
- 2 1. Page 25, by inserting after line 25 the
- 3 following:
- 4 "\_\_\_ . The fact that the family farm animal feeding
- 5 operation or the person who owns the operation has
- 6 received assistance, monetary or otherwise, from the
- 7 authority shall not prevent the operation from being
- 8 eligible for assistance under programs available under
- 9 this section."

MERLIN E. BARTZ  
PATTY JUDGE

S-5450

- 1 Amend Senate File 2389 as follows:
- 2 1. Page 1, line 7, by inserting after the figure
- 3 "148," the following: "149,".
- 4 2. Page 1, line 12, by inserting after the figure
- 5 "148," the following: "149,".
- 6 3. Page 2, line 7, by inserting after the figure
- 7 "148," the following: "149,".

JIM LIND

S-5451

- 1 Amend the amendment, S-5427, to House File 2477, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 "\_\_\_ . Page 2, by inserting after line 26 the
- 7 following:
- 8 "\_\_\_ . For enhanced forgivable loans:
- 9 ..... \$ 115,000
- 10 The amount of an enhanced forgivable loan shall not
- 11 exceed \$11,500. To qualify for a loan a person shall:
- 12 (1) Be required to practice primary care in a
- 13 community designated as underserved by state and
- 14 federal authorities and having a population of less
- 15 than 20,000. A student must provide one year of
- 16 practice for every year of loan forgiveness.
- 17 (2) Have shown superior academic achievement and
- 18 demonstrated exceptional financial need during the
- 19 last year of undergraduate study.
- 20 The commission shall prescribe by rule the terms of
- 21 repayment and forgiveness. The rules shall be

- 22 consistent with the requirements of section 261.19A.  
23 The commission shall deposit payments made by loan  
24 recipients into the fund created in section 261.19B.””

PATTY JUDGE  
EUGENE FRAISE  
LARRY MURPHY  
MARY LOU FREEMAN  
JIM LIND  
MARY E. KRAMER

S-5452

- 1 Amend House File 2413, as passed by the House, as  
2 follows:  
3 1. Page 1, line 10, by striking the figure “50”  
4 and inserting the following: “25”.  
5 2. Page 6, by striking line 18.  
6 3. By renumbering as necessary.

COMMITTEE ON COMMERCE  
PATRICK J. DELUHERY, Chairperson

S-5453

- 1 Amend Senate File 2433 as follows:  
2 1. Page 2, by inserting after line 11 the  
3 following:  
4 “Sec. \_\_\_\_ . Section 85.38, subsection 2, Code 1995,  
5 is amended by striking the subsection and inserting in  
6 lieu thereof the following:  
7 2. LIEN FOR BENEFITS PAID UNDER NONOCCUPATIONAL  
8 PLANS. If an employer denies liability under this  
9 chapter, chapter 85A, or chapter 85B, for any medical  
10 services received by a disabled employee from a health  
11 service provider, and the employee is a beneficiary  
12 under either an individual or group plan for  
13 nonoccupational illness, injury, or disability, the  
14 nonoccupational plan shall not deny payment for the  
15 medical services received on the grounds that the  
16 illness, injury, or disability is excluded from  
17 payment because the condition arose out of and in the  
18 course of employment. A nonoccupational plan which  
19 makes payments for an employee’s illness, injury, or  
20 disability under this subsection shall have a lien, in  
21 an amount equal to the payments made by the plan for  
22 the medical services received, against any  
23 compensation payments which are made under this  
24 chapter, chapter 85A, or chapter 85B. The amount due  
25 under the lien shall be deducted from any compensation

26 payments made. The lien shall be effective when  
27 written notice is sent by the plan to the employer by  
28 regular mail."

29 2. Title page, line 3, by inserting after the  
30 word "cases," the following: "relating to  
31 nonoccupational health care plan payments,".

32 3. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5454

1 Amend Senate File 2449 as follows:

2 1. Page 2, by striking lines 20 through 30 and  
3 inserting the following:

4 "Sec. \_\_\_\_ . Section 450.7, subsection 1, unnumbered  
5 paragraph 1, Code Supplement 1995, is amended to read  
6 as follows:

7 Except for the share of the estate passing to the  
8 surviving spouse, father or mother, each son and  
9 daughter, including legally adopted sons and daughters  
10 or biological sons and daughters, stepchildren, and  
11 grandchildren, the tax is a charge against and a lien  
12 upon the estate subject to tax under this chapter, and  
13 all property of the estate or owned by the decedent  
14 from the death of the decedent until paid, subject to  
15 the following limitation:

16 Sec. \_\_\_\_ . Section 450.9, subsection 1, Code 1995,  
17 is amended to read as follows:

18 1. Surviving spouse, father or mother, son or  
19 daughter, including legally adopted sons and daughters  
20 or biological sons and daughters, stepchildren, or  
21 grandchild, the entire amount of property, interest in  
22 property, and income.

23 Sec. \_\_\_\_ . Section 450.9, subsections 2 and 3, Code  
24 1995, are amended by striking the subsections.

25 Sec. \_\_\_\_ . Section 450.10, subsection 1, unnumbered  
26 paragraph 1, Code 1995, is amended to read as follows:

27 When the property, interest, or income passes to  
28 ~~the father or mother, or to a child or a lineal~~  
29 ~~descendant of the decedent, grantor, donor, or vendor;~~  
30 ~~including a legally adopted child or biological child~~  
31 ~~entitled to inherit under the laws of this state not~~  
32 ~~included in subsection 7~~, the tax imposed shall be on  
33 the individual share so passing in excess of the  
34 exemptions allowed as follows:

35 Sec. \_\_\_\_ . Section 450.10, subsection 2, unnumbered  
36 paragraph 1, Code 1995, is amended to read as follows:

37 When the property or any interest ~~therein in~~  
38 ~~property, or income therefrom from property~~ taxable

39 under the provisions of this chapter passes to the  
40 brother or sister, son-in-law, or daughter-in-law, or  
41 ~~step children~~, the rate of tax imposed on the  
42 individual share so passing shall be as follows:

43 Sec. \_\_\_\_ . Section 450.10, subsection 7, Code 1995,  
44 is amended to read as follows:

45 7. Property, interest in property, or income  
46 passing to the surviving spouse, father or mother, son  
47 or daughter, including legally adopted sons and  
48 daughters or biological sons and daughters, stepchild,  
49 or grandchild, is not taxable under this section.”

50 2. By striking page 7, line 35, through page 15,

Page 2

1 line 18, and inserting the following:

2 “Sec. \_\_\_\_ . Section 422.5, subsection 1, paragraph  
3 j, Code 1995, is amended by adding the following new  
4 unnumbered paragraph:

5 **NEW UNNUMBERED PARAGRAPH.** The tax imposed upon the  
6 taxable income of a resident shareholder in a  
7 corporation which has in effect for the tax year an  
8 election under subchapter S of the Internal Revenue  
9 Code and carries on business within and without the  
10 state shall be computed by reducing the amount  
11 determined pursuant to paragraphs “a” through “i” by  
12 the amounts of nonrefundable credits under this  
13 division and by multiplying this resulting amount by a  
14 fraction of which the resident’s net income allocated  
15 to Iowa, as determined in section 422.8, subsection 2,  
16 paragraph “b”, is the numerator and the resident’s  
17 total net income computed under section 422.7 is the  
18 denominator. This paragraph also applies to  
19 individuals who are residents of Iowa for less than  
20 the entire tax year.

21 Sec. \_\_\_\_ . Section 422.5, subsection 1, paragraph  
22 k, unnumbered paragraph 4, Code 1995, is amended to  
23 read as follows:

24 In the case of a resident, including a resident  
25 estate or trust, the state’s apportioned share of the  
26 state alternative minimum tax is one hundred percent  
27 of the state alternative minimum tax computed in this  
28 subsection. In the case of a resident or part year  
29 resident shareholder in a corporation which has in  
30 effect for the tax year an election under subchapter S  
31 of the Internal Revenue Code and carries on business  
32 within and without the state, a nonresident, including  
33 a nonresident estate or trust, or an individual,  
34 estate, or trust that is domiciled in the state for  
35 less than the entire tax year, the state’s apportioned

36 share of the state alternative minimum tax is the  
37 amount of tax computed under this subsection, reduced  
38 by the applicable credits in sections 422.10 through  
39 422.12 and this result multiplied by a fraction with a  
40 numerator of the sum of state net income allocated to  
41 Iowa as determined in section 422.8, subsection 2,  
42 paragraph "a" or "b" as applicable, plus tax  
43 preference items, adjustments, and losses under  
44 subparagraph (1) attributable to Iowa and with a  
45 denominator of the sum of total net income computed  
46 under section 422.7 plus all tax preference items,  
47 adjustments, and losses under subparagraph (1). In  
48 computing this fraction, those items excludable under  
49 subparagraph (1) shall not be used in computing the  
50 tax preference items. Married taxpayers electing to

**Page 3**

1 file separate returns or separately on a combined  
2 return must allocate the minimum tax computed in this  
3 subsection in the proportion that each spouse's  
4 respective preference items, adjustments, and losses  
5 under subparagraph (1) bear to the combined preference  
6 items, adjustments, and losses under subparagraph (1)  
7 of both spouses.  
8 Sec. \_\_\_\_ . Section 422.8, subsection 2, Code 1995,  
9 is amended to read as follows:  
10 2. a. Nonresident's net income allocated to Iowa  
11 is the net income, or portion thereof, which is  
12 derived from a business, trade, profession, or  
13 occupation carried on within this state or income from  
14 any property, trust, estate, or other source within  
15 Iowa. However, income derived from a business, trade,  
16 profession, or occupation carried on within this state  
17 and income from any property, trust, estate, or other  
18 source within Iowa shall not include distributions  
19 from pensions, including defined benefit or defined  
20 contribution plans, annuities, individual retirement  
21 accounts, and deferred compensation plans or any  
22 earnings attributable thereto so long as the  
23 distribution is directly related to an individual's  
24 documented retirement and received while the  
25 individual is a nonresident of this state. If a  
26 business, trade, profession, or occupation is carried  
27 on partly within and partly without the state, only  
28 the portion of the net income which is fairly and  
29 equitably attributable to that part of the business,  
30 trade, profession, or occupation carried on within the  
31 state is allocated to Iowa for purposes of section  
32 422.5, subsection 1, paragraph "j", and section 422.13



33. and income from any property, trust, estate, or other  
34 source partly within and partly without the state is  
35 allocated to Iowa in the same manner, except that  
36 annuities, interest on bank deposits and interest-  
37 bearing obligations, and dividends are allocated to  
38 Iowa only to the extent to which they are derived from  
39 a business, trade, profession, or occupation carried  
40 on within the state.

41 b. A resident's income allocable to Iowa is the  
42 income determined under section 422.7 reduced by items  
43 of income and expenses from a subchapter S corporation  
44 which pass directly to the shareholders under  
45 provisions of the Internal Revenue Code and increased  
46 by the greatest of the following:

47 (1) The net income or loss of the corporation  
48 which is fairly and equitably attributable to this  
49 state under section 422.33, subsections 2 and 3.  
50 (2) The taxpayer's pro rata share of an amount

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1 deemed distributed to shareholders which when added to  
2 the salaries, wages, or other compensation for  
3 services performed by all shareholders will equal ten  
4 percent of the net income of the corporation computed  
5 in accordance with section 422.35 and considering  
6 items of income and expense which pass directly to the  
7 shareholders under provisions of the Internal Revenue  
8 Code before deduction of shareholder's salaries,  
9 wages, or other compensation for services performed.

10 (3) Any cash or the value of any property  
11 distributions made to the extent they are paid from  
12 income upon which Iowa income tax has not been paid as  
13 determined under rules of the director.

14 Sec. \_\_\_\_ . Section 422.8, Code 1995, is amended by  
15 adding the following new subsection:

16 **NEW SUBSECTION. 6.** If the resident or part year  
17 resident is a shareholder of a corporation which has  
18 in effect an election under subchapter S of the  
19 Internal Revenue Code, subsections 1 and 3 do not  
20 apply to any income taxes paid to another state or  
21 foreign country on the income from the corporation  
22 which has in effect an election under subchapter S of  
23 the Internal Revenue Code.

24 Sec. \_\_\_\_ . This division of this Act, being deemed  
25 of immediate importance, takes effect upon enactment  
26 and applies retroactively to January 1, 1996, for tax  
27 years beginning on or after that date."

28 3. By striking page 20, line 30, through page 29,  
29 line 9.

- 30 4. Page 29, line 20, by striking the word  
31 "thirty-five" and inserting the following: "forty-  
32 three".
- 33 5. Title page, lines 9 through 11 by striking the  
34 words "establishing incentives for family farm animal  
35 feeding operations and making an appropriation;".

BRAD BANKS

S-5455

- 1 Amend Senate File 2268 as follows:
- 2 1. Page 1, by inserting before line 1 the  
3 following:
- 4 "Sec. \_\_\_\_ . Section 34A.3, subsection 1, unnumbered  
5 paragraph 1, Code-1995, is amended to read as follows:  
6 The board of supervisors of each county shall  
7 establish a joint 911 service board not later than  
8 January 1, 1989. Each political subdivision of the  
9 state ~~having a public safety agency serving territory~~  
10 within the county is entitled to voting membership on  
11 the joint 911 service board. Each public and private  
12 safety agency operating within the area is entitled to  
13 nonvoting voting membership on the board. A ~~township~~  
14 ~~which does not operate its own public safety agency,~~  
15 ~~but contracts for the provision of public safety~~  
16 ~~services, is not entitled to membership on the joint~~  
17 ~~911 service board, but its contractor is entitled to~~  
18 ~~membership according to the contractor's status as a~~  
19 ~~public or private safety agency. The board of~~  
20 supervisors of the county establishing the board is  
21 also entitled to voting membership on the board. The  
22 joint 911 service board shall develop an enhanced 911  
23 service plan encompassing at minimum the entire  
24 county, unless an exemption is granted by the  
25 administrator permitting a smaller E911 service area.  
26 The administrator may grant a discretionary exemption  
27 from the single county minimum service area  
28 requirement based upon an E911 joint service board's  
29 or other E911 service plan operating authority's  
30 presentation of evidence which supports the requested  
31 exemption if the administrator finds that local  
32 conditions make adherence to the minimum standard  
33 unreasonable or technically infeasible, and that the  
34 purposes of this chapter would be furthered by  
35 granting an exemption. The minimum size requirement  
36 is intended to prevent unnecessary duplication of  
37 public safety answering points and minimize other  
38 administrative, personnel, and equipment expenses. An  
39 E911 service area must encompass a geographically

40 contiguous area. No exemption shall be granted from  
41 the contiguous area requirement. The administrator  
42 may order the inclusion of a specific territory in an  
43 adjoining E911 service plan area to avoid the creation  
44 by exclusion of a territory smaller than a single  
45 county not serviced by surrounding E911 service plan  
46 areas upon request of the joint 911 service board  
47 representing the territory. The E911 service plan  
48 operating authority shall submit the plan on or before  
49 January 1, 1994, to all of the following:"  
50 2. By renumbering as necessary.

EUGENE FRAISE  
TOM FLYNN

S-5456

1 Amend Senate File 2449 as follows:  
2 1. Page 28, by inserting after line 34 the  
3 following:  
4 "\_\_\_ . If the county treasurer has received a  
5 percentage amount of the amount certified to the  
6 agricultural development authority, the county  
7 treasurer shall for the following fiscal year grant  
8 each exemption from the previous fiscal year an  
9 exemption equal to the percentage amount which the  
10 county treasurer was reimbursed for that exemption  
11 unless the reimbursement for that exemption is fully  
12 funded by February 1 preceding the next fiscal year."

SHELDON RITTMER

S-5457

1 Amend the amendment, S-5427, to House File 2477, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 11, by striking the figure  
5 "250,000" and inserting the following: "400,000".

BERL E. PRIEBE  
BRAD BANKS

S-5458

1 Amend Senate File 2449 as follows:  
2 1. By striking page 7, line 35, through page 15,  
3 line 18, and inserting the following:  
4 "Sec. \_\_\_. Section 422.5, subsection 1, paragraph  
5 j, Code 1995, is amended by adding the following new

6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the  
8 taxable income of a resident shareholder in a  
9 corporation which has in effect for the tax year an  
10 election under subchapter S of the Internal Revenue  
11 Code and carries on business within and without the  
12 state shall be computed by reducing the amount  
13 determined pursuant to paragraphs "a" through "i" by  
14 the amounts of nonrefundable credits under this  
15 division and by multiplying this resulting amount by a  
16 fraction of which the resident's net income allocated  
17 to Iowa, as determined in section 422.8, subsection 2,  
18 paragraph "b", is the numerator and the resident's  
19 total net income computed under section 422.7 is the  
20 denominator. This paragraph also applies to  
21 individuals who are residents of Iowa for less than  
22 the entire tax year.

23 Sec. \_\_\_\_ . Section 422.5, subsection 1, paragraph  
24 k, unnumbered paragraph 4, Code 1995, is amended to  
25 read as follows:

26 In the case of a resident, including a resident  
27 estate or trust, the state's apportioned share of the  
28 state alternative minimum tax is one hundred percent  
29 of the state alternative minimum tax computed in this  
30 subsection. In the case of a resident or part year  
31 resident shareholder in a corporation which has in  
32 effect for the tax year an election under subchapter S  
33 of the Internal Revenue Code and carries on business  
34 within and without the state, a nonresident, including  
35 a nonresident estate or trust, or an individual,  
36 estate, or trust that is domiciled in the state for  
37 less than the entire tax year, the state's apportioned  
38 share of the state alternative minimum tax is the  
39 amount of tax computed under this subsection, reduced  
40 by the applicable credits in sections 422.10 through  
41 422.12 and this result multiplied by a fraction with a  
42 numerator of the sum of state net income allocated to  
43 Iowa as determined in section 422.8, subsection 2,  
44 paragraph "a" or "b" as applicable, plus tax  
45 preference items, adjustments, and losses under  
46 subparagraph (1) attributable to Iowa and with a  
47 denominator of the sum of total net income computed  
48 under section 422.7 plus all tax preference items,  
49 adjustments, and losses under subparagraph (1). In  
50 computing this fraction, those items excludable under

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1 subparagraph (1) shall not be used in computing the  
2 tax preference items. Married taxpayers electing to

3 file separate returns or separately on a combined  
4 return must allocate the minimum tax computed in this  
5 subsection in the proportion that each spouse's  
6 respective preference items, adjustments, and losses  
7 under subparagraph (1) bear to the combined preference  
8 items, adjustments, and losses under subparagraph (1)  
9 of both spouses.

10 Sec. \_\_\_\_ . Section 422.8, subsection 2, Code 1995,  
11 is amended to read as follows:

12 2. a. Nonresident's net income allocated to Iowa  
13 is the net income, or portion thereof, which is  
14 derived from a business, trade, profession, or  
15 occupation carried on within this state or income from  
16 any property, trust, estate, or other source within  
17 Iowa. However, income derived from a business, trade,  
18 profession, or occupation carried on within this state  
19 and income from any property, trust, estate, or other  
20 source within Iowa shall not include distributions  
21 from pensions, including defined benefit or defined  
22 contribution plans, annuities, individual retirement  
23 accounts, and deferred compensation plans or any  
24 earnings attributable thereto so long as the  
25 distribution is directly related to an individual's  
26 documented retirement and received while the  
27 individual is a nonresident of this state. If a  
28 business, trade, profession, or occupation is carried  
29 on partly within and partly without the state, only  
30 the portion of the net income which is fairly and  
31 equitably attributable to that part of the business,  
32 trade, profession, or occupation carried on within the  
33 state is allocated to Iowa for purposes of section  
34 422.5, subsection 1, paragraph "j", and section 422.13  
35 and income from any property, trust, estate, or other  
36 source partly within and partly without the state is  
37 allocated to Iowa in the same manner, except that  
38 annuities, interest on bank deposits and interest-  
39 bearing obligations, and dividends are allocated to  
40 Iowa only to the extent to which they are derived from  
41 a business, trade, profession, or occupation carried  
42 on within the state.

43 b. A resident's income allocable to Iowa is the  
44 income determined under section 422.7 reduced by items  
45 of income and expenses from a subchapter S corporation  
46 which pass directly to the shareholders under  
47 provisions of the Internal Revenue Code and increased  
48 by the greatest of the following:

49 (1) The net income or loss of the corporation  
50 which is fairly and equitably attributable to this

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1 state under section 422.33, subsections 2 and 3.  
 2 (2) The taxpayer's pro rata share of an amount  
 3 deemed distributed to shareholders which when added to  
 4 the salaries, wages, or other compensation for  
 5 services performed by all shareholders will equal ten  
 6 percent of the net income of the corporation computed  
 7 in accordance with section 422.35 and considering  
 8 items of income and expense which pass directly to the  
 9 shareholders under provisions of the Internal Revenue  
 10 Code before deduction of shareholder's salaries,  
 11 wages, or other compensation for services performed.  
 12 (3) Any cash or the value of any property  
 13 distributions made to the extent they are paid from  
 14 income upon which Iowa income tax has not been paid as  
 15 determined under rules of the director.  
 16 Sec. \_\_\_\_ . Section 422.8, Code 1995, is amended by  
 17 adding the following new subsection:  
 18 NEW SUBSECTION. 6. If the resident or part year  
 19 resident is a shareholder of a corporation which has  
 20 in effect an election under subchapter S of the  
 21 Internal Revenue Code, subsections 1 and 3 do not  
 22 apply to any income taxes paid to another state or  
 23 foreign country on the income from the corporation  
 24 which has in effect an election under subchapter S of  
 25 the Internal Revenue Code.  
 26 Sec. \_\_\_\_ . This division of this Act, being deemed  
 27 of immediate importance, takes effect upon enactment  
 28 and applies retroactively to January 1, 1996, for tax  
 29 years beginning on or after that date."

DONALD B. REDFERN  
 MAGGIE TINSMAN  
 ANDY MCKEAN  
 BRAD BANKS  
 WILMER RENSINK  
 ALLEN BORLAUG  
 WAYNE D. BENNETT

HOUSE AMENDMENT TO  
 SENATE FILE 2443

S-5459

1 Amend Senate File 2443, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. There is appropriated from the general

6 fund of the state and other designated funds to the  
 7 department of economic development for the fiscal year  
 8 beginning July 1, 1996, and ending June 30, 1997, the  
 9 following amounts, or so much thereof as is necessary,  
 10 to be used for the purposes designated:

11 1. ADMINISTRATIVE SERVICES DIVISION

12 a. General administration

13 For salaries, support, maintenance, miscellaneous  
 14 purposes, for providing that a business receiving  
 15 moneys from the department for the purpose of job  
 16 creation shall make available ten percent of the new  
 17 jobs created for PROMISE JOBS program participants who  
 18 are qualified for the jobs created, and for not more  
 19 than the following full-time equivalent positions:

20 .....	\$	1,405,687
21 .....	FTEs	23.75

22 The director shall coordinate efforts with the  
 23 workforce coordinator and the department of workforce  
 24 development, if established by Senate File 2409 or  
 25 House File 2463, to implement the intent of the  
 26 general assembly regarding businesses receiving job  
 27 creation moneys and shall report to the joint economic  
 28 development appropriations subcommittee regarding the  
 29 number of jobs to be created by each business, the  
 30 number of qualified PROMISE JOBS participants applying  
 31 with the business, and the number of PROMISE JOBS  
 32 participants hired.

33 b. Film office

34 For salaries, support, maintenance, miscellaneous  
 35 purposes, and for not more than the following full-  
 36 time equivalent positions:

37 .....	\$	199,341
38 .....	FTEs	2.00

39 2. BUSINESS DEVELOPMENT DIVISION

40 a. Business development operations

41 For salaries, support, maintenance, miscellaneous  
 42 purposes, for allocating \$150,000 to the graphic arts  
 43 technology center, allocating \$50,000 to the plastics  
 44 technology center, and for not more than the following  
 45 full-time equivalent positions:

46 .....	\$	3,709,775
47 .....	FTEs	17.75

48 The department may use up to \$60,000 of any funds  
 49 remaining unobligated on June 30, 1996, in the Wallace  
 50 technology transfer foundation fund, notwithstanding

1 section 8.33, and add up to a 0.50 full-time  
 2 equivalent position to administer the heartland

3 technology network, the graphic arts technology  
4 center, and the plastics technology center.

5 The department may use up to \$75,000 of the funds  
6 remaining unobligated in the Wallace technology  
7 transfer foundation fund on June 30, 1996,  
8 notwithstanding section 8.33, for the purposes of the  
9 regulatory assistance program.

10 The department shall allocate \$100,000, or so much  
11 thereof as may be necessary, of the funds remaining  
12 unobligated in the Wallace technology transfer  
13 foundation fund on June 30, 1996, notwithstanding  
14 section 8.33, to the workforce development division  
15 for business consortia and supplier network training.

16 Unobligated funds remaining in the Wallace  
17 technology transfer foundation fund after making the  
18 allocations under this paragraph shall be transferred  
19 to the strategic investment fund for use in the  
20 community economic betterment program.

21 b. Small business programs

22 For salaries, support, maintenance, miscellaneous  
23 purposes, for the small business program, the small  
24 business advisory council, targeted small business  
25 program and the targeted small business compliance  
26 officer, and for not more than the following full-time  
27 equivalent positions:

28 .....	\$	448,756
29 .....	FTEs	6.00

30 c. Federal procurement office

31 For salaries, support, maintenance, miscellaneous  
32 purposes, and for not more than the following full-  
33 time equivalent positions:

34 .....	\$	96,492
35 .....	FTEs	3.00

36 Notwithstanding section 8.33, moneys remaining  
37 unencumbered or unobligated on June 30, 1997, shall  
38 not revert and shall be available for expenditure  
39 during the fiscal year beginning July 1, 1997, for the  
40 same purposes.

41 d. Strategic investment fund

42 For deposit in the strategic investment fund for  
43 salaries, support, and for not more than the following  
44 full-time equivalent positions:

45 .....	\$	7,731,151
46 .....	FTEs	10.50

47 e. Targeted small business incubator

48 Moneys appropriated for fiscal year 1995-1996 and  
49 not expended by June 30, 1996, shall not revert but  
50 shall be held by the department for funding, with



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1 local matching funds, the targeted small business  
 2 incubator in Des Moines for the fiscal year beginning  
 3 July 1, 1996, and ending June 30, 1997.  
 4 f. Insurance economic development  
 5 There is appropriated from moneys collected by the  
 6 division of insurance in excess of the anticipated  
 7 gross revenues under section 505.7, subsection 3, to  
 8 the department for the fiscal year beginning July 1,  
 9 1996, and ending June 30, 1997, the following amount,  
 10 or so much thereof as is necessary, for insurance  
 11 economic development and international insurance  
 12 economic development:  
 13 ..... \$ 200,000  
 14 g. Value-added agriculture  
 15 There is appropriated from the moneys available to  
 16 support value-added agricultural products and  
 17 processes, four percent, or so much thereof as is  
 18 necessary, of the total moneys available to support  
 19 value-added agricultural products and processes  
 20 pursuant to section 423.24 each quarter for  
 21 administration of the value-added agricultural  
 22 products and processes financial assistance program as  
 23 provided in section 15E.111, including salaries,  
 24 support, maintenance, miscellaneous purposes, and for  
 25 not more than 2.00 FTEs.  
 26 3. COMMUNITY DEVELOPMENT DIVISION  
 27 a. Community assistance  
 28 For salaries, support, maintenance, and  
 29 miscellaneous purposes for administration of the  
 30 community economic preparedness program, the Iowa  
 31 community betterment program, and the city development  
 32 boards, and for not more than the following full-time  
 33 equivalent positions:  
 34 ..... \$ 578,943  
 35 ..... FTEs 8.50  
 36 There is also appropriated from the rural community  
 37 2000 program revolving fund established in section  
 38 15.287 to the community assistance program for the  
 39 purposes of the community economic preparedness  
 40 program:  
 41 ..... \$ 50,000  
 42 b. Main street/rural main street program  
 43 For salaries, support, and for not more than the  
 44 following full-time equivalent positions:  
 45 ..... \$ 413,530  
 46 ..... FTEs 3.00  
 47 Notwithstanding section 8.33, moneys committed to  
 48 grantees under contract from the general fund of the

49 state that remain unexpended on June 30 of the fiscal  
50 year shall not revert to any fund but shall be

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1 available for expenditure for purposes of the contract  
2 during the succeeding fiscal year.  
3 c. Rural development program  
4 For salaries, support, maintenance, and  
5 miscellaneous purposes for rural resource  
6 coordination, rural community leadership, the rural  
7 enterprise fund, and for the rural innovations grants  
8 program, and for not more than the following full-time  
9 equivalent positions:

10 .....	\$	611,181
11 .....	FTEs	4.50

12 There is also appropriated from the rural community  
13 2000 program revolving fund established in section  
14 15.287 to the rural development program for the  
15 purposes of the program including the rural enterprise  
16 fund and collaborative skills development training:

17 .....	\$	351,000
----------	----	---------

18 Notwithstanding section 8.33, moneys committed to  
19 grantees under contract from the general fund of the  
20 state or through transfers from the Iowa community  
21 development loan fund or from the rural community 2000  
22 program revolving fund that remain unexpended at the  
23 end of the fiscal year shall not revert but shall be  
24 available for expenditure for purposes of the contract  
25 during the succeeding fiscal year.

26 d. Community development block grant and HOME  
27 For administration and related federal housing and  
28 urban development grant administration for salaries,  
29 support, maintenance, miscellaneous purposes, and for  
30 not more than the following full-time equivalent  
31 positions:

32 .....	\$	403,974
33 .....	FTEs	18.75

34 e. Councils of governments  
35 There is appropriated from the rural community 2000  
36 program revolving fund established in section 15.287  
37 to provide to Iowa's councils of governments funds for  
38 planning and technical assistance funds to assist  
39 local governments to develop community development  
40 strategies for addressing long-term and short-term  
41 community needs:

42 .....	\$	178,000
----------	----	---------

43 f. Housing development fund  
44 For providing technical assistance to communities  
45 of all sizes and local financial institutions to help

46 meet local housing needs and to provide and transfer  
 47 matching funds for the HOME program:  
 48 ..... \$ 1,300,000  
 49 Notwithstanding section 8.33, moneys committed to  
 50 grantees under contract from the housing development

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1 fund and moneys transferred for matching funds for the  
 2 HOME program that remain unexpended or unobligated on  
 3 June 30 of the fiscal year shall not revert to any  
 4 fund but shall be available for obligation and  
 5 expenditure for purposes of those programs during the  
 6 succeeding fiscal year.

7 4. INTERNATIONAL DIVISION

8 a. International trade operations

9 For salaries, support, maintenance, miscellaneous  
 10 purposes, for promotion of export sales of Iowa's  
 11 agricultural commodities and value-added agricultural  
 12 products, and for not more than the following full-  
 13 time equivalent positions:

14 ..... \$ 927,950  
 15 ..... FTEs 10.00

16 From among the full-time equivalent positions  
 17 authorized by this paragraph, one position shall  
 18 concentrate on the export sale of grain, one to the  
 19 export sale of livestock, and one to the export sale  
 20 of value-added agricultural products.

21 b. Foreign trade offices

22 For salaries, support, maintenance, and  
 23 miscellaneous purposes:

24 ..... \$ 595,250

25 c. Export trade assistance program

26 For export trade activities, including a program to  
 27 encourage and increase participation in trade shows  
 28 and trade missions by providing financial assistance  
 29 to businesses for a percentage of their costs of  
 30 participating in trade shows and trade missions, by  
 31 providing for the lease/sublease of showcase space in  
 32 existing world trade centers, by providing temporary  
 33 office space for foreign buyers, international  
 34 prospects, and potential reverse investors, and by  
 35 providing other promotional and assistance activities,  
 36 including salaries, support, and for not more than the  
 37 following full-time equivalent positions:

38 ..... \$ 275,000  
 39 ..... FTEs 0.25

40 d. Agricultural product advisory council

41 For support, maintenance, and miscellaneous  
 42 purposes:

43 ..... \$ 1,300  
 44 e. For transfer to the partner state program which  
 45 the department may use to contract with private groups  
 46 or organizations which are the most appropriate to  
 47 administer this program and the groups and  
 48 organizations participating in the program shall, to  
 49 the fullest extent possible, provide the funds to  
 50 match the appropriation made in this subsection of the

Page 6

1 funds transferred:  
 2 ..... \$ 100,000  
 3 5. TOURISM DIVISION  
 4 a. Tourism operations  
 5 For salaries, support, maintenance, and  
 6 miscellaneous purposes, provided that the  
 7 appropriation shall not be used for advertising  
 8 placements for in-state and out-of-state tourism  
 9 marketing, and for not more than the following full-  
 10 time equivalent positions:  
 11 ..... \$ 725,212  
 12 ..... FTEs 18.52  
 13 b. Tourism advertising  
 14 For contracting exclusively for tourism advertising  
 15 for in-state and out-of-state tourism marketing  
 16 services, tourism promotion programs, electronic  
 17 media, print media, and printed materials:  
 18 ..... \$ 2,687,000  
 19 The department shall not use the moneys  
 20 appropriated in this lettered paragraph unless the  
 21 department develops public-private partnerships with  
 22 Iowa businesses in the tourism industry, Iowa tour  
 23 groups, Iowa tourism organizations, and political  
 24 subdivisions in this state to assist in the  
 25 development of advertising efforts. The department  
 26 shall, to the fullest extent possible, develop  
 27 cooperative efforts for advertising with contributions  
 28 from other sources.  
 29 c. Welcome center program  
 30 To implement the recommendations of the statewide  
 31 long-range plan for developing and operating welcome  
 32 centers throughout the state and for allocating  
 33 \$150,000 for a new welcome center:  
 34 ..... \$ 390,000  
 35 6. WORKFORCE DEVELOPMENT DIVISION  
 36 Business consortia and supplier network training:  
 37 ..... \$ 150,000  
 38 Funds appropriated in this section shall be  
 39 transferred to the workforce development fund and used

40 for training directed at specific needs of businesses  
 41 involved with business consortia and supplier  
 42 networks.  
 43 Sec. 2. Notwithstanding section 15E.120,  
 44 subsections 5, 6, and 7, and section 15.287, there is  
 45 appropriated from the Iowa community development loan  
 46 fund all the moneys available during the fiscal year  
 47 beginning July 1, 1996, and ending June 30, 1997, to  
 48 the department of economic development for the rural  
 49 development program to be used by the department for  
 50 the purposes of the program.

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1 Sec. 3. Notwithstanding section 15.251, subsection  
 2 2, there is appropriated from the job training fund to  
 3 the department of economic development for the fiscal  
 4 year beginning July 1, 1996, and ending June 30, 1997,  
 5 the following amount, or so much thereof as is  
 6 necessary, to be used for the purpose designated:  
 7 For administration of chapter 260E, including  
 8 salaries, support, maintenance, miscellaneous  
 9 purposes, and for not more than the following full-  
 10 time equivalent positions:

11 .....	\$	160,000
12 .....	FTEs	2.40

13 Appropriations to the department of economic  
 14 development for administration of chapter 260E and the  
 15 department of employment services for the target  
 16 alliance program shall be funded on a proportional  
 17 basis if receipts to the job training fund are  
 18 insufficient to fund both appropriations in their  
 19 entirety.

20 Sec. 4. Of all funds appropriated to or receipts  
 21 credited to the job training fund created in section  
 22 260F.6, subsection 1, \$125,000 and not more than 1.30  
 23 FTEs may be used for the administration of job  
 24 training programs.

25 Sec. 5. There is appropriated from the general  
 26 fund of the state to the Iowa seed capital corporation  
 27 fund established in section 15E.89, for the fiscal  
 28 year beginning July 1, 1996, and ending June 30, 1997,  
 29 the following amount, or so much thereof as is  
 30 necessary, for not more than the following full-time  
 31 equivalent positions and for the purposes of the  
 32 corporation:

33 .....	\$	330,275
34 .....	FTEs	5.00

35 It is the intent of the general assembly that the  
 36 current manner in which seed capital investments are

37 managed shall be changed by July 1, 1998. The  
38 department of economic development board shall appoint  
39 an advisory committee to make recommendations for  
40 managing seed capital investments after July 1, 1998.  
41 The committee shall report to the joint appropriations  
42 subcommittee on economic development by December 1,  
43 1996, regarding its recommendations.  
44 Sec. 6. Upon payment in full of a certificate of  
45 participation or other obligation issued to fund a job  
46 training program under chapter 260E, the community  
47 college providing the job training program shall  
48 notify the department of revenue and finance and the  
49 department of management of the amount paid by the  
50 employer or business to the community college to

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1 retire the certificate during the previous twelve  
2 months. Twenty-five percent of that amount shall be  
3 appropriated each quarter of the fiscal year beginning  
4 July 1, 1996. If the actual amount of withholding  
5 from the business or employer during the fiscal year  
6 beginning July 1, 1996, is insufficient, the quarterly  
7 appropriation shall be prorated. The maximum amount  
8 from all employers which shall be transferred to the  
9 workforce development fund during the fiscal year is  
10 ten million dollars.

11 Sec. 7. There is allocated from the workforce  
12 development fund established in section 15.343, for  
13 the fiscal year beginning July 1, 1996, and ending  
14 June 30, 1997, the sum of \$50,000. The department of  
15 economic development shall award these funds for  
16 productivity enhancement projects through a request  
17 for proposal process.

18 Sec. 8. Notwithstanding section 423.24, subsection  
19 1; paragraph "b", subparagraph (1), there is  
20 appropriated for the fiscal year beginning July 1,  
21 1996, and ending June 30, 1997, \$100,000 of the total  
22 revenues collected pursuant to section 423.7 and  
23 deposited in the value-added agricultural products and  
24 processes financial assistance fund, pursuant to  
25 section 423.24, subsection 1, paragraph "b",  
26 subparagraph (1), to the Iowa cooperative extension  
27 service in agriculture and home economics at Iowa  
28 state university of science and technology for  
29 administration of the Iowa grain quality initiative.

30 Sec. 9. There is appropriated from the general  
31 fund of the state to the Iowa state university of  
32 science and technology for the fiscal year beginning  
33 July 1, 1996, and ending June 30, 1997, the following

34 amounts, or so much thereof as is necessary, to be  
35 used for the purposes designated:  
36 1. For funding and maintaining in their current  
37 locations the existing small business development  
38 centers, and for not more than the following full-time  
39 equivalent positions:

40 ..... \$ 1,216,245  
41 ..... FTEs 5.80

42 2. For funding the institute for physical research  
43 and technology, and for not more than the following  
44 full-time equivalent positions:

45 ..... \$ 4,124,607  
46 ..... FTEs 46.42

47 It is the intent of the general assembly that the  
48 incentive program focus on Iowa industrial sectors and  
49 seek contributions and in-kind donations from  
50 businesses, industrial foundations, and trade

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1 associations and that moneys for the institute for  
2 physical research and technology industrial incentive  
3 program shall only be allocated for projects which are  
4 matched by private sector moneys for directed contract  
5 research or for nondirected research. The match  
6 required of small businesses as defined in section  
7 15.102, subsection 4, for directed contract research  
8 or for nondirected research shall be \$1 for each \$3 of  
9 state funds. The match required for other businesses  
10 for directed contract research or for nondirected  
11 research shall be \$1 for each \$1 of state funds. The  
12 match required of industrial foundations or trade  
13 associations shall be \$1 for each \$1 of state funds.

14 Iowa state university shall report annually to the  
15 joint economic development subcommittee of the senate  
16 and house appropriations committees the total amounts  
17 of private contributions, the proportion of  
18 contributions from small businesses and other  
19 businesses, and the proportion for directed contract  
20 research and nondirected research of benefit to Iowa  
21 businesses and industrial sectors.

22 Notwithstanding section 8.33, moneys appropriated  
23 for any fiscal year which remain unobligated and  
24 unexpended at the end of the fiscal year shall not  
25 revert but shall be available for expenditure the  
26 following fiscal year.

27 3. For the research park:

28 ..... \$ 370,000

29 Sec. 10. There is appropriated from the general  
30 fund of the state to the state university of Iowa for

31 the fiscal year beginning July 1, 1996, and ending  
 32 June 30, 1997, the following amounts, or so much  
 33 thereof as is necessary, to be used for the purposes  
 34 designated:

35 1. For funding the advanced drug development  
 36 program at the Oakdale research park and for not more  
 37 than the following full-time equivalent positions:  
 38 ..... \$ 319,169  
 39 ..... FTEs 2.85

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 December 1, 1996.

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1 2. For the research park:  
 2 ..... \$ 321,000

3 Sec. 11. There is appropriated from the general  
 4 fund of the state to the university of northern Iowa  
 5 for the fiscal year beginning July 1, 1996, and ending  
 6 June 30, 1997, the following amount, or so much  
 7 thereof as is necessary, to be used for the metal  
 8 casting center:

9 ..... \$ 160,000

10 Sec. 12. DEPARTMENT OF EMPLOYMENT SERVICES. There  
 11 is appropriated from the general fund of the state to  
 12 the department of employment services for the fiscal  
 13 year beginning July 1, 1996, and ending June 30, 1997,  
 14 the following amounts, or so much thereof as is  
 15 necessary, for the purposes designated:

16 1. DIVISION OF LABOR SERVICES

17 For salaries, support, maintenance, and  
 18 miscellaneous purposes, and for not more than the  
 19 following full-time equivalent positions:

20 ..... \$ 2,729,542  
 21 ..... FTEs 89.50

22 From the contractor registration fees, the division  
 23 of labor services shall reimburse the department of  
 24 inspections and appeals for all costs associated with  
 25 hearings under chapter 91C, relating to contractor  
 26 registration.

27 2. DIVISION OF INDUSTRIAL SERVICES



28 For salaries, support, maintenance, miscellaneous  
 29 purposes, and for not more than the following full-  
 30 time equivalent positions:  
 31 ..... \$ 2,101,389  
 32 ..... FTEs 33.00

33 3. WORKFORCE DEVELOPMENT

34 For salaries, support, maintenance, and  
 35 miscellaneous purposes for the workforce development  
 36 coordinator and council, for the workforce development  
 37 initiative to be used to create model workforce  
 38 development centers and provide an integrated  
 39 management information system, for purposes of the  
 40 conservation corps, for the mentoring project for  
 41 family investment program participants, for allocating  
 42 \$425,000 for funding, to the extent possible, the  
 43 currently existing high technology apprenticeship  
 44 programs, under section 260C.44 at the community  
 45 colleges, and for the purposes of the workforce  
 46 investment program, for a competitive grant program by  
 47 the department for projects that increase Iowa's pool  
 48 of available labor via training and support services  
 49 with priority given to projects which serve displaced  
 50 homemakers or welfare recipients, including salaries

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1 and support and for not more than the following full-  
 2 time equivalent positions:  
 3 ..... \$ 2,310,267  
 4 ..... FTEs 32.15

5 Notwithstanding section 8.33, moneys committed to  
 6 grantees under contract under the conservation corps  
 7 that remain unexpended on June 30 of the fiscal year  
 8 shall not revert to any fund but shall be available  
 9 for expenditure for purposes of the contract during  
 10 the succeeding fiscal year.

11 The department shall ensure that the workforce  
 12 investment program is coordinated with services  
 13 provided under the federal Job Training Partnership  
 14 Act and that welfare recipients receive priority for  
 15 services under both programs.

16 Notwithstanding section 8.33, moneys committed to  
 17 grantees under contract that remain unexpended at the  
 18 end of the fiscal year under the workforce investment  
 19 program shall not revert to any fund but shall be  
 20 available for expenditure for purposes of the contract  
 21 during the succeeding fiscal year.

22 4. For salaries, support, maintenance, and  
 23 miscellaneous purposes for collection of labor market  
 24 information:

25	.....	\$	173,250
26	5. Labor management councils		
27	For salaries, support, maintenance, miscellaneous		
28	purposes, and for not more than the following full-		
29	time equivalent positions:		
30	.....	\$	70,338
31	.....	FTEs	0.50
32	It is the intent of the general assembly that labor		
33	management councils take steps toward self-sufficiency		
34	and away from the need for continued state funding.		
35	Notwithstanding section 8.33, moneys committed to		
36	grantees under contract that remain unexpended on June		
37	30 of the fiscal year shall not revert to any fund but		
38	shall be available for expenditure for purposes of the		
39	contract during the succeeding fiscal year.		
40	Sec. 13. Notwithstanding section 15.251,		
41	subsection 2, there is appropriated from the job		
42	training fund to the department of employment services		
43	for the fiscal year beginning July 1, 1996, and ending		
44	June 30, 1997, the following amount, or so much		
45	thereof as is necessary, to be used for the purpose		
46	designated:		
47	For the target alliance program:		
48	.....	\$	30,000
49	Sec. 14. ADMINISTRATIVE CONTRIBUTION SURCHARGE		
50	FUND. There is appropriated from the administrative		

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1	contribution surcharge fund of the state to the		
2	department of employment services for the fiscal year		
3	beginning July 1, 1996, and ending June 30, 1997, the		
4	following amount, or so much thereof as is necessary,		
5	for the purposes designated:		
6	DIVISION OF JOB SERVICE		
7	Notwithstanding section 96.7, subsection 12,		
8	paragraph "c", for salaries, support, maintenance,		
9	conducting labor availability surveys, miscellaneous		
10	purposes, and for not more than the following full-		
11	time equivalent positions:		
12	.....	\$	6,310,000
13	.....	FTEs	141.54
14	The division shall continue charging a \$65 filing		
15	fee for workers' compensation cases. The filing fee		
16	shall be paid by the petitioner of a claim. However,		
17	the fee can be taxed as a cost and paid by the losing		
18	party, except in cases where it would impose an undue		
19	hardship or be unjust under the circumstances.		
20	Sec. 15. EMPLOYMENT SECURITY CONTINGENCY FUND.		
21	There is appropriated from the special employment		

22 security contingency fund to the department of  
 23 employment services for the fiscal year beginning July  
 24 1, 1996, and ending June 30, 1997, the following  
 25 amounts, or so much thereof as is necessary, for the  
 26 purposes designated:

27 1. DIVISION OF LABOR SERVICES

28 For salaries, support, maintenance, and  
 29 miscellaneous purposes:

30 ..... \$ 296,000

31 2. DIVISION OF INDUSTRIAL SERVICES

32 For salaries, support, maintenance, and  
 33 miscellaneous purposes:

34 ..... \$ 175,000

35 Any additional penalty and interest revenue may be  
 36 used to accomplish the mission of the department.

37 Sec. 16. PUBLIC EMPLOYMENT RELATIONS BOARD. There  
 38 is appropriated from the general fund of the state to  
 39 the public employment relations board for the fiscal  
 40 year beginning July 1, 1996, and ending June 30, 1997,  
 41 the following amount, or so much thereof as is  
 42 necessary, 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 ..... \$ 777,164

47 ..... FTEs 12.80

48 Sec. 17. There is appropriated from the general  
 49 fund of the state to the Iowa finance authority for  
 50 the fiscal year beginning July 1, 1996, and ending

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1 June 30, 1997, the following amount, or so much  
 2 thereof as is necessary, to be used for the purpose  
 3 designated:

4 For deposit in the housing improvement fund created  
 5 in section 16.100 for purposes of the fund:

6 ..... \$ 100,000

7 Sec. 18. FEDERAL GRANTS. All federal grants to  
 8 and the federal receipts of agencies appropriated  
 9 funds under this Act, not otherwise appropriated, are  
 10 appropriated for the purposes set forth in the federal  
 11 grants or receipts unless otherwise provided by the  
 12 general assembly.

13 Sec. 19. Section 15.108, subsection 1, paragraph  
 14 d, Code 1995, is amended by striking the paragraph.

15 Sec. 20. Section 15.313, subsection 2, Code 1995,  
 16 is amended by adding the following new paragraphs:

17 NEW PARAGRAPH. g. The entrepreneurs with  
 18 disabilities program, which provides technical and

19 financial assistance to help persons with disabilities  
20 become self-sufficient and create additional  
21 employment opportunities by establishing or expanding  
22 small business ventures.  
23 NEW PARAGRAPH. h. The disabled job opportunities  
24 program, which provides service and technical  
25 assistance to rehabilitation organizations or agencies  
26 that create, expand, or spin off business ventures for  
27 persons with disabilities.  
28 Sec. 21. Section 15.343, subsection 1, paragraph  
29 c, Code Supplement 1995, is amended by striking the  
30 paragraph and inserting in lieu thereof the following:  
31 c. Moneys appropriated to the fund by the general  
32 assembly.  
33 Sec. 22. Section 15E.112, subsection 1, Code 1995,  
34 is amended to read as follows:  
35 1. A value-added agricultural products and  
36 processes financial assistance fund is created within  
37 the state treasury under the control of the  
38 department. The fund shall consist of any money  
39 appropriated by the general assembly and any other  
40 moneys available to and obtained or accepted by the  
41 department from the federal government or private  
42 sources for placement in the fund. ~~Until July 1,~~  
43 ~~2000, moneys shall be deposited in the fund as~~  
44 ~~provided in section 423.24. Not more than one percent~~  
45 ~~of the total moneys available to support value-added~~  
46 ~~agricultural products and processes pursuant to~~  
47 ~~section 423.24 during each quarter shall be used by~~  
48 ~~the department for administration of the value-added~~  
49 ~~agricultural products and processes financial~~  
50 ~~assistance program, as provided in section 15E.111.~~

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1 The assets of the fund shall be used by the department  
2 only for carrying out the purposes of section 15E.111.  
3 Sec. 23. Sections 15E.81 through 15E.94, Code  
4 1995, are repealed.  
5 Sec. 24. Section 422.16A, Code Supplement 1995, is  
6 repealed.  
7 Sec. 25. Notwithstanding sections 15.108, 15.224  
8 through 15.230, 15.347, 15.348, and 239.22, the  
9 department of employment services shall administer the  
10 following programs: job training partnership Act,  
11 Iowa conservation corps, americorps, mentoring for  
12 PROMISE JOBS, food stamp employment and training, and  
13 the labor/management co-op programs.  
14 Sec. 26. The Iowa quality coalition shall revert  
15 to the Wallace technology transfer fund by August 1,

16 1996, all funds remaining unexpended on the effective  
17 date of this Act which have been appropriated to the  
18 Iowa quality coalition.

19 Sec. 27. Section 23 of this Act, being deemed of  
20 immediate importance, takes effect upon enactment.

21 Sec. 28. Sections 18 and 21 of this Act take  
22 effect July 1, 1998."

23 2. Title page, line 2, by inserting after the  
24 word "authority," the following: "the Iowa seed  
25 capital corporation,".

26 3. Title page, line 4, by inserting after the  
27 word "services," the following: "providing effective  
28 dates,".

S-5460

1 Amend the amendment, S-5425, to Senate File 2355,  
2 as follows:

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

5 "\_\_\_\_. Page 1, by striking lines 26 through 28 and  
6 inserting the following: "other weapon that is in  
7 plain view of the officer.""

8 2. Page 1, line 2, by striking the words and  
9 figure "after line 28" and inserting the following:  
10 "before line 29".

11 3. By renumbering as necessary.

BERL E. PRIEBE  
ALLEN BORLAUG  
MERLIN E. BARTZ

S-5461

1 Amend Senate File 2449 as follows:

2 1. Page 3, line 24, by inserting after the word

3 "chapter." the following: "The increase in

4 appropriation to the homestead credit fund from the

5 amount appropriated to the fund for the fiscal year

6 beginning July 1, 1995, shall be used by each county

7 treasurer to grant an additional credit above the

8 regular homestead credit of four thousand eight

9 hundred fifty dollars. The department of revenue and

10 finance shall compute for each county a uniform amount

11 of credit which will be in excess of the regular four

12 thousand eight hundred fifty dollars."

JIM LIND

S-5462

1 Amend Senate File 2399 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 232.71A, subsections 3, 5, 6,  
5 and 8, Code Supplement 1995, are amended to read as  
6 follows:

7 3. Upon receipt of a child abuse report in a pilot  
8 project area, the department shall notify the  
9 appropriate county attorney of the receipt of the  
10 report and shall perform an assessment. The  
11 department shall commence the assessment within  
12 seventy-two hours of the receipt of the report. The  
13 primary purpose of the assessment shall be to protect  
14 the safety of the child named in the report. The  
15 secondary purpose of the assessment shall be to engage  
16 the child's family in services to enhance family  
17 strengths and to address needs.

18 5. A child abuse assessment shall be completed in  
19 writing within ~~twenty-one calendar~~ twenty business  
20 days of the receipt of the report. The assessment  
21 shall include a description of the child's condition,  
22 identification of the injury or risk to which the  
23 child was exposed, the circumstances which led to the  
24 injury or risk to the child, and the identity of any  
25 person alleged to be responsible for the injury or  
26 risk to the child. In addition, the assessment shall  
27 identify the strengths and needs of the child, and of  
28 the child's parent, home, family, and community. Upon  
29 completion of the assessment, the department shall  
30 consult with the child's family in offering services  
31 to the child and the child's family to address  
32 strengths and needs identified in the assessment.

33 6. The department shall provide the juvenile court  
34 and the county attorney with a written copy of any the  
35 written assessment ~~which includes a recommendation for~~  
36 ~~a juvenile or criminal court action or petition~~  
37 pertaining to the child abuse report. The juvenile  
38 court and the county attorney shall notify the  
39 department of any action taken concerning an  
40 assessment provided by the department.

41 8. The department shall implement the pilot  
42 projects by January 15, 1996. The department shall  
43 report to the governor and the general assembly  
44 concerning the pilot projects on or before ~~February 29~~  
45 December 16, 1996. The report shall include a the  
46 following information:

47 a. A description of successes and problems  
48 encountered in implementing the pilot projects.

49 b. An analysis of the effect of the pilot projects  
50 on utilizing the child abuse registry for the tracking

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1 of a pattern of child abuse incidents.

2 c. The outcome changes for children in the pilot  
3 project areas where the assessment approach is  
4 utilized in response to an allegation of child abuse  
5 versus the investigation approach utilized in other  
6 areas of the state.

7 d. A copy of any report provided by a county  
8 attorney in a pilot project area, a copy of any report  
9 provided by the county attorney's association, and a  
10 copy of any report provided by the juvenile court in a  
11 pilot project area.

12 PARAGRAPH DIVIDED. It is the intent of the general  
13 assembly to ~~implement~~ consider implementing statewide  
14 an assessment-based approach to respond to child abuse  
15 reports commencing with the fiscal year beginning July  
16 1, 1996 February 10, 1997.

17 Sec. 2. Section 232.71A, subsection 4, Code  
18 Supplement 1995, is amended by adding the following  
19 new paragraph:

20 NEW PARAGRAPH. h. The department shall work with  
21 representatives of law enforcement at the local level  
22 to develop a protocol for joint investigative  
23 processes.

24 Sec. 3. Section 910A.16, subsection 4, Code 1995,  
25 is amended to read as follows:

26 4. To the greatest extent possible, a  
27 multidisciplinary team involving the county attorney,  
28 law enforcement personnel, community-based child  
29 advocacy organizations, and personnel of the  
30 department of human services shall be utilized in  
31 investigating and prosecuting cases involving a  
32 violation of chapter 709 or 726 or other crime  
33 committed upon a victim as defined in subsection 1. A  
34 multidisciplinary team may also consult with or  
35 include juvenile court officers, medical and mental  
36 health professionals, court-appointed special  
37 advocates, guardians ad litem, and members of a  
38 multidisciplinary team created by the department of  
39 human services for child abuse investigations. The  
40 department of justice may provide training and other  
41 assistance to support the activities of a  
42 multidisciplinary team referred to in this subsection.

43 Sec. 4. CHILD PROTECTION SYSTEM REVIEW. The  
44 department of human services shall convene a group  
45 consisting of interested members of the general

46 assembly, persons involved with child protection, and  
 47 other interested persons to consult with national  
 48 experts in child protection. The group shall be  
 49 convened during the 1996 legislative interim and may  
 50 submit a report to the governor and the general

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1 assembly.  
 2 Sec. 5. EFFECTIVE DATE. This Act, being deemed of  
 3 immediate importance, takes effect upon enactment."  
 4 2. Title page, by striking lines 1 through 3 and  
 5 inserting the following: "An Act relating to child  
 6 protection system provisions involving the child abuse  
 7 assessment pilot projects administered by the  
 8 department of human services and certain  
 9 multidisciplinary teams, and providing an effective  
 10 date."

ELAINE SZYMONIAK

S-5463

1 Amend Senate File 2268 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 34A.3, subsection 1, unnumbered  
 5 paragraph 1, Code 1995, is amended to read as follows:  
 6 The board of supervisors of each county shall  
 7 establish a joint 911 service board not later than  
 8 January 1, 1989. Each political subdivision of the  
 9 state having a public safety agency serving territory  
 10 within the county is entitled to voting membership on  
 11 the joint 911 service board. Each private public  
 12 safety agency operating within the area is entitled to  
 13 nonvoting voting membership on the board. A township  
 14 which does not operate its own public safety agency,  
 15 but contracts Each private safety agency under  
 16 contract with a political subdivision within the  
 17 county for the provision of public safety services; is  
 18 not entitled to membership on the joint 911 service  
 19 board, but its contractor is entitled to membership  
 20 according to the contractor's status as a public or  
 21 private safety agency is entitled to voting membership  
 22 on the board. The board of supervisors of the county  
 23 establishing the board is also entitled to voting  
 24 membership on the board. The joint 911 service board  
 25 shall develop an enhanced 911 service plan  
 26 encompassing at minimum the entire county, unless an  
 27 exemption is granted by the administrator permitting a



28 smaller E911 service area. The administrator may  
 29 grant a discretionary exemption from the single county  
 30 minimum service area requirement based upon an E911  
 31 joint service board's or other E911 service plan  
 32 operating authority's presentation of evidence which  
 33 supports the requested exemption if the administrator  
 34 finds that local conditions make adherence to the  
 35 minimum standard unreasonable or technically  
 36 infeasible, and that the purposes of this chapter  
 37 would be furthered by granting an exemption. The  
 38 minimum size requirement is intended to prevent  
 39 unnecessary duplication of public safety answering  
 40 points and minimize other administrative, personnel,  
 41 and equipment expenses. An E911 service area must  
 42 encompass a geographically contiguous area. No  
 43 exemption shall be granted from the contiguous area  
 44 requirement. The administrator may order the  
 45 inclusion of a specific territory in an adjoining E911  
 46 service plan area to avoid the creation by exclusion  
 47 of a territory smaller than a single county not  
 48 serviced by surrounding E911 service plan areas upon  
 49 request of the joint 911 service board representing  
 50 the territory. The E911 service plan operating

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- 1 authority shall submit the plan on or before January
- 2 1, 1994, to all of the following:"
- 3 2. By renumbering as necessary.

EUGENE FRAISE  
 TOM FLYNN

S-5464

- 1 Amend House File 2416, 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. AUDITOR OF STATE. There is
- 6 appropriated from the general fund of the state to the
- 7 office of the auditor of state for the fiscal year
- 8 beginning July 1, 1996, and ending June 30, 1997, the
- 9 following amount, or so much thereof as is necessary,
- 10 to be used 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 .....
- 15 .....

\$	1,344,845
FTEs	112.50

16 The auditor of state may retain additional full-  
 17 time equivalent positions as is reasonable and  
 18 necessary to perform governmental subdivision audits  
 19 which are reimbursable pursuant to section 11.20 or  
 20, 11.21, to perform audits which are requested by and  
 21 reimbursable from the federal government, and to  
 22 perform work requested by and reimbursable from  
 23 departments or agencies pursuant to section 11.5A or  
 24 11.5B. The auditor of state shall notify the  
 25 department of management, the legislative fiscal  
 26 committee, and the legislative fiscal bureau of the  
 27 additional full-time equivalent positions retained.

28 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.

29 There is appropriated from the general fund of the  
 30 state to the Iowa ethics and campaign disclosure board  
 31 for the fiscal year beginning July 1, 1996, and ending  
 32 June 30, 1997, the following amount, or so much  
 33 thereof as is necessary, for the purposes designated:

34 For salaries, support, maintenance, miscellaneous  
 35 purposes, and for not more than the following full-  
 36 time equivalent positions:

37 .....	\$	460,554
38 .....	FTEs	8.00

39 Sec. 3. DEPARTMENT OF COMMERCE. There is  
 40 appropriated from the general fund of the state to the  
 41 department of commerce for the fiscal year beginning  
 42 July 1, 1996, and ending June 30, 1997, the following  
 43 amounts, or so much thereof as is necessary, for the  
 44 purposes designated:

45 1. ADMINISTRATIVE SERVICES DIVISION

46 For salaries, support, maintenance, miscellaneous  
 47 purposes, and for not more than the following full-  
 48 time equivalent positions:

49 .....	\$	235,556
50 .....	FTEs	2.00

Page 2

1 It is the intent of the general assembly that the  
 2 two positions authorized in this subsection for the  
 3 division shall coordinate the administrative services  
 4 to be provided to the divisions in the department.  
 5 These two positions are under the direct supervision  
 6 of, and shall report to, the director of the  
 7 department.

8 The division of administrative services shall  
 9 assess each division within the department of commerce  
 10 and the office of consumer advocate within the  
 11 department of justice a pro rata share of the  
 12 operating expenses of the division of administrative

13 services. The pro rata share shall be determined  
 14 pursuant to a cost allocation plan established by the  
 15 division of administrative services and agreed to by  
 16 the administrators of the divisions and the consumer  
 17 advocate. To the extent practicable, the cost  
 18 allocation plan shall be based on the proportion of  
 19 the administrative expenses incurred on behalf of each  
 20 division and the office of consumer advocate. Each  
 21 division and the office of consumer advocate shall  
 22 include in its charges assessed or revenues generated,  
 23 an amount sufficient to cover the amount stated in its  
 24 appropriation, any state assessed indirect costs  
 25 determined by the department of revenue and finance,  
 26 and the cost of services provided by the division of  
 27 administrative services.

28 2. ALCOHOLIC BEVERAGES DIVISION

29 For salaries, support, maintenance, miscellaneous  
 30 purposes, and for not more than the following full-  
 31 time equivalent positions:

32 .....	\$	1,824,481
33 .....	FTEs	33.50

34 3. BANKING DIVISION

35 For salaries, support, maintenance, miscellaneous  
 36 purposes, and for not more than the following full-  
 37 time equivalent positions:

38 .....	\$	5,506,749
39 .....	FTEs	84.00

40 4. CREDIT UNION DIVISION

41 For salaries, support, maintenance, miscellaneous  
 42 purposes, and for not more than the following full-  
 43 time equivalent positions:

44 .....	\$	1,076,131
45 .....	FTEs	20.00

46 5. INSURANCE DIVISION

47 For salaries, support, maintenance, miscellaneous  
 48 purposes, and for not more than the following full-  
 49 time equivalent positions:

50 .....	\$	2,963,049
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1 .....	FTEs	91.50
---------	------	-------

2 Of the amounts appropriated in this section to the  
 3 insurance division, not more than \$100,000 shall be  
 4 used for the regulation of health insurance purchasing  
 5 cooperatives.

6 The insurance division shall monitor public  
 7 utilization of the coverages identified in chapter  
 8 514C under managed care plans in this state.

9 The insurance division may reallocate authorized

10 full-time equivalent positions as necessary to respond  
 11 to accreditation recommendations or requirements. The  
 12 insurance division expenditures for examination  
 13 purposes may exceed the projected receipts, refunds  
 14 and reimbursements, estimated pursuant to section  
 15 505.7, subsection 7, including the expenditures for  
 16 retention of additional personnel, if the expenditures  
 17 are fully reimbursable and the division first does  
 18 both of the following:

19 a. Notifies the department of management,  
 20 legislative fiscal bureau, and the legislative fiscal  
 21 committee of the need for the expenditures.

22 b. Files with each of the entities named in  
 23 paragraph "a" the legislative and regulatory  
 24 justification for the expenditures, along with an  
 25 estimate of the expenditures.

26 Of the amounts appropriated to the insurance  
 27 division in this subsection not more than \$100,000  
 28 shall be used for continuing the division's senior  
 29 health insurance information program.

30 **6. PROFESSIONAL LICENSING AND REGULATION DIVISION**

31 For salaries, support, maintenance, miscellaneous  
 32 purposes, and for not more than the following full-  
 33 time equivalent positions:

34 .....	\$	923,357
35 .....	FTEs	14.00

36 **7. UTILITIES DIVISION**

37 For salaries, support, maintenance, miscellaneous  
 38 purposes, and for not more than the following full-  
 39 time equivalent positions:

40 .....	\$	5,227,076
41 .....	FTEs	79.00

42 The utilities division may expend additional funds,  
 43 including funds for additional personnel, if those  
 44 additional expenditures are actual expenses which  
 45 exceed the funds budgeted for utility regulation.  
 46 Before the division expends or encumbers an amount in  
 47 excess of the funds budgeted for regulation, the  
 48 director of the department of management shall approve  
 49 the expenditure or encumbrance. Before approval is  
 50 given, the director of the department of management

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1 shall determine that the regulation expenses exceed  
 2 the funds budgeted by the general assembly to the  
 3 division and that the division does not have other  
 4 funds from which regulation expenses can be paid.  
 5 Upon approval of the director of the department of  
 6 management the division may expend and encumber funds

7 for excess regulation expenses. The amounts necessary  
 8 to fund the excess regulation expenses shall be  
 9 collected from those utility companies being regulated  
 10 which caused the excess expenditures, and the  
 11 collections shall be treated as repayment receipts as  
 12 defined in section 8.2.

13 Sec. 4. LEGISLATIVE AGENCIES. There is  
 14 appropriated from the general fund of the state to the  
 15 following named agencies for the fiscal year beginning  
 16 July 1, 1996, and ending June 30, 1997, the following  
 17 amounts, or so much thereof as is necessary, to be  
 18 used for the purposes designated:

19 1. COMMISSION ON UNIFORM STATE LAWS  
 20 For support of the commission and expenses of the  
 21 members:

22 ..... \$ 22,741

23 2. NATIONAL CONFERENCE OF STATE LEGISLATURES

24 For support of the membership assessment:

25 ..... \$ 91,427

26 Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is  
 27 appropriated from the general fund of the state to the  
 28 department of general services for the fiscal year  
 29 beginning July 1, 1996, and ending June 30, 1997, the  
 30 following amounts, or so much thereof as is necessary,  
 31 to be used for the purposes designated:

32 1. ADMINISTRATION

33 For salaries, support, maintenance, miscellaneous  
 34 purposes, and for not more than the following full-  
 35 time equivalent positions:

36 ..... \$ 1,188,790

37 ..... FTEs 31.35

38 2. INFORMATION SERVICES

39 For salaries, support, maintenance, miscellaneous  
 40 purposes, and for not more than the following full-  
 41 time equivalent positions:

42 ..... \$ 5,623,195

43 ..... FTEs 141.60

44 3. PROPERTY MANAGEMENT

45 For salaries, support, maintenance, miscellaneous  
 46 purposes, and for not more than the following full-  
 47 time equivalent positions:

48 ..... \$ 3,994,000

49 ..... FTEs 114.00

50 In addition to the requirements in section 8.39,

1 the department of general services shall not change  
 2 the appropriations for the purposes designated in  
 3 subsections 1 through 3 from the amounts appropriated

4 under those subsections unless notice of the revisions  
 5 is given prior to their effective date to the  
 6 legislative fiscal bureau. The notice shall include  
 7 information on the department's rationale for making  
 8 the changes.

9 Savings achieved in providing telephone services  
 10 shall be used by the department of general services to  
 11 increase efficiencies in the provision of those  
 12 services. The department of general services shall  
 13 report not later than August 31, 1997, on the projects  
 14 undertaken to the chairpersons and the ranking members  
 15 of the joint appropriations subcommittee on  
 16 administration and regulation and to the legislative  
 17 fiscal bureau. The report shall include a listing of  
 18 the projects and efficiencies undertaken during the  
 19 fiscal year, the cost of each project, and the  
 20 benefits, including the projected savings on an annual  
 21 basis and for the life of the efficiency improvement.

22 There is appropriated from the rebuild Iowa  
 23 infrastructure fund to the property management  
 24 division of the department of general services for the  
 25 fiscal year beginning July 1, 1996, and ending June  
 26 30, 1997, the sum of \$50,000, or so much thereof as is  
 27 necessary, to be used for purposes as provided in this  
 28 subsection.

29 **4. CAPITOL PLANNING COMMISSION**

30 For expenses of the members in carrying out their  
 31 duties under chapter 18A:

32 ..... \$ 2,000

33 **5. RENTAL SPACE**

34 For payment of lease or rental costs of buildings  
 35 and office space at the seat of government as provided  
 36 in section 18.12, subsection 9, notwithstanding  
 37 section 18.16:

38 ..... \$ 656,104

39 **6. UTILITY COSTS**

40 For payment of utility costs and for not more than  
 41 the following full-time equivalent positions:

42 ..... \$ 2,000,444

43 ..... FTEs 1.00

44 The department of general services may use funds  
 45 appropriated in this subsection for utility costs to  
 46 fund energy conservation projects in the state capitol  
 47 complex which will have a 100 percent payback within a  
 48 24-month period. In addition, notwithstanding  
 49 sections 8.33 and 18.12, subsection 11, any excess  
 50 funds appropriated for utility costs in this

1 subsection shall not revert to the general fund of the  
 2 state on June 30, 1997, and these funds shall be used  
 3 for implementation of energy conservation projects  
 4 having a payback of 100 percent within a two-year to  
 5 six-year period. The department of general services  
 6 shall report not later than August 31, 1997, on the  
 7 projects having 100 percent payback within a six-year  
 8 period to the chairpersons and ranking members of the  
 9 joint appropriations subcommittee on administration  
 10 and regulation and to the legislative fiscal bureau.  
 11 The report shall include a listing of the projects  
 12 undertaken, the cost of each project, and the  
 13 projected savings on an annual basis and for the life  
 14 of the project.

15 7. TERRACE HILL OPERATIONS

16 For salaries, support, maintenance, and  
 17 miscellaneous purposes necessary for the operation of  
 18 Terrace Hill and for not more than the following full-  
 19 time equivalent positions:

20 .....	\$	188,701
21 .....	FTEs	4.00

22 Sec. 6. REVOLVING FUNDS. There is appropriated  
 23 from the designated revolving funds to the department  
 24 of general services for the fiscal year beginning July  
 25 1, 1996, and ending June 30, 1997, the following  
 26 amounts, or so much thereof as is necessary, to be  
 27 used for the purposes designated:

28 1. CENTRALIZED PRINTING

29 From the centralized printing permanent revolving  
 30 fund established by section 18.57 for salaries,  
 31 support, maintenance, miscellaneous purposes, and for  
 32 not more than the following full-time equivalent  
 33 positions:

34 .....	\$	932,915
35 .....	FTEs	26.05

36 2. CENTRALIZED PRINTING -- REMAINDER

37 The remainder of the centralized printing permanent  
 38 revolving fund is appropriated for the expense  
 39 incurred in supplying paper stock, offset printing,  
 40 copy preparation, binding, distribution costs,  
 41 original payment of printing and binding claims and  
 42 contingencies arising during the fiscal year beginning  
 43 July 1, 1996, and ending June 30, 1997, which are  
 44 legally payable from this fund.

45 3. CENTRALIZED PURCHASING

46 From the centralized purchasing permanent revolving  
 47 fund established by section 18.9 for salaries,  
 48 support, maintenance, miscellaneous purposes, and for

49 not more than the following full-time equivalent  
50 positions:

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1 .....	\$	816,123
2 .....	FTEs	17.05
3 4. CENTRALIZED PURCHASING -- REMAINDER		
4 The remainder of the centralized purchasing		
5 permanent revolving fund is appropriated for the		
6 payment of expenses incurred through purchases by		
7 various state departments and for contingencies		
8 arising during the fiscal year beginning July 1, 1996,		
9 and ending June 30, 1997, which are legally payable		
10 from this fund.		
11 5. VEHICLE DISPATCHER		
12 From the vehicle dispatcher revolving fund		
13 established by section 18.119 for salaries, support,		
14 maintenance, miscellaneous purposes, and for not more		
15 than the following full-time equivalent positions:		
16 .....	\$	627,701
17 .....	FTEs	15.00
18 6. VEHICLE DISPATCHER -- REMAINDER		
19 The remainder of the vehicle dispatcher revolving		
20 fund is appropriated for the purchase of gasoline;		
21 gasohol, oil, tires, repairs, and all other		
22 maintenance expenses incurred in the operation of		
23 state-owned motor vehicles and for contingencies		
24 arising during the fiscal year beginning July 1, 1996,		
25 and ending June 30, 1997, which are legally payable		
26 from this fund.		
27 The vehicle dispatcher shall report, not later than		
28 February 15, 1997, to the chairpersons and the ranking		
29 members of the joint appropriations subcommittee on		
30 administration and regulation and to the legislative		
31 fiscal bureau regarding the efficiencies of the		
32 vehicle fleet and the changes in the efficiencies.		
33 The report shall include the cost per mile, fuel		
34 efficiencies, maintenance costs, useful life, the		
35 costs of extending the useful life, and other measures		
36 which the vehicle dispatcher or the legislative fiscal		
37 bureau finds appropriate. The information shall be		
38 reported for each general type of vehicle. The		
39 overhead costs shall also be reported with the total		
40 costs of the vehicle dispatcher operations.		
41 The department of general services shall report to		
42 the chairpersons and ranking members of the joint		
43 appropriations subcommittee on administration and		
44 regulation and the legislative fiscal bureau not later		
45 than February 15, 1997, a comparison of the		



46 performance of vehicles burning an 85 percent ethanol  
47 mixture and those burning a 10 percent ethanol  
48 mixture. The report shall include, but is not limited  
49 to, average mileage, vehicle life, and problems  
50 encountered.

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1 Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There  
2 is appropriated from the general fund of the state to  
3 the offices of the governor and the lieutenant  
4 governor for the fiscal year beginning July 1, 1996,  
5 and ending June 30, 1997, the following amounts, or so  
6 much thereof as is necessary, to be used for the  
7 purposes designated:

8 1. GENERAL OFFICE

9 For salaries, support, maintenance, and  
10 miscellaneous purposes for the general office of the  
11 governor and the general office of the lieutenant  
12 governor, and for not more than the following full-  
13 time equivalent positions:

14 ..... \$ 1,125,681  
15 ..... FTEs 17.25

16 2. TERRACE HILL QUARTERS

17 For salaries, support, maintenance, and  
18 miscellaneous purposes for the governor's quarters at  
19 Terrace Hill, and for not more than the following  
20 full-time equivalent positions:

21 ..... \$ 67,254  
22 ..... FTEs 2.00

23 3. ADMINISTRATIVE RULES COORDINATOR

24 For salaries, support, maintenance, and  
25 miscellaneous purposes for the office of  
26 administrative rules coordinator, and for not more  
27 than the following full-time equivalent positions:

28 ..... \$ 111,781  
29 ..... FTEs 3.00

30 4. NATIONAL GOVERNORS' ASSOCIATION

31 For payment of Iowa's membership in the national  
32 governors' association:

33 ..... \$ 62,435

34 Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS.

35 There is appropriated from the general fund of the  
36 state to the department of inspections and appeals for  
37 the fiscal year beginning July 1, 1996, and ending  
38 June 30, 1997, the following amounts, or so much  
39 thereof as is necessary, for the purposes designated:

40 1. FINANCE AND SERVICES DIVISION

41 For salaries, support, maintenance, miscellaneous  
42 purposes, and for not more than the following full-

43	time equivalent positions:		
44	.....	\$	495,682
45	.....	FTEs	21.00
46	<b>2. AUDITS DIVISION</b>		
47	For salaries, support, maintenance, miscellaneous		
48	purposes, and for not more than the following full-		
49	time equivalent positions:		
50	.....	\$	372,432

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1	.....	FTEs	11.00
2	<b>3. APPEALS AND FAIR HEARINGS DIVISION</b>		
3	For salaries, support, maintenance, miscellaneous		
4	purposes, and for not more than the following full-		
5	time equivalent positions:		
6	.....	\$	170,823
7	.....	FTEs	24.50
8	<b>4. INVESTIGATIONS DIVISION</b>		
9	For salaries, support, maintenance, miscellaneous		
10	purposes, and for not more than the following full-		
11	time equivalent positions:		
12	.....	\$	756,040
13	.....	FTEs	35.00
14	<b>5. HEALTH FACILITIES DIVISION</b>		
15	For salaries, support, maintenance, miscellaneous		
16	purposes, and for not more than the following full-		
17	time equivalent positions:		
18	.....	\$	1,797,191
19	.....	FTEs	103.00
20	It is the intent of the general assembly that		
21	\$120,000 and 2 FTEs included in this subsection shall		
22	be used for additional inspections of state-licensed		
23	residential care facilities only.		
24	<b>6. INSPECTIONS DIVISION</b>		
25	For salaries, support, maintenance, miscellaneous		
26	purposes, and for not more than the following full-		
27	time equivalent positions:		
28	.....	\$	600,210
29	.....	FTEs	13.00
30	<b>7. EMPLOYMENT APPEAL BOARD</b>		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-		
33	time equivalent positions:		
34	.....	\$	33,181
35	.....	FTEs	14.00
36	The employment appeal board shall be reimbursed by		
37	the labor services division of the department of		
38	employment services for all costs associated with		
39	hearings conducted under chapter 91C, related to		

40 contractor registration. The board may expend, in  
41 addition to the amount appropriated under this  
42 subsection, additional amounts as are directly  
43 billable to the labor services division under this  
44 subsection and to retain the additional full-time  
45 equivalent positions as needed to conduct hearings  
46 required pursuant to chapter 91C.

47 8. STATE FOSTER CARE REVIEW BOARD

48 For salaries, support, maintenance, miscellaneous  
49 purposes, and for not more than the following full-  
50 time equivalent positions:

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1 .....	\$	547,579
2 .....	FTEs	13.00

3 The department of human services, in coordination  
4 with the state foster care review board and the  
5 department of inspections and appeals, shall submit an  
6 application for funding available pursuant to Title  
7 IV-E of the federal Social Security Act for claims for  
8 state foster care review board administrative review  
9 costs.

10 The department of inspections and appeals shall  
11 provide an accounting of all costs associated with  
12 negotiating agreements and compacts pursuant to  
13 section 10A.104, subsection 10, and all costs  
14 associated with monitoring such agreements and  
15 compacts. Information in the accounting shall include  
16 the dates and destinations of all travel related to  
17 the negotiations and monitoring, and all costs  
18 associated with the personnel involved, including  
19 salary, travel, and support costs.

20 The department of inspections and appeals may  
21 charge state departments, agencies, and commissions  
22 for services rendered and the payment received shall  
23 be considered repayment receipts as defined in section  
24 8.2.

25 Notwithstanding section 8.33, any funds remaining  
26 from the funds appropriated to the state foster care  
27 review board for the fiscal year beginning July 1,  
28 1995, pursuant to 1995 Iowa Acts, chapter 219, shall  
29 not revert until August 31, 1998. Any such funds  
30 remaining shall be used by the state foster care  
31 review board for program operations during the fiscal  
32 years beginning July 1, 1996, and ending June 30,  
33 1998.

34 Sec. 9. RACETRACK REGULATION. There is  
35 appropriated from the general fund of the state to the  
36 racing and gaming commission of the department of

37. inspections and appeals for the fiscal year beginning  
38 July 1, 1996, and ending June 30, 1997, the following  
39 amount, or so much thereof as is necessary, to be used  
40 for the purposes designated:

41 For salaries, support, maintenance, miscellaneous  
42 purposes, for the regulation of pari-mutuel  
43 racetracks, and for not more than the following full-  
44 time equivalent positions:

45 ..... \$ 1,789,375  
46 ..... FTEs 24.07

47 It is the intent of the general assembly that the  
48 state racing and gaming commission may expend funds  
49 during the fiscal year beginning July 1, 1996, and  
50 ending June 30, 1997, as approved by the department of

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1 management, for regulation of live and simultaneously  
2 telecast pari-mutuel racing at the Waterloo greyhound  
3 park if the national cattle congress is issued a  
4 license from the state racing and gaming commission  
5 for the conduct of pari-mutuel racing.

6 Sec. 10. EXCURSION BOAT REGULATION. There is  
7 appropriated from the general fund of the state to the  
8 racing and gaming commission of the department of  
9 inspections and appeals for the fiscal year beginning  
10 July 1, 1996, and ending June 30, 1997, the following  
11 amount, or so much thereof as is necessary, to be used  
12 for the purposes designated:

13 For salaries, support, maintenance, and  
14 miscellaneous purposes for administration and  
15 enforcement of the excursion boat gambling laws, and  
16 for not more than the following full-time equivalent  
17 positions:

18 ..... \$ 1,128,828  
19 ..... FTEs 23.79

20 It is the intent of the general assembly that the  
21 racing and gaming commission shall only employ  
22 additional full-time equivalent positions for  
23 riverboat gambling enforcement as authorized by the  
24 department of management as needed for enforcement on  
25 new riverboats. If more than nine riverboats are  
26 operating during the fiscal year beginning July 1,  
27 1996, and ending June 30, 1997, the commission may  
28 expend no more than \$84,917 for no more than 2 FTEs  
29 for each additional riverboat in excess of nine. The  
30 additional expense associated with the positions shall  
31 be paid from fees assessed by the commission as  
32 provided in chapter 99F.

33 Notwithstanding section 8.39, funds shall not be

34 transferred to the department of inspections and  
 35 appeals which would be used for monitoring Indian  
 36 gaming.

37 Sec. 11. USE TAX APPROPRIATION. There is  
 38 appropriated from the use tax receipts collected  
 39 pursuant to section 423.7 prior to their deposit in  
 40 the road use tax fund pursuant to section 423.24,  
 41 subsection 1, to the appeals and fair hearings  
 42 division of the department of inspections and appeals  
 43 for the fiscal year beginning July 1, 1996, and ending  
 44 June 30, 1997, the following amount, or so much  
 45 thereof as is necessary, for the purposes designated:

46 For salaries, support, maintenance, and  
 47 miscellaneous purposes:  
 48 ..... \$ 1,012,835

49 Sec. 12. DEPARTMENT OF MANAGEMENT. There is  
 50 appropriated from the general fund of the state to the

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1 department of management for the fiscal year beginning  
 2 July 1, 1996, and ending June 30, 1997, the following  
 3 amounts, or so much thereof as is necessary, to be  
 4 used for the purposes designated:

5 1. GENERAL OFFICE

6 For salaries, support, maintenance, miscellaneous  
 7 purposes, and for not more than the following full-  
 8 time equivalent positions:

9 ..... \$ 2,033,779  
 10 ..... FTEs 30.00

11 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

12 For reimbursement to local law enforcement agencies  
 13 for the training of officers who resign pursuant to  
 14 section 384.15, subsection 7:

15 ..... \$ 47,500

16 3. COUNCIL OF STATE GOVERNMENTS

17 For support of the membership assessment:

18 ..... \$ 75,500

19 Sec. 13. ROAD USE TAX APPROPRIATION. There is

20 appropriated from the road use tax fund to the  
 21 department of management for the fiscal year beginning  
 22 July 1, 1996, and ending June 30, 1997, the following  
 23 amount, or so much thereof as is necessary, to be used  
 24 for the purposes designated:

25 For salaries, support, maintenance, and  
 26 miscellaneous purposes:

27 ..... \$ 56,000

28 The department of management shall report to the  
 29 chairpersons and ranking members of the senate and  
 30 house committees on appropriations, the chairpersons

31 and ranking members of the joint appropriations  
 32 subcommittee on administration and regulation, and the  
 33 legislative fiscal bureau, the number of furloughs and  
 34 the number of layoffs that occur in each state agency,  
 35 the savings associated with those furloughs and  
 36 layoffs, the effect of the furloughs and layoffs on  
 37 services provided by the state agency, and other  
 38 relevant information. The department shall provide a  
 39 year-end report summarizing the information for the  
 40 fiscal year beginning July 1, 1996, which will be due  
 41 by September 1, 1997.

42 When addressing staffing targets for state  
 43 agencies, the department of management shall state the  
 44 number of staff authorized for a state agency in terms  
 45 of full-time equivalent positions.

46 Sec. 14. DEPARTMENT OF PERSONNEL. There is  
 47 appropriated from the general fund of the state to the  
 48 department of personnel for the fiscal year beginning  
 49 July 1, 1996, and ending June 30, 1997, the following  
 50 amounts, or so much thereof as is necessary, to be

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1 used for the purposes designated including the filing  
 2 of quarterly reports as required in this section:

3 1. OPERATIONS

4 For salaries, support, maintenance, and  
 5 miscellaneous purposes for the director's staff,  
 6 information services, data processing, and financial  
 7 services, and for not more than the following full-  
 8 time equivalent positions:

9 .....	\$	977,321
10 .....	FTEs	16.08

11 2. PROGRAM DELIVERY SERVICES

12 For salaries for personnel services, employment law  
 13 and labor relations and training for not more than the  
 14 following full-time equivalent positions:

15 .....	\$	1,292,434
16 .....	FTEs	33.20

17 3. PROGRAM ADMINISTRATION AND DEVELOPMENT

18 For salaries for employment, compensation, and  
 19 benefits and workers' compensation and for not more  
 20 than the following full-time equivalent positions:

21 .....	\$	1,511,191
22 .....	FTEs	34.80

23 Any funds received by the department for workers'  
 24 compensation purposes other than the funds  
 25 appropriated in subsection 3 shall be used only for  
 26 the payment of workers' compensation claims.  
 27 The funds for support, maintenance, and

28 miscellaneous purposes for personnel assigned to  
 29 program delivery under subsection 2 and program  
 30 administration and development under subsection 3 are  
 31 payable from the appropriation made in subsection 1.  
 32 The department of personnel shall report semi-  
 33 annually to the chairpersons and ranking members of  
 34 the joint appropriations subcommittee on  
 35 administration and regulation concerning the number of  
 36 vacancies in existing full-time equivalent positions  
 37 and the average time taken to fill the vacancies. The  
 38 reports shall include quarterly and annual averages  
 39 organized according to state agency and general  
 40 occupational category as established by the federal  
 41 equal employment opportunity commission. All  
 42 departments and agencies of the state shall cooperate  
 43 with the department in the preparation of the reports.  
 44 The department of personnel shall report annually  
 45 to the chairpersons and ranking members of the joint  
 46 appropriations subcommittee on administration and  
 47 regulation concerning the number of private consultant  
 48 contracts of one year or more which are entered into  
 49 or extended each year by the departments and agencies  
 50 of the state. All departments and agencies of the

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1 state shall cooperate with the department in the  
 2 preparation of this report.  
 3 The department of personnel shall submit, annually,  
 4 a report to the chairpersons and ranking members of  
 5 the joint appropriations subcommittee on  
 6 administration and regulation and to the legislative  
 7 fiscal bureau regarding the results of the state's top  
 8 achievement recognition program. The reports  
 9 submitted shall include, but are not limited to,  
 10 identification of the recipients, a description of the  
 11 meritorious achievements, and the awards conferred.

12 Sec. 15. IPERS. There is appropriated from the  
 13 Iowa public employees' retirement system fund to the  
 14 department of personnel for the fiscal year beginning  
 15 July 1, 1996, and ending June 30, 1997, the following  
 16 amount, or so much thereof as is necessary, to be used  
 17 for the purposes designated:

- 18 1. For salaries, support, maintenance, and other  
 19 operational purposes to pay the costs of the Iowa  
 20 public employees' retirement system:  
 21 ..... \$ 4,368,900
- 22 2. It is the intent of the general assembly that

23 the Iowa public employees' retirement system employ  
 24 sufficient staff within the appropriation provided in

25 this section to meet the developing requirements of  
26 the investment program.

27 Sec. 16. PRIMARY ROAD FUND APPROPRIATION. There  
28 is appropriated from the primary road fund to the  
29 department of personnel for the fiscal year beginning  
30 July 1, 1996, and ending June 30, 1997, the following  
31 amount, or so much thereof as is necessary, to be used  
32 for the purposes designated:

33 For salaries, support, maintenance, and  
34 miscellaneous purposes to provide personnel services  
35 for the state department of transportation:  
36 ..... \$ 358,671

37 Sec. 17. ROAD USE TAX FUND APPROPRIATION. There  
38 is appropriated from the road use tax fund to the  
39 department of personnel for the fiscal year beginning  
40 July 1, 1996, and ending June 30, 1997, the following  
41 amount, or so much thereof as is necessary, to be used  
42 for the purposes designated:

43 For salaries, support, maintenance, and  
44 miscellaneous purposes to provide personnel services  
45 for the state department of transportation:  
46 ..... \$ 58,388

47 Sec. 18. STATE WORKERS' COMPENSATION CLAIMS.  
48 There is appropriated from the general fund of the  
49 state to the department of personnel for the fiscal  
50 year beginning July 1, 1996, and ending June 30, 1997,

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1 the following amount, or so much thereof as is  
2 necessary, to be used for the purpose designated:

3 For distribution, subject to approval of the  
4 department of management, to various state departments  
5 to fund the premiums for paying workers' compensation  
6 claims which are assessed to and collected from the  
7 state department by the department of personnel based  
8 upon a rating formula established by the department of  
9 personnel:  
10 ..... \$ 5,884,740

11 The premiums collected by the department of  
12 personnel shall be segregated into a separate workers'  
13 compensation fund in the state treasury to be used for  
14 payment of state employees' workers' compensation  
15 claims. Notwithstanding section 8.33, unencumbered or  
16 unobligated moneys remaining in this workers'  
17 compensation fund at the end of the fiscal year shall  
18 not revert but shall be available for expenditure for  
19 purposes of the fund for subsequent fiscal years.

20 Sec. 19. DEPARTMENT OF REVENUE AND FINANCE. There  
21 is appropriated from the general fund of the state to



22 the department of revenue and finance for the fiscal  
 23 year beginning July 1, 1996, and ending June 30, 1997,  
 24 the following amounts, or so much thereof as is  
 25 necessary, to be used for the purposes designated, and  
 26 for not more than the following full-time equivalent  
 27 positions used for the purposes designated in  
 28 subsections 1 through 3:

29 .....	FTEs	576.43
30 1. COMPLIANCE		
31 For salaries, support, maintenance, and		
32 miscellaneous purposes:		
33 .....	\$	10,789,038
34 2. STATE FINANCIAL MANAGEMENT		
35 For salaries, support, maintenance, and		
36 miscellaneous purposes:		
37 .....	\$	9,717,637
38 3. INTERNAL RESOURCES MANAGEMENT		
39 For salaries, support, maintenance, and		
40 miscellaneous purposes:		
41 .....	\$	6,025,904
42 4. COLLECTION COSTS AND FEES		
43 For payment of collection costs and fees pursuant		
44 to section 422.26:		
45 .....	\$	45,000

46 5. a. In addition to the requirements in section  
 47 8.39, the department of revenue and finance shall not  
 48 change the appropriations for the purposes designated  
 49 in subsections 1 through 3 from the amounts  
 50 appropriated in those subsections unless notice of the

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- 1 revisions is given prior to their effective date to
- 2 the legislative fiscal bureau. The notice shall
- 3 include information on the department's rationale for
- 4 making the changes.
- 5 b. The department of revenue and finance shall
- 6 report quarterly to the legislative fiscal bureau
- 7 concerning progress in the implementation of generally
- 8 accepted accounting principles, including
- 9 determination of reporting entities, fund
- 10 classifications, modification of the Iowa financial
- 11 accounting system, progress on preparing a
- 12 comprehensive annual financial report, and the most
- 13 current estimate of the general fund balance based on
- 14 current generally accepted accounting principles.
- 15 c. The director of revenue and finance shall
- 16 report annually to the chairpersons and ranking
- 17 members of the joint appropriations subcommittee on
- 18 administration and regulation and the legislative

19 fiscal bureau on the implementation and financial  
 20 status of the integrated revenue information system.  
 21 The report shall include any changes from the  
 22 scheduled progress including expenditures or estimated  
 23 revenue.

24 d. The director of revenue and finance shall  
 25 prepare and issue a state appraisal manual and the  
 26 revisions to the state appraisal manual as provided in  
 27 section 421.17, subsection 18, without cost to a city  
 28 or county.

29 Sec. 20. LOTTERY. There is appropriated from the  
 30 lottery fund to the department of revenue and finance  
 31 for the fiscal year beginning July 1, 1996, and ending  
 32 June 30, 1997, the following amount, or so much  
 33 thereof as is necessary, to be used for the purposes  
 34 designated:

35 For salaries, support, maintenance, miscellaneous  
 36 purposes for the administration and operation of  
 37 lottery games, and for not more than the following  
 38 full-time equivalent positions:

39 .....	\$	7,494,998
40 .....	FTEs	120.00

41 Sec. 21. MOTOR VEHICLE FUEL TAX APPROPRIATION.

42 There is appropriated from the motor vehicle fuel tax  
 43 fund created by section 452A.77 to the department of  
 44 revenue and finance for the fiscal year beginning July  
 45 1, 1996, and ending June 30, 1997, the following  
 46 amount, or so much thereof as is necessary, to be used  
 47 for the purposes designated:

48 For salaries, support, maintenance, and  
 49 miscellaneous purposes for administration and  
 50 enforcement of the provisions of chapter 452A and the

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1 motor vehicle use tax program:

2 .....	\$	1,034,482
---------	----	-----------

3 Sec. 22. SECRETARY OF STATE. There is  
 4 appropriated from the general fund of the state to the  
 5 office of the secretary of state for the fiscal year  
 6 beginning July 1, 1996, and ending June 30, 1997, the  
 7 following amounts, or so much thereof as is necessary,  
 8 to be used for the purposes designated:

9 1. ADMINISTRATION AND ELECTIONS

10 For salaries, support, maintenance, miscellaneous  
 11 purposes, and for not more than the following full-  
 12 time equivalent positions:

13 .....	\$	368,508
14 .....	FTEs	5.00

15 2. BUSINESS SERVICES

16 For salaries, support, maintenance, miscellaneous  
 17 purposes, and for not more than the following full-  
 18 time equivalent positions:

19 ..... \$ 1,610,502  
 20 ..... FTEs 32.00

21 Sec. 23. STATE-FEDERAL RELATIONS. There is  
 22 appropriated from the general fund of the state to the  
 23 office of state-federal relations for the fiscal year  
 24 beginning July 1, 1996, and ending June 30, 1997, the  
 25 following amount, or so much thereof as is necessary,  
 26 to be used for the purposes designated:

27 For salaries, support, maintenance, miscellaneous  
 28 purposes, and for not more than the following full-  
 29 time equivalent positions:

30 ..... \$ 240,172  
 31 ..... FTEs 3.00

32 Sec. 24. TREASURER. There is appropriated from  
 33 the general fund of the state to the office of  
 34 treasurer of state for the fiscal year beginning July  
 35 1, 1996, and ending June 30, 1997, 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 ..... \$ 902,594  
 42 ..... FTEs 27.80

43 The office of treasurer of state shall supply  
 44 clerical and secretarial support for the executive  
 45 council.

46 Sec. 25. SECOND INJURY FUND. The administrative  
 47 costs and expenses incurred by the treasurer of state,  
 48 the attorney general, the second injury fund, or the  
 49 department of revenue and finance, in connection with  
 50 the second injury fund, may be paid from the second

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1 injury fund. However, the payment of administrative  
 2 costs and expenses incurred by the treasurer of state,  
 3 the attorney general, the second injury fund, and the  
 4 department of revenue and finance, as authorized in  
 5 this section, shall only be permitted for  
 6 administrative costs and expenses incurred in the  
 7 fiscal year commencing July 1, 1996, and ending June  
 8 30, 1997, and shall not exceed \$170,000.

9 Sec. 26. IMPLEMENTATION OF FUNDING REDUCTIONS --  
 10 INTENT OF GENERAL ASSEMBLY. It is the intent of the  
 11 general assembly that the departments, agencies, and  
 12 offices of the executive department of state

13 government shall implement funding reductions through  
 14 organizational changes which reduce supervisory  
 15 positions, vertically and horizontally, and increase  
 16 the span of control of the remaining supervisors as  
 17 recommended by the governor's committee on government  
 18 spending reform.

19 Sec. 27. ELIMINATION OF VACANT UNFUNDED JOBS. The  
 20 state departments, agencies, or offices receiving  
 21 appropriations under this Act shall eliminate, within  
 22 thirty days after the beginning of a fiscal year, all  
 23 vacant unfunded positions on the table of organization  
 24 of the state department, agency, or office.

25 Sec. 28. STATE COMMUNICATIONS NETWORK -- REDUCTION  
 26 OF TRAVEL AND RELATED EXPENSES. The offices of the  
 27 governor and lieutenant governor, the office of  
 28 secretary of state, the office of treasurer of state,  
 29 the auditor of state, the department of commerce, the  
 30 department of inspections and appeals, the Iowa ethics  
 31 and campaign disclosure board, the department of  
 32 general services, the department of management, the  
 33 department of revenue and finance, and the department  
 34 of personnel shall use the services of the state  
 35 communications network as much as possible for  
 36 interagency communication, meetings, and conferences  
 37 to reduce travel and related expenses for the  
 38 respective offices or departments.

39 Sec. 29. REPORT OF ADDITIONAL INCOME AND  
 40 EXPENDITURES. The state departments, agencies, and  
 41 offices receiving appropriations under this Act shall  
 42 report all expenses in excess of the funds  
 43 appropriated from any statutory revolving funds during  
 44 the fiscal year beginning July 1, 1995, and ending  
 45 June 30, 1996. The report shall also include any  
 46 income and the beginning and ending balances of the  
 47 revolving funds.

48 The report required pursuant to this section shall  
 49 be submitted not later than September 30, 1996, for  
 50 expenditures made during the fiscal year beginning

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1 July 1, 1995, and ending June 30, 1996, to the  
 2 chairpersons and ranking members of the joint  
 3 appropriations subcommittee on administration and  
 4 regulations and the legislative fiscal bureau.

5 Sec. 30. SALARY ADJUSTMENTS LIMITED. A salary  
 6 adjustment for any full-time equivalent position  
 7 funded under this Act for the fiscal year beginning  
 8 July 1, 1996, and ending June 30, 1997, shall not  
 9 exceed \$1,500. This section does not apply to the

10 following state officers: governor, lieutenant  
11 governor, auditor of state, secretary of state, and  
12 treasurer of state.

13 Sec. 31. FEDERAL GRANTS. All federal grants to  
14 and the federal receipts of agencies appropriated  
15 funds under this Act, not otherwise appropriated, are  
16 appropriated for the purposes set forth in the federal  
17 grants or receipts unless otherwise provided by the  
18 general assembly.

19 Sec. 32. NEW SECTION. 7D.4 LEGISLATIVE APPROVAL  
20 REQUIRED.

21 The executive council may, after authorization by a  
22 constitutional majority of the general assembly,  
23 expend moneys from any surplus funds in the health  
24 insurance reserve operating or terminal liability  
25 accounts, the life insurance reserve operating or  
26 terminal liability accounts, the dental insurance  
27 reserve operating or terminal liability accounts, or  
28 the long-term disability operating or terminal  
29 liability accounts.

30 Sec. 33. Section 99D.11, subsection 6, paragraph  
31 b, Code 1995, is amended to read as follows:

32 b. The commission may authorize the licensee to  
33 simultaneously telecast within the racetrack  
34 enclosure, for the purpose of pari-mutuel wagering, a  
35 horse or dog race licensed by the racing authority of  
36 another state. It is the responsibility of each  
37 licensee to obtain the consent of appropriate racing  
38 officials in other states as required by the federal  
39 Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-  
40 3007, to televise races for the purpose of conducting  
41 pari-mutuel wagering. A licensee may also obtain the  
42 permission of a person licensed by the commission to  
43 conduct horse or dog races in this state to televise  
44 races conducted by that person for the purpose of  
45 conducting pari-mutuel racing. However, arrangements  
46 made by a licensee to televise any race for the  
47 purpose of conducting pari-mutuel wagering are subject  
48 to the approval of the commission, and the commission  
49 shall select the races to be televised. The races  
50 selected by the commission shall be the same for all

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1 licensees approved by the commission to televise races  
2 for the purpose of conducting pari-mutuel wagering.  
3 The commission shall not authorize the simultaneous  
4 telecast or televising of and a licensee shall not  
5 simultaneously telecast or televise any horse or dog  
6 race for the purpose of conducting pari-mutuel

7 wagering unless the simultaneous telecast or  
8 televising is done at the racetrack of a licensee that  
9 schedules no less than sixty performances of nine live  
10 races each day of the season. For purposes of the  
11 taxes imposed under this chapter, races televised by a  
12 licensee for purposes of pari-mutuel wagering shall be  
13 treated as if the races were held at the racetrack of  
14 the licensee. Notwithstanding any contrary provision  
15 in this chapter, the commission may allow a licensee  
16 to adopt the same deductions as those of the pari-  
17 mutuel racetrack from which the races are being  
18 simultaneously telecast.

19 Sec. 34. Section 321.19, subsection 1, unnumbered  
20 paragraph 2, Code Supplement 1995, is amended to read  
21 as follows:

22 The department shall furnish, on application, free  
23 of charge, distinguishing plates for vehicles thus  
24 exempted, which plates except plates on Iowa highway  
25 safety patrol vehicles shall bear the word "official"  
26 and the department shall keep a separate record.  
27 Registration plates issued for Iowa highway safety  
28 patrol vehicles, except unmarked patrol vehicles,  
29 shall bear two red stars on a yellow background, one  
30 before and one following the registration number on  
31 the plate, which registration number shall be the  
32 officer's badge number. Registration plates issued  
33 for a county sheriff's patrol vehicles shall display  
34 one seven-pointed gold star followed by the letter "S"  
35 and the call number of the vehicle. However, the  
36 director of general services or the director of  
37 transportation may order the issuance of regular  
38 registration plates for any exempted vehicle used by  
39 peace officers in the enforcement of the law, persons  
40 enforcing chapter 124 and other laws relating to  
41 controlled substances, persons in the department of  
42 justice, the alcoholic beverages division of the  
43 department of commerce, and the department of  
44 inspections and appeals who are regularly assigned to  
45 conduct investigations which cannot reasonably be  
46 conducted with a vehicle displaying "official" state  
47 registration plates, and persons in the lottery  
48 division of the department of revenue and finance  
49 whose regularly assigned duties relating to security  
50 or the carrying of lottery tickets cannot reasonably

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1 be conducted with a vehicle displaying "official"  
2 registration plates. For purposes of sale of exempted  
3 vehicles, the exempted governmental body, upon the

4 sale of the exempted vehicle, may issue for in-transit  
5 purposes a pasteboard card bearing the words "Vehicle  
6 in Transit", the name of the official body from which  
7 the vehicle was purchased, together with the date of  
8 the purchase plainly marked in at least one-inch  
9 letters, and other information required by the  
10 department. The in-transit card is valid for use only  
11 within forty-eight hours after the purchase date as  
12 indicated on the bill of sale which shall be carried  
13 by the driver.

14 Sec. 35. Section 455C.1, subsection 1, Code 1995,  
15 is amended to read as follows:

16 1. "Beverage" means wine as defined in section  
17 ~~123.3, subsection 37~~, alcoholic liquor as defined in  
18 ~~section 123.3, subsection 5~~; beer as defined in  
19 section 123.3, subsection 7, mineral water, soda water  
20 and similar carbonated soft drinks in liquid form and  
21 intended for human consumption.

22 Sec. 36. Section 455C.3, subsection 2, Code 1995,  
23 is amended to read as follows:

24 2. A distributor shall accept and pick up from a  
25 dealer served by the distributor or a redemption  
26 center for a dealer served by the distributor at least  
27 weekly, or when the distributor delivers the beverage  
28 product if deliveries are less frequent than weekly,  
29 any empty beverage container of the kind, size and  
30 brand sold by the distributor, and shall pay to the  
31 dealer or person operating a redemption center the  
32 refund value of a beverage container and the  
33 reimbursement as provided under section 455C.2 within  
34 one week following pickup of the containers or when  
35 the dealer or redemption center normally pays the  
36 distributor for the deposit on beverage products  
37 purchased from the distributor if less frequent than  
38 weekly. A distributor or employee or agent of a  
39 distributor is not in violation of this subsection if  
40 a redemption center is closed when the distributor  
41 attempts to make a regular delivery or a regular  
42 pickup of empty beverage containers. ~~This subsection~~  
43 ~~does not apply to a distributor selling alcoholic~~  
44 ~~liquor to the alcoholic beverages division of the~~  
45 ~~department of commerce.~~

46 Sec. 37. Section 455C.3, subsection 5, Code 1995,  
47 is amended by striking the subsection.

48 Sec. 38. Section 455C.4, subsections 3 and 4, Code  
49 1995, are amended by striking the subsections.

50 Sec. 39. Section 455C.5, subsection 2, paragraph

Page 22

1 a, Code 1995, is amended by striking the paragraph.”

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5465

1 Amend House File 2472, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 “DIVISION I - JUSTICE SYSTEM APPROPRIATIONS”.

6 2. Page 1, by striking line 11 and inserting the  
7 following:

8 “ ..... FTEs 178.50

9 It is the intent of the general assembly that of  
10 the funds appropriated in this subsection, not more  
11 than \$50,000 shall be used to establish an office of  
12 veterans advocate as provided in section 13.22, as  
13 enacted by this Act.”

14 3. Page 1, by striking lines 12 through 19 and  
15 inserting the following:

16 “2. a. The attorney general shall provide up to”.

17 4. Page 1, by striking lines 25 through 27 and  
18 inserting the following:

19 “b. In addition to the moneys retained by the  
20 attorney”.

21 5. Page 2, line 2, by striking the words “in this  
22 subsection” and inserting the following: “to the  
23 prosecuting attorneys training coordinator pursuant to  
24 section 321.218A, as enacted in this Act.”.

25 6. Page 2, line 25, by striking the figure  
26 “125,000” and inserting the following: “150,000”.

27 7. Page 3, line 2, by striking the figure  
28 “200,000” and inserting the following: “225,000”.

29 8. Page 4, by inserting after line 17 the  
30 following:

31 “c. The office of the attorney general shall carry  
32 out a study of concentration in the livestock industry  
33 in Iowa. The findings of the study may include  
34 recommendations for legislation or other actions, and  
35 shall be reported to the general assembly on or before  
36 February 7, 1997.

37 10. For legal services for persons in poverty  
38 grants as provided in section 13.34, as enacted in  
39 this Act:

40 ..... \$ 1,000,000

41 The appropriation in this subsection is reduced to



42 the extent of the amounts appropriated to the office  
 43 of the attorney general for legal services grants as  
 44 provided in section 321.218A, as enacted by this Act.  
 45 Sec. \_\_\_\_ DEPARTMENT OF JUSTICE -- ENVIRONMENTAL  
 46 CRIMES INVESTIGATION AND PROSECUTION -- FUNDING.  
 47 There is appropriated from the environmental crime  
 48 fund of the department of justice, consisting of  
 49 court-ordered fines and penalties awarded to the  
 50 department arising out of the prosecution of

Page 2

1 environmental crimes, to the department of justice for  
 2 the fiscal year beginning July 1, 1996, and ending  
 3 June 30, 1997, an amount not exceeding \$20,000 to be  
 4 used by the department, at the discretion of the  
 5 attorney general, for the investigation and  
 6 prosecution of environmental crimes, including the  
 7 reimbursement of expenses incurred by county,  
 8 municipal, and other local governmental agencies  
 9 cooperating with the department in the investigation  
 10 and prosecution of environmental crimes.

11 The expenditure of the funds appropriated in this  
 12 section is contingent upon receipt by the  
 13 environmental crime fund of the department of justice  
 14 of an amount at least equal to the appropriations made  
 15 in this section and received from contributions,  
 16 court-ordered restitution as part of judgments in  
 17 criminal cases, and consent decrees entered into as  
 18 part of civil or regulatory enforcement actions.  
 19 However, if the funds received during the fiscal year  
 20 are in excess of \$20,000, the excess funds shall be  
 21 deposited in the general fund of the state.

22 Notwithstanding section 8.33, moneys appropriated  
 23 in this section which remain unexpended or unobligated  
 24 at the close of the fiscal year shall not revert to  
 25 the general fund of the state but shall remain  
 26 available for expenditure for the designated purpose  
 27 in the succeeding fiscal year."

28 9. Page 4, by striking lines 18 through 32.

29 10. By striking page 5, line 35, through page 6,  
 30 line 1, and inserting the following:

31 " ..... \$ 26,220,099  
 32 ..... FTEs 496.00"

33 11. Page 6, line 6, by inserting after the word  
 34 "purposes," the following: "including not more than  
 35 \$500,000 for necessary expenses in planning for the  
 36 construction of a 150 bed super maximum security  
 37 correctional facility during the fiscal year beginning  
 38 July 1, 1997, at a location determined by the

39 department of corrections.”

40 12. Page 6, by striking lines 8 and 9 and

41 inserting the following:

42 “ ..... \$ 1,149,089

43 ..... FTEs 9.50”

44 13. Page 6, by striking lines 16 and 17 and

45 inserting the following:

46 “ ..... \$ 20,125,506

47 ..... FTEs 376.75”

48 14. Page 6, by striking lines 26 and 27 and

49 inserting the following:

50 “ ..... \$ 16,635,631

### Page 3

1 ..... FTEs 328.30”

2 15. Page 6, by striking lines 32 and 33 and

3 inserting the following:

4 “ ..... \$ 10,333,775

5 ..... FTEs 156.28”

6 16. Page 7, by striking lines 5 and 6 and

7 inserting the following:

8 “ ..... \$ 14,909,042

9 ..... FTEs 285.32”

10 17. Page 7, by striking lines 11 and 12 and

11 inserting the following:

12 “ ..... \$ 5,791,219

13 ..... FTEs 114.00”

14 18. Page 7, by striking lines 17 and 18 and

15 inserting the following:

16 “ ..... \$ 14,537,836

17 ..... FTEs 248.00”

18 19. Page 7, by striking lines 28 and 29 and

19 inserting the following:

20 “ ..... \$ 6,612,098

21 ..... FTEs 135.00”

22 20. Page 10, by striking line 13 and inserting

23 the following:

24 “ ..... \$ 2,450,600”

25 21. Page 10, line 17, by inserting after the word

26 “purpose.” the following: “In addition, it is the

27 intent of the general assembly that the department

28 shall coordinate with the community colleges in the

29 areas in which the institutions are located to utilize

30 moneys appropriated in this subsection to fund the

31 high school completion, high school equivalency

32 diploma, adult literacy, and adult basic education

33 programs in a manner so as to maintain these programs

34 at the institutions.”

35 22. Page 10, by inserting after line 22 the

36 following:  
 37 " — . For funding of the Ford Associates'  
 38 successful training empowerment process (STEP) inmate  
 39 education program:  
 40 ..... \$ 60,000  
 41 — . For funding of the criminal justice program  
 42 at the University of Northern Iowa:  
 43 ..... \$ 175,000"  
 44 23. Page 10, by striking line 35 and inserting  
 45 the following:  
 46 " ..... \$ 7,257,414"  
 47 24. Page 11, by striking line 16 and inserting  
 48 the following:  
 49 " ..... \$ 5,744,594"  
 50 25. Page 12, by striking line 11 and inserting

Page 4

1 the following:  
 2 " ..... \$ 2,551,754"  
 3 26. Page 12, by striking line 25 and inserting  
 4 the following:  
 5 " ..... \$ 9,248,170"  
 6 27. Page 13, line 3, by inserting after the word  
 7 "program," the following: "and for not more than  
 8 \$200,000 to be used for an addition to the Fasches  
 9 Center in Cedar Rapids."  
 10 28. Page 13, by striking line 5 and inserting the  
 11 following:  
 12 " ..... \$ 7,725,401"  
 13 29. Page 13, by inserting after line 20 the  
 14 following:  
 15 "(4) The district department is authorized to  
 16 enter into financial arrangements for and to construct  
 17 an addition to the Fasches Center for the purposes of  
 18 adding staff offices."  
 19 30. Page 14, by striking line 11 and inserting  
 20 the following:  
 21 " ..... \$ 4,243,087"  
 22 31. Page 14, by inserting after line 26 the  
 23 following:  
 24 "(1) If funds are appropriated for the purposes  
 25 of this lettered paragraph, the first and second  
 26 judicial district departments of correctional services  
 27 shall establish a pilot project in each judicial  
 28 district department of correctional services to  
 29 provide targeted services to offenders convicted of a  
 30 serious or aggravated misdemeanor. The moneys  
 31 appropriated for the pilot project shall be evenly  
 32 divided between the first and second judicial district

33 departments of correctional services.

34 (2) It is the intent of the general assembly that  
35 the projects will target offenders who are at high  
36 risk to recidivate and will evaluate the progress of  
37 participants. The district court and the department  
38 of corrections shall cooperate with the first and  
39 second judicial district departments of correctional  
40 services in carrying out the pilot projects and shall  
41 assist in obtaining grants and private resources to  
42 supplement this appropriation. The district  
43 departments of correctional services shall file a  
44 report to the legislative fiscal bureau by January 15,  
45 1998, on the result of the pilot project in their  
46 judicial district."

47 32. Page 16, by striking line 8 and inserting the  
48 following:

49 " ..... \$ 91,769,430"

50 33. Page 18, by inserting after line 4 the

Page 5

1 following:

2 "j. Of the funds appropriated in this subsection,  
3 the judicial department shall use not more than  
4 \$1,056,000 for an additional 6.00 district court  
5 judges, and an additional 10.75 full-time equivalent  
6 court reporters and court attendants. Of the  
7 additional district court judges, 1.00 additional  
8 district court judge shall be assigned to judicial  
9 election districts 2A, 2B, 3B, and 5C and 2.00  
10 additional district court judges shall be assigned to  
11 judicial election district 5A, notwithstanding the  
12 provisions of section 602.6201, subsection 3.

13 k. Of the funds appropriated in this subsection,  
14 the judicial department shall use \$262,989 for an  
15 additional 3 juvenile court officers, 3 juvenile court  
16 specialists, and clerical workers.

17 l. Of the funds appropriated in this subsection,  
18 the judicial department shall use \$140,154 to increase  
19 the salary of all associate juvenile judges and  
20 associate probate judges to the same salary level as a  
21 district associate judge.

22 m. Of the funds appropriated in this subsection,  
23 the judicial department shall use \$216,000 to increase  
24 the salary of district associate judges by \$4,000."

25 34. Page 18, by striking lines 7 through 19 and  
26 inserting the following:

27 "Sec. \_\_\_\_ IOWA COURT INFORMATION SYSTEM. There  
28 is appropriated from the general fund of the state to  
29 the judicial department for the fiscal year beginning

30 July 1, 1996, and ending June 30, 1997, the following  
 31 amount, or so much thereof as is necessary, to be used  
 32 for the purpose designated:

33 For the Iowa court information system:

34 ..... \$ 857,500"

35 35. Page 18, by striking line 29 and inserting

36 the following:

37 " ..... \$ 3,150,915"

38 36. Page 20, line 10, by striking the words "make

39 all reasonable efforts to" and inserting the

40 following: "shall maintain, in coordination with

41 local community colleges".

42 37. Page 20, by striking lines 11 and 12 and

43 inserting the following: "the vocational education

44 programs for inmates in each institution."

45 38. Page 22, by striking lines 4 and 5 and

46 inserting the following:

47 " ..... \$ 9,926,841

48 ..... FTEs 174.65"

49 39. Page 22, by striking line 9 and inserting the

50 following:

Page 6

1 " ..... \$ 14,420,000"

2 40. Page 22, by striking line 20 and inserting

3 the following:

4 " ..... \$ 1,038,418"

5 41. Page 23, by striking lines 26 and 27 and

6 inserting the following:

7 " ..... \$ 574,137

8 ..... FTEs 15.60"

9 42. Page 24, by striking lines 3 and 4 and

10 inserting the following:

11 " ..... \$ 2,171,438

12 ..... FTEs 38.80"

13 43. Page 25, by inserting after line 35 the

14 following:

15 " \_\_\_\_\_. For costs associated with the training of

16 fire fighters:

17 ..... \$ 1,000,000

18 \_\_\_\_\_. For the state medical examiner, for the

19 purpose of establishing an office of the state medical

20 examiner within the department of public safety, and

21 for not more than the following full-time equivalent

22 positions:

23 ..... \$ 332,500

24 ..... FTEs 4.00"

25 44. Page 26, by striking lines 15 and 16 and

26 inserting the following:

27	".....	\$ 34,396,129
28	..... FTEs	566.00

29 It is the intent of the general assembly that, of  
 30 the funds appropriated in this subsection, the  
 31 division shall expend the amount necessary to provide  
 32 the state match for adding twelve state troopers  
 33 through the federal community-oriented policing  
 34 services program. It is the intent of the general  
 35 assembly that once federal moneys for this program  
 36 end, the division shall present proposals to the  
 37 governor and the general assembly for continued  
 38 funding of the state troopers described in this  
 39 paragraph and for consideration of reducing the number  
 40 of state troopers through attrition, by the same  
 41 number as the number of troopers added through the  
 42 federal program."

43 45. Page 27, line 9, by inserting after the word  
 44 "into" the following: "professional services".

45 46. Page 27, by inserting after line 18 the  
 46 following:

47 "Sec. \_\_\_\_ . NEW SECTION. 13.32 VETERANS ADVOCATE.

48 The attorney general shall appoint a competent  
 49 attorney to the office of veterans advocate. The  
 50 veterans advocate is to be housed in the office of the

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1 attorney general. The advocate shall be an honorably  
 2 discharged member of the armed forces of the United  
 3 States. The advocate's term of office is for four  
 4 years. The term begins and ends in the same manner as  
 5 set forth in section 69.19.

6 Sec. \_\_\_\_ . NEW SECTION. 13.33 DUTIES OF VETERANS  
 7 ADVOCATE.

8 The veterans advocate shall do all of the  
 9 following:

10 1. Assist the commission of veterans affairs  
 11 created in section 35A.2 in the carrying out of its  
 12 duties.

13 2. Assist the veterans of the state in obtaining  
 14 the benefits to which they are entitled.

15 3. Assist the veterans of the state in gaining  
 16 admission to the Iowa veterans home in a timely  
 17 manner.

18 4. Provide assistance to the county commissions of  
 19 veterans affairs created in chapter 35B in the  
 20 carrying out of their duties.

21 Sec. \_\_\_\_ : Section 37.10, unnumbered paragraph 1,  
 22 Code 1995, is amended to read as follows:

23 Each commissioner shall be **an honorably discharged**

24 soldier, sailor, marine, airman, or coast guard member  
 25 a veteran, as defined in section 35.1, and be a  
 26 resident of the city county in which the memorial hall  
 27 or monument is located or live within the county if  
 28 the memorial hall or monument is located outside of a  
 29 city or is a joint memorial as provided in this  
 30 chapter."

31 47. Page 27, by striking lines 19 through 34.

32 48. Page 28, by inserting after line 12 the  
 33 following:

34 "Sec. \_\_\_\_ . Section 602.6201, subsection 10, Code  
 35 Supplement 1995, is amended to read as follows:

36 10. Notwithstanding the formula for determining  
 37 the number of judgeships in this section, the number  
 38 of district judges shall not exceed one hundred eight  
 39 fourteen during the period commencing July 1, 1996  
 40 1996."

41 49. Page 30, by striking lines 14 through 17.

42 50. Page 31, by inserting after line 15 the  
 43 following:

#### 44 "DIVISION II

#### 45 LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM

#### 46 Sec. \_\_\_\_ . NEW SECTION. 905A.1 DEFINITIONS.

47 For the purposes of this chapter, unless the  
 48 context otherwise requires:

49 1. "Division" means the division of criminal and  
 50 juvenile justice planning of the department of human

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1 rights.

2 2. "Government" means a community-based  
 3 correctional program as defined in section 905.1, or a  
 4 city, school district or accredited nonpublic school,  
 5 or county which expends funds for incarceration or  
 6 supervision of individuals charged with or convicted  
 7 of a felony, an aggravated misdemeanor, or a serious  
 8 misdemeanor, or for crime prevention activities.

9 3. "Judicial election district" means a judicial  
 10 election district described in section 602.6109.

#### 11 Sec. \_\_\_\_ . NEW SECTION. 905A.2 LOCAL CORRECTIONS 12 INFRASTRUCTURE GRANT PROGRAM.

13 1. A local corrections infrastructure grant  
 14 program is created in the division. The division  
 15 shall adopt administrative rules pursuant to chapter  
 16 17A as necessary to administer the program in  
 17 accordance with this chapter. The rules shall include  
 18 but are not limited to provisions for auditing of  
 19 grant expenditures.

20 2. The division shall develop a request for

21 proposals for the grant program and assist judicial  
22 election districts in developing proposals in response  
23 to the request. The division shall not accept more  
24 than one proposal from a judicial election district  
25 for each of the grant groupings. For the fiscal year  
26 beginning July 1, 1997, grants shall be awarded in  
27 accordance with this chapter in the following two  
28 groupings:

29 a. Twenty-five million dollars to one or more  
30 governments or groups of governments in judicial  
31 election districts, divided proportionately according  
32 to the judicial election districts' relative  
33 proportion of the state's general population.

34 b. Nine million dollars to one or more governments  
35 or groups of governments representing judicial  
36 election districts, awarded according to criteria  
37 developed by the task force based upon the relative  
38 amount of criminal activity in the judicial election  
39 district, the innovative nature of the proposal  
40 submitted by the government or group of governments,  
41 and the statewide need for the project proposed to be  
42 developed.

43 3. A proposal for a grant under this chapter is  
44 subject to all of the following conditions:

45 a. A judicial election district may combine with  
46 one or more other judicial election districts in  
47 developing a proposal or may propose a joint project  
48 in separate proposals.

49 b. A proposal shall be for one or more  
50 infrastructure or school-based crime prevention

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1 projects or combination of projects relating to one or  
2 more of the following purposes:

3 (1) A county jail.

4 (2) A regional or multicounty jail.

5 (3) A county juvenile detention or shelter care  
6 home, including retirement of outstanding debt for  
7 such a home.

8 (4) A regional or multicounty juvenile detention  
9 or shelter care home.

10 (5) A community-based correctional program  
11 facility.

12 (6) A school-based crime prevention program.

13 c. Grant moneys under this chapter shall not be  
14 used for purposes other than infrastructure.

15 d. The division may accept or reject a proposal in  
16 whole or in part.

17 e. A proposal must address the need for the



18 proposed project, degree of urgency for the project,  
19 location of the project, provisions for the  
20 governments within the judicial election district to  
21 access the project, and the performance measures to be  
22 used to evaluate the project.

23 f. The submission date for proposals under  
24 subsection 2, paragraph "a" shall be on or before  
25 February 17, 1997, and the submission date for  
26 proposals under subsection 2, paragraph "b" shall be  
27 on or before April 18, 1997. However, for good cause  
28 shown, the division may extend the submission date for  
29 proposals under subsection 2, paragraph "a". It is  
30 the intent of the general assembly that the grant  
31 award process be complete by June 30, 1997, and awards  
32 made in the fiscal year beginning July 1, 1997.  
33 However, the division may delay final approval of a  
34 grant proposal which is approved in part while full  
35 approval of the proposal is pending.

36 4. The office of the attorney general, the  
37 department of education, and the university of  
38 northern Iowa's criminology program shall work with  
39 the division in implementing a public planning process  
40 to assist the governments in judicial election  
41 districts in developing a proposal, developing  
42 technical assistance materials for the grant program,  
43 developing the request for proposals, developing  
44 proposed scoring tools, and producing model  
45 performance measures and other evaluation processes  
46 for grant program projects. The public planning  
47 process shall include but is not limited to public  
48 meetings in each of the judicial election districts.

49 Sec. \_\_\_\_ . NEW SECTION. 905A.3 TASK FORCE.

50 1. The division shall establish and convene a

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1 local corrections infrastructure grant program task  
2 force to assist the division in scoring and evaluating  
3 grant proposals and other assistance deemed necessary  
4 by the division.

5 2. The membership of the task force shall include  
6 but is not limited to representatives of the  
7 following:

- 8 a. County sheriffs.
- 9 b. Police chiefs.
- 10 c. Office of the attorney general.
- 11 d. District judges.
- 12 e. Juvenile court judges.
- 13 f. Probation officers.
- 14 g. Juvenile court officers.

15 h. County supervisors.  
 16 i. City council members.  
 17 j. Criminal and juvenile justice planning advisory  
 18 council.  
 19 k. Juvenile services providers.  
 20 l. Community-based correctional programs.  
 21 m. County attorneys.  
 22 n. The Iowa state police association.  
 23 o. Local school officials.  
 24 p. Other members deemed necessary by the division  
 25 or task force.  
 26 3. Members of the task force are eligible for  
 27 reimbursement of actual and necessary expenses  
 28 incurred in the performance of their official duties.  
 29 The task force shall elect a chairperson and other  
 30 officers deemed necessary by the task force.  
 31 Sec. \_\_\_\_ . NEW SECTION. 905A.4 PAYMENT OF GRANTS.  
 32 A grant awarded under section 905A.2 shall be paid  
 33 from the proceeds of bonds issued under section 16.177  
 34 or other moneys available to the division. A project  
 35 approved by the division for a grant under this  
 36 chapter is deemed to be approved by the general  
 37 assembly for purposes of issuing bonds under section  
 38 16.177. The department of corrections shall pledge  
 39 amounts in the Iowa prison infrastructure fund  
 40 established under section 602.8108A as security for  
 41 the payment of principal of, premium, if any, and  
 42 interest on the bonds.  
 43 Sec. \_\_\_\_ . GRANT PROGRAM IMPLEMENTATION. There is  
 44 appropriated from the general fund of the state to the  
 45 department of human rights, division of criminal and  
 46 juvenile justice planning, for the fiscal year  
 47 beginning July 1, 1996, and ending June 30, 1997, the  
 48 following amount, or so much thereof as is necessary,  
 49 to be used for the purposes designated:  
 50 For technical assistance and staffing associated

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1 with the development of the local corrections  
 2 infrastructure grant program enacted by this Act,  
 3 including salaries, support, maintenance,  
 4 miscellaneous purposes, and for not more than the  
 5 following full-time equivalent positions:  
 6 ..... \$ 200,000  
 7 ..... FTEs 2.00  
 8 Sec. \_\_\_\_ . JUVENILE CRIME PREVENTION. There is  
 9 appropriated from the general fund of the state to the  
 10 department of economic development for the fiscal year  
 11 beginning July 1, 1996, and ending June 30, 1997, the

12 following amount, or so much thereof as is necessary,  
13 to be used for the purposes designated:

14 For continuing the juvenile crime prevention summer  
15 youth employment program through the job training  
16 partnership Act service delivery areas:

17 ..... \$ 800,000

18 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
19 Act, being deemed of immediate importance, takes  
20 effect upon enactment.

21 DIVISION III

22 CIVIL PENALTIES, FINES, SURCHARGES, AND WITHHOLDING

23 Sec. \_\_\_\_ NEW SECTION. 13.34 LEGAL SERVICES FOR  
24 PERSONS IN POVERTY GRANT PROGRAM.

25 1. For the purposes of this section, "eligible  
26 individual" means an individual or household with an  
27 annual income which is less than one hundred twenty-  
28 five percent of the poverty guidelines established by  
29 the United States office of management and budget.  
30 The attorney general shall contract with an eligible  
31 nonprofit organization to provide legal assistance to  
32 eligible individuals in poverty. The contract shall  
33 be awarded within thirty days after May 30, 1996. The  
34 contract may be terminated by the attorney general  
35 after a hearing upon written notice and for good  
36 cause.

37 2. A nonprofit organization must comply with all  
38 of the following to be eligible for a contract under  
39 this section:

- 40 a. Be a nonprofit organization incorporated in
  - 41 this state.
  - 42 b. Has lost or will lose funding due to a
  - 43 reduction in federal funding for the legal services
  - 44 corporation for federal fiscal year 1995-1996.
  - 45 c. Employ attorneys admitted to practice before
  - 46 the Iowa supreme court and the United States district
  - 47 courts.
  - 48 d. Employ attorneys and staff qualified to address
  - 49 legal problems experienced by eligible individuals.
- 50 3. The contracting nonprofit organization shall do

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1 all of the following:

- 2 a. Offer direct representation of eligible
- 3 individuals in litigation and administrative cases, in
- 4 accordance with priorities established by the
- 5 organizations board.
- 6 b. Offer technical support to eligible
- 7 individuals.
- 8 c. Involve private attorneys through volunteer

9 lawyer projects to represent eligible individuals.  
 10 d. Utilize, to the fullest extent feasible,  
 11 existing resources of accredited law schools within  
 12 this state to provide consulting assistance to  
 13 attorneys in the practice of law in their  
 14 representation of persons in poverty.  
 15 e. Assist, to the fullest extent feasible,  
 16 accredited law schools within this state in enhancing  
 17 the schools' expertise in the practice of law  
 18 representing persons in poverty so that all attorneys  
 19 within the state will have a resource available to  
 20 provide training and experience in the practice of law  
 21 representing persons in poverty.  
 22 f. Cooperate, to the fullest extent feasible, with  
 23 existing informational and referral networks among  
 24 persons in poverty, providers of assistance to persons  
 25 in poverty, and others concerned with assistance to  
 26 persons in poverty.  
 27 4. The contracting nonprofit organization is not a  
 28 state agency for the purposes of chapters 19A, 20, and  
 29 669.  
 30 5. An individual is eligible to obtain legal  
 31 representation and legal assistance from the  
 32 contracting nonprofit organization if the eligible  
 33 individual meets all of the following criteria:  
 34 a. The eligible individual is a resident of this  
 35 state.  
 36 b. The eligible individual is financially unable  
 37 to acquire legal assistance, in accordance with  
 38 criteria established by the organization's board.  
 39 Sec. \_\_\_\_ . **NEW SECTION. 321.218A CIVIL PENALTY --**  
 40 **DISPOSITION -- REINSTATEMENT.**  
 41 When the department revokes a person's motor  
 42 vehicle license or nonresident operating privilege  
 43 under this chapter upon receipt of a record of  
 44 conviction of the person, the department shall assess  
 45 the person a civil penalty of two hundred dollars.  
 46 The money collected by the department under this  
 47 section shall be transmitted to the treasurer of state  
 48 who shall deposit one-half of the money in the victim  
 49 compensation fund established in section 912.14. Of  
 50 the remaining moneys collected during any fiscal year,

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1 the treasurer shall transmit the first three hundred  
 2 thousand dollars to the office of the prosecuting  
 3 attorneys training coordinator as established in  
 4 chapter 13A, shall transmit the next seven hundred  
 5 thousand dollars to the office of the attorney general

6 to be used to implement the contract to provide legal  
7 services to persons in poverty in accordance with  
8 section 13.34, and shall deposit any additional moneys  
9 collected during that fiscal year in the general fund  
10 of the state. A temporary restricted license shall  
11 not be issued or a motor vehicle license or  
12 nonresident operating privilege reinstated until the  
13 civil penalty has been paid.

14 Sec. \_\_\_\_ . NEW SECTION. 321A.32A CIVIL PENALTY --  
15 DISPOSITION -- REINSTATEMENT.

16 When the department revokes a person's motor  
17 vehicle license or nonresident operating privilege  
18 under this chapter upon receipt of a record of  
19 conviction of the person, the department shall assess  
20 the person a civil penalty of two hundred dollars.  
21 The money collected by the department under this  
22 section shall be transmitted to the treasurer of state  
23 who shall deposit one-half of the money in the victim  
24 compensation fund established in section 912.14 and  
25 one-half of the money shall be deposited in the  
26 general fund of the state. A temporary restricted  
27 license shall not be issued or a motor vehicle license  
28 or nonresident operating privilege reinstated until  
29 the civil penalty has been paid.

30 Sec. \_\_\_\_ . Section 331.302, subsection 2, Code  
31 1995, is amended to read as follows:

32 2. A county shall not provide a penalty in excess  
33 of a one hundred dollar fine or in excess of thirty  
34 days imprisonment for the violation of an ordinance.  
35 The criminal penalty surcharge required by section  
36 911.2 and the jail, courthouse security, and detention  
37 facility surcharge required by section 911A.2 shall be  
38 added to a county fine and is are not a part of the  
39 county's penalty.

40 Sec. \_\_\_\_ . Section 364.3, subsection 2, Code 1995,  
41 is amended to read as follows:

42 2. A city shall not provide a penalty in excess of  
43 a one hundred dollar fine or in excess of thirty days  
44 imprisonment for the violation of an ordinance. An  
45 amount equal to ten percent of all fines collected by  
46 cities shall be deposited in the account established  
47 in section 602.8108. However, one hundred percent of  
48 all fines collected by a city pursuant to section  
49 321.236, subsection 1, shall be retained by the city.  
50 The criminal penalty surcharge required by section

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1 911.2 and the jail, courthouse security, and detention  
2 facility surcharge required by section 911A.2 shall be

3 added to a city fine and is are not a part of the  
4 city's penalty.

5 Sec. \_\_\_\_ . Section 602.8107, subsection 2,  
6 paragraph b, Code Supplement 1995, is amended to read  
7 as follows:

8 b. Fines or penalties and ~~criminal penalty~~  
9 surcharges.

10 Sec. \_\_\_\_ . Section 602.8107, subsection 4,  
11 unnumbered paragraph 2, Code Supplement 1995, is  
12 amended to read as follows:

13 This subsection does not apply to amounts collected  
14 for victim restitution, the victim compensation fund,  
15 criminal penalty surcharge, jail, courthouse security,  
16 and detention facility surcharge, or amounts collected  
17 as a result of procedures initiated under subsection 5  
18 or under section 421.17, subsection 25.

19 Sec. \_\_\_\_ . Section 805.8, subsection 1, Code  
20 Supplement 1995, is amended to read as follows:

21 1. APPLICATION. Except as otherwise indicated,  
22 violations of sections of the Code specified in this  
23 section are scheduled violations, and the scheduled  
24 fine for each of those violations is as provided in  
25 this section, whether the violation is of state law or  
26 of a county or city ordinance. The criminal penalty  
27 surcharge required by section 911.2 and the jail,  
28 courthouse security, and detention facility surcharge  
29 required by section 911A.2 shall be added to the  
30 scheduled fine.

31 Sec. \_\_\_\_ . Section 805.8, subsection 11, unnumbered  
32 paragraph 1, Code Supplement 1995, is amended to read  
33 as follows:

34 For violations of section 142B.6 or 453A.2,  
35 subsection 2, the scheduled fine is twenty-five  
36 dollars, and is a civil penalty, and the criminal  
37 penalty surcharge under section 911.2 and the jail,  
38 courthouse security, and detention facility surcharge  
39 under section 911A.2 shall not be added to the  
40 penalty, and the court costs pursuant to section  
41 805.9, subsection 6, shall not be imposed. If the  
42 civil penalty assessed for a violation of section  
43 142B.6 is not paid in a timely manner, a citation  
44 shall be issued for the violation in the manner  
45 provided in section 804.1. However, a person under  
46 age eighteen shall not be detained in a secure  
47 facility for failure to pay the civil penalty. The  
48 complainant shall not be charged a filing fee.

49 Sec. \_\_\_\_ . Section 902.9, unnumbered paragraph 2,  
50 Code 1995, is amended to read as follows:

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1 The criminal penalty surcharge required by section  
2 911.2 and the jail, courthouse security, and detention  
3 facility surcharge required by section 911A.2 shall be  
4 added to a fine imposed on a class "C" or class "D"  
5 felon, as provided by ~~that section~~ those sections, and  
6 is are not a part of or subject to the maximums set in  
7 this section.

8 Sec. \_\_\_\_ . Section 903.1, subsection 4, Code 1995,  
9 is amended to read as follows:

10 4. The criminal penalty surcharge required by  
11 section 911.2 and the jail, courthouse security, and  
12 detention facility surcharge required by section  
13 911A.2 shall be added to a fine imposed on a  
14 misdemeanor, and is are not a part of or subject to  
15 the maximums set in this section.

16 Sec. \_\_\_\_ . NEW SECTION. 907.14 PAYMENT IN LIEU OF  
17 FINE.

18 When the court has deferred judgment the court may  
19 order the defendant to pay an amount in lieu of a fine  
20 in a case where a minimum fine would otherwise be  
21 ordered. Payments in lieu of fines shall be ordered,  
22 enforced, and administered as fines under chapter 909.

23 Sec. \_\_\_\_ . Section 909.3, Code 1995, is amended by  
24 adding the following new subsection:

25 NEW SUBSECTION. 3. If the court orders a fine to  
26 be paid as provided by subsection 2, the court shall  
27 require the defendant to execute a mandatory wage  
28 assignment that would ensure payment of the fine  
29 within twelve months of the date the wage assignment  
30 becomes effective. The wage assignment shall be  
31 enforced if the defendant fails to make payment as  
32 provided in subsection 2.

33 A mandatory wage assignment executed pursuant to  
34 this section is not subject to the limitation on  
35 garnishment provided in sections 537.5105 and 642.21,  
36 and is not subject to the limitation on assignment of  
37 benefits under chapter 96 as provided in section  
38 96.15. However, a wage assignment executed under this  
39 subsection shall be enforced only after an order for  
40 income withholding pursuant to chapter 252D or a  
41 court-ordered wage assignment for purposes of support  
42 is entered and enforced. A wage assignment executed  
43 under this subsection shall be limited as specified in  
44 15 U.S.C. § 1673(b).

45 Sec. \_\_\_\_ . Section 909.8, Code 1995, is amended to  
46 read as follows:

47 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO  
48 CRIMINAL PENALTY SURCHARGE SURCHARGES.

49 The provisions of this chapter governing the  
50 payment and collection of a fine, except section

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1 909.3A, also apply to the payment and collection of a  
2 criminal penalty surcharge imposed pursuant to chapter  
3 911 and the jail, courthouse security, and detention  
4 facility surcharge imposed pursuant to section 911A.2.

5 Sec. \_\_\_\_ . Section 909.10, subsection 1, Code 1995,  
6 is amended to read as follows:

7 1. As used in this section, unless the context  
8 otherwise requires, "delinquent amounts" means a fine,  
9 court-imposed court costs in a criminal proceeding, or  
10 criminal surcharge imposed pursuant to section 911.2,  
11 or jail, courthouse security, and detention facility  
12 surcharge imposed pursuant to section 911A.2, which  
13 remains unpaid after two years from the date that the  
14 fine, court costs, or surcharge was imposed, and which  
15 is not collected by the county attorney pursuant to  
16 section 602.8107. However, if the fine may be paid in  
17 installments pursuant to section 909.3, the fine is  
18 not a delinquent amount unless the installment remains  
19 unpaid after two years from the date the installment  
20 was due.

21 Sec. \_\_\_\_ . NEW SECTION. 911A.1 JAIL, COURTHOUSE  
22 SECURITY, AND DETENTION FACILITY SURCHARGE  
23 ESTABLISHED.

24 A jail, courthouse security, and detention facility  
25 surcharge shall be levied against certain law  
26 violators as provided in section 911A.2. The  
27 surcharge shall be used as provided in section 911A.3.

28 Sec. \_\_\_\_ . NEW SECTION. 911A.2 SURCHARGE.

29 When a court imposes a fine or forfeiture for a  
30 violation of a state law, or of a city or county  
31 ordinance except an ordinance regulating the parking  
32 of motor vehicles, the court shall assess an  
33 additional penalty in the form of a surcharge equal to  
34 ten dollars. In the event of multiple offenses, the  
35 surcharge shall be based upon the total number of  
36 offenses. When a fine or forfeiture is suspended in  
37 whole or in part, the surcharge shall not be reduced.

38 The surcharge is subject to the provisions of  
39 chapter 909 governing the payment and collection of  
40 fines, as provided in section 909.8.

41 Sec. \_\_\_\_ . NEW SECTION. 911A.3 DISPOSITION OF  
42 SURCHARGE.

43 1. When a court assesses a surcharge under section  
44 911A.2, notwithstanding any other provision of the  
45 Code to the contrary, proceeds from the surcharge



46 shall be appropriated and transferred to the treasurer  
 47 of the county in which the citation was issued to be  
 48 deposited in the county general fund and used only for  
 49 courthouse security and the improvement, expansion,  
 50 operation, or construction of a jail or juvenile

Page 17

1 detention facility.

2 2. At any time and for the purposes specified in  
 3 subsection 1, a county may transfer proceeds received  
 4 and deposited pursuant to this section to a contiguous  
 5 county or a county that has a relationship with the  
 6 transferring county concerning the use of a jail or  
 7 juvenile detention facility in the recipient county."

8 51. Title page, line 2, by inserting after the  
 9 word "system," the following: "imposing civil  
 10 penalties and surcharges on criminal fines and  
 11 forfeitures,".

12 52. By renumbering, relettering, or redesignating  
 13 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS  
 LARRY MURPHY, Chairperson

S-5466

1 Amend the amendment, S-5151, to Senate File 2221 as  
 2 follows:

3 1. Page 1, line 13, by inserting after the word  
 4 "rate" the following: "per kilowatt hour".

5 2. Page 1, by striking lines 15 through 18 and  
 6 inserting the following: "equivalent to the utility's  
 7 total annual average cost per kilowatt hour of  
 8 electricity for the year prior to the year in which  
 9 the utility entered into the contract for purchase of  
 10 the alternate energy. A utility's total annual  
 11 average cost per kilowatt hour shall be calculated by  
 12 dividing annual operating expenses by the total annual  
 13 number of kilowatt hours sold. This difference shall  
 14 be used to determine the alternate energy purchase tax  
 15 credit for the remainder of the term of the contract.  
 16 The tax credit shall not be less than zero."

17 3. Page 1, by inserting after line 34 the  
 18 following:

19 "Sec. \_\_\_\_ . Section 476.6, Code 1995, is amended by  
 20 adding the following new subsection:

21 **NEW SUBSECTION. 22. ALTERNATE ENERGY PROMOTIONAL**  
 22 **RATES.** The board shall require that electric  
 23 utilities offer to their customers the opportunity to

24 pay, on a voluntary basis, an alternate energy  
25 promotional rate. This rate shall exceed the rate for  
26 electricity otherwise payable and shall be designed  
27 and encouraged by the electric utility to maximize  
28 voluntary financial support for alternate energy  
29 production. The alternate energy promotional rate  
30 shall be filed as a tariff with the board pursuant to  
31 section 476.4. Retaining only amounts approved by the  
32 board for its administrative and marketing costs, the  
33 electric utility shall remit that portion of the  
34 electric rate attributable to the alternate energy  
35 promotional rate to the state treasurer to be  
36 allocated to the general fund of the state to offset  
37 the cost of the alternate energy purchase tax credit  
38 under section 422.51."

39 4. Page 1, by inserting after line 42 the  
40 following:

41 "Sec. \_\_\_\_ . Section 476.42, subsection 4, paragraph  
42 a, Code 1995, is amended to read as follows:

43 a. A hydroelectric facility at a dam located  
44 within this state."

45 5. Page 2, line 25, by striking the word "may"  
46 and inserting the following: "shall".

47 6. Page 2, line 27, by inserting after the word  
48 "rate." the following: "An alternate energy contract  
49 shall require that the utility pay the competitive bid  
50 rate to the facility during the contract term."

## Page 2

1 7. Page 2, line 36, by inserting after the word  
2 "including" the following: ", but not limited to,".

3 8. Page 2, line 40, by inserting after the word  
4 and figure "subsection 1" the following: "or which  
5 obstructs the policy of this state as stated in  
6 section 476.41".

7 9. Page 2, line 42, by striking the word "amount"  
8 and inserting the following: "total project capital  
9 cost".

10 10. Page 3, line 18, by inserting before the word  
11 "rate" the following: "kilowatt hour".

12 11. Page 3, by striking lines 19 through 27 and  
13 inserting the following: "process and the rate that  
14 is equivalent to the utility's total annual average  
15 cost per kilowatt hour of electricity for the year  
16 prior to the year in which the utility entered into  
17 the contract for purchase of the alternate energy as  
18 determined under section 422.51, subsection 5."

19 12. Page 3, line 40, by inserting after the  
20 figure "476.43" the following: "and pursuant to

21 timelines established under paragraph "c". For  
22 purposes of this section, "megawatt" shall be  
23 determined in accordance with a utility's average  
24 capacity. "Average capacity" means a utility's total  
25 output over a year divided by the number of hours in  
26 the year."

27 13. Page 4, line 19, by inserting after the word  
28 "technologies," the following: "Of the eighty-five  
29 percent, thirty percent shall be purchased in  
30 accordance with the following:

31 (1) At least ten percent shall be from dedicated  
32 energy crops grown within the state, fifty percent of  
33 which shall be from projects of five hundred kilowatts  
34 or less.

35 (2) At least ten percent shall be from  
36 agricultural wastes produced from agricultural crops  
37 grown within the state, fifty percent of which shall  
38 be from projects of five hundred kilowatts or less.

39 (3) At least ten percent shall be from small scale  
40 wind generation projects located within the state of  
41 two hundred fifty kilowatts or less.

42 c. By December 31, 1997, the board shall require  
43 an electric utility to enter into contracts for the  
44 purchase of the utility's allotted share of eighty-  
45 nine megawatts of electricity generated from alternate  
46 energy production facilities, and by July 1, 1999, the  
47 board shall require the utility to enter into  
48 contracts for the purchase of the utility's allotted  
49 share of an additional one hundred five megawatts."

50 14. Page 4, by striking lines 23 through 37.

### Page 3

1 15. Page 4, line 45, by inserting after the word  
2 "Act." the following: "In addition, this Act shall  
3 not affect potential contracts between alternate  
4 energy production facilities and electric utilities if  
5 a petition relating to the potential contracts has  
6 been filed by January 1, 1996, and an action is  
7 currently pending before the Iowa utilities board.  
8 For purposes of the pending actions, the Iowa  
9 utilities board shall not take into account the  
10 changes contained in this Act."

11 16. Page 4, by inserting after line 45 the  
12 following:

13 "Sec. \_\_\_\_ . It is the intent of the general  
14 assembly that persons who have proceeded in good faith  
15 under the terms and conditions of sections 476.43 and  
16 476.44, prior to their amendment by this Act, not  
17 suffer economic loss as a result of this Act. These

18 persons shall be reimbursed by the utilities for their  
 19 reasonable good faith development costs as determined  
 20 by the Iowa utilities board."  
 21 17. By renumbering as necessary.

BILL FINK  
 MICHAEL E. GRONSTAL  
 MARY LUNDBY  
 MARY LOU FREEMAN  
 PATRICK J. DELUHERY

S-5467

- 1 Amend the amendment, S-5235, to Senate File 2424,
- 2 as follows:
- 3 1. Page 1, by striking lines 6 through 31.
- 4 2. Page 1, line 49, by inserting after the word
- 5 "property" the following: " , according to what the
- 6 court determines would be most consistent with the
- 7 trustor's original intent".
- 8 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5468

- 1 Amend Senate File 2355 as follows:
- 2 1. Page 2, by inserting after line 15 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 702.11, Code 1995, is amended
- 5 to read as follows:
- 6 702.11 FORCIBLE FELONY.
- 7 A "forcible felony" is any felonious child
- 8 endangerment, assault, murder, sexual abuse,
- 9 kidnapping, robbery, arson in the first degree, or
- 10 burglary in the first degree. However, sexual abuse
- 11 in the third degree committed between spouses, sexual
- 12 abuse in violation of section 709.4, subsection 2,
- 13 paragraph "c", subparagraph (4), or sexual
- 14 exploitation by a counselor or therapist in violation
- 15 of section 709.15, or sexual exploitation by a law
- 16 enforcement officer in violation of section 709.15A is
- 17 not a "forcible felony".
- 18 Sec. \_\_\_\_ . NEW SECTION. 709.15A SEXUAL
- 19 EXPLOITATION BY A LAW ENFORCEMENT OFFICER -- PENALTY.
- 20 1. As used in this section:
- 21 a. "Law enforcement officer" means a peace officer
- 22 employed by the state or a political subdivision of
- 23 the state.
- 24 b. "Sexual exploitation by a law enforcement

25 officer" occurs when a sex act, as defined in section  
26 702.17, occurs between a law enforcement officer and a  
27 victim at any time between the time the victim is  
28 responded to or the victim's case is opened and the  
29 time a conviction or plea of guilty is obtained or the  
30 case is closed.  
31 c. "Victim" means a person who is the subject of  
32 an act being investigated or responded to by a law  
33 enforcement officer as a crime.  
34 2. A law enforcement officer who commits sexual  
35 exploitation commits a class "D" felony."

JIM LIND  
ELAINE SZYMONIAK

S-5469

1 Amend the amendment, S-5427, to House File 2477, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, line 38, by striking the figures  
5 "1996-1997" and inserting the following: "1997-1998".  
6 2. Page 5, by inserting after line 17 the  
7 following:  
8 "\_\_\_ Page 19, by striking line 6 and inserting  
9 the following:  
10 "a. General university  
11 For salaries, support, maintenance, equipment,."  
12 3. By renumbering, relettering, and redesignating  
13 as necessary.

JOHN P. KIBBIE

S-5470

1 Amend the amendment, S-5464, to House File 2416, as  
2 passed by the House, as follows:  
3 1. Page 17, line 19, by striking the figure  
4 "1,610,502" and inserting the following: "1,760,502".

MARY LUNDBY  
MERLIN E. BARTZ

S-5471

1 Amend the amendment, S-5427, to House File 2477, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 33, by striking the figure "11"  
5 and inserting the following: "5".

- 6 2. Page 3, line 14, by striking the figure  
7 "126,371,270" and inserting the following:  
8 "126,506,270".
- 9 3. Page 3, line 26, by striking the figure  
10 "18,405,456" and inserting the following:  
11 "18,540,456".
- 12 4. Page 3, by inserting after line 31 the  
13 following:  
14 "Of the moneys allocated to merged area XI in  
15 paragraph "j", for the fiscal year beginning July 1,  
16 1996, and ending June 30, 1997, \$135,000 shall be  
17 expended on the career opportunity program to provide  
18 assistance to minority persons who major in fields or  
19 subject areas where minorities are currently  
20 underutilized pursuant to section 260C.29."
- 21 5. Page 6, by inserting after line 16 the  
22 following:  
23 "\_\_\_ . Page 29, by inserting after line 10 the  
24 following:  
25 "Sec. \_\_\_ . Section 260C.29, subsection 3, Code  
26 Supplement 1995, is amended by adding the following  
27 new paragraphs:  
28 NEW PARAGRAPH. f. Contract with other community  
29 colleges to expand the availability of program  
30 services and increase the number of students served by  
31 the program.  
32 NEW PARAGRAPH. g. Establish a separate account,  
33 which shall consist of all appropriations, grants,  
34 contributions, bequests, endowments, or other moneys  
35 or gifts received specifically for purposes of the  
36 program by the community college administering the  
37 program as provided in subsection 2. Not less than  
38 eighty percent of the funds received from state  
39 appropriations for purposes of the program shall be  
40 used for purposes of assistance to students as  
41 provided in subsection 5.""
- 42 6. By renumbering as necessary.

TOM VILSACK

S-5472

- 1 Amend House File 2472, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 27, by inserting before line 35 the  
4 following:  
5 "Sec. \_\_\_ . Section 232.22, subsection 6, Code  
6 Supplement 1995, is amended to read as follows:  
7 6. If the court has waived its jurisdiction over  
8 the child for the alleged commission of a forcible

9 felony offense pursuant to section 232.45 or 232.45A,  
 10 and there is a serious risk that the child may commit  
 11 an act which would inflict serious bodily harm on  
 12 another person, the child may be held in the county  
 13 jail; ~~notwithstanding section 356.3.~~ However,  
 14 wherever possible the child shall be held in sight and  
 15 sound separation from adult offenders. A child held  
 16 in the county jail under this subsection shall have  
 17 all the rights of adult postarrest or pretrial  
 18 detainees.

19 Sec. \_\_\_\_ . Section 356.3, Code 1995, is amended to  
 20 read as follows:

21 356.3 MINORS SEPARATELY CONFINED.

22 Any sheriff, city marshal, or chief of police,  
 23 having in the officer's care or custody any prisoner  
 24 person under the age of eighteen years who has not  
 25 been waived to criminal court for the alleged  
 26 commission of a forcible felony, shall keep such  
 27 prisoner separate and apart, and prevent communication  
 28 by such prisoner with prisoners above that age, while  
 29 such prisoners are not under the personal supervision  
 30 of such officer, if suitable buildings or jails are  
 31 provided for that purpose, unless such prisoner is  
 32 likely to or does exercise an immoral influence over  
 33 other minors with whom the prisoner may be imprisoned.

34 A person under the age of eighteen years prosecuted  
 35 under chapter 232 and not waived to criminal court  
 36 shall be confined confine the person in a jail only  
 37 under the conditions provided in chapter 232 section  
 38 232.22.

39 A person under the age of eighteen years who has  
 40 been waived to criminal court may be confined in a  
 41 jail in accordance with section 232.22, subsection 6.  
 42 Any officer having charge of prisoners who without  
 43 just cause or excuse neglects or refuses to perform  
 44 the duties imposed on the officer by this section may  
 45 be suspended or removed from office therefor."

46 2. By renumbering as necessary.

BRAD BANKS

S-5473

1 Amend Senate File 2210 as follows:

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

4 "The department shall not release criminal history  
 5 data regarding a person who has successfully completed  
 6 probation following a deferred judgment, except to an

7 individual requesting the individual's own criminal  
8 history data."

RANDAL J. GIANNETTO

S-5474

- 1 Amend the amendment, S-5427, to House File 2477, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 7, line 6, by inserting before the word
- 5 "Not" the following: "Annually, each accredited
- 6 higher education institution, as defined in section
- 7 261.92, shall report the freshman grades of the
- 8 graduates of a school district to the board of
- 9 directors of the school district."
- 10 2. Page 7, by striking lines 9 through 11 and
- 11 inserting the following: "survey of a representative
- 12 sampling of employers of the local business community.
- 13 The".
- 14 3. Page 7, line 13, by striking the words
- 15 "enrolled in".
- 16 4. Page 7, by striking line 14.

TOM VILSACK

S-5475

- 1 Amend the amendment, S-5427, to House File 2477, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 5, line 24, by striking the figure
- 5 "160,000" and inserting the following: "160,000".
- 6 2. Page 5, by striking lines 25 through 28.
- 7 3. By renumbering, relettering, and redesignating
- 8 as necessary.

MARY LOU FREEMAN  
WILMER RENSINK

S-5476

- 1 Amend the amendment, S-5427, to House File 2477, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 6, line 45, through page 7,
- 5 line 3.
- 6 2. Page 7, line 4, by striking the word "Sec."
- 7 and inserting the following: "'Sec."



8 3. By renumbering, relettering, and redesignating  
9 as necessary.

MARY KRAMER

S-5477

1 Amend House File 2472, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 28, line 20, by striking the words "nine  
4 million two hundred" and inserting the following:  
5 "twelve million four hundred fifty".

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE FILE 2035

S-5478

1 Amend Senate File 2035, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. NEW SECTION. 456A.37 EURASIAN WATER  
6 MILFOIL.  
7 1. DEFINITIONS. As used in this section:  
8 a. "Infestation of Eurasian water milfoil" means  
9 an infestation of Eurasian water milfoil that occupies  
10 more than twenty percent of the littoral area of a  
11 body of water.  
12 b. "Watercraft" means any vessel which through the  
13 buoyance of water floats upon the water and is capable  
14 of carrying one or more persons.  
15 2. EURASIAN WATER MILFOIL MANAGEMENT PLAN. Before  
16 January 1, 1998, the commission shall prepare a long-  
17 term statewide Eurasian water milfoil management plan.  
18 The plan shall address all of the following:  
19 a. The detection and prevention of accidental  
20 introductions into the state of Eurasian water  
21 milfoil.  
22 b. A public awareness campaign regarding Eurasian  
23 water milfoil.  
24 c. The control and eradication of Eurasian water  
25 milfoil in public waters.  
26 d. The development of a plan of containment  
27 strategies that at a minimum shall include all of the  
28 following:  
29 (1) The participation by lake associations, local  
30 citizens groups, and local units of government in the

31 development and implementation of lake management  
32 plans where Eurasian water milfoil exists.

33 (2) Notice to travelers of the penalties for  
34 violation of laws relating to Eurasian water milfoil.

35 3. GRANTS. The director of the department of  
36 natural resources shall accept gifts, donations, and  
37 grants to aid in accomplishing the control and  
38 eradication of Eurasian water milfoil.

39 4. RULEMAKING. The commission shall adopt rules  
40 pursuant to chapter 17A. The rules shall:

41 a. Restrict the introduction, propagation, use,  
42 possession, and spread of Eurasian water milfoil.

43 b. Identify bodies of water with infestation of  
44 Eurasian water milfoil. The department shall require  
45 that bodies of water be posted as infested. The  
46 department may prohibit boating, fishing, swimming,  
47 and trapping in infested bodies of water.

48 5. PROHIBITIONS.

49 a. A person shall not do any of the following:

50 (1) Transport Eurasian water milfoil on a public

Page 2

1 road.

2 (2) Place a trailer or launch a watercraft with  
3 Eurasian water milfoil attached in public waters.

4 (3) Operate a watercraft in a marked Eurasian  
5 water milfoil infestation area.

6 b. The penalty for violating this subsection is  
7 contained in section 805.8, subsection 5B.

8 Sec. 2. Section 805.8, Code Supplement 1995, is  
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 5B. EURASIAN WATER MILFOIL. For  
11 violations of section 456A.37, subsection 5, the  
12 scheduled fine is one hundred dollars."

13 2. Title page, by striking lines 1 and 2 and  
14 inserting the following: "An Act relating to the  
15 control and eradication of Eurasian water milfoil and  
16 establishing a".

HOUSE AMENDMENT TO  
SENATE FILE 2260

S-5479

1 Amend Senate File 2260, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 26, the  
4 following:

5 "Sec. \_\_\_\_ . Section 161A.73, subsection 1, Code

6 1995, is amended by adding the following new  
7 paragraph:  
8 NEW PARAGRAPH. e. The allocation of cost-share  
9 moneys as financial incentives for the same purposes  
10 that are supported from the soil and water enhancement  
11 account of the resources enhancement and protection  
12 fund as provided in section 455A.19, or by the water  
13 protection practices account of the water protection  
14 fund established pursuant to section 161C.4. The  
15 financial incentives shall not exceed fifty percent of  
16 the estimated cost of establishing the practices, or  
17 fifty percent of the actual cost, whichever is less.”  
18 2. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2287

S-5480

1 Amend Senate File 2287, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 2, line 35, through page 3,  
4 line 2, and inserting the following: “exterior  
5 strapping, coatings, closures, inks, or labels, tin-  
6 plated steel that meets the American society for  
7 testing and materials specification A-623, electro-  
8 galvanized coated steel, or hot-dipped-coated  
9 galvanized steel that meets the American society for  
10 testing and materials specifications A-525 or A-879.”

S-5481

1 Amend Senate File 2370 as follows:  
2 1. Page 5, by inserting after line 33 the  
3 following:  
4 “Notwithstanding the provisions of this section to  
5 the contrary, customers with contracts in effect as of  
6 July 1, 1996, may continue to abide by and extend or  
7 renew those contracts at existing or new locations.”

MICHAEL E. GRONSTAL

S-5482

1 Amend House File 2350 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 1 through 7.

- 4 2. Page 3, by striking lines 19 through 26.  
5 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
DON GETTINGS, Chairperson

S-5483

- 1 Amend the amendment, S-5427, to House File 2477, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 22, by striking the figure  
5 "2,914,455" and inserting the following: "2,877,455".  
6 2. Page 2, by striking lines 33 and 34 and  
7 inserting the following:  
8 " \_\_\_\_ . Page 10, line 14, by striking the figure  
9 "200,000" and inserting the following: "687,000".  
10 \_\_\_\_ . Page 10, by inserting after line 17 the  
11 following:"  
12 3. Page 4, line 28, by striking the figure  
13 "203,577,328" and inserting the following:  
14 "203,402,328".  
15 4. Page 4, line 50, by striking the figure  
16 "161,859,066" and inserting the following:  
17 "161,634,066".  
18 5. Page 5, line 20, by striking the figure  
19 "72,821,314" and inserting the following:  
20 "72,571,314".  
21 6. Page 7, by inserting after line 3 the  
22 following:  
23 "Sec. \_\_\_\_ . Section 279.51, subsection 1,  
24 unnumbered paragraph 1, Code Supplement 1995, is  
25 amended to read as follows:  
26 There is appropriated from the general fund of the  
27 state to the department of education for the fiscal  
28 year beginning July 1, 1990 1996, the sum of eight  
29 nine million seven nine hundred thirteen thousand  
30 dollars. For each fiscal year beginning on or after  
31 July 1, 1995 1997, there is appropriated the sum which  
32 was appropriated for the fiscal year commencing July  
33 1, 1994.  
34 Sec. \_\_\_\_ . Section 279.51, subsection 1, paragraph  
35 b, Code Supplement 1995, is amended to read as  
36 follows:  
37 b. For the fiscal year beginning July 1, 1990  
38 1996, four seven million six three hundred twenty-five  
39 thirty-eight thousand dollars, and for each fiscal  
40 year thereafter, six million one hundred twenty-five  
41 thousand dollars of the funds appropriated shall be  
42 allocated to the child development coordinating

43 council established in chapter 256A for the purposes  
44 set out in subsection 2 of this section and section  
45 256A.3.”  
46 7. By renumbering as necessary.

O. GENE MADDOX

S-5484

1 Amend House File 2472, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 26, line 34, through page 27,  
4 line 4, and inserting the following: “FACILITY.  
5 There is appropriated from the general fund of the  
6 state to the department of corrections for the fiscal  
7 year beginning July 1, 1996, and ending June 30, 1997,  
8 the following amount, or so much thereof as is  
9 necessary, to be used for the purpose designated:

10 For the construction of a 750-bed medium security  
11 correctional facility for men:  
12 ..... \$ 36,000,000

13 Notwithstanding section 8.33, moneys appropriated  
14 in this section which remain unexpended or unobligated  
15 at the close of the fiscal year shall not revert to  
16 the general fund of the state but shall remain  
17 available for expenditure for the designated purpose  
18 in the succeeding fiscal year.”

19 2. Page 27, line 12, by striking the word “The”.  
20 3. Page 27, by striking lines 13 through 18 and  
21 inserting the following:

22 “There is appropriated from the general fund of the  
23 state to the department of corrections for the fiscal  
24 year beginning July 1, 1996, and ending June 30, 1997,  
25 the following amount, or so much thereof as is  
26 necessary, to be used for the purpose designated:  
27 For the renovation of cellhouse 17 at the Fort  
28 Madison correctional facility:  
29 ..... \$ 6,500,000

30 Notwithstanding section 8.33, moneys appropriated  
31 in this section which remain unexpended or unobligated  
32 at the close of the fiscal year shall not revert to  
33 the general fund of the state but shall remain  
34 available for expenditure for the designated purpose  
35 in the succeeding fiscal year.”

STEWART IVERSON, Jr.

S-5485

1 Amend the amendment, S-5465, to House File 2472, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 37 through 44.  
 5 2. Page 2, by striking lines 33 through 39.  
 6 3. Page 2, line 42, by striking the figure  
 7 "1,149,089" and inserting the following: "649,089".  
 8 4. Page 2, by striking lines 46 and 47 and  
 9 inserting the following:

10 ""	\$ 20,055,506
11 .....	FTEs 374.75 <sup>m</sup>

12 5. By striking page 2, line 50, through page 3,  
 13 line 1, and inserting the following:

14 ""	\$ 16,460,631
15 .....	FTEs 323.30 <sup>m</sup>

16 6. Page 3, by striking lines 8 and 9 and  
 17 inserting the following:

18 ""	\$ 14,734,042
19 .....	FTEs 280.32 <sup>m</sup>

20 7. Page 3, by striking lines 12 and 13 and  
 21 inserting the following:

22 ""	\$ 5,756,219
23 .....	FTEs 113.00 <sup>m</sup>

24 8. Page 3, by striking lines 16 and 17 and  
 25 inserting the following:

26 ""	\$ 14,467,836
27 .....	FTEs 246.00 <sup>m</sup>

28 9. Page 3, by striking lines 20 and 21 and  
 29 inserting the following:

30 ""	\$ 6,577,098
31 .....	FTEs 134.00 <sup>m</sup>

32 10. Page 4, line 49, by striking the figure  
 33 "91,769,430" and inserting the following:  
 34 "90,713,430".  
 35 11. Page 5, by striking lines 2 through 12.  
 36 12. Page 6, line 1, by striking the figure  
 37 "14,420,000" and inserting the following:  
 38 "16,336,000".

STEWART IVERSON, Jr.

S-5486

1 Amend House File 2472, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 29, by inserting after line 27 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 910A.7A, Code 1995, is amended

- 6 to read as follows:  
7 910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.  
8 The department of justice shall notify a registered  
9 victim of ~~all dispositional orders of a case currently~~  
10 ~~on appeal the filing of an appeal, all dispositional~~  
11 orders in the appeal, and the outcome of the appeal of  
12 a case in which the victim was involved."  
13 2. By renumbering as necessary.

PATRICK J. DELUHERY  
MAGGIE TINSMAN  
JOHNIE HAMMOND  
RANDAL J. GIANNETTO  
ANDY MCKEAN

S-5487

- 1 Amend the amendment, S-5464, to House File 2416, as  
2 passed by the House, as follows:  
3 1. By striking page 17, line 46, through page 18,  
4 line 8, and inserting the following:  
5 "Sec. \_\_\_\_ . SURCHARGE FOR THE 1996-1997 FISCAL  
6 YEAR.  
7 1. For the fiscal year commencing July 1, 1996;  
8 the treasurer of state may assess a surcharge on  
9 workers' compensation weekly benefits paid in the  
10 state during the immediately preceding fiscal year.  
11 The surcharge is payable by all self-insured employers  
12 making weekly benefit payments and all insurers making  
13 weekly benefit payments on behalf of insured  
14 employers. The surcharge applies to all workers'  
15 compensation insurance policies and self-insurance  
16 coverages of employers approved for self-insurance by  
17 the commissioner of insurance pursuant to section 87.4  
18 or 87.11, and to the state of Iowa, its departments,  
19 divisions, agencies, commissions, and boards, or any  
20 political subdivision coverages whether insured or  
21 self-insured. The surcharge shall not apply to any  
22 reinsurance or retrocessional transaction under  
23 section 520.4 or 520.9. The treasurer of state shall  
24 base the surcharge for each payor upon the payor's pro  
25 rata share of weekly benefits paid in the state during  
26 the immediately preceding fiscal year. The treasurer  
27 may use reports of weekly benefits paid derived from  
28 the last completed policy or reporting year, or other  
29 consistent allocation methodology. The surcharge is  
30 collectable by an insurer or from its policyholders if  
31 the insured employer fails to pay the insurer. An  
32 insurance carrier, its agent, or a third-party  
33 administrator shall not be entitled to any portion of

34 the surcharge as a fee or commission for its  
35 collection. The surcharge is not subject to any  
36 taxes, licenses, or fees. The surcharge is not deemed  
37 to be an assessment or tax, but shall be deemed an  
38 additional benefit paid for injuries compensable under  
39 the second injury fund. However, the treasurer of  
40 state shall not collect over \$870,000 in assessing the  
41 surcharge.

42 2. The surcharges collected pursuant to this  
43 section shall be deposited in the second injury fund,  
44 and may be used for the payment of claims,  
45 settlements, expenses for claim adjustments, and  
46 administrative costs. The expenses incurred by the  
47 treasurer of state, the attorney general, the second  
48 injury fund, the task force, or the department of  
49 revenue and finance, in connection with the second  
50 injury fund, may be paid from the fund. However, the

**Page 2**

1 payment of administrative costs and expenses incurred  
2 by the treasurer of state, the attorney general, the  
3 second injury fund, the task force, and the department  
4 of revenue and finance, as authorized in this  
5 subsection, shall only be permitted for administrative  
6 costs and expenses incurred in the fiscal year  
7 commencing July 1, 1996, and shall not exceed  
8 \$170,000.

9 3. An insurer or self-insurer shall pay a  
10 surcharge imposed by this section no later than thirty  
11 days following the assessment.

12 4. a. If an insurer, policyholder, or self-  
13 insurer withdraws from doing business in this state  
14 before the surcharges authorized by this section  
15 become due, or fails or neglects to pay the surcharge  
16 imposed, the treasurer of state shall at once proceed  
17 to collect the surcharge, and may employ such legal  
18 process as may be necessary for that purpose, and when  
19 so collected shall deposit the surcharge into the  
20 second injury fund. The treasurer may bring the suit  
21 in any court of this state having jurisdiction, and  
22 reasonable attorney's fees may be taxed as costs in  
23 the suit.

24 b. If the surcharges imposed by this section are  
25 not paid or transferred when due, the insurer,  
26 policyholder, or self-insurer responsible for the  
27 failure shall be required to pay, as part of the  
28 surcharge, interest on the surcharge at the rate of  
29 one and one-half percent per month for each month or  
30 fraction of a month delinquent. If the treasurer of



31 state prevails in any dispute concerning the  
 32 assessment of a surcharge which has not been paid or  
 33 transferred, interest shall be paid upon the amount  
 34 found due to the state at the rate of one and one-half  
 35 percent per month for each month or fraction of a  
 36 month delinquent.

37 c. An insurer is not liable for a surcharge which  
 38 is not paid to the insurer by the policyholder or  
 39 employer provided the insurer has made good faith  
 40 efforts to collect the surcharge from the policyholder  
 41 or employer. An insurance carrier shall report to the  
 42 treasurer of state a policyholder or employer who  
 43 fails to pay a surcharge within thirty days of its due,  
 44 date.

45 d. In any action concerning the amount of a  
 46 surcharge imposed by this section, any other surcharge  
 47 shall continue to be made based upon the amount  
 48 assessed by the treasurer of state. In the event of  
 49 an overpayment, the excess amount paid may be credited  
 50 against future payments otherwise due.

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1 e. An employer who fails to pay the surcharges  
 2 imposed under this section shall not be allowed to  
 3 purchase workers' compensation insurance coverage or  
 4 to renew a self-insurance authorization unless and  
 5 until the surcharge has been paid.

6 5. For the purposes of this section, "insurer"  
 7 includes a self-insurance group approved by the  
 8 commissioner of insurance pursuant to section 87.4."

9 2. By renumbering as necessary.

DON GETTINGS  
 DICK L. DEARDEN  
 TOM VILSACK  
 PATTY JUDGE  
 LARRY MURPHY

S-5488

1 Amend the amendment, S-5464, to House File 2416, as  
 2 passed by the House, as follows:

3 1. Page 2, line 50, by striking the figure  
 4 "2,963,049" and inserting the following: "3,013,049".

5 2. Page 3, by striking lines 26 through 29.

TOM VILSACK

S-5489

- 1 Amend House File 2449, 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. Sections 2 through 8 of this Act are  
6 created as a new division of chapter 56.
- 7 Sec. 2. NEW SECTION. 56.31 DEFINITIONS.
- 8 As used in this division, unless the context  
9 requires otherwise:
- 10 1. "Advocacy information" is material published or  
11 broadcast which discusses public issues, candidates,  
12 or voting records from which a reasonable person could  
13 draw a fair inference that the material recommends the  
14 defeat or election of an identifiable candidate in a  
15 restricted campaign.
- 16 2. "Benefited candidate" means a candidate in a  
17 restricted campaign whose election is recommended or  
18 whose opponent's defeat is recommended by advocacy  
19 information or by the fair inferences drawn from the  
20 advocacy information by a reasonable person as  
21 determined by the board.
- 22 3. "Eligible office" means the offices of state  
23 representative, state senator, secretary of  
24 agriculture, secretary of state, treasurer of state,  
25 auditor of state, attorney general, and governor. The  
26 office of lieutenant governor shall not be considered  
27 a separate eligible office but shall be considered  
28 with the office of governor for purposes of this  
29 division.
- 30 4. "Political action committee" means any  
31 political committee except a county statutory  
32 political committee, a state statutory political  
33 committee, a national political party, or a nonparty  
34 political organization under chapter 44.
- 35 5. "Qualifying nomination" means a nomination by a  
36 political party as defined by section 43.2, or a  
37 nomination under chapter 44 or 45.
- 38 6. "Restricted campaign" means a campaign for an  
39 eligible office in which there are two or more  
40 candidates with qualifying nominations and all of  
41 those candidates have registered with the board and  
42 voluntarily agreed to limit campaign expenditures and  
43 contributions pursuant to section 56.33.
- 44 Sec. 3. NEW SECTION. 56.32 REGISTRATION FOR A  
45 RESTRICTED CAMPAIGN.
- 46 Each candidate for an eligible office shall  
47 register with the board and shall indicate whether the  
48 candidate voluntarily agrees to limit campaign

49 expenditures and contributions in a restricted  
50 campaign prior to or with the filing of nomination

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1 papers pursuant to chapter 43, 44, or 45.  
2 Notwithstanding section 43.20, the nomination  
3 petition of a candidate who does not agree to a  
4 restricted campaign must contain signatures of at  
5 least twenty percent of the total number of votes cast  
6 in the last general election for that office. A  
7 candidate nominated pursuant to section 43.66 who does  
8 not agree to a restricted campaign must file a  
9 nomination petition within fifteen days of nomination  
10 containing signatures of at least twenty percent of  
11 the total number of votes cast in the last general  
12 election for that office in order to be placed on the  
13 general election ballot. A candidate who agrees to a  
14 restricted campaign and whose opponent does not agree  
15 to a restricted campaign is not required to obtain  
16 signatures under this section, is not subject to the  
17 limitations on campaign expenditures or contributions  
18 imposed in this division, but shall be considered as a  
19 candidate who agreed to a restricted campaign for all  
20 other purposes of this following division.  
21 Notwithstanding the dates required for filing  
22 disclosure reports pursuant to section 56.6, a  
23 candidate who does not agree to a restricted campaign  
24 pursuant to this section shall file a disclosure  
25 report each month until June 30 of the year of the  
26 election. Beginning July 1 of the year of the  
27 election, the candidate shall file a disclosure report  
28 every fourteen days until the date of the general  
29 election. After the date of election, the candidate  
30 shall file a disclosure report each month until the  
31 candidate files nomination papers for the same or  
32 another public office, or closes the candidate's  
33 campaign account.  
34 The commissioner required to publish notice of the  
35 election and the ballot pursuant to section 49.53  
36 shall, simultaneously with such publication, publish  
37 the names of candidates who agree and do not agree to  
38 a restricted campaign using the following language  
39 where applicable: "These candidates refused to limit  
40 their campaign spending."; or "These candidates  
41 voluntarily agreed to limit their campaign spending."  
42 Sec. 4. NEW SECTION. 56.33 RESTRICTED CAMPAIGNS  
43 - LIMITS ON EXPENDITURES.  
44 If a restricted campaign exists, the candidate's  
45 committees of those candidates with qualifying

46 nominations to that eligible office are subject to the  
47 following limits on expenditures:  
48 1. Governor. Total expenditure limit, five  
49 hundred thousand dollars in a primary election if  
50 there is no primary opponent, one million dollars in a

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1 primary election if there is a primary opponent, and  
2 one million five hundred thousand dollars in a general  
3 election.

4 2. Attorney general, secretary of agriculture,  
5 secretary of state, treasurer of state, and auditor of  
6 state. Total expenditure limit, fifty thousand  
7 dollars in a primary election if there is no primary  
8 opponent, one hundred thousand dollars in a primary  
9 election if there is a primary opponent, and one  
10 hundred thousand dollars in a general election.

11 3. State senator. Total expenditure limit, ten  
12 thousand dollars in a primary election if there is no  
13 primary opponent, twenty-five thousand dollars in a  
14 primary election if there is a primary opponent, and  
15 twenty-five thousand dollars in a general election.

16 4. State representative. Total expenditure limit,  
17 five thousand dollars in a primary election if there  
18 is no primary opponent, fifteen thousand dollars in a  
19 primary election if there is a primary opponent, and  
20 fifteen thousand dollars in a general election.

21 For purposes of this division, an expenditure  
22 occurs at the time of performance and not at the time  
23 of payment.

24 Actions involving an expenditure taken on behalf of  
25 a candidate in a restricted campaign shall be  
26 accepted, reported, and credited against the limits of  
27 this section, or disavowed pursuant to section 56.13.

28 Actions taken by a county or state statutory political  
29 committee or a national political party which benefit  
30 the political party generally and which benefit more  
31 than one candidate shall not be considered as  
32 expenditures under this division.

33 The board shall, by July 1 in each odd-numbered  
34 year, adjust the limitations on expenditures to  
35 reflect any increase in the consumer price index as  
36 released by the federal government.

37 Sec. 5. NEW SECTION. 56.34 PERIODS THE  
38 EXPENDITURE LIMITS ARE IN EFFECT.

39 If a restricted campaign exists, the limitations of  
40 section 56.33 apply to expenses incurred during the  
41 following periods:

42 1. During an even-numbered year, from the date the

43 candidate or the candidate's treasurer files a  
44 statement of organization as required by section 56.5,  
45 or from the date the candidate or the candidate's  
46 designee files an affidavit of candidacy with the  
47 state commissioner of elections, whichever date is  
48 earlier, through the date of the general election for  
49 that office.

50 2. During a special election, from the date the

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1 candidate or the candidate's treasurer files a  
2 statement of organization as required by section 56.5,  
3 or from the date the candidate or the candidate's  
4 designee files an affidavit of candidacy with the  
5 state commissioner of elections, whichever date is  
6 earlier, through the date of the special election for  
7 that office.

8 Sec. 6. **NEW SECTION. 56.35 ADJUSTMENTS FOR**  
9 **BENEFITED CANDIDATES AND OPPONENTS.**

10 1. A person or political committee which causes  
11 the publication, mass mailing, or broadcast of  
12 advocacy information in a restricted campaign shall  
13 give notice to the board and to the benefited  
14 candidate. The notice shall be given by certified  
15 restricted mail within twenty-four hours after the  
16 publication, mailing, or broadcast of the advocacy  
17 information and be accompanied by the text of the  
18 advocacy information and the amount of the  
19 publication, mailing, or broadcasting expenditures.

20 2. The benefited candidate shall notify the board  
21 within seventy-two hours of receipt of notice given  
22 pursuant to subsection 1 whether the candidate accepts  
23 or disavows the expenditure. If the candidate accepts  
24 the expenditure, the anticipated expenditure shall be  
25 credited against the candidate's expenditure limit.  
26 If the candidate files a statement of disavowal, the  
27 board shall forward a copy of the statement to the  
28 candidate's opponent.

29 3. For the purposes of this section, the board  
30 shall disregard the first five hundred dollars of  
31 aggregate disavowed expenditures regarding a benefited  
32 candidate for the general assembly, the first one  
33 thousand dollars of aggregate disavowed expenditures  
34 regarding a benefited candidate for a statewide office  
35 other than governor, and the first five thousand  
36 dollars of aggregate disavowed expenditures regarding  
37 a benefited candidate for governor. If the aggregate  
38 disavowed expenditures regarding a benefited candidate  
39 exceed the amounts provided in this section, the board

40 shall determine if a reasonable person would or would  
 41 not draw a fair inference that the material assists  
 42 the election of the benefited candidate or the defeat  
 43 of an opposing candidate. If the board determines  
 44 that a candidate is benefited, the board shall  
 45 attribute the disavowed expenditure to the expenditure  
 46 limits of the benefited candidate and shall do one of  
 47 the following: increase the benefited candidate's  
 48 opponent's expenditure limits by the amount of the  
 49 disavowed expenditures attributed to the benefited  
 50 candidate or eliminate the expenditure limit of the

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1 benefited candidate's opponent for that election  
 2 period.  
 3 4. The board by rule may delegate decisions under  
 4 subsection 3 to a panel of three members of the board.  
 5 If delegated, the decisions of the panel constitute  
 6 final agency action for the purposes of chapter 17A.  
 7 Notwithstanding section 17A.19, a petition for  
 8 judicial review of a decision under this section shall  
 9 be filed only in Polk county district court, the court  
 10 shall not stay the increase or elimination of the  
 11 limits for the candidates opposing the benefited  
 12 candidate pending the outcome of the judicial review  
 13 proceeding, the petitioner has only two days after  
 14 filing to provide notice or copies to the other  
 15 parties, and the proceeding shall receive the highest  
 16 priority among the cases before the district court.  
 17 The decisions under subsection 3 shall be made  
 18 within two days of the board's receipt of the  
 19 benefited candidate's disavowal and the benefited  
 20 candidate and opponents shall be promptly notified.  
 21 Advocacy information caused by a county or state  
 22 statutory political committee or a national political  
 23 party which benefits the political party generally and  
 24 which benefit more than one candidate are not subject  
 25 to the requirements of this section.

26 Sec. 7. NEW SECTION. 56.36 RESTRICTED CAMPAIGNS  
 27 -- LIMITS ON ACCEPTANCE OF CONTRIBUTIONS.

28 If a restricted campaign exists, the acceptance of  
 29 contributions by candidates for the following offices  
 30 from political action committees and individuals is  
 31 subject to the following limitations:

32 1. Governor.

33 a. Total political action committee contributions,  
 34 fifty percent of the candidate's applicable  
 35 expenditure limit in a primary election, and fifty  
 36 percent of the candidate's expenditure limit in a

37 general election.  
38 b. Largest political action committee  
39 contribution, five thousand dollars.  
40 c. Largest individual contribution, excluding  
41 contributions made by a candidate to the candidate's  
42 own campaign, one thousand dollars.  
43 2. Attorney general, secretary of agriculture,  
44 secretary of state, treasurer of state, and auditor of  
45 state.  
46 a. Total political action committee contributions,  
47 fifty percent of the candidate's applicable  
48 expenditure limit in a primary election, and fifty  
49 percent of the candidate's expenditure limit in a  
50 general election.

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1 b. Largest political action committee  
2 contribution, five thousand dollars.  
3 c. Largest individual contribution, excluding  
4 contributions made by a candidate to the candidate's  
5 own campaign, one thousand dollars.  
6 3. State senator.  
7 a. Total political action committee contributions,  
8 fifty percent of the candidate's applicable  
9 expenditure limit in a primary election, and fifty  
10 percent of the candidate's expenditure limit in a  
11 general election.  
12 b. Largest political action committee  
13 contribution, one thousand dollars.  
14 c. Largest individual contribution, excluding  
15 contributions made by a candidate to the candidate's  
16 own campaign, five hundred dollars.  
17 4. State representative.  
18 a. Total political action committee contributions,  
19 fifty percent of the candidate's applicable  
20 expenditure limit in a primary election, and fifty  
21 percent of the candidate's expenditure limit in a  
22 general election.  
23 b. Largest political action committee  
24 contribution, one thousand dollars.  
25 c. Largest individual contribution, excluding  
26 contributions made by the candidate to the candidate's  
27 own campaign, five hundred dollars.  
28 5. Individual contributions to the candidate or  
29 candidate's committee made by one individual of a  
30 cumulative value of one hundred dollars or more shall  
31 be reported, including the name, address, occupation,  
32 and place of business of the contributor.  
33 Sec. 8. NEW SECTION. 56.37 PENALTIES.

34 1. A candidate who voluntarily agrees to a  
35 restricted campaign, and who exceeds the expenditure  
36 or contribution limitations in this division, shall be  
37 subject to a fine which is based on the percentage by  
38 which the candidate exceeds permitted expenditures or  
39 contributions, so that the candidate shall pay a  
40 percentage of the excess campaign expenditures or  
41 contributions as follows:  
42 a. Governor. Under two thousand dollars, one  
43 percent; two thousand to ten thousand dollars, ten  
44 percent; ten thousand one to twenty thousand dollars,  
45 twenty-five percent; over twenty thousand dollars,  
46 fifty percent.  
47 b. Attorney general, secretary of agriculture,  
48 secretary of state, treasurer of state, and auditor of  
49 state. Under one thousand dollars, one percent; one  
50 thousand to five thousand dollars, ten percent; five

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1 thousand one to ten thousand dollars, twenty-five  
2 percent; over ten thousand dollars, fifty percent.  
3 c. State senator. Under five hundred dollars, one  
4 percent; five hundred to one thousand dollars, ten  
5 percent; one thousand one to five thousand dollars,  
6 twenty-five percent; over five thousand dollars, fifty  
7 percent.  
8 d. State representative. Under two hundred fifty  
9 dollars, one percent; two hundred fifty to five  
10 hundred dollars, ten percent; five hundred one to two  
11 thousand five hundred dollars, twenty-five percent;  
12 over two thousand five hundred dollars, fifty percent.  
13 Fines collected pursuant to this section shall be  
14 paid to the state political party of the violating  
15 candidate's opponent.  
16 2. Mileage expenses of the candidate, at a rate  
17 determined pursuant to section 2.10, are not subject  
18 to the expenditure limits of section 56.33.  
19 3. The criminal penalty of section 56.16 applies  
20 to violations of this division.  
21 4. A candidate who knowingly and intentionally  
22 violates the expenditure or contribution limits of  
23 section 56.33 or section 56.36 is, upon conviction,  
24 guilty of a class "D" felony, but is only subject to a  
25 fine and is not subject to imprisonment,  
26 notwithstanding the provisions of section 902.9. A  
27 candidate shall not take the oath of office pending  
28 conviction or acquittal, following trial, on charges  
29 brought under this subsection, and a candidate is  
30 disqualified from holding office upon conviction



31 obtained pursuant to this subsection.

32 Sec. 9. Section 56.13, subsection 1, unnumbered  
33 paragraph 1, Code Supplement 1995, is amended to read  
34 as follows:

35 Action involving a contribution or expenditure  
36 which must be reported under this chapter and which is  
37 taken by any person, candidate's committee or  
38 political committee on behalf of a candidate, if known  
39 and approved by the candidate, shall be deemed action  
40 by the candidate and reported by the candidate's  
41 committee. If a restricted campaign exists, the  
42 action involving an expenditure or contribution which  
43 must be reported under this chapter which is taken by  
44 any person, candidate's committee, or political  
45 committee on behalf of a candidate, if known and  
46 approved by the candidate, shall be deemed action by  
47 the candidate, shall be reported by the candidate's  
48 committee, and shall be credited against the  
49 candidate's expenditure or contribution limits  
50 pursuant to section 56.33 or 56.36. It shall be

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1 presumed that a candidate approves the action if the  
2 candidate had knowledge of it and failed to file a  
3 statement of disavowal with the commissioner or board  
4 and take corrective action within seventy-two hours of  
5 the action. A person, candidate's committee or  
6 political committee taking such action independently  
7 of that candidate's committee shall notify that  
8 candidate's committee in writing within twenty-four  
9 hours of taking the action. The notification shall  
10 provide that candidate's committee with the cost of  
11 the promotion at fair market value. A copy of the  
12 notification shall be sent to the board. If a  
13 candidate files a statement of disavowal, the board  
14 shall forward a copy of the statement to the  
15 candidate's opponent.

16 Sec. 10. Section 56.14, Code Supplement 1995, is  
17 amended by adding the following new unnumbered  
18 paragraph:

19 NEW UNNUMBERED PARAGRAPH. In addition to the  
20 identification required in this section, a candidate's  
21 committee of a candidate who is not registered for a  
22 restricted campaign pursuant to section 56.32 shall  
23 include, on all printed material, a statement, equal  
24 in size to the identification information, that the  
25 candidate is not registered for a restricted campaign.  
26 A similar disclaimer shall also be included, vocally,  
27 in all radio and television commercials purchased on

28 behalf of the candidate. Candidates who have not  
 29 registered for a restricted campaign shall state the  
 30 following: "(name of candidate) refused to limit  
 31 campaign spending." The information required under  
 32 this paragraph may be included on materials and  
 33 commercials by a candidate who is registered for a  
 34 restricted campaign.

35 Sec. 11. ANTISEVERABILITY CLAUSE. Notwithstanding  
 36 section 4.12, if section 56.35, subsection 3 or 4, or  
 37 section 56.37, subsection 3, or the application  
 38 thereof is invalid, this Act as a whole shall be  
 39 invalid.

40 Sec. 12. EFFECTIVE DATE. This Act takes effect  
 41 January 1, 1997."

42 2. Title page, line 1, by inserting after the  
 43 word "contribution" the following: "and expenditure".

44 3. Title page, lines 1 through 3, by striking the  
 45 words "by persons and political committees, addressing  
 46 independent expenditures on behalf of candidates,  
 47 employee and member contributions,".

48 4. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT  
 MICHAEL E. GRONSTAL, Chairperson

S-5490

1 Amend House File 2407, as amended, passed, and  
 2 reprinted by the House, as follows:

- 3 1. Page 1, line 15, by striking the word
- 4 "producing" and inserting the following:
- 5 "reproducing".

COMMITTEE ON STATE GOVERNMENT  
 MICHAEL E. GRONSTAL, Chairperson

S-5491

1 Amend the amendment, S-5465, to House File 2472, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

- 4 1. Page 1, by striking lines 14 through 24.
- 5 2. Page 1, by striking lines 37 through 44.
- 6 3. By striking page 7, line 44, through page 17,
- 7 line 11.

BRAD BANKS

S-5492

- 1 Amend the amendment, S-5465, to House File 2472, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 5, line 49, through page 6,
- 5 line 1.
- 6 2. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5493

- 1 Amend the amendment, S-5465, to House File 2472, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 37 through 44.
- 5 2. Page 2, by striking lines 33 through 39.
- 6 3. Page 2, line 42, by striking the figure
- 7 "1,149,089" and inserting the following: "649,089".
- 8 4. Page 2, by striking lines 46 and 47 and
- 9 inserting the following:

10 "	.....	\$ 20,055,506
11 "	..... FTEs	374.75"

- 12 5. By striking page 2, line 50, through page 3,
- 13 line 1, and inserting the following:

14 "	.....	\$ 16,460,631
15 "	..... FTEs	323.30"

- 16 6. Page 3, by striking lines 8 and 9 and
- 17 inserting the following:

18 "	.....	\$ 14,734,042
19 "	..... FTEs	280.32"

- 20 7. Page 3, by striking lines 12 and 13 and
- 21 inserting the following:

22 "	.....	\$ 5,756,219
23 "	..... FTEs	113.00"

- 24 8. Page 3, by striking lines 16 and 17 and
- 25 inserting the following:

26 "	.....	\$ 14,467,836
27 "	..... FTEs	246.00"

- 28 9. Page 3, by striking lines 20 and 21 and
- 29 inserting the following:

30 "	.....	\$ 6,577,098
31 "	..... FTEs	134.00"

- 32 10. Page 4, line 49, by striking the figure
- 33 "91,769,430" and inserting the following:
- 34 "90,713,430".

- 35 11. Page 5, by striking lines 2 through 12.
- 36 12. Page 6, line 1, by striking the figure

37 "14,420,000" and inserting the following:

38 "17,475,074".

STEWART IVERSON, Jr.

S-5494

1 Amend House File 2433, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . Section 455D.11, subsection 1,  
6 paragraph f, Code 1995, is amended to read as follows:

7 f. (1) "Waste tire" means a tire that is no  
8 longer suitable for its originally intended purpose  
9 due to wear, damage, or defect.

10 (2) "Waste tire" does not include ~~a~~ any of the  
11 following:

12 (a) A nonpneumatic tire.

13 (b) A processed tire which is used in part or in  
14 whole for the construction of erosion control  
15 structures, French drains, leachate beds, septic  
16 system drain fields, road base, culverts, field  
17 crossings, or intakes, or uses relating to  
18 agriculture, including, but not limited to, the  
19 construction of tie downs, fences, or waterways, or  
20 other uses where the intended purpose is to produce a  
21 beneficial product.

22 (3) For the purposes of this section and sections  
23 455D.11A and 455D.11B, a nonpneumatic tire and a  
24 processed tire are not solid waste as defined in  
25 section 455B.301."

26 2. Page 3, line 31, by striking the word and  
27 figures "July 1, 2000" and inserting the following:  
28 "June 30, 2001".

29 3. Page 7, by inserting after line 9 the  
30 following:

31 "Sec. \_\_\_\_ . RULES. The department shall develop  
32 rules to allow beneficial uses of whole or processed  
33 waste tires. The department shall consult with a  
34 committee which includes the following: a member of  
35 ISOSWA, a major farm organization, the Iowa state  
36 association of counties, the consulting engineers  
37 council, and 2 persons actively engaged in tire  
38 processing. The committee shall review and consider  
39 available scientific engineering research on methods  
40 of beneficial reuse of whole or processed tires."

41 4. Title page, line 6, by inserting after the  
42 word "vehicles," the following: "excluding certain  
43 waste tires from disposal, collection, processing, and

- 44 transportation requirements.”  
45 5. By renumbering, relettering, or redesignating  
46 and correcting internal references as necessary.

COMMITTEE ON NATURAL RESOURCES,  
ENVIRONMENT, AND ENERGY  
BILL FINK, Chairperson

S-5495

- 1 Amend Senate amendment, S-5465, to House File 2472,  
2 as amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 17, line 1, by inserting after the word  
5 “facility.” the following: “However, proceeds from  
6 the surcharge imposed in a city which operates a jail  
7 shall be appropriated and transferred to the city  
8 general fund for use only for operation of the jail.”

ELAINE SZYMONIAK

S-5496

- 1 Amend House File 2369, 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. 514C.11 POSTDELIVERY  
6 BENEFITS AND CARE.  
7 1. Notwithstanding section 514C.6, a person who  
8 provides an individual or group policy of accident or  
9 health insurance or individual or group hospital or  
10 health care service contract issued pursuant to  
11 chapter 509, 514, or 514A or an individual or group  
12 health maintenance organization contract issued and  
13 regulated under chapter 514B, which is delivered,  
14 amended, or renewed on or after July 1, 1996, and  
15 which provides maternity benefits or newborn care  
16 benefits, shall not terminate inpatient benefits or  
17 require discharge of a mother or the newborn from a  
18 hospital following delivery earlier than determined to  
19 be medically appropriate by the attending physician  
20 after consultation with the mother and in accordance  
21 with the most recent guidelines for perinatal care  
22 established by the American academy of pediatrics and  
23 the American college of obstetricians and  
24 gynecologists.  
25 2. When performing utilization review of inpatient  
26 hospital services related to maternity and newborn  
27 care, including but not limited to length of

28 postdelivery stay, any person who provides an  
 29 individual or group policy of accident or health  
 30 insurance or individual or group hospital or health  
 31 care service contract issued pursuant to chapter 509,  
 32 514, or 514A, or an individual or group health  
 33 maintenance organization contract issued and regulated  
 34 under chapter 514B, shall use the most recent  
 35 guidelines for perinatal care established by the  
 36 American academy of pediatrics and the American  
 37 college of obstetricians and gynecologists."  
 38 2. Title page, by striking lines 2 and 3 and  
 39 inserting the following: "and newborns."

COMMITTEE ON COMMERCE  
 PATRICK J. DELUHERY

S-5497

1 Amend House File 2306, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 1 through 14 and  
 4 inserting the following:  
 5 "Section 1. MOTORBOATS OPERATING ON BIG CREEK LAKE  
 6 -- TEMPORARY.  
 7 1. Notwithstanding section 462A.31, subsection 1,  
 8 paragraph "b", a motorboat equipped with any power  
 9 unit mounted or carried aboard the vessel may be  
 10 operated at a no-wake speed on Big Creek lake.  
 11 However, the use of jet skis and the towing of  
 12 flotation recreational equipment are prohibited on Big  
 13 Creek lake.  
 14 2. This section applies to artificial lakes from  
 15 May 24, 1996, through September 2, 1996, both dates  
 16 inclusive.  
 17 3. This section is repealed effective September 3,  
 18 1996."  
 19 2. Title page, line 2, by inserting after the  
 20 word "date" the following: "and applicability dates".

COMMITTEE ON NATURAL RESOURCES,  
 ENVIRONMENT, AND ENERGY  
 BILL FINK, Chairperson

S-5498

1 Amend House File 2472, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 28, by inserting after line 12 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 602.8108, subsection 3, Code

6 1995, is amended by adding the following new  
 7 paragraph:  
 8 NEW PARAGRAPH. c. Notwithstanding provisions of  
 9 this subsection to the contrary, all moneys collected  
 10 from the drug abuse resistance education surcharge  
 11 provided in section 911.2 shall be remitted to the  
 12 treasurer of state for deposit in the general fund of  
 13 the state and the amount deposited is appropriated to  
 14 the Iowa law enforcement academy for use by the drug  
 15 abuse resistance education program."

16 2. Page 29, by inserting after line 27 the  
 17 following:

18 "Sec. \_\_\_\_ . Section 911.2, unnumbered paragraph 1,  
 19 Code 1995, is amended to read as follows:

20 When a court imposes a fine or forfeiture for a  
 21 violation of a state law, or of a city or county  
 22 ordinance except an ordinance regulating the parking  
 23 of motor vehicles, the court shall assess an  
 24 additional penalty in the form of a surcharge equal to  
 25 thirty percent of the fine or forfeiture imposed. An  
 26 additional drug abuse resistance education surcharge  
 27 of five dollars shall be assessed by the court if the  
 28 violation arose out of a violation of an offense  
 29 provided for in chapter 321J or chapter 124, division  
 30 IV. In the event of multiple offenses, the surcharge  
 31 shall be based upon the total amount of fines or  
 32 forfeitures imposed for all offenses. When a fine or  
 33 forfeiture is suspended in whole or in part, the  
 34 surcharge shall be reduced in proportion to the amount  
 35 suspended."

36 3. By renumbering as necessary.

EUGENE FRAISE  
 EMIL J. HUSAK  
 PATRICK J. DELUHERY  
 LARRY MURPHY  
 JOHN P. KIBBIE

S-5499

1 Amend the amendment, S-5465, to House File 2472, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 4, by striking lines 22 through 46.

5 2. By renumbering as necessary.

JOHNNIE HAMMOND

S-5500

- 1 Amend House File 2472, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 30, by inserting after line 35 the  
4 following:  
5 "Sec. \_\_\_\_ . MORATORIUM ON PRISON CONSTRUCTION. It  
6 is the intent of the general assembly that no  
7 additional prison construction not otherwise provided  
8 in this Act be authorized or planned until on or after  
9 January 1, 1998."  
10 2. By renumbering as necessary.

ANDY McKEAN  
JOHNIE HAMMOND  
MARY A. LUNDBY

S-5501

- 1 Amend the amendment, S-5464, to House File 2416, as  
2 passed by the House, as follows:  
3 1. Page 20, by inserting after line 18 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 99F.6, subsection 4, paragraph  
6 a, Code Supplement 1995, is amended to read as  
7 follows:  
8 a. Before a license is granted, the division of  
9 criminal investigation of the department of public  
10 safety shall conduct a thorough background  
11 investigation of the applicant for a license to  
12 operate a gambling game operation on an excursion  
13 gambling boat. The applicant shall provide  
14 information on a form as required by the division of  
15 criminal investigation. A qualified sponsoring  
16 organization licensed to operate gambling games under  
17 this chapter shall distribute the receipts of all  
18 gambling games, less reasonable expenses, charges,  
19 taxes, fees, and deductions allowed under this  
20 chapter; as winnings to players or participants or  
21 shall distribute the receipts for educational, civic,  
22 public, charitable, patriotic, or religious uses as  
23 defined in section 99B.7, subsection 3, paragraph "b".  
24 However, if a licensee who is also licensed to conduct  
25 pari-mutuel wagering at a horse racetrack has unpaid  
26 debt from the pari-mutuel racetrack operations, the  
27 first receipts of the gambling games operated within  
28 the racetrack enclosure less reasonable operating  
29 expenses, taxes, and fees allowed under this chapter  
30 shall be first used to pay the annual indebtedness.  
31 After any annual indebtedness liability is paid, the



32 commission shall require that at least twenty-five  
 33 percent of the remaining receipts from gambling games  
 34 at a horse racetrack enclosure shall be used to  
 35 supplement purses for horse races. The commission  
 36 shall also authorize, subject to the debt payments for  
 37 horse racetracks and the provisions of paragraph "b"  
 38 for dog racetracks, a licensee who is also licensed to  
 39 conduct pari-mutuel dog or horse racing to use  
 40 receipts from gambling games within the racetrack  
 41 enclosure to supplement purses for races particularly  
 42 for Iowa-bred horses pursuant to an agreement which  
 43 shall be negotiated between the licensee and  
 44 representatives of the dog or horse owners. A  
 45 qualified sponsoring organization shall not make a  
 46 contribution to a candidate, political committee,  
 47 candidate's committee, state statutory political  
 48 committee, county statutory political committee,  
 49 national political party, or fund-raising event as  
 50 these terms are defined in section 56.2. The

## Page 2

1 membership of the board of directors of a qualified  
 2 sponsoring organization shall represent a broad  
 3 interest of the communities."  
 4 2. By renumbering as necessary.

JACK RIFE

S-5502

1 Amend House File 2316, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by inserting after line 5 the  
 4 following:  
 5 "6. In addition to any other sentence imposed on a  
 6 person convicted of a sexually predatory offense  
 7 pursuant to subsection 1, 2, or 3, the person shall be  
 8 sentenced to an additional term of parole or work  
 9 release not to exceed two years. The board of parole  
 10 shall determine whether the person should be released  
 11 on parole or placed in a work release program. The  
 12 sentence of parole supervision shall commence  
 13 immediately upon the person's release by the board of  
 14 parole and shall be under the terms and conditions as  
 15 set out in chapter 906. Violations of parole or work  
 16 release shall be subject to the procedures set out in  
 17 chapter 905 or 908 or rules adopted under those  
 18 chapters. For purposes of disposition of a parole  
 19 violator upon revocation of parole or work release,

20 the sentence of an additional term of parole or work  
 21 release shall be considered part of the original term  
 22 of commitment to the department of corrections."

COMMITTEE ON JUDICIARY  
 RANDAL J. GIANNETTO, Chairperson

S-5503

- 1 Amend the amendment, S-5465, to House File 2472, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 33 through 39.
- 5 2. Page 2, line 42, by striking the figure
- 6 "1,149,089" and inserting the following: "649,089".
- 7 3. By renumbering as necessary.

MARY LUNDBY

S-5504

- 1 Amend Senate File 2450 as follows:
- 2 1. Page 1, line 25, by striking the words "shall
- 3 do all" and inserting the following: "may do any".
- 4 2. Page 1, by striking line 32 and inserting the
- 5 following: "of registration to defray a portion of
- 6 the costs of".
- 7 3. Page 1, line 34, by striking the word "not".
- 8 4. By striking page 1, line 35, through page 2,
- 9 line 2, and inserting the following: "state."

BRAD BANKS

S-5505

- 1 Amend House File 2472, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 17 the
- 4 following:
- 5 "Sec. \_\_\_\_ . DOMESTIC ABUSE. There is appropriated
- 6 from the general fund of the state to the department
- 7 of justice for the fiscal year beginning July 1, 1996,
- 8 and ending June 30, 1997, the following amount, or so
- 9 much thereof as is necessary, to be used for the
- 10 purpose designated:
- 11 For victims of domestic abuse to be used for
- 12 emergency shelter services as provided in section
- 13 236.15:

- 14 .....\$ 1,000,000"  
 15 2. By renumbering as necessary.

MAGGIE TINSMAN  
 STEWART IVERSON, Jr.

S-5506

- 1 Amend Senate File 2450 as follows:  
 2 1. Page 2, line 13, by inserting after the words  
 3 "this chapter." the following: "The certificate shall  
 4 grant the registrant the authority to sell commercial  
 5 title insurance."  
 6 2. Page 3, by inserting after line 18 the  
 7 following:  
 8 "Sec. \_\_\_\_ . NEW SECTION. 543E.3 CONFLICTS  
 9 RESOLVED.  
 10 In the event of a conflict with any other provision  
 11 of law, this chapter shall control."  
 12 3. By renumbering as necessary.

BRAD BANKS

S-5507

- 1 Amend Senate File 2450 as follows:  
 2 1. Page 2, line 13, by inserting after the words  
 3 "this chapter." the following: "The certificate shall  
 4 grant the registrant the authority to offer guaranties  
 5 of real property titles in this state."  
 6 2. Page 3, by inserting after line 18 the  
 7 following:  
 8 "Sec. \_\_\_\_ . NEW SECTION. 543E.3 CONFLICTS  
 9 RESOLVED.  
 10 In the event of a conflict with any other provision  
 11 of law, this chapter shall control."  
 12 3. By renumbering as necessary.

BRAD BANKS

S-5508

- 1 Amend Senate File 2450 as follows:  
 2 1. Page 3, by inserting after line 29 the  
 3 following:  
 4 "Sec. \_\_\_\_ . APPLICABILITY. Notwithstanding the  
 5 provisions of this Act, a person engaged in the  
 6 business of preparing abstracts of title to real  
 7 property, real property title searches, or other  
 8 similar activities related to real property titles in

9 this state without the benefit of an abstract title  
 10 plant as required may continue to engage in such  
 11 activities."  
 12 2. Page 3, line 33, by striking the figure "1998"  
 13 and inserting the following: "2001".  
 14 3. Page 3, line 35, by striking the figure "2000"  
 15 and inserting the following: "2006".

BRAD BANKS

S-5509

1 Amend the amendment, S-5464, to House File 2416, as  
 2 passed by the House, as follows:  
 3 1. Page 16, line 39, by striking the figure  
 4 "7,494,998" and inserting the following: "5,794,998".  
 5 2. Page 16, by inserting after line 40 the  
 6 following:  
 7 "It is the intent of the general assembly that of  
 8 the moneys budgeted for education, promotion, and  
 9 advertising for the state lottery pursuant to section  
 10 99E.10, \$1,700,000 shall be transferred to the  
 11 department of human services for state child care  
 12 assistance to be used as otherwise provided by the  
 13 general assembly for the fiscal year beginning July 1,  
 14 1996. The moneys transferred pursuant to this  
 15 paragraph are in addition to any other funds  
 16 appropriated for that purpose."

TONY BISIGNANO  
 TOM VILSACK  
 RANDAL J. GIANNETTO  
 LARRY MURPHY  
 BERL E. PRIEBE  
 MIKE CONNOLLY  
 EMIL J. HUSAK  
 MICHAEL E. GRONSTAL

S-5510

1 Amend the amendment, S-5464, to House File 2416 as  
 2 passed by the House as follows:  
 3 1. Page 21, by striking line 14 through page 22,  
 4 line 1.

PATTY JUDGE

S-5511

1 Amend House File 2462, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting after line 26 the  
4 following:  
5 "Notwithstanding other provisions of this section  
6 to the contrary, the department shall not release  
7 personal information to a person, other than to an  
8 officer or employee of a law enforcement agency, if  
9 the information is requested by the presentation of a  
10 registration plate number. However, a law enforcement  
11 agency may release the name, address, and telephone  
12 number of a motor vehicle registrant to a person  
13 requesting the information by the presentation of a  
14 registration plate number if the law enforcement  
15 agency believes that the information is necessary to  
16 prevent an unlawful act. A person seeking the  
17 information shall state in writing the nature of the  
18 unlawful act that the person is attempting to  
19 prevent."

MICHAEL E. GRONSTAL  
RICHARD F. DRAKE

S-5512

1 Amend the amendment, S-5465, to House File 2472, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 3, by striking lines 41 through 43.  
5 2. Page 5, by striking lines 9 through 11 and  
6 inserting the following: "election districts 1A, 2A,  
7 2B, 3B, 5C, and 7, notwithstanding the".

EUGENE FRAISE

S-5513

1 Amend House File 2464 as follows:  
2 1. Page 1, line 12, by inserting after the word  
3 "solicitation." the following: "This subsection does  
4 not apply to a prize, award, premium, or bonus which  
5 is offered or given by chance where a purchase or  
6 payment is not required to enter and win such prize,  
7 award, premium, or bonus, or to an offer where the  
8 receipt of the premium is conditioned upon the  
9 purchase of an item or service if such condition is  
10 disclosed and receipt of the prize does not involve an  
11 element of chance. For purposes of this subsection,

12 "chance" exists if a person is guaranteed to receive  
13 an item and, at the time of the offer, the specific  
14 item the person will receive is not identified."

MICHAEL E. GRONSTAL

S-5514

1 Amend House File 2234, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 7 through 31 and  
4 inserting the following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 15.331B EXEMPTION FROM  
6 LAND OWNERSHIP RESTRICTIONS FOR NONRESIDENT ALIENS.  
7 1. The eligible business, to the extent the  
8 eligible business is not actively engaged in farming  
9 within the economic development area, may acquire,  
10 own, and lease up to one thousand two hundred eighty  
11 acres of land in the economic development area,  
12 notwithstanding the provisions of sections 9H.4, 9H.5,  
13 and 567.3 if the eligible business has been designated  
14 an exempt business under subsection 3. The eligible  
15 business may receive one or more one-year extensions  
16 of the time limit for complying with the requirements  
17 of section 567.4. Each extension must be approved by  
18 the community prior to approval by the department.  
19 The eligible business shall comply with the remaining  
20 provisions of chapters 9H and 567 to the extent they  
21 do not conflict with this subsection.  
22 2. "Actively engaged in farming" means any of the  
23 following:  
24 a. Inspecting agricultural production activities  
25 within the economic development area periodically and  
26 furnishing at least half of the value of the tools and  
27 paying at least half the direct cost of production.  
28 b. Regularly and frequently making or taking an  
29 important part in making management decisions  
30 substantially contributing to or affecting the success  
31 of the farm operations within the economic development  
32 area.  
33 c. Performing physical work which significantly  
34 contributes to crop or livestock production.  
35 3. An eligible business shall not receive the  
36 exemption under this section unless it has applied to  
37 be designated an exempt business by July 1, 1997.  
38 4. The department of economic development shall  
39 monitor the activities of eligible businesses  
40 receiving the exemption under this section and report

41 to the general assembly by December 15 of each year.”  
 42 2. By renumbering as necessary.

COMMITTEE ON SMALL BUSINESS,  
 ECONOMIC DEVELOPMENT AND TOURISM  
 STEVEN D. HANSEN, Chairperson

S-5515

1 Amend the amendment S-5464, to House File 2416, as  
 2 passed by the House, as follows:

3 1. Page 20, by inserting after line 18 the  
 4 following:

5 “Sec. \_\_\_\_ . NEW SECTION. 99F.11A NET PROFIT TAX  
 6 ON EXCURSION GAMBLING BOAT.

7 1. A tax is imposed annually on each licensee  
 8 conducting gambling games on an excursion gambling  
 9 boat in this state in an amount computed at a rate of  
 10 twenty-five percent of the net profits derived from  
 11 the business of conducting the gambling games. The  
 12 director of revenue and finance shall administer and  
 13 enforce the tax imposed in this section, and all  
 14 applicable provisions of sections 422.24, 422.25,  
 15 422.26, 422.28, 422.29, and 422.30, and division VI of  
 16 chapter 422 apply to licensees conducting gambling  
 17 games on excursion gambling boats and to the net  
 18 profit tax imposed by this section. The tax imposed  
 19 under this section is in addition to the other taxes  
 20 and fees imposed on gambling games and the conduct of  
 21 gambling games under this chapter.

22 2. A state child care assistance account is  
 23 created in the general fund of the state. The  
 24 proceeds of the net profits tax shall be credited to a  
 25 state child care assistance account and used by the  
 26 department of human services for state child care  
 27 assistance pursuant to appropriation of the general  
 28 assembly.

29 3. In determining the net profits derived from the  
 30 business of conducting gambling games, taxes paid on  
 31 the adjusted gross receipts as provided in this  
 32 chapter shall be excluded.”

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

35 “ \_\_\_\_ . Title page, line 2, by inserting after the  
 36 word “entities,” the following: “imposing a tax.””

TONY BISIGNANO

S-5516

1. Amend House File 210, as passed, by the House, as follows:

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

"Section 1. Section 910.1, Code 1995, is amended by adding the following new subsection:  
**NEW SUBSECTION. 1A.** "Local anticrime organization" means an entity organized for the primary purpose of crime prevention which has been officially recognized by the chief of police of the city in which the organization is located or the sheriff of the county in which the organization is located."

2. By striking page 1, line 16, through page 2, line 24, and inserting the following:

"Sec. \_\_\_\_ . Section 910.2, Code Supplement 1995, is amended to read as follows:

**910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY SENTENCING COURT.**

In all criminal cases except simple misdemeanors under chapter 321, in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender when applicable, or contribution to a local anticrime organization. However, victims shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, ~~or~~ the expenses of a public defender, or contribution to a local anticrime organization are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, ~~and~~ court-appointed attorney's fees, or the expense of a public defender, and contribution to a local anticrime organization.

**PARAGRAPH DIVIDED.** When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, ~~or~~ the expense



49 of a public defender, or contribution to a local  
50 anticrime organization, the court may require the

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1 offender in lieu of that portion of the crime victim  
2 compensation program reimbursement, court costs,  
3 court-appointed attorney's fees, ~~or~~ expense of a  
4 public defender, or contribution to a local anticrime  
5 organization for which the offender is not reasonably  
6 able to pay, to perform a needed public service for a  
7 governmental agency or for a private nonprofit agency  
8 which provides a service to the youth, elderly, or  
9 poor of the community. When community service is  
10 ordered, the court shall set a specific number of  
11 hours of service to be performed by the offender. The  
12 judicial district department of correctional services  
13 shall provide for the assignment of the offender to a  
14 public agency or private nonprofit agency to perform  
15 the required service."  
16 3. By renumbering as necessary.

NANCY BOETTGER

S-5517

1 Amend the amendment, S-5464, to House File 2416, as  
2 passed by the House, as follows:  
3 1. Page 20, by inserting after line 18 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 99F.4, Code 1995, is amended by  
6 adding the following new subsection:  
7 **NEW SUBSECTION. 22.** To specify the style and size  
8 of public notices, not less than twelve inches by  
9 eighteen inches, which notify the patrons of the  
10 racetrack enclosures and the excursion gambling boats  
11 of the par sheet theoretical averages for payouts of  
12 slot machines operating in those gambling facilities.  
13 The public notices shall show the par sheet  
14 theoretical averages for slot machine payouts by  
15 denomination of coins or dollars and the overall  
16 theoretical average for each racetrack enclosure and  
17 excursion gambling boat. The commission shall provide  
18 that the public notices are posted in locations  
19 conspicuous to the patrons of the gambling facilities.  
20 Sec. \_\_\_\_ . Section 99F.7, subsection 16, Code  
21 Supplement 1995, is amended by striking the

22 subsection.”

23 2. By renumbering as required.

DENNIS H. BLACK

S-5518

1 Amend House File 2229, as passed by the House, as  
2 follows:

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

5 “Sec. \_\_\_\_ . Section 96.3, Code Supplement 1995, is  
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 10. VOLUNTARY INCOME TAX  
8 WITHHOLDING.

9 All payments of benefits made after December 31,  
10 1996, are subject to the following:

11 a. An individual filing a new application for  
12 benefits shall, at the time of filing the application,  
13 be advised of the following:

14 (1) Benefits paid under this chapter are subject  
15 to federal and state income tax.

16 (2) Legal requirements exist pertaining to  
17 estimated tax payments.

18 (3) The individual may elect to have federal  
19 income tax deducted and withheld from the individual's  
20 payment of benefits at the amount specified in the  
21 Internal Revenue Code as defined in section 422.3.

22 (4) The individual may elect to have Iowa state  
23 income tax deducted and withheld from the individual's  
24 payment of benefits at the rate of five percent.

25 (5) The individual shall be permitted to change  
26 the individual's previously elected withholding  
27 status.

28 b. Amounts deducted and withheld from benefits  
29 shall remain in the unemployment compensation fund  
30 until transferred to the appropriate taxing authority  
31 as a payment of income tax.

32 c. The commissioner shall follow all procedures  
33 specified by the United States department of labor,  
34 the federal internal revenue service, and the  
35 department of revenue and finance pertaining to the  
36 deducting and withholding of income tax.

37 d. Amounts shall be deducted and withheld under  
38 this subsection only after amounts are deducted and  
39 withheld for any overpayment of benefits, child  
40 support obligations, and any other amounts authorized  
41 to be deducted and withheld under federal or state  
42 law.

43 Sec. \_\_\_\_ . Section 96.5, subsection 1, paragraph i,

44 Code Supplement 1995, is amended to read as follows:

45 i. The individual is unemployed as a result of the  
46 individual's employer selling or otherwise  
47 transferring a clearly segregable and identifiable  
48 part of the employer's business or enterprise to  
49 another employer which does not make an offer of  
50 suitable work to the individual as provided under

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1 subsection 3; ~~however.~~ However, if the individual  
2 does accept, and works in and is paid wages for,  
3 suitable work with the acquiring employer, the  
4 ~~acquiring employer immediately becomes chargeable for~~  
5 ~~the benefits paid which are based on the wages paid by~~  
6 ~~the transferring employer shall be charged to the~~  
7 ~~unemployment compensation fund provided that the~~  
8 ~~acquiring employer has not received, or will not~~  
9 ~~receive, a partial transfer of experience under the~~  
10 ~~provisions of section 96.7, subsection 2, paragraph~~  
11 ~~"b". Relief of charges under this paragraph applies~~  
12 ~~to both contributory and reimbursable employers,~~  
13 ~~notwithstanding section 96.8, subsection 5."~~

14 2. Page 2, by inserting after line 32 the  
15 following:

16 "Sec. \_\_\_\_ . Section 96.11, subsection 5, Code 1995,  
17 is amended by striking the subsection.

18 Sec. \_\_\_\_ . Section 96.11, subsection 6, Code 1995,  
19 is amended to read as follows:

20 6. EMPLOYMENT STABILIZATION. The commissioner,  
21 with the advice and aid of ~~the advisory council, and~~  
22 ~~through~~ the appropriate bureaus of the division, shall  
23 take all appropriate steps to reduce and prevent  
24 unemployment; to encourage and assist in the adoption  
25 of practical methods of vocational training,  
26 retraining and vocational guidance; to investigate,  
27 recommend, advise, and assist in the establishment and  
28 operation, by municipalities, counties, school  
29 districts, and the state, of reserves for public works  
30 to be used in times of business depression and  
31 unemployment; to promote the ~~re-employment~~  
32 reemployment of unemployed workers throughout the  
33 state in every other way that may be feasible; and to  
34 these ends to carry on and publish the results of  
35 investigations and research studies.

36 Sec. \_\_\_\_ . Section 96.13, subsection 3, paragraph  
37 a, unnumbered paragraph 1, Code 1995, is amended to  
38 read as follows:

39 There is created in the state treasury a special  
40 fund to be known as the special employment security

41 contingency fund. All interest, fines, and penalties,  
42 regardless of when they become payable, collected from  
43 employers under section 96.14 and section 96.16,  
44 subsection 4, shall be paid into the fund. The moneys  
45 shall not be expended or available for expenditure in  
46 any manner which would permit their substitution for  
47 federal funds which would in the absence of the moneys  
48 be available to finance expenditures for the  
49 administration of the department. However, the moneys  
50 may be used as a revolving fund to cover expenditures

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1 for which federal funds have been duly requested but  
2 not yet received, subject to the charging of the  
3 expenditures against the funds when received. The  
4 moneys may be used for the payment of costs of  
5 administration which are found not to have been  
6 properly and validly chargeable against federal grants  
7 or other funds, received for the department. The  
8 moneys in the fund are specifically made available to  
9 replace, within a reasonable time, any moneys received  
10 by this state in the form of grants from the federal  
11 government for administrative expenses which because  
12 of any action or contingency have been expended for  
13 purposes other than, or in excess of, those necessary  
14 for the proper administration of the department. All  
15 moneys in the fund shall be deposited, administered,  
16 and disbursed in the same manner and under the same  
17 conditions and requirements as are provided by law for  
18 other special funds in the state treasury. Interest  
19 earned upon moneys in the fund shall be deposited in  
20 and credited to the fund."

21 3. Page 3, by inserting after line 33 the  
22 following:

23 "Sec. \_\_\_\_ . Section 96.19, subsection 18, paragraph  
24 a, Code Supplement 1995, is amended by adding the  
25 following new subparagraph:

26 NEW SUBPARAGRAPH. (9) A member of a limited  
27 liability company. For such a member, the term  
28 "employment" shall not include any portion of such  
29 service that is performed in lieu of making a  
30 contribution of cash or property to acquire a  
31 membership interest in the limited liability company.

32 Sec. \_\_\_\_ . Section 96.19, subsection 18, paragraph  
33 f, Code Supplement 1995, is amended to read as  
34 follows:

35 f. (1) Services performed by an individual for  
36 wages shall be deemed to be employment subject to this  
37 chapter unless and until it is shown to the

38 satisfaction of the division of job service that such  
39 individual has been and will continue to be free from  
40 control or direction over the performance of such  
41 services, both under the individual's contract of  
42 service and in fact.

43 (2) Services performed by an individual for two or  
44 more employing units shall be deemed to be employment  
45 to each employing unit for which the services are  
46 performed. However, an individual who concurrently  
47 performs services as a corporate officer for two or  
48 more related corporations and who is paid through a  
49 common paymaster that is one of the related  
50 corporations may, at the discretion of such related

Page 4

1 corporations, be considered to be in the employment of  
2 only the common paymaster.

3 Sec. \_\_\_\_ . Section 96.19, subsection 41, Code  
4 Supplement 1995, is amended by adding the following  
5 new paragraph:

6 NEW PARAGRAPH. e. Any portion of the remuneration  
7 to a member of a limited liability company based on a  
8 membership interest in the company provided that the  
9 remuneration is allocated among members, and among  
10 classes of members, in proportion to their respective  
11 investments in the company. If the amount of  
12 remuneration attributable to a membership interest  
13 cannot be determined, the entire amount of  
14 remuneration shall be deemed to be based on services  
15 performed.

16 Sec. \_\_\_\_ : EFFECTIVE AND APPLICABILITY DATE. The  
17 section of this Act which amends section 96.3 by  
18 enacting a new subsection 10, takes effect on January  
19 1, 1997, and is applicable to unemployment  
20 compensation benefits paid on or after that date."

21 4. Title page, by striking lines 1 through 3 and  
22 inserting the following: "An Act relating to the  
23 components of the unemployment insurance system  
24 concerning the job service advisory council, voluntary  
25 income tax withholding from unemployment benefits,  
26 relieving certain employers from certain unemployment  
27 insurance charges, employer contributions and  
28 liability for unemployment insurance benefits  
29 regarding successor employers, definitions of  
30 employment and wages for members of limited liability  
31 companies, and unemployment insurance tax liability  
32 for corporate officers, and providing an effective and

33 applicability date.”

34 5. By renumbering as necessary.

DON E. GETTINGS

S-5519

1 Amend Senate Resolution 107 as follows:

2 1. Page 2, by striking line 24 and inserting the

3 following: “of House File 2114; and

4 BE IT FURTHER RESOLVED, That House File 2137, in

5 the Senate Appropriations Committee and assigned to

6 the subcommittee of Chairperson Murphy, President of

7 the Senate Boswell, and ranking member Lind, is a

8 vehicle that can be used to propel justice back to the

9 federal retirees and that the Senate beseeches these

10 individuals who also control the fate of refunds

11 rightfully due the federal retirees to pass House File

12 2137 out of Committee before another retiree is

13 compelled to plead outside the capitol building with

14 IA 1040 in hand seeking what is justifiably due him or

15 her.”

JIM LIND

S-5520

1 Amend the amendment, S-5464, to House File 2416, as

2 passed by the House, as follows:

3 1. Page 12, line 15, by striking the figure

4 “47,500” and inserting the following: “100,000”.

SHELDON RITTMER

S-5521

1 Amend the amendment, S-5419, to House File 2458, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking lines 3 through 11 and

5 inserting the following:

6 “\_\_\_ . Page 2, by striking lines 11 through 35.”

7 2. By renumbering as necessary.

TOM VILSACK

S-5522

1 Amend Senate File 2104 as follows:

2 1. Page 2, by inserting after line 28 the

3 following:

- 4 "Sec. 4. EFFECTIVE DATE. This Act, being deemed  
5 of immediate importance, takes effect upon enactment."  
6 2. Title page, line 2, by inserting after the  
7 word "applicable" the following: "and providing an  
8 effective date".

ROD HALVORSON  
JIM LIND  
JOHNIE HAMMOND

S-5523

1 Amend House File 2324, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 28, by inserting after the word  
4 "executive" the following: "or legislative".

5 2. Page 2, by inserting after line 28 the  
6 following:

7 "Sec. \_\_\_\_ . Section 70A.28, subsection 7, Code  
8 1995, is amended to read as follows:

9 7. The director of the department of personnel or  
10 for employees of the general assembly or of the state  
11 board of regents, the legislative council or the state  
12 board of regents, respectively, shall provide

13 procedures for notifying new state employees of the  
14 provisions of this section and shall periodically  
15 conduct promotional campaigns to provide similar  
16 information to ~~all~~ state employees. The information  
17 shall include the toll-free telephone number of the  
18 citizens' aide.

19 Sec. \_\_\_\_ . Section 70A.28, Code 1995, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 8. For purposes of this section,  
22 "state employee" and "employee" includes, but is not  
23 limited to, persons employed by the general assembly  
24 and persons employed by the state board of regents."

25 3. By renumbering as necessary.

ROD HALVORSON  
JIM LIND  
JOHNIE HAMMOND

S-5524

1 Amend the amendment, S-5519, to Senate Resolution  
2 107 as follows:

3 1. Page 1, line 15, by inserting after the word

4 "her." the following: "However, before House File

5 2137 shall be considered by the Senate Appropriations

6 Committee, ranking member Lind and Senate minority  
7 leader Rife shall provide the senate with a written  
8 report from the task force appointed by Senator Rife  
9 to negotiate with the house of representatives in  
10 regard to the overriding of the governor's item veto  
11 of House File 2114, and the report be filed in the  
12 senate journal."

AL SORENSEN

S-5525

1 Amend the amendment, S-5464, to House File 2416, as  
2 passed by the House, as follows:  
3 1. Page 12, line 15, by striking the figure  
4 "47,500" and inserting the following: "72,500".

SHELDON RITTMER  
PATTY JUDGE

S-5526

1 Amend the amendment, S-5464, to House File 2416, as  
2 passed by the House, as follows:  
3 1. By striking page 17, line 46, through page 18,  
4 line 8, and inserting the following:  
5 "Sec. \_\_\_\_ . SURCHARGE FOR THE 1996-1997 FISCAL  
6 YEAR.  
7 1. For the fiscal year commencing July 1, 1996,  
8 the treasurer of state may assess a surcharge on  
9 workers' compensation weekly benefits paid in the  
10 state during the immediately preceding fiscal year.  
11 The surcharge is payable by all self-insured employers  
12 making weekly benefit payments and all insurers making  
13 weekly benefit payments on behalf of insured  
14 employers. The surcharge applies to all workers'  
15 compensation insurance policies and self-insurance  
16 coverages of employers approved for self-insurance by  
17 the commissioner of insurance pursuant to section 87.4  
18 or 87.11, and to the state of Iowa, its departments,  
19 divisions, agencies, commissions, and boards, or any  
20 political subdivision coverages whether insured or  
21 self-insured. The surcharge shall not apply to any  
22 reinsurance or retrocessional transaction under  
23 section 520.4 or 520.9. The treasurer of state shall  
24 base the surcharge for each payor upon the payor's pro  
25 rata share of weekly benefits paid in the state during  
26 the immediately preceding fiscal year. The treasurer  
27 may use reports of weekly benefits paid derived from  
28 the last completed policy or reporting year, or other



29 consistent allocation methodology. The surcharge is  
30 collectable by an insurer or from its policyholders if  
31 the insured employer fails to pay the insurer. An  
32 insurance carrier, its agent, or a third-party  
33 administrator shall not be entitled to any portion of  
34 the surcharge as a fee or commission for its  
35 collection. The surcharge is not subject to any  
36 taxes, licenses, or fees. The surcharge is not deemed  
37 to be an assessment or tax, but shall be deemed an  
38 additional benefit paid for injuries compensable under  
39 the second injury fund. However, the treasurer of  
40 state shall not collect over \$870,000 in assessing the  
41 surcharge.

42 2. An insurer or self-insurer shall pay a  
43 surcharge imposed by this section no later than thirty  
44 days following the assessment.

45 3. a. If an insurer, policyholder, or self-  
46 insurer withdraws from doing business in this state  
47 before the surcharges authorized by this section  
48 become due, or fails or neglects to pay the surcharge  
49 imposed, the treasurer of state shall at once proceed  
50 to collect the surcharge, and may employ such legal

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1 process as may be necessary for that purpose, and when  
2 so collected shall deposit the surcharge into the  
3 second injury fund. The treasurer may bring the suit  
4 in any court of this state having jurisdiction, and  
5 reasonable attorney's fees may be taxed as costs in  
6 the suit.

7 b. If the surcharges imposed by this section are  
8 not paid or transferred when due, the insurer,  
9 policyholder, or self-insurer responsible for the  
10 failure shall be required to pay, as part of the  
11 surcharge, interest on the surcharge at the rate of  
12 one and one-half percent per month for each month or  
13 fraction of a month delinquent. If the treasurer of  
14 state prevails in any dispute concerning the  
15 assessment of a surcharge which has not been paid or  
16 transferred, interest shall be paid upon the amount  
17 found due to the state at the rate of one and one-half  
18 percent per month for each month or fraction of a  
19 month delinquent.

20 c. An insurer is not liable for a surcharge which  
21 is not paid to the insurer by the policyholder or  
22 employer provided the insurer has made good faith  
23 efforts to collect the surcharge from the policyholder  
24 or employer. An insurance carrier shall report to the  
25 treasurer of state a policyholder or employer who

26 fails to pay a surcharge within thirty days of its due  
27 date.

28 d. In any action concerning the amount of a  
29 surcharge imposed by this section, any other surcharge  
30 shall continue to be made based upon the amount  
31 assessed by the treasurer of state. In the event of  
32 an overpayment, the excess amount paid may be credited  
33 against future payments otherwise due.

34 e. An employer who fails to pay the surcharges  
35 imposed under this section shall not be allowed to  
36 purchase workers' compensation insurance coverage or  
37 to renew a self-insurance authorization unless and  
38 until the surcharge has been paid.

39 4. For the purposes of this section, "insurer"  
40 includes a self-insurance group approved by the  
41 commissioner of insurance pursuant to section 87.4."

42 2. By renumbering as necessary.

JIM LIND  
MARY LOU FREEMAN

S-5527

1 Amend House File 2259, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 26 the  
4 following:

5 "Sec. \_\_\_\_ . Section 384.38, Code 1995, is amended  
6 by adding the following new subsection:

7 **NEW SUBSECTION.** 4. If a city annexation plan  
8 includes annexation of an area adjoining the city and  
9 a petition has not been presented as provided in  
10 section 384.41, the state mandate contained in section  
11 455B.172, subsections 3, 4, and 5, shall not apply  
12 until such time as the annexation takes place or until  
13 the annexation plan is abandoned."

MERLIN E. BARTZ

S-5528

1 Amend the amendment, S-5464, to House File 2416, as  
2 passed by the House, as follows:

3 1. Page 19, by inserting after line 18 the  
4 following:

5 "Sec. 101. DEFINITIONS. As used in sections 101  
6 through 105 of this Act, unless the context otherwise  
7 requires:

8 1. "Extension services" means the Iowa cooperative  
9 extension service in agriculture and home economics at

10 Iowa state university of science and technology.

11 2. "Director" means the study director appointed  
12 by the director of the extension service.

13 Sec. 102. EXTENSION SERVICE STUDY -- STUDY  
14 COMPLETION.

15 1. The extension service shall conduct a  
16 comprehensive legal and factual study of gambling in  
17 this state and existing policies and practices with  
18 respect to the legalization or prohibition of gambling  
19 activities and formulate and propose changes in those  
20 policies and practices as the extension service deems  
21 appropriate. The extension service may seek the  
22 cooperation of other states and tribal councils in  
23 obtaining information regarding gambling activities  
24 within those jurisdictions.

25 2. The study shall include, but is not limited to,  
26 the following matters:

27 a. The economic impact of gambling on the state of  
28 Iowa, political subdivisions of this state, and native  
29 American tribes conducting gambling activities in this  
30 state.

31 b. The economic impact of gambling on other  
32 businesses.

33 c. An assessment and review of the political  
34 contributions and influences of gambling businesses  
35 and promoters on the development of public policy  
36 regulating gambling.

37 d. An assessment of the relationship between  
38 gambling and crime.

39 e. An assessment of the impact of pathological or  
40 problem gambling on individuals, families, social  
41 institutions, criminal activity, and the economy.

42 f. A review of the demographics of gamblers.

43 g. A review of the effectiveness of existing  
44 practices in law enforcement, judicial administration,  
45 and corrections to combat and deter illegal gambling  
46 and illegal activities related to gambling.

47 h. A review of the costs and effectiveness of  
48 state and federal gambling regulatory policy.

49 i. Other relevant issues and topics as considered  
50 appropriate by the extension service.

Page 2

1 3. The extension service shall complete its study  
2 and submit its final report to the governor and the  
3 general assembly not later than January 31, 1998. The  
4 final report shall contain a detailed statement of the  
5 findings and conclusions of the extension service with  
6 its recommendations for legislation and administrative

7 actions as the extension service deems appropriate.

8 Sec. 103. POWERS OF THE DIRECTOR.

9 1. The director may hold hearings, administer  
10 oaths, take testimony, receive evidence, and require  
11 by subpoena the attendance and testimony of witnesses  
12 and the production of materials as the director  
13 considers advisable to carry out the purposes of  
14 sections 101 through 105 of this Act.

15 A subpoena of the extension service shall be served  
16 in the manner provided for a subpoena issued by a  
17 district court under the Iowa rules of civil  
18 procedure. A subpoena may be served anywhere in the  
19 judicial district in which the person required to be  
20 served resides or may be found. A subpoena shall  
21 state the time and place a person is required to  
22 appear, be signed by the director, and be attested to  
23 by the director of the extension service.

24 2. Upon request of the director, the head of any  
25 state agency shall furnish the director with the  
26 information considered necessary by the director to  
27 carry out the provisions of sections 101 through 105  
28 of this Act.

29 3. The director of the extension service shall  
30 appoint and terminate the employment of a director of  
31 the study and any additional personnel as may be  
32 necessary to carry out the study.

33 Sec. 104. STUDY FUNDING.

34 1. The Iowa cooperative extension service of Iowa  
35 state university shall be paid a sum not to exceed  
36 \$50,000 to conduct the comprehensive study of gambling  
37 in Iowa. The study costs shall be assessed to the  
38 state lottery and the persons licensed to conduct  
39 pari-mutuel racing and gambling games pursuant to  
40 chapter 99D and 99F. The lottery board and the state  
41 racing and gaming commission shall divide the study  
42 costs between the state lottery and the gambling  
43 licensees. The state lottery's share shall be paid  
44 from lottery funds used for marketing, educational,  
45 and informational purposes. The state racing and  
46 gaming commission shall apportion the racing and  
47 gaming share among the gambling licensees under  
48 chapters 99D and 99F. The study costs assessed to the  
49 gambling licensees are in addition to any taxes or  
50 fees otherwise imposed under chapters 99D and 99F.

**Page 3**

1 2. The lottery commission shall act as financial  
2 agent for the state lottery and the state racing and  
3 gaming commission for the purpose of paying the costs

4 of the comprehensive study. Assessments collected by  
5 the state racing and gaming commission pursuant to  
6 subsection 1 shall be transferred to the lottery  
7 commissioner. The lottery commissioner shall make  
8 periodic payments to the Iowa cooperative extension  
9 service pursuant to an agreement with the director of  
10 the extension services.

11 Sec. 105. EFFECTIVE DATE. This section and  
12 sections 101 through 104 of this Act, being deemed of  
13 immediate importance, takes effect upon enactment."

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

16 " \_\_\_\_ . Title page, line 3, by inserting after the  
17 word "authority" the following: ", providing an  
18 effective date,""

19 3. By renumbering sections as required.

ANDY MCKEAN  
ALBERT G. SORENSEN  
NANCY BOETTGER  
STEWART IVERSON, JR.  
DENNIS H. BLACK  
ROD HALVORSON  
MARY A. LUNDBY  
JOHNNIE HAMMOND  
RANDAL J. GIANNETTO  
MAGGIE TINSMAN

S-5529

1 Amend House File 2409, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 12, by inserting after line 21 the  
4 following:

5 "Sec. \_\_\_\_ . Section 524.1802, Code 1995, is amended  
6 by adding the following new subsection:

7 **NEW SUBSECTION. 3.** Notwithstanding subsections 1  
8 and 2, the superintendent, upon the petition of a bank  
9 holding company and after a public hearing, may  
10 approve an acquisition by such bank holding company  
11 which would otherwise be prohibited under subsection 1  
12 or 2. In determining whether to approve the proposed  
13 acquisition, the superintendent, in addition to other  
14 factors deemed appropriate by the superintendent,  
15 shall consider the impact of the acquisition upon the  
16 deposit holders of the financial institution to be  
17 acquired and the interests of the community in which

- 18 the financial institution is located.”  
 19 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5530

- 1 Amend the amendment, S-5117, to House File 111, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 5, and  
 5 inserting the following:  
 6 “\_\_\_ . Page 1, by striking line 11 and inserting  
 7 the following: “a facility operated by a homeowner’s  
 8 association representing twenty-five or fewer dwelling  
 9 units if the association’s bylaws include an exemption  
 10 from the requirements of this chapter. To avoid”.”

MARY NEUHAUSER

S-5531

- 1 Amend the amendment, S-5464, to House File 2416, as  
 2 passed by the House, as follows:  
 3 1. Page 20, by inserting after line 18 the  
 4 following:  
 5 “Sec. \_\_\_ . Section 68B.35, subsection 2, paragraph  
 6 e, Code 1995, is amended to read as follows:  
 7 e. Members of the banking board, the ethics and  
 8 campaign disclosure board, the credit union review  
 9 board, the economic development board, the employment  
 10 appeal board, the environmental protection commission,  
 11 ~~the health facilities council~~, the Iowa business  
 12 investment corporation board of directors, the Iowa  
 13 finance authority, the Iowa seed capital corporation,  
 14 the Iowa public employees’ retirement system  
 15 investment board, the lottery board, the natural  
 16 resource commission, the board of parole, the  
 17 petroleum underground storage tank fund board, the  
 18 public employment relations board, the state racing  
 19 and gaming commission, the state board of regents, the  
 20 tax review board, the transportation commission, the  
 21 office of consumer advocate, the utilities board, and  
 22 any full-time members of other boards and commissions  
 23 as defined under section 7E.4 who receive an annual  
 24 salary for their service on the board or commission.  
 25 Sec. \_\_\_ . Section 97B.41, subsection 8, paragraph  
 26 b, subparagraph (13), Code Supplement 1995, is amended  
 27 to read as follows:  
 28 (13) Members of the state transportation

29 commission; and the board of parole; and the state  
30 health facilities council unless a member elects by  
31 filing an application with the department to be  
32 covered under this chapter.

33 Sec. \_\_\_\_ . Section 135C.2, subsection 5, unnumbered  
34 paragraph 1, Code Supplement 1995, is amended to read  
35 as follows:

36 The department shall establish a special  
37 classification within the residential care facility  
38 category in order to foster the development of  
39 residential care facilities which serve persons with  
40 mental retardation, chronic mental illness, a  
41 developmental disability, or brain injury, as  
42 described under section 225C.26, and which contain  
43 five or fewer residents. ~~A facility within the~~  
44 ~~special classification established pursuant to this~~  
45 ~~subsection is exempt from the requirements of section~~  
46 ~~135.63.~~ The department shall adopt rules which are  
47 consistent with rules previously developed for the  
48 waiver demonstration project pursuant to 1986 Iowa  
49 Acts, chapter 1246, section 206, and which include all  
50 of the following provisions:

Page 2

1 Sec. \_\_\_\_ . Section 135H.6, subsection 4, Code 1995,  
2 is amended by striking the subsection.

3 Sec. \_\_\_\_ . Section 145.3, subsection 1, Code 1995,  
4 is amended to read as follows:

5 1. The health data commission shall enter into an  
6 agreement with the health policy corporation of Iowa  
7 or any other corporation, association, or entity it  
8 deems appropriate to provide staff for the commission,  
9 to provide staff for the compilation, correlation, and  
10 development of the data collected by the commission,  
11 to conduct or contract for studies on health-related  
12 questions which will further the purpose and intent  
13 expressed in section 145.1; ~~and to provide data to the~~  
14 ~~health facilities council as requested by the Iowa~~  
15 ~~department of public health.~~ The agreement may  
16 provide for the corporation, association, or entity to  
17 prepare and distribute or make available data to  
18 health care providers, health care subscribers, third-  
19 party payers, and the general public.

20 Sec. \_\_\_\_ . Section 231B.2, subsection 1, Code 1995,  
21 is amended to read as follows:

22 1. The department shall establish by rule in  
23 accordance with chapter 17A a special classification  
24 for elder group homes. ~~An elder group home~~  
25 ~~established pursuant to this subsection is exempt from~~

26 the requirements of section 135.63.  
 27 Sec. \_\_\_\_ . Sections 135.61, 135.62, and 135.64  
 28 through 135.83, Code 1995, are repealed.  
 29 Sec. \_\_\_\_ . Section 135.63, Code Supplement 1995, is  
 30 repealed.”

MARY LOU FREEMAN  
 WAYNE BENNETT  
 NANCY BOETTGER  
 SHELDON RITTMER

S-5532

1 Amend the amendment, S-5464, to House File 2416, as  
 2 passed by the House, as follows:  
 3 1. Page 17, by inserting after line 20 the  
 4 following:  
 5 “Sec. \_\_\_\_ . OFFICE OF SECRETARY OF STATE ELIMINATED  
 6 -- TRANSFER OF DUTIES. The office of secretary of  
 7 state is eliminated as of January 1, 1999. The  
 8 governor shall provide for the transfer of the powers  
 9 and duties of office of secretary of state to other  
 10 state offices and departments as of January 1, 1999.  
 11 The governor shall divide and transfer any remaining  
 12 funds appropriated to the office of secretary of state  
 13 to the state offices for the fiscal year beginning  
 14 July 1, 1998, and ending June 30, 1999, to the state  
 15 offices and departments to which the powers and duties  
 16 of the office of secretary of state are transferred.  
 17 The governor shall also provide for the transfer or  
 18 layoff of personnel employed in the office of  
 19 secretary of state immediately before January 1,  
 20 1999.”

MIKE CONNOLLY

S-5533

1 Amend Senate File 2377 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 “Section 1. Section 80D.7, Code 1995, is amended  
 5 to read as follows:  
 6 80D.7 CARRYING WEAPONS.  
 7 A member of a reserve force shall not carry a  
 8 weapon in the line of duty until the member has been  
 9 approved by the governing body and certified by the  
 10 Iowa law enforcement academy council to carry weapons.  
 11 After approval and certification, a reserve peace  
 12 officer may carry a weapon in the line of duty only



- 13 when authorized by the chief of police, sheriff, or  
14 commissioner of public safety or the commissioner's  
15 designee, as the case may be.  
16 Sec. \_\_\_\_ . NEW SECTION. 724.2A PEACE OFFICER  
17 DEFINED.  
18 As used in this chapter regarding the obtaining of  
19 a permit for, training for, and the carrying of  
20 weapons, "peace officer" includes a reserve peace  
21 officer as defined in section 80D.1A."  
22 2. Title page, by striking lines 1 and 2 and  
23 inserting the following: "An Act relating to peace  
24 officers and reserve peace officers, including the  
25 arresting authority of peace officers outside the  
26 officers' jurisdiction and reserve peace officers  
27 obtaining professional permits to carry weapons."  
28 3. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5534

- 1 Amend House File 2448, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting after line 31 the  
4 following:  
5 "(4) Upon receipt of official notification,  
6 criminal history data regarding a person who  
7 successfully completed probation following a deferred  
8 judgment shall only be disseminated by the department  
9 to a criminal or juvenile justice agency, to the  
10 person who is the subject of the criminal history data  
11 or the person's attorney, or to another person with a  
12 signed release from the person who is the subject of  
13 the criminal history data authorizing the requesting  
14 person access to the criminal history data."

RANDAL J. GIANNETTO

S-5535

- 1 Amend the amendment, S-5518, to House File 2229, as  
2 passed by the House, as follows:  
3 1. By striking page 2, line 36, through page 3,  
4 line 20.

DON E. GETTINGS

S-5536

- 1 Amend Senate File 2210 as follows:  
2 1. Page 1, by inserting after line 22 the  
3 following:  
4 "(3) Criminal history data that does not contain  
5 any disposition data after eighteen months from the  
6 date of arrest may only be disseminated by the  
7 department to criminal or juvenile justice agencies,  
8 to the person who is the subject of the criminal  
9 history data or the person's attorney, or to a person  
10 requesting the criminal history data with a signed  
11 release from the person who is the subject of the  
12 criminal history data authorizing the requesting  
13 person access to criminal history data."  
14 2. Page 2, line 29, by inserting after the figure  
15 "692.3." the following: "However, the fee for  
16 conducting a criminal history data check for a person  
17 seeking release of a certified copy of the person's  
18 own criminal history data to a potential employer, if  
19 that employer requests the release in writing, shall  
20 not be paid by the person but shall be paid by the  
21 employer."

ANDY McKEAN

S-5537

- 1 Amend the amendment, S-5242, to House File 334, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking line 36 and inserting the  
5 following: "~~call an election to~~ submit the question  
6 of".  
7 2. Page 1, by striking lines 39 through 41 and  
8 inserting the following: "school district at the next  
9 following regular school election in the base year or  
10 at a special election held not later than December 1  
11 of".  
12 3. Page 1, by striking line 44 and inserting the  
13 following: "~~participation, if~~ and a majority of those  
14 voting on the".

TOM FLYNN

S-5538

- 1 Amend House File 2397, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, lines 8 and 9, by striking the words

4 "crops or nontraditional crops in this state" and  
5 inserting the following: "crops, ~~or~~ nontraditional  
6 crops, or nontraditional livestock in this state,  
7 including but not limited to the breeding or training  
8 of horses and dogs which are involved in racing at a  
9 facility licensed pursuant to chapter 99D."

10 2. Page 1, by inserting after line 24 the  
11 following:

12 "Sec. \_\_\_\_ . Section 12.33, subsection 1, Code 1995,  
13 is amended by adding the following new paragraph:  
14 NEW PARAGRAPH. c. That there is an increasing  
15 expansion of nontraditional livestock production which  
16 promises new opportunities for agricultural animal  
17 producers, creates new value-added products, and  
18 ensures greater diversity in agricultural production.

19 Sec. \_\_\_\_ . Section 12.33, subsections 2 and 3, Code  
20 1995, are amended to read as follows:

21 2. The linked investments for tomorrow program  
22 provided for in this division is intended to provide  
23 statewide availability of lower cost funds for lending  
24 purposes that will stimulate existing or encourage new  
25 businesses in the area of producing, processing, or  
26 marketing horticultural ~~or~~ crops, nontraditional  
27 crops, or nontraditional livestock, including but not  
28 limited to the breeding or training of horses and dogs  
29 which are involved in racing at a facility licensed  
30 pursuant to chapter 99D.

31 3. It is the public policy of the state through  
32 the linked investments for tomorrow program to create  
33 an availability of lower cost funds to inject needed  
34 capital into the business of producing, processing, or  
35 marketing horticultural crops, ~~or~~ nontraditional  
36 crops, or nontraditional livestock, including but not  
37 limited to the breeding or training of horses and dogs  
38 which are involved in racing at a facility licensed  
39 pursuant to chapter 99D."

40 3. Page 1, by striking lines 27 through 31 and  
41 inserting the following:

42 "2. The treasurer shall adopt rules pursuant to  
43 chapter 17A to implement this division including, but  
44 not limited to, rules identifying horticultural crops,  
45 and nontraditional crops, and nontraditional  
46 livestock, including but not limited to the breeding  
47 or training of horses and dogs which are involved in  
48 racing at a facility licensed pursuant to chapter 99D,  
49 for which the linked investments may be loaned."

50 4. Page 2, by striking lines 13 through 24 and

## Page 2

- 1 inserting the following:
- 2 ~~1.~~ 2. An eligible lending institution that
- 3 desires to receive a linked investment shall accept
- 4 and review applications for loans from eligible
- 5 borrowers. The lending institution shall apply all
- 6 usual lending standards to determine the credit
- 7 worthiness of each eligible borrower. Loan
- 8 applications shall be for the purchase or lease of
- 9 land, machinery, equipment, seed, fertilizer, direct
- 10 marketing facilities, or new or expanding production,
- 11 processing, or marketing facilities for horticultural
- 12 crops, ~~or~~ nontraditional crops, or nontraditional
- 13 livestock, including but not limited to the breeding
- 14 or training of horses and dogs which are involved in
- 15 racing at a facility licensed pursuant to chapter 99D.
- 16 The maximum size of a loan is two hundred thousand
- 17 dollars per borrower for a production loan and five
- 18 hundred thousand dollars for processing or marketing
- 19 facilities.”
- 20 5. By renumbering as necessary.

LARRY MURPHY

## S-5539

- 1 Amend the amendment, S-5117, to House File 111, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 5, and
- 5 inserting the following:
- 6 “   . Page 1, by striking line 11 and inserting
- 7 the following: “a facility operated by a homeowner’s
- 8 association representing forty-eight or fewer dwelling
- 9 units if the association’s bylaws include an exemption
- 10 from the requirements of this chapter. To avoid.””

EMIL J. HUSAK

## S-5540

- 1 Amend the amendment, S-5489, to House File 2449, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 5, line 34, by striking the word “fifty”
- 5 and inserting the following: “twenty-five”.
- 6 2. Page 5, line 35, by striking the word “fifty”
- 7 and inserting the following: “twenty-five”.
- 8 3. Page 5, line 47, by striking the word “fifty”

- 9 and inserting the following: "twenty-five".  
10 4. Page 5, line 48, by striking the word "fifty"  
11 and inserting the following: "twenty-five".  
12 5. Page 6, line 8, by striking the word "fifty"  
13 and inserting the following: "twenty-five".  
14 6. Page 6, line 9, by striking the word "fifty"  
15 and inserting the following: "twenty-five".  
16 7. Page 6, line 19, by striking the word "fifty"  
17 and inserting the following: "twenty-five".  
18 8. Page 6, line 20, by striking the word "fifty"  
19 and inserting the following: "twenty-five".

ANDY McKEAN

S-5541

1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 7, by inserting after line 31 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 56.38 EXCLUDED  
7 ACTIVITIES.

8 The contribution and expenditure limits in this  
9 division shall not apply to the cost of any reception  
10 given for a member of the Iowa general assembly."

11 2. By renumbering as necessary.

TONY BISIGNANO

S-5542

1 Amend House File 2456, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 8 the  
4 following:

5 "Sec. \_\_\_\_ . Section 904.108, subsection 6, Code  
6 1995, is amended to read as follows:

7 6. The director or the director's designee, having  
8 probable cause to believe that a person has escaped  
9 from a state correctional institution or a person  
10 released on work release has absconded from a work  
11 release facility, may make shall:

12 a. Make a complaint before a judge or magistrate.  
13 If it is determined from the complaint or accompanying  
14 affidavits that there is probable cause to believe  
15 that the person has escaped from a state correctional  
16 institution or absconded from a work release facility,  
17 the judge or magistrate shall issue a warrant for the  
18 arrest of the person.

- 19 b. Issue an announcement regarding the fact of the  
20 escape or abscondence to the law enforcement  
21 authorities in, and to the news media covering,  
22 communities in a twenty-five mile radius of the point  
23 of escape or abscondence.”  
24 2. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5543

- 1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 7, by inserting after line 31 the  
5 following:  
6 “Sec. 100. Sections 200 through 600 of this Act  
7 are created as a new division of chapter 56:  
8 Sec. 200. NEW SECTION. 56.50 DEFINITIONS.  
9 For purposes of applying provisions in this  
10 division, unless the context otherwise requires:  
11 1. “Board” means the truth in campaign practices  
12 board.  
13 2. “Candidate” means a person who has taken  
14 affirmative action to seek nomination or election to a  
15 state legislative office or to the office of governor,  
16 lieutenant governor, secretary of state, auditor of  
17 state, treasurer of state, attorney general, or  
18 secretary of agriculture.  
19 3. “Candidate’s committee” means a candidate’s  
20 committee as defined in section 56.2.  
21 4. “Negative statement” means a statement which  
22 attacks the record, reputation, or integrity of a  
23 candidate or which attacks the reputation or integrity  
24 of a member of a candidate’s immediate family. For  
25 purposes of this chapter, a candidate’s spouse,  
26 children, parents, and siblings are members of a  
27 candidate’s immediate family.  
28 5. “Political organization” means an organization  
29 which is not a political party but which meets the  
30 criteria established under section 44.1 for nomination  
31 of candidates.  
32 6. “Political party” means a political party under  
33 section 43.2.  
34 7. “Statement” means a public written, electronic,  
35 or oral communication which is made or transmitted by  
36 any means. For purposes of this section, a  
37 communication is public if it is made or transmitted  
38 in a manner that can be reasonably expected to result  
39 in the statement being heard, read, or viewed by

40 members of the general public.

41 Sec. 300. NEW SECTION. 56.51 STATEMENTS BY OR  
42 ABOUT CANDIDATES.

43 1. A candidate shall not make or cause to be made  
44 untruthful or deliberately misleading statements  
45 regarding a candidate. For purposes of this section,  
46 a statement shall be deemed to have been caused by a  
47 candidate if it is made by a candidate's designated  
48 spokesperson, if it is contained in materials produced  
49 or paid for by the candidate's committee, or if it is  
50 contained in materials imputed to a candidate under

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1 section 56.13.

2 2. A person who is not a candidate shall not  
3 knowingly make untruthful or deliberately misleading  
4 statements about a candidate.

5 3. If a candidate or candidate's committee pays  
6 for or sponsors an oral negative statement about a  
7 candidate, the statement shall be stated by the  
8 candidate. For purposes of this section, a statement  
9 which is imputed to a candidate under section 56.13 is  
10 not sponsored by a candidate or candidate's committee.

11 Sec. 400. NEW SECTION. 56.52 TRUTH IN CAMPAIGN  
12 PRACTICES BOARD.

13 1. A three-member truth in campaign practices  
14 board is established as an independent agency to  
15 investigate, review, and determine the truthfulness or  
16 deliberately misleading nature of statements made by  
17 candidates, and other persons in support or opposition  
18 of a candidate as well as to investigate negative  
19 statements made about candidates. Members of the  
20 board shall be appointed by the chief justice of the  
21 supreme court. Two members of the board shall be  
22 affiliated with one of the two political parties whose  
23 candidates for president of the United States or for  
24 governor, as the case may be, received the largest and  
25 next largest number of votes at the last general  
26 election but neither shall be affiliated with the same  
27 political party. The other member shall not be  
28 affiliated with a political party, but may be  
29 affiliated with a political organization.

30 2. Members shall serve staggered four-year terms,  
31 which shall begin at 12:01 a.m. on May 1 in the year  
32 of appointment and end at 12:00 midnight on April 30  
33 in the year of expiration. Any vacancy on the board  
34 shall be filled by appointment for the unexpired  
35 portion of the term, within ninety days of the vacancy  
36 and in accordance with the procedures for regular

37 appointments. A member of the board may be  
38 reappointed to serve additional terms on the board.  
39 Members may be removed in the same manner as provided  
40 in section 69.15 except that once a vacancy or  
41 resignation occurs, the governor shall notify the  
42 chief justice of the supreme court, who shall make  
43 another appointment.

44 3. The board shall annually elect one member to  
45 serve as the chairperson of the board and one member  
46 to serve as vice chairperson. The vice chairperson  
47 shall act as the chairperson in the absence or  
48 disability of the chairperson, or in the event of a  
49 vacancy in that office.

50 4. Members of the board shall receive a per diem

### Page 3

1 as specified in section 7E.6 while conducting business  
2 of the board, and payment of actual and necessary  
3 expenses incurred in the performance of their duties.  
4 Members of the board shall file statements of  
5 financial interest under section 68B.35.

6 5. The board shall employ a full-time executive  
7 director who shall be the board's chief administrative  
8 officer. The board shall employ or contract for the  
9 employment of legal counsel notwithstanding section  
10 13.7, and may employ any other personnel as may be  
11 necessary to carry out the duties of the board. The  
12 board's legal counsel shall be the chief legal officer  
13 of the board, and shall advise the board on all legal  
14 matters relating to the administration of this  
15 chapter. The state may be represented by the board's  
16 legal counsel in any civil action regarding the  
17 enforcement of this chapter or, at the board's  
18 request, the state may be represented by the office of  
19 the attorney general. Notwithstanding section 19A.3,  
20 all of the board's employees, except for the executive  
21 director and legal counsel, shall be employed subject  
22 to the merit system provisions of chapter 19A.

23 Sec. 500. NEW SECTION. 56.53 DUTIES OF THE  
24 BOARD.

25 The duties of the board shall include, but are not  
26 limited to, all of the following:

27 1. Adopt rules pursuant to chapter 17A and conduct  
28 investigations and hearings pursuant to section 56.54  
29 and chapter 17A, as necessary to carry out the  
30 purposes of this chapter.

31 2. Adopt rules pursuant to chapter 17A  
32 establishing standards for truthfulness and avoidance  
33 of making deliberately misleading statements in



34 campaign advertising by candidates under this chapter  
35 and requiring candidates to personally utter negative  
36 statements about candidates if the statement is paid  
37 for by the candidate or candidate's committee.  
38 3. Develop, prescribe, and furnish any forms  
39 necessary for the implementation of the procedures  
40 contained in this chapter for the filing and hearing  
41 of complaints or the issuance of advisory opinions.  
42 4. Establish and impose penalties and any other  
43 recommendations for punishment of persons who are  
44 subject to penalties of or punishment by the board for  
45 failure to comply with the requirements of this  
46 chapter.  
47 5. Determine, in case of dispute, at what time a  
48 person has become a candidate.  
49 6. Preserve copies of complaints, requests, and  
50 other information filed with the board for a period of

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1 at least five years from the date of receipt.  
2 7. Establish a procedure for requesting and  
3 issuing formal and informal board opinions to  
4 candidates and representatives of political parties  
5 and political organizations. Following advice  
6 contained in a formal board opinion shall constitute a  
7 defense to a complaint based upon the same facts and  
8 circumstances which is filed with the board and which  
9 alleges a violation of this chapter or rules of the  
10 board.  
11 8. Establish a procedure for informing candidates  
12 and other persons of the requirements of this chapter  
13 and rules adopted by the board.  
14 9. Establish fees, where necessary, to cover the  
15 costs associated with preparing, printing, and  
16 distributing materials to persons subject to the  
17 authority of the board.  
18 Sec. 600. NEW SECTION. 56.54 COMPLAINTS --  
19 INVESTIGATIONS -- HEARINGS.  
20 1. A candidate, a representative of a candidate's  
21 committee, or a representative of a political party or  
22 political organization may file a complaint with the  
23 board regarding the truthfulness or deliberately  
24 misleading nature of any statement made or caused to  
25 be made by a candidate or alleging that a candidate or  
26 candidate's committee has paid for an oral negative  
27 statement which was made by someone other than the  
28 candidate. For purposes of this section, a statement  
29 is caused to be made by a candidate if it is made by a  
30 candidate's designated spokesperson, is contained in

31 materials produced or paid for by the candidate's  
32 committee, as defined under chapter 56, or if it is  
33 action or is a part of action which has been imputed  
34 to the candidate under section 56.13.  
35 2. A complaint shall include all of the following:  
36 a. The name and address of the complainant.  
37 b. If the allegation is that an untruthful or  
38 deliberately misleading statement was made, a  
39 recitation of the statement alleged to be untruthful  
40 or deliberately misleading.  
41 c. If the allegation is that a negative statement  
42 was paid for or sponsored by a candidate or  
43 candidate's committee and was made by a person other  
44 than the candidate, a recitation of the negative  
45 statement.  
46 d. To the extent known, the time and place or  
47 manner in which the statement was made.  
48 e. If the statement complained of was made in  
49 writing, a copy of the statement.  
50 f. If the allegation is that an untruthful or

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1 deliberately misleading statement was made, any  
2 circumstances, other than the express language of the  
3 statement, which cause the statement to be untruthful  
4 or deliberately misleading.  
5 g. The name and address, if known, of the  
6 candidate or other person who made the statement.  
7 h. If the allegation is that an untruthful or  
8 deliberately misleading statement was made, a  
9 statement of why or how the statement complained of is  
10 untruthful or deliberately misleading.  
11 i. A certification by the complainant under  
12 penalty of perjury that the facts stated to be true  
13 are true to the best of the complainant's knowledge.  
14 j. Any other relevant information or sources of  
15 information.  
16 3. The board staff and legal counsel shall review  
17 the complaint to determine if the complaint is  
18 sufficient as to form and legal substance. Deficiency  
19 as to form shall not preclude consideration of a  
20 complaint. If the complaint is legally deficient, the  
21 complaint shall be returned to the complainant with a  
22 statement of the deficiency and shall not be  
23 considered by the board until the deficiency is cured.  
24 A legally sufficient complaint must meet all of the  
25 following requirements:  
26 a. Facts must be alleged that would establish  
27 either that a candidate made or caused to be made an

28 untruthful or deliberately misleading statement about  
29 another opposing candidate or that a candidate caused  
30 an oral negative statement to be made by someone other  
31 than the candidate.

32 b. The person making the complaint must be a  
33 candidate or a representative of a political party or  
34 political organization.

35 c. If the allegation is that an untruthful or  
36 deliberately misleading statement was made, the  
37 complaint must indicate why or demonstrate how the  
38 statement is untruthful or deliberately misleading.

39 d. The complaint must be filed within sixty days  
40 from the date on which the statement that is  
41 complained of was made.

42 4. Upon receiving a legally sufficient complaint,  
43 the board shall investigate or cause the investigation  
44 of the facts alleged in the complaint. Once the  
45 investigation is completed, the board shall meet and  
46 make a determination as to whether the statement  
47 violates the requirements of this chapter or rules  
48 adopted by the board. The meeting shall be conducted  
49 in the manner provided for contested cases under  
50 chapter 17A. However, a preponderance of evidence

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1 shall be required to support a finding that a  
2 statement is untruthful or deliberately misleading.  
3 In addition to holding meetings at which two or more  
4 members are physically present, meetings may be held  
5 electronically as provided under section 21.8.  
6 Notwithstanding section 21.4, subsection 2, public  
7 notice of the meetings of the board shall be made at a  
8 reasonable time before the meeting, but no later than  
9 eight hours before the time set for the meeting to  
10 begin.

11 5. The board shall render its decision within  
12 forty-eight hours of receiving a legally valid  
13 complaint. If the forty-eight-hour period concludes  
14 on a weekend or holiday, the decision shall be made by  
15 the close of business hours on the next succeeding  
16 business day. If the board finds that the statement  
17 complained of was untruthful or deliberately  
18 misleading or that an oral negative statement was made  
19 by someone other than a candidate and was paid for by  
20 the candidate or candidate's committee, the board's  
21 decision shall include an order for any remedy, under  
22 section 56A.6, that the board deems appropriate.

23 6. At any stage during the investigation or after  
24 the filing of a complaint, the board may approve a

25 settlement regarding an allegedly untruthful or  
26 deliberately misleading statement or negative  
27 statement made by someone other than a candidate.  
28 Terms of a settlement shall be reduced to writing and  
29 be available for public inspection. In addition, the  
30 board may authorize board staff to seek information in  
31 voluntary compliance in routine matters brought to the  
32 attention of the board or its staff.

33 7. A complaint shall be a public record. The  
34 entire record of the board's action, including any  
35 investigation, shall also be a public record.

36 Sec. 700. NEW SECTION. 56.55 REMEDIES.

37 1. If the board finds that a candidate or other  
38 person has made or caused to be made an untruthful or  
39 deliberately misleading statement, the board shall  
40 require a retraction of the statement by any person  
41 found to be responsible for making the statement or  
42 causing the statement to be made, within a period of  
43 time to be specified by the board, in the same manner  
44 and at the same cost as the original statement. Any  
45 retraction shall be approved by the board before it is  
46 made public. The board shall inform the complainant  
47 of any proposed retraction and permit the complainant  
48 to submit comments prior to the board's decision on  
49 approval or disapproval of the proposed language.

50 2. For any violations of this chapter or rules

#### Page 7

1 adopted by the board, the board may impose one or more  
2 of the following penalties:

3 a. Issue an order requiring the person to cease  
4 and desist from the violation.

5 b. Issue an order requiring the violator to take  
6 any remedial action deemed appropriate by the board.

7 c. Publicly reprimand the violator for violations  
8 of this chapter or rules adopted by the board.

9 d. Issue an order requiring the violator to pay a  
10 civil penalty of not more than fifty thousand dollars  
11 for each violation of this chapter or rules adopted by  
12 the board.

13 3. If a person fails to comply with an order of  
14 the board under this section, the board may petition  
15 the district court for an order for enforcement of the  
16 order of the board. Judicial enforcement of orders of  
17 the board shall be sought in accordance with chapter  
18 17A.

19 4. At any stage in a proceeding, the board may  
20 refer the complaint and supporting information to the  
21 attorney general or appropriate county attorney with a

- 22 recommendation for prosecution or enforcement of  
23 criminal penalties.”  
24 2. By renumbering as necessary.

MARY LUNDBY  
ANDY McKEAN

S-5544

- 1 Amend the amendment, S-5342, to House File 2144, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 4, by inserting before the words  
5 “the advanced” the following: “the physician and  
6 physician team,”.

TOM VILSACK  
NANCY BOETTGER

S-5545

- 1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 7, by inserting after line 31 the  
5 following:  
6 “Sec. \_\_\_\_ NEW SECTION. 56.38 EXCLUDED  
7 ACTIVITIES.  
8 The contribution and expenditure limits in this  
9 division shall not apply to the cost of any reception  
10 given for all members of the Iowa general assembly.”  
11 2. By renumbering as necessary.

TONY BISIGNANO

S-5546

- 1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 5, line 34, by striking the word “fifty”  
5 and inserting the following: “thirty-five”.  
6 2. Page 5, line 35, by striking the word “fifty”  
7 and inserting the following: “thirty-five”.  
8 3. Page 5, line 47, by striking the word “fifty”  
9 and inserting the following: “thirty-five”.  
10 4. Page 5, line 48, by striking the word “fifty”  
11 and inserting the following: “thirty-five”.  
12 5. Page 6, line 8, by striking the word “fifty”  
13 and inserting the following: “thirty-five”.

- 14 6. Page 6, line 9, by striking the word "fifty"  
 15 and inserting the following: "thirty-five".  
 16 7. Page 6, line 19, by striking the word "fifty"  
 17 and inserting the following: "thirty-five".  
 18 8. Page 6, line 20, by striking the word "fifty"  
 19 and inserting the following: "thirty-five".

ANDY McKEAN  
 ROD HALVORSON

S-5547

- 1 Amend the amendment, S-5489, to House File 2449, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 7, by striking lines 14 and 15 and  
 5 inserting the following: "deposited in a state child  
 6 care assistance account, which is created in the  
 7 general fund of the state. The proceeds of the  
 8 account shall be used by the department of human  
 9 services for state child care assistance pursuant to  
 10 appropriation by the general assembly.

JACK RIFE

S-5548

- 1 Amend the amendment, S-5117, to House File 111, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 5, and  
 5 inserting the following:  
 6 "\_\_\_ . Page 1, by striking line 11 and inserting  
 7 the following: "a facility operated by a homeowner's  
 8 association representing forty-eight or fewer dwelling  
 9 units if the association's bylaws include an exemption  
 10 from the requirements of this chapter. To avoid."

EMIL J. HUSAK

S-5549

- 1 Amend House File 555, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 6, by striking the word "seven"  
 4 and inserting the following: "ten".  
 5 2. Page 1, by striking lines 27 through 33 and  
 6 inserting the following: "under this subsection. The  
 7 credit in this subsection does not apply to a taxpayer  
 8 whose net income, as properly computed for state tax

9 purposes, is forty-five thousand dollars or more. In  
10 the case where the taxpayer is married, whether filing  
11 jointly or separately, the credit does not apply if  
12 the combined net income of the taxpayer and spouse is  
13 forty-five thousand dollars or more. The department,  
14 when".

15 3. Page 2, line 3, by striking the figure "1995"  
16 and inserting the following: "1996".

LARRY MURPHY

HOUSE AMENDMENT TO  
SENATE FILE 2442

S-5550

1 Amend Senate File 2442, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 30 and inserting the  
4 following:

5 " ..... \$ 2,000,000"

6 2. Page 2, by inserting after line 29 the  
7 following:

8 "3. Of the funds appropriated in this section,  
9 \$10,000 is allocated to the community voice mail  
10 program to continue the existing program."

11 3. Page 6, by inserting before line 31 the  
12 following:

13 " — . If funding is projected to be available  
14 within the amount appropriated in this section, the  
15 department shall implement the case study for outcome-  
16 based performance standards for programs serving  
17 persons with mental retardation or other developmental  
18 disabilities proposed pursuant to 1994 Iowa Acts,  
19 chapter 1170, section 56, and expend not more than  
20 \$75,000 for the research associated with the case  
21 study. The department shall adopt rules applicable to  
22 the programs included in the case study, request a  
23 waiver of applicable federal requirements, and take  
24 other actions deemed necessary by the department to  
25 implement the case study.

26 — . The department of human services shall submit  
27 a report to the general assembly on or before January  
28 1, 1997, regarding reimbursement for teleconsultive  
29 services provided by health care providers to  
30 recipients of medical assistance. The report shall  
31 include but is not limited to recommendations  
32 regarding the feasibility of implementation of a pilot  
33 program, including the adoption and utilization of an  
34 alternative reimbursement methodology, to determine

35 the effect of teleconsultive services on health care  
36 quality, access, and cost.”

37 4. Page 7, by inserting after line 17 the  
38 following:

39 “3. Any future contract entered into by the  
40 department for mental health managed care under the  
41 medical assistance program shall include a provision  
42 which requires the contractor to make public  
43 information the amount of profit realized by the  
44 contractor and the amount of funds expended by the  
45 contractor for administrative purposes under the  
46 contract.”

47 5. Page 9, by striking line 13 and inserting the  
48 following:

49 “ ..... \$ 9,940,000”

50 6. Page 9, line 16, by striking the figure

Page 2

1 “11,593,789” and inserting the following:

2 “5,628,789”.

3 7. Page 11, by striking lines 6 through 25.

4 8. Page 12, by striking line 1 and inserting the  
5 following:

6 “ ..... \$ 12,300,000”

7 9. Page 12, line 2, by striking the figure

8 “12,690,700” and inserting the following:

9 “11,390,700”.

10 10. Page 12, by inserting after line 34, the  
11 following:

12 “5. The department shall revise the administration  
13 of the JOBS program and shall reduce the duplication  
14 of staff efforts in providing orientation and  
15 assessment services to clients. The amount of funding  
16 appropriated in this section has been reduced by  
17 \$300,000 to reflect action by the department to limit  
18 its contracting with other state agencies for primary  
19 functions under the JOBS program to contracting with  
20 not more than one state agency.”

21 11. By striking page 12, line 35 through page 15,  
22 line 23, and inserting the following:

23 “Sec. 8. CHILD SUPPORT RECOVERY. There is  
24 appropriated from the general fund of the state to the  
25 department of human services for the fiscal year  
26 beginning July 1, 1996, and ending June 30, 1997, the  
27 following amount, or so much thereof as is necessary,  
28 to be used for the purposes designated:

29 For child support recovery, including salaries,  
30 support, maintenance, and miscellaneous purposes and  
31 for not more than the following full-time equivalent



32 positions:

33 ..... \$ 6,400,000  
 34 ..... FTEs 226.22

35 1. The director of human services, within the  
 36 limitations of the funds appropriated in this section,  
 37 or funds transferred from the family investment  
 38 program appropriation made in this Act for this  
 39 purpose, shall establish new positions and add  
 40 employees to the child support recovery unit if the  
 41 director determines that both the current and  
 42 additional employees together can reasonably be  
 43 expected to maintain or increase net state revenue at  
 44 or beyond the budgeted level. If the director adds  
 45 employees, the department shall demonstrate the cost-  
 46 effectiveness of the current and additional employees  
 47 by reporting to the joint appropriations subcommittee  
 48 on human services the ratio of the total amount of  
 49 administrative costs for child support recoveries to  
 50 the total amount of the child support recovered.

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1 2. Nonpublic assistance application and user fees  
 2 received by the child support recovery program are  
 3 appropriated and shall be used for the purposes of the  
 4 child support recovery program. The director of human  
 5 services may add positions if fees collected relating  
 6 to the new positions are sufficient to pay the  
 7 salaries and support for the positions. The director  
 8 shall report any positions added pursuant to this  
 9 subsection to the chairpersons and ranking members of  
 10 the joint appropriations subcommittee on human  
 11 services and the legislative fiscal bureau.

12 3. The director of human services, in consultation  
 13 with the department of management and the legislative  
 14 fiscal committee, is authorized to receive and deposit  
 15 state child support incentive earnings in the manner  
 16 specified under applicable federal requirements.

17 4. The director of human services may establish  
 18 new positions and add state employees to the child  
 19 support recovery unit if the director determines the  
 20 employees are necessary to replace county-funded  
 21 positions eliminated due to termination, reduction, or  
 22 nonrenewal of a chapter 28E contract. However, the  
 23 director must also determine that the resulting  
 24 increase in the state share of child support recovery  
 25 incentives exceeds the cost of the positions, the  
 26 positions are necessary to ensure continued federal  
 27 funding of the program, or the new positions can  
 28 reasonably be expected to recover more than twice the

29 amount of money to pay the salaries and support for  
30 the new positions.

31 5. The child support recovery unit shall continue  
32 to work with the judicial department to determine the  
33 feasibility of a pilot project utilizing a court-  
34 appointed referee for judicial determinations on child  
35 support matters. The extent and location of any pilot  
36 project shall be jointly developed by the judicial  
37 department and the child support recovery unit.

38 6. The department shall expend up to \$50,000,  
39 including federal financial participation, for the  
40 fiscal year beginning July 1, 1996, for a child  
41 support public awareness campaign. The department  
42 shall cooperate with the office of the attorney  
43 general in continuation of the campaign. The public  
44 awareness campaign shall emphasize, through a variety  
45 of media activities and through continuation of the  
46 publication of names of persons who are delinquent in  
47 payment of child support obligations, the importance  
48 of maximum involvement of both parents in the lives of  
49 their children as well as the importance of payment of  
50 child support obligations.

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1 7. The department shall continue the pilot program  
2 option to provide and supervise a community service  
3 pilot project for absent parents who are ordered by  
4 the court to perform community service for failure to  
5 pay child support pursuant to section 598.23A.

6 8. The director of human services may enter a  
7 contract with private collection agencies to collect  
8 support payments for cases which have been identified  
9 by the department as difficult collection cases if the  
10 department determines that this form of collection is  
11 more cost effective than departmental collection  
12 methods. The director may use a portion of the state  
13 share of funds collected through this means to pay the  
14 costs of any contracts authorized under this  
15 subsection.

16 9. The department shall employ on or before July  
17 2, 1996, at least 1.00 FTE to respond to telephone  
18 inquiries during all weekly business hours.

19 10. The department shall develop guidelines to be  
20 used in lieu of the child support guidelines  
21 prescribed under section 598.21, subsection 4, for  
22 establishing a support obligation and the amount of  
23 the support debt accrued and accruing pursuant to  
24 section 234.39 for the costs of foster care services.  
25 The proposed guidelines shall reflect the public

26 purpose of establishing a support obligation without  
27 causing a serious disruption of the family of the  
28 obligor. The department shall submit the proposed  
29 guidelines to the general assembly on or before  
30 January 15, 1997.

31 11. The department of human services shall  
32 cooperate with the restructuring task force on the  
33 future of human services to assess the feasibility of  
34 transferring all or part of the functions of the child  
35 support recovery unit to other agencies of state  
36 government on or after July 1, 1997."

37 12. Page 15, by striking lines 34 and 35 and  
38 inserting the following:

39 " ..... \$ 13,778,000  
40 ..... FTEs 320.77"

41 13. Page 16, by striking lines 4 and 5, and  
42 inserting the following:

43 " ..... \$ 5,130,000  
44 ..... FTEs 118.54"

45 14. Page 16, by striking line 30 and inserting  
46 the following:

47 " ..... \$ 86,211,014"

48 15. Page 17, line 6, by striking the figure  
49 "23,892,280" and inserting the following:  
50 "23,792,280".

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1 16. Page 21, by inserting after line 29 the  
2 following:  
3 " \_\_\_\_ . Of the funds appropriated in this section,  
4 \$731,014 shall be used by the department for child  
5 abuse prevention grants."

6 17. Page 21, by striking line 30 and inserting  
7 the following:  
8 "Sec. \_\_\_\_ . ADOLESCENT PREGNANCY PREVENTION  
9 PROGRAMS. There is appropriated".

10 18. Page 21, line 35, by striking the words "For  
11 community-based programs" and inserting the following:  
12 "For adolescent pregnancy prevention programs".

13 19. Page 22, by striking line 4 and inserting the  
14 following:  
15 " ..... \$ 1,034,146"

16 20. Page 22, line 10, by inserting after the word  
17 "adolescents." the following: "Grant recipients shall  
18 submit information to the department of human services  
19 regarding the pregnancy rate of participants in small-  
20 group activities for which follow-up contact is  
21 practical. Large-group activities are exempt from  
22 this reporting requirement."

23 21. Page 23, by striking lines 16 through 18 and  
24 inserting the following:

25 "3. The legislative council is requested to  
26 establish a legislative interim committee during the  
27 1996 interim of the general assembly to evaluate the  
28 effectiveness of current and proposed adolescent  
29 pregnancy prevention programs.

30 Sec. \_\_\_\_ FAMILY PLANNING PROGRAMS. 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, 1996, and ending June 30, 1997, the  
34 following amount, or so much thereof as is necessary,  
35 to be used for the purpose designated:

36 For family planning programs:

37 ..... \$ 736,840

38 For the purposes of this section, "family planning  
39 programs" include those programs which provide  
40 clinical care services including those services which  
41 assist a client in obtaining contraceptive devices and  
42 supplies. Clinical care services include but are not  
43 limited to the initial examination, an annual  
44 examination, related services including, but not  
45 limited to, abnormal pap repeats, sexually transmitted  
46 disease testing and treatment, and infection testing  
47 and treatment or referral as indicated, and injectable  
48 contraceptives. "Family planning programs" also  
49 include family planning educational services which  
50 include, but are not limited to, group or individual

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1 discussions with clients informing clients of the  
2 various types of birth control methods available and  
3 where the various types of birth control might be  
4 obtained."

5 22. Page 26, by striking line 10 and inserting  
6 the following:

7 " ..... \$ 41,527,000"

8 23. Page 26, by striking line 21 and inserting  
9 the following:

10 " ..... \$ 16,940,000"

11 24. Page 27, by striking lines 23 through 26.

12 25. Page 27, by inserting before line 27 the  
13 following:

14 " \_\_\_\_ . The department shall work with the  
15 department of management and the legislative fiscal  
16 bureau in reviewing revenues and expenditures  
17 attributable to the state hospital-schools and state  
18 mental health institutes, applicable fiscal  
19 procedures, and other information as necessary to

20 develop a proposal to revise the manner of making  
 21 appropriations to these state institutions and of  
 22 accounting for reimbursements and expenditures so that  
 23 in future fiscal years the amounts appropriated  
 24 reflect the net amount of state funds needed. The  
 25 proposal shall be submitted to the general assembly on  
 26 or before December 16, 1996.

27 \_\_\_\_\_. The superintendents of the state hospital-  
 28 schools shall work with the department's  
 29 administrative staff in reviewing the manner in which  
 30 services and costs are combined for purposes of  
 31 billing for medical assistance reimbursement at the  
 32 state hospital-schools. Following the review, the  
 33 superintendents shall submit a proposal for revising  
 34 the state hospital-schools' manner of billing for  
 35 medical assistance reimbursement to be more comparable  
 36 to other intermediate care facilities for the mentally  
 37 retarded. The proposal shall be submitted to the  
 38 general assembly on or before December 16, 1996.

39 \_\_\_\_\_. The department shall work with counties and  
 40 the department's contractor for managed mental health  
 41 care under medical assistance, in developing a plan  
 42 for community-based placements of those persons who  
 43 could no longer be placed at a state institution due  
 44 to a reduction of capacity at the institution. The  
 45 plan should include provisions for development of  
 46 adequate alternatives to institutional placements.  
 47 The plan shall be submitted for review to the task  
 48 force for restructuring the department of human  
 49 services created in this Act and to the state-county  
 50 management committee. Prior to any reduction of

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1 capacity at a state institution during the fiscal year  
 2 beginning July 1, 1996, from the capacity which  
 3 existed during the previous fiscal year, the state-  
 4 county management committee must concur that adequate  
 5 community-based placements have been developed to  
 6 replace the capacity proposed to be reduced at the  
 7 state institution."

8	26. Page 28, by striking line 18 and inserting	
9	the following:	
10	" .....	\$ 1,144,000"
11	27. Page 33, by striking line 3 and inserting the	
12	following:	
13	" .....	\$ 300,000"
14	28. Page 34, by striking line 1 and inserting the	
15	following:	
16	" .....	\$ 8,460,000"

17 29. Page 34, line 2, by striking the figure  
18 "379.00" and inserting the following: "376.00".  
19 30. Page 34, by striking lines 6 through 13.  
20 31. Page 34, line 14, by striking the word and  
21 figure "3. The" and inserting the following: "2.  
22 Except as provided under the appropriation in this Act  
23 to the legislative council, the".  
24 32. By striking page 34, line 22, through page  
25 35, line 9, and inserting the following: "Assembly.  
26 "Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES  
27 RESTRUCTURING TASK FORCE ON THE FUTURE OF HUMAN  
28 SERVICES. There is appropriated from the general fund  
29 of the state to the legislative council for the fiscal  
30 year beginning July 1, 1996, and ending June 30, 1997,  
31 the following amount, or so much thereof as is  
32 necessary, to be used for the purpose designated:  
33 For expenses associated with the activities of the  
34 task force for assessing the structure and function of  
35 the department of human services and human services  
36 programs in accordance with this section:  
37 ..... \$ 100,000  
38 1. The legislative council shall establish a task  
39 force to develop a comprehensive proposal for changing  
40 the role and function of the department of human  
41 services and its programs. The purpose of the changes  
42 is to improve services to Iowans through the creation  
43 of new federal, state, and local partnerships. The  
44 task force shall make recommendations regarding  
45 restructuring the department of human services in  
46 order to achieve better human services results, to  
47 improve the quality of service delivery, and to  
48 increase the quality of the department's interaction  
49 with the public. The task force may also assess  
50 program duplication and linkages with other federal,

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1 state, or local programs or funding streams.  
2 2. The task force shall be composed of not more  
3 than 21 members and shall include not more than five  
4 representatives appointed by the governor and  
5 legislators who are members of the joint  
6 appropriations subcommittee on human services and  
7 other knowledgeable legislators designated by the  
8 legislative council. The task force may use moneys  
9 appropriated in this section for technical assistance.  
10 The task force shall consult with service consumers,  
11 experts who are representative of organizations such  
12 as nonprofit service organizations, health insurers,  
13 and human services-oriented community organizations,

14 representatives of local governments, representatives  
15 of state agencies, federal officials with expertise or  
16 responsibilities regarding human services in Iowa, and  
17 others, as determined by the task force. The report  
18 shall be completed prior to the convening of the  
19 Seventy-seventh General Assembly.

20 The task force shall provide for public input  
21 concerning the four modification proposals developed  
22 by the department in response to proposed federal  
23 actions submitted to the joint appropriations  
24 subcommittee on human services in February 1996.

25 The task force may establish work groups to assist  
26 in the task force's consideration of the modification  
27 proposals which may include the following:

28 a. A review of the child welfare modification  
29 proposal which may include input from representatives  
30 of the juvenile court, service providers, families  
31 receiving services, the attorney general,  
32 representatives of local governments, representatives  
33 of state agencies, and other citizens and officials.

34 The proposal shall also include a recommendation for  
35 transfer of the department of human services  
36 delinquent youth programs to the department of  
37 corrections.

38 b. A review of the mental health and developmental  
39 disabilities proposal which shall incorporate issues  
40 associated with implementation of the funding reform  
41 enacted in Senate File 69; usage of service providers  
42 such as intermediate care facilities for the mentally  
43 retarded, state institutions, and other services for  
44 persons with disabilities; distribution of services  
45 throughout the state; and other issues.

46 c. A review of the family investment program  
47 proposal which may include input from the work group  
48 which considered the state human investment policy  
49 proposal or a successor interagency task force which  
50 makes recommendations to the department concerning the

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1 family investment program. Consideration of issues  
2 associated with the proposal may include review of the  
3 emergency assistance program, the family development  
4 and self-sufficiency (FaDSS) program, and child day  
5 care programs, and an assessment of the feasibility of  
6 transferring all or part of the functions of the child  
7 support recovery unit to other agencies of state  
8 government.

9 d. A review of the medical assistance proposal  
10 which may include input from representatives of the

11 medical assistance advisory council, the long-term  
12 care resident's advocate, and consumer groups such as  
13 the Iowa affiliate of the American association of  
14 retired persons.

15 2. If federal law requires the state to make  
16 changes in the programs and services directed to the  
17 populations addressed by the modification proposals  
18 and authorizes the changes to be made without state  
19 legislation, the department shall adopt rules to  
20 implement the changes. The rules shall be submitted  
21 to the task force for review and recommendation prior  
22 to their submission to the administrative rules review  
23 committee."

24 33. Page 35, by striking lines 10 through 19.

25 34. By striking page 35, line 27, through page  
26 36, line 6.

27 35. By striking page 36, line 34, through page  
28 37, line 1, and inserting the following: "during the  
29 fiscal year ending June 30, 1996. In addition,".

30 36. Page 37, line 16, by inserting after the  
31 letter "g." the following: "(1)".

32 37. Page 37, by inserting after line 28 the  
33 following:

34 "— . The department may modify the reimbursement  
35 methodology for skilled nursing facilities which  
36 participated in the medical assistance program on or  
37 before May 31, 1993, and which met the departmental  
38 disproportionate share payment provisions as of May  
39 31, 1993, if it is possible to demonstrate that the  
40 modification would result in a cost savings to the  
41 medical assistance program."

42 38. Page 37, by inserting after line 28, the  
43 following:

44 (2) Notwithstanding subparagraph (1), to the  
45 extent funds are available within the amount projected  
46 for reimbursement of nursing facilities within the  
47 appropriation for medical assistance in this Act, and  
48 within the appropriation for medical assistance as a  
49 whole, the department shall adjust the maximum medical  
50 assistance reimbursement rate for the direct health

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1 care cost category for nursing facilities to the 90th  
2 percentile, as calculated on December 31, 1996,  
3 unaudited compilation of cost and statistical data and  
4 the adjustment shall take effect January 1, 1997,  
5 under this subparagraph. Any increased reimbursement  
6 rate for a facility shall not exceed an increase of  
7 \$8.00 per day over the rates in effect for the



8 facility on June 30, 1996.

9 (3) Effective July 1, 1996, the nursing facility  
10 incentive factor shall only be applicable to nursing  
11 facilities which meet all of the following criteria:

12 (a) Offer health insurance coverage to all  
13 employees of the nursing facility.

14 (b) Pay at least twenty-five percent of the  
15 premium costs of the health insurance plan of a  
16 participating employee."

17 39. Page 39, by striking lines 1 and 2 and  
18 inserting the following:

19 "c. The department revises the reimbursement rates  
20 as part of the changes in the mental health and  
21 developmental disabilities services system initiated  
22 pursuant to 1995 Iowa Acts, chapter 206 (Senate File  
23 69), and associated legislation.

24 d. The reimbursement rate revision is necessary to  
25 implement the change required by the appropriation in  
26 this Act for an increase in the reimbursement for  
27 residential care facilities."

28 40. Page 39, by striking lines 27 and 28 and  
29 inserting the following:

30 "8. The department, in cooperation and in  
31 consultation with the Iowa medical society, the Iowa  
32 osteopathic medical association, and the Iowa  
33 pharmacists association, may propose a pilot project  
34 for an".

35 41. Page 39, line 32, by inserting after the word  
36 "state." the following: "The department shall submit  
37 the proposal to the members of the joint  
38 appropriations subcommittee on human services on or  
39 before November 30, 1996."

40 42. Page 40, by striking lines 1 through 4 and  
41 inserting the following: "80th percentile. The  
42 department shall address any other proposals for  
43 containment of intermediate care facilities for the  
44 mentally retarded costs with the work group for  
45 restructuring of the department of human services  
46 created pursuant to this Act."

47 43. Page 41, line 27, by striking the figure  
48 "1,000,000" and inserting the following: "1,732,704".

49 44. Page 41, by striking lines 29 and 30 and  
50 inserting the following: "hospital-schools, field

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1 operations, and general administration. Of the funds  
2 appropriated to the department of human services in  
3 1995 Iowa Acts, chapter 205, section 24, and  
4 encumbered under that section which remain unobligated

5 or unexpended on July 1, 1996, \$220,685 shall be  
6 transferred to the appropriation in this Act for the  
7 JOBS program and used for funding of the family  
8 development and self-sufficiency grant program."

9 45. Page 42, line 6, by striking the word "the"  
10 and inserting the following: "any closed units or  
11 other".

12 46. Page 42, by inserting after line 25 the  
13 following:

14 "Sec. \_\_\_\_ . REPORTS BY PROVIDERS OF FOSTER CARE  
15 SERVICES -- REVIEW -- PROCESS SIMPLIFICATION. The  
16 department of human services shall consult with  
17 providers of rehabilitation treatment services  
18 relating to the medical assistance child services  
19 initiative in reviewing provider requirements relating  
20 to financial and statistical accountability reporting  
21 and the process for submission of the reports relating  
22 to these requirements. Following this review, and no  
23 later than January 1, 1997, the department of human  
24 services shall implement a process which provides, at  
25 a minimum, for a simplified means of documenting  
26 compliance with provider accountability requirements  
27 which shall, at a minimum, include consolidation of  
28 the reports required and which may provide a means for  
29 submission of the reports in an electronic format."

30 47. Page 43, by striking lines 5 through 11.

31 48. Page 43, by striking lines 19 through 21 and  
32 inserting the following: "debt for the three months  
33 preceding the earlier of the following:

34 a. The provision by the child support recovery  
35 unit of the initial notice to the parent or guardian  
36 of the amount of the support obligation.

37 b. The date that the written request for a court  
38 hearing is received by the child support recovery unit  
39 as provided in section 252C.3 or 252F.3."

40 49. Page 47, line 5, by inserting after the word  
41 "unless" the following: "the effective date is  
42 delayed by the administrative rules review committee  
43 or".

44 50. Page 47, line 6, by inserting after the word  
45 "rules." the following: "Any rules adopted in  
46 accordance with the provisions of this section shall  
47 not take effect before the rules are reviewed by the  
48 administrative rules review committee."

49 51. By renumbering, relettering, or redesignating  
50 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2140

S-5551

1 Amend Senate File 2140, 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 321.210, subsection 2,  
6 paragraph d, Code 1995, is amended to read as follows:  
7 d. The first two speeding violations within any  
8 twelve-month period of ten miles per hour or less over  
9 the legal speed limit in speed zones having a legal  
10 speed limit ~~between thirty-four equal to or greater~~  
11 ~~than thirty-five miles per hour and fifty-six miles~~  
12 ~~per hour.~~

13 Sec. 2. Section 321.285, subsection 6, unnumbered  
14 paragraph 1, Code 1995, is amended to read as follows:

15 Notwithstanding any other speed restrictions, the  
16 speed limit for ~~all~~ vehicular traffic on ~~fully~~  
17 ~~controlled-access, divided, multilaned highways~~  
18 ~~including the national system of interstate highways~~  
19 ~~designated by the federal highway administration and~~  
20 ~~this state (23 U.S.C. § 103 (e)) is sixty-five miles~~  
21 ~~per hour. The speed limit for vehicular traffic,~~  
22 ~~other than motor trucks, on the national system of~~  
23 ~~interstate highways and on fully controlled-access,~~  
24 ~~divided, multilaned highways is seventy miles per hour~~  
25 ~~and the speed limit for motor trucks is sixty-five~~  
26 ~~miles per hour.~~ However, the department or cities  
27 ~~political subdivisions~~ with the approval of the  
28 department may establish a lower speed limit ~~upon such~~  
29 ~~for~~ highways located within the ~~corporate limits of a~~  
30 ~~city jurisdiction of the political subdivision.~~ For  
31 the purposes of this subsection, a fully controlled-  
32 access highway is a highway that gives preference to  
33 through traffic by providing access connections with  
34 selected public roads only and by prohibiting  
35 crossings at grade or direct private driveway  
36 connections. A minimum speed of forty miles per hour,  
37 road conditions permitting, is established on the  
38 highways referred to in this subsection.

39 Sec. 3. Section 321A.3, subsection 4, Code 1995,  
40 is amended to read as follows:

41 4. The abstract of operating record ~~provided under~~  
42 ~~this section shall designate which speeding violations~~  
43 ~~occurring on or after July 1, 1986; but before May 12,~~  
44 ~~1987; are for violations of ten miles per hour or less~~  
45 ~~over the legal speed limit in speed zones that have a~~

46 legal speed limit greater than thirty-five miles per  
47 hour. For speeding violations occurring on or after  
48 May 12, 1987, the abstract provided under this section  
49 shall designate which speeding violations are for ten  
50 miles per hour or less over the legal speed limit in

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1 speed zones that have a legal speed limit equal to or  
2 greater than thirty-five miles per hour but not  
3 greater than fifty-five miles per hour.

4 Sec. 4. Section 516B.3, subsection 1, Code 1995,  
5 is amended to read as follows:

6 1. The commissioner shall require that insurance  
7 companies transacting business in this state not  
8 consider speeding violations occurring on or after  
9 July 1, 1986, but before May 12, 1987, which are for  
10 speeding violations for ten miles per hour or less  
11 over the legal speed limit in speed zones that have a  
12 legal speed limit greater than thirty-five miles per  
13 hour or speeding violations occurring on or after May  
14 12, 1987, which are for speeding violations for ten  
15 miles per hour or less over the legal speed limit in  
16 speed zones that have a legal speed limit equal to or  
17 greater than thirty-five miles per hour but not  
18 greater than fifty-five miles per hour for the purpose  
19 of establishing rates for motor vehicle insurance  
20 charged by the insurer and shall require that  
21 insurance companies not cancel or refuse to renew any  
22 such policy for such violations. In any twelve-month  
23 period, this section applies only to the first two  
24 such violations which occur.

25 Sec. 5. CONSTRUCTION AREA SAFETY STUDY. The state  
26 department of transportation and the department of  
27 public safety shall study and prepare a joint report  
28 relating to vehicle speed management, enhanced speed  
29 limit enforcement, and work zone safety in  
30 construction areas. The departments shall confer with  
31 representatives of the private sector construction  
32 industry to develop guidelines to promote motorist and  
33 construction worker safety. The departments shall  
34 file the joint report with the general assembly by  
35 January 1, 1997.

36 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
37 immediate importance, takes effect upon enactment."

38 2. Title page, by striking line 1 and inserting  
39 the following: "An Act relating to speed limits, by  
40 increasing the speed limit on certain highways,  
41 relating to speeding violations and license suspension  
42 and motor vehicle liability coverage, requiring".

S-5552

1 Amend the amendment, S-5110, to House File 514, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 3, by striking the figure "30."  
5 and inserting the following: "30 and inserting the  
6 following:

7 "Sec. \_\_\_\_ . Section 257.31, Code 1995, is amended  
8 by adding the following new subsection:

9 NEW SUBSECTION. 17. a. If a district's average  
10 transportation costs per pupil exceed the state  
11 average transportation costs per pupil determined  
12 under paragraph "c" by one hundred fifty percent, the  
13 committee may grant transportation assistance aid to  
14 the district. Such aid shall be miscellaneous income  
15 and shall not be included in district cost.

16 b. To be eligible for transportation assistance  
17 aid, a school district shall annually certify its  
18 actual cost for all children transported in all school  
19 buses not later than July 31 after each school year on  
20 forms prescribed by the committee.

21 c. A district's average transportation costs per  
22 pupil shall be determined by dividing the district's  
23 actual cost for all children transported in all school  
24 buses for a school year pursuant to section 285.1,  
25 subsection 12, less the amount received for  
26 transporting nonpublic school pupils under section  
27 285.1, by the district's actual enrollment for the  
28 school year excluding the shared-time enrollment for  
29 the school year as defined in section 257.6. The  
30 state average transportation costs per pupil shall be  
31 determined by dividing the total actual costs for all  
32 children transported in all districts for a school  
33 year, by the total of all districts' actual  
34 enrollments for the school year.

35 d. Funds transferred to the committee in  
36 accordance with section 321.34, subsection 18, are  
37 appropriated to and may be expended for the purposes  
38 of the committee, as described in this section.

39 However, highest priority shall be given to districts  
40 that meet the conditions described in this subsection.

41 Notwithstanding any other provision of the Code,  
42 unencumbered or unobligated funds transferred to the  
43 committee pursuant to section 321.34, subsection 18,  
44 remaining on June 30 of the fiscal year for which the  
45 funds were transferred, shall not revert but shall be  
46 available for expenditure for the purposes of this  
47 subsection in subsequent fiscal years."''

48 2. Page 2, by inserting after line 30 the

49 following:

50 "\_\_\_ . Page 10, by inserting before line 15 the

Page 2

1 following:

2 "NEW SUBSECTION. 29. EDUCATION PLATES.

3 a. Upon application and payment of the proper  
4 fees, the director may issue education plates to the  
5 owner of a motor vehicle subject to registration under  
6 section 321.109, subsection 1, light delivery truck,  
7 panel delivery truck, pickup, motor home, multipurpose  
8 vehicle, or travel trailer.

9 b. Education plates shall be designed by the  
10 department in cooperation with the department of  
11 education.

12 c. The special school transportation fee for  
13 letter number designated education plates is thirty-  
14 five dollars. The fee for personalized education  
15 plates is twenty-five dollars, which shall be paid in  
16 addition to the special school transportation fee of  
17 thirty-five dollars. The fees collected by the  
18 director under this subsection shall be paid monthly  
19 to the treasurer of state and credited to the road use  
20 tax fund. Notwithstanding section 423.24, and prior  
21 to the crediting of revenues to the road use tax fund  
22 under section 423.24, subsection 1, paragraph "d", the  
23 treasurer of state shall transfer monthly from those  
24 revenues to the school budget review committee in  
25 accordance with section 257.31, subsection 16, the  
26 amount of the special school transportation fees  
27 collected in the previous month for the education  
28 plates.

29 d. Upon receipt of the special registration  
30 plates, the applicant shall surrender the current  
31 registration receipt and plates to the county  
32 treasurer. The county treasurer shall validate the  
33 special registration plates in the same manner as  
34 regular registration plates are validated under this  
35 section. The annual special school transportation fee  
36 for letter number designated plates is ten dollars,  
37 which shall be paid in addition to the regular annual  
38 registration fee. The annual fee for personalized  
39 education plates is five dollars, which shall be paid  
40 in addition to the annual special school  
41 transportation fee and the regular annual registration  
42 fee. The annual special school transportation fee  
43 shall be credited as provided under paragraph "c)."  
44 3. Page 3, line 23, by inserting after the word  
45 "fund," the following: "education plates and transfer

46 and appropriation of revenue from the sale of the  
47 plates to the school budget review committee.”  
48 4. By renumbering as necessary.

MIKE CONNOLLY

S-5553

1 Amend House File 2256, 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 “Sec. — . Section 8.41, Code 1995, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 3. a. If, in any federal fiscal  
8 year, the federal government provides for a block  
9 grant which requires a new or revised program than was  
10 required in the prior fiscal year, each state agency  
11 required to administer the block grant program shall  
12 develop a block grant plan detailing program changes.

13 b. To the extent allowed by federal law, the block  
14 grant plan shall be developed in accordance with the  
15 following:

16 (1) The primary goal of the plan shall be to  
17 attain savings for taxpayers and to avoid shifting  
18 costs from the federal government to state and local  
19 governments.

20 (2) State agency planning meetings shall be held  
21 jointly with officials of the affected political  
22 subdivision and affected members of the public.

23 (3) The plan shall address proposed expenditures  
24 and accountability measures and shall be published so  
25 as to provide reasonable opportunity for public review  
26 and comment.

27 (4) (a) Preference shall be given to any existing  
28 service delivery system capable of delivering the  
29 required service. If an existing service delivery  
30 system is not used, the plan shall identify those  
31 existing delivery systems which were considered and  
32 the reasons those systems were rejected. This  
33 subparagraph subdivision applies to any service  
34 delivered pursuant to a federal block grant,  
35 including, but not limited to any of the following  
36 block grant areas: health, human services, education,  
37 employment, community and economic development, and  
38 criminal justice.

39 (b) If a service delivered pursuant to a federal  
40 block grant and implemented by a political subdivision  
41 was previously provided for by a categorical grant,  
42 the state agency shall allow the political subdivision

43 adequate transition time to accommodate related  
44 changes in federal and state policy. Transition  
45 activities may include, but are not limited to,  
46 revision of the political subdivision's laws, budgets,  
47 and administrative procedures.

48 (c) The state agency shall allow the political  
49 subdivision the flexibility to implement a service in  
50 a manner so as to address identifiable needs within

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1 the context of meeting broad national objectives.

2 (5) State administrative costs shall not exceed  
3 the limits allowed for under the federal law enacting  
4 the block grant.

5 (6) A federal mandate that is eliminated or waived  
6 for the state shall be eliminated or waived for a  
7 political subdivision.

8 (7) Federal block grants shall not be used to  
9 supplant existing funding efforts by the state.

10 c. The state agency shall send copies of the  
11 proposed block grant plan to the legislative fiscal  
12 committee and to the appropriate appropriations  
13 subcommittee chairpersons and ranking members of the  
14 general assembly. The plan and any program changes  
15 contained within the plan shall be adopted as rules in  
16 accordance with chapter 17A.

17 Sec. 2. EFFECTIVE DATE -- APPLICABILITY. This  
18 Act, being deemed of immediate importance, takes  
19 effect upon enactment and applies to new or revised  
20 federal block grant provisions which take effect on or  
21 after the effective date of this Act."

PATTY JUDGE

S-5554

1 Amend House File 2383, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 20 the  
4 following:

5 "3. The director shall reserve fifty nonresident  
6 deer hunting licenses for allocation as approved by a  
7 majority of a committee consisting of the majority  
8 leader of the senate, speaker of the house of  
9 representatives, and director of the department of  
10 economic development, or their designees. The  
11 licenses reserved pursuant to the subsection shall be  
12 in addition to the number of nonresident licenses  
13 authorized pursuant to section 483A.8. The purpose of



14 the special nonresident licenses is to allow state  
15 officials and local development groups to promote the  
16 state and its natural resources to nonresident guests  
17 and dignitaries. Photographs, video tapes, or any  
18 other form of media resulting from the hunting  
19 visitation shall not be used for political campaign  
20 purposes. The nonresident licenses shall be issued  
21 without application upon payment of the nonresident  
22 deer hunting license fee and the wildlife habitat  
23 stamp fee. The licenses are valid in all zones open  
24 to deer hunting. The hunter safety and ethics  
25 education certificate requirement pursuant to section  
26 483A.27 is waived for a nonresident issued a license  
27 pursuant to this subsection.

28 4. The director shall reserve fifty nonresident  
29 wild turkey hunting licenses for allocation as  
30 approved by a majority of a committee consisting of  
31 the majority leader of the senate, speaker of the  
32 house of representatives, and director of the  
33 department of economic development, or their  
34 designees. The licenses reserved pursuant to the  
35 subsection shall be in addition to the number of  
36 nonresident licenses authorized pursuant to section  
37 483A.7. The purpose of the special nonresident  
38 licenses is to allow state officials and local  
39 development groups to promote the state and its  
40 natural resources to nonresident guests and  
41 dignitaries. Photographs, video tapes, or any other  
42 form of media resulting from the hunting visitation  
43 shall not be used for political campaign purposes.  
44 The nonresident licenses shall be issued without  
45 application upon payment of the nonresident wild  
46 turkey hunting license fee and the wildlife habitat  
47 stamp fee. The licenses are valid in all zones open  
48 to wild turkey hunting. The hunter safety and ethics  
49 education certificate requirement pursuant to section  
50 483A.27 is waived for a nonresident issued a license

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1 pursuant to this subsection.”

PATTY JUDGE

S-5555

1 Amend House File 2419, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by striking line 12 and inserting the

4 following: “facility, except that if the issue of

5 width was not addressed.”

6 2. Page 1, line 16, by inserting after the word

7 “agency” the following: “and the owner of the

8 facility”.

MIKE CONNOLLY

S-5556

1 Amend House File 2448, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, line 16, by inserting after the word

4 “mail” the following: “or as otherwise provided by

5 rule”.

6 2. Page 1, by inserting after line 31 the

7 following:

8 “(4) Upon receipt of official notification of the

9 successful completion of probation following a

10 deferred judgment, criminal history data regarding the

11 person who successfully completed the probation shall

12 only be disseminated by the department to a criminal

13 or juvenile justice agency, to the person who is the

14 subject of the criminal history data or the person's

15 attorney, or to another person with a signed release

16 from the person who is the subject of the criminal

17 history data authorizing the requesting person access

18 to the criminal history data.”

19 3. Page 2, line 20, by striking the words “may

20 shall” and inserting the following: “may”.

21 4. By striking page 3, line 25, through page 4,

22 line 3.

23 5. By renumbering as necessary.

ANDY McKEAN  
RANDAL J. GIANNETTO  
TOM VILSACK

S-5557

1 Amend House File 2419, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 1 through 14.

4 2. By striking page 3, line 16, through page 9,

5 line 3.

6 3. Page 9, by striking lines 27 through 32.

7 4. Title page, by striking lines 1 through 10 and

8 inserting the following: “An Act relating to

9 transportation by granting the state department of

10 transportation condemnation rights for utility

11 facility replacement, requiring certain criteria be

- 12 adopted by administrative rule, providing for entry  
13 onto private property for sounding and drilling, and  
14 providing for release of retained funds for public  
15 improvements.”  
16 5. By renumbering as necessary.

MIKE CONNOLLY

S-5558

- 1 Amend Senate File 2184 as follows:  
2 1. By striking page 1, line 1, through page 4,  
3 line 34.  
4 2. Title page, by striking lines 1 and 2 and  
5 inserting the following: “An Act providing for the  
6 branding of livestock.”

PATTY JUDGE

S-5559

- 1 Amend the amendment, S-5151, to Senate File 2221 as  
2 follows:  
3 1. Page 2, line 27, by inserting after the word  
4 “rate.” the following: “The kilowatt per hour  
5 competitive bid rate shall not be less than the annual  
6 average rate of off-peak kilowatt per hour rates and  
7 peak kilowatt per hour rates at which an electric  
8 utility would have had to purchase the power.”

BERL E. PRIEBE

S-5560

- 1 Amend House File 2387, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 7, line 34, through page 8,  
4 line 6.  
5 2. By striking page 10, line 23, through page 11,  
6 line 1.  
7 3. Page 22, by striking lines 24 through 31.  
8 4. Page 32, by striking lines 15 through 32.

MICHAEL E. GRONSTAL

S-5561

- 1 Amend House File 2448, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 5 the

4 following:

5 "Sec. \_\_\_\_ . Section 216A.136, Code 1995, is amended

6 to read as follows:

7 216A.136 STATISTICAL ANALYSIS CENTER -- ACCESS TO  
8 RECORDS.

9 The division shall maintain an Iowa statistical  
10 analysis center for the purpose of coordinating with  
11 data resource agencies to provide data and analytical  
12 information to federal, state, and local governments,  
13 and assist agencies in the use of criminal and  
14 juvenile justice data. ~~The division of criminal and~~  
15 ~~juvenile justice planning and the statistical analysis~~  
16 ~~center are considered criminal justice agencies for~~  
17 ~~the purposes of receiving criminal history data:~~  
18 Notwithstanding any other provision of state law,  
19 unless prohibited by federal law or regulation, the  
20 division shall be granted access, for purposes of  
21 research and evaluation, to criminal history records,  
22 official juvenile court records, juvenile court social  
23 records, and any other data collected or under control  
24 of the board of parole, department of corrections,  
25 district departments of correctional services,  
26 department of human services, judicial department, and  
27 department of public safety. Any record, data, or  
28 information obtained by the division under this  
29 section and the division itself are subject to the  
30 federal and state confidentiality laws and regulations  
31 which are applicable to the original record, data, or  
32 information obtained by the division and to the  
33 original custodian of the record, data, or  
34 information. The access shall include but is not  
35 limited to all of the following:

36 1. Juvenile court records and all other  
37 information maintained under sections 232.147 through  
38 232.153.

39 2. Child abuse information under sections 235A.15  
40 through 235A.19.

41 3. Dependent adult abuse records maintained under  
42 chapter 235B.

43 4. Criminal history and intelligence data  
44 maintained under chapter 692.

45 5. Sex offender registry information maintained  
46 under chapter 692A.

47 6. Presentence investigation reports maintained  
48 under section 901.4.

49 7. Corrections records maintained under sections  
50 904.601 and 904.602.

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- 1 8. Community-based correctional program records
- 2 maintained under chapter 905.
- 3 9. Parole records maintained under chapter 906.
- 4 10. Deferred judgment, deferred or suspended
- 5 sentence, and probation records maintained under
- 6 chapter 907.
- 7 11. Violation of parole or probation records
- 8 maintained under chapter 908.
- 9 12. Fines and victim restitution records
- 10 maintained under chapters 909 and 910."
- 11 2. Title page, by striking lines 1 and 2 and
- 12 inserting the following: "An Act relating to access
- 13 to criminal history and other records maintained by
- 14 state agencies."
- 15 3. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5562

- 1 Amend House File 428, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 34A.3, subsection 1, unnumbered
- 6 paragraph 1, Code 1995, is amended to read as follows:
- 7 The board of supervisors of each county shall
- 8 establish a joint 911 service board not later than
- 9 January 1, 1989. Each political subdivision of the
- 10 ~~state having a public safety agency serving territory~~
- 11 within the county is entitled to voting membership on
- 12 the joint 911 service board. Each ~~private public~~
- 13 ~~safety agency operating within the area is entitled to~~
- 14 ~~nonvoting voting~~ membership on the board. ~~A township~~
- 15 ~~which does not operate its own public safety agency,~~
- 16 ~~but contracts~~ Each private safety agency under
- 17 contract with a political subdivision within the
- 18 county for the provision of public safety services; is
- 19 not entitled to membership on the joint 911 service
- 20 board, but its contractor is entitled to membership
- 21 according to the contractor's status as a public or
- 22 private safety agency is entitled to voting membership
- 23 on the board. The board of supervisors of the county
- 24 establishing the board is also entitled to voting
- 25 membership on the board. The joint 911 service board
- 26 shall develop an enhanced 911 service plan
- 27 encompassing at minimum the entire county, unless an
- 28 exemption is granted by the administrator permitting a

29 smaller E911 service area. The administrator may  
 30 grant a discretionary exemption from the single county  
 31 minimum service area requirement based upon an E911  
 32 joint service board's or other E911 service plan  
 33 operating authority's presentation of evidence which  
 34 supports the requested exemption if the administrator  
 35 finds that local conditions make adherence to the  
 36 minimum standard unreasonable or technically  
 37 infeasible, and that the purposes of this chapter  
 38 would be furthered by granting an exemption. The  
 39 minimum size requirement is intended to prevent  
 40 unnecessary duplication of public safety answering  
 41 points and minimize other administrative, personnel,  
 42 and equipment expenses. An E911 service area must  
 43 encompass a geographically contiguous area. No  
 44 exemption shall be granted from the contiguous area  
 45 requirement. The administrator may order the  
 46 inclusion of a specific territory in an adjoining E911  
 47 service plan area to avoid the creation by exclusion  
 48 of a territory smaller than a single county not  
 49 serviced by surrounding E911 service plan areas upon  
 50 request of the joint 911 service board representing

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1 the territory. The E911 service plan operating  
 2 authority shall submit the plan on or before January  
 3 1, 1994, to all of the following:"  
 4 2. By renumbering as necessary.

TOM FLYNN  
 MIKE CONNOLLY

S-5563

1 Amend House File 2433, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, line 31, by striking the word and  
 4 figures "July 1, 2000" and inserting the following:  
 5 "June 30, 2001".

JOHN P. KIBBIE

S-5564

1 Amend House File 2448, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by inserting after line 3 the  
 4 following:  
 5 "Sec. \_\_\_\_ . NEW SECTION. 692.6A IMMUNITY --

## 6 NONPROFIT ORGANIZATIONS.

7 A cause of action shall not arise against a  
 8 nonprofit organization for damages caused by an  
 9 employee or volunteer of the nonprofit organization  
 10 due to the failure of the nonprofit organization to  
 11 check the criminal history record of the employee or  
 12 volunteer prior to hiring the employee or volunteer."  
 13 2. By renumbering as necessary.

TOM FLYNN

S-5565

1 Amend the amendment, S-5489, to House File 2449, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 7, by inserting after line 31 the  
 5 following:

6 "Sec. \_\_\_\_ . Section 56.6, subsection 1, paragraphs  
 7 c and d, Code Supplement 1995, are amended to read as  
 8 follows:

9 c. A candidate's committee for a candidate for the  
 10 general assembly at a special election for which the  
 11 governor is required to give not less than forty days'  
 12 notice under section 69.14 shall file a report by the  
 13 fourteenth day prior to the special election which is  
 14 current through the nineteenth day prior to the  
 15 special election. A candidate's committee for a  
 16 candidate for the general assembly at a special  
 17 election for which the governor is required to give  
 18 not less than eighteen days' notice under section  
 19 69.14 shall file a report five days prior to the  
 20 election, that shall be current as of five days prior  
 21 to the filing deadline. Any report filed pursuant to  
 22 this paragraph shall be timely filed, or mailed  
 23 bearing a United States postal service postmark dated  
 24 on or before the due date.

25 d. Committees The following committees shall file  
 26 their first reports five days prior to any election in  
 27 which the ballot contains the name of the candidate or  
 28 the local ballot issue which the committee supports or  
 29 opposes:

- 30 (1) A candidate's committee for municipal and  
 31 school elective offices and,  
 32 (2) A candidate's committee for a county elective  
 33 office at a special election.  
 34 (3) Political committees for local ballot issues  
 35 shall file their first reports five days prior to any  
 36 election in which the name of the candidate or  
 37 local ballot issue which they support or oppose

38 appears on the printed ballot and,  
 39 These committees shall file their next report on  
 40 the first day of the month following the final  
 41 election in a calendar year in which the candidate's  
 42 name or the ballot issue appears on the ballot. A  
 43 committee supporting or opposing a candidate for a  
 44 municipal or school elective office or a local ballot  
 45 issue These committees shall also otherwise file  
 46 disclosure reports on the nineteenth day of January  
 47 and October of each year in which the candidate or  
 48 ballot issue does not appear on the ballot and on the  
 49 nineteenth day of January, May, and July of each year  
 50 in which the candidate or ballot issue appears on the

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1 ballot, until the committee dissolves. These reports  
 2 However, a candidate's committee for a county elective  
 3 office at a special election shall file its regular  
 4 disclosure reports as provided in paragraph "a".  
 5 Any report filed pursuant to this lettered  
 6 paragraph shall be current to five days prior to the  
 7 filing deadline and are considered shall be timely  
 8 filed, if or mailed bearing a United States postal  
 9 service postmark on or before the due date."  
 10 2. Page 8, by inserting after line 34 the  
 11 following:  
 12 "Sec. \_\_\_\_ . Section 68B.32A, Code Supplement 1995,  
 13 is amended by adding the following new subsections:  
 14 NEW SUBSECTION. 15. Establish fees to cover the  
 15 costs associated with creating, maintaining, and  
 16 providing access to an electronic database of campaign  
 17 finance disclosure information. Payments received for  
 18 these costs shall be considered repayment receipts as  
 19 defined in section 8.2."  
 20 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
 SENATE FILE 2062

S-5566

1 Amend Senate File 2062, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by inserting after line 14 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 85.36, subsection 9, paragraph  
 6 a, Code Supplement 1995, is amended to read as



7 follows:

8 a. In computing the compensation to be allowed a  
9 volunteer fire fighter, emergency medical care  
10 provider, reserve peace officer, volunteer ambulance  
11 driver, volunteer emergency rescue technician as  
12 defined in section 147A.1, or emergency medical  
13 technician trainee, the earnings as a fire fighter,  
14 emergency medical care provider, reserve peace  
15 officer, volunteer ambulance driver, volunteer  
16 emergency rescue technician, or emergency medical  
17 technician trainee shall be disregarded and the  
18 volunteer fire fighter, emergency medical care  
19 provider, reserve peace officer, volunteer ambulance  
20 driver, volunteer emergency rescue technician, or  
21 emergency medical technician trainee shall be paid an  
22 amount equal to the compensation the volunteer fire  
23 fighter, emergency medical care provider, reserve  
24 peace officer, volunteer ambulance driver, volunteer  
25 emergency rescue technician, or emergency medical  
26 technician trainee would be paid if injured in the  
27 normal course of the volunteer fire fighter's,  
28 emergency medical care provider's, reserve peace  
29 officer's, volunteer ambulance driver's, volunteer  
30 emergency rescue technician's, or emergency medical  
31 technician trainee's regular employment or an amount  
32 equal to one hundred and forty percent of the  
33 statewide average weekly wage, whichever is greater.  
34 Sec. \_\_\_\_ . Section 85.61, subsection 2, Code  
35 Supplement 1995, is amended to read as follows:  
36 2. "Employer" includes and applies to a person,  
37 firm, association, or corporation, state, county,  
38 municipal corporation, school corporation, area  
39 education agency, township as an employer of volunteer  
40 fire fighters, volunteer emergency rescue technicians,  
41 and emergency medical care providers only, benefited  
42 fire district, and the legal representatives of a  
43 deceased employer. "Employer" includes and applies to  
44 a rehabilitation facility approved for purchase-of-  
45 service contracts or for referrals by the department  
46 of human services or the department of education.  
47 Sec. \_\_\_\_ . Section 85.61, subsection 7, unnumbered  
48 paragraph 3, Code Supplement 1995, is amended to read  
49 as follows:  
50 Personal injuries sustained by volunteer emergency

Page 2

1 rescue technicians or emergency medical care providers  
2 as defined in section 147A.1 arise in the course of  
3 employment if the injuries are sustained at any time

4 from the time the volunteer emergency rescue  
 5 technicians or emergency medical care providers are  
 6 summoned to duty until the time those duties have been  
 7 fully discharged.

8 Sec. \_\_\_\_ . Section 85.61, subsection 11, unnumbered  
 9 paragraph 3, Code Supplement 1995, is amended to read  
 10 as follows:

11 "Worker" or "employee" includes an emergency  
 12 medical care provider as defined in section 147A.1, a  
 13 volunteer emergency rescue technician as defined in  
 14 section 147A.1, a volunteer ambulance driver, or an  
 15 emergency medical technician trainee, only if an  
 16 agreement is reached between such worker or employee  
 17 and the employer for whom the volunteer services are  
 18 provided that workers' compensation coverage under  
 19 chapters 85, 85A, and 85B is to be provided by the  
 20 employer. An emergency medical care provider or  
 21 volunteer emergency rescue technician who is a worker  
 22 or employee under this paragraph is not a casual  
 23 employee. "Volunteer ambulance driver" means a person  
 24 performing services as a volunteer ambulance driver at  
 25 the request of the person in charge of a fire  
 26 department or ambulance service of a municipality.  
 27 "Emergency medical technician trainee" means a person  
 28 enrolled in and training for emergency medical  
 29 technician certification."

30 2. Page 8, by inserting after line 12 the  
 31 following:

32 "Sec. \_\_\_\_ . Section 707A.1, subsection 1, as  
 33 enacted by 1996 Iowa Acts, Senate File 2066, section  
 34 1, is amended to read as follows:

35 1. "Licensed health care professional" means a  
 36 physician and surgeon, podiatrist podiatric physician,  
 37 osteopath, osteopathic physician and surgeon,  
 38 physician assistant, nurse, dentist, or pharmacist  
 39 required to be licensed under chapter 147."

40 3. Page 9, line 10, by inserting before the word  
 41 "Section" the following: "1."

42 4. Page 9, by inserting after line 12 the  
 43 following:

44 "2. The sections of this Act which amend section  
 45 85.36, subsection 9, paragraph "a", and section 85.61,  
 46 subsection 2, subsection 7, unnumbered paragraph 3,  
 47 and subsection 11, unnumbered paragraph 3, being  
 48 deemed of immediate importance, take effect upon  
 49 enactment and apply retroactively to July 1, 1995."

50 5. By renumbering and correcting internal

Page 3

1 references as necessary.

S-5567

1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, by inserting after line 23 the  
5 following:

6 "Notwithstanding the expenditure limitations in  
7 this section, if an officeholder who has served two or  
8 more terms of office is conducting a restricted  
9 campaign for reelection to that office, any opponent  
10 of that officeholder in the restricted campaign is not  
11 subject to the expenditure limitations contained in  
12 this section, but instead is subject to the  
13 limitation, increasing by ten percent above the amount  
14 set forth in this section for that office."

SHELDON RITTMER

S-5568

1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 8, line 36, by inserting after the word  
5 "if" the following: "section 56.32, or".

SHELDON RITTMER

S-5569

1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 7, by inserting after line 31 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 56.38 ATTRIBUTION OF  
7 SPECIFIC CONTRIBUTIONS.

8 When all general assembly members are invited to an  
9 event registered with the board, the costs associated  
10 with such an event shall be considered a contribution  
11 under chapter 56, and not a gift under chapter 68B.  
12 Event sponsors shall disclose the costs of the event  
13 to the board, and the board shall attribute the  
14 proportionate cost to each member of the general  
15 assembly, who shall not be required to disclose

16 individually such contributions on the disclosure  
 17 forms filed with the board."  
 18 2. By renumbering as necessary.

TONY BISIGNANO

S-5570

1 Amend Senate File 2450 as follows:  
 2 1. Page 1, line 5, by striking the word "five"  
 3 and inserting the following: "three".  
 4 2. Page 1, line 7, by striking the word "Three"  
 5 and inserting the following: "One".  
 6 3. Page 1, line 10, by inserting after the word  
 7 "titles" the following: ", one of the members  
 8 appointed shall be actively engaged in the business of  
 9 mortgage lending, and one of the members appointed  
 10 shall be a public member".  
 11 4. Page 3, line 26, by striking the words "Two  
 12 members" and inserting the following: "One member".  
 13 5. Page 3, line 28, by striking the words "Two  
 14 members" and inserting the following: "One member".

MERLIN E. BARTZ

S-5571

1 Amend House File 2331 as passed by the House as  
 2 follows:  
 3 1. Page 1, lines 24 through 26, by striking the  
 4 words "employment, including consideration of child  
 5 care necessary to maintain the employment;" and  
 6 inserting the following: "employment; necessary child  
 7 care".  
 8 2. Page 2, lines 14 through 16, by striking the  
 9 words "Notwithstanding any limitations imposed on the  
 10 department by this chapter or chapter 321, the  
 11 department shall issue the license."  
 12 3. Page 3, lines 4 through 6, by striking the  
 13 words "employment, including consideration of child  
 14 care necessary to maintain the employment;" and  
 15 inserting the following "employment; necessary child  
 16 care".

TONY BISIGNANO

S-5572

1 Amend Senate File 2370 as follows:  
 2 1. Page 3, line 10, by striking the words "An

- 3 energy efficiency plan" and inserting the following:  
 4 "The board".  
 5 2. Page 3, line 14, by inserting after the word  
 6 "The" the following: "board shall determine for each  
 7 utility, specific capacity and energy savings  
 8 performance standards based on the board's assessment.  
 9 The energy efficiency".  
 10 3. Page 3, line 16, by striking the word  
 11 "savings" and inserting the following: "performance  
 12 standards".

MICHAEL E. GRONSTAL

S-5573

- 1 Amend Senate File 2370 as follows:  
 2 1. Page 3, line 7, by striking the word  
 3 "customers" and inserting the following: "all  
 4 customer classes, including residential, commercial,  
 5 and industrial customers,".

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
 SENATE FILE 2449

S-5574

- 1 Amend Senate File 2449, 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 "DIVISION I  
 6 INCOME TAX INDEXATION  
 7 Section 1. Section 422.4, subsection 1, paragraphs  
 8 a and d, Code 1995, are amended to read as follows:  
 9 a. "Annual inflation factor" means an index,  
 10 expressed as a percentage, determined by the  
 11 department by October 15 of the calendar year  
 12 preceding the calendar year for which the factor is  
 13 determined, which reflects the purchasing power of the  
 14 dollar as a result of inflation during the fiscal year  
 15 ending in the calendar year preceding the calendar  
 16 year for which the factor is determined. In  
 17 determining the annual inflation factor, the  
 18 department shall use the annual percent change, but  
 19 not less than zero percent, in the ~~implicit price~~  
 20 ~~deflator for the gross national product~~ gross domestic  
 21 product price deflator computed for the second quarter  
 22 of the calendar year by the bureau of economic

23 analysis of the United States department of commerce  
 24 and shall add ~~one-half~~ all of that percent change to  
 25 one hundred percent. The annual inflation factor and  
 26 the cumulative inflation factor shall each be  
 27 expressed as a percentage rounded to the nearest one-  
 28 tenth of one percent. The annual inflation factor  
 29 shall not be less than one hundred percent.

30 d. Notwithstanding the computation of the annual  
 31 inflation factor under paragraph "a", the annual  
 32 inflation factor is one hundred percent for any  
 33 calendar year in which the unobligated state general  
 34 fund balance on June 30 as certified by the director  
 35 of the department of management by October 10, is less  
 36 than sixty million dollars. Notwithstanding section  
 37 8.58, in determining the unobligated state general  
 38 fund balance on June 30, unobligated moneys in the  
 39 cash reserve fund and Iowa economic emergency fund on  
 40 June 30 shall be counted as part of the unobligated  
 41 state general fund balance for purposes of this  
 42 paragraph.

43 Sec. 2. Section 422.4, subsection 2, paragraph a,  
 44 Code 1995, is amended to read as follows:

45 a. "Annual standard deduction factor" means an  
 46 index, expressed as a percentage, determined by the  
 47 department by October 15 of the calendar year  
 48 preceding the calendar year for which the factor is  
 49 determined, which reflects the purchasing power of the  
 50 dollar as a result of inflation during the fiscal year

## Page 2

1 ending in the calendar year preceding the calendar  
 2 year for which the factor is determined. In  
 3 determining the annual standard deduction factor, the  
 4 department shall use the annual percent change, but  
 5 not less than zero percent, in the implicit price  
 6 deflator for the gross national product gross domestic  
 7 product price deflator computed for the second quarter  
 8 of the calendar year by the bureau of economic  
 9 analysis of the United States department of commerce  
 10 and shall add ~~one-half~~ all of that percent change to  
 11 one hundred percent. The annual standard deduction  
 12 factor and the cumulative standard deduction factor  
 13 shall each be expressed as a percentage rounded to the  
 14 nearest one-tenth of one percent. The annual standard  
 15 deduction factor shall not be less than one hundred  
 16 percent.

17 Sec. 3. This division of this Act, being deemed of  
 18 immediate importance, takes effect upon enactment and  
 19 applies to the computation of the annual inflation

20 factor and annual standard deduction factor for  
 21 calendar years beginning on or after January 1, 1996.  
 22 The department of revenue and finance shall adjust the  
 23 annual inflation factor and annual standard deduction  
 24 factor previously computed for the 1996 calendar year  
 25 to reflect the change made in the computation of those  
 26 factors in this Act.

27  
 28 DIVISION II  
 29 INHERITANCE TAXATION

29 Sec. 4. Section 450.7, subsection 1, unnumbered  
 30 paragraph 1, Code Supplement 1995, is amended to read  
 31 as follows:

32 Except for the share of the estate passing to the  
 33 surviving spouse, father or mother, each son and  
 34 daughter, including legally adopted sons and daughters  
 35 or biological sons and daughters, stepchildren, and  
 36 grandchildren, the tax is a charge against and a lien  
 37 upon the estate subject to tax under this chapter, and  
 38 all property of the estate or owned by the decedent  
 39 from the death of the decedent until paid, subject to  
 40 the following limitation:

41 Sec. 5. Section 450.9, subsection 1, Code 1995, is  
 42 amended to read as follows:

43 1. Surviving spouse, father or mother, son or  
 44 daughter, including legally adopted sons and daughters  
 45 or biological sons and daughters, stepchildren, or  
 46 grandchild, the entire amount of property, interest in  
 47 property, and income.

48 Sec. 6. Section 450.9, subsections 2 and 3, Code  
 49 1995, are amended by striking the subsections.

50 Sec. 7. Section 450.10, subsection 1, unnumbered

Page 3

1 paragraph 1, Code 1995, is amended to read as follows:

2 When the property, interest, or income passes to  
 3 ~~the father or mother, or to a child or a lineal~~  
 4 ~~descendant of the decedent, grantor, donor, or vendor;~~  
 5 ~~including a legally adopted child or biological child~~  
 6 ~~entitled to inherit under the laws of this state not~~  
 7 ~~included in subsection 7~~, the tax imposed shall be on  
 8 the individual share so passing in excess of the  
 9 exemptions allowed as follows:

10 Sec. 8. Section 450.10, subsection 2, unnumbered  
 11 paragraph 1, Code 1995, is amended to read as follows:

12 When the property or any interest ~~therein in~~  
 13 ~~property~~, or income ~~therefrom from~~ property taxable  
 14 under the provisions of this chapter passes to the  
 15 brother or sister, son-in-law, or daughter-in-law, or  
 16 ~~step-children~~, the rate of tax imposed on the

17 individual share so passing shall be as follows:

18 Sec. 9. Section 450.10, subsection 7, Code 1995,  
19 is amended to read as follows:

20 7. Property, interest in property, or income  
21 passing to the surviving spouse, father or mother, son  
22 or daughter, including legally adopted sons and  
23 daughters or biological sons and daughters, stepchild,  
24 or grandchild, is not taxable under this section.

25 Sec. 10. This division of this Act applies to  
26 estates of decedents dying on or after July 1, 1996.

#### DIVISION III

#### SCHOOL PROPERTY TAX

29 Sec. 11. Section 257.3, subsection 1, unnumbered  
30 paragraph 1, Code Supplement 1995, is amended to read  
31 as follows:

32 Except as provided in subsections 2 and 3, a  
33 school district shall cause to be levied each year,  
34 for the school general fund, a foundation property tax  
35 equal to five four dollars and forty fifteen cents per  
36 thousand dollars of assessed valuation on all taxable  
37 property in the district. The county auditor shall  
38 spread the foundation levy over all taxable property  
39 in the district.

40 Sec. 12. Section 257.3, subsections 2 and 3, Code  
41 Supplement 1995, are amended by striking the  
42 subsections.

43 Sec. 13. Section 257.3, subsection 4, Code  
44 Supplement 1995, is amended to read as follows:

45 4. RAILWAY CORPORATIONS. For purposes of section  
46 257.1, the "amount per pupil of foundation property  
47 tax" does not include the tax levied under subsection  
48 1; ~~2~~; ~~or 3~~ on the property of a railway corporation,  
49 or on its trustee if the corporation has been declared  
50 bankrupt or is in bankruptcy proceedings.

#### Page 4

1 Sec. 14. Section 275.55, unnumbered paragraph 4,  
2 Code 1995, is amended by striking the unnumbered  
3 paragraph.

4 Sec. 15. Section 425A.3, subsection 1, Code 1995,  
5 is amended to read as follows:

6 1. The family farm tax credit fund shall be  
7 apportioned each year in the manner provided in this  
8 chapter so as to give a credit against the tax on each  
9 eligible tract of agricultural land within the several  
10 school districts of the state in which the levy for  
11 the general school fund exceeds five four dollars and  
12 forty fifteen cents per thousand dollars of assessed  
13 value. The amount of the credit on each eligible



14 tract of agricultural land shall be the amount the tax  
15 levied for the general school fund exceeds the amount  
16 of tax which would be levied on each eligible tract of  
17 agricultural land were the levy for the general school  
18 fund ~~five~~ four dollars and ~~forty~~ fifteen cents per  
19 thousand dollars of assessed value for the previous  
20 year. However, in the case of a deficiency in the  
21 family farm tax credit fund to pay the credits in  
22 full, the credit on each eligible tract of  
23 agricultural land in the state shall be proportionate  
24 and applied as provided in this chapter.

25 Sec. 16. Section 425A.5, Code 1995, is amended to  
26 read as follows:

27 425A.5 COMPUTATION BY COUNTY AUDITOR.

28 The family farm tax credit allowed each year shall  
29 be computed as follows: On or before March 1, the  
30 county auditor shall list by school districts all  
31 tracts of agricultural land which are entitled to  
32 credit, the taxable value for the previous year, the  
33 budget from each school district for the previous  
34 year, and the tax rate determined for the general fund  
35 of the school district in the manner prescribed in  
36 section 444.3 for the previous year, and if the tax  
37 rate is in excess of ~~five~~ four dollars and ~~forty~~  
38 fifteen cents per thousand dollars of assessed value,  
39 the auditor shall multiply the tax levy which is in  
40 excess of ~~five~~ four dollars and ~~forty~~ fifteen cents  
41 per thousand dollars of assessed value by the total  
42 taxable value of the agricultural land entitled to  
43 credit in the school district, and on or before March  
44 1, certify the total amount of credit and the total  
45 number of acres entitled to the credit to the  
46 department of revenue and finance.

47 Sec. 17. Section 426.3, Code 1995, is amended to  
48 read as follows:

49 426.3 WHERE CREDIT GIVEN.

50 The agricultural land credit fund shall be

Page 5

1 apportioned each year in the manner ~~hereinafter~~  
2 provided in this chapter so as to give a credit  
3 against the tax on each tract of agricultural lands  
4 within the several school districts of the state in  
5 which the levy for the general school fund exceeds  
6 ~~five~~ four dollars and ~~forty~~ fifteen cents per thousand  
7 dollars of assessed value; the amount of ~~such~~ credit  
8 on each tract of ~~such~~ lands shall be the amount the  
9 tax levied for the general school fund exceeds the  
10 amount of tax which would be levied on ~~said~~ the tract

11 of such lands were the levy for the general school  
 12 fund five four dollars and forty fifteen cents per  
 13 thousand dollars of assessed value for the previous  
 14 year, except in the case of a deficiency in the  
 15 agricultural land credits fund to pay ~~said~~ credits in  
 16 full, in which case the credit on each eligible tract  
 17 of such lands in the state shall be proportionate and  
 18 shall be applied as hereinafter provided in this  
 19 chapter.

20 Sec. 18. Section 426.6, unnumbered paragraph 1,  
 21 Code 1995, is amended to read as follows:

22 The agricultural land tax credit allowed each year  
 23 shall be computed as follows: On or before the first  
 24 of June the county auditor shall list by school  
 25 districts all tracts of agricultural lands which they  
 26 are entitled to credit, together with the taxable  
 27 value for the previous year, together with the budget  
 28 from each school district for the previous year, and  
 29 the tax rate determined for the general fund of the  
 30 district in the manner prescribed in section 444.3 for  
 31 the previous year, and if such the tax rate is in  
 32 excess of five four dollars and forty fifteen cents  
 33 per thousand dollars of assessed value, the auditor  
 34 shall multiply the tax levy which is in excess of five  
 35 four dollars and forty fifteen cents per thousand  
 36 dollars of assessed value by the total taxable value  
 37 of the agricultural lands entitled to credit in the  
 38 district, and on or before the first of June certify  
 39 the amount to the department of revenue and finance.

40 Sec. 19.

41 1. Sections 11 through 14 of this division of this  
 42 Act, being deemed of immediate importance, take effect  
 43 upon enactment, and apply to the computation of school  
 44 foundation property taxes payable during school budget  
 45 years beginning on or after July 1, 1996.

46 2. Sections 15 through 18 of this division of this  
 47 Act take effect January 1, 1997, and apply to the  
 48 computation of family farm tax credits and  
 49 agricultural land tax credits granted for property  
 50 taxes payable in school budget years beginning on or

Page 6

1 after July 1, 1997.”

2 2. Title page, by striking lines 1 through 17 and  
 3 inserting the following: “An Act relating to taxation  
 4 within the state by changing the computation of the  
 5 inflation factors for the tax brackets and standard  
 6 deduction of the state individual income tax,  
 7 exemptions from the state inheritance tax, and

8 reducing the school district uniform levy for purposes  
9 of providing tax relief and providing effective and  
10 retroactive and other applicability date provisions.”

S-5575

1 Amend House File 2433, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 “Sec. \_\_\_\_ . Section 455D.11, subsection 1,  
6 paragraph f, Code 1995, is amended to read as follows:

7 f. (1) “Waste tire” means a tire that is no  
8 longer suitable for its originally intended purpose  
9 due to wear, damage, or defect.

10 (2) “Waste tire” does not include a nonpneumatic  
11 tire.

12 (3) For the purposes of this section and sections  
13 455D.11A and 455D.11B, a nonpneumatic tire and a  
14 processed tire are not solid waste as defined in  
15 section 455B.301.

16 Sec. \_\_\_\_ . Section 455D.11, Code 1995, is amended  
17 by adding the following new subsection:

18 NEW SUBSECTION. 8. The department shall adopt  
19 rules relating to the storage and disposal of  
20 nonpneumatic tires and processed tires.”

21 2. Page 7, by inserting after line 12 the  
22 following:

23 “Sec. \_\_\_\_ . RULES. The department shall adopt  
24 rules to allow beneficial uses of whole or processed  
25 waste tires in consultation with a committee  
26 consisting of a member of the Iowa society of solid  
27 waste operators, a member from a major farm  
28 organization, a member from the Iowa state association  
29 of counties, a member from the consulting engineers  
30 council, and two members who are actively engaged in  
31 tire processing. The rules shall include, but need  
32 not be limited to, the appropriate beneficial uses of  
33 whole or processed waste tires for the construction of  
34 erosion control structures, French drains, drainage  
35 structures, leachate recovery systems, septic system  
36 drainage fields, road bases, culverts, field  
37 crossings, or intakes, or agricultural or construction  
38 uses, including, but not limited to, weight or tie  
39 downs, fences, or waterways, or other uses where the  
40 intended purpose is to produce a beneficial product or  
41 an end use. The committee shall review and consider  
42 available scientific engineering research on methods  
43 of beneficially using whole or processed waste tires.  
44 This section is repealed effective June 30, 1998.

45 Sec. \_\_\_\_ . SEVERABILITY. If any provision of this  
 46 Act or any application of this Act to any person or  
 47 circumstances is held invalid, such invalidity shall  
 48 not affect other provisions or applications of this  
 49 Act which can be given effect without the invalid  
 50 provision or application, and to this end the

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1 provisions of this Act are severable."  
 2 3. By renumbering as necessary.

BERL E. PRIEBE  
 JOHN P. KIBBIE  
 BRAD BANKS  
 BILL FINK  
 ROD HALVORSON

S-5576

1 Amend the amendment, S-5489, to House File 2449, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 8, line 40, by inserting after the word  
 5 "Act" the following: ", except sections 200 through  
 6 600,".  
 7 2. Page 8, line 41, by inserting after the figure  
 8 "1997." the following: "Sections 200 through 600,  
 9 being deemed of immediate importance, take effect upon  
 10 enactment."

BERL E. PRIEBE

S-5577

1 Amend House File 2419, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by striking line 14 and inserting the  
 4 following: "twenty rods one hundred fifty feet of the  
 5 dwelling house or within fifty feet of other buildings  
 6 ~~on~~".

ANDY McKEAN

S-5578

1 Amend the amendment, S-5342, to House File 2144, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 4, by inserting before the words

5 "the advanced" the following: "the physician-  
6 physician assistant team,".

TOM VILSACK  
NANCY BOETTGER

S-5579

1 Amend Senate File 2370 as follows:

2 1. Page 3, line 9, by inserting after the word  
3 "persons." the following: "Rate-regulated gas and  
4 electric utilities shall utilize Iowa agencies and  
5 Iowa contractors to the maximum extent cost-effective  
6 in their energy efficiency plans filed with the  
7 board."

8 2. Page 5, by striking lines 25 through 33 and  
9 inserting the following: "rates or charges. Except  
10 for contracts existing as of July 1, 1996, a rate-  
11 regulated gas or electric public utility or its  
12 affiliates shall not use vehicles, service tools and  
13 instruments, or employees, the costs, salaries, or  
14 benefits of which are recoverable in the regulated  
15 rates for electric service or gas service to install,  
16 service, or repair residential or commercial gas or  
17 electric heating, ventilating, or air conditioning  
18 systems, or interior lighting systems and fixtures; or  
19 to sell at retail heating, ventilating, air  
20 conditioning, or interior lighting equipment. For the  
21 purpose of this section, "commercial" means a place of  
22 business primarily used for the storage or sale, at  
23 wholesale or retail, of goods, wares, services, or  
24 merchandise. Nothing in this section shall be  
25 construed to prohibit a rate-regulated gas or electric  
26 public utility from using its utility vehicles,  
27 service tools and instruments, and employees to market  
28 systems, services, and equipment, to light pilots, or  
29 to eliminate a customer emergency or threat to public  
30 safety."

PATRICK J. DELUHERY  
DONALD B. REDFERN  
MICHAEL E. GRONSTAL  
TONY BISIGNANO  
JOANN DOUGLAS  
TOM FLYNN  
MERLIN E. BARTZ  
MARY LOU FREEMAN  
MARY A. LUNDBY  
WILLIAM D. PALMER  
EMIL J. HUSAK

STEVEN D. HANSEN  
DON GETTINGS

S-5580

1 Amend the House amendment, S-5574, to Senate File  
2 2449, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 1, line 3, through page 6,  
5 line 10, and inserting the following:

6 " \_\_\_\_ . By striking everything after the enacting  
7 clause and inserting the following:

8 "DIVISION I  
9 INCOME TAX INDEXATION

10 Section 1. Section 422.4, subsection 1, paragraph  
11 a, Code 1995, is amended to read as follows:

12 a. "Annual inflation factor" means an index,  
13 expressed as a percentage, determined by the  
14 department by October 15 of the calendar year  
15 preceding the calendar year for which the factor is  
16 determined, which reflects the purchasing power of the  
17 dollar as a result of inflation during the fiscal year  
18 ending in the calendar year preceding the calendar  
19 year for which the factor is determined. In  
20 determining the annual inflation factor, the  
21 department shall use the annual percent change, but  
22 not less than zero percent, in the ~~implicit price~~  
23 ~~deflator for the gross national product~~ gross domestic  
24 product price deflator computed for the second quarter  
25 of the calendar year by the bureau of economic  
26 analysis of the United States department of commerce  
27 and shall add ~~one-half~~ all of that percent change to  
28 one hundred percent. The annual inflation factor and  
29 the cumulative inflation factor shall each be  
30 expressed as a percentage rounded to the nearest one-  
31 tenth of one percent. The annual inflation factor  
32 shall not be less than one hundred percent.

33 Sec. 2. Section 422.4, subsection 2, paragraph a,  
34 Code 1995, is amended to read as follows:

35 a. "Annual standard deduction factor" means an  
36 index, expressed as a percentage, determined by the  
37 department by October 15 of the calendar year  
38 preceding the calendar year for which the factor is  
39 determined, which reflects the purchasing power of the  
40 dollar as a result of inflation during the fiscal year  
41 ending in the calendar year preceding the calendar  
42 year for which the factor is determined. In  
43 determining the annual standard deduction factor, the  
44 department shall use the annual percent change, but  
45 not less than zero percent, in the ~~implicit price~~

46 deflator for the gross national product gross domestic  
 47 product price deflator computed for the second quarter  
 48 of the calendar year by the bureau of economic  
 49 analysis of the United States department of commerce  
 50 and shall add one-half all of that percent change to

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1 one hundred percent. The annual standard deduction  
 2 factor and the cumulative standard deduction factor  
 3 shall each be expressed as a percentage rounded to the  
 4 nearest one-tenth of one percent. The annual standard  
 5 deduction factor shall not be less than one hundred  
 6 percent.

7 Sec. 3. This division of this Act, being deemed of  
 8 immediate importance, takes effect upon enactment and  
 9 applies to the computation of the annual inflation  
 10 factor and annual standard deduction factor for  
 11 calendar years beginning on or after January 1, 1996.  
 12 The department of revenue and finance shall adjust the  
 13 annual inflation factor and annual standard deduction  
 14 factor previously computed for the 1996 calendar year  
 15 to reflect the change made in the computation of those  
 16 factors in this Act.

#### 17 DIVISION II 18 INHERITANCE TAX

19 Sec. 4. Section 450.9, subsections 2 and 3, Code  
 20 1995, are amended to read as follows:

21 2. Each son and daughter, including legally  
 22 adopted sons and daughters, or stepsons and  
 23 stepdaughters, or biological sons and daughters  
 24 entitled to inherit under the law of this state, fifty  
 25 two hundred thousand dollars.

26 3. Father or mother, fifteen fifty thousand  
 27 dollars.

28 Sec. 5. Section 450.9, Code 1995, is amended by  
 29 adding the following new subsection after subsection  
 30 3:

31 NEW SUBSECTION. 3A. Each grandchild, fifty  
 32 thousand dollars.

33 Sec. 6. This division of this Act takes effect  
 34 July 1 following enactment of the division and applies  
 35 to the estates of decedents dying on or after that  
 36 date.

#### 37 DIVISION III 38 HOMESTEAD, MILITARY, AND LOW-INCOME 39 TAX CREDIT AND REIMBURSEMENT

40 Sec. 7. Section 8.59, Code 1995, is amended to  
 41 read as follows:

42 8.59 APPROPRIATIONS FREEZE.

43 Notwithstanding contrary provisions of the Code,  
44 the amounts appropriated under the applicable sections  
45 of the Code for fiscal years commencing on or after  
46 July 1, 1993, are limited to those amounts expended  
47 under those sections for the fiscal year commencing  
48 July 1, 1992. If an applicable section appropriates  
49 moneys to be distributed to different recipients and  
50 the operation of this section reduces the total amount

Page 3

1 to be distributed under the applicable section, the  
2 moneys shall be prorated among the recipients. As  
3 used in this section, "applicable sections" means the  
4 following sections: 53.50, 229.35, 230.8, 230.11,  
5 405A.8, 411.20, ~~425.1, 425.39, 426A.1~~, 663.44, and  
6 822.5.

7 Sec. 8. Section 425.1, subsection 1, Code 1995, is  
8 amended to read as follows:

9 1. A homestead credit fund is created. There is  
10 appropriated annually from the general fund of the  
11 state to the department of revenue and finance to be  
12 credited to the homestead credit fund, ~~an amount~~  
13 sufficient the sum of one hundred fourteen million  
14 four hundred thousand dollars to implement this  
15 chapter.

16 The director of revenue and finance shall issue  
17 warrants on the homestead credit fund payable to the  
18 county treasurers of the several counties of the state  
19 under this chapter.

20 Sec. 9. Section 425.17, subsection 2, paragraph b,  
21 Code 1995, is amended to read as follows:

22 b. A person filing a claim for ~~credit or~~  
23 reimbursement under this division who has attained the  
24 age of twenty-three years on or before December 31 of  
25 the base year or was a head of household on December  
26 31 of the base year, as defined in the Internal  
27 Revenue Code, but has not attained the age or  
28 disability status described in paragraph "a", and was  
29 domiciled in this state during the entire base year,  
30 and is domiciled in this state at the time the claim  
31 is filed or at the time of the person's death in the  
32 case of a claim filed by the executor or administrator  
33 of the claimant's estate, and was not claimed as a  
34 dependent on any other person's tax return for the  
35 base year.

36 Sec. 10. Section 425.17, subsection 2, unnumbered  
37 paragraph 2, Code 1995, is amended to read as follows:

38 "Claimant" under paragraph "a" or "b" includes a  
39 vendee in possession under a contract for deed and may



40 include one or more joint tenants or tenants in  
 41 common. In the case of a claim for rent constituting  
 42 property taxes paid, the claimant shall have rented  
 43 the property during any part of the base year. If a  
 44 homestead is occupied by two or more persons, and more  
 45 than one person is able to qualify as a claimant, the  
 46 persons may determine among them who will be the  
 47 claimant. If they are unable to agree, the matter  
 48 shall be referred to the director of revenue and  
 49 finance not later than June 1 of each year and the  
 50 director's decision is final.

Page 4

1 Sec. 11. Section 425.23, subsection 1, paragraph  
 2 b, Code 1995, is amended by striking the paragraph and  
 3 inserting in lieu thereof the following:

4 b. The reimbursement for a claimant described in  
 5 section 425.17, subsection 2, paragraph "b", shall be  
 6 determined as follows:

7	Percent of rent constituting	
8 If the household	property taxes paid allowed	
9 income is:	as a reimbursement:	
10 \$ 0 - 9,999.99 .....		50
11 10,000 - 13,999.99 .....		42
12 14,000 - 17,999.99 .....		35
13 18,000 - 20,999.99 .....		25
14 21,000 - 23,999.99 .....		17
15 24,000 - 26,999.99 .....		12

16 Sec. 12. Section 425.23, subsection 3, paragraph

17 a, Code 1995, is amended to read as follows:

18 a. A person who is eligible to file a claim for  
 19 credit for property taxes due and who has a household  
 20 income of six thousand dollars or less and who has an  
 21 unpaid special assessment levied against the homestead  
 22 may file a claim with the county treasurer that the  
 23 claimant had a household income of six thousand  
 24 dollars or less and that an unpaid special assessment  
 25 is presently levied against the homestead. The  
 26 department shall provide to the respective treasurers  
 27 the forms necessary for the administration of this  
 28 subsection. The claim shall be filed not later than  
 29 September 30 of each year. Upon the filing of the  
 30 claim, interest for late payment shall not accrue  
 31 against the amount of the unpaid special assessment  
 32 due and payable. The claim filed by the claimant  
 33 constitutes a claim for credit of an amount equal to  
 34 the actual amount due upon the unpaid special  
 35 assessment, plus interest, payable during the fiscal  
 36 year for which the claim is filed against the

37 homestead of the claimant. However, where the  
38 claimant is an individual described in section 425.17,  
39 subsection 2, paragraph "b", and the tentative credit  
40 is determined according to the schedule in section  
41 425.23, subsection 1, paragraph "b", subparagraph (2),  
42 the claim filed constitutes a claim for credit of an  
43 amount equal to one-half of the actual amount due and  
44 payable during the fiscal year. The department of  
45 revenue and finance shall, upon the filing of the  
46 claim with the department by the treasurer, pay that  
47 amount of the unpaid special assessment during the  
48 current fiscal year to the treasurer. The treasurer  
49 shall submit the claims to the director of revenue and  
50 finance not later than October 15 of each year. The

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1 director of revenue and finance shall certify the  
2 amount of reimbursement due each county for unpaid  
3 special assessment credits allowed under this  
4 subsection. The amount of reimbursement due each  
5 county shall be paid by the director of revenue and  
6 finance on October 20 of each year, drawn upon  
7 warrants payable to the respective treasurer. There  
8 is appropriated annually from the general fund of the  
9 state to the department of revenue and finance an  
10 amount sufficient to carry out the provisions of this  
11 subsection. The treasurer shall credit any moneys  
12 received from the department against the amount of the  
13 unpaid special assessment due and payable on the  
14 homestead of the claimant.

15 Sec. 13. Section 425.24, Code 1995, is amended to  
16 read as follows:

17 425.24 MAXIMUM PROPERTY TAX FOR PURPOSE OF CREDIT  
18 OR REIMBURSEMENT.

19 In any case in which property taxes due or rent  
20 constituting property taxes paid for any household  
21 exceeds one thousand dollars or six hundred dollars in  
22 the case of a claimant described in section 425.17,  
23 subsection 2, paragraph "b", the amount of property  
24 taxes due or rent constituting property taxes paid  
25 shall be deemed to have been one thousand dollars or  
26 six hundred dollars in the case of a claimant  
27 described in section 425.17, subsection 2, paragraph  
28 "b", for purposes of this division.

29 Sec. 14. Section 425.39, Code 1995, is amended to  
30 read as follows:

31 1. The extraordinary property tax credit and  
32 reimbursement fund is created. There is appropriated  
33 annually from the general fund of the state to the

34 department of revenue and finance to be credited to  
35 the extraordinary property tax credit and  
36 reimbursement fund, from funds not otherwise  
37 appropriated, an amount sufficient the sum of twelve  
38 million five hundred thousand dollars to implement  
39 this division.

40 2. If the amount appropriated under subsection 1,  
41 ~~as limited by section 8-59,~~ plus any supplemental  
42 appropriation made for purposes of this section for a  
43 fiscal year is insufficient to pay all claims in full,  
44 the director shall pay, in full, all claims to be paid  
45 during the fiscal year for reimbursement of rent  
46 constituting property taxes paid or if moneys are  
47 insufficient to pay all such claims on a pro rata  
48 basis. If the amount of claims for credit for  
49 property taxes due to be paid during the fiscal year  
50 exceed the amount remaining after payment to renters,

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1 the director of revenue and finance shall prorate the  
2 payments to the counties for the property tax credit.  
3 In order for the director to carry out the  
4 requirements of this subsection, notwithstanding any  
5 provision to the contrary in this division, claims for  
6 reimbursement for rent constituting property taxes  
7 paid filed before May 1 of the fiscal year shall be  
8 eligible to be paid in full during the fiscal year and  
9 those claims filed on or after May 1 of the fiscal  
10 year shall be eligible to be paid during the following  
11 fiscal year and the director is not required to make  
12 payments to counties for the property tax credit  
13 before June 15 of the fiscal year.

14 Sec. 15. Section 425.40, Code 1995, is amended to  
15 read as follows:

16 425.40 LOW-INCOME FUND CREATED.

17 1. A low-income ~~tax credit and rent~~ reimbursement  
18 fund is created. There is appropriated annually from  
19 the general fund of the state to the low-income rent  
20 reimbursement fund the sum of thirteen million five  
21 hundred thousand dollars to fund rent reimbursements  
22 under this division.

23 2. If the amount appropriated under subsection 1  
24 plus any supplemental appropriation made for purposes  
25 of this section for a fiscal year is insufficient to  
26 pay all claims in full, the director shall pay; in  
27 full, all claims to be paid during the fiscal year for  
28 reimbursement of rent constituting property taxes paid  
29 or if moneys are insufficient to pay all such claims  
30 on a pro rata basis. If the amount of claims for

31 credit for property taxes due to be paid during the  
 32 fiscal year exceed the amount remaining after payment  
 33 to renters, the director of revenue and finance shall  
 34 prorate the payments to the counties for the property  
 35 tax credit. In order for the director to carry out  
 36 the requirements of this subsection, notwithstanding  
 37 any provision to the contrary in this division, claims  
 38 for reimbursement for rent constituting property taxes  
 39 paid filed before May 1 of the fiscal year shall be  
 40 eligible to be paid in full during the fiscal year and  
 41 those claims filed on or after May 1 of the fiscal  
 42 year shall be eligible to be paid during the following  
 43 fiscal year and the director is not required to make  
 44 payments to counties for the property tax credit  
 45 before June 15 of the fiscal year.

46 Sec. 16. Section 426A.1, Code 1995, is amended to  
 47 read as follows:

48 426A.1 APPROPRIATION.

49 There is appropriated from the general fund of the  
 50 state the amounts necessary sum of two million eight

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1 hundred thousand dollars to fund the credits provided  
 2 under this chapter.

3 Sec. 17. This division of this Act takes effect  
 4 July 1, 1996, and applies to homestead, military  
 5 service, and low-income tax credit and rent  
 6 reimbursement claims payable in fiscal years beginning  
 7 on or after July 1, 1996.

#### 8 DIVISION IV

#### 9 SUBCHAPTER S CORPORATIONS

10 Sec. 18. Section 422.4, Code 1995, is amended by  
 11 adding the following new subsection:

12 NEW SUBSECTION. 15A. "Subchapter S corporation"  
 13 or "S corporation" means a corporation for which a  
 14 valid election under section 1362(a) of the Internal  
 15 Revenue Code is in effect.

16 Sec. 19. Section 422.5, subsection 1, paragraph j,  
 17 Code 1995, is amended to read as follows:

18 j. (1) The tax imposed upon the taxable income of  
 19 a nonresident shall be computed by reducing the amount  
 20 determined pursuant to paragraphs "a" through "i" by  
 21 the amounts of nonrefundable credits under this  
 22 division and by multiplying this resulting amount by a  
 23 fraction of which the nonresident's net income  
 24 allocated to Iowa, as determined in section 422.8,  
 25 subsection 2, paragraph "a", is the numerator and the  
 26 nonresident's total net income computed under section  
 27 422.7 is the denominator. This provision also applies

28 to individuals who are residents of Iowa for less than  
29 the entire tax year.

30 (2) The tax imposed upon the taxable income of a  
31 resident shareholder in a subchapter S corporation  
32 which makes an election pursuant to section 422.36,  
33 subsection 5, paragraph "b", to be taxed as a regular  
34 corporation, shall be computed by reducing the amount  
35 determined pursuant to paragraphs "a" through "i" by  
36 the amounts of nonrefundable credits under this  
37 division and by multiplying this resulting amount by a  
38 fraction of which the resident's net income allocated  
39 to Iowa, as determined in section 422.8, subsection 2,  
40 paragraph "b", is the numerator and the resident's  
41 total net income as computed under section 422.7 is  
42 the denominator. This provision also applies to  
43 individuals who are residents of Iowa for less than  
44 the entire tax year.

45 (a) In the case of a resident or part-year  
46 resident shareholder in a subchapter S corporation  
47 which makes an election under section 422.36,  
48 subsection 5, paragraph "b", to be taxed as a regular  
49 corporation, a taxpayer must completely fill out the  
50 return, determine the taxpayer's income tax as if the

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1 taxpayer is not a resident shareholder in a  
2 corporation which makes an election pursuant to  
3 section 422.36, subsection 5, paragraph "b", and pay  
4 the amount of tax which is owed. The taxpayer shall  
5 then recompute the taxpayer's income tax liability  
6 pursuant to this subparagraph on a special return.  
7 This special return shall be filed with the regular  
8 return and constitutes a claim for refund of the  
9 difference between the amount of tax the taxpayer paid  
10 on the regular return and the amount of tax determined  
11 on the special return. However, if the amount of tax  
12 determined on the special return exceeds the amount of  
13 tax paid on the regular return, the taxpayer shall pay  
14 the additional amount of tax which is owed on the  
15 special return.

16 (b) For any tax year, the aggregate amount of  
17 refund claims that shall be paid pursuant to this  
18 subparagraph in excess of revenue gains shall not  
19 exceed three million five hundred thousand dollars.  
20 If, for a tax year, the aggregate amount of refund  
21 claims filed pursuant to this subparagraph in excess  
22 of revenue gains exceeds three million five hundred  
23 thousand dollars, each claim for refund shall be paid  
24 on a pro rata basis so that the aggregate amount of

25 refund claims in excess of revenue gains does not  
26 exceed three million five hundred thousand dollars.  
27 For purposes of the calculation of the three million  
28 five hundred thousand dollar limitation provided by  
29 this subparagraph subdivision, the department shall  
30 take into account all revenue gains as well as revenue  
31 losses resulting from the application of the following  
32 provisions, including, without limitation, revenue  
33 gains arising when the tax calculated under this  
34 subparagraph is greater, revenue gains resulting from  
35 the denial of tax credits under section 422.8,  
36 subsection 6, revenue gains resulting from the  
37 taxation of additional income under section 422.7,  
38 subsection 35, and revenue gains resulting from the  
39 imposition of corporate income taxes on corporations  
40 making the election specified in section 422.36,  
41 subsection 5, paragraph "b". In the case where refund  
42 claims are not allowed in full, the amount of the  
43 refund to which the taxpayer is entitled under this  
44 subparagraph is the pro rata amount that was paid and  
45 the taxpayer is not entitled to a refund of the unpaid  
46 portion and is not entitled to carry that amount  
47 forward or backward to another tax year. Taxpayers  
48 shall not use refunds as estimated payments for the  
49 succeeding tax year. The department shall determine  
50 by July 1 of the tax year following the tax year for

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1 which the refund claim is filed if the aggregate  
2 amount of refund claims in excess of revenue gains  
3 exceeds three million five hundred thousand dollars  
4 for the tax year. Notwithstanding any provision,  
5 interest shall not be due on any refund claims that  
6 are paid by September 1 of the tax year following the  
7 tax year for which the refund claim is filed. For  
8 taxpayers that are fiscal year filers, the amount of  
9 the refund claim allowed shall be in the same ratio as  
10 the refund claims allowed for the tax year in which  
11 the taxpayer's fiscal year began.

12 Sec. 20. Section 422.5, subsection 1, paragraph k,  
13 subparagraph (3), unnumbered paragraph 3, Code 1995,  
14 is amended to read as follows:

15 In the case of a resident, including a resident  
16 estate or trust, the state's apportioned share of the  
17 state alternative minimum tax is one hundred percent  
18 of the state alternative minimum tax computed in this  
19 subsection. In the case of a resident or part-year  
20 resident shareholder in a subchapter S corporation  
21 which makes an election under section 422.36,

22 subsection 5, paragraph "b" to be taxed as a regular  
 23 corporation and a nonresident, including a nonresident  
 24 estate or trust, or an individual, estate, or trust  
 25 that is domiciled in the state for less than the  
 26 entire tax year, the state's apportioned share of the  
 27 state alternative minimum tax is the amount of tax  
 28 computed under this subsection, reduced by the  
 29 applicable credits in sections 422.10 through 422.12  
 30 and this result multiplied by a fraction with a  
 31 numerator of the sum of state net income allocated to  
 32 Iowa as determined in section 422.8, subsection 2,  
 33 paragraph "a" or "b", as applicable, plus tax  
 34 preference items, adjustments, and losses under  
 35 subparagraph (1) attributable to Iowa and with a  
 36 denominator of the sum of total net income computed  
 37 under section 422.7 plus all tax preference items,  
 38 adjustments, and losses under subparagraph (1). In  
 39 computing this fraction, those items excludable under  
 40 subparagraph (1) shall not be used in computing the  
 41 tax preference items. Married taxpayers electing to  
 42 file separate returns or separately on a combined  
 43 return must allocate the minimum tax computed in this  
 44 subsection in the proportion that each spouse's  
 45 respective preference items, adjustments, and losses  
 46 under subparagraph (1) bear to the combined preference  
 47 items, adjustments, and losses under subparagraph (1)  
 48 of both spouses.  
 49 Sec. 21. Section 422.7, Code Supplement 1995, is  
 50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 35. In determining gain or loss  
 2 from the sale or other disposition of stock of a  
 3 subchapter S corporation which makes an election  
 4 pursuant to section 422.36, subsection 5, paragraph  
 5 "b" to be taxed as a regular corporation, the basis of  
 6 a taxpayer in that stock shall be adjusted for Iowa  
 7 income tax purposes under rules of the director to  
 8 reflect any adjustment in Iowa income taxes paid by  
 9 the taxpayer pursuant to section 422.5, subsection 1,  
 10 paragraph "j", subparagraph (2).  
 11 Sec. 22. Section 422.8, subsection 2, Code 1995,  
 12 is amended to read as follows:  
 13 2. a. Nonresident's net income allocated to Iowa  
 14 is the net income, or portion thereof of the net  
 15 income, which is derived from a business, trade,  
 16 profession, or occupation carried on within this state  
 17 or income from any property, trust, estate, or other  
 18 source within Iowa. However, income derived from a

19 business, trade, profession, or occupation carried on  
 20 within this state and income from any property, trust,  
 21 estate, or other source within Iowa shall not include  
 22 distributions from pensions, including defined benefit  
 23 or defined contribution plans, annuities, individual  
 24 retirement accounts, and deferred compensation plans  
 25 or any earnings attributable thereto so long as the  
 26 distribution is directly related to an individual's  
 27 documented retirement and received while the  
 28 individual is a nonresident of this state. If a  
 29 business, trade, profession, or occupation is carried  
 30 on partly within and partly without the state, only  
 31 the portion of the net income which is fairly and  
 32 equitably attributable to that part of the business,  
 33 trade, profession, or occupation carried on within the  
 34 state is allocated to Iowa for purposes of section  
 35 422.5, subsection 1, paragraph "j", and section 422.13  
 36 and income from any property, trust, estate, or other  
 37 source partly within and partly without the state is  
 38 allocated to Iowa in the same manner, except that  
 39 annuities, interest on bank deposits and interest-  
 40 bearing obligations, and dividends are allocated to  
 41 Iowa only to the extent to which they are derived from  
 42 a business, trade, profession, or occupation carried  
 43 on within the state.

44 b. A resident's income allocated to Iowa is the  
 45 income determined under section 422.7 reduced by items  
 46 of income, loss, and expenses from a subchapter S  
 47 corporation which makes an election pursuant to  
 48 section 422.36, subsection 5, paragraph "b", to be  
 49 taxed as a regular corporation, which passes directly  
 50 to the shareholders under provisions of the Internal

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1 Revenue Code, with the following adjustments:  
 2 (1) Add cash or value of property distributions  
 3 made to the extent paid from income upon which Iowa  
 4 income tax has not been paid as determined under rules  
 5 of the director.  
 6 (2) Subtract the amounts of distributions made in  
 7 subparagraph (1) that were, under rules of the  
 8 director, distributed to the shareholder to enable the  
 9 shareholder to pay federal income tax on items of  
 10 income, loss, and expenses from a subchapter S  
 11 corporation which makes an election pursuant to  
 12 section 422.36, subsection 5, paragraph "b", to be  
 13 taxed as a regular corporation, which pass directly to  
 14 the shareholders under provisions of the Internal  
 15 Revenue Code.



16 Sec. 23. Section 422.8, Code 1995, is amended by  
17 adding the following new subsection:  
18 NEW SUBSECTION. 6. If the resident or part-year  
19 resident is a shareholder of a subchapter S  
20 corporation which makes an election pursuant to  
21 section 422.36, subsection 5, paragraph "b", to be  
22 taxed as a regular corporation, subsections 1 and 3 do  
23 not apply to any income taxes paid to another state or  
24 foreign country on the income from the subchapter S  
25 corporation.

26 Sec. 24. Section 422.32, subsection 4, Code  
27 Supplement 1995, is amended to read as follows:  
28 4. "Corporation" includes joint stock companies,  
29 and associations organized for pecuniary profit, and  
30 publicly traded partnerships and limited liability  
31 companies taxed as corporations under the Internal  
32 Revenue Code and any subchapter S corporation which  
33 has in effect an election under section 422.36,  
34 subsection 5, paragraph "b", to be taxed as a regular  
35 corporation.

36 Sec. 25. Section 422.32, Code Supplement 1995, is  
37 amended by adding the following new subsection:  
38 NEW SUBSECTION. 11. The term "value-added  
39 corporation" means a corporation that purchases,  
40 receives, or holds personal property of any  
41 description and which adds to its value by a process  
42 of manufacturing, construction, processing, or  
43 combining of different materials, and shall  
44 specifically include the economic activity identified  
45 in divisions C and D of the standard industrial  
46 classification codes appearing in 13 C.F.R. ch. 1(1-1-  
47 94 edition), with a view to selling the finished  
48 product for gain or profit. A corporation engaged in  
49 more than one business activity is a value-added  
50 corporation if more than fifty percent of its gross

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1 receipts, figured on a three-year annual average, or  
2 such shorter period as the corporation shall have been  
3 in existence, are from the processes previously  
4 identified.

5 Sec. 26. Section 422.35, unnumbered paragraph 1,  
6 Code Supplement 1995, is amended to read as follows:  
7 The term "net income" means the taxable income  
8 before the net operating loss deduction, as properly  
9 computed for federal income tax purposes under the  
10 Internal Revenue Code, or in the case of subchapter S  
11 corporations that make an election pursuant to section  
12 422.36, subsection 5, paragraph "b", "net income"

13 means the sum of all items of distributive shares of  
14 income, loss, and expenses of the corporation as  
15 determined under rules of the director, with the  
16 following adjustments:

17 Sec. 27. Section 422.36, subsection 5, Code 1995,  
18 is amended to read as follows:

19 5. a. ~~Where~~ Unless an election is made under  
20 paragraph "b" to be taxed under this division, where a  
21 corporation is not subject to income tax and the  
22 stockholders of ~~such~~ the corporation are taxed on the  
23 corporation's income under ~~the provisions of the~~  
24 Internal Revenue Code, the same tax treatment shall  
25 ~~apply to such~~ applies to the corporation and ~~such the~~  
26 stockholders for Iowa income tax purposes.

27 b. A subchapter S corporation which is a value-  
28 added corporation which does business both within and  
29 without the state may elect to be taxed as a regular  
30 corporation under this division. The election shall  
31 be made not later than the due date for filing its  
32 return for the first taxable year for which the  
33 election is to be effective, including any extensions  
34 beyond that date, on a form provided by the director  
35 and signed by the shareholders holding more than one-  
36 half of the shares of stock of the corporation on the  
37 last day of the first taxable year for which the  
38 election is to be effective. The election shall be  
39 effective for that taxable year and for subsequent  
40 taxable years until revoked.

41 c. The corporation may revoke its election under  
42 paragraph "b" by a revocation made not later than the  
43 due date for filing its return for the taxable year  
44 for which the revocation is to be effective, including  
45 any extensions beyond that date, on a form provided by  
46 the director and signed by shareholders holding more  
47 than one-half of the shares of stock of the  
48 corporation on the last day of the first taxable year  
49 for which the revocation is to be effective. However,  
50 a corporation that has made an election under

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1 paragraph "b" shall not be eligible to make an  
2 election under this paragraph for revocation of the  
3 election under paragraph "b" for any taxable year  
4 before its fourth taxable year following the first  
5 taxable year for which the election under paragraph  
6 "b" was effective, unless the director consents to the  
7 revocation.

8 Sec. 28. This division of this Act, being deemed  
9 of immediate importance, takes effect upon enactment

10 and applies retroactively to January 1, 1996, for tax  
11 years of individuals beginning on or after that date  
12 and for tax years of corporations ending on or after  
13 that date.

## DIVISION V

## QUALIFIED VENTURE CAPITAL COMPANY

16 Sec. 29. NEW SECTION. 15E.175 DEFINITIONS.

17 As used in this section and sections 15E.176 and  
18 15E.177:

19 1. "Iowa business" means a business or industry,  
20 incorporated or unincorporated, which meets all the  
21 following criteria:

22 a. Has or will have, within thirty days after a  
23 loan or investment is made by a qualified venture  
24 capital company, at least fifty percent of its  
25 employees or assets located in Iowa and agrees to  
26 maintain at least fifty percent of its employees or  
27 assets in Iowa following investment in the business by  
28 a qualified venture capital company.

29 b. A business which is unable to raise equity  
30 capital or obtain financing from conventional sources  
31 in order to remain viable or to commence or expand its  
32 ability to provide goods or services.

33 2. "Qualified venture capital company" means a  
34 corporation, limited liability company, or a general  
35 or limited partnership with its principal place of  
36 business located within this state, which meets all of  
37 the following requirements:

38 a. Has an initial private capitalization of not  
39 less than twenty million dollars.

40 b. Is organized by the Iowa business investment  
41 corporation, organized under division XV of this  
42 chapter, to directly or indirectly through its  
43 subsidiaries or affiliates invest in debt and equity  
44 securities of Iowa businesses.

45 c. Seeks approval from the federal small business  
46 administration to establish a small business  
47 investment company that is incorporated in Iowa and  
48 maintains its principal place of business in this  
49 state the purpose of which includes increasing the  
50 availability of funds for investment in and loans to

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1 Iowa businesses.

2 d. Will provide or arrange for managerial and  
3 other advice, assistance, and support for Iowa  
4 businesses.

5 e. Does not invest funds under this division for  
6 the expansion of operations of an Iowa business in

7 another state.

8 3. "Taxpayer" means an entity subject to tax under  
9 chapter 422, division III, chapter 422, division V, or  
10 chapter 432.

11 4. "Tax year" means for entities subject to the  
12 state corporate income tax or the state franchise tax  
13 under chapter 422, division III or V, respectively,  
14 the tax year as defined for those divisions or means  
15 for insurance companies subject to the gross premiums  
16 tax under chapter 432, the calendar year for which the  
17 premiums are taxed.

18 Sec. 30. NEW SECTION. 15E.176 TAX CREDITS.

19 1. For tax years beginning on or after January 1,  
20 1997, there is allowed a credit against that tax  
21 imposed under the corporate income tax in chapter 422,  
22 division III, the franchise tax in chapter 422,  
23 division V, or the gross premiums tax in chapter 432,  
24 for investments made by the taxpayer in a qualified  
25 venture capital company whose purpose includes  
26 establishing or expanding Iowa business.

27 2. The amount of credit allowed under subsection  
28 1, subject to subsection 4, is computed as follows:

29 a. The amount of the qualified venture capital  
30 company's investment in Iowa businesses is divided by  
31 the amount of new cash invested in the qualified  
32 venture capital company.

33 b. The resulting percentage, which shall not  
34 exceed fifty percent, is multiplied by the amount of  
35 the taxpayer's investment in the qualified venture  
36 capital company.

37 c. The amount of the credit is equal to ten  
38 percent of the product determined in paragraph "b".

39 d. The qualified venture capital company shall  
40 compute as of the end of the qualified venture capital  
41 company's tax year the amounts under paragraph "c" for  
42 each tax year the qualified venture capital company is  
43 entitled to the credit.

44 3. The qualified venture capital company is  
45 allowed the credit as computed each year in subsection  
46 2 for up to ten consecutive years beginning with the  
47 first year for which the credit is taken.

48 If the amount of the credit exceeds the qualified  
49 venture capital company's tax liability for the tax  
50 year, the excess may be credited to the tax liability

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1 for the following five tax years or until depleted,  
2 whichever is the earlier, and is in addition to any  
3 other credit allowed under this section.

4 4. Notwithstanding the amount of credit computed  
5 in subsection 2, the total amount of credits for all  
6 qualified venture capital companies that shall be  
7 allowed under subsection 1 for any fiscal year of the  
8 qualified venture capital company shall not exceed one  
9 million two hundred fifty thousand dollars and for all  
10 fiscal years of the qualified venture capital company  
11 shall not exceed twelve million five hundred thousand  
12 dollars. In determining if the credit allowed has  
13 exceeded the fiscal year limit, credits carried over  
14 from a previous tax year are not counted.

15 5. The credit provided for in subsection 2, to the  
16 extent not previously utilized, shall be freely  
17 transferable to and by subsequent transferees for a  
18 period of ten years from the date the credit is first  
19 available to the qualified venture capital company.

20 Sec. 31. NEW SECTION. 15E.177 COORDINATION OF  
21 RESOURCES.

22 If a qualified venture capital company is organized  
23 by the Iowa business investment corporation on or  
24 before December 31, 1997, within ninety days following  
25 its organization, the qualified venture capital  
26 company shall develop and submit a written proposal to  
27 the shareholders of each business development finance  
28 corporation organized pursuant to division XIII of  
29 this chapter, calling for the investment of all the  
30 assets of each business development finance  
31 corporation in securities of the qualified venture  
32 capital company. A notice of a special meeting of the  
33 shareholders of the business development finance  
34 corporation and the written proposal made to the  
35 business development finance corporation by the  
36 qualified venture capital company shall be delivered  
37 to the shareholders of each business development  
38 finance corporation entitled to vote at the special  
39 shareholders meeting not less than ten nor more than  
40 sixty days before the meeting date given by the  
41 qualified venture capital company. Action on the  
42 written proposal by the board of directors of the  
43 business development finance corporation or any other  
44 person shall not be required to call the special  
45 meeting or authorize voting on the written proposal by  
46 the shareholders of the business development finance  
47 corporation. If at the special meeting of  
48 shareholders of the business development finance  
49 corporation or any recesses thereof, a majority of the  
50 shareholders present or represented at the special

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1 meeting approve the investment proposed by the  
2 qualified venture capital company, the business  
3 development finance corporation shall immediately make  
4 such an investment of all of its assets. The  
5 investment by a business development finance  
6 corporation of all of its assets in the qualified  
7 venture capital corporation shall not be considered a  
8 sale of assets other than in the usual and regular  
9 course of business and division XIII of the Iowa  
10 business development finance Act shall not apply to  
11 the transaction. The qualified venture capital  
12 company may make additional proposals as often as it  
13 desires to the shareholders of each business  
14 development finance corporation that did not approve  
15 the initial investment proposal. Except for the  
16 requirement that a written proposal be presented to  
17 the shareholders within ninety days of the  
18 organization of the qualified venture capital company,  
19 the provisions of this section shall apply to all  
20 additional proposals.

21 Sec. 32. Section 422.33, Code Supplement 1995, is  
22 amended by adding the following new subsection:  
23 NEW SUBSECTION. 9. There is allowed as a credit  
24 against the tax determined in subsection 1 for a tax  
25 year an amount equal to the qualified venture capital  
26 credit as provided in section 15E.176.  
27 Notwithstanding any other provision, the credit  
28 allowed for in this subsection shall be applied prior  
29 to all other credits allowed the taxpayer. The  
30 taxpayer shall not receive for the same investment a  
31 credit under subsection 8 and this subsection.

32 Sec. 33. Section 422.60, Code Supplement 1995, is  
33 amended by adding the following new subsection:  
34 NEW SUBSECTION. 4. There is allowed as a credit  
35 against the tax determined in this division for a tax  
36 year an amount equal to the qualified venture capital  
37 credit as provided in section 15E.176.  
38 Notwithstanding any other provision, the credit  
39 allowed for in this subsection shall be applied prior  
40 to all other credits allowed the taxpayer. The  
41 allocation of revenues to a city or county under  
42 section 422.65 shall be determined as if the credit  
43 under this subsection had not been taken.

44 Sec. 34. Section 432.1, Code 1995, is amended by  
45 adding the following new subsection:  
46 NEW SUBSECTION. 5. There is allowed as a credit  
47 against the tax determined in subsection 1 or 2 for a  
48 tax year an amount equal to the qualified venture

- 49 capital credit as provided in section 15E.176.
- 50 Notwithstanding any other provision, the credit

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1 allowed for in this subsection shall be applied prior  
 2 to all other credits allowed the taxpayer.  
 3 Sec. 35. 1992 Iowa Acts, chapter 1244, section 1,  
 4 subsection 2, paragraph e, unnumbered paragraph 1, as  
 5 amended by 1993 Iowa Acts, chapter 180, section 46, as  
 6 amended by 1994 Iowa Acts, chapter 1201, section 29,  
 7 is amended to read as follows:

8 For transfer to the treasurer of state for the  
 9 purpose of facilitating the organization and private  
 10 capitalization of the small business investment  
 11 company or other entity under sections 15E.169 through  
 12 15E.171. If the small business investment company or  
 13 another entity for which the funds are to be used is  
 14 not organized ~~within thirty-six months of the~~  
 15 ~~effective date of this Act~~, unused funds shall revert  
 16 to the general fund of the state, however, if such an  
 17 entity is organized, the unused funds shall be  
 18 transferred irrevocably to the qualified venture  
 19 capital company or other entity for which the funds  
 20 are to be used:

21 ..... \$ 200,000

22 Sec. 36. APPLICABILITY. This division of this Act  
 23 applies for tax years of entities subject to the state  
 24 corporate income tax or franchise tax which begin on  
 25 or after January 1, 1997. This division of this Act  
 26 applies for calendar years beginning on or after  
 27 January 1, 1997, for entities subject to the gross  
 28 premiums tax under chapter 432.

DIVISION VI

FAMILY FARM FEEDING OPERATIONS

31 Sec. 37. NEW SECTION. 175A.1 SHORT TITLE.  
 32 This chapter shall be known and may be cited as the  
 33 "Iowa Family Farm Animal Feeding Operations  
 34 Preservation Act".

35 Sec. 38. NEW SECTION. 175A.2 PURPOSE.  
 36 The purpose of this chapter is to address a grave  
 37 threat to traditional farmers who produce animals in  
 38 this state and who face capitalization barriers and  
 39 the consolidation of animal agriculture, which results  
 40 in fewer individuals engaged in farming. These  
 41 conditions result in a loss in population,  
 42 unemployment and a movement of persons from rural  
 43 communities to urban areas accompanied by added costs  
 44 to communities for the creation of new public  
 45 facilities and services. It is therefore necessary to

46 assist small and medium sized family farm animal  
47 feeding operations in order to expand such operations  
48 and preserve a way of life which has traditionally  
49 supported Iowa's economy and communities.  
50 Sec. 39. NEW SECTION. 175A.3 DEFINITIONS.

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1 1. "Animal feeding operation" means the same as  
2 defined in section 455B.161.  
3 2. "Animal feeding operation structure" means the  
4 same as defined in section 455B.161.  
5 3. "Animal weight capacity" means the same as  
6 defined in section 455B.161.  
7 4. "Authority" means the agricultural development  
8 authority established pursuant to section 175.3.  
9 5. "Family farm animal feeding operation" or  
10 "operation" means an animal feeding operation located  
11 on the land where the owner of the operation also  
12 engages in farming activities other than animal  
13 feeding operation activities, if all of the following  
14 criteria are satisfied:  
15 a. The total animal weight capacity of all animals  
16 other than bovine animals owned by the person is two  
17 hundred thousand pounds or less, and the total animal  
18 weight capacity of bovine animals owned by the person  
19 is four hundred thousand pounds or less.  
20 b. A person holding an interest in the animal  
21 feeding operation owns all animals confined and fed in  
22 the animal feeding operation.  
23 c. The person who owns the animal feeding  
24 operation raises and harvests crops in the same or an  
25 adjoining county where the animal feeding operation is  
26 located.  
27 d. The person who owns the animal feeding  
28 operation is one of the following:  
29 (1) A natural person.  
30 (2) A general partnership composed exclusively of  
31 natural persons.  
32 e. Each person who holds an interest in the animal  
33 feeding operation resides in this state.  
34 f. The animal feeding operation is located  
35 entirely within the state.  
36 6. "Farming" means the same as defined in section  
37 175.2.  
38 7. "Lending institution" means a bank, trust  
39 company, mortgage company, national banking  
40 association, savings and loan association, life  
41 insurance company, any state or federal governmental  
42 agency or instrumentality, including without



43 limitation the federal land bank or any of its local  
44 associations, or any other financial institution or  
45 entity authorized to make farm operating loans in this  
46 state.

47 8. "Low or moderate net worth" means:

48 a. For an individual, an aggregate net worth of  
49 the individual and the individual's spouse and minor  
50 children of less than two hundred thousand dollars.

Page 19

1 b. For any general partnership, an aggregate net  
2 worth of all partners, including each partner's net  
3 capital in the partnership, and of each partner's  
4 spouse and minor children of less than three hundred  
5 thousand dollars. However, the aggregate net worth of  
6 each partner and that partner's spouse and minor  
7 children shall not exceed two hundred thousand  
8 dollars.

9 9. "Net worth" means a person's total assets minus  
10 total liabilities as determined in accordance with  
11 generally accepted accounting principles with  
12 appropriate exceptions and exemptions reasonably  
13 related to an equitable determination of a person's  
14 net worth. Assets shall be valued at fair market  
15 value.

16 10. "Note" means a bond anticipation note or other  
17 obligation or evidence of indebtedness issued by the  
18 authority pursuant to this chapter.

19 11. "Secured loan" means a financial obligation  
20 secured by a chattel mortgage, security agreement, or  
21 other instrument creating a lien on an interest in  
22 depreciable agricultural property.

23 Sec. 40. NEW SECTION. 175A.4 ASSISTANCE  
24 PROGRAMS.

25 1. The authority shall administer programs under  
26 this section to assist family farm animal feeding  
27 operations. The department of revenue and finance  
28 shall assist the authority in administering this  
29 section.

30 2. In order to assist a family farm animal feeding  
31 operation in financing the operation, including by  
32 assisting in whole or in part the acquisition of  
33 animals, or the purchase of agricultural land, the  
34 purchase of agricultural improvements or depreciable  
35 agricultural property, the construction of buildings,  
36 facilities, or animal feeding operation structures,  
37 related to the operation, the authority shall do all  
38 of the following:

39 a. Cooperate with any other state agency or the

40 federal government, including supplementing assistance  
41 provided by another state agency and the federal  
42 government.

43 b. Administer other programs provided under  
44 chapter 175, including supplementing assistance  
45 provided by other programs.

46 c. Provide certification necessary to allow owners  
47 of operations to claim an income tax credit as  
48 provided in section 175A.5, and a property tax  
49 exemption pursuant to section 427.1.

50 d. Administer the following programs:

**Page 20**

1 (1) A loan guarantee program to provide for  
2 guaranteeing of all or part of a loan made to the  
3 operation.

4 (2) An interest buy-down program, in which the  
5 authority contracts with a participating lending  
6 institution to reduce the interest rate charged on a  
7 loan to the operation. The authority shall determine,  
8 the amount that the rate is reduced by considering the  
9 lending institution's customary loan rate for the type  
10 of loan sought as certified to the authority by the  
11 lending institution. As part of the contract, in  
12 order to reimburse the lending institution for the  
13 reduction of the interest rate on the loan, the  
14 authority may agree to grant the lending institution  
15 any amount foregone by reducing the interest rate on  
16 that portion of the loan which is three hundred  
17 thousand dollars or less. However, the amount  
18 reimbursed shall not be more than fifty percent of the  
19 amount of interest foregone by the lending institution  
20 on the loan.

21 3. The amount of assistance awarded to a family  
22 farm animal feeding operation shall be based on the  
23 extent to which the following apply:

24 a. The operation has a low or moderate net worth.

25 b. The owner of the family farm animal feeding  
26 operation utilizes a computer or recordkeeping system  
27 designed to monitor herd performance, as approved by  
28 Iowa state university.

29 c. The person managing the operation is actively  
30 engaged in improving the management of the operation,  
31 which may include participating in the livestock  
32 producers assistance program provided pursuant to  
33 section 266.39D, or employing a person qualified by  
34 the American registry of professional animal science,  
35 who is actively engaged in the profession of  
36 consulting with livestock producers for the purpose of

37 increasing production or enhancing performance of  
38 livestock.

39 4. In order to participate in a program  
40 administered under this section, all of the following  
41 must apply:

42 a. The family farm animal feeding operation or any  
43 person holding an interest in the operation is not  
44 classified as a habitual violator as provided in  
45 section 455B.191.

46 b. The assistance provided by the authority under  
47 this section is not used to construct, repair, or  
48 expand an anaerobic lagoon or earthen manure storage  
49 basin as defined in section 455B.161.

50 5. a. The authority shall adopt rules to

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1 administer this section, including the enforcement of  
2 terms of a contract to which the authority is a party.  
3 The authority may require a lending institution or a  
4 family farm animal feeding operation to submit  
5 evidence satisfactory to the authority that the  
6 lending institution or operation has complied with the  
7 authority's requirements.

8 b. The authority may inspect any records of a  
9 lending institution or a family farm animal feeding  
10 operation which are pertinent to the administration of  
11 a program. In order to assure compliance with this  
12 section and rules adopted pursuant to this section,  
13 the authority may establish by rule appropriate  
14 enforcement provisions, including but not limited to,  
15 the payment of civil penalties by a lending  
16 institution or operation. The authority may also  
17 enforce the provisions of this section or terms of the  
18 contract by bringing an action in any court of  
19 competent jurisdiction to recover damages.

20 6. A lending institution and the borrower  
21 participating in a program under this section shall  
22 each pay to the authority one-half of an origination  
23 fee which shall not exceed one percent of the loan.  
24 In addition, the lending institution shall pay a fee  
25 equal to twenty-five basis points on the loan to the  
26 authority on an annual basis.

27 7. The fact that the family farm animal feeding  
28 operation or the person who owns the operation has  
29 received assistance, monetary or otherwise, from the  
30 authority shall not prevent the operation from being  
31 eligible for assistance under programs available under  
32 this section.

33 Sec. 41. NEW SECTION. 175A.5 INCOME TAX CREDIT.

34 1. A family farm animal feeding operation which  
35 receives at least ten thousand dollars in assistance  
36 under section 175A.4 as certified by the authority  
37 under section 175A.4 shall be entitled to receive a  
38 tax credit equal to ten percent of all new investments  
39 made in the operation not later than the tax year  
40 following the tax year in which the operation receives  
41 assistance under section 175A.4.

42 2. For purposes of this section, "new investment"  
43 means the capitalized cost of all real and personal  
44 property related to the family farm animal feeding  
45 operation, including animals; buildings and animal  
46 feeding operation structures qualifying under this  
47 section; equipment; and other improvements to the  
48 operation, purchased or otherwise acquired or  
49 relocated to the operation. "New investment" does not  
50 include intangible property, or furniture and

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1 furnishings. For the purposes of this section,  
2 capitalized cost of property shall be determined in  
3 accordance with accounting methods used by the  
4 taxpayer in determining the taxpayer's income for  
5 state tax purposes.

6 3. Any credit in excess of the tax liability for  
7 the tax year may be applied to the tax liability for  
8 the following ten years or until depleted, whichever  
9 occurs first.

10 4. The department of revenue and finance shall  
11 adopt any rules necessary to administer this section.

12 Sec. 42. NEW SECTION. 175A.6 FAMILY FARM ANIMAL  
13 FEEDING OPERATION FUND.

14 1. A family farm animal feeding operation fund is  
15 created within the state treasury under the control of  
16 the authority. The fund shall consist of any moneys  
17 appropriated by the general assembly, fees paid to the  
18 authority, and any other moneys available to and  
19 obtained or accepted by the authority from the federal  
20 government or private sources for placement in the  
21 fund. Moneys shall be deposited in the fund as  
22 provided in section 175A.7. Not more than one hundred  
23 fifty thousand dollars shall be available annually  
24 from the fund for administration of section 175A.4.  
25 The assets of the fund shall be used by the authority  
26 only for carrying out the purposes of section 175A.1  
27 and section 427.1, subsection 28.

28 2. In administering the fund the authority may do  
29 all of the following:

30 a. Contract, sue and be sued, and adopt

31 administrative rules necessary to administer this  
32 section. However, the authority shall not in any  
33 manner directly or indirectly pledge the credit of the  
34 state.

35 b. Authorize payment from the fund for costs,  
36 commissions, attorney fees, and other reasonable  
37 expenses, including expenses related to carrying out  
38 duties necessary for administering programs provided  
39 for under section 175A.4, including for guaranteeing  
40 loans, and for the recovery of loan moneys guaranteed  
41 or the management of property acquired in connection  
42 with such loans.

43 3. Payments of interest, recaptures of awards, or  
44 repayments of moneys provided in assistance under  
45 section 175A.4 shall be deposited into the fund.  
46 Section 8.33 does not apply to any moneys in the fund  
47 until June 30, 2001. Notwithstanding section 12C.7,  
48 interest or earnings on investments or time deposits  
49 of the moneys in the fund shall be credited to the  
50 fund.

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1 4. The fund is subject to an annual audit as  
2 provided by the authority. Moneys in the fund, which  
3 may be subject to warrants written by the director of  
4 revenue and finance, shall be drawn upon the written  
5 requisition of the authority's executive director.

6 Sec. 43. NEW SECTION. 175A.7 STANDING  
7 APPROPRIATION.

8 For each fiscal year of the fiscal period beginning  
9 July 1, 1996, and ending June 30, 2002, there is  
10 appropriated twelve million dollars from the general  
11 fund of the state to the family farm animal feeding  
12 operation fund created in section 175A.6.

13 Sec. 44. Section 427.1, Code Supplement 1995, is  
14 amended by adding the following new subsection:

15 NEW SUBSECTION. 28. The property of a family farm  
16 animal feeding operation as defined in section 175A.3,  
17 which receives at least ten thousand dollars in  
18 assistance awarded and certified by the agricultural  
19 development authority under section 175A.4 shall be  
20 exempt from taxation for a period of five years, to  
21 the extent provided in this subsection.

22 a. The exemption shall apply as follows:

23 (1) It begins on January 1 of the year following  
24 the year in which the family farm animal feeding  
25 operation receives assistance under section 175A.4.

26 (2) It is limited to the market value, as defined  
27 in section 441.21, of the property of the family farm

28 animal feeding operation. If the property of the  
29 family farm animal feeding operation is assessed with  
30 other property as a unit, the exemption shall be  
31 limited to the net market value of the property of the  
32 family farm animal feeding operation determined as of  
33 the assessment date.

34 b. In order to receive the exemption, the owner of  
35 the operation must file for the exemption with the  
36 assessing authority not later than the first of  
37 February of the first year for which the exemption  
38 applies, on forms provided by the agricultural  
39 development authority. The application shall provide  
40 a description of the family farm animal feeding  
41 operation subject to the exemption. The application  
42 shall be accompanied by a certificate of assistance  
43 provided by the agricultural development authority.

44 c. The assessing authority shall retain a  
45 permanent file of current exemptions filed in the  
46 assessing authority's office. Not later than July 6  
47 of each year, the assessing authority shall remit a  
48 statement certifying the total amount of exemptions  
49 allowed under this subsection. After receiving the  
50 certification, the agricultural development authority

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1 shall draw warrants on the family farm animal feeding  
2 operation fund created in section 175A.6 which shall  
3 be payable to the county treasurer in the amount  
4 certified by the assessing authority, and shall mail  
5 the warrants to the county treasurers on August 15 of  
6 each year. However, if the family farm animal feeding  
7 operation fund does not have sufficient moneys  
8 available to pay in full the total of the amounts  
9 certified to the agricultural development authority,  
10 the authority shall prorate unobligated and  
11 unencumbered moneys in the fund to the county  
12 treasurers.

13 d. If the county treasurer has received a  
14 percentage amount of the amount certified to the  
15 agricultural development authority, the county  
16 treasurer shall for the following fiscal year grant  
17 each exemption from the previous fiscal year an  
18 exemption equal to the percentage amount which the  
19 county treasurer was reimbursed for that exemption  
20 unless the reimbursement for that exemption is fully  
21 funded by February 1 preceding the next fiscal year.

22 Sec. 45. FUTURE REPEAL.

23 1. Sections 175A.5 and 175A.7 are repealed.

24 2. Section 427.1, subsection 28, is amended by

25 striking the subsection.

26 3. This section takes effect on July 1, 2002.

27 4. Notwithstanding this section, an income tax  
28 credit granted pursuant to section 175A.5, or a  
29 property tax exemption provided under section 427.1,  
30 subsection 28, shall continue in effect and shall be  
31 administered and enforced until its expiration as  
32 provided in this division of this Act.

### 33 DIVISION VII

#### 34 FAMILY FARM AND AGRICULTURAL LAND TAX CREDITS

35 Sec. 46. Section 425A.1, Code 1995, is amended to  
36 read as follows:

##### 37 425A.1 FAMILY FARM TAX CREDIT FUND.

38 The family farm tax credit fund is created in the  
39 office of the treasurer of state. There shall be  
40 ~~transferred appropriated~~ annually to the fund the  
41 ~~first ten million dollars of the amount annually~~  
42 ~~appropriated to the agricultural land credit fund;~~  
43 ~~provided in section 426.1~~ sum of thirty-five million  
44 dollars. Any balance in the fund on June 30 shall  
45 revert to the general fund.

46 Sec. 47. Section 425A.2, subsection 4, Code 1995,  
47 is amended to read as follows:

48 4. "Designated person" means one of the following:

49 a. If the owner is an individual, the designated  
50 person includes the owner of the tract ~~or a person~~

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1 ~~related to the owner as, the owner's spouse, parent,~~  
2 ~~grandparent, the owner's child, grandchild, or~~  
3 ~~stepchild, and their spouses, or the owner's relative~~  
4 ~~within the third degree of consanguinity, and the~~  
5 ~~relative's spouse.~~

6 b. If the owner is a partnership, a partner, or  
7 the partner's spouse.

8 c. If the owner is a family farm corporation, a  
9 family member who is a shareholder of the family farm  
10 corporation or the shareholder's spouse.

11 d. If the owner is an authorized farm corporation,  
12 a shareholder who owns at least fifty-one percent of  
13 the stock of the authorized farm corporation or the  
14 shareholder's spouse.

15 e. If the owner is an individual who leases the  
16 tract to a family farm corporation, a shareholder of  
17 the corporation if the combined stock of the family  
18 farm corporation owned by the owner of the tract and  
19 persons related to the owner as enumerated in  
20 paragraph "a" is equal to at least fifty-one percent  
21 of the stock of the family farm corporation.

22 f. If the owner is an individual who leases the  
 23 tract to a partnership, a partner if the combined  
 24 partnership interest owned by the owner of the tract  
 25 and persons related to the owner as enumerated in  
 26 paragraph "a" is equal to at least fifty-one percent  
 27 of the ownership interest of the partnership.

28 Sec. 48. Section 426.1, Code 1995, is amended to  
 29 read as follows:

30 426.1 AGRICULTURAL LAND CREDIT FUND.

31 There is created as a permanent fund in the office  
 32 of the treasurer of state a fund to be known as the  
 33 agricultural land credit fund, and for the purpose of  
 34 establishing and maintaining this fund for each fiscal  
 35 year there is appropriated ~~thereto~~ to the fund from  
 36 funds in the general fund not otherwise appropriated  
 37 the sum of ~~thirty-nine~~ twenty-nine million one hundred  
 38 thousand dollars ~~of which the first ten million~~  
 39 ~~dollars shall be transferred to and deposited into the~~  
 40 ~~family farm tax credit fund created in section 425A.1.~~

41 Any balance in said fund on June 30 shall revert to  
 42 the general fund.  
 43 Sec. 49. This division of this Act, being deemed  
 44 of immediate importance, takes effect upon enactment  
 45 and applies to family farm tax credits and  
 46 agricultural land credits allowed for property taxes  
 47 due and payable in fiscal years beginning on or after  
 48 July 1, 1996.

49  
 50 DIVISION VIII  
 SCHOOL FUNDING

**Page 26**

1 Sec. 50. Section 257.1, subsection 2, unnumbered  
 2 paragraph 2, Code Supplement 1995, is amended to read  
 3 as follows:

4 For the budget year commencing July 1, ~~1991~~ 1996,  
 5 and for each succeeding budget year the regular  
 6 program foundation base per pupil is eighty-three  
 7 percent of the regular program state cost per pupil;  
 8 ~~except that the regular program foundation base per~~  
 9 ~~pupil for the portion of weighted enrollment that is~~  
 10 ~~additional enrollment because of special education is~~  
 11 ~~seventy-nine percent of the regular program state cost~~  
 12 ~~per pupil.~~ For the budget year commencing July 1,  
 13 ~~1991~~ 1996, and for each succeeding budget year the  
 14 special education support services foundation base is  
 15 ~~seventy-nine~~ eighty-three percent of the special  
 16 education support services state cost per pupil. The  
 17 combined foundation base is the sum of the regular  
 18 program foundation base and the special education



19 support services foundation base.

20 Sec. 51. EFFECTIVE DATE. This division of this  
21 Act, being deemed of immediate importance, takes  
22 effect upon enactment for calculating state foundation  
23 aid for school budget years commencing on or after  
24 July 1, 1996.

#### 25 DIVISION IX

#### 26 PROPERTY TAX STUDY

27 Sec. 52. The legislative council shall direct the  
28 establishment of a legislative committee to study the  
29 system of local government property taxation. The  
30 committee shall conduct a comprehensive review of the  
31 property tax system in Iowa, including identifying the  
32 various classes of property taxpayers, the portion of  
33 property taxes collected from each class of taxpayer,  
34 the distribution of those taxes to local governments,  
35 and the value of local government services received by  
36 a class of taxpayers in relation to the amount of  
37 property taxes paid by that class. The committee  
38 shall also examine the current system of property tax  
39 credits and exemptions allowed to taxpayers, tax  
40 increment financing and tax abatement programs,  
41 property tax credits and exemptions, the effect of tax  
42 abatement programs, and tax increment financing on the  
43 tax rates applied to the other classes of property,  
44 and the general authority of local officials to abate  
45 property taxes.

46 As an integral part of the collection of taxes by  
47 local governments, the committee shall also review the  
48 budgeting procedures and practices of local  
49 governments, including the process of estimating and  
50 spending ending fund balances; the authorization to

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1 use, or the practice of using, unexpended funds or  
2 ending fund balances for capital improvements or other  
3 nonrecurring expenditures; and the impact on property  
4 tax rates of actions of the school budget review  
5 committee, the state appeal board, the application of  
6 the property tax rollback, and the application of  
7 equalization orders issued by the department of  
8 revenue and finance.

9 The committee shall also review the use of property  
10 taxes as the sole or major source of funding for  
11 school, city, and county services and the use of  
12 alternate sources of revenues to pay for such  
13 services, the repayment of bonds or other debt  
14 obligations by local governments, the use of alternate  
15 sources of revenue to repay bonds or other debt

16 obligations, and the current statutory requirements  
 17 for the issuance of bonds or other debt obligations by  
 18 local governments.”  
 19 \_\_\_\_ . Title page , line 12, by inserting after the  
 20 word “credits;” the following: “increasing the school  
 21 foundation base level for special education;””.

WILLIAM D. PALMER  
 MICHAEL E. GRONSTAL  
 EMIL J. HUSAK

S-5581

1 Amend the amendment, S-5553, to House File 2256, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 2, line 9, by inserting after the word  
 5 “state” the following: “or a political subdivision of  
 6 the state”.

PATTY JUDGE

S-5582

1 Amend the amendment, S-5489, to House File 2449, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 7, by inserting after line 31 the  
 5 following:  
 6 “Sec. \_\_\_\_ . Section 56.2, Code Supplement 1995, is  
 7 amended by adding the following new subsection:  
 8 NEW SUBSECTION. 3A. “Campaign season” means the  
 9 time period between the filing of documents with the  
 10 appropriate election authority evidencing an intent to  
 11 run for a particular office, through the day of  
 12 election for that office.  
 13 Sec. \_\_\_\_ . NEW SECTION. 56.5B INVITATIONS TO  
 14 EVENTS.  
 15 If an officeholder who is running for reelection is  
 16 invited to any event in the capacity as officeholder  
 17 during the campaign season, any opponent for that  
 18 office shall also be invited to the event.”  
 19 2. Page 8, by inserting after line 34 the  
 20 following:  
 21 “Sec. \_\_\_\_ . NEW SECTION. 56.42A DISGORGEMENT OF  
 22 CAMPAIGN FUNDS.  
 23 On December 31 following a general election for the  
 24 office sought by the candidate, the candidate’s  
 25 committee shall withdraw all moneys in the candidate’s  
 26 campaign account that are in excess of any amount

27 necessary to defray the campaign expenses of the  
28 candidate's committee, and shall transfer the funds  
29 according to the provisions of section 56.42."  
30 3. By renumbering as necessary.

MARY LUNDBY

S-5583

1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 8, by inserting after line 39 the  
5 following:  
6 "Sec. \_\_\_\_ SEVERABILITY CLAUSE. Notwithstanding  
7 other sections of this Act, if any of sections 100  
8 through 700 of this Act, or the application of any of  
9 those sections, is declared unconstitutional, the  
10 invalidity shall not affect the provisions or  
11 application of this Act which can be given effect  
12 without the invalid provisions or application, and to  
13 this end, sections 100 through 700 are severable from  
14 this Act."  
15 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5584

1 Amend the amendment, S-5489, to House File 2449, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 8, line 40, by inserting after the word  
5 "Act" the following: ", except sections 100 through  
6 700."  
7 2. Page 8, line 41, by inserting after the figure  
8 "1997." the following: "Sections 100 through 700 of  
9 this Act, being deemed of immediate importance, take  
10 effect upon enactment."

BERL E. PRIEBE

S-5585

1 Amend House File 2350, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, line 9, by inserting after the word  
4 "department" the following: "or appropriate local  
5 authority".  
6 2. Page 3, by inserting after line 28 the

7 following:

8 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 5 of this Act,  
9 being deemed of immediate importance, takes effect  
10 upon enactment."

11 3. Title page, line 3, by inserting after the  
12 word "vehicles" the following: "and providing an  
13 effective date".

DON E. GETTINGS

S-5586

1 Amend House File 2350, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . Section 321E.1, unnumbered paragraph 1,  
6 Code 1995, is amended to read as follows:

7 The department and local authorities may in their  
8 discretion and upon application and with good cause  
9 being shown issue permits for the movement of  
10 construction machinery or asphalt repavers being  
11 temporarily moved on streets, roads or highways and  
12 for vehicles with indivisible loads which exceed the  
13 maximum dimensions and weights specified in sections  
14 321.452 to 321.466, but not to exceed the limitations  
15 imposed in sections 321E.1 to 321E.15 except as  
16 provided in sections 321E.29 and 321E.30. Vehicles  
17 permitted to transport indivisible loads may exceed  
18 the width and length limitations specified in sections  
19 321.454 and 321.457 for the purpose of picking up an  
20 indivisible load or returning from delivery of the  
21 indivisible load. Permits issued may be single-trip  
22 ~~permits~~, multi-trip, or annual permits. Permits shall  
23 be in writing and shall be carried in the cab of the  
24 vehicle for which the permit has been issued and shall  
25 be available for inspection at all times. The vehicle  
26 and load for which the permit has been issued shall be  
27 open to inspection by a peace officer or an authorized  
28 agent of a permit granting authority. When in the  
29 judgment of the issuing authority in cities and  
30 counties the movement of a vehicle with an indivisible  
31 load or construction machinery which exceeds the  
32 maximum dimensions and weights will be unduly  
33 hazardous to public safety or will cause undue damage  
34 to streets, avenues, boulevards, thoroughfares,  
35 highways, curbs, sidewalks, trees, or other public or  
36 private property, the permit shall be denied and the  
37 reasons for denial endorsed on the application.  
38 Permits shall designate the days when and routes upon

39 which loads and construction machinery may be moved  
40 within a county on other than primary roads.

41 Sec. \_\_\_\_ . Section 321E.2, Code 1995, is amended to  
42 read as follows:

43 321E.2 PERMIT-ISSUING AUTHORITIES.

44 Annual ~~permits~~, multi-trip, and single-trip permits  
45 shall be issued by the authority responsible for the  
46 maintenance of the system of highways or streets.  
47 However, the department may issue permits on primary  
48 road extensions in cities in conjunction with  
49 movements on the rural primary road system. The  
50 department may issue an all-system permit under

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1 section 321E.8 which is valid for movements on all  
2 highways or streets under the jurisdiction of either  
3 the state or those local authorities which have  
4 indicated in writing to the department those streets  
5 or highways for which an all-system permit is not  
6 valid.

7 At the request of a local authority, the department  
8 shall issue annual, multi-trip, and single-trip  
9 permits that are under the jurisdiction of the local  
10 authority."

11 2. Page 3, by inserting after line 28 the  
12 following:

13 "Sec. \_\_\_\_ . NEW SECTION. 321E.9A MULTI-TRIP  
14 PERMITS.

15 Subject to the discretion and judgment provided for  
16 in section 321E.1, a multi-trip permit shall be issued  
17 for operation of vehicles, in accordance with the  
18 following:

19 1. Vehicles with indivisible loads having an  
20 overall length not to exceed one hundred feet, an  
21 overall width not to exceed eleven feet, and an  
22 overall height not to exceed fourteen feet, four  
23 inches, may be moved, provided the gross weight on any  
24 one axle shall not exceed the maximum prescribed in  
25 section 321.463.

26 2. Vehicles or combinations of vehicles consisting  
27 of construction machinery not exceeding the height,  
28 length, and width limitations of this section being  
29 temporarily moved on highways with a maximum total  
30 gross weight limitation and a single axle weight  
31 limitation in accordance with section 321E.7, may be  
32 moved.

33 3. The department shall adopt rules pursuant to  
34 chapter 17A governing the issuance of permits under  
35 this section.

36 Sec. \_\_\_\_ . Section 321E.14, unnumbered paragraph 1,  
37 Code 1995, is amended to read as follows:  
38 The department or local authorities issuing the  
39 permits shall charge a fee of twenty-five dollars for  
40 an annual permit, one hundred dollars for a multi-trip  
41 permit, and a fee of ten dollars for a single-trip  
42 permit and shall determine charges for special permits  
43 issued pursuant to section 321E.29 by rules adopted  
44 pursuant to chapter 17A. Fees for the movement of  
45 buildings, parts of buildings, or unusual vehicles or  
46 loads may be increased to cover the costs of  
47 inspections by the issuing authority. A fee not to  
48 exceed two hundred fifty dollars per day or a prorated  
49 fraction of that fee per person and car for escort  
50 service may be charged when requested or when required

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1 under this chapter. Proration of escort fees between  
2 state and local authorities when more than one  
3 governmental authority provides or is required to  
4 provide escort for a movement during the period of a  
5 day shall be determined by rule under section 321E.15.  
6 The department and local authorities may charge a  
7 permit applicant for the cost of trimming trees and  
8 removal and replacement of natural obstructions or  
9 official signs and signals or other public or private  
10 property required to be removed during the movement of  
11 a vehicle and load. In addition to the fees provided  
12 in this section, the annual fee for a permit for  
13 special mobile equipment, as defined in section 321.1,  
14 subsection 75, operated pursuant to section 321E.7,  
15 subsection 2, with a combined gross weight up to and  
16 including eighty thousand pounds shall be twenty-five  
17 dollars and for a combined gross weight exceeding  
18 eighty thousand pounds, fifty dollars.  
19 Sec. \_\_\_\_ . Section 321E.28, unnumbered paragraph 1,  
20 Code 1995, is amended to read as follows:  
21 The department and local authorities may, upon  
22 application and with good cause shown, issue single-  
23 trip, multi-trip, or annual permits for the movement  
24 of mobile homes or factory-built structures of widths  
25 including appurtenances exceeding twelve feet five  
26 inches subject to the following conditions:  
27 Sec. \_\_\_\_ . There is appropriated from the road use  
28 tax fund under section 312.1, for the fiscal year  
29 beginning July 1, 1996, and ending June 30, 1997, one  
30 hundred twenty-five thousand dollars to the state  
31 department of transportation for the purposes of  
32 automating the permitting system authorized under

33 chapter 321E in order to improve communication between  
34 carriers and the department regarding changing road  
35 conditions, including construction zones.”  
36 3. Title page, line 3, by inserting after the  
37 word “vehicles” the following: “and providing an  
38 appropriation”.

DON E. GETTINGS

S-5587

1 Amend Senate File 2389 as follows:  
2 1. Page 1, line 35, by inserting after the word  
3 “system,” the following: “fraternal benefit  
4 society.”

ELAINE SZYMONIAK

S-5588

1 Amend Senate File 2389 as follows:  
2 1. Page 2, lines 4 and 5, by striking the words  
3 “restricted access network, or similar health-care  
4 plan” and inserting the following: “or restricted  
5 access network”.

ELAINE SZYMONIAK

S-5589

1 Amend Senate File 2389 as follows:  
2 1. By striking page 1, line 34, through page 2,  
3 line 5, and inserting the following: “indemnity plan  
4 with a limited provider network” means an organized  
5 delivery system. For purposes of this section.”

ELAINE SZYMONIAK

S-5590

1 Amend Senate File 2389 as follows:  
2 1. Page 1, line 5, by striking the word “shall”  
3 and inserting the following: “may”.  
4 2. Page 1, line 9, by striking the words “shall  
5 not” and inserting the following: “may”.  
6 3. Page 1, lines 31 and 32, by striking the words  
7 “adopt rules as necessary to administer this  
8 paragraph” and inserting the following: “conduct a  
9 study for each managed care plan in order to determine  
10 if it is capable of serving appropriately the needs of

11 the subscriber population in the service area”.

12 4. Page 1, by inserting after line 32 the

13 following:

14 “A plan shall not be implemented until completion  
15 of the study of the needs of the subscriber population  
16 in the service area. Following completion of a study,  
17 the commissioner of insurance shall hold a public  
18 hearing for the purpose of allowing commentary by the  
19 public on the plan. Following the hearing, the  
20 commissioner of insurance shall issue an order  
21 regarding the capability of each plan to serve the  
22 needs of the service area including the proper  
23 concentration and number of providers who shall be a  
24 part of the plan. The order shall be issued not more  
25 than two weeks following the hearing.”

26 5. Page 2, by inserting after line 7 the

27 following:

28 “Sec. \_\_\_\_ . There is appropriated to the insurance  
29 division of the department of commerce for the fiscal  
30 year beginning July 1, 1996, and ending June 30, 1997,  
31 the following amount, or so much thereof as may be  
32 necessary, for the purpose of carrying out the studies  
33 and public hearings as provided for in section

34 514C.11:

35 ..... \$ 500,000”.

36 6. Title page, line 3, by inserting after the  
37 word “physicians” the following: “and making an  
38 appropriation”.

ELAINE SZYMONIAK

S-5591

1 Amend the amendment, S-5496, to House File 2369, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 15, by inserting after the word  
5 “benefits” the following: “, which are not limited to  
6 complications of pregnancy.”.

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE FILE 2213

S-5592

1 Amend Senate File 2213, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 1 and 2 and



4 inserting the following:

5 "Section 1. 1991 Iowa Acts, chapter 169, section  
6 9, is amended to read as follows:

7 SEC. 9. This Act is repealed effective June 30,  
8 ~~1996~~ 2000."

S-5593

1 Amend amendment S-5580, to the House amendment, S-  
2 5574, to Senate File 2449, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. By striking page 1, line 1, through page 27,  
5 line 21, and inserting the following:

6 "Amend the House amendment, S-5574, to Senate File  
7 2449, as amended, passed, and reprinted by the Senate,  
8 as follows:

9 1. By striking page 1, line 3, through page 6,  
10 line 10, and inserting the following:

11 " — . By striking everything after the enacting  
12 clause and inserting the following:

13 "DIVISION I

14 INCOME TAX INDEXATION

15 Section 1. Section 422.4, subsection 1, paragraphs  
16 a and d, Code 1995, are amended to read as follows:

17 a. "Annual inflation factor" means an index,  
18 expressed as a percentage, determined by the  
19 department by October 15 of the calendar year  
20 preceding the calendar year for which the factor is  
21 determined, which reflects the purchasing power of the  
22 dollar as a result of inflation during the fiscal year  
23 ending in the calendar year preceding the calendar  
24 year for which the factor is determined. In  
25 determining the annual inflation factor, the  
26 department shall use the annual percent change, but  
27 not less than zero percent, in the ~~implicit price~~  
28 ~~deflator for the gross national product~~ gross domestic  
29 product price deflator computed for the second quarter  
30 of the calendar year by the bureau of economic  
31 analysis of the United States department of commerce  
32 and shall add ~~one-half~~ all of that percent change to  
33 one hundred percent. The annual inflation factor and  
34 the cumulative inflation factor shall each be  
35 expressed as a percentage rounded to the nearest one-  
36 tenth of one percent. The annual inflation factor  
37 shall not be less than one hundred percent.

38 d. Notwithstanding the computation of the annual  
39 inflation factor under paragraph "a", the annual  
40 inflation factor is one hundred percent for any  
41 calendar year in which the unobligated state general  
42 fund balance on June 30 as certified by the director

43 of the department of management by October 10, is less  
 44 than sixty million dollars. Notwithstanding section  
 45 8.58, in determining the unobligated state general  
 46 fund balance on June 30, unobligated moneys in the  
 47 cash reserve fund and Iowa economic emergency fund on  
 48 June 30 shall be counted as part of the unobligated  
 49 state general fund balance for purposes of this  
 50 paragraph.

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1 Sec. 2. Section 422.4, subsection 2, paragraph a,  
 2 Code 1995, is amended to read as follows:  
 3 a. "Annual standard deduction factor" means an  
 4 index, expressed as a percentage, determined by the  
 5 department by October 15 of the calendar year  
 6 preceding the calendar year for which the factor is  
 7 determined, which reflects the purchasing power of the  
 8 dollar as a result of inflation during the fiscal year  
 9 ending in the calendar year preceding the calendar  
 10 year for which the factor is determined. In  
 11 determining the annual standard deduction factor, the  
 12 department shall use the annual percent change, but  
 13 not less than zero percent, in the implicit price  
 14 deflator for the gross national product gross domestic  
 15 product price deflator computed for the second quarter  
 16 of the calendar year by the bureau of economic  
 17 analysis of the United States department of commerce  
 18 and shall add ~~one-half~~ all of that percent change to  
 19 one hundred percent. The annual standard deduction  
 20 factor and the cumulative standard deduction factor  
 21 shall each be expressed as a percentage rounded to the  
 22 nearest one-tenth of one percent. The annual standard  
 23 deduction factor shall not be less than one hundred  
 24 percent.

25 Sec. 3. This division of this Act, being deemed of  
 26 immediate importance, takes effect upon enactment and  
 27 applies to the computation of the annual inflation  
 28 factor and annual standard deduction factor for  
 29 calendar years beginning on or after January 1, 1996.  
 30 The department of revenue and finance shall adjust the  
 31 annual inflation factor and annual standard deduction  
 32 factor previously computed for the 1996 calendar year  
 33 to reflect the change made in the computation of those  
 34 factors in this Act.

35 DIVISION II  
 36 INHERITANCE TAX

37 Sec. 4. Section 450.9, subsections 2 and 3, Code  
 38 1995, are amended to read as follows:

39 2. Each son and daughter, including legally

40 adopted sons and daughters, or stepsons and  
41 stepdaughters, or biological sons and daughters  
42 entitled to inherit under the law of this state, fifty  
43 two hundred thousand dollars.

44 3. Father or mother, fifteen fifty thousand  
45 dollars.

46 Sec. 5. Section 450.9, Code 1995, is amended by  
47 adding the following new subsection after subsection  
48 3:

49 NEW SUBSECTION. 3A. Each grandchild, fifty  
50 thousand dollars.

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1 Sec. 6. This division of this Act takes effect  
2 July 1 following enactment of the division and applies  
3 to the estates of decedents dying on or after that  
4 date.

#### 5 DIVISION III

#### 6 HOMESTEAD, MILITARY, AND LOW-INCOME 7 TAX CREDIT AND REIMBURSEMENT

8 Sec. 7. Section 8.59, Code 1995, is amended to  
9 read as follows:

#### 10 8.59 APPROPRIATIONS FREEZE.

11 Notwithstanding contrary provisions of the Code,  
12 the amounts appropriated under the applicable sections  
13 of the Code for fiscal years commencing on or after  
14 July 1, 1993, are limited to those amounts expended  
15 under those sections for the fiscal year commencing  
16 July 1, 1992. If an applicable section appropriates  
17 moneys to be distributed to different recipients and  
18 the operation of this section reduces the total amount  
19 to be distributed under the applicable section, the  
20 moneys shall be prorated among the recipients. As  
21 used in this section, "applicable sections" means the  
22 following sections: 53.50, 229.35, 230.8, 230.11,  
23 405A.8, 411.20, ~~425.1~~, ~~425.39~~, ~~426A.1~~, 663.44, and  
24 822.5.

25 Sec. 8. Section 425.1, subsection 1, Code 1995, is  
26 amended to read as follows:

27 1. A homestead credit fund is created. There is  
28 appropriated annually from the general fund of the  
29 state to the department of revenue and finance to be  
30 credited to the homestead credit fund, an amount  
31 sufficient the sum of one hundred fourteen million  
32 four hundred thousand dollars to implement this  
33 chapter.

34 The director of revenue and finance shall issue  
35 warrants on the homestead credit fund payable to the  
36 county treasurers of the several counties of the state

37 under this chapter.

38 Sec. 9. Section 425.17, subsection 2, paragraph b,  
39 Code 1995, is amended to read as follows:

40 b. A person filing a claim for ~~credit or~~  
41 reimbursement under this division who has attained the  
42 age of twenty-three years on or before December 31 of  
43 the base year or was a head of household on December  
44 31 of the base year, as defined in the Internal  
45 Revenue Code, but has not attained the age or  
46 disability status described in paragraph "a", and was  
47 domiciled in this state during the entire base year,  
48 and is domiciled in this state at the time the claim  
49 is filed or at the time of the person's death in the  
50 case of a claim filed by the executor or administrator

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1 of the claimant's estate, and was not claimed as a  
2 dependent on any other person's tax return for the  
3 base year.

4 Sec. 10. Section 425.17, subsection 2, unnumbered  
5 paragraph 2, Code 1995, is amended to read as follows:  
6 "Claimant" under paragraph "a" ~~or "b"~~ includes a  
7 vendee in possession under a contract for deed and may  
8 include one or more joint tenants or tenants in  
9 common. In the case of a claim for rent constituting  
10 property taxes paid, the claimant shall have rented  
11 the property during any part of the base year. If a  
12 homestead is occupied by two or more persons, and more  
13 than one person is able to qualify as a claimant, the  
14 persons may determine among them who will be the  
15 claimant. If they are unable to agree, the matter  
16 shall be referred to the director of revenue and  
17 finance not later than June 1 of each year and the  
18 director's decision is final.

19 Sec. 11. Section 425.23, subsection 1, paragraph  
20 b, Code 1995, is amended by striking the paragraph and  
21 inserting in lieu thereof the following:

22 b. The reimbursement for a claimant described in  
23 section 425.17, subsection 2, paragraph "b", shall be  
24 determined as follows:

25 26 If the household 27 income is:	Percent of rent constituting property taxes paid allowed as a reimbursement:
28 \$ 0 - 9,999.99	..... 50
29 10,000 - 13,999.99	..... 42
30 14,000 - 17,999.99	..... 35
31 18,000 - 20,999.99	..... 25
32 21,000 - 23,999.99	..... 17
33 24,000 - 26,999.99	..... 12

34 Sec. 12. Section 425.23, subsection 3, paragraph  
35 a, Code 1995, is amended to read as follows:  
36 a. A person who is eligible to file a claim for  
37 credit for property taxes due and who has a household  
38 credit of six thousand dollars or less and who has an  
39 unpaid special assessment levied against the homestead  
40 may file a claim with the county treasurer that the  
41 claimant had a household income of six thousand  
42 dollars or less and that an unpaid special assessment  
43 is presently levied against the homestead. The  
44 department shall provide to the respective treasurers  
45 the forms necessary for the administration of this  
46 subsection. The claim shall be filed not later than  
47 September 30 of each year. Upon the filing of the  
48 claim, interest for late payment shall not accrue  
49 against the amount of the unpaid special assessment  
50 due and payable. The claim filed by the claimant

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1 constitutes a claim for credit of an amount equal to  
2 the actual amount due upon the unpaid special  
3 assessment, plus interest, payable during the fiscal  
4 year for which the claim is filed against the  
5 homestead of the claimant. ~~However, where the~~  
6 ~~claimant is an individual described in section 425.17,~~  
7 ~~subsection 2, paragraph "b", and the tentative credit~~  
8 ~~is determined according to the schedule in section~~  
9 ~~425.23, subsection 1, paragraph "b", subparagraph (2);~~  
10 ~~the claim filed constitutes a claim for credit of an~~  
11 ~~amount equal to one-half of the actual amount due and~~  
12 ~~payable during the fiscal year.~~ The department of  
13 revenue and finance shall, upon the filing of the  
14 claim with the department by the treasurer, pay that  
15 amount of the unpaid special assessment during the  
16 current fiscal year to the treasurer. The treasurer  
17 shall submit the claims to the director of revenue and  
18 finance not later than October 15 of each year. The  
19 director of revenue and finance shall certify the  
20 amount of reimbursement due each county for unpaid  
21 special assessment credits allowed under this  
22 subsection. The amount of reimbursement due each  
23 county shall be paid by the director of revenue and  
24 finance on October 20 of each year, drawn upon  
25 warrants payable to the respective treasurer. There  
26 is appropriated annually from the general fund of the  
27 state to the department of revenue and finance an  
28 amount sufficient to carry out the provisions of this  
29 subsection. The treasurer shall credit any moneys  
30 received from the department against the amount of the

31 unpaid special assessment due and payable on the  
32 homestead of the claimant.

33 Sec. 13. Section 425.24, Code 1995, is amended to  
34 read as follows:

35 425.24 MAXIMUM PROPERTY TAX FOR PURPOSE OF CREDIT  
36 OR REIMBURSEMENT.

37 In any case in which property taxes due or rent  
38 constituting property taxes paid for any household  
39 exceeds one thousand dollars or six hundred dollars in  
40 the case of a claimant described in section 425.17,  
41 subsection 2, paragraph "b", the amount of property  
42 taxes due or rent constituting property taxes paid  
43 shall be deemed to have been one thousand dollars or  
44 six hundred dollars in the case of a claimant  
45 described in section 425.17, subsection 2, paragraph  
46 "b", for purposes of this division.

47 Sec. 14. Section 425.39, Code 1995, is amended to  
48 read as follows:

49 1. The extraordinary property tax credit and  
50 reimbursement fund is created. There is appropriated

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1 annually from the general fund of the state to the  
2 department of revenue and finance to be credited to  
3 the extraordinary property tax credit and  
4 reimbursement fund, from funds not otherwise  
5 appropriated, an amount sufficient the sum of twelve  
6 million five hundred thousand dollars to implement  
7 this division.

8 2. If the amount appropriated under subsection 1,  
9 as limited by section 8.59, plus any supplemental  
10 appropriation made for purposes of this section for a  
11 fiscal year is insufficient to pay all claims in full,  
12 the director shall pay, in full, all claims to be paid  
13 during the fiscal year for reimbursement of rent  
14 constituting property taxes paid or if moneys are  
15 insufficient to pay all such claims on a pro rata  
16 basis. If the amount of claims for credit for  
17 property taxes due to be paid during the fiscal year  
18 exceed the amount remaining after payment to renters,  
19 the director of revenue and finance shall prorate the  
20 payments to the counties for the property tax credit.  
21 In order for the director to carry out the  
22 requirements of this subsection, notwithstanding any  
23 provision to the contrary in this division, claims for  
24 reimbursement for rent constituting property taxes  
25 paid filed before May 1 of the fiscal year shall be  
26 eligible to be paid in full during the fiscal year and  
27 those claims filed on or after May 1 of the fiscal

28 year shall be eligible to be paid during the following  
29 fiscal year and the director is not required to make  
30 payments to counties for the property tax credit  
31 before June 15 of the fiscal year.

32 Sec. 15. Section 425.40, Code 1995, is amended to  
33 read as follows:

34 425.40 LOW-INCOME FUND CREATED.

35 1. A low-income ~~tax credit and rent~~ reimbursement  
36 fund is created. There is appropriated annually from  
37 the general fund of the state to the low-income rent  
38 reimbursement fund the sum of thirteen million five  
39 hundred thousand dollars to fund rent reimbursements  
40 under this division.

41 2. If the amount appropriated under subsection 1  
42 plus any supplemental appropriation made for purposes  
43 of this section for a fiscal year is insufficient to  
44 pay all claims in full, the director shall pay; ~~in~~  
45 ~~full, all claims to be paid during the fiscal year for~~  
46 ~~reimbursement of rent constituting property taxes paid~~  
47 ~~or if moneys are insufficient to pay all such claims~~  
48 ~~on a pro rata basis. If the amount of claims for~~  
49 ~~credit for property taxes due to be paid during the~~  
50 ~~fiscal year exceed the amount remaining after payment~~

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1 to renters, the director of revenue and finance shall  
2 prorate the payments to the counties for the property  
3 tax credit. In order for the director to carry out  
4 the requirements of this subsection, notwithstanding  
5 any provision to the contrary in this division, claims  
6 for reimbursement for rent constituting property taxes  
7 paid filed before May 1 of the fiscal year shall be  
8 eligible to be paid ~~in full~~ during the fiscal year and  
9 those claims filed on or after May 1 of the fiscal  
10 year shall be eligible to be paid during the following  
11 fiscal year and the director is not required to make  
12 payments to counties for the property tax credit  
13 before June 15 of the fiscal year.

14 Sec. 16. Section 426A.1, Code 1995, is amended to  
15 read as follows:

16 426A.1 APPROPRIATION.

17 There is appropriated from the general fund of the  
18 state the amounts necessary sum of two million eight  
19 hundred thousand dollars to fund the credits provided  
20 under this chapter.

21 Sec. 17. This division of this Act takes effect  
22 July 1, 1996, and applies to homestead, military  
23 service, and low-income tax credit and rent  
24 reimbursement claims payable in fiscal years beginning

25 on or after July 1, 1996.

26

DIVISION IV

27

SUBCHAPTER S CORPORATIONS

28 Sec. 18. Section 422.4, Code 1995, is amended by

29 adding the following new subsection:

30 NEW SUBSECTION. 15A. "Subchapter S corporation"

31 or "S corporation" means a corporation for which a

32 valid election under section 1362(a) of the Internal

33 Revenue Code is in effect.

34 Sec. 19. Section 422.5, subsection 1, paragraph j,

35 Code 1995, is amended to read as follows:

36 j. (1) The tax imposed upon the taxable income of

37 a nonresident shall be computed by reducing the amount

38 determined pursuant to paragraphs "a" through "i" by

39 the amounts of nonrefundable credits under this

40 division and by multiplying this resulting amount by a

41 fraction of which the nonresident's net income

42 allocated to Iowa, as determined in section 422.8,

43 subsection 2, paragraph "a", is the numerator and the

44 nonresident's total net income computed under section

45 422.7 is the denominator. This provision also applies

46 to individuals who are residents of Iowa for less than

47 the entire tax year.

48 (2) The tax imposed upon the taxable income of a

49 resident shareholder in a subchapter S corporation

50 which makes an election pursuant to section 422.36,

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1 subsection 5, paragraph "b", to be taxed as a regular

2 corporation, shall be computed by reducing the amount

3 determined pursuant to paragraphs "a" through "i" by

4 the amounts of nonrefundable credits under this

5 division and by multiplying this resulting amount by a

6 fraction of which the resident's net income allocated

7 to Iowa, as determined in section 422.8, subsection 2,

8 paragraph "b", is the numerator and the resident's

9 total net income as computed under section 422.7 is

10 the denominator. This provision also applies to

11 individuals who are residents of Iowa for less than

12 the entire tax year.

13 (a) In the case of a resident or part-year

14 resident shareholder in a subchapter S corporation

15 which makes an election under section 422.36,

16 subsection 5, paragraph "b", to be taxed as a regular

17 corporation, a taxpayer must completely fill out the

18 return, determine the taxpayer's income tax as if the

19 taxpayer is not a resident shareholder in a

20 corporation which makes an election pursuant to

21 section 422.36, subsection 5, paragraph "b", and pay



22 the amount of tax which is owed. The taxpayer shall  
23 then recompute the taxpayer's income tax liability  
24 pursuant to this subparagraph on a special return.  
25 This special return shall be filed with the regular  
26 return and constitutes a claim for refund of the  
27 difference between the amount of tax the taxpayer paid  
28 on the regular return and the amount of tax determined  
29 on the special return. However, if the amount of tax  
30 determined on the special return exceeds the amount of  
31 tax paid on the regular return, the taxpayer shall pay  
32 the additional amount of tax which is owed on the  
33 special return.

34 (b) For any tax year, the aggregate amount of  
35 refund claims that shall be paid pursuant to this  
36 subparagraph in excess of revenue gains shall not  
37 exceed three million five hundred thousand dollars.  
38 If, for a tax year, the aggregate amount of refund  
39 claims filed pursuant to this subparagraph in excess  
40 of revenue gains exceeds three million five hundred  
41 thousand dollars, each claim for refund shall be paid  
42 on a pro rata basis so that the aggregate amount of  
43 refund claims in excess of revenue gains does not  
44 exceed three million five hundred thousand dollars.  
45 For purposes of the calculation of the three million  
46 five hundred thousand dollar limitation provided by  
47 this subparagraph subdivision, the department shall  
48 take into account all revenue gains as well as revenue  
49 losses resulting from the application of the following  
50 provisions, including, without limitation, revenue

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1 gains arising when the tax calculated under this  
2 subparagraph is greater, revenue gains resulting from  
3 the denial of tax credits under section 422.8,  
4 subsection 6, revenue gains resulting from the  
5 taxation of additional income under section 422.7,  
6 subsection 35, and revenue gains resulting from the  
7 imposition of corporate income taxes on corporations  
8 making the election specified in section 422.36,  
9 subsection 5, paragraph "b". In the case where refund  
10 claims are not allowed in full, the amount of the  
11 refund to which the taxpayer is entitled under this  
12 subparagraph is the pro rata amount that was paid and  
13 the taxpayer is not entitled to a refund of the unpaid  
14 portion and is not entitled to carry that amount  
15 forward or backward to another tax year. Taxpayers  
16 shall not use refunds as estimated payments for the  
17 succeeding tax year. The department shall determine  
18 by July 1 of the tax year following the tax year for

19 which the refund claim is filed if the aggregate  
20 amount of refund claims in excess of revenue gains  
21 exceeds three million five hundred thousand dollars  
22 for the tax year. Notwithstanding any provision,  
23 interest shall not be due on any refund claims that  
24 are paid by September 1 of the tax year following the  
25 tax year for which the refund claim is filed. For  
26 taxpayers that are fiscal year filers, the amount of  
27 the refund claim allowed shall be in the same ratio as  
28 the refund claims allowed for the tax year in which  
29 the taxpayer's fiscal year began.

30 Sec. 20. Section 422.5, subsection 1, paragraph k,  
31 subparagraph (3), unnumbered paragraph 3, Code 1995,  
32 is amended to read as follows:

33 In the case of a resident, including a resident  
34 estate or trust, the state's apportioned share of the  
35 state alternative minimum tax is one hundred percent  
36 of the state alternative minimum tax computed in this  
37 subsection. In the case of a resident or part-year  
38 resident shareholder in a subchapter S corporation  
39 which makes an election under section 422.36,  
40 subsection 5, paragraph "b" to be taxed as a regular  
41 corporation and a nonresident, including a nonresident  
42 estate or trust, or an individual, estate, or trust  
43 that is domiciled in the state for less than the  
44 entire tax year, the state's apportioned share of the  
45 state alternative minimum tax is the amount of tax  
46 computed under this subsection, reduced by the  
47 applicable credits in sections 422.10 through 422.12  
48 and this result multiplied by a fraction with a  
49 numerator of the sum of state net income allocated to  
50 Iowa as determined in section 422.8, subsection 2,

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1 paragraph "a" or "b", as applicable, plus tax  
2 preference items, adjustments, and losses under  
3 subparagraph (1) attributable to Iowa and with a  
4 denominator of the sum of total net income computed  
5 under section 422.7 plus all tax preference items,  
6 adjustments, and losses under subparagraph (1). In  
7 computing this fraction, those items excludable under  
8 subparagraph (1) shall not be used in computing the  
9 tax preference items. Married taxpayers electing to  
10 file separate returns or separately on a combined  
11 return must allocate the minimum tax computed in this  
12 subsection in the proportion that each spouse's  
13 respective preference items, adjustments, and losses  
14 under subparagraph (1) bear to the combined preference  
15 items, adjustments, and losses under subparagraph (1)

16 of both spouses.

17 Sec. 21. Section 422.7, Code Supplement 1995, is  
18 amended by adding the following new subsection:  
19 NEW SUBSECTION. 35. In determining gain or loss  
20 from the sale or other disposition of stock of a  
21 subchapter S corporation which makes an election  
22 pursuant to section 422.36, subsection 5, paragraph  
23 "b" to be taxed as a regular corporation, the basis of  
24 a taxpayer in that stock shall be adjusted for Iowa  
25 income tax purposes under rules of the director to  
26 reflect any adjustment in Iowa income taxes paid by  
27 the taxpayer pursuant to section 422.5, subsection 1,  
28 paragraph "j", subparagraph (2).

29 Sec. 22. Section 422.8, subsection 2, Code 1995,  
30 is amended to read as follows:

31 2. a. Nonresident's net income allocated to Iowa  
32 is the net income, or portion thereof of the net  
33 income, which is derived from a business, trade,  
34 profession, or occupation carried on within this state  
35 or income from any property, trust, estate, or other  
36 source within Iowa. However, income derived from a  
37 business, trade, profession, or occupation carried on  
38 within this state and income from any property, trust,  
39 estate, or other source within Iowa shall not include  
40 distributions from pensions, including defined benefit  
41 or defined contribution plans, annuities, individual  
42 retirement accounts, and deferred compensation plans  
43 or any earnings attributable thereto so long as the  
44 distribution is directly related to an individual's  
45 documented retirement and received while the  
46 individual is a nonresident of this state. If a  
47 business, trade, profession, or occupation is carried  
48 on partly within and partly without the state, only  
49 the portion of the net income which is fairly and  
50 equitably attributable to that part of the business,

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1 trade, profession, or occupation carried on within the  
2 state is allocated to Iowa for purposes of section  
3 422.5, subsection 1, paragraph "j", and section 422.13  
4 and income from any property, trust, estate, or other  
5 source partly within and partly without the state is  
6 allocated to Iowa in the same manner, except that  
7 annuities, interest on bank deposits and interest-  
8 bearing obligations, and dividends are allocated to  
9 Iowa only to the extent to which they are derived from  
10 a business, trade, profession, or occupation carried  
11 on within the state.

12 b. A resident's income allocated to Iowa is the

13 income determined under section 422.7 reduced by items  
14 of income, loss, and expenses from a subchapter S  
15 corporation which makes an election pursuant to  
16 section 422.36, subsection 5, paragraph "b", to be  
17 taxed as a regular corporation, which passes directly  
18 to the shareholders under provisions of the Internal  
19 Revenue Code, with the following adjustments:

20 (1) Add cash or value of property distributions  
21 made to the extent paid from income upon which Iowa  
22 income tax has not been paid as determined under rules  
23 of the director.

24 (2) Subtract the amounts of distributions made in  
25 subparagraph (1) that were, under rules of the  
26 director, distributed to the shareholder to enable the  
27 shareholder to pay federal income tax on items of  
28 income, loss, and expenses from a subchapter S  
29 corporation which makes an election pursuant to  
30 section 422.36, subsection 5, paragraph "b", to be  
31 taxed as a regular corporation, which pass directly to  
32 the shareholders under provisions of the Internal  
33 Revenue Code.

34 Sec. 23. Section 422.8, Code 1995, is amended by  
35 adding the following new subsection:

36 **NEW SUBSECTION. 6.** If the resident or part-year  
37 resident is a shareholder of a subchapter S  
38 corporation which makes an election pursuant to  
39 section 422.36, subsection 5, paragraph "b", to be  
40 taxed as a regular corporation, subsections 1 and 3 do  
41 not apply to any income taxes paid to another state or  
42 foreign country on the income from the subchapter S  
43 corporation.

44 Sec. 24. Section 422.32, subsection 4, Code  
45 Supplement 1995, is amended to read as follows:

46 4. "Corporation" includes joint stock companies,  
47 and associations organized for pecuniary profit, and  
48 publicly traded partnerships and limited liability  
49 companies taxed as corporations under the Internal  
50 Revenue Code and any subchapter S corporation which

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1 has in effect an election under section 422.36,  
2 subsection 5, paragraph "b", to be taxed as a regular  
3 corporation.

4 Sec. 25. Section 422.32, Code Supplement 1995, is  
5 amended by adding the following new subsection:

6 **NEW SUBSECTION. 11.** The term "value-added  
7 corporation" means a corporation that purchases,  
8 receives, or holds personal property of any  
9 description and which adds to its value by a process

10 of manufacturing, construction, processing, or  
11 combining of different materials, and shall  
12 specifically include the economic activity identified  
13 in divisions C and D of the standard industrial  
14 classification codes appearing in 13 C.F.R. ch. 1(1-1-  
15 94 edition), with a view to selling the finished  
16 product for gain or profit. A corporation engaged in  
17 more than one business activity is a value-added  
18 corporation if more than fifty percent of its gross  
19 receipts, figured on a three-year annual average, or  
20 such shorter period as the corporation shall have been  
21 in existence, are from the processes previously  
22 identified.

23 Sec. 26. Section 422.35, unnumbered paragraph 1,  
24 Code Supplement 1995, is amended to read as follows:

25 The term "net income" means the taxable income  
26 before the net operating loss deduction, as properly  
27 computed for federal income tax purposes under the  
28 Internal Revenue Code, or in the case of subchapter S  
29 corporations that make an election pursuant to section  
30 422.36, subsection 5, paragraph "b", "net income"  
31 means the sum of all items of distributive shares of  
32 income, loss, and expenses of the corporation as  
33 determined under rules of the director, with the  
34 following adjustments:

35 Sec. 27. Section 422.36, subsection 5, Code 1995,  
36 is amended to read as follows:

37 5. a. Where Unless an election is made under  
38 paragraph "b" to be taxed under this division, where a  
39 corporation is not subject to income tax and the  
40 stockholders of ~~such~~ the corporation are taxed on the  
41 corporation's income under the provisions of the  
42 Internal Revenue Code, the same tax treatment ~~shall~~  
43 apply to such applies to the corporation and ~~such the~~  
44 stockholders for Iowa income tax purposes.

45 b. A subchapter S corporation which is a value-  
46 added corporation which does business both within and  
47 without the state may elect to be taxed as a regular  
48 corporation under this division. The election shall  
49 be made not later than the due date for filing its  
50 return for the first taxable year for which the

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1 election is to be effective, including any extensions  
2 beyond that date, on a form provided by the director  
3 and signed by the shareholders holding more than one-  
4 half of the shares of stock of the corporation on the  
5 last day of the first taxable year for which the  
6 election is to be effective. The election shall be

7 effective for that taxable year and for subsequent  
 8 taxable years until revoked.

9 c. The corporation may revoke its election under  
 10 paragraph "b" by a revocation made not later than the  
 11 due date for filing its return for the taxable year  
 12 for which the revocation is to be effective, including  
 13 any extensions beyond that date, on a form provided by  
 14 the director and signed by shareholders holding more  
 15 than one-half of the shares of stock of the  
 16 corporation on the last day of the first taxable year  
 17 for which the revocation is to be effective. However,  
 18 a corporation that has made an election under  
 19 paragraph "b" shall not be eligible to make an  
 20 election under this paragraph for revocation of the  
 21 election under paragraph "b" for any taxable year  
 22 before its fourth taxable year following the first  
 23 taxable year for which the election under paragraph  
 24 "b" was effective, unless the director consents to the  
 25 revocation.

26 Sec. 28. This division of this Act, being deemed  
 27 of immediate importance, takes effect upon enactment  
 28 and applies retroactively to January 1, 1996, for tax  
 29 years of individuals beginning on or after that date  
 30 and for tax years of corporations ending on or after  
 31 that date.

#### 32 DIVISION V

#### 33 QUALIFIED VENTURE CAPITAL COMPANY

34 Sec. 29. NEW SECTION. 15E.175 DEFINITIONS.

35 As used in this section and sections 15E.176 and  
 36 15E.177:

37 1. "Iowa business" means a business or industry,  
 38 incorporated or unincorporated, which meets all the  
 39 following criteria:

40 a. Has or will have, within thirty days after a  
 41 loan or investment is made by a qualified venture  
 42 capital company, at least fifty percent of its  
 43 employees or assets located in Iowa and agrees to  
 44 maintain at least fifty percent of its employees or  
 45 assets in Iowa following investment in the business by  
 46 a qualified venture capital company.

47 b. A business which is unable to raise equity  
 48 capital or obtain financing from conventional sources  
 49 in order to remain viable or to commence or expand its  
 50 ability to provide goods or services.

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1 2. "Qualified venture capital company" means a  
 2 corporation, limited liability company, or a general  
 3 or limited partnership with its principal place of

4 business located within this state, which meets all of  
5 the following requirements:

6 a. Has an initial private capitalization of not  
7 less than twenty million dollars.

8 b. Is organized by the Iowa business investment  
9 corporation, organized under division XV of this  
10 chapter, to directly or indirectly through its  
11 subsidiaries or affiliates invest in debt and equity  
12 securities of Iowa businesses.

13 c. Seeks approval from the federal small business  
14 administration to establish a small business  
15 investment company that is incorporated in Iowa and  
16 maintains its principal place of business in this  
17 state the purpose of which includes increasing the  
18 availability of funds for investment in and loans to  
19 Iowa businesses.

20 d. Will provide or arrange for managerial and  
21 other advice, assistance, and support for Iowa  
22 businesses.

23 e. Does not invest funds under this division for  
24 the expansion of operations of an Iowa business in  
25 another state.

26 3. "Taxpayer" means an entity subject to tax under  
27 chapter 422, division III, chapter 422, division V, or  
28 chapter 432.

29 4. "Tax year" means for entities subject to the  
30 state corporate income tax or the state franchise tax  
31 under chapter 422, division III or V, respectively,  
32 the tax year as defined for those divisions or means  
33 for insurance companies subject to the gross premiums  
34 tax under chapter 432, the calendar year for which the  
35 premiums are taxed.

36 Sec. 30. NEW SECTION. 15E.176 TAX CREDITS.

37 1. For tax years beginning on or after January 1,  
38 1997, there is allowed a credit against that tax  
39 imposed under the corporate income tax in chapter 422,  
40 division III, the franchise tax in chapter 422,  
41 division V, or the gross premiums tax in chapter 432,  
42 for investments made by the taxpayer in a qualified  
43 venture capital company whose purpose includes  
44 establishing or expanding Iowa business.

45 2. The amount of credit allowed under subsection  
46 1, subject to subsection 4, is computed as follows:

47 a. The amount of the qualified venture capital  
48 company's investment in Iowa businesses is divided by  
49 the amount of new cash invested in the qualified  
50 venture capital company.

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1 b. The resulting percentage, which shall not  
2 exceed fifty percent, is multiplied by the amount of  
3 the taxpayer's investment in the qualified venture  
4 capital company.

5 c. The amount of the credit is equal to ten  
6 percent of the product determined in paragraph "b".

7 d. The qualified venture capital company shall  
8 compute as of the end of the qualified venture capital  
9 company's tax year the amounts under paragraph "c" for  
10 each tax year the qualified venture capital company is  
11 entitled to the credit.

12 3. The qualified venture capital company is  
13 allowed the credit as computed each year in subsection  
14 2 for up to ten consecutive years beginning with the  
15 first year for which the credit is taken.

16 If the amount of the credit exceeds the qualified  
17 venture capital company's tax liability for the tax  
18 year, the excess may be credited to the tax liability  
19 for the following five tax years or until depleted,  
20 whichever is the earlier, and is in addition to any  
21 other credit allowed under this section.

22 4. Notwithstanding the amount of credit computed  
23 in subsection 2, the total amount of credits for all  
24 qualified venture capital companies that shall be  
25 allowed under subsection 1 for any fiscal year of the  
26 qualified venture capital company shall not exceed one  
27 million two hundred fifty thousand dollars and for all  
28 fiscal years of the qualified venture capital company  
29 shall not exceed twelve million five hundred thousand  
30 dollars. In determining if the credit allowed has  
31 exceeded the fiscal year limit, credits carried over  
32 from a previous tax year are not counted.

33 5. The credit provided for in subsection 2, to the  
34 extent not previously utilized, shall be freely  
35 transferable to and by subsequent transferees for a  
36 period of ten years from the date the credit is first  
37 available to the qualified venture capital company.

38 **Sec. 31. NEW SECTION. 15E.177 COORDINATION OF**  
39 **RESOURCES.**

40 If a qualified venture capital company is organized  
41 by the Iowa business investment corporation on or  
42 before December 31, 1997, within ninety days following  
43 its organization, the qualified venture capital  
44 company shall develop and submit a written proposal to  
45 the shareholders of each business development finance  
46 corporation organized pursuant to division XIII of  
47 this chapter, calling for the investment of all the  
48 assets of each business development finance



49 corporation in securities of the qualified venture  
50 capital company. A notice of a special meeting of the

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1 shareholders of the business development finance  
2 corporation and the written proposal made to the  
3 business development finance corporation by the  
4 qualified venture capital company shall be delivered  
5 to the shareholders of each business development  
6 finance corporation entitled to vote at the special  
7 shareholders meeting not less than ten nor more than  
8 sixty days before the meeting date given by the  
9 qualified venture capital company. Action on the  
10 written proposal by the board of directors of the  
11 business development finance corporation or any other  
12 person shall not be required to call the special  
13 meeting or authorize voting on the written proposal by  
14 the shareholders of the business development finance  
15 corporation. If at the special meeting of  
16 shareholders of the business development finance  
17 corporation or any recesses thereof, a majority of the  
18 shareholders present or represented at the special  
19 meeting approve the investment proposed by the  
20 qualified venture capital company, the business  
21 development finance corporation shall immediately make  
22 such an investment of all of its assets. The  
23 investment by a business development finance  
24 corporation of all of its assets in the qualified  
25 venture capital corporation shall not be considered a  
26 sale of assets other than in the usual and regular  
27 course of business and division XIII of the Iowa  
28 business development finance Act shall not apply to  
29 the transaction. The qualified venture capital  
30 company may make additional proposals as often as it  
31 desires to the shareholders of each business  
32 development finance corporation that did not approve  
33 the initial investment proposal. Except for the  
34 requirement that a written proposal be presented to  
35 the shareholders within ninety days of the  
36 organization of the qualified venture capital company,  
37 the provisions of this section shall apply to all  
38 additional proposals.

39 Sec. 32, Section 422.33, Code Supplement 1995, is  
40 amended by adding the following new subsection:  
41 **NEW SUBSECTION. 9.** There is allowed as a credit  
42 against the tax determined in subsection 1 for a tax  
43 year an amount equal to the qualified venture capital  
44 credit as provided in section 15E.176.  
45 Notwithstanding any other provision, the credit

46 allowed for in this subsection shall be applied prior  
 47 to all other credits allowed the taxpayer. The  
 48 taxpayer shall not receive for the same investment a  
 49 credit under subsection 8 and this subsection.  
 50 Sec. 33. Section 422.60, Code Supplement 1995, is

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1 amended by adding the following new subsection:  
 2 **NEW SUBSECTION.** 4. There is allowed as a credit  
 3 against the tax determined in this division for a tax  
 4 year an amount equal to the qualified venture capital  
 5 credit as provided in section 15E.176.  
 6 Notwithstanding any other provision, the credit  
 7 allowed for in this subsection shall be applied prior  
 8 to all other credits allowed the taxpayer. The  
 9 allocation of revenues to a city or county under  
 10 section 422.65 shall be determined as if the credit  
 11 under this subsection had not been taken.

12 Sec. 34. Section 432.1, Code 1995, is amended by  
 13 adding the following new subsection:  
 14 **NEW SUBSECTION.** 5. There is allowed as a credit  
 15 against the tax determined in subsection 1 or 2 for a  
 16 tax year an amount equal to the qualified venture  
 17 capital credit as provided in section 15E.176.  
 18 Notwithstanding any other provision, the credit  
 19 allowed for in this subsection shall be applied prior  
 20 to all other credits allowed the taxpayer.

21 Sec. 35. 1992 Iowa Acts, chapter 1244, section 1,  
 22 subsection 2, paragraph e, unnumbered paragraph 1, as  
 23 amended by 1993 Iowa Acts, chapter 180, section 46, as  
 24 amended by 1994 Iowa Acts, chapter 1201, section 29,  
 25 is amended to read as follows:

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 thirty-six months of the~~  
 33 ~~effective date of this Act~~, unused funds shall revert  
 34 to the general fund of the state, however, if such an  
 35 entity is organized, the unused funds shall be  
 36 transferred irrevocably to the qualified venture  
 37 capital company or other entity for which the funds  
 38 are to be used:

39 ..... \$ 200,000

40 Sec. 36. APPLICABILITY. This division of this Act  
 41 applies for tax years of entities subject to the state  
 42 corporate income tax or franchise tax which begin on

43 or after January 1, 1997. This division of this Act  
44 applies for calendar years beginning on or after  
45 January 1, 1997, for entities subject to the gross  
46 premiums tax under chapter 432.

47 DIVISION VI

48 FAMILY FARM FEEDING OPERATIONS

49 Sec. 37. NEW SECTION. 175A.1 SHORT TITLE.

50 This chapter shall be known and may be cited as the

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1 "Iowa Family Farm Animal Feeding Operations  
2 Preservation Act".

3 Sec. 38. NEW SECTION. 175A.2 PURPOSE.

4 The purpose of this chapter is to address a grave  
5 threat to traditional farmers who produce animals in  
6 this state and who face capitalization barriers and  
7 the consolidation of animal agriculture, which results  
8 in fewer individuals engaged in farming. These  
9 conditions result in a loss in population,  
10 unemployment and a movement of persons from rural  
11 communities to urban areas accompanied by added costs  
12 to communities for the creation of new public  
13 facilities and services. It is therefore necessary to  
14 assist small and medium sized family farm animal  
15 feeding operations in order to expand such operations  
16 and preserve a way of life which has traditionally  
17 supported Iowa's economy and communities.

18 Sec. 39. NEW SECTION. 175A.3 DEFINITIONS.

19 1. "Animal feeding operation" means the same as  
20 defined in section 455B.161.

21 2. "Animal feeding operation structure" means the  
22 same as defined in section 455B.161.

23 3. "Animal weight capacity" means the same as  
24 defined in section 455B.161.

25 4. "Authority" means the agricultural development  
26 authority established pursuant to section 175.3.

27 5. "Family farm animal feeding operation" or  
28 "operation" means an animal feeding operation located  
29 on the land where the owner of the operation also  
30 engages in farming activities other than animal  
31 feeding operation activities, if all of the following  
32 criteria are satisfied:

33 a. The total animal weight capacity of all animals  
34 other than bovine animals owned by the person is two  
35 hundred thousand pounds or less, and the total animal  
36 weight capacity of bovine animals owned by the person  
37 is four hundred thousand pounds or less.

38 b. A person holding an interest in the animal  
39 feeding operation owns all animals confined and fed in

- 40 the animal feeding operation.  
41 c. The person who owns the animal feeding  
42 operation raises and harvests crops in the same or an  
43 adjoining county where the animal feeding operation is  
44 located.  
45 d. The person who owns the animal feeding  
46 operation is one of the following:  
47 (1) A natural person.  
48 (2) A general partnership composed exclusively of  
49 natural persons.  
50 e. Each person who holds an interest in the animal

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- 1 feeding operation resides in this state.  
2 f. The animal feeding operation is located  
3 entirely within the state.  
4 6. "Farming" means the same as defined in section  
5 175.2.  
6 7. "Lending institution" means a bank, trust  
7 company, mortgage company, national banking  
8 association, savings and loan association, life  
9 insurance company, any state or federal governmental  
10 agency or instrumentality, including without  
11 limitation the federal land bank or any of its local  
12 associations, or any other financial institution or  
13 entity authorized to make farm operating loans in this  
14 state.  
15 8. "Low or moderate net worth" means:  
16 a. For an individual, an aggregate net worth of  
17 the individual and the individual's spouse and minor  
18 children of less than two hundred thousand dollars.  
19 b. For any general partnership, an aggregate net  
20 worth of all partners, including each partner's net  
21 capital in the partnership, and of each partner's  
22 spouse and minor children of less than three hundred  
23 thousand dollars. However, the aggregate net worth of  
24 each partner and that partner's spouse and minor  
25 children shall not exceed two hundred thousand  
26 dollars.  
27 9. "Net worth" means a person's total assets minus  
28 total liabilities as determined in accordance with  
29 generally accepted accounting principles with  
30 appropriate exceptions and exemptions reasonably  
31 related to an equitable determination of a person's  
32 net worth. Assets shall be valued at fair market  
33 value.  
34 10. "Note" means a bond anticipation note or other  
35 obligation or evidence of indebtedness issued by the  
36 authority pursuant to this chapter.

37 11. "Secured loan" means a financial obligation  
38 secured by a chattel mortgage, security agreement, or  
39 other instrument creating a lien on an interest in  
40 depreciable agricultural property.

41 Sec. 40. NEW SECTION. 175A.4 ASSISTANCE  
42 PROGRAMS.

43 1. The authority shall administer programs under  
44 this section to assist family farm animal feeding  
45 operations. The department of revenue and finance  
46 shall assist the authority in administering this  
47 section.

48 2. In order to assist a family farm animal feeding  
49 operation in financing the operation, including by  
50 assisting in whole or in part the acquisition of

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1 animals, or the purchase of agricultural land, the  
2 purchase of agricultural improvements or depreciable  
3 agricultural property, the construction of buildings,  
4 facilities, or animal feeding operation structures,  
5 related to the operation, the authority shall do all  
6 of the following:

7 a. Cooperate with any other state agency or the  
8 federal government, including supplementing assistance  
9 provided by another state agency and the federal  
10 government.

11 b. Administer other programs provided under  
12 chapter 175, including supplementing assistance  
13 provided by other programs.

14 c. Provide certification necessary to allow owners  
15 of operations to claim an income tax credit as  
16 provided in section 175A.5, and a property tax  
17 exemption pursuant to section 427.1.

18 d. Administer the following programs:

19 (1) A loan guarantee program to provide for  
20 guaranteeing of all or part of a loan made to the  
21 operation.

22 (2) An interest buy-down program, in which the  
23 authority contracts with a participating lending  
24 institution to reduce the interest rate charged on a  
25 loan to the operation. The authority shall determine  
26 the amount that the rate is reduced by considering the  
27 lending institution's customary loan rate for the type  
28 of loan sought as certified to the authority by the  
29 lending institution. As part of the contract, in  
30 order to reimburse the lending institution for the  
31 reduction of the interest rate on the loan, the  
32 authority may agree to grant the lending institution  
33 any amount foregone by reducing the interest rate on

34 that portion of the loan which is three hundred  
35 thousand dollars or less. However, the amount  
36 reimbursed shall not be more than fifty percent of the  
37 amount of interest foregone by the lending institution  
38 on the loan.

39 3. The amount of assistance awarded to a family  
40 farm animal feeding operation shall be based on the  
41 extent to which the following apply:

42 a. The operation has a low or moderate net worth.

43 b. The owner of the family farm animal feeding  
44 operation utilizes a computer or recordkeeping system  
45 designed to monitor herd performance, as approved by  
46 Iowa state university.

47 c. The person managing the operation is actively  
48 engaged in improving the management of the operation,  
49 which may include participating in the livestock  
50 producers assistance program provided pursuant to

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1 section 266.39D, or employing a person qualified by  
2 the American registry of professional animal science,  
3 who is actively engaged in the profession of  
4 consulting with livestock producers for the purpose of  
5 increasing production or enhancing performance of  
6 livestock.

7 4. In order to participate in a program  
8 administered under this section, all of the following  
9 must apply:

10 a. The family farm animal feeding operation or any  
11 person holding an interest in the operation is not  
12 classified as a habitual violator as provided in  
13 section 455B.191.

14 b. The assistance provided by the authority under  
15 this section is not used to construct, repair, or  
16 expand an anaerobic lagoon or earthen manure storage  
17 basin as defined in section 455B.161.

18 5. a. The authority shall adopt rules to  
19 administer this section, including the enforcement of  
20 terms of a contract to which the authority is a party.  
21 The authority may require a lending institution or a  
22 family farm animal feeding operation to submit  
23 evidence satisfactory to the authority that the  
24 lending institution or operation has complied with the  
25 authority's requirements.

26 b. The authority may inspect any records of a  
27 lending institution or a family farm animal feeding  
28 operation which are pertinent to the administration of  
29 a program. In order to assure compliance with this  
30 section and rules adopted pursuant to this section,

31 the authority may establish by rule appropriate  
32 enforcement provisions, including but not limited to,  
33 the payment of civil penalties by a lending  
34 institution or operation. The authority may also  
35 enforce the provisions of this section or terms of the  
36 contract by bringing an action in any court of  
37 competent jurisdiction to recover damages.

38 6. A lending institution and the borrower  
39 participating in a program under this section shall  
40 each pay to the authority one-half of an origination  
41 fee which shall not exceed one percent of the loan.  
42 In addition, the lending institution shall pay a fee  
43 equal to twenty-five basis points on the loan to the  
44 authority on an annual basis.

45 7. The fact that the family farm animal feeding  
46 operation or the person who owns the operation has  
47 received assistance, monetary or otherwise, from the  
48 authority shall not prevent the operation from being  
49 eligible for assistance under programs available under  
50 this section.

Page 22

1 Sec. 41. NEW SECTION. 175A.5 INCOME TAX CREDIT.

2 1. A family farm animal feeding operation which  
3 receives at least ten thousand dollars in assistance  
4 under section 175A.4 as certified by the authority  
5 under section 175A.4 shall be entitled to receive a  
6 tax credit equal to ten percent of all new investments  
7 made in the operation not later than the tax year  
8 following the tax year in which the operation receives  
9 assistance under section 175A.4.

10 2. For purposes of this section, "new investment"  
11 means the capitalized cost of all real and personal  
12 property related to the family farm animal feeding  
13 operation; including animals; buildings and animal  
14 feeding operation structures qualifying under this  
15 section; equipment; and other improvements to the  
16 operation, purchased or otherwise acquired or  
17 relocated to the operation. "New investment" does not  
18 include intangible property, or furniture and  
19 furnishings. For the purposes of this section,  
20 capitalized cost of property shall be determined in  
21 accordance with accounting methods used by the  
22 taxpayer in determining the taxpayer's income for  
23 state tax purposes.

24 3. Any credit in excess of the tax liability for  
25 the tax year may be applied to the tax liability for  
26 the following ten years or until depleted, whichever  
27 occurs first.

28 4. The department of revenue and finance shall  
29 adopt any rules necessary to administer this section.  
30 Sec. 42. NEW SECTION. 175A.6 FAMILY FARM ANIMAL  
31 FEEDING OPERATION FUND.

32 1. A family farm animal feeding operation fund is  
33 created within the state treasury under the control of  
34 the authority. The fund shall consist of any moneys  
35 appropriated by the general assembly, fees paid to the  
36 authority, and any other moneys available to and  
37 obtained or accepted by the authority from the federal  
38 government or private sources for placement in the  
39 fund. Moneys shall be deposited in the fund as  
40 provided in section 175A.7. Not more than one hundred  
41 fifty thousand dollars shall be available annually  
42 from the fund for administration of section 175A.4:  
43 The assets of the fund shall be used by the authority  
44 only for carrying out the purposes of section 175A.1  
45 and section 427.1, subsection 28.

46 2. In administering the fund the authority may do  
47 all of the following:

48 a. Contract, sue and be sued, and adopt  
49 administrative rules necessary to administer this  
50 section. However, the authority shall not in any

**Page 23**

1 manner directly or indirectly pledge the credit of the  
2 state.

3 b. Authorize payment from the fund for costs,  
4 commissions, attorney fees, and other reasonable  
5 expenses, including expenses related to carrying out  
6 duties necessary for administering programs provided  
7 for under section 175A.4, including for guaranteeing  
8 loans, and for the recovery of loan moneys guaranteed  
9 or the management of property acquired in connection  
10 with such loans.

11 3. Payments of interest, recaptures of awards, or  
12 repayments of moneys provided in assistance under  
13 section 175A.4 shall be deposited into the fund.  
14 Section 8.33 does not apply to any moneys in the fund  
15 until June 30, 2001. Notwithstanding section 12C.7,  
16 interest or earnings on investments or time deposits  
17 of the moneys in the fund shall be credited to the  
18 fund.

19 4. The fund is subject to an annual audit as  
20 provided by the authority. Moneys in the fund, which  
21 may be subject to warrants written by the director of  
22 revenue and finance, shall be drawn upon the written  
23 requisition of the authority's executive director.

24 Sec. 43. NEW SECTION. 175A.7 STANDING



## 25 APPROPRIATION.

26 For each fiscal year of the fiscal period beginning  
27 July 1, 1996, and ending June 30, 2002, there is  
28 appropriated twelve million dollars from the general  
29 fund of the state to the family farm animal feeding  
30 operation fund created in section 175A.6.

31 Sec. 44. Section 427.1, Code Supplement 1995, is  
32 amended by adding the following new subsection:

33 NEW SUBSECTION. 28. The property of a family farm  
34 animal feeding operation as defined in section 175A.3,  
35 which receives at least ten thousand dollars in  
36 assistance awarded and certified by the agricultural  
37 development authority under section 175A.4 shall be  
38 exempt from taxation for a period of five years, to  
39 the extent provided in this subsection.

40 a. The exemption shall apply as follows:

41 (1) It begins on January 1 of the year following  
42 the year in which the family farm animal feeding  
43 operation receives assistance under section 175A.4.

44 (2) It is limited to the market value, as defined  
45 in section 441.21, of the property of the family farm  
46 animal feeding operation. If the property of the  
47 family farm animal feeding operation is assessed with  
48 other property as a unit, the exemption shall be  
49 limited to the net market value of the property of the  
50 family farm animal feeding operation determined as of

Page 24

1 the assessment date.

2 b. In order to receive the exemption, the owner of  
3 the operation must file for the exemption with the  
4 assessing authority not later than the first of  
5 February of the first year for which the exemption  
6 applies, on forms provided by the agricultural  
7 development authority. The application shall provide  
8 a description of the family farm animal feeding  
9 operation subject to the exemption. The application  
10 shall be accompanied by a certificate of assistance  
11 provided by the agricultural development authority.

12 c. The assessing authority shall retain a  
13 permanent file of current exemptions filed in the  
14 assessing authority's office. Not later than July 6  
15 of each year, the assessing authority shall remit a  
16 statement certifying the total amount of exemptions  
17 allowed under this subsection. After receiving the  
18 certification, the agricultural development authority  
19 shall draw warrants on the family farm animal feeding  
20 operation fund created in section 175A.6 which shall  
21 be payable to the county treasurer in the amount

22 certified by the assessing authority, and shall mail  
 23 the warrants to the county treasurers on August 15 of  
 24 each year. However, if the family farm animal feeding  
 25 operation fund does not have sufficient moneys  
 26 available to pay in full the total of the amounts  
 27 certified to the agricultural development authority,  
 28 the authority shall prorate unobligated and  
 29 unencumbered moneys in the fund to the county  
 30 treasurers.

31 d. If the county treasurer has received a  
 32 percentage amount of the amount certified to the  
 33 agricultural development authority, the county  
 34 treasurer shall for the following fiscal year grant  
 35 each exemption from the previous fiscal year an  
 36 exemption equal to the percentage amount which the  
 37 county treasurer was reimbursed for that exemption  
 38 unless the reimbursement for that exemption is fully  
 39 funded by February 1 preceding the next fiscal year.

40 Sec. 45. FUTURE REPEAL.

41 1. Sections 175A.5 and 175A.7 are repealed.

42 2. Section 427.1, subsection 28, is amended by  
 43 striking the subsection.

44 3. This section takes effect on July 1, 2002.

45 4. Notwithstanding this section, an income tax  
 46 credit granted pursuant to section 175A.5, or a  
 47 property tax exemption provided under section 427.1,  
 48 subsection 28, shall continue in effect and shall be  
 49 administered and enforced until its expiration as  
 50 provided in this division of this Act.

Page 25

1

## DIVISION VII

2

### FAMILY FARM AND AGRICULTURAL LAND TAX CREDITS

3

4 Sec. 46. Section 425A.1, Code 1995, is amended to  
 5 read as follows:

5

#### 425A.1 FAMILY FARM TAX CREDIT FUND.

6

7 The family farm tax credit fund is created in the  
 8 office of the treasurer of state. There shall be  
 9 ~~transferred appropriated~~ annually to the fund the  
 10 ~~first ten million dollars of the amount annually~~  
 11 ~~appropriated to the agricultural land credit fund;~~  
 12 ~~provided in section 426.1~~ sum of thirty-five million  
 13 dollars. Any balance in the fund on June 30 shall  
 14 revert to the general fund.

15 Sec. 47. Section 425A.2, subsection 4, Code 1995,  
 16 is amended to read as follows:

17 4. "Designated person" means one of the following:

18 a. If the owner is an individual, the designated  
 19 person includes the owner of the tract ~~or a person~~

19 related to the owner as, the owner's spouse, parent,  
 20 grandparent, the owner's child, grandchild, or  
 21 stepchild, and their spouses, or the owner's relative  
 22 within the third degree of consanguinity, and the  
 23 relative's spouse.

24 b. If the owner is a partnership, a partner, or  
 25 the partner's spouse.

26 c. If the owner is a family farm corporation, a  
 27 family member who is a shareholder of the family farm  
 28 corporation or the shareholder's spouse.

29 d. If the owner is an authorized farm corporation,  
 30 a shareholder who owns at least fifty-one percent of  
 31 the stock of the authorized farm corporation or the  
 32 shareholder's spouse.

33 e. If the owner is an individual who leases the  
 34 tract to a family farm corporation, a shareholder of  
 35 the corporation if the combined stock of the family  
 36 farm corporation owned by the owner of the tract and  
 37 persons related to the owner as enumerated in  
 38 paragraph "a" is equal to at least fifty-one percent  
 39 of the stock of the family farm corporation.

40 f. If the owner is an individual who leases the  
 41 tract to a partnership, a partner if the combined  
 42 partnership interest owned by the owner of the tract  
 43 and persons related to the owner as enumerated in  
 44 paragraph "a" is equal to at least fifty-one percent  
 45 of the ownership interest of the partnership.

46 Sec. 48. Section 426.1, Code 1995, is amended to  
 47 read as follows:

48 426.1 AGRICULTURAL LAND CREDIT FUND.

49 There is created as a permanent fund in the office  
 50 of the treasurer of state a fund to be known as the

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1 agricultural land credit fund, and for the purpose of  
 2 establishing and maintaining this fund for each fiscal  
 3 year there is appropriated ~~thereto~~ to the fund from  
 4 funds in the general fund not otherwise appropriated  
 5 the sum of ~~thirty-nine~~ twenty-nine million one hundred  
 6 thousand dollars of ~~which the first ten million~~  
 7 ~~dollars shall be transferred to and deposited into the~~  
 8 ~~family farm tax credit fund created in section 426A.1.~~  
 9 Any balance in said fund on June 30 shall revert to  
 10 the general fund.

11 Sec. 49. This division of this Act, being deemed  
 12 of immediate importance, takes effect upon enactment  
 13 and applies to family farm tax credits and  
 14 agricultural land credits allowed for property taxes  
 15 due and payable in fiscal years beginning on or after

16 July 1, 1996.

17

DIVISION VIII  
SCHOOL FUNDING

18

19 Sec. 50. Section 257.1, subsection 2, unnumbered  
20 paragraph 2, Code Supplement 1995, is amended to read  
21 as follows:

22 For the budget year commencing July 1, ~~1991~~ 1996,  
23 and for each succeeding budget year the regular  
24 program foundation base per pupil is eighty-three  
25 percent of the regular program state cost per pupil;  
26 ~~except that the regular program foundation base per~~  
27 ~~pupil for the portion of weighted enrollment that is~~  
28 ~~additional enrollment because of special education is~~  
29 ~~seventy-nine percent of the regular program state cost~~  
30 ~~per pupil.~~ For the budget year commencing July 1,  
31 ~~1991~~ 1996, and for each succeeding budget year the  
32 special education support services foundation base is  
33 ~~seventy-nine~~ eighty-three percent of the special  
34 education support services state cost per pupil. The  
35 combined foundation base is the sum of the regular  
36 program foundation base and the special education  
37 support services foundation base.

38 Sec. 51. EFFECTIVE DATE. This division of this  
39 Act, being deemed of immediate importance, takes  
40 effect upon enactment for calculating state foundation  
41 aid for school budget years commencing on or after  
42 July 1, 1996.

43

DIVISION IX  
BOND ELECTIONS

44

45 Sec. 52. Section 75.1, Code 1995, is amended to read as  
46 follows:

47 75.1 BONDS -- ELECTION -- VOTE REQUIRED.

48 1. When a proposition to authorize an issuance of bonds by  
49 a county, township, school corporation, city, or by any local  
50 board or commission, is submitted to the electors, ~~such~~ the

Page 27

1 proposition ~~shall not be deemed carried or adopted, anything~~  
2 ~~in the statutes to the contrary notwithstanding, unless is~~  
3 adopted if the vote in favor of such authorization the  
4 proposition is equal to at least sixty percent of the total  
5 vote cast for and against said the proposition at said the  
6 election.

7 2. Notwithstanding subsection 1, if the annual levy of  
8 property tax to pay principal and interest on bonds issued by  
9 a county, school corporation, or city is to be offset with  
10 revenue from a local income surtax pursuant to section 76.21,  
11 the proposition shall so state and the proposition is adopted  
12 if the vote in favor of the proposition is equal to a majority

13 of the total vote cast for and against the proposition at the  
 14 election. However, a bond issuance proposition proposing  
 15 imposition of an income surtax shall not be presented to the  
 16 electors if in the first year the income surtax is imposed the  
 17 total of all income surtaxes authorized by law and imposed in  
 18 that year on any taxpayer in the political subdivision  
 19 imposing the surtax would exceed twenty percent. Upon request  
 20 of the governing authority, the department of management shall  
 21 certify the cumulative rate of income surtax being imposed in  
 22 the political subdivision.

23 3. All ballots cast and not counted as a vote for or  
 24 against the proposition shall not be used in computing the  
 25 total vote cast for and against ~~said~~ the proposition.

26 4. When a proposition to authorize an issuance of bonds  
 27 has been submitted to the electors under this section and the  
 28 proposal fails to gain approval by the required percentage of  
 29 votes, such proposal, or any proposal which incorporates any  
 30 portion of the defeated proposal, shall not be submitted to  
 31 the electors for a period of ~~six~~ twelve months from the date  
 32 of such regular or special election.

33 Sec. 53. Section 76.1, Code 1995, is amended to read as  
 34 follows:

35 76.1 MANDATORY RETIREMENT.

36 Hereafter issues ~~Issues~~ Issues of bonds of every kind and  
 37 character by counties, cities, and school corporations shall  
 38 be consecutively numbered. The annual levy of property tax,  
 39 or combination of property tax levy and income surtax imposed  
 40 as provided in section 76.19, shall be sufficient to pay the  
 41 interest and approximately ~~such that~~ portion of the principal  
 42 of the bonds as will retire them in a period not exceeding  
 43 ~~twenty~~ twenty-two years from date of issue. Each issue of  
 44 bonds shall be scheduled to mature serially in the same order  
 45 as numbered.

46 Sec. 54. Section 76.2, Code 1995, is amended to read as  
 47 follows:

48 76.2 MANDATORY LEVY -- OBLIGATIONS IN ANTICIPATION OF  
 49 LEVY.

50 The governing authority of these political subdivisions

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1 before issuing bonds shall, by resolution, provide for the  
 2 assessment of an annual levy upon all the taxable property in  
 3 the political subdivision, or the assessment of an annual  
 4 property tax levy and imposition of an income surtax under  
 5 section 76.19, sufficient to pay the interest and principal  
 6 and interest of the bonds within a period named not exceeding  
 7 twenty years that provided in section 76.1. A certified copy  
 8 of this resolution shall be filed with the county auditor or  
 9 the auditors of the counties in which the political

10 subdivision is located; and the filing shall make it a duty of  
11 the auditors to enter annually this levy for collection from  
12 the taxable property within the boundaries of the political  
13 subdivision until funds are realized to pay the bonds in full.  
14 The property tax levy shall continue to be made against  
15 property that is severed from the political subdivision and  
16 the income surtax shall continue to be imposed upon the  
17 residents of any area severed from the political subdivision  
18 after the filing of the resolution until funds are realized to  
19 pay the bonds in full.

20 If ~~the a~~ resolution which does not include imposition of an  
21 income surtax is filed prior to April 1, or May 1; if the  
22 political subdivision is a school district, the annual levy  
23 shall begin with the tax levy for collection commencing July 1  
24 of that year. If the resolution is filed after April 1, or  
25 May 1; in the case of a school district, or if the resolution  
26 includes imposition of an income surtax, the annual property  
27 tax levy shall begin with the tax levy for collection in the  
28 next succeeding fiscal year. If the resolution includes the  
29 imposition of a local income surtax and it is filed with the  
30 department of revenue and finance prior to August 1, the  
31 imposition of the surtax is retroactive to January 1 of that  
32 calendar year. If the resolution is filed with the department  
33 of revenue and finance on or after August 1, the imposition of  
34 the income surtax begins on January 1 of the next calendar  
35 year. However, the governing authority of a political  
36 subdivision may adjust a levy of taxes made under this section  
37 for the purpose of adjusting the annual levies and collections  
38 and income surtax rate for property severed from the political  
39 subdivision, subject to the approval of the director of the  
40 department of management.

41 If funds, including reserves and amounts available for  
42 temporary transfer, are ~~found to be~~ insufficient to pay in  
43 full any installment of principal or interest, a public issuer  
44 of bonds may anticipate the next levy of property taxes  
45 pursuant to this section or the imposition of an income surtax  
46 under section 76.19 in the manner provided in chapter 74,  
47 whether the taxes so anticipated are to be collected in the  
48 same or a future fiscal year.

49 To further secure the payment of the bonds, the governing  
50 authority shall, by resolution, provide for the assessment of

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1 an annual levy of a standby tax upon all taxable property  
2 within the political subdivision. A copy of the resolution  
3 shall be sent to the county auditor of each county in which  
4 the political subdivision is located. The revenues from the  
5 standby tax shall be deposited in a special fund and shall be  
6 expended only for the payment of principal and interest on the

7 bonds issued as provided in this section, when the revenue  
 8 from an income surtax as provided in section 76.19 is  
 9 insufficient. Reserves shall not be built up in this fund in  
 10 anticipation of a projected default. The governing authority  
 11 shall adjust the annual standby property tax levy for each  
 12 year to reflect the amount of revenues in the special fund and  
 13 the amount of principal and interest which is due in that  
 14 year.

15 Sec. 55. Section 76.4, Code 1995, is amended to read as  
 16 follows:

17 76.4 PERMISSIVE APPLICATION OF FUNDS.

18 Whenever ~~If~~ the governing authority of such a political  
 19 subdivision ~~shall have~~ has on hand funds derived from any  
 20 ~~other a source other~~ than taxation which may be appropriated  
 21 to the payment either of ~~interest or principal or interest~~, or  
 22 both principal and interest of such bonds, ~~such the~~ funds may  
 23 be ~~so~~ appropriated and used and the property tax levy and  
 24 income surtax rate, if imposed, for the payment of the bonds  
 25 correspondingly reduced.

26 Sec. 56. Section 76.7, Code 1995, is amended to read as  
 27 follows:

28 76.7 PARTICULAR BONDS AFFECTED -- PAYMENT.

29 Counties, cities, and school corporations may at any time  
 30 ~~or times~~ extend or renew any legal indebtedness or any part  
 31 ~~thereof of the indebtedness~~ they ~~may~~ have represented by bonds  
 32 or certificates where ~~such the~~ indebtedness is payable from a  
 33 limited annual property tax or from a voted annual property  
 34 tax, or from an income surtax imposed under section 76.19, and  
 35 may by resolution fund or refund the ~~same legal indebtedness~~  
 36 and issue bonds ~~therefor~~ running not more than twenty years to  
 37 be known as funding or refunding bonds, and make provision for  
 38 the payment of the principal and interest ~~thereof~~ from the  
 39 proceeds of an annual property tax, or annual property tax and  
 40 income surtax, for the period covered by ~~such the~~ bonds  
 41 similar to the tax authorized by law or by the electors for  
 42 the payment of the indebtedness ~~so~~ extended or renewed.

43 Sec. 57. NEW SECTION. 76.19 INCOME SURTAX.

44 1. An income surtax may be imposed by a political  
 45 subdivision as provided in this section, but only if  
 46 authorized by the electors as provided in section 75.1.

47 2. The income surtax shall be imposed upon state income  
 48 taxes computed under section 422.5, less credits allowed in  
 49 sections 422.11A, 422.11B, 422.11C, 422.12, and 422.12B, and  
 50 shall be imposed upon the state income tax for each calendar

Page 30

1 year, or for a taxpayer's fiscal year ending during the second  
 2 half of that calendar year or the first half of the succeeding  
 3 calendar year, and shall be imposed on all taxpayers residing

4 in the political subdivision on the last day of the applicable  
5 tax year, and on taxpayers residing in areas severed from the  
6 political subdivision as provided in section 76.2.

7 3. The income surtax shall be imposed to collect an amount  
8 that is equivalent to sixty percent of the sum of the prin-  
9 cipal and interest of the bonds over the life of the bonds.  
10 The rate of the income surtax may be adjusted in any year for  
11 the sole purpose of ensuring that an amount equivalent to  
12 sixty percent of the principal and interest over the life of  
13 the bonds is collected.

14 4. At the time of the annual levy under section 76.2, the  
15 governing authority of the political subdivision shall also  
16 provide in the resolution for the imposition of the income  
17 surtax and shall certify to the department of management such  
18 sum expressed in dollars. The department shall determine the  
19 rate of income surtax to be imposed based upon the most recent  
20 available figures from state income taxes paid by taxpayers  
21 residing in the political subdivision. The department shall  
22 continue to make such calculations and certify the income  
23 surtax rate to the county auditor or the auditors of the  
24 counties in which the political subdivision is located with  
25 adjustments as provided in this section until the principal  
26 and interest on the bonds are paid in full. On or before  
27 November 1 of each year in which the income surtax is  
28 collected the director of revenue and finance shall deposit  
29 with the treasurer of the political subdivision the entire  
30 amount of income surtax collected from taxpayers residing in  
31 the political subdivision.

32 5. The costs of administration shall be determined by the  
33 department of revenue and finance, and shall be based on a  
34 share of the total cost of administering the department, in  
35 the same proportion as the amount of income surtax collected  
36 is to the amount of state income taxes collected.

37 6. The director of revenue and finance shall administer  
38 the income surtax imposed under this chapter and sections  
39 422.4, 422.20 to 422.31, 422.68, and 422.72 to 422.75 shall  
40 apply with respect to administration of the income surtax.

41 Sec. 58. NEW SECTION. 76.20 INCOME TAX RETURNS.

42 An income surtax imposed under section 76.19 shall be made  
43 a part of the Iowa individual income tax return subject to the  
44 conditions and restrictions set forth in section 422.21. The  
45 director of revenue and finance shall provide on income tax  
46 returns a requirement that each person required to file a re-  
47 turn numerically identify the city of residence of the tax-  
48 payer and the merged area in which the taxpayer resides.

49 Sec. 59. NEW SECTION. 76.21 PROPERTY TAX CREDIT --  
50 AGRICULTURAL AND RESIDENTIAL PROPERTY.



Page 31

1 Local income surtax revenues collected under section 76.19  
2 shall be used to offset the annual levy of property tax on  
3 property assessed as agricultural or residential property.  
4 The surtax shall be distributed in the following manner:  
5 Upon receipt of the revenues collected from the income  
6 surtax, the county treasurer shall notify the county auditor  
7 of the amount of income surtax revenues received. The auditor  
8 shall determine the amount to be credited to each parcel of  
9 real property located in the political subdivision and  
10 assessed as agricultural or residential, and shall enter such  
11 amount upon the tax lists as a credit against the tax levied  
12 on each parcel of real property assessed as agricultural or  
13 residential. The county treasurer shall show on each tax  
14 receipt the amount of tax credit to be applied against  
15 property taxes payable in the fiscal year following the year  
16 in which the surtax was collected for each parcel of real  
17 property assessed as agricultural or residential. In case of  
18 change of ownership, the credit shall remain with the parcel.  
19 The amount of the credit funded by revenues from the income  
20 surtax imposed under section 76.19 shall be an amount equal to  
21 a pro rata share based upon the ratio of the taxable value of  
22 each parcel to receive the credit to the total taxable value  
23 of the property to receive the credit.

24 Sec. 60. NEW SECTION. 76.22 DESIGNATION OF TAX.

25 An income surtax imposed under section 76.19 by a school  
26 district shall be designated as a school debt service income  
27 surtax, an income surtax imposed by a merged area shall be  
28 designated as a merged area debt service income surtax, an  
29 income surtax imposed under section 76.19 by a city shall be  
30 designated a city debt service income surtax, and an income  
31 surtax imposed under section 76.19 by a county shall be  
32 designated a county debt service income surtax.

33 Sec. 61. Section 260C.21, Code 1995, is amended to read as  
34 follows:

35 260C.21 ELECTION TO INCUR INDEBTEDNESS.

36 1. No indebtedness shall be incurred under section 260C.19  
37 until authorized by an election. A proposition to incur  
38 indebtedness and issue bonds for community college purposes  
39 shall be deemed ~~carried~~ adopted in a merged area if approved  
40 by a sixty percent majority of all voters voting on the  
41 proposition in the area. However, if the ~~board elects to~~  
42 offset the annual property tax levy with revenues from a local  
43 income surtax pursuant to section 76.21, the ballot  
44 proposition to authorize the issuance of the bonds shall be  
45 submitted to the electorate pursuant to section 75.1,  
46 subsection 2.

47 2. Notwithstanding subsection 1, if the costs of utilities  
48 are paid by a community college with funds derived from the

49 levy authorized under section 260C.22, the community college  
50 may use the general fund moneys that would have been used to

Page 32

1 pay the costs of utilities for capital expenditures, may  
2 invest the funds, or may incur indebtedness without an  
3 election, provided that the payments on the indebtedness  
4 incurred, and any interest on the indebtedness, can be made  
5 using general funds of the community college and the total  
6 payments on the principal and interest on the indebtedness do  
7 not exceed the amount of the costs of the utilities.

8 Sec. 62. Section 296.1, Code 1995, is amended to read as  
9 follows:

10 296.1 INDEBTEDNESS AUTHORIZED.

11 Subject to the approval of the voters thereof, school  
12 districts are hereby authorized to contract indebtedness and  
13 to issue general obligation bonds to provide funds to defray  
14 the cost of purchasing, building, furnishing, reconstructing,  
15 repairing, improving or remodeling a schoolhouse or  
16 schoolhouses and additions thereto, gymnasium, stadium, field  
17 house, school bus garage, teachers' or superintendent's home  
18 or homes, and procuring a site or sites therefor, or  
19 purchasing land to add to a site already owned, or procuring  
20 and improving a site for an athletic field, or improving a  
21 site already owned for an athletic field, and for any one or  
22 more of such purposes. Taxes for the payment of ~~said the~~  
23 bonds shall be levied or imposed in accordance with chapter  
24 76, and ~~said the~~ bonds shall mature within a period not  
25 ~~exceeding twenty years from date of issue the period provided~~  
26 in section 76.1, shall bear interest at a rate or rates not  
27 exceeding that permitted by chapter 74A and shall be of such  
28 form as the board of directors of ~~such the~~ school district  
29 shall by resolution provide, but the aggregate indebtedness of  
30 any school district shall not exceed five percent of the  
31 actual value of the taxable property within ~~said the~~ school  
32 district, as ascertained by the last preceding state and  
33 county tax lists.

34 Sec. 63. Section 296.6, Code 1995, is amended to read as  
35 follows:

36 296.6 BONDS.

37 If the vote in favor of the issuance of such bonds is equal  
38 to at least sixty percent of the total vote cast for and  
39 against ~~said the~~ proposition at ~~said the~~ election, the board  
40 of directors shall issue the ~~same~~ bonds and make provision for  
41 payment ~~thereof of the bonds~~. However, if the board of  
42 directors of a school district elects to offset the annual  
43 property tax levy with revenues from an income surtax pursuant  
44 to section 76.21, the ballot proposition to authorize the  
45 issuance of the bonds shall be submitted to the electorate

46 pursuant to section 75.1, subsection 2.

47 Sec. 64. Section 298.14, unnumbered paragraph 1, Code  
48 1995, is amended to read as follows:

49 For each fiscal year, the cumulative total of the percents  
50 of surtax approved by the board of directors of a school

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1 district and collected by the department of revenue and  
2 finance under sections 257.21, 257.29, 279.54, and 298.2, and  
3 the enrichment surtax under section 442.15, Code 1989, and an  
4 income surtax collected by a political subdivision under  
5 chapter 422D, shall not exceed twenty percent. In addition,  
6 if an income surtax is imposed under section 76.19, the  
7 cumulative total of percents of surtax imposed on any taxpayer  
8 in a school district under sections 76.19, 257.21, 257.29,  
9 279.54, 298.2, 442.15, Code 1989, and chapter 422D shall not  
10 exceed twenty percent in the first year in which one or more  
11 of these income surtaxes is imposed.

12 Sec. 65. Section 298.18, unnumbered paragraph 2, Code  
13 1995, is amended to read as follows:

14 The amount estimated ~~and certified to apply on to pay~~  
15 principal and interest for any one year shall not exceed an  
16 amount that could be raised by a property tax levy equal to  
17 two dollars and seventy cents per thousand dollars of the  
18 assessed valuation of the taxable property of the school  
19 corporation except as hereinafter provided.

20 Sec. 66. Section 298.18, unnumbered paragraph 4, Code  
21 1995, is amended to read as follows:

22 The amount estimated ~~and certified to apply on to pay~~  
23 principal and interest for any one year may exceed an amount  
24 that could be raised by a property tax levy equal to two  
25 dollars and seventy cents per thousand dollars of assessed  
26 value by the amount approved by the voters of the school  
27 corporation, but not exceeding four dollars and five cents per  
28 thousand of the assessed value of the taxable property within  
29 any school corporation, provided that the qualified registered  
30 voters of such school corporation have first approved such  
31 increased amount at a special election, which may be held at  
32 the same time as the regular school election. The proposition  
33 submitted to the voters at such special election shall be in  
34 substantially the following form:

35 Sec. 67. Section 298.18, unnumbered paragraph 6, Code  
36 1995) is amended to read as follows:

37 Notice of the election shall be given by the county  
38 commissioner of elections according to section 49.53. The  
39 election shall be held on a date not less than four nor more  
40 than twenty days after the last publication of the notice. At  
41 such the election the ballot used for the submission of said  
42 the proposition shall be in substantially the form for

43 submitting special questions at general elections. The county  
44 commissioner of elections shall conduct the election pursuant  
45 to the provisions of chapters 39 to 53 and certify the results  
46 to the board of directors. ~~Such~~ The proposition shall not be  
47 deemed ~~carried or~~ adopted unless the vote in favor of ~~such~~ the  
48 proposition is equal to at least sixty percent of the total  
49 vote cast for and against ~~said~~ the proposition at ~~said~~ the  
50 election. ~~Whenever~~ However, if the board of directors of a

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1 school district elects to offset the annual property tax levy  
2 with revenues from an income surtax pursuant to section 76.21,  
3 the ballot proposition shall be submitted to the electorate  
4 pursuant to section 75.1, subsection 2. If such a proposition  
5 has been approved by the voters of a school corporation as  
6 hereinbefore provided, no further approval of the voters of  
7 ~~such~~ the school corporation shall be required as a result of  
8 any subsequent change in the boundaries of ~~such~~ the school  
9 corporation.

10 Sec. 68. Section 298.22, unnumbered paragraph 1, Code  
11 1995, is amended to read as follows:

12 ~~All of said~~ The bonds shall be substantially in the form  
13 provided for county bonds, but subject to changes that will  
14 conform them to the action of the board ~~providing therefor;~~  
15 ~~shall run not more than twenty years mature within the period~~  
16 provided in section 76.1, and may be sooner paid if so  
17 nominated in the bond; bear a rate of interest not exceeding  
18 that permitted by chapter 74A, payable semiannually; be signed  
19 by the president and countersigned by the secretary of the  
20 board of directors; and shall not be disposed of for less than  
21 par value, nor issued for other purposes than this chapter  
22 provides.

23 Sec. 69. Section 331.442, subsection 4, Code Supplement  
24 1995, is amended to read as follows:

25 4. The proposition of issuing bonds for a general county  
26 purpose is not ~~carried or~~ adopted unless the vote in favor of  
27 the proposition is equal to at least sixty percent of the  
28 total vote cast for and against the proposition at the  
29 election. However, if the board elects to offset the annual  
30 property tax levy with revenues from a local income surtax  
31 pursuant to section 76.21, the ballot proposition to authorize  
32 the issuance of the bonds shall be submitted to the electorate  
33 pursuant to section 75.1, subsection 2. If the proposition of  
34 issuing the general county purpose bonds is approved by the  
35 voters, the board may proceed with the issuance of the bonds.

36 Sec. 70. Section 331.442, subsection 5, paragraph a,  
37 unnumbered paragraph 1, Code Supplement 1995, is amended to  
38 read as follows:

39 Notwithstanding subsection 2, a board, in lieu of calling

40 an election, may institute proceedings for the issuance of  
41 bonds for a general county purpose by causing a notice of the  
42 proposal to issue the bonds, including a statement of the  
43 amount and purpose of the bonds, the type or types of debt  
44 service tax to be levied or imposed to pay principal and  
45 interest on the bonds, and the right to petition for an  
46 election, to be published as provided in section 331.305 at  
47 least ten days prior to the meeting at which it is proposed to  
48 take action for the issuance of the bonds subject to the  
49 following limitations:

50 Sec. 71. Section 331.447, subsection 1, Code Supplement

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1 1995, is amended to read as follows:

2 1. Taxes for the payment of general obligation bonds shall  
3 be levied or imposed in accordance with chapter 76, and the  
4 bonds are payable from the levy of unlimited ad valorem taxes  
5 on all the taxable property within the county through its debt  
6 service fund required by section 331.430 a debt service  
7 property tax or combination of a debt service property tax and  
8 a debt service local income surtax, unlimited as to amount,  
9 except that:

10 a. The amount estimated and certified to apply to pay on  
11 principal and interest for any one year shall not exceed an  
12 amount that could be raised by a debt service property tax  
13 levy equal to the maximum rate of tax, if any, provided by  
14 this division for the purpose for which the bonds were issued.  
15 If general obligation bonds are issued for different  
16 categories, as provided in section 331.445, the maximum rate  
17 of levies, if any, for each purpose shall apply separately to  
18 that portion of the bond issue for that category and the  
19 resolution authorizing the bond issue shall clearly set forth  
20 the annual debt service requirements with respect to each  
21 purpose in sufficient detail to indicate compliance with the  
22 rate of tax levy, if any.

23 b. The amount estimated and certified to apply to pay on  
24 principal and interest for any one year may only exceed an  
25 amount that could be raised by a debt service property tax  
26 levy equal to the statutory rate of levy limit, if any, by the  
27 amount that the registered voters of the county have approved  
28 at a special election, which may be held at the same time as  
29 the general election and may be included in the proposition  
30 authorizing the issuance of bonds, if an election on the  
31 proposition is necessary, or may be submitted as a separate  
32 proposition at the same election or at a different election.  
33 Notice of the election shall be given as specified in section  
34 331.305. If the proposition includes issuing bonds and  
35 increasing the levy limit, it shall be in substantially the  
36 following form:

37 Shall the county of ....., state of Iowa, be authorized  
 38 to ..... (here state purpose of project) at a total cost  
 39 not exceeding \$ ..... and issue its general obligation bonds  
 40 in an amount not exceeding \$ ..... for that purpose, and be  
 41 authorized to levy annually a debt service property tax (or  
 42 debt service property tax, and income surtax to offset the  
 43 property tax, if applicable), which will produce an amount not  
 44 exceeding ..... dollars and ..... cents per thousand dollars of  
 45 the assessed value of the taxable property within the county  
 46 to pay the principal of and interest on the bonds?  
 47 If the proposition includes only increasing the levy limit  
 48 it shall be in substantially the following form:  
 49 Shall the county of ....., state of Iowa, be authorized  
 50 to levy annually a debt service property tax (or debt service

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1 property tax and income surtax to offset the property tax, if  
 2 applicable), which will produce an amount not exceeding .....  
 3 dollars and ..... cents per thousand dollars of the assessed  
 4 value of the taxable property within the county to pay  
 5 principal and interest on the bonded indebtedness of the  
 6 county for the purpose of .....

7 Sec. 72. Section 331.490, Code 1995, is amended to read as  
 8 follows:

9 331.490 CITIES SUBJECT TO DEBT SERVICE TAX LEVY -- RATES.

10 1. If a county and city have entered into an agreement to  
 11 create a joint special assessment district and issue county  
 12 general obligation bonds to fund the costs of a public  
 13 improvement benefiting that district, the county's debt ser-  
 14 vice property tax levy for the county general obligation bonds  
 15 shall not be levied against property located in any city  
 16 except a city which has entered into the agreement, and, if  
 17 applicable, the county's debt service income surtax for the  
 18 county general obligation bonds shall not be imposed on  
 19 taxpayers who reside in any city except a city which has  
 20 entered into the agreement.

21 2. Counties and cities entering into an agreement for a  
 22 joint special assessment district may provide in the agreement  
 23 for a different rate of the county's debt service tax levy  
 24 against property in areas of the county outside a city and  
 25 property within the cities, and, if applicable, for a  
 26 different rate of the county's debt service income surtax to  
 27 be imposed on taxpayers residing outside the cities and those  
 28 residing within each city.

29 Sec. 73. Section 384.26, subsection 2, Code Supplement  
 30 1995, is amended to read as follows:

31 2. Before the council may institute proceedings for the  
 32 issuance of bonds for a general corporate purpose, it shall  
 33 call a special city election to vote upon the question of

34 issuing the bonds. At the election the proposition must be  
35 submitted in substantially the following form:

36 Shall the ..... (insert the name of the city) issue  
37 its bonds in an amount not exceeding the amount of \$ ..... for  
38 the purpose of ....., such bonds to be payable from a  
39 property tax levied on all taxable property within the city  
40 (and income surtax to offset the property tax to be imposed on  
41 the state income tax of each income taxpayer residing in the  
42 city)?

43 Sec. 74. Section 384.26, subsection 4, Code Supplement  
44 1995, is amended to read as follows:

45 4. The proposition of issuing general corporate purpose  
46 bonds is not ~~carried or~~ adopted unless the vote in favor of  
47 the proposition is equal to at least sixty percent of the  
48 total vote cast for and against the proposition at the  
49 election. However, if the city council elects to offset the  
50 annual property tax levy with revenues from a local income

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1 surtax pursuant to section 76.21, the ballot proposition to  
2 authorize the issuance of the bonds shall be submitted to the  
3 electorate pursuant to section 75.1, subsection 2. If the  
4 proposition of issuing the general corporate purpose bonds is  
5 approved by the voters, the city may proceed with the issuance  
6 of the bonds.

7 Sec. 75. Section 384.26, subsection 5, paragraph a,  
8 unnumbered paragraph 1, Code Supplement 1995, is amended to  
9 read as follows:

10 Notwithstanding the provisions of subsection 2, a council  
11 may, in lieu of calling an election, institute proceedings for  
12 the issuance of bonds for a general corporate purpose by  
13 causing a notice of the proposal to issue the bonds, including  
14 a statement of the amount and purpose of the bonds, the type  
15 or types of debt service tax to be levied or imposed to pay  
16 principal and interest of the bonds, together with the maximum  
17 rate of interest which the bonds are to bear, and the right to  
18 petition for an election, to be published at least once in a  
19 newspaper of general circulation within the city at least ten  
20 days prior to the meeting at which it is proposed to take  
21 action for the issuance of the bonds subject to the following  
22 limitations:

23 Sec. 76. Section 384.32, Code 1995, is amended to read as  
24 follows:

25 384.32 TAX TO PAY.

26 Taxes for the payment of general obligation bonds must be  
27 levied in accordance with chapter 76, and the bonds are  
28 payable from the levy of unlimited ad valorem taxes on all the  
29 taxable property within the city through its debt service fund  
30 authorized by section 384.4 a debt service property tax or a

31 combination of a debt service property tax and a debt service  
32 income surtax, unlimited as to amount.

33 Sec. 77. APPLICABILITY DATE. This division  
34 of this Act applies to bond  
35 issuances approved at elections held on or after the effective  
36 date of this division of this Act.

#### 37 DIVISION X

#### 38 PROPERTY TAX STUDY

39 Sec. 78. The legislative council shall direct the  
40 establishment of a legislative committee to study the  
41 system of local government property taxation. The  
42 committee shall conduct a comprehensive review of the  
43 property tax system in Iowa, including identifying the  
44 various classes of property taxpayers, the portion of  
45 property taxes collected from each class of taxpayer,  
46 the distribution of those taxes to local governments,  
47 and the value of local government services received by  
48 a class of taxpayers in relation to the amount of  
49 property taxes paid by that class. The committee  
50 shall also examine the current system of property tax

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1 credits and exemptions allowed to taxpayers, tax  
2 increment financing and tax abatement programs,  
3 property tax credits and exemptions, the effect of tax  
4 abatement programs, and tax increment financing on the  
5 tax rates applied to the other classes of property,  
6 and the general authority of local officials to abate  
7 property taxes.

8 As an integral part of the collection of taxes by  
9 local governments, the committee shall also review the  
10 budgeting procedures and practices of local  
11 governments, including the process of estimating and  
12 spending ending fund balances; the authorization to  
13 use, or the practice of using, unexpended funds or  
14 ending fund balances for capital improvements or other  
15 nonrecurring expenditures; and the impact on property  
16 tax rates of actions of the school budget review  
17 committee, the state appeal board, the application of  
18 the property tax rollback, and the application of  
19 equalization orders issued by the department of  
20 revenue and finance.

21 The committee shall also review the use of property  
22 taxes as the sole or major source of funding for  
23 school, city, and county services and the use of  
24 alternate sources of revenues to pay for such  
25 services, the repayment of bonds or other debt  
26 obligations by local governments, the use of alternate  
27 sources of revenue to repay bonds or other debt



28 obligations, and the current statutory requirements  
29 for the issuance of bonds or other debt obligations by  
30 local governments.”

31 \_\_\_\_ . Title page, line 12, by inserting after the  
32 word “credits;” the following: “increasing the school  
33 foundation base level for special education;””

WILLIAM D. PALMER  
MICHAEL E. GRONSTAL

S-5594

1 Amend the Senate amendment, S-5580, to the House  
2 amendment, S-5574, to Senate File 2449, as amended,  
3 passed, and reprinted by the Senate, as follows:

4 1. By striking page 1, line 1, through page 27,  
5 line 21, and inserting the following:

6 “Amend the House amendment, S-5574, to Senate File  
7 2449, as amended, passed, and reprinted by the Senate,  
8 as follows:

9 \_\_\_\_ . By striking page 1, line 1, through page 6,  
10 line 10, and inserting the following:

11 “Amend Senate File 2449, as amended, passed, and  
12 reprinted by the Senate, as follows:

13 “\_\_\_\_ . By striking everything after the enacting  
14 clause and inserting the following:

15 “DIVISION I

16 INCOME TAX INDEXATION

17 Section 1. Section 422.4, subsection 1, paragraphs  
18 a and d, Code 1995, are amended to read as follows:

19 a. “Annual inflation factor” means an index,  
20 expressed as a percentage, determined by the  
21 department by October 15 of the calendar year  
22 preceding the calendar year for which the factor is  
23 determined, which reflects the purchasing power of the  
24 dollar as a result of inflation during the fiscal year  
25 ending in the calendar year preceding the calendar  
26 year for which the factor is determined. In  
27 determining the annual inflation factor, the  
28 department shall use the annual percent change, but  
29 not less than zero percent, in the ~~implicit price~~  
30 ~~deflator for the gross national product~~ gross domestic  
31 product price deflator computed for the second quarter  
32 of the calendar year by the bureau of economic  
33 analysis of the United States department of commerce  
34 and shall add ~~one-half~~ all of that percent change to  
35 one hundred percent. The annual inflation factor and  
36 the cumulative inflation factor shall each be  
37 expressed as a percentage rounded to the nearest one-  
38 tenth of one percent. The annual inflation factor

39 shall not be less than one hundred percent.  
40 d. Notwithstanding the computation of the annual  
41 inflation factor under paragraph "a", the annual  
42 inflation factor is one hundred percent for any  
43 calendar year in which the unobligated state general  
44 fund balance on June 30 as certified by the director  
45 of the department of management by October 10, is less  
46 than sixty million dollars. Notwithstanding section  
47 8.58, in determining the unobligated state general  
48 fund balance on June 30, unobligated moneys in the  
49 cash reserve fund and Iowa economic emergency fund on  
50 June 30 shall be counted as part of the unobligated

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1 state general fund balance for purposes of this  
2 paragraph.  
3 Sec. 2. Section 422.4, subsection 2, paragraph a,  
4 Code 1995, is amended to read as follows:  
5 a. "Annual standard deduction factor" means an  
6 index, expressed as a percentage, determined by the  
7 department by October 15 of the calendar year  
8 preceding the calendar year for which the factor is  
9 determined, which reflects the purchasing power of the  
10 dollar as a result of inflation during the fiscal year  
11 ending in the calendar year preceding the calendar  
12 year for which the factor is determined. In  
13 determining the annual standard deduction factor, the  
14 department shall use the annual percent change, but  
15 not less than zero percent, in the implicit price  
16 deflator for the gross national product gross domestic  
17 product price deflator computed for the second quarter  
18 of the calendar year by the bureau of economic  
19 analysis of the United States department of commerce  
20 and shall add ~~one-half~~ all of that percent change to  
21 one hundred percent. The annual standard deduction  
22 factor and the cumulative standard deduction factor  
23 shall each be expressed as a percentage rounded to the  
24 nearest one-tenth of one percent. The annual standard  
25 deduction factor shall not be less than one hundred  
26 percent.  
27 Sec. 3. This division of this Act, being deemed of  
28 immediate importance, takes effect upon enactment and  
29 applies to the computation of the annual inflation  
30 factor and annual standard deduction factor for  
31 calendar years beginning on or after January 1, 1996.  
32 The department of revenue and finance shall adjust the  
33 annual inflation factor and annual standard deduction  
34 factor previously computed for the 1996 calendar year.  
35 to reflect the change made in the computation of those

36 factors in this Act.

## 37 DIVISION II

### 38 INHERITANCE TAXATION

39 Sec. 4. Section 450.7, subsection 1, unnumbered  
40 paragraph 1, Code Supplement 1995, is amended to read  
41 as follows:

42 Except for the share of the estate passing to the  
43 surviving spouse, father or mother, each son and  
44 daughter, including legally adopted sons and daughters  
45 or biological sons and daughters, stepchildren, and  
46 grandchildren, the tax is a charge against and a lien  
47 upon the estate subject to tax under this chapter, and  
48 all property of the estate or owned by the decedent  
49 from the death of the decedent until paid, subject to  
50 the following limitation:

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1 Sec. 5. Section 450.9, subsection 1, Code 1995, is  
2 amended to read as follows:

3 1. Surviving spouse, father or mother, son or  
4 daughter, including legally adopted sons and daughters  
5 or biological sons and daughters, stepchildren, or  
6 grandchild, the entire amount of property, interest in  
7 property, and income.

8 Sec. 6. Section 450.9, subsections 2 and 3, Code  
9 1995, are amended by striking the subsections.

10 Sec. 7. Section 450.10, subsection 1, unnumbered  
11 paragraph 1, Code 1995, is amended to read as follows:

12 When the property, interest, or income passes to  
13 ~~the father or mother, or to a child or a lineal~~  
14 descendant of the decedent, grantor, donor, or vendor,  
15 ~~including a legally adopted child or biological child~~  
16 ~~entitled to inherit under the laws of this state not~~  
17 ~~included in subsection 7~~, the tax imposed shall be on  
18 the individual share so passing in excess of the  
19 exemptions allowed as follows:

20 Sec. 8. Section 450.10, subsection 2, unnumbered  
21 paragraph 1, Code 1995, is amended to read as follows:

22 When the property or any interest ~~therein in~~  
23 ~~property~~, or income ~~therefrom from~~ property taxable  
24 under the provisions of this chapter passes to the  
25 brother or sister, son-in-law, or daughter-in-law, or  
26 ~~step children~~, the rate of tax imposed on the  
27 individual share so passing shall be as follows:

28 Sec. 9. Section 450.10, subsection 7, Code 1995,  
29 is amended to read as follows:

30 7. Property, interest in property, or income  
31 passing to the surviving spouse, father or mother, son  
32 or daughter, including legally adopted sons and

33 daughters or biological sons and daughters, stepchild,  
 34 or grandchild, is not taxable under this section.

35 Sec. 10. This division of this Act applies to  
 36 estates of decedents dying on or after July 1, 1996.

37 DIVISION III

38 SCHOOL PROPERTY TAX AND FUNDING

39 Sec. 11. Section 257.1, subsection 2, unnumbered  
 40 paragraph 2, Code Supplement 1995, is amended to read  
 41 as follows:

42 For the budget year commencing July 1, ~~1991~~ 1996,  
 43 and for each succeeding budget year the regular  
 44 program foundation base per pupil is eighty-three  
 45 percent of the regular program state cost per pupil;  
 46 ~~except that the regular program foundation base per~~  
 47 ~~pupil for the portion of weighted enrollment that is~~  
 48 ~~additional enrollment because of special education is~~  
 49 ~~seventy-nine percent of the regular program state cost~~  
 50 ~~per pupil.~~ For the budget year commencing July 1,

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1 ~~1991~~ 1996, and for each succeeding budget year the  
 2 special education support services foundation base is  
 3 ~~seventy-nine~~ eighty-three percent of the special  
 4 education support services state cost per pupil. The  
 5 combined foundation base is the sum of the regular  
 6 program foundation base and the special education  
 7 support services foundation base.

8 Sec. 12. Section 257.3, subsection 1, unnumbered  
 9 paragraph 1, Code Supplement 1995, is amended to read  
 10 as follows:

11 ~~Except as provided in subsections 2 and 3, a~~  
 12 school district shall cause to be levied each year,  
 13 for the school general fund, a foundation property tax  
 14 equal to ~~five~~ four dollars and ~~forty~~ seventy cents per  
 15 thousand dollars of assessed valuation on all taxable  
 16 property in the district. The county auditor shall  
 17 spread the foundation levy over all taxable property  
 18 in the district.

19 Sec. 13. Section 257.3, subsections 2 and 3, Code  
 20 Supplement 1995, are amended by striking the  
 21 subsections.

22 Sec. 14. Section 257.3, subsection 4, Code  
 23 Supplement 1995, is amended to read as follows:

24 4. RAILWAY CORPORATIONS. For purposes of section  
 25 257.1, the "amount per pupil of foundation property  
 26 tax" does not include the tax levied under subsection  
 27 1; ~~2; or 3~~ on the property of a railway corporation,  
 28 or on its trustee if the corporation has been declared  
 29 bankrupt or is in bankruptcy proceedings.

30 Sec. 15. Section 275.55, unnumbered paragraph 4,  
31 Code 1995, is amended by striking the unnumbered  
32 paragraph.

33 Sec. 16. Section 425A.3, subsection 1, Code 1995,  
34 is amended to read as follows:

35 1. The family farm tax credit fund shall be  
36 apportioned each year in the manner provided in this  
37 chapter so as to give a credit against the tax on each  
38 eligible tract of agricultural land within the several  
39 school districts of the state in which the levy for  
40 the general school fund exceeds five four dollars and  
41 forty seventy cents per thousand dollars of assessed  
42 value. The amount of the credit on each eligible  
43 tract of agricultural land shall be the amount the tax  
44 levied for the general school fund exceeds the amount  
45 of tax which would be levied on each eligible tract of  
46 agricultural land were the levy for the general school  
47 fund five four dollars and forty seventy cents per  
48 thousand dollars of assessed value for the previous  
49 year. However, in the case of a deficiency in the  
50 family farm tax credit fund to pay the credits in

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1 full, the credit on each eligible tract of  
2 agricultural land in the state shall be proportionate  
3 and applied as provided in this chapter.

4 Sec. 17. Section 425A.5, Code 1995, is amended to  
5 read as follows:

6 425A.5 COMPUTATION BY COUNTY AUDITOR.

7 The family farm tax credit allowed each year shall  
8 be computed as follows: On or before March 1, the  
9 county auditor shall list by school districts all  
10 tracts of agricultural land which are entitled to  
11 credit, the taxable value for the previous year, the  
12 budget from each school district for the previous  
13 year, and the tax rate determined for the general fund  
14 of the school district in the manner prescribed in  
15 section 444.3 for the previous year, and if the tax  
16 rate is in excess of five four dollars and forty  
17 seventy cents per thousand dollars of assessed value,  
18 the auditor shall multiply the tax levy which is in  
19 excess of five four dollars and forty seventy cents  
20 per thousand dollars of assessed value by the total  
21 taxable value of the agricultural land entitled to  
22 credit in the school district, and on or before March  
23 1, certify the total amount of credit and the total  
24 number of acres entitled to the credit to the  
25 department of revenue and finance.

26 Sec. 18. Section 426.3, Code 1995, is amended to

27 read as follows:

28 426.3 WHERE CREDIT GIVEN.

29 The agricultural land credit fund shall be  
30 apportioned each year in the manner hereinafter  
31 provided in this chapter so as to give a credit  
32 against the tax on each tract of agricultural lands  
33 within the several school districts of the state in  
34 which the levy for the general school fund exceeds  
35 five four dollars and forty seventy cents per thousand  
36 dollars of assessed value; the amount of such credit  
37 on each tract of such lands shall be the amount the  
38 tax levied for the general school fund exceeds the  
39 amount of tax which would be levied on said the tract  
40 of such lands were the levy for the general school  
41 fund five four dollars and forty seventy cents per  
42 thousand dollars of assessed value for the previous  
43 year, except in the case of a deficiency in the  
44 agricultural land credits fund to pay said credits in  
45 full, in which case the credit on each eligible tract  
46 of such lands in the state shall be proportionate and  
47 shall be applied as hereinafter provided in this  
48 chapter.

49 Sec. 19. Section 426.6, unnumbered paragraph 1,  
50 Code 1995, is amended to read as follows:

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1 The agricultural land tax credit allowed each year  
2 shall be computed as follows: On or before the first  
3 of June the county auditor shall list by school  
4 districts all tracts of agricultural lands which they  
5 are entitled to credit, together with the taxable  
6 value for the previous year, together with the budget  
7 from each school district for the previous year, and  
8 the tax rate determined for the general fund of the  
9 district in the manner prescribed in section 444.3 for  
10 the previous year, and if such the tax rate is in  
11 excess of five four dollars and forty seventy cents  
12 per thousand dollars of assessed value, the auditor  
13 shall multiply the tax levy which is in excess of five  
14 four dollars and forty seventy cents per thousand  
15 dollars of assessed value by the total taxable value  
16 of the agricultural lands entitled to credit in the  
17 district, and on or before the first of June certify  
18 the amount to the department of revenue and finance.

19 Sec. 20.

20 1. Sections 11 through 15 of this division of this  
21 Act, being deemed of immediate importance, take effect  
22 upon enactment, and apply to the computation of school  
23 foundation property taxes payable during school budget

24 years beginning on or after July 1, 1996.  
 25 2. Sections 16 through 19 of this division of this  
 26 Act take effect January 1, 1997, and apply to the  
 27 computation of family farm tax credits and  
 28 agricultural land tax credits granted for property  
 29 taxes payable in school budget years beginning on or  
 30 after July 1, 1997.

#### 31 DIVISION IV

#### 32 FAMILY FARM AND AGRICULTURAL LAND TAX CREDITS

33 Sec. 21. Section 425A.1, Code 1995, is amended to  
 34 read as follows:

#### 35 425A.1 FAMILY FARM TAX CREDIT FUND.

36 The family farm tax credit fund is created in the  
 37 office of the treasurer of state. There shall be  
 38 transferred appropriated annually to the fund the  
 39 first ten million dollars of the amount annually  
 40 appropriated to the agricultural land credit fund,  
 41 provided in section 426.1 sum of thirty million  
 42 dollars. Any balance in the fund on June 30 shall  
 43 revert to the general fund.

44 Sec. 22. Section 425A.2, subsection 4, Code 1995,  
 45 is amended to read as follows:

46 4. "Designated person" means one of the following:

47 a. If the owner is an individual, the designated  
 48 person includes the owner of the tract ~~or a person~~  
 49 ~~related to the owner as, the owner's spouse, parent,~~  
 50 ~~grandparent, the owner's child, grandchild, or~~

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1 stepchild, and their spouses, or the owner's relative  
 2 within the third degree of consanguinity, and the  
 3 relative's spouse.

4 b. If the owner is a partnership, a partner, or  
 5 the partner's spouse.

6 c. If the owner is a family farm corporation, a  
 7 family member who is a shareholder of the family farm  
 8 corporation or the shareholder's spouse.

9 d. If the owner is an authorized farm corporation,  
 10 a shareholder who owns at least fifty-one percent of  
 11 the stock of the authorized farm corporation or the  
 12 shareholder's spouse.

13 e. If the owner is an individual who leases the  
 14 tract to a family farm corporation, a shareholder of  
 15 the corporation if the combined stock of the family  
 16 farm corporation owned by the owner of the tract and  
 17 persons related to the owner as enumerated in  
 18 paragraph "a" is equal to at least fifty-one percent  
 19 of the stock of the family farm corporation.

20 f. If the owner is an individual who leases the

21 tract to a partnership, a partner if the combined  
 22 partnership interest owned by the owner of the tract  
 23 and persons related to the owner as enumerated in  
 24 paragraph "a" is equal to at least fifty-one percent  
 25 of the ownership interest of the partnership.

26 Sec. 23. Section 426.1, Code 1995, is amended to  
 27 read as follows:

28 426.1 AGRICULTURAL LAND CREDIT FUND.

29 There is created as a permanent fund in the office  
 30 of the treasurer of state a fund to be known as the  
 31 agricultural land credit fund, and for the purpose of  
 32 establishing and maintaining this fund for each fiscal  
 33 year there is appropriated ~~thereto~~ to the fund from  
 34 funds in the general fund not otherwise appropriated  
 35 the sum of ~~thirty-nine~~ twenty-nine million one hundred  
 36 thousand dollars ~~of which the first ten million~~  
 37 ~~dollars shall be transferred to and deposited into the~~  
 38 ~~family farm tax credit fund created in section 425A.1.~~  
 39 Any balance in said fund on June 30 shall revert to  
 40 the general fund.

41 Sec. 24. This division of this Act, being deemed  
 42 of immediate importance, takes effect upon enactment  
 43 and applies to family farm tax credits and  
 44 agricultural land credits allowed for property taxes  
 45 due and payable in fiscal years beginning on or after  
 46 July 1, 1996.

47

#### DIVISION V

48

#### SUBCHAPTER S CORPORATIONS

49 Sec. 25. Section 422.5, subsection 1, paragraph j,  
 50 Code 1995, is amended by adding the following new

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1 unnumbered paragraph:  
 2 **NEW UNNUMBERED PARAGRAPH.** The tax imposed upon the  
 3 taxable income of a resident shareholder in a  
 4 corporation which has in effect for the tax year an  
 5 election under subchapter S of the Internal Revenue  
 6 Code and carries on business within and without the  
 7 state shall be computed by reducing the amount  
 8 determined pursuant to paragraphs "a" through "i" by  
 9 the amounts of nonrefundable credits under this  
 10 division and by multiplying this resulting amount by a  
 11 fraction of which the resident's net income allocated  
 12 to Iowa, as determined in section 422.8, subsection 2,  
 13 paragraph "b", is the numerator and the resident's  
 14 total net income computed under section 422.7 is the  
 15 denominator. This paragraph also applies to  
 16 individuals who are residents of Iowa for less than  
 17 the entire tax year.



18 Sec. 26. Section 422.5, subsection 1, paragraph k,  
19 unnumbered paragraph 4, Code 1995, is amended to read  
20 as follows:

21 In the case of a resident, including a resident  
22 estate or trust, the state's apportioned share of the  
23 state alternative minimum tax is one hundred percent  
24 of the state alternative minimum tax computed in this  
25 subsection. In the case of a resident or part year  
26 resident shareholder in a corporation which has in  
27 effect for the tax year an election under subchapter S  
28 of the Internal Revenue Code and carries on business  
29 within and without the state, a nonresident, including  
30 a nonresident estate or trust, or an individual,  
31 estate, or trust that is domiciled in the state for  
32 less than the entire tax year, the state's apportioned  
33 share of the state alternative minimum tax is the  
34 amount of tax computed under this subsection, reduced  
35 by the applicable credits in sections 422.10 through  
36 422.12 and this result multiplied by a fraction with a  
37 numerator of the sum of state net income allocated to  
38 Iowa as determined in section 422.8, subsection 2,  
39 paragraph "a" or "b" as applicable, plus tax  
40 preference items, adjustments, and losses under  
41 subparagraph (1) attributable to Iowa and with a  
42 denominator of the sum of total net income computed  
43 under section 422.7 plus all tax preference items,  
44 adjustments, and losses under subparagraph (1). In  
45 computing this fraction, those items excludable under  
46 subparagraph (1) shall not be used in computing the  
47 tax preference items. Married taxpayers electing to  
48 file separate returns or separately on a combined  
49 return must allocate the minimum tax computed in this  
50 subsection in the proportion that each spouse's

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1 respective preference items, adjustments, and losses  
2 under subparagraph (1) bear to the combined preference  
3 items, adjustments, and losses under subparagraph (1)  
4 of both spouses.

5 Sec. 27. Section 422.8, subsection 2, Code 1995,  
6 is amended to read as follows:

7 2. a. Nonresident's net income allocated to Iowa  
8 is the net income, or portion thereof, which is  
9 derived from a business, trade, profession, or  
10 occupation carried on within this state or income from  
11 any property, trust, estate, or other source within  
12 Iowa. However, income derived from a business, trade,  
13 profession, or occupation carried on within this state  
14 and income from any property, trust, estate, or other

15 source within Iowa shall not include distributions  
16 from pensions, including defined benefit or defined  
17 contribution plans, annuities, individual retirement  
18 accounts, and deferred compensation plans or any  
19 earnings attributable thereto so long as the  
20 distribution is directly related to an individual's  
21 documented retirement and received while the  
22 individual is a nonresident of this state. If a  
23 business, trade, profession, or occupation is carried  
24 on partly within and partly without the state, only  
25 the portion of the net income which is fairly and  
26 equitably attributable to that part of the business,  
27 trade, profession, or occupation carried on within the  
28 state is allocated to Iowa for purposes of section  
29 422.5, subsection 1, paragraph "j", and section 422.13  
30 and income from any property, trust, estate, or other  
31 source partly within and partly without the state is  
32 allocated to Iowa in the same manner, except that  
33 annuities, interest on bank deposits and interest-  
34 bearing obligations, and dividends are allocated to  
35 Iowa only to the extent to which they are derived from  
36 a business, trade, profession, or occupation carried  
37 on within the state.

38 b. A resident's income allocable to Iowa is the  
39 income determined under section 422.7 reduced by items  
40 of income and expenses from a subchapter S corporation  
41 which pass directly to the shareholders under  
42 provisions of the Internal Revenue Code and increased  
43 by the greatest of the following:

44 (1) The net income or loss of the corporation  
45 which is fairly and equitably attributable to this  
46 state under section 422.33, subsections 2 and 3.

47 (2) The taxpayer's pro rata share of an amount  
48 deemed distributed to shareholders which when added to  
49 the salaries, wages, or other compensation for  
50 services performed by all shareholders will equal ten

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1 percent of the net income of the corporation computed  
2 in accordance with section 422.35 and considering  
3 items of income and expense which pass directly to the  
4 shareholders under provisions of the Internal Revenue  
5 Code before deduction of shareholder's salaries,  
6 wages, or other compensation for services performed.

7 (3) Any cash or the value of any property  
8 distributions made to the extent they are paid from  
9 income upon which Iowa income tax has not been paid as  
10 determined under rules of the director.

11 Sec. 28. Section 422.8, Code 1995, is amended by

12 adding the following new subsection:

13 **NEW SUBSECTION. 6.** If the resident or part year  
14 resident is a shareholder of a corporation which has  
15 in effect an election under subchapter S of the  
16 Internal Revenue Code, subsections 1 and 3 do not  
17 apply to any income taxes paid to another state or  
18 foreign country on the income from the corporation  
19 which has in effect an election under subchapter S of  
20 the Internal Revenue Code.

21 Sec. 29. This division of this Act, being deemed  
22 of immediate importance, takes effect upon enactment  
23 and applies retroactively to January 1, 1996, for tax  
24 years beginning on or after that date."

25 \_\_\_\_ . Title page, by striking lines 1 through 17  
26 and inserting the following: "An Act relating to  
27 taxation within the state by changing the computation  
28 of the inflation factors for the tax brackets and  
29 standard deduction of the state individual income tax,  
30 adjusting exemptions from the state inheritance tax,  
31 increasing the funding for the family farm tax credit;  
32 changing the computation of taxable income of  
33 shareholders of subchapter S corporation; and reducing  
34 the school district uniform levy for purposes of  
35 providing tax relief and providing effective and  
36 retroactive and other applicability date  
37 provisions."""

WAYNE D. BENNETT

S-5595

1 Amend the amendment, S-5586, to House File 2350, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

- 4 1. Page 3, by striking lines 27 through 38.
- 5 2. By renumbering as necessary.

DON E. GETTINGS

S-5596

1 Amend House File 2458, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_ . Section 910.4, Code Supplement 1995, is  
6 amended to read as follows:

7 **910.4 CONDITION OF PROBATION -- PAYMENT PLAN.**

8 **1.** When restitution is ordered by the sentencing  
9 court and the offender is placed on probation,

10 restitution shall be a condition of probation.

11 a. Failure of the offender to comply with the plan  
12 of restitution, plan of payment, or community service  
13 requirements when community service is ordered by the  
14 court as restitution, shall constitute a violation of  
15 probation and shall constitute contempt of court.

16 b. The If an offender fails to comply with  
17 restitution requirements during probation, the court  
18 may hold the offender in contempt, revoke probation,  
19 or extend the period of probation; or upon notice of  
20 such noncompliance and hearing thereon, the court may  
21 enter a civil judgment against the offender for the  
22 outstanding balance of payments under the plan of  
23 restitution and such judgment shall be governed by the  
24 law relating to judgments, judgment liens, executions,  
25 and other process available to creditors for the  
26 collection of debts.

27 (1) However, if If the court extends the period of  
28 probation, is extended it shall not be for more than  
29 the maximum period of probation for the offense  
30 committed as provided in section 907.7. After  
31 discharge from probation or after the expiration of  
32 the period of probation, the failure of an offender to  
33 comply with the plan of restitution ordered by the  
34 court shall constitute contempt of court. As part of  
35 the order discharging an offender from probation, the  
36 court shall enter a civil judgment against the  
37 offender for the balance, if any, of any restitution  
38 owed by the offender to the victim of the crime.

39 (2) If an offender's probation is revoked, the  
40 offender's assigned probation officer shall forward to  
41 the director of the Iowa department of corrections,  
42 information concerning the offender's restitution  
43 plan, restitution plan of payment, the restitution  
44 payment balance, and any other pertinent information  
45 concerning or affecting restitution by the offender.

46 2. When the offender is committed to a county  
47 jail, or to an alternate facility, the office or  
48 individual charged with supervision of the offender  
49 shall prepare a restitution plan of payment taking  
50 into consideration the offender's income, physical and

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1 mental health, age, education, employment and family  
2 circumstances.

3 a. The office or individual charged with  
4 supervision of the offender shall review the plan of  
5 restitution ordered by the court, and shall submit a  
6 restitution plan of payment to the sentencing court.

7 b. When community service is ordered by the court  
8 as restitution, the restitution plan of payment shall  
9 set out a plan to meet the requirement for the  
10 community service.

11 c. The court may approve or modify the plan of  
12 restitution and restitution plan of payment.

13 d. When there is a significant change in the  
14 offender's income or circumstances, the office or  
15 individual which has supervision of the plan of  
16 payment shall submit a modified restitution plan of  
17 payment to the court.

18 3. When there is a transfer of supervision from  
19 one office or individual charged with supervision of  
20 the offender to another, the sending office or  
21 individual shall forward to the receiving office or  
22 individual all necessary information regarding the  
23 balance owed against the original amount of  
24 restitution ordered and the balance of public service  
25 required.

26 When the offender's circumstances and income have  
27 significantly changed, the receiving office or  
28 individual shall submit a new plan of payment to the  
29 sentencing court for approval or modification based on  
30 the considerations enumerated in this section.

31 Sec. \_\_\_\_ Section 910.5, Code Supplement 1995, is  
32 amended to read as follows:

33 **910.5 CONDITION OF WORK RELEASE OR PAROLE.**

34 1. a. When an offender is committed to the  
35 custody of the director of the Iowa department of  
36 corrections pursuant to a sentence of confinement, the  
37 sentencing court shall forward to the director, a copy  
38 of the offender's restitution plan, present  
39 restitution payment plan if any, and other pertinent  
40 information concerning or affecting restitution by the  
41 offender.

42 b. ~~However, if~~ If the offender is committed to the  
43 custody of the director after revocation of probation,  
44 this all information regarding the offender's  
45 restitution plan shall be forwarded by the offender's  
46 probation officer.

47 c. An offender committed to a penal or  
48 correctional facility of the state shall make  
49 restitution while placed in that facility.

50 d. Upon commitment to the custody of the director

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1 of the Iowa department of corrections, the director or  
2 the director's designee shall prepare a restitution  
3 plan of payment or modify any existing plan of

4 payment.

5 (1) The new or modified plan of payment shall  
6 reflect the offender's present circumstances  
7 concerning the offender's income, physical and mental  
8 health, education, employment, and family  
9 circumstances.

10 (2) The director or the director's designee may  
11 modify the plan of payment at any time to reflect the  
12 offender's present circumstances.

13 e. After the expiration of the offender's  
14 sentence, the failure of an offender to comply with  
15 the plan of restitution ordered by the court shall  
16 constitute contempt of court. Upon the expiration of  
17 the offender's sentence, the department shall notify  
18 the court which sentenced the offender and the court  
19 shall enter a civil judgment against the offender for  
20 the balance, if any, of any restitution owed by the  
21 offender to the victim of the crime.

22 2. If an offender is to be placed on work release  
23 from an institution under the control of the director  
24 of the Iowa department of corrections, restitution  
25 shall be a condition of work release.

26 a. The chief of the bureau of community  
27 correctional services of the Iowa department of  
28 corrections shall prepare a restitution plan of  
29 payment or may modify any previously existing  
30 restitution plan of payment.

31 (1) The new or modified plan of payment shall  
32 reflect the offender's present circumstances  
33 concerning the offender's income, physical and mental  
34 health, education, employment, and family  
35 circumstances.

36 (2) The bureau chief may modify the plan of  
37 payment at any time to reflect the offender's present  
38 circumstances.

39 b. Failure of the offender to comply with the  
40 restitution plan of payment, including the community  
41 service requirement, if any, shall constitute a  
42 violation of a condition of work release and the work  
43 release privilege may be revoked.

44 c. After the expiration of the offender's  
45 sentence, the failure of an offender to comply with  
46 the plan of restitution ordered by the court shall  
47 constitute contempt of court. Upon the expiration of  
48 the offender's sentence, the bureau chief shall notify  
49 the court which sentenced the offender and the court  
50 shall enter a civil judgment against the offender for

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1 the balance, if any, of any restitution owed by the  
2 offender to the victim of the crime.

3 3. If an offender is to be placed on work release  
4 from a facility under control of a county sheriff or  
5 the judicial district department of correctional  
6 services, restitution shall be a condition of work  
7 release.

8 a. The office or individual charged with  
9 supervision of the offender shall prepare a  
10 restitution plan of payment or may modify any  
11 previously existing restitution plan of payment.

12 (1) The new or modified plan of payment shall  
13 reflect the offender's present circumstances  
14 concerning the offender's income, physical and mental  
15 health, education, employment and family  
16 circumstances.

17 (2) Failure of the offender to comply with the  
18 restitution plan of payment including the community  
19 service requirement, if any, constitutes a violation  
20 of a condition of work release.

21 (3) The office or individual charged with  
22 supervision of the offender may modify the plan of  
23 restitution at any time to reflect the offender's  
24 present circumstances.

25 b. After the expiration of the offender's  
26 sentence, the failure of an offender to comply with  
27 the plan of restitution ordered by the court shall  
28 constitute contempt of court. Upon the expiration of  
29 the offender's sentence, the office or individual  
30 charged with supervision of the offender shall notify  
31 the court which sentenced the offender and the court  
32 shall enter a civil judgment against the offender for  
33 the balance, if any, of any restitution owed by the  
34 offender to the victim of the crime.

35 4. If an offender is to be placed on parole,  
36 restitution shall be a condition of parole.

37 a. The district department of correctional  
38 services to which the offender will be assigned shall  
39 prepare a restitution plan of payment or may modify  
40 any previously existing restitution plan of payment.

41 (1) The new or modified plan of payment shall  
42 reflect the offender's present circumstances  
43 concerning the offender's income, physical and mental  
44 health, education, employment, and family  
45 circumstances.

46 (2) Failure of the offender to comply with the  
47 restitution plan of payment including a community  
48 service requirement, if any, shall constitute a

49 violation of a condition of parole.

50 (3) The parole officer may modify the plan of

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1 payment any time to reflect the offender's present  
2 circumstances.

3 (4) A restitution plan of payment or modified plan  
4 of payment, prepared by a parole officer, must meet  
5 the approval of the director of the district  
6 department of correctional services.

7 b. After the expiration of the offender's  
8 sentence, the failure of an offender to comply with  
9 the plan of restitution ordered by the court shall  
10 constitute contempt of court. Upon the expiration of  
11 the offender's sentence, the parole officer shall  
12 notify the court which sentenced the offender and the  
13 court shall enter a civil judgment against the  
14 offender for the balance, if any, of any restitution  
15 owed by the offender to the victim of the crime.

16 5. The director of the Iowa department of  
17 corrections shall promulgate ~~adopt~~ rules pursuant to  
18 chapter 17A concerning the policies and procedures to  
19 be used in preparing and implementing restitution  
20 plans of payment for offenders who are committed to an  
21 institution under the control of the director of the  
22 Iowa department of corrections, for offenders who are  
23 to be released on work release from institutions under  
24 the control of the director of the Iowa department of  
25 corrections, for offenders who are placed on  
26 probation, and for offenders who are released on  
27 parole."

28 2. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5597

1 Amend the House amendment, S-5551, to Senate File  
2 2140, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by striking lines 20 through 26 and  
5 inserting the following: "this state (23 U.S.C. § 103  
6 (e) and on interstate highways is sixty-five miles  
7 per hour. However, the department or cities".

STEVEN D. HANSEN  
JIM LIND



S-5598

1 Amend the House amendment, S-5574, to Senate File  
2 2449, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 1, line 1, through page 6,  
5 line 10, and inserting the following:

6 "Amend Senate File 2449, as amended, passed, and  
7 reprinted by the Senate, as follows:

8 " \_\_\_\_ . By striking everything after the enacting  
9 clause and inserting the following:

10 "DIVISION I

11 INCOME TAX INDEXATION

12 Section 1. Section 422.4, subsection 1, paragraphs  
13 a and d, Code 1995, are amended to read as follows:

14 a. "Annual inflation factor" means an index,  
15 expressed as a percentage, determined by the  
16 department by October 15 of the calendar year  
17 preceding the calendar year for which the factor is  
18 determined, which reflects the purchasing power of the  
19 dollar as a result of inflation during the fiscal year  
20 ending in the calendar year preceding the calendar  
21 year for which the factor is determined. In  
22 determining the annual inflation factor, the  
23 department shall use the annual percent change, but  
24 not less than zero percent, in the implicit price  
25 deflator for the gross national product gross domestic  
26 product price deflator computed for the second quarter  
27 of the calendar year by the bureau of economic  
28 analysis of the United States department of commerce  
29 and shall add ~~one-half all~~ of that percent change to  
30 one hundred percent. The annual inflation factor and  
31 the cumulative inflation factor shall each be  
32 expressed as a percentage rounded to the nearest one-  
33 tenth of one percent. The annual inflation factor  
34 shall not be less than one hundred percent.

35 d. Notwithstanding the computation of the annual  
36 inflation factor under paragraph "a", the annual  
37 inflation factor is one hundred percent for any  
38 calendar year in which the unobligated state general  
39 fund balance on June 30 as certified by the director  
40 of the department of management by October 10, is less  
41 than sixty million dollars. Notwithstanding section  
42 8.58, in determining the unobligated state general  
43 fund balance on June 30, unobligated moneys in the  
44 cash reserve fund and Iowa economic emergency fund on  
45 June 30 shall be counted as part of the unobligated  
46 state general fund balance for purposes of this  
47 paragraph.

48 Sec. 2. Section 422.4, subsection 2, paragraph a,

49 Code 1995, is amended to read as follows:

50 a. "Annual standard deduction factor" means an

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1 index, expressed as a percentage, determined by the  
2 department by October 15 of the calendar year  
3 preceding the calendar year for which the factor is  
4 determined, which reflects the purchasing power of the  
5 dollar as a result of inflation during the fiscal year  
6 ending in the calendar year preceding the calendar  
7 year for which the factor is determined. In  
8 determining the annual standard deduction factor, the  
9 department shall use the annual percent change, but  
10 not less than zero percent, in the ~~implicit price~~  
11 ~~deflator for the gross national product~~ gross domestic  
12 product price deflator computed for the second quarter  
13 of the calendar year by the bureau of economic  
14 analysis of the United States department of commerce  
15 and shall add ~~one-half~~ all of that percent change to  
16 one hundred percent. The annual standard deduction  
17 factor and the cumulative standard deduction factor  
18 shall each be expressed as a percentage rounded to the  
19 nearest one-tenth of one percent. The annual standard  
20 deduction factor shall not be less than one hundred  
21 percent.

22 Sec. 3. This division of this Act, being deemed of  
23 immediate importance, takes effect upon enactment and  
24 applies to the computation of the annual inflation  
25 factor and annual standard deduction factor for  
26 calendar years beginning on or after January 1, 1996.  
27 The department of revenue and finance shall adjust the  
28 annual inflation factor and annual standard deduction  
29 factor previously computed for the 1996 calendar year  
30 to reflect the change made in the computation of those  
31 factors in this Act.

DIVISION II

INHERITANCE TAXATION

32  
33  
34 Sec. 4. Section 450.7, subsection 1, unnumbered  
35 paragraph 1, Code Supplement 1995, is amended to read  
36 as follows:

37 Except for the share of the estate passing to the  
38 surviving spouse, father or mother, each son and  
39 daughter, including legally adopted sons and daughters  
40 or biological sons and daughters, stepchildren, and  
41 grandchildren, the tax is a charge against and a lien  
42 upon the estate subject to tax under this chapter, and  
43 all property of the estate or owned by the decedent  
44 from the death of the decedent until paid, subject to  
45 the following limitation:

46 Sec. 5. Section 450.9, subsection 1, Code 1995, is  
47 amended to read as follows:

48 1. Surviving spouse, father or mother, son or  
49 daughter, including legally adopted sons and daughters  
50 or biological sons and daughters, stepchildren, or

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1 grandchild, the entire amount of property, interest in  
2 property, and income.

3 Sec. 6. Section 450.9, subsections 2 and 3, Code  
4 1995, are amended by striking the subsections.

5 Sec. 7. Section 450.10, subsection 1, unnumbered  
6 paragraph 1, Code 1995, is amended to read as follows:

7 When the property, interest, or income passes to  
8 ~~the father or mother, or to a child or a lineal~~  
9 descendant of the decedent, grantor, donor, or vendor,  
10 ~~including a legally adopted child or biological child~~  
11 ~~entitled to inherit under the laws of this state not~~  
12 included in subsection 7, the tax imposed shall be on  
13 the individual share so passing in excess of the  
14 exemptions allowed as follows:

15 Sec. 8. Section 450.10, subsection 2, unnumbered  
16 paragraph 1, Code 1995, is amended to read as follows:

17 When the property or any interest ~~therein in~~  
18 property, or income therefrom from property taxable  
19 under the provisions of this chapter passes to the  
20 brother or sister, son-in-law, or daughter-in-law, ~~or~~  
21 ~~step-children~~, the rate of tax imposed on the  
22 individual share so passing shall be as follows:

23 Sec. 9. Section 450.10, subsection 7, Code 1995,  
24 is amended to read as follows:

25 7. Property, interest in property, or income  
26 passing to the surviving spouse, father or mother, son  
27 or daughter, including legally adopted sons and  
28 daughters or biological sons and daughters, stepchild,  
29 or grandchild, is not taxable under this section.

30 Sec. 10. This division of this Act applies to  
31 estates of decedents dying on or after July 1, 1996.

#### DIVISION III

#### SCHOOL PROPERTY TAX AND FUNDING

34 Sec. 11. Section 257.1, subsection 2, unnumbered  
35 paragraph 2, Code Supplement 1995, is amended to read  
36 as follows:

37 For the budget year commencing July 1, ~~1991~~ 1996,  
38 and for each succeeding budget year the regular  
39 program foundation base per pupil is eighty-three  
40 percent of the regular program state cost per pupil;  
41 ~~except that the regular program foundation base per~~  
42 ~~pupil for the portion of weighted enrollment that is~~

43 additional enrollment because of special education is  
44 ~~seventy-nine percent of the regular program state cost~~  
45 ~~per pupil~~. For the budget year commencing July 1,  
46 ~~1991 1996~~, and for each succeeding budget year the  
47 special education support services foundation base is  
48 ~~seventy-nine eighty-three~~ percent of the special  
49 education support services state cost per pupil. The  
50 combined foundation base is the sum of the regular

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1 program foundation base and the special education  
2 support services foundation base.

3 Sec. 12. Section 257.3, subsection 1, unnumbered  
4 paragraph 1, Code Supplement 1995, is amended to read  
5 as follows:

6 ~~Except as provided in subsections 2 and 3, a~~  
7 school district shall cause to be levied each year,  
8 for the school general fund, a foundation property tax  
9 equal to ~~five~~ four dollars and ~~forty seventy~~ cents per  
10 thousand dollars of assessed valuation on all taxable  
11 property in the district. The county auditor shall  
12 spread the foundation levy over all taxable property  
13 in the district.

14 Sec. 13. Section 257.3, subsections 2 and 3, Code  
15 Supplement 1995, are amended by striking the  
16 subsections.

17 Sec. 14. Section 257.3, subsection 4, Code  
18 Supplement 1995, is amended to read as follows:

19 4. RAILWAY CORPORATIONS. For purposes of section  
20 257.1, the "amount per pupil of foundation property  
21 tax" does not include the tax levied under subsection  
22 1; 2; ~~or 3~~ on the property of a railway corporation,  
23 or on its trustee if the corporation has been declared  
24 bankrupt or is in bankruptcy proceedings.

25 Sec. 15. Section 275.55, unnumbered paragraph 4,  
26 Code 1995, is amended by striking the unnumbered  
27 paragraph.

28 Sec. 16. Section 425A.3, subsection 1, Code 1995,  
29 is amended to read as follows:

30 1. The family farm tax credit fund shall be  
31 apportioned each year in the manner provided in this  
32 chapter so as to give a credit against the tax on each  
33 eligible tract of agricultural land within the several  
34 school districts of the state in which the levy for  
35 the general school fund exceeds ~~five~~ four dollars and  
36 ~~forty seventy~~ cents per thousand dollars of assessed  
37 value. The amount of the credit on each eligible  
38 tract of agricultural land shall be the amount the tax  
39 levied for the general school fund exceeds the amount

40 of tax which would be levied on each eligible tract of  
41 agricultural land were the levy for the general school  
42 fund five four dollars and forty seventy cents per  
43 thousand dollars of assessed value for the previous  
44 year. However, in the case of a deficiency in the  
45 family farm tax credit fund to pay the credits in  
46 full, the credit on each eligible tract of  
47 agricultural land in the state shall be proportionate  
48 and applied as provided in this chapter.  
49 Sec. 17. Section 425A.5, Code 1995, is amended to  
50 read as follows:

Page 5

1 425A.5 COMPUTATION BY COUNTY AUDITOR.

2 The family farm tax credit allowed each year shall  
3 be computed as follows: On or before March 1, the  
4 county auditor shall list by school districts all  
5 tracts of agricultural land which are entitled to  
6 credit, the taxable value for the previous year, the  
7 budget from each school district for the previous  
8 year, and the tax rate determined for the general fund  
9 of the school district in the manner prescribed in  
10 section 444.3 for the previous year, and if the tax  
11 rate is in excess of five four dollars and forty  
12 seventy cents per thousand dollars of assessed value,  
13 the auditor shall multiply the tax levy which is in  
14 excess of five four dollars and forty seventy cents  
15 per thousand dollars of assessed value by the total  
16 taxable value of the agricultural land entitled to  
17 credit in the school district, and on or before March  
18 1, certify the total amount of credit and the total  
19 number of acres entitled to the credit to the  
20 department of revenue and finance.

21 Sec. 18. Section 426.3, Code 1995, is amended to  
22 read as follows:

23 426.3 WHERE CREDIT GIVEN.

24 The agricultural land credit fund shall be  
25 apportioned each year in the manner hereinafter  
26 provided in this chapter so as to give a credit  
27 against the tax on each tract of agricultural lands  
28 within the several school districts of the state in  
29 which the levy for the general school fund exceeds  
30 five four dollars and forty seventy cents per thousand  
31 dollars of assessed value; the amount of such credit  
32 on each tract of such lands shall be the amount the  
33 tax levied for the general school fund exceeds the  
34 amount of tax which would be levied on said the tract  
35 of such lands were the levy for the general school  
36 fund five four dollars and forty seventy cents per

37 thousand dollars of assessed value for the previous  
 38 year, except in the case of a deficiency in the  
 39 agricultural land credits fund to pay ~~said~~ credits in  
 40 full, in which case the credit on each eligible tract  
 41 of such lands in the state shall be proportionate and  
 42 shall be applied as hereinafter provided in this  
 43 chapter.

44 Sec. 19. Section 426.6, unnumbered paragraph 1,  
 45 Code 1995, is amended to read as follows:

46 The agricultural land tax credit allowed each year  
 47 shall be computed as follows: On or before the first  
 48 of June the county auditor shall list by school  
 49 districts all tracts of agricultural lands which they  
 50 are entitled to credit, together with the taxable

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1 value for the previous year, together with the budget  
 2 from each school district for the previous year, and  
 3 the tax rate determined for the general fund of the  
 4 district in the manner prescribed in section 444.3 for  
 5 the previous year, and if ~~such~~ the tax rate is in  
 6 excess of ~~five~~ four dollars and ~~forty~~ seventy cents  
 7 per thousand dollars of assessed value, the auditor  
 8 shall multiply the tax levy which is in excess of ~~five~~  
 9 four dollars and ~~forty~~ seventy cents per thousand  
 10 dollars of assessed value by the total taxable value  
 11 of the agricultural lands entitled to credit in the  
 12 district, and on or before the first of June certify  
 13 the amount to the department of revenue and finance.

14 Sec. 20.

15 1. Sections 11 through 15 of this division of this  
 16 Act, being deemed of immediate importance, take effect  
 17 upon enactment, and apply to the computation of school  
 18 foundation property taxes payable during school budget  
 19 years beginning on or after July 1, 1996.

20 2. Sections 16 through 19 of this division of this  
 21 Act take effect January 1, 1997, and apply to the  
 22 computation of family farm tax credits and  
 23 agricultural land tax credits granted for property  
 24 taxes payable in school budget years beginning on or  
 25 after July 1, 1997.

26

DIVISION IV

27 FAMILY FARM AND AGRICULTURAL LAND TAX CREDITS

28 Sec. 21. Section 425A.1, Code 1995, is amended to  
 29 read as follows:

30 425A.1 FAMILY FARM TAX CREDIT FUND.

31 The family farm tax credit fund is created in the  
 32 office of the treasurer of state. There shall be  
 33 ~~transferred~~ appropriated annually to the fund the

34 first ten million dollars of the amount annually  
 35 appropriated to the agricultural land credit fund,  
 36 provided in section 426.1 sum of thirty million  
 37 dollars. Any balance in the fund on June 30 shall  
 38 revert to the general fund.

39 Sec. 22. Section 425A.2, subsection 4, Code 1995,  
 40 is amended to read as follows:

41 4. "Designated person" means one of the following:

42 a. If the owner is an individual, the designated  
 43 person includes the owner of the tract ~~or a person~~  
 44 ~~related to the owner as, the owner's spouse, parent,~~  
 45 ~~grandparent, the owner's child, grandchild, or~~  
 46 ~~stepchild, and their spouses, or the owner's relative~~  
 47 ~~within the third degree of consanguinity, and the~~  
 48 ~~relative's spouse.~~

49 b. If the owner is a partnership, a partner, or  
 50 the partner's spouse.

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1 c. If the owner is a family farm corporation, a  
 2 family member who is a shareholder of the family farm  
 3 corporation or the shareholder's spouse.

4 d. If the owner is an authorized farm corporation,  
 5 a shareholder who owns at least fifty-one percent of  
 6 the stock of the authorized farm corporation or the  
 7 shareholder's spouse.

8 e. If the owner is an individual who leases the  
 9 tract to a family farm corporation, a shareholder of  
 10 the corporation if the combined stock of the family  
 11 farm corporation owned by the owner of the tract and  
 12 persons related to the owner as enumerated in  
 13 paragraph "a" is equal to at least fifty-one percent  
 14 of the stock of the family farm corporation.

15 f. If the owner is an individual who leases the  
 16 tract to a partnership, a partner if the combined  
 17 partnership interest owned by the owner of the tract  
 18 and persons related to the owner as enumerated in  
 19 paragraph "a" is equal to at least fifty-one percent  
 20 of the ownership interest of the partnership.

21 Sec. 23. Section 426.1, Code 1995, is amended to  
 22 read as follows:

23 426.1 AGRICULTURAL LAND CREDIT FUND.

24 There is created as a permanent fund in the office  
 25 of the treasurer of state a fund to be known as the  
 26 agricultural land credit fund, and for the purpose of  
 27 establishing and maintaining this fund for each fiscal  
 28 year there is appropriated ~~thereto~~ to the fund from  
 29 funds in the general fund not otherwise appropriated  
 30 the sum of ~~thirty-nine~~ twenty-nine million one hundred

31 thousand dollars of which the first ten million  
32 dollars shall be transferred to and deposited into the  
33 family farm tax credit fund created in section 425A-1.  
34 Any balance in said fund on June 30 shall revert to  
35 the general fund.

36 Sec. 24. This division of this Act, being deemed  
37 of immediate importance, takes effect upon enactment  
38 and applies to family farm tax credits and  
39 agricultural land credits allowed for property taxes  
40 due and payable in fiscal years beginning on or after  
41 July 1, 1996.

#### 42 DIVISION V

#### 43 SUBCHAPTER S CORPORATIONS

44 Sec. 25. Section 422.5, subsection 1, paragraph j,  
45 Code 1995, is amended by adding the following new  
46 unnumbered paragraph:

47 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the  
48 taxable income of a resident shareholder in a  
49 corporation which has in effect for the tax year an  
50 election under subchapter S of the Internal Revenue

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1 Code and carries on business within and without the  
2 state shall be computed by reducing the amount  
3 determined pursuant to paragraphs "a" through "i" by  
4 the amounts of nonrefundable credits under this  
5 division and by multiplying this resulting amount by a  
6 fraction of which the resident's net income allocated  
7 to Iowa, as determined in section 422.8, subsection 2,  
8 paragraph "b", is the numerator and the resident's  
9 total net income computed under section 422.7 is the  
10 denominator. This paragraph also applies to  
11 individuals who are residents of Iowa for less than  
12 the entire tax year.

13 Sec. 26. Section 422.5, subsection 1, paragraph k,  
14 unnumbered paragraph 4, Code 1995, is amended to read  
15 as follows:

16 In the case of a resident, including a resident  
17 estate or trust, the state's apportioned share of the  
18 state alternative minimum tax is one hundred percent  
19 of the state alternative minimum tax computed in this  
20 subsection. In the case of a resident or part year  
21 resident shareholder in a corporation which has in  
22 effect for the tax year an election under subchapter S  
23 of the Internal Revenue Code and carries on business  
24 within and without the state, a nonresident, including  
25 a nonresident estate or trust, or an individual,  
26 estate, or trust that is domiciled in the state for  
27 less than the entire tax year, the state's apportioned



28 share of the state alternative minimum tax is the  
29 amount of tax computed under this subsection, reduced  
30 by the applicable credits in sections 422.10 through  
31 422.12 and this result multiplied by a fraction with a  
32 numerator of the sum of state net income allocated to  
33 Iowa as determined in section 422.8, subsection 2,  
34 paragraph "a" or "b" as applicable, plus tax  
35 preference items, adjustments, and losses under  
36 subparagraph (1) attributable to Iowa and with a  
37 denominator of the sum of total net income computed  
38 under section 422.7 plus all tax preference items,  
39 adjustments, and losses under subparagraph (1). In  
40 computing this fraction, those items excludable under  
41 subparagraph (1) shall not be used in computing the  
42 tax preference items. Married taxpayers electing to  
43 file separate returns or separately on a combined  
44 return must allocate the minimum tax computed in this  
45 subsection in the proportion that each spouse's  
46 respective preference items, adjustments, and losses  
47 under subparagraph (1) bear to the combined preference  
48 items, adjustments, and losses under subparagraph (1)  
49 of both spouses.  
50 Sec. 27. Section 422.8, subsection 2, Code 1995,

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1 is amended to read as follows:

2 2. a. Nonresident's net income allocated to Iowa  
3 is the net income, or portion thereof, which is  
4 derived from a business, trade, profession, or  
5 occupation carried on within this state or income from  
6 any property, trust, estate, or other source within  
7 Iowa. However, income derived from a business, trade,  
8 profession, or occupation carried on within this state  
9 and income from any property, trust, estate, or other  
10 source within Iowa shall not include distributions  
11 from pensions, including defined benefit or defined  
12 contribution plans, annuities, individual retirement  
13 accounts, and deferred compensation plans or any  
14 earnings attributable thereto so long as the  
15 distribution is directly related to an individual's  
16 documented retirement and received while the  
17 individual is a nonresident of this state. If a  
18 business, trade, profession, or occupation is carried  
19 on partly within and partly without the state, only  
20 the portion of the net income which is fairly and  
21 equitably attributable to that part of the business,  
22 trade, profession, or occupation carried on within the  
23 state is allocated to Iowa for purposes of section  
24 422.5, subsection 1, paragraph "j", and section 422.13

25 and income from any property, trust, estate, or other  
 26 source partly within and partly without the state is  
 27 allocated to Iowa in the same manner, except that  
 28 annuities, interest on bank deposits and interest-  
 29 bearing obligations, and dividends are allocated to  
 30 Iowa only to the extent to which they are derived from  
 31 a business, trade, profession, or occupation carried  
 32 on within the state.

33 b. A resident's income allocable to Iowa is the  
 34 income determined under section 422.7 reduced by items  
 35 of income and expenses from a subchapter S corporation  
 36 which pass directly to the shareholders under  
 37 provisions of the Internal Revenue Code and increased  
 38 by the greatest of the following:

39 (1) The net income or loss of the corporation  
 40 which is fairly and equitably attributable to this  
 41 state under section 422.33, subsections 2 and 3.  
 42 (2) The taxpayer's pro rata share of an amount  
 43 deemed distributed to shareholders which when added to  
 44 the salaries, wages, or other compensation for  
 45 services performed by all shareholders will equal ten  
 46 percent of the net income of the corporation computed  
 47 in accordance with section 422.35 and considering  
 48 items of income and expense which pass directly to the  
 49 shareholders under provisions of the Internal Revenue  
 50 Code before deduction of shareholder's salaries.

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1 wages, or other compensation for services performed.

2 (3) Any cash or the value of any property  
 3 distributions made to the extent they are paid from  
 4 income upon which Iowa income tax has not been paid as  
 5 determined under rules of the director.

6 Sec. 28. Section 422.8, Code 1995, is amended by  
 7 adding the following new subsection:

8 **NEW SUBSECTION. 6.** If the resident or part year  
 9 resident is a shareholder of a corporation which has  
 10 in effect an election under subchapter S of the  
 11 Internal Revenue Code, subsections 1 and 3 do not  
 12 apply to any income taxes paid to another state or  
 13 foreign country on the income from the corporation  
 14 which has in effect an election under subchapter S of  
 15 the Internal Revenue Code.

16 Sec. 29. This division of this Act, being deemed  
 17 of immediate importance, takes effect upon enactment  
 18 and applies retroactively to January 1, 1996, for tax  
 19 years beginning on or after that date."

20 \_\_\_\_ . Title page, by striking lines 1 through 17  
 21 and inserting the following: "An Act relating to

22 taxation within the state by changing the computation  
 23 of the inflation factors for the tax brackets and  
 24 standard deduction of the state individual income tax,  
 25 adjusting exemptions from the state inheritance tax,  
 26 increasing the funding for the family farm tax credit;  
 27 changing the computation of taxable income of  
 28 shareholders of subchapter S corporation; and reducing  
 29 the school district uniform levy for purposes of  
 30 providing tax relief and providing effective and  
 31 retroactive and other applicability date provisions.””

WAYNE D. BENNETT

S-5599

1 Amend House File 2448 as follows:  
 2 1. Page 2, by inserting after line 13 the  
 3 following:  
 4 “\_\_\_ . Unless otherwise provided by law, access  
 5 under this section to criminal history data by a  
 6 person or public or private agency does not create a  
 7 duty upon a person, or employer, member, or volunteer  
 8 of a public or private agency to examine the criminal  
 9 history data of an applicant, employee, or volunteer.”  
 10 2. By renumbering as necessary.

ANDY McKEAN  
 RANDAL J. GIANNETTO  
 TOM FLYNN

HOUSE AMENDMENT TO  
 SENATE FILE 2375

S-5600

1 Amend Senate File 2375 as follows:  
 2 1. Page 1, lines 5 and 6, by striking the words  
 3 “subsection, including a” and inserting the following:  
 4 “subsection as to any”.

S-5601

1 Amend House File 2448, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 14, by inserting after the word  
 4 “and” the following: “provided by the department to  
 5 law enforcement agencies,”.

ANDY McKEAN

S-5602

1 Amend the Palmer et al. amendment, S-5580, to the  
 2 House amendment, S-5574, to Senate File 2449, as  
 3 amended, passed, and reprinted by the Senate, as  
 4 follows:

5 1. Page 26, by inserting after line 24 the  
 6 following:

7 "DIVISION \_\_\_\_  
 8 Sec. \_\_\_\_ . Section 75.1, Code 1995, is amended to read as  
 9 follows:

10 75.1 BONDS -- ELECTION -- VOTE REQUIRED.

11 1. When a proposition to authorize an issuance of bonds by  
 12 a county, township, school corporation, city, or by any local  
 13 board or commission, is submitted to the electors, ~~such the~~  
 14 proposition shall not be deemed carried or adopted; anything  
 15 in the statutes to the contrary notwithstanding, unless is  
 16 adopted if the vote in favor of such authorization the  
 17 proposition is equal to at least sixty percent of the total  
 18 vote cast for and against said the proposition at said the  
 19 election.

20 2. Notwithstanding subsection 1, if the annual levy of  
 21 property tax to pay principal and interest on bonds issued by  
 22 a county, school corporation, or city is to be offset with  
 23 revenue from a local income surtax pursuant to section 76.21;  
 24 the proposition shall so state and the proposition is adopted  
 25 if the vote in favor of the proposition is equal to a majority  
 26 of the total vote cast for and against the proposition at the  
 27 election. However, a bond issuance proposition proposing  
 28 imposition of an income surtax shall not be presented to the  
 29 electors if in the first year the income surtax is imposed the  
 30 total of all income surtaxes authorized by law and imposed in  
 31 that year on any taxpayer in the political subdivision  
 32 imposing the surtax would exceed twenty percent. Upon request  
 33 of the governing authority, the department of management shall  
 34 certify the cumulative rate of income surtax being imposed in  
 35 the political subdivision.

36 3. All ballots cast and not counted as a vote for or  
 37 against the proposition shall not be used in computing the  
 38 total vote cast for and against said the proposition.

39 4. When a proposition to authorize an issuance of bonds  
 40 has been submitted to the electors under this section and the  
 41 proposal fails to gain approval by the required percentage of  
 42 votes, such proposal, or any proposal which incorporates any  
 43 portion of the defeated proposal, shall not be submitted to  
 44 the electors for a period of ~~six~~ twelve months from the date  
 45 of such regular or special election.

46 Sec. \_\_\_\_ . Section 76.1, Code 1995, is amended to read as  
 47 follows:

48 76.1 MANDATORY RETIREMENT.

49 Hereafter issues Issues of bonds of every kind and  
50 character by counties, cities, and school corporations shall

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1 be consecutively numbered. The annual levy of property tax,  
2 or combination of property tax levy and income surtax imposed  
3 as provided in section 76.19, shall be sufficient to pay the  
4 interest and approximately ~~such~~ that portion of the principal  
5 of the bonds as will retire them in a period not exceeding  
6 ~~twenty~~ twenty-two years from date of issue. Each issue of  
7 bonds shall be scheduled to mature serially in the same order  
8 as numbered.

9 Sec. \_\_\_\_ . Section 76.2, Code 1995, is amended to read as  
10 follows:

11 76.2 MANDATORY LEVY -- OBLIGATIONS IN ANTICIPATION OF  
12 LEVY.

13 The governing authority of these political subdivisions  
14 before issuing bonds shall, by resolution, provide for the  
15 assessment of an annual levy upon all the taxable property in  
16 the political subdivision, or the assessment of an annual  
17 property tax levy and imposition of an income surtax under  
18 section 76.19, sufficient to pay the ~~interest and~~ principal  
19 and interest of the bonds within a period named not exceeding  
20 ~~twenty years~~ that provided in section 76.1. A certified copy  
21 of this resolution shall be filed with the county auditor or  
22 the auditors of the counties in which the political  
23 subdivision is located; and the filing shall make it a duty of  
24 the auditors to enter annually this levy for collection from  
25 the taxable property within the boundaries of the political  
26 subdivision until funds are realized to pay the bonds in full.  
27 The property tax levy shall continue to be made against  
28 property that is severed from the political subdivision and  
29 the income surtax shall continue to be imposed upon the  
30 residents of any area severed from the political subdivision  
31 after the filing of the resolution until funds are realized to  
32 pay the bonds in full.

33 If ~~the a~~ a resolution which does not include imposition of an  
34 income surtax is filed prior to April 1, or May 1; if the  
35 political subdivision is a school district, the annual levy  
36 shall begin with the tax levy for collection commencing July 1  
37 of that year. If the resolution is filed after April 1, or  
38 May 1; in the case of a school district, or if the resolution  
39 includes imposition of an income surtax, the annual property  
40 tax levy shall begin with the tax levy for collection in the  
41 next succeeding fiscal year. If the resolution includes the  
42 imposition of a local income surtax and it is filed with the  
43 department of revenue and finance prior to August 1, the  
44 imposition of the surtax is retroactive to January 1 of that  
45 calendar year. If the resolution is filed with the department

46 of revenue and finance on or after August 1, the imposition of  
 47 the income surtax begins on January 1 of the next calendar  
 48 year. However, the governing authority of a political  
 49 subdivision may adjust a levy of taxes made under this section  
 50 for the purpose of adjusting the annual levies and collections

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1 and income surtax rate for property severed from the political  
 2 subdivision, subject to the approval of the director of the  
 3 department of management.

4 If funds, including reserves and amounts available for  
 5 temporary transfer, are found to be insufficient to pay in  
 6 full any installment of principal or interest, a public issuer  
 7 of bonds may anticipate the next levy of property taxes  
 8 pursuant to this section or the imposition of an income surtax  
 9 under section 76.19 in the manner provided in chapter 74,  
 10 whether the taxes so anticipated are to be collected in the  
 11 same or a future fiscal year.

12 To further secure the payment of the bonds, the governing  
 13 authority shall, by resolution, provide for the assessment of  
 14 an annual levy of a standby tax upon all taxable property  
 15 within the political subdivision. A copy of the resolution  
 16 shall be sent to the county auditor of each county in which  
 17 the political subdivision is located. The revenues from the  
 18 standby tax shall be deposited in a special fund and shall be  
 19 expended only for the payment of principal and interest on the  
 20 bonds issued as provided in this section, when the revenue  
 21 from an income surtax as provided in section 76.19 is  
 22 insufficient. Reserves shall not be built up in this fund in  
 23 anticipation of a projected default. The governing authority  
 24 shall adjust the annual standby property tax levy for each  
 25 year to reflect the amount of revenues in the special fund and  
 26 the amount of principal and interest which is due in that  
 27 year.

28 Sec. \_\_\_\_ . Section 76.4, Code 1995, is amended to read as  
 29 follows:

30 76.4 PERMISSIVE APPLICATION OF FUNDS.

31 Whenever If the governing authority of such a political  
 32 subdivision shall have has on hand funds derived from any  
 33 other a source other than taxation which may be appropriated  
 34 to the payment either of interest or principal or interest, or  
 35 both principal and interest of such bonds, such the funds may  
 36 be so appropriated and used and the property tax levy and  
 37 income surtax rate, if imposed, for the payment of the bonds  
 38 correspondingly reduced.

39 Sec. \_\_\_\_ . Section 76.7, Code 1995, is amended to read as  
 40 follows:

41 76.7 PARTICULAR BONDS AFFECTED -- PAYMENT.

42 Counties, cities, and school corporations may at any time

43 or times extend or renew any legal indebtedness or any part  
44 thereof of the indebtedness they may have represented by bonds  
45 or certificates where such the indebtedness is payable from a  
46 limited annual property tax or from a voted annual property  
47 tax, or from an income surtax imposed under section 76.19, and  
48 may by resolution fund or refund the same legal indebtedness  
49 and issue bonds therefor running not more than twenty years to  
50 be known as funding or refunding bonds, and make provision for

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1 the payment of the principal and interest thereof from the  
2 proceeds of an annual property tax, or annual property tax and  
3 income surtax, for the period covered by such the bonds  
4 similar to the tax authorized by law or by the electors for  
5 the payment of the indebtedness so extended or renewed.

6 Sec. \_\_\_\_ . **NEW SECTION. 76.19 INCOME SURTAX.**

7 1. An income surtax may be imposed by a political  
8 subdivision as provided in this section, but only if  
9 authorized by the electors as provided in section 75.1.

10 2. The income surtax shall be imposed upon state income  
11 taxes computed under section 422.5, less credits allowed in  
12 sections 422.11A, 422.11B, 422.11C, 422.12, and 422.12B, and  
13 shall be imposed upon the state income tax for each calendar  
14 year, or for a taxpayer's fiscal year ending during the second  
15 half of that calendar year or the first half of the succeeding  
16 calendar year, and shall be imposed on all taxpayers residing  
17 in the political subdivision on the last day of the applicable  
18 tax year, and on taxpayers residing in areas severed from the  
19 political subdivision as provided in section 76.2.

20 3. The income surtax shall be imposed to collect an amount  
21 that is equivalent to sixty percent of the sum of the prin-  
22 cipal and interest of the bonds over the life of the bonds.  
23 The rate of the income surtax may be adjusted in any year for  
24 the sole purpose of ensuring that an amount equivalent to  
25 sixty percent of the principal and interest over the life of  
26 the bonds is collected.

27 4. At the time of the annual levy under section 76.2, the  
28 governing authority of the political subdivision shall also  
29 provide in the resolution for the imposition of the income  
30 surtax and shall certify to the department of management such  
31 sum expressed in dollars. The department shall determine the  
32 rate of income surtax to be imposed based upon the most recent  
33 available figures from state income taxes paid by taxpayers  
34 residing in the political subdivision. The department shall  
35 continue to make such calculations and certify the income  
36 surtax rate to the county auditor or the auditors of the  
37 counties in which the political subdivision is located with  
38 adjustments as provided in this section until the principal  
39 and interest on the bonds are paid in full. On or before

40 November 1 of each year in which the income surtax is  
 41 collected the director of revenue and finance shall deposit  
 42 with the treasurer of the political subdivision the entire  
 43 amount of income surtax collected from taxpayers residing in  
 44 the political subdivision.

45 5. The costs of administration shall be determined by the  
 46 department of revenue and finance, and shall be based on a  
 47 share of the total cost of administering the department, in  
 48 the same proportion as the amount of income surtax collected  
 49 is to the amount of state income taxes collected.

50 6. The director of revenue and finance shall administer

Page 5

1 the income surtax imposed under this chapter and sections  
 2 422.4, 422.20 to 422.31, 422.68, and 422.72 to 422.75 shall  
 3 apply with respect to administration of the income surtax.

4 Sec. \_\_\_\_ . NEW SECTION. 76.20 INCOME TAX RETURNS.

5 An income surtax imposed under section 76.19 shall be made  
 6 a part of the Iowa individual income tax return subject to the  
 7 conditions and restrictions set forth in section 422.21. The  
 8 director of revenue and finance shall provide on income tax  
 9 returns a requirement that each person required to file a re-  
 10 turn numerically identify the city of residence of the tax-  
 11 payer and the merged area in which the taxpayer resides.

12 Sec. \_\_\_\_ . NEW SECTION. 76.21 PROPERTY TAX CREDIT --  
 13 AGRICULTURAL AND RESIDENTIAL PROPERTY.

14 Local income surtax revenues collected under section 76.19  
 15 shall be used to offset the annual levy of property tax on  
 16 property assessed as agricultural or residential property.

17 The surtax shall be distributed in the following manner:

18 Upon receipt of the revenues collected from the income  
 19 surtax, the county treasurer shall notify the county auditor  
 20 of the amount of income surtax revenues received. The auditor  
 21 shall determine the amount to be credited to each parcel of  
 22 real property located in the political subdivision and  
 23 assessed as agricultural or residential, and shall enter such  
 24 amount upon the tax lists as a credit against the tax levied  
 25 on each parcel of real property assessed as agricultural or  
 26 residential. The county treasurer shall show on each tax  
 27 receipt the amount of tax credit to be applied against  
 28 property taxes payable in the fiscal year following the year  
 29 in which the surtax was collected for each parcel of real  
 30 property assessed as agricultural or residential. In case of  
 31 change of ownership, the credit shall remain with the parcel.

32 The amount of the credit funded by revenues from the income  
 33 surtax imposed under section 76.19 shall be an amount equal to  
 34 a pro rata share based upon the ratio of the taxable value of  
 35 each parcel to receive the credit to the total taxable value  
 36 of the property to receive the credit.



37 Sec. \_\_\_\_ . NEW SECTION. 76.22 DESIGNATION OF TAX.

38 An income surtax imposed under section 76.19 by a school  
39 district shall be designated as a school debt service income  
40 surtax, an income surtax imposed by a merged area shall be  
41 designated as a merged area debt service income surtax, an  
42 income surtax imposed under section 76.19 by a city shall be  
43 designated a city debt service income surtax, and an income  
44 surtax imposed under section 76.19 by a county shall be  
45 designated a county debt service income surtax.

46 Sec. \_\_\_\_ . Section 260C.21, Code 1995, is amended to read as  
47 follows:

48 260C.21 ELECTION TO INCUR INDEBTEDNESS.

49 1. No indebtedness shall be incurred under section 260C.19  
50 until authorized by an election. A proposition to incur

Page 6

1 indebtedness and issue bonds for community college purposes  
2 shall be deemed ~~carried~~ adopted in a merged area if approved  
3 by a sixty percent majority of all voters voting on the  
4 proposition in the area. However, if the board elects to  
5 offset the annual property tax levy with revenues from a local  
6 income surtax pursuant to section 76.21, the ballot  
7 proposition to authorize the issuance of the bonds shall be  
8 submitted to the electorate pursuant to section 75.1,  
9 subsection 2.

10 2. Notwithstanding subsection 1, if the costs of utilities  
11 are paid by a community college with funds derived from the  
12 levy authorized under section 260C.22, the community college  
13 may use the general fund moneys that would have been used to  
14 pay the costs of utilities for capital expenditures, may  
15 invest the funds, or may incur indebtedness without an  
16 election, provided that the payments on the indebtedness  
17 incurred, and any interest on the indebtedness, can be made  
18 using general funds of the community college and the total  
19 payments on the principal and interest on the indebtedness do  
20 not exceed the amount of the costs of the utilities.

21 Sec. \_\_\_\_ . Section 296.1, Code 1995, is amended to read as  
22 follows:

23 296.1 INDEBTEDNESS AUTHORIZED.

24 Subject to the approval of the voters thereof, school  
25 districts are ~~hereby~~ authorized to contract indebtedness and  
26 to issue general obligation bonds to provide funds to defray  
27 the cost of purchasing, building, furnishing, reconstructing,  
28 repairing, improving or remodeling a schoolhouse or  
29 schoolhouses and additions thereto, gymnasium, stadium, field  
30 house, school bus garage, teachers' or superintendent's home  
31 or homes, and procuring a site or sites therefor, or  
32 purchasing land to add to a site already owned, or procuring  
33 and improving a site for an athletic field, or improving a

34 site already owned for an athletic field, and for any one or  
 35 more of such purposes. Taxes for the payment of said the  
 36 bonds shall be levied or imposed in accordance with chapter  
 37 76, and said the bonds shall mature within a period not  
 38 exceeding twenty years from date of issue the period provided  
 39 in section 76.1, shall bear interest at a rate or rates not  
 40 exceeding that permitted by chapter 74A and shall be of such  
 41 form as the board of directors of such the school district  
 42 shall by resolution provide, but the aggregate indebtedness of  
 43 any school district shall not exceed five percent of the  
 44 actual value of the taxable property within said the school  
 45 district, as ascertained by the last preceding state and  
 46 county tax lists.

47 Sec. \_\_\_\_ . Section 296.6, Code 1995, is amended to read as  
 48 follows:

49 296.6 BONDS.

50 If the vote in favor of the issuance of such bonds is equal

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1 to at least sixty percent of the total vote cast for and  
 2 against said the proposition at said the election, the board  
 3 of directors shall issue the same bonds and make provision for  
 4 payment thereof of the bonds. However, if the board of  
 5 directors of a school district elects to offset the annual  
 6 property tax levy with revenues from an income surtax pursuant  
 7 to section 76.21, the ballot proposition to authorize the  
 8 issuance of the bonds shall be submitted to the electorate  
 9 pursuant to section 75.1, subsection 2.

10 Sec. \_\_\_\_ . Section 298.14, unnumbered paragraph 1, Code  
 11 1995, is amended to read as follows:

12 For each fiscal year, the cumulative total of the percents  
 13 of surtax approved by the board of directors of a school  
 14 district and collected by the department of revenue and  
 15 finance under sections 257.21, 257.29, 279.54, and 298.2, and  
 16 the enrichment surtax under section 442.15, Code 1989, and an  
 17 income surtax collected by a political subdivision under  
 18 chapter 422D, shall not exceed twenty percent. In addition,  
 19 if an income surtax is imposed under section 76.19, the  
 20 cumulative total of percents of surtax imposed on any taxpayer  
 21 in a school district under sections 76.19, 257.21, 257.29,  
 22 279.54, 298.2, 442.15, Code 1989, and chapter 422D shall not  
 23 exceed twenty percent in the first year in which one or more  
 24 of these income surtaxes is imposed.

25 Sec. \_\_\_\_ . Section 298.18, unnumbered paragraph 2, Code  
 26 1995, is amended to read as follows:

27 The amount estimated and certified to apply on to pay  
 28 principal and interest for any one year shall not exceed an  
 29 amount that could be raised by a property tax levy equal to  
 30 two dollars and seventy cents per thousand dollars of the

31 assessed valuation of the taxable property of the school  
32 corporation except as hereinafter provided.

33 Sec. \_\_\_\_ . Section 298.18, unnumbered paragraph 4, Code  
34 1995, is amended to read as follows:

35 The amount estimated ~~and certified to apply on to pay~~  
36 principal and interest for any one year may exceed an amount  
37 that could be raised by a property tax levy equal to two  
38 dollars and seventy cents per thousand dollars of assessed  
39 value by the amount approved by the voters of the school  
40 corporation, but not exceeding four dollars and five cents per  
41 thousand of the assessed value of the taxable property within  
42 any school corporation, provided that the qualified registered  
43 voters of such school corporation have first approved such  
44 increased amount at a special election, which may be held at  
45 the same time as the regular school election. The proposition  
46 submitted to the voters at such special election shall be in  
47 substantially the following form:

48 Sec. \_\_\_\_ . Section 298.18, unnumbered paragraph 6, Code  
49 1995, is amended to read as follows:

50 Notice of the election shall be given by the county

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1 commissioner of elections according to section 49.53. The  
2 election shall be held on a date not less than four nor more  
3 than twenty days after the last publication of the notice. At  
4 ~~such the~~ election the ballot used for the submission of ~~said~~  
5 ~~the~~ proposition shall be in substantially the form for  
6 submitting special questions at general elections. The county  
7 commissioner of elections shall conduct the election pursuant  
8 to the provisions of chapters 39 to 53 and certify the results  
9 to the board of directors. ~~Such The~~ proposition shall not be  
10 deemed ~~carried or~~ adopted unless the vote in favor of ~~such the~~  
11 proposition is equal to at least sixty percent of the total  
12 vote cast for and against ~~said the~~ proposition at ~~said the~~  
13 election. ~~Whenever However, if the board of directors of a~~  
14 ~~school district elects to offset the annual property tax levy~~  
15 ~~with revenues from an income surtax pursuant to section 76.21,~~  
16 ~~the ballot proposition shall be submitted to the electorate~~  
17 ~~pursuant to section 75.1, subsection 2. If such a proposition~~  
18 has been approved by the voters of a school corporation as  
19 hereinbefore provided, no further approval of the voters of  
20 ~~such the~~ school corporation shall be required as a result of  
21 any subsequent change in the boundaries of ~~such the~~ school  
22 corporation.

23 Sec. \_\_\_\_ . Section 298.22, unnumbered paragraph 1, Code  
24 1995, is amended to read as follows:

25 ~~All of said The~~ bonds shall be substantially in the form  
26 provided for county bonds, but subject to changes that will  
27 conform them to the action of the board ~~providing therefor;~~

28 shall run not more than twenty years mature within the period  
29 provided in section 76.1, and may be sooner paid if so  
30 nominated in the bond; bear a rate of interest not exceeding  
31 that permitted by chapter 74A, payable semiannually; be signed  
32 by the president and countersigned by the secretary of the  
33 board of directors; and shall not be disposed of for less than  
34 par value, nor issued for other purposes than this chapter  
35 provides.

36 Sec. \_\_\_\_ . Section 331.442, subsection 4, Code Supplement  
37 1995, is amended to read as follows:

38 4. The proposition of issuing bonds for a general county  
39 purpose is not ~~carried or~~ adopted unless the vote in favor of  
40 the proposition is equal to at least sixty percent of the  
41 total vote cast for and against the proposition at the  
42 election. However, if the board elects to offset the annual  
43 property tax levy with revenues from a local income surtax  
44 pursuant to section 76.21, the ballot proposition to authorize  
45 the issuance of the bonds shall be submitted to the electorate  
46 pursuant to section 75.1, subsection 2. If the proposition of  
47 issuing the general county purpose bonds is approved by the  
48 voters, the board may proceed with the issuance of the bonds.

49 Sec. \_\_\_\_ . Section 331.442, subsection 5, paragraph a,  
50 unnumbered paragraph 1, Code Supplement 1995, is amended to

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1 read as follows:

2 Notwithstanding subsection 2, a board, in lieu of calling  
3 an election, may institute proceedings for the issuance of  
4 bonds for a general county purpose by causing a notice of the  
5 proposal to issue the bonds, including a statement of the  
6 amount and purpose of the bonds, the type or types of debt  
7 service tax to be levied or imposed to pay principal and  
8 interest on the bonds, and the right to petition for an  
9 election, to be published as provided in section 331.305 at  
10 least ten days prior to the meeting at which it is proposed to  
11 take action for the issuance of the bonds subject to the  
12 following limitations:

13 Sec. \_\_\_\_ . Section 331.447, subsection 1, Code Supplement  
14 1995, is amended to read as follows:

15 1. Taxes for the payment of general obligation bonds shall  
16 be levied or imposed in accordance with chapter 76, and the  
17 bonds are payable from the levy of unlimited ad valorem taxes  
18 on all the taxable property within the county through its debt  
19 service fund required by section 331.430 a debt service  
20 property tax or combination of a debt service property tax and  
21 a debt service local income surtax, unlimited as to amount,  
22 except that:

23 a. The amount estimated ~~and certified to apply to pay~~ on  
24 principal and interest for any one year shall not exceed an

25 amount that could be raised by a debt service property tax  
 26 levy equal to the maximum rate of tax, if any, provided by  
 27 this division for the purpose for which the bonds were issued.  
 28 If general obligation bonds are issued for different  
 29 categories, as provided in section 331.445, the maximum rate  
 30 of levies, if any, for each purpose shall apply separately to  
 31 that portion of the bond issue for that category and the  
 32 resolution authorizing the bond issue shall clearly set forth  
 33 the annual debt service requirements with respect to each  
 34 purpose in sufficient detail to indicate compliance with the  
 35 rate of tax levy, if any.

36 b. The amount estimated ~~and certified to apply to pay on~~  
 37 principal and interest for any one year may only exceed an  
 38 amount that could be raised by a debt service property tax  
 39 levy equal to the statutory rate of levy limit, if any, by the  
 40 amount that the registered voters of the county have approved  
 41 at a special election, which may be held at the same time as  
 42 the general election and may be included in the proposition  
 43 authorizing the issuance of bonds, if an election on the  
 44 proposition is necessary, or may be submitted as a separate  
 45 proposition at the same election or at a different election.  
 46 Notice of the election shall be given as specified in section  
 47 331.305. If the proposition includes issuing bonds and  
 48 increasing the levy limit, it shall be in substantially the  
 49 following form:

50 Shall the county of ....., state of Iowa, be authorized

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1 to ..... (here state purpose of project) at a total cost  
 2 not exceeding \$ ..... and issue its general obligation bonds  
 3 in an amount not exceeding \$ ..... for that purpose, and be  
 4 authorized to levy annually a debt service property tax (or  
 5 debt service property tax, and income surtax to offset the  
 6 property tax, if applicable), which will produce an amount not  
 7 exceeding ..... dollars and ..... cents per thousand dollars of  
 8 the assessed value of the taxable property within the county  
 9 to pay the principal of and interest on the bonds?

10 If the proposition includes only increasing the levy limit  
 11 it shall be in substantially the following form:

12 Shall the county of ....., state of Iowa, be authorized  
 13 to levy annually a debt service property tax (or debt service  
 14 property tax and income surtax to offset the property tax, if  
 15 applicable), which will produce an amount not exceeding .....  
 16 dollars and ..... cents per thousand dollars of the assessed  
 17 value of the taxable property within the county to pay  
 18 principal and interest on the bonded indebtedness of the  
 19 county for the purpose of .....

20 Sec. \_\_\_\_ Section 331.490, Code 1995, is amended to read as  
 21 follows:

22 331.490 CITIES SUBJECT TO DEBT SERVICE TAX LEVY -- RATES.

23 1. If a county and city have entered into an agreement to  
24 create a joint special assessment district and issue county  
25 general obligation bonds to fund the costs of a public  
26 improvement benefiting that district, the county's debt ser-  
27 vice property tax levy for the county general obligation bonds  
28 shall not be levied against property located in any city  
29 except a city which has entered into the agreement, and, if  
30 applicable, the county's debt service income surtax for the  
31 county general obligation bonds shall not be imposed on  
32 taxpayers who reside in any city except a city which has  
33 entered into the agreement.

34 2. Counties and cities entering into an agreement for a  
35 joint special assessment district may provide in the agreement  
36 for a different rate of the county's debt service tax levy  
37 against property in areas of the county outside a city and  
38 property within the cities, and, if applicable, for a  
39 different rate of the county's debt service income surtax to  
40 be imposed on taxpayers residing outside the cities and those  
41 residing within each city.

42 Sec. \_\_\_\_ . Section 384.26, subsection 2, Code Supplement  
43 1995, is amended to read as follows:

44 2. Before the council may institute proceedings for the  
45 issuance of bonds for a general corporate purpose, it shall  
46 call a special city election to vote upon the question of  
47 issuing the bonds. At the election the proposition must be  
48 submitted in substantially the following form:

49 Shall the ..... (insert the name of the city) issue  
50 its bonds in an amount not exceeding the amount of \$ ..... for

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1 the purpose of ....., such bonds to be payable from a  
2 property tax levied on all taxable property within the city  
3 (and income surtax to offset the property tax to be imposed on  
4 the state income tax of each income taxpayer residing in the  
5 city)?

6 Sec. \_\_\_\_ . Section 384.26, subsection 4, Code Supplement  
7 1995, is amended to read as follows:

8 4. The proposition of issuing general corporate purpose  
9 bonds is not ~~carried or~~ adopted unless the vote in favor of  
10 the proposition is equal to at least sixty percent of the  
11 total vote cast for and against the proposition at the  
12 election. However, if the city council elects to offset the  
13 annual property tax levy with revenues from a local income  
14 surtax pursuant to section 76.21, the ballot proposition to  
15 authorize the issuance of the bonds shall be submitted to the  
16 electorate pursuant to section 75.1, subsection 2. If the  
17 proposition of issuing the general corporate purpose bonds is  
18 approved by the voters, the city may proceed with the issuance

19 of the bonds.

20 Sec. \_\_\_\_ . Section 384.26, subsection 5, paragraph a,  
21 unnumbered paragraph 1, Code Supplement 1995, is amended to  
22 read as follows:

23 Notwithstanding the provisions of subsection 2, a council  
24 may, in lieu of calling an election, institute proceedings for  
25 the issuance of bonds for a general corporate purpose by  
26 causing a notice of the proposal to issue the bonds, including  
27 a statement of the amount and purpose of the bonds, the type  
28 or types of debt service tax to be levied or imposed to pay  
29 principal and interest of the bonds, together with the maximum  
30 rate of interest which the bonds are to bear, and the right to  
31 petition for an election, to be published at least once in a  
32 newspaper of general circulation within the city at least ten  
33 days prior to the meeting at which it is proposed to take  
34 action for the issuance of the bonds subject to the following  
35 limitations:

36 Sec. \_\_\_\_ . Section 384.32, Code 1995, is amended to read as  
37 follows

38 384.32 TAX TO PAY.

39 Taxes for the payment of general obligation bonds must be  
40 levied in accordance with chapter 76, and the bonds are  
41 payable from the levy of unlimited ad valorem taxes on all the  
42 taxable property within the city through its debt service fund  
43 authorized by section 384.4 a debt service property tax or a  
44 combination of a debt service property tax and a debt service  
45 income surtax, unlimited as to amount.

46 Sec. \_\_\_\_ . APPLICABILITY DATE. This division applies to bond  
47 issuances approved at elections held on or after the effective  
48 date of this Act."

LARRY MURPHY  
WAYNE BENNETT  
MICHAEL E. GRONSTAL

S-5603

1 Amend the amendment, S-5579, to Senate File 2370 as  
2 follows:

3 1. Page 1, line 10, by striking the words "for  
4 contracts existing" and inserting the following: "in  
5 communities in which existing contracts are in  
6 effect".

JOHN P. KIBBIE  
DENNIS H. BLACK  
JOHN W. JENSEN  
STEWART IVERSON, JR.  
ALBERT G. SORENSEN  
BERL E. PRIEBE

MARY LOU FREEMAN  
DERRYL MCLAREN

S-5604

1 Amend Senate File 2389 as follows:

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

4 "Sec. 101. EFFECTIVE DATE -- STUDY -- CONDITIONAL  
5 REPEAL.

6 1. Section 1 of this Act is effective July 1,  
7 1997, unless the commissioner of insurance determines  
8 through an independent study that the requirements of  
9 this Act will affect less than fifteen percent of the  
10 Iowa population who have health care coverage pursuant  
11 to all managed care plans, indemnity plans, organized  
12 delivery systems, self-insured plans, Medicare,  
13 medicaid, and any other types of health care coverage  
14 that may be available, or if the commissioner  
15 determines that as a result of this Act the persons or  
16 business entities affected by it will suffer increased  
17 health care coverage costs.

18 2. The commissioner of insurance shall conduct an  
19 independent study of health care coverage in this  
20 state for the purpose of making a determination under  
21 subsection 1. The commissioner of insurance shall  
22 contract with at least two independent actuarial firms  
23 or consulting organizations capable of conducting this  
24 study required. The study shall be completed no later  
25 than June 1, 1997, and the results of the study shall  
26 be certified by the commissioner of insurance to the  
27 governor and the secretary of state no later than June  
28 15, 1997.

29 3. If the commissioner determines as a result of  
30 this study that less than fifteen percent of Iowa's  
31 population who have health care coverage are affected  
32 by this Act, section 1 of this Act is repealed  
33 effective July 1, 1997. If the commissioner  
34 determines as a result of this study that businesses  
35 or individuals affected by section 1 of this Act will  
36 be subject to increased health care coverage costs as  
37 a result of this Act, section 1 of this Act is  
38 repealed effective July 1, 1997.

39 Sec. 102. There is appropriated from the general  
40 fund of the state to the division of insurance of the  
41 department of commerce for the fiscal period beginning  
42 on the effective date of section 101 and this section  
43 of this Act, and ending June 30, 1997, the following  
44 amount, or so much thereof as is necessary, for the  
45 purpose of conducting the study required by section



46 101 of this Act:

47 ..... \$ 300,000

48 Sec. \_\_\_\_ . Sections 101 and 102 of this Act, being  
49 deemed of immediate importance, take effect upon  
50 enactment.”

Page 2

- 1 2. Title page, line 3, by inserting after the
- 2 word “physicians” the following: “, making an
- 3 appropriation, providing an effective date, and
- 4 providing for a conditional repeal”.
- 5 3. By renumbering as necessary.

O. GENE MADDOX

S-5605

1 Amend Senate File 2370 as follows:

2 1. Page 5, by inserting after line 18 the  
3 following:

4 “Sec. \_\_\_\_ . Section 476.23, subsection 1, Code  
5 1995, is amended to read as follows:

6 1. An electric utility shall not construct or  
7 extend facilities or furnish or offer to furnish  
8 electric service to the existing point of delivery of  
9 any customer already receiving electric service from  
10 another electric utility without having first filed  
11 with the board the express written agreement of the  
12 electric utility presently serving this customer,  
13 except as otherwise provided in this section. Any  
14 municipal corporation, after being authorized by a  
15 vote of the people, or any electric utility may file a  
16 petition with the board requesting a certificate of  
17 authority to furnish electric service to the existing  
18 point of delivery of any customer already receiving  
19 electric service from another electric utility. If,  
20 after notice by the board to the electric utility  
21 currently serving the customer, objection to the  
22 petition is not filed and investigation is not deemed  
23 necessary, the board shall issue a certificate within  
24 thirty days of the filing of the petition. When an  
25 objection is filed, if the board, after notice and  
26 opportunity for hearing, determines that service to  
27 the customer by the petitioner is in the public  
28 interest, including consideration of any unnecessary  
29 duplication of facilities, ~~it~~ the board shall grant  
30 this certificate in whole or in part, upon such terms,  
31 conditions, and restrictions as may be justified.  
32 Whether or not an objection is filed, any certificate

33 issued shall require that the petitioner pay to the  
 34 electric utility presently serving the customer, the  
 35 reasonable price for facilities serving the customer.  
 36 This price determination by the board shall include  
 37 due consideration of the cost of the facilities being  
 38 acquired, any necessary generating capacity and  
 39 transmission capacity dedicated to the customer,  
 40 depreciation, loss of revenue, and the cost of  
 41 facilities necessary to reintegrate the system of the  
 42 utility after detaching the portion sold. For  
 43 purposes of this section "reasonable price" means  
 44 original cost less depreciation of the facilities  
 45 being acquired."  
 46 2. Title page, line 4, by inserting after the  
 47 word "research" the following: "and relating to  
 48 electric service areas".  
 49 3. By renumbering as necessary.

ROD HALVORSON

S-5606

1 Amend the House amendment, S-5551, to Senate File  
 2 2140, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 5 through 12.  
 5 2. By striking page 1, line 39, through page 2,  
 6 line 24.  
 7 3. Page 2, by striking lines 41 and 42 and  
 8 inserting the following: "requiring".  
 9 4. By renumbering as necessary.

ROD HALVORSON

S-5607

1 Amend Senate File 2370 as follows:  
 2 1. Page 2, by inserting after line 22 the  
 3 following:  
 4 "Sec. 100. NEW SECTION. 476.2A PRINCIPAL OFFICE.  
 5 Each rate-regulated gas and electric utility  
 6 operating within the state shall maintain the  
 7 utility's principal office for operations within the  
 8 state. The principal office shall be subject to the  
 9 jurisdiction of the board and shall house all of the  
 10 utility's books, accounts, papers, and records  
 11 required to be maintained by the board. The utility  
 12 shall maintain within the state administrative,  
 13 technical, and operating personnel necessary for the  
 14 delivery of safe and reasonably adequate services and

15 facilities as required pursuant to section 476.8.”  
 16 2. Page 7, by inserting after line 2 the  
 17 following:  
 18 “Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this  
 19 Act, being deemed of immediate importance, takes  
 20 effect upon enactment.”  
 21 3. Title page, line 4, by inserting after the  
 22 word “research” the following: “and requiring the  
 23 location of a principal office within the state and  
 24 providing an effective date”.

MARY LUNDBY  
 WALLY E. HORN  
 ANDY McKEAN

S-5608

1 Amend Senate File 2370 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 “Section 1. Section 422.51, Code 1995, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 5. The taxes remitted pursuant to  
 7 this division shall be reduced by an alternate energy  
 8 purchase tax credit. An electric utility which has  
 9 purchased electricity from an alternate energy  
 10 production facility or small hydro facility pursuant  
 11 to section 476.43 shall be granted the credit. The  
 12 credit shall equal the difference between the  
 13 competitively bid rate per kilowatt hour that the  
 14 utility paid for purchase of the electricity and the  
 15 rate which is equivalent to the utility's total annual  
 16 average cost per kilowatt hour of electricity for the  
 17 year prior to the year in which the utility entered  
 18 into the contract for purchase of the alternate  
 19 energy. A utility's total annual average cost per  
 20 kilowatt hour shall be calculated by dividing annual  
 21 operating expenses by the total annual number of  
 22 kilowatt hours sold. This difference shall be used to  
 23 determine the alternate energy purchase tax credit for  
 24 the remainder of the term of the contract. The tax  
 25 credit shall not be less than zero.”  
 26 2. Page 1, by inserting after line 19 the  
 27 following:  
 28 “Sec. \_\_\_\_ . Section 476.1A, Code 1995, is amended  
 29 by adding the following new subsection:  
 30 NEW SUBSECTION. 7. Encouragement of alternate  
 31 energy production and the purchase of alternate  
 32 energy.”  
 33 3. Page 1, by inserting after line 26 the

34 following:

35 "Sec. \_\_\_\_ . Section 476.1A, unnumbered paragraph 3,  
36 Code 1995, is amended to read as follows:

37 However, sections 476.20, 476.21, ~~476.41 through~~  
38 ~~476.44~~, 476.51, 476.56, 476.62, and 476.66 and  
39 chapters 476A and 478, to the extent applicable, apply  
40 to such electric utilities.

41 Sec. \_\_\_\_ . Section 476.1B, subsection 1, paragraph  
42 g, Code 1995, is amended by striking the paragraph and  
43 inserting in lieu thereof the following:

44 g. Encouragement of alternate energy production  
45 and the purchase of alternate energy."

46 4. Page 4, by inserting after line 20 the  
47 following:

48 "Sec. \_\_\_\_ . Section 476.6, Code 1995, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 22. ALTERNATE ENERGY PROMOTIONAL

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1 RATES. The board shall require that electric  
2 utilities offer to their customers the opportunity to  
3 pay, on a voluntary basis, an alternate energy  
4 promotional rate. This rate shall exceed the rate for  
5 electricity otherwise payable and shall be designed  
6 and encouraged by the electric utility to maximize  
7 voluntary financial support for alternate energy  
8 production. The alternate energy promotional rate  
9 shall be filed as a tariff with the board pursuant to  
10 section 476.4. Retaining only amounts approved by the  
11 board for its administrative and marketing costs, the  
12 electric utility shall remit that portion of the  
13 electric rate attributable to the alternate energy  
14 promotional rate to the state treasurer to be  
15 allocated to the general fund of the state to offset  
16 the cost of the alternate energy purchase tax credit  
17 under section 422.51."

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

20 "Sec. \_\_\_\_ . Section 476.42, subsection 1, paragraph  
21 a, Code 1995, is amended to read as follows:

22 a. A solar, wind turbine, waste management,  
23 resource methane recovery, refuse derived fuel,  
24 agricultural crops or residues, or woodburning  
25 facility.

26 Sec. \_\_\_\_ . Section 476.42, subsection 3, Code 1995,  
27 is amended by striking the subsection.

28 Sec. \_\_\_\_ . Section 476.42, subsection 4, paragraph  
29 a, Code 1995, is amended to read as follows:

30 a. A hydroelectric facility at a dam located

31 within this state.

32 Sec. \_\_\_\_ . Section 476.42, Code 1995, is amended by  
33 adding the following new subsection:

34 NEW SUBSECTION. 5. "Alternate energy" means  
35 electricity derived from hydro, solar, wind, methane  
36 recovery, agricultural crops or residues, or  
37 woodburning energy.

38 Sec. \_\_\_\_ . Section 476.43, subsection 1, Code 1995,  
39 is amended to read as follows:

40 1. Subject to section 476.44, the board shall  
41 require electric utilities to enter into long-term  
42 contracts to do the following:

43 a. Purchase or wheel electricity from alternate  
44 energy production facilities or small hydro facilities  
45 located in the utility's service area under the terms  
46 and conditions that the board finds are just and  
47 economically reasonable to the electric utilities'  
48 ratepayers, are nondiscriminatory to alternate energy  
49 producers and small hydro producers and will further  
50 the policy stated in section 476.41.

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1 b. Provide for the availability of supplemental or  
2 backup power to alternate energy production facilities  
3 or small hydro facilities on a nondiscriminatory basis  
4 and at just and reasonable rates.

5 c. If the parties fail to agree on the terms of a  
6 contract required pursuant to this section, a party  
7 may request that the board intervene. The board shall  
8 have sixty days from the date of the intervention  
9 request to render a decision on the contract.

10 Sec. \_\_\_\_ . Section 476.43, subsections 2, 3, and 4,  
11 Code 1995, are amended by striking the subsections and  
12 inserting in lieu thereof the following:

13 2. The board shall establish a uniform competitive  
14 bidding process so that an electric utility shall  
15 acquire alternate energy at a just and economically  
16 based market rate. An alternate energy contract shall  
17 require that the utility pay the competitive bid rate  
18 to the facility during the contract term. The  
19 kilowatt per hour competitive bid rate shall not be  
20 less than the annual average rate of off-peak kilowatt  
21 per hour rates and peak kilowatt per hour rates at  
22 which an electric utility would have had to purchase  
23 the power. An electric utility may produce its own  
24 alternate energy by constructing and operating an  
25 alternate energy production facility or small hydro  
26 facility if the facility is constructed and operated  
27 as a separate affiliate entity. However, the electric

28 utility shall participate in the competitive bidding  
29 process using a third-party evaluator. A bid from an  
30 electric utility producing its own alternate energy  
31 shall not take into account regulated industry-based  
32 factors including, but not limited to, eminent domain  
33 and transmission ownership in order to produce a lower  
34 cost bid.

35 3. Notwithstanding section 476.51, an electric  
36 utility which fails to comply with the requirements of  
37 subsection 1 or which obstructs the policy of this  
38 state as stated in section 476.41 shall be subject to  
39 a civil penalty, levied by the board, in an amount  
40 that is equivalent to three times the total project  
41 capital cost of the lowest bid filed with the board to  
42 comply with the requirements of subsection 1. Civil  
43 penalties collected under this subsection shall be  
44 forwarded to the treasurer of state to be credited to  
45 the Iowa energy center. Any moneys allocated to the  
46 Iowa energy center pursuant to this subsection shall  
47 be used solely for providing grants to nonprofit  
48 agencies for alternate energy production. These  
49 penalties shall be excluded from the electric  
50 utility's costs when determining the electric

#### Page 4

1 utility's revenue requirement, and shall not be  
2 included either directly or indirectly in the electric  
3 utility's rates or charges to customers.

4 4. Notwithstanding subsection 2, alternate energy  
5 produced by recovery of methane at a sanitary landfill  
6 shall be purchased at the rate existing as of January  
7 1, 1996.

8 Sec. \_\_\_\_ . Section 476.43, Code 1995, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 7. An electric utility purchasing  
11 alternate energy pursuant to this section shall be  
12 entitled to an alternate energy purchase tax credit.  
13 The electric utility shall reflect the tax credit  
14 received by the utility in the utility's automatic  
15 adjustment pursuant to section 476.6, subsection 11.  
16 The credit shall be equal to the difference between  
17 the kilowatt hour rate established through the  
18 competitive bidding process and the rate that is  
19 equivalent to the utility's total annual average cost  
20 per kilowatt hour of electricity for the year prior to  
21 the year in which the utility entered into the  
22 contract for purchase of the alternate energy as  
23 determined under section 422.51, subsection 5.

24 Sec. \_\_\_\_ . Section 476.44, subsection 1, Code 1995,

25 is amended by striking the subsection.

26 Sec. \_\_\_\_ . Section 476.44, subsection 2, Code 1995,

27 is amended to read as follows:

28 2. a. An electric utility subject to this  
 29 division, except a utility which elects rate  
 30 regulation pursuant to section 476.1A, shall ~~not~~ be  
 31 required to purchase, ~~at any one time, more than its~~  
 32 ~~share of one two hundred five ten~~ megawatts of power  
 33 from alternative energy production facilities or small  
 34 hydro facilities at the rates in accordance with the  
 35 competitive bidding process established pursuant to  
 36 section 476.43 and pursuant to timelines established  
 37 under paragraph "c". For purposes of this section,  
 38 "megawatt" shall be determined in accordance with a  
 39 utility's average capacity. "Average capacity" means  
 40 a utility's total output over a year divided by the  
 41 number of hours in the year. The board shall allocate  
 42 the ~~one two hundred five ten~~ megawatts based upon each  
 43 utility's percentage of the total Iowa retail peak  
 44 demand, for the year beginning January 1, 1990, of all  
 45 utilities subject to this section. If a utility  
 46 undergoes reorganization as defined in section 476.76,  
 47 the board shall combine the allocated purchases of  
 48 power for each utility involved in the reorganization.  
 49 Notwithstanding the ~~one two hundred five ten~~  
 50 megawatt maximum, the board may increase the amount of

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1 power that a utility is required to purchase at the  
 2 ~~rates established pursuant to section 476.43~~ if the  
 3 board finds that a utility, including a reorganized  
 4 utility, exceeds its 1990 Iowa retail peak demand by  
 5 twenty percent and the additional power the utility is  
 6 required to purchase will encourage the development of  
 7 alternate energy production facilities and small hydro  
 8 facilities. The increase shall not exceed the  
 9 utility's increase in peak demand multiplied by the  
 10 ratio of the utility's share of the ~~one two hundred~~  
 11 ~~five ten~~ megawatt maximum to its 1990 Iowa retail peak  
 12 demand.

13 b. Of that portion of alternate energy required to  
 14 be purchased by a utility under this section, eighty-  
 15 five percent shall be purchased from alternate energy  
 16 production facilities or small hydro facilities  
 17 generating electricity with current and viable  
 18 technologies and fifteen percent shall be purchased  
 19 from alternate energy production facilities generating  
 20 electricity from new technologies. The board shall  
 21 provide for a minimum of thirty percent of the eighty-

22 five percent required purchase of alternate energy  
 23 under this paragraph to be purchased from small hydro  
 24 facilities. Of the eighty-five percent, thirty  
 25 percent shall be purchased in accordance with the  
 26 following:

27 (1) At least ten percent shall be from dedicated  
 28 energy crops grown within the state, fifty percent of  
 29 which shall be from projects of five hundred kilowatts  
 30 or less.

31 (2) At least ten percent shall be from  
 32 agricultural wastes produced from agricultural crops  
 33 grown within the state, fifty percent of which shall  
 34 be from projects of five hundred kilowatts or less.

35 (3) At least ten percent shall be from small scale  
 36 wind generation projects located within the state of  
 37 two hundred fifty kilowatts or less.

38 c. By December 31, 1997, the board shall require  
 39 an electric utility to enter into contracts for the  
 40 purchase of the utility's allotted share of eighty-  
 41 nine megawatts of electricity generated from alternate  
 42 energy production facilities, and by July 1, 1999, the  
 43 board shall require the utility to enter into  
 44 contracts for the purchase of the utility's allotted  
 45 share of an additional one hundred five megawatts.  
 46 For purposes of this section, new technologies include  
 47 only those technologies that use nonfossil fuel to  
 48 derive renewable energy."

49 6. Page 7, by inserting after line 2 the  
 50 following:

#### Page 6

1 "Sec. \_\_\_\_ . APPLICABILITY TO EXISTING CONTRACTS.  
 2 The provisions of this Act relating to alternate  
 3 energy shall not affect the terms and conditions of  
 4 any contract between an alternate energy production  
 5 facility or small hydro facility and an electric  
 6 utility that was entered into pursuant to sections  
 7 476.43 and 476.44 for purchase of alternate energy if  
 8 the contract was entered into prior to the effective  
 9 date of this Act. In addition, this Act shall not  
 10 affect potential contracts between alternate energy  
 11 production facilities and electric utilities if a  
 12 petition relating to the potential contracts has been  
 13 filed by January 1, 1996, and an action is currently  
 14 pending before the Iowa utilities board. For purposes  
 15 of the pending actions, the Iowa utilities board shall  
 16 not take into account the changes contained in this  
 17 Act.  
 18 Sec. \_\_\_\_ . It is the intent of the general assembly



19 that persons who have proceeded in good faith under  
 20 the terms and conditions of sections 476.43 and  
 21 476.44, prior to their amendment by this Act, not  
 22 suffer economic loss as a result of this Act. These  
 23 persons shall be reimbursed by the utilities for their  
 24 reasonable good faith development costs as determined  
 25 by the Iowa utilities board."

26 7. Title page, line 1, by inserting after the  
 27 word "efficiency" the following: "and alternate  
 28 energy".

29 8. Title page, line 4, by inserting after the  
 30 word "research" the following: "and providing an  
 31 applicability provision".

32 9. By renumbering as necessary.

BILL FINK  
 MARY LOU FREEMAN  
 MARY A. LUNDBY  
 RODNEY HALVORSON  
 BERL E. PRIEBE  
 ROBERT E. DVORSKY  
 MIKE CONNOLLY  
 ALLEN BORLAUG

S-5609

1 Amend the amendment, S-5598, to the House  
 2 amendment, S-5574, to Senate File 2449, as amended,  
 3 passed, and reprinted by the Senate, as follows:

4 1. By striking page 1, line 10 through page 4,  
 5 line 2.

6 2. By striking page 6, line 26, through page 10,  
 7 line 31, and inserting the following:

8 " — . Title page, by striking lines 1 through 17  
 9 and inserting the following: "An Act relating to  
 10 reducing the school district uniform levy and  
 11 providing an effective date.""

BERL E. PRIEBE

S-5610

1 Amend the amendment, S-5598, to the House  
 2 amendment, S-5574, to Senate File 2449, as amended,  
 3 passed, and reprinted by the Senate, as follows:

4 1. Page 4, line 9, by striking the word "seventy"  
 5 and inserting the following: "ninety".

6 2. Page 4, line 36, by striking the word  
 7 "seventy" and inserting the following: "ninety".

8 3. Page 4, line 42, by striking the word

- 9 "seventy" and inserting the following: "ninety".  
 10 4. Page 5, line 12, by striking the word  
 11 "seventy" and inserting the following: "ninety".  
 12 5. Page 5, line 14, by striking the word  
 13 "seventy" and inserting the following: "ninety".  
 14 6. Page 5, line 30, by striking the word  
 15 "seventy" and inserting the following: "ninety".  
 16 7. Page 5, line 36, by striking the word  
 17 "seventy" and inserting the following: "ninety".  
 18 8. Page 6, line 6, by striking the word "seventy"  
 19 and inserting the following: "ninety".  
 20 9. Page 6, line 9, by striking the word "seventy"  
 21 and inserting the following: "ninety".  
 22 10. Page 6, by inserting after line 25 the  
 23 following:  
 24 "Sec. \_\_\_\_ . Section 425.40, subsection 1, Code  
 25 1995, is amended to read as follows:  
 26 1. A low-income tax credit and reimbursement fund  
 27 is created. There is appropriated annually from the  
 28 general fund of the state to the department of revenue  
 29 and finance to be credited to the low-income tax  
 30 credit and reimbursement fund the sum of thirteen  
 31 million five hundred thousand dollars to implement  
 32 this division."  
 33 11. By renumbering as necessary.

MERLIN E. BARTZ

S-5611

- 1 Amend Senate File 2370 as follows:  
 2 1. Page 2, by inserting after line 22 the  
 3 following:  
 4 "Sec. 100. NEW SECTION. 476.2A PRINCIPAL OFFICE.  
 5 Each rate-regulated gas and electric utility  
 6 operating within the state shall maintain the  
 7 utility's principal office for operations within the  
 8 state. The principal office shall be subject to the  
 9 jurisdiction of the board and shall house all of the  
 10 utility's books, accounts, papers, and records  
 11 required to be maintained by the board. The utility  
 12 shall maintain within the state administrative,  
 13 technical, and operating personnel necessary for the  
 14 delivery of safe and reasonably adequate services and  
 15 facilities as required pursuant to section 476.8."  
 16 2. Page 7, by inserting after line 2 the  
 17 following:  
 18 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this  
 19 Act, being deemed of immediate importance, takes  
 20 effect upon enactment."

21 3. Title page, line 4, by inserting after the  
22 word "research" the following: "and requiring the  
23 location of a principal office within the state and  
24 providing an effective date".

MARY LUNDBY  
ANDY McKEAN  
ROBERT E. DVORSKY

S-5612

1 Amend Senate File 2370 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 28F.1, Code 1995, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:  
7 28F.1 SCOPE OF CHAPTER.  
8 This chapter provides a means to reduce the cost of  
9 local government by assisting public agencies in the  
10 undertaking of joint financing and is intended to  
11 provide specific state legislation consistent with  
12 criteria established by regulations and rulings of the  
13 commissioner of internal revenue, United States  
14 department of treasury, in order for a separate joint  
15 financing entity to be treated as a constituted  
16 authority empowered to issue obligations on behalf of  
17 political subdivisions of this state. This chapter  
18 provides a means for the joint financing by public  
19 agencies of works or facilities which are part of any  
20 city enterprise as defined in section 384.24, county  
21 enterprise as defined in section 331.461, city utility  
22 as defined in section 362.2, joint water utility as  
23 defined in section 389.1, or sanitary district as  
24 defined in chapter 358. This chapter applies to the  
25 acquisition, construction, reconstruction, ownership,  
26 operation, repair, extension, or improvement of the  
27 works or facilities, by a separate administrative or  
28 legal entity created pursuant to chapter 28E or  
29 chapter 389. When the legal entity created under this  
30 chapter is comprised solely of cities, counties, or  
31 sanitary districts established under chapter 358 or  
32 any combination of these political subdivisions, or  
33 any combination of the public agencies previously  
34 specified in this section with other public agencies,  
35 the entity shall be both a corporation and a political  
36 subdivision with the name under which it was  
37 organized. The legal entity may sue and be sued,  
38 contract, acquire and hold real and personal property  
39 necessary for corporate purposes, adopt a corporate

40 seal and alter the seal at pleasure, and execute all  
41 powers conferred by this chapter.

42 Sec. 2. Section 28F.2, Code 1995, is amended to  
43 read as follows:

44 28F.2 DEFINITIONS.

45 The terms "public agency", "state", and "private  
46 agency" shall have the meanings prescribed by section  
47 28E.2. The term "project" or "projects" shall mean  
48 any works or facilities referred to in section 28F.1  
49 and shall include all property real and personal,  
50 pertinent thereto or connected with such project or

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1 projects, and the existing works or facilities, if  
2 any, to which such project or projects are an  
3 extension, addition, betterment, or improvement.  
4 "Electric power agency" means an entity financing or  
5 acquiring electric power facilities pursuant to this  
6 chapter or chapter 28E.

7 Sec. 3. Section 28F.7, unnumbered paragraph 2,  
8 Code 1995, is amended by striking the paragraph."

9 2. Title page, line 4, by inserting after the  
10 word "research" the following: "and allowing for  
11 joint financing for municipal utilities".

12 3. By renumbering as necessary.

ROD HALVORSON

HOUSE AMENDMENT TO  
SENATE FILE 2446

S-5613

1 Amend Senate File 2446, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
6 Section 1. GENERAL APPROPRIATION. There is  
7 appropriated from the general fund of the state to the  
8 department of agriculture and land stewardship for the  
9 fiscal year beginning July 1, 1996, and ending June  
10 30, 1997, the following amounts, or so much thereof as  
11 is necessary, to be used for the purposes designated:

12 1. ADMINISTRATIVE DIVISION

13 a. For salaries, support, maintenance, the support  
14 of the state 4-H foundation, support of the statistics  
15 bureau, and miscellaneous purposes, and for the  
16 salaries and support of not more than the following

17 full-time equivalent positions:  
 18 ..... \$ 1,586,111  
 19 ..... FTEs 41.45  
 20 (1) Of the funds appropriated in this paragraph  
 21 "a", \$322,406 and 7.00 FTEs shall be used to support  
 22 horticulture. The president of the state horticulture  
 23 society or the president's designee and the department  
 24 shall consult and mutually agree on all expenditures  
 25 of moneys in this subparagraph and on the filling of  
 26 full-time equivalent positions, as allocated in this  
 27 subparagraph.  
 28 (2) Of the amount appropriated in this paragraph  
 29 "a", \$50,000 shall be allocated to the state 4-H  
 30 foundation to foster the development of Iowa's youth  
 31 and to encourage them to study the subject of  
 32 agriculture.  
 33 (3) Of the amount appropriated and full-time  
 34 equivalent positions authorized in this paragraph "a",  
 35 \$130,519 and 4.00 FTEs shall be allocated to the  
 36 statistics bureau to provide county-by-county  
 37 information on land in farms, production by crop,  
 38 acres by crop, and county prices by crop. This  
 39 information shall be made available to the department  
 40 of revenue and finance for use in the productivity  
 41 formula for valuing and equalizing the values of  
 42 agricultural land.  
 43 (4) Of the amount appropriated in this paragraph  
 44 "a", not more than \$5,000 shall be allocated to the  
 45 Iowa limousin cattle junior association in connection  
 46 with the 1996 national junior limousin cattle show.  
 47 b. For the operations of the dairy trade practices  
 48 bureau:  
 49 ..... \$ 66,846  
 50 c. For the purpose of performing commercial feed

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1 audits:  
 2 ..... \$ 64,698  
 3 d. For the purpose of performing fertilizer  
 4 audits:  
 5 ..... \$ 64,697  
 6 2. REGULATORY DIVISION  
 7 a. For salaries, support, maintenance,  
 8 miscellaneous purposes, and for not more than the  
 9 following full-time equivalent positions:  
 10 ..... \$ 3,848,960  
 11 ..... FTEs 122.50  
 12 b. For the costs of inspection, sampling,  
 13 analysis, and other expenses necessary for the

14 administration of chapters 192, 194, and 195:  
 15 ..... \$ 651,220  
 16 3. LABORATORY DIVISION  
 17 a. For salaries, support, maintenance, and  
 18 miscellaneous purposes, including the administration  
 19 of the gypsy moth program, and for not more than the  
 20 following full-time equivalent positions:  
 21 ..... \$ 875,475  
 22 ..... FTEs 85.10  
 23 (1) Of the amount appropriated in this paragraph  
 24 "a", \$110,000 shall be used to administer a program  
 25 relating to the detection, surveillance, and  
 26 eradication of the gypsy moth. The department shall  
 27 allocate and use the appropriation made in this  
 28 paragraph before moneys other than those appropriated  
 29 in this paragraph are used to support the program.  
 30 (2) Of the amount appropriated and the number of  
 31 full-time equivalent positions authorized in this  
 32 paragraph "a", \$49,850 and 1.00 FTE shall be used to  
 33 support a regional entomologist for purposes of  
 34 conducting field inspection activities.  
 35 (3) Of the amount appropriated in this paragraph  
 36 "a", \$82,000 may be used for the acquisition of  
 37 laboratory equipment, including, but not limited to, a  
 38 fat analyzer and a nitrogen protein combustion  
 39 analyzer.  
 40 (4) Of the number of full-time equivalent  
 41 positions authorized in this paragraph "a" and funded  
 42 in paragraph "c", 1.00 FTE shall be used to support an  
 43 organics program coordinator who shall assure  
 44 compliance of organic foods sold commercially within  
 45 the state with federal regulations relating to organic  
 46 foods.  
 47 b. For the operations of the commercial feed  
 48 programs:  
 49 ..... \$ 742,499  
 50 c. For the operations of the pesticide programs:

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1 ..... \$ 1,291,781  
 2 Of the amount appropriated in this paragraph "c",  
 3 \$200,000 shall be allocated to Iowa state university  
 4 for purposes of training commercial pesticide  
 5 applicators.  
 6 d. For the operations of the fertilizer programs:  
 7 ..... \$ 633,832  
 8 4. SOIL CONSERVATION DIVISION  
 9 a. For salaries, support, maintenance, assistance  
 10 to soil conservation districts, miscellaneous

11 purposes, and for not more than the following full-  
12 time equivalent positions:

13 .....	\$	5,805,591
14 .....	FTEs	171.28

15 Of the amount appropriated in this paragraph "a",  
16 \$330,000 shall be used to reimburse commissioners of  
17 soil and water conservation districts for  
18 administrative expenses. Moneys used for the payment  
19 of meeting dues by counties shall be matched on a  
20 dollar-for-dollar basis by the soil conservation  
21 division.

22 b. To provide financial incentives for soil 23 conservation practices under chapter 161A:		
24 .....	\$	6,418,606

25 c. The following requirements apply to the moneys  
26 appropriated in paragraph "b":

27 (1) Not more than 5 percent of the moneys  
28 appropriated in paragraph "b" may be allocated for  
29 cost sharing to abate complaints filed under section  
30 161A.47.

31 (2) Of the moneys appropriated in paragraph "b", 5  
32 percent shall be allocated for financial incentives to  
33 establish practices to protect watersheds above  
34 publicly owned lakes of the state from soil erosion  
35 and sediment as provided in section 161A.73.

36 (3) Not more than 30 percent of a district's  
37 allocation of moneys as financial incentives may be  
38 provided for the purpose of establishing management  
39 practices to control soil erosion on land that is row  
40 cropped, including but not limited to no-till  
41 planting, ridge-till planting, contouring, and contour  
42 strip-cropping as provided in section 161A.73.

43 (4) The state soil conservation committee created  
44 in section 161A.4 may allocate moneys to conduct  
45 research and demonstration projects to promote  
46 conservation tillage and nonpoint source pollution  
47 control practices.

48 (5) The financial incentive payments may be used  
49 in combination with department of natural resources  
50 moneys.

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1 d. The provisions of section 8.33 shall not apply  
2 to the moneys appropriated in paragraph "b".  
3 Unencumbered or unobligated moneys remaining on June  
4 30, 2000, from moneys appropriated in paragraph "b"  
5 for the fiscal year beginning July 1, 1996, shall  
6 revert to the general fund on August 31, 2000.  
7 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is

8 appropriated from the general fund of the state to the  
9 department of agriculture and land stewardship for the  
10 fiscal year beginning July 1, 1996, and ending June  
11 30, 1997, the following amount, or so much thereof as  
12 is necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, and  
14 miscellaneous purposes, to be used by the department  
15 to continue and expand the farmers' market coupon  
16 program by providing federal special supplemental food  
17 program recipients with coupons redeemable at farmers'  
18 markets, and for not more than the following full-time  
19 equivalent positions:

20 ..... \$ 215,807  
21 ..... FTEs 1.00

22 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

23 1. There is appropriated from the general fund of  
24 the state to the department of agriculture and land  
25 stewardship for the fiscal year beginning July 1,  
26 1996, and ending June 30, 1997, the following amount,  
27 or so much thereof as is necessary, to be used for the  
28 purpose designated:

29 For support of the pseudorabies eradication  
30 program:

31 ..... \$ 900,300

32 2. Persons, including organizations interested in  
33 swine production in this state and in the promotion of  
34 Iowa pork products who contribute support to the  
35 program, are encouraged to increase financial support  
36 for purposes of ensuring the program's effective  
37 continuation.

38 Sec. 4. HORSE AND DOG RACING. There is  
39 appropriated from the moneys available under section  
40 99D.13 to the regulatory division of the department of  
41 agriculture and land stewardship for the fiscal year  
42 beginning July 1, 1996, and ending June 30, 1997, the  
43 following amount, or so much thereof as is necessary,  
44 to be used for the purpose designated:

45 For salaries, support, maintenance, and  
46 miscellaneous purposes for the administration of  
47 section 99D.22:

48 ..... \$ 192,560

49 Sec. 5. As a condition of the appropriations made  
50 to the department of agriculture and land stewardship

1 in sections 1, 2, 3, and 4 of this Act, the position  
2 of deputy secretary of agriculture, established  
3 pursuant to section 14A.1, shall be eliminated.

4 Sec. 6. INTERSTATE COMPACT ON AGRICULTURAL GRAIN



5 **MARKETING.** There is appropriated from the general  
 6 fund of the state to the interstate agricultural grain  
 7 marketing commission for the fiscal year beginning  
 8 July 1, 1996, and ending June 30, 1997, the following  
 9 amount, or so much thereof as is necessary, to be used  
 10 for the purpose designated:

11 For carrying out duties of the commission as  
 12 provided in Article IV of the interstate compact on  
 13 agricultural grain marketing as provided in chapter  
 14 183:  
 15 ..... \$ 80,000

16 **DEPARTMENT OF NATURAL RESOURCES**

17 **Sec. 7. GENERAL APPROPRIATION.** There is  
 18 appropriated from the general fund of the state to the  
 19 department of natural resources for the fiscal year  
 20 beginning July 1, 1996, and ending June 30, 1997, the  
 21 following amounts, or so much thereof as is necessary,  
 22 to be used for the purposes designated:

23 **1. ADMINISTRATIVE AND SUPPORT SERVICES**

24 For salaries, support, maintenance, miscellaneous  
 25 purposes, and for not more than the following full-  
 26 time equivalent positions:  
 27 ..... \$ 2,052,389  
 28 ..... FTEs 119.25

29 Of the amount appropriated and the number of full-  
 30 time equivalent positions authorized in this  
 31 subsection 1, at least \$200,000 and 4.00 FTEs shall be  
 32 used by administration and support services to support  
 33 a compliance and permit assistance team to facilitate  
 34 cooperation between the department and persons  
 35 regulated by the department in order to ensure  
 36 efficient compliance with applicable legal  
 37 requirements.

38 **2. PARKS AND PRESERVES DIVISION**

39 For salaries, support, maintenance, miscellaneous  
 40 purposes, and for not more than the following full-  
 41 time equivalent positions:  
 42 ..... \$ 5,546,988  
 43 ..... FTEs 195.73

44 **3. FORESTS AND FORESTRY DIVISION**

45 For salaries, support, maintenance, miscellaneous  
 46 purposes, and for not more than the following full-  
 47 time equivalent positions:  
 48 ..... \$ 1,494,908  
 49 ..... FTEs 48.71

50 **4. ENERGY AND GEOLOGICAL RESOURCES DIVISION**

Page 6

1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:  
 4 ..... \$ 1,681,228  
 5 ..... FTEs 52.00

6 5. a. ENVIRONMENTAL PROTECTION DIVISION

7 (1) For salaries, support, maintenance,  
 8 miscellaneous purposes, and for not more than the  
 9 following full-time equivalent positions:  
 10 ..... \$ 2,026,509  
 11 ..... FTEs 218.00

12 (2) Of the amount appropriated and the number of  
 13 full-time equivalent positions authorized in  
 14 subparagraph (1) at least \$480,600 and 9.00 FTEs shall  
 15 be used to support the regulation of animal feeding  
 16 operations.

17 (3) Of the number of full-time equivalent  
 18 positions authorized in subparagraph (1), 1.00 FTE  
 19 shall be used to support administration of the waste  
 20 tire management fund, if enacted in 1996 Iowa Acts,  
 21 House File 2433.

22 b. WATER QUALITY PROTECTION FUND

23 For allocation to the administrative account of the  
 24 water quality protection fund established pursuant to  
 25 section 455B.183A, to carry out the purpose of that  
 26 account:  
 27 ..... \$ 879,000

28 (1) Of the number of full-time equivalent  
 29 positions authorized in paragraph "a", 36.00 FTEs  
 30 shall be dedicated to carrying out the provisions of  
 31 chapter 455B relating to the administration,  
 32 regulation, and enforcement of the federal Safe  
 33 Drinking Water Act and to support the program to  
 34 assist water supply systems as provided in section  
 35 455B.183B. However, the limitation on full-time  
 36 equivalent positions provided in paragraph "a", shall  
 37 not limit the number of additional full-time  
 38 equivalent positions supported by moneys deposited in  
 39 the water quality protection fund as provided in  
 40 section 455B.183A, in order to carry out the  
 41 provisions of division III of chapter 455B relating to  
 42 the administration, regulation, and enforcement of the  
 43 federal Safe Drinking Water Act, and the  
 44 administration of the program to assist water supply  
 45 systems pursuant to section 455B.183B.

46 (2) In providing assistance to water supply  
 47 systems, the department shall provide priority to  
 48 water supply systems serving a population of seven

49 thousand or less. At least 2.00 FTEs shall be  
50 allocated to provide assistance to systems serving a

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1 population of seven thousand or less.

2 6. FISH AND WILDLIFE DIVISION

3 For not more than the following full-time

4 equivalent positions:

5 ..... FTEs 342.18

6 7. WASTE MANAGEMENT ASSISTANCE DIVISION

7 For not more than the following full-time

8 equivalent positions:

9 ..... FTEs 16.75

10 Sec. 8. STATE FISH AND GAME PROTECTION FUND --  
11 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

12 1. There is appropriated from the state fish and  
13 game protection fund to the division of fish and  
14 wildlife of the department of natural resources for  
15 the fiscal year beginning July 1, 1996, and ending  
16 June 30, 1997, the following amount, or so much  
17 thereof as is necessary, to be used for the purposes  
18 designated:

19 For administrative support, and for salaries,  
20 support, maintenance, equipment, and miscellaneous  
21 purposes:

22 ..... \$ 21,290,891

23 2. The department shall not expend more moneys  
24 from the fish and game protection fund than provided  
25 in this section, unless the expenditure derives from  
26 contributions made by a private entity, or a grant or  
27 moneys received from the federal government, and is  
28 approved by the natural resource commission. The  
29 department of natural resources shall promptly notify  
30 the legislative fiscal bureau and the chairpersons and  
31 ranking members of the joint appropriations  
32 subcommittee on agriculture and natural resources  
33 concerning the commission's approval.

34 Sec. 9. MARINE FUEL TAX RECEIPTS -- BOATING  
35 FACILITIES AND ACCESS. There is appropriated from the  
36 marine fuel tax receipts deposited in the general fund  
37 of the state to the department of natural resources  
38 for the fiscal year beginning July 1, 1996, and ending  
39 June 30, 1997, the following amount, or so much  
40 thereof as is necessary, to be used for the purpose  
41 designated:

42 For purposes of maintaining and developing boating  
43 facilities and access to public waters by the parks  
44 and preserves division:

45 ..... \$ 411,311

46 Sec. 10. SNOWMOBILE FEES -- TRANSFER FOR  
 47 ENFORCEMENT PURPOSES. There is transferred on July 1,  
 48 1996, from the fees deposited under section 321G.7 to  
 49 the fish and game protection fund and appropriated to  
 50 the department of natural resources for the fiscal

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1 year beginning July 1, 1996, and ending June 30, 1997,  
 2 the following amount, or so much thereof as is  
 3 necessary, to be used for the purpose designated:

4 For the purpose of enforcing snowmobile laws as  
 5 part of the state snowmobile program administered by  
 6 the department of natural resources:

7 ..... \$ 100,000

8 Sec. 11. VESSEL FEES -- TRANSFER FOR ENFORCEMENT  
 9 PURPOSES. There is transferred on July 1, 1996, from  
 10 the fees deposited under section 462A.52 to the fish  
 11 and game protection fund and appropriated to the  
 12 department of natural resources for the fiscal year  
 13 beginning July 1, 1996, and ending June 30, 1997, the  
 14 following amount, or so much thereof as is necessary,  
 15 to be used for the purpose designated:

16 For the administration and enforcement of  
 17 navigation laws and water safety:

18 ..... \$ 1,250,000

19 Of the amount appropriated in this section, \$50,000  
 20 may be used for purposes of controlling and  
 21 eradicating eurasian milfoil.

22 Notwithstanding section 8.33, moneys transferred  
 23 pursuant to this section which are unencumbered or  
 24 unobligated on June 30, 1997, shall be transferred on  
 25 July 1, 1997, to the special conservation fund  
 26 established by section 462A.52 to be used as provided  
 27 in that section, and shall not revert as provided in  
 28 section 8.33.

29 RESOURCES ENHANCEMENT AND PROTECTION

30 Sec. 12. GENERAL APPROPRIATION. Notwithstanding  
 31 the amount of the standing appropriation from the  
 32 general fund of the state under section 455A.18,  
 33 subsection 3, there is appropriated from the general  
 34 fund of the state to the Iowa resources enhancement  
 35 and protection fund, in lieu of the appropriation made  
 36 in section 455A.18, for the fiscal year beginning July  
 37 1, 1996, and ending June 30, 1997, the sum of  
 38 \$8,000,000, of which all moneys shall be allocated as  
 39 provided in section 455A.19.

40 RELATED APPROPRIATIONS

41 Sec. 13. APPROPRIATION FROM ORGANIC NUTRIENT  
 42 MANAGEMENT FUND. There is appropriated from the

43 organic nutrient management fund to the following  
44 entities in the fiscal year beginning July 1, 1996,  
45 and ending June 30, 1997, the following amounts, or so  
46 much thereof as is necessary, to be used for the  
47 purposes designated:

48 1. To Iowa state university for supporting odor  
49 control applications of animal feeding operations,  
50 including confinement feeding operations, regulated by

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1 the department of natural resources pursuant to  
2 chapter 455B:  
3 ..... \$ 500,000

4 a. Moneys provided under this subsection for odor  
5 control applications of animal feeding operations  
6 shall be provided on a dollar-for-dollar match with an  
7 individual owner or operator and shall not exceed the  
8 amount actually spent by or on behalf of the owner or  
9 operator for odor control.

10 b. Notwithstanding section 8.33, moneys provided  
11 under this subsection for odor control applications of  
12 animal feeding operations shall not revert to the  
13 organic nutrient management fund but shall remain  
14 available for use as provided in this subsection  
15 during the fiscal year beginning July 1, 1997, and  
16 ending June 30, 1998. The moneys appropriated in this  
17 subsection which remain unexpended or unobligated on  
18 June 30, 1998, shall revert to the organic nutrient  
19 management fund on August 31, 1998.

20 2. To the Iowa agricultural development authority  
21 as established pursuant to section 175.3, to support  
22 the establishment of an agri-entrepreneurship  
23 education project to provide beginning agriculturists  
24 with an opportunity to gain experience in owning or  
25 operating agriculture-related businesses through  
26 entrepreneurship loans to future farmers of America  
27 chapters or other organizations administering  
28 secondary education-related agricultural programs:  
29 ..... \$ 250,000

30 3. To the soil conservation division of the  
31 department of agriculture and land stewardship for  
32 purposes of supporting the oversight of financial  
33 incentive programs administered by the division, and  
34 for the salary and support of not more than the  
35 following full-time equivalent position:  
36 ..... \$ 56,000  
37 ..... FTEs 1.00

38 4. To the soil conservation division of the  
39 department of agriculture and land stewardship to

40 support soil and water conservation district  
 41 development including the training of soil and water  
 42 conservation district staff:  
 43 ..... \$ 42,000  
 44 Sec. 14. MULTIFLORA ROSE ERADICATION.  
 45 1. There is appropriated from the general fund of  
 46 the state to Iowa state university for the fiscal year  
 47 beginning July 1, 1996, and ending June 30, 1997, the  
 48 following amount, or so much thereof as is necessary,  
 49 to be used for the purpose designated:  
 50 For supporting multiflora rose eradication research

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1 and projects:  
 2 ..... \$ 25,000  
 3 2. Notwithstanding 1995 Iowa Acts, chapter 216,  
 4 section 19, subsection 2, moneys allocated pursuant to  
 5 1995 Iowa Acts; chapter 216, section 19, subsection 1,  
 6 paragraph "d", which remain unencumbered or  
 7 unobligated on June 30, 1996, shall not revert  
 8 pursuant to section 8.33, but shall remain available  
 9 to Iowa state university for purposes of supporting  
 10 multiflora rose eradication research and projects, for  
 11 subsequent fiscal years.  
 12 Sec. 15. NONREVERSION OF MONEYS ALLOCATED TO IOWA  
 13 GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa  
 14 Acts, chapter 216, section 19, subsection 2, moneys  
 15 allocated pursuant to 1995 Iowa Acts, chapter 216,  
 16 section 19, subsection 1, paragraph "f", subparagraph  
 17 (1), which remain unencumbered or unobligated on June  
 18 30, 1996, shall not revert pursuant to section 8.33,  
 19 but shall remain available to Iowa state university  
 20 for purposes of supporting the Iowa cooperative  
 21 extension service in agriculture and home economics in  
 22 establishing and administering an Iowa grain quality  
 23 initiative in subsequent fiscal years.  
 24 Sec. 16. TRANSFERS OF MONEYS REQUIRED TO BE  
 25 DEPOSITED IN THE WATER PROTECTION FUND.  
 26 Notwithstanding section 161C.4 and the reversion and  
 27 allocation provisions in section 455A.19, subsection  
 28 1, paragraph "c", of the unencumbered and unobligated  
 29 moneys remaining, which are required to be deposited  
 30 in the water protection fund created in section  
 31 161C.4, as provided in section 455A.19, subsection 1,  
 32 paragraph "c", the following amount shall be  
 33 transferred first from moneys required to be deposited  
 34 in the water protection practices account, and if  
 35 necessary from moneys required to be deposited in the  
 36 water quality protection projects account, which shall

37 be used for the following purposes:

38 To the Loess Hills development and conservation  
39 authority, for deposit in the Loess Hills development  
40 and conservation fund created in section 161D.2 for  
41 the purposes specified in section 161D.1:

42 ..... \$ 400,000

43 Sec. 17. REVENUE ADMINISTERED BY THE IOWA  
44 COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD

45 TRANSFER. There is appropriated from the unassigned  
46 revenue fund administered by the Iowa comprehensive  
47 underground storage tank fund board, to the department  
48 of natural resources for the fiscal year beginning  
49 July 1, 1996, and ending June 30, 1997, the following  
50 amount, or so much thereof as is necessary, to be used

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1 for the purpose designated:

2 For administration expenses of the underground  
3 storage tank section of the department of natural  
4 resources:

5 ..... \$ 75,000

6 Sec. 18. TRANSFER -- AIR QUALITY. For the fiscal  
7 year beginning July 1, 1996, and ending June 30, 1997,  
8 the department of natural resources shall transfer up  
9 to \$430,000 from the hazardous substance remedial fund  
10 created pursuant to section 455B.423, to support  
11 purposes related to carrying out the duties of the  
12 commission under section 455B.133, or the director  
13 under section 455B.134, or for carrying out the  
14 provisions of chapter 455B, division II.

MISCELLANEOUS

16 Sec. 19. DOLLIVER MEMORIAL STATE PARK -- BRIDGE  
17 CONSTRUCTION PROHIBITED -- ROAD EXPENSES SHARED.

18 1. The department shall not construct a bridge at  
19 or near the historic ford of a stream across a  
20 secondary road in Dolliver memorial state park. The  
21 department may make repairs or improvements at the  
22 historic ford to provide for flood control.

23 2. The department, pursuant to section 306.4,  
24 shall enter into an agreement to match the  
25 expenditures, not to exceed fifty percent of the cost  
26 of each project, with the board of supervisors for the  
27 reconstruction, repair, and maintenance of the  
28 secondary road entering and exiting Dolliver memorial  
29 state park.

30 Sec. 20. WITHDRAWAL FROM THE AGRICULTURAL GRAIN  
31 MARKETING COMPACT -- REPEAL. Pursuant to article VI  
32 of the agricultural grain marketing compact, the state

33 of Iowa withdraws from the compact by enacting this  
 34 section repealing the compact. Notwithstanding this  
 35 section, the state retains its membership in the  
 36 compact and shall continue to function under the  
 37 compact as if it were in effect, until one year  
 38 following the effective date of this section and  
 39 notification of withdrawal by the governor of this  
 40 state to the interstate agricultural grain marketing  
 41 commission.

42 Sec. 21. STATE NURSERIES. Notwithstanding section  
 43 17A.2, subsection 10, paragraph "g", the department of  
 44 natural resources shall adopt administrative rules  
 45 establishing a range of prices of plant material grown  
 46 at the state forest nurseries to cover all expenses  
 47 related to the growing of the plants.

48 1. The department shall develop programs to  
 49 encourage the wise management and preservation of  
 50 existing woodlands and shall continue its efforts to

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1 encourage forestation and reforestation on private and  
 2 public lands in the state.

3 2. The department shall encourage a cooperative  
 4 relationship between the state forest nurseries and  
 5 private nurseries in the state in order to achieve  
 6 these goals.

7 Sec. 22. TRANSFER OF MONEYS OR POSITIONS; CHANGES  
 8 IN TABLES OF ORGANIZATION -- NOTIFICATION. In  
 9 addition to the requirements of section 8.39, in each  
 10 fiscal quarter, the department of agriculture and land  
 11 stewardship and the department of natural resources  
 12 shall notify the chairpersons, vice chairpersons, and  
 13 ranking members of the joint appropriations  
 14 subcommittee on agriculture and natural resources for  
 15 the previous fiscal quarter of any transfer of moneys  
 16 or full-time equivalent positions made by either  
 17 department which is not authorized in this Act, or any  
 18 permanent position added to or deleted from either  
 19 department's table of organization.

20 Sec. 23. AIR QUALITY PROGRAM -- NONGENERAL FUND  
 21 SUPPORT. The department of natural resources for the  
 22 fiscal year beginning July 1, 1996, and ending June  
 23 30, 1997, shall not use moneys appropriated from the  
 24 general fund of the state pursuant to this Act, to  
 25 support any purpose related to carrying out the duties  
 26 of the commission under section 455B.133 or the  
 27 director under section 455B.134, or for carrying out  
 28 the provisions of chapter 455B, division II.

29 Notwithstanding section 455B.133B, the department



30 may use moneys deposited in the air contaminant source  
31 fund created in section 455B.133B during the fiscal  
32 year beginning July 1, 1996, and ending June 30, 1997,  
33 for any purpose related to carrying out the duties of  
34 the commission under section 455B.133 or the director  
35 under section 455B.134, or for carrying out the  
36 provisions of chapter 455B, division II.

37 Sec. 24. STUDY OF LOCATING FIELD OFFICE IN NORTH  
38 CENTRAL DISTRICT. The department of natural resources  
39 shall conduct a study of the feasibility of locating a  
40 field office in the department's north central  
41 district. On or before January 1, 1997, the  
42 department of natural resources shall submit a report  
43 including findings and recommendations resulting from  
44 the study to the committees of the general assembly  
45 which have jurisdiction over natural resources.

46 Sec. 25. NATIVE AMERICAN WAR MEMORIAL. The  
47 department of natural resources may purchase lands on  
48 which to locate a native American war memorial.

49 Sec. 26. DEPARTMENTAL INFORMATION REQUIRED.  
50 1. The department of agriculture and land

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1 stewardship and the department of natural resources,  
2 in cooperation as necessary with the department of  
3 management and the department of personnel, shall  
4 provide a list to the legislative fiscal bureau, on a  
5 quarterly basis, of all permanent positions added to  
6 or deleted from the departments' table of organization  
7 in the previous fiscal quarter. This list shall  
8 include at least the position number, salary range,  
9 projected funding source or sources of each position,  
10 and the reason for the addition or deletion. The  
11 legislative fiscal bureau may use this information to  
12 assist in the establishment of the full-time  
13 equivalent position limits authorized in law for the  
14 departments.

15 2. The department of natural resources shall  
16 provide the legislative fiscal bureau information and  
17 financial data by cost center, on at least a monthly  
18 basis, relating to the indirect cost accounting  
19 procedure, the amount of funding from each funding  
20 source for each cost center, and the internal budget  
21 system used by the department. The information shall  
22 include but is not limited to financial data covering  
23 the department's budget by cost center and funding  
24 source prior to the start of the fiscal year, and to  
25 the department's actual expenditures by cost center  
26 and funding source after the accounting system has

27 been closed for that fiscal year.

28 3. The department of agriculture and land  
29 stewardship shall provide the legislative fiscal  
30 bureau information and financial data on at least a  
31 monthly basis, relating to the internal budget system  
32 used by the department. The information shall include  
33 but is not limited to financial data covering the  
34 department's budget prior to the start of the fiscal  
35 year, and to the department's actual expenditures  
36 after the accounting system has been closed for that  
37 fiscal year.

38 Sec. 27. TRUST FUND INFORMATION. The department  
39 of revenue and finance in cooperation with each  
40 appropriate agency shall track receipts to the general  
41 fund of the state which under law were previously  
42 collected to be used for specific purposes, or to be  
43 credited to, or be deposited to a particular account  
44 or fund, as provided in section 8.60.

45 The department of revenue and finance and each  
46 appropriate agency shall prepare reports detailing  
47 revenue from receipts previously deposited into each  
48 of the funds. A report shall be submitted to the  
49 legislative fiscal bureau at least once for each  
50 three-month period as designated by the legislative

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1 fiscal bureau.

2 Sec. 28. SOIL AND WATER CONSERVATION. The  
3 division of soil conservation of the department of  
4 agriculture and land stewardship shall establish a  
5 voluntary financial incentive program under section  
6 161A.73 which provides for the allocation of cost-  
7 share moneys as financial incentives for the same  
8 purposes that are supported from the soil and water  
9 enhancement account of the resources enhancement and  
10 protection fund as provided in section 455A.19, or by  
11 the water protection practices account of the water  
12 protection fund established pursuant to section  
13 161C.4. The financial incentives shall not exceed  
14 fifty percent of the estimated cost of establishing  
15 the practices, or fifty percent of the actual cost,  
16 whichever is less.

17 Sec. 29. PREFERENCE PROVIDED -- PERSONS MEETING  
18 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.  
19 In its employment of persons in temporary positions in  
20 conservation and outdoor recreation, the department of  
21 natural resources shall give preference to persons  
22 meeting eligibility requirements for the green thumb  
23 program under section 15.227 and to persons working

24 toward an advanced education in natural resources and  
25 conservation.

26 Sec. 30. SOIL AND WATER CONSERVATION CONFERENCE.

27 1. The division of soil conservation of the  
28 department of agriculture and land stewardship shall  
29 sponsor a conference not later than September 1, 1996,  
30 regarding the protection of cropland soils in this  
31 state. The conference shall include discussions of  
32 the status of soil and water conservation as it  
33 relates to conservation compliance accomplishments,  
34 agricultural production policies, water quality  
35 protection, and the state's Iowa soil 2000 goal.

36 2. Conferees shall include representatives of the  
37 division of soil conservation, the state soil  
38 conservation committee, soil and water conservation  
39 districts, the natural resources conservation service  
40 of the United States department of agriculture, the  
41 cooperative extension service of Iowa state  
42 university, and the department of natural resources.  
43 The division of soil conservation shall invite other  
44 interested persons to serve as conferees, including  
45 members of Iowa's congressional delegation; the  
46 chairpersons and ranking members of the standing  
47 committees on agriculture, and on natural resources,  
48 environment, and energy of the senate; the  
49 chairpersons and ranking members of the standing  
50 committees on agriculture, on natural resources, and

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1 on environmental protection of the house of  
2 representatives; the chairpersons and ranking members  
3 of the joint appropriations subcommittee on  
4 agriculture and natural resources; representatives of  
5 the United States environmental protection agency; and  
6 members of farm and commodity organizations.  
7 3. The division of soil conservation shall report  
8 to the general assembly not later than January 15,  
9 1997, regarding findings and recommendations of the  
10 conferees.

11 Sec. 31. LAND ACQUISITION -- NATURAL RESOURCE  
12 COMMISSION. The natural resource commission, upon  
13 consultation with department of natural resources  
14 staff, shall develop and implement a land acquisition  
15 policy which shall be embodied in a strategic land  
16 acquisition plan administered by the department. The  
17 land acquisition policy and the land acquisition  
18 strategic plan shall provide for the acquisition of  
19 land in order to enhance the quality of existing state  
20 parks, state preserves, and state recreation areas.

21 The commission shall consider all of the following  
22 factors and may consider additional factors:

23 1. The enhancement of the goals of an ecosystem or  
24 biodiversity management plan for a state park, state  
25 preserve, or state recreation area.

26 2. The proximity or contiguity of the land to a  
27 state park, state preserve, or state recreation area.

28 3. The quality of existing natural communities  
29 existing on the land.

30 4. The presence on the land of threatened or  
31 endangered species.

32 5. The potential for enhancing the natural quality  
33 or recreational potential of land owned or managed for  
34 conservation purposes by other public or nonprofit  
35 entities.

36 6. The risk of losing natural assets through the  
37 sale of the land to a competing interest.

38 7. The preservation or enhancement of unique  
39 irreplaceable archaeological, historical, or cultural  
40 features existing on land owned or managed for such  
41 purposes by other public or nonprofit entities.

42 Sec. 32. GIFT CERTIFICATES FOR SPECIAL PRIVILEGE  
43 FEES ON STATE PARKS AND RECREATION AREAS. The  
44 department of natural resources shall publish and make  
45 available for purchase by the general public gift  
46 certificates entitling the bearer of the certificate  
47 to free camping and other special privileges at state  
48 parks and recreation areas. The department shall  
49 establish prices for the certificates based on amounts  
50 required to be paid in fees for camping and special

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1 privileges pursuant to section 461A.47.

2 Sec. 33. Section 14A.1, Code 1995, is amended to  
3 read as follows:

4 14A.1 DEPUTIES.

5 The secretary, auditor, and treasurer of state; ~~and~~  
6 ~~secretary of agriculture~~ may each appoint, in writing,  
7 any person, except one holding a state office, as  
8 deputy, for whose acts the appointing officer shall be  
9 responsible, and from whom the appointing officer  
10 shall require bond, which appointment and bond must be  
11 approved by the officer having the approval of the  
12 principal's bond, and such appointment may be revoked  
13 in the same manner. The appointment and revocation  
14 shall be filed with and kept by the secretary of  
15 state. The state shall pay the reasonable cost of the  
16 bonds required by this section.

17 Sec. 34. Section 159.14, Code 1995, is amended to

18 read as follows:

19 159.14 BONDS.

20 The secretary shall require every inspector or  
21 employee who collects fees or handles funds belonging  
22 to the state to give an official bond, properly  
23 conditioned and signed by sufficient sureties, in a  
24 sum to be fixed by the secretary, which bond shall be  
25 approved by the secretary and filed in the office of  
26 the secretary of state. ~~This section shall not apply~~  
27 ~~to the deputy secretary of agriculture.~~ The state  
28 shall pay the reasonable cost of the bonds required by  
29 this section.

30 Sec. 35. REPEAL. Chapter 183, Code 1995, is  
31 repealed.

32 Sec. 36. EFFECTIVE DATES. Section 14, subsection  
33 2, and sections 15, 20, and 35 of this Act, being  
34 deemed of immediate importance, take effect upon  
35 enactment."

36 2. Title page, by striking lines 2 and 3 and  
37 inserting the following: "providing for  
38 appropriations, and providing effective dates."

HOUSE AMENDMENT TO  
SENATE FILE 2154

S-5614

1 Amend Senate File 2154, 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 "Sec. \_\_\_\_ . Section 124.212, Code 1995, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 5. Unless specifically excepted  
8 or listed in another schedule, any material, compound,  
9 mixture, or preparation which contains any quantity of  
10 ephedrine, including its salts, optical isomers, or  
11 salts of optical isomers shall be included in schedule  
12 V, but natural herbal ephedra products regulated and  
13 marketed as dietary supplements under the federal  
14 Dietary Supplement Health and Education Act of 1994,  
15 21 U.S.C. § 321, 331, 342, 343, 343-2, 350, and 350b,  
16 and 42 U.S.C. § 281 and 287c-11, shall not be included  
17 in schedule V. This subsection does not apply to any  
18 material, compound, mixture, or preparation which is  
19 specifically exempted or excluded under federal drug  
20 control law or regulation or by rule of the board. At  
21 the request of any person, the board may, pursuant to  
22 657 IAC 10.5, exempt by rule any drug product  
23 containing ephedrine from being included in this

24 subsection."

25 2. Page 1, line 16, by striking the word "and"

26 and inserting the following: "or".

27 3. Page 1, line 25, by striking the word "and"

28 and inserting the following: "or".

29 4. Page 1, line 25, by striking the word

30 "isomers" and inserting the following: "isomers, or

31 analogs of methamphetamine."

32 5. Page 1, line 27, by striking the word "and"

33 and inserting the following: "or".

34 6. Page 1, line 27, by striking the words "of

35 isomers" and inserting the following: "of isomers, or

36 analogs of methamphetamine".

37 7. Page 1, line 32, by striking the word "and"

38 and inserting the following: "or".

39 8. Page 1, line 32, by striking the words "of

40 isomers" and inserting the following: "of isomers, or

41 analogs of methamphetamine."

42 9. Page 1, line 35, by striking the word "and"

43 and inserting the following: "or".

44 10. Page 1, line 35, by striking the words "of

45 isomers" and inserting the following: "of isomers, or

46 analogs of methamphetamine".

47 11. Page 2, line 4, by striking the word "and"

48 and inserting the following: "or".

49 12. Page 2, lines 5 and 6, by striking the words

50 "or pseudoephedrine, its salts, optical isomers, and

## Page 2

1 salts of optical isomers,"

2 13. Page 2, line 7, by striking the words

3 "methamphetamine or" and inserting the following:

4 "methamphetamine,"

5 14. Page 2, line 8, by inserting after the word

6 "analogs," the following: "or any other controlled

7 substance,"

8 15. Page 2, by striking lines 11 through 18 and

9 inserting the following:

10 "NEW SUBSECTION. 2A. It is unlawful for any

11 person to sell, distribute, or make available any

12 product containing ephedrine, its salts, optical

13 isomers, salts of optical isomers, or analogs of

14 ephedrine, or pseudoephedrine, its salts, optical

15 isomers, or salts of optical isomers, if the person

16 knows, or should know, that the product may be used as

17 a precursor to any illegal substance, an intermediary

18 to any controlled substance, or for a purpose other

19 than a legitimate medicinal use. A person who

20 violates this subsection commits a serious

21 misdemeanor.

22 Sec. \_\_\_\_ . Section 124.401A, Code 1995, is amended

23 to read as follows:

24 124.401A ENHANCED PENALTY FOR DISTRIBUTION TO  
25 PERSONS ON CERTAIN REAL PROPERTY.

26 In addition to any other penalties provided in this  
27 chapter, a person who is eighteen years of age or  
28 older who unlawfully distributes or possesses with  
29 intent to distribute a substance or counterfeit  
30 substance listed in schedule I, II, or III, or a  
31 simulated controlled substance represented to be a  
32 controlled substance classified in schedule I, II, or  
33 III, to another person who is eighteen years of age or  
34 older in or on, or within one thousand feet of the  
35 real property comprising a public or private  
36 elementary or secondary school, ~~or in or on the real~~  
37 ~~property comprising a public park, public swimming~~  
38 ~~pool, public recreation center, or on a marked school~~  
39 ~~bus, may, at the judge's discretion, be sentenced up~~  
40 ~~to an additional term of confinement of five years.~~

41 Sec. \_\_\_\_ . Section 124.401B, Code 1995, is amended  
42 to read as follows:

43 124.401B POSSESSION OF CONTROLLED SUBSTANCES ON  
44 CERTAIN REAL PROPERTY -- ADDITIONAL PENALTY.

45 In addition to any other penalties provided in this  
46 chapter or another chapter, a person who unlawfully  
47 possesses a substance listed in schedule I, II, or  
48 III, or a simulated controlled substance represented  
49 to be a controlled substance classified in schedule I,  
50 II, or III, in or on, or within one thousand feet of

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1 the real property comprising a public or private  
2 elementary or secondary school, ~~or in or on the real~~  
3 ~~property comprising a public park, public swimming~~  
4 ~~pool, public recreation center, or on a marked school~~  
5 ~~bus, may be sentenced to one hundred hours of~~  
6 ~~community service work for a public agency or a~~  
7 ~~nonprofit charitable organization. The court shall~~  
8 ~~provide the offender with a written statement of the~~  
9 ~~terms and monitoring provisions of the community~~  
10 ~~service."~~

11 16. Page 2, line 23, by striking the words  
12 "isomers, and" and inserting the following: "isomers,  
13 or".

14 17. Page 2, line 23, by inserting after the words  
15 "of isomers," the following: "or analogs of  
16 methamphetamine."

17 18. Page 2, by inserting after line 25 the

18 following:

19 "Sec. \_\_\_\_ Section 124.212, subsection 5, and  
20 subsection 124.401, subsection 2A, as enacted in this  
21 Act, shall not take effect until January 1, 1997."

22 19. Title page, line 2, by inserting after the  
23 word "methamphetamine" the following: "or ephedrine  
24 and expanding the types of real property within one  
25 thousand feet of which a person who unlawfully  
26 possesses a substance is subject to an increased  
27 penalty".

28 20. By renumbering, relettering, or redesignating  
29 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2147

S-5615

1 Amend Senate File 2147, 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 8D.3, subsection 2, Code  
6 Supplement 1995, is amended to read as follows:

7 2. MEMBERS. The commission is composed of ~~three~~  
8 six members, of which five members are appointed by  
9 the governor and subject to confirmation by the  
10 senate. Members of the commission shall not serve in  
11 any manner or be employed by an authorized user of the  
12 network or by an entity seeking to do or doing  
13 business with the network. One member of the  
14 commission to be appointed by the governor, however,  
15 shall be knowledgeable in the area of  
16 telecommunications technology. The governor shall  
17 appoint a member as the chairperson of the commission  
18 from the ~~three~~ five members appointed by the governor,  
19 subject to confirmation by the senate. Members of the  
20 commission shall serve six-year staggered terms as  
21 designated by the governor and appointments to the  
22 commission are subject to the requirements of sections  
23 69.16, 69.16A, and 69.19. Vacancies shall be filled  
24 by the governor for the duration of the unexpired  
25 term. The salary of the five members of the  
26 commission appointed by the governor shall be twenty  
27 thousand dollars per year, except that the salary of  
28 the chairperson shall be twenty-five thousand dollars  
29 per year. Members of the commission shall also be  
30 reimbursed for all actual and necessary expenses  
31 incurred in the performance of duties as members.  
32 Meetings of the commission shall be held at the call



33 of the chairperson of the commission. In addition to  
34 the ~~five~~ members appointed by the governor, the  
35 auditor of state or the auditor's designee shall serve  
36 as a nonvoting, ~~ex officio~~ member of the commission.  
37 The benefits and salary paid to the members of the  
38 commission shall be adjusted annually equal to the  
39 average of the annual pay adjustments, expense  
40 reimbursements, and related benefits provided under  
41 collective bargaining agreements negotiated pursuant  
42 to chapter 20.

43 Sec. 2. Section 8D.11, subsection 1, Code 1995, is  
44 amended to read as follows:

45 1. The commission may purchase, lease-purchase,  
46 lease, and improve property; and equipment; ~~and~~  
47 ~~services~~ for telecommunications for public and private  
48 agencies and may dispose of property and equipment  
49 when not necessary for its purposes. However, the  
50 commission shall not enter into a contract for the

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1 purchase, lease-purchase, lease, or improvement of  
2 property; ~~or~~ equipment; ~~or~~ ~~services~~ for  
3 telecommunications pursuant to this subsection in an  
4 amount greater than ~~five hundred thousand one million~~  
5 dollars without prior authorization by a  
6 constitutional majority of each house of the general  
7 assembly, or approval by the legislative council if  
8 the general assembly is not in session. The lease-  
9 purchase agreement may contain provisions, including  
10 interest, term, and obligations to make payments on  
11 the lease-purchase agreements, beyond the budget year  
12 in which the lease-purchase agreement is entered. For  
13 the purpose of funding its obligation to furnish  
14 moneys under a lease-purchase agreement entered into  
15 pursuant to this section, the treasurer of state, with  
16 the assistance of the Iowa telecommunications and  
17 technology commission or the treasurer of state's duly  
18 authorized agent or representative, may enter into a  
19 master lease agreement to borrow moneys to be used to  
20 purchase property or equipment for telecommunications  
21 services for public or private agencies. The  
22 obligations may be in such form, for such term,  
23 bearing such interest, and containing such provisions  
24 as the Iowa telecommunications and technology  
25 commission, in consultation with the treasurer of  
26 state, deems necessary or appropriate. The commission  
27 shall not issue any bonding or other long-term  
28 financing arrangements as defined in section 12.30,  
29 subsection 1, paragraph "b".

30 **PARAGRAPH DIVIDED.** The commission also shall not  
31 provide or resell communications services to entities  
32 other than public and private agencies. The public or  
33 private agency shall not provide communication  
34 services of the network to another entity unless  
35 otherwise authorized pursuant to this chapter. The  
36 commission may arrange for joint use of available  
37 services and facilities, and may enter into leases and  
38 agreements with private and public agencies with  
39 respect to the Iowa communications network, and public  
40 agencies are authorized to enter into leases and  
41 agreements with respect to the network for their use  
42 and operation. Rentals and other amounts due under  
43 the agreements or leases entered into pursuant to this  
44 section by a state agency are payable from funds  
45 annually appropriated by the general assembly or from  
46 other funds legally available. Other public agencies  
47 may pay the rental costs and other amounts due under  
48 an agreement or lease from their annual budgeted funds  
49 or other funds legally available or to become  
50 available. This section comprises a complete and

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1 independent authorization and procedure for a public  
2 agency, with the approval of the commission, to enter  
3 into a lease or agreement and related security  
4 enhancement arrangements and this section is not a  
5 qualification of any other powers which a public  
6 agency may possess and the authorizations and powers  
7 granted under this section are not subject to the  
8 terms, requirements, or limitations of any other  
9 provisions of law. All moneys received by the  
10 commission from agreements and leases entered into  
11 pursuant to this section with private and public  
12 agencies shall be deposited in the Iowa communications  
13 network fund.

14 Sec. 3. Section 8D.13, Code Supplement 1995, is  
15 amended by adding the following new subsections:  
16 **NEW SUBSECTION. 12A.** Access to the network shall  
17 not be permitted by an originating site or any  
18 receiving site associated with an interactive video  
19 application of the network unless at least one of the  
20 entities participating in the interactive video  
21 application is an authorized user of the network. For  
22 purposes of this subsection, a public or private  
23 agency authorized to access the network is not deemed  
24 to be an authorized user for purposes of the  
25 interactive video application or use if the public or  
26 private agency only provides its facility for use as

27 the originating site or as a receiving site. Program  
28 content for video traffic is the responsibility of the  
29 requesting authorized user. For purposes of this  
30 subsection, "requesting authorized user" means the  
31 authorized user initiating the network scheduling  
32 request regardless of the specific site from which the  
33 event originates. Scheduling on the network is  
34 limited to authorized users only. Scheduling by a  
35 requesting authorized user constitutes certification  
36 by such user that the traffic is part of the mission  
37 of that authorized user. The commission and its  
38 advisory committees, as defined in this chapter, shall  
39 establish policy statements for each authorized user  
40 group which define authorized uses of the network that  
41 are consistent with the mission of the authorized user  
42 group.

43 NEW SUBSECTION. 17A. Access to the network shall  
44 be offered to the department of public safety and the  
45 department of public defense for the purpose of  
46 establishing and operating a network to be used  
47 exclusively for shared data providing law enforcement,  
48 emergency management, disaster service, emergency  
49 warning, and other emergency information dissemination  
50 services to federal, state, and local law enforcement

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1 agencies as provided in section 80.9, and local  
2 emergency management offices established under the  
3 authority of sections 29C.9 and 29C.10.

4 Sec. 4. NEW SECTION. 8D.20 CIVIL PENALTIES

5 ESTABLISHED BY COMMISSION FOR UNAUTHORIZED USE.

6 1. The commission shall establish, by rule, a  
7 schedule or range of civil penalties which may be  
8 administratively assessed for the unauthorized use of  
9 the network. The schedule shall provide procedures  
10 and criteria for the administrative assessment of  
11 penalties of not more than ten thousand dollars for a  
12 violation of chapter 8D or rules adopted under chapter  
13 8D related to the unauthorized use of the network.  
14 The penalties shall be applicable to both authorized  
15 and unauthorized users. In adopting a schedule or  
16 range of penalties and in proposing or assessing a  
17 penalty, the commission shall consider among other  
18 relevant factors the gravity of the violation and the  
19 degree of culpability of the violator.

20 Penalties may be administratively assessed only  
21 after an opportunity for a contested case hearing  
22 which may be combined with a hearing on the merits of  
23 the alleged violation. Violations not fitting within

24 the schedule, or violations which the commission  
25 determines should be referred to the attorney general  
26 for legal action shall not be governed by the schedule  
27 established under this subsection.

28 2. A penalty shall be paid within thirty days of  
29 the date the order assessing the penalty becomes  
30 final. When a person against whom a civil penalty is  
31 assessed under this section seeks timely judicial  
32 review of an order imposing the penalty as provided  
33 under chapter 17A, the order is not final for the  
34 purposes of this section until all judicial review  
35 processes are completed. Additional judicial review  
36 shall not be sought after the order becomes final. A  
37 person who fails to timely pay a civil penalty  
38 assessed by a final order of the commission shall pay,  
39 in addition, interest at the rate of one and one-half  
40 percent of the unpaid balance of the assessed penalty  
41 for each month or part of a month that the penalty  
42 remains unpaid. The attorney general shall institute,  
43 at the request of the commission, summary proceedings  
44 to recover the penalty and any accrued interest.

45 3. All civil penalties assessed by the commission  
46 and interest on the penalties shall be deposited in  
47 the general fund of the state.

48 4. This section does not require the commission to  
49 pursue an administrative remedy before seeking a  
50 remedy in the courts of this state.

**Page 5**

1 5. The civil penalties established in this section  
2 are in addition to any criminal penalty which may  
3 apply.

4 Sec. 5. Section 68B.35, subsection 2, paragraph e,  
5 Code 1995, is amended to read as follows:

6 e. Members of the banking board, the ethics and  
7 campaign disclosure board, the credit union review  
8 board, the economic development board, the employment  
9 appeal board, the environmental protection commission,  
10 the health facilities council, the Iowa business  
11 investment corporation board of directors, the Iowa  
12 finance authority, the Iowa seed capital corporation,  
13 the Iowa public employees' retirement system  
14 investment board, the lottery board, the natural  
15 resource commission, the board of parole, the  
16 petroleum underground storage tank fund board, the  
17 public employment relations board, the state racing  
18 and gaming commission, the state board of regents, the  
19 tax review board, the transportation commission, the  
20 office of consumer advocate, the utilities board, the

21 Iowa telecommunications and technology commission, and  
22 any full-time members of other boards and commissions  
23 as defined under section 7E.4 who receive an annual  
24 salary for their service on the board or commission.

25 Sec. 6. INTERIM STUDY. The legislative council is  
26 requested to establish an interim study for the  
27 purpose of determining the appropriate uses of the  
28 Iowa communications network. The committee appointed  
29 to complete this study shall consult with the  
30 commission and other appropriate individuals in  
31 conducting this study.

32 Sec. 7. APPOINTMENT OF NEW MEMBERS.

33 1. One new member to be appointed pursuant to  
34 section 8D.3, subsection 2, as amended by this Act  
35 shall be appointed for an initial term of four years.

36 2. One new member to be appointed pursuant to  
37 section 8D.3, subsection 2, as amended by this Act  
38 shall be appointed for an initial term of two years.

39 2. Title page, line 2, by inserting after the  
40 word "commission" the following: ", providing for  
41 matters related to the authority and duties of the  
42 commission, and providing for civil penalties".

S-5616

1 Amend House File 2144, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 4, by striking the word

4 "Notwithstanding" and inserting the following: "1.  
5 Notwithstanding".

6 2. Page 2, by inserting after line 19 the  
7 following:

8 "2. a. A licensed physician assistant providing  
9 necessary medical or surgical care and treatment under  
10 the supervision of a licensed physician may be  
11 required by such physician to reimburse the physician  
12 for the cost of providing the licensed physician  
13 assistant with insurance coverage relating to the  
14 potential liability of the licensed physician  
15 assistant in providing such care and treatment.

16 b. An advanced registered nurse practitioner  
17 providing necessary medical or surgical care and  
18 treatment in association with a licensed physician or  
19 health care facility may be required by such physician  
20 or facility to reimburse the physician or facility for  
21 the cost of providing the advanced registered nurse  
22 practitioner with insurance coverage relating to the

23 potential liability of the advanced registered nurse  
24 practitioner in providing such care and treatment."

JIM LIND

S-5617

1 Amend Senate File 2370 as follows:  
2 1. Page 4, line 9, by striking the word "may" and  
3 inserting the following: "shall".  
4 2. Page 4, line 17, by inserting after the word  
5 "implementation" the following: "and shall not allow  
6 the utility to recover future costs at a level other  
7 than what the board determines to be reasonable and  
8 prudent. If the result of a contested case proceeding  
9 is a judgment against a utility, that utility's future  
10 level of cost recovery shall be reduced by the amount  
11 by which the programs were found to be imprudently  
12 conducted".

MICHAEL E. GRONSTAL

S-5618

1 Amend Senate File 2455 as follows:  
2 1. Page 1, line 7, by striking the words  
3 "providing that" and inserting the following:  
4 "allowing for".  
5 2. Page 1, line 8, by striking the words "be  
6 made".  
7 3. Page 1, line 9, by inserting after the word  
8 "methods." the following: "However, the director  
9 shall not require that such payments be made by those  
10 methods."

MERLIN E. BARTZ

S-5619

1 Amend the amendment, S-5496, to House File 2369, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 21, by striking the words "the  
5 most recent" and inserting the following: "guidelines  
6 adopted by rule by the commissioner. The guidelines  
7 adopted by rule shall be consistent with or may adopt  
8 by reference the".

MICHAEL E. GRONSTAL

S-5620

1 Amend House File 2387, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 38, by inserting after line 4 the  
4 following:

5 "Sec. \_\_\_\_ . Section 335.1, Code 1995, is amended to  
6 read as follows:

7 335.1 WHERE APPLICABLE.

8 1. The provisions of this chapter shall be  
9 applicable to any county of the state at the option of  
10 the board of supervisors of any such county or upon  
11 the filing of a petition as provided in subsection 2.  
12 2. The eligible electors of the unincorporated  
13 area of a county may petition for a referendum on the  
14 question of whether the board of supervisors shall  
15 adopt regulations pursuant to this chapter. The  
16 petition shall meet the requirements of section  
17 331.306, except that the number of eligible electors  
18 required shall be an amount equal to at least ten  
19 percent of the votes cast in the unincorporated area  
20 of the county for the office of president of the  
21 United States or governor at the preceding general  
22 election. If the question of whether to adopt  
23 regulations pursuant to this chapter is approved by at  
24 least a majority of those voting in the unincorporated  
25 area of the county on the question at the general  
26 election, or at a special election held for this  
27 purpose, the board shall commence preparation of  
28 regulations under this chapter."

29 2. By renumbering as necessary.

DON E. GETTINGS

S-5621

1 Amend the amendment, S-5554, to House File 2383, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 5, by striking the word "fifty"  
5 and inserting the following: "twenty-five".

6 2. Page 1, line 28, by striking the word "fifty"  
7 and inserting the following: "twenty-five".

BILL FINK

HOUSE AMENDMENT TO  
SENATE FILE 2448

S-5622

1 Amend Senate File 2448, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. DEPARTMENT 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, 1996, and ending June 30, 1997, the following  
 9 amount, or so much thereof as is necessary, to be used  
 10 for the purpose designated:

11 For salaries, support, maintenance, miscellaneous  
 12 purposes, and for not more than the following full-  
 13 time equivalent positions:  
 14 ..... \$ 1,458,496  
 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, 1996, and ending June 30, 1997, the  
 20 following amount, or so much thereof as is necessary,  
 21 to be used for the purpose designated:

22 For salaries, support, maintenance, miscellaneous  
 23 purposes, and for not more than the following full-  
 24 time equivalent positions:  
 25 ..... \$ 1,128,354  
 26 ..... FTEs 36.00

27 If the anticipated amount of federal funding from  
 28 the federal equal employment opportunity commission  
 29 and the federal department of housing and urban  
 30 development exceeds \$467,900 during the fiscal year  
 31 beginning July 1, 1996, and ending June 30, 1997, the  
 32 Iowa state civil rights commission may exceed the  
 33 staffing level authorized by this section as necessary  
 34 to hire additional staff to process or to support the  
 35 processing of employment and housing complaints.

36 A first-time violation detected during or as a  
 37 result of random testing to detect civil rights  
 38 violations shall not result in adjudication or the  
 39 assessment of a fine. The intent of civil rights  
 40 testing shall be strictly educational. If this  
 41 provision is determined to be illegal or  
 42 unconstitutional by a court of law, or if the  
 43 provision would in any way jeopardize a federal  
 44 department of housing and urban development grant to  
 45 the commission, the provision shall not apply.



46 The questionnaire which the Iowa state civil rights  
47 commission requires an employer to complete during the  
48 course of an investigation, after a complaint against  
49 the employer has been filed, shall be revised and  
50 shortened.

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1 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
2 appropriated from the general fund of the state to the  
3 department of elder affairs for the fiscal year  
4 beginning July 1, 1996, and ending June 30, 1997, the  
5 following amounts, or so much thereof as is necessary,  
6 to be used for the purposes designated:

- 7 1. For salaries, support, maintenance,
- 8 miscellaneous purposes, and for not more than the
- 9 following full-time equivalent positions:
- 10 ..... \$ 445,650
- 11 ..... FTEs 28.00
- 12 2. For aging programs and services:
- 13 ..... \$ 3,040,586

14 All funds appropriated in this subsection shall be  
15 received and disbursed by the director of elder  
16 affairs for aging programs and services, shall not be  
17 used by the department for administrative purposes,  
18 not more than \$151,654 shall be used for area agencies  
19 on aging administrative purposes, and shall be used  
20 for citizens of Iowa over 60 years of age for case  
21 management for the frail elderly, mental health  
22 outreach, Alzheimer's support, retired senior  
23 volunteer program; care review committee coordination,  
24 employment, adult day care, respite care, chore  
25 services, telephone reassurance, information and  
26 assistance, and home repair services, including the  
27 winterizing of homes, and for the construction of  
28 entrance ramps which make residences accessible to the  
29 physically handicapped. Funds appropriated in this  
30 subsection may be used to supplement federal funds  
31 under federal regulations. To receive funds  
32 appropriated in this subsection, a local area agency  
33 on aging shall match the funds with funds from other  
34 sources in accordance with rules adopted by the  
35 department. Funds appropriated in this subsection may  
36 be used for elderly services not specifically  
37 enumerated in this subsection only if approved by an  
38 area agency on aging for provision of the service  
39 within the area.  
40 The department shall maintain policies and  
41 procedures regarding Alzheimer's support and the  
42 retired senior volunteer program.

43 Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE.

44 There is appropriated from the general fund of the  
45 state to the governor's alliance on substance abuse  
46 for the fiscal year beginning July 1, 1996, and ending  
47 June 30, 1997, the following amounts, or so much  
48 thereof as is necessary, to be used for the purposes  
49 designated:

50 1. For salaries, support, maintenance,

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1	miscellaneous purposes, and for not more than the		
2	following full-time equivalent positions:		
3	.....	\$	300,778
4	.....	FTEs	10.00

5	2. For the Iowa substance abuse clearinghouse in		
6	Cedar Rapids for staff, materials, and operating		
7	expenses:		
8	.....	\$	32,510

9 Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is

10 appropriated from the general fund of the state to the  
11 Iowa department of public health for the fiscal year  
12 beginning July 1, 1996, and ending June 30, 1997, the  
13 following amounts, or so much thereof as is necessary,  
14 to be used for the purposes designated:

15 1. a. PLANNING AND ADMINISTRATION DIVISION

16 For salaries, support, maintenance, miscellaneous  
17 purposes, and for not more than the following full-  
18 time equivalent positions:

19	.....	\$	2,171,724
20	.....	FTEs	61.15

21 (1) Of the funds appropriated in this lettered  
22 paragraph, \$738,182 shall be used for the chronic  
23 renal disease program. The types of assistance  
24 available to eligible recipients under the program may  
25 include insurance premiums, travel reimbursement, and  
26 prescription and nonprescription drugs. The program  
27 expenditures shall not exceed this allocation. If  
28 projected expenditures would exceed the allocation,  
29 the department shall establish by administrative rule  
30 a mechanism to reduce financial assistance under the  
31 renal disease program in order to keep expenditures  
32 within the amount allocated in this paragraph.

33 (2) Hospitals shall not collect fees for birth  
34 certificates in excess of the fees as set out in the  
35 administrative rules of the Iowa department of public  
36 health.

37 (3) Of the funds appropriated in this lettered  
38 paragraph, \$117,027 shall be used to provide  
39 regulatory oversight of accountable health plans.

40 (4) Of the funds appropriated in this lettered  
 41 paragraph, \$46,658 shall be used for the purchase,  
 42 verification, updating, and storage of health data  
 43 information.  
 44 The department shall compile, correlate, and  
 45 disseminate data from health care providers, the state  
 46 medical assistance program, third-party payors,  
 47 associations, and other appropriate sources in  
 48 furtherance of the purpose and intent of this  
 49 appropriation.  
 50 The department shall request and receive

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1 information from other state agencies similar to that  
 2 required of third-party payors for the purpose of  
 3 dissemination of health data. The department may  
 4 enter into agreements for studies on health-related  
 5 questions and provide or make data available to health  
 6 care providers, health care subscribers, third-party  
 7 payors and the general public. The department may  
 8 purchase data for the purpose of dissemination of  
 9 health data information. The department shall assure  
 10 the confidentiality of the data collected from other  
 11 state agencies, hospitals, and third-party payors  
 12 under chapter 22. The compilation of data information  
 13 prepared for release or dissemination from the data  
 14 collected shall be a public record. The department  
 15 shall adopt administrative rules to address a  
 16 contracting process, define confidential information,  
 17 set fees to be charged for data, and prescribe the  
 18 forms upon which the information is to be made  
 19 available.

b. PROFESSIONAL LICENSURE

21 For salaries, support, maintenance, miscellaneous  
 22 purposes, and for not more than the following full-  
 23 time equivalent positions:

24	.....	\$	986,242
25	.....	FTEs	12.00

26 The director of public health, when estimating  
 27 expenditure requirements for the boards funded under  
 28 this paragraph, shall base the budget on 85 percent of  
 29 the average annual fees generated for the previous two  
 30 fiscal years. The department shall confer with the  
 31 boards funded under this paragraph in estimating the  
 32 boards' annual fee generation and administrative  
 33 costs. When the department develops each board's  
 34 annual budget, a board's budget shall not exceed 85  
 35 percent of fees collected, based on the average of the  
 36 previous two fiscal years. The department may expend

37 funds in addition to amounts budgeted, if those  
 38 additional expenditures are directly the result of  
 39 unanticipated litigation costs arising from the  
 40 discharge of the board's regulatory duties. Before  
 41 the department expends or encumbers an amount in  
 42 excess of the funds budgeted for a board, the director  
 43 of the department of management shall approve the  
 44 expenditure or encumbrance. The amounts necessary to  
 45 fund the unanticipated litigation in the fiscal year  
 46 beginning July 1, 1996, shall not exceed 5 percent of  
 47 the average annual fees generated by the board for the  
 48 previous two fiscal years.

49 c. EMERGENCY MEDICAL SERVICES

50 For salaries, support, maintenance, and emergency

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1 medical services training of emergency medical  
 2 services (EMS) personnel at the state, county, and  
 3 local levels and for not more than the following full-  
 4 time equivalent positions:

5 .....	\$	1,010,416
6 .....	FTEs	12.00

7 If a person in the course of responding to an  
 8 emergency renders aid to an injured person and becomes  
 9 exposed to bodily fluids of the injured person, that  
 10 emergency responder shall be entitled to hepatitis  
 11 testing and immunization in accordance with the latest  
 12 available medical technology to determine if infection  
 13 with hepatitis has occurred. The person shall be  
 14 entitled to reimbursement from the EMS funds available  
 15 under this lettered paragraph only if the  
 16 reimbursement is not available through any employer or  
 17 third-party payor.

18 2. HEALTH PROTECTION DIVISION

19 a. For salaries, support, maintenance,  
 20 miscellaneous purposes, and for not more than the  
 21 following full-time equivalent positions:

22 .....	\$	2,141,836
23 .....	FTEs	76.00

24 b. Of the funds appropriated in this subsection,  
 25 \$75,000 shall be used for chlamydia testing.

26 c. Of the funds appropriated in this subsection,  
 27 \$39,547 shall be used for the lead abatement program.

28 d. The state university of Iowa hospitals and  
 29 clinics shall not receive indirect costs from the  
 30 funds appropriated in this subsection.

31 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

32 a. For salaries, support, maintenance,  
 33 miscellaneous purposes, and for not more than the

34 following full-time equivalent positions:  
 35 ..... \$ 625,907  
 36 ..... FTEs 47.35

37 (1) The division shall continue to coordinate with  
 38 substance abuse treatment and prevention providers  
 39 regardless of funding source to assure the delivery of  
 40 substance abuse treatment and prevention programs.

41 (2) The commission on substance abuse, in  
 42 conjunction with the division, shall continue to  
 43 coordinate the delivery of substance abuse services  
 44 involving prevention, social and medical  
 45 detoxification, and other treatment by medical and  
 46 nonmedical providers to uninsured and court-ordered  
 47 substance abuse patients in all counties of the state.

48 b. Of the funds appropriated in this subsection,  
 49 \$15,000 is allocated to support the surveillance and  
 50 reporting of disabilities suffered by persons engaged

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1 in agriculture resulting from diseases or injuries,  
 2 including identifying the amount and severity of  
 3 agriculture-related injuries and diseases in the  
 4 state, identifying causal factors associated with  
 5 agriculture-related injuries and diseases, and  
 6 evaluating the effectiveness of intervention programs  
 7 designed to reduce injuries and diseases. The  
 8 department shall cooperate with the department of  
 9 agriculture and land stewardship, Iowa state  
 10 university of science and technology, and the college  
 11 of medicine at the state university of Iowa in  
 12 accomplishing these duties.

13 c. For program grants:  
 14 ..... \$ 8,296,812

15 (1) Of the funds appropriated in this lettered  
 16 paragraph, \$193,500 shall be used for the provision of  
 17 aftercare services for persons completing substance  
 18 abuse treatment.

19 (2) Of the funds appropriated in this lettered  
 20 paragraph, a minimum of \$950,000 shall be used by the  
 21 Iowa department of public health to continue the  
 22 integrated substance abuse managed care system.

23 4. FAMILY AND COMMUNITY HEALTH DIVISION

24 a. For salaries, support, maintenance,  
 25 miscellaneous purposes, and for not more than the  
 26 following full-time equivalent positions:  
 27 ..... \$ 3,375,144  
 28 ..... FTEs 71.00

29 (1) Of the funds appropriated in this lettered  
 30 paragraph, at least \$587,865 shall be allocated by the

31 division for the birth defects and genetics counseling  
 32 program and of these funds, \$279,402 is allocated for  
 33 regional genetic counseling services contracted from  
 34 the state university of Iowa hospitals and clinics  
 35 under the control of the state board of regents.

36 (2) Of the funds appropriated in this lettered  
 37 paragraph, the following amounts are allocated to the  
 38 state university of Iowa hospitals and clinics under  
 39 the control of the state board of regents for the  
 40 following programs under the Iowa specialized child  
 41 health care services:

42 (a) Mobile and regional child health specialty  
 43 clinics:

44 ..... \$ 392,931

45 The regional clinic located in Sioux City shall  
 46 maintain a social worker component to assist the  
 47 families of children participating in the clinic  
 48 program.

49 Of the funds allocated in this subparagraph,  
 50 \$97,937 shall be used for a specialized medical home

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1 care program providing care planning and coordination  
 2 of community support services for children who require  
 3 technical medical care in the home.

4 (b) Muscular dystrophy and related genetic disease  
 5 programs:

6 ..... \$ 115,613

7 (c) Statewide perinatal program:

8 ..... \$ 61,693

9 (3) The birth defects and genetic counseling  
 10 service shall apply a sliding fee scale to determine  
 11 the amount a person receiving the services is required  
 12 to pay for the services. These fees shall be  
 13 considered repayment receipts and used for the  
 14 program.

15 (4) The state university of Iowa hospitals and  
 16 clinics shall not receive indirect costs from the  
 17 funds allocated in this lettered paragraph.

18 (5) Of the funds appropriated in this lettered  
 19 paragraph, \$1,001,209 shall be used for maternal and  
 20 child health services.

21 (6) If during the 1996-1997 fiscal year, the  
 22 federal government incorporates the special  
 23 supplemental nutrition program for women, infants, and  
 24 children into a block grant, the department of human  
 25 services, Iowa department of public health, or any  
 26 other state agency which administers the block grant  
 27 shall require a competitive bid process for infant

28 formula purchased by or for families under the block  
29 grant.

30 (7) The Iowa department of public health shall  
31 administer the statewide maternal and child health  
32 program, conduct mobile and regional child health  
33 specialty clinics, and conduct other activities to  
34 improve the health of low-income women and children  
35 and to promote the welfare of children with actual or  
36 potential handicapping conditions and chronic  
37 illnesses in accordance with the requirements of Title  
38 V of the federal Social Security Act.

39 (8) The department shall continue efforts to  
40 realize the "Healthy Iowans 2000" goal of promoting  
41 prevention and health promotion to improve the quality  
42 of life of Iowans and to hold down health care costs  
43 and shall submit an annual "Healthy Iowans 2000"  
44 progress report to the general assembly on January 1  
45 of each fiscal year.

46 (9) Of the funds appropriated in this lettered  
47 paragraph, \$165,391 is allocated for the office of  
48 rural health to provide technical assistance to rural  
49 areas in the area of health care delivery.

50 (10) Of the funds appropriated in this lettered

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1 paragraph, \$182,028 shall be used to develop,  
2 implement, and maintain rural health provider  
3 recruitment and retention efforts.

4 b. Sudden infant death syndrome autopsies:  
5 For reimbursing counties for expenses resulting  
6 from autopsies of suspected victims of sudden infant  
7 death syndrome required under section 331.802,  
8 subsection 3, paragraph "j":

9 ..... \$ 9,562

10 c. For grants to local boards of health for the  
11 public health nursing program:

12 ..... \$ 2,482,525

13 (1) Funds appropriated in this lettered paragraph  
14 shall be used to maintain and expand the existing  
15 public health nursing program for elderly and low-  
16 income persons with the objective of preventing or  
17 reducing inappropriate institutionalization. The  
18 funds shall not be used for any other purpose. As  
19 used in this lettered paragraph, "elderly person"  
20 means a person who is 60 years of age or older and  
21 "low-income person" means a person whose income and  
22 resources are below the guidelines established by the  
23 department.

24 (2) One-fourth of the total amount to be allocated

25 shall be divided so that an equal amount is available  
26 for use in each county in the state. Three-fourths of  
27 the total amount to be allocated shall be divided so  
28 that the share available for use in each county is  
29 proportionate to the number of elderly and low-income  
30 persons living in that county in relation to the total  
31 number of elderly and low-income persons living in the  
32 state.

33 (3) In order to receive allocations under this  
34 lettered paragraph, the local board of health having  
35 jurisdiction shall prepare a proposal for the use of  
36 the allocated funds available for that jurisdiction  
37 that will provide the maximum benefits of expanded  
38 public health nursing care to elderly and low-income  
39 persons in the jurisdiction. After approval of the  
40 proposal by the department, the department shall enter  
41 into a contract with the local board of health. The  
42 local board of health shall subcontract with a  
43 nonprofit nurses' association, an independent  
44 nonprofit agency, or a suitable local governmental  
45 body to use the allocated funds to provide public  
46 health nursing care. Local boards of health shall  
47 make an effort to prevent duplication of services.

48 (4) If by July 30 of the fiscal year, the  
49 department is unable to conclude contracts for use of  
50 the allocated funds in a county, the department shall

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1 consider the unused funds appropriated under this  
2 lettered paragraph an unallocated pool. If the  
3 unallocated pool is \$50,000 or more it shall be  
4 reallocated to the counties in substantially the same  
5 manner as the original allocations. The reallocated  
6 funds are available for use in those counties during  
7 the period beginning January 1 and ending June 30 of  
8 the fiscal year. If the unallocated pool is less than  
9 \$50,000, the department may allocate the pool to  
10 counties with demonstrated special needs for public  
11 health nursing.

12 (5) The department shall maintain rules governing  
13 the expenditure of funds appropriated in this lettered  
14 paragraph. The rules shall require each local agency  
15 receiving funds to establish and use a sliding fee  
16 scale for those persons able to pay for all or a  
17 portion of the cost of the care.

18 (6) The department shall annually evaluate the  
19 success of the public health nursing program. The  
20 evaluation shall include the extent to which the  
21 program reduced or prevented inappropriate



22 institutionalization, the extent to which the program  
23 increased the availability of public health nursing  
24 care to elderly and low-income persons, and the extent  
25 of public health nursing care provided to elderly and  
26 low-income persons. The department shall submit a  
27 report of each annual evaluation to the governor and  
28 the general assembly.

29 d. For grants to county boards of supervisors for  
30 the home care aide program:

31 ..... \$ 8,486,400

32 Funds appropriated in this lettered paragraph shall  
33 be used to provide home care aide services with  
34 emphasis on services to elderly and persons below the  
35 poverty level and children and adults in need of  
36 protective services with the objective of preventing  
37 or reducing inappropriate institutionalization. In  
38 addition, up to 15 percent of the funds appropriated  
39 in this lettered paragraph may be used to provide  
40 chore services. The funds shall not be used for any  
41 other purposes. In providing services to elderly  
42 persons, the service provider shall coordinate efforts  
43 with the integrated case management for the frail  
44 elderly program of the department of elder affairs.  
45 As used in this lettered paragraph:

46 (1) "Chore services" means services provided to  
47 individuals or families, who, due to incapacity, or  
48 illness, are unable to perform certain home  
49 maintenance functions. The services include but are  
50 not limited to yard work such as mowing lawns, raking

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1 leaves, and shoveling walks; window and door  
2 maintenance such as hanging screen windows and doors,  
3 replacing windowpanes, and washing windows; and minor  
4 repairs to walls, floors, stairs, railings, and  
5 handles. It also includes heavy house cleaning which  
6 includes cleaning attics or basements to remove fire  
7 hazards, moving heavy furniture, extensive wall  
8 washing, floor care or painting, and trash removal.

9 (2) "Elderly person" means a person who is 60  
10 years of age or older.

11 (3) "Home care aide services" means services  
12 intended to enhance the capacity of household members  
13 to attain or maintain the independence of the  
14 household members and provided by trained and  
15 supervised workers to individuals or families, who,  
16 due to the absence, incapacity, or limitations of the  
17 usual homemaker, are experiencing stress or crisis.  
18 The services include but are not limited to essential

19 shopping, housekeeping, meal preparation, child care,  
20 respite care, money management and consumer education,  
21 family management, personal services, transportation,  
22 and providing information, assistance, and household  
23 management.

24 (4) "Low-income person" means a person whose  
25 income and resources are below the guidelines  
26 established by the department.

27 (5) "Protective services" means those home care  
28 aide services intended to stabilize a child's or an  
29 adult's residential environment and relationships with  
30 relatives, caretakers, and other persons or household  
31 members in order to alleviate a situation involving  
32 abuse or neglect or to otherwise protect the child or  
33 adult from a threat of abuse or neglect.

34 The amount appropriated in this lettered paragraph  
35 shall be allocated for use in the counties of the  
36 state. Fifteen percent of the amount shall be divided  
37 so that an equal amount is available for use in each  
38 county in the state. The following percentages of the  
39 remaining amount shall be allocated to each county  
40 according to that county's proportion of residents  
41 with the following demographic characteristics: 60  
42 percent according to the number of elderly persons  
43 living in the county, 20 percent according to the  
44 number of persons below the poverty level living in  
45 the county, and 20 percent according to the number of  
46 substantiated cases of child abuse in the county  
47 during the three most recent fiscal years for which  
48 data is available.

49 In order to receive allocations in this lettered  
50 paragraph, the county board of supervisors, after

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1 consultation with the local boards of health, human  
2 services county cluster boards, area agency on aging  
3 advisory council, local office of the department of  
4 human services, and other in-home health care provider  
5 agencies in the jurisdiction, shall prepare a proposal  
6 for the use of the allocated funds available for that  
7 jurisdiction that will provide the maximum benefits of  
8 home care aide services to elderly and low-income  
9 persons and children and adults in need of protective  
10 services in the jurisdiction. An agency requesting  
11 service or financial information about a current  
12 subcontractor shall provide similar information  
13 concerning its own home care aide or chore services  
14 program to the current subcontractor. The proposal  
15 may provide that a maximum of 15 percent of the

16 allocated funds will be used to provide chore  
17 services. The proposal shall include a statement  
18 assuring that children and adults in need of  
19 protective services are given priority for home care  
20 aide services and that the appropriate local agencies  
21 have participated in the planning for the proposal.  
22 After approval of the proposal by the department, the  
23 department shall enter into a contract with the county  
24 board of supervisors or a governmental body designated  
25 by the county board of supervisors. The county board  
26 of supervisors or its designee shall subcontract with  
27 a nonprofit nurses' association, an independent  
28 nonprofit agency, the department of human services, or  
29 a suitable local governmental body to use the  
30 allocated funds to provide home care aide services and  
31 chore services providing that the subcontract requires  
32 any service provided away from the home to be  
33 documented in a report available for review by the  
34 department, and that each home care aide  
35 subcontracting agency shall maintain the direct  
36 service workers' time assigned to direct client  
37 service at 70 percent or more of the workers' paid  
38 time and that not more than 35 percent of the total  
39 cost of the service be included in the combined costs  
40 for service administration and agency administration.  
41 The subcontract shall require that each home care aide  
42 subcontracting agency shall pay the employer's  
43 contribution of social security and provide workers'  
44 compensation coverage for persons providing direct  
45 home care aide service and meet any other applicable  
46 legal requirements of an employer-employee  
47 relationship.  
48 If by July 30 of the fiscal year, the department is  
49 unable to conclude contracts for use of the allocated  
50 funds in a county, the department shall consider the

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1 unused funds appropriated in this lettered paragraph  
2 an unallocated pool. The department shall also  
3 identify any allocated funds which the counties do not  
4 anticipate spending during the fiscal year. If the  
5 amount of anticipated excess funds to any county is  
6 substantial, the department and the county may agree  
7 to return those excess funds, if the funds are other  
8 than program revenues, to the department, and if  
9 returned, the department shall consider the returned  
10 funds a part of the unallocated pool. The department  
11 shall, prior to February 15 of the fiscal year,  
12 reallocate the funds in the unallocated pool among the

13 counties in which the department has concluded  
 14 contracts under this lettered paragraph. The  
 15 department shall also review the first 10 months'  
 16 expenditures for each county in May of the fiscal  
 17 year, to determine if any counties possess contracted  
 18 funds which they do not anticipate spending. If such  
 19 funds are identified and the county agrees to release  
 20 the funds, the released funds will be considered a new  
 21 reallocation pool. The department may, prior to June  
 22 1 of the fiscal year, reallocate funds from this new  
 23 reallocation pool to those counties which have  
 24 experienced a high utilization of protective service  
 25 hours for children and dependent adults.

26 The department shall maintain rules governing the  
 27 expenditure of funds appropriated in this lettered  
 28 paragraph. The rules shall require each local agency  
 29 receiving funds to establish and use a sliding fee  
 30 scale for those persons able to pay for all or a  
 31 portion of the cost of the services and shall require  
 32 the payments to be applied to the cost of the  
 33 services. The department shall also maintain rules  
 34 for standards regarding training, supervision,  
 35 recordkeeping, appeals, program evaluation, cost  
 36 analysis, and financial audits, and rules specifying  
 37 reporting requirements.

38 The department shall annually evaluate the success  
 39 of the home care aide program. The evaluation shall  
 40 include a description of the program and its  
 41 implementation, the extent of local participation, the  
 42 extent to which the program reduced or prevented  
 43 inappropriate institutionalization, the extent to  
 44 which the program provided or increased the  
 45 availability of home care aide services to elderly and  
 46 low-income persons and children and adults in need of  
 47 protective services, any problems and recommendations  
 48 concerning the program, and an analysis of the costs  
 49 of services across the state. The department shall  
 50 submit a report of the annual evaluation to the

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1 governor and the general assembly.

2 e. For the development and maintenance of well-  
3 elderly clinics in the state:

4 ..... \$ 578,499

5 The appropriation in this lettered paragraph shall  
 6 be distributed by a formula to well-elderly clinics  
 7 located in counties which provide funding on a  
 8 matching basis for the well-elderly clinics.

9 f. For the physician care for children program:

10 ..... \$ 406,383

11 The physician services shall be subject to managed  
12 care and selective contracting provisions and shall be  
13 used to provide for the medical treatment of children  
14 and shall include coverage of diagnostic procedures,  
15 prescription drugs, and physician-ordered treatments  
16 necessary to treat an acute condition. Services  
17 provided under this lettered paragraph shall be  
18 reimbursed according to medical assistance  
19 reimbursement rates.

20 g. For primary and preventive health care for  
21 children:

22 ..... \$ 74,124

23 Funds appropriated in this lettered paragraph shall  
24 be for the public purpose of providing a renewable  
25 grant, following a request for proposals, to a  
26 statewide charitable organization within the meaning  
27 of section 501(c)(3) of the Internal Revenue Code  
28 which was organized prior to April 1, 1989, and has as  
29 one of its purposes the sponsorship or support for  
30 programs designed to improve the quality, awareness,  
31 and availability of health care for the young, to  
32 serve as the funding mechanism for the provision of  
33 primary health care and preventive services to  
34 children in the state who are uninsured and who are  
35 not eligible under any public plan of health  
36 insurance, provided all of the following conditions  
37 are met:

38 (1) The organization shall provide a match of \$4  
39 in advance of each state dollar provided.

40 (2) The organization coordinates services with new  
41 or existing public programs and services provided by  
42 or funded by appropriate state agencies in an effort  
43 to avoid inappropriate duplication of services and  
44 ensure access to care to the extent as is reasonably  
45 possible. The organization shall work with the Iowa  
46 department of public health, family and community  
47 health division, to ensure duplication is minimized.

48 (3) The organization's governing board includes in  
49 its membership representatives from the executive and  
50 legislative branches of state government.

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1 (4) Grant funds are available as needed to provide  
2 services and shall not be used for administrative  
3 costs of the department or the grantee.

4 h. For the Iowa healthy family program under  
5 section 135.106:

6 ..... \$ 652,558

7 The moneys appropriated in this lettered paragraph  
8 shall be granted pursuant to 1992 Iowa Acts, Second  
9 Extraordinary Session, chapter 1001, section 415,  
10 except that the grants shall be extended through  
11 September 30, 1997. Notwithstanding the provisions of  
12 1992 Iowa Acts, Second Extraordinary Session, chapter  
13 1001, section 416, the use of mid-level practitioners  
14 to improve access to prenatal care shall include  
15 obstetrical-gynecological nurse practitioners and  
16 family nurse practitioners focusing on maternal and  
17 child health. The department is encouraged to expand  
18 funding eligibility under the program to private  
19 physician and clinic-sponsored programs servicing low-  
20 income populations. The administrative entities of  
21 the Iowa healthy family program shall work  
22 collaboratively to assure continuity of the provision  
23 of services from the prenatal to the preschool period  
24 to an individual client by having a single resource  
25 mother work with that client. The department shall  
26 submit an annual report to the general assembly  
27 concerning the efficiency of the healthy family  
28 program and make any recommendations for improvements.  
29 Any funds contracted to agencies under this paragraph  
30 which are projected to be unused at the close of the  
31 fiscal year shall be allowed to be reallocated within  
32 the healthy family program by April 1, 1997.  
33 The Iowa department of public health and the  
34 department of human services shall determine if  
35 expenses under any portion of the healthy family  
36 program would qualify for payment under the medical  
37 assistance program and if so, shall apply to the  
38 federal government for a medical assistance waiver.  
39 The Iowa department of public health and the  
40 department of human services shall evaluate the  
41 funding change's potential impact upon clients of the  
42 healthy family program.  
43 Of the funds appropriated in this lettered  
44 paragraph, a minimum of \$335,000 shall be used for the  
45 healthy opportunities for parents to experience  
46 success program. If funds are appropriated by the  
47 Seventy-sixth General Assembly, 1996 Session, in  
48 excess of \$335,000, the excess funds shall be used by  
49 the department to expand the program to counties of  
50 greatest need.

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1 i. For primary care provider recruitment and  
2 retention endeavors:

3 ..... \$

4 5. STATE BOARD OF DENTAL EXAMINERS  
 5 For salaries, support, maintenance, miscellaneous  
 6 purposes, and for not more than the following full-  
 7 time equivalent positions:  
 8 ..... \$ 306,149  
 9 ..... FTEs 4.00

10 6. STATE BOARD OF MEDICAL EXAMINERS  
 11 For salaries, support, maintenance, miscellaneous  
 12 purposes, and for not more than the following full-  
 13 time equivalent positions:  
 14 ..... \$ 1,024,051  
 15 ..... FTEs 18.00

16 7. STATE BOARD OF NURSING EXAMINERS  
 17 For salaries, support, maintenance, miscellaneous  
 18 purposes, and for not more than the following full-  
 19 time equivalent positions:  
 20 ..... \$ 969,938  
 21 ..... FTEs 18.00

22 8. STATE BOARD OF PHARMACY EXAMINERS  
 23 For salaries, support, maintenance, miscellaneous  
 24 purposes, and for not more than the following full-  
 25 time equivalent positions:  
 26 ..... \$ 672,192  
 27 ..... FTEs 11.00

28 9. The state board of medical examiners, the state  
 29 board of pharmacy examiners, the state board of dental  
 30 examiners, and the state board of nursing examiners  
 31 shall prepare estimates of projected receipts to be  
 32 generated by the licensing, certification, and  
 33 examination fees of each board as well as a projection  
 34 of the fairly apportioned administrative costs and  
 35 rental expenses attributable to each board. Each  
 36 board shall annually review and adjust its schedule of  
 37 fees so that, as nearly as possible, projected  
 38 receipts equal projected costs.

39 10. The state board of medical examiners, the  
 40 state board of pharmacy examiners, the state board of  
 41 dental examiners, and the state board of nursing  
 42 examiners shall retain their individual executive  
 43 officers, but are strongly encouraged to share  
 44 administrative, clerical, and investigative staffs to  
 45 the greatest extent possible.

46 11. A local health care provider or nonprofit  
 47 health care organization seeking grant moneys  
 48 administered by the Iowa department of public health  
 49 shall provide documentation that the provider or  
 50 organization has coordinated its services with other

1 local entities providing similar services.  
 2 12. Consolidation of state funding sources for  
 3 public health nursing, home care aid, and the senior  
 4 health program into a single contract for each county,  
 5 as agreed upon by the county board of supervisors and  
 6 any boards of health within the county, shall be  
 7 available for implementation beginning July 1, 1996.  
 8 It is the department's goal to add federal funding for  
 9 health promotion as federal funds become available.  
 10 The department shall submit a report to the general  
 11 assembly on or before January 2, 1997, which shall  
 12 include an evaluation of the first year of the  
 13 voluntary demonstration project and a plan to expand  
 14 statewide a single source contract for each county  
 15 beginning July 1, 1997. The department may include  
 16 other state and federal funding sources with the  
 17 understanding that local, city, or county funds not be  
 18 supplanted.

19 Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is  
 20 appropriated from the general fund of the state to the  
 21 department of human rights for the fiscal year  
 22 beginning July 1, 1996, and ending June 30, 1997, the  
 23 following amounts, or so much thereof as is necessary,  
 24 to be used for the purposes designated:

25 1. CENTRAL ADMINISTRATION DIVISION

26 For salaries, support, maintenance, miscellaneous  
 27 purposes, and for not more than the following full-  
 28 time equivalent positions:

29 .....	\$	184,343
30 .....	FTEs	6.60

31 2. COMMUNITY ACTION AGENCIES DIVISION

32 For the expenses of the community action agencies  
 33 commission:

34 .....	\$	3,327
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35 3. DEAF SERVICES DIVISION

36 For salaries, support, maintenance, miscellaneous  
 37 purposes, and for not more than the following full-  
 38 time equivalent positions:

39 .....	\$	253,174
40 .....	FTEs	7.00

41 The fees collected by the division for provision of  
 42 interpretation services by the division to obligated  
 43 agencies shall be disbursed pursuant to the provisions  
 44 of section 8.32, and shall be dedicated and used by  
 45 the division for continued and expanded interpretation  
 46 services.

47 The department shall conduct a study to evaluate  
 48 the access to and quality of interpretative services



49 provided for persons who are deaf or hard-of-hearing.  
 50 The study shall include input from persons who are

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1 deaf or hard-of-hearing. A report of the department's  
 2 findings shall be submitted to the general assembly by  
 3 January 15, 1997.

4 4. PERSONS WITH DISABILITIES DIVISION

5 For salaries, support, maintenance, miscellaneous  
 6 purposes, and for not more than the following full-  
 7 time equivalent positions:

8 ..... \$ 96,623  
 9 ..... FTEs 2.00

10 5. LATINO AFFAIRS DIVISION

11 For salaries, support, maintenance, miscellaneous  
 12 purposes, and for not more than the following full-  
 13 time equivalent positions:

14 ..... \$ 140,778  
 15 ..... FTEs 3.00

16 6. STATUS OF WOMEN DIVISION

17 For salaries, support, maintenance, miscellaneous  
 18 purposes, and for not more than the following full-  
 19 time equivalent positions:

20 ..... \$ 320,095  
 21 ..... FTEs 3.00

22 a. Of the funds appropriated in this subsection,  
 23 at least \$125,775 shall be spent for the displaced  
 24 homemaker program.

25 b. Of the funds appropriated in this subsection,  
 26 at least \$42,570 shall be spent for domestic violence  
 27 and sexual assault-related grants.

28 6A. STATUS OF WOMEN DIVISION CONTINGENT  
 29 APPROPRIATION

30 If the general assembly does not enact a statute  
 31 creating a workforce development department with  
 32 responsibility for the mentoring project for family  
 33 investment program participants, the following amount  
 34 for the division of the status of women to implement  
 35 the mentoring project under section 239.22:

36 ..... \$ 72,000

37 7. STATUS OF AFRICAN-AMERICANS DIVISION

38 For salaries, support, maintenance, miscellaneous  
 39 purposes, and for not more than the following full-  
 40 time equivalent positions:

41 ..... \$ 104,159  
 42 ..... FTEs 2.00

43 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

44 For salaries, support, maintenance, miscellaneous  
 45 purposes, and for not more than the following full-

46 time equivalent positions:

47 .....	\$	472,648
48 .....	FTEs	10.05
49 a. The criminal and juvenile justice planning		
50 advisory council and the juvenile justice advisory		

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1 council shall coordinate their efforts in carrying out  
 2 their respective duties relative to juvenile justice.  
 3 b. Of the funds appropriated in this subsection,  
 4 at least \$36,300 shall be spent for expenses relating  
 5 to the administration of federal funds for juvenile  
 6 assistance. It is the intent of the general assembly  
 7 that the department of human rights employ sufficient  
 8 staff to meet the federal funding match requirements  
 9 established by the federal office for juvenile justice  
 10 delinquency prevention. The governor's advisory  
 11 council on juvenile justice shall determine the  
 12 staffing level necessary to carry out federal and  
 13 state mandates for juvenile justice.

14 9. COMMUNITY GRANT FUND

15 For the community grant fund established under  
 16 section 232.190 for the continuation of existing  
 17 grants for the fiscal year beginning July 1, 1996, and  
 18 ending June 30, 1997, to be used for the purposes of  
 19 the community grant fund and for not more than the  
 20 following full-time equivalent positions:

21 .....	\$	1,778,971
22 .....	FTEs	1.43

23 10. SHARED STAFF. Except for the persons with  
 24 disabilities division which shall be administered by  
 25 the director of the department of human rights, the  
 26 divisions of the department of human rights shall  
 27 retain their individual administrators, but shall  
 28 share staff to the greatest extent possible.

29 Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is  
 30 appropriated from the general fund of the state to the  
 31 commission of veterans affairs for the fiscal year  
 32 beginning July 1, 1996, and ending June 30, 1997, the  
 33 following amounts, or so much thereof as is necessary,  
 34 to be used for the purposes designated:

35 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

36 For salaries, support, maintenance, and  
 37 miscellaneous purposes, and for not more than the  
 38 following full-time equivalent positions:

39 .....	\$	286,128
40 .....	FTEs	5.00

41 The commission of veterans affairs may use the  
 42 gifts accepted by the chairperson of the commission of

43 veterans affairs, or designee, and other resources  
44 available to the commission for use at its Camp Dodge  
45 office. The commission shall report annually to the  
46 governor and the general assembly on monetary gifts  
47 received by the commission for the Camp Dodge office.

48 2. WAR ORPHANS

49 For the war orphans educational aid fund  
50 established pursuant to chapter 35:

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1 .....	\$	4,744
2 3. IOWA VETERANS HOME		
3 For salaries, support, maintenance, and		
4 miscellaneous purposes and for not more than the		
5 following full-time equivalent positions:		
6 .....	\$	38,900,388
7 .....	FTEs	800.82

8 a. The Iowa veterans home may use the gifts  
9 accepted by the chairperson of the commission of  
10 veterans affairs and other resources available to the  
11 commission for use at the Iowa veterans home.

12 b. If medical assistance revenues are expanded at  
13 the Iowa veterans home, and this expansion results in  
14 medical assistance reimbursements which exceed the  
15 amount budgeted for that purpose in the fiscal year  
16 beginning July 1, 1996, and ending June 30, 1997, the  
17 Iowa veterans home may expend the excess amounts to  
18 exceed the number of full-time equivalent positions  
19 authorized in this section for the purpose of meeting  
20 related certification requirements or to provide  
21 additional beds. The expenditure of additional funds  
22 received, as outlined in this paragraph, is subject to  
23 the approval by the department of management.

24 Sec. 8. DIRECT PURCHASE INCENTIVE.

25 1. If a department is able to demonstrate a 10  
26 percent savings resulting from a direct purchase of  
27 equipment which is otherwise required to be purchased  
28 pursuant to a state contract, the department, after  
29 consultation with the department of general services,  
30 is authorized to make the direct purchase,  
31 notwithstanding section 18.6, subsections 1 through 7,  
32 and subsections 9 through 14, and the dollar  
33 limitation in subsection 8. To provide an incentive  
34 to encourage departments to consider direct  
35 purchasing, 50 percent of the savings realized from  
36 the direct purchase may be retained by a department,  
37 and the remaining 50 percent shall be deposited into  
38 the general fund of the state. The department of  
39 management shall monitor the savings for a one-year

40 period beginning on July 1, 1996, and submit a report  
 41 at the conclusion of the one-year period to the health  
 42 and human rights appropriations subcommittee. Prior  
 43 to making a purchase under this section, the  
 44 department shall first determine whether goods or  
 45 services are available from a targeted small business  
 46 and preference shall be given to making the purchases  
 47 from targeted small businesses.

48 2. The provisions of this section shall apply to  
 49 purchases made with moneys appropriated in sections 1  
 50 through 7 of this Act.

Page 20

1 Sec. 9. Section 22.7, Code Supplement 1995, is  
 2 amended by adding the following new subsection:  
 3 NEW SUBSECTION. 33. Records of the Iowa  
 4 department of public health pertaining to participants  
 5 in the gambling treatment program except as otherwise  
 6 provided in this chapter.

7 Sec. 10. Section 99D.7, subsection 21, Code  
 8 Supplement 1995, is amended to read as follows:  
 9 21. To cooperate with the ~~gamblers assistance~~  
 10 gambling treatment program administered by the  
 11 department of human services Iowa department of public  
 12 health to incorporate information regarding the  
 13 ~~gamblers assistance~~ gambling treatment program and its  
 14 toll-free telephone number in printed materials  
 15 distributed by the commission. The commission may  
 16 require licensees to have the information available in  
 17 a conspicuous place as a condition of licensure.

18 Sec. 11. Section 99E.9, subsection 8, Code  
 19 Supplement 1995, is amended to read as follows:  
 20 8. The Iowa lottery board shall cooperate with the  
 21 ~~gamblers assistance~~ gambling treatment program  
 22 administered by the ~~department of human services Iowa~~  
 23 department of public health to incorporate information  
 24 regarding the ~~gamblers assistance~~ gambling treatment  
 25 program and its toll-free telephone number in printed  
 26 materials distributed by the board.

27 Sec. 12. Section 99E.10, subsection 1, paragraph  
 28 a, Code 1995, is amended to read as follows:  
 29 a. An amount equal to three-tenths of one percent  
 30 of the gross lottery revenue shall be deposited in a  
 31 ~~gamblers assistance~~ gambling treatment fund in the  
 32 office of the treasurer of state. The director of  
 33 ~~human services~~ the Iowa department of public health  
 34 shall administer the fund and shall provide that  
 35 receipts are allocated on a monthly basis to fund  
 36 administrative costs and to provide programs which --

37 include, but are not limited to, outpatient and  
38 follow-up treatment for persons affected by problem  
39 gambling, rehabilitation and residential treatment  
40 programs, information and referral services, and  
41 education and preventive services.  
42 Sec. 13. Section 216A.2, subsection 5, Code  
43 Supplement 1995, is amended by striking the subsection  
44 and inserting in lieu thereof the following:  
45 5. Appoint the administrator of each division in  
46 cooperation and consultation with the commissions.  
47 Each administrator shall be exempt from the merit  
48 system provisions of chapter 19A. The director shall  
49 set the salary of the division administrators within  
50 the range set by the general assembly.

## Page 21

1 Sec. 14. Section 216A.2, subsection 8, Code  
2 Supplement 1995, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 8. Establish goals and objectives for  
5 administrators to assist in complying with policy set  
6 by the commissions.

7 Sec. 15. Section 216A.2, Code Supplement 1995, is  
8 amended by adding the following new subsections:

9 NEW SUBSECTION. 10. After consultation with the  
10 appropriate commission, discipline or discharge an  
11 administrator or employee, when determined  
12 appropriate, provided the discharge or disciplinary  
13 action conforms to existing statutory requirements,  
14 and does not conflict with labor contract provisions.

15 NEW SUBSECTION. 11. Assign staff to obtain  
16 maximum efficiency and coordination of duties to  
17 facilitate the administration of functions required to  
18 be performed by the various divisions.

19 Sec. 16. Section 216A.2, unnumbered paragraph 2,  
20 Code Supplement 1995, is amended by striking the  
21 paragraph and inserting in lieu thereof the following:

22 The terms of all division administrators in the  
23 department shall terminate on July 1, 1996.

24 Sec. 17. Section 232.190, subsection 1, Code 1995,  
25 is amended to read as follows:

26 1. A community grant fund is established in the  
27 state treasury under the control of the division of  
28 criminal and juvenile justice planning of the  
29 department of human rights for the purposes of  
30 awarding grants under this section. The criminal and  
31 juvenile justice planning advisory council and the  
32 juvenile justice advisory council shall assist the  
33 division in administering grants awarded under this

34 section. The department of human services shall  
 35 advise the division on programs which meet the  
 36 criteria established for grant recipients. Not more  
 37 than ~~one~~ five percent of the moneys appropriated to  
 38 the fund shall be used for administrative purposes.

39 Sec. 18. 1993 Iowa Acts, chapter 55, section 1,  
 40 subsection 3, is amended to read as follows:

41 3. The project shall be completed on or before  
 42 June 30, 1997, and existing vital records shall be  
 43 converted to the electronic system by that date.  
 44 Moneys appropriated pursuant to this section which  
 45 remain unexpended unencumbered on June 30, 1997, shall  
 46 revert to the general fund of the state. The  
 47 remaining encumbered moneys which remain unexpended on  
 48 June 30, 1998, shall revert to the general fund of the  
 49 state. For the fiscal year beginning July 1, 1997,  
 50 and succeeding fiscal years, the provisions of section

Page 22

- 1 144.46, requiring the vital records fee to be set by
- 2 rule based on the average administrative costs, shall
- 3 apply.
- 4 Sec. 19. Section 216A.5, Code 1995, is repealed.

S-5623

- 1 Amend Senate File 2461 as follows:
- 2 1. Page 4, by inserting after line 16 the
- 3 following:
- 4 "Sec. 3. REPEAL - FAMILY OPPORTUNITY DISTRICT
- 5 BOARD. Section 1, subsections 2 and 4, of this Act,
- 6 relating to the family opportunity district board, are
- 7 repealed June 30, 1998."
- 8 2. Title page, by striking line 3 and inserting
- 9 the following: "at the local level, making an
- 10 appropriation, and providing a repeal."

BERL E. PRIEBE  
 MARY NEUHAUSER

S-5624

- 1 Amend the House amendment, S-5613, to Senate File
- 2 2446, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 5, through page 16,
- 5 line 38; and inserting the following:
- 6 ""DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
- 7 Section 1. GENERAL APPROPRIATION. There is

8 appropriated from the general fund of the state to the  
9 department of agriculture and land stewardship for the  
10 fiscal year beginning July 1, 1996, and ending June  
11 30, 1997, the following amounts, or so much thereof as  
12 is necessary, to be used for the purposes designated:

13 1. ADMINISTRATIVE DIVISION

14 a. For salaries, support, maintenance, the support  
15 of the state 4-H foundation, support of the statistics  
16 bureau, and miscellaneous purposes, and for the  
17 salaries and support of not more than the following  
18 full-time equivalent positions:

19 .....	\$	1,636,111
20 .....	FTEs	42.45

21 (1) Of the funds appropriated in this paragraph  
22 "a", \$322,406 and 7.00 FTEs shall be used to support  
23 horticulture. The president of the state horticulture  
24 society or the president's designee and the department  
25 shall consult and mutually agree on all expenditures  
26 of moneys in this subparagraph and on the filling of  
27 full-time equivalent positions, as allocated in this  
28 subparagraph.

29 (2) Of the amount appropriated in this paragraph  
30 "a", \$50,000 shall be allocated to the state 4-H  
31 foundation to foster the development of Iowa's youth  
32 and to encourage them to study the subject of  
33 agriculture.

34 (3) Of the amount appropriated and full-time  
35 equivalent positions authorized in this paragraph "a",  
36 \$130,519 and 4.00 FTEs shall be allocated to the  
37 statistics bureau to provide county-by-county  
38 information on land in farms, production by crop,  
39 acres by crop, and county prices by crop. This  
40 information shall be made available to the department  
41 of revenue and finance for use in the productivity  
42 formula for valuing and equalizing the values of  
43 agricultural land.

44 (4) Of the amount appropriated in this paragraph  
45 "a", not more than \$5,000 shall be allocated to the  
46 Iowa limousin cattle junior association in connection  
47 with the 1996 national junior limousin cattle show.

48 (5) Of the amount appropriated in this paragraph  
49 "a", \$500 shall be allocated as state aid to support  
50 the north Iowa poultry expo.

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1 b. For the operations of the dairy trade practices  
2 bureau:

3 .....	\$	66,846
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4 c. For the purpose of performing commercial feed

5 audits:		
6 .....	\$	64,698
7 d. For the purpose of performing fertilizer		
8 audits:		
9 .....	\$	64,697

10 2. REGULATORY DIVISION

11 a. For salaries, support, maintenance,		
12 miscellaneous purposes, and for not more than the		
13 following full-time equivalent positions:		
14 .....	\$	3,848,960
15 .....	FTEs	122.50

16 b. For the costs of inspection, sampling,		
17 analysis, and other expenses necessary for the		
18 administration of chapters 192, 194, and 195:		
19 .....	\$	651,220

20 3. LABORATORY DIVISION

21 a. For salaries, support, maintenance, and		
22 miscellaneous purposes, including the administration		
23 of the gypsy moth program, and for not more than the		
24 following full-time equivalent positions:		
25 .....	\$	959,475
26 .....	FTEs	85.10

27 (1) Of the amount appropriated in this paragraph  
 28 "a", \$110,000 shall be used to administer a program  
 29 relating to the detection, surveillance, and  
 30 eradication of the gypsy moth. The department shall  
 31 allocate and use the appropriation made in this  
 32 paragraph before moneys other than those appropriated  
 33 in this paragraph are used to support the program.

34 (2) Of the amount appropriated and the number of  
 35 full-time equivalent positions authorized in this  
 36 paragraph "a", \$49,850 and 1.00 FTE shall be used to  
 37 support a regional entomologist for purposes of  
 38 conducting laboratory inspection activities.

39 (3) Of the amount appropriated in this paragraph  
 40 "a", \$82,000 shall be used for the acquisition of  
 41 laboratory equipment, including, but not limited to, a  
 42 fat analyzer and a nitrogen protein combustion  
 43 analyzer.

44 (4) Of the amount appropriated in this paragraph  
 45 "a", \$25,000 shall be used for inspections of bottled  
 46 water sold commercially within the state.

47 (5) Of the number of full-time equivalent  
 48 positions authorized in this paragraph "a" and funded  
 49 in paragraph "c", 1.00 FTE shall be used to support an  
 50 organics program coordinator who shall assure



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1 compliance of organic foods sold commercially within  
2 the state with federal regulations relating to organic  
3 foods.  
4 b. For the operations of the commercial feed  
5 programs:  
6 ..... \$ 742,499  
7 c. For the operations of the pesticide programs:  
8 ..... \$ 1,291,781  
9 Of the amount appropriated in this paragraph "c",  
10 \$200,000 shall be allocated to Iowa state university  
11 for purposes of training commercial pesticide  
12 applicators.  
13 d. For the operations of the fertilizer programs:  
14 ..... \$ 633,832  
15 4. SOIL CONSERVATION DIVISION  
16 a. For salaries, support, maintenance, assistance  
17 to soil conservation districts, miscellaneous  
18 purposes, and for not more than the following full-  
19 time equivalent positions:  
20 ..... \$ 6,045,591  
21 ..... FTEs 172.28  
22 (1) Of the amount appropriated in this paragraph  
23 "a", \$330,000 shall be used to reimburse commissioners  
24 of soil and water conservation districts for  
25 administrative expenses. Moneys used for the payment  
26 of meeting dues by counties shall be matched on a  
27 dollar-for-dollar basis by the soil conservation  
28 division.  
29 (2) Of the amount appropriated in this paragraph  
30 "a", \$42,000 shall be used to support soil and water  
31 conservation district development including the  
32 training of soil and water conservation district  
33 staff.  
34 (3) Of the amount appropriated and the number of  
35 full-time equivalent positions authorized in this  
36 paragraph "a", \$56,000 and 1.00 FTE shall be used to  
37 support a position for oversight of financial  
38 incentive programs.  
39 b. To provide financial incentives for soil  
40 conservation practices under chapter 161A:  
41 ..... \$ 6,750,850  
42 c. The following requirements apply to the moneys  
43 appropriated in paragraph "b":  
44 (1) Not more than 5 percent of the moneys  
45 appropriated in paragraph "b" may be allocated for  
46 cost sharing to abate complaints filed under section  
47 161A.47.  
48 (2) Of the moneys appropriated in paragraph "b", 5

49 percent shall be allocated for financial incentives to  
50 establish practices to protect watersheds above

Page 4

1 publicly owned lakes of the state from soil erosion  
2 and sediment as provided in section 161A.73.  
3 (3) Not more than 30 percent of a district's  
4 allocation of moneys as financial incentives may be  
5 provided for the purpose of establishing management  
6 practices to control soil erosion on land that is row  
7 cropped, including but not limited to no-till  
8 planting, ridge-till planting, contouring, and contour  
9 strip-cropping as provided in section 161A.73.

10 (4) The state soil conservation committee created  
11 in section 161A.4 may allocate moneys to conduct  
12 research and demonstration projects to promote  
13 conservation tillage and nonpoint source pollution  
14 control practices.

15 (5) The financial incentive payments may be used  
16 in combination with department of natural resources  
17 moneys.

18 d. The provisions of section 8.33 shall not apply  
19 to the moneys appropriated in paragraph "b".  
20 Unencumbered or unobligated moneys remaining on June  
21 30, 2000, from moneys appropriated in paragraph "b"  
22 for the fiscal year beginning July 1, 1996, shall  
23 revert to the general fund on August 31, 2000.

24 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
25 appropriated from the general fund of the state to the  
26 department of agriculture and land stewardship for the  
27 fiscal year beginning July 1, 1996, and ending June  
28 30, 1997, the following amount, or so much thereof as  
29 is necessary, to be used for the purposes designated:

30 For salaries, support, maintenance, and  
31 miscellaneous purposes, to be used by the department  
32 to continue and expand the farmers' market coupon  
33 program by providing federal special supplemental food  
34 program recipients with coupons redeemable at farmers'  
35 markets, and for not more than the following full-time  
36 equivalent positions:

37 .....	\$	215,807
38 .....	FTEs	1.00

39 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

40 1. There is appropriated from the general fund of  
41 the state to the department of agriculture and land  
42 stewardship for the fiscal year beginning July 1,  
43 1996, and ending June 30, 1997, the following amount,  
44 or so much thereof as is necessary, to be used for the  
45 purpose designated:

46 For support of the pseudorabies eradication  
 47 program:  
 48 ..... \$ 900,300  
 49 2. Persons, including organizations interested in  
 50 swine production in this state and in the promotion of

Page 5

1 Iowa pork products who contribute support to the  
 2 program, are encouraged to increase financial support  
 3 for purposes of ensuring the program's effective  
 4 continuation.

5 Sec. 4. HORSE AND DOG RACING. There is  
 6 appropriated from the moneys available under section  
 7 99D.13 to the regulatory division of the department of  
 8 agriculture and land stewardship for the fiscal year  
 9 beginning July 1, 1996, and ending June 30, 1997, the  
 10 following amount, or so much thereof as is necessary,  
 11 to be used for the purpose designated:

12 For salaries, support, maintenance, and  
 13 miscellaneous purposes for the administration of  
 14 section 99D.22:  
 15 ..... \$ 192,560

16 Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN  
 17 MARKETING. There is appropriated from the general  
 18 fund of the state to the interstate agricultural grain  
 19 marketing commission for the fiscal year beginning  
 20 July 1, 1996, and ending June 30, 1997, the following  
 21 amount, or so much thereof as is necessary, to be used  
 22 for the purpose designated:

23 For carrying out duties of the commission as  
 24 provided in Article IV of the interstate compact on  
 25 agricultural grain marketing as provided in chapter  
 26 183:  
 27 ..... \$ 80,000

28 DEPARTMENT OF NATURAL RESOURCES

29 Sec. 6. GENERAL APPROPRIATION. There is  
 30 appropriated from the general fund of the state to the  
 31 department of natural resources for the fiscal year  
 32 beginning July 1, 1996, and ending June 30, 1997, the  
 33 following amounts, or so much thereof as is necessary,  
 34 to be used for the purposes designated:

35 1. ADMINISTRATIVE AND SUPPORT SERVICES  
 36 For salaries, support, maintenance, miscellaneous  
 37 purposes, and for not more than the following full-  
 38 time equivalent positions:  
 39 ..... \$ 2,052,389  
 40 ..... FTEs 119.25

41 2. PARKS AND PRESERVES DIVISION  
 42 For salaries, support, maintenance, miscellaneous

43 purposes, and for not more than the following full-  
44 time equivalent positions:

45 ..... \$ 5,546,988  
46 ..... FTEs 195.73

47 3. FORESTS AND FORESTRY DIVISION

48 For salaries, support, maintenance, miscellaneous  
49 purposes, and for not more than the following full-  
50 time equivalent positions:

Page 6

1 ..... \$ 1,494,908  
2 ..... FTEs 48.71

3 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

4 For salaries, support, maintenance, miscellaneous  
5 purposes, and for not more than the following full-  
6 time equivalent positions:

7 ..... \$ 1,681,228  
8 ..... FTEs 52.00

9 5. a. ENVIRONMENTAL PROTECTION DIVISION

10 (1) For salaries, support, maintenance,  
11 miscellaneous purposes, and for not more than the  
12 following full-time equivalent positions:

13 ..... \$ 1,917,509  
14 ..... FTEs 211.50

15 (2) Of the amount appropriated and the number of  
16 full-time equivalent positions authorized in  
17 subparagraph (1) at least \$371,600 and 7.00 FTEs shall  
18 be used to support the regulation of animal feeding  
19 operations.

20 b. WATER QUALITY PROTECTION FUND

21 For allocation to the administrative account of the  
22 water quality protection fund established pursuant to  
23 section 455B.183A, to carry out the purpose of that  
24 account:

25 ..... \$ 729,000

26 (1) Of the number of full-time equivalent  
27 positions authorized in paragraph "a", 32.50 FTEs  
28 shall be dedicated to carrying out the provisions of  
29 chapter 455B relating to the administration,  
30 regulation, and enforcement of the federal Safe  
31 Drinking Water Act and to support the program to  
32 assist water supply systems as provided in section  
33 455B.183B. However, the limitation on full-time  
34 equivalent positions provided in paragraph "a", shall  
35 not limit the number of additional full-time  
36 equivalent positions supported by moneys deposited in  
37 the water quality protection fund as provided in  
38 section 455B.183A, in order to carry out the  
39 provisions of division III of chapter 455B relating to

40 the administration, regulation, and enforcement of the  
41 federal Safe Drinking Water Act, and the  
42 administration of the program to assist water supply  
43 systems pursuant to section 455B.183B.

44 (2) In providing assistance to water supply  
45 systems, the department shall provide priority to  
46 water supply systems serving a population of seven  
47 thousand or less. At least 2.00 FTEs shall be  
48 allocated to provide assistance to systems serving a  
49 population of seven thousand or less.

50 6. FISH AND WILDLIFE DIVISION

Page 7

1 For not more than the following full-time  
2 equivalent positions:  
3 ..... FTEs 342.18

4 7. WASTE MANAGEMENT ASSISTANCE DIVISION

5 For not more than the following full-time  
6 equivalent positions:  
7 ..... FTEs 16.75

8 Sec. 7. STATE FISH AND GAME PROTECTION FUND --  
9 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

10 1. There is appropriated from the state fish and  
11 game protection fund to the division of fish and  
12 wildlife of the department of natural resources for  
13 the fiscal year beginning July 1, 1996, and ending  
14 June 30, 1997, the following amount, or so much  
15 thereof as is necessary, to be used for the purposes  
16 designated:

17 For administrative support, and for salaries,  
18 support, maintenance, equipment, and miscellaneous  
19 purposes:  
20 ..... \$ 21,365,891

21 2. The department shall not expend more moneys  
22 from the fish and game protection fund than provided  
23 in this section, unless the expenditure derives from  
24 contributions made by a private entity, or a grant or  
25 moneys received from the federal government, and is  
26 approved by the natural resource commission. The  
27 department of natural resources shall promptly notify  
28 the legislative fiscal bureau and the chairpersons and  
29 ranking members of the joint appropriations  
30 subcommittee on agriculture and natural resources  
31 concerning the commission's approval.

32 Sec. 8. MARINE FUEL TAX RECEIPTS -- BOATING  
33 FACILITIES AND ACCESS. There is appropriated from the  
34 marine fuel tax receipts deposited in the general fund  
35 of the state to the department of natural resources  
36 for the fiscal year beginning July 1, 1996, and ending

37 June 30, 1997, the following amount, or so much  
 38 thereof as is necessary, to be used for the purpose  
 39 designated:  
 40 For purposes of maintaining and developing boating  
 41 facilities and access to public waters by the parks  
 42 and preserves division:  
 43 ..... \$ 411,311  
 44 Sec. 9. SNOWMOBILE FEES - TRANSFER FOR  
 45 ENFORCEMENT PURPOSES. There is transferred on July 1,  
 46 1996, from the fees deposited under section 321G.7 to  
 47 the fish and game protection fund and appropriated to  
 48 the department of natural resources for the fiscal  
 49 year beginning July 1, 1996, and ending June 30, 1997,  
 50 the following amount, or so much thereof as is

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1 necessary, to be used for the purpose designated:  
 2 For the purpose of enforcing snowmobile laws as  
 3 part of the state snowmobile program administered by  
 4 the department of natural resources:  
 5 ..... \$ 100,000  
 6 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT  
 7 PURPOSES. There is transferred on July 1, 1996, from  
 8 the fees deposited under section 462A.52 to the fish  
 9 and game protection fund and appropriated to the  
 10 department of natural resources for the fiscal year  
 11 beginning July 1, 1996, and ending June 30, 1997, the  
 12 following amount, or so much thereof as is necessary,  
 13 to be used for the purpose designated:  
 14 For the administration and enforcement of  
 15 navigation laws and water safety:  
 16 ..... \$ 1,325,000

17 Of the amount appropriated in this section,  
 18 \$125,000 shall be used for purposes of controlling and  
 19 eradicating harmful exotic species and eurasian  
 20 milfoil.

21 Notwithstanding section 8.33, moneys transferred  
 22 pursuant to this section which are unencumbered or  
 23 unobligated on June 30, 1997, shall be transferred on  
 24 July 1, 1997, to the special conservation fund  
 25 established by section 462A.52 to be used as provided  
 26 in that section, and shall not revert as provided in  
 27 section 8.33.

RESOURCES ENHANCEMENT AND PROTECTION

28 Sec. 11. GENERAL APPROPRIATION. Notwithstanding  
 29 the amount of the standing appropriation from the  
 30 general fund of the state under section 455A.18,  
 31 subsection 3, there is appropriated from the general  
 32 fund of the state to the Iowa resources enhancement  
 33 fund of the state to the Iowa resources enhancement

34 and protection fund, in lieu of the appropriation made  
 35 in section 455A.18, for the fiscal year beginning July  
 36 1, 1996, and ending June 30, 1997, the sum of  
 37 \$10,000,000, of which all moneys shall be allocated as  
 38 provided in section 455A.19.

39 RELATED APPROPRIATIONS

40 Sec. 12. APPROPRIATION FROM ORGANIC NUTRIENT

41 MANAGEMENT FUND. There is appropriated from the  
 42 organic nutrient management fund, as created in  
 43 section 161C.5, to the following entities in the  
 44 fiscal year beginning July 1, 1996, and ending June  
 45 30, 1997, the following amounts, or so much thereof as  
 46 is necessary, to be used for the purposes designated:

47 1. To Iowa state university for supporting odor  
 48 control applications of animal feeding operations,  
 49 including confinement feeding operations, regulated by  
 50 the department of natural resources pursuant to

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1 chapter 455B:  
 2 ..... \$ 350,000

3 a. Moneys provided under this subsection for odor  
 4 control applications of animal feeding operations  
 5 shall be provided on a dollar-for-dollar match with an  
 6 individual owner or operator and shall not exceed the  
 7 amount actually spent by or on behalf of the owner or  
 8 operator for odor control.

9 b. Notwithstanding section 8.33, moneys provided  
 10 under this subsection for odor control applications of  
 11 animal feeding operations shall not revert to the  
 12 organic nutrient management fund but shall remain  
 13 available for use as provided in this subsection  
 14 during the fiscal year beginning July 1, 1997, and  
 15 ending June 30, 1998. The moneys appropriated in this  
 16 subsection which remain unexpended or unobligated on  
 17 June 30, 1998, shall revert to the organic nutrient  
 18 management fund on August 31, 1998.

19 2. To the department of natural resources for  
 20 establishment of a pilot project for the control of  
 21 odor originating from animal feeding operation  
 22 structures, including anaerobic lagoons and earthen  
 23 manure storage basins, by using emergent plant or  
 24 vegetative growth:  
 25 ..... \$ 25,000

26 On or before January 1, 1997, the department of  
 27 natural resources shall submit a report including  
 28 findings and recommendations resulting from the pilot  
 29 project to the committees of the general assembly  
 30 which have jurisdiction over agriculture and natural

31 resources.

32 3. To Iowa state university for supporting a  
33 person connected with the United States department of  
34 agriculture who engages in animal control, for  
35 purposes of contributing to the control of animals,  
36 and especially predators; which pose a threat to this  
37 state's agriculture:

38 ..... \$ 50,000

39 4. To the department of agriculture and land  
40 stewardship for the administration of a grant project  
41 to support a cattle slaughtering and beef processing  
42 facility in this state:

43 ..... \$ 150,000

44 Not later than September 1, 1996, the department  
45 shall award \$75,000 to an eligible person for purposes  
46 of conducting a feasibility and planning study for the  
47 construction of the cattle slaughtering and beef  
48 processing facility. If another person is not  
49 selected by January 1, 1997, the department shall  
50 award the remaining \$75,000 to the same person for

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1 purposes of completing the study. A person receiving  
2 an award must be an entity organized to do business  
3 under the laws of this state and principally located  
4 in this state. The business entity must make a  
5 commitment to invest at least \$25,000,000 for the  
6 construction and operation of the proposed cattle  
7 slaughtering and beef processing facility, if, based  
8 on the study, the business entity constructs the  
9 facility. The department, in cooperation with the  
10 department of economic development, shall establish  
11 criteria, select eligible business entities, and make  
12 awards as directed by the agricultural products  
13 advisory council established pursuant to section  
14 15.203.

15 5. To the department of natural resources for  
16 supporting the environmental education initiative  
17 pursuant to section 258B.1, as enacted in this Act:

18 ..... \$ 150,000

19 Sec. 13. ATTORNEY GENERAL INVESTIGATORS -- ANIMAL  
20 FEEDING OPERATIONS. There is appropriated from the  
21 general fund of the state to the office of attorney  
22 general for the fiscal year beginning July 1, 1996,  
23 and ending June 30, 1997, the following amount, or so  
24 much thereof as is necessary, to be used for the  
25 purpose designated:

26 For the investigation of animal feeding operations  
27 regulated under chapter 455B, including salaries,



28 support, maintenance, miscellaneous purposes, and for  
29 not more than the following full-time equivalent  
30 positions:

31 ..... \$ 109,000  
32 ..... FTEs 2.00

33 Persons employed as investigators under this  
34 section shall investigate animal feeding operations,  
35 including by inspecting animal feeding operations, and  
36 especially confinement feeding operations and the  
37 storage and disposal of manure from animal feeding  
38 operations, to ensure compliance with state law,  
39 including chapter 455B and rules adopted by the  
40 department of natural resources. Each investigator  
41 shall have an office in and investigate a region of  
42 the state where there is a high concentration of  
43 confinement feeding operations. An investigator may  
44 inspect an animal feeding operation at any time during  
45 normal working hours or at other times if exigent  
46 circumstances exist, and may examine records required  
47 to be maintained as part of a manure management plan  
48 required pursuant to section 455B.203. In order to  
49 access the animal feeding operation during normal  
50 business hours, the investigator must comply with

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1 standard disease control restrictions customarily  
2 required by the operation. The investigator shall  
3 comply with the requirements in section 455B.103 to  
4 the same extent required by the director of the  
5 department of natural resources conducting an  
6 inspection or search of property. The attorney  
7 general and the department of natural resources shall  
8 cooperate in carrying out this section. Each four  
9 months, the attorney general shall submit a report  
10 regarding violations investigated and prosecuted by  
11 the attorney general to the secretary of the senate  
12 and to the chief clerk of the house of  
13 representatives.

14 Sec. 14. MULTIFLORA ROSE ERADICATION.

15 1. There is appropriated from the general fund of  
16 the state to Iowa state university for the fiscal year  
17 beginning July 1, 1996, and ending June 30, 1997, the  
18 following amount, or so much thereof as is necessary,  
19 to be used for the purpose designated:

20 For supporting multiflora rose eradication research  
21 and projects:  
22 ..... \$ 25,000

23 2. Notwithstanding 1995 Iowa Acts, chapter 216,  
24 section 19, subsection 2, moneys allocated pursuant to

25 1995 Iowa Acts, chapter 216, section 19, subsection 1,  
 26 paragraph "d", which remain unencumbered or  
 27 unobligated on June 30, 1996, shall not revert  
 28 pursuant to section 8.33, but shall remain available  
 29 to Iowa state university for purposes of supporting  
 30 multiflora rose eradication research and projects, for  
 31 subsequent fiscal years.

32 Sec. 15. NONREVERSION OF MONEYS ALLOCATED TO IOWA  
 33 GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa  
 34 Acts, chapter 216, section 19, subsection 2, moneys  
 35 allocated pursuant to 1995 Iowa Acts, chapter 216,  
 36 section 19, subsection 1, paragraph "f", subparagraph  
 37 (1), which remain unencumbered or unobligated on June  
 38 30, 1996, shall not revert pursuant to section 8.33,  
 39 but shall remain available to Iowa state university  
 40 for purposes of supporting the Iowa cooperative  
 41 extension service in agriculture and home economics in  
 42 establishing and administering an Iowa grain quality  
 43 initiative in subsequent fiscal years.

44 Sec. 16. TRANSFERS OF MONEYS REQUIRED TO BE  
 45 DEPOSITED IN THE WATER PROTECTION FUND.  
 46 Notwithstanding section 161C.4 and the reversion and  
 47 allocation provisions in section 455A.19, subsection  
 48 1, paragraph "c", of the unencumbered and unobligated  
 49 moneys remaining, which are required to be deposited  
 50 in the water protection fund created in section

Page 12

1 161C.4, as provided in section 455A.19, subsection 1,  
 2 paragraph "c", the following amount shall be  
 3 transferred first from moneys required to be deposited  
 4 in the water protection practices account, and if  
 5 necessary from moneys required to be deposited in the  
 6 water quality protection projects account, which shall  
 7 be used for the following purposes:

8 To the Loess Hills development and conservation  
 9 authority, for deposit in the Loess Hills development  
 10 and conservation fund created in section 161D.2 for  
 11 the purposes specified in section 161D.1:

12 ..... \$ 400,000

13 Sec. 17. REVENUE ADMINISTERED BY THE IOWA  
 14 COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD

15 TRANSFER. There is appropriated from the unassigned  
 16 revenue fund administered by the Iowa comprehensive  
 17 underground storage tank fund board, to the department  
 18 of natural resources for the fiscal year beginning  
 19 July 1, 1996, and ending June 30, 1997, the following  
 20 amount, or so much thereof as is necessary, to be used

21 for the purpose designated:

22 For administration expenses of the underground  
23 storage tank section of the department of natural  
24 resources:

25 ..... \$ 75,000

26 Sec. 18. TRANSFER -- AIR QUALITY. For the fiscal  
27 year beginning July 1, 1996, and ending June 30, 1997,  
28 the department of natural resources may transfer up to  
29 \$430,000 from the hazardous substance remedial fund  
30 created pursuant to section 455B.423, to support  
31 purposes related to carrying out the duties of the  
32 commission under section 455B.133, or the director  
33 under section 455B.134, or for carrying out the  
34 provisions of chapter 455B, division II.

35 MISCELLANEOUS

36 Sec. 19. STUDY OF LOCATING FIELD OFFICE IN NORTH  
37 CENTRAL DISTRICT. The department of natural resources  
38 shall conduct a study of the feasibility of locating a  
39 field office in the department's north central  
40 district. On or before January 1, 1997, the

41 department of natural resources shall submit a report  
42 including findings and recommendations resulting from  
43 the study to the committees of the general assembly  
44 which have jurisdiction over natural resources.

45 Sec. 20. IOWA AGRICULTURE 2000 CONFERENCE. There  
46 is appropriated from the general fund of the state to  
47 Iowa state university for the fiscal year beginning  
48 July 1, 1996, and ending June 30, 1997, the following  
49 amount, or so much thereof as is necessary, to be used  
50 for the purpose designated:

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1 To support Iowa state university, in cooperation  
2 with the farm section of the attorney general's  
3 office, in sponsoring an Iowa agriculture 2000  
4 conference, with assistance provided by the department  
5 of agriculture and land stewardship and Iowa commodity  
6 organizations, for independent agricultural producers  
7 and other persons interested in the future of Iowa  
8 agriculture:

9 ..... \$ 80,000

10 Moneys appropriated by this section shall be used  
11 to defray expenses incurred by Iowa state university  
12 and the farm section of the attorney general's office  
13 in planning and sponsoring the conference.

14 Sec. 21. STATE NURSERIES. Notwithstanding section  
15 17A.2, subsection 10, paragraph "g", the department of  
16 natural resources shall adopt administrative rules  
17 establishing a range of prices of plant material grown

18 at the state forest nurseries to cover all expenses  
19 related to the growing of the plants.

20 1. The department shall develop programs to  
21 encourage the wise management and preservation of  
22 existing woodlands and shall continue its efforts to  
23 encourage forestation and reforestation on private and  
24 public lands in the state.

25 2. The department shall encourage a cooperative  
26 relationship between the state forest nurseries and  
27 private nurseries in the state in order to achieve  
28 these goals.

29 **Sec. 22. TRANSFER OF MONEYS OR POSITIONS; CHANGES**  
30 **IN TABLES OF ORGANIZATION -- NOTIFICATION.** In

31 addition to the requirements of section 8.39, in each  
32 fiscal quarter, the department of agriculture and land  
33 stewardship and the department of natural resources  
34 shall notify the chairpersons, vice chairpersons, and  
35 ranking members of the joint appropriations  
36 subcommittee on agriculture and natural resources for  
37 the previous fiscal quarter of any transfer of moneys  
38 or full-time equivalent positions made by either  
39 department which is not authorized in this Act, or any  
40 permanent position added to or deleted from either  
41 department's table of organization.

42 **Sec. 23. AIR QUALITY PROGRAM -- NONGENERAL FUND**

43 **SUPPORT.** The department of natural resources for the  
44 fiscal year beginning July 1, 1996, and ending June  
45 30, 1997, shall not use moneys appropriated from the  
46 general fund of the state pursuant to this Act, to  
47 support any purpose related to carrying out the duties  
48 of the commission under section 455B.133 or the  
49 director under section 455B.134, or for carrying out  
50 the provisions of chapter 455B, division II.

**Page 14**

1 Notwithstanding section 455B.133B, the department  
2 may use moneys deposited in the air contaminant source  
3 fund created in section 455B.133B during the fiscal  
4 year beginning July 1, 1996, and ending June 30, 1997,  
5 for any purpose related to carrying out the duties of  
6 the commission under section 455B.133 or the director  
7 under section 455B.134, or for carrying out the  
8 provisions of chapter 455B, division II.

9 **Sec. 24. RULES RELATING TO PESTICIDE AND**  
10 **FERTILIZER CONTAMINATED SITES -- ENVIRONMENTAL**

11 **PROTECTION COMMISSION.** The environmental protection  
12 commission shall adopt all rules required to establish  
13 criteria for the classification and prioritization of  
14 sites upon which pesticide or fertilizer contamination

15 has been discovered, as provided in section 455B.601  
16 not later than October 1, 1996.

17 Sec. 25. NATIVE AMERICAN WAR MEMORIAL. The  
18 department of natural resources may purchase, with  
19 funds which become available under chapter 465A for  
20 the fiscal year beginning July 1, 1996, and ending  
21 June 30, 1997, lands on which to locate a native  
22 American war memorial.

#### 23 STATUTORY CHANGES

24 Sec. 26. NEW SECTION. 2.55A DEPARTMENTAL  
25 INFORMATION REQUIRED.

26 1. The department of agriculture and land  
27 stewardship and the department of natural resources,  
28 in cooperation as necessary with the department of  
29 management and the department of personnel, shall  
30 provide a list to the legislative fiscal bureau, on a  
31 quarterly basis, of all permanent positions added to  
32 or deleted from the departments' table of organization  
33 in the previous fiscal quarter. This list shall  
34 include at least the position number, salary range,  
35 projected funding source or sources of each position,  
36 and the reason for the addition or deletion. The  
37 legislative fiscal bureau may use this information to  
38 assist in the establishment of the full-time  
39 equivalent position limits authorized in law for the  
40 departments.

41 2. The department of natural resources shall  
42 provide the legislative fiscal bureau information and  
43 financial data by cost center, on at least a monthly  
44 basis, relating to the indirect cost accounting  
45 procedure, the amount of funding from each funding  
46 source for each cost center, and the internal budget  
47 system used by the department. The information shall  
48 include but is not limited to financial data covering  
49 the department's budget by cost center and funding  
50 source prior to the start of the fiscal year, and to

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1 the department's actual expenditures by cost center  
2 and funding source after the accounting system has  
3 been closed for that fiscal year.

4 3. The department of agriculture and land  
5 stewardship shall provide the legislative fiscal  
6 bureau information and financial data on at least a  
7 monthly basis, relating to the internal budget system  
8 used by the department. The information shall include  
9 but is not limited to financial data covering the  
10 department's budget prior to the start of the fiscal  
11 year, and to the department's actual expenditures

12 after the accounting system has been closed for that  
13 fiscal year.

14 Sec. 27. NEW SECTION. 8.60A TRUST FUND  
15 INFORMATION.

16 The department of revenue and finance in  
17 cooperation with each appropriate agency shall track  
18 receipts to the general fund of the state which under  
19 law were previously collected to be used for specific  
20 purposes, or to be credited to, or be deposited to a  
21 particular account or fund, as provided in section  
22 8.60.

23 The department of revenue and finance and each  
24 appropriate agency shall prepare reports detailing  
25 revenue from receipts previously deposited into each  
26 of the funds. A report shall be submitted to the  
27 legislative fiscal bureau at least once for each  
28 three-month period as designated by the legislative  
29 fiscal bureau.

30 Sec. 28. Section 166D.10, Code 1995, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 4. In addition to other  
33 applicable requirements of this section, feeder swine  
34 shall not be moved into this state from another state  
35 except to slaughter, unless the feeder swine are  
36 vaccinated by a differentiable vaccine within ninety  
37 days of arrival in this state.

38 Sec. 29. NEW SECTION. 258B.1 RESIDENTIAL  
39 ENVIRONMENTAL EDUCATION PROGRAMS -- APPROPRIATION.

40 1. A residential environmental education program  
41 is created to recognize the critical role that both  
42 direct experience with the outdoors and a several-day  
43 residential experience away from home and the formal  
44 school environment play in the formation of an  
45 environmentally literate citizenry.

46 2. Phase I of the program shall provide  
47 supplemental funding of thirty-five dollars per pupil  
48 to school districts that choose to provide for the  
49 attendance of the pupils in one grade level at a  
50 certified residential environmental education center.

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1 To receive this funding, school districts must provide  
2 proof of attendance by their pupils at such a center  
3 and participation by pupils in a certified program for  
4 a minimum of three consecutive days for each pupil.  
5 In addition, school districts shall submit evidence of  
6 matching contributions of at least fifty percent of  
7 the total program cost. Local school districts shall  
8 choose the grade level and the time of year they feel

9 is most developmentally appropriate for this  
10 residential experience.

11 3. Phase II of the program shall consist of all of  
12 the following:

13 a. Development of certification criteria for  
14 facilities, staff, and programs.

15 b. Census of existing facilities, staff, and  
16 programs relative to the certification criteria.

17 c. Assessment of the needs of these facilities.

18 4. The program shall be administered cooperatively  
19 by the department of education and the department of  
20 natural resources.

21 Sec. 30. Section 455A.18, subsection 3, unnumbered  
22 paragraph 1, Code 1995, is amended to read as follows:

23 For each fiscal year of the fiscal period beginning  
24 July 1, ~~1990~~ 1997, and ending June 30, ~~2001~~ 2021,  
25 there is appropriated from the general fund, to the  
26 Iowa resources enhancement and protection fund, the  
27 amount of ~~thirty~~ twenty million dollars, ~~except that~~  
28 ~~for the fiscal year beginning July 1, 1990, the amount~~  
29 ~~is twenty million dollars;~~ to be used as provided in  
30 this chapter. However, in any fiscal year of the  
31 fiscal period, if moneys from the lottery are  
32 appropriated by the state to the fund, the amount  
33 appropriated under this subsection shall be reduced by  
34 the amount appropriated from the lottery.

35 Sec. 31. NEW SECTION. 455A.21 PREFERENCE  
36 PROVIDED -- PERSONS MEETING ELIGIBILITY REQUIREMENTS  
37 OF THE GREEN THUMB PROGRAM.

38 In its employment of persons in temporary positions  
39 in conservation and outdoor recreation, the department  
40 of natural resources shall give preference to persons  
41 meeting eligibility requirements for the green thumb  
42 program under section 15.227 and to persons working  
43 toward an advanced education in natural resources and  
44 conservation.

45 Sec. 32. NEW SECTION. 456A.37 NONGAME WILDLIFE-  
46 ORIENTED EDUCATION.

47 The department shall establish a nongame wildlife-  
48 oriented education initiative. In administering the  
49 initiative, the department shall do all of the  
50 following:

Page 17

1 1. Develop and support a comprehensive nongame  
2 wildlife-oriented education program to be implemented  
3 through the schools, county conservation boards, and  
4 the department.

5 2. Enhance opportunities for personal contact

6 with, and the public's appreciation for, all types of  
7 wildlife by developing facilities for public  
8 appreciation of wildlife.

9 3. Protect, develop, and manage habitats to  
10 enhance nongame populations on public and private  
11 lands through habitat development and acquisition.

12 4. Develop and support nongame wildlife species  
13 management, research, and surveys.

14 5. Adopt programs administered by the division of  
15 fish and wildlife relating to wildlife diversity as  
16 provided by rule adopted pursuant to chapter 17A.

17 Sec. 33. EFFECTIVE DATES.

18 1. Section 14, subsection 2, and section 15 of  
19 this Act, being deemed of immediate importance, take  
20 effect upon enactment.

21 2. Section 30 of this Act, amending section  
22 455A.18, takes effect July 1, 1997."

DENNIS H. BLACK  
BRAD BANKS  
WAYNE D. BENNETT  
DON GETTINGS  
BERL E. PRIEBE

HOUSE AMENDMENT TO  
SENATE FILE 2410

S-5625

1 Amend Senate File 2410, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 14 through 17 and  
4 inserting the following: "receipt of such a report.  
5 A positive test result obtained prior to the birth of  
6 a child shall not be used for the criminal prosecution  
7 of a parent for acts and omissions resulting in  
8 intrauterine exposure of the child to an illegal  
9 drug."

10 2. Page 3, line 18, by inserting after the word  
11 "to" the following: "the legislative council and to".

12 3. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2186

S-5626

1 Amend Senate File 2186, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 4, line 26, through page 5,



4 line 4.

5 2. By striking page 7, line 1, through page 8,

6 line 5.

7 3. Page 13, by inserting after line 2 the  
8 following:

9 "Sec. \_\_\_\_ . Section 805.8, subsection 2, paragraph  
10 h, Code Supplement 1995, is amended to read as  
11 follows:

12 h. For operating, passing, turning and standing  
13 violations under sections 321.236, subsections 3, 4, 9  
14 and 12, 321.275, subsections 1 through 8, 321.295,  
15 321.297, 321.299, 321.303, 321.304, subsections 1 and  
16 2, 321.305, 321.306, 321.311, 321.312, 321.314,  
17 321.315, 321.316, 321.318, 321.323, 321.340, ~~321.344~~,  
18 321.353, 321.354, 321.363, 321.365, 321.366, 321.368,  
19 321.382, and 321.395, the scheduled fine is fifteen  
20 dollars.

21 Sec. \_\_\_\_ . Section 805.8, subsection 2, paragraph  
22 l, Code Supplement 1995, is amended to read as  
23 follows:

24 l. For violations of traffic signs and signals,  
25 and for failure to obey an officer under sections  
26 321.229, 321.236, subsections 2 and 6, 321.256,  
27 321.257, subsection 2, 321.294, 321.304, subsection 3,  
28 321.322, ~~321.341~~, ~~321.342~~, ~~321.343~~ and 321.415, the  
29 scheduled fine is twenty dollars."

30 4. Page 13, by inserting after line 14 the  
31 following:

32 "NEW PARAGRAPH. cc. For violations of sections  
33 321.341, 321.342, 321.343, and 321.344, the scheduled  
34 fine is fifty dollars."

35 5. Page 13, by striking lines 28 through 34.

36 6. Title page, by striking lines 5 through 7 and  
37 inserting the following: "activities of motor vehicle  
38 dealers."

39 7. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2433

S-5627

1 Amend the Senate amendment, H-5735, to House File  
2 2433, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 5 through 15.

S-5628

- 1 Amend Senate File 2459 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 135.11, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 25. Establish by rule, in
- 7 cooperation with the department of inspections and
- 8 appeals, standards for home care aid programs which
- 9 include, but are not limited to, personnel
- 10 requirements for home care aid programs not certified
- 11 under the medical assistance program."
- 12 2. Title page, line 1, by inserting after the
- 13 word "to" the following: "the provision of health
- 14 care services including the".
- 15 3. By renumbering as necessary.

JOHNIE HAMMOND  
STEWART IVERSON, Jr.

S-5629

- 1 Amend the amendment, S-5554, to House File 2383, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 27, by inserting after the word
- 5 "subsection." the following: "While hunting in this
- 6 state with a license received pursuant to the
- 7 subsection, a nonresident hunter shall use a weapon
- 8 which is produced in this state."
- 9 2. Page 2, line 1, by inserting after the word
- 10 "subsection." the following: "While hunting in this
- 11 state with a license received pursuant to the
- 12 subsection, a nonresident hunter shall use a weapon
- 13 which is produced in this state."

STEVEN D. HANSEN  
EUGENE S. FRAISE

HOUSE AMENDMENT TO  
SENATE FILE 2085

S-5630

- 1 Amend Senate File 2085, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 4, line 32, through page 5,
- 4 line 1, and inserting the following: "the department
- 5 under section 321L.8. If".

6 2. Page 5, line 32, by striking the word

7 "subsection." and inserting the following:

8 "subsection or".

9 3. By striking page 5, line 33, through page 6,  
10 line 6, and inserting the following: "placard which  
11 shall be valid for a period of four years from the  
12 date of issuance. A removable windshield placard  
13 shall be renewed within thirty days of the date of  
14 expiration. To renew the placard, the person shall  
15 comply with the requirements for initial issuance of  
16 the placard under this section. Persons who seek only  
17 seeking".

18 4. Page 6, by striking lines 16 through 20 and  
19 inserting the following: "windshield placards. The  
20 department shall issue one additional".

21 5. Page 7, line 28, by striking the words "one  
22 thousand" and inserting the following: "three  
23 hundred".

24 6. Page 7, line 33, by striking the words "one  
25 hundred thousand" and inserting the following: "one  
26 three hundred".

27 7. Page 8, by inserting after line 28 the  
28 following:

29 "(3) The signature of the person who has been  
30 issued the placard and the signature of the physician  
31 or chiropractor who made the determination that the  
32 person was handicapped for purposes of issuance of the  
33 placard."

34 8. Page 9, by inserting after line 9 the  
35 following:

36 "6. The shape and color of the removable  
37 windshield placard shall be changed and the placard  
38 shall be reissued every four years."

39 9. Page 11, line 4, by striking the word "fifty"  
40 and inserting the following: "fifty one hundred".

41 10. By striking page 12, line 22, through page  
42 13, line 3, and inserting the following:

43 "1. The department shall begin the issuance of new  
44 permanent windshield placards and handicapped  
45 designations on motor vehicle licenses or  
46 nonoperator's identification cards, as provided in  
47 this Act, beginning January 1, 1997.

48 2. After January 1, 1998, only new windshield  
49 placards issued by the department pursuant to this  
50 chapter shall be valid and any other hanging device

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1 issued prior to January 1, 1997, shall be invalid.

2 3. A person who has been issued a hanging device

3 prior to January 1, 1997, shall apply for a new  
 4 removable windshield placard and handicapped  
 5 designation by January 1, 1998.

6 4. A person who has been issued handicapped  
 7 registration plates or handicapped identification  
 8 stickers shall apply for a handicapped designation on  
 9 the person's motor vehicle license or nonoperator's  
 10 identification card by January 1, 1998.

11 5. A person who has been issued a handicapped  
 12 parking permit, but who does not possess a valid Iowa  
 13 motor vehicle license, shall apply for a nonoperator's  
 14 identification card by January 1, 1998."

15 11. Page 13, by inserting after line 12 the  
 16 following:

17 "Sec. \_\_\_\_ FUTURE REISSUANCE. The department  
 18 shall implement the reissuance of removable windshield  
 19 placards on January 1, 2001, and every four years  
 20 thereafter, in the same manner as provided for  
 21 reissuance in this Act."

22 12. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2012

S-5631

1 Amend Senate File 2012, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 10 and 11 and  
 4 inserting the following: "prizes having a combined  
 5 value of more than two hundred dollars may be offered.  
 6 If the prize is merchandise,"

7 2. Page 1, line 18, by striking the words "twenty  
 8 thousand" and inserting the following: "two hundred".

9 3. Page 2, by striking line 18 and inserting the  
 10 following: "combined value of more than two hundred  
 11 dollars may be".

12 4. Page 2, line 26, by striking the words "twenty  
 13 thousand" and inserting the following: "two hundred".

HOUSE AMENDMENT TO  
 SENATE FILE 2074

S-5632

1 Amend Senate File 2074 as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 26.

4 2. By renumbering as necessary.

S-5633

- 1 Amend the amendment, S-5514, to House File 2234, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 12, by striking the figure “,
- 4 9H.5.”.

WAYNE BENNETT

S-5634

- 1 Amend Senate File 2389 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 “Section 1. NEW SECTION. 514C.11 ACCESS TO
- 5 FACILITIES BY PROVIDERS UNDER MANAGED CARE HEALTH
- 6 PLANS OR INDEMNITY PLANS.
- 7 1. Notwithstanding section 514C.6, a managed care
- 8 health plan or indemnity plan with a limited provider
- 9 network shall accept both of the following as
- 10 providers or locations for provision of services:
- 11 a. A provider licensed under Title IV, subtitle 3,
- 12 who agrees to the conditions of the provider contract
- 13 required by the managed care health plan or indemnity
- 14 plan notwithstanding that the provider maintains
- 15 medical staff privileges in a rural hospital if the
- 16 point of delivery of services is located in a rural
- 17 county.
- 18 b. A rural hospital if the hospital agrees to the
- 19 conditions of the provider contract and the fees
- 20 established under the contract for specific services
- 21 as required by the managed care health plan or
- 22 indemnity plan.
- 23 2. For the purposes of this section:
- 24 a. “Managed care health plan or indemnity plan
- 25 with a limited provider network” means a health
- 26 maintenance organization, organized delivery system,
- 27 exclusive provider organization, point of service
- 28 plan, standard indemnity insurance plan, or any
- 29 similar plan providing for health care services.
- 30 b. “Rural county” means a county with a population
- 31 of thirty-five thousand or less.
- 32 c. “Rural hospital” means a licensed hospital
- 33 which is located in a rural county and which is the
- 34 only hospital licensed in that county.”
- 35 2. Title page, line 3, by inserting after the
- 36 word “physicians” the following: “and other
- 37 providers”.

PATTY JUDGE

S-5635

1 Amend Senate File 2458 as follows:

2 1. Page 1, line 11, by inserting after the word  
3 "Iowa" the following: "or any other public body which  
4 has the power or duty to certify any tax to be levied  
5 or sum of money to be collected by taxation".

6 2. Page 7, by inserting after line 10 the  
7 following:

8 "6. To approve a loan agreement under section  
9 16.194 that will be payable from a tax levied by a  
10 public body, other than a public body provided for in  
11 subsections 2 through 5, the public body shall follow  
12 the authorization procedures required of a public body  
13 to levy a tax."

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 259

S-5636

1 Amend Senate File 259 as follows:

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

4 "Section 1. Section 147.14, subsection 1, Code  
5 1995, is amended to read as follows:

6 1. For podiatry, barbering, ~~mortuary science~~, and  
7 social work, three members each, licensed to practice  
8 the profession for which the board conducts  
9 examinations, and two members who are not licensed to  
10 practice the profession for which the board conducts  
11 examinations and who shall represent the general  
12 public. A quorum shall consist of a majority of the  
13 members of the board.

14 Sec. 2. Section 147.14, Code 1995, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 15. For mortuary science  
17 examiners, four members licensed to practice mortuary  
18 science, one member owning, operating, or employed by  
19 a crematory, and two members not licensed to practice  
20 mortuary science and not a crematory owner, operator,  
21 or employee who shall represent the general public. A  
22 majority of the members of the board constitutes a  
23 quorum."

24 2. Page 7, by inserting after line 2 the  
25 following:

26 "Sec. \_\_\_\_ . Section 331.805, subsection 3,  
27 paragraph b, Code 1995, is amended to read as follows:

28 b. If the next of kin, guardian, or other person  
 29 authorized to act on behalf of a deceased person has  
 30 requested that the body of the deceased person be  
 31 cremated, a permit for cremation must be obtained from  
 32 a medical examiner. However, a permit is not required  
 33 if the deceased person was a member of an established  
 34 religion whose tenets are opposed to the inspection or  
 35 examination of the body of a deceased person.  
 36 Cremation permits by the medical examiner must be made  
 37 on the most current forms prepared at the direction of  
 38 and approved by the state medical examiner, with  
 39 copies forwarded to the state medical examiner's  
 40 office. Costs for the cremation permit issued by a  
 41 medical examiner shall not exceed ~~twenty-five~~ thirty-  
 42 five dollars. The costs shall be borne by the family,  
 43 next of kin, guardian of the decedent, or other  
 44 person."  
 45 3. By renumbering, relettering, or redesignating  
 46 and correcting internal references as necessary.

S-5637

1 Amend House File 111 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking line 11 and inserting the  
 4 following: "a swimming pool or spa operated by a  
 5 homeowner's association representing seventy-two or  
 6 fewer dwelling units if the association's bylaws,  
 7 which also apply to a rental agreement relative to any  
 8 of the dwelling units, include an exemption from the  
 9 requirements of this chapter, provide for inspection  
 10 of the swimming pool or spa by an entity other than  
 11 the department or local board of health, and assume  
 12 any liability associated with operation of the  
 13 swimming pool or spa. To avoid".

MARY NEUHAUSER  
 JOHN P. KIBBIE  
 NANCY BOETTGER  
 EMIL J. HUSAK

S-5638

1 Amend the House amendment, S-5550, to Senate File  
 2 2442, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. By striking page 9, line 30, through page 10,

- 5 line 16.  
6 2. By renumbering as necessary.

ELAINE SZYMONIAK  
JOHN P. KIBBIE  
MARY NEUHAUSER  
SHELDON RITTMER  
MAGGIE TINSMAN  
MERLIN E. BARTZ

S-5639

- 1 Amend Senate File 2458 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "Iowa" the following: "or any other elected public  
4 body which has the power or duty to certify any tax to  
5 be levied or sum of money to be collected by  
6 taxation".  
7 2. Page 7, by inserting after line 10 the  
8 following:  
9 "6. To approve a loan agreement under section  
10 16.194 that will be payable from a tax levied by an  
11 elected public body, other than a public body provided  
12 for in subsections 2 through 5, the public body shall  
13 follow the authorization procedures required of a  
14 public body to levy a tax."

MERLIN E. BARTZ

S-5640

- 1 Amend the House amendment, S-5636, to Senate File  
2 259, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 17, by striking the word "four"  
5 and inserting the following: "three".  
6 2. Page 1, line 19, by striking the word "two"  
7 and inserting the following: "three".

ROD HALVORSON

S-5641

- 1 Amend Senate File 2463 as follows:  
2 1. Page 6, by inserting after line 19 the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 633.699A MODIFICATION OR  
5 TERMINATION OF TESTAMENTARY TRUST.  
6 1. On petition by a trustee or beneficiary, and  
7 after notice to all interested parties as determined



8 by the court, if the court determines that the fair  
 9 market value of a testamentary trust has become so low  
 10 in relation to the cost of administration that  
 11 continuation of the trust under its existing terms  
 12 will defeat or substantially impair the accomplishment  
 13 of its purposes, the court may, in its discretion,  
 14 order termination of the trust, modification of the  
 15 trust, or appointment of a new trustee.

16 a. If the court orders the termination of the  
 17 trust, disposition of all property shall be made  
 18 according to the will provisions that address the  
 19 disposition of the property in the event the trust is  
 20 terminated. However, if the will does not address the  
 21 disposition of the property in the event the trust is  
 22 terminated, the court shall determine the disposition  
 23 of the trust property, according to what the court  
 24 determines would be most consistent with the trustor's  
 25 original intent.

26 b. The existence of a trust provision restraining  
 27 transfer of the beneficiary's interest does not  
 28 prevent application of this subsection.

29 2. In the case of a charitable testamentary trust,  
 30 the attorney general shall be considered an interested  
 31 party under this section. This section shall not be  
 32 construed to limit intervention by the attorney  
 33 general according to section 633.303."

34 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5642

1 Amend Senate File 2458 as follows:

2 1. Page 1, line 9, by inserting after the word  
 3 "city," the following: "including a city hospital,".

DONALD B. REDFERN  
 JOHNIE HAMMOND

S-5643

1 Amend Senate File 2389 as follows:

2 1. Page 1, line 4, by striking the word  
 3 "Notwithstanding" and inserting the following: "1.  
 4 Notwithstanding".

5 2. By striking page 1, line 33, through page 2,  
 6 line 7 and inserting the following:

7 "2. Notwithstanding section 514C.6, a managed care  
 8 health plan or indemnity plan with a limited provider  
 9 network shall accept as locations for provision of

10 services, a rural hospital if the hospital agrees to  
 11 the conditions of the provider contract and the fees  
 12 established under the contract for specific services  
 13 as required by the managed care health plan or  
 14 indemnity plan with a limited provider network.

15 3. For the purposes of this section:

16 a. "Managed care health plan or indemnity plan  
 17 with a limited provider network" means a health  
 18 maintenance organization, organized delivery system,  
 19 exclusive provider organization, point of service  
 20 plan, standard indemnity insurance plan, or any  
 21 similar plan providing for health care services.

22 b. "Physician" means physician as defined in  
 23 section 135.1 and licensed under chapter 148, 150A, or  
 24 151.

25 c. "Rural county" means a county with a population  
 26 of thirty-five thousand or less.

27 d. "Rural hospital" means a licensed hospital  
 28 which is located in a rural county and which is the  
 29 only hospital licensed in that county."

30 3. Title page, line 3, by inserting after the  
 31 word "physicians" the following: "and other  
 32 providers".

PATTY JUDGE

S-5644

1 Amend Senate File 2464 as follows:

2 1. Page 5, line 17, by inserting after the word  
 3 "Disclose" the following: "that the property is  
 4 located in a real estate improvement district  
 5 established under chapter 358C and".

6 2. Page 5, by striking lines 18 and 19 and  
 7 inserting the following: "assessments, if any,  
 8 against the property."

O. GENE MADDOX

HOUSE AMENDMENT TO  
 SENATE FILE 2438

S-5645

1 Amend Senate File 2438, as passed by the Senate, as  
 2 follows:

3 1. Page 1, lines 6 and 7, by striking the words  
 4 "of unsound mind" and inserting the following: "of  
 5 unsound mind with any type of mental disease or mental  
 6 disorder, except that mental illness does not refer to

7 mental retardation as defined in section 222.2, or to  
 8 insanity, diminished responsibility, or mental  
 9 incompetency as defined and used in the Iowa criminal  
 10 code or in the rules of criminal procedure, Iowa court  
 11 rules, 3d ed”.

12 2. Page 5, by striking lines 20 through 26.

13 3. Page 22, line 1, by striking the word “adults”  
 14 and inserting the following: “adults adult persons”.

15 4. By striking page 33, line 31, through page 35,  
 16 line 11.

17 5. Page 36, by striking lines 2 through 27.

18 6. Page 40, by striking lines 10 through 19.

19 7. Page 41, by striking lines 11 through 18 and  
 20 inserting the following:

21 “Sec. \_\_\_\_ . Section 427.1, subsection 34, Code  
 22 Supplement 1995, is amended to read as follows:”

23 8. Page 41, lines 29 and 30, by striking the  
 24 words “WITH MENTAL ILLNESS” and inserting the  
 25 following: “UNDER LEGAL INCOMPETENCY”.

26 9. Page 41, by striking lines 31 and 32 and  
 27 inserting the following:

28 “The vote of any person who is a minor, ~~mentally~~  
 29 ~~ill~~, or under ~~other~~ legal incompetency shall be”.

30 10. Page 42, line 3, by striking the words “with  
 31 mental illness or other” and inserting the following:  
 32 “under”.

33 11. Page 45, by striking lines 2 and 3 and  
 34 inserting the following:

35 “~~No marriage~~ A dissolution of marriage granted due  
 36 to the mental illness of when one of the spouses has  
 37 mental illness shall not relieve the”.

38 12. Page 46, by striking lines 18 through 20 and  
 39 inserting the following:

40 “a. One who is under legal incompetency or is a  
 41 ~~mental retardate, mentally ill~~, a chronic alcoholic,  
 42 or a spendthrift.”

43 13. Title page, line 2, by inserting after the  
 44 word “conditions” the following: “, and providing for  
 45 related matters concerning persons with mental  
 46 illness”.

47 14. By renumbering, relettering, or redesignating  
 48 and correcting internal references as necessary.

S-5646

1 Amend House File 2387, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 27, by inserting after line 25 the  
 4 following:

5 “Sec. \_\_\_\_ . Section 49.104, Code 1995, is amended

- 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 7. Any person authorized by the  
 8 commissioner, in consultation with the secretary of  
 9 state, for the purposes of conducting and attending  
 10 educational voting programs for youth."  
 11 2. By renumbering as necessary.

ROBERT DVORSKY  
 MARY NEUHAUSER

S-5647

- 1 Amend Senate File 2462 as follows:  
 2 1. Page 1, line 12, by inserting after the word  
 3 "users," the following: "and may include the low-  
 4 income home energy assistance program,".

MARY NEUHAUSER

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2456

S-5648

- 1 Amend the Senate amendment, H-5649, to House File  
 2 2456, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, line 9, by inserting after the word  
 5 "person" the following: "convicted of a forcible  
 6 felony who is".  
 7 2. Page 1, line 16, by inserting after the word  
 8 "or" the following: "that the forcible felon has".  
 9 3. Page 1, line 20, by inserting after the word  
 10 "escape" the following: "of the person".  
 11 4. Page 1, line 20, by striking the word  
 12 "abscondence" and inserting the following: "the  
 13 abscondence of the forcible felon".  
 14 5. Page 1, by inserting after line 23 the  
 15 following:  
 16 "\_\_\_\_. Page 3, by inserting after line 7 the  
 17 following:  
 18 "Sec. \_\_\_\_ . Section 910A.7A, Code 1995, is amended  
 19 to read as follows:  
 20 910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.  
 21 The department of justice shall notify a registered  
 22 victim of all dispositional orders of a case currently  
 23 on appeal the filing of an appeal, the expected date  
 24 of decision on the appeal as the information becomes  
 25 available to the department, all dispositional orders

26 in the appeal, and the outcome of the appeal of a case  
27 in which the victim was involved.””

28 6. By renumbering, relettering, or redesignating  
29 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2420

S-5649

1 Amend Senate File 2420, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking line 22, through page 2,  
4 line 5, and inserting the following:

5 “Sec. \_\_\_\_ . Section 232.52, subsection 2, paragraph  
6 d, Code Supplement 1995, is amended by adding the  
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (4) The chief juvenile court  
9 officer or the officer's designee for placement in a  
10 program under section 232.191, subsection 4. The  
11 chief juvenile court officer or the officer's designee  
12 may place a child in group foster care for failure to  
13 comply with the terms and conditions of the supervised  
14 community treatment program for up to seventy-two  
15 hours without notice to the court or for more than  
16 seventy-two hours if the court is notified of the  
17 placement within seventy-two hours of placement,  
18 subject to a hearing before the court on the placement  
19 within ten days.”

20 2. Page 2, line 18, by inserting after the word  
21 “violation” the following: “by an adult”.

22 3. Page 3, line 22, by inserting before the word  
23 “a” the following: “, if the person is an adult, a  
24 violation of”.

25 4. Page 6, by inserting after line 7 the  
26 following:

27 “Sec. \_\_\_\_ . Section 723A.1, subsection 1, Code  
28 Supplement 1995, is amended by adding the following  
29 new paragraph:

30 NEW PARAGRAPH. h. Brandishing a dangerous weapon.  
31 For purposes of this paragraph:

32 (1) “Brandishing a dangerous weapon” means the  
33 display or exhibition of a dangerous weapon, with the  
34 intent to intimidate or threaten another person, or  
35 the actual use of the dangerous weapon in a manner  
36 which is intended to or does cause serious injury or  
37 death.

38 (2) “Dangerous weapon” means either of the  
39 following:

40 (a) An instrument or device designed primarily for

41 use in inflicting death or injury upon a human being  
 42 or animal, and that is capable of inflicting death  
 43 upon a human being when used in the manner for which  
 44 it was designed.

45 (b) An instrument or device of any sort whatsoever  
 46 that is actually used in a manner that indicates the  
 47 defendant intends to inflict death or serious injury  
 48 upon another person, and that, when so used, is  
 49 capable of inflicting death or serious injury upon a  
 50 human being."

Page 2

- 1 5. Title page, line 1, by inserting after the
- 2 word "including" the following: "the use of deadly
- 3 force by criminal street gangs,".
- 4 6. By renumbering, relettering, or redesignating
- 5 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2324

S-5650

- 1 Amend Senate File 2324, as passed by the Senate, as
- 2 follows:
- 3 1. Page 10, by inserting after line 14 the
- 4 following:
- 5 "Division ----- Family Investment Program --
- 6 Immunization
- 7 Sec. \_\_\_\_ **NEW SECTION. 239.10 IMMUNIZATION.**
- 8 1. To the extent feasible, the department shall
- 9 determine the immunization status of children
- 10 receiving assistance under this chapter. The status
- 11 shall be determined in accordance with the
- 12 immunization recommendations adopted by the Iowa
- 13 department of public health under section 139.9,
- 14 including the exemption provisions in section 139.9,
- 15 subsection 4. If the department determines a child is
- 16 not in compliance with the immunization
- 17 recommendations, the department shall refer the
- 18 child's parent or guardian to a local public health
- 19 agency for immunization services for the child and
- 20 other members of the child's family.
- 21 2. The department of human services shall
- 22 cooperate with the Iowa department of public health to
- 23 establish an interagency agreement allowing the
- 24 sharing of pertinent client data, as permitted under
- 25 federal law and regulation, for the purposes of
- 26 determining immunization rates of recipients of

27 assistance, evaluating family investment program  
28 efforts to encourage immunizations, and developing  
29 strategies to further encourage immunization of  
30 recipients of assistance."

31 2. Page 10, by inserting after line 14 the  
32 following:

33 "DIVISION V -- Child Support

34 Sec. \_\_\_\_ . Section 598.21, subsection 4, paragraph  
35 e, subparagraph (2), unnumbered paragraph 2, Code  
36 Supplement 1995, is amended to read as follows:

37 Failure to provide proof of compliance under this  
38 subparagraph or proof of compliance under section  
39 598.21A is grounds for modification of the support  
40 order using the uniform child support guidelines and  
41 imputing an income to the parent equal to a forty-hour  
42 work week at the state minimum wage, unless the  
43 parent's education, experience, or actual earnings  
44 justify a higher income.

45 Sec. \_\_\_\_ . NEW SECTION. 598.21A MINOR PARENT --  
46 PARENTING CLASSES.

47 In any order or judgment entered under chapter 234,  
48 252A, 252C, 252F, 598, or 600B or under any other  
49 chapter which provides for temporary or permanent  
50 support payments, if the parent ordered to pay support

Page 2

1 is less than eighteen years of age, one of the

2 following shall apply:

3 1. If the child support recovery unit is providing  
4 services pursuant to chapter 252B, the court, or the  
5 administrator as defined in section 252C.1, shall  
6 order the parent ordered to pay support to attend  
7 parenting classes which are approved by the department  
8 of human services.

9 2. If the child support recovery unit is not  
10 providing services pursuant to chapter 252B, the court  
11 may order the parent ordered to pay support to attend  
12 parenting classes which are approved by the court."

13 Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this  
14 Act takes effect July 1, 1997."

15 3. Title page, line 4, by striking the word  
16 "and".

17 4. Title page, line 5, by inserting after the  
18 word "program," the following: "and child support  
19 obligations of minors,".

20 5. By renumbering, relettering, or redesignating  
21 and correcting internal references as necessary.

S-5651

- 1 Amend Senate File 2464 as follows:  
 2 1. Page 12, line 1, by striking the word "The"  
 3 and inserting the following: "For a municipality with  
 4 a population over fifteen thousand, the".  
 5 2. Page 12, by inserting after line 15 the  
 6 following:  
 7 "For a municipality with a population of fifteen  
 8 thousand or less, the amount to be provided for low  
 9 and moderate income family housing either shall be the  
 10 same as for a municipality with a population over  
 11 fifteen thousand or shall not be less than an amount  
 12 equal to ten percent of the original project cost."

MICHAEL E. GRONSTAL

S-5652

- 1 Amend Senate File 2464 as follows:  
 2 1. Page 13, line 9, by striking the word "The"  
 3 and inserting the following: "Except for a  
 4 municipality with a population under fifteen thousand,  
 5 the".  
 6 2. Page 13, line 16, by inserting after the word  
 7 "project." the following: "A municipality with a  
 8 population under fifteen thousand may, with the  
 9 approval of the governing bodies of all other affected  
 10 taxing districts, extend the division of revenue under  
 11 section 403.19 for up to five years if necessary to  
 12 adequately fund the project."

MICHAEL E. GRONSTAL

S-5653

- 1 Amend Senate File 2464 as follows:  
 2 1. Page 23, by inserting after line 23 the  
 3 following:  
 4 "DIVISION 201"  
 5 Sec. \_\_\_\_ . Section 331.441, subsection 2, paragraph  
 6 b, subparagraph 10, Code Supplement 1995, is amended  
 7 to read as follows:  
 8 (10) The establishment or funding of programs to  
 9 provide for or assist in providing for the  
 10 acquisition, restoration, or demolition of housing, as  
 11 part of a municipal housing project under chapter 403A  
 12 or otherwise, or for other purposes as may be  
 13 authorized under chapter 403A.  
 14 Sec. \_\_\_\_ . Section 384.24, subsection 3, paragraph



15 u, Code 1995, is amended to read as follows:

- 16 u. The establishment or funding of programs to  
 17 provide for or assist in providing for the  
 18 acquisition, restoration, or demolition of housing, as  
 19 part of a municipal housing project under chapter 403A  
 20 or otherwise, or for other purposes as may be  
 21 authorized under chapter 403A.”  
 22 2. By renumbering as necessary.

O. GENE MADDOX

S-5654

1 Amend Senate File 2464 as follows:

2 1. Page 23, by inserting after line 23 the  
 3 following:

4 “DIVISION 101

5 Sec. \_\_\_\_ . NEW SECTION. 15E.175 DEFINITIONS.

6 As used in this section and sections 15E.176 and  
 7 15E.177:

8 1. “Affordable housing assistance” means money,  
 9 real or personal property, or professional services  
 10 expended or devoted to the construction or  
 11 rehabilitation of housing for low and moderate income  
 12 families.

13 2. “Low or moderate income families” has the same  
 14 meaning as in section 16.1, subsection 24.

15 3. “Taxpayer” means a person subject to tax under  
 16 chapter 422, division II, III, or V, or chapter 432.

17 4. “Tax year” means for individuals and entities  
 18 subject to the state personal net income tax,  
 19 corporate income tax, or the state franchise tax under  
 20 chapter 422, division II, III, or V, respectively, the  
 21 tax year as defined for those divisions or means for  
 22 insurance companies subject to the gross premiums tax  
 23 under chapter 432, the calendar year for which the  
 24 premiums are taxed.

25 Sec. \_\_\_\_ . NEW SECTION. 15E.176 TAX CREDITS.

26 1. For tax years beginning on or after January 1,  
 27 1997, there is allowed a credit against that tax  
 28 imposed under the personal net income tax in chapter  
 29 422, division II, the corporate income tax in chapter  
 30 422, division III, the franchise tax in chapter 422,  
 31 division V, or the gross premiums tax in chapter 432,  
 32 for affordable housing assistance provided by the  
 33 taxpayer.

34 2. The amount of credit allowed under subsection  
 35 1, subject to subsection 4, is equal to not more than  
 36 fifty-five percent of the affordable housing  
 37 assistance provided by the taxpayer.

38 3. The taxpayer is allowed the credit as computed  
39 each year in subsection 2 for up to ten consecutive  
40 years beginning with the first year for which the  
41 credit is taken.

42 If the amount of the credit exceeds the taxpayer's  
43 tax liability for the tax year, the excess may be  
44 credited to the tax liability for the following five  
45 tax years or until depleted, whichever is the earlier,  
46 and is in addition to any other credit allowed under  
47 this section. For purposes of this section, an  
48 individual may claim a credit for affordable housing  
49 assistance incurred by a partnership, subchapter S  
50 corporation, estate, or trust electing to have the

**Page 2**

1 income taxed directly to the individual. The amount  
2 claimed by the individual shall be based upon the pro  
3 rata share of the individual's earnings of a  
4 partnership, subchapter S corporation, estate, or  
5 trust.

6 4. Notwithstanding the amount of credit allowed in  
7 subsection 2, the total amount of credits for all  
8 taxpayers that shall be allowed under subsection 1 for  
9 any fiscal year of the qualified venture capital  
10 company shall not exceed two million dollars and shall  
11 not exceed a total amount of ten million dollars. In  
12 determining if the credit allowed has exceeded the  
13 fiscal year limit, credits carried over from a  
14 previous tax year are not counted.

15 5. The credit provided for in subsection 2, to the  
16 extent not previously utilized, shall be freely  
17 transferable to and by subsequent transferees for a  
18 period of ten years from the date the credit is first  
19 available to the taxpayer.

20 Sec. \_\_\_\_ . NEW SECTION. 15E.177 AFFORDABLE  
21 HOUSING ASSISTANCE -- APPROVAL.

22 A taxpayer who wishes to engage in affordable  
23 housing assistance shall submit a proposal regarding  
24 the assistance to the department of economic  
25 development. The proposal shall contain the program  
26 of affordable housing assistance to be conducted by  
27 the taxpayer, the location and number of units,  
28 reasons why the program is needed, the time period for  
29 which affordable housing assistance shall be provided,  
30 the estimated amount to be invested in the program,  
31 plans for implementing the program, and a list of  
32 other taxpayers who plan to participate in the  
33 program, if any.

34 In the case of rental units, all proposals approved

35 by the department shall require a land use restriction  
 36 agreement stating that the units shall be devoted to  
 37 affordable housing for a period deemed reasonable by  
 38 the department. In the case of owner-occupied units,  
 39 all proposals approved by the department shall require  
 40 a land use restriction agreement for a time period  
 41 deemed reasonable by the department requiring any  
 42 subsequent owner, except a lender with a security  
 43 interest in the property, to be a low or moderate  
 44 income family and further requiring the acquisition  
 45 price to any subsequent owner not to exceed, by more  
 46 than five percent annual appreciation, the acquisition  
 47 price to the original low or moderate income owner at  
 48 the time the tax credit is first claimed. The  
 49 restriction shall be approved by the property owner  
 50 and shall be binding on any subsequent owner of the

Page 3

1 property unless otherwise approved by the department.

2 The department, in approving the proposal, may  
 3 authorize the use of tax credits by one or more  
 4 taxpayers listed in the proposal and shall establish  
 5 specific requirements regarding the degree of  
 6 completion of affordable housing assistance necessary  
 7 to be eligible for the tax credits under this  
 8 division. The approval shall state the maximum credit  
 9 allowable to each taxpayer listed in the proposal.

10 Sec. \_\_\_\_ . NEW SECTION. 422.9A AFFORDABLE HOUSING  
 11 ASSISTANCE CREDIT.

12 There is allowed as a credit against the tax  
 13 determined in section 422.5 for a tax year an amount  
 14 equal to the affordable housing assistance credit as  
 15 provided in section 15E.176. Notwithstanding any  
 16 other provision, the credit allowed for in this  
 17 section shall be applied prior to all other credits  
 18 allowed the taxpayer.

19 Sec. \_\_\_\_ . Section 422.33, Code Supplement 1995, is  
 20 amended by adding the following new subsection:  
 21 NEW SUBSECTION. 9. There is allowed as a credit  
 22 against the tax determined in subsection 1 for a tax  
 23 year an amount equal to the affordable housing  
 24 assistance credit as provided in section 15E.176.  
 25 Notwithstanding any other provision, the credit  
 26 allowed for in this subsection shall be applied prior  
 27 to all other credits allowed the taxpayer. The  
 28 taxpayer shall not receive for the same investment a  
 29 credit under subsection 8 and this subsection.

30 Sec. \_\_\_\_ . Section 422.60, Code Supplement 1995, is  
 31 amended by adding the following new subsection:

32 NEW SUBSECTION. 4. There is allowed as a credit  
 33 against the tax determined in this division for a tax  
 34 year an amount equal to the affordable housing  
 35 assistance credit as provided in section 15E.176.  
 36 Notwithstanding any other provision, the credit  
 37 allowed for in this subsection shall be applied prior  
 38 to all other credits allowed the taxpayer. The  
 39 allocation of revenues to a city or county under  
 40 section 422.65 shall be determined as if the credit  
 41 under this subsection had not been taken.  
 42 Sec. \_\_\_\_ . Section 432.1, Code 1995, is amended by  
 43 adding the following new subsection:  
 44 NEW SUBSECTION. 5. There is allowed as a credit  
 45 against the tax determined in subsection 1 or 2 for a  
 46 tax year an amount equal to the affordable housing  
 47 assistance credit as provided in section 15E.176.  
 48 Notwithstanding any other provision, the credit  
 49 allowed for in this subsection shall be applied prior  
 50 to all other credits allowed the taxpayer.

**Page 4**

1 Sec. \_\_\_\_ . APPLICABILITY. Division 101 applies for  
 2 tax years of individuals subject to the personal net  
 3 income tax and entities subject to the state corporate  
 4 income tax or franchise tax which begin on or after  
 5 January 1, 1997. Division 101 applies for calendar  
 6 years beginning on or after January 1, 1997, for  
 7 entities subject to the gross premiums tax under  
 8 chapter 432."  
 9 2. By renumbering as necessary.

O. GENE MADDOX

S-5655

1 Amend Senate File 2464 as follows:  
 2 1. Page 21, line 33, by striking the word  
 3 "Eighty" and inserting the following: "Fifty".  
 4 2. Page 22, line 8, by striking the word "Twenty"  
 5 and inserting the following: "Fifty".

PATTY JUDGE

S-5656

1 Amend Senate File 2464 as follows:  
 2 1. Page 10, by striking lines 21 through 29.

3 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5657

1 Amend the House amendment, S-5550, to Senate File  
 2 2442, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 9, by striking lines 30 and 31.  
 5 2. By striking page 9, line 42, through page 10,  
 6 line 16.  
 7 3. By renumbering as necessary.

ELAINE SZYMONIAK  
 SHELDON RITTMER  
 MERLIN E. BARTZ  
 JOHN P. KIBBIE

S-5658

1 Amend the House amendment, S-5636, to Senate File  
 2 259, as passed by the Senate, as follows:  
 3 1. Page 1, by inserting after line 3 the  
 4 following:  
 5 "Section 1. Section 142.3, Code 1995, is amended  
 6 to read as follows:  
 7 142.3 NOTIFICATION OF DEPARTMENT.  
 8 Every county medical examiner, person holding a  
 9 cremation establishment license, funeral director, or  
 10 embalmer, and or the managing officer of every public  
 11 asylum, hospital, county care facility, penitentiary,  
 12 or reformatory, as soon as any dead body shall come  
 13 into the person's custody which may be used for  
 14 scientific purposes as provided in sections 142.1 and  
 15 142.2, shall at once notify the nearest relative or  
 16 friend of the deceased, if known, and the Iowa  
 17 department of public health by telegram, and hold such  
 18 body unburied or not cremated for forty-eight hours.  
 19 Upon receipt of such telegram the department shall  
 20 telegraph instructions relative to the disposition to  
 21 be made of said body. Complete jurisdiction over said  
 22 bodies is vested exclusively in the Iowa department of  
 23 public health. No autopsy or post mortem, except as  
 24 are legally ordered by county medical examiners, shall  
 25 be performed on any of said bodies prior to their  
 26 delivery to the medical schools.  
 27 Sec. 2. Section 144.27, Code 1995, is amended to  
 28 read as follows:  
 29 144.27 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S

30 DUTY.

31 The A funeral director or person holding a  
32 cremation establishment license who first assumes  
33 custody of a dead body shall file the death  
34 certificate, obtain the personal data from the next of  
35 kin or the best qualified person or source available  
36 and obtain the medical certification of cause of death  
37 from the person responsible for issuing and signing  
38 the certification. When a person other than a funeral  
39 director or person holding a cremation establishment  
40 license assumes custody of a dead body, the person  
41 shall be responsible for carrying out the provisions  
42 of this section.

43 Sec. 3. Section 144.30, Code 1995, is amended to  
44 read as follows:

45 144.30 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S  
46 DUTY.

47 The A funeral director or person holding a  
48 cremation establishment license who first assumes  
49 custody of a fetus shall file the fetal death  
50 certificate. In the absence of such a person, the

Page 2

1 physician or other person in attendance at or after  
2 the delivery shall file the certificate of fetal  
3 death. The person filing the certificate shall obtain  
4 the personal data from the next of kin or the best  
5 qualified person or source available and shall obtain  
6 the medical certification of cause of death from the  
7 person responsible for issuing and signing the  
8 certification. When a person other than a funeral  
9 director or person holding a cremation establishment  
10 license assumes custody of a fetus, the person shall  
11 be responsible for carrying out the provisions of this  
12 section.

13 Sec. 4. Section 144.32, unnumbered paragraphs 1  
14 and 2, Code 1995, are amended to read as follows:

15 If a person other than a funeral director or person  
16 holding a cremation establishment license assumes  
17 custody of a dead body or fetus, the person shall  
18 secure a burial-transit permit. To be valid, the  
19 burial-transit permit must be issued by the county  
20 medical examiner, a funeral director, a person holding  
21 a cremation establishment license, or the county  
22 registrar of the county where the certificate of death  
23 or fetal death was filed. The permit shall be  
24 obtained prior to the removal of the body or fetus  
25 from the place of death and the permit shall accompany  
26 the body or fetus to the place of final disposition.

27 To transfer a dead body or fetus outside of this  
 28 state, the funeral director or person holding a  
 29 cremation establishment license who first assumes  
 30 custody of the dead body or fetus shall obtain a  
 31 burial-transit permit prior to the transfer. The  
 32 permit shall accompany the dead body or fetus to the  
 33 place of final disposition.

34 Sec. 5. Section 144.49, Code 1995, is amended to  
 35 read as follows:

36 144.49 ADDITIONAL RECORD BY FUNERAL DIRECTOR OR  
 37 LICENSED CREMATOR.

38 A funeral director, person holding a cremation  
 39 establishment license, or other person who removes  
 40 from the place of death or transports or finally  
 41 disposes of a dead body or fetus, in addition to  
 42 filing any certificate or other form required by this  
 43 chapter, shall keep a record which shall identify the  
 44 body, and information pertaining to the funeral  
 45 director's or other person's receipt, removal, and  
 46 delivery of the body as prescribed by the department."

47 2. Page 1, by inserting after line 23 the  
 48 following:

49 " — . Page 1, by inserting after line 12 the  
 50 following:

Page 3

1 "2A. "Cremation director" means a person licensed  
 2 by the department to establish, conduct, or maintain a  
 3 cremation establishment as provided in section 156.16,  
 4 and provide any aspect of mortuary science pertaining  
 5 to the performance of cremations."

6 — . Page 1, by striking line 14 and inserting  
 7 the following: "defined and licensed by the  
 8 department which provides cremation".

9 — . Page 1, by striking lines 26 through 28 and  
 10 inserting the following:

11 "a. Preparing, for the burial, or disposal, or  
 12 cremation, or directing and supervising the burial, or  
 13 disposal, or cremation of dead human bodies."

14 — . Page 1, line 30, by inserting after the word  
 15 "embalming," the following: "or making cremation  
 16 arrangements or furnishing cremation services".

17 — . Page 1, line 33, by inserting after the word  
 18 "mortician" the following: ", or cremation  
 19 director".

20 — Page 1, line 35, by inserting after the word  
 21 "director" the following: "or cremation director".

22 — . Page 2, line 6, by inserting after the word  
 23 "disinfection" the following: ", or by performing

24 cremation upon a dead human body".

25 \_\_\_\_ . Page 2, line 14, by inserting after the word

26 "director," the following: "or by a cremation

27 director with respect to cremations,".

28 \_\_\_\_ . Page 2, line 15, by inserting after the word

29 "funeral" the following: "or cremation".

30 \_\_\_\_ . Page 5, by striking lines 9 and 10 and

31 inserting the following:

32 "Sec. 7. NEW SECTION. 156.14 FUNERAL

33 ESTABLISHMENT LICENSE."

34 \_\_\_\_ . Page 5, line 12, by striking the words "or a

35 cremation establishment".

36 \_\_\_\_ . Page 5, by striking lines 25 through 28 and

37 inserting the following: "conduct of a funeral

38 establishment.

39 3. To qualify for a funeral establishment license,

40 the applicant shall submit to the board".

41 \_\_\_\_ . Page 6, by striking lines 9 and 10 and

42 inserting the following:

43 "Sec. \_\_\_\_ . NEW SECTION. 156.15 FUNERAL

44 ESTABLISHMENTS -- LICENSE REQUIRED -- DISCIPLINE."

45 \_\_\_\_ . Page 6, by striking line 12 and inserting

46 the following:

47 "1. A funeral establishment".

48 \_\_\_\_ . Page 7, by inserting after line 2 the

49 following:

50 "Sec. \_\_\_\_ . NEW SECTION. 156.16 CREMATION

#### Page 4

#### 1 ESTABLISHMENT LICENSE.

2 1. A person shall not establish, conduct, or

3 maintain a cremation establishment in this state

4 without a license. The license shall be identified as

5 a cremation establishment license.

6 a. A cremation establishment license issued by the

7 department under this chapter shall be issued for a

8 site and in the name of the individual in charge and

9 is not transferable or assignable.

10 b. A license is required for each place of

11 practice.

12 c. The license shall be displayed.

13 2. The department shall specify by rule pursuant

14 to chapter 17A the licensing procedures to be

15 followed, including specifications of forms for use in

16 applying for an establishment license and fees for

17 filing an application. The department shall specify

18 by rule minimum standards for professional

19 responsibility in the conduct of a cremation

20 establishment.



21 3. To qualify for a cremation establishment  
22 license, the applicant shall submit to the department  
23 a license fee as determined by the department that  
24 shall include the following information and be given  
25 under oath:

26 a. Ownership of the establishment.

27 b. Location of the establishment.

28 c. The trade or corporate name of the  
29 establishment.

30 d. The name of the individual in charge, who has  
31 the authority and responsibility for the  
32 establishment's compliance with laws and rules  
33 pertaining to the operation of the establishment.

34 4. A person who falsely makes the affidavit  
35 prescribed in subsection 3 is subject to all penalties  
36 prescribed for making a false affidavit.

37 Sec. \_\_\_\_ . NEW SECTION. 156.17 CREMATION  
38 ESTABLISHMENTS -- LICENSE REQUIRED -- PENALTIES.

39 1. A cremation establishment shall not be operated  
40 until a license or renewal certificate has been issued  
41 to the establishment by the department.

42 2. The department shall refuse to issue a  
43 cremation establishment license when an applicant  
44 fails to meet the requirements of section 156.16. The  
45 department may refuse to issue or renew a license or  
46 may impose a penalty, not to exceed two thousand  
47 dollars, issue a reprimand, or revoke, restrict,  
48 cancel, or suspend a license, and may place a licensee  
49 on probation, if the department finds that the  
50 applicant or licensee has done any of the following:

Page 5

1 a. Been convicted of a felony or a misdemeanor  
2 involving moral turpitude, or if the applicant is an  
3 association, joint stock company, partnership, or  
4 corporation, that a managing officer has been  
5 convicted of a felony or a misdemeanor involving moral  
6 turpitude, under the laws of this state, another  
7 state, or the United States.

8 b. Violated this chapter or any rule adopted under  
9 this chapter.

10 c. Failed to engage in or ceased to engage in the  
11 business described in the application for a license.

12 3. Failed to keep and maintain records as required  
13 by this chapter or rules adopted under this chapter."

14 3. Page 1, by inserting after line 44 the  
15 following:

16 " \_\_\_\_ . Title page, line 1, by inserting after the  
17 word "the" the following: "care of a dead body or

18 fetus.”

19 —. Title page, line 2, by striking the words

20 “and licensing” and inserting the following:

21 “licensing”.

22 —. Title page, line 2, by inserting after the

23 word “establishments” the following: “and cremation

24 establishments.”

ROD HALVORSON

HOUSE AMENDMENT TO  
SENATE FILE 2269

S-5659

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:

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

5 “Section 1. Section 331.756, subsection 4, Code  
6 Supplement 1995, is amended to read as follows:

7 4. Prosecute misdemeanors under chapter 236. The  
8 county attorney shall prosecute other misdemeanors  
9 when not otherwise engaged in the performance of other  
10 official duties.

11 Sec. 2. Section 602.6306, subsection 2, Code 1995,  
12 is amended to read as follows:

13 2. District associate judges also have  
14 jurisdiction in civil actions for money judgment where  
15 the amount in controversy does not exceed ten thousand  
16 dollars, jurisdiction over involuntary commitment,  
17 treatment, or hospitalization proceedings under  
18 chapters 125 and 229, jurisdiction of indictable  
19 misdemeanors, and felony violations of section 321J.2,  
20 jurisdiction to enter a temporary or emergency order  
21 of protection under chapter 236, and to make court  
22 appointments and set hearings in criminal matters,  
23 jurisdiction to enter orders in probate which do not  
24 require notice and hearing and to set hearings in  
25 actions under chapter 633, and the jurisdiction  
26 provided in section 602.7101 when designated as a  
27 judge of the juvenile court. While presiding in these  
28 subject matters a district associate judge shall  
29 employ district judges’ practice and procedure.”

30 2. Page 4, by inserting after line 15 the  
31 following:

32 “Sec. —. DOMESTIC ABUSE TREATMENT PILOT PROGRAM.  
33 Notwithstanding section 708.2A, a court, located in a  
34 county which has been designated by the supreme court  
35 as a county establishing an alternative batterers’

36 treatment pilot program, shall sentence a person who  
37 pleads guilty to or is convicted of domestic abuse  
38 assault under section 708.2A to either a batterers'  
39 treatment program under section 708.2B or the  
40 alternative batterers' pilot program established in  
41 the county.  
42 The judicial district in which the county is  
43 located shall report to the general assembly not later  
44 than January 15 of each year regarding the alternative  
45 batterers' pilot program. The judicial district shall  
46 submit a final report not later than August 1, 1998,  
47 regarding the pilot program.  
48 This section is repealed effective June 30, 1998,  
49 except that the date for submission of the final  
50 report shall remain August 1, 1998."

## Page 2

1 3. Title page, line 2, by striking the word  
2 "assault." and inserting the following: "assault,  
3 requiring county attorneys to prosecute certain  
4 domestic abuse misdemeanors, giving district associate  
5 judges jurisdiction to enter orders of protection in  
6 certain domestic abuse matters, and establishing a  
7 pilot program for domestic abuse."  
8 4. By renumbering as necessary.

S-5660

1 Amend Senate File 2464 as follows:

2 1. Page 21, line 31, by striking the words "low-  
3 income housing projects" and inserting the following:  
4 "housing projects for families defined as low or  
5 moderate income by the United States department of  
6 housing and urban development".

7 2. By striking page 21, line 34, through page 22,  
8 line 7, and inserting the following: "on a per capita  
9 basis according to the 1990 federal census, to each  
10 county as provided in this subsection.

11 (1) In order to receive moneys under this  
12 subsection, a housing council must have been  
13 established. The housing council shall consist of the  
14 supervisors of the county and the mayor of each city  
15 in the county, or their designees. A housing council  
16 may represent more than one county and the cities  
17 within each county and may be an entity formed under  
18 chapter 28E.

19 (2) The functions of the housing council include  
20 having a housing needs assessment completed if one has  
21 not already been done, developing an integrated

22 housing plan for the county or counties, encouraging  
 23 the formation of partnerships with other governmental  
 24 entities and public-private partnerships to implement  
 25 the housing plan, and funding projects under the  
 26 housing plan from moneys received under this  
 27 subsection.

28 (3) Moneys received by the county under this  
 29 subsection shall be placed in a special account under  
 30 the control of the housing council and shall not be  
 31 expended for any purpose other than through the  
 32 housing council. The cost of the housing needs  
 33 assessment may be paid from moneys received under this  
 34 subsection. Moneys not obligated for a project within  
 35 one year of transfer to the county shall revert to the  
 36 authority for purposes of the competitive program  
 37 under paragraph "b".

38 3. By renumbering, relettering, and correcting  
 39 internal references as necessary.

MICHAEL E. GRONSTAL  
 STEWART IVERSON, JR.  
 EMIL J. HUSAK

S-5661

1 Amend Senate File 2464 as follows:

- 2 1. Page 12, line 1, by striking the word "The"
- 3 and inserting the following: "For a municipality with
- 4 a population over fifteen thousand, the".
- 5 2. Page 12, line 15, by inserting after the word
- 6 "cost." the following: "For a municipality with a
- 7 population of fifteen thousand or less, the
- 8 municipality is not required to provide an amount for
- 9 low and moderate income family housing."

ALLEN BORLAUG

S-5662

1 Amend Senate File 2458 as follows:

- 2 1. By striking page 5, line 29, through page 6,
- 3 line 7.
- 4 2. By renumbering as necessary.

MARY NEUHAUSER

S-5663

- 1 Amend House File 2448, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. By striking page 3, line 25, through page 4,  
4 line 3.  
5 2. By renumbering as necessary.

TOM VILSACK

S-5664

1 Amend the House amendment, S-5630, to Senate File  
2 2085, as amended, passed, and reprinted by the Senate,  
3 as follows:

- 4 1. Page 1, by striking lines 9 through 17 and  
5 inserting the following:  
6 "\_\_\_ . Page 6, by striking lines 1 through 6 and  
7 inserting the following: "four years. Persons who  
8 seek only seeking".  
9 2. Page 1, by striking lines 18 through 20.  
10 3. Page 1, by striking lines 27 through 33.  
11 4. Page 1, by striking lines 34 through 38.  
12 5. By striking page 1, line 41, through page 2,  
13 line 21, and inserting the following:  
14 "\_\_\_ . Page 13, line 3, by striking the figure  
15 "1997" and inserting the following: "1998".  
16 6. By renumbering as necessary.

BILL FINK

S-5665

1 Amend House File 2448, as amended, passed, and  
2 reprinted by the House, as follows:

- 3 1. Page 1, by inserting after line 31 the  
4 following:  
5 "(4) Any release of criminal history data by the  
6 department shall prominently display the statement:  
7 "AN ARREST WITHOUT DISPOSITION IS NOT AN INDICATION OF  
8 GUILT.""

JOHNIE HAMMOND  
ANDY McKEAN

S-5666

1 Amend Senate File 2464 as follows:

- 2 1. Page 23, by inserting after line 23 the  
3 following:  
4 "DIVISION 401  
5 Sec. \_\_\_ . NEW SECTION. 404A.1 HOUSING  
6 DEVELOPMENT -- TAX STATUS -- LIMITATION.  
7 1. In a county with a population of less than

8 twenty thousand, property acquired and subdivided for  
 9 development of housing shall continue to be assessed  
 10 for taxation in the manner that it was prior to the  
 11 acquisition for housing until a lot is sold for  
 12 construction or occupancy of housing or five years  
 13 from the date of subdivision, whichever is shorter.  
 14 Upon the sale or the expiration of the five-year  
 15 period, the property shall be assessed for taxation as  
 16 residential or commercial multifamily property,  
 17 whichever is applicable.

18 2. In a county with a population of twenty  
 19 thousand or more, property acquired and subdivided for  
 20 development of housing shall continue to be assessed  
 21 for taxation in the manner that it was prior to the  
 22 acquisition for housing until a lot is sold for  
 23 construction or occupancy of housing or three years  
 24 from the date of subdivision, whichever is shorter.  
 25 Upon the sale or the expiration of the three-year  
 26 period, the property shall be assessed for taxation as  
 27 residential or commercial multifamily property,  
 28 whichever is applicable."

29 word "financing" the following: "providing for the  
 30 assessment of certain property for tax purposes,".

32 3. By renumbering as necessary.

ALLEN BORLAUG

S-5667.

1 Amend Senate File 2464 as follows:

2 1. Page 12, by inserting before line 16 the  
 3 following: "However, a municipality with a population  
 4 of four thousand or less and the department of  
 5 economic development may agree to waive the ten  
 6 percent of the original project cost requirement."

ALLEN BORLAUG

S-5668

1 Amend the amendment, S-5554, to House File 2383, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 5 and 6 and  
 5 inserting the following:  
 6 "3. The director shall provide nonresident deer  
 7 hunting licenses for allocation as requested by a".  
 8 2. Page 1, line 11, by striking the word  
 9 "reserved" and inserting the following: "provided".

- 10 3. Page 1, by striking lines 28 through 30 and  
11 inserting the following:  
12 "4. The director shall provide nonresident wild  
13 turkey hunting licenses for allocation as requested by  
14 a majority of a committee consisting of".  
15 4. Page 1, line 34, by striking the word  
16 "reserved" and inserting the following: "provided".

TONY BISIGNANO

S-5669

- 1 Amend Senate File 2370 as follows:  
2 1. By striking page 6, line 14, through page 7,  
3 line 1.  
4 2. By renumbering as necessary.

ROBERT DVORSKY

S-5670

- 1 Amend House File 230, 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. 549.1 SHORT TITLE.  
6 This chapter may be cited as the "Music Licensing  
7 Fees Act".  
8 Sec. 2. NEW SECTION. 549.2 DEFINITIONS.  
9 As used in this chapter:  
10 1. "Copyright owner" means the owner of a  
11 copyright of a nondramatic musical or similar work  
12 recognized and enforceable under the copyright laws of  
13 the United States under 17 U.S.C. § 101 et seq.  
14 2. "Performing rights society" means an  
15 association or corporation, including an agent or  
16 employee of the association or corporation, that  
17 licenses the public performance of a nondramatic  
18 musical work on behalf of a copyright owner, including  
19 the American society of composers, authors and  
20 publishers (ASCAP), broadcast music, inc. (BMI), and  
21 the society of European stage authors and composers,  
22 inc. (SESAC).  
23 3. "Proprietor" means the owner of a retail  
24 establishment, restaurant, inn, bar, tavern, or any  
25 other similar place of business located in this state  
26 in which the public may assemble and in which  
27 nondramatic musical works may be performed, broadcast,  
28 or otherwise transmitted.  
29 4. "Royalty" or "royalties" means the license fee

30 or fees payable by a proprietor to a performing rights  
31 society for the public performance of a nondramatic  
32 musical or similar work.

33 Sec. 3. NEW SECTION. 549.3 LICENSING  
34 NEGOTIATIONS.

35 1. A performing rights society shall not enter  
36 onto the business premises of a proprietor for the  
37 purpose of discussing a contract for the payment of  
38 royalties by the proprietor, unless the performing  
39 rights society identifies itself to the proprietor and  
40 describes to the proprietor the purpose for entering  
41 onto the proprietor's business premises.

42 2. A performing rights society shall not enter  
43 into, or offer to enter into, a contract for the  
44 payment of royalties by a proprietor unless at the  
45 time of the offer, or any later time, but not later  
46 than seventy-two hours prior to the execution of the  
47 contract, the performing rights society provides to  
48 the proprietor, in writing, all of the following:

49 a. A schedule of the rates and terms of royalties  
50 under the contract.

**Page 2**

1 b. Upon the request of the proprietor, the  
2 opportunity to review the most current available list  
3 of the members or affiliates represented by the  
4 performing rights society.

5 c. Notice that the performing rights society will  
6 make available, upon the written request of a  
7 proprietor, at the sole expense of the proprietor, the  
8 most current available listing of the copyrighted  
9 nondramatic musical or similar works in the performing  
10 rights society's repertory, provided that the notice  
11 shall specify the means by which the listing can be  
12 secured.

13 d. Notice that the performing rights society  
14 complies with federal law and orders of courts having  
15 appropriate jurisdiction regarding the rates and terms  
16 of royalties and the circumstances under which  
17 licenses for rights of public performance are offered  
18 to any proprietor.

19 Sec. 4. NEW SECTION. 549.4 ROYALTY CONTRACT  
20 REQUIREMENTS.

21 A contract for the payment of royalties between a  
22 performing rights society and a proprietor executed in  
23 this state shall meet all of the following  
24 requirements:

- 25 1. Be in writing.
- 26 2. Be signed by the parties.



27 3. Include, at a minimum, the following  
28 information:

29 a. The proprietor's name and business address and  
30 the name and location of each place of business to  
31 which the contract applies.

32 b. The name of the performing rights society.

33 c. The duration of the contract.

34 d. The schedule of rates and terms of the  
35 royalties to be collected under the contract,  
36 including any sliding scale or schedule for any  
37 increase or decrease of rates for the duration of the  
38 contract.

39 Sec. 5. NEW SECTION. 549.5 IMPROPER LICENSING  
40 PRACTICES.

41 A performing rights society shall not collect, or  
42 attempt to collect, from a proprietor licensed by that  
43 performing rights society, a royalty payment except as  
44 provided in a contract executed pursuant to the  
45 provisions of this chapter.

46 Sec. 6. NEW SECTION. 549.6 INVESTIGATIONS.

47 This chapter shall not be construed to prohibit a  
48 performing rights society from conducting  
49 investigations to determine the existence of music use  
50 by a proprietor or informing a proprietor of the

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1 proprietor's obligations under the federal copyright  
2 law, 17 U.S.C. § 101 et seq.

3 Sec. 7. NEW SECTION. 549.7 REMEDIES --  
4 INJUNCTION.

5 A person who suffers a violation of this chapter  
6 may bring an action to recover actual damages and  
7 reasonable attorney's fees and to seek an injunction  
8 or any other available remedy.

9 Sec. 8. NEW SECTION. 549.8 REMEDIES CUMULATIVE.

10 The rights, remedies, and prohibitions contained in  
11 this chapter shall be in addition to and cumulative of  
12 any other right, remedy, or prohibition accorded by  
13 common law or state or federal law. This chapter  
14 shall not be construed to deny, abrogate, or impair  
15 any such common law or statutory right, remedy, or  
16 prohibition.

17 Sec. 9. NEW SECTION. 549.9 EXCEPTIONS.

18 This chapter shall not apply to a contract between  
19 a performing rights society or a copyright owner and a  
20 broadcaster licensed by the federal communications  
21 commission, or to a contract with a cable operator,  
22 programmer, or other transmission service. This  
23 chapter shall not apply to a nondramatic musical or

24 similar work performed in synchronization with an  
25 audio or visual film or tape.”  
26 2. Title page, by striking line 2 and inserting  
27 the following: “certain copyrights”.

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE FILE 2208

S-5671

1 Amend Senate File 2208, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 3 and 4 and  
4 inserting the following:  
5 “k. Stalking in violation of section 708.11,  
6 subsection 3, paragraph “b”, subparagraph (3), if the  
7 fact-finder determines by clear and convincing  
8 evidence that the offense was sexually motivated.”

9 2. By striking page 1, line 24, through page 2,  
10 line 5.

11 3. Page 2, by inserting after line 22 the  
12 following:

13 “Sec. \_\_\_\_ . The department of human services shall  
14 work with the department of public safety to develop a  
15 single point of contact for persons seeking  
16 information regarding individuals who may be listed on  
17 the child abuse registry created in section 235A.14,  
18 the dependent adult abuse registry created in section  
19 235B.5, or the sex offender registry created in  
20 section 692A.10. The department of human services and  
21 the department of public safety shall also study the  
22 issue of information sharing among the registries.  
23 The department of human services and the department of  
24 public safety shall present a joint report to the  
25 general assembly not later than December 15, 1996,  
26 regarding the feasibility of creating a single point  
27 of contact for information on the registries and  
28 providing information sharing among the registries,  
29 including the statutory changes necessary for  
30 implementation.”

31 4. Title page, line 2, by striking the words  
32 “registry and” and inserting the following:  
33 “registry, requiring a departmental study, and”.

34 5. By renumbering, relettering, or redesignating  
35 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2381

S-5672

1 Amend Senate File 2381, as passed by the Senate, as  
2 follows:

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

5 "1. "Caretaker" means a related or nonrelated  
6 person who has the responsibility for the protection,  
7 care, or custody of a dependent adult as a result of  
8 assuming the responsibility voluntarily, by contract,  
9 through employment, or by order of the court."

10 2. Page 3, by striking lines 9 through 16 and  
11 inserting the following:

12 "4. "Dependent adult" means a person eighteen  
13 years of age or older who is unable to protect the  
14 person's own interests or unable to adequately perform  
15 or obtain services necessary to meet essential human  
16 needs, as a result of a physical or mental condition  
17 which requires assistance from another, or as defined  
18 by departmental rule."

19 3. Page 7, by striking lines 27 through 30 and  
20 inserting the following: "action for the appointment  
21 of a guardian or conservator or for admission or  
22 commitment to an appropriate institution or facility  
23 pursuant to the applicable procedures under chapter  
24 125, 222, 229, or 633, or shall pursue other remedies  
25 provided by law. The appropriate county".

26 4. Page 12, by striking line 29, and inserting  
27 the following: "the removal or provision of  
28 services."

29 5. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

S-5673

1 Amend House File 2458, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . Section 455G.13, subsection 1, Code  
6 1995, is amended to read as follows:

7 1. FULL RECOVERY SOUGHT FROM OWNER.

8 a. The board ~~shall~~ may seek ~~full~~ recovery from the  
9 owner, operator, or other potentially responsible  
10 party liable for the released petroleum which is the  
11 subject of a corrective action, for which the fund  
12 expends moneys for corrective action or third-party

13 liability, and for ~~all~~ its other costs, including  
14 reasonable attorney fees and costs of litigation for  
15 which moneys are expended by the fund in connection  
16 with the release, in the manner prescribed in  
17 paragraph "b". When federal cleanup funds are  
18 recovered, the funds are to be deposited to the  
19 remedial account of the fund and used solely for the  
20 purpose of future cleanup activities. Attorneys shall  
21 be retained pursuant to section 815.7 to represent the  
22 fund.

23 b. The liability of an owner, operator, or other  
24 potentially responsible party provided for under  
25 paragraph "a" shall be limited to that party's  
26 proportionate share, including the share of fault of a  
27 claimant. Each party's proportionate share shall be  
28 determined by considering the following:

29 (1) Each party's proportionate contribution to the  
30 release.

31 (2) The quantity, mobility, persistence, and  
32 toxicity of the substances contributed by the party.

33 (3) The effect of natural attenuation and  
34 bioremediation on any substances contributed by the  
35 party."

36 2. Page 2, line 16, by inserting after the word  
37 "state" the following: "or an attorney who is  
38 retained by the Iowa comprehensive petroleum  
39 underground storage tank fund board under chapter  
40 455G.".

41 3. Page 2, line 35, by inserting after the word  
42 "authorized." the following: "An attorney retained by  
43 the Iowa comprehensive petroleum underground storage  
44 tank fund board pursuant to this section shall have  
45 the attorney's principal place of practice in the  
46 judicial district in which the contaminated site at  
47 issue is located. An attorney appointed pursuant to  
48 this section shall represent the Iowa comprehensive  
49 petroleum underground storage tank fund in a manner  
50 consistent with the procedure provided in section

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1 455G.13."

2 4. Title page, line 1, by inserting after the  
3 words "relating to" the following: "liability and  
4 attorney fees awarded concerning underground storage  
5 tank cost recovery proceedings and".

6 5. By renumbering as necessary.

S-5674

1. Amend Senate File 2463 as follows:
  1. Page 8, by striking lines 12 and 13 and inserting the following:
    - "a. Any of the following:"
      2. Page 8, line 19, by inserting after the word "account" the following: ", whether or not credited to the account before the owner's death".
    3. Page 10, by inserting after line 9 the following:
      - "Sec. \_\_\_\_ . NEW SECTION. 633.806A UNPAID CLAIMS.
        1. If other assets of the estate of a deceased owner are insufficient, a transfer at death of a security registered in beneficiary form is not effective against the estate of the deceased owner to the extent needed to pay claims against the estate and statutory allowances to the surviving spouse and children.
        2. A beneficiary of a transfer on death security registration under this chapter is liable to account to the personal representative of the deceased owner for the value of the security as of the time of the deceased owner's death to the extent necessary to discharge these unpaid claims and allowances. A proceeding against a beneficiary to assert liability shall not be commenced unless the personal representative has received a written demand by the surviving spouse, a creditor, a child, or a person acting for a minor child of the deceased owner. The proceeding must be commenced within one year after the death of the owner.
        3. A beneficiary against whom a proceeding to account is brought may join a beneficiary of any other security registered in beneficiary form by the deceased owner as a party to the proceeding."
        4. Page 12, line 22, by striking the word "primary".

MARY LOU FREEMAN  
DONALD B. REDFERN

S-5675

1. Amend the House amendment, S-5550, to Senate File 2442, as amended, passed, and reprinted by the Senate, as follows:
  1. Page 7, by inserting after line 10 the following:
    - " \_\_\_\_ . Page 29, by striking line 28 and inserting

7 the following:

8 " ..... \$ 17,230,000"

9 \_\_\_\_ Page 32, by inserting after line 23 the

10 following:

11 "6A. Of the funds appropriated in this section,  
12 \$1,000,000 shall be distributed to counties in  
13 accordance with the local purchase of service  
14 provisions of subsection 7 and shall be used to  
15 increase reimbursement for sheltered workshops."

BRAD BANKS  
JOHNNIE HAMMOND

S-5676

1 Amend House File 2383, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 20 the

4 following:

5 "3. Upon application the department shall issue a  
6 lifetime deer hunting license and a lifetime wild  
7 turkey hunting license to a resident of this state who  
8 is sixty-five years of age or older."

9 2. By numbering subsections as required.

JIM LIND

HOUSE AMENDMENT TO  
SENATE FILE 2409

S-5677

1 Amend Senate File 2409, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 16, by inserting after the word

4 "loan" the following: "loss reserve account in  
5 section 15.345."

6 2. Page 1, line 17, by striking the letter "b."  
7 and inserting the following: "b."

8 3. Page 5, by striking lines 11 through 28.

9 4. Page 6, by striking lines 23 through 25 and  
10 inserting the following: "control the budget of the  
11 department and its divisions ~~and shall approve the~~  
12 ~~employment of all personnel of the department and its~~  
13 ~~divisions. The director shall employ personnel as~~  
14 necessary to carry out the duties and responsibilities  
15 of the department, consistent with the merit system  
16 provisions of chapter 19A for employees other than  
17 professional and technical employees. Professional  
18 and technical employees of the department are exempt

19 from the merit system provisions of chapter 19A,  
 20 except as otherwise required by federal law and  
 21 regulation, and except for employees in the divisions  
 22 of labor services and industrial services."

23 5. Page 6, line 35, by striking the word "eight"  
 24 and inserting the following: "nine".

25 6. Page 7, line 18, by striking the word "Not".

26 7. Page 7, by striking lines 19 through 24 and  
 27 inserting the following: "The governor, consistent  
 28 with the requirements of federal law, shall appoint  
 29 the nine voting".

30 8. Page 7, by striking lines 28 and 29 and  
 31 inserting the following: "persons knowledgeable in  
 32 the area of workforce development."

33 9. Page 9, line 18, by inserting after the word  
 34 "department" the following: "related to workforce  
 35 development".

36 10. Page 9, line 21, by striking the words "or  
 37 contracts administered" and inserting the following:  
 38 "for workforce development services".

39 11. Page 9, line 30, by inserting after the word  
 40 "rules" the following: "related to workforce  
 41 development".

42 12. Page 9, line 31, by striking the words "or  
 43 administrators of divisions".

44 13. Page 10, line 1, by inserting after the word  
 45 "governor" the following: ", consistent with the  
 46 requirements of federal law and in consultation with  
 47 chief elected officials within the region. Chief  
 48 elected officials responsible for recommendations for  
 49 board membership shall include, but are not limited  
 50 to, county elected officials, municipal elected

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1 officials, and community college trustees".

2 14. Page 10, lines 4 and 5, by striking the words  
 3 "a superintendent of schools" and inserting the  
 4 following: "a representative of a school district".

5 15. Page 10, line 14, by striking the word  
 6 "through" and inserting the following: ", 3, and".

7 16. Page 13, by inserting after line 4 the  
 8 following:

9 "8. The department, in consultation with the  
 10 applicable regional advisory board, shall select  
 11 service providers, subject to approval by the  
 12 workforce development board for each service delivery  
 13 area. A service provider in each service delivery  
 14 area shall be identified to coordinate the services  
 15 throughout the service delivery area. The department

16 shall select service providers that, to the extent  
 17 possible, meet or have the ability to meet the  
 18 following criteria:

19 a. The capacity to deliver services uniformly  
 20 throughout the service delivery area.

21 b. The experience to provide workforce development  
 22 services.

23 c. The capacity to cooperate with other public and  
 24 private agencies and entities in the delivery of  
 25 education, workforce training, retraining, and  
 26 workforce development services throughout the service  
 27 delivery area.

28 d. The demonstrated capacity to understand and  
 29 comply with all applicable state and federal laws,  
 30 rules, ordinances, regulations, and orders, including  
 31 fiscal requirements."

32 17. Page 16, line 15, by inserting after the  
 33 figure "260C.2," the following: "or within a  
 34 combination of merged areas,"

35 18. Page 18, by striking line 29 and inserting  
 36 the following:

37 "Sec. \_\_\_\_ . The director of the department of  
 38 workforce development shall, in cooperation with the  
 39 department of personnel, make recommendations to the  
 40 department of personnel concerning the development and  
 41 implementation of a new position classification plan  
 42 for the department. The position classification plan  
 43 shall reflect the expanded responsibilities of the  
 44 department, facilitate the integration of job training  
 45 and job placement programs, foster a professional,  
 46 innovative, and high performance working environment,  
 47 and provide flexibility in designing and implementing  
 48 local and regional workforce development delivery  
 49 systems. However, the new position classification  
 50 plan to be implemented by the department shall be

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1 consistent with the rules adopted as of the effective  
 2 date of this Act pursuant to section 19A.9, subsection  
 3 1, for position classification plans.

4 The new position classification plan shall be  
 5 adopted by the department of personnel and implemented  
 6 by the department of workforce development not later  
 7 than January 1, 1997. Employees of the department of  
 8 employment services and employees who were assigned to  
 9 the department of economic development prior to July  
 10 1, 1996, shall have an equal opportunity to apply for  
 11 the positions established in the new position  
 12 classification plan.



13 The department of personnel shall assist the  
14 department of workforce development with the  
15 implementation of this section.  
16 In designing the local, regional, and state".  
17 19. Title page, lines 4 and 5, by striking the  
18 words "by providing for state privatization  
19 contracts."  
20 20. By renumbering, relettering, or redesignating  
21 and correcting internal references as necessary.

S-5678

1 Amend the House amendment, S-5649, to Senate File  
2 2420, as passed by the Senate, as follows:  
3 1. Page 1, line 34, by striking the word  
4 "intimidate" and inserting the following: "use,  
5 intimidate,".  
6 2. Page 1, line 34, by inserting after the word  
7 "person" the following: "without justification".  
8 3. Page 1, line 37, by inserting after the word  
9 "death" the following: "without justification".  
10 4. Page 1, line 48, by inserting after the word  
11 "person" the following: "without justification".

JOHNIE HAMMOND

S-5679

1 Amend the House amendment, S-5550, to Senate File  
2 2442, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 6, line 11, by striking the figure "26."  
5 and inserting the following: "26 and inserting the  
6 following:  
7 "3. The department may use available moneys  
8 appropriated to the department under this Act in  
9 making efforts to comply with the requirements of the  
10 state under the consent decree of Connor v. Branstad,  
11 No. 4-86-CV-30871 (S.D. Iowa, July 15, 1994)."

ROBERT DVORSKY

S-5680

1 Amend the House amendment, S-5614, to Senate File  
2 2154, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 17, by inserting after the word  
5 "any" the following: "liquid, ointment, suppository,  
6 or injectable product containing ephedrine, any

7 product containing ephedrine in tablet form packaged  
8 in blister packages of no more than two tablets per  
9 blister, or any”.

TONY BISIGNANO

S-5681

1 Amend the amendment, S-5673, to House File 2458, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 30, by inserting after the word  
5 “release,” the following: “For purposes of this  
6 subparagraph, a party's proportionate contribution is  
7 deemed to be equivalent to each party's period of  
8 ownership of the site divided by the total period of  
9 ownership of all the parties.”

MICHAEL E. GRONSTAL

S-5682

1 Amend the amendment, S-5673, to House File 2458, 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 1, and inserting the following:  
6 “Sec. \_\_\_\_ . Section 455G.2, subsection 15, Code  
7 1995, is amended by striking the subsection and  
8 inserting in lieu thereof the following:  
9 15. “Responsible person” means any of the  
10 following:  
11 a. The owner or operator of the property, site, or  
12 facility at which, or an underground storage tank from  
13 which, a petroleum release occurred.  
14 b. A person who at the time of a petroleum release  
15 owned or operated the property, site, or facility at  
16 which, or an underground storage tank from which, the  
17 release occurred.  
18 c. A person who owned the property, site, or  
19 facility or owned or operated an underground storage  
20 tank at the property, site, or facility at any time  
21 when released petroleum was present unless the  
22 underground storage tank was not operated on the  
23 property, site, or facility during the period of that  
24 ownership and the owner had no actual knowledge that  
25 the underground storage tank had been operated on the  
26 property, site, or facility.  
27 d. A person who by contract, agreement, or  
28 otherwise arranged for disposal or caused any release

29 of petroleum.

30 e. A person who caused or contributed to a  
31 petroleum release on the property, site, or facility.

32 f. Successors or assigns of a responsible person.

33 Sec. \_\_\_\_ . Section 455G.13, Code 1995, is amended

34 to read as follows:

35 455G.13 COST RECOVERY ENFORCEMENT.

36 1. FULL COST RECOVERY SOUGHT FROM OWNER ACTIONS.

37 a. The board shall seek full recovery, a claimant,  
38 or both, may recover from the owner, operator, or  
39 other potentially a responsible party liable for the  
40 released petroleum which is the subject of a  
41 corrective action, for which the fund expends moneys  
42 person moneys that have been expended or will be  
43 expended in the future for corrective action or and  
44 third-party liability, and for all other costs,  
45 including reasonable attorney fees and costs of  
46 litigation for which moneys are expended by the fund  
47 in connection with the release. The board shall not  
48 seek recovery from past or present owners or operators  
49 and other responsible persons who are small  
50 businesses, except pursuant to subsections 2, 3, and

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1 4.

2 b. When The department of natural resources is  
3 authorized to recover federal cleanup funds are  
4 recovered, the funds which are to be deposited to in  
5 the remedial account of the fund and used solely for  
6 the purpose of future cleanup activities.

7 2. LIMITATION OF LIABILITY OF OWNER OR OPERATOR.

8 Except as provided in subsection 3:

9 a. The board or the department of natural  
10 resources shall not seek recovery for expenses in  
11 connection with corrective action for a release under  
12 subsection 1 from an owner or operator eligible for  
13 regarding any site where the owner or operator  
14 receives assistance under the remedial account for  
15 that site, except for any unpaid portion of the  
16 insurance deductible under section 455G.11 or remedial  
17 copayment amounts under section 455G.9, subsection 4.  
18 This section does not affect any authorization of the  
19 department of natural resources to impose or collect  
20 civil or administrative fines or penalties or fees.  
21 The remedial account shall not be held liable for any  
22 third-party liability.

23 b. An owner or operator's liability for a release  
24 for which coverage is admitted under the insurance  
25 account shall not exceed the amount of the deductible

26 The liability of an owner or operator who is insured  
 27 under the insurance account for the release for which  
 28 coverage is admitted shall not exceed the amount of  
 29 the deductible.

30 c. The department of natural resources shall not  
 31 seek recovery from an owner or operator regarding any  
 32 site where the owner or operator receives assistance  
 33 under the remedial account for that site. This  
 34 section does not affect the department of natural  
 35 resources' authority to impose or collect civil or  
 36 administrative fines or penalties or fees.

37 3. OWNER OR OPERATOR NOT IN COMPLIANCE, SUBJECT TO  
 38 FULL AND TOTAL COST RECOVERY. Notwithstanding  
 39 subsection 2, the liability of an owner or operator  
 40 shall be the full and total costs of corrective action  
 41 and bodily injury or property damage to third parties,  
 42 as specified in subsection 1, if the owner or operator  
 43 has not complied with the financial responsibility or  
 44 other underground storage tank rules of the department  
 45 of natural resources or with this chapter and rules  
 46 adopted under this chapter.

47 4. TREBLE DAMAGES FOR CERTAIN VIOLATIONS.  
 48 Notwithstanding subsections 2 and 3, the owner or  
 49 operator, or both, of a tank who receive benefits  
 50 under section 455G.9 are liable to the fund for

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1 punitive damages in an amount equal to three times the  
 2 amount of any cost incurred or moneys expended by the  
 3 fund as a result of a release of petroleum from the  
 4 tank recoverable under subsection 1, if the owner or  
 5 operator did any of the following:

6 a. Failed, without sufficient cause, to respond to  
 7 a release of petroleum from the tank upon, or in  
 8 accordance with, a notice issued by the director of  
 9 the department of natural resources.

10 b. After May 5, 1989, failed to perform any of the  
 11 following:

12 (1) Failed to register the underground storage  
 13 tank, which was known to exist or reasonably should  
 14 have been known to exist.

15 (2) Intentionally failed to report a known  
 16 release.

17 The punitive damages imposed under this subsection  
 18 are in addition to any costs or expenditures recovered  
 19 from the owner or operator pursuant to this chapter  
 20 and in addition to any other penalty or relief  
 21 provided by this chapter or any other law.

22 However, the state, a city, county, or other

23 political subdivision shall not be liable for punitive  
24 damages.

25 The provisions of chapter 668A do not apply to this  
26 subsection.

27 5. LIEN ON UNDERGROUND STORAGE TANK SITE. Any  
28 amount for which an owner or operator a claimant is  
29 liable to the fund, if not paid when due, by statute,  
30 rule, or contract, or determination of liability by  
31 the board or department of natural resources after  
32 hearing, shall constitute a lien upon the real  
33 property where the underground storage tank, which was  
34 the subject of corrective action, is situated, and the  
35 liability shall be collected in the same manner as the  
36 environmental protection charge pursuant to section  
37 424.11.

38 6. JOINDER OF PARTIES. The department of natural  
39 resources has standing in any case or contested action  
40 related to the fund or a an underground storage tank  
41 to assert any claim that the department may have  
42 regarding the underground storage tank at issue in the  
43 case or contested action; upon motion and sufficient  
44 showing by a party to a cost recovery or subrogation  
45 action provided for under this section, the court or  
46 the administrative law judge shall join to the action  
47 any potentially responsible party who may be liable  
48 for costs and expenditures of the type recoverable  
49 pursuant to this section. No other action may be  
50 joined with an action brought under subsection 1.

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1 7. STRICT LIABILITY, DEFENSES AND DAMAGES --  
2 COMPARATIVE FAULT. The standard of liability for a  
3 release of petroleum or other regulated substance as  
4 defined in section 455B.471 is strict liability.  
5 Responsible persons are strictly liable for damages  
6 and costs recoverable under this section. The rule of  
7 joint and several liability applies in any action  
8 brought pursuant to this section.

9 In order to establish the liability of a  
10 responsible person who owned, operated, or leased the  
11 site or an underground storage tank prior to the  
12 claimant, the board or the claimant need only show  
13 petroleum contamination was present during the time of  
14 ownership, operation, or leasehold of the person.

15 The amount of money expended by the board for  
16 corrective action and third-party liability is  
17 presumed to be reasonable.

18 8. THIRD PARTY CONTRACTS NOT BINDING ON BOARD,  
19 PROCEEDINGS AGAINST RESPONSIBLE PARTY NO TRANSFER OF

20 LIABILITY. An insurance, indemnification, hold  
 21 harmless, conveyance, or similar risk-sharing or risk-  
 22 shifting agreement shall not be effective to transfer  
 23 any liability for ~~costs~~ expenditures recoverable under  
 24 this section. The ~~fund~~; board; or department of  
 25 natural resources may proceed directly against the  
 26 ~~owner or operator or other allegedly a~~ responsible  
 27 party person. This section does not bar any agreement  
 28 to insure, hold harmless, or indemnify a party to the  
 29 agreement for any costs or expenditures under this  
 30 chapter, and does not modify rights between the  
 31 parties to ~~an~~ the agreement, except to the extent the  
 32 agreement shifts liability to ~~an owner or operator~~  
 33 eligible for assistance under the remedial account for  
 34 any damages or other expenses in connection with a  
 35 corrective action for which another potentially  
 36 responsible party is or may be liable a claimant. Any  
 37 such provision is null and void and of no force or  
 38 effect.

39 9. LATER PROCEEDINGS PERMITTED AGAINST OTHER  
 40 PARTIES. The entry of judgment against a party to the  
 41 a cost recovery action does not bar a future action by  
 42 the board, a claimant, or the department of natural  
 43 resources against another person who is later alleged  
 44 to be or discovered to be liable for costs and  
 45 expenditures paid by the fund recoverable under this  
 46 section. Notwithstanding section 668.5 no other  
 47 potentially responsible party may seek contribution or  
 48 any other recovery from an owner or operator eligible  
 49 for assistance under the remedial account for damages  
 50 or other expenses in connection with corrective action

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1 for a release for which the potentially responsible  
 2 party is or may be liable. Subsequent successful  
 3 proceedings against another party shall not modify or  
 4 reduce the liability of a party against whom judgment  
 5 has been previously entered.

6 10. CLAIMS AGAINST POTENTIALLY RESPONSIBLE  
 7 PARTIES. Upon payment by the fund for corrective  
 8 action or third-party liability pursuant to this  
 9 chapter, the rights of the claimant to recover payment  
 10 from any potentially responsible party, are assumed by  
 11 the board to the extent paid by the fund. A claimant  
 12 is precluded from receiving double compensation for  
 13 the same injury.

14 10. CLAIMANT'S ACTION. In an action brought by a  
 15 claimant pursuant to this chapter seeking damages for  
 16 corrective action or third-party liability section,

17 the court shall permit evidence and argument as to the  
 18 replacement or indemnification of actual economic  
 19 losses incurred or to be incurred in the future by the  
 20 claimant by reason of insurance benefits, governmental  
 21 benefits or programs, or from any other source.

22 If evidence and argument regarding previous  
 23 payments or future rights of payment is permitted  
 24 pursuant to this subsection, the court shall also  
 25 permit evidence and argument as to the costs to the  
 26 claimant of procuring the previous payments or future  
 27 rights of payment and as to any existing rights of  
 28 indemnification or subrogation relating to the  
 29 previous payments or future rights of payment.

30 If evidence or argument is permitted pursuant to  
 31 this subsection, the court shall, unless otherwise  
 32 agreed to by all parties, except the board, instruct  
 33 the jury to answer special interrogatories or, if  
 34 there is no jury, shall make findings indicating the  
 35 effect of such evidence or argument on the verdict.

36 A claimant may elect to permit the board to pursue  
 37 the claimant's cause of action for any injury not  
 38 compensated by the fund against any potentially  
 39 responsible party moneys expended by the claimant  
 40 recoverable under this section, provided the attorney  
 41 general determines such representation would not be a  
 42 conflict of interest. If a claimant so elects, the  
 43 board's litigation expenses shall be shared on a pro  
 44 rata proportionate basis with the claimant, but the  
 45 claimant's share of litigation expenses are payable  
 46 exclusively from any share of the settlement or  
 47 judgment payable to the claimant.

48 11. EXCLUSION OF PUNITIVE DAMAGES. The fund shall  
 49 not be liable in any case for punitive damages.

50 12. RECOVERY OR SUBROGATION -- INSTALLERS AND

Page 6

1 INSPECTORS. Notwithstanding any other provision  
 2 contained in this chapter, the board or a person  
 3 insured under the insurance account has no right of  
 4 recovery or right of subrogation against an installer  
 5 or an inspector insured by the fund for at the time of  
 6 the installation or inspection of the underground  
 7 storage tank giving rise to the liability other than  
 8 for recovery of any deductibles paid.

9 13. CONTRIBUTION. A defendant to a cost recovery  
 10 action under this section shall not seek contribution,  
 11 fault allocation, or any recovery from the board or a  
 12 claimant in an action allowed under this section.

13 14. LIMITATIONS OF ACTIONS. A suit brought under

14 this section for the recovery of moneys expended under  
 15 the remedial account must be commenced no later than  
 16 five years after the last payment for corrective  
 17 action.

18 15. RIGHT TO JURY TRIAL. Any party to an action  
 19 brought pursuant to this section is entitled to a jury  
 20 trial upon demand.

21 16. DEFINITIONS. For purposes of this section:

22 a. "Operator" means a person who has or had  
 23 control of or the responsibility for the operation of  
 24 an underground storage tank or the property, site, or  
 25 facility where the underground storage tank is or was  
 26 situated.

27 b. "Owner" means the person who owns or owned the  
 28 underground storage tank or the property, site, or  
 29 facility where the underground storage tank is or was  
 30 situated.

31 c. "Underground storage tank" means as defined in  
 32 section 455B.471, subsection 11, notwithstanding the  
 33 requirement to maintain proof of financial  
 34 responsibility under federal or state law.

35 17. RETROACTIVE APPLICATION. This section applies  
 36 to any release whether existing before or after the  
 37 effective date of this section of this Act."

38 2. Page 2, by striking lines 4 through 5 and  
 39 inserting the following: "expanding underground  
 40 storage tank cost recovery enforcement and".

41 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5683

1 Amend House File 2448, as amended, passed, and  
 2 reprinted by the House, as follows:

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

5 "\_\_\_\_. Unless otherwise provided by law, access  
 6 under this section to criminal history data by a  
 7 person or public or private agency does not create a  
 8 duty upon a person, or employer, member, or volunteer  
 9 of a public or private agency to examine the criminal  
 10 history data of an applicant, employee, or volunteer."

11 2. By renumbering as necessary.

ANDY McKEAN  
 RANDAL J. GIANNETTO  
 TOM FLYNN



S-5684

1 Amend House File 2259, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 26, the  
4 following:

5 "This subsection shall not apply when a city  
6 annexation plan includes annexation of an area  
7 adjoining the city and a petition has not been  
8 presented as provided in section 384.41 for a city  
9 sewer or water utility connection. Until annexation  
10 takes place, or the annexation plan is abandoned, the  
11 state mandate contained in section 455B.172,  
12 subsections 3, 4, and 5, shall not apply unless the  
13 individual property owner voluntarily pays the  
14 connection fee and requests to be connected to the  
15 city sewer or water utility."

MERLIN E. BARTZ

S-5685

1 Amend the amendment, S-5554, as amended, passed,  
2 and reprinted by the House, as follows:

3 1. Page 1, line 10, by inserting after the word  
4 "designees." the following: "If a deer hunt for  
5 nonresidents is organized by the governor, the  
6 governor shall allocate the nonresident licenses for  
7 the nonresident guests and dignitaries."

8 2. Page 1, line 34, by inserting after the word  
9 "designees." the following: "If a wild turkey hunt  
10 for nonresidents is organized by the governor, the  
11 governor shall allocate the nonresident licenses for  
12 the nonresident guests and dignitaries."

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

15 "5. Upon request of the chairperson of the board  
16 of supervisors of a county, the department shall  
17 consult with the sheriff and board of supervisors when  
18 finalizing the dates for open season for antlerless  
19 deer in any county where the county sheriff and board  
20 of supervisors determine that deer are hazardous to  
21 persons operating motor vehicles on the public  
22 highways."

BERL E. PRIEBE

S-5686

1 Amend the amendment, S-5670, to House File 230, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 11, by striking the words "or  
 5 similar".  
 6 2. Page 1, line 32, by striking the words "or  
 7 similar".  
 8 3. Page 3, line 25, by inserting after the word  
 9 "tape." the following: "This chapter shall also not  
 10 apply to the gathering of information to determine  
 11 compliance with or activities related to the  
 12 enforcement of section 714.15."

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
 SENATE FILE 2294

S-5687

1 Amend Senate File 2294, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 4, by inserting after the word  
 4 "assistance," the following: "education, law  
 5 enforcement,".

HOUSE AMENDMENT TO  
 SENATE FILE 2201

S-5688

1 Amend Senate File 2201, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 3, by striking the word  
 4 "February" and inserting the following: "January".  
 5 2. Page 1, line 13, by striking the word  
 6 "February" and inserting the following: "January".  
 7 3. Page 1, line 28, by striking the word "March"  
 8 and inserting the following: "February".  
 9 4. Page 1, line 35, by striking the word "April"  
 10 and inserting the following: "March".  
 11 5. Page 2, line 14, by striking the word  
 12 "February" and inserting the following: "January".  
 13 6. Page 4, by inserting after line 1 the  
 14 following:  
 15 "Sec. \_\_\_\_ . INSTRUCTIONAL SUPPORT FOR REORGANIZED  
 16 SCHOOL DISTRICTS. Notwithstanding section 257.18,  
 17 subsection 3, and section 257.27, a school district

18 participating in an instructional support program on  
 19 or after July 1, 1995, which reorganizes effective  
 20 July 1, 1996, may continue to participate in the  
 21 instructional support program for the budget year  
 22 beginning July 1, 1996. The percent of income surtax  
 23 imposed for the budget year beginning July 1, 1996, by  
 24 the board of directors of the school district that  
 25 reorganizes effective July 1, 1996, shall not exceed  
 26 seventeen percent."

27 7. Title page, line 2, by inserting after the  
 28 word "process" the following: "and to instructional  
 29 support for reorganized school districts".

30 8. By renumbering, relettering, or redesignating  
 31 and correcting internal references as necessary.

S-5689

1 Amend the House amendment, S-5550, to Senate File  
 2 2442, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. Page 11, by inserting after line 8 the  
 5 following:

6 "\_\_\_\_. Page 41, by inserting after line 33 the  
 7 following:

8 "Sec. \_\_\_\_ IOWA HEALTHY KIDS PROGRAM. There is  
 9 appropriated from the general fund of the state to the  
 10 Iowa healthy kids trust fund for the fiscal year  
 11 beginning July 1, 1996, and ending June 30, 1997, the  
 12 following amount, or so much thereof as is necessary,  
 13 to be used for the purpose designated:

14 For planning, administration, and implementation of  
 15 the Iowa healthy kids program:

16 ..... \$ 200,000."

17 2. Page 11, by inserting before line 40 the  
 18 following:

19 "\_\_\_\_. Page 45, by inserting before line 32 the  
 20 following:

21 "Sec. \_\_\_\_ NEW SECTION. 514L.1 IOWA HEALTHY KIDS  
 22 PROGRAM -- LEGISLATIVE INTENT.

23 1. The general assembly finds that increased  
 24 access to health care services could improve  
 25 children's health and reduce the incidence and costs  
 26 of childhood illness and disabilities among children  
 27 in this state. Many children do not have health care  
 28 services available or funded, and for those who do,  
 29 lack of access is a restriction to obtaining such  
 30 services. It is the intent of the general assembly  
 31 that a program be implemented to provide health care  
 32 services and comprehensive health benefits or  
 33 insurance coverage to children. A goal for the

34 program is to cooperate with any existing programs  
35 with similar purposes funded by either the public or  
36 private sector.

37 2. For the purposes of this chapter, unless the  
38 context otherwise requires:

39 a. "Advisory council" means the advisory council  
40 created by the division under section 514I.4.

41 b. "Division" means the insurance division of the  
42 department of commerce.

43 c. "Program" means the program developed by the  
44 division in accordance with section 514I.3.

45 Sec. \_\_\_\_ . NEW SECTION. 514I.2 IOWA HEALTHY KIDS  
46 PROGRAM AUTHORIZATION.

47 1. The general assembly authorizes the division to  
48 implement the Iowa healthy kids program. The division  
49 shall have all powers necessary to carry out the  
50 purposes of this chapter, including, but not limited

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1 to, the power to receive and accept grants, loans, or  
2 advances of funds from any person and to receive and  
3 accept from any source contributions of money,  
4 property, labor, or any other thing of value, to be  
5 held, used, and applied for the purposes of the  
6 program.

7 2. The program shall operate initially on a pilot  
8 project basis to include urban and rural areas.  
9 Expansion beyond the initial pilot project is subject  
10 to authorization by law.

11 3. Implementation of the program shall be limited  
12 to the extent of the funding appropriated for the  
13 purposes of the program.

14 Sec. \_\_\_\_ . NEW SECTION. 514I.3 IOWA HEALTHY KIDS  
15 PROGRAM OBJECTIVES.

16 The division shall develop a program to attain all  
17 of the following objectives:

18 1. Organize groupings of children for provision of  
19 comprehensive health benefits or insurance coverage.

20 2. Arrange for the collection of any payment or  
21 premium, in an amount to be determined by the  
22 division. The payment or premium shall be collected  
23 from a family of a participating child or other person  
24 to provide for payment for health care services or  
25 premiums for comprehensive health benefits or  
26 insurance coverage and for the actual or estimated  
27 administrative expenses incurred during the period for  
28 which the payments are made. The amount of payment or  
29 premium charged shall be based on the ability of the  
30 family of a child to pay. The division shall provide

- 31 for adjustment of the amount charged to reflect  
32 contributions, public subsidy, or other means used to  
33 defray the amount charged.
- 34 3. Establish administrative and accounting  
35 procedures for the operation of the program.
- 36 4. Establish, in consultation with appropriate  
37 professional organizations, standards for health care  
38 services, providers, and comprehensive health benefits  
39 or insurance coverage appropriate for children and  
40 their family members.
- 41 5. Establish eligibility criteria which children  
42 and their family members must meet in order to  
43 participate in the program.
- 44 6. Establish participation criteria for the  
45 program and, if appropriate, contract with an  
46 authorized insurer, health maintenance organization,  
47 or insurance or benefits administrator to provide  
48 administrative services to the program.
- 49 7. Contract with authorized insurers, benefits  
50 providers, or any provider of health care services

Page 3

- 1 meeting standards established by the division, for the  
2 provision of comprehensive health benefits or  
3 insurance coverage and health care services to  
4 participants.
- 5 8. Develop and implement a plan to publicize the  
6 program, eligibility requirements of the program, and  
7 procedures for enrollment in the program and to  
8 maintain public awareness of the program.
- 9 9. Provide for administration of the program.
- 10 10. As appropriate, enter into contracts with  
11 local school boards or other agencies to provide on-  
12 site information, enrollment, and other services  
13 necessary to the operation of the program.
- 14 11. Provide an interim report on or before March  
15 1, 1997, to the governor and general assembly, on the  
16 development of the program to date and an annual  
17 report thereafter until the program is terminated or  
18 extended statewide.
- 19 Sec. \_\_\_\_ . **NEW SECTION. 5141.4 ADVISORY COUNCIL.**
- 20 1. The division may create an advisory council to  
21 assist the division in implementing the program. The  
22 advisory council membership may include, but is not  
23 limited to, the following:
- 24 a. A school administrator.  
25 b. A member of a school board.  
26 c. An employee of the state or local government in  
27 public health services.

28 d. A pediatrician who is a member of the American  
29 academy of pediatrics, Iowa chapter.

30 e. The director of human services or the  
31 director's designee.

32 f. A member of the association of Iowa hospitals  
33 and health systems.

34 g. A representative of authorized health care  
35 insurers or health maintenance organizations.

36 h. A representative of a university center for  
37 health issues.

38 i. A family practice physician who is a member of  
39 the Iowa academy of family physicians.

40 j. A school nurse who is a member of the Iowa  
41 nurses association.

42 k. The director of public health or the director's  
43 designee.

44 l. A citizen who is knowledgeable concerning  
45 health care and children's issues.

46 m. A citizen who is a parent with children at home  
47 who is active in a school-parent organization.

48 2. Advisory council members are entitled to  
49 receive, from funds of the division, reimbursement for  
50 actual and necessary expenses incurred in the

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1 performance of their official duties.

2 Sec. \_\_\_\_ . NEW SECTION. 514I.5 LICENSING NOT  
3 REQUIRED -- FISCAL OPERATION.

4 1. Health benefits or insurance coverage obtained  
5 under the program is secondary to any other available  
6 private or public health benefits or insurance  
7 coverage held by the participant child. The division  
8 may establish procedures for coordinating benefits  
9 under this program with benefits under other public  
10 and private coverage.

11 2. The program shall not be deemed to be  
12 insurance. However, the insurance division may  
13 require that any marketing representative utilized and  
14 compensated by the program be appointed as a  
15 representative of the insurers or health benefits  
16 services providers with which the program contracts.

17 Sec. \_\_\_\_ . NEW SECTION. 514I.6 THE IOWA HEALTHY  
18 KIDS TRUST FUND.

19 1. An Iowa healthy kids trust fund is created in  
20 the state treasury under the authority of the  
21 commissioner of insurance, to which all appropriations  
22 shall be deposited and used to carry out the purposes  
23 of this chapter. Other revenues of the program such  
24 as grants, contributions, matching funds, and

25 participant payments shall not be considered revenue  
26 of the state, but rather shall be funds of the  
27 program. However, the division may designate portions  
28 of grants, contributions, matching funds, and  
29 participant payments as funds of the state and deposit  
30 those funds in the trust fund.

31 2. The trust fund shall be separate from the  
32 general fund of the state and shall not be considered  
33 part of the general fund of the state. The moneys in  
34 the trust fund are not subject to section 8.33 and  
35 shall not be transferred, used, obligated,  
36 appropriated, or otherwise encumbered except as  
37 provided in this section. Notwithstanding section  
38 12C.7, subsection 2, interest or earnings on moneys  
39 deposited in the trust fund shall be credited to the  
40 trust fund.

41 Sec. \_\_\_\_ . NEW SECTION. 514I.7 ACCESS TO RECORDS  
42 -- CONFIDENTIALITY -- PENALTIES. .

43 1. Notwithstanding any other law to the contrary,  
44 the program shall have access to the medical records  
45 of a child who is participating or applying to  
46 participate in the program upon receipt of permission  
47 from a parent or guardian of the child, including but  
48 not limited to the medical records maintained by the  
49 state or a political subdivision of the state.  
50 Notwithstanding chapter 22, any identifying

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1 information, including medical records and family  
2 financial information, obtained by the program  
3 pursuant to this subsection is confidential. The  
4 program, the program's employees, and agents of the  
5 program shall not release, without the written consent  
6 of the participant or the parent or guardian of the  
7 participant, to any state or federal agency, to any  
8 private business or person, or to any other entity,  
9 any confidential information received pursuant to this  
10 subsection.

11 2. A violation of the provisions of subsection 1  
12 is a serious misdemeanor."

13 3. By renumbering as necessary.

ELAINE SZYMONIAK  
JOHNIE HAMMOND  
JIM LIND

HOUSE AMENDMENT TO  
SENATE FILE 2114

S-5690

1 Amend Senate File 2114, as amended, passed, and  
2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 1 through 25.
- 4 2. Page 1, line 29, by inserting after the word  
5 "felony" the following: "under section 902.12".
- 6 3. Page 2, line 10, by striking the words "a  
7 forcible felony" and inserting the following: "the  
8 following forcible felonies".
- 9 4. Page 2, line 12 by striking the word  
10 "release." and inserting the following: "release:".
- 11 5. Page 2, by inserting after line 12 the  
12 following:
  - 13 "1. Murder in the second degree in violation of  
14 section 707.3.
  - 15 2. Sexual abuse in the second degree in violation  
16 of section 709.3.
  - 17 3. Kidnapping in the second degree in violation of  
18 section 710.3.
  - 19 4. Robbery in the first or second degree in  
20 violation of section 711.2 or 711.3."
- 21 6. By striking page 2, line 35, through page 3,  
22 line 12.
- 23 7. Title page, by striking lines 2 through 5; and  
24 inserting the following: "convicted of certain  
25 forcible felonies, by limiting the reduction of  
26 sentence for certain forcible".
- 27 8. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2419

S-5691

1 Amend the Senate amendment, H-5756, to House File  
2 2419, as amended, passed, and reprinted by the House,  
3 as follows:

- 4 1. Page 1, by striking lines 14 and 15 and  
5 inserting the following:  
6 "\_\_\_\_\_. By striking page 3, line 16, through page  
7 4, line 1."
- 8 2. Page 1, line 23, by inserting after the word  
9 "drilling," the following: "relating to the process  
10 for disposal of abandoned vehicles,".
- 11 3. By renumbering as necessary.



S-5692

- 1 Amend House File 2387 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 38, by inserting after line 4 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 331.302, Code 1995, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 16. The summary of a proposed  
8 ordinance containing a zoning regulation, restriction,  
9 or boundary shall be published prior to its first  
10 consideration by the board of supervisors. After the  
11 summary has been published and before the meeting at  
12 which the ordinance is to be finally passed, the board  
13 on its motion may direct the commissioner of elections  
14 to conduct a referendum on the question of whether the  
15 registered voters of the unincorporated area of the  
16 county favor passage of the ordinance by the board of  
17 supervisors. The results of the referendum are  
18 binding on any further action of the board pertaining  
19 to the ordinance."  
20 2. By renumbering as necessary.

DON E. GETTINGS

S-5693

- 1 Amend Senate File 2369 as follows:  
2 1. Page 1, line 9, by inserting after the figure  
3 "7671h." the following: "However, until such time as  
4 the United States environmental protection agency  
5 makes examination questions available to members of  
6 the public, the chlorofluorocarbon freon may be  
7 purchased by a citizen of Iowa who has not attended a  
8 certification class and successfully completed an  
9 examination."  
10 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5694

- 1 Amend Senate File 2463 as follows:  
2 1. Page 3, by striking lines 7 through 29 and  
3 inserting the following:  
4 "Sec. 100. Section 450.7, subsection 1, unnumbered  
5 paragraph 1, Code Supplement 1995, is amended to read  
6 as follows:  
7 Except for the share of the estate passing to the  
8 surviving spouse, father or mother, and each child and

9 grandchild, the tax is a charge against and a lien  
10 upon the estate subject to tax under this chapter, and  
11 all property of the estate or owned by the decedent  
12 from the death of the decedent until paid, subject to  
13 the following limitation:

14 Sec. 200. Section 450.9, subsection 1, Code 1995,  
15 is amended to read as follows:

16 1. Surviving spouse, father or mother, child or  
17 grandchild, the entire amount of property, interest in  
18 property, and income.

19 Sec. 300. Section 450.9, subsections 2 and 3, Code  
20 1995, are amended by striking the subsections.

21 Sec. 400. Section 450.10, subsection 1, unnumbered  
22 paragraph 1, Code 1995, is amended to read as follows:

23 When the property, interest, or income passes to  
24 ~~the father or mother, or to a child or a lineal~~  
25 descendant of the decedent, grantor, donor, or vendor,  
26 ~~including a legally adopted child or biological child~~  
27 ~~entitled to inherit under the laws of this state not~~  
28 ~~included in subsection 7~~, the tax imposed shall be on  
29 the individual share so passing in excess of the  
30 exemptions allowed as follows:

31 Sec. 500. Section 450.10, subsection 2, unnumbered  
32 paragraph 1, Code 1995, is amended to read as follows:

33 When the property or any interest ~~therein in~~  
34 property, or income ~~therefrom from~~ property taxable  
35 under the provisions of this chapter passes to the  
36 brother or sister, son-in-law, or daughter-in-law, ~~or~~  
37 ~~step-children~~, the rate of tax imposed on the  
38 individual share so passing shall be as follows:

39 Sec. 600. Section 450.10, subsection 7, Code 1995,  
40 is amended to read as follows:

41 7. Property, interest in property, or income  
42 passing to the surviving spouse, father or mother,  
43 child or grandchild, is not taxable under this  
44 section."

45 2. Page 13, by inserting after line 18 the  
46 following:

47 "Sec. \_\_\_\_ . Sections 100 through 600 of this Act  
48 apply to estates of decedents dying on or after July  
49 1, 1996."

50 3. By renumbering as necessary.

WAYNE BENNETT

S-5695

1 Amend Senate File 2463 as follows:

2 1. Page 3, by striking lines 7 through 14 and  
3 inserting the following:

- 4 "Sec. 100. Section 450.9, subsections 2, 3, and 4,  
 5 Code 1995, are amended to read as follows:  
 6 2. Each ~~son and daughter, including legally~~  
 7 ~~adopted sons and daughters, or biological sons and~~  
 8 ~~daughters entitled to inherit under the law of this~~  
 9 ~~state child, fifty two hundred~~ thousand dollars.  
 10 3. Father or mother, ~~fifteen fifty~~ thousand  
 11 dollars.  
 12 4. Any other lineal descendant of the ~~deceased~~  
 13 ~~decendent~~, fifteen thousand dollars.  
 14 Sec. 200. Section 450.9, Code 1995, is amended by  
 15 adding the following new subsection after subsection  
 16 3:  
 17 NEW SUBSECTION. 3A. Each grandchild, fifty  
 18 thousand dollars."  
 19 2. Page 13, by inserting after line 18 the  
 20 following:  
 21 "Sec. \_\_\_\_ . Sections 100 and 200 of this Act apply  
 22 to estates of decedents dying on or after July 1,  
 23 1996."  
 24 3. By renumbering as necessary.

WAYNE BENNETT

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2370

S-5696

- 1 Amend the Senate amendment, H-5621, to House File  
 2 2370 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 1, by inserting after line 8 the  
 7 following:  
 8 Sec. \_\_\_\_ . Section 490.121, subsection 1, paragraph  
 9 a, Code 1995, is amended by striking the paragraph.  
 10 Sec. \_\_\_\_ . Section 490.125; subsection 3, Code  
 11 1995, is amended to read as follows:  
 12 3. If the secretary of state refuses to file a  
 13 document, the secretary of state shall return it to  
 14 the domestic or foreign corporation or its  
 15 representative within ten days after the document was  
 16 received by the secretary of state, together with a  
 17 brief, written explanation of the reason for the  
 18 refusal.  
 19 Sec. \_\_\_\_ . Section 490.401, subsection 4,  
 20 unnumbered paragraph 1, Code 1995, is amended to read

21 as follows:

22 A corporation may use the name, including the  
23 fictitious name, of another domestic or foreign  
24 corporation that is used in this state if the other  
25 corporation is incorporated or authorized to transact  
26 business in this state and the proposed user  
27 corporation ~~meets~~ submits documentation to the  
28 satisfaction of the secretary of state establishing  
29 one of the following conditions:

30 Sec. \_\_\_\_ . Section 490.502, subsection 1,  
31 paragraphs b and d, Code 1995, are amended by striking  
32 the paragraphs.

33 Sec. \_\_\_\_ . Section 490.503, Code 1995, is amended  
34 to read as follows:

35 490.503 RESIGNATION OF REGISTERED AGENT.

36 1. A registered agent may resign the agent's  
37 agency appointment by signing and delivering to the  
38 secretary of state for filing the signed original ~~and~~  
39 ~~two exact or conformed copies of a statement of~~  
40 resignation. The statement may include a statement  
41 that the registered office is also discontinued. The  
42 registered agent shall send a copy of the statement of  
43 resignation by certified mail to the corporation at  
44 its principal office and to the registered office, if  
45 not discontinued. The registered agent shall certify  
46 to the secretary of state that the copies have been  
47 sent to the corporation, including the date the copies  
48 were sent.

49 2. After filing the statement the secretary of  
50 state shall mail one copy to the registered office, if

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1 ~~not discontinued, and the other copy to the~~  
2 ~~corporation at its principal office.~~

3 ~~3. 2.~~ The agency appointment is terminated, and  
4 the registered office discontinued if so provided, on  
5 the ~~thirty-first day after the date on which the~~  
6 statement was filed.

7 Sec. \_\_\_\_ . Section 490.504, subsection 3, Code  
8 1995, is amended by striking the subsection and  
9 inserting in lieu thereof the following:

10 3. A corporation may be served pursuant to this  
11 section, as provided in other provisions of this  
12 chapter, or as provided in sections 617.3 through  
13 617.6, unless the manner of service is otherwise  
14 specifically provided for by statute.

15 Sec. \_\_\_\_ . Section 490.902, Code 1995, is amended  
16 to read as follows:

17 490.902 FOREIGN INSURANCE COMPANIES BECOMING

## 18 DOMESTIC.

19 The secretary of state, upon a corporation  
20 complying with this section and upon the filing of  
21 articles of incorporation and upon receipt of the fees  
22 as provided in this chapter, shall issue a certificate  
23 of incorporation ~~an acknowledgment of receipt of~~  
24 document as of the date of the corporation's original  
25 incorporation in its state of original incorporation  
26 filing of the articles of incorporation with the  
27 secretary of state. The certificate of incorporation  
28 acknowledgment of receipt of document shall state on  
29 its face that it is issued in accordance with this  
30 section. The secretary of state shall forward the  
31 articles as provided in this chapter to the county  
32 recorder where the principal place of business of the  
33 corporation is to be located. The secretary of state  
34 shall then notify the appropriate officer of the state  
35 or country of the corporation's last domicile that the  
36 corporation is now a domestic corporation domiciled in  
37 this state. This section applies to life insurance  
38 companies, and to insurance companies doing business  
39 under chapter 515.

40 Sec. \_\_\_\_ . Section 490.1420, subsection 1, Code  
41 1995, is amended by striking the subsection.

42 Sec. \_\_\_\_ . Section 490.1420, subsection 2, Code  
43 1995, is amended to read as follows:

44 2. The corporation has not delivered an annual  
45 report to the secretary of state in a form that meets  
46 the requirements of section 490.1622, within sixty  
47 days after it is due, or has not paid the filing fee  
48 as provided in section 490.122, within sixty days  
49 after it is due.

50 Sec. \_\_\_\_ . Section 490.1421, Code 1995, is amended

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1 by adding the following new subsection:

2 NEW SUBSECTION. 5. The secretary of state's  
3 administrative dissolution of a corporation pursuant  
4 to this section appoints the secretary of state the  
5 corporation's agent for service of process in any  
6 proceeding based on a cause of action which arose  
7 during the time the corporation was authorized to  
8 transact business in this state. Service of process  
9 on the secretary of state under this subsection is  
10 service on the corporation. Upon receipt of process,  
11 the secretary of state shall serve a copy of the  
12 process on the corporation as provided in section  
13 490.504. This subsection does not preclude service on  
14 the corporation's registered agent, if any.

15 Sec. \_\_\_\_ . Section 490.1422, subsection 1, Code  
16 1995, is amended to read as follows:

17 1. A corporation administratively dissolved under  
18 section 490.1421 may apply to the secretary of state  
19 for reinstatement within two years after the effective  
20 date of dissolution. The application must meet all of  
21 the following requirements:

22 a. Recite the name of the corporation at its date  
23 of dissolution and the effective date of its  
24 administrative dissolution.

25 b. State that the ground or grounds for  
26 dissolution ~~either did not exist or~~ have been  
27 eliminated.

28 c. State a corporate name that satisfies the  
29 requirements of section 490.401.

30 d. State the ~~state~~ federal tax identification  
31 number of the corporation.

32 Sec. \_\_\_\_ . Section 490.1422, subsection 2,  
33 paragraph a, Code 1995, is amended to read as follows:

34 a. The secretary of state shall refer the ~~state~~  
35 federal tax identification number contained in the  
36 application for reinstatement to the department of  
37 revenue and finance. The department of revenue and  
38 finance shall report to the secretary of state the tax  
39 status of the corporation. If the department reports  
40 to the secretary of state that a filing delinquency or  
41 liability exists against the corporation, the  
42 secretary of state shall not cancel the certificate of  
43 dissolution until the filing delinquency or liability  
44 is satisfied.

45 Sec. \_\_\_\_ . Section 490.1503, subsection 2, Code  
46 1995, is amended to read as follows:

47 2. The foreign corporation shall deliver ~~with~~ the  
48 completed application to the secretary of state, and  
49 also deliver to the secretary of state a certificate  
50 of existence or a document of similar import duly

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1 authenticated by the secretary of state or other  
2 official having custody of corporate records in the  
3 state or country under whose law it is incorporated  
4 which is dated no earlier than ninety days prior to  
5 the date the application is filed with the secretary  
6 of state.

7 Sec. \_\_\_\_ . Section 490.1506, subsection 4, Code  
8 1995, is amended to read as follows:

9 4. A foreign corporation may use in this state the  
10 name, including the fictitious name, of another  
11 domestic or foreign corporation that is used in this

12 state if the other corporation is incorporated or  
13 authorized to transact business in this state and the  
14 foreign corporation has ~~done~~ filed documentation  
15 satisfactory to the secretary of state of the  
16 occurrence of any of the following:

17 a. Merged The foreign corporation has merged with  
18 the other corporation.

19 b. Been The foreign corporation has been formed by  
20 reorganization of the other corporation.

21 c. Acquired The foreign corporation has acquired  
22 all or substantially all of the assets, including the  
23 corporate name, of the other corporation.

24 Sec. \_\_\_\_ . Section 490.1508, subsection 1,  
25 paragraphs b and d, Code 1995, are amended by the  
26 striking the paragraphs.

27 Sec. \_\_\_\_ . Section 490.1509, Code 1995, is amended  
28 to read as follows:

29 490.1509 RESIGNATION OF REGISTERED AGENT OF  
30 FOREIGN CORPORATION.

31 1. The registered agent of a foreign corporation  
32 may resign the agency appointment by signing and  
33 delivering to the secretary of state for filing the  
34 signed original and two exact or conformed copies of a  
35 statement of resignation. The statement of  
36 resignation may include a statement that the  
37 registered office is also discontinued. The  
38 registered agent shall send a copy of the statement of  
39 resignation by certified mail to the corporation at  
40 its principal office and to the registered office, if  
41 not discontinued. The registered agent shall certify  
42 to the secretary of state that the copies have been  
43 sent to the corporation, including the date the copies  
44 were sent.

45 2. After filing the statement, the secretary of  
46 state shall attach the filing receipt to one copy and  
47 mail the copy and receipt to the registered office if  
48 not discontinued. The secretary of state shall mail  
49 the other copy of the foreign corporation to its  
50 principal office address shown in its most recent

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1 annual report.

2 3. 2. The agency appointment is terminated, and  
3 the registered office discontinued if so provided, on  
4 the thirty-first day after the date on which the  
5 statement was filed.

6 Sec. \_\_\_\_ . Section 490.1520, subsection 2,  
7 paragraph e, Code 1995, is amended by striking the  
8 paragraph.

- 9 Sec. \_\_\_\_ . Section 490.1530, subsection 2, Code  
 10 1995, is amended by striking the subsection.  
 11 Sec. \_\_\_\_ . Section 490.1622, subsection 1,  
 12 paragraph d, Code 1995, is amended to read as follows:  
 13 d. The names and ~~business~~ addresses of its  
 14 ~~directors and principal officers~~ the president,  
 15 secretary, treasurer, and one member of the board of  
 16 directors.  
 17 Sec. \_\_\_\_ . Section 490.1622, subsection 1,  
 18 paragraphs e, f, g, and h, Code 1995, are amended by  
 19 striking the paragraphs."  
 20 2. Page 1, line 27, by inserting after the word  
 21 "companies," the following: "certain reporting and  
 22 filing requirements and procedures,".  
 23 3. By renumbering as necessary.

S-5697

- 1 Amend House File 2427, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 4, by striking the word  
 4 "subsections" and inserting the following:  
 5 "subsection".  
 6 2. Page 1, by striking lines 5 through 8.  
 7 3. Page 1, by striking lines 20 and 21 and  
 8 inserting the following: "a recommendation supporting  
 9 the placement developed through the single entry point  
 10 process. After determining the legal settlement".  
 11 4. Page 1, line 32, by inserting after the word  
 12 "evaluation" the following: ", performed through the  
 13 single entry point process.".  
 14 5. Page 2, by striking line 8 and inserting the  
 15 following: "as determined through the single entry  
 16 point process."  
 17 6. Page 2, line 35, by striking the words and  
 18 figures "subsections 2 and 3" and inserting the  
 19 following: "subsection 2".  
 20 7. Page 3, line 1, by striking the word "are" and  
 21 inserting the following: "is".  
 22 8. Page 3, by striking lines 2 through 9 and  
 23 inserting the following:  
 24 "2. Upon receipt of an application for voluntary  
 25 admission of a minor, the board of supervisors shall  
 26 provide for a preadmission diagnostic evaluation of  
 27 the minor to confirm or establish the need for the  
 28 admission. The preadmission diagnostic evaluation  
 29 shall be performed by a person who meets the  
 30 qualifications of a qualified mental retardation  
 31 professional who is designated through the single  
 32 entry point process."



33 9. By striking page 3, line 10, through page 4,  
34 line 26, and inserting the following:  
35 "Sec. \_\_\_\_ . Section 222.28, Code 1995, is amended  
36 to read as follows:  
37 222.28 COMMISSION TO EXAMINE.  
38 The court may, at or prior to the final hearing,  
39 appoint a commission of one qualified physician and  
40 one qualified psychologist, designated through the  
41 single entry point process, who shall make a personal  
42 examination of the person alleged to be mentally  
43 retarded for the purpose of determining the mental  
44 condition of the person."  
45 10. Page 4, line 31, by striking the words  
46 "county of legal settlement" and inserting the  
47 following: "the single entry point process".  
48 11. Page 4, lines 33 and 34, by striking the  
49 words "which are authorized in accordance with the  
50 county's management plan".

## Page 2

1 12. Page 5, by striking lines 10 through 12 and  
2 inserting the following:  
3 "NEW PARAGRAPH. f. A county shall not be billed  
4 for the cost of a patient unless the patient's  
5 admission is authorized through the applicable single  
6 entry point process. The state hospital-school and  
7 the county shall work together to locate appropriate  
8 alternative placements and services, and to educate  
9 patients and the family members of patients regarding  
10 such alternatives."  
11 13. Page 5, by striking lines 13 through 23 and  
12 inserting the following:  
13 "Sec. \_\_\_\_ . Section 222.73, subsection 2,  
14 unnumbered paragraph 2, Code Supplement 1995, is  
15 amended to read as follows:  
16 The per diem costs billed to each county shall not  
17 exceed the per diem costs in effect on July 1, 1988  
18 billed to the county in the fiscal year beginning July  
19 1, 1996. However, the per diem costs billed to a  
20 county may be adjusted annually in a fiscal year to  
21 reflect increased costs to the extent of the  
22 adjustment in the consumer price index published  
23 annually in the federal register by the federal  
24 department of labor, bureau of labor statistics  
25 percentage increase in the total of county fixed  
26 budgets pursuant to the allowed growth factor  
27 adjustment authorized by the general assembly for that  
28 fiscal year in accordance with section 331.439.  
29 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 222.73,

30 subsection 2, unnumbered paragraph 2, Code Supplement  
31 1995, as amended by this division of this Act, takes  
32 effect July 1, 1997."

33 14. Page 6, line 3, by striking the words "An  
34 order".

35 15. Page 6, by striking lines 4 and 5 and  
36 inserting the following: "If the costs of a  
37 respondent's evaluation or treatment are payable in  
38 whole or in part by a county, an order under this  
39 section shall be for referral of the respondent  
40 through the single entry point process for an".

41 16. Page 6, line 17, by striking the word  
42 "patient" and inserting the following: "patient  
43 respondent".

44 17. Page 6, by striking lines 30 through 32 and  
45 inserting the following: "treatment, and hospital  
46 care under this section which are payable in whole or  
47 in part by a county shall only be provided as  
48 determined through the single entry point process."

49 18. Page 7, by striking lines 17 and 18 and  
50 inserting the following: "county shall only be

### Page 3

1 provided as determined through the single entry point  
2 process."

3 19. Page 7, by striking lines 21 through 24 and  
4 inserting the following:

5 "NEW SUBSECTION. 8. "Single entry point process"  
6 means the same as defined in section 331.440."

7 20. Page 9, by striking lines 11 and 12 and  
8 inserting the following: "performed through the  
9 single entry point process has confirmed that the".

10 21. Page 9, by striking lines 17 and 18 and  
11 inserting the following: "provided for through the  
12 single entry point process, the evaluation may be  
13 performed by a".

14 22. Page 10, lines 27 and 28 by striking the  
15 words "by the person's county of legal settlement" and  
16 inserting the following: "through the single entry  
17 point process".

18 23. Page 11, by striking line 8 and inserting the  
19 following: "designated through the single entry point  
20 process under section".

21 24. Page 11, by striking line 14 and inserting  
22 the following: "designated through the single entry  
23 point process under".

24 25. Page 12, by striking lines 4 through 7 and  
25 inserting the following: "whole or in part by a  
26 county is subject to an authorization for the transfer

27 through the single entry point process.”

28 26. By striking page 12, line 8, through page 14,  
29 line 1, and inserting the following:

30 “Sec. \_\_\_\_ . Section 229.1, Code Supplement 1995, is  
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 15. “Single entry point process”

33 means the same as defined in section 331.440.

34 Sec. \_\_\_\_ . NEW SECTION. 229.1B SINGLE ENTRY POINT  
35 PROCESS.

36 Notwithstanding any provision of this chapter to  
37 the contrary, any person whose hospitalization  
38 expenses are payable in whole or in part by a county  
39 shall be subject to all requirements of the single  
40 entry point process.

41 Sec. \_\_\_\_ . Section 229.11, unnumbered paragraph 1,  
42 Code 1995, is amended to read as follows:

43 If the applicant requests that the respondent be  
44 taken into immediate custody and the judge, upon  
45 reviewing the application and accompanying  
46 documentation, finds probable cause to believe that  
47 the respondent is seriously mentally impaired has a  
48 serious mental impairment and is likely to injure the  
49 respondent or other persons if allowed to remain at  
50 liberty, the judge may enter a written order directing

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1 that the respondent be taken into immediate custody by  
2 the sheriff or the sheriff's deputy and be detained  
3 until the hospitalization hearing; which, The  
4 hospitalization hearing shall be held no more than  
5 five days after the date of the order, except that if  
6 the fifth day after the date of the order is a  
7 Saturday, Sunday, or a holiday, the hearing may be  
8 held on the next succeeding business day. If the  
9 expenses of a respondent\*are payable in whole or in  
10 part by a county, for a placement in accordance with  
11 subsection 1, the judge shall give notice of the  
12 placement to the single entry point process and for a  
13 placement in accordance with subsection 2 or 3, the  
14 judge shall order the placement in a hospital or  
15 facility designated through the single entry point  
16 process. The judge may order the respondent detained  
17 for the period of time until the hearing is held, and  
18 no longer, in accordance with subsection 1 if  
19 possible, and if not then in accordance with  
20 subsection 2 or, only if neither of these alternatives  
21 are available, in accordance with subsection 3.

22 Detention may be:

23 Sec. \_\_\_\_ . Section 229.13, unnumbered paragraph 1,

24 Code 1995, is amended to read as follows:

25 If upon completion of the hearing the court finds  
26 that the contention that the respondent is seriously  
27 mentally impaired has been has a serious mental  
28 impairment is sustained by clear and convincing  
29 evidence, it the court shall order the a respondent  
30 placed in whose expenses are payable in whole or in  
31 part by a county committed to the care of a hospital  
32 or facility designated through the single entry point  
33 process, and shall order any other respondent  
34 committed to the care of a hospital or a facility  
35 licensed to care for persons with mental illness or  
36 substance abuse or under the care of a facility that  
37 is licensed to care for persons with mental illness or  
38 substance abuse on an outpatient basis as  
39 expeditiously as possible for a complete psychiatric  
40 evaluation and appropriate treatment. If the  
41 respondent is ordered at the hearing to undergo  
42 outpatient treatment, the outpatient treatment  
43 provider must be notified and agree to provide the  
44 treatment prior to placement of the respondent under  
45 the treatment provider's care. The court shall  
46 furnish to the chief medical officer of the hospital  
47 or facility at the time the respondent arrives at the  
48 hospital or facility a written finding of fact setting  
49 forth the evidence on which the finding is based. If  
50 the respondent is ordered to undergo outpatient

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1 treatment, the order shall also require the respondent  
2 to cooperate with the treatment provider and comply  
3 with the course of treatment.  
4 PARAGRAPH DIVIDED. The chief medical officer of  
5 the hospital or facility shall report to the court no  
6 more than fifteen days after the individual is  
7 admitted to or placed under the care of the hospital  
8 or facility, making a recommendation for disposition  
9 of the matter. An extension of time may be granted  
10 for not to exceed seven days upon a showing of cause.  
11 A copy of the report shall be sent to the respondent's  
12 attorney, who may contest the need for an extension of  
13 time if one is requested. Extension of time shall be  
14 granted upon request unless the request is contested,  
15 in which case the court shall make such inquiry as it  
16 deems appropriate and may either order the  
17 respondent's release from the hospital or facility or  
18 grant extension of time for psychiatric evaluation.  
19 If the chief medical officer fails to report to the  
20 court within fifteen days after the individual is

21 admitted to or placed under the care of the hospital  
22 or facility, and no extension of time has been  
23 requested, the chief medical officer is guilty of  
24 contempt and shall be punished under chapter 665. The  
25 court shall order a rehearing on the application to  
26 determine whether the respondent should continue to be  
27 held at or placed under the care of the facility."

28 27. Page 14, line 25, by striking the word "in".

29 28. Page 14, by striking line 26 and inserting  
30 the following: "through the single entry point  
31 process, the said clerk".

32 29. Page 14, lines 32 and 33, by striking the  
33 words "single entry point process of the person's  
34 county of legal settlement" and inserting the  
35 following: "single entry point process".

36 30. Page 15, by striking lines 6 through 9 and  
37 inserting the following: "revenue and finance. A  
38 county shall not be billed for the cost of a patient  
39 unless the patient's admission is authorized through  
40 the single entry point process. The mental health  
41 institute and the county shall work together to locate  
42 appropriate alternative placements and services, and  
43 to educate patients and family members of patients  
44 regarding such alternatives."

45 31. Page 15, line 15, by striking the word "in".

46 32. Page 15, by striking lines 16 through 20 and  
47 inserting the following: "through the single entry  
48 point process. For the purposes of this chapter,  
49 "single entry point process" means the same as defined  
50 in section 331.440."

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1 33. Page 16, by striking lines 4 through 12 and  
2 inserting the following:

3 "b. The per diem costs billed to each county shall  
4 not exceed the per diem costs ~~in effect on July 1,~~  
5 ~~1988~~ billed to the county in the fiscal year beginning  
6 July 1, 1996. However, the per diem costs billed to a  
7 county may be adjusted annually to reflect increased  
8 costs to the extent of the adjustment in the consumer  
9 price index published annually in the federal register  
10 by the federal department of labor, bureau of labor  
11 statistics percentage increase in the total of county  
12 fixed budgets pursuant to the allowed growth factor  
13 adjustment authorized by the general assembly for the  
14 fiscal year in accordance with section 331.439.

15 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 230.20,  
16 subsection 2, paragraph "b", Code Supplement 1995, as  
17 amended by this division of this Act, takes effect

18 July 1, 1997."

19 34. Page 17, line 21, by striking the words

20 "appropriate and" and inserting the following:

21 "appropriate."

22 35. Page 17, by striking lines 22 through 33 and

23 inserting the following: "The department's goal for

24 the maximum time period for submission of a claim to a

25 county is not more than sixty days following the

26 submission of the claim by the provider of the service

27 to the department. The department's goal for

28 completion and crediting of a county for cost

29 settlement for the actual costs of a home and

30 community-based waiver service is within two hundred

31 seventy days of the close of a fiscal year for which

32 cost reports are due from providers. The department

33 shall".

34 36. By striking page 18, line 5 through page 19,

35 line 21 and inserting the following:

36 "**NEW SUBSECTION. 5. a.** The state-county

37 management committee shall recommend to the department

38 the actions necessary to assist in the transition of

39 individuals being served in an intermediate care

40 facility for the mentally retarded, who are

41 appropriate for the transition, to services funded

42 under a medical assistance waiver for home and

43 community-based services for persons with mental

44 retardation in a manner which maximizes the use of

45 existing public and private facilities. The actions

46 may include but are not limited to submitting any of

47 the following or a combination of any of the following

48 as a request for a revision of the medical assistance

49 waiver for home and community-based services for

50 persons with mental retardation in effect as of June

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1 30, 1996:

2 (1) Allow for the transition of intermediate care

3 facilities for the mentally retarded licensed under

4 chapter 135C as of June 30, 1996, to services funded

5 under the medical assistance waiver for home and

6 community-based services for persons with mental

7 retardation. The request shall be for inclusion of

8 additional persons under the waiver associated with

9 the transition.

10 (2) Allow for reimbursement under the waiver for

11 day program or other service costs.

12 (3) Allow for exception provisions in which an

13 intermediate care facility for the mentally retarded

14 which does not meet size and other facility-related

15 requirements under the waiver in effect on June 30,  
16 1996, may convert to a waiver service for a set period  
17 of time such as five years. Following the set period  
18 of time, the facility would be subject to the waiver  
19 requirements applicable to services which were not  
20 operating under the exception provisions.

21 b. In implementing the provisions of this  
22 subsection, the state-county management committee  
23 shall consult with other states. The waiver revision  
24 request or other action necessary to assist in the  
25 transition of service provision from intermediate care  
26 facilities for the mentally retarded to alternative  
27 programs shall be implemented by the department in a  
28 manner that can appropriately meet the needs of  
29 individuals at an overall lower cost to counties, the  
30 federal government, and the state. In addition, the  
31 department shall take into consideration significant  
32 federal changes to the medical assistance program in  
33 formulating the department's actions under this  
34 subsection. The department shall consult with the  
35 state-county management committee in adopting rules  
36 for oversight of facilities converted pursuant to this  
37 subsection. A transition approach described in  
38 paragraph "a" may be modified as necessary to obtain  
39 federal waiver approval. The department shall report  
40 on or before January 2, 1997, to the general assembly  
41 regarding its actions under this subsection and any  
42 federal response, and shall submit an update upon  
43 receiving a federal response to the waiver request or  
44 other action taken which requires a federal response.  
45 If implementation of any of the provisions of this  
46 subsection does not require a federal waiver, the  
47 department shall implement the provisions in the  
48 fiscal year beginning July 1, 1996."

49 37. Page 20, by striking lines 3 through 7 and  
50 inserting the following: "ill. To the maximum extent

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1 allowed under federal law and regulations, the  
2 department shall consult with and inform a county of  
3 legal settlement's single entry point process, as  
4 defined in section 331.440, regarding the necessity  
5 for and the provision of any service for which the  
6 county is required to provide reimbursement under this  
7 subsection.

8 3. To the maximum extent allowed under federal law  
9 and regulations, a person with mental illness or  
10 mental retardation shall not be eligible for any  
11 service which is funded in whole or in part by a

12 county share of the nonfederal portion of medical  
 13 assistance funds unless the person is referred through  
 14 the single entry point process, as defined in section  
 15 331.440. However, to the extent federal law allows  
 16 referral of a medical assistance recipient to a  
 17 service without approval of the single entry point  
 18 process, the county of legal settlement shall be  
 19 billed for the nonfederal share of costs for any adult  
 20 person for whom the county would otherwise be  
 21 responsible."

22 38. Page 21, by inserting after line 33 the  
 23 following:

24 "Sec. \_\_\_\_ . Section 331.440, Code Supplement 1995,  
 25 is amended by adding the following new subsection:  
 26 **NEW SUBSECTION. 2A.** An application for services  
 27 may be made through the single entry point process of  
 28 a person's county of residence. However, if a person  
 29 who is subject to a single entry point process has  
 30 legal settlement in another county or the costs of  
 31 services or other support provided to the person are  
 32 the financial responsibility of the state, an  
 33 authorization through the single entry point process  
 34 shall be coordinated with the person's county of legal  
 35 settlement or with the state, as applicable. The  
 36 county of residence and county of legal settlement of  
 37 a person subject to a single entry point process may  
 38 mutually agree that the single entry point process  
 39 functions shall be performed by the single entry point  
 40 process of the person's county of legal settlement."

41 39. Page 21, by inserting after line 33 the  
 42 following:

43 "Sec. \_\_\_\_ . **MEDICAL ASSISTANCE CLAIMS AND COST**  
 44 **SETTLEMENT.** The department of human services shall  
 45 formulate a work group which includes representatives  
 46 of counties designated by the Iowa state association  
 47 of counties in developing a course of action to meet  
 48 the goals for submission of claims and completion of  
 49 cost settlement under section 249A.12, subsection 2,  
 50 as amended by this Act. A report which includes data

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1 describing the conditions which cause the goal time  
 2 frames to be exceeded, other conditions associated  
 3 with billings and payments, and options to address the  
 4 problems identified shall be submitted to the governor  
 5 and general assembly on or before December 16, 1996.  
 6 The options may include possible sanctions for failure  
 7 to meet the time frames."

8 40. Page 22, by striking lines 2 through 11.



9 41. By renumbering, relettering, or redesignating  
10 and correcting internal references as necessary.

ALBERT SORENSEN

S-5698

1 Amend the amendment, S-5514, to House File 2234, as  
2 passed by the House, as follows:

3 1. Page 1, lines 12 and 13, by striking the words  
4 and figures "sections 9H.4, 9H.5, and" and inserting  
5 the following: "section".

6 2. Page 1, line 20, by striking the words and  
7 figure "chapters 9H and" and inserting the following:  
8 "chapter".

9 3. Page 1, by inserting after line 41 the  
10 following:

11 "5. The potential future expansion of an eligible  
12 business shall be considered a potential use for  
13 nonfarming purposes."

WAYNE BENNETT

S-5699

1 Amend House File 569, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, line 6, by inserting after the word  
4 "Code" the following: "Supplement".

5 2. Page 3, by striking line 12 and inserting the  
6 following: "into on or after January 1, 1997."

COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, Chairperson

S-5700

1 Amend House File 2421, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 20 the  
4 following:

5 "8. For automating the oversize vehicle permitting  
6 system authorized under chapter 321E in order to  
7 improve communication between carriers and the  
8 department regarding changing road conditions,  
9 including construction zones:

10 ..... \$ 125,000"

11 2. Page 3, by inserting after line 14 the  
12 following:

13 "g. For construction, reconstruction, and

14 maintenance of the state highway system as  
 15 appropriated for in chapter 313:  
 16 ..... \$300,000,000

17 It is the intent of the general assembly, that if  
 18 additional moneys become available to the primary road  
 19 fund, the state transportation commission may expend  
 20 the funds pursuant to section 313.4. Of the  
 21 appropriation in this paragraph, the following amount  
 22 shall be used by the department for construction of an  
 23 overpass on highway 218 located between Ainsworth and  
 24 Riverside for the purpose of facilitating access to  
 25 schools located in the Highland community school  
 26 district:

27 ..... \$ 1,617,000"

28 3. Page 4, by striking lines 15 and 16 and  
 29 inserting the following:

30 "b. For field garage facilities in Anamosa and  
 31 Southeast Des Moines:  
 32 ..... \$ 1,500,000"

33 4. Page 4, by striking line 30 and inserting the  
 34 following: "the highway construction program and  
 35 highway".

36 5. Page 5, line 2, by inserting after the figure  
 37 "1996." the following: "The department shall include  
 38 input from department employees who are members of a  
 39 statewide employee organization on the effects of  
 40 implementation of these recommendations on job-related  
 41 activities and employee displacement."

42 6. Page 5, by inserting after line 2 the  
 43 following:

44 "3. The department shall study the feasibility of  
 45 joining the I-35 corridor coalition and the effects on  
 46 the state interstate system from designation of I-35  
 47 as a portion of the international NAFTA super  
 48 highway."

49 7. Page 7, by inserting after line 23 the  
 50 following:

Page 2

1 "DEPARTMENT OF CULTURAL AFFAIRS

2 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 3 Iowa infrastructure fund of the state to the  
 4 department of cultural affairs for the fiscal year  
 5 beginning July 1, 1996, and ending June 30, 1997, the  
 6 following amount, or so much thereof as is necessary,  
 7 to be allocated to an Iowa project that has received a  
 8 national endowment for the humanities award for a  
 9 museum and discovery center:

10 ..... \$ 500,000

11 Allocation of moneys pursuant to this section shall  
12 be contingent upon a two-thirds matching contribution  
13 of local moneys.

14 It is the intent of the general assembly that an  
15 additional \$500,000 shall be appropriated from the  
16 rebuild Iowa infrastructure fund for the fiscal year  
17 beginning July 1, 1997, for completion of the project  
18 in this section.

19 Notwithstanding section 8.33, unencumbered or  
20 unobligated moneys remaining on June 30, 1997, from  
21 the funds appropriated in this section shall revert to  
22 the rebuild Iowa infrastructure fund on August 31,  
23 1997.

24 DEPARTMENT OF EDUCATION

25 Sec. \_\_\_\_ . There is appropriated from the rebuild  
26 Iowa infrastructure fund of the state to the  
27 department of education for the fiscal year beginning  
28 July 1, 1996, and ending June 30, 1997, the following  
29 amounts, or so much thereof as is necessary, to be  
30 used for the purposes designated:

31 1. For community colleges to be allocated to each  
32 community college by the department of education based  
33 upon the proportional total of square footage space of  
34 buildings located on each community college campus:  
35 ..... \$ 4,000,000

36 Of the appropriation in this subsection and prior  
37 to allocation of any other moneys provided in this  
38 subsection, \$500,000 shall be allocated to  
39 southwestern community college for construction of a  
40 rural heritage center. It is the intent of the  
41 general assembly that an additional \$500,000 shall be  
42 appropriated for the fiscal year beginning July 1,  
43 1997, for the rural heritage center.

44 Notwithstanding section 8.33, unencumbered or  
45 unobligated moneys remaining on June 30, 1998, from  
46 the funds appropriated in this subsection shall revert  
47 to the rebuild Iowa infrastructure fund on August 31,  
48 1998.

49 2. For improvement and maintenance of  
50 institutional roads on community college campuses:

Page 3

1 ..... \$ 600,000

2 Notwithstanding section 8.33, unencumbered or  
3 unobligated moneys remaining on June 30, 1997, from  
4 the funds appropriated in this subsection shall revert  
5 to the rebuild Iowa infrastructure fund on August 31,  
6 1997."

7 8. By striking page 7, line 25, through page 8,

8 line 23, and inserting the following:

9 "Sec. 50. There is appropriated from the rebuild  
10 Iowa infrastructure fund of the state to the  
11 department of general services for the fiscal year  
12 beginning July 1, 1995, and ending June 30, 1996, the  
13 following amount, or so much thereof as is necessary,  
14 to be used for the following purpose:

15 To provide for the renovation and repair of the  
16 soldiers and sailors monument of the civil war on the  
17 state capitol complex:

18 ..... \$ 150,000

19 Notwithstanding section 8.33, unencumbered or  
20 unobligated moneys remaining on June 30, 1998, from  
21 the funds appropriated in this section shall revert to  
22 the rebuild Iowa infrastructure fund on August 31,  
23 1998.

24 Sec. 51. There is appropriated from the rebuild  
25 Iowa infrastructure fund of the state to the  
26 department of general services for the fiscal year  
27 beginning July 1, 1995, and ending June 30, 1996, the  
28 following amount, or so much thereof as is necessary,  
29 to be used for the following purpose:

30 To provide for the planning, siting, and  
31 construction of a world war II veterans memorial:

32 ..... \$ 200,000

33 1. The moneys appropriated in this section may be  
34 used to match nonstate funds for the planning, siting,  
35 and construction of the memorial. The state match  
36 shall be \$2 of state money for each \$3 of nonstate  
37 money.

38 2. Notwithstanding section 8.33, unencumbered or  
39 unobligated moneys remaining on June 30, 1998, from  
40 the funds appropriated in this section shall revert to  
41 the rebuild Iowa infrastructure fund on August 31,  
42 1998.

43 Sec. \_\_\_\_ . There is appropriated from the rebuild  
44 Iowa infrastructure fund of the state to the  
45 department of general services for the fiscal year  
46 beginning July 1, 1996, and ending June 30, 1997, the  
47 following amounts, or so much thereof as is necessary,  
48 to be used for the purposes designated:

49 1. For major maintenance needs including health,  
50 life, and fire safety and for compliance with the

Page 4

1 federal Americans with Disabilities Act for state-  
2 owned buildings and facilities:

3 ..... \$ 6,500,000

4 2. For critical and deferred maintenance at

5 Terrace Hill:

6 ..... \$ 150,000

7 As a condition of receiving this appropriation,  
8 private matching funds must be contributed on a  
9 dollar-for-dollar basis.

10 Notwithstanding section 8.33, unencumbered or  
11 unobligated funds remaining on June 30, 2001, from the  
12 funds appropriated in this section shall revert to the  
13 rebuild Iowa infrastructure fund of the state on  
14 August 31, 2001.

15 Sec. —.

16 1. There is appropriated from the rebuild Iowa  
17 infrastructure fund of the state to the department of  
18 general services for the fiscal year beginning July 1,  
19 1996, and ending June 30, 1999, the following amounts,  
20 or so much thereof as is necessary, to be used for the  
21 projects in the amounts and for the fiscal years as  
22 designated in subsection 2:

23 a. For the fiscal year beginning July 1, 1996, and  
24 ending June 30, 1997:  
25 ..... \$ 18,500,000

26 b. For the fiscal year beginning July 1, 1997, and  
27 ending June 30, 1998:  
28 ..... \$ 16,900,000

29 c. For the fiscal year beginning July 1, 1998, and  
30 ending June 30, 1999:  
31 ..... \$ 3,900,000

32 2. a. For exterior state capitol building  
33 restoration:

34 (1) For the fiscal year beginning July 1, 1996,  
35 and ending June 30, 1997:  
36 ..... \$ 9,300,000

37 (2) For the fiscal year beginning July 1, 1997,  
38 and ending June 30, 1998:  
39 ..... \$ 7,600,000

40 b. For interior state capitol building  
41 restoration:

42 (1) For the fiscal year beginning July 1, 1996,  
43 and ending June 30, 1997:  
44 ..... \$ 2,800,000

45 (2) For the fiscal year beginning July 1, 1998,  
46 and ending June 30, 1999:  
47 ..... \$ 2,300,000

48 c. For renovation of the old historical building:

49 (1) For the fiscal year beginning July 1, 1996,  
50 and ending June 30, 1997:

Page 5

1 .....	\$ 5,400,000
2 (2) For the fiscal year beginning July 1, 1997,	
3 and ending June 30, 1998:	
4 .....	\$ 4,100,000
5 (3) For the fiscal year beginning July 1, 1998,	
6 and ending June 30, 1999:	
7 .....	\$ 1,600,000
8 d. For renovation of the Lucas tunnel for the	
9 fiscal year beginning July 1, 1996, and ending June	
10 30, 1997:	
11 .....	\$ 600,000
12 e. For renovation of the first and second floors	
13 of the Lucas state office building:	
14 (1) For the fiscal year beginning July 1, 1996,	
15 and ending June 30, 1997:	
16 .....	\$ 400,000
17 (2) For the fiscal year beginning July 1, 1997,	
18 and ending June 30, 1998:	
19 .....	\$ 5,200,000
20 Notwithstanding section 8.33, unencumbered or	
21 unobligated funds remaining on June 30, 2001, from the	
22 funds appropriated in this section shall revert to the	
23 rebuild Iowa infrastructure fund of the state on	
24 August 31, 2001."	
25 9. Page 9, by inserting after line 3 the	
26 following:	
27 "Sec. ____ . There is appropriated from the rebuild	
28 Iowa infrastructure fund of the state to the	
29 department of natural resources for the fiscal year	
30 beginning July 1, 1996, and ending June 30, 1997, the	
31 following amount, or so much thereof as is necessary,	
32 to be used for the following purpose:	
33 For the rehabilitation, preservation, and continued	
34 use of state park facilities, including low-head dams	
35 and historic buildings, appurtenant structures, and	
36 utilities built by the civilian conservation corps	
37 (CCC) or the works progress administration (WPA):	
38 .....	\$ 5,000,000
39 The department of natural resources shall establish	
40 rules providing for distribution of a portion of the	
41 appropriation in this section to other governmental	
42 entities owning or managing CCC or WPA facilities.	
43 All rehabilitation and preservation of CCC or WPA	
44 buildings funded by this appropriation shall conform	
45 to the United States secretary of the interior's	
46 standards for rehabilitation and guidelines for	
47 rehabilitating historic buildings. Where feasible,	
48 the department shall encourage the use of youth	

49 employment for rehabilitation and preservation efforts  
50 provided for in this section.

Page 6

1 Notwithstanding section 8.33, unencumbered or  
2 unobligated moneys remaining on June 30, 1999, from  
3 the funds appropriated in this section, shall revert  
4 to the rebuild Iowa infrastructure fund on August 31,  
5 1999."

6 10. By striking page 9, line 31, through page 10,  
7 line 8.

8 11. Page 10, by inserting after line 18 the  
9 following:

10 "Funds appropriated in this subsection shall only  
11 be expended upon receiving notification from the  
12 United States department of veterans affairs that  
13 federal funds have been appropriated to the commission  
14 for the expansion."

15 12. Page 10, by inserting after line 22 the  
16 following:

17 "Sec. \_\_\_\_ . It is the intent of the general  
18 assembly that \$1,400,000 shall be appropriated from  
19 the rebuild Iowa infrastructure fund to the commission  
20 of veterans affairs for fiscal year 1998 for  
21 additional funding for food preparation and dining  
22 room expansion."

23 13. By striking page 10, line 23 through page 11,  
24 line 24.

25 14. By striking page 11, line 32, through page  
26 12, line 2, and inserting the following:

27 "For renovation and restoration of the grandstand,  
28 the cattle barn, the horse barn, the swine barn, and  
29 for improvements to sewer, water, and electrical  
30 systems located on the state fairgrounds:

31 ..... \$ 5,000,000

32 Notwithstanding section 8.33, unencumbered or  
33 unobligated moneys remaining on June 30, 1998, from  
34 the funds appropriated in this section shall revert to  
35 the rebuild Iowa infrastructure fund on August 31,  
36 1998."

37 15. Page 12, by inserting after line 18 the  
38 following:

39 "Sec. \_\_\_\_ . Section 8.22A, subsection 5, unnumbered  
40 paragraph 2, Code Supplement 1995, is amended to read  
41 as follows:

42 a. The amount of lottery revenues for the  
43 following fiscal year to be available for disbursement  
44 following the deductions made pursuant to section  
45 99E.10, subsection 1.

46 b. The amount of revenue for the following fiscal  
47 year from gambling revenues and from interest earned  
48 on the cash reserve fund and the economic emergency  
49 fund to be deposited in the rebuild Iowa  
50 infrastructure fund under section 8.57, subsection 5,

Page 7

1 paragraph "e".

2 Sec. 100. Section 8.54, subsection 5, Code 1995,  
3 is amended to read as follows:

4 5. For a fiscal year in which section 8.55,  
5 subsection 2, ~~results is projected to result~~ in moneys  
6 being transferred to the general fund, the original  
7 state general fund expenditure limitation amount for  
8 that fiscal year as provided for in subsection 3 shall  
9 be ~~readjusted~~ adjusted to include the moneys which are  
10 ~~so projected to be transferred.~~

11 Sec. 200. Section 8.55, subsection 2, Code  
12 Supplement 1995, is amended to read as follows:

13 2. The maximum balance of the fund is the amount  
14 equal to five percent of the adjusted revenue estimate  
15 for the fiscal year. If the amount of moneys in the  
16 Iowa economic emergency fund is equal to the maximum  
17 balance, moneys in excess of this amount shall be  
18 ~~transferred to the general fund as follows:~~

19 a. An amount equal to not more than two and one-  
20 half percent of the adjusted revenue estimate for the  
21 fiscal year in which the transfer is made shall be  
22 transferred to the rebuild Iowa infrastructure fund.

23 b. Moneys remaining following the transfer in  
24 paragraph "a" shall be transferred to the general fund  
25 of the state.

26 Sec. 300. Section 8.57, subsection 5, paragraph c,  
27 Code Supplement 1995, is amended to read as follows:

28 c. Moneys in the fund in a fiscal year shall be  
29 used as directed by the general assembly for public  
30 ~~vertical infrastructure-related expenditures~~  
31 infrastructure projects. For the purposes of this  
32 subsection, "vertical infrastructure" means the  
33 construction or renovation of buildings, all  
34 appurtenant structures, utilities, and site  
35 development. "Vertical infrastructure" does not  
36 include operational expenses or leasing of a building,  
37 appurtenant structure, or utility without a purchase  
38 agreement. Moneys in the fund shall only be expended  
39 for projects with an expected useful life of twenty  
40 years or more.

41 Sec. 400. Section 8.57, subsection 5, Code  
42 Supplement 1995, is amended by adding the following



43 new paragraphs:

44 NEW PARAGRAPH. e. Notwithstanding sections 99D.17  
45 and 99F.11, not more than a total of sixty million  
46 dollars shall be deposited in the general fund of the  
47 state in any fiscal year pursuant to sections 99D.17  
48 and 99F.11. The total moneys in excess of sixty  
49 million dollars in a fiscal year shall be deposited in  
50 the infrastructure fund and shall be used as provided

Page 8

1 in this section, notwithstanding section 8.60.  
2 NEW PARAGRAPH. f. Beginning July 1, 1997, and  
3 each fiscal year thereafter, fifteen million dollars  
4 is appropriated from the infrastructure fund, to the  
5 department of revenue and finance to be used to  
6 provide matching funds for counties, cities, or school  
7 districts that have approved a bond issuance by  
8 referendum in accordance with section 16.203.”

9 16. Page 12, by inserting after line 30 the  
10 following:

11 “Sec. \_\_\_\_ . NEW SECTION. 16.203 VERTICAL  
12 INFRASTRUCTURE BONDING MATCH PROGRAM.

13 1. The authority shall create a vertical  
14 infrastructure bonding match program to provide  
15 matching moneys for counties, cities, and school  
16 districts that have approved a bond issuance by  
17 referendum for the purpose of constructing or  
18 renovating vertical infrastructure. “Vertical  
19 infrastructure” means the same as defined in section  
20 8.57, subsection 5, paragraph “c”.

21 2. The matching moneys provided under this section  
22 shall be in an amount of up to ten percent of the  
23 amount of the vertical infrastructure project or one  
24 million dollars, whichever is less. Moneys shall be  
25 distributed under this section in any one fiscal year  
26 only until the fifteen million dollars allocated  
27 pursuant to section 8.57, subsection 5, paragraph “f”,  
28 has been expended.

29 3. Funding shall be limited to only one political  
30 entity within a county in any fiscal year. For  
31 purposes of this subsection, “political entity” means  
32 a county or city or school district located within one  
33 or more counties, or any of the above who have entered  
34 into a chapter 28E agreement. For political entities  
35 that are located in one or more counties, the  
36 limitation on one political entity within one county  
37 in this subsection shall be determined as follows:

38 a. For cities, the county in which the majority of  
39 the population resides.

- 40 b. For school districts, the county in which the  
41 majority of the students reside.
- 42 4. To be eligible to receive matching moneys, a  
43 county, city, or school district shall do all of the  
44 following:
- 45 a. Obtain a preapproval letter of commitment prior  
46 to the bond issuance referendum. To obtain  
47 preapproval under this section, the applicant must  
48 submit a five-year vertical infrastructure plan in  
49 accordance with rules adopted by the authority.
- 50 b. Pass a successful bond issuance by referendum,

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- 1 in accordance with the statutory requirements for each  
2 entity.
- 3 5. Upon a determination of eligibility, the  
4 authority shall notify the department of revenue and  
5 finance of the eligible county, city, or school  
6 district and the amount of funding that the entity is  
7 to receive. The department of revenue and finance  
8 shall disburse the moneys to the entity in the  
9 appropriate amount.”
- 10 17. Page 12, by inserting after line 30 the  
11 following:
- 12 “Sec. \_\_\_\_ NEW SECTION. 18A.12 STATE CAPITOL  
13 VIEW PRESERVATION PLAN.
- 14 1. The department of general services, at the  
15 direction of the capitol planning commission, shall  
16 adopt rules establishing and updating a state capitol  
17 view preservation plan. The commission shall consult  
18 with the city of Des Moines in establishing and  
19 updating the plan. The purpose of the plan shall be  
20 to ensure that the most dramatic or scenic views of  
21 the state capitol remain unobstructed by the erection  
22 of structures, including but not limited to buildings,  
23 towers, and monuments.
- 24 2. As part of the plan the commission shall  
25 establish a state capitol dominance zoning district  
26 and state capitol scenic corridors.
- 27 a. The district shall include the area where the  
28 state capitol is located and an area not less than  
29 one-half mile surrounding the state capitol as  
30 measured from the center of the state capitol's dome.  
31 The district is not required to be symmetrical, and  
32 the size of the district is not required to be  
33 uniform.
- 34 b. Corridors shall allow views of the state  
35 capitol, and especially the state capitol's dome, from  
36 numerous vantage points in each direction, which

37 provide unique or dramatic perspectives.  
38 3. The state capitol view preservation plan shall  
39 provide for regulating the height and setback of  
40 structures erected within the state capitol dominance  
41 zoning district, and within and along state capitol  
42 scenic corridors. The regulations shall provide for  
43 absolute height and setback limitations, and may  
44 provide for proportional increases based on the  
45 structure's distance from the state capitol, or based  
46 on a comprehensive formula of trigonometric  
47 projections.  
48 4. In developing the plan, the commission shall  
49 study alternative approaches, including considering  
50 approaches adopted in other states. The commission

## Page 10

1 shall balance the aesthetic value and the economic  
2 impact of each approach considered.

3 5. The city shall amend its zoning ordinances, and  
4 its comprehensive plan if required, to comply with the  
5 state capitol view preservation plan."

6 18. Page 16, by inserting after line 27 the  
7 following:

8 "Sec. \_\_\_\_ . Section 307.10, subsection 1, Code  
9 1995, is amended by striking the subsection and  
10 inserting in lieu thereof the following:

11 1. a. Develop and coordinate an updated  
12 comprehensive transportation policy for the state by  
13 January 15, 1997. The policy shall be submitted to  
14 the general assembly for approval, modification, or  
15 rejection. Future revisions to the policy shall be  
16 submitted to the general assembly for its approval.

17 b. A comprehensive transportation plan which is  
18 based upon the updated transportation policy shall be  
19 submitted to the governor and the general assembly  
20 annually on January 15."

21 19. Page 16, by inserting after line 29 the  
22 following:

23 "Sec. 500. Section 602.8108, subsection 2, Code  
24 1995, is amended to read as follows:

25 2. Except as otherwise provided, the clerk of the  
26 district court shall report and submit to the state  
27 court administrator, not later than the fifteenth day  
28 of each month, the fines and fees received during the  
29 preceding calendar month. Except as provided in  
30 ~~subsection~~ ~~subsections~~ 4 and 5, the state court  
31 administrator shall deposit the amounts received with  
32 the treasurer of state for deposit in the general fund  
33 of the state. The state court administrator shall

34 report to the legislative fiscal bureau within thirty  
35 days of the beginning of each fiscal quarter the  
36 amount received during the previous quarter in the  
37 account established under this section.

38 Sec. 501. Section 602.8108, Code 1995, is amended  
39 by adding the following new subsection:

40 **NEW SUBSECTION. 5.** The state court administrator  
41 shall allocate all of the fines and fees attributable  
42 to commercial vehicle violation citations issued by  
43 motor vehicle division personnel of the state  
44 department of transportation to the treasurer of state  
45 for deposit in the road use tax fund."

46 20. Page 17, by inserting after line 13 the  
47 following:

48 "Sec. \_\_\_\_ . **APPROPRIATION -- RECREATIONAL TRAILS.**

49 There is appropriated from the general fund of the  
50 state, to the state department of transportation, for

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1 the fiscal year beginning July 1, 1996, and ending  
2 June 30, 1997, two million dollars, to be used for  
3 acquiring, constructing, and improving recreational  
4 trails in accordance with chapter 465B. A minimum of  
5 fifty percent of the appropriation shall be used for  
6 acquisition and construction of new recreational  
7 trails and the remainder shall be used for maintenance  
8 of existing recreational trails."

9 21. Page 17, by striking lines 14 through 24 and  
10 inserting the following:

11 "Sec. \_\_\_\_ . **STATE GENERAL FUND BUDGET INCLUSIONS.**

12 For the fiscal year beginning July 1, 1997, and each  
13 fiscal year thereafter, the department of personnel,  
14 the auditor of state, the attorney general's office,  
15 the department of inspections and appeals, the  
16 department of management, and the department of  
17 revenue and finance shall request appropriations from  
18 the general fund of the state that are currently  
19 appropriated or reimbursed from the road use tax fund,  
20 primary road fund, motor vehicle use tax receipts, or  
21 from motor fuel taxes.

22 Sec. \_\_\_\_ . **SOYDIESEL DEMONSTRATION PROJECTS.**

23 1. The state department of transportation shall  
24 conduct a soydiesel demonstration project by operating  
25 the department's diesel-fueled vehicles with soydiesel  
26 fuel for a period of one year. For purposes of this  
27 section, "soydiesel fuel" means a mixture of diesel  
28 fuel and processed soybean oil, if at least 5 percent  
29 of the mixed fuel by volume is processed soybean oil.  
30 The department shall evaluate the performance of the

31 vehicles, including the rate of repairs and comments  
32 from persons operating and maintaining the vehicles.  
33 2. The department shall report the findings of the  
34 demonstration project and any recommendations to the  
35 general assembly, to the chairpersons and ranking  
36 members of the senate and house of representatives  
37 standing committees on agriculture and to the  
38 renewable fuels and coproducts advisory committee, by  
39 October 1, 1997.  
40 3. Prior to the allocation under section 423.24,  
41 subsection 1, paragraph "b", one hundred thousand  
42 dollars shall be allocated to the state department of  
43 transportation for purposes of the demonstration  
44 project under this section. Notwithstanding section  
45 8.33, funds allocated under this section shall remain  
46 available for expenditure until June 30, 1998.  
47 Unobligated or unencumbered funds remaining on June  
48 30, 1998, shall be credited to the value-added  
49 agricultural products and processes financial  
50 assistance fund under section 15E.112.

## Page 12

1 Sec. \_\_\_\_ . SOYDIESEL -- NONREVERSION.  
2 Notwithstanding 1994 Iowa Acts, chapter 1119, section  
3 32, subsection 2, paragraph "d", as amended by 1995  
4 Iowa Acts, chapter 216, section 34, moneys remaining  
5 unexpended or unobligated on June 30, 1996, shall not  
6 be credited to the value-added agricultural products  
7 and processes financial assistance fund, but shall be  
8 allocated to the state department of transportation  
9 for the purposes of continuing the soydiesel  
10 demonstration project as provided for in this Act.

11 Sec. \_\_\_\_ . INFRASTRUCTURE STUDY. The legislative  
12 council is requested to study the issue of creating a  
13 board to evaluate and prioritize expenditure of moneys  
14 from the rebuild Iowa infrastructure fund. The  
15 purpose of the study is to provide recommendations  
16 regarding members of the board and a process for  
17 determining expenditures. Consideration shall be  
18 given to providing for the participation of the  
19 department of general services, the department of  
20 management, and the Iowa state university, department  
21 of construction engineering in the study. Results of  
22 the study shall be provided to the legislative council  
23 by January 31, 1997.

24 Sec. \_\_\_\_ . LEGISLATIVE COUNCIL DESIGNEES -- STATE  
25 CAPITOL RESTORATION AND SPACE ALLOCATION PLANNING.  
26 The chairperson and vice chairperson of the  
27 legislative council are designated to act on behalf of

28 the legislative council and shall have the authority  
29 provided to the legislative council under section 2.43  
30 for the following purposes:

31 1. For assigning space for use of the general  
32 assembly or legislative agencies in the state capitol  
33 building and other state office buildings, including  
34 the first and second floors of the Lucas state office  
35 building.  
36 2. For approving plans for and authorizing for use  
37 of the general assembly or legislative agencies, the  
38 restoration, renovation, remodeling, and preparation  
39 of the state capitol building and other state office  
40 buildings, including the first and second floors of  
41 the Lucas state office building, and appurtenant  
42 physical structures, and for approving those portions  
43 of contracts affecting such restoration, renovation,  
44 remodeling, and preparation.

45 The chairperson and vice-chairperson shall consult  
46 with the director of the department of general  
47 services and the capitol planning commission, but  
48 shall not be bound by any decision of the director  
49 with respect to the responsibilities and duties set  
50 forth in this section. The chairperson and vice-

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1 chairperson may direct the director of the department  
2 of general services or other state employees to carry  
3 out their directives, or may employ other personnel to  
4 carry out such functions.

5 Sec. \_\_\_\_ . STATE GOVERNMENT -- SPACE ALLOCATION  
6 STUDY. The department of general services, in  
7 consultation with the department of management, and  
8 the legislative council shall study and make an  
9 assessment of the space allocation needs for all state  
10 agencies and entities in all areas of state  
11 government. The study shall make a determination of  
12 the feasibility of eliminating or reducing leased  
13 office space and of relocating various areas of state  
14 government outside of the Des Moines metropolitan  
15 area. The goal of this relocation effort shall be to  
16 provide at least fifty percent of the projected off-  
17 complex space needs in areas located outside of the  
18 Des Moines metropolitan area. The relocation shall  
19 only be considered in areas that would provide  
20 connections with the Iowa communications network. The  
21 fifty-percent relocation calculation shall not include  
22 the state department of transportation complex located  
23 in Ames.

24 Sec. \_\_\_\_ . REBUILD IOWA INFRASTRUCTURE FUND --

25 CONTINGENCY APPROPRIATION. If the rebuild Iowa  
26 infrastructure fund does not receive an appropriation  
27 from the operation of section 8.57, subsection 5,  
28 paragraph "e", in an amount equivalent to at least  
29 \$48,400,000, for the fiscal year beginning July 1,  
30 1996, and ending June 30, 1997, moneys in an amount  
31 equivalent to the difference shall be appropriated  
32 from the moneys transferred to the general fund of the  
33 state pursuant to section 8.55, subsection 2, in the  
34 fiscal year beginning July 1, 1996.

## 35 DIVISION IV

## 36 PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM

37 Sec. \_\_\_\_ . NEW SECTION. 15E.175 PHYSICAL  
38 INFRASTRUCTURE ASSISTANCE PROGRAM.

39 1. The Iowa department of economic development  
40 shall establish a physical infrastructure financial  
41 assistance program to provide financial assistance for  
42 business or community physical infrastructure  
43 development or redevelopment projects. Physical  
44 infrastructure projects that create the necessary  
45 infrastructure for economic success throughout Iowa,  
46 that provide the opportunity for the creation of  
47 quality, high-wage jobs, and that involve substantial  
48 capital investment may be eligible for financial  
49 assistance under the program. Physical infrastructure  
50 development or redevelopment projects include, but are

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1 not limited to, projects involving any mode of  
2 transportation infrastructure, public works and  
3 utilities such as sewer, water, power or  
4 telecommunications, physical improvements which  
5 mitigate, prevent or eliminate environmental  
6 contaminants, and any other project deemed appropriate  
7 by the department.

8 2. A physical infrastructure assistance fund is  
9 created within the state treasury under the control of  
10 the Iowa department of economic development.

11 a. The fund shall include any moneys appropriated  
12 to the fund by the general assembly, payments of  
13 interest earned, recaptures of awards, repayments of  
14 moneys loaned or expended from the physical  
15 infrastructure assistance program, and any other  
16 moneys designated by the department for placement in  
17 the fund.

18 b. The fund shall be used for the following:

19 (1) To provide reimbursement to the department of  
20 natural resources for activities related to physical  
21 infrastructure assistance projects under this section.

22 (2) To provide financial assistance for qualifying  
23 projects.

24 (3) To provide funding for any other purpose  
25 consistent with this section and deemed appropriate by  
26 the department.

27 c. Section 8.33 shall not apply to the physical  
28 infrastructure assistance fund. Notwithstanding  
29 section 12C.7, interest earned on moneys in the fund  
30 shall be credited to the fund.

31 3. The department shall establish procedures and  
32 guidelines for the physical infrastructure assistance  
33 program and shall proceed in accordance with the  
34 following:

35 a. Consult with and coordinate with the state  
36 department of transportation, the department of  
37 natural resources, and any other appropriate state  
38 agency which is responsible for the development or  
39 redevelopment of physical infrastructure in this state  
40 to ensure that activities conducted pursuant to this  
41 section are consistent with the policies and plans of  
42 other state agencies and are coordinated with other  
43 physical infrastructure projects.

44 b. Provide financial assistance in the form of a  
45 loan, forgivable loan, loan guarantee, cost-share,  
46 indemnification of costs, or any combination of  
47 financial assistance deemed by the department to be  
48 most efficient in facilitating the physical  
49 infrastructure project.

50 c. Enter into contracts and to sue and be sued.

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1 However, the department shall not in any manner  
2 directly or indirectly pledge the credit of the state  
3 of Iowa.

4 d. Authorize payment of costs, commissions,  
5 attorney fees, consultant fees, and other reasonable  
6 expenses from the fund. Expenses may include costs  
7 relating to carrying out the duties necessary for  
8 insuring or guaranteeing loans, co-sharing or  
9 indemnifying costs under the physical infrastructure  
10 financial assistance program, and for the recovery of  
11 loans insured or guaranteed, costs co-shared or  
12 indemnified, or the management of property acquired in  
13 connection with such loans or costs.

14 e. Adopt administrative rules necessary to carry  
15 out the provisions of this section.

16 Sec. — . **NEW SECTION. 455B.433 PHYSICAL**  
17 **INFRASTRUCTURE ASSISTANCE -- FUNDING -- LIABILITY.**

18 1. The department of natural resources shall work



19 in conjunction with the Iowa department of economic  
20 development to identify environmentally contaminated  
21 sites which qualify for the physical infrastructure  
22 assistance program under section 15E.175. The  
23 department shall provide an assessment of the site and  
24 shall provide any emergency response activities which  
25 the department deems necessary. The department may  
26 take any further action, including remediation of the  
27 site, that the department deems to be appropriate and  
28 which promotes the purposes of the physical  
29 infrastructure assistance program.

30 2. The department shall be reimbursed from the  
31 physical infrastructure assistance fund under section  
32 15E.175 for any costs incurred pursuant to this  
33 section. Notwithstanding the limitations of chapter  
34 455G, any costs incurred on a site contaminated by a  
35 leaking underground storage tank may be reimbursed  
36 from the Iowa comprehensive petroleum underground  
37 storage tank fund.

38 3. Actions taken by the department pursuant to the  
39 authority granted under this section, shall be exempt  
40 from the citizen suit provisions of section 455B.111.

41 Sec. \_\_\_\_ . There is appropriated from the rebuild  
42 Iowa infrastructure fund of the state to the Iowa  
43 department of economic development for the fiscal year  
44 beginning July 1, 1996, and ending June 30, 1997, the  
45 following amount, or so much thereof as is necessary,  
46 to be deposited in the physical infrastructure  
47 assistance fund created in section 15E.175:

48 ..... \$ 2,000,000

49 Sec. \_\_\_\_ . Notwithstanding the allocation of moneys  
50 pursuant to section 455B.423, subsection 2, the first

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1 two hundred thousand dollars of moneys allocated to  
2 the hazardous substance remedial fund shall be  
3 transferred to the physical infrastructure assistance  
4 fund created under section 15E.175."

5 22. Page 17, by inserting before line 25 the  
6 following:

"DIVISION V

8 COUNTY TREASURERS' ISSUANCE OF MOTOR VEHICLE LICENSES

9 Sec. \_\_\_\_ . Section 321.179, subsection 1,  
10 unnumbered paragraph 1, Code Supplement 1995, is  
11 amended to read as follows:

12 Notwithstanding the provisions of this chapter or  
13 chapter 321L which grant sole authority to the  
14 department for the issuance of motor vehicle licenses,  
15 nonoperator's identification cards, and handicapped

16 identification devices, the counties of Adams, Cass,  
17 Fremont, Mills, Montgomery, and Page, and additional  
18 counties as designated by the department in accordance  
19 with requirements established by the general assembly,  
20 shall be authorized to issue motor vehicle licenses,  
21 nonoperator's identification cards, and handicapped  
22 identification devices on a permanent basis. However,  
23 a county shall only be authorized to issue commercial  
24 driver's licenses if certified to do so by the  
25 department. If a county fails to meet the standards  
26 for certification under this section, the department  
27 itself shall provide for the issuance of commercial  
28 driver's licenses in that county. The department  
29 shall certify the county treasurers in the permanent  
30 counties to issue commercial driver's licenses if all  
31 of the following conditions are met:

32 Sec. \_\_\_\_ . ADDITIONAL COUNTIES DESIGNATED.

33 1. The state department of transportation, in  
34 conjunction with the county treasurers association,  
35 shall designate additional counties which shall be  
36 authorized by the department to issue motor vehicle  
37 licenses, nonoperator's identification cards, and  
38 handicapped identification devices on a permanent  
39 basis, in accordance with section 321.179 and the  
40 following:

41 a. By July 1, 1997, the department shall disband  
42 two traveling driver's licensing teams and shall  
43 authorize the counties that were being served by the  
44 two departmental teams to issue motor vehicle licenses  
45 in those counties.

46 b. By July 1, 1998, the department shall disband  
47 an additional two traveling driver's licensing teams  
48 and shall authorize the counties that were being  
49 served by the two departmental teams to issue motor  
50 vehicle licenses in those counties.

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1 2. The state department of transportation shall  
2 work in conjunction with the county treasurer in each  
3 designated county and with a representative of the  
4 Iowa state county treasurers association to facilitate  
5 and implement the transfer of licensing duties and  
6 responsibilities to the designated counties in  
7 accordance with all of the following:

8 a. The department shall retain all administrative  
9 authority over licensing functions which shall include  
10 administrative procedures relating to cancellation,  
11 revocation, or suspension of licenses, administrative  
12 hearings and appeals, and training.

13 b. The department shall provide the county  
14 treasurer's office in each of the counties with all of  
15 the supplies, materials, and equipment necessary to  
16 carry out the provisions of this subsection.  
17 c. If it is necessary for a county treasurer to  
18 hire additional employees, first priority in hiring  
19 shall be given to current employees of the department  
20 who become unemployed due to the changes necessitated  
21 by this section.  
22 d. The county treasurers in the designated  
23 counties shall offer service to the public during  
24 normal business hours and may offer extended service  
25 at the option of the county.

26 3. Notwithstanding any other provisions to the  
27 contrary, the county treasurers of the counties  
28 authorized to issue motor vehicle licenses may retain  
29 for deposit in the county general fund, up to five  
30 dollars for each motor vehicle license transaction,  
31 including, but not limited to, issuance or renewal of  
32 motor vehicle licenses, nonoperator's identification  
33 cards, or handicapped identification devices.

34 4. As a condition for retention of moneys under  
35 subsection 3, a county treasurer shall document the  
36 actual quarterly expenditures associated with motor  
37 vehicle license issuance including the amount of time  
38 spent during that quarter on motor vehicle license-  
39 related activities, the proportionate share of  
40 salaries and benefits for county employees performing  
41 motor vehicle license-related activities, the total  
42 numbers of transactions conducted, and other costs  
43 related to the administration of motor vehicle  
44 license-related activities. Each county treasurer  
45 shall provide the documentation of expenditures to the  
46 state department of transportation and legislative  
47 fiscal bureau. If the county treasurer's total  
48 expenses are less than the moneys retained under this  
49 subsection, the county treasurer shall submit the  
50 difference to the treasurer of state on a quarterly

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1 basis. The treasurer of state shall deposit that  
2 amount in the road use tax fund.

3 DIVISION VI

4 Sec. \_\_\_\_ . REPEAL. Section 312.2A, Code 1995, is  
5 repealed.

6 Sec. \_\_\_\_ . RETROACTIVITY, EFFECTIVE DATE, AND  
7 APPLICABILITY PROVISIONS.

8 1. Sections 50 and 51 of this Act, being deemed of  
9 immediate importance, take effect upon enactment.

10 2. Section 100 of this Act, amending section 8.54,  
11 subsection 5, Code 1995, being deemed of immediate  
12 importance, takes effect upon enactment and applies  
13 retroactively to December 15, 1995.

14 3. Section 200 of this Act, amending section 8.55,  
15 subsection 2, Code Supplement 1995, takes effect June  
16 30, 1997, and first applies to moneys appropriated  
17 from the surplus in the general fund of the state at  
18 the conclusion of the fiscal year ending June 30,  
19 1997, and distributed in the succeeding fiscal years  
20 as provided in section 8.57.

21 4. Section 300 of this Act, amending section 8.57,  
22 subsection 5, paragraph "c", Code Supplement 1995,  
23 takes effect on July 1, 1997.

24 5. Section 400 of this Act, amending section 8.57,  
25 subsection 5, Code Supplement 1995, by adding new  
26 paragraph "e", being deemed of immediate importance,  
27 takes effect upon enactment and applies retroactively  
28 to July 1, 1995.

29 6. Sections 500 and 501 of this Act amending  
30 section 602.8108 are effective July 1, 1997."

31 23. Title page, by striking lines 5 and 6 and  
32 inserting the following: "rebuild Iowa infrastructure  
33 fund, creating infrastructure programs and authorizing  
34 projects, expanding the issuance of motor vehicle  
35 licenses by county treasurers and providing funding,  
36 construction projects for the".

37 24. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5701

1 Amend House File 428, as passed by the House, as  
2 follows:

3 1. Page 1, lines 8 and 9, by striking the words  
4 "~~Recurring costs shall not include personnel costs for~~  
5 ~~a public safety answering point.~~" and inserting the  
6 following: "Recurring costs shall not include  
7 personnel costs for a public safety answering point.

8 Sec. \_\_\_\_ . Section 34A.2, subsection 6, paragraph  
9 e, unnumbered paragraph 2, Code 1995, is amended to  
10 read as follows:

11 Funds deposited in an E911 service fund, with the  
12 prior approval of the county board of supervisors,  
13 shall be appropriated and used for the payment of  
14 costs which are limited to nonrecurring and recurring  
15 costs directly attributable to the provision of 911  
16 emergency telephone communication service and may

17 include costs for portable and vehicle radios,  
18 communication towers and associated equipment, and  
19 other radios and equipment permanently located at the  
20 public safety answering point. Costs do not include  
21 expenditures for any other purpose, and specifically  
22 exclude costs attributable to other emergency services  
23 or expenditures for buildings or personnel, except for  
24 the costs of personnel for database management and  
25 personnel directly associated with addressing.”  
26 2. By renumbering as necessary.

JIM LIND

HOUSE AMENDMENT TO  
SENATE FILE 2399

S-5702

1 Amend Senate File 2399, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by striking the words  
4 “seventy-two” and inserting the following: “seventy-  
5 two twenty-four”.

6 2. Page 2, line 20, by striking the words “with  
7 the fiscal year beginning” and inserting the  
8 following: “with the fiscal year beginning”.

9 3. Page 2, by inserting after line 26 the  
10 following:

11 “Sec. \_\_\_\_ . Section 232.71A, subsection 7,  
12 paragraph a, Code Supplement 1995, is amended by  
13 adding the following new subparagraphs:

14 NEW SUBPARAGRAPH. (4) The department determines  
15 the abuse meets the definition of child abuse under  
16 section 232.68, subsection 2, paragraph “e”, and the  
17 alleged perpetrator of the abuse is age fourteen or  
18 older. However, the juvenile court may order the  
19 removal from the central registry of the name of a  
20 perpetrator of abuse placed in the registry pursuant  
21 to this subparagraph who is age fourteen through  
22 seventeen upon a finding of good cause. The name of a  
23 perpetrator who is less than age fourteen shall not be  
24 placed in the central registry pursuant to this  
25 subparagraph.

26 NEW SUBPARAGRAPH. (5) The department determines  
27 the alleged perpetrator of the abuse will continue to  
28 pose a danger to the child who is the subject of the  
29 report of abuse or to another child with whom the  
30 alleged perpetrator may come into contact.”

31 4. Page 2, by inserting after line 26 the  
32 following:

33 "Sec. \_\_\_\_ . Section 232.71A, subsection 7, Code  
34 Supplement 1995, is amended by adding the following  
35 new paragraph:

36 NEW PARAGRAPH. d. All information contained in an  
37 assessment completed in accordance with this section  
38 shall be provided to the custodial and noncustodial  
39 parents of a child who are known to the department."

40 5. Page 2, by inserting after line 26 the  
41 following:

42 "Sec. \_\_\_\_ . Section 235A.15, subsection 2,  
43 paragraph e, Code Supplement 1995, is amended by  
44 adding the following new subparagraphs:

45 NEW SUBPARAGRAPH. (15) To employees of the  
46 department of human services as necessary to perform  
47 child abuse-child care registry duties under chapter  
48 235D.

49 NEW SUBPARAGRAPH. (16) To a person who submits  
50 written authorization from an individual allowing the

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1 person access to information pursuant to this  
2 subsection on behalf of the individual in order to  
3 verify whether the individual is named in a founded  
4 child abuse report as having abused a child.

5 Sec. \_\_\_\_ . Section 235A.17, Code 1995, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 3. An employee of the department  
8 of human services authorized to receive child abuse  
9 information for purposes of the child abuse-child care  
10 registry pursuant to section 235A.15, subsection 2,  
11 paragraph "e", subparagraph (15) may disseminate the  
12 information in accordance with the provisions of  
13 chapter 235D.

14 Sec. \_\_\_\_ . NEW SECTION. 235D.1 DEFINITIONS.

15 As used in this chapter, unless the context  
16 otherwise requires:

17 1. "Central child abuse registry" or "central  
18 registry" means the central child abuse registry  
19 created in chapter 235A.

20 2. "Child abuse-child care registry" means the  
21 central child abuse-child care registry created by the  
22 department pursuant to section 235D.9.

23 3. "Child day care" means the same as defined in  
24 section 237A.1.

25 4. "Department" means the department of human  
26 services.

27 5. "Founded child abuse report" means a child  
28 abuse report determined by the department to be child  
29 abuse and placed in the central child abuse registry.

30 as founded child abuse.

31 Sec. \_\_\_\_ . NEW SECTION. 235D.2 PERSONS REQUIRED  
32 TO REGISTER.

33 1. A person who provides child day care and who is  
34 named as having abused a child in a founded child  
35 abuse report, which is placed in the central registry  
36 on or after July 1, 1996, shall register as provided  
37 in this chapter for a period of time equivalent to the  
38 period of time the report is maintained on the central  
39 child abuse registry.

40 2. The registration requirements of this section  
41 do not apply to any of the following:

42 a. A person for whom the department has performed  
43 an evaluation pursuant to section 237A.5, subsection  
44 2, and has permitted the person to be licensed,  
45 registered, employed, or to reside in a child day care  
46 facility, if the person complies with the department's  
47 conditions established in section 237A.5, subsection  
48 2, paragraph "c".

49 b. A person who was named as having abused a child  
50 in a founded child abuse report in which the

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1 information concerning the person was determined to be  
2 unfounded and was corrected or eliminated pursuant to  
3 section 235A.19, subsection 5.

4 Sec. \_\_\_\_ . NEW SECTION. 235D.3 REGISTRATION  
5 PROCESS.

6 All of the following applies to a person who is  
7 required to register with the department, pursuant to  
8 section 235D.2:

9 1. The person shall register with the child abuse-  
10 child care registry prior to providing child day care.  
11 However, if the person is providing child day care at  
12 the time the founded child abuse report is entered in  
13 the central registry, the person shall register within  
14 ten days of the date the person is notified of the  
15 duty to register under section 235D.5.

16 2. Within ten days of changing residence within  
17 this state, notify the child abuse-child care registry  
18 of the change of address and any changes in the  
19 person's telephone number. The notification shall be  
20 in writing on a form provided by the department.

21 3. Within ten days of changing residence to a  
22 location outside of this state, the person shall  
23 notify the child abuse-child care registry of the new  
24 residence address, and any changes in telephone  
25 number. If the person is required to register under  
26 the laws of the other state, the person shall register

27 in the other state.

28 Sec. — . NEW SECTION. 235D.4 REGISTRATION  
29 RENEWAL.

30 A person required to register with the department  
31 pursuant to section 235D.2 shall annually renew the  
32 person's registration and verify the person's address  
33 using a renewal form developed by the department. The  
34 person shall renew the registration in the month in  
35 which the person was initially required to register.  
36 The renewal form shall be signed by the person and  
37 state the address at which the person resides. If the  
38 person is in the process of changing residence, the  
39 person shall state that fact as well as the old and  
40 new addresses of places of residence.

41 Sec. — . NEW SECTION. 235D.5 DUTY TO FACILITATE  
42 REGISTRATION.

43 If a founded child abuse report is entered in the  
44 central registry on or after July 1, 1996, which would  
45 cause a person to be required to register with the  
46 department pursuant to section 235D.2, the department  
47 shall do the following at the time a founded child  
48 abuse report is entered in the central registry:

- 49 1. Inform the person of the duty to register.
- 50 2. Inform the person of the person's duty to

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1 notify the child abuse-child care registry within ten  
2 days of changing residence within this state.

3 3. Inform the person of the person's duty to  
4 notify the child abuse-child care registry within ten  
5 days of changing residence to a location outside this  
6 state, and inform the person that, if the other state  
7 has a registration requirement, the person is also  
8 required to register in the new state of residence.

9 4. Require the person to read and sign a form  
10 stating that the duty of the person to register under  
11 this chapter has been explained. If the person cannot  
12 read, is unable to write, or refuses to cooperate, the  
13 duty and the form shall be explained orally and a  
14 written record maintained by the person explaining the  
15 duty and the form.

16 Sec. — . NEW SECTION. 235D.6 REGISTRATION FEES  
17 FOR OFFENDERS.

18 At the time of filing an initial registration, or a  
19 renewal of registration with the department, a person  
20 who is required to register pursuant to section 235D.2  
21 shall pay an annual fee of one hundred twenty-five  
22 dollars to the department. If, at the time of  
23 registration, the person who is required to register



24 is unable to pay the fee, the department may allow the  
25 person time to pay the fee, permit the payment of the  
26 fee in installments, or waive payment of the fee for  
27 good cause. Fees paid to the department shall be used  
28 to defray the costs of duties related to the  
29 registration of persons under this chapter.

30 Sec. \_\_\_\_ . NEW SECTION. 235D.7 FAILURE TO COMPLY  
31 -- PENALTY.

32 A person who willfully fails to register as  
33 required under this chapter commits a serious  
34 misdemeanor for a first offense and an aggravated  
35 misdemeanor for a second or subsequent offense.  
36 However, a person who willfully fails to register as  
37 required under this chapter and who, during the period  
38 in which the person has willfully failed to register,  
39 commits a criminal offense against a child under  
40 chapter 709, 709A, 710, 725, 726, or 728, commits a  
41 class "D" felony. The court shall not defer judgment  
42 or sentence for any violation of the registration  
43 requirements of this chapter.

44 Sec. \_\_\_\_ . NEW SECTION. 235D.8 REGISTRATION AND  
45 DISCLOSURE PROCESS.

46 1. The department shall prepare registration  
47 forms. The forms shall include the registrant's name,  
48 social security number, current address, and, if  
49 applicable, telephone number. In addition, the  
50 registration form shall include the names, addresses,

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1 and telephone numbers of the children for which the  
2 registrant is providing child day care as well as this  
3 information for the children's parent, guardian, or  
4 custodian. The forms may provide for the reporting of  
5 additional relevant information, including but not  
6 limited to, residents in the household of the person  
7 required to register, but shall not include  
8 information identifying the victim of the child abuse  
9 which the registrant was found to have committed.  
10 Forms shall be available to any person upon request to  
11 the department.

12 2. a. The department shall prepare disclosure  
13 forms which shall be made available to a registrant.  
14 The disclosure form shall provide for a written  
15 acknowledgment by the parent or guardian of each child  
16 for which the registrant provides child day care that  
17 the registrant is required to register with the child  
18 care-child abuse registry by reason of having been  
19 named as having abused a child in a founded child  
20 abuse report. The form shall also provide

21 instructions regarding the parent's, guardian's, or  
22 custodian's access to information maintained in the  
23 child abuse-child care registry.

24 b. The disclosure form shall be signed by the  
25 parent or guardian of each child for which the  
26 registrant provides child day care, acknowledging that  
27 the parent or guardian has read the form. A  
28 disclosure form shall be filed with the department for  
29 each child in the registrant's child day care as part  
30 of the registration requirements. The department  
31 shall retain a disclosure form filed in accordance  
32 with this paragraph for a period of three years.

33 Sec. —. NEW SECTION. 235D.9 DEPARTMENT DUTIES  
34 -- REGISTRY.

35 The department shall perform all of the following  
36 duties:

37 1. Develop and disseminate the standard forms for  
38 registering persons required to register pursuant to  
39 section 235D.2, and for understanding of registration  
40 requirements by the persons.

41 2. Maintain a central registry of information  
42 collected from persons required to register under this  
43 chapter, which shall be known as the child abuse-child  
44 care registry.

45 3. Adopt rules under chapter 17A as necessary to  
46 do all of the following:

47 a. Ensure compliance with registration  
48 requirements of this chapter.

49 b. Provide guidelines for persons required to  
50 assist in obtaining registry information.

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1 c. Provide a procedure for the dissemination of  
2 information contained in the child abuse-child care  
3 registry. The procedure for the dissemination of  
4 information shall include, but is not limited to,  
5 practical guidelines for use by agencies in  
6 determining when public release of information  
7 contained in the registry is appropriate and a  
8 requirement that if a member of the general public  
9 requests information regarding a specific individual  
10 in the manner provided in section 235D.11, the  
11 information shall be released. The department, in  
12 developing the procedure, shall consult with  
13 associations which represent the interests of law  
14 enforcement officers. Rules adopted shall also  
15 include a procedure for removal of information from  
16 the registry upon a determination that the information  
17 concerning the person in the founded child abuse

18 report which caused the person to register under this  
19 chapter was unfounded and was corrected or eliminated  
20 pursuant to section 235A.19, subsection 5.

21 Sec. — . NEW SECTION. 235D.10 CHILD ABUSE-CHILD  
22 CARE REGISTRY FUND.

23 A child abuse-child care registry fund is  
24 established as a separate fund within the state  
25 treasury under the control of the department. The  
26 fund shall consist of moneys received from fees  
27 received under section 235D.6 and other funds allo-  
28 cated for purposes of establishing and maintaining the  
29 child abuse-child care registry, conducting research  
30 and analysis related to child abuse-child care issues;  
31 and to perform other duties required under this  
32 chapter. Notwithstanding section 8.33, unencumbered  
33 or unobligated moneys and any interest remaining in  
34 the fund on June 30 of any fiscal year shall not  
35 revert to the general fund of the state, but shall  
36 remain available for expenditure in subsequent fiscal  
37 years. Moneys in the fund are appropriated to the  
38 department to be used only for the purposes delineated  
39 in this section and are not subject to transfer  
40 pursuant to section 8.39.

41 Sec. — . NEW SECTION. 235D.11 AVAILABILITY OF  
42 RECORDS.

43 Notwithstanding chapter 22, the confidentiality of  
44 information in the child abuse-child care registry  
45 shall be maintained except as specifically provided as  
46 follows:

- 47 1. As authorized in section 235A.15.
- 48 2. The department shall release information  
49 regarding a specific person who is required to  
50 register under this chapter to a member of the general

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1 public if the person requesting the information gives  
2 the person's name and address in writing, states the  
3 person's reason for requesting the information, and  
4 provides the department with the name and address of  
5 the person about whom the information is sought. The  
6 department shall maintain a record of persons  
7 requesting information from the registry. The  
8 confidentiality of the record of a person requesting  
9 information from the registry shall be maintained,  
10 unless the person requesting the information from the  
11 registry requests that the record of the information  
12 request be a public record.

13 3. Information shall not be released which would  
14 identify the victim's name or location in the founded

15 child abuse report which is a part of the child abuse-  
16 child care registry record.

17 Sec. \_\_\_\_ . NEW SECTION. 235D.12 COOPERATION WITH  
18 REGISTRATION.

19 Each agency of state and local government which  
20 possesses information relevant to requirements that a  
21 person register under this chapter shall provide that  
22 information to the department upon request. Any  
23 confidential record provided pursuant to this section  
24 shall only be released pursuant to section 235D.11.

25 Sec. \_\_\_\_ . NEW SECTION. 235D.13 IMMUNITY FOR GOOD  
26 FAITH CONDUCT.

27 A person is immune from civil or criminal liability  
28 for acts or omissions arising from a good faith effort  
29 to comply with this chapter."

30 6. Title page, line 3, by inserting after the  
31 word "services" the following: ", a child abuse-child  
32 care registry,".

33 7. By renumbering, relettering, or redesignating  
34 and correcting internal references as necessary.

S-5703

1 Amend the House amendment, S-5550, to Senate File  
2 2442, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 10, by inserting after line 16 the  
5 following:

6 " \_\_\_\_ . Page 38, by inserting after line 1 the  
7 following:

8 "k. For an individual who is dependent upon the  
9 use of a ventilator for a minimum of eighteen hours  
10 per day and is able to reside at the individual's home  
11 with the assistance of a ventilator, the medical  
12 equipment dealer shall be reimbursed for the actual  
13 costs of the backup ventilator which is used in the  
14 individual's home."

15 2. By renumbering as necessary.

JIM LIND

S-5704

1 Amend House File 2427, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 16, by striking lines 16 through 30 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . Section 230A.13, unnumbered paragraph  
6 2, Code 1995, is amended to read as follows:

7 Release of administrative and diagnostic

8 information which would identify, as defined in  
 9 section 228.1, subsections 1 and 3, and demographic  
 10 information necessary for aggregated reporting to meet  
 11 the data requirements established by the department of  
 12 human services, division of mental health and  
 13 developmental disabilities, relating to an individual  
 14 who is receiving or has received treatment at requests  
 15 services from a community mental health center shall  
 16 not through the applicable single entry point process,  
 17 may be made a condition of support of that center by  
 18 any county under this section. Section 331.504,  
 19 subsection 8 notwithstanding, a community mental  
 20 health center shall not be required to file a claim  
 21 which would in any manner identify such an individual,  
 22 if the center's budget has been approved by the county  
 23 board under this section and the center is in  
 24 compliance with section 230A.16, subsection 3."

JOHNIE HAMMOND

S-5705

1 Amend the amendment, S-5704, to House File 2427, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 14, by striking the word  
 5 "requests" and inserting the following: "receives".

JOHNIE HAMMOND  
 DERRYL McLAREN

S-5706

1 Amend Senate File 2457 as follows:  
 2 1. By striking page 1, line 33, through page 2,  
 3 line 12, and inserting the following:  
 4 "Sec. —. NEW SECTION. 91C.16 GENERAL  
 5 CONTRACTOR AFFIDAVIT.  
 6 A general contractor shall provide to a purchaser  
 7 of a new home a signed affidavit stating that the cost  
 8 of all materials and labor associated with the  
 9 construction of the new home have been paid by the  
 10 general contractor. The affidavit shall be provided  
 11 to the purchaser at the time of, or prior to, the  
 12 closing of the financing agreement between the  
 13 mortgagee and the purchaser."  
 14 2. Page 2, line 13, by striking the word and  
 15 figure "through 91C.17" and inserting the following:

16 "and 91C.16".

17 3. By renumbering as necessary.

TOM FLYNN

HOUSE AMENDMENT TO  
SENATE FILE 2256

S-5707

1 Amend Senate File 2256, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 123.47, Code Supplement 1995,  
6 is amended to read as follows:

7 123.47 PERSONS UNDER THE AGE OF EIGHTEEN --  
8 PENALTY.

9 A person shall not sell, give, or otherwise supply  
10 alcoholic liquor, wine, or beer to any person knowing  
11 or having reasonable cause to believe that person to  
12 be under the age of eighteen, and a person or persons  
13 under the age of eighteen shall not purchase or  
14 attempt to purchase, or individually or jointly have  
15 alcoholic liquor, wine, or beer in their possession or  
16 control; except in the case of liquor, wine, or beer  
17 given or dispensed to a person under the age of  
18 eighteen within a private home and with the knowledge,  
19 presence, and consent of the parent or guardian, for  
20 beverage or medicinal purposes or as administered to  
21 the person by either a physician or dentist for  
22 medicinal purposes and except to the extent that a  
23 person under the age of eighteen may handle alcoholic  
24 beverages, wine, and beer during the regular course of  
25 the person's employment by a liquor control licensee,  
26 or wine or beer permittee under this chapter. A  
27 person, other than a licensee or permittee, who  
28 violates this section regarding the purchase of or  
29 attempt to purchase alcoholic liquor, wine, or beer  
30 shall pay a ~~twenty-five~~ seventy-five dollar penalty."

31 2. Page 1, lines 13 through 16, by striking the  
32 words "or with the signed, written consent of the  
33 parent or guardian specifying the date and place for  
34 the consumption and displayed by the person upon  
35 demand," and inserting the following: "or with the  
36 signed, written consent of the parent or guardian  
37 specifying the date and place for the consumption and  
38 displayed by the person upon demand,".

39 3. Page 1, line 27, by striking the word "fifty"  
40 and inserting the following: "fifty one hundred".

41 4. Page 2, by inserting after line 2 the  
 42 following:  
 43 "Sec. \_\_\_\_ . Section 123.49, subsection 1,  
 44 unnumbered paragraph 1, Code 1995, is amended to read  
 45 as follows:  
 46 A person shall not sell, dispense, or give to an  
 47 ~~intoxicated person, or one simulating intoxication, or~~  
 48 ~~otherwise supply~~ any alcoholic liquor beverage, wine,  
 49 or beer to any other person knowing or having  
 50 reasonable cause to believe the other person to be

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1 ~~intoxicated or simulating intoxication."~~  
 2 5. Title page, lines 1 and 2, by striking the  
 3 words "by persons aged eighteen, nineteen, and  
 4 twenty,".  
 5 6. By renumbering, relettering, or redesignating  
 6 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2300

S-5708

1 Amend Senate File 2300, 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 34A.6A, Code 1995, is amended  
 6 to read as follows:  
 7 34A.6A ALTERNATIVE SURCHARGE.  
 8 1. Notwithstanding section 34A.6, the board may  
 9 request imposition of a surcharge in an amount up to  
 10 two dollars and fifty cents per month on each  
 11 telephone access line. The board shall submit the  
 12 question of the surcharge to voters in the same manner  
 13 as provided in section 34A.6. If approved, the  
 14 surcharge may be collected for a period of no more  
 15 than twenty-four months unless the period is extended  
 16 as provided in subsection 2. At the end of the  
 17 twenty-four-month period, the rate of the surcharge  
 18 shall revert to one dollar per month, per access line.  
 19 2. Notwithstanding the twenty-four-month  
 20 limitation imposed by the voters in subsection 1, at  
 21 the end of the initial period during which a surcharge  
 22 of two dollars and fifty cents per month per access  
 23 line is imposed, the board, upon a determination that  
 24 insufficient funds are available to the board to  
 25 complete the E911 service plan due to personnel costs

26 directly associated with addressing, may extend the  
 27 period during which the two dollar and fifty cent  
 28 surcharge is to be imposed by a period of no more than  
 29 twelve additional months. The board shall only extend  
 30 such period after conducting a public hearing to allow  
 31 for public comment on such action."

32 2. Page 1, line 4, by striking the word "signage"  
 33 and inserting the following: "sign".

34 3. Page 1, line 5, by striking the word  
 35 "residence" and inserting the following: "residence,  
 36 business,".

37 4. Page 1, line 7, by inserting after the word  
 38 "misdemeanor." the following: "Each violation of this  
 39 section constitutes a separate offense."

40 5. Title page, line 1, by inserting after the  
 41 word "to" the following: "the extension of time  
 42 during which an alternative surcharge may be imposed  
 43 for E911 and".

44 6. By renumbering as necessary.

S-5709

1 Amend Senate File 2466 as follows:

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

4 "Section 1. Section 523A.1, Code Supplement 1995,  
 5 is amended to read as follows:

6 523A.1 TRUST FUND ESTABLISHED -- INSURANCE.

7 1. a. Whenever an agreement is made by any  
 8 person, firm, or corporation to furnish, upon the  
 9 future death of a person named or implied in the  
 10 agreement, funeral services or funeral merchandise, a  
 11 minimum of eighty percent of all payments made under  
 12 the agreement shall be and remain trust funds until  
 13 occurrence of the death of the person for whose  
 14 benefit the funds were paid, unless the funds are  
 15 sooner released to the person making the payment by  
 16 mutual consent of the parties. Payments otherwise  
 17 subject to this section are not exempt merely because  
 18 they are held in certificates of deposit. The  
 19 commissioner may adopt rules to prohibit the  
 20 commingling of trust funds with other funds of the  
 21 seller.

22 b. Interest or income earned on amounts deposited  
 23 in trust under this section shall remain in trust  
 24 under the same terms and conditions as the payments  
 25 made under the agreement, except that the seller may  
 26 withdraw so much of the interest or income as  
 27 represents the difference between the amount needed to  
 28 adjust the trust funds for inflation as set by the



29 commissioner based on the consumer price index and the  
30 interest or income earned during the preceding year  
31 not to exceed fifty percent of the total interest or  
32 income, on a calendar year basis. The early  
33 withdrawal of interest or income pursuant to this  
34 provision does not affect the purchaser's right to the  
35 full refund or credit of such interest or income in  
36 the event the payments and interest in trust are  
37 released to the purchaser or in the event of a  
38 nonguaranteed price agreement, respectively. This  
39 provision does not affect the purchaser's right to a  
40 total refund of principal and interest or income in  
41 the event of nonperformance.

42 c. If an agreement pursuant to this section is to  
43 be paid in installment payments, the seller shall  
44 deposit eighty percent of each payment in trust until  
45 the full amount to be trusted has been deposited. If  
46 the agreement is financed with or sold to a financial  
47 institution, then the agreement shall be considered  
48 paid in full and the deposit requirements of this  
49 section shall be satisfied within fifteen days after  
50 the close of the month of receipt of the funds from

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1 the financial institution.

2 d. This section does not apply to payments for  
3 merchandise delivered to the purchaser. Except for  
4 caskets and other types of inner burial containers or  
5 concrete burial vaults sold after July 1, 1995,  
6 delivery includes storage in a warehouse under the  
7 control of the seller or any other warehouse or  
8 storage facility approved by the commissioner when a  
9 receipt of ownership in the name of the purchaser is  
10 delivered to the purchaser, the merchandise is insured  
11 against loss, the merchandise is protected against  
12 damage, title has been transferred to the purchaser,  
13 the merchandise is appropriately identified and  
14 described in a manner that it can be distinguished  
15 from other similar items of merchandise, the method of  
16 storage allows for visual audits of the merchandise,  
17 and the annual reporting requirements of section  
18 523A.2, subsection 1, are satisfied.

19 2. An agreement may be funded by insurance  
20 proceeds derived from a policy issued by an insurance  
21 company authorized to conduct business in this state.  
22 Such funding may be in lieu of a trust fund if the  
23 payments are made directly to the insurance company by  
24 the purchaser of the agreement.

25 3. Except for payments received by the seller for

26 merchandise delivered to the purchaser pursuant to  
 27 subsection 1, paragraph "d", and for sellers who have  
 28 filed a surety bond in lieu of the trust fund  
 29 requirements, a seller that does not have insurance  
 30 coverage protecting against the loss of amounts  
 31 received from consumers that are not placed in trust  
 32 pursuant to this section shall not do any of the  
 33 following:  
 34 a. Commingle trust funds with any other funds of  
 35 the seller.  
 36 b. Accept cash payments.  
 37 c. Accept payments by check or in any other  
 38 manner, unless such payments are made payable directly  
 39 to an escrow or trust account maintained at a  
 40 financial institution.  
 41 Sec. \_\_\_\_ . Section 523A.2, subsection 1, paragraph  
 42 c, Code Supplement 1995, is amended by adding the  
 43 following new subparagraph:  
 44 **NEW SUBPARAGRAPH. (2A)** An audited financial  
 45 statement for the seller's most recent completed  
 46 fiscal year prepared by an independent accountant or  
 47 auditor in accordance with generally accepted  
 48 accounting principles. The financial statement shall  
 49 include a copy of the seller's balance sheet as of a  
 50 date within one hundred twenty days of the date of the

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1 filing, a profit and loss statement, and a statement  
 2 of change in financial position for the most recent  
 3 fiscal year of the seller."  
 4 2. Page 4, by inserting after line 23 the  
 5 following:  
 6 "Sec. \_\_\_\_ . Section 523E.1, Code Supplement 1995,  
 7 is amended by adding the following new subsection:  
 8 **NEW SUBSECTION. 7.** Except for payments received  
 9 by the seller for merchandise delivered to the  
 10 purchaser pursuant to subsection 6, and for sellers  
 11 who have filed a surety bond in lieu of the trust fund  
 12 requirements, a seller that does not have insurance  
 13 coverage protecting against the loss of amounts  
 14 received from consumers that are not placed in trust  
 15 pursuant to this section shall not do any of the  
 16 following:  
 17 a. Commingle trust funds with any other funds of  
 18 the seller.  
 19 b. Accept cash payments.  
 20 c. Accept payments by check or in any other  
 21 manner, unless such payments are made payable directly  
 22 to an escrow or trust account maintained at a

23 financial institution.

24 Sec. \_\_\_\_ . Section 523E.2, subsection 1, paragraph  
25 c, Code Supplement 1995, is amended by adding the  
26 following new subparagraph:

27 NEW SUBPARAGRAPH. (2A) An audited financial  
28 statement for the seller's most recent completed  
29 fiscal year prepared by an independent accountant or  
30 auditor in accordance with generally accepted  
31 accounting principles. The financial statement shall  
32 include a copy of the seller's balance sheet as of a  
33 date within one hundred twenty days of the date of the  
34 filing, a profit and loss statement, and a statement  
35 of change in financial position for the most recent  
36 fiscal year of the seller."

37 3. By renumbering as necessary.

MIKE CONNOLLY

S-5710

1 Amend House File 2423, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 23 the  
4 following:

5 "Sec. \_\_\_\_ . Section 99F.11, unnumbered paragraph 1,  
6 Code 1995, is amended to read as follows:

7 A tax is imposed on the adjusted gross receipts  
8 received annually from gambling games authorized under  
9 this chapter at the rate of five percent on the first  
10 one million dollars of adjusted gross receipts, at the  
11 rate of ten percent on the next two million dollars of  
12 adjusted gross receipts, and at the rate of twenty  
13 percent on any amount of adjusted gross receipts over  
14 three million dollars. However, beginning January 1,  
15 1997, the rate on any amount of adjusted gross  
16 receipts over three million dollars from gambling  
17 games at racetrack enclosures is twenty-two percent  
18 ~~and shall increase by two percent each succeeding~~  
19 ~~calendar year until the rate is thirty-six percent.~~

20 The taxes imposed by this section shall be paid by the  
21 licensee to the treasurer of state within ten days  
22 after the close of the day when the wagers were made  
23 and shall be distributed as follows:

24 Sec. \_\_\_\_ . Section 99F.11, Code 1995, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 3A. If the adjusted gross  
27 receipts from gambling games at a racetrack enclosure  
28 are subject to a tax rate of twenty-two percent, one  
29 percent of the adjusted gross receipts shall be  
30 remitted to the treasurer of the state. The tax

31 revenues shall be distributed quarterly beginning July  
 32 1, 1997, on a per student basis, statewide. Moneys  
 33 received shall be used by each school district for an  
 34 experimental program to acquire laptop computers for  
 35 students for use by them in school work which may be  
 36 done in the classroom or at home."

37 2. Title page, line 1, by inserting after the  
 38 words "used in" the following: "or gross receipts  
 39 gained from".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-5711

- 1 Amend House File 2458, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 4, line 28, through page 5,
- 4 line 12.
- 5 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5712

- 1 Amend Senate File 2458, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting after line 12 the
- 4 following:
- 5 "Sec. \_\_\_\_ . NEW SECTION. 901A.1 CORRECTIONS
- 6 CONTINUUM -- INTERMEDIATE CRIMINAL SANCTIONS PROGRAM.
- 7 1. The corrections continuum consists of the
- 8 following:
- 9 a. LEVEL ONE. Noncommunity-based corrections
- 10 sanctions including the following:
- 11 (1) SELF-MONITORED SANCTIONS. Self-monitored
- 12 sanctions which are not monitored for compliance
- 13 including, but not limited to, fines and community
- 14 service.
- 15 (2) OTHER THAN SELF-MONITORED SANCTIONS. Other
- 16 than self-monitored sanctions which are monitored for
- 17 compliance by other than the district department of
- 18 correctional services including, but not limited to,
- 19 mandatory mediation, victim and offender
- 20 reconciliation, and noncommunity-based corrections
- 21 supervision.
- 22 b. LEVEL TWO. Probation and parole options
- 23 consisting of the following:
- 24 (1) MONITORED SANCTIONS. Monitored sanctions are
- 25 administrative supervision sanctions which are

26 monitored for compliance by the district department of  
27 correctional services and include, but are not limited  
28 to, low-risk offender-diversion programs.

29 (2) SUPERVISED SANCTIONS. Supervised sanctions  
30 are regular probation or parole supervision and any  
31 conditions established in the probation or parole  
32 agreement or by court order.

33 (3) INTENSIVE SUPERVISION SANCTIONS. Intensive  
34 supervision sanctions provide levels of supervision  
35 above sanctions in subparagraph (2) but are less  
36 restrictive than sanctions under paragraph "c" and  
37 include electronic monitoring, day reporting, day  
38 programming, live out programs for persons on work  
39 release or who have violated chapter 321J, and  
40 institutional work release under section 904.910.

41 c. LEVEL THREE. Quasi-incarceration sanctions.  
42 Quasi-incarceration sanctions are those supported by  
43 residential facility placement or twenty-four hour  
44 electronic monitoring including, but not limited to,  
45 the following:

- 46 (1) Residential treatment facilities.
- 47 (2) Operating while intoxicated offender treatment  
48 facilities.
- 49 (3) Work release facilities.
- 50 (4) House arrest with electronic monitoring.

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1 d. LEVEL FOUR. Short-term incarceration designed  
2 to be of short duration, including, but not limited  
3 to, the following:

- 4 (1) Twenty-one-day shock probation for persons who  
5 violate chapter 321J.
- 6 (2) Jail for less than thirty days.
- 7 (3) Violators' facilities.

8 e. LEVEL FIVE. Incarceration which consists of  
9 the following:

- 10 (1) Prison.
- 11 (2) Jail for thirty days or longer.
- 12 2. "Intermediate criminal sanctions program" means  
13 a program structured around the corrections continuum  
14 in subsection 1, describing sanctions and services  
15 available in each level of the continuum in the  
16 district and containing the policies of the district  
17 department of correctional services regarding  
18 placement of a person in a particular level of  
19 sanction and the requirements and conditions under  
20 which a defendant will be transferred between levels  
21 in the corrections continuum under the program.
- 22 3. An intermediate criminal sanctions program

23 shall consist of only levels two, three, and four of  
24 the corrections continuum and shall be operated in  
25 accordance with an intermediate criminal sanctions  
26 plan adopted by the chief judge of the judicial  
27 district and the director of the judicial district  
28 department of correctional services. The plan adopted  
29 shall be designed to reduce probation revocations to  
30 prison through the use of incremental, community-based  
31 sanctions for probation violations.

32 The plan shall be subject to rules adopted by the  
33 department of corrections. The rules shall include  
34 provisions for transferring individuals between levels  
35 in the continuum. The provisions shall include a  
36 requirement that the reasons for the transfer be in  
37 writing and that an opportunity for the individual to  
38 contest the transfer be made available.

39 A copy of the program and plan shall be filed with  
40 the chief judge of the judicial district, the  
41 department of corrections, and the division of  
42 criminal and juvenile justice planning of the  
43 department of human rights.

44 4. a. The district department of correctional  
45 services shall place an individual committed to it  
46 under section 907.3 to the sanction and level of  
47 supervision which is appropriate to the individual  
48 based upon a current risk assessment evaluation.  
49 Placements may be to levels two and three of the  
50 corrections continuum. The district department may,

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1 with the approval of the department of corrections,  
2 place an individual in a level four violator facility  
3 established pursuant to section 904.207 or use twenty-  
4 one-day shock probation under subsection 1, paragraph  
5 "d", subparagraph (1), only as a penalty for a  
6 violation of a condition imposed under this section.

7 b. The district department may transfer an  
8 individual along the intermediate criminal sanctions  
9 program operated pursuant to subsection 3 as necessary  
10 and appropriate during the period the individual is  
11 assigned to the district department. However, nothing  
12 in this section shall limit the district department's  
13 ability to seek a revocation of the individual's  
14 probation pursuant to section 908.11.

15 Sec. \_\_\_\_ . Section 905.1, subsection 2, Code 1995,  
16 is amended to read as follows:

17 2. "Community-based correctional program" means  
18 correctional programs and services, including but not  
19 limited to an intermediate criminal sanctions program

20 in accordance with the corrections continuum in  
21 section 901A.1, designed to supervise and assist  
22 individuals who are charged with or have been  
23 convicted of a felony, an aggravated misdemeanor or a  
24 serious misdemeanor, or who are on probation or parole  
25 in lieu of or as a result of a sentence of  
26 incarceration imposed upon conviction of any of these  
27 offenses, or who are contracted to the district  
28 department for supervision and housing while on work  
29 release.

30. An intermediate criminal sanctions program shall be  
31 designed by a district department in a manner that  
32 provides services in a manner free of disparities  
33 based upon an individual's race or ethnic origin.

34 Sec. \_\_\_\_ . Section 907.3, subsection 1, unnumbered  
35 paragraph 1, Code Supplement 1995, is amended to read  
36 as follows:

37 . With the consent of the defendant, the court may  
38 defer judgment and may place the defendant on  
39 probation upon such conditions as it may require.  
40 Upon a showing that the defendant is not ~~co-operating~~  
41 cooperating with the program or is not  
42 responding to it, the court may withdraw the defendant  
43 from the program, pronounce judgment, and impose any  
44 sentence authorized by law. Before taking such  
45 action, the court shall give the defendant an  
46 opportunity to be heard on any matter relevant to the  
47 proposed action. Upon fulfillment of the conditions  
48 of probation, the defendant shall be discharged  
49 without entry of judgment. Upon violation of the  
50 conditions of probation, the court may proceed as

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1 provided in chapter 908.

2 Sec. \_\_\_\_ . Section 907.3, subsection 2, Code  
3 Supplement 1995, is amended to read as follows:

4 2. At the time of or after pronouncing judgment  
5 and with the consent of the defendant, the court may  
6 defer the sentence and assign the defendant to the  
7 judicial district department of correctional services.  
8 The court may assign the defendant to supervision or  
9 services under section 901A.1 at the level of  
10 supervision which the district department determines  
11 to be appropriate, if an intermediate criminal  
12 sanctions plan and program has been adopted in the  
13 judicial district under section 901A.1. However, the  
14 court shall not defer the sentence for a violation of  
15 section 708.2A if the defendant has previously  
16 received a deferred judgment or sentence for a

17 violation of section 708.2 or 708.2A which was issued  
18 on a domestic abuse assault, or if similar relief was  
19 granted anywhere in the United States concerning that  
20 jurisdiction's statutes which substantially correspond  
21 to domestic abuse assault as provided in section  
22 708.2A. In addition, the court shall not defer a  
23 sentence if it is imposed for a conviction for or plea  
24 of guilty to a violation of section 236.8 or for  
25 contempt pursuant to section 236.8 or 236.14. Upon a  
26 showing that the defendant is not fulfilling the  
27 conditions of probation, the court may revoke  
28 probation and impose any sentence authorized by law.  
29 Before taking such action, the court shall give the  
30 defendant an opportunity to be heard on any matter  
31 relevant to the proposed action. Upon violation of  
32 the conditions of probation, the court may proceed as  
33 provided in chapter 908.

34 Sec. \_\_\_\_ . Section 907.3, subsection 3, Code  
35 Supplement 1995, is amended to read as follows:

36 3. By record entry at the time of or after  
37 sentencing, the court may suspend the sentence and  
38 place the defendant on probation upon such terms and  
39 conditions as it may require including commitment to  
40 an alternate jail facility or a community correctional  
41 residential treatment facility for a specific number  
42 of days to be followed by a term of probation as  
43 specified in section 907.7, or commitment of the  
44 defendant to the judicial district department of  
45 correctional services for supervision or services  
46 under section 901A.1 at the level of supervision which  
47 the district department determines to be appropriate.  
48 A person so committed who has probation revoked shall  
49 be given credit for such time served. However, the  
50 court shall not suspend the minimum term of two days

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1 imposed pursuant to section 708.2A, and the court  
2 shall not suspend a sentence imposed pursuant to  
3 section 236.8 or 236.14 for contempt.

4 Sec. \_\_\_\_ . Section 907.6, Code 1995, is amended to  
5 read as follows:

#### 6 907.6 CONDITIONS OF PROBATION -- REGULATIONS.

7 Probationers are subject to the conditions  
8 established by the judicial district department of  
9 correctional services subject to the approval of the  
10 court, and any additional reasonable conditions which  
11 the court or district department may impose to promote  
12 rehabilitation of the defendant or protection of the  
13 community. Conditions may include but are not limited



14 to adherence to regulations generally applicable to  
15 persons released on parole and including requiring  
16 unpaid community service as allowed pursuant to  
17 section 907.13."

18 2. By renumbering as necessary.

ROBERT DVORSKY  
RANDAL J. GIANNETTO

S-5713

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 45, by inserting after the word  
5 "coalition" the following: "and the western  
6 association of states transportation agreement".

DON E. GETTINGS

S-5714

1 Amend the House amendment, S-5550, to Senate File  
2 2442, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 10, by inserting after the word  
5 "program." the following: "The funds shall be  
6 available beginning July 1, 1996."

7 2. Page 1, by striking lines 26 through 36.

8 3. Page 1, by inserting before line 37 the  
9 following:

10 " —. A member of the joint appropriations  
11 subcommittee on human services participating during  
12 the 1996 legislative interim in a planning process for  
13 long-term care involving a national foundation held by  
14 the department in the state, is entitled to per diem  
15 and expenses payable as a joint expense under section  
16 2.12.

17 —. The division of medical assistance of the  
18 department of human services shall cooperate with the  
19 attorney general who, notwithstanding chapter 668, is  
20 encouraged to institute or join any civil action on  
21 behalf of the state against any manufacturer of  
22 cigarettes or other tobacco products to recover as one  
23 of the possible remedies the full amount of medical  
24 assistance provided by the state to a resident of the  
25 state which is attributable to the use of cigarettes  
26 or tobacco products."

27 4. By striking page 1, line 47, through page 2,  
28 line 3, and inserting the following:

- 29 " \_\_\_\_ . Page 9, by striking line 24 and inserting
- 30 the following:
- 31 "b. Families with an income which is more than 100
- 32 percent but not more than 110".
- 33 \_\_\_\_ . Page 10, by inserting after line 27 the
- 34 following:
- 35 "5. If the department projects that funding for
- 36 state child care assistance is reasonably adequate to
- 37 fund the provisions of subsection 3, paragraphs "a"
- 38 and "b", the department may transfer funding
- 39 appropriated in this section to the appropriation in
- 40 this Act for child and family services to provide
- 41 additional funding for family-centered services.""
- 42 5. Page 2, line 6, by striking the figure
- 43 "12,300,000" and inserting the following:
- 44 "14,350,000".
- 45 6. Page 2, line 9, by striking the figure
- 46 "11,390,700" and inserting the following:
- 47 "13,190,700".
- 48 7. Page 2, by inserting after line 9 the
- 49 following:
- 50 " \_\_\_\_ . Page 12, line 15, by striking the figure

**Page 2**

- 1 "779,315" and inserting the following: "1,029,315"."
- 2 8. By striking page 2, line 10, through page 4,
- 3 line 36, and inserting the following:
- 4 " \_\_\_\_ . Page 13, by striking line 8 and inserting
- 5 the following:
- 6 " ..... \$ 6,617,000"
- 7 \_\_\_\_ . Page 13, by striking lines 24 through 29 and
- 8 inserting the following:
- 9 "2. Nonpublic assistance application fees received
- 10 by the child support recovery unit are appropriated
- 11 and shall be used for the purposes of the child
- 12 support recovery program. The director of human
- 13 services may add positions within the limitations of
- 14 the amount appropriated for salaries and support for
- 15 the positions. The director".
- 16 \_\_\_\_ . Page 14, by striking line 14 and inserting
- 17 the following: "to recover at least twice the amount
- 18 of money necessary to pay the"."
- 19 9. Page 4, line 47, by striking the figure
- 20 "86,211,014" and inserting the following:
- 21 "86,000,000".
- 22 10. Page 4, line 50, by striking the figure
- 23 "23,792,280" and inserting the following:
- 24 "24,292,280".
- 25 11. By striking page 5, line 1, through page 6,

26 line 4, and inserting the following:

27 "\_\_\_ . Page 22, by striking line 4 and inserting  
28 the following:

29 " ..... \$ 2,752,000"

30 12. Page 6, line 7, by striking the figure

31 "41,527,000" and inserting the following:

32 "41,927,000".

33 13. Page 6, line 10, by striking the figure

34 "16,940,000" and inserting the following:

35 "17,340,000".

36 14. Page 6, line 11, by striking the figure "26."

37 and inserting the following: "26 and inserting the  
38 following:

39 "3. The department may use available moneys  
40 appropriated to the department in this Act in making  
41 efforts to comply with the requirements of the state  
42 under the consent decree of Connor v. Branstad, No. 4-  
43 86-CV-30871 (S.D. Iowa, July 15, 1994)."

44 15. By striking page 6, line 12, through page 7,  
45 line 7.

46 16. Page 7, by inserting before line 8 the  
47 following:

48 "\_\_\_ . Page 28, line 15, by inserting after the  
49 word "used" the following: "by the division of  
50 children and family services"."

Page 3

1 17. Page 7, by striking lines 8 through 10 and  
2 inserting the following:

3 "\_\_\_ . Page 28, by inserting after line 18 the  
4 following:

5 "If an enactment by the Seventy-sixth General  
6 Assembly, 1996 Session, amends section 225C.47 to  
7 provide a children-at-home component under the  
8 comprehensive family support program, the division of  
9 children and family services shall utilize not more  
10 than \$250,000 of the funds appropriated in this  
11 section to implement a pilot project of the component  
12 in at least one rural and one urban county. Not more  
13 than \$50,000 of the funds allocated in this paragraph  
14 shall be used for administrative costs."

15 \_\_\_ . Page 29, by striking line 28 and inserting  
16 the following:

17 " ..... \$ 16,730,000"

18 \_\_\_ . Page 32, by inserting after line 23 the  
19 following:

20 "6A. Of the funds appropriated in this section,  
21 \$500,000 shall be distributed to counties in  
22 accordance with the local purchase of service

23 provisions of subsection 7 and shall be used to  
24 increase reimbursement for sheltered workshops.””

25 18. Page 7, by striking lines 11 through 16 and  
26 inserting the following:

27 “ — . Page 33, by striking line 5 and inserting  
28 the following: “division of children and family  
29 services to”.”

30 19. Page 7, line 18, by striking the figure  
31 “376.00” and inserting the following: “378.00”.

32 20. Page 7, line 21, by striking the figure “2.”  
33 and inserting the following: “2. a.”

34 21. Page 7, line 22, by inserting after the word  
35 “provided” the following: “under this subsection  
36 and”.

37 22. Page 7, by striking line 26 and inserting the  
38 following:

39 “”b. The department may make changes to the  
40 requirements for periodic reporting by participants  
41 under the family investment program, food stamp  
42 program, or medical assistance program if the changes  
43 would result in a reduction in paperwork for the  
44 participants and for department staff. If a federal  
45 waiver is necessary to implement a change, the  
46 department may submit the waiver request to the United  
47 States departments of health and human services and  
48 agriculture, as applicable. If the department elects  
49 to submit a waiver request or to adopt rules to  
50 implement a change under this paragraph, the

#### Page 4

1 department shall first consult with a group similar to  
2 the work group that considered the state human  
3 investment policy proposal or with a successor  
4 interagency task force which makes recommendations  
5 concerning the family investment program, and shall  
6 share the proposals with the chairpersons and ranking  
7 members of the committees on human resources of the  
8 senate and house of representatives.

9 c. If implementation of the request would result  
10 in increased federal funding and would permit greater  
11 flexibility in service funding, the department may  
12 submit a waiver request to the United States  
13 department of health and human services for Title IV-E  
14 funding to be provided to the state in a fixed amount.  
15 Prior to submission of the request, the department  
16 shall consult with representatives of the juvenile  
17 court and service providers.

18 Sec. — . DEPARTMENT OF HUMAN SERVICES”.

19 23. Page 8, by striking lines 34 through 37.

20 24. Page 8, line 45, by inserting after the word  
21 "issues." the following: "In addition, the review  
22 shall consider a proposal to replace the single  
23 contract for managed care under medical assistance  
24 with not more than four regional plans utilizing  
25 collaborations between community mental health centers  
26 as umbrella agencies."

27 25. Page 9, line 14, by inserting after the word  
28 "persons" the following: ", Iowa citizens' action  
29 network, governor's planning council for developmental  
30 disabilities, and representatives of maternal and  
31 child health centers".

32 26. Page 9, by striking lines 24 through 26.

33 27. Page 9, by inserting before line 27 the  
34 following:

35 " \_\_\_\_ . Page 36, by inserting before line 7 the  
36 following:

37 "Sec. \_\_\_\_ . HEALTHY FAMILY PROGRAM. There is  
38 appropriated from the general fund of the state to the  
39 Iowa department of public health for the fiscal year  
40 beginning July 1, 1996, and ending June 30, 1997, the  
41 following amount, or so much thereof as is necessary,  
42 to be used for the purpose designated:

43 For the Iowa healthy family program under section  
44 135.106:

45 ..... \$ 115,000"

46 28. Page 10, by striking line 13 and inserting  
47 the following: "full-time employees of the nursing  
48 facility. For the purposes of this subparagraph  
49 subdivision, a "full-time employee" means an employee  
50 who works thirty hours per week or more."

Page 5

1 29. Page 10, by striking lines 28 through 39 and  
2 inserting the following:

3 " \_\_\_\_ . Page 39, by striking lines 27 through 32  
4 and inserting the following:

5 "8. a. A pharmaceutical manufacturer that  
6 provides products eligible for payment or paid for  
7 under the medical assistance program, shall report to  
8 the board of medical examiners on or before January 1,  
9 1997, all income and other benefits with a monetary  
10 value provided by the manufacturer during the previous  
11 year to a person licensed under chapter 148, 150, or  
12 150A which is intended to influence, change, modify,  
13 educate, or otherwise affect the licensee's practice  
14 of the licensee's profession.

15 b. A pharmaceutical manufacturer that provides  
16 products eligible for payment or paid for under the

17 medical assistance program, shall report to the board  
18 of pharmacy examiners, on or before January 1, 1997,  
19 all income and other benefits with a monetary value  
20 provided by the manufacturer during the previous year  
21 to a person licensed under chapter 155A that was  
22 intended to influence, change, modify, educate, or  
23 otherwise affect the licensee's practice of the  
24 licensee's profession.

25 c. A pharmaceutical manufacturer who fails to  
26 submit the reports required under paragraphs "a" and  
27 "b" is subject to loss of participation in the medical  
28 assistance program.

29 d. A third-party payor, as designated pursuant to  
30 section 514C.6, shall disclose to the commissioner of  
31 insurance on or before January 1, 1997, the total of  
32 all pharmaceutical rebates received by the payor from  
33 any pharmaceutical manufacturer in the previous state  
34 fiscal year."

35 30. Page 10, by inserting after line 46 the  
36 following:

37 "\_\_\_\_. Page 40, by striking lines 13 through 18  
38 and inserting the following:

39 "11. The department shall negotiate with providers  
40 of services under the department's medical assistance  
41 rehabilitative treatment program for children and  
42 families, to revise the department's rules providing  
43 reimbursement rates under the program, including a  
44 review of cost principles. The goals for the revision  
45 are to simplify the reimbursement process, reduce  
46 paperwork for providers, and provide full payment for  
47 necessary services provided under contract with the  
48 department. Prior to adoption of the rules and no  
49 later than October 1, 1996, the department"

50 \_\_\_\_ . By striking page 40, line 32, through page

#### Page 6

1 41, line 10, and inserting the following:  
2 "For an increase in the purchase of service  
3 reimbursement rate for adult residential services  
4 provided to persons residing in any category of  
5 licensed residential care facility. Beginning July 1,  
6 1996, provider service rates for adult residential  
7 services shall be increased up to the amount of actual  
8 and allowable costs plus inflation, based upon the  
9 cost reports on which rates have been established as  
10 of April 1, 1996. However, a provider service rate  
11 shall not be increased by more than \$4.36 per day. If  
12 a provider service rate in effect prior to July 1,  
13 1996, is greater than the actual and allowable costs

14 plus inflation, based upon the cost report, or if the  
15 difference between the provider service rate and the  
16 actual and allowable costs is less than \$.44 per day,  
17 the provider service rate shall be increased by \$.44  
18 per day:"

19 \_\_\_\_ . Page 41, line 16, by inserting after the  
20 word "fund." the following: "Use of the funding is  
21 restricted to reimbursement of a licensed residential  
22 care facility provider of adult residential services,  
23 which had a purchase of service contract for those  
24 services in effect on June 30, 1996, and for which the  
25 rate negotiated for fiscal year 1996-1997 is greater  
26 than the rate paid in fiscal year 1995-1996.""

27 31. Page 10, by striking lines 47 and 48.

28 32. By striking page 10, line 49, through page  
29 11, line 8.

30 33. Page 11, by inserting before line 9 the  
31 following:

32 " \_\_\_\_ . Page 41, by inserting after line 33 the  
33 following:

34 "Sec. \_\_\_\_ . RUNAWAY TREATMENT PLAN GRANTS. There  
35 is appropriated from the general fund of the state to  
36 the division of criminal and juvenile justice planning  
37 of the department of human rights for the fiscal year  
38 beginning July 1, 1996, and ending June 30, 1997, the  
39 following amount, or so much thereof as is necessary,  
40 to be used for the purposes designated:

41 For demonstration grants for implementation of  
42 runaway treatment plans in accordance with this  
43 section:

44 ..... \$ 200,000

45 1. The division shall utilize the moneys  
46 appropriated in this section for grants to develop two  
47 demonstration programs to implement the provisions of  
48 sections 232.195 and 232.196, as enacted in this Act,  
49 with one program in an urban area and one program in a  
50 rural area. The grantees shall provide up to twelve

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1 assessment and counseling beds and intensive family-  
2 centered services designed to determine the reasons  
3 children run away from home and methods to ameliorate  
4 the reasons so that children may either return home or  
5 receive necessary services. Not more than \$10,000 of  
6 the moneys shall be used for evaluation and other  
7 means for grantees to report on the successes and  
8 failures of the demonstration grants and methods to  
9 improve services to children who run away from home.

10 2. The department of human services and the

11 division may adopt emergency rules to implement the  
12 provisions of section 232.196, subsection 3, as  
13 enacted by this Act.

14 Sec. \_\_\_\_ IOWA HEALTHY KIDS PROGRAM. There is  
15 appropriated from the general fund of the state to the  
16 Iowa healthy kids trust fund for the fiscal year  
17 beginning July 1, 1996, and ending June 30, 1997, the  
18 following amount, or so much thereof as is necessary,  
19 to be used for the purpose designated:

20 For planning, administration, and implementation of  
21 the Iowa healthy kids program:

22 ..... \$ 200,000"

23 \_\_\_\_ Page 41, by striking line 35 and inserting  
24 the following:

25 "1. If a state institution administered by the  
26 department of human".

27 34. Page 11, by inserting after line 11 the  
28 following:

29 "\_\_\_\_. Page 42, line 10, by inserting after the  
30 word "years." the following: "The department of human  
31 services and the department of economic development  
32 shall submit a joint report on or before January 2,  
33 1997, regarding any efforts made pursuant to this  
34 subsection.

35 2. For purposes of this section, "institution"  
36 means a state mental health institute or state  
37 hospital-school. If excess capacity exists at a state  
38 institution beyond the capacity required for  
39 placements at the institution under law,  
40 notwithstanding chapter 23A, the department of human  
41 services may enter into a contract with a private  
42 managed care health insurance plan or an organized  
43 delivery system for health care, to provide services  
44 during the fiscal year beginning July 1, 1996, at the  
45 institution for the plan or system."

46 35. Page 11; by inserting before line 30 the  
47 following:

48 "\_\_\_\_. Page 42, line 27, by striking the word  
49 "subsection" and inserting the following:  
50 "subsections".

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1 \_\_\_\_ Page 43, by inserting after line 4 the  
2 following:

3 "NEW SUBSECTION. 7. A psychiatric institution  
4 licensed prior to January 1, 1996, may exceed the  
5 number of beds authorized under subsections 5 and 5A  
6 if the excess beds are used to provide services funded  
7 from a source other than the medical assistance



8 program under chapter 249A. Notwithstanding  
 9 subsections 4, 5, and 5A, the provision of services  
 10 using such excess beds does not require a certificate  
 11 of need or a review by the department of human  
 12 services.

13 Sec. \_\_\_\_ . Section 232.2, Code Supplement 1995, is  
 14 amended by adding the following new subsection:  
 15 NEW SUBSECTION. 6A. "Chronic runaway" means a  
 16 child who is reported to law enforcement as a runaway  
 17 more than once in any month or three or more times in  
 18 a year.

19 Sec. \_\_\_\_ . Section 232.19, subsection 1, paragraph  
 20 c, Code 1995, is amended to read as follows:

21 c. By a peace officer ~~for the purpose of reuniting~~  
 22 ~~a child with the child's family or removing the child~~  
 23 ~~to a shelter care facility or a juvenile court~~  
 24 officer, when the peace officer or juvenile court  
 25 officer has reasonable grounds to believe the child  
 26 has run away from the child's parents, guardian, or  
 27 custodian, for the purposes of determining whether the  
 28 child shall be reunited with the child's parents,  
 29 guardian, or custodian, placed in shelter care, or, if  
 30 a chronic runaway, placed in a runaway assessment and  
 31 treatment center under section 232.196.

32 Sec. \_\_\_\_ . NEW SECTION. 232.195 RUNAWAY TREATMENT  
 33 PLAN.

34 A county, multicounty, or nonprofit organization  
 35 may develop a runaway treatment plan to address  
 36 problems with chronic runaway children in the area  
 37 served by the organization. The organization shall  
 38 submit the plan to the department of human rights,  
 39 division of criminal and juvenile justice planning for  
 40 approval for funding. The plan shall identify the  
 41 problems with chronic runaway children and specific  
 42 solutions to be implemented, including the development  
 43 of a runaway assessment and treatment center and may  
 44 include a request for funding. The division may award  
 45 funds appropriated for implementation of the runaway  
 46 treatment plan to shelter care homes which are  
 47 licensed or approved by the department of human  
 48 services.

49 Sec. \_\_\_\_ . NEW SECTION. 232.196 RUNAWAY  
 50 ASSESSMENT AND TREATMENT CENTER.

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1 1. As part of a county, multicounty, or nonprofit  
 2 organization's runaway treatment plan under section  
 3 232.195, the organization may establish a runaway  
 4 assessment and treatment center. A center shall be

5 operated by an entity which is licensed or approved by  
6 the department to operate a shelter care home. A  
7 center shall provide services to assess a child who is  
8 referred to the center for being a chronic runaway and  
9 intensive family counseling designed to address any  
10 problem causing the child to run away.

11 2. a. If a child is a chronic runaway and is not  
12 sent home with the child's parent, guardian, or  
13 custodian, the child may be placed in a runaway  
14 assessment and treatment center by a peace officer,  
15 juvenile court officer, or the child if the officer,  
16 juvenile court officer, or the child believes it to be  
17 in the child's best interest after consulting with the  
18 child's parent, guardian, or custodian.

19 b. Within forty-eight hours of being placed in the  
20 center the child shall be assessed by a center  
21 counselor to determine the reasons why the child is a  
22 chronic runaway and whether child in need of  
23 assistance or family in need of assistance proceedings  
24 are appropriate. As soon as practicable following the  
25 assessment, the child and the child's parent,  
26 guardian, or custodian shall be provided the  
27 opportunity for counseling sessions to identify the  
28 underlying causes of the runaway behavior and to  
29 develop a plan to address those causes.

30 c. A child shall be released from a runaway  
31 assessment and treatment center to the child's parent,  
32 guardian, or custodian not later than forty-eight  
33 hours after being placed in the center unless the  
34 child is placed in shelter care under section 232.21  
35 or an order is entered under section 232.78. A child  
36 whose parent, guardian, or custodian failed to attend  
37 counseling or who fails to take custody of the child  
38 at the end of placement in the center may be the  
39 subject of a child in need of assistance petition or  
40 such other order as the juvenile court finds to be in  
41 the child's best interest.

42 3. The department of human services may establish  
43 a special category within rules applicable to a  
44 juvenile shelter care home licensed or approved by the  
45 department which provides for operation of a runaway  
46 assessment and treatment center by such a home. Any  
47 rules applicable to the special category shall be  
48 jointly developed by the department of human services  
49 and the division of criminal and juvenile justice  
50 planning of the department of human rights."''

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1 36. Page 11, line 30, by striking the figure  
2 "11." and inserting the following: "11 and inserting  
3 the following:  
4 "Sec. \_\_\_\_ . Section 232.143, Code Supplement 1995,  
5 is amended to read as follows:

6 232.143 REGIONAL GROUP FOSTER CARE TARGET BUDGET  
7 TARGETS.

8 1. A statewide expenditure target for the average  
9 number of for children in group foster care placements  
10 on any day of in a fiscal year, which placements are a  
11 charge upon or are paid for by the state, shall be  
12 established annually in an appropriation bill by the  
13 general assembly. The department and the judicial  
14 department shall jointly develop a formula for  
15 allocating a portion of the statewide expenditure  
16 target established by the general assembly to each of  
17 the department's regions. The formula shall be based  
18 upon the region's proportion of the state population  
19 of children and of the statewide number of  
20 expenditures for children placed in group foster care  
21 in the previous five completed fiscal years. The  
22 number expenditure amount determined in accordance  
23 with the formula shall be the group foster care  
24 placement budget target for that region. A region may  
25 exceed its budget target for group foster care by not  
26 more than five percent in a fiscal year, provided the  
27 overall funding allocated by the department for all  
28 child welfare services in the region is not exceeded.

29 2. For each of the department's regions,  
30 representatives appointed by the department and the  
31 juvenile court shall establish a plan for containing  
32 the number of expenditures for children placed in  
33 group foster care ordered by the court within the  
34 budget target allocated to that region pursuant to  
35 subsection 1. The plan shall include monthly targets  
36 and strategies for developing alternatives to group  
37 foster care placements in order to contain  
38 expenditures for child welfare services provided to  
39 children within the amount appropriated by the general  
40 assembly for that purpose. Each regional plan shall  
41 be established in advance of the fiscal year to which  
42 the regional plan applies. To the extent possible,  
43 the department and the juvenile court shall coordinate  
44 the planning required under this subsection with  
45 planning for services paid under section 232.141,  
46 subsection 4. The department's regional administrator  
47 shall communicate regularly, as specified in the  
48 regional plan, with the juvenile courts within that

49 region concerning the current status of the regional  
50 plan's implementation.

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1 3. State payment for group foster care placements  
2 shall be limited to those placements which are in  
3 accordance with the regional plans developed pursuant  
4 to subsection 2. If a proposed group foster care  
5 placement in a region would meet the region's plan  
6 requirements except that the placement would cause a  
7 monthly or overall budget target to be exceeded and  
8 the child is eligible for an alternative service which  
9 is costlier and more restrictive than the proposed  
10 placement, the director of human services, after  
11 consultation with appropriate juvenile court  
12 officials, may allow an exception to policy and  
13 authorize the placement. At the close of the fiscal  
14 year, moneys for specific placements authorized by the  
15 director under this subsection shall be transferred  
16 from the state appropriation for the alternative  
17 placement to the appropriation for group foster care  
18 placements, as necessary to prevent a deficit in the  
19 appropriation for group foster care.”

20 37. Page 11, by inserting after line 39 the  
21 following:

22 “ \_\_\_\_ . Page 45, by inserting after line 31 the  
23 following:

24 “Sec. \_\_\_\_ . Section 252B.4, Code 1995, is amended  
25 to read as follows:

26 252B.4 NONASSISTANCE CASES.

27 The child support and paternity determination  
28 services established by the department pursuant to  
29 this chapter and other appropriate services provided  
30 by law including but not limited to the provisions of  
31 chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and  
32 600B shall be made available by the unit to an  
33 individual not otherwise eligible as a public  
34 assistance recipient upon application by the  
35 individual for the services. The application shall be  
36 filed with the department.

37 1. The director shall require an application fee  
38 of five dollars.

39 2: The director may require an additional fee to  
40 cover the costs incurred by the department in  
41 providing the support collection and paternity  
42 determination services:

43 a: The director shall, by rule, establish and  
44 inform all applicants for support enforcement and  
45 paternity determination services of the fee schedule.

46 b. The additional fee for services may be deducted  
47 from the amount of the support money recovered by the  
48 department or may be collected from the recipient of  
49 the services following recovery of support money by  
50 the department.

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1 ~~3.~~ 2. When the unit intercepts a federal tax  
2 refund of an obligor for payment of delinquent support  
3 and the funds are due to a recipient of services who  
4 is not otherwise eligible for public assistance, the  
5 unit shall deduct a twenty-five dollar fee from the  
6 funds before forwarding the balance to the recipient.

7 a. The unit shall inform the recipient of the fee  
8 under this subsection prior to assessment.

9 b. The fee shall be assessed only to individuals  
10 who receive support from the federal tax refund offset  
11 program. If the tax refund due the recipient is less  
12 than fifty dollars, the fee shall not be assessed.

13 ~~4.~~ The department may adopt rules to establish  
14 fees which provide for recovery of administrative  
15 costs of the program in addition to other fees  
16 identified.

17 ~~5.~~ 3. Fees collected pursuant to this section  
18 shall be retained by the department for use by the  
19 unit. The director or a designee shall keep an  
20 accurate record of funds so retained.

21 ~~6.~~ 4. An application fee paid by a recipient of  
22 services pursuant to subsection 1 may be recovered by  
23 the unit from the person responsible for payment of  
24 support and if recovered, shall be used to reimburse  
25 the recipient of services.

26 a. The fee shall be an automatic judgment against  
27 the person responsible to pay support.

28 b. This subsection shall serve as constructive  
29 notice that the fee is a debt due and owing, is an  
30 automatic judgment against the person responsible for  
31 support, and is assessed as the fee is paid by a  
32 recipient of services. The fee may be collected in  
33 addition to any support payments or support judgment  
34 ordered, and no further notice or hearing is required  
35 prior to collecting the fee.

36 c. Notwithstanding any provision to the contrary,  
37 the unit may collect the fee through any legal means  
38 by which support payments may be collected, including  
39 but not limited to income withholding under chapter  
40 252D or income tax refund offsets, unless prohibited  
41 under federal law.

42 d. The unit is not required to file these

43 judgments with the clerk of the district court, but  
 44 shall maintain an accurate accounting of the fee  
 45 assessed, the amount of the fee, and the recovery of  
 46 the fee.

47 e. Support payments collected shall not be applied  
 48 to the recovery of the fee until all other support  
 49 obligations under the support order being enforced,  
 50 which have accrued through the end of the current

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1 calendar month, have been paid or satisfied in full.

2 f. This subsection applies to fees that become due  
 3 on or after July 1, 1992.”

4 38. Page 11, by inserting before line 40 the  
 5 following:

6 “ \_\_\_\_ . Page 45, by inserting before line 32 the  
 7 following:

8 “Sec. \_\_\_\_ . NEW SECTION. 514I.1 IOWA HEALTHY KIDS  
 9 PROGRAM -- LEGISLATIVE INTENT.

10 1. The general assembly finds that increased  
 11 access to health care services could improve  
 12 children's health and reduce the incidence and costs  
 13 of childhood illness and disabilities among children  
 14 in this state. Many children do not have health care  
 15 services available or funded, and for those who do,  
 16 lack of access is a restriction to obtaining such  
 17 services. It is the intent of the general assembly  
 18 that a program be implemented to provide health care  
 19 services and comprehensive health benefits or  
 20 insurance coverage to children. A goal for the  
 21 program is to cooperate with any existing programs  
 22 with similar purposes funded by either the public or  
 23 private sector.

24 2. For the purposes of this chapter, unless the  
 25 context otherwise requires:

26 a. “Advisory council” means the advisory council  
 27 created by the division under section 514I.4.

28 b. “Division” means the insurance division of the  
 29 department of commerce.

30 c. “Program” means the program developed by the  
 31 division in accordance with section 514I.3.

32 Sec. \_\_\_\_ . NEW SECTION. 514I.2 IOWA HEALTHY KIDS  
 33 PROGRAM AUTHORIZATION.

34 1. The general assembly authorizes the division to  
 35 implement the Iowa healthy kids program. The division  
 36 shall have all powers necessary to carry out the  
 37 purposes of this chapter, including, but not limited  
 38 to, the power to receive and accept grants, loans, or  
 39 advances of funds from any person and to receive and

40 accept from any source contributions of money,  
41 property, labor, or any other thing of value, to be  
42 held, used, and applied for the purposes of the  
43 program.  
44 2. The program shall operate initially on a pilot  
45 project basis to include urban and rural areas.  
46 Expansion beyond the initial pilot project is subject  
47 to authorization by law.  
48 3. Implementation of the program shall be limited  
49 to the extent of the funding appropriated for the  
50 purposes of the program.

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1 Sec. \_\_\_\_ . NEW SECTION. 514I.3 IOWA HEALTHY KIDS  
2 PROGRAM OBJECTIVES.  
3 The division shall develop a program to attain all  
4 of the following objectives:  
5 1. Organize groupings of children for provision of  
6 comprehensive health benefits or insurance coverage.  
7 2. Arrange for the collection of any payment or  
8 premium, in an amount to be determined by the  
9 division. The payment or premium shall be collected  
10 from a family of a participating child or other person  
11 to provide for payment for health care services or  
12 premiums for comprehensive health benefits or  
13 insurance coverage and for the actual or estimated  
14 administrative expenses incurred during the period for  
15 which the payments are made. The amount of payment or  
16 premium charged shall be based on the ability of the  
17 family of a child to pay. The division shall provide  
18 for adjustment of the amount charged to reflect  
19 contributions, public subsidy, or other means used to  
20 defray the amount charged.  
21 3. Establish administrative and accounting  
22 procedures for the operation of the program.  
23 4. Establish, in consultation with appropriate  
24 professional organizations, standards for health care  
25 services, providers, and comprehensive health benefits  
26 or insurance coverage appropriate for children and  
27 their family members.  
28 5. Establish eligibility criteria which children  
29 and their family members must meet in order to  
30 participate in the program.  
31 6. Establish participation criteria for the  
32 program and, if appropriate, contract with an  
33 authorized insurer, health maintenance organization,  
34 or insurance or benefits administrator to provide  
35 administrative services to the program.  
36 7. Contract with authorized insurers, benefits

37 providers, or any provider of health care services  
 38 meeting standards established by the division, for the  
 39 provision of comprehensive health benefits or  
 40 insurance coverage and health care services to  
 41 participants.

42 8. Develop and implement a plan to publicize the  
 43 program, eligibility requirements of the program, and  
 44 procedures for enrollment in the program and to  
 45 maintain public awareness of the program.

46 9. Provide for administration of the program.

47 10. As appropriate, enter into contracts with  
 48 local school boards or other agencies to provide on-  
 49 site information, enrollment, and other services  
 50 necessary to the operation of the program.

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1 11. Provide an interim report on or before March  
 2 1, 1997, to the governor and general assembly, on the  
 3 development of the program to date and an annual  
 4 report thereafter until the program is terminated or  
 5 extended statewide.

6 Sec. \_\_\_\_ . NEW SECTION. 514I.4 ADVISORY COUNCIL.

7 1. The division may create an advisory council to  
 8 assist the division in implementing the program. The  
 9 advisory council membership may include, but is not  
 10 limited to, the following:

11 a. A school administrator.

12 b. A member of a school board.

13 c. An employee of the state or local government in  
 14 public health services.

15 d. A pediatrician who is a member of the American  
 16 academy of pediatrics, Iowa chapter.

17 e. The director of human services or the  
 18 director's designee.

19 f. A member of the association of Iowa hospitals  
 20 and health systems.

21 g. A representative of authorized health care  
 22 insurers or health maintenance organizations.

23 h. A representative of a university center for  
 24 health issues.

25 i. A family practice physician who is a member of  
 26 the Iowa academy of family physicians.

27 j. A school nurse who is a member of the Iowa  
 28 nurses association.

29 k. The director of public health or the director's  
 30 designee.

31 l. A citizen who is knowledgeable concerning  
 32 health care and children's issues.

33 m. A citizen who is a parent with children at home



34 who is active in a school-parent organization.

35 2. Advisory council members are entitled to  
36 receive, from funds of the division, reimbursement for  
37 actual and necessary expenses incurred in the  
38 performance of their official duties.

39 Sec. \_\_\_\_ NEW SECTION. 514I.5 LICENSING NOT  
40 REQUIRED -- FISCAL OPERATION.

41 1. Health benefits or insurance coverage obtained  
42 under the program is secondary to any other available  
43 private or public health benefits or insurance  
44 coverage held by the participant child. The division  
45 may establish procedures for coordinating benefits  
46 under this program with benefits under other public  
47 and private coverage.

48 2. The program shall not be deemed to be  
49 insurance. However, the insurance division may  
50 require that any marketing representative utilized and

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1 compensated by the program be appointed as a  
2 representative of the insurers or health benefits  
3 services providers with which the program contracts.

4 Sec. \_\_\_\_ NEW SECTION. 514I.6 THE IOWA HEALTHY  
5 KIDS TRUST FUND.

6 1. An Iowa healthy kids trust fund is created in  
7 the state treasury under the authority of the  
8 commissioner of insurance, to which all appropriations  
9 shall be deposited and used to carry out the purposes  
10 of this chapter. Other revenues of the program such  
11 as grants, contributions, matching funds, and  
12 participant payments shall not be considered revenue  
13 of the state, but rather shall be funds of the  
14 program. However, the division may designate portions  
15 of grants, contributions, matching funds, and  
16 participant payments as funds of the state and deposit  
17 those funds in the trust fund.

18 2. The trust fund shall be separate from the  
19 general fund of the state and shall not be considered  
20 part of the general fund of the state. The moneys in  
21 the trust fund are not subject to section 8.33 and  
22 shall not be transferred, used, obligated,  
23 appropriated, or otherwise encumbered except as  
24 provided in this section. Notwithstanding section  
25 12C.7, subsection 2, interest or earnings on moneys  
26 deposited in the trust fund shall be credited to the  
27 trust fund.

28 Sec. \_\_\_\_ NEW SECTION. 514I.7 ACCESS TO RECORDS  
29 -- CONFIDENTIALITY -- PENALTIES.

30 1. Notwithstanding any other law to the contrary,

31 the program shall have access to the medical records  
32 of a child who is participating or applying to  
33 participate in the program upon receipt of permission  
34 from a parent or guardian of the child, including but  
35 not limited to the medical records maintained by the  
36 state or a political subdivision of the state.  
37 Notwithstanding chapter 22, any identifying  
38 information, including medical records and family  
39 financial information, obtained by the program  
40 pursuant to this subsection is confidential. The  
41 program, the program's employees, and agents of the  
42 program shall not release, without the written consent  
43 of the participant or the parent or guardian of the  
44 participant, to any state or federal agency, to any  
45 private business or person, or to any other entity,  
46 any confidential information received pursuant to this  
47 subsection.  
48 2. A violation of the provisions of subsection 1  
49 is a serious misdemeanor.  
50 Sec. \_\_\_\_ . Section 710.8, Code 1995, is amended by

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1 adding the following new subsection:  
2 NEW SUBSECTION. 4. A person shall not harbor a  
3 runaway child with the intent of allowing the runaway  
4 child to remain away from home against the wishes of  
5 the child's parent, guardian, or custodian. However,  
6 the provisions of this subsection do not apply to a  
7 shelter care home which is licensed or approved by the  
8 department of human services."  
9 39. By renumbering, relettering, or redesignating  
10 and correcting internal references as necessary.

JOHNNIE HAMMOND

S-5715

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 10, by inserting after line 5 the  
5 following:  
6 "\_\_\_\_. Page 16, by inserting after line 15 the  
7 following:  
8 "Sec. 1000. Section 232.52, subsection 2,  
9 paragraph a, subparagraph (4), Code Supplement 1995,  
10 is amended to read as follows:  
11 (4) The suspension or revocation of the motor  
12 vehicle license or operating privilege of the child,

13 for a period of one year, for the commission of one or  
 14 more delinquent acts which are a violation of section  
 15 any of the following:

16 (a) Section 123.46; section,

17 (b) Section 123.47 regarding the purchase or  
 18 attempt to purchase of alcoholic beverages; or  
 19 chapter,

20 (c) Chapter 124; or two,

21 (d) Section 126.3,

22 (e) Chapter 453B,

23 (f) Two or more delinquent acts which are a  
 24 violation violations of section 123.47 regarding the  
 25 possession of alcoholic beverages for a period of one  
 26 year.

27 SUBPARAGRAPH DIVIDED. The child may be issued a  
 28 temporary restricted license or school license if the  
 29 child is otherwise eligible.””

30 2. Page 10, by inserting after line 22 the  
 31 following:

32 “”Sec. 1100. Section 321.205, unnumbered paragraph  
 33 2, Code 1995, is amended by striking the paragraph.

34 Sec. 1200. Section 321.209, subsection 8, Code  
 35 1995, is amended by striking the subsection.

36 Sec. 1300. Section 321.212, subsection 1,  
 37 paragraph d, Code 1995, is amended to read as follows:

38 d. The department shall revoke a motor vehicle  
 39 license under section 321.209, subsection 8, according  
 40 to an order issued pursuant to section 901.5,

41 subsection 10, for one hundred eighty days. If the  
 42 person has not been issued a motor vehicle license,  
 43 the issuance of a motor vehicle license shall be  
 44 delayed for one hundred eighty days after the person  
 45 is first eligible. If the person's operating  
 46 privileges have been suspended or revoked at the time  
 47 the person is convicted, the one-hundred-eighty-day  
 48 revocation period shall not begin until all other  
 49 suspensions or revocations have terminated.

50 Sec. 1400. Section 321.213, Code Supplement 1995,

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1 is amended to read as follows:  
 2 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO  
 3 VIOLATIONS BY JUVENILE DRIVERS.

4 Upon the entering of an a dispositional order at  
 5 the conclusion of an adjudicatory hearing suspending  
 6 or revoking the motor vehicle license or operating  
 7 privileges of the juvenile under section 232.47 that  
 8 the child violated a provision of this chapter or  
 9 chapter 124, 126, 321A, 321J, or 453B for which the

10 ~~penalty is greater than a simple misdemeanor~~232.52,  
11 subsection 2, paragraph "a", the clerk of the juvenile  
12 court in the adjudicatory hearing shall forward a copy  
13 of the adjudication and the dispositional order to the  
14 department. Notwithstanding section 232.55, a final  
15 adjudication in a juvenile court that the child  
16 violated a provision of this chapter, ~~chapter 124, a~~  
17 ~~drug offense under section 126.3,~~ or chapter 321A, or  
18 321J, or ~~453B~~ constitutes a final conviction for  
19 purposes of section 321.189, subsection 8, paragraph  
20 "b", and sections 321.193, 321.194, 321.200, 321.209,  
21 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3,  
22 and 321J.4. However, suspensions for violations of  
23 ~~chapter 124, section 126.3, or chapter 453B~~ shall be  
24 in accordance with ~~section 321.213A.~~

25 Sec. 1500. Section 321.213A, Code Supplement 1995,  
26 is amended to read as follows:

27 321.213A LICENSE SUSPENSION FOR JUVENILES  
28 ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL  
29 OFFENSES.

30 Upon the entering of an a dispositional order at  
31 the conclusion of a dispositional hearing under  
32 section ~~232.50,~~ where the child has been adjudicated  
33 to have committed a delinquent act, which would be a  
34 first or subsequent violation of section ~~123.46,~~  
35 ~~section 123.47~~ involving the purchase or attempt to  
36 purchase alcoholic beverages; chapter 124, section  
37 ~~126.3,~~ chapter ~~453B,~~ or a second or subsequent  
38 violation of section ~~123.47~~ regarding the possession  
39 of alcoholic beverages; under section 232.52,  
40 subsection 2, paragraph "a", the clerk of the juvenile  
41 court in the dispositional hearing shall forward a  
42 copy of the adjudication and the dispositional order  
43 suspending or revoking the motor vehicle license or  
44 operating privileges of the juvenile to the  
45 department. The department shall suspend the license  
46 or operating privilege of the child for one year. The  
47 child may receive a temporary restricted license, if  
48 eligible, as provided in section 321.215.

49 Sec. 1600. Section 321.215, subsection 1,  
50 unnumbered paragraph 2, Code Supplement 1995, is

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1 amended to read as follows:

2 However, a temporary restricted license shall not  
3 be issued to a person whose license is revoked under  
4 section 321.205 for a drug or drug-related offense or  
5 pursuant to a court order issued under section 901.5,  
6 subsection 10, or under section 321.209, subsections 1

7 through 5 or subsection 7, or 8 or to a juvenile whose  
8 license has been suspended under section 321.213A or  
9 revoked pursuant to a dispositional order under  
10 section 232.52, subsection 2, paragraph "a", for a  
11 violation of chapter 124 or 453B, or section 126.3. A  
12 temporary restricted license may be issued to a person  
13 whose license is revoked under section 321.209,  
14 subsection 6, only if the person has no previous drag  
15 racing convictions. A person holding a temporary  
16 restricted license issued by the department under this  
17 section shall not operate a motor vehicle for  
18 pleasure.

19 Sec. 1700. Section 321.215, subsection 2,  
20 unnumbered paragraph 1, Code Supplement 1995, 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 ~~321.205~~  
24 ~~for a drug or drug-related offense;~~ 321.209,  
25 subsection 5; or 6; or 8; section 321.210; 321.210A;  
26 or 321.513; or upon revocation pursuant to a court  
27 order issued under section 901.5, subsection 10; or  
28 upon the denial of issuance of a motor vehicle license  
29 under section 321.560, based solely on offenses  
30 enumerated in section 321.555, subsection 1, paragraph  
31 "c", or section 321.555, subsection 2; or a juvenile,  
32 whose license has been suspended under section  
33 321.213A or revoked pursuant to a dispositional order  
34 under section 232.52, subsection 2, paragraph "a", for  
35 a violation of chapter 124 or 453B, or section 126.3,  
36 and upon the denial by the director of an application  
37 for a temporary restricted license, a person may apply  
38 to the district court having jurisdiction for the  
39 residence of the person for a temporary restricted  
40 permit to operate a motor vehicle for the limited  
41 purpose or purposes specified in subsection 1. The  
42 application may be granted only if all of the  
43 following criteria are satisfied:

44 Sec. 1800. Section 321.215, subsection 2,  
45 paragraph d, Code Supplement 1995, is amended to read  
46 as follows:

47 d. Proof of financial responsibility is  
48 established as defined in chapter 321A. However, such  
49 proof is not required if the motor vehicle license was  
50 suspended under section 321.210A or 321.513 or revoked

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1 under section 321.209; subsection 8; or suspended or  
2 revoked under section 321.205 for a drug or drug-  
3 related offense pursuant to a court order issued under

4 section 901.5, subsection 10.

5 Sec. 1900. Section 321.491, unnumbered paragraph  
6 7, Code 1995, is amended by striking the paragraph.

7 Sec. 2000. Section 321A.17, subsection 5, Code  
8 Supplement 1995, is amended to read as follows:

9 5. An individual applying for a motor vehicle  
10 license following a period of suspension or revocation  
11 under section 321.205 for a drug or drug-related  
12 offense, section 321.209, subsection 8, pursuant to a  
13 dispositional order issued under section 232.52,  
14 subsection 2, paragraph "a", or under section 321.210,  
15 subsection 1, paragraph "d", or section 321.210A,  
16 321.213A, 321.213B, 321.216B, or 321.513, following a  
17 period of suspension under section 321.194, or  
18 following a period of revocation pursuant to a court  
19 order issued under section 901.5, subsection 10, or  
20 under section 321J.2A, is not required to maintain  
21 proof of financial responsibility under this section."

22 3. Page 10, by inserting after line 45 the  
23 following:

24 "Sec. 2100. Section 901.5, Code 1995, is amended  
25 by adding the following new subsection:

26 NEW SUBSECTION. 10. In addition to any sentence  
27 imposed pursuant to chapter 902 or 903, the court  
28 shall order the state department of transportation to  
29 revoke the defendant's driver's license or motor  
30 vehicle operating privilege for a period of one  
31 hundred eighty days, or to delay the issuance of a  
32 motor vehicle license for one hundred eighty days  
33 after the person is first eligible if the defendant  
34 has not been issued a motor vehicle license, and shall  
35 send a copy of the order in addition to the notice of  
36 conviction required under section 124.412, 126.26, or  
37 453B.16, to the state department of transportation, if  
38 the defendant is being sentenced for any of the  
39 following offenses:

40 a. A controlled substance offense under section  
41 124.401, 124.401A, 124.402, or 124.403.

42 b. A drug or drug-related offense under section  
43 126.3.

44 c. A controlled substance tax offense under  
45 chapter 453B.

46 If the person's operating privileges are suspended  
47 or revoked at the time of sentencing, the order shall  
48 provide that the one hundred eighty-day revocation  
49 period shall not begin until all other suspensions or  
50 revocations have terminated. Any order under this

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- 1 section shall also provide that the department shall  
 2 not issue a temporary restricted license to the  
 3 defendant during the revocation period, without  
 4 further order by the court.””  
 5 4. Page 18, by inserting after line 30 the  
 6 following:  
 7 “Sec. 2200. EFFECTIVE DATE. Sections 1000 through  
 8 2100 of this Act, being deemed of immediate  
 9 importance, take effect upon enactment.””  
 10 5. Page 18, by inserting after line 36 the  
 11 following:  
 12 “ — . Title page, line 8, by inserting after the  
 13 word “appropriations,” the following: “providing for  
 14 the revocation or suspension of certain driver’s  
 15 licenses by court order.””  
 16 6. By renumbering, relettering, or redesignating  
 17 and correcting internal references as necessary.

RANDAL J. GIANNETTO  
 RICHARD F. DRAKE  
 DON E. GETTINGS

## S-5716

- 1 Amend House File 2491, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 15, by inserting after the word  
 4 “fund.” the following: “The maintenance and  
 5 improvement program for a pioneer cemetery may include  
 6 restoration and management of native prairie grasses  
 7 and wildflowers.”

JIM LIND

## S-5717

- 1 Amend amendment, S-5710, to House File 2423, as  
 2 passed by the House, as follows:  
 3 1. Page 1, line 28, by striking the word “one”  
 4 and inserting the following: “two”.  
 5 2. Page 1, by striking lines 32 through 34 and  
 6 inserting the following: “1, 1997, to the department  
 7 of education to be used for no more than ten pilot  
 8 projects with two in each congressional district. The  
 9 pilot project shall encompass one school district and  
 10 shall consist of an experimental program for acquiring  
 11 laptop computers for”.  
 12 3. Page 1, line 36, by inserting after the word

13 "home." the following: "The tax revenues shall be  
14 allocated to the pilot projects on a per student  
15 basis."

MIKE CONNOLLY  
BERL E. PRIEBE

S-5718

1 Amend House File 2050, as passed by the House, as  
2 follows:

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

5 "Section 1. Section 135L.2, subsection 3, as  
6 enacted by 1996 Iowa Acts, Senate File 13, section 2,  
7 is amended to read as follows:

8 3. During the initial appointment between a  
9 licensed physician and a pregnant minor, a licensed  
10 physician, who is providing medical services to a  
11 pregnant minor, shall offer the viewing of the video  
12 and the written decision-making materials to the  
13 pregnant minor, and shall obtain the signed and dated  
14 certification form from the pregnant minor. If the  
15 pregnant minor has previously been offered the viewing  
16 of the video and the written decision-making materials  
17 by another source, the licensed physician shall obtain  
18 the completed certification form from the other source  
19 to verify that the pregnant minor has been offered the  
20 viewing of the video and the written decision-making  
21 materials. A licensed physician shall not perform an  
22 abortion on a pregnant minor prior to obtaining the  
23 completed certification form from a pregnant minor.  
24 ~~If the pregnant minor decides to terminate parental~~  
25 ~~rights following the child's birth, a copy of the~~  
26 ~~completed certification form shall be attached to the~~  
27 ~~petition for termination of parental rights.~~

28 Sec. 2. Section 135L.4, subsection 3, paragraph d,  
29 as enacted by 1996, Iowa Acts, Senate File 13, section  
30 4, is amended to read as follows:

31 d. Notwithstanding any law or rule to the  
32 contrary, the court proceedings under this section ~~and~~  
33 ~~section 135L.3~~ shall be given precedence over other  
34 pending matters to ensure that the court reaches a  
35 decision expeditiously.

36 Sec. 3. Section 135L.6, unnumbered paragraph 1, as  
37 enacted by 1996 Iowa Acts, Senate File 13, section 6,  
38 is amended to read as follows:

39 If a pregnant minor's attending physician certifies  
40 in writing that a medical emergency exists which  
41 necessitates the immediate performance of an abortion



42 on the pregnant minor, and which results in the  
43 inapplicability of section 135L.2 with regard to the  
44 required offering of the viewing of the video; of  
45 ~~section 135L.3 with regard to notification of a parent~~  
46 ~~prior to the termination of parental rights of a~~  
47 ~~pregnant minor for the purposes of placing the child~~  
48 ~~for adoption; or of section 135L.4 with regard to~~  
49 ~~notification of a parent prior to the performance of~~  
50 ~~an abortion on a pregnant minor, the attending~~

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1 physician shall do the following:

2 Sec. 4. Section 135L.6, subsection 2, paragraph e,  
3 as enacted by 1996 Iowa Acts, Senate File 13, section  
4 6, is amended to read as follows:

5 e. The pregnant minor elects not to allow  
6 notification of the pregnant minor's parent and a  
7 court authorizes waiver of the notification  
8 requirement following completion of the proceedings  
9 prescribed under section ~~135L.3~~ or 135L.4.

10 Sec. 5. Section 135L.7, subsections 1 and 2, as  
11 enacted by 1996 Iowa Acts, Senate File 13, section 7,  
12 are amended to read as follows:

13 1. Knowingly tenders a false original or copy of  
14 the signed and dated certification form described in  
15 section 135L.2, to be retained by the licensed  
16 physician; or to be sent to the pregnant minor's  
17 attending physician; or to be attached to the  
18 ~~termination of parental rights petition pursuant to~~  
19 ~~section 135L.3.~~

20 2. Knowingly tenders a false original or copy of  
21 the notification document mailed to a parent,  
22 grandparent, or aunt or uncle of the pregnant minor  
23 under this chapter, a false original or copy of the  
24 written certification to be provided to a parent of a  
25 pregnant minor pursuant to section 135L.6, or a false  
26 original or copy of the order waiving notification  
27 relative to the performance of an abortion on a  
28 pregnant minor or relative to the termination of  
29 parental rights of a pregnant minor.

30 Sec. 6. Section 232.5, as enacted by 1996 Iowa  
31 Acts, Senate File 13, section 10, is amended to read  
32 as follows:

33 **232.5 ADOPTION OF CHILD BORN TO A MINOR OR**  
34 **ABORTION PERFORMED ON A MINOR -- WAIVER OF**  
35 **NOTIFICATION PROCEEDINGS.**

36 The court shall have exclusive jurisdiction over  
37 the proceedings for the granting of an order for  
38 waiver of the notification requirements relating to

39 the adoption of a child born to a minor or to the  
40 performance of an abortion on a minor pursuant to  
41 sections ~~135L.3~~ and section 135L.4.”

42 2. Page 1, by inserting after line 9 the  
43 following:

44 “Sec. \_\_\_\_ . Section 600A.6, Code 1995, is amended  
45 by adding the following new subsection:

46 NEW SUBSECTION. 7. If a petition for the  
47 termination of parental rights of a pregnant minor or  
48 a minor who has given birth is filed, notice of the  
49 termination hearing shall also be served upon a  
50 custodial parent or a legal guardian or custodian of

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1 the pregnant minor or minor who has given birth in  
2 accordance with the service of notice provisions of  
3 this section. A custodial parent or a legal guardian  
4 or custodian of the pregnant minor or minor who has  
5 given birth is not a necessary party under this  
6 section and the notice provided under this subsection  
7 is for informational purposes only and shall not be  
8 construed to confer any substantive rights on the  
9 custodial parent or legal guardian or custodian of the  
10 pregnant minor or minor who has given birth in  
11 addition to those rights existing under current law.

12 Notice under this subsection shall be waived by the  
13 court if the court determines that the pregnant minor  
14 or minor who has given birth is capable of providing  
15 consent to the termination of parental rights of the  
16 minor child, that notification is not in the best  
17 interest of the pregnant minor or minor who has given  
18 birth or of the minor child, or that other good cause  
19 exists for the waiver. Failure to provide notice to a  
20 custodial parent or a legal guardian or custodian of  
21 the pregnant minor or minor who has given birth does  
22 not constitute good cause for revocation of a release  
23 of custody and is not grounds for denial,  
24 modification, vacation, or appeal of a termination of  
25 parental rights order or of an interlocutory or final  
26 adoption decree.

27 Sec. \_\_\_\_ . 1996 Iowa Acts, Senate File 13, sections  
28 3, 11, 12, and 13, are repealed.”

29 3. Title page, line 1, by inserting after the  
30 word “to” the following: “adoption, including”.

31 4. Title page, line 3, by inserting after the  
32 word “services” the following: “, requirements

33 relating to the adoption of the child of a minor  
34 parent, and providing a repeal”.

RANDAL J. GIANNETTO  
LARRY MURPHY  
ELAINE SZYMÓNIAK  
MARY E. KRAMER  
MERLIN E. BARTZ

S-5719

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, line 47, by striking the word
- 5 “amounts” and inserting the following: “amount”.
- 6 2. Page 3, line 48, by striking the word
- 7 “purposes” and inserting the following: “purpose”.
- 8 3. Page 3, line 49, by striking the figure “1.”
- 9 4. Page 4, by striking lines 4 through 9.
- 10 5. By renumbering as necessary.

STEVEN D. HANSEN

S-5720

- 1 Amend the House amendment, S-5690, to Senate File
- 2 2114, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 3, by striking the figure “25.”
- 5 and inserting the following: “25 and inserting the
- 6 following:
- 7 “Section 1. Section 708.3A, Code Supplement 1995,
- 8 as amended by 1996 Iowa Acts, Senate File 2167,
- 9 section 1, is amended to read as follows:
- 10 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS,
- 11 AND HEALTH CARE PROVIDERS.
- 12 1. A person who commits an assault, as defined in
- 13 section 708.1, against a peace officer, whether on-
- 14 duty or not, health care provider, or fire fighter,
- 15 whether paid or volunteer, with the knowledge that the
- 16 person against whom the assault is committed is a
- 17 peace officer, health care provider, or fire fighter
- 18 and with the intent to inflict a serious injury upon
- 19 the peace officer, health care provider, or fire
- 20 fighter, is guilty of a class “D” felony.
- 21 2. A person who commits an assault, as defined in
- 22 section 708.1, against a peace officer, whether on-
- 23 duty or not, health care provider, or fire fighter,
- 24 whether paid or volunteer, who knows that the person

25 against whom the assault is committed is a peace  
 26 officer, health care provider, or fire fighter and who  
 27 uses or displays a dangerous weapon in connection with  
 28 the assault, is guilty of a class "D" felony.

29 3. A person who commits an assault, as defined in  
 30 section 708.1, against a peace officer, whether on-  
 31 duty or not, health care provider, or fire fighter,  
 32 whether paid or volunteer, who knows that the person  
 33 against whom the assault is committed is a peace  
 34 officer, health care provider, or fire fighter, and  
 35 who causes bodily injury or disabling mental illness,  
 36 is guilty of an aggravated misdemeanor.

37 4. Any other assault, as defined in section 708.1,  
 38 committed against a peace officer, whether on-duty or  
 39 not, health care provider, or fire fighter, whether  
 40 paid or volunteer, by a person who knows that the  
 41 person against whom the assault is committed is a  
 42 peace officer, health care provider, or fire fighter,  
 43 is a serious misdemeanor.

44 5. As used in this section, "health care provider"  
 45 means an emergency medical care provider as defined in  
 46 chapter 147A or a person licensed or registered under  
 47 chapter 148, 148C, 148D, 150, 150A, or 152 who is  
 48 providing or who is attempting to provide emergency  
 49 medical services, as defined in section 147A.1, or who  
 50 is providing or who is attempting to provide health

**Page 2**

1 services as defined in section 135.61 in a hospital.  
 2 A person who commits an assault under this section  
 3 against a health care provider in a hospital, or at  
 4 the scene or during out-of-hospital patient  
 5 transportation in an ambulance, is presumed to know  
 6 that the person against whom the assault is committed  
 7 is a health care provider."'

8 2. Page 1, by inserting after line 20 the  
 9 following:

10 "\_\_\_\_. Page 2, by inserting after line 34 the  
 11 following:

12 "Sec. \_\_\_\_ . REPEAL. 1996 Iowa Acts, Senate File  
 13 2080, section 62, is repealed."'

14 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5721 .

1 Amend the House amendment, S-5690, to Senate File  
 2 2114, as amended, passed, and reprinted by the Senate,

3 as follows:

- 4 1. Page 1, by striking lines 23 through 26 and  
 5 inserting the following:  
 6 "\_\_\_ . Title page, by striking lines 1 through 7  
 7 and inserting the following: "An Act relating to  
 8 criminal justice, including assaults against peace  
 9 officers and the amount of prison time served by  
 10 persons convicted of certain forcible felonies,  
 11 providing for a sentencing task force, and providing  
 12 for a departmental study.""

MICHAEL E. GRONSTAL

S-5722

1 Amend Senate File 2467 as follows:

- 2 1. Page 1, by striking lines 21 through 24 and  
 3 inserting the following: "doctrines, or worship; and  
 4 ~~does not include books or materials for~~  
 5 ~~extracurricular activities including sporting events;~~  
 6 ~~musical or dramatic events; speech activities;~~  
 7 ~~driver's education; or programs of a similar nature.~~  
 8 Notwithstanding".

MARY KRAMER

S-5723

1 Amend House File 2201 as passed by the House, as  
 2 follows:

- 3 1. Page 1, by striking lines 4 through 8 and  
 4 inserting the following:  
 5 "2. Persons who perform examination,".  
 6 2. Page 1, line 13, by striking the words "and  
 7 associated".

MICHAEL E. GRONSTAL

S-5724

1 Amend Senate File 2370 as follows:

- 2 1. Page 2, by inserting after line 22 the  
 3 following:  
 4 "Sec. 100. NEW SECTION. 476.2A PRINCIPAL OFFICE.  
 5 Each rate-regulated gas and electric utility  
 6 operating within the state shall maintain within the  
 7 state the utility's principal office for Iowa  
 8 operations. The principal office shall be subject to  
 9 the jurisdiction of the board and shall house all of  
 10 the utility's books, accounts, papers, and records

11 required to be maintained by the board. The utility  
 12 shall maintain within the state administrative,  
 13 technical, and operating personnel necessary for the  
 14 delivery of safe and reasonably adequate services and  
 15 facilities as required pursuant to section 476.8. A  
 16 public utility which violates this section shall be  
 17 subject to the penalties provided in section 476.51  
 18 and shall be denied authority to recover, for a period  
 19 determined by the board, the costs of an energy  
 20 efficiency plan pursuant to section 476.6, subsection  
 21 11."

22 2. Page 7, by inserting after line 2 the  
 23 following:

24 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this  
 25 Act, being deemed of immediate importance, takes  
 26 effect upon enactment."

27 3. Title page, line 4, by inserting after the  
 28 word "research" the following: "and requiring the  
 29 location of a principal office within the state and  
 30 providing an effective date".

MICHAEL E. GRONSTAL  
 TOM FLYNN  
 PATRICK J. DELUHERY

S-5725

1 Amend the amendment, S-5700, to House File 2421, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. By striking page 12, line 24, through page 13,  
 5 line 4.

JACK RIFE

S-5726

1 Amend House File 2201 as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 4 through 8 and  
 4 inserting the following:  
 5 "2. Persons who perform examination."  
 6 2. Page 1, line 13, by striking the words "or  
 7 adjacent".

MICHAEL E. GRONSTAL

S-5727

1 Amend the House amendment, S-5708, to Senate File  
2 2300, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 5, by inserting after the word  
5 and figure "Section 1." the following: "Section  
6 34A.3, subsection 1, unnumbered paragraph 1, Code  
7 1995, is amended to read as follows:

8 The board of supervisors of each county shall  
9 establish a joint 911 service board not later than  
10 January 1, 1989. Each political subdivision of the  
11 state having a public safety agency serving territory  
12 within the county is entitled to voting membership on  
13 the joint 911 service board. Each ~~private~~ public  
14 safety agency operating within the area is entitled to  
15 ~~nonvoting~~ voting membership on the board. A township  
16 which does not operate its own public safety agency,  
17 but contracts Each private safety agency under  
18 contract with a political subdivision within the  
19 county for the provision of public safety services, is  
20 ~~not entitled to membership on the joint 911 service~~  
21 ~~board, but its contractor is entitled to membership~~  
22 ~~according to the contractor's status as a public or~~  
23 ~~private safety agency is entitled to voting membership~~  
24 on the board. The board of supervisors of the county  
25 establishing the board is also entitled to voting  
26 membership on the board. The joint 911 service board  
27 shall develop an enhanced 911 service plan  
28 encompassing at minimum the entire county, unless an  
29 exemption is granted by the administrator permitting a  
30 smaller E911 service area. The administrator may  
31 grant a discretionary exemption from the single county  
32 minimum service area requirement based upon an E911  
33 joint service board's or other E911 service plan  
34 operating authority's presentation of evidence which  
35 supports the requested exemption if the administrator  
36 finds that local conditions make adherence to the  
37 minimum standard unreasonable or technically  
38 infeasible, and that the purposes of this chapter  
39 would be furthered by granting an exemption. The  
40 minimum size requirement is intended to prevent  
41 unnecessary duplication of public safety answering  
42 points and minimize other administrative, personnel,  
43 and equipment expenses. An E911 service area must  
44 encompass a geographically contiguous area. No  
45 exemption shall be granted from the contiguous area  
46 requirement. The administrator may order the  
47 inclusion of a specific territory in an adjoining E911  
48 service plan area to avoid the creation by exclusion

49 of a territory smaller than a single county not  
50 serviced by surrounding E911 service plan areas upon

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1 request of the joint 911 service board representing  
2 the territory. The E911 service plan operating  
3 authority shall submit the plan on or before January  
4 1, 1994, to all of the following:

5 Sec. \_\_\_\_."

6 2. Page 1, by inserting after line 43 the  
7 following:

8 "\_\_\_\_. Title page, line 1, by inserting after the  
9 word "to" the following: "E911 service systems by  
10 providing for additional members on joint 911 service  
11 boards and"."

12 3. By renumbering as necessary.

TOM FLYNN  
MIKE CONNOLLY

HOUSE AMENDMENT TO  
SENATE FILE 2157

S-5728

1 Amend Senate File 2157, as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_ . Section 261B.2, subsection 1, Code  
6 1995, is amended to read as follows:

7 1. "Degree" means a postsecondary credential  
8 conferring on the recipient the title or symbol which  
9 signifies or purports to signify completion of the  
10 requirements of an academic, educational, or  
11 professional program of study beyond the secondary  
12 school level of associate, bachelor, master, or  
13 doctor, or an equivalent title, signifying educational  
14 attainment based on any one or a combination of study  
15 or the equivalent experience or achievement testing.  
16 A postsecondary degree under this chapter shall not  
17 include an honorary degree or other unearned degree.

18 Sec. \_\_\_\_ . Section 261B.2, Code 1995, is amended by  
19 adding the following new subsection:

20 **NEW SUBSECTION. 1A.** "Presence" means maintaining  
21 an address within Iowa.

22 Sec. \_\_\_\_ . Section 261B.3, Code 1995, is amended to  
23 read as follows:

24 261B.3 REGISTRATION.



25 1. A school that maintains or conducts one or more  
26 courses of instruction, including courses of  
27 instruction by correspondence, offered in this state  
28 or which has a presence in this state and offers  
29 courses in other states or foreign countries shall  
30 register annually with the secretary. Registration  
31 shall be made on application forms approved and  
32 supplied by the secretary and at the time and in the  
33 manner prescribed by the secretary. Upon receipt of a  
34 complete and accurate registration application, the  
35 secretary shall issue ~~a certificate of registration~~ an  
36 acknowledgment of document filed and send it to the  
37 school.

38 2. The secretary may request additional  
39 information as necessary to enable the secretary to  
40 determine the accuracy and completeness of the  
41 information contained in the registration application.  
42 If the secretary believes that false, misleading, or  
43 incomplete information has been submitted in  
44 connection with an application for registration, the  
45 secretary may deny registration. The secretary shall  
46 conduct a hearing on the denial if a hearing is  
47 requested by a school. The secretary may withhold a  
48 ~~certificate of registration~~ an acknowledgment of  
49 document filed pending the outcome of the hearing.  
50 Upon a finding after the hearing that information

Page 2

1 contained in the registration application is false,  
2 misleading, or incomplete, the secretary shall deny a  
3 ~~certificate of registration~~ an acknowledgment of  
4 document filed to the school. The secretary shall  
5 make the final decision on each registration. The  
6 However, the decision of the secretary is subject to  
7 judicial review in accordance with section 17A.19.  
8 3. The secretary shall utilize the advisory  
9 committee created in section 261B.10 in reviewing new  
10 and continuing registrations.

11 4. The secretary shall adopt rules under chapter  
12 17A for the implementation of this chapter.  
13 Sec. \_\_\_\_ . **NEW SECTION. 261B.3A REQUIREMENT.**

14 . A school offering courses or programs of study  
15 leading to a degree in the state of Iowa shall be  
16 accredited by an agency or organization approved or  
17 recognized by the United States department of  
18 education or a successor agency and be approved for  
19 operation by the appropriate state agencies in all  
20 other states in which it operates or maintains a  
21 presence. A school is exempt from this section if the

22 programs offered by the school are limited to  
23 nondegree specialty vocational training programs.

24 Sec. \_\_\_\_ . Section 261B.4, subsections 2 and 11,  
25 Code 1995, are amended to read as follows:

26 2. The principal location of the school in this  
27 state, in other states, and in foreign countries, and  
28 the location of the place or places in this state, in  
29 other states, and in foreign countries where  
30 instruction is likely to be given.

31 11. The names or titles and a description of the  
32 courses and degrees to be offered ~~in this state~~.

33 Sec. \_\_\_\_ . Section 261B.4, Code 1995, is amended by  
34 adding the following new subsection:

35 **NEW SUBSECTION.** 13. The academic and  
36 instructional methodologies and delivery systems to be  
37 used by the school and the extent to which the school  
38 anticipates each methodology and delivery system will  
39 be used, including but not limited to, classroom  
40 instruction, correspondence, electronic  
41 telecommunications, independent study, and portfolio  
42 experience evaluation.

43 Sec. \_\_\_\_ . Section 261B.8, Code 1995, is amended to  
44 read as follows:

45 **261B.8 REGISTRATION FEES.**

46 The secretary shall collect an initial registration  
47 fee of fifty one thousand dollars and an annual  
48 renewal of registration fee of ~~twenty-five~~ five  
49 hundred dollars from each registered school.

50 Sec. \_\_\_\_ . Section 261B.10, Code 1995, is amended

### Page 3

1 to read as follows:

2 **261B.10 ADVISORY COMMITTEE.**

3 The state advisory committee for postsecondary  
4 school registration is created. The committee shall  
5 consist of the secretary of state and seven members  
6 appointed by the coordinating council for post-high  
7 school education. Members shall serve for staggered  
8 four-year terms and shall include representatives from  
9 public and private two-year and four-year colleges,  
10 universities, and specialized and vocational schools.

11 The committee shall meet at least annually to  
12 advise the secretary and other agencies in matters  
13 relating to the administration of this chapter and to  
14 serve as a resource and advisory board to the  
15 secretary as needed. The secretary shall serve as  
16 chairperson of the advisory committee and may call  
17 meetings and set the agenda as needed.

18 Sec. \_\_\_\_ . Section 261B.11, Code 1995, is amended

- 19 by adding the following new subsections:
- 20 NEW SUBSECTION. 9. Postsecondary educational  
 21 institutions licensed by the state of Iowa to conduct  
 22 business in the state.
- 23 NEW SUBSECTION. 10. Accredited higher education  
 24 institutions that meet the criteria established under  
 25 section 261.92, subsection 1."
- 26 2. Title page, line 1, by inserting after the  
 27 word "to" the following: "postsecondary educational  
 28 programs,".
- 29 3. Title page, line 3, by striking the word  
 30 "and".
- 31 4. Title page, line 5, by inserting after the  
 32 word "program" the following: ", modifying the  
 33 registration requirements for postsecondary schools,  
 34 and increasing registration fees".
- 35 5. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 570

S-5729

- 1 Amend the Senate amendment, H-5920, to House File  
 2 570, as amended, passed, and reprinted by the House,  
 3 as follows:
- 4 1. Page 1, line 24, by striking the words  
 5 "interest for Iowa schools" and inserting the  
 6 following: "interest for Iowa schools permanent  
 7 school".
- 8 2. Page 1, lines 26 and 27, by striking the words  
 9 "interest for Iowa schools" and inserting the  
 10 following: "interest for Iowa schools permanent  
 11 school".
- 12 3. Page 1, line 34, by inserting after the figure  
 13 "3." the following: "a.".
- 14 4. Page 1, line 45, by inserting after the word  
 15 "amount" the following: "equal to the amount of  
 16 interest earned on the portion of the permanent school  
 17 fund that is".
- 18 5. By striking page 1, line 49, through page 2,  
 19 line 7, and inserting the following: "dollars."
- 20 6. Page 2, by striking line 8 and inserting the  
 21 following:  
 22 "b. However, if prior to July 1, 1998, the  
 23 general".
- 24 7. Page 2, line 16, by striking the figure "1996"  
 25 and inserting the following: "1995".
- 26 8. Page 2, line 17, by striking the figure "1999"

27 and inserting the following: "1998".

28 9. Page 2, line 25, by striking the words and  
29 figures "1996, and June 30, 1999," and inserting the  
30 following: "1995, and June 30, 1998,".

31 10. Page 2, line 28, by striking the word  
32 "subsection" and inserting the following:  
33 "subsections".

34 11. Page 2, line 29, by striking the words "Until  
35 the appropriations" and inserting the following: "In  
36 addition to the moneys transferred pursuant to  
37 subsection 3, paragraph "a", effective on the date on  
38 which the cumulative total value of contributions  
39 deposited in the international center endowment fund  
40 between July 1, 1995, and June 30, 1998, equals or  
41 exceeds one million three hundred fifty thousand  
42 dollars, and annually thereafter, the treasurer of  
43 state shall transfer moneys from the interest for Iowa  
44 schools fund to the international center endowment  
45 fund in an amount equal to the interest earned on six  
46 hundred seventy-five thousand dollars in the permanent  
47 school fund.

48 NEW SUBSECTION. 5. Until the appropriations".

49 12. Page 2, line 30, by inserting after the  
50 figure "3" the following: ", paragraph "b",".

## Page 2

1 13. Page 2, lines 31 and 32, by striking the  
2 words "portion of the interest on" and inserting the  
3 following: "interest remaining in".

4 14. Page 2, line 33, by striking the word  
5 "remaining".

6 15. Page 2, line 35, by inserting after the word  
7 "and" the following: "after".

8 16. Page 2, line 37, by striking the words "shall  
9 in addition" and inserting the following: "  
10 paragraph "a", shall, in addition,".

11 17. Page 3, line 20, by striking the word  
12 "funding" and inserting the following: "transfers of  
13 moneys from the interest for Iowa schools fund,  
14 renaming the center for gifted and talented education,  
15 and providing for properly related matters."

16 18. Page 3, by striking lines 21 through 23.

17 19. By renumbering as necessary.

S-5730

1 Amend Senate File 2370 as follows:

2 1. Page 2, line 29, by inserting after the word  
3 "cost-effective." the following: "In determining the

4 cost-effectiveness of an energy efficiency program,  
 5 the board shall utilize the societal test, utility  
 6 cost test, rate-payer impact test, and participant  
 7 test."

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

10 "For purposes of this section, "societal test"  
 11 means an economic test comparing the present value of  
 12 benefits to the present value of costs, over the  
 13 useful life of an energy efficiency program from a  
 14 societal perspective, including the effects of any  
 15 applicable externalities."

MICHAEL E. GRONSTAL

S-5731

1 Amend Senate File 2370 as follows:

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

4 "Sec. \_\_\_\_ . It is the intent of the general  
 5 assembly that a renewable energy supplier who has  
 6 proceeded in good faith under the terms and conditions  
 7 of sections 476.43 and 476.44 not suffer economic loss  
 8 as a result of action or inaction taken by the state.  
 9 These persons shall be reimbursed by the utilities for  
 10 their reasonable good faith development costs as  
 11 determined by the Iowa utilities board. A renewable  
 12 energy supplier shall be deemed to have proceeded in  
 13 good faith if the supplier has filed a petition by  
 14 January 1, 1996, which requests enforcement of the  
 15 provisions of sections 476.43 and 476.44 by requiring  
 16 an electric utility to enter into a potential contract  
 17 with the renewable energy supplier and an action is  
 18 currently pending before the Iowa utilities board."

19 2. By renumbering as necessary.

BILL FINK

S-5732

1 Amend Senate File 2463 as follows:

2 1. Page 13, by inserting after line 18 the  
 3 following:

4 "Sec. 101. The reduction, in 1995 Iowa Acts,  
 5 chapter 63, section 1, from twenty to ten years in the  
 6 applicable period after the date of death of a  
 7 decedent owner, during which a lien exists on the  
 8 decedent's estate for inheritance taxes owing, applies  
 9 to and releases, effective July 1, 1995, a lien, for

10 inheritance taxes owing, on the estate of a decedent  
 11 dying ten or more years prior to July 1, 1995, and  
 12 applies retrospectively to the estate of a decedent  
 13 dying less than ten years before July 1, 1995, and  
 14 prospectively to the estate of a decedent dying on or  
 15 after July 1, 1995.  
 16 Sec. \_\_\_\_ . Section 101 of this Act applies  
 17 retroactively to July 1, 1995.”  
 18 2. By renumbering as necessary.

DONALD B. REDFERN

S-5733

1 Amend the House amendment, S-5550, to Senate File  
 2 2442, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. By striking page 1, line 1, through page 11,  
 5 line 50, and inserting the following:  
 6 “Amend Senate File 2442, as amended, passed, and  
 7 reprinted by the Senate, as follows:  
 8 “ \_\_\_\_ . Page 1, by striking line 30 and inserting  
 9 the following:  
 10 “ ..... \$ 2,000,000”  
 11 \_\_\_\_ . Page 2, by inserting after line 29 the  
 12 following:  
 13 “3. Of the funds appropriated in this section,  
 14 \$10,000 is allocated to the community voice mail  
 15 program to continue the existing program. The funds  
 16 shall be available beginning July 1, 1996.”  
 17 \_\_\_\_ . Page 6, by inserting before line 31 the  
 18 following:  
 19 “ \_\_\_\_ . If funding is projected to be available  
 20 within the amount appropriated in this section, the  
 21 department shall implement the case study for outcome-  
 22 based performance standards for programs serving  
 23 persons with mental retardation or other developmental  
 24 disabilities proposed pursuant to 1994 Iowa Acts,  
 25 chapter 1170, section 56, and expend not more than  
 26 \$75,000 for the research associated with the case  
 27 study. The department shall adopt rules applicable to  
 28 the programs included in the case study, request a  
 29 waiver of applicable federal requirements, and take  
 30 other actions deemed necessary by the department to  
 31 implement the case study.  
 32 \_\_\_\_ . A member of the joint appropriations  
 33 subcommittee on human services participating during  
 34 the 1996 legislative interim in a planning process for  
 35 long-term care involving a national foundation held by  
 36 the department in the state, is entitled to per diem

37 and expenses payable as a joint expense under section  
38 2.12.

39 —. The division of medical assistance of the  
40 department of human services shall cooperate with the  
41 attorney general who, notwithstanding chapter 668, is  
42 encouraged to institute or join any civil action on  
43 behalf of the state against any manufacturer of  
44 cigarettes or other tobacco products to recover as one  
45 of the possible remedies the full amount of medical  
46 assistance provided by the state to a resident of the  
47 state which is attributable to the use of cigarettes  
48 or tobacco products.”

49 —. Page 7, by inserting after line 17 the  
50 following:

Page 2

1 “3. Any future contract entered into by the  
2 department for mental health managed care under the  
3 medical assistance program shall include a provision  
4 which requires the contractor to make public  
5 information the amount of profit realized by the  
6 contractor and the amount of funds expended by the  
7 contractor for administrative purposes under the  
8 contract.”

9 —. Page 9, by striking line 24 and inserting  
10 the following:

11 “b. Families with an income which is more than 100  
12 percent but not more than 110”.

13 —. Page 10, by inserting after line 27 the  
14 following:

15 “5. If the department projects that funding for  
16 state child care assistance is reasonably adequate to  
17 fund the provisions of subsection 3, paragraphs “a”  
18 and “b”, the department may transfer funding  
19 appropriated in this section to the appropriation in  
20 this Act for child and family services to provide  
21 additional funding for family-centered services.”

22 —. Page 12, by striking line 1 and inserting  
23 the following:

24 “ ..... \$ 14,350,000”

25 —. Page 12, line 2, by striking the figure  
26 “12,690,700” and inserting the following:

27 “13,190,700”.

28 —. Page 12, line 15, by striking the figure  
29 “779,315” and inserting the following: “1,029,315”.

30 —. Page 13, by striking line 8 and inserting  
31 the following:

32 “ ..... \$ 6,617,000”

33 —. Page 13, by striking lines 24 through 29 and

34 inserting the following:

35 "2. Nonpublic assistance application fees received  
36 by the child support recovery unit are appropriated  
37 and shall be used for the purposes of the child  
38 support recovery program. The director of human  
39 services may add positions within the limitations of  
40 the amount appropriated for salaries and support for  
41 the positions. The director".

42 \_\_\_\_ Page 14, by striking line 14 and inserting  
43 the following: "to recover at least twice the amount  
44 of money necessary to pay the".

45 \_\_\_\_ Page 15, by striking lines 34 and 35 and  
46 inserting the following:

47 " ..... \$ 13,778,000  
48 ..... FTEs 320.77"

49 \_\_\_\_ Page 16, by striking lines 4 and 5, and  
50 inserting the following:

Page 3

1 " ..... \$ 5,130,000  
2 ..... FTEs 118.54"

3 \_\_\_\_ Page 16, by striking line 30 and inserting  
4 the following:

5 " ..... \$ 86,000,000"

6 \_\_\_\_ Page 17, line 6, by striking the figure  
7 "23,892,280" and inserting the following:

8 "24,292,280".

9 \_\_\_\_ Page 22, by striking line 4 and inserting

10 the following:

11 " ..... \$ 2,752,000"

12 \_\_\_\_ Page 26, by striking line 10 and inserting  
13 the following:

14 " ..... \$ 41,927,000"

15 \_\_\_\_ Page 26, by striking line 21 and inserting  
16 the following:

17 " ..... \$ 17,340,000"

18 \_\_\_\_ Page 27, by striking lines 23 through 26 and  
19 inserting the following:

20 "3. The department may use available moneys  
21 appropriated to the department in this Act in making  
22 efforts to comply with the requirements of the state  
23 under the consent decree of Connor v. Branstad, No. 4-

24 86-CV-30871 (S.D. Iowa, July 15, 1994)."  
25 \_\_\_\_ Page 28, line 15, by inserting after the  
26 word "used" the following: "by the division of  
27 children and family services".

28 \_\_\_\_ Page 28, by inserting after line 18 the  
29 following:

30 "If an enactment by the Seventy-sixth General



31 Assembly, 1996 Session, amends section 225C.47 to  
 32 provide a children-at-home component under the  
 33 comprehensive family support program, the division of  
 34 children and family services shall utilize not more  
 35 than \$250,000 of the funds appropriated in this  
 36 section to implement a pilot project of the component  
 37 in at least one rural and one urban county. Not more  
 38 than \$50,000 of the funds allocated in this paragraph  
 39 shall be used for administrative costs."

40 —. Page 29, by striking line 28 and inserting  
 41 the following:

42 "..... \$ 16,730,000"

43 —. Page 32, by inserting after line 23 the  
 44 following:

45 "6A. Of the funds appropriated in this section,  
 46 \$500,000 shall be distributed to counties in  
 47 accordance with the local purchase of service  
 48 provisions of subsection 7 and shall be used to  
 49 increase reimbursement for sheltered workshops."

50 —. Page 33, by striking line 5 and inserting

#### Page 4

1 the following: "division of children and family  
 2 services to".

3 —. Page 34, line 2, by striking the figure  
 4 "379.00" and inserting the following: "378.00".

5 —. Page 34, by striking lines 6 through 13.

6 —. Page 34, line 14, by striking the word and  
 7 figure "3. The" and inserting the following: "2. a.

8 Except as provided under this subsection and under the  
 9 appropriation in this Act to the legislative council,  
 10 the".

11 —. By striking page 34, line 22, through page  
 12 35, line 9, and inserting the following: "Assembly.

13 b. The department may make changes to the  
 14 requirements for periodic reporting by participants  
 15 under the family investment program, food stamp  
 16 program, or medical assistance program if the changes  
 17 would result in a reduction in paperwork for the  
 18 participants and for department staff. If a federal  
 19 waiver is necessary to implement a change, the  
 20 department may submit the waiver request to the United  
 21 States departments of health and human services and  
 22 agriculture, as applicable. If the department elects  
 23 to submit a waiver request or to adopt rules to  
 24 implement a change under this paragraph, the  
 25 department shall first consult with a group similar to  
 26 the work group that considered the state human  
 27 investment policy proposal or with a successor

28 interagency task force which makes recommendations  
29 concerning the family investment program, and shall  
30 share the proposals with the chairpersons and ranking  
31 members of the committees on human resources of the  
32 senate and house of representatives.

33 c. If implementation of the request would result  
34 in increased federal funding and would permit greater  
35 flexibility in service funding, the department may  
36 submit a waiver request to the United States  
37 department of health and human services for Title IV-E  
38 funding to be provided to the state in a fixed amount.  
39 Prior to submission of the request, the department  
40 shall consult with representatives of the juvenile  
41 court and service providers.

42 Sec. \_\_\_\_ . DEPARTMENT OF HUMAN SERVICES  
43 RESTRUCTURING TASK FORCE ON THE FUTURE OF HUMAN  
44 SERVICES. There is appropriated from the general fund  
45 of the state to the legislative council for the fiscal  
46 year beginning July 1, 1996, and ending June 30, 1997,  
47 the following amount, or so much thereof as is  
48 necessary, to be used for the purpose designated:

49 For expenses associated with the activities of the  
50 task force for assessing the structure and function of

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1 the department of human services and human services  
2 programs in accordance with this section:

3 ..... \$ 100,000

4 1. The legislative council shall establish a task  
5 force to develop a comprehensive proposal for changing  
6 the role and function of the department of human  
7 services and its programs. The purpose of the changes  
8 is to improve services to lowans through the creation  
9 of new federal, state, and local partnerships. The  
10 task force shall make recommendations regarding  
11 restructuring the department of human services in  
12 order to achieve better human services results, to  
13 improve the quality of service delivery, and to  
14 increase the quality of the department's interaction  
15 with the public. The task force may also assess  
16 program duplication and linkages with other federal,  
17 state, or local programs or funding streams.

18 2. The task force shall be composed of not more  
19 than 21 members and shall include not more than five  
20 representatives appointed by the governor and  
21 legislators who are members of the joint  
22 appropriations subcommittee on human services and  
23 other knowledgeable legislators designated by the  
24 legislative council. The task force may use moneys.

25 appropriated in this section for technical assistance.  
26 The task force shall consult with service consumers,  
27 experts who are representative of organizations such  
28 as nonprofit service organizations, health insurers,  
29 and human services-oriented community organizations,  
30 representatives of local governments, representatives  
31 of state agencies, federal officials with expertise or  
32 responsibilities regarding human services in Iowa, and  
33 others, as determined by the task force. The report  
34 shall be completed prior to the convening of the  
35 Seventy-seventh General Assembly.  
36 The task force shall provide for public input  
37 concerning the four modification proposals developed  
38 by the department in response to proposed federal  
39 actions submitted to the joint appropriations  
40 subcommittee on human services in February 1996.  
41 The task force may establish work groups to assist  
42 in the task force's consideration of the modification  
43 proposals which may include the following:  
44 a. A review of the child welfare modification  
45 proposal which may include input from representatives  
46 of the juvenile court, service providers, families  
47 receiving services, the attorney general,  
48 representatives of local governments, representatives  
49 of state agencies, and other citizens and officials.  
50 b. A review of the mental health and developmental

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1 disabilities proposal which shall incorporate issues  
2 associated with implementation of the funding reform  
3 enacted in Senate File 69; usage of service providers  
4 such as intermediate care facilities for the mentally  
5 retarded, state institutions, and other services for  
6 persons with disabilities; distribution of services  
7 throughout the state; and other issues. In addition,  
8 the review shall consider a proposal to replace the  
9 single contract for managed care under medical  
10 assistance with not more than four regional plans  
11 utilizing collaborations between community mental  
12 health centers as umbrella agencies.  
13 c. A review of the family investment program  
14 proposal which may include input from the work group  
15 which considered the state human investment policy  
16 proposal or a successor interagency task force which  
17 makes recommendations to the department concerning the  
18 family investment program. Consideration of issues  
19 associated with the proposal may include review of the  
20 emergency assistance program, the family development  
21 and self-sufficiency (FaDSS) program, and child day

22 care programs, and an assessment of the feasibility of  
23 transferring all or part of the functions of the child  
24 support recovery unit to other agencies of state  
25 government.

26 d. A review of the medical assistance proposal  
27 which may include input from representatives of the  
28 medical assistance advisory council, the long-term  
29 care resident's advocate, and consumer groups such as  
30 the Iowa affiliate of the American association of  
31 retired persons, Iowa citizens' action network,  
32 governor's planning council for developmental  
33 disabilities, and representatives of maternal and  
34 child health centers.

35 2. If federal law requires the state to make  
36 changes in the programs and services directed to the  
37 populations addressed by the modification proposals  
38 and authorizes the changes to be made without state  
39 legislation, the department shall adopt rules to  
40 implement the changes. The rules shall be submitted  
41 to the task force for review and recommendation prior  
42 to their submission to the administrative rules review  
43 committee."

44 \_\_\_\_ . Page 36, by inserting before line 7 the  
45 following:

46 "Sec. \_\_\_\_ . HEALTHY FAMILY PROGRAM. There is  
47 appropriated from the general fund of the state to the  
48 Iowa department of public health for the fiscal year  
49 beginning July 1, 1996, and ending June 30, 1997, the  
50 following amount, or so much thereof as is necessary,

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1 to be used for the purpose designated:

2 For the Iowa healthy family program under section  
3 135.106:

4 ..... \$ 115,000"

5 \_\_\_\_ . By striking page 36, line 34, through page  
6 37, line 1, and inserting the following: "during the  
7 fiscal year ending June 30, 1996. In addition,".

8 \_\_\_\_ . Page 37, by inserting after line 28 the  
9 following:

10 "\_\_\_\_ . The department may modify the reimbursement  
11 methodology for skilled nursing facilities which  
12 participated in the medical assistance program on or  
13 before May 31, 1993, and which met the departmental  
14 disproportionate share payment provisions as of May  
15 31, 1993, if it is possible to demonstrate that the  
16 modification would result in a cost savings to the  
17 medical assistance program."

18 \_\_\_\_ . Page 39, by striking lines 1 and 2 and

19 inserting the following:

20 "c. The department revises the reimbursement rates  
21 as part of the changes in the mental health and  
22 developmental disabilities services system initiated  
23 pursuant to 1995 Iowa Acts, chapter 206 (Senate File  
24 69), and associated legislation.

25 d. The reimbursement rate revision is necessary to  
26 implement the change required by the appropriation in  
27 this Act for an increase in the reimbursement for  
28 residential care facilities."

29 \_\_\_\_ Page 39, by inserting after line 32 the  
30 following:

31 "\_\_\_\_ a. A pharmaceutical manufacturer that  
32 provides products eligible for payment or paid for  
33 under the medical assistance program, shall report to  
34 the board of medical examiners on or before January 1,  
35 1997, all income and other benefits with a monetary  
36 value provided by the manufacturer during the previous  
37 year to a person licensed under chapter 148, 150, or  
38 150A which is intended to influence, change, modify,  
39 educate, or otherwise affect the licensee's practice  
40 of the licensee's profession.

41 b. A pharmaceutical manufacturer that provides  
42 products eligible for payment or paid for under the  
43 medical assistance program, shall report to the board  
44 of pharmacy examiners, on or before January 1, 1997,  
45 all income and other benefits with a monetary value  
46 provided by the manufacturer during the previous year  
47 to a person licensed under chapter 155A that was  
48 intended to influence, change, modify, educate, or  
49 otherwise affect the licensee's practice of the  
50 licensee's profession.

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1 c. A pharmaceutical manufacturer who fails to  
2 submit the reports required under paragraphs "a" and  
3 "b" is subject to loss of participation in the medical  
4 assistance program.

5 d. A third-party payor, as designated pursuant to  
6 section 514C.6, shall disclose to the commissioner of  
7 insurance on or before January 1, 1997, the total of  
8 all pharmaceutical rebates received by the payor from  
9 any pharmaceutical manufacturer in the previous state  
10 fiscal year."

11 \_\_\_\_ Page 40, by striking lines 1 through 4 and  
12 inserting the following: "80th percentile. The  
13 department shall address any other proposals for  
14 containment of intermediate care facilities for the  
15 mentally retarded costs with the work group for

16 restructuring of the department of human services  
17 created pursuant to this Act.”

18 \_\_\_\_ . Page 40, by striking lines 13 through 18 and  
19 inserting the following:

20 “11. The department shall negotiate with providers  
21 of services under the department’s medical assistance  
22 rehabilitative treatment program for children and  
23 families, to revise the department’s rules providing  
24 reimbursement rates under the program, including a  
25 review of cost principles. The goals for the revision  
26 are to simplify the reimbursement process, reduce  
27 paperwork for providers, and provide full payment for  
28 necessary services provided under contract with the  
29 department. Prior to adoption of the rules and no  
30 later than October 1, 1996, the department”.

31 \_\_\_\_ . Page 40, by inserting after line 23 the  
32 following:

33 “ \_\_\_\_ . The department of human services, in  
34 consultation with representatives of nursing  
35 facilities, consumers, and other interested entities,  
36 shall establish definitions for the direct health  
37 care, administrative, room and board, and property  
38 cost categories for reimbursement of nursing  
39 facilities under the medical assistance program and  
40 shall submit the definitions, recommendations for  
41 distribution of reimbursement of costs among the cost  
42 categories, and any other recommendations associated  
43 with reimbursement of nursing facilities developed to  
44 the general assembly on or before December 16, 1996.”

45 \_\_\_\_ . By striking page 40, line 32, through page  
46 41, line 10, and inserting the following:

47 “For an increase in the purchase of service  
48 reimbursement rate for adult residential services  
49 provided to persons residing in any category of  
50 licensed residential care facility. Beginning July 1,

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1 1996, provider service rates for adult residential  
2 services shall be increased up to the amount of actual  
3 and allowable costs plus inflation, based upon the  
4 cost reports on which rates have been established as  
5 of April 1, 1996. However, a provider service rate  
6 shall not be increased by more than \$4.36 per day. If  
7 a provider service rate in effect prior to July 1,  
8 1996, is greater than the actual and allowable costs  
9 plus inflation, based upon the cost report, or if the  
10 difference between the provider service rate and the  
11 actual and allowable costs is less than \$.44 per day,  
12 the provider service rate shall be increased by \$.44

13 per day:"

14 \_\_\_\_ Page 41, line 16, by inserting after the  
15 word "fund." the following: "Use of the funding is  
16 restricted to reimbursement of a licensed residential  
17 care facility provider of adult residential services  
18 which had a purchase of service contract for those  
19 services in effect on June 30, 1996, and for which the  
20 rate negotiated for fiscal year 1996-1997 is greater  
21 than the rate paid in fiscal year 1995-1996."

22 \_\_\_\_ Page 41, by inserting after line 33 the  
23 following:

24 "Sec. \_\_\_\_ RUNAWAY TREATMENT PLAN GRANTS. There  
25 is appropriated from the general fund of the state to  
26 the division of criminal and juvenile justice planning  
27 of the department of human rights for the fiscal year  
28 beginning July 1, 1996, and ending June 30, 1997, the  
29 following amount, or so much thereof as is necessary,  
30 to be used for the purposes designated:

31 For demonstration grants for implementation of  
32 runaway treatment plans in accordance with this  
33 section:

34 ..... \$ 200,000

35 1. The division shall utilize the moneys  
36 appropriated in this section for grants to develop two  
37 demonstration programs to implement the provisions of  
38 sections 232.195 and 232.196, as enacted in this Act,  
39 with one program in an urban area and one program in a  
40 rural area. The grantees shall provide up to twelve  
41 assessment and counseling beds and intensive family-  
42 centered services designed to determine the reasons  
43 children run away from home and methods to ameliorate  
44 the reasons so that children may either return home or  
45 receive necessary services. Not more than \$10,000 of  
46 the moneys shall be used for evaluation and other  
47 means for grantees to report on the successes and  
48 failures of the demonstration grants and methods to  
49 improve services to children who run away from home.

50 2. The department of human services and the

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1 division may adopt emergency rules to implement the  
2 provisions of section 232.196, subsection 3, as  
3 enacted by this Act.

4 Sec. \_\_\_\_ IOWA HEALTHY KIDS PROGRAM. There is  
5 appropriated from the general fund of the state to the  
6 Iowa healthy kids trust fund for the fiscal year  
7 beginning July 1, 1996, and ending June 30, 1997, the  
8 following amount, or so much thereof as is necessary,  
9 to be used for the purpose designated:

10 For planning, administration, and implementation of  
11 the Iowa healthy kids program:

12 ..... \$ 200,000"

13 \_\_\_\_ Page 41, by striking line 35 and inserting  
14 the following:

15 "1. If a state institution administered by the  
16 department of human".

17 \_\_\_\_ Page 42, line 6, by striking the word "the"  
18 and inserting the following: "any closed units or  
19 other".

20 \_\_\_\_ Page 42, line 10, by inserting after the  
21 word "years." the following: "The department of human  
22 services and the department of economic development  
23 shall submit a joint report on or before January 2,  
24 1997, regarding any efforts made pursuant to this  
25 subsection.

26 2. For purposes of this section, "institution"  
27 means a state mental health institute or state  
28 hospital-school. If excess capacity exists at a state  
29 institution beyond the capacity required for  
30 placements at the institution under law,  
31 notwithstanding chapter 23A, the department of human  
32 services may enter into a contract with a private  
33 managed care health insurance plan or an organized  
34 delivery system for health care, to provide services  
35 during the fiscal year beginning July 1, 1996, at the  
36 institution for the plan or system."

37 \_\_\_\_ Page 42, by inserting after line 25 the  
38 following:

39 "Sec. \_\_\_\_ . REPORTS BY PROVIDERS OF FOSTER CARE  
40 SERVICES -- REVIEW -- PROCESS SIMPLIFICATION. The  
41 department of human services shall consult with  
42 providers of rehabilitation treatment services  
43 relating to the medical assistance child services  
44 initiative in reviewing provider requirements relating  
45 to financial and statistical accountability reporting  
46 and the process for submission of the reports relating  
47 to these requirements. Following this review, and no  
48 later than January 1, 1997, the department of human  
49 services shall implement a process which provides, at  
50 a minimum, for a simplified means of documenting

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1 compliance with provider accountability requirements  
2 which shall, at a minimum, include consolidation of  
3 the reports required and which may provide a means for  
4 submission of the reports in an electronic format."

5 \_\_\_\_ Page 42, line 27, by striking the word  
6 "subsection" and inserting the following:



7 "subsections".

8 \_\_\_\_ . Page 43, by inserting after line 4 the  
9 following:

10 "NEW SUBSECTION. 7. A psychiatric institution  
11 licensed prior to January 1, 1996, may exceed the  
12 number of beds authorized under subsections 5 and 5A  
13 if the excess beds are used to provide services funded  
14 from a source other than the medical assistance  
15 program under chapter 249A. Notwithstanding  
16 subsections 4, 5, and 5A, the provision of services  
17 using such excess beds does not require a certificate  
18 of need or a review by the department of human  
19 services.

20 Sec. \_\_\_\_ . Section 228.5, subsection 1, Code 1995,  
21 is amended to read as follows:

22 1. An individual or an individual's legal  
23 representative shall be informed that mental health  
24 information relating to the individual may be  
25 disclosed to employees or agents of or for the same  
26 mental health facility or to other providers of  
27 professional services or their employees or agents if  
28 and to the extent necessary to facilitate the  
29 provision of administrative and professional services  
30 to the individual.

31 Sec. \_\_\_\_ . Section 228.5, Code 1995, is amended by  
32 adding the following new subsection:

33 NEW SUBSECTION. 4. Mental health information  
34 relating to an individual may be disclosed to other  
35 providers of professional services or their employees  
36 or agents if and to the extent necessary to facilitate  
37 the provision of administrative and professional  
38 services to the individual.

39 Sec. \_\_\_\_ . Section 232.2, Code Supplement 1995, is  
40 amended by adding the following new subsection:

41 NEW SUBSECTION. 6A. "Chronic runaway" means a  
42 child who is reported to law enforcement as a runaway  
43 more than once in any month or three or more times in  
44 a year.

45 Sec. \_\_\_\_ . Section 232.19, subsection 1, paragraph  
46 c, Code 1995, is amended to read as follows:

47 c. By a peace officer for the purpose of reuniting  
48 a child with the child's family or removing the child  
49 to a shelter care facility or a juvenile court  
50 officer, when the peace officer or juvenile court

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1 officer has reasonable grounds to believe the child  
2 has run away from the child's parents, guardian, or  
3 custodian, for the purposes of determining whether the

4 child shall be reunited with the child's parents,  
5 guardian, or custodian, placed in shelter care, or, if  
6 a chronic runaway, placed in a runaway assessment and  
7 treatment center under section 232.196."

8 \_\_\_\_ . Page 43, by striking lines 5 through 11 and  
9 inserting the following:

10 "Sec. \_\_\_\_ . Section 232.143, Code Supplement 1995,  
11 is amended to read as follows:

12 232.143 REGIONAL GROUP FOSTER CARE TARGET BUDGET  
13 TARGETS.

14 1. A statewide expenditure target for the average  
15 number of for children in group foster care placements  
16 on any day of in a fiscal year, which placements are a  
17 charge upon or are paid for by the state, shall be  
18 established annually in an appropriation bill by the  
19 general assembly. The department and the judicial  
20 department shall jointly develop a formula for  
21 allocating a portion of the statewide expenditure  
22 target established by the general assembly to each of  
23 the department's regions. The formula shall be based  
24 upon the region's proportion of the state population  
25 of children and of the statewide number of  
26 expenditures for children placed in group foster care  
27 in the previous five completed fiscal years. The  
28 number expenditure amount determined in accordance  
29 with the formula shall be the group foster care  
30 placement budget target for that region. A region may  
31 exceed its budget target for group foster care by not  
32 more than five percent in a fiscal year, provided the  
33 overall funding allocated by the department for all  
34 child welfare services in the region is not exceeded.

35 2. For each of the department's regions,  
36 representatives appointed by the department and the  
37 juvenile court shall establish a plan for containing  
38 the number of expenditures for children placed in  
39 group foster care ordered by the court within the  
40 budget target allocated to that region pursuant to  
41 subsection 1. The plan shall include monthly targets  
42 and strategies for developing alternatives to group  
43 foster care placements in order to contain  
44 expenditures for child welfare services provided to  
45 children within the amount appropriated by the general  
46 assembly for that purpose. Each regional plan shall  
47 be established in advance of the fiscal year to which  
48 the regional plan applies. To the extent possible,  
49 the department and the juvenile court shall coordinate  
50 the planning required under this subsection with

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1 planning for services paid under section 232.141,  
2 subsection 4. The department's regional administrator  
3 shall communicate regularly, as specified in the  
4 regional plan, with the juvenile courts within that  
5 region concerning the current status of the regional  
6 plan's implementation.

7 3. State payment for group foster care placements  
8 shall be limited to those placements which are in  
9 accordance with the regional plans developed pursuant  
10 to subsection 2. If a proposed group foster care  
11 placement in a region would meet the region's plan  
12 requirements except that the placement would cause a  
13 monthly or overall budget target to be exceeded and  
14 the child is eligible for an alternative service which  
15 is costlier and more restrictive than the proposed  
16 placement, the director of human services, after  
17 consultation with appropriate juvenile court  
18 officials, may allow an exception to policy and  
19 authorize the placement. At the close of the fiscal  
20 year, moneys for specific placements authorized by the  
21 director under this subsection shall be transferred  
22 from the state appropriation for the alternative  
23 placement to the appropriation for group foster care  
24 placements, as necessary to prevent a deficit in the  
25 appropriation for group foster care.

26 Sec. — . NEW SECTION. 232.195 RUNAWAY TREATMENT  
27 PLAN.

28 A county, multicounty, or nonprofit organization  
29 may develop a runaway treatment plan to address  
30 problems with chronic runaway children in the area  
31 served by the organization. The organization shall  
32 submit the plan to the department of human rights,  
33 division of criminal and juvenile justice planning for  
34 approval for funding. The plan shall identify the  
35 problems with chronic runaway children and specific  
36 solutions to be implemented, including the development  
37 of a runaway assessment and treatment center and may  
38 include a request for funding. The division may award  
39 funds appropriated for implementation of the runaway  
40 treatment plan to shelter care homes which are  
41 licensed or approved by the department of human  
42 services.

43 Sec. — . NEW SECTION. 232.196 RUNAWAY  
44 ASSESSMENT AND TREATMENT CENTER.

45 1. As part of a county, multicounty, or nonprofit  
46 organization's runaway treatment plan under section  
47 232.195, the organization may establish a runaway  
48 assessment and treatment center. A center shall be

49 operated by an entity which is licensed or approved by  
50 the department to operate a shelter care home. A

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1 center shall provide services to assess a child who is  
2 referred to the center for being a chronic runaway and  
3 intensive family counseling designed to address any  
4 problem causing the child to run away.

5 2. a. If a child is a chronic runaway and is not  
6 sent home with the child's parent, guardian, or  
7 custodian, the child may be placed in a runaway  
8 assessment and treatment center by a peace officer,  
9 juvenile court officer, or the child if the officer,  
10 juvenile court officer, or the child believes it to be  
11 in the child's best interest after consulting with the  
12 child's parent, guardian, or custodian.

13 b. Within forty-eight hours of being placed in the  
14 center the child shall be assessed by a center  
15 counselor to determine the reasons why the child is a  
16 chronic runaway and whether child in need of  
17 assistance or family in need of assistance proceedings  
18 are appropriate. As soon as practicable following the  
19 assessment, the child and the child's parent,  
20 guardian, or custodian shall be provided the  
21 opportunity for counseling sessions to identify the  
22 underlying causes of the runaway behavior and to  
23 develop a plan to address those causes.

24 c. A child shall be released from a runaway  
25 assessment and treatment center to the child's parent,  
26 guardian, or custodian not later than forty-eight  
27 hours after being placed in the center unless the  
28 child is placed in shelter care under section 232.21  
29 or an order is entered under section 232.78. A child  
30 whose parent, guardian, or custodian failed to attend  
31 counseling or who fails to take custody of the child  
32 at the end of placement in the center may be the  
33 subject of a child in need of assistance petition or  
34 such other order as the juvenile court finds to be in  
35 the child's best interest.

36 3. The department of human services may establish  
37 a special category within rules applicable to a  
38 juvenile shelter care home licensed or approved by the  
39 department which provides for operation of a runaway  
40 assessment and treatment center by such a home. Any  
41 rules applicable to the special category shall be  
42 jointly developed by the department of human services  
43 and the division of criminal and juvenile justice  
44 planning of the department of human rights."

45 — . Page 43, by striking lines 19 through 21 and

46 inserting the following: "debt for the three months  
47 preceding the earlier of the following:  
48 a. The provision by the child support recovery  
49 unit of the initial notice to the parent or guardian  
50 of the amount of the support obligation.

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1 b. The date that the written request for a court  
2 hearing is received by the child support recovery unit  
3 as provided in section 252C.3 or 252F.3."

4 \_\_\_\_ Page 45, by inserting after line 31 the  
5 following:

6 "Sec. \_\_\_\_ Section 252B.4, Code 1995, is amended  
7 to read as follows:

8 252B.4 NONASSISTANCE CASES.

9 The child support and paternity determination  
10 services established by the department pursuant to  
11 this chapter and other appropriate services provided  
12 by law including but not limited to the provisions of  
13 chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and  
14 600B shall be made available by the unit to an  
15 individual not otherwise eligible as a public  
16 assistance recipient upon application by the  
17 individual for the services. The application shall be  
18 filed with the department.

19 1. The director shall require an application fee  
20 of five dollars.

21 ~~2. The director may require an additional fee to~~  
22 ~~cover the costs incurred by the department in~~  
23 ~~providing the support collection and paternity~~  
24 ~~determination services.~~

25 a. ~~The director shall, by rule, establish and~~  
26 ~~inform all applicants for support enforcement and~~  
27 ~~paternity determination services of the fee schedule.~~

28 b. ~~The additional fee for services may be deducted~~  
29 ~~from the amount of the support money recovered by the~~  
30 ~~department or may be collected from the recipient of~~  
31 ~~the services following recovery of support money by~~  
32 ~~the department.~~

33 ~~2. When the unit intercepts a federal tax~~  
34 ~~refund of an obligor for payment of delinquent support~~  
35 ~~and the funds are due to a recipient of services who~~  
36 ~~is not otherwise eligible for public assistance, the~~  
37 ~~unit shall deduct a twenty-five dollar fee from the~~  
38 ~~funds before forwarding the balance to the recipient.~~

39 a. ~~The unit shall inform the recipient of the fee~~  
40 ~~under this subsection prior to assessment.~~

41 b. ~~The fee shall be assessed only to individuals~~  
42 ~~who receive support from the federal tax refund offset~~

43 program. If the tax refund due the recipient is less  
44 than fifty dollars, the fee shall not be assessed.

45 ~~4. The department may adopt rules to establish~~  
46 ~~fees which provide for recovery of administrative~~  
47 ~~costs of the program in addition to other fees~~  
48 ~~identified.~~

49 ~~5. 3. Fees collected pursuant to this section~~  
50 ~~shall be retained by the department for use by the~~

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1 unit. The director or a designee shall keep an  
2 accurate record of funds so retained.

3 ~~6. 4. An application fee paid by a recipient of~~  
4 ~~services pursuant to subsection 1 may be recovered by~~  
5 ~~the unit from the person responsible for payment of~~  
6 ~~support and if recovered, shall be used to reimburse~~  
7 ~~the recipient of services.~~

8 ~~a. The fee shall be an automatic judgment against~~  
9 ~~the person responsible to pay support.~~

10 ~~b. This subsection shall serve as constructive~~  
11 ~~notice that the fee is a debt due and owing, is an~~  
12 ~~automatic judgment against the person responsible for~~  
13 ~~support, and is assessed as the fee is paid by a~~  
14 ~~recipient of services. The fee may be collected in~~  
15 ~~addition to any support payments or support judgment~~  
16 ~~ordered, and no further notice or hearing is required~~  
17 ~~prior to collecting the fee.~~

18 ~~c. Notwithstanding any provision to the contrary,~~  
19 ~~the unit may collect the fee through any legal means~~  
20 ~~by which support payments may be collected, including~~  
21 ~~but not limited to income withholding under chapter~~  
22 ~~252D or income tax refund offsets, unless prohibited~~  
23 ~~under federal law.~~

24 ~~d. The unit is not required to file these~~  
25 ~~judgments with the clerk of the district court, but~~  
26 ~~shall maintain an accurate accounting of the fee~~  
27 ~~assessed, the amount of the fee, and the recovery of~~  
28 ~~the fee.~~

29 ~~e. Support payments collected shall not be applied~~  
30 ~~to the recovery of the fee until all other support~~  
31 ~~obligations under the support order being enforced,~~  
32 ~~which have accrued through the end of the current~~  
33 ~~calendar month, have been paid or satisfied in full.~~

34 ~~f. This subsection applies to fees that become due~~  
35 ~~on or after July 1, 1992."~~

36 ~~\_\_\_ . Page 45, by inserting before line 32 the~~  
37 ~~following:~~

38 ~~"Sec. \_\_\_ . NEW SECTION. 514I.1 IOWA HEALTHY KIDS~~  
39 ~~PROGRAM -- LEGISLATIVE INTENT.~~

40 1. The general assembly finds that increased  
 41 access to health care services could improve  
 42 children's health and reduce the incidence and costs  
 43 of childhood illness and disabilities among children  
 44 in this state. Many children do not have health care  
 45 services available or funded, and for those who do,  
 46 lack of access is a restriction to obtaining such  
 47 services. It is the intent of the general assembly  
 48 that a program be implemented to provide health care  
 49 services and comprehensive health benefits or  
 50 insurance coverage to children. A goal for the

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1 program is to cooperate with any existing programs  
 2 with similar purposes funded by either the public or  
 3 private sector.

4 2. For the purposes of this chapter, unless the  
 5 context otherwise requires:

6 a. "Advisory council" means the advisory council  
 7 created by the division under section 514I.4.

8 b. "Division" means the insurance division of the  
 9 department of commerce.

10 c. "Program" means the program developed by the  
 11 division in accordance with section 514I.3.

12 Sec. — . NEW SECTION. 514I.2 IOWA HEALTHY KIDS  
 13 PROGRAM AUTHORIZATION.

14 1. The general assembly authorizes the division to  
 15 implement the Iowa healthy kids program. The division  
 16 shall have all powers necessary to carry out the  
 17 purposes of this chapter, including, but not limited  
 18 to, the power to receive and accept grants, loans, or  
 19 advances of funds from any person and to receive and  
 20 accept from any source contributions of money,  
 21 property, labor, or any other thing of value, to be  
 22 held, used, and applied for the purposes of the  
 23 program.

24 2. The program shall operate initially on a pilot  
 25 project basis to include urban and rural areas.  
 26 Expansion beyond the initial pilot project is subject  
 27 to authorization by law.

28 3. Implementation of the program shall be limited  
 29 to the extent of the funding appropriated for the  
 30 purposes of the program.

31 Sec. — . NEW SECTION. 514I.3 IOWA HEALTHY KIDS  
 32 PROGRAM OBJECTIVES.

33 The division shall develop a program to attain all  
 34 of the following objectives:

35 1. Organize groupings of children for provision of  
 36 comprehensive health benefits or insurance coverage.

37 2. Arrange for the collection of any payment or  
38 premium, in an amount to be determined by the  
39 division. The payment or premium shall be collected  
40 from a family of a participating child or other person  
41 to provide for payment for health care services or  
42 premiums for comprehensive health benefits or  
43 insurance coverage and for the actual or estimated  
44 administrative expenses incurred during the period for  
45 which the payments are made. The amount of payment or  
46 premium charged shall be based on the ability of the  
47 family of a child to pay. The division shall provide  
48 for adjustment of the amount charged to reflect  
49 contributions, public subsidy, or other means used to  
50 defray the amount charged.

**Page 18**

1 3. Establish administrative and accounting  
2 procedures for the operation of the program.  
3 4. Establish, in consultation with appropriate  
4 professional organizations, standards for health care  
5 services, providers, and comprehensive health benefits  
6 or insurance coverage appropriate for children and  
7 their family members.  
8 5. Establish eligibility criteria which children  
9 and their family members must meet in order to  
10 participate in the program.  
11 6. Establish participation criteria for the  
12 program and, if appropriate, contract with an  
13 authorized insurer, health maintenance organization,  
14 or insurance or benefits administrator to provide  
15 administrative services to the program.  
16 7. Contract with authorized insurers, benefits  
17 providers, or any provider of health care services  
18 meeting standards established by the division, for the  
19 provision of comprehensive health benefits or  
20 insurance coverage and health care services to  
21 participants.  
22 8. Develop and implement a plan to publicize the  
23 program, eligibility requirements of the program, and  
24 procedures for enrollment in the program and to  
25 maintain public awareness of the program.  
26 9. Provide for administration of the program.  
27 10. As appropriate, enter into contracts with  
28 local school boards or other agencies to provide on-  
29 site information, enrollment, and other services  
30 necessary to the operation of the program.  
31 11. Provide an interim report on or before March  
32 1, 1997, to the governor and general assembly, on the  
33 development of the program to date and an annual



34 report thereafter until the program is terminated or  
35 extended statewide.

36 Sec. \_\_\_\_ NEW SECTION. 514L.4 ADVISORY COUNCIL.

37 1. The division may create an advisory council to  
38 assist the division in implementing the program. The  
39 advisory council membership may include, but is not  
40 limited to, the following:

41 a. A school administrator.

42 b. A member of a school board.

43 c. An employee of the state or local government in  
44 public health services.

45 d. A pediatrician who is a member of the American  
46 academy of pediatrics, Iowa chapter.

47 e. The director of human services or the  
48 director's designee.

49 f. A member of the association of Iowa hospitals  
50 and health systems.

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1 g. A representative of authorized health care  
2 insurers or health maintenance organizations.

3 h. A representative of a university center for  
4 health issues.

5 i. A family practice physician who is a member of  
6 the Iowa academy of family physicians.

7 j. A school nurse who is a member of the Iowa  
8 nurses association.

9 k. The director of public health or the director's  
10 designee.

11 l. A citizen who is knowledgeable concerning  
12 health care and children's issues.

13 m. A citizen who is a parent with children at home  
14 who is active in a school-parent organization.

15 2. Advisory council members are entitled to  
16 receive, from funds of the division, reimbursement for  
17 actual and necessary expenses incurred in the  
18 performance of their official duties.

19 Sec. \_\_\_\_ NEW SECTION. 514L.5 LICENSING NOT  
20 REQUIRED -- FISCAL OPERATION.

21 1. Health benefits or insurance coverage obtained  
22 under the program is secondary to any other available  
23 private or public health benefits or insurance  
24 coverage held by the participant child. The division  
25 may establish procedures for coordinating benefits  
26 under this program with benefits under other public  
27 and private coverage.

28 2. The program shall not be deemed to be  
29 insurance. However, the insurance division may  
30 require that any marketing representative utilized and

31 compensated by the program be appointed as a  
32 representative of the insurers or health benefits  
33 services providers with which the program contracts.  
34 Sec. \_\_\_\_ . NEW SECTION. 514I.6 THE IOWA HEALTHY  
35 KIDS TRUST FUND.

36 1. An Iowa healthy kids trust fund is created in  
37 the state treasury under the authority of the  
38 commissioner of insurance, to which all appropriations  
39 shall be deposited and used to carry out the purposes  
40 of this chapter. Other revenues of the program such  
41 as grants, contributions, matching funds, and  
42 participant payments shall not be considered revenue  
43 of the state, but rather shall be funds of the  
44 program. However, the division may designate portions  
45 of grants, contributions, matching funds, and  
46 participant payments as funds of the state and deposit  
47 those funds in the trust fund.

48 2. The trust fund shall be separate from the  
49 general fund of the state and shall not be considered  
50 part of the general fund of the state. The moneys in

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1 the trust fund are not subject to section 8.33 and  
2 shall not be transferred, used, obligated,  
3 appropriated, or otherwise encumbered except as  
4 provided in this section. Notwithstanding section  
5 12C.7, subsection 2, interest or earnings on moneys  
6 deposited in the trust fund shall be credited to the  
7 trust fund.

8 Sec. \_\_\_\_ . NEW SECTION. 514I.7 ACCESS TO RECORDS  
9 -- CONFIDENTIALITY -- PENALTIES.

10 1. Notwithstanding any other law to the contrary,  
11 the program shall have access to the medical records  
12 of a child who is participating or applying to  
13 participate in the program upon receipt of permission  
14 from a parent or guardian of the child, including but  
15 not limited to the medical records maintained by the  
16 state or a political subdivision of the state.  
17 Notwithstanding chapter 22, any identifying  
18 information, including medical records and family  
19 financial information, obtained by the program  
20 pursuant to this subsection is confidential. The  
21 program, the program's employees, and agents of the  
22 program shall not release, without the written consent  
23 of the participant or the parent or guardian of the  
24 participant, to any state or federal agency, to any  
25 private business or person, or to any other entity,  
26 any confidential information received pursuant to this  
27 subsection.

28 2. A violation of the provisions of subsection 1  
 29 is a serious misdemeanor.  
 30 Sec. \_\_\_\_ . Section 710.8, Code 1995, is amended by  
 31 adding the following new subsection:  
 32 NEW SUBSECTION. 4. A person shall not harbor a  
 33 runaway child with the intent of allowing the runaway  
 34 child to remain away from home against the wishes of  
 35 the child's parent, guardian, or custodian. However,  
 36 the provisions of this subsection do not apply to a  
 37 shelter care home which is licensed or approved by the  
 38 department of human services."  
 39 \_\_\_\_ . Page 47, line 5, by inserting after the word  
 40 "unless" the following: "the effective date is  
 41 delayed by the administrative rules review committee  
 42 or".  
 43 \_\_\_\_ . Page 47, line 6, by inserting after the word  
 44 "rules." the following: "Any rules adopted in  
 45 accordance with the provisions of this section shall  
 46 not take effect before the rules are reviewed by the  
 47 administrative rules review committee."  
 48 \_\_\_\_ . By renumbering, relettering, or  
 49 redesignating and correcting internal references as  
 50 necessary."

JOHNIE HAMMOND  
 LARRY MURPHY

S-5734

1 Amend House File 560, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 4 through 7 and  
 4 inserting the following:  
 5 "a. If the owner is an individual, the designated  
 6 person includes the owner of the tract or a person  
 7 related to the owner as, the owner's spouse, parent,  
 8 grandparent, the owner's child, grandchild, or  
 9 stepchild, and their spouses, or the owner's relative  
 10 within the third degree of consanguinity, and the  
 11 relative's spouse."

BERL E. PRIEBE  
 JOHN P. KIBBIE  
 EMIL J. HUSAK  
 MERLIN E. BARTZ

S-5735

1 Amend Senate File 2370 as follows:  
 2 1. Page 5, by inserting after line 18 the

3 following:

4 "Sec. \_\_\_\_ . Section 476.43, Code 1995, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 7. The board shall require that

7 an electric utility enter into a long-term contract

8 pursuant to this section and section 476.44, by

9 January 1, 1997. An electric utility that fails to

10 comply with the contract requirements of this section

11 shall be subject to a civil penalty under section

12 476.51."

13 2. By renumbering as necessary.

BILL FINK

S-5736

1 Amend the amendment, S-5700, to House File 2421, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 3, line 16, by inserting after the word

5 "war" the following: "and the Allison monument

6 located".

7 2. Page 3, by striking line 18 and inserting the

8 following:

9 " ..... \$ 200,000

10 Of the appropriation in this section, \$50,000 shall

11 be used for renovation and repair of the Allison

12 monument located on the state capitol complex. An

13 effort shall be made by the department of education to

14 match this appropriation from the citizens and the

15 school children of Iowa as occurred when the monument

16 was initially built."

MIKE CONNOLLY  
JOHN W. JENSEN  
TOM FLYNN  
EMIL J. HUSAK  
LARRY MURPHY

S-5737

1 Amend the amendment, S-5700, to House File 2421, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking lines 20 through 27 and

5 inserting the following: "the funds pursuant to  
6 section 313.4."

7 2. Page 1, by inserting before line 28 the

8 following:

9 "Of the appropriation in this paragraph, each

10 member of the general assembly shall be allocated  
11 \$1,617,000 to be designated for construction of a  
12 primary highway or other transportation-related  
13 project in the member's legislative district."

BRAD BANKS

HOUSE AMENDMENT TO  
SENATE FILE 2464

S-5738

1 Amend Senate File 2464, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 34 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 358C.24 DISCLOSURE OF  
6 SPECIAL ASSESSMENT.

7 The seller of property in a real estate improvement  
8 district or a person acting on behalf of a seller  
9 shall disclose the amount of any special assessment  
10 under this chapter against the property during  
11 negotiations for the sale of the property."

12 2. Page 12, line 1, by inserting after the word  
13 "guidelines" the following: ", by limiting the tax  
14 revenues to be deposited in the special fund from that  
15 portion of the assessed value defined in section  
16 403.19, subsection 2, of property assessed as  
17 residential property, to the tax revenues from any  
18 levy on the first two hundred thousand dollars of  
19 improvements to each parcel of such residential  
20 property. Any value of such property in excess of two  
21 hundred thousand dollars shall be included in the  
22 valuation defined in section 403.19, subsection 1,".

23 3. Page 12, line 1, by inserting after the word  
24 "or" the following: "by providing".

25 4. Page 12, line 7, by striking the words  
26 "twenty-five" and inserting the following: "ten".

27 5. Page 12, by striking lines 9 through 17 and  
28 inserting the following:

29 "For a municipality with a population of fifteen  
30 thousand or less, the amount to be provided for low  
31 and moderate income family housing shall be the same  
32 as for a municipality of over fifteen thousand in  
33 population, except that a municipality of fifteen  
34 thousand or less in population is not subject to the  
35 requirement to provide not less than an amount equal  
36 to ten percent of the original project cost for low  
37 and moderate income family housing."

38 6. Page 13, by inserting after line 26 the

39 following:

40 "6. A municipality shall not prohibit or restrict  
41 the construction of manufactured homes in any project  
42 for which public improvements were finalized under  
43 this section. As used in this subsection,  
44 "manufactured home" means the same as under section  
45 435.1, subsection 2."

46 7. By striking page 13, line 27, through page 19,  
47 line 2.

48 8. Page 21, by inserting after line 29 the  
49 following:

50 "Sec. \_\_\_\_ . NEW SECTION. 446.19A PURCHASE BY

**Page 2**

**1 COUNTY OR CITY FOR LOW OR MODERATE INCOME HOUSING.**

2 Notwithstanding section 446.18, a city or county  
3 may purchase abandoned property assessed as  
4 residential or commercial multifamily housing which  
5 did not sell at an annual tax sale under section 446.7  
6 for the total amount due. Money shall not be paid by  
7 the county or other tax-levying or tax-certifying body  
8 for the purchase, but each of the tax-levying and tax-  
9 certifying bodies having any interest in the taxes  
10 shall be charged with the total amount due the tax-  
11 levying or tax-certifying body as its just share of  
12 the purchase price. Prior to the purchase the city or  
13 county shall file with the county treasurer a verified  
14 statement that a parcel to be purchased is abandoned  
15 and deteriorating in condition or is, or is likely to  
16 become, a public nuisance, and that the parcel is  
17 suitable for use for low or moderate income housing  
18 following rehabilitation.

19 The city or county may sell the certificate of  
20 purchase. Preference shall be given to purchasers who  
21 are low or moderate income families or organizations  
22 which assist low and moderate income families to  
23 obtain housing. For the purpose of this section, "low  
24 or moderate income families" has the same meaning as  
25 in section 403.17. All persons who purchase  
26 certificates under this section shall demonstrate the  
27 intent to rehabilitate the property for habitation if  
28 the property is not redeemed. In the alternative, the  
29 county may, if title to the property has vested in the  
30 county under section 447.9, dispose of the property in  
31 accordance with section 331.361."

32 9. By striking page 21, line 35, through page 24,  
33 line 13, and inserting the following:

34 "Sec. \_\_\_\_ . Section 16.100, Code 1995, is amended  
35 by adding the following new subsection:

36 NEW SUBSECTION. 1A. a. Moneys transferred to the  
37 housing improvement fund pursuant to section 428A.8,  
38 subsection 1, paragraph "b", shall be distributed, on  
39 a per capita basis according to the 1990 federal  
40 census, to each county.

41 b. In order to receive moneys under this  
42 subsection, a county shall be a member of a housing  
43 council. The housing council shall consist of the  
44 supervisors of the county and the mayor of each city  
45 in the county, or their designees. A housing council  
46 may represent more than one county and the cities  
47 within each county and may be an entity formed under  
48 chapter 28E or an entity under chapter 28H.

49 c. The function of the housing council shall be to  
50 coordinate housing programs in the county including

Page 3

1 having housing needs assessments completed if not  
2 already done, developing or coordinating a housing  
3 plan approved by the department of economic  
4 development, encouraging the formation of partnerships  
5 with other governmental entities and public-private  
6 partnerships regarding housing, and recommending  
7 funding for projects under the housing plan from  
8 moneys received under this subsection.

9 d. Moneys received under this subsection shall  
10 only be used for housing programs which facilitate  
11 housing development, including housing trust funds or  
12 programs for the rehabilitation or construction of  
13 housing. The cost of the housing needs assessment may  
14 be paid from moneys received under this subsection.  
15 Moneys not obligated for a project recommended by the  
16 housing council within one year of transfer shall  
17 revert to the general fund of the state.

18 e. Counties receiving moneys under this subsection  
19 shall track the use of the funds by project, program,  
20 or activity and shall provide a report to the  
21 department of economic development and the Iowa  
22 finance authority regarding the use of the funds by  
23 December 15 of each year.

24 f. Moneys provided under this subsection shall not  
25 be used to supplant funding for housing programs  
26 provided by a city or county.

27 g. The authority shall adopt rules to administer  
28 this subsection.

29 Sec. \_\_\_\_ . Section 428A.8, Code 1995, is amended to  
30 read as follows:

31 428A.8 REMITTANCE TO STATE TREASURER -- PORTION  
32 RETAINED IN COUNTY.

33 1. On or before the tenth day of each month the  
 34 county recorder shall determine and pay to the  
 35 treasurer of state eighty-two and three-fourths  
 36 percent of the receipts from the real estate transfer  
 37 tax collected during the preceding month and the  
 38 treasurer of state shall deposit ~~ninety-five the~~  
 39 receipts as follows:  
 40 a. Twenty percent of the receipts in the general  
 41 fund of the state and transfer five percent of the  
 42 receipts shall be transferred to the Iowa finance  
 43 authority for deposit in the housing improvement fund  
 44 created in section 16.100.  
 45 b. Of the remaining receipts, fifty percent shall  
 46 be deposited in the general fund of the state and  
 47 fifty percent shall be transferred to the Iowa finance  
 48 authority for deposit in the housing improvement fund  
 49 created in section 16.100 for the purposes of section  
 50 16.100, subsection 1A.

Page 4

1 2. The county recorder shall deposit the remaining  
 2 seventeen and one-fourth percent of the receipts in  
 3 the county general fund.  
 4 3. The county recorder shall keep records and make  
 5 reports with respect to the real estate transfer tax  
 6 as the director of revenue and finance prescribes.”  
 7 10. Page 24, by striking lines 33 and 34 and  
 8 inserting the following:  
 9 “1. The board of supervisors of a county with a  
 10 population of less than twenty thousand may adopt an  
 11 ordinance providing that property acquired and  
 12 subdivided for development of”.  
 13 11. Page 25, lines 1 and 2, by striking the words  
 14 “until a” and inserting the following: “. Each lot  
 15 shall continue to be taxed in the manner it was prior  
 16 to its acquisition for housing until the”.  
 17 12. Page 25, by striking lines 7 and 8 and  
 18 inserting the following:  
 19 “2. The board of supervisors of a county with a  
 20 population of twenty thousand or more may adopt an  
 21 ordinance providing that property acquired and  
 22 subdivided for development of”.  
 23 13. Page 25, lines 10 and 11, by striking the  
 24 words “until a” and inserting the following: “. Each  
 25 lot shall continue to be taxed in the manner it was  
 26 prior to its acquisition for housing until the”.  
 27 14. Page 25, by striking lines 17 through 20 and  
 28 inserting the following:  
 29 “DIVISION 101



30 Sec. \_\_\_\_ . Section 404.2, subsection 2, paragraph  
31 f, unnumbered paragraph 1, Code 1995, is amended to  
32 read as follows:

33 A statement specifying whether the revitalization  
34 is applicable to none, some, or all of the property  
35 assessed as residential, agricultural, commercial or  
36 industrial property within the designated area or a  
37 combination thereof and whether the revitalization is  
38 for rehabilitation and additions to existing buildings  
39 or new construction or both. If revitalization is  
40 made applicable only to some property within an  
41 assessment classification, the definition of that  
42 subset of eligible property must be by uniform  
43 criteria which further some planning objective  
44 identified in the plan. The city shall state how long  
45 it is estimated that the area shall remain a  
46 designated revitalization area which time shall be  
47 longer than one year from the date of designation and  
48 shall state any plan by the city to issue revenue  
49 bonds for revitalization projects within the area.  
50 For a county, a revitalization area shall include only

Page 5

1 property which will be used as industrial property  
2 only.

3 Sec. \_\_\_\_ . Section 404.2, subsection 6, Code 1995,  
4 is amended to read as follows:

5 6. The city or county has adopted the proposed or  
6 amended plan for the revitalization area after the  
7 requisite number of hearings. The city or county may  
8 subsequently amend this plan after a hearing. Notice  
9 of the hearing shall be published as provided in  
10 section 362.3 or 331.305, except that at least seven  
11 days' notice must be given and the public hearing  
12 shall not be held earlier than the next regularly  
13 scheduled city council or board of supervisors meeting  
14 following the published notice. A city which has  
15 adopted a plan for a revitalization area which covers  
16 all property within the city limits may amend that  
17 plan at any time, pursuant to this section, to include  
18 property which has been or will be annexed to the  
19 city. The provisions of the original plan shall be  
20 applicable to the property which is annexed and the  
21 property shall be considered to have been part of the  
22 revitalization area as of the effective date of its  
23 annexation to the city.

24 Sec. \_\_\_\_ . Section 404.5, Code 1995, is amended by  
25 adding the following new unnumbered paragraph:

26 **NEW UNNUMBERED PARAGRAPH.** For the purposes of this

27 section, the actual value of the property upon which  
 28 the value of improvements in the form of  
 29 rehabilitation or additions to existing structures  
 30 shall be determined shall be the lower of either the  
 31 amount listed on the assessment rolls in the  
 32 assessment year in which such improvements are first  
 33 begun or the price paid by the owner if the  
 34 improvements in the form of rehabilitation or  
 35 additions to existing structures were begun within one  
 36 year of the date the property was purchased and the  
 37 sale was a fair and reasonable exchange between a  
 38 willing buyer and a willing seller, neither being  
 39 under any compulsion to buy or sell and each being  
 40 familiar with all the facts relating to the particular  
 41 property.

42 Sec. \_\_\_\_ . APPLICABILITY. This amendment in this  
 43 division to section 404.5 applies to tax exemptions  
 44 granted under chapter 404 for improvements to real  
 45 property first begun on or after January 1, 1995.

46 DIVISION 102

47 Sec. \_\_\_\_ . EFFECTIVE DATES. Divisions I, II, and  
 48 101 of this Act, being deemed of immediate importance,  
 49 take effect upon enactment. Division V of this Act  
 50 takes effect July 1, 1997."

Page 6

- 1 15. Title page, line 3, by striking the word
- 2 "date" and inserting the following: "and
- 3 applicability dates".
- 4 16. By renumbering as necessary.

S-5739

- 1 Amend Senate File 2370 as follows:
- 2 1. Page 2, by striking lines 21 and 22 and
- 3 inserting the following:
- 4 "Sec. 50. Section 476.2, subsections 5, 6, and 7,
- 5 Code 1995, are amended by striking the subsections and
- 6 inserting in lieu thereof the following:
- 7 5. Each rate-regulated gas and electric utility
- 8 operating within the state shall maintain with the
- 9 state the utility's principal office for Iowa
- 10 operations. The principal office shall be subject to
- 11 the jurisdiction of the board and shall house all of
- 12 the utility's books, accounts, papers, and records
- 13 required to be maintained by the board. The utility
- 14 shall maintain within the state administrative,
- 15 technical, and operating personnel necessary for the
- 16 delivery of safe and reasonably adequate services and

17 facilities as required pursuant to section 476.8. A  
 18 public utility which violates this section shall be  
 19 subject to the penalties provided in section 476.51  
 20 and shall be denied authority to recover, for a period  
 21 determined by the board, the costs of an energy  
 22 efficiency plan pursuant to section 476.6, subsection  
 23 11.

24 6. The board shall provide the general assembly  
 25 with a report on the energy efficiency planning  
 26 efforts undertaken by utilities required to offer  
 27 energy efficiency plans pursuant to section 476.6,  
 28 subsection 17. The report shall be completed by  
 29 January 1, 1998."

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

32 "Sec. \_\_\_\_ . Section 50 of this Act, being deemed of  
 33 immediate importance, takes effect upon enactment."

34 3. Title page, line 4, by inserting after the  
 35 word "research" the following: "and requiring the  
 36 location of a principal office within the state and  
 37 providing an effective date".

MARY LUNDBY  
 ANDY McKEAN

S-5740

1 Amend the amendment, S-5700, to House File 2421, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 13, by inserting after line 34 the  
 5 following:

6 "Sec. \_\_\_\_ . LEGISLATIVE FISCAL BUREAU ESTIMATES.

7 The legislative fiscal bureau shall provide yearly  
 8 estimates of the annual operating costs for operation  
 9 of buildings that have been constructed from funds  
 10 provided from the rebuild Iowa infrastructure fund.  
 11 The estimates shall be presented to the legislative  
 12 fiscal committee and to the joint appropriations  
 13 subcommittee on transportation, infrastructure, and  
 14 capitals."

15 2. By renumbering as necessary.

DERRYL McLAREN  
 MARY NEUHAUSER  
 JOANN DOUGLAS

S-5741

- 1 Amend the amendment, S-5739, to Senate File 2370 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "with"
- 4 and inserting the following: "within".

MARY LUNDBY

S-5742

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 16, line 7, through page 18,
- 5 line 2.
- 6 2. Page 18, by striking lines 34 and 35 and
- 7 inserting the following: "projects,".
- 8 3. By renumbering as necessary.

RICHARD DRAKE

S-5743

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 40, by inserting after the word
- 5 "center." the following: "Funding for the rural
- 6 heritage center shall be contingent upon receipt of
- 7 matching contributions from any other source. The
- 8 matching contributions may be in the form of donations
- 9 of real property to house the center and shall be
- 10 valued at the property's fair market value."

JOHN P. KIBBIE  
RODNEY HALVORSON  
LARRY MURPHYHOUSE AMENDMENT TO  
SENATE FILE 2298

S-5744

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 421.60, Code Supplement 1995,
- 6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 11. SANCTIONS.

8 a. The department may be awarded in an  
9 administrative proceeding, contested case proceeding,  
10 or court proceeding related to the determination or  
11 collection of a tax, penalty, or interest, a penalty  
12 not in excess of twenty-five thousand dollars by the  
13 department, state board of tax review, or a court,  
14 based upon any of the following:

15 (1) The proceeding has been instituted or caused  
16 by the taxpayer primarily for delay.

17 (2) The taxpayer's position in the proceeding is  
18 frivolous or groundless.

19 b. All of the provisions of section 422.26 shall  
20 apply in respect to the penalty awarded by the  
21 department or state board of tax review. The lien for  
22 the penalty shall attach on the date of recordation  
23 and shall continue for ten years unless sooner  
24 released or discharged. The lien may be extended by  
25 filing for record a notice and from the time of that  
26 filing, the lien shall be extended to the property in  
27 the county for ten years, unless sooner released or  
28 otherwise discharged, with no limit on the number of  
29 extensions. The lien shall be recorded by the county  
30 recorder in the book associated with tax, penalty, or  
31 interest for which the penalty was awarded.

32 c. All penalties paid or collected shall be  
33 deposited in the general fund of the state."

34 2. Title page, line 1, by striking the words "to  
35 a prevailing taxpayer" and inserting the following:  
36 "or penalty to a prevailing party".

S-5745

1 Amend House File 428 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 34A.2, subsection 6, paragraph  
5 e, subparagraph (2), Code 1995, is amended to read as  
6 follows:

7 (2) Recurring costs, including, but not limited  
8 to, network access fees and other telephone charges,  
9 software, equipment, and database management, and  
10 maintenance, including the purchase or lease of  
11 subscriber names, addresses, and telephone information  
12 from the local exchange service provider. Recurring  
13 costs shall not include personnel costs for a public  
14 safety answering point.

15 Sec. 2. Section 34A.2, subsection 6, paragraph e,  
16 unnumbered paragraph 2, Code 1995, is amended to read  
17 as follows:

18 Funds deposited in an E911 service fund, with the  
 19 prior approval of the county board of supervisors,  
 20 shall be appropriated and used for the payment of  
 21 costs which are limited to nonrecurring and recurring  
 22 costs directly attributable to the provision of 911  
 23 emergency telephone communication service and may  
 24 include costs for portable and vehicle radios,  
 25 communication towers and associated equipment, and  
 26 other radios and equipment permanently located at the  
 27 public safety answering point. Costs do not include  
 28 expenditures for any other purpose, and specifically  
 29 exclude costs attributable to other emergency services  
 30 or expenditures for buildings or personnel, except for  
 31 the costs of personnel for database management and  
 32 personnel directly associated with addressing.

33 Sec. 3. Section 34A.3, subsection 1, unnumbered  
 34 paragraph 1, Code 1995, is amended to read as follows:

35 The board of supervisors of each county shall  
 36 establish a joint 911 service board not later than  
 37 January 1, 1989. Each political subdivision of the  
 38 ~~state having a public safety agency serving territory~~  
 39 within the county is entitled to voting membership on  
 40 the joint 911 service board. Each ~~private public~~  
 41 ~~safety agency operating within the area is entitled to~~  
 42 ~~nonvoting voting~~ membership on the board. ~~A township~~  
 43 ~~which does not operate its own public safety agency,~~  
 44 ~~but contracts~~ Each private safety agency under  
 45 contract with a political subdivision within the  
 46 county for the provision of public safety services, is  
 47 ~~not entitled to membership on the joint 911 service~~  
 48 ~~board, but its contractor is entitled to membership~~  
 49 ~~according to the contractor's status as a public or~~  
 50 ~~private safety agency is entitled to voting membership~~

Page 2

1 on the board. The board of supervisors of the county  
 2 establishing the board is also entitled to voting  
 3 membership on the board. The joint 911 service board  
 4 shall develop an enhanced 911 service plan  
 5 encompassing at minimum the entire county, unless an  
 6 exemption is granted by the administrator permitting a  
 7 smaller E911 service area. The administrator may  
 8 grant a discretionary exemption from the single county  
 9 minimum service area requirement based upon an E911  
 10 joint service board's or other E911 service plan  
 11 operating authority's presentation of evidence which  
 12 supports the requested exemption if the administrator  
 13 finds that local conditions make adherence to the  
 14 minimum standard unreasonable or technically

15 infeasible, and that the purposes of this chapter  
 16 would be furthered by granting an exemption. The  
 17 minimum size requirement is intended to prevent  
 18 unnecessary duplication of public safety answering  
 19 points and minimize other administrative, personnel,  
 20 and equipment expenses. An E911 service area must  
 21 encompass a geographically contiguous area. No  
 22 exemption shall be granted from the contiguous area  
 23 requirement. The administrator may order the  
 24 inclusion of a specific territory in an adjoining E911  
 25 service plan area to avoid the creation by exclusion  
 26 of a territory smaller than a single county not  
 27 serviced by surrounding E911 service plan areas upon  
 28 request of the joint 911 service board representing  
 29 the territory. The E911 service plan operating  
 30 authority shall submit the plan on or before January  
 31 1, 1994, to all of the following:"

32 2. Title page, line 1, by inserting after the  
 33 word "to" the following: "E911 service systems by  
 34 providing for additional members on joint 911 service  
 35 boards and providing for".

TOM FLYNN  
 MIKE CONNOLLY  
 JIM LIND

S-5746

1 Amend the amendment, S-5700, to House File 2421, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 2, line 40, by inserting after the word  
 5 "center." the following: "Funding for the rural  
 6 heritage center shall be contingent upon receipt of  
 7 matching contributions from any other source. The  
 8 matching contributions may be in the form of donations  
 9 of real property to house the center and shall be  
 10 valued at the property's fair market value."

JOHN P. KIBBIE  
 RODNEY HALVORSON  
 LARRY MURPHY

S-5747

1 Amend Senate File 2463 as follows:

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

4 "Sec. \_\_\_\_ . Section 633.552, subsection 2,  
 5 paragraphs a and b, Code 1995, are amended by striking

6 the paragraphs and inserting in lieu thereof the  
7 following:

8 a. A person whose decision-making capacity is so  
9 impaired that at least one of the following conditions  
10 exists:

11 (1) The personal safety of the person is at risk.

12 (2) The person is unable to attend to or provide  
13 for necessities such as food, shelter, clothing, or  
14 medical care, without which physical injury or illness  
15 may occur.

16 b. A minor.

17 Sec. \_\_\_\_ . Section 633.556, Code 1995, is amended  
18 to read as follows:

19 633.556 APPOINTMENT OF GUARDIAN.

20 1. If the allegations of the petition as to the  
21 status of the proposed ward and the necessity for the  
22 appointment of a guardian are proved by clear and  
23 convincing evidence, the court may appoint a guardian.

24 2. In considering the petition for appointment of  
25 a guardian, the court shall consider whether a limited  
26 guardianship should be ordered pursuant to section  
27 633.635, subsections 3 and 4.

28 Sec. \_\_\_\_ . Section 633.566, subsection 2,  
29 paragraphs a and b, Code 1995, are amended by striking  
30 the paragraphs and inserting in lieu thereof the  
31 following:

32 a. A person whose decision-making capacity is so  
33 impaired that the person is unable to make,  
34 communicate, or carry out important decisions  
35 concerning the person's own financial affairs.

36 b. A minor.

37 Sec. \_\_\_\_ . Section 633.570, Code 1995, is amended  
38 to read as follows:

39 633.570 APPOINTMENT OF CONSERVATOR.

40 1. If the allegations of the petition as to the  
41 status of the proposed ward and the necessity for the  
42 appointment of a conservator are proved by clear and  
43 convincing evidence, the court may appoint a  
44 conservator.

45 2. In considering the petition for appointment of  
46 a conservator, the court shall consider whether a  
47 limited conservatorship should be ordered pursuant to  
48 section 633.637.

49 Sec. \_\_\_\_ . Section 633.635, subsection 1,  
50 unnumbered paragraph 1, Code 1995, is amended by

Page 2.

1 striking the paragraph and inserting in lieu thereof  
2 the following:



3 Based upon the evidence produced at the hearing,  
4 the court may grant a guardian authority to exercise  
5 any of the following powers and duties:

6 Sec. \_\_\_\_ . Section 633.635, subsections 3 and 4,  
7 Code 1995, are amended to read as follows:

8 3. The court may take into account all available  
9 information concerning the capabilities of the ward,  
10 the availability of a third party who may assist in  
11 meeting the ward's needs, and any additional  
12 evaluation deemed necessary, and may direct that the  
13 guardian have only a specially limited responsibility  
14 for the ward. In that event, the court shall state  
15 those areas of responsibility which shall be  
16 supervised by the guardian and all others shall be  
17 retained by the ward. The court may make a finding  
18 that the ward lacks the capacity to contract a valid  
19 marriage.

20 4. From time to time, upon a proper showing, the  
21 court may alter the respective responsibilities of the  
22 guardian and the ward, after notice to the ward and an  
23 opportunity to be heard. Any modification that would  
24 be more restrictive of the ward's liberties shall be  
25 based on clear and convincing evidence. Any  
26 modification that would be less restrictive of the  
27 ward's liberties shall be based upon consideration of  
28 the factors set forth in section 633.675.

29 Sec. \_\_\_\_ . Section 633.637, Code 1995, is amended  
30 to read as follows:

31 633.637 POWERS OF WARD.

32 1. A ward for whom a conservator has been  
33 appointed shall not have the power to convey, encumber  
34 or dispose of property in any manner, other than by  
35 will if the ward possesses the requisite testamentary  
36 capacity, unless the court determines that the ward  
37 has a limited ability to handle the ward's own funds.  
38 If the court makes such a finding, it shall specify to  
39 what extent the ward may possess and use the ward's  
40 own funds.

41 2. Any modification of the powers of the ward that  
42 would be more restrictive of the ward's control of the  
43 ward's property shall be based on clear and convincing  
44 evidence. Any modification that would be less  
45 restrictive shall be based upon consideration of the  
46 factors set forth in section 633.675.

47 Sec. \_\_\_\_ . Section 633.675, subsection 3, Code  
48 1995, is amended to read as follows:

49 3. A For a guardianship granted pursuant to  
50 section 633.552, subsection 2, paragraph "a", or a

## Page 3

1 conservatorship granted pursuant to section 633.566,  
 2 subsection 2, paragraph "a", a determination by the  
 3 court that the ward is competent and capable of  
 4 managing the ward's property and affairs, and that the  
 5 continuance of the guardianship or conservatorship  
 6 would not be in the ward's best interests ward's  
 7 decision-making capacity is no longer so impaired.  
 8 In a proceeding to terminate such a guardianship or  
 9 a conservatorship, the ward must make a prima facie  
 10 showing that the ward has some decision-making  
 11 capacity. Once the ward has made the showing, the  
 12 guardian or conservator has the burden to prove by  
 13 clear and convincing evidence that the ward's  
 14 decision-making capacity continues to be so impaired  
 15 that the guardianship or conservatorship should not be  
 16 terminated, according to the standard set forth in  
 17 section 633.552, subsection 2, paragraph "a", or in  
 18 section 633.566, subsection 2, paragraph "a".  
 19 2. Title page, line 5, by inserting after the  
 20 word "payments," the following: "certain standards  
 21 used in guardianship and conservatorship  
 22 proceedings."  
 23 3. By renumbering as necessary.

MARY NEUHAUSER

S-5748

1 Amend the amendment, S-5700, to House File 2421, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 13, by inserting after line 34 the  
 5 following:  
 6 "Sec. \_\_\_\_ . LEGISLATIVE FISCAL BUREAU ESTIMATES.  
 7 The legislative fiscal bureau shall provide yearly  
 8 estimates of the annual operating costs for operation  
 9 of proposed buildings to be constructed from funds  
 10 provided from the rebuild Iowa infrastructure fund.  
 11 The estimates shall be presented to the legislative  
 12 fiscal committee and to the joint appropriations  
 13 subcommittee on transportation, infrastructure, and  
 14 capitals."  
 15 2. By renumbering as necessary.

DERRYL MCLAREN  
 MARY NEUHAUSER  
 RODNEY HALVORSON  
 JOANN DOUGLAS

S-5749

1 Amend Senate File 2466 as follows:

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

4 "Section 1. Section 523A.1, Code Supplement 1995,  
5 is amended to read as follows:

6 523A.1 TRUST FUND ESTABLISHED -- INSURANCE.

7 1. a. Whenever an agreement is made by any  
8 person, firm, or corporation to furnish, upon the  
9 future death of a person named or implied in the  
10 agreement, funeral services or funeral merchandise, a  
11 minimum of eighty percent of all payments made under  
12 the agreement shall be and remain trust funds until  
13 occurrence of the death of the person for whose  
14 benefit the funds were paid, unless the funds are  
15 sooner released to the person making the payment by  
16 mutual consent of the parties. Payments otherwise  
17 subject to this section are not exempt merely because  
18 they are held in certificates of deposit. The  
19 commissioner may adopt rules to prohibit the  
20 commingling of trust funds with other funds of the  
21 seller.

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

42 c. If an agreement pursuant to this section is to  
43 be paid in installment payments, the seller shall  
44 deposit eighty percent of each payment in trust until  
45 the full amount to be trusted has been deposited. If  
46 the agreement is financed with or sold to a financial  
47 institution, then the agreement shall be considered  
48 paid in full and the deposit requirements of this

49 section shall be satisfied within fifteen days after  
50 the close of the month of receipt of the funds from

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1 the financial institution.  
2 d. This section does not apply to payments for  
3 merchandise delivered to the purchaser. Except for  
4 caskets and other types of inner burial containers or  
5 concrete burial vaults sold after July 1, 1995,  
6 delivery includes storage in a warehouse under the  
7 control of the seller or any other warehouse or  
8 storage facility approved by the commissioner when a  
9 receipt of ownership in the name of the purchaser is  
10 delivered to the purchaser, the merchandise is insured  
11 against loss, the merchandise is protected against  
12 damage, title has been transferred to the purchaser,  
13 the merchandise is appropriately identified and  
14 described in a manner that it can be distinguished  
15 from other similar items of merchandise, the method of  
16 storage allows for visual audits of the merchandise,  
17 and the annual reporting requirements of section  
18 523A.2, subsection 1, are satisfied.

19 2. An agreement may be funded by insurance  
20 proceeds derived from a policy issued by an insurance  
21 company authorized to conduct business in this state.  
22 Such funding may be in lieu of a trust fund if the  
23 payments are made directly to the insurance company by  
24 the purchaser of the agreement.

25 3. a. A seller shall not do any of the following:

26 (1) Commingle trust funds with any other funds of  
27 the seller.

28 (2) Accept cash payments.

29 (3) Accept payments by check or in any other  
30 manner, unless such payments are made payable directly  
31 to an escrow or trust account maintained at a  
32 financial institution.

33 b. Paragraph "a" does not apply to any of the  
34 following:

35 (1) Payments received by a seller for merchandise  
36 delivered to the purchaser pursuant to subsection 1,  
37 paragraph "d".

38 (2) A seller who has filed a surety bond in lieu  
39 of the trust fund requirements.

40 (3) A seller who has insurance coverage protecting  
41 against the loss of amounts received from consumers  
42 that are not placed in trust pursuant to this section.

43 Sec. 2. Section 523A.2, subsection 1, paragraph c,  
44 Code Supplement 1995, is amended by adding the  
45 following new subparagraph:

46 NEW SUBPARAGRAPH. (2A) A financial statement for  
47 the seller's most recent completed fiscal year  
48 prepared by an independent accountant or auditor in  
49 accordance with generally accepted accounting  
50 principles. The financial statement shall include a

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1 copy of the seller's balance sheet as of a date within  
2 one hundred twenty days of the date of the filing, a  
3 profit and loss statement, and a statement of change  
4 in financial position for the most recent fiscal year  
5 of the seller. The statement of change in financial  
6 position shall include a statement of changes in  
7 assets and liabilities related to the sale of  
8 prearranged funeral agreements audited by the  
9 independent accountant or auditor."

10 2. Page 4, by inserting after line 23 the  
11 following:

12 "Sec. 3. Section 523E.1, Code Supplement 1995, is  
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 7. a. A seller shall not do any  
15 of the following:

16 (1) Commingle trust funds with any other funds of  
17 the seller.

18 (2) Accept cash payments.

19 (3) Accept payments by check or in any other  
20 manner, unless such payments are made payable directly  
21 to an escrow or trust account maintained at a  
22 financial institution.

23 b. Paragraph "a" does not apply to any of the  
24 following:

25 (1) Payments received by a seller for merchandise  
26 delivered to the purchaser pursuant to subsection 6.

27 (2) A seller who has filed a surety bond in lieu  
28 of the trust fund requirements.

29 (3) A seller who has insurance coverage protecting  
30 against the loss of amounts received from consumers  
31 that are not placed in trust pursuant to this section.

32 Sec. 4. Section 523E.2, subsection 1, paragraph c,  
33 Code Supplement 1995, is amended by adding the  
34 following new subparagraph:

35 NEW SUBPARAGRAPH. (2A) A financial statement for  
36 the seller's most recent completed fiscal year  
37 prepared by an independent accountant or auditor in  
38 accordance with generally accepted accounting  
39 principles. The financial statement shall include a  
40 copy of the seller's balance sheet as of a date within  
41 one hundred twenty days of the date of the filing, a  
42 profit and loss statement, and a statement of change.

43 in financial position for the most recent fiscal year  
 44 of the seller. The statement of change in financial  
 45 position shall include a statement of changes in  
 46 assets and liabilities related to the sale of  
 47 prearranged funeral agreements audited by the  
 48 independent accountant or auditor."

49 3. By renumbering as necessary.

MIKE CONNOLLY

S-5750

1 Amend the House amendment, S-5550, to Senate File  
 2 2442, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. By striking page 2, line 10, through page 4,  
 5 line 36, and inserting the following:

6 "\_\_\_ Page 13, by striking line 8 and inserting  
 7 the following:

8 "..... \$ 6,617,000"

9 \_\_\_ Page 13, by striking lines 24 through 29 and  
 10 inserting the following:

11 "2. Nonpublic assistance application fees received  
 12 by the child support recovery unit are appropriated  
 13 and shall be used for the purposes of the child  
 14 support recovery program. The director of human  
 15 services may add positions within the limitations of  
 16 the amount appropriated for salaries and support for  
 17 the positions. The director".

18 \_\_\_ Page 14, by striking line 14 and inserting  
 19 the following: "to recover at least twice the amount  
 20 of money necessary to pay the".

21 2. Page 9, by inserting before line 27 the  
 22 following:

23 "\_\_\_ Page 36, by inserting before line 7 the  
 24 following:

25 "Sec. \_\_\_ HEALTHY FAMILY PROGRAM. There is  
 26 appropriated from the general fund of the state to the  
 27 Iowa department of public health for the fiscal year  
 28 beginning July 1, 1996, and ending June 30, 1997, the  
 29 following amount, or so much thereof as is necessary,  
 30 to be used for the purpose designated:

31 For the Iowa healthy family program under section  
 32 135.106:

33 ..... \$ 115,000"

34 3. Page 11, by inserting before line 30 the  
 35 following:

36 "\_\_\_ Page 42, line 27, by striking the word  
 37 "subsection" and inserting the following:

38 "subsections".

39 \_\_\_\_ Page 43, by inserting after line 4 the  
40 following:  
41 "NEW SUBSECTION. 7. A psychiatric institution  
42 licensed prior to January 1, 1996, may exceed the  
43 number of beds authorized under subsections 5 and 5A  
44 if the excess beds are used to provide services funded  
45 from a source other than the medical assistance  
46 program under chapter 249A. Notwithstanding  
47 subsections 4, 5, and 5A, the provision of services  
48 using such excess beds does not require a certificate  
49 of need or a review by the department of human  
50 services."

Page 2

1 4. Page 11, line 30, by striking the figure "11."  
2 and inserting the following: "11 and inserting the  
3 following:  
4 "Sec. \_\_\_\_ . Section 232.143, Code Supplement 1995,  
5 is amended to read as follows:  
6 232.143 REGIONAL GROUP FOSTER CARE TARGET BUDGET  
7 TARGETS.  
8 1. A statewide expenditure target for the average  
9 number of for children in group foster care placements  
10 on any day of in a fiscal year, which placements are a  
11 charge upon or are paid for by the state, shall be  
12 established annually in an appropriation bill by the  
13 general assembly. The department and the judicial  
14 department shall jointly develop a formula for  
15 allocating a portion of the statewide expenditure  
16 target established by the general assembly to each of  
17 the department's regions. The formula shall be based  
18 upon the region's proportion of the state population  
19 of children and of the statewide number of  
20 expenditures for children placed in group foster care  
21 in the previous five completed fiscal years. The  
22 number expenditure amount determined in accordance  
23 with the formula shall be the group foster care  
24 placement budget target for that region. A region may  
25 exceed its budget target for group foster care by not  
26 more than five percent in a fiscal year, provided the  
27 overall funding allocated by the department for all  
28 child welfare services in the region is not exceeded.  
29 2. For each of the department's regions,  
30 representatives appointed by the department and the  
31 juvenile court shall establish a plan for containing  
32 the number of expenditures for children placed in  
33 group foster care ordered by the court within the  
34 budget target allocated to that region pursuant to  
35 subsection 1. The plan shall include monthly targets

36 and strategies for developing alternatives to group  
37 foster care placements in order to contain  
38 expenditures for child welfare services provided to  
39 children within the amount appropriated by the general  
40 assembly for that purpose. Each regional plan shall  
41 be established in advance of the fiscal year to which  
42 the regional plan applies. To the extent possible,  
43 the department and the juvenile court shall coordinate  
44 the planning required under this subsection with  
45 planning for services paid under section 232.141,  
46 subsection 4. The department's regional administrator  
47 shall communicate regularly, as specified in the  
48 regional plan, with the juvenile courts within that  
49 region concerning the current status of the regional  
50 plan's implementation.

Page 3

1 3. State payment for group foster care placements  
2 shall be limited to those placements which are in  
3 accordance with the regional plans developed pursuant  
4 to subsection 2. If a proposed group foster care  
5 placement in a region would meet the region's plan  
6 requirements except that the placement would cause a  
7 monthly or overall budget target to be exceeded and  
8 the child is eligible for an alternative service which  
9 is costlier and more restrictive than the proposed  
10 placement, the director of human services, after  
11 consultation with appropriate juvenile court  
12 officials, may allow an exception to policy and  
13 authorize the placement. At the close of the fiscal  
14 year, moneys for specific placements authorized by the  
15 director under this subsection shall be transferred  
16 from the state appropriation for the alternative  
17 placement to the appropriation for group foster care  
18 placements, as necessary to prevent a deficit in the  
19 appropriation for group foster care.”

20 5. Page 11, by inserting after line 39 the  
21 following:

22 “ . Page 45, by inserting after line 31 the  
23 following:

24 “Sec. . Section 252B.4, Code 1995, is amended  
25 to read as follows:

26 252B.4 NONASSISTANCE CASES.

27 The child support and paternity determination  
28 services established by the department pursuant to  
29 this chapter and other appropriate services provided  
30 by law including but not limited to the provisions of  
31 chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and  
32 600B shall be made available by the unit to an



33 individual not otherwise eligible as a public  
34 assistance recipient upon application by the  
35 individual for the services. The application shall be  
36 filed with the department.

37 1. The director shall require an application fee  
38 of five dollars.

39 2. The director may require an additional fee to  
40 cover the costs incurred by the department in  
41 providing the support collection and paternity  
42 determination services.

43 a. The director shall, by rule, establish and  
44 inform all applicants for support enforcement and  
45 paternity determination services of the fee schedule.

46 b. The additional fee for services may be deducted  
47 from the amount of the support money recovered by the  
48 department or may be collected from the recipient of  
49 the services following recovery of support money by  
50 the department.

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1 ~~3. 2.~~ When the unit intercepts a federal tax  
2 refund of an obligor for payment of delinquent support  
3 and the funds are due to a recipient of services who  
4 is not otherwise eligible for public assistance, the  
5 unit shall deduct a twenty-five dollar fee from the  
6 funds before forwarding the balance to the recipient.

7 a. The unit shall inform the recipient of the fee  
8 under this subsection prior to assessment.

9 b. The fee shall be assessed only to individuals  
10 who receive support from the federal tax refund offset  
11 program. If the tax refund due the recipient is less  
12 than fifty dollars, the fee shall not be assessed.

13 ~~4.~~ The department may adopt rules to establish  
14 fees which provide for recovery of administrative  
15 costs of the program in addition to other fees  
16 identified.

17 ~~5. 3.~~ Fees collected pursuant to this section  
18 shall be retained by the department for use by the  
19 unit. The director or a designee shall keep an  
20 accurate record of funds so retained.

21 ~~6. 4.~~ An application fee paid by a recipient of  
22 services pursuant to subsection 1 may be recovered by  
23 the unit from the person responsible for payment of  
24 support and if recovered, shall be used to reimburse  
25 the recipient of services.

26 a. The fee shall be an automatic judgment against  
27 the person responsible to pay support.

28 b. This subsection shall serve as constructive  
29 notice that the fee is a debt due and owing, is an

30 automatic judgment against the person responsible for  
 31 support, and is assessed as the fee is paid by a  
 32 recipient of services. The fee may be collected in  
 33 addition to any support payments or support judgment  
 34 ordered, and no further notice or hearing is required  
 35 prior to collecting the fee.

36 c. Notwithstanding any provision to the contrary,  
 37 the unit may collect the fee through any legal means  
 38 by which support payments may be collected, including  
 39 but not limited to income withholding under chapter  
 40 252D or income tax refund offsets, unless prohibited  
 41 under federal law.

42 d. The unit is not required to file these  
 43 judgments with the clerk of the district court, but  
 44 shall maintain an accurate accounting of the fee  
 45 assessed, the amount of the fee, and the recovery of  
 46 the fee.

47 e. Support payments collected shall not be applied  
 48 to the recovery of the fee until all other support  
 49 obligations under the support order being enforced,  
 50 which have accrued through the end of the current

#### Page 5

1 calendar month, have been paid or satisfied in full.

2 f. This subsection applies to fees that become due  
 3 on or after July 1, 1992.”

4 6. By renumbering, relettering, and correcting  
 5 internal references, as necessary.

JOHNIE HAMMOND

S-5751

1 Amend Senate File 2370 as follows:

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

4 “Sec. \_\_\_\_ . Section 476.1A, Code 1995, is amended  
 5 by adding the following new subsection:

6 **NEW SUBSECTION.** 7. Encouragement of alternate  
 7 energy production and the purchase of alternate  
 8 energy.”

9 2. Page 1, by inserting after line 26 the  
 10 following:

11 “Sec. \_\_\_\_ . Section 476.1A, unnumbered paragraph 3,  
 12 Code 1995, is amended to read as follows:

13 However, sections 476.20, 476.21, ~~476.41~~ through  
 14 ~~476.44~~, 476.51, 476.56, 476.62, and 476.66 and  
 15 chapters 476A and 478, to the extent applicable, apply  
 16 to such electric utilities.

17 Sec. \_\_\_\_ . Section 476.1B, subsection 1, paragraph  
18 g, Code 1995, is amended by striking the paragraph and  
19 inserting in lieu thereof the following:

20 g. Encouragement of alternate energy production  
21 and the purchase of alternate energy.”

22 3. Page 4, by inserting after line 20 the  
23 following:

24 “Sec. \_\_\_\_ . Section 476.6, Code 1995, is amended by  
25 adding the following new subsection:

26 **NEW SUBSECTION. 22. ALTERNATE ENERGY PROMOTIONAL**  
27 **RATES.** The board shall require that electric  
28 utilities offer to their customers the opportunity to  
29 pay, on a voluntary basis, an alternate energy  
30 promotional rate. This rate shall exceed the rate for  
31 electricity otherwise payable and shall be designed  
32 and encouraged by the electric utility to maximize  
33 voluntary financial support for alternate energy  
34 production. The alternate energy promotional rate  
35 shall be filed as a tariff with the board pursuant to  
36 section 476.4. Retaining only amounts approved by the  
37 board for its administrative and marketing costs, the  
38 electric utility shall remit that portion of the  
39 electric rate attributable to the alternate energy  
40 promotional rate to the state treasurer to be  
41 allocated to the general fund of the state.”

42 4. Page 5, by inserting after line 18 the  
43 following:

44 “Sec. \_\_\_\_ . Section 476.42, subsection 1, paragraph  
45 a, Code 1995, is amended to read as follows:

46 a. A solar, wind turbine, ~~waste management,~~  
47 ~~resource methane~~ recovery, ~~refuse derived fuel,~~  
48 agricultural crops or residues, or woodburning  
49 facility.

50 Sec. \_\_\_\_ . Section 476.42, subsection 3, Code 1995,

Page 2

1 is amended by striking the subsection.

2 Sec. \_\_\_\_ . Section 476.42, subsection 4, paragraph  
3 a, Code 1995, is amended to read as follows:

4 a. A hydroelectric facility at a dam located  
5 within this state.

6 Sec. \_\_\_\_ . Section 476.42, Code 1995, is amended by  
7 adding the following new subsection:

8 **NEW SUBSECTION. 5.** “Alternate energy” means  
9 electricity derived from hydro, solar, wind, methane  
10 recovery, agricultural crops or residues, or  
11 woodburning energy.

12 Sec. \_\_\_\_ . Section 476.43, subsection 1, Code 1995,  
13 is amended to read as follows:

14 1. Subject to section 476.44, the board shall  
 15 require electric utilities to enter into long-term  
 16 contracts to do the following:  
 17 a. Purchase or wheel electricity from alternate  
 18 energy production facilities or small hydro facilities  
 19 located in the utility's service area under the terms  
 20 and conditions that the board finds are just and  
 21 economically reasonable to the electric utilities'  
 22 ratepayers, are nondiscriminatory to alternate energy  
 23 producers and small hydro producers and will further  
 24 the policy stated in section 476.41.

25 b. Provide for the availability of supplemental or  
 26 backup power to alternate energy production facilities  
 27 or small hydro facilities on a nondiscriminatory basis  
 28 and at just and reasonable rates.

29 c. If the parties fail to agree on the terms of a  
 30 contract required pursuant to this section, a party  
 31 may request that the board intervene. The board shall  
 32 have sixty days from the date of the intervention  
 33 request to render a decision on the contract.

34 Sec. \_\_\_\_ . Section 476.43, subsections 2, 3, and 4,  
 35 Code 1995, are amended by striking the subsections and  
 36 inserting in lieu thereof the following:

37 2. The board shall establish a uniform competitive  
 38 bidding process so that an electric utility shall  
 39 acquire alternate energy at a just and economically  
 40 based market rate. An alternate energy contract shall  
 41 require that the utility pay the competitive bid rate  
 42 to the facility during the contract term. The  
 43 kilowatt per hour competitive bid rate shall not be  
 44 less than the annual average rate of off-peak kilowatt  
 45 per hour rates and peak kilowatt per hour rates at  
 46 which an electric utility would have had to purchase  
 47 the power. An electric utility may produce its own  
 48 alternate energy by constructing and operating an  
 49 alternate energy production facility or small hydro  
 50 facility if the facility is constructed and operated

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1 as a separate affiliate entity. However, the electric  
 2 utility shall participate in the competitive bidding  
 3 process using a third-party evaluator. A bid from an  
 4 electric utility producing its own alternate energy  
 5 shall not take into account regulated industry-based  
 6 factors including, but not limited to, eminent domain  
 7 and transmission ownership in order to produce a lower  
 8 cost bid.

9 3. Notwithstanding section 476.51, an electric  
 10 utility which fails to comply with the requirements of

11 subsection 1 or which obstructs the policy of this  
12 state as stated in section 476.41 shall be subject to  
13 a civil penalty, levied by the board, in an amount  
14 that is equivalent to three times the total project  
15 capital cost of the lowest bid filed with the board to  
16 comply with the requirements of subsection 1. Civil  
17 penalties collected under this subsection shall be  
18 forwarded to the treasurer of state to be credited to  
19 the Iowa energy center. Any moneys allocated to the  
20 Iowa energy center pursuant to this subsection shall  
21 be used solely for providing grants to nonprofit  
22 agencies for alternate energy production. These  
23 penalties shall be excluded from the electric  
24 utility's costs when determining the electric  
25 utility's revenue requirement, and shall not be  
26 included either directly or indirectly in the electric  
27 utility's rates or charges to customers.

28 4. Notwithstanding subsection 2, alternate energy  
29 produced by recovery of methane at a sanitary landfill  
30 shall be purchased at the rate existing as of January  
31 1, 1996.

32 Sec. \_\_\_\_ . Section 476.44, subsection 1, Code 1995,  
33 is amended by striking the subsection.

34 Sec. \_\_\_\_ . Section 476.44, subsection 2, Code 1995,  
35 is amended to read as follows:

36 2. a. An electric utility subject to this  
37 division, except a utility which elects rate  
38 regulation pursuant to section 476.1A, shall ~~not~~ be  
39 required to purchase, ~~at any one time, more than its~~  
40 share of ~~one two hundred five ten~~ megawatts of power  
41 from alternative energy production facilities or small  
42 hydro facilities ~~at the rates in accordance with the~~  
43 competitive bidding process established pursuant to  
44 section 476.43 and pursuant to timelines established  
45 under paragraph "c". For purposes of this section,  
46 "megawatt" shall be determined in accordance with a  
47 utility's average capacity. "Average capacity" means  
48 a utility's total output over a year divided by the  
49 number of hours in the year. The board shall allocate  
50 the ~~one two hundred five ten~~ megawatts based upon each

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1 utility's percentage of the total Iowa retail peak  
2 demand, for the year beginning January 1, 1990, of all  
3 utilities subject to this section. If a utility  
4 undergoes reorganization as defined in section 476.76,  
5 the board shall combine the allocated purchases of  
6 power for each utility involved in the reorganization.  
7 Notwithstanding the ~~one two hundred five ten~~

8 megawatt maximum, the board may increase the amount of  
9 power that a utility is required to purchase at the  
10 rates established pursuant to section 476.43 if the  
11 board finds that a utility, including a reorganized  
12 utility, exceeds its 1990 Iowa retail peak demand by  
13 twenty percent and the additional power the utility is  
14 required to purchase will encourage the development of  
15 alternate energy production facilities and small hydro  
16 facilities. The increase shall not exceed the  
17 utility's increase in peak demand multiplied by the  
18 ratio of the utility's share of the ~~one~~ two hundred  
19 ~~five~~ ~~ten~~ megawatt maximum to its 1990 Iowa retail peak  
20 demand.

21 b. Of that portion of alternate energy required to  
22 be purchased by a utility under this section, eighty-  
23 five percent shall be purchased from alternate energy  
24 production facilities or small hydro facilities  
25 generating electricity with current and viable  
26 technologies and fifteen percent shall be purchased  
27 from alternate energy production facilities generating  
28 electricity from new technologies. The board shall  
29 provide for a minimum of thirty percent of the eighty-  
30 five percent required purchase of alternate energy  
31 under this paragraph to be purchased from small hydro  
32 facilities. Of the eighty-five percent, thirty  
33 percent shall be purchased in accordance with the  
34 following:

35 (1) At least ten percent shall be from dedicated  
36 energy crops grown within the state, fifty percent of  
37 which shall be from projects of five hundred kilowatts  
38 or less.

39 (2) At least ten percent shall be from  
40 agricultural wastes produced from agricultural crops  
41 grown within the state, fifty percent of which shall  
42 be from projects of five hundred kilowatts or less.

43 (3) At least ten percent shall be from small scale  
44 wind generation projects located within the state of  
45 two hundred fifty kilowatts or less.

46 c. By December 31, 1997, the board shall require  
47 an electric utility to enter into contracts for the  
48 purchase of the utility's allotted share of eighty-  
49 nine megawatts of electricity generated from alternate  
50 energy production facilities, and by July 1, 1999, the

Page 5

1 board shall require the utility to enter into  
2 contracts for the purchase of the utility's allotted  
3 share of an additional one hundred five megawatts.  
4 For purposes of this section, new technologies include

5 only those technologies that use nonfossil fuel to  
 6 derive renewable energy."

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

9 "Sec. \_\_\_\_ . APPLICABILITY TO EXISTING CONTRACTS.

10 The provisions of this Act relating to alternate  
 11 energy shall not affect the terms and conditions of  
 12 any contract between an alternate energy production  
 13 facility or small hydro facility and an electric  
 14 utility that was entered into pursuant to sections  
 15 476.43 and 476.44 for purchase of alternate energy if  
 16 the contract was entered into prior to the effective  
 17 date of this Act. In addition, this Act shall not  
 18 affect potential contracts between alternate energy  
 19 production facilities and electric utilities if a  
 20 petition relating to the potential contracts has been  
 21 filed by January 1, 1996, and an action is currently  
 22 pending before the Iowa utilities board. For purposes  
 23 of the pending actions, the Iowa utilities board shall  
 24 not take into account the changes contained in this  
 25 Act.

26 Sec. \_\_\_\_ . It is the intent of the general assembly  
 27 that persons who have proceeded in good faith under  
 28 the terms and conditions of sections 476.43 and  
 29 476.44, prior to their amendment by this Act, not  
 30 suffer economic loss as a result of this Act. These  
 31 persons shall be reimbursed by the utilities for their  
 32 reasonable good faith development costs as determined  
 33 by the Iowa utilities board."

34 6. Title page, line 1, by inserting after the  
 35 word "efficiency" the following: "and alternate.  
 36 energy".

37 7. Title page, line 4, by inserting after the  
 38 word "research" the following: "and providing an  
 39 applicability provision".

40 8. By renumbering as necessary.

BILL FINK  
 MARY LUNDBY

S-5752

1 Amend the amendment, S-5700, to House File 2421, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 5, by inserting after line 19 the  
 5 following:

6 "It is the intent of the general assembly that the  
 7 appropriations made in this paragraph shall be for the  
 8 purpose of preparing the first and second floors of

9 the Lucas state office building primarily for the use  
10 of the general assembly and other legislative  
11 agencies.”

ROD HALVORSON

S-5753

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 6, by striking lines 8 through 14.  
5 2. Page 6, line 22, by inserting after the word  
6 “expansion.” the following: “However, additional  
7 funding shall be contingent upon receiving  
8 notification from the United States department of  
9 veterans affairs that federal funds have been  
10 appropriated to the commission for that expansion.”  
11 3. By renumbering as necessary.

RANDAL J. GIANNETTO

S-5754

1 Amend the House amendment, S-5550, to Senate File  
2 2442, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 11, by inserting after line 29 the  
5 following:  
6 “\_\_\_ . Page 43, by inserting after line 4 the  
7 following:  
8 “Sec. \_\_\_ . Section 228.5, subsection 1, Code 1995,  
9 is amended to read as follows:  
10 1. An individual or an individual's legal  
11 representative shall be informed that mental health  
12 information relating to the individual may be  
13 disclosed to employees or agents of or for the same  
14 mental health facility or to other providers of  
15 professional services or their employees or agents if  
16 and to the extent necessary to facilitate the  
17 provision of administrative and professional services  
18 to the individual.  
19 Sec. \_\_\_ . Section 228.5, Code 1995, is amended by  
20 adding the following new subsection:  
21 NEW SUBSECTION. 4. Mental health information  
22 relating to an individual may be disclosed to other  
23 providers of professional services or their employees  
24 or agents if and to the extent necessary to facilitate



25 the provision of administrative and professional  
26 services to the individual.””

PATRICK J. DELUHERY

S-5755

- 1 Amend the amendment, S-5550, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 10, by striking lines 28 through 34.

TOM FLYNN

S-5756

- 1 Amend the House amendment, S-5550, to Senate File
- 2 2442, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 9, by striking lines 30 and 31.
- 5 2. By striking page 9, line 42, through page 10,
- 6 line 16.
- 7 3. By renumbering as necessary.

SHELDON RITTMER  
MERLIN E. BARTZ

S-5757

- 1 Amend the House amendment, S-5550, to Senate File
- 2 2442, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 10, by inserting before line 46 the
- 5 following:
- 6 “ . Page 41, by inserting after line 23 the
- 7 following:
- 8 “Sec. . RUNAWAY TREATMENT PLAN GRANTS. There
- 9 is appropriated from the general fund of the state to
- 10 the division of criminal and juvenile justice planning
- 11 of the department of human rights for the fiscal year
- 12 beginning July 1, 1996, and ending June 30, 1997, the
- 13 following amount, or so much thereof as is necessary,
- 14 to be used for the purposes designated:
- 15 For demonstration grants for implementation of
- 16 runaway treatment plans in accordance with this
- 17 section:
- 18 ..... \$ 200,000
- 19 1. The division shall utilize the moneys
- 20 appropriated in this section for grants to develop two
- 21 demonstration programs to implement the provisions of

22 sections 232.195 and 232.196, as enacted in this Act,  
 23 with one program in an urban area and one program in a  
 24 rural area. The grantees shall provide up to twelve  
 25 assessment and counseling beds and intensive family-  
 26 centered services designed to determine the reasons  
 27 children run away from home and methods to ameliorate  
 28 the reasons so that children may either return home or  
 29 receive necessary services. Not more than \$10,000 of  
 30 the moneys shall be used for evaluation and other  
 31 means for grantees to report on the successes and  
 32 failures of the demonstration grants and methods to  
 33 improve services to children who run away from home.  
 34 2. The department of human services and the  
 35 division may adopt emergency rules to implement the  
 36 provisions of section 232.196, subsection 3, as  
 37 enacted by this Act.”

38 2. Page 11, by inserting after line 30 the  
 39 following:

40 “\_\_\_ . Page 43, by inserting before line 12 the  
 41 following:

42 “Sec. \_\_\_ . Section 232.2, Code Supplement 1995, is  
 43 amended by adding the following new subsection:  
 44 NEW SUBSECTION. 6A. “Chronic runaway” means a  
 45 child who is reported to law enforcement as a runaway  
 46 more than once in any month or three or more times in  
 47 a year.

48 Sec. \_\_\_ . Section 232.19, subsection 1, paragraph  
 49 c, Code 1995, is amended to read as follows:

50 c. By a peace officer ~~for the purpose of reuniting~~

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1 ~~a child with the child's family or removing the child~~  
 2 ~~to a shelter care facility or a juvenile court~~  
 3 ~~officer, when the peace officer or juvenile court~~  
 4 ~~officer has reasonable grounds to believe the child~~  
 5 ~~has run away from the child's parents, guardian, or~~  
 6 ~~custodian, for the purposes of determining whether the~~  
 7 ~~child shall be reunited with the child's parents,~~  
 8 ~~guardian, or custodian, placed in shelter care, or, if~~  
 9 ~~a chronic runaway, placed in a runaway assessment and~~  
 10 ~~treatment center under section 232.196.~~

11 Sec. \_\_\_ . NEW SECTION. 232.195 RUNAWAY TREATMENT  
 12 PLAN.

13 A county, multicounty, or nonprofit organization  
 14 may develop a runaway treatment plan to address  
 15 problems with chronic runaway children in the area  
 16 served by the organization. The organization shall  
 17 submit the plan to the department of human rights,  
 18 division of criminal and juvenile justice planning for

19 approval for funding. The plan shall identify the  
20 problems with chronic runaway children and specific  
21 solutions to be implemented, including the development  
22 of a runaway assessment and treatment center and may  
23 include a request for funding. The division may award  
24 funds appropriated for implementation of the runaway  
25 treatment plan to shelter care homes which are  
26 licensed or approved by the department of human  
27 services.

28 Sec. \_\_\_\_ . NEW SECTION. 232.196 RUNAWAY  
29 ASSESSMENT AND TREATMENT CENTER.

30 1. As part of a county, multicounty, or nonprofit  
31 organization's runaway treatment plan under section  
32 232.195, the organization may establish a runaway  
33 assessment and treatment center. A center shall be  
34 operated by an entity which is licensed or approved by  
35 the department to operate a shelter care home. A  
36 center shall provide services to assess a child who is  
37 referred to the center for being a chronic runaway and  
38 intensive family counseling designed to address any  
39 problem causing the child to run away.

40 2. a. If a child is a chronic runaway and is not  
41 sent home with the child's parent, guardian, or  
42 custodian, the child may be placed in a runaway  
43 assessment and treatment center by a peace officer,  
44 juvenile court officer, or the child if the officer,  
45 juvenile court officer, or the child believes it to be  
46 in the child's best interest after consulting with the  
47 child's parent, guardian, or custodian.

48 b. Within forty-eight hours of being placed in the  
49 center the child shall be assessed by a center  
50 counselor to determine the reasons why the child is a

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1 chronic runaway and whether child in need of  
2 assistance or family in need of assistance proceedings  
3 are appropriate. As soon as practicable following the  
4 assessment, the child and the child's parent,  
5 guardian, or custodian shall be provided the  
6 opportunity for counseling sessions to identify the  
7 underlying causes of the runaway behavior and to  
8 develop a plan to address those causes.

9 c. A child shall be released from a runaway  
10 assessment and treatment center to the child's parent,  
11 guardian, or custodian not later than forty-eight  
12 hours after being placed in the center unless the  
13 child is placed in shelter care under section 232.21  
14 or an order is entered under section 232.78. A child  
15 whose parent, guardian, or custodian failed to attend

16 counseling or who fails to take custody of the child  
17 at the end of placement in the center may be the  
18 subject of a child in need of assistance petition or  
19 such other order as the juvenile court finds to be in  
20 the child's best interest.

21 3. The department of human services may establish  
22 a special category within rules applicable to a  
23 juvenile shelter care home licensed or approved by the  
24 department which provides for operation of a runaway  
25 assessment and treatment center by such a home. Any  
26 rules applicable to the special category shall be  
27 jointly developed by the department of human services  
28 and the division of criminal and juvenile justice  
29 planning of the department of human rights.”

30 3. Page 11, by inserting after line 39 the  
31 following:

32 “\_\_\_ . Page 45, by inserting after line 31 the  
33 following:

34 “Sec. \_\_\_ . Section 710.8, Code 1995, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 4. A person shall not harbor a  
37 runaway child with the intent of allowing the runaway  
38 child to remain away from home against the wishes of  
39 the child's parent, guardian, or custodian. However,  
40 the provisions of this subsection do not apply to a  
41 shelter care home which is licensed or approved by the  
42 department of human services.”

MARY LUNDBY

S-5758

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by inserting after line 48 the  
5 following:

6 “Sec. \_\_\_ . DIRECTIVES. The state department of  
7 transportation shall consider the location of the Iowa  
8 communication network's underground facilities when  
9 engineering road construction and repair projects and,  
10 where possible, shall engineer projects to minimize  
11 relocation of Iowa communications network  
12 facilities.”

13 2. By renumbering as necessary.

ROBERT DVORSKY

S-5759

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 45, by inserting after the word
- 5 "coalition" the following: "and the multistate
- 6 highway transportation agreement".

DON E. GETTINGS

S-5760

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 18, line 16, by striking the figure
- 5 "1997" and inserting the following: "1998".
- 6 2. Page 18, line 19, by striking the figure
- 7 "1997" and inserting the following: "1998".

LARRY MURPHY

S-5761

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 48 the
- 5 following:
- 6 " . Page 5, by striking lines 13 through 15
- 7 and inserting the following:
- 8 "a. 1996-1997 FY ..... \$ 52,000,000
- 9 b. 1997-1998 FY ..... \$ 12,890,000
- 10 c. 1998-1999 FY ..... \$ 11,350,000"
- 11 . Page 6, by inserting after line 26 the
- 12 following:
- 13 "g. For planning the renovation of Lang hall at
- 14 the university of northern Iowa:
- 15 ..... \$ 1,000,000
- 16 h. For the renovation of Lang hall at the
- 17 university of northern Iowa:
- 18 ..... \$ 9,100,000"
- 19 2. By renumbering as necessary.

JOANN DOUGLAS  
 EMIL HUSAK  
 DONALD B. REDFERN  
 JOHN W. JENSEN

S-5762

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 1 through 23.
- 5 2. By renumbering as necessary.

JOANN DOUGLAS  
JOHN W. JENSEN

S-5763

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, line 25, by striking the figure
- 5 "18,500,000" and inserting the following:
- 6 "20,700,000".
- 7 2. Page 4, line 28, by striking the figure
- 8 "16,900,000" and inserting the following:
- 9 "14,600,000".
- 10 3. Page 5, by striking lines 8 through 11 and
- 11 inserting the following:
- 12 "d. For renovation of the Lucas tunnel:
- 13 (1) For the fiscal year beginning July 1, 1996,
- 14 and ending June 30, 1997:
- 15 ..... \$ 100,000
- 16 (2) For the fiscal year beginning July 1, 1997,
- 17 and ending June 30, 1998:
- 18 ..... \$ 400,000"
- 19 4. Page 5, line 16, by striking the figure
- 20 "400,000" and inserting the following: "3,100,000".
- 21 5. Page 5, line 19, by striking the figure
- 22 "5,200,000" and inserting the following: "2,500,000".
- 23 6. By renumbering as necessary.

LARRY MURPHY  
JOHN W. JENSEN  
ROD HALVORSON  
JOANN DOUGLAS

S-5764

- 1 Amend the amendment, S-5700, to House File 2421, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 12 and 13 and
- 5 inserting the following: "be contingent upon a two-
- 6 to-one matching contribution of private moneys."

7 2. Page 10, line 45, by inserting after the word  
8 "fund." the following: "However, the fines and fees  
9 under this subsection, shall not be deposited in the  
10 road use tax fund unless and until the deposit to the  
11 Iowa prison infrastructure fund provided for in  
12 section 602.8108A has been made."

13 3. Page 13, line 33, by striking the word "in"  
14 and inserting the following: "for".

15 4. Page 13, by inserting after line 36, the  
16 following:

17 "Sec. \_\_\_\_ . Section 8.55, subsection 3, Code  
18 Supplement 1995, is amended to read as follows:

19 3. The moneys in the Iowa economic emergency fund  
20 may be appropriated by the general assembly only in  
21 the fiscal year for which the appropriation is made.  
22 The moneys shall only be appropriated by the general  
23 assembly for emergency expenditures and for providing  
24 indemnification for liability pursuant to section  
25 15E.175 in an amount of up to a total of ten million  
26 dollars. However, except as provided in section 8.58,  
27 the balance in the Iowa economic emergency fund may be  
28 used in determining the cash position of the general  
29 fund of the state for the payment of state  
30 obligations."

31 5. Page 15, by inserting after line 15 the  
32 following:

33 "4. The Iowa economic emergency fund created under  
34 section 8.55 shall be used for indemnification of  
35 liabilities under this section in an amount not to  
36 exceed a total of ten million dollars."

37 6. Page 15, by striking lines 38 through 40 and  
38 inserting the following:

39 "3. A person shall not have standing pursuant to  
40 section 455B.111 to commence a citizen suit which is  
41 based upon property that is part of the physical  
42 infrastructure assistance program pursuant to section  
43 15E.175."

44 7. Page 16, line 2, by inserting after the word  
45 "fund" the following: "for the fiscal year beginning ,  
46 July 1, 1996, and ending June 30, 1997,".

LARRY MURPHY  
DERRYL McLAREN  
ROD HALVORSON  
SHELDON RITTMER

S-5765

1 Amend the amendment, S-5739, to Senate File 2370 as  
2 follows:

3 1. Page 1, by striking lines 11 through 13 and  
 4 inserting the following: "the jurisdiction of the  
 5 board and shall house those books, accounts, papers,  
 6 and records of the utility deemed necessary by the  
 7 board to be housed within the state. The utility".

MARY LUNDBY

S-5766

1 Amend the amendment, S-5514, to House File 2234, as  
 2 passed by the House, as follows:  
 3 1. Page 1, lines 9 and 10, by striking the words  
 4 "acquire, own, and lease" and inserting the following:  
 5 "acquire and own".  
 6 2. Page 1, line 10, by striking the words "two  
 7 hundred eighty".  
 8 3. Page 1, by striking line 14 and inserting the  
 9 following: "an exempt business under subsection 3.  
 10 An eligible business may lease up to an additional two  
 11 hundred eighty acres of land in the economic  
 12 development area.  
 13 The eligible".  
 14 4. Page 1, line 37, by striking the figure "1997"  
 15 and inserting the following: "1998".

BERL E. PRIEBE  
 EMIL HUSAK  
 JOHN P. KIBBIE  
 WAYNE BENNETT  
 MICHAEL E. GRONSTAL

S-5767

1 Amend the amendment, S-5700, to House File 2421, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 18, by inserting after line 2 the  
 5 following:  
 6 "DIVISION \_\_\_\_  
 7 Sec. \_\_\_\_ . Section 75.1, Code 1995, is amended to read as  
 8 follows:  
 9 75.1 BONDS -- ELECTION -- VOTE REQUIRED.  
 10 1 When a proposition to authorize an issuance of bonds by  
 11 a county, township, school corporation, city, or by any local  
 12 board or commission, is submitted to the electors, ~~such the~~  
 13 ~~proposition shall not be deemed carried or adopted, anything~~  
 14 ~~in the statutes to the contrary notwithstanding, unless is~~  
 15 ~~adopted~~ if the vote in favor of such authorization the  
 16 proposition is equal to at least sixty percent of the total



17 vote cast for and against ~~said~~ the proposition at ~~said~~ the  
18 election.

19 2. Notwithstanding subsection 1, if the annual levy of  
20 property tax to pay principal and interest on bonds issued by  
21 a county, school corporation, or city is to be offset with  
22 revenue from a local income surtax pursuant to section 76.21,  
23 the proposition shall so state and the proposition is adopted  
24 if the vote in favor of the proposition is equal to a majority  
25 of the total vote cast for and against the proposition at the  
26 election. However, a bond issuance proposition proposing  
27 imposition of an income surtax shall not be presented to the  
28 electors if in the first year the income surtax is imposed the  
29 total of all income surtaxes authorized by law and imposed in  
30 that year on any taxpayer in the political subdivision  
31 imposing the surtax would exceed twenty percent. Upon request  
32 of the governing authority, the department of management shall  
33 certify the cumulative rate of income surtax being imposed in  
34 the political subdivision.

35 3. All ballots cast and not counted as a vote for or  
36 against the proposition shall not be used in computing the  
37 total vote cast for and against ~~said~~ the proposition.

38 4. When a proposition to authorize an issuance of bonds  
39 has been submitted to the electors under this section and the  
40 proposal fails to gain approval by the required percentage of  
41 votes, such proposal, or any proposal which incorporates any  
42 portion of the defeated proposal, shall not be submitted to  
43 the electors for a period of ~~six~~ twelve months from the date  
44 of such regular or special election.

45 Sec. \_\_\_\_ . Section 76.1, Code 1995, is amended to read as  
46 follows:

47 **76.1 MANDATORY RETIREMENT.**

48 ~~Hereafter issues~~ Issues of bonds of ~~every kind and~~  
49 ~~character~~ by counties, cities, and school corporations shall  
50 be consecutively numbered. The annual levy of property tax,

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1 or combination of property tax levy and income surtax imposed  
2 as provided in section 76.19, shall be sufficient to pay the  
3 interest and approximately ~~such that~~ portion of the principal  
4 of the bonds as will retire them in a period not exceeding  
5 twenty ~~twenty-two~~ years from date of issue. Each issue of  
6 bonds shall be scheduled to mature serially in the same order  
7 as numbered.

8 Sec. \_\_\_\_ . Section 76.2, Code 1995, is amended to read as  
9 follows:

10 **76.2 MANDATORY LEVY -- OBLIGATIONS IN ANTICIPATION OF**  
11 **LEVY.**

12 The governing authority of these political subdivisions  
13 before issuing bonds shall, by resolution, provide for the

14 assessment of an annual levy upon all the taxable property in  
15 the political subdivision, or the assessment of an annual  
16 property tax levy and imposition of an income surtax under  
17 section 76.19, sufficient to pay the ~~interest and~~ principal  
18 and interest of the bonds within a period named not exceeding  
19 twenty years that provided in section 76.1. A certified copy  
20 of this resolution shall be filed with the county auditor or  
21 the auditors of the counties in which the political  
22 subdivision is located; and the filing shall make it a duty of  
23 the auditors to enter annually this levy for collection from  
24 the taxable property within the boundaries of the political  
25 subdivision until funds are realized to pay the bonds in full.  
26 The property tax levy shall continue to be made against  
27 property that is severed from the political subdivision and  
28 the income surtax shall continue to be imposed upon the  
29 residents of any area severed from the political subdivision  
30 after the filing of the resolution until funds are realized to  
31 pay the bonds in full.

32 If the a resolution which does not include imposition of an  
33 income surtax is filed prior to April 1, or May 1; if the  
34 political subdivision is a school district, the annual levy  
35 shall begin with the tax levy for collection commencing July 1  
36 of that year. If the resolution is filed after April 1, or  
37 May 1; in the case of a school district, or if the resolution  
38 includes imposition of an income surtax, the annual property  
39 tax levy shall begin with the tax levy for collection in the  
40 next succeeding fiscal year. If the resolution includes the  
41 imposition of a local income surtax and it is filed with the  
42 department of revenue and finance prior to August 1, the  
43 imposition of the surtax is retroactive to January 1 of that  
44 calendar year. If the resolution is filed with the department  
45 of revenue and finance on or after August 1, the imposition of  
46 the income surtax begins on January 1 of the next calendar  
47 year. However, the governing authority of a political  
48 subdivision may adjust a levy of taxes made under this section  
49 for the purpose of adjusting the annual levies and collections  
50 and income surtax rate for property severed from the political

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1 subdivision, subject to the approval of the director of the  
2 department of management.

3 If funds, including reserves and amounts available for  
4 temporary transfer, are ~~found to be~~ insufficient to pay in  
5 full any installment of principal or interest, a public issuer  
6 of bonds may anticipate the next levy of property taxes  
7 pursuant to this section or the imposition of an income surtax  
8 under section 76.19 in the manner provided in chapter 74,  
9 whether the taxes so anticipated are to be collected in the  
10 same or a future fiscal year.

11 To further secure the payment of the bonds, the governing  
 12 authority shall, by resolution, provide for the assessment of  
 13 an annual levy of a standby tax upon all taxable property  
 14 within the political subdivision. A copy of the resolution  
 15 shall be sent to the county auditor of each county in which  
 16 the political subdivision is located. The revenues from the  
 17 standby tax shall be deposited in a special fund and shall be  
 18 expended only for the payment of principal and interest on the  
 19 bonds issued as provided in this section, when the revenue  
 20 from an income surtax as provided in section 76.19 is  
 21 insufficient. Reserves shall not be built up in this fund in  
 22 anticipation of a projected default. The governing authority  
 23 shall adjust the annual standby property tax levy for each  
 24 year to reflect the amount of revenues in the special fund and  
 25 the amount of principal and interest which is due in that  
 26 year.

27 Sec. \_\_\_\_ . Section 76.4, Code 1995, is amended to read as  
 28 follows:

29 76.4 PERMISSIVE APPLICATION OF FUNDS.

30 Whenever ~~if~~ the governing authority of such a political  
 31 subdivision ~~shall have~~ has on hand funds derived from any  
 32 other a source other than taxation which may be appropriated  
 33 to the payment either of interest or principal or interest, or  
 34 both principal and interest of such bonds, such the funds may  
 35 be so appropriated and used and the property tax levy and  
 36 income surtax rate, if imposed, for the payment of the bonds  
 37 correspondingly reduced.

38 Sec. \_\_\_\_ . Section 76.7, Code 1995, is amended to read as  
 39 follows:

40 76.7 PARTICULAR BONDS AFFECTED -- PAYMENT.

41 Counties, cities, and school corporations may at any time  
 42 or times extend or renew any legal indebtedness or any part  
 43 thereof of the indebtedness they may have represented by bonds  
 44 or certificates where such the indebtedness is payable from a  
 45 limited annual property tax or from a voted annual property  
 46 tax, or from an income surtax imposed under section 76.19, and  
 47 may by resolution fund or refund the same legal indebtedness  
 48 and issue bonds therefor running not more than twenty years to  
 49 be known as funding or refunding bonds, and make provision for  
 50 the payment of the principal and interest thereof from the

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1 proceeds of an annual property tax, or annual property tax and  
 2 income surtax, for the period covered by such the bonds  
 3 similar to the tax authorized by law or by the electors for  
 4 the payment of the indebtedness so extended or renewed.

5 Sec. \_\_\_\_ . NEW SECTION. 76.19 INCOME SURTAX.

6 1. An income surtax may be imposed by a political  
 7 subdivision as provided in this section, but only if

8 authorized by the electors as provided in section 75.1.

9 2. The income surtax shall be imposed upon state income  
10 taxes computed under section 422.5, less credits allowed in  
11 sections 422.11A, 422.11B, 422.11C, 422.12, and 422.12B, and  
12 shall be imposed upon the state income tax for each calendar  
13 year, or for a taxpayer's fiscal year ending during the second  
14 half of that calendar year or the first half of the succeeding  
15 calendar year, and shall be imposed on all taxpayers residing  
16 in the political subdivision on the last day of the applicable  
17 tax year, and on taxpayers residing in areas severed from the  
18 political subdivision as provided in section 76.2.

19 3. The income surtax shall be imposed to collect an amount  
20 that is equivalent to sixty percent of the sum of the prin-  
21 cipal and interest of the bonds over the life of the bonds.  
22 The rate of the income surtax may be adjusted in any year for  
23 the sole purpose of ensuring that an amount equivalent to  
24 sixty percent of the principal and interest over the life of  
25 the bonds is collected.

26 4. At the time of the annual levy under section 76.2, the  
27 governing authority of the political subdivision shall also  
28 provide in the resolution for the imposition of the income  
29 surtax and shall certify to the department of management such  
30 sum expressed in dollars. The department shall determine the  
31 rate of income surtax to be imposed based upon the most recent  
32 available figures from state income taxes paid by taxpayers  
33 residing in the political subdivision. The department shall  
34 continue to make such calculations and certify the income  
35 surtax rate to the county auditor or the auditors of the  
36 counties in which the political subdivision is located with  
37 adjustments as provided in this section until the principal  
38 and interest on the bonds are paid in full. On or before  
39 November 1 of each year in which the income surtax is  
40 collected the director of revenue and finance shall deposit  
41 with the treasurer of the political subdivision the entire  
42 amount of income surtax collected from taxpayers residing in  
43 the political subdivision.

44 5. The costs of administration shall be determined by the  
45 department of revenue and finance, and shall be based on a  
46 share of the total cost of administering the department, in  
47 the same proportion as the amount of income surtax collected  
48 is to the amount of state income taxes collected.

49 6. The director of revenue and finance shall administer  
50 the income surtax imposed under this chapter and sections

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1 422.4, 422.20 to 422.31, 422.68, and 422.72 to 422.75 shall  
2 apply with respect to administration of the income surtax.

3 Sec. \_\_\_\_ . NEW SECTION. 76.20 INCOME TAX RETURNS.

4 An income surtax imposed under section 76.19 shall be made

5 a part of the Iowa individual income tax return subject to the  
6 conditions and restrictions set forth in section 422.21. The  
7 director of revenue and finance shall provide on income tax  
8 returns a requirement that each person required to file a re-  
9 turn numerically identify the city of residence of the tax-  
10 payer and the merged area in which the taxpayer resides.

11 Sec. \_\_\_\_ . NEW SECTION. 76.21 PROPERTY TAX CREDIT --  
12 AGRICULTURAL AND RESIDENTIAL PROPERTY.

13 Local income surtax revenues collected under section 76.19  
14 shall be used to offset the annual levy of property tax on  
15 property assessed as agricultural or residential property.

16 The surtax shall be distributed in the following manner:

17 Upon receipt of the revenues collected from the income  
18 surtax, the county treasurer shall notify the county auditor  
19 of the amount of income surtax revenues received. The auditor  
20 shall determine the amount to be credited to each parcel of  
21 real property located in the political subdivision and  
22 assessed as agricultural or residential, and shall enter such  
23 amount upon the tax lists as a credit against the tax levied  
24 on each parcel of real property assessed as agricultural or  
25 residential. The county treasurer shall show on each tax  
26 receipt the amount of tax credit to be applied against  
27 property taxes payable in the fiscal year following the year  
28 in which the surtax was collected for each parcel of real  
29 property assessed as agricultural or residential. In case of  
30 change of ownership, the credit shall remain with the parcel.

31 The amount of the credit funded by revenues from the income  
32 surtax imposed under section 76.19 shall be an amount equal to  
33 a pro rata share based upon the ratio of the taxable value of  
34 each parcel to receive the credit to the total taxable value  
35 of the property to receive the credit.

36 Sec. \_\_\_\_ . NEW SECTION. 76.22 DESIGNATION OF TAX.

37 An income surtax imposed under section 76.19 by a school  
38 district shall be designated as a school debt service income  
39 surtax, an income surtax imposed by a merged area shall be  
40 designated as a merged area debt service income surtax, an  
41 income surtax imposed under section 76.19 by a city shall be  
42 designated a city debt service income surtax, and an income  
43 surtax imposed under section 76.19 by a county shall be  
44 designated a county debt service income surtax.

45 Sec. \_\_\_\_ . Section 260C.21, Code 1995, is amended to read as  
46 follows:

47 260C.21 ELECTION TO INCUR INDEBTEDNESS.

48 1. No indebtedness shall be incurred under section 260C.19  
49 until authorized by an election. A proposition to incur  
50 indebtedness and issue bonds for community college purposes

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1 shall be deemed ~~carried adopted~~ in a merged area if approved  
2 by a sixty percent majority of all voters voting on the  
3 proposition in the area. However, if the board elects to  
4 offset the annual property tax levy with revenues from a local  
5 income surtax pursuant to section 76.21, the ballot  
6 proposition to authorize the issuance of the bonds shall be  
7 submitted to the electorate pursuant to section 75.1,  
8 subsection 2.

9 2. Notwithstanding subsection 1, if the costs of utilities  
10 are paid by a community college with funds derived from the  
11 levy authorized under section 260C.22, the community college  
12 may use the general fund moneys that would have been used to  
13 pay the costs of utilities for capital expenditures, may  
14 invest the funds, or may incur indebtedness without an  
15 election, provided that the payments on the indebtedness  
16 incurred, and any interest on the indebtedness, can be made  
17 using general funds of the community college and the total  
18 payments on the principal and interest on the indebtedness do  
19 not exceed the amount of the costs of the utilities.

20 Sec. \_\_\_\_ . Section 296.1, Code 1995, is amended to read as  
21 follows:

22 296.1 INDEBTEDNESS AUTHORIZED.

23 Subject to the approval of the voters thereof, school  
24 districts are hereby authorized to contract indebtedness and  
25 to issue general obligation bonds to provide funds to defray  
26 the cost of purchasing, building, furnishing, reconstructing,  
27 repairing, improving or remodeling a schoolhouse or  
28 schoolhouses and additions thereto, gymnasium, stadium, field  
29 house, school bus garage, teachers' or superintendent's home  
30 or homes, and procuring a site or sites therefor, or  
31 purchasing land to add to a site already owned, or procuring  
32 and improving a site for an athletic field, or improving a  
33 site already owned for an athletic field, and for any one or  
34 more of such purposes. Taxes for the payment of ~~said the~~  
35 bonds shall be levied or imposed in accordance with chapter  
36 76, and ~~said the~~ bonds shall mature within a ~~period not~~  
37 exceeding twenty years from date of issue the period provided  
38 in section 76.1, shall bear interest at a rate or rates not  
39 exceeding that permitted by chapter 74A and shall be of such  
40 form as the board of directors of ~~such the~~ school district  
41 shall by resolution provide, but the aggregate indebtedness of  
42 any school district shall not exceed five percent of the  
43 actual value of the taxable property within ~~said the~~ school  
44 district, as ascertained by the last preceding state and  
45 county tax lists.

46 Sec. \_\_\_\_ . Section 296.6, Code 1995, is amended to read as  
47 follows:

48 296.6 BONDS.

49 If the vote in favor of the issuance of such bonds is equal  
50 to at least sixty percent of the total vote cast for and

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1 against ~~said the~~ proposition at ~~said the~~ election, the board  
2 of directors shall issue the ~~same~~ bonds and make provision for  
3 payment thereof of the bonds. ~~However, if the board of~~  
4 ~~directors of a school district elects to offset the annual~~  
5 ~~property tax levy with revenues from an income surtax pursuant~~  
6 ~~to section 76.21, the ballot proposition to authorize the~~  
7 ~~issuance of the bonds shall be submitted to the electorate~~  
8 ~~pursuant to section 75.1, subsection 2.~~

9 Sec. \_\_\_\_ . Section 298.14, unnumbered paragraph 1, Code  
10 1995, is amended to read as follows:

11 For each fiscal year, the cumulative total of the percents  
12 of surtax approved by the board of directors of a school  
13 district and collected by the department of revenue and  
14 finance under sections 257.21, 257.29, 279.54, and 298.2, and  
15 the enrichment surtax under section 442.15, Code 1989, and an  
16 income surtax collected by a political subdivision under  
17 chapter 422D, shall not exceed twenty percent. In addition,  
18 if an income surtax is imposed under section 76.19, the  
19 cumulative total of percents of surtax imposed on any taxpayer  
20 in a school district under sections 76.19, 257.21, 257.29,  
21 279.54, 298.2, 442.15, Code 1989, and chapter 422D shall not  
22 exceed twenty percent in the first year in which one or more  
23 of these income surtaxes is imposed.

24 Sec. \_\_\_\_ . Section 298.18, unnumbered paragraph 2, Code  
25 1995, is amended to read as follows:

26 The amount estimated ~~and certified to apply on to pay~~  
27 principal and interest for any one year shall not exceed an  
28 amount that could be raised by a property tax levy equal to  
29 two dollars and seventy cents per thousand dollars of the  
30 assessed valuation of the taxable property of the school  
31 corporation except as hereinafter provided.

32 Sec. \_\_\_\_ . Section 298.18, unnumbered paragraph 4, Code  
33 1995, is amended to read as follows:

34 The amount estimated ~~and certified to apply on to pay~~  
35 principal and interest for any one year may exceed an amount  
36 that could be raised by a property tax levy equal to two  
37 dollars and seventy cents per thousand dollars of assessed  
38 value by the amount approved by the voters of the school  
39 corporation, but not exceeding four dollars and five cents per  
40 thousand of the assessed value of the taxable property within  
41 any school corporation, provided that the qualified registered  
42 voters of such school corporation have first approved such  
43 increased amount at a special election, which may be held at  
44 the same time as the regular school election. The proposition  
45 submitted to the voters at such special election shall be in

46 substantially the following form:

47 Sec. \_\_\_\_ . Section 298.18, unnumbered paragraph 6, Code  
48 1995, is amended to read as follows:

49 Notice of the election shall be given by the county  
50 commissioner of elections according to section 49.53. The

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1 election shall be held on a date not less than four nor more  
2 than twenty days after the last publication of the notice. At  
3 ~~such the~~ election the ballot used for the submission of ~~said~~  
4 ~~the~~ proposition shall be in substantially the form for  
5 submitting special questions at general elections. The county  
6 commissioner of elections shall conduct the election pursuant  
7 to the provisions of chapters 39 to 53 and certify the results  
8 to the board of directors. ~~Such The~~ proposition shall not be  
9 deemed ~~carried or~~ adopted unless the vote in favor of ~~such the~~  
10 proposition is equal to at least sixty percent of the total  
11 vote cast for and against ~~said the~~ proposition at ~~said the~~  
12 election. ~~Whenever~~ However, if the board of directors of a  
13 school district elects to offset the annual property tax levy  
14 with revenues from an income surtax pursuant to section 76.21,  
15 the ballot proposition shall be submitted to the electorate  
16 pursuant to section 75.1, subsection 2. If such a proposition  
17 has been approved by the voters of a school corporation as  
18 hereinbefore provided, no further approval of the voters of  
19 ~~such the~~ school corporation shall be required as a result of  
20 any subsequent change in the boundaries of ~~such the~~ school  
21 corporation.

22 Sec. \_\_\_\_ . Section 298.22, unnumbered paragraph 1, Code  
23 1995, is amended to read as follows:

24 ~~All of said The~~ bonds shall be substantially in the form  
25 provided for county bonds, but subject to changes that will  
26 conform them to the action of the board ~~providing therefor;~~  
27 ~~shall run not more than twenty years~~ mature within the period  
28 provided in section 76.1, and may be sooner paid if so  
29 nominated in the bond; bear a rate of interest not exceeding  
30 that permitted by chapter 74A, payable semiannually; be signed  
31 by the president and countersigned by the secretary of the  
32 board of directors; and shall not be disposed of for less than  
33 par value, nor issued for other purposes than this chapter  
34 provides.

35 Sec. \_\_\_\_ . Section 331.442, subsection 4, Code Supplement  
36 1995, is amended to read as follows:

37 4. The proposition of issuing bonds for a general county  
38 purpose is not ~~carried or~~ adopted unless the vote in favor of  
39 the proposition is equal to at least sixty percent of the  
40 total vote cast for and against the proposition at the  
41 election. However, if the board elects to offset the annual  
42 property tax levy with revenues from a local income surtax



43 pursuant to section 76.21, the ballot proposition to authorize  
44 the issuance of the bonds shall be submitted to the electorate  
45 pursuant to section 75.1, subsection 2. If the proposition of  
46 issuing the general county purpose bonds is approved by the  
47 voters, the board may proceed with the issuance of the bonds.  
48 Sec. \_\_\_\_ . Section 331.442, subsection 5, paragraph a,  
49 unnumbered paragraph 1, Code Supplement 1995, is amended to  
50 read as follows:

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1 Notwithstanding subsection 2, a board, in lieu of calling  
2 an election, may institute proceedings for the issuance of  
3 bonds for a general county purpose by causing a notice of the  
4 proposal to issue the bonds, including a statement of the  
5 amount and purpose of the bonds, the type or types of debt  
6 service tax to be levied or imposed to pay principal and  
7 interest on the bonds, and the right to petition for an  
8 election, to be published as provided in section 331.305 at  
9 least ten days prior to the meeting at which it is proposed to  
10 take action for the issuance of the bonds subject to the  
11 following limitations:

12 Sec. \_\_\_\_ . Section 331.447, subsection 1, Code Supplement  
13 1995, is amended to read as follows:

14 1. Taxes for the payment of general obligation bonds shall  
15 be levied or imposed in accordance with chapter 76, and the  
16 bonds are payable from the levy of unlimited ad valorem taxes  
17 on all the taxable property within the county through its debt  
18 service fund required by section 331.430 a debt service  
19 property tax or combination of a debt service property tax and  
20 a debt service local income surtax, unlimited as to amount,  
21 except that:

22 a. The amount estimated and certified to apply to pay on  
23 principal and interest for any one year shall not exceed an  
24 amount that could be raised by a debt service property tax  
25 levy equal to the maximum rate of tax, if any, provided by  
26 this division for the purpose for which the bonds were issued.  
27 If general obligation bonds are issued for different  
28 categories, as provided in section 331.445, the maximum rate  
29 of levies, if any, for each purpose shall apply separately to  
30 that portion of the bond issue for that category and the  
31 resolution authorizing the bond issue shall clearly set forth  
32 the annual debt service requirements with respect to each  
33 purpose in sufficient detail to indicate compliance with the  
34 rate of tax levy, if any.

35 b. The amount estimated and certified to apply to pay on  
36 principal and interest for any one year may only exceed an  
37 amount that could be raised by a debt service property tax  
38 levy equal to the statutory rate of levy limit, if any, by the  
39 amount that the registered voters of the county have approved

40 at a special election, which may be held at the same time as  
 41 the general election and may be included in the proposition  
 42 authorizing the issuance of bonds, if an election on the  
 43 proposition is necessary, or may be submitted as a separate  
 44 proposition at the same election or at a different election.  
 45 Notice of the election shall be given as specified in section  
 46 331.305. If the proposition includes issuing bonds and  
 47 increasing the levy limit, it shall be in substantially the  
 48 following form:

49 Shall the county of ....., state of Iowa, be authorized  
 50 to ..... (here state purpose of project) at a total cost

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1 not exceeding \$ ..... and issue its general obligation bonds  
 2 in an amount not exceeding \$ ..... for that purpose, and be  
 3 authorized to levy annually a debt service property tax (or  
 4 debt service property tax, and income surtax to offset the  
 5 property tax, if applicable), which will produce an amount not  
 6 exceeding ..... dollars and ..... cents per thousand dollars of  
 7 the assessed value of the taxable property within the county  
 8 to pay the principal of and interest on the bonds?

9 If the proposition includes only increasing the levy limit  
 10 it shall be in substantially the following form:

11 Shall the county of ....., state of Iowa, be authorized  
 12 to levy annually a debt service property tax (or debt service  
 13 property tax and income surtax to offset the property tax, if  
 14 applicable), which will produce an amount not exceeding .....  
 15 dollars and ..... cents per thousand dollars of the assessed  
 16 value of the taxable property within the county to pay  
 17 principal and interest on the bonded indebtedness of the  
 18 county for the purpose of .....

19 Sec. \_\_\_\_ . Section 331.490, Code 1995, is amended to read as  
 20 follows:

21 331.490 CITIES SUBJECT TO DEBT SERVICE TAX LEVY -- RATES.

22 1. If a county and city have entered into an agreement to  
 23 create a joint special assessment district and issue county  
 24 general obligation bonds to fund the costs of a public  
 25 improvement benefiting that district, the county's debt ser-  
 26 vice property tax levy for the county general obligation bonds  
 27 shall not be levied against property located in any city  
 28 except a city which has entered into the agreement, and, if  
 29 applicable, the county's debt service income surtax for the  
 30 county general obligation bonds shall not be imposed on  
 31 taxpayers who reside in any city except a city which has  
 32 entered into the agreement.

33 2. Counties and cities entering into an agreement for a  
 34 joint special assessment district may provide in the agreement  
 35 for a different rate of the county's debt service tax levy  
 36 against property in areas of the county outside a city and

37 property within the cities, and, if applicable, for a  
 38 different rate of the county's debt service income surtax to  
 39 be imposed on taxpayers residing outside the cities and those  
 40 residing within each city.

41 Sec. \_\_\_\_ . Section 384.26, subsection 2, Code Supplement  
 42 1995, is amended to read as follows:

43 2. Before the council may institute proceedings for the  
 44 issuance of bonds for a general corporate purpose, it shall  
 45 call a special city election to vote upon the question of  
 46 issuing the bonds. At the election the proposition must be  
 47 submitted in substantially the following form:

48 Shall the ..... (insert the name of the city) issue  
 49 its bonds in an amount not exceeding the amount of \$ ..... for  
 50 the purpose of ....., such bonds to be payable from a

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1 property tax levied on all taxable property within the city  
 2 (and income surtax to offset the property tax to be imposed on  
 3 the state income tax of each income taxpayer residing in the  
 4 city)?

5 Sec. \_\_\_\_ . Section 384.26, subsection 4, Code Supplement  
 6 1995, is amended to read as follows:

7 4. The proposition of issuing general corporate purpose  
 8 bonds is not ~~carried or~~ adopted unless the vote in favor of  
 9 the proposition is equal to at least sixty percent of the  
 10 total vote cast for and against the proposition at the  
 11 election. However, if the city council elects to offset the  
 12 annual property tax levy with revenues from a local income  
 13 surtax pursuant to section 76.21, the ballot proposition to  
 14 authorize the issuance of the bonds shall be submitted to the  
 15 electorate pursuant to section 75.1, subsection 2. If the  
 16 proposition of issuing the general corporate purpose bonds is  
 17 approved by the voters, the city may proceed with the issuance  
 18 of the bonds.

19 Sec. \_\_\_\_ . Section 384.26, subsection 5, paragraph a,  
 20 unnumbered paragraph 1, Code Supplement 1995, is amended to  
 21 read as follows:

22 Notwithstanding the provisions of subsection 2, a council  
 23 may, in lieu of calling an election, institute proceedings for  
 24 the issuance of bonds for a general corporate purpose by  
 25 causing a notice of the proposal to issue the bonds, including  
 26 a statement of the amount and purpose of the bonds, the type  
 27 or types of debt service tax to be levied or imposed to pay  
 28 principal and interest of the bonds, together with the maximum  
 29 rate of interest which the bonds are to bear, and the right to  
 30 petition for an election, to be published at least once in a  
 31 newspaper of general circulation within the city at least ten  
 32 days prior to the meeting at which it is proposed to take  
 33 action for the issuance of the bonds subject to the following

34 limitations:

35 Sec. \_\_\_\_ . Section 384.32, Code 1995, is amended to read as  
36 follows

37 384.32 TAX TO PAY.

38 Taxes for the payment of general obligation bonds must be  
39 levied in accordance with chapter 76, and the bonds are  
40 payable from the levy of ~~unlimited ad valorem taxes on all the~~  
41 ~~taxable property within the city through its debt service fund~~  
42 ~~authorized by section 384.4 a debt service property tax or a~~  
43 ~~combination of a debt service property tax and a debt service~~  
44 ~~income surtax, unlimited as to amount.~~

45 Sec. \_\_\_\_ . APPLICABILITY DATE. This division applies to bond  
46 issuances approved at elections held on or after the effective  
47 date of this Act."

48 2. Page 18, line 34, by inserting after the word  
49 "projects," the following: "authorizing funding for bonds  
50 issued by a political subdivision,".

LARRY MURPHY  
ROD HALVORSON  
MICHAEL E. GRONSTAL

S-5768

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by inserting after line 48 the  
5 following:

6 "Sec. \_\_\_\_ . DIRECTIVES TO STATE DEPARTMENT OF  
7 TRANSPORTATION. The state department of  
8 transportation shall establish a maintenance standard,  
9 equivalent to the department's "c" classification for  
10 maintenance, on state highways located between  
11 population centers of ten thousand or more persons."

12 2. By renumbering as necessary.

MARY LOU FREEMAN.

HOUSE AMENDMENT TO  
SENATE FILE 2168

S-5769

1 Amend Senate File 2168, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 17, by striking the word and  
4 figure "January 1" and inserting the following:  
5 "March 20".

6 2. By striking page 1, line 32, through page 2,

7 line 35.

8 3. By renumbering, relettering, or redesignating  
9 and correcting internal references as necessary.

S-5770

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by inserting after line 48 the  
5 following:

6 "Sec. \_\_\_\_ . DIRECTIVES. The state department of  
7 transportation shall consider the location of the Iowa  
8 communication network's underground facilities and  
9 other telecommunication underground facilities when  
10 engineering road construction and repair projects and,  
11 where possible, shall engineer projects to minimize  
12 relocation of Iowa communications network underground  
13 facilities and other telecommunication underground  
14 facilities."

15 2. By renumbering as necessary.

ROBERT DVORSKY

S-5771

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 10, by inserting after line 22 the  
5 following:

6 "Sec. \_\_\_\_ . Section 465B.4, Code 1995, is amended  
7 to read as follows:

8 465B.4 FUNDING.

9 To achieve the purposes of this chapter, the state  
10 department of transportation, other state agencies,  
11 political subdivisions of the state, and private  
12 organizations may use funds from the following  
13 sources:

14 1. Funds appropriated by the general assembly.  
15 There shall be appropriated from the general fund of  
16 the state to the state department of transportation,  
17 beginning July 1, 1996, and each fiscal year  
18 thereafter, one million dollars to be used for the  
19 purposes of this chapter.

20 2. Private grants and gifts.

21 3. Federal grants and loans intended for these

22 purposes.”

23 2. By renumbering as necessary.

JIM LIND  
DENNIS H. BLACK  
BRAD BANKS  
ROD HALVORSON

S-5772

1 Amend the amendment, S-5700, to House File 2421, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 2, by striking lines 36 through 43.

5 2. By renumbering as necessary.

ALLEN BORLAUG

S-5773

1 Amend the amendment, S-5700, to House File 2421, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 13, by inserting after line 34 the

5 following:

6 “Sec. \_\_\_\_ ACCESS IOWA HIGHWAYS - INTENT - REPORT.

7 1. INTENT. It is the intent of the general

8 assembly to formulate an access Iowa plan which shall

9 designate portions of the commercial and industrial

10 network of highways as access Iowa highways. The goal

11 of the access Iowa plan shall be to enhance the

12 existing Iowa economy and ensure its continuing

13 development and growth in the national and global

14 competitive marketplace by providing for early

15 completion of the construction of the most important

16 portions of the Iowa highway system. These portions

17 of the system shall be those that are essential for

18 support of intrastate transportation and commerce and

19 essential for ensuring Iowans direct access to the

20 nation's system of interstate highways and

21 transportation services.

22 The general assembly's past actions are consistent

23 with the access Iowa plan. The general assembly has

24 set general policy guidelines for the state

25 transportation commission's planning and programming

26 development, directed that road service be equalized

27 throughout the state, determined that a commercial and

28 industrial network of highways would benefit Iowa

29 transportation services, directed the commission to

30 focus at least part of their legislatively provided

31 resources on the commercial and industrial network,  
32 and directed that the commission consider equalization  
33 of accessibility for economic development as one of  
34 the factors in establishing its plan and program  
35 priorities for the commercial and industrial network.  
36 These actions recognize that interstate commerce and  
37 national economic development are furthered and  
38 supported by the national system of interstate and  
39 defense highways and the national highway system, and  
40 that Iowa commerce and economic development are  
41 supported by Iowa's commercial and industrial network  
42 of highways.

43 2. ACCESS IOWA HIGHWAY DESIGNATION. The state  
44 department of transportation shall designate portions  
45 of the commercial and industrial network of highways  
46 as access Iowa highways and shall expedite and  
47 accelerate development of access Iowa highways. When  
48 designating those portions of the commercial and  
49 industrial network as access Iowa highways, the  
50 department shall consider the direct and priority

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1 linkages between economic centers within the state  
2 with populations of 20,000 or more and the enhancement  
3 of intrastate mobility and Iowa regional accessibility  
4 and national accessibility.

5 3. REPORT. The state department of transportation  
6 shall provide a report to the general assembly by  
7 January 15, 1997, designating which portions of the  
8 commercial and industrial network of highways the  
9 department determines to be access Iowa highways. The  
10 department shall list the highway improvements  
11 necessary to provide modern and safe four-lane highway  
12 service on access Iowa highways. The report shall  
13 include program changes and options needed to enable  
14 the early, rapid, expedited, and accelerated  
15 completion of the development of access Iowa highways,  
16 including funding and other support necessary to  
17 ensure the early completion of the construction of the  
18 access Iowa highways."

19 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
STEWART IVERSON, Jr.

S-5774

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 5, by striking lines 12 and 13 and  
5 inserting the following:

6 "e. For renovation of the Lucas state office  
7 building:"

8 2. Page 5, by inserting after line 19 the  
9 following:

10 "It is the intent of the general assembly that the  
11 first and second floors of the Lucas state office  
12 building shall be used primarily by the general  
13 assembly and other legislative agencies."

ROD HALVORSON

S-5775

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 7, line 43, by striking the word  
5 "paragraphs" and inserting the following:  
6 "paragraph".

7 2. By striking page 8, line 2, through page 9,  
8 line 9.

JOHN W. JENSEN

S-5776

1 Amend House File 2421, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, line 13, by striking the figure  
4 "51,000,000" and inserting the following:  
5 "45,100,000".

6 2. Page 5, line 14, by striking the figure  
7 "8,340,000" and inserting the following: "4,220,000".

8 3. Page 5, line 15, by striking the figure  
9 "6,800,000" and inserting the following: "2,680,000".

10 4. Page 5, by striking lines 31 through 33.

11 5. By relettering as necessary.

JACK RIFE



HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2383

S-5777

- 1 Amend the amendment, H-5877, to House File 2383, as  
2 amended, passed, and reprinted by the House, as  
3 follows:
- 4 1. Page 1, line 5, by inserting after the word  
5 "provide" the following: "up to twenty-five".  
6 2. Page 1, by striking lines 10 through 13 and  
7 inserting the following: "economic development, or  
8 their designees. The".  
9 3. Page 1, line 31, by inserting after the word  
10 "provide" the following: "up to twenty-five".  
11 4. Page 1, by striking lines 36 through 39 and  
12 inserting the following: "economic development, or  
13 their designees."

HOUSE AMENDMENT TO  
SENATE FILE 2351

S-5778

- 1 Amend Senate File 2351, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 11, by striking the words and  
4 figure "unnumbered paragraph 1,".  
5 2. Page 1, line 13, by inserting before the word  
6 "Repayment" the following: "c."  
7 3. Page 1, line 16, by striking the words and  
8 figure "unnumbered paragraph 1,".  
9 4. Page 1, line 17, by striking the word  
10 "unnumbered".  
11 5. Page 1, line 19, by inserting before the word  
12 "Moneys" the following: "c."  
13 6. Page 1, by striking line 28.  
14 7. Page 1, by striking lines 31 through 34 and  
15 inserting the following: "training project under  
16 chapter 260F."  
17 8. Page 2, line 1, by inserting after the word  
18 "including" the following: "new or statewide".  
19 9. Page 2, by striking lines 2 through 6 and  
20 inserting the following:  
21 "e. Innovative skill development activities."  
22 10. Page 2, by inserting after line 6 the  
23 following:  
24 "Sec. \_\_\_\_ . Section 15.343, subsection 3, Code  
25 Supplement 1995, is amended to read as follows:

26 3. The director shall submit ~~annually not later~~  
 27 than January 1 of each year at a regular or special  
 28 meeting ~~preceding the beginning of the fiscal year,~~  
 29 for approval by the economic development board, the  
 30 proposed allocation of funds from the workforce  
 31 development fund to be made for ~~that the next~~ fiscal  
 32 year for the programs and purposes contained in  
 33 subsection 2. The director shall also submit a copy  
 34 of the proposed allocation to the chairpersons of the  
 35 joint economic development appropriations subcommittee  
 36 of the general assembly. ~~Subject to approval under~~  
 37 Notwithstanding section 8.39 for transfer of  
 38 allocations between programs contained in subsection  
 39 2, the plan may provide for increased or decreased  
 40 allocations if the demand for a program indicates that  
 41 the need is greater or lesser than the allocation for  
 42 that program. The director shall report on a  
 43 quarterly basis to the board on the status of the  
 44 funds and may present proposed revisions for approval  
 45 by the board in January and April of each year. The  
 46 director shall also provide quarterly reports to the  
 47 legislative fiscal bureau on the status of the funds.  
 48 Unobligated and unencumbered moneys remaining in the  
 49 workforce development fund or any of its accounts on  
 50 June 30 of each year shall be considered part of the

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1 fund for purposes of the next year's allocation."  
 2 11. Page 2, by striking lines 9 through 12 and  
 3 inserting the following:  
 4 "The department shall use information from the  
 5 customer tracking system administered by the  
 6 department of workforce development under section  
 7 84A.2, if enacted by Senate File 2409 or House File  
 8 2463, to determine the economic impact of the  
 9 programs. To the extent possible, the department  
 10 shall".  
 11 12. Page 2, by striking lines 22 through 24 and  
 12 inserting the following: "from withholding from jobs  
 13 created under the agreement. A provision in an  
 14 agreement for which a supplemental credit from  
 15 withholding is included shall provide for the  
 16 following:"  
 17 13. By striking page 2, line 35, through page 3,  
 18 line 2, and inserting the following:  
 19 "3. That the employer shall agree to pay wages for  
 20 the jobs for which the credit is taken of at least the  
 21 average county wage or average regional wage,  
 22 whichever is lower, as compiled annually by the

23 department for the community economic betterment  
 24 program. For the purposes of this section, the  
 25 average regional wage shall be compiled based upon the  
 26 service delivery areas in section 84B.2, if enacted by  
 27 1996 Iowa Acts, Senate File 2409. Eligibility for the  
 28 supplemental credit shall be based on a one-time  
 29 determination of starting wages by the community  
 30 college."

31 14. Page 4, line 18, by inserting after the word  
 32 "dispute" the following: "in Iowa".

33 15. Page 4, line 29, by inserting after the word  
 34 "dispute" the following: "in Iowa".

35 16. Page 10, by striking lines 3 through 23.

36 17. Page 12, by striking lines 9 and 10.

37 18. Title page, by striking lines 4 through 7 and  
 38 inserting the following: "new jobs credit from  
 39 withholding, making an annual allocation from an".

40 19. By renumbering as necessary.

S-5779

1 Amend the amendment, S-5700, to House File 2421, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by inserting after line 48 the  
 5 following:

6 "\_\_\_ . Page 7, by inserting after line 14 the  
 7 following:

8 "5. The state board of regents may use any  
 9 available resources for planning the renovation of  
 10 Lang hall at the university of northern Iowa.""

JIM LIND  
 LARRY MURPHY

S-5780

1 Amend the House amendment, S-5707, to Senate File  
 2 2256, as passed by the Senate, as follows:

3 1. By striking page 1, line 41, through page 2,  
 4 line 1.

5 2. By renumbering as necessary.

O. GENE MADDOX  
 ANDY McKEAN  
 NANCY BOETTGER  
 JOANN DOUGLAS

S-5781

1 Amend House Concurrent Resolution No. 28 as  
2 follows:

3 1. By striking page 1, line 3, through page 2,  
4 line 1, and inserting the following:

5 "A Concurrent Resolution requesting that the United  
6 States Congress amend the federal Juvenile Justice  
7 Delinquency Prevention Act of 1974 and provide  
8 adequate funding to the states to achieve and maintain  
9 compliance with that Act's mandates, including its  
10 mandate to decriminalize status offenses.

11 WHEREAS, status offenses consist of conduct which  
12 is not criminal when committed by adults, such as  
13 truancy and running away from home; and

14 WHEREAS, the federal decriminalization of status  
15 offenses prohibits the placing of status offenders in  
16 secure detention; and

17 WHEREAS, the behavior of some status offenders  
18 places them in jeopardy and demands immediate  
19 intervention to halt their self-destructive behavior  
20 and ameliorate factors contributing to such behavior;  
21 and

22 WHEREAS, intervention for status offenders must be  
23 responsive to many types of children, families, and  
24 communities, including situations where a status  
25 offender refuses to cooperate with appropriate  
26 parental or community rules and standards; and

27 WHEREAS, assuring the continued presence and safety  
28 of a status offender may require the offender's  
29 placement in a controlled, secure setting; and

30 WHEREAS, Congress has established guidelines  
31 granting states authority to make exceptions to the  
32 prohibition on the placing of status offenders in  
33 secure detention; and

34 WHEREAS, states and local jurisdictions within  
35 states are responsible for the development of policies  
36 and the funding of programs that respond to the  
37 federal prohibition on the placing of status offenders  
38 in secure detention; and

39 WHEREAS, complex, time-consuming procedures and  
40 resources are required to implement currently allowed  
41 exceptions to the prohibition on the placing of status  
42 offenders in secure detention; and

43 WHEREAS, Congress is currently considering  
44 reauthorizing the federal Juvenile Justice and

45 Delinquency Prevention Act of 1974; NOW THEREFORE,

46 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
47 SENATE CONCURRING, That Congress should provide states  
48 with sufficient funds through the federal Juvenile

49 Justice and Delinquency Prevention Act's formula grant  
50 program to meet that Acts' mandates; and that Congress

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1 should amend the Act to decrease the administrative  
2 complexities of the Act's exceptions to prohibitions  
3 on the placing of status offenders in secure  
4 detention."

TONY BISIGNANO

HOUSE AMENDMENT TO  
SENATE FILE 2372

S-5782

1 Amend Senate File 2372, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 22 through 29.  
4 2. By renumbering as necessary.

S-5783

1 Amend the House amendment, S-5677, to Senate File  
2 2409, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 3 through 5 and  
5 inserting the following:  
6 "\_\_\_ . Page 1, line 15, by inserting after the  
7 word and figure "chapter 260F," the following: "and".  
8 \_\_\_ . Page 1, line 16, by striking the words and  
9 figure "15.341, and the loan" and inserting the  
10 following: "15.341."  
11 2. Page 1, by striking lines 9 through 22.  
12 3. Page 1, by striking lines 25 through 29 and  
13 inserting the following:  
14 "\_\_\_ . Page 7, by striking lines 20 through 24 and  
15 inserting the following: "political party. Of the  
16 nine voting members, one member shall represent a non-  
17 profit organization involved in workforce development  
18 services, four members shall represent employers, and  
19 four members shall represent nonsupervisory employees.  
20 Of the members appointed by the governor to represent  
21 nonsupervisory employees, two members shall be  
22 appointed upon the recommendations of statewide labor  
23 organizations, one member shall be an employee  
24 representative of a labor management council, and one  
25 member shall be a person with experience in worker  
26 training programs. The governor shall appoint the

27 nine voting”.”

28 4. Page 2, by inserting after line 6 the  
29 following:

30 “\_\_\_ . Page 11, by striking line 12 and inserting  
31 the following: “The department of economic  
32 development, the department of education, and training  
33 providers shall report information concerning the use  
34 of any state or federal training or retraining funds  
35 to the department of workforce development in a form  
36 as required by the department. The accountability  
37 system”.”

38 5. By striking page 2, line 32, through page 3,  
39 line 16, and inserting the following:

40 “\_\_\_ . Page 16, line 17, by inserting after the  
41 word “development.” the following: “However, if the  
42 state workforce development board determines that an  
43 area of the state would be adversely affected by the  
44 designation of the service delivery areas by the  
45 department, the department may, after consultation  
46 with the applicable regional advisory boards and with  
47 the approval of the state workforce development board,  
48 make accommodations in determining the service  
49 delivery areas, including, but not limited to, the  
50 creation of a new service delivery area. In no event

**Page 2**

1 shall the department create more than sixteen service  
2 delivery areas.”

TOM VILSACK  
ALLEN BORLAUG

S-5784

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, by inserting after line 13 the  
5 following:

6 “The appropriation in this section shall be  
7 contingent upon payment to all employees of the museum  
8 and discovery center of a minimum of wage of at least  
9 one hundred percent of the average county wage.”

ALLEN BORLAUG

S-5785

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 9, by inserting after the word  
5 "center" the following: "; provided the average wage  
6 of all full-time employees of the museum and discovery  
7 center is at least one hundred percent of the average  
8 full-time county wage".

LARRY MURPHY  
MIKE CONNOLLY  
TOM VILSACK  
TOM FLYNN

S-5786

1 Amend the amendment, S-5514, to House File 2234, as  
2 passed by the House, as follows:  
3 1. Page 1, line 6, by striking the words "FOR  
4 NONRESIDENT ALIENS".  
5 2. Page 1, lines 12 and 13, by striking the words  
6 and figures "sections 9H.4, 9H.5, and" and inserting  
7 the following: "section".  
8 3. Page 1, line 20, by striking the words and  
9 figure "chapters 9H and" and inserting the following:  
10 "chapter".  
11 4. Page 1, by inserting after line 41 the  
12 following:  
13 "5. An eligible business that complies with this  
14 section shall be considered to be acquiring, owning,  
15 or leasing agricultural land for immediate or  
16 potential use in nonfarming purposes under section  
17 9H.4, subsection 4."

WAYNE BENNETT

S-5787

1 Amend the amendment, S-5700, to House File 2421, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 12, line 14, by inserting after the word  
5 "fund" the following: "and to study the issue of  
6 establishing a financing mechanism to provide local  
7 governments with assistance to finance infrastructure  
8 improvements and to provide a dedicated funding stream  
9 to be allocated to the rebuild Iowa infrastructure  
10 fund".

11 2. Page 12, line 17, by inserting after the word  
 12 "expenditures" the following: "and to recommend a  
 13 financing mechanism and a dedicated funding source to  
 14 provide infrastructure assistance to local  
 15 governments".

JIM LIND

HOUSE AMENDMENT TO  
 SENATE FILE 2207

S-5788

1 Amend Senate File 2207, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by striking lines 3 through 5 and  
 4 inserting the following:  
 5 "NEW SUBSECTION. 2A. "Disabled" means a person  
 6 who is not physically able to operate a motor vehicle  
 7 or use public transportation without assistance due to  
 8 a physical disability."  
 9 2. Title page, line 1, by striking the words  
 10 "excuse from jury service and".  
 11 3. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2301

S-5789

1 Amend Senate File 2301, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 14, by inserting after the word  
 4 "site" the following: "unless a written consent or  
 5 waiver, following full disclosure by the person, is  
 6 obtained from the owner or manager of the site".  
 7 2. Page 1, by striking line 27 and inserting the  
 8 following:  
 9 "4. A person shall not perform lead".  
 10 3. Page 1, lines 30 and 31, by striking the words  
 11 and figures "Beginning December 1, 1997, a" and  
 12 inserting the following: "A".  
 13 4. Page 2, line 19, by striking the words and  
 14 figures "by October 1, 1996".  
 15 5. Page 2, line 22, by striking the following:  
 16 "no later than December 1, 1996".  
 17 6. Page 2, by inserting after line 25 the  
 18 following:  
 19 "Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. This Act  
 20 takes effect only after the department obtains



21 certification from the United States environmental  
 22 protection agency as an accredited program to train  
 23 and certify lead inspectors and abaters. However, the  
 24 department may establish a temporary program for the  
 25 voluntary certification of lead inspectors and lead  
 26 abaters during the period prior to obtaining  
 27 certification as an accredited program from the United  
 28 States environmental protection agency.”  
 29 7. Title page, line 2, by striking the words “and  
 30 providing penalties” and inserting the following:  
 31 “providing penalties, and providing a contingent  
 32 effective date”.

S-5790

1 Amend House File 2497, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, lines 1 and 2, by striking the words  
 4 “secretary of the state fair board.”  
 5 2. Page 5, line 12, by inserting after the word  
 6 “administrator,” the following: “secretary of the  
 7 state fair board.”  
 8 3. Page 6, line 10, by inserting after the word  
 9 “benefits” the following: “and to fund the  
 10 expenditures authorized in section 101 of this Act”.  
 11 4. Page 7, by inserting after line 12 the  
 12 following:  
 13 “Sec. 101. STATE SALARY PROJECT MODEL. The  
 14 department of management may expend up to \$55,848 for  
 15 salaries, support, and miscellaneous purposes  
 16 including 1.00 FTE for the purpose of support and  
 17 maintenance of a state salary project model.”  
 18 5. By renumbering, relettering, or redesignating  
 19 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS  
 LARRY MURPHY, Chairperson

S-5791

1 Amend the House amendment, S-5677, to Senate File  
 2 2409, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 3, by inserting before line 17 the  
 5 following:  
 6 “ — . Page 19, line 5, by inserting after the  
 7 word “service.” the following:  
 8 “The department of workforce development shall  
 9 consult with all noncontract covered employees, or in  
 10 the case of contract covered employees, the exclusive

11 bargaining representative for those employees,  
12 concerning job classification plans or other job-  
13 related matters pertaining to the department.””

TOM VILSACK

S-5792

1 Amend the House amendment, S-5615, to Senate File  
2 2147, as passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 5,  
4 line 42, and inserting the following:

5 “”Section 1. Section 8D.3, subsection 2, Code  
6 Supplement 1995, is amended to read as follows:

7 2. MEMBERS. The commission is composed of ~~three~~  
8 five members appointed by the governor and subject to  
9 confirmation by the senate. Members of the commission  
10 shall not serve in any manner or be employed by an  
11 authorized user of the network or by an entity seeking  
12 to do or doing business with the network. The  
13 governor shall appoint a member as the chairperson of  
14 the commission from the ~~three~~ five members appointed  
15 by the governor, subject to confirmation by the  
16 senate. Members of the commission shall serve six-  
17 year staggered terms as designated by the governor and  
18 appointments to the commission are subject to the  
19 requirements of sections 69.16, 69.16A, and 69.19.  
20 Vacancies shall be filled by the governor for the  
21 duration of the unexpired term. The salary of the  
22 members of the commission shall be twenty thousand  
23 dollars per year, except that the salary of the  
24 chairperson shall be twenty-five thousand dollars per  
25 year. Members of the commission shall also be  
26 reimbursed for all actual and necessary expenses  
27 incurred in the performance of duties as members.  
28 Meetings of the commission shall be held at the call  
29 of the chairperson of the commission. In addition to  
30 the members appointed by the governor, the auditor of  
31 state or the auditor's designee shall serve as a  
32 nonvoting, ex officio member of the commission.  
33 The benefits and salary paid to the members of the  
34 commission shall be adjusted annually equal to the  
35 average of the annual pay adjustments, expense  
36 reimbursements, and related benefits provided under  
37 collective bargaining agreements negotiated pursuant  
38 to chapter 20.

39 Sec. 2. Section 8D.11, subsection 1, Code 1995, is  
40 amended to read as follows:

41 1. The commission may purchase, lease-purchase,  
42 lease, and improve property; and equipment; and

43 services for telecommunications for public and private  
44 agencies and may dispose of property and equipment  
45 when not necessary for its purposes. However, the  
46 commission shall not enter into a contract for the  
47 purchase, lease-purchase, lease, or improvement of  
48 property; ~~or equipment; or services~~ for  
49 telecommunications pursuant to this subsection in an  
50 amount greater than ~~five hundred thousand~~ one million

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1 dollars without prior authorization by a  
2 constitutional majority of each house of the general  
3 assembly, or approval by the legislative council if  
4 the general assembly is not in session. The lease-  
5 purchase agreement may contain provisions, including  
6 interest, term, and obligations to make payments on  
7 the lease-purchase agreements, beyond the budget year  
8 in which the lease-purchase agreement is entered. For  
9 the purpose of funding its obligation to furnish  
10 moneys under a lease-purchase agreement entered into  
11 pursuant to this section, the treasurer of state, with  
12 the assistance of the Iowa telecommunications and  
13 technology commission or the treasurer of state's duly  
14 authorized agent or representative, may enter into a  
15 master lease agreement to borrow moneys to be used to  
16 purchase property or equipment for telecommunications  
17 services for public or private agencies. The  
18 obligations may be in such form, for such term,  
19 bearing such interest, and containing such provisions  
20 as the Iowa telecommunications and technology  
21 commission, in consultation with the treasurer of  
22 state, deems necessary or appropriate. The commission  
23 shall not issue any bonding or other long-term  
24 financing arrangements as defined in section 12.30,  
25 subsection 1, paragraph "b".

26 **PARAGRAPH DIVIDED.** The commission also shall not  
27 provide or resell communications services to entities  
28 other than public and private agencies. The public or  
29 private agency shall not provide communication  
30 services of the network to another entity unless  
31 otherwise authorized pursuant to this chapter. The  
32 commission may arrange for joint use of available  
33 services and facilities, and may enter into leases and  
34 agreements with private and public agencies with  
35 respect to the Iowa communications network, and public  
36 agencies are authorized to enter into leases and  
37 agreements with respect to the network for their use  
38 and operation. Rentals and other amounts due under  
39 the agreements or leases entered into pursuant to this

40 section by a state agency are payable from funds  
41 annually appropriated by the general assembly or from  
42 other funds legally available. Other public agencies  
43 may pay the rental costs and other amounts due under  
44 an agreement or lease from their annual budgeted funds  
45 or other funds legally available or to become  
46 available. This section comprises a complete and  
47 independent authorization and procedure for a public  
48 agency, with the approval of the commission, to enter  
49 into a lease or agreement and related security  
50 enhancement arrangements and this section is not a

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1 qualification of any other powers which a public  
2 agency may possess and the authorizations and powers  
3 granted under this section are not subject to the  
4 terms, requirements, or limitations of any other  
5 provisions of law. All moneys received by the  
6 commission from agreements and leases entered into  
7 pursuant to this section with private and public  
8 agencies shall be deposited in the Iowa communications  
9 network fund.

10 Sec. 3. Section 68B.35, subsection 2, paragraph e,  
11 Code 1995, is amended to read as follows:

12 e. Members of the banking board, the ethics and  
13 campaign disclosure board, the credit union review  
14 board, the economic development board, the employment  
15 appeal board, the environmental protection commission,  
16 the health facilities council, the Iowa business  
17 investment corporation board of directors, the Iowa  
18 finance authority, the Iowa seed capital corporation,  
19 the Iowa public employees' retirement system  
20 investment board, the lottery board, the natural  
21 resource commission, the board of parole, the  
22 petroleum underground storage tank fund board, the  
23 public employment relations board, the state racing  
24 and gaming commission, the state board of regents, the  
25 tax review board, the transportation commission, the  
26 office of consumer advocate, the utilities board, the  
27 Iowa telecommunications and technology commission, and  
28 any full-time members of other boards and commissions  
29 as defined under section 7E.4 who receive an annual  
30 salary for their service on the board or commission.

31 Sec. 4. TASK FORCE ESTABLISHED.

32 1. The Iowa telecommunications and technology  
33 commission established in section 8D.3 shall  
34 coordinate and assist in the completion of a task  
35 force study concerning the provision of access to the  
36 network to authorized users, including access to the

37 Internet. The study shall include a review of any  
38 legal and practical issues which are identified by the  
39 commission or the individual members of the task force  
40 created to conduct the study.  
41 2. a. The Iowa telecommunications and technology  
42 commission shall establish a task force to conduct the  
43 study under subsection 1 composed of public members as  
44 deemed appropriate by the commission.  
45 b. In addition to the public members appointed by  
46 the commission under paragraph "a", the majority and  
47 minority leaders in the senate and the speaker and the  
48 minority leader in the house of representatives shall  
49 appoint one member each to serve on the task force.  
50 The legislative appointees are eligible for per diem

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1 and actual expenses in the fulfillment of their duties  
2 as members of the task force.

3 3. The Iowa telecommunications and technology  
4 commission shall utilize funds from the appropriation  
5 for the study relating to the sale or conversion of  
6 the network contained in 1995 Iowa Acts, chapter 210,  
7 section 4, subsection 3, that remain unencumbered and  
8 unobligated on the effective date of this section, for  
9 the completion of the study to be conducted pursuant  
10 to this section.

11 4. This section, being deemed of immediate  
12 importance, takes effect upon enactment.

13 Sec. 5. INITIAL APPOINTMENTS OF NEW COMMISSION  
14 MEMBERS. The two new members of the Iowa  
15 telecommunications and technology commission provided  
16 for in section 1 of this Act shall be appointed on or  
17 before July 1, 1996, to the following terms:

18 1. One member shall be appointed for a term of  
19 five years.

20 2. One member shall be appointed for a term of  
21 three years."

22 2. Title page, line 2, by inserting after the  
23 word "commission" the following: ", providing for  
24 matters relating to the authority and duties of the  
25 commission, and providing an effective date".

ROBERT DVORSKY

S-5793

1 Amend House File 2497, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 14 the

4 following:

- 5 "— . A noncontract supervisory employee shall not  
 6 receive an annual salary which is less than the annual  
 7 salary of a contract employee who the noncontract  
 8 employee supervises. This subsection shall not apply  
 9 to persons appointed by the governor, elected state  
 10 officers, and persons appointed by the state board of  
 11 regents."  
 12 2. By renumbering as necessary.

MARY KRAMER

S-5794

- 1 Amend House File 2497, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, by inserting after line 12 the  
 4 following:  
 5 "If the funds appropriated to the salary adjustment  
 6 fund pursuant to this section are insufficient to  
 7 fully fund the annual salary adjustments, expense  
 8 reimbursements, and related benefits, an amount  
 9 sufficient to pay any remaining obligations payable  
 10 from the salary adjustment fund is appropriated from  
 11 the general fund of the state to the salary adjustment  
 12 fund for that purpose."

MARY KRAMER

S-5795

- 1 Amend Senate File 2370 as follows:  
 2 1. Page 3, line 14, by striking the word "The"  
 3 and inserting the following: "In conjunction with the  
 4 energy bureau of the energy and geological resources  
 5 division of the department of natural resources, the".

MARY LUNDBY

S-5796

- 1 Amend House File 2497, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, line 23, by inserting after the word  
 4 "affairs," the following: "administrator of the state  
 5 racing and gaming commission of the department of  
 6 inspections and appeals."  
 7 2. Page 4, line 26, by inserting after the word  
 8 "commerce," the following: "secretary of the state  
 9 fair board,".

10 3. Page 4, lines 29 through 31, by striking the  
 11 words "the administrator of the state racing and  
 12 gaming commission of the department of inspections and  
 13 appeals,".

14 4. Page 5, lines 1 and 2, by striking the words  
 15 "secretary of the state fair board,".

MARY LUNDBY  
 ANDY McKEAN

S-5797

1 Amend House File 2497, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 8, line 23, by inserting after the word  
 4 "employees" the following: "and merit supervisory  
 5 employees".

ROBERT DVORSKY

S-5798

1 Amend House File 2491, as passed by the House, as  
 2 follows:

3 1. Page 2, line 6, by striking the word and  
 4 figure "Section 444.25A does" and inserting the  
 5 following: "Sections 444.25A and 444.25B do".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-5799

1 Amend Senate File 2285 as follows:

2 1. Page 1, lines 9 and 10, by striking the words  
 3 "the imposition of parking fees;".

4 2. Page 1, by striking lines 18 through 20 and  
 5 inserting the following: "and bicycles for violation  
 6 of the rules. The".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-5800

1 Amend Senate File 2370 as follows:

2 1. Page 3, line 9, by inserting after the word  
 3 "persons" the following: ", and shall be developed in  
 4 conjunction with the energy bureau of the energy and

5 geological resources division of the department of  
6 natural resources”.

BILL FINK

S-5801

- 1 Amend House Concurrent Resolution 110 as follows:
- 2 1. By striking page 1, line 29, through page 2,
- 3 line 1, and inserting the following:
- 4 “WHEREAS, the route from the Marshall-Hardin County
- 5 line along the Iowa River Valley to Iowa City, through
- 6 Liscomb, Albion, Marshalltown, Quarry, LeGrand,
- 7 Montour, Toledo, Tama, Chelsea, Belle Plaine, Marengo,
- 8 the Amana”.
- 9 2. Page 2, line 6, by inserting after the word
- 10 “Park,” the following: “the scenic area of Mormon
- 11 Ridge and Three Bridges County Park in Marshall
- 12 County,”.
- 13 3. Page 2, by striking lines 17 and 18 and
- 14 inserting the following: “from the Marshall-Hardin
- 15 County line along the Iowa River Valley to Iowa City,
- 16 through Liscomb, Albion, Marshalltown, Quarry,
- 17 LeGrand, Montour, Toledo, Tama, Chelsea, Belle”.

RANDAL J. GIANNETTO

S-5802

- 1 Amend the amendment, S-5792, to the House
- 2 amendment, S-5615, to Senate File 2147, as passed by
- 3 the Senate, as follows:
- 4 1. Page 1, line 22, by striking the word “twenty”
- 5 and inserting the following: “twenty twelve”.
- 6 2. Page 1, line 24, by striking the word “twenty-
- 7 five” and inserting the following: “twenty-five
- 8 seventeen”.
- 9 3. By renumbering as necessary.

DERRYL McLAREN  
TOM FLYNN

S-5803

- 1 Amend the amendment, S-5792, to the House
- 2 amendment, S-5615, to Senate File 2147, as passed by
- 3 the Senate, as follows:
- 4 1. By striking page 3, line 31, through page 4,



5 line 12.

6 2. By renumbering as necessary.

DERRYL McLAREN

S-5804

1 Amend House File 2486, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 11, line 25, by striking the figure

4 "11,034,866" and inserting the following:

5 "12,685,362".

6 2. Page 12, line 3, by striking the figure

7 "13,038,763" and inserting the following:

8 "11,388,267".

9 3. Page 13, line 24, by striking the figure

10 "8,306,132" and inserting the following: "8,633,742".

11 4. Page 13, line 33, by striking the word "If"

12 and inserting the following: "Unless the governor  
13 authorizes funding as provided in subsection 2, if".

14 5. Page 14, by striking lines 12 and 13 and

15 inserting the following:

16 "2. a. If the governor determines prior to

17 October 1, 1996, that federal funding available to the

18 state for a program referenced in this subsection for

19 the federal fiscal year beginning October 1, 1995, is

20 less than the amount available to the state for the

21 program in either of the two preceding federal fiscal

22 years, the governor, subject to the limitations of

23 this subsection, may authorize state funding to

24 replace the federal funding. The amount of funding

25 authorized by the governor for a program shall not

26 exceed the amount by which the federal funding for the

27 program in the federal fiscal year beginning October

28 1, 1995, is less than the federal funding for the

29 program in either of the two preceding federal fiscal

30 years.

31 b. The governor's authorization of funding for a

32 program is subject to a finding by the governor that

33 the reduction in federal funding will cause a hardship

34 for individuals otherwise eligible for assistance by

35 the program, or will adversely affect state or local

36 education, economic development, employment, crime

37 prevention and the criminal justice system, drug

38 control, or housing efforts.

39 c. The provisions of this subsection apply to any

40 program funded under sections 1 through 13 of this Act

41 and to any other program which is funded in whole or

42 in part with federal funds and is directed to children

43 or older Iowans, or to state or local education,

44 economic development, employment, crime prevention and  
45 the criminal justice system, drug control, or housing  
46 efforts.

47 d. There is appropriated from moneys transferred  
48 to the general fund of the state pursuant to section  
49 8.55, subsection 2, in the fiscal year beginning July  
50 1, 1996, which are otherwise unobligated, an amount

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1 sufficient to fund authorizations provided by the  
2 governor under this subsection. The amount  
3 appropriated in this subsection is subject to the  
4 state general fund expenditure limit for the fiscal  
5 year beginning July 1, 1996, created pursuant to  
6 section 8.54.

7 3. Before the governor implements an action  
8 provided for in subsection 1 or 2, the following  
9 procedures apply:"

10 6. Page 14, line 20, by inserting after the word  
11 "allocations" the following: "or authorization".

12 7. Page 14, line 22, by inserting after the word  
13 "to" the following: "or authorized for".

14 8. Page 24, line 22, by inserting after the word  
15 "database." the following: "It is the intent of the  
16 general assembly that the governor will utilize the  
17 governor's authority under section 14, subsection 2,  
18 of this Act, to the extent possible, as a means of  
19 ensuring that funding for the program is made  
20 sufficient and to preclude utilizing the procedures  
21 provided in this section."

22 9. Page 24, by inserting after line 22 the  
23 following:

24 "Sec. \_\_\_\_ . CULTURAL AFFAIRS -- FEDERAL ACTIONS.

25 The department of management shall conduct a review of  
26 federal actions concerning the level of funding and  
27 policies relating to the arts and to cultural affairs  
28 and the anticipated effects of the federal actions  
29 upon the department of cultural affairs and the  
30 department of cultural affairs' programs. Based upon  
31 the anticipated effects, the department of management  
32 shall examine the functions and programs of the  
33 department of cultural affairs and make  
34 recommendations to the governor and the general  
35 assembly as to options for restructuring the  
36 department of cultural affairs' programs. The  
37 recommendations shall be submitted to the governor and  
38 the general assembly prior to the convening of the

39 Seventy-seventh General Assembly."  
40 10. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-5805

1 Amend Senate File 2463 as follows:  
2 1. Page 3, line 13, by inserting after the word  
3 "descendant" the following: "or brother, sister,  
4 niece, or nephew".  
5 2. Page 3, line 17, by striking the word "father"  
6 and inserting the following: "father<sub>1</sub>".  
7 3. Page 3, by striking line 18 and inserting the  
8 following: "or mother, or to a brother, sister,  
9 niece, nephew, child, or other lineal descendant of  
10 the decedent".  
11 4. Page 3, by striking line 27 and inserting the  
12 following: "to the brother or sister, son-in-law, or  
13 daughter-in-law, or".

DONALD B. REDFERN

S-5806

1 Amend Senate File 2468 as follows:  
2 1. Page 1, line 34, by striking the word "at" and  
3 inserting the following: "at".  
4 2. By striking page 1, line 35, through page 2,  
5 line 2, and inserting the following: "racetrack  
6 enclosures authorized under this chapter is twenty-two  
7 percent and shall increase by two percent each  
8 succeeding calendar year until the rate is thirty-six  
9 percent. The taxes imposed by this section shall".  
10 3. Page 2, line 9, by striking the words "at a  
11 racetrack enclosure" and inserting the following:  
12 "authorized under this chapter".  
13 4. Page 2, line 14, by striking the words "ten  
14 pilot projects with two" and inserting the following:  
15 "twenty pilot projects with four".  
16 5. Title page, line 2, by inserting before the  
17 words "a racetrack" the following: "a riverboat or".

H. KAY HEDGE  
WAYNE D. BENNETT

S-5807

- 1 Amend Senate File 2463 as follows:
- 2 1. By striking page 7, line 9, through page 13,
- 3 line 16.
- 4 2. Title page, lines 5 and 6, by striking the
- 5 words "registration of securities in a transfer-on-
- 6 death form,".
- 7 3. By renumbering, relettering, redesignating,
- 8 and correcting internal references as necessary.

TOM VILSACK

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2497

S-5808

- 1 Amend the amendment, H-5976, to House File 2497, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 8 through 17.

S-5809

- 1 Amend House File 2486, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 24, by inserting after line 22 the
- 4 following:
- 5 "Sec. \_\_\_\_ . WELFARE REFORM BLOCK GRANT.
- 6 1. Notwithstanding contrary provisions of section
- 7 8.41, as enacted in 1996 Iowa Acts, House File 2256,
- 8 the provisions of this section shall apply if all of
- 9 the following conditions are met:
- 10 a. The provisions of this section shall apply only
- 11 to programs, funding, and policies of the family
- 12 investment program and the job opportunities and basic
- 13 skills (JOBS) program.
- 14 b. Federal law creating a welfare reform block
- 15 grant is enacted which provides for optional early
- 16 implementation dates which precede the convening of
- 17 the Seventy-seventh General Assembly.
- 18 c. The department of human services determines
- 19 early implementation of the federal block grant
- 20 provisions is advantageous to Iowa. All of the
- 21 following requirements shall apply in order for the
- 22 department to make such a determination:
- 23 (1) Early implementation will result in additional
- 24 federal funding for the family investment program or

25 the JOBS program.

26 (2) The early implementation of the block grant  
27 provisions will not disadvantage any applicant or  
28 recipient of assistance under the family investment  
29 program by resulting in reduced benefits, terminated  
30 eligibility, or denied eligibility to the extent those  
31 conditions would not have resulted under Iowa's  
32 welfare reform provisions in effect prior to the early  
33 implementation of the federal block grant provisions.  
34 The department may satisfy this requirement by using  
35 one hundred percent state funds to offset any  
36 disadvantage to an applicant or recipient for services  
37 eligible for federal financial participation prior to  
38 the early implementation of the federal block grant  
39 provisions if the increase in state funds used does  
40 not exceed any additional federal funding received  
41 under the block grant.

42 (3) The department can reasonably make computer  
43 system and procedural changes necessary to implement  
44 the provisions within any federally mandated time  
45 frames as necessary to qualify for early  
46 implementation of the federal block grant provisions.

47 (4) The state will not incur any excessive  
48 financial risks with early implementation of the  
49 federal block grant provisions.

50 2. If the federal legislation described is

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1 enacted, the department shall seek input from the  
2 individuals of the work group which considered the  
3 state human investment policy or a successor  
4 interagency task force which makes recommendations to  
5 the department concerning the family investment  
6 program.

7 3. If all of the conditions of subsections 1 and 2  
8 are met, the department may take steps to notify the  
9 United States department of health and human services,  
10 or some other such entity as designated in the federal  
11 legislation, that the state of Iowa is opting for  
12 early implementation of the federal welfare reform  
13 block grant provisions. If the department takes steps  
14 to elect early implementation of the federal block  
15 grant provisions, the department shall notify the  
16 fiscal committee of the legislative council, the  
17 legislative fiscal bureau, the chairpersons and  
18 ranking members of the senate and house committees on  
19 human resources, and the chairpersons and ranking  
20 members of the senate and house appropriations  
21 subcommittee on human services of all of the

22 following:

23 a. The findings that the conditions in subsection  
24 1 are met.

25 b. The notice to the federal government of  
26 electing early implementation of the block grant  
27 provisions.

28 c. Fiscal impacts of electing early implementation  
29 of the block grant provisions.

30 4. If allowed by federal law, the department may  
31 discontinue the provisions for control groups as  
32 required by the federal government and apply welfare  
33 reform policies to all applicants and recipients of  
34 assistance in the family investment program equally.  
35 The department shall make notifications similar to  
36 those required in subsection 3 of any decision to  
37 continue or discontinue control groups."

38 2. By renumbering as necessary.

JOHNNIE HAMMOND  
MAGGIE TINSMAN

S-5810

1 Amend Senate File 2468 as follows:

2 1. Page 1, line 9, by inserting after the word  
3 "district" the following: ", except a school  
4 district,".

5 2. Page 1, line 12, by inserting after the word  
6 "district" the following: ", except a school  
7 district,".

TONY BISIGNANO

S-5811

1 Amend Senate File 2468 as follows:

2 1. Page 2, by striking lines 13 through 20 and  
3 inserting the following: "1997, to the department of  
4 human services to be used for state child care  
5 assistance programs."

TONY BISIGNANO

S-5812

1 Amend the amendment, S-5804, to House File 2486, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 2, line 6, by inserting after the figure  
5 "8.54." the following: "Additional funding

6 appropriated pursuant to this subsection shall not be  
7 used for interdepartmental transfers or for any  
8 expenditure other than for expenditures as provided in  
9 the federal law which established and implemented the  
10 guidelines for the block grant for which the funds  
11 were appropriated."

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

14 "— . Page 14, by inserting after line 26 the  
15 following:

16 "4. After the governor implements an action  
17 provided for in subsection 1 or 2, and provides notice  
18 as required under subsection 3, the governor shall  
19 notify the legislative fiscal committee and the  
20 legislative fiscal bureau of the amount of additional  
21 funding that was allocated to each program.

22 5. It is the intent of the general assembly that  
23 if funds received from the federal government are less  
24 than the anticipated or appropriated amounts, the  
25 governor shall replace all or a portion of the funds  
26 for the following programs and block grants:

27 1. The helping disadvantaged children meet high  
28 standards program.

29 2. The resource conservation and development  
30 program.

31 3. The substance abuse prevention and treatment  
32 block grant.

33 4. The community mental health services block  
34 grant.

35 5. The maternal and child health services block  
36 grant.

37 6. The preventive health and health services block  
38 grant.

39 7. The drug control and system improvement block  
40 grant.

41 8. The stop violence against women block grant.

42 9. The community services block grant.

43 10. The community development block grant.

44 11. The low-income home energy assistance block  
45 grant."

LARRY MURPHY

S-5813

1 Amend Senate File 2468 as follows:

2 1. Page 1, by striking lines 1 through 23.

3 2. Page 1, by striking lines 32 through 35 and

4 inserting the following: "receipts over three million

5 dollars. However, beginning January 1, 1997, the rate

- 6 on any amount of adjusted gross receipts over three  
 7 million dollars from gambling games at racetrack  
 8 enclosures is twenty-two percent and shall increase".  
 9 3. Page 2, by striking lines 6 through 20.  
 10 4. Title page, line 1, by striking the words  
 11 "real property used in or".  
 12 5. Title page, line 2, by striking the words "a  
 13 racetrack" and inserting the following: "gambling  
 14 games on or at a riverboat".

TONY BISIGNANO

S-5814

- 1 Amend House File 2486, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 14, line 14, by inserting after the word  
 4 "The" the following: "members of the legislative  
 5 council, the".  
 6 2. Page 14, by striking lines 24 through 26 and  
 7 inserting the following: "deemed useful."  
 8 c. The legislative council shall review the  
 9 governor's proposed action within sixty days of  
 10 receiving notification of the action. If the  
 11 legislative council fails to approve the proposed  
 12 action, the governor shall not proceed with the  
 13 proposed action."

DERRYL McLAREN  
 MERLIN E. BARTZ  
 JIM LIND

HOUSE AMENDMENT TO  
 SENATE FILE 2366

S-5815

- 1 Amend Senate File 2366, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 1, through page 2,  
 4 line 14.  
 5 2. Page 2, line 25, by striking the words "five  
 6 hundred thousand" and inserting the following: "five  
 7 hundred thousand one million".  
 8 3. Page 2, line 32, by striking the words "or a  
 9 state agency".  
 10 4. Page 2, line 35, by striking the words "or  
 11 state agency".  
 12 5. Page 3, line 2, by striking the words "five  
 13 hundred thousand" and inserting the following: "one



14 million”.

15 6. Page 3, line 33, by striking the words “state  
16 agencies” and inserting the following: “the  
17 commission”.

18 7. Page 6, line 27, by striking the words and  
19 figures “and section 8.46, subsection 2A”.

20 8. Page 6, lines 31 and 32, by striking the words  
21 “and section 8.46, subsection 2A”.

22 9. Page 10, line 18, by striking the word “For”  
23 and inserting the following: “~~For~~ Unless the context  
24 otherwise requires, for”.

25 10. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2458

S-5816

1 Amend the Senate amendment, H-5922, to House File  
2 2458, 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 1, by inserting after line 16 the  
7 following:

8 “Sec.     . Section 216A.136, unnumbered paragraph  
9 1, as enacted by 1996 Iowa Acts, House File 2448,  
10 section 2, if enacted, is amended to read as follows:

11 The division shall maintain an Iowa statistical  
12 analysis center for the purpose of coordinating with  
13 data resource agencies to provide data and analytical  
14 information to federal, state, and local governments,  
15 and assist agencies in the use of criminal and  
16 juvenile justice data. Notwithstanding any other  
17 provision of state law, unless prohibited by federal  
18 law or regulation, the division shall be granted  
19 access, for purposes of research and evaluation, to  
20 criminal history records, official juvenile court  
21 records, juvenile court social records, and any other  
22 data collected or under control of the board of  
23 parole, department of corrections, district  
24 departments of correctional services, department of  
25 human services, judicial department, and department of  
26 public safety. However, intelligence data and peace  
27 officer investigative reports maintained by the  
28 department of public safety shall not be considered  
29 data for the purposes of this section. Any record,  
30 data, or information obtained by the division under  
31 this section and the division itself are subject to

32 the federal and state confidentiality laws and  
 33 regulations which are applicable to the original  
 34 record, data, or information obtained by the division  
 35 and to the original custodian of the record, data, or  
 36 information. The access shall include but is not  
 37 limited to all of the following:

38 Sec. \_\_\_\_ . Section 216A.136, subsection 4, as  
 39 enacted by 1996 Iowa Acts, House File 2448, section 2,  
 40 if enacted, is amended to read as follows:

41 4. Criminal history ~~and intelligence~~ data  
 42 maintained under chapter 692.””

43 2. Page 1, by striking lines 3 through 7.

44 3. Page 1, by inserting before line 8 the  
 45 following:

46 “ \_\_\_\_ . Page 2, line 20, by striking the word  
 47 “including” and inserting the following: “including  
 48 pursuant to guidelines established by the supreme  
 49 court, except that the supreme court guidelines shall  
 50 not apply where the person represented is charged with

## Page 2

1 a class “A” felony. Reasonable compensation  
 2 includes”.”

3 4. Page 2, line 15, by striking the word  
 4 “probation” and inserting the following:  
 5 “incarceration”.

6 5. Page 2, by inserting after line 18 the  
 7 following:

8 “(4) Prison with sentence reconsideration.”

9 6. Page 2, line 34, by inserting after the word  
 10 “and” the following: “sublevels one and three of  
 11 level”.

12 7. Page 3, lines 14 through 16, by striking the  
 13 words “or use twenty-one-day shock probation under  
 14 subsection 1, paragraph “d”, subparagraph (1),”.

15 8. Page 4, line 21, by striking the word  
 16 “supervision” and inserting the following:  
 17 “sanctions”.

18 9. Page 5, line 7, by striking the word  
 19 “supervision” and inserting the following:  
 20 “sanctions”.

21 10. Page 10, by inserting after line 3 the  
 22 following:

23 “Sec. \_\_\_\_ . **INDICTABLE MISDEMEANORS -- STUDY --**  
 24 **REPORT.** The state public defender shall conduct a  
 25 study to determine which indictable misdemeanors  
 26 should be reclassified as simple misdemeanors in order  
 27 to reduce the need for and costs associated with  
 28 appointed counsel in this state while balancing the

29 rights of those persons charged with such crimes. In  
 30 conducting the study the state public defender shall  
 31 seek input from as many individuals with knowledge on  
 32 this issue as possible. The state public defender  
 33 shall submit a report of the study's findings and  
 34 recommendations to the general assembly by January 13,  
 35 1997."

36 11. Page 10, by inserting after line 3 the  
 37 following:

38 "\_\_\_ . Title page, line 1, by inserting after the  
 39 words "relating to" the following: "criminal and  
 40 juvenile justice, including criminal intelligence data  
 41 and"."

42 12. Title page, line 3, by inserting after the  
 43 word "costs," the following: "conducting a study on  
 44 indictable misdemeanors,"."

45 13. By renumbering, relettering, or redesignating  
 46 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 284

S-5817

1 Amend Senate File 284, as passed by the Senate, as  
 2 follows:

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

5 "Section 1. Section 91E.3, subsection 1, Code  
 6 1995, is amended by adding the following new  
 7 paragraph:

8 NEW PARAGRAPH. e. That possession of forged  
 9 documentation authorizing the person to stay or be  
 10 employed in the United States is a class "D" felony."

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

13 "Sec. \_\_\_ . NEW SECTION. 715A.2A ACCOMMODATION OF  
 14 FORGERY -- PENALTY.

15 1. An employer is subject to the civil penalty in  
 16 this section if the employer does either of the  
 17 following:

18 a. Hires a person when the employer or an agent or  
 19 employee of the employer knows that the document  
 20 evidencing the person's authorized stay or employment  
 21 in the United States is in violation of section  
 22 715A.2, subsection 2, paragraph "a", subparagraph (4),  
 23 or knows that the person is not authorized to be  
 24 employed in the United States.

25 b. Continues to employ a person when the employer  
 26 or an agent or employee of the employer knows that the

27 document evidencing the person's authorized stay or  
28 employment in the United States is in violation of  
29 section 715A.2, subsection 2, paragraph "a",  
30 subparagraph (4), or knows that the person is not  
31 authorized to be employed in the United States.

32 2. An employer who establishes that it has  
33 complied in good faith with the requirements of 8  
34 U.S.C. § 1324(b) with respect to the hiring or  
35 continued employment of an alien in the United States  
36 has established an affirmative defense that the  
37 employer has not violated this section.

38 3. An employer who violates this section shall  
39 cease and desist from further violations and shall pay  
40 the following civil penalty:

41 a. For a first violation, not less than two  
42 hundred and fifty dollars and not more than two  
43 thousand dollars for each unauthorized alien hired or  
44 employed.

45 b. For a second violation, not less than two  
46 thousand dollars and not more than five thousand  
47 dollars for each unauthorized alien hired or employed.

48 c. For a third or subsequent violation, not less  
49 than three thousand dollars and not more than ten  
50 thousand dollars for each unauthorized alien hired or

## Page 2

1 employed.

2 In addition, an employer found to have violated  
3 this section shall be assessed the costs of the action  
4 to enforce the civil penalty, including the reasonable  
5 costs of investigation and attorneys' fees.

6 4. A civil action to enforce this provision shall  
7 be by equitable proceedings instituted by the attorney  
8 general or county attorney.

9 5. Penalties ordered pursuant to this section  
10 shall be paid to the treasurer of state for deposit in  
11 the general fund of the state."

12 3. Title page, line 4, by striking the word  
13 "penalties" and inserting the following: "criminal  
14 penalties and providing civil penalties for employers  
15 hiring individuals with forged documents regarding the  
16 individuals' entry into, study, or employment in the  
17 United States".

18 4. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2370

S-5818

1 Amend Senate File 2370, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 20 through 23.

4 2. By striking page 1, line 31, through page 2,  
5 line 5.

6 3. Page 3, line 29, by inserting after the word  
7 "cost-effective." the following: "In determining the  
8 cost-effectiveness of an energy efficiency plan, the  
9 board shall apply the societal test, utility cost  
10 test, rate-payer impact test, and participant test."

11 4. Page 4, by striking lines 18 through 27 and  
12 inserting the following:

13 "b. A gas and electric utility required to be  
14 rate-regulated under this chapter shall assess  
15 potential energy and capacity savings available from  
16 actual and projected customer usage by applying  
17 commercially available technology and improved  
18 operating practices to energy-using equipment and  
19 buildings. The utility shall submit the assessment to  
20 the board. Upon receipt of the assessment, the board  
21 shall consult with the energy bureau of the division  
22 of energy and geological resources of the department  
23 of natural resources to develop specific capacity and  
24 energy savings performance standards for each utility.  
25 The utility shall submit an energy efficiency plan  
26 which shall include economically achievable programs  
27 designed to attain these energy and capacity  
28 performance standards."

29 5. Page 6, by striking lines 3 through 18.

30 6. By striking page 7, line 17, through page 11,  
31 line 23.

32 7. By striking page 12, line 29, through page 13,  
33 line 16.

34 8. By striking page 13, line 18, through page 14,  
35 line 3.

36 9. Title page, line 1, by striking the words "and  
37 alternate energy".

38 10. Title page, line 6, by striking the words  
39 "and providing an applicability provision".

40 11. By renumbering as necessary.

S-5819

1 Amend House File 2486, as amended, passed, and  
2 reprinted by the House, as follows:

- 3 1. Page 14, line 14, by inserting after the word  
 4 "The" the following: "members of the legislative  
 5 council, the".  
 6 2. Page 14, by striking lines 24 and 25 and  
 7 inserting the following: "deemed useful. Members of  
 8 the general assembly who are required to be notified  
 9 shall be allowed at least thirty days to review and  
 10 comment on the proposed action".

DERRYL McLAREN  
 LARRY MURPHY  
 TOM FLYNN  
 JIM LIND

S-5820

- 1 Amend Senate File 2468 as follows:  
 2 1. By striking page 1, line 24, through page 2,  
 3 line 20.  
 4 2. Title page, lines 1 and 2, by striking the  
 5 words "or gross receipts gained from".

ANDY McKEAN  
 ALBERT G. SORENSEN  
 MARY NEUHAUSER  
 JOHNIE HAMMOND  
 RODNEY HALVORSON  
 NANCY BOETTGER  
 WAYNE D. BENNETT  
 H. KAY HEDGE  
 MERLIN E. BARTZ  
 DENNIS H. BLACK  
 JIM LIND  
 DONALD B. REDFERN  
 DERRYL McLAREN  
 ALLEN BORLAUG  
 O. GENE MADDOX  
 JOANN DOUGLAS  
 STEWART IVERSON, JR.  
 LYLE E. ZIEMAN  
 MARY KRAMER  
 JACK RIFE  
 JOHN W. JENSEN  
 MARY LOU FREEMAN

HOUSE AMENDMENT TO  
SENATE FILE 2195

S-5821

1 Amend Senate File 2195, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. There is appropriated from the general  
6 fund of the state to the Iowa communications network  
7 fund created in section 8D.14 for the fiscal year  
8 beginning July 1, 1996, and ending June 30, 1997, the  
9 following amount, or so much thereof as is necessary,  
10 to be used for the purpose designated:

11 For debt service:

12 ..... \$ 12,754,000

13 Upon the appropriation of the funds in this section  
14 to the Iowa communications network fund, the Iowa  
15 telecommunications and technology commission shall  
16 immediately transfer \$12,754,000 of the appropriated  
17 amount to a separate fund established in the office of  
18 the treasurer of state, to be used solely for debt  
19 service for the Iowa communications network. The  
20 commission shall certify to the treasurer of state  
21 when a debt service payment is due, and upon receipt  
22 of the certification the treasurer shall make the  
23 payment. The commission shall pay any additional  
24 amount due from funds deposited in the Iowa  
25 communications network fund.

26 Sec. 2. PART III RELATED APPROPRIATIONS.

27 1. PART III AUTHORIZED USERS.

28 a. There is appropriated from the rebuild Iowa  
29 infrastructure fund of the state created in section  
30 8.57, subsection 5, to the Iowa communications network  
31 fund under the control of the Iowa telecommunications  
32 and technology commission for the fiscal year  
33 beginning July 1, 1996, and ending June 30, 1997, the  
34 following amount, or so much thereof as is necessary,  
35 to be used for the purpose designated:

36 For the connection of a minimum of 110 Part III  
37 authorized users as determined by the commission and  
38 communicated to the general assembly:

39 ..... \$ 19,600,095

40 b. It is the intent of the general assembly that  
41 the connection of the authorized user sites pursuant  
42 to this subsection be awarded based upon the Part III  
43 contracts executed in 1995.

44 c. Notwithstanding the fact that funds  
45 appropriated pursuant to this subsection will not be

46 made available prior to July 1, 1996, the Iowa  
 47 telecommunications and technology commission is  
 48 authorized to negotiate and enter into contracts for  
 49 ordering necessary equipment related to the completion  
 50 of the connections authorized in paragraph "a" as

Page 2

1 deemed appropriate by the commission upon the  
 2 effective date of this paragraph.

3 2. PART III NETWORK COSTS -- SUBSIDIZATION FUND.

4 There is appropriated from the general fund of the  
 5 state to the Iowa communications network fund created  
 6 in section 8D.14 for the fiscal year beginning July 1,  
 7 1996, and ending June 30, 1997, the following amount,  
 8 or so much thereof as is necessary, to be used for the  
 9 purposes designated in this subsection:

10 For the subsidization of video rates for authorized  
 11 users as determined by the commission and consistent  
 12 with chapter 8D:

13 .....	\$ 2,400,000
14 .....	FTEs 57.00

15 3. PART III NETWORK COSTS -- MAINTENANCE AND LEASE  
16 COSTS.

17 a. There is appropriated from the rebuild Iowa  
 18 infrastructure fund of the state created in section  
 19 8.57, subsection 5, to the Iowa communications network  
 20 fund under the control of the Iowa telecommunications  
 21 and technology commission for the fiscal year  
 22 beginning July 1, 1996, and ending June 30, 1997, the  
 23 following amount, or so much thereof as is necessary,  
 24 to be used for the purpose designated:

25 For maintenance costs and recurring lease costs as  
 26 provided in this subsection:

27 .....	\$ 1,199,905
----------	--------------

28 b. As a condition of the appropriation in this  
 29 subsection, \$209,298 of the amount appropriated shall  
 30 be expended by the Iowa telecommunications and  
 31 technology commission for maintenance costs associated  
 32 with Part III connections of the network.

33 c. As a further condition of the appropriation in  
 34 this subsection, \$990,607 of the amount appropriated  
 35 shall be expended by the Iowa telecommunications and  
 36 technology commission for recurring lease costs  
 37 associated with Part III connections of the network.

38 Sec. 3. LEGISLATIVE INTENT.

39 1. It is the intent of the general assembly that  
 40 the Iowa telecommunications and technology commission  
 41 direct the telecommunications advisory committee  
 42 established in section 8D.7, in consultation with the



43 department of management, to develop recommendations  
44 concerning the expenses which should be recovered in  
45 the rates established by the commission for use of the  
46 network, and any necessary subsidies. The commission  
47 shall develop the commission's budget recommendations  
48 for the fiscal year beginning July 1, 1997, after  
49 consideration of these recommendations.

50 2. It is also the intent of the general assembly

**Page 3**

1 that the commission conduct a study concerning the  
2 possibility of allowing Internet service providers to  
3 petition the commission to provide Internet service to  
4 authorized users in areas of the state where there is  
5 no local Internet service, if permitting such Internet  
6 service providers to provide such service will result  
7 in Internet service being available to areas where the  
8 authorized user is located.

9 3. It is also the intent of the general assembly  
10 that the commission establish a waiver process for  
11 site-based charges to permit an authorized user to  
12 recover the authorized user's cost of providing the  
13 use of the authorized user's facility to another  
14 person.

15 4. It is also the intent of the general assembly  
16 that the education telecommunications council and the  
17 regional telecommunications councils give priority to  
18 network video usage during the normal school hours for  
19 grades prekindergarten through twelve at those video  
20 sites which are located within school district  
21 facilities. The commission, in consultation with the  
22 education telecommunications council, shall establish  
23 a policy for flexibility of use for educational video  
24 classrooms during normal school hours for events  
25 unrelated to network use.

26 **Sec. 4. CONTRACT MODIFICATION.** Notwithstanding  
27 section 8D.13, the commission is authorized to  
28 negotiate a contract with Sooland Cable involving the  
29 connection of five Part III sites, to provide for a  
30 lump-sum payment at the time of installation and  
31 activation of the circuit which will result in a real  
32 savings within a range of \$23,400 up to \$27,000 per  
33 site when compared to the original contract price.

34 **Sec. 5. ADDITIONAL CONNECTIONS.**

35 1. **LEWIS CENTRAL HIGH SCHOOL.** Notwithstanding  
36 section 8D.13, subsection 5, the state may own and the  
37 Iowa telecommunications and technology commission  
38 shall provide for the construction and connection to  
39 the Iowa communications network of the Lewis Central

40 high school, located in Council Bluffs and contiguous  
41 to the school for the deaf established under chapter  
42 270.

43 2. ADDITIONS TO PART III. The Iowa  
44 telecommunications and technology commission may  
45 contract for construction relating to connections to  
46 the Iowa communications network for the following  
47 authorized users which were not identified in the  
48 original Part III request for proposals, but which  
49 meet the definition of a Part III user pursuant to  
50 section 8D.13, subsection 2, paragraph "c":

**Page 4**

- 1 a. Wall LakeView middle school, Wall Lake.
- 2 b. Meservey-Thornton community school district,
- 3 Thornton.
- 4 c. Eldora state training school, Eldora.
- 5 d. Iowa juvenile home, Toledo.
- 6 e. Any other public school district, identified by
- 7 the commission, which does not have a connection to
- 8 the network.

9 **Sec. 6. EFFECTIVE DATE.**

- 10 1. Section 2, subsection 1, paragraph "c", of this
- 11 Act, which authorizes the Iowa telecommunications and
- 12 technology commission to begin negotiations for
- 13 ordering necessary equipment prior to the availability
- 14 of funding, being deemed of immediate importance,
- 15 takes effect upon enactment.
- 16 2. Section 5, subsection 1, of this Act, which
- 17 authorizes the state to construct and own the Iowa
- 18 communications network connection to Lewis Central
- 19 high school, being deemed of immediate importance,
- 20 takes effect upon enactment."

**S-5822**

- 1 Amend House File 2387, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 8.
- 4 2. By striking page 7, line 34, through page 8,
- 5 line 6.
- 6 3. By striking page 10, line 23, through page 11,
- 7 line 1.
- 8 4. Page 22, by striking lines 24 through 31.
- 9 5. Page 32, by striking lines 15 through 32 and
- 10 inserting the following:
- 11 "Sec. \_\_\_\_ . Section 53.11, unnumbered paragraph 2,
- 12 Code 1995, is amended to read as follows:
- 13 Satellite absentee voting stations shall be

14 established throughout the cities and county at the  
15 direction of the commissioner or upon receipt of a  
16 petition signed by not less than one hundred eligible  
17 electors requesting that a satellite absentee voting  
18 station be established at a location to be described  
19 on the petition. If the petition does not describe a  
20 location, the commissioner shall locate the station in  
21 an area chosen by the commissioner, which area shall  
22 be accessible to the general public, heavily travelled  
23 by pedestrians, and not already utilized for the  
24 purpose of casting absentee ballots. A petition  
25 requesting a satellite absentee voting station must be  
26 filed no later than five p.m. on the ~~eleventh~~  
27 fifteenth day before the election. A satellite  
28 absentee voting station established by petition must  
29 be open ~~at least one day from eight a.m. until five~~  
30 ~~p.m.~~ at times chosen by the commissioner, which times  
31 shall be those determined by the commissioner to be  
32 most conducive to collecting a large number of  
33 absentee ballots. A satellite absentee voting station  
34 established at the direction of the commissioner or by  
35 petition may remain open until ~~five~~ seven p.m. on the  
36 day before the election.

37 Sec. \_\_\_\_ . Section 53.13, Code 1995, is amended to  
38 read as follows:

39 53.13 VOTER'S AFFIDAVIT ON ENVELOPE.

40 On the unsealed envelope shall be printed an  
41 affidavit form prescribed by the state commissioner of  
42 elections and a notice, in large type and bold print,  
43 informing the voter that the ballot is not valid  
44 unless the affidavit is signed by the voter.

45 Sec. \_\_\_\_ . Section 53.17, subsection 1, Code 1995,  
46 is amended to read as follows:

47 1. The sealed carrier envelope may be delivered by  
48 the registered voter or the voter's designee to the  
49 commissioner's office no later than the time the polls  
50 are closed on election day. The commissioner shall

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1 provide a secure location or secure method for receipt  
2 of completed absentee ballots on a twenty-four-hour-a-  
3 day basis. A ballot received in this manner is  
4 considered to have been delivered to the  
5 commissioner's office."

6 6. Page 33, by inserting after line 11 the  
7 following:

8 "Sec. \_\_\_\_ . Section 53.44, unnumbered paragraph 1,  
9 Code 1995, is amended to read as follows:

10 The affidavit on the envelope used in connection

11 with voting by absentee ballot under this division by  
 12 members of the armed forces of the United States need  
 13 not be notarized or witnessed, but the affidavit on  
 14 the ballot envelope shall be completed and signed by  
 15 the voter. The envelope shall also contain a notice,  
 16 in large type and bold print, informing the voter that  
 17 the ballot is not valid unless the affidavit is signed  
 18 by the voter."

19 7. Page 33, by inserting after line 27 the  
 20 following:

21 "Sec. \_\_\_\_ . Section 56.40, Code 1995, is amended to  
 22 read as follows:

23 56.40 CAMPAIGN FUNDS.

24 1. As used in this division, "campaign funds"  
 25 means contributions to a candidate or candidate's  
 26 committee which are required by this chapter to be  
 27 deposited in a separate campaign account.  
 28 2. A candidate's committee shall not accept  
 29 contributions from any other candidate's committee  
 30 including candidate's committees from other states or  
 31 for federal office, ~~unless the candidate for whom each~~  
 32 ~~committee is established is the same person if the~~  
 33 contributing committee has made expenditures or  
 34 received contributions prohibited by the provisions of  
 35 this chapter. For purposes of this section,  
 36 "contributions" does not mean travel costs incurred by  
 37 a candidate in attending a campaign event of another  
 38 candidate.

39 3. This section shall not be construed to prohibit  
 40 a candidate or candidate's committee from using  
 41 campaign funds or accepting contributions for tickets  
 42 to meals if the candidate attends solely for the  
 43 purpose of enhancing the person's candidacy or the  
 44 candidacy of another person."

45 8. Page 40, by inserting after line 25 the  
 46 following:

47 "Sec. \_\_\_\_ . INTERIM STUDY COMMITTEE. The  
 48 legislative council is requested to appoint a  
 49 legislative study committee to meet during the 1996  
 50 legislative interim and make recommendations regarding

Page 3

1 the feasibility of expanding the state's participation  
 2 in registering persons to vote and in processing  
 3 changes to voter registration on a statewide basis.  
 4 The committee should also study the feasibility of  
 5 expanding the current statutory provision which allows  
 6 voters to change their current voter registration on  
 7 election day and of allowing persons to register to

8 vote on election day.

- 9 Sec. \_\_\_\_ . APPLICABILITY. The amendments to  
10 sections 53.13 and 53.44 apply to absentee ballot  
11 envelopes used on or after the effective date of the  
12 amendments to those sections in this Act. However, a  
13 county commissioner may continue to use those absentee  
14 ballot envelopes in the county commissioner's  
15 possession on the effective date of the amendments to  
16 those sections in this Act, and until that supply is  
17 depleted, notwithstanding the notice of signature  
18 requirement in sections 53.13 and 53.44.”  
19 9. Page 40, line 28, by striking the figure  
20 “49.16,”.  
21 10. Page 40, line 29, by striking the figure  
22 “53.2,”.  
23 11. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5823

- 1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 35, by striking the figure “3.”  
5 and inserting the following: “3 and inserting the  
6 following:  
7 “Sec. \_\_\_\_ . It is the intent of the general  
8 assembly that an energy supplier who has proceeded in  
9 good faith under the terms and conditions of chapter  
10 476 not suffer economic loss as a result of action or  
11 inaction taken by the state. These persons shall be  
12 reimbursed by the utilities for their reasonable good  
13 faith costs as determined by the Iowa utilities board.  
14 An energy supplier shall be deemed to have proceeded  
15 in good faith if the supplier has filed a petition by  
16 January 1, 1996, which requests enforcement of the  
17 provisions of sections 476.43 and 476.44 by requiring  
18 an electric utility to enter into a potential contract  
19 with the energy supplier and an action is currently  
20 pending before the Iowa utilities board.”  
21 2. By renumbering as necessary.

BILL FINK  
MARY LOU FREEMAN  
MARY A. LUNDBY  
DENNIS H. BLACK

S-5824

1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 31, by striking the figure "23."  
5 and inserting the following: "23, and inserting the  
6 following:

7 "Sec. \_\_\_\_ . Section 476.43, Code 1995, is amended  
8 by adding the following new subsection:  
9 NEW SUBSECTION. 7. The board shall require that  
10 an electric utility enter into a long-term contract  
11 pursuant to this section and section 476.44, by  
12 January 1, 1997. An electric utility that fails to  
13 comply with the contract requirements of this section  
14 shall be subject to a civil penalty under section  
15 476.51.""

16 2. By renumbering as necessary.

MARY LOU FREEMAN  
BERL E. PRIEBE  
BILL FINK  
DENNIS H. BLACK  
ALLEN BORLAUG

S-5825

1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:

- 4 1. Page 1, by striking lines 3 through 5.
- 5 2. Page 1, by striking line 29.
- 6 3. Page 1, by striking lines 30 and 31.
- 7 4. Page 1, by striking lines 34 through 37.
- 8 5. Page 1, by striking lines 38 and 39.
- 9 6. By renumbering as necessary.

MARY LOU FREEMAN  
BERL E. PRIEBE  
BILL FINK  
DENNIS H. BLACK  
ALLEN BORLAUG

S-5826

1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:

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

6 " \_\_\_\_ . Page 1, by inserting before line 1 the  
7 following:

8 "Section 1. Section 422.51, Code 1995, is amended  
9 by adding the following new subsection:

10 **NEW SUBSECTION. 5.** The taxes remitted pursuant to  
11 this division shall be reduced by an alternate energy  
12 purchase tax credit. An electric utility which has  
13 purchased electricity from an alternate energy  
14 production facility or small hydro facility pursuant  
15 to section 476.43 shall be granted the credit. The  
16 credit shall equal the difference between the  
17 competitively bid rate per kilowatt hour that the  
18 utility paid for purchase of the electricity and the  
19 rate which is equivalent to the utility's total annual  
20 average cost per kilowatt hour of electricity for the  
21 year prior to the year in which the utility entered  
22 into the contract for purchase of the alternate  
23 energy. A utility's total annual average cost per  
24 kilowatt hour shall be calculated by dividing annual  
25 operating expenses by the total annual number of  
26 kilowatt hours sold. This difference shall be used to  
27 determine the alternate energy purchase tax credit for  
28 the remainder of the term of the contract. The tax  
29 credit shall not be less than zero."

30 2. Page 1, by inserting before line 30 the  
31 following:

32 " \_\_\_\_ . Page 6, by inserting before line 19 the  
33 following: "Moneys allocated to the general fund  
34 pursuant to this subsection, shall be used to offset  
35 the alternate energy purchase tax credit under section  
36 422.51."

37 3. Page 1, by inserting after line 31 the  
38 following:

39 " \_\_\_\_ . Page 9, by inserting after line 25 the  
40 following:

41 "Sec. \_\_\_\_ . Section 476.43, Code 1995, is amended  
42 by adding the following new subsection:

43 **NEW SUBSECTION. 7.** An electric utility purchasing  
44 alternate energy pursuant to this section shall be  
45 entitled to an alternate energy purchase tax credit.  
46 The electric utility shall reflect the tax credit  
47 received by the utility in the utility's automatic  
48 adjustment pursuant to section 476.6, subsection 11.  
49 The credit shall be equal to the difference between  
50 the kilowatt hour rate established through the

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1 competitive bidding process and the rate that is  
2 equivalent to the utility's total annual average cost

3 per kilowatt hour of electricity for the year prior to  
 4 the year in which the utility entered into the  
 5 contract for purchase of the alternate energy as  
 6 determined under section 422.51, subsection 5.””

7 4. Page 1, by inserting after line 37 the  
 8 following:

9 “ \_\_\_\_ . Title page, line 5, by inserting after the  
 10 word “state” the following: “, providing an alternate  
 11 energy purchase tax credit.””

12 5. By renumbering as necessary.

MARY LOU FREEMAN  
 MARY A. LUNDBY  
 BERL E. PRIEBE  
 BILL FINK  
 DENNIS H. BLACK  
 ALLEN BORLAUG

S-5827

1 Amend the House amendment, S-5702, to Senate File  
 2 2399, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. Page 1, line 16, by striking the letter “e”  
 5 and inserting the following: “c””

6 2. Page 1, by striking lines 31 through 39.

7 3. Page 1, line 44, by striking the word  
 8 “subparagraphs” and inserting the following:  
 9 “subparagraph”.

10 4. Page 1, by striking lines 45 through 48.

11 5. Page 1, line 49, by striking the figure “(16)”  
 12 and inserting the following: “(15)”.

13 6. By striking page 2, line 5, through page 7,  
 14 line 32.

TONY BISIGNANO

HOUSE AMENDMENT TO  
 SENATE FILE 2245

S-5828

1 Amend Senate File 2245, 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 “DIVISION I

6 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

7 Section 1. Section 97B.4, unnumbered paragraph 1,

8 Code 1995, is amended to read as follows:



9 The department, through the chief investment  
10 officer and chief benefits officer, shall administer  
11 this chapter. The department may adopt, amend, or  
12 rescind rules, employ persons, execute contracts with  
13 outside parties, make expenditures, require reports,  
14 make investigations, and take other action it deems  
15 necessary for the administration of the system in  
16 conformity with the requirements of this chapter, the  
17 applicable provisions of the Internal Revenue Code,  
18 and all other applicable federal and state laws. The  
19 rules shall be effective upon compliance with chapter  
20 17A. Not later than the fifteenth day of December of  
21 each year, the department shall submit to the governor  
22 a report covering the administration and operation of  
23 this chapter during the preceding fiscal year and  
24 shall make recommendations for amendments to this  
25 chapter. The report shall include a balance sheet of  
26 the moneys in the Iowa public employees' retirement  
27 fund.

28 Sec. 2. Section 97B.7, subsection 2, paragraph b,  
29 unnumbered paragraphs 1 through 3, Code 1995, are  
30 amended to read as follows:

31 To invest the portion of the retirement fund which  
32 in the judgment of the department is not needed for  
33 current payment of benefits under this chapter. The  
34 department shall execute the disposition and  
35 investment of moneys in the retirement fund in  
36 accordance with the investment policy and goal  
37 statement established by the investment board. In  
38 establishing the investment policy of the fund and the  
39 investment of the fund, the department and investment  
40 board shall exercise the judgment and care, under the  
41 circumstances then prevailing, which persons of  
42 prudence, discretion, and intelligence exercise in the  
43 management of their own affairs, not for the purpose  
44 of speculation, but with regard to the permanent  
45 disposition of the funds, considering the probable  
46 income, as well as the probable safety, of their  
47 capital. Within the limitations of the standard  
48 prescribed in this section, the treasurer of state,  
49 the department, and the board may acquire and retain  
50 every kind of property and every kind of investment

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1 which persons of prudence, discretion, and  
2 intelligence acquire or retain for their own account.  
3 The department and investment board shall give  
4 appropriate consideration to those facts and  
5 circumstances that the department and investment board

6 know or should know are relevant to the particular  
7 investment or investment policy involved, including  
8 the role the investment plays in the total value of  
9 the retirement fund:

10 For the purposes of this paragraph, appropriate  
11 consideration includes, but is not limited to, a  
12 determination by the department and investment board  
13 that the particular investment or investment policy is  
14 reasonably designed to further the purposes of the  
15 retirement system, taking into consideration the risk  
16 of loss and the opportunity for gain or other return  
17 associated with the investment or investment policy  
18 and consideration of the following factors as they  
19 relate to the retirement fund:

20 Sec. 3. Section 97B.7, subsection 2, paragraph b,  
21 unnumbered paragraph 5, Code 1995, is amended to read  
22 as follows:

23 Except as provided in section 97B.4, if there is  
24 loss to the fund, the treasurer, the department, and,  
25 the board are not personally liable, and the loss  
26 shall be charged against the retirement fund. There  
27 is appropriated from the retirement fund the amount  
28 required to cover a loss. Expenses incurred in the  
29 sale and purchase of securities belonging to the  
30 retirement fund shall be charged to the retirement  
31 fund, and there is appropriated from the retirement  
32 fund the amount required for the expenses incurred.  
33 Investment management expenses shall be charged to the  
34 investment income of the retirement fund, and there is  
35 appropriated from the retirement fund the amount  
36 required for the investment management expenses,  
37 subject to the limitations stated in this unnumbered  
38 paragraph. The amount appropriated for a fiscal year  
39 under this unnumbered paragraph shall not exceed ~~one-~~  
40 half four-tenths of one percent of the market value of  
41 the retirement fund. The department shall report the  
42 investment management expenses for a fiscal year as a  
43 percent of the market value of the retirement fund in  
44 the annual report to the governor required in section  
45 97B.4. A person who has signed a contract with the  
46 department for investment management purposes shall  
47 meet the requirements for doing business in Iowa  
48 sufficient to be subject to tax under rules of the  
49 department of revenue and finance.

50 Sec. 4. Section 97B.11, Code 1995, is amended to

Page 3

1 read as follows:

2 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

3 Each employer shall deduct from the wages of each  
4 member of the system a contribution in the amount of  
5 three and seven-tenths percent of the covered wages  
6 paid by the employer, until the member's termination  
7 or retirement from employment, whichever is earlier.  
8 The contributions of the employer shall be in the  
9 amount of five and seventy-five hundredths percent of  
10 the covered wages of the member.

11 If the total of the contributions to be deducted  
12 from the wages of a member and contributions picked up  
13 and paid by the employer shall not exceed one dollar  
14 for any calendar quarter, contributions shall not be  
15 deducted or paid concerning that member and the member  
16 shall not receive credit for membership service for  
17 that quarter.

18 Sec. 5. Section 97B.14, Code 1995, is amended to  
19 read as follows:

20 97B.14 CONTRIBUTIONS FORWARDED.

21 Contributions deducted from the wages of the member  
22 ~~or~~ under section 97B.11 prior to January 1, 1995,  
23 member contributions picked up by the employer under  
24 section 97B.11A beginning January 1, 1995, and the  
25 employer's contribution shall be forwarded to the  
26 department for recording and deposited with the  
27 treasurer of the state to the credit of the Iowa  
28 public employees' retirement fund. Contributions  
29 shall be remitted monthly, if total contributions by  
30 both employee and employer amount to one hundred  
31 dollars or more each month, and shall be otherwise  
32 paid in such manner, at such times and under such  
33 conditions, either by copies of payrolls or other  
34 methods necessary or helpful in securing proper  
35 identification of the member, as may be prescribed by  
36 the department.

37 Sec. 6. Section 97B.15, Code 1995, is amended to  
38 read as follows:

39 97B.15 RULES, POLICIES, AND PROCEDURES.

40 The department may adopt rules under chapter 17A  
41 and establish procedures, not inconsistent with this  
42 chapter, which are necessary or appropriate to  
43 implement this chapter and shall adopt reasonable and  
44 proper rules to regulate and provide for the nature  
45 and extent of the proofs and evidence and the method  
46 of taking and furnishing the proofs and evidence in  
47 order to establish the right to benefits under this  
48 chapter. The department may adopt rules, and take  
49 action based on the rules, to conform the requirements  
50 for receipt of retirement benefits under this chapter

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1 to the mandates of applicable federal statutes and  
2 regulations.

3 Prior to the adoption of rules, the department may  
4 establish interim written policies and procedures, and  
5 take action based on the policies and procedures, to  
6 conform the requirements for receipt of retirement  
7 benefits under this chapter to the applicable  
8 requirements of federal law.

9 Sec. 7. Section 97B.17, unnumbered paragraph 1,  
10 Code 1995, is amended to read as follows:

11 The department shall establish and maintain records  
12 of each member, including but not limited to, the  
13 amount of wages of each member, the contribution of  
14 each member with interest, and interest dividends  
15 credited. The records may be maintained in paper,  
16 magnetic, or electronic form, including optical disk  
17 storage. These records are the basis for the  
18 compilation of the retirement benefits provided under  
19 this chapter. The following records maintained under  
20 this chapter containing personal identifiable  
21 information are not public records for the purposes of  
22 chapter 22:

23 Sec. 8. Section 97B.17, Code 1995, is amended by  
24 adding the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
26 provisions of chapter 22 to the contrary, the  
27 department's records may be released to any political  
28 subdivision, instrumentality, or other agency of the  
29 state solely for use in a civil or criminal law  
30 enforcement activity pursuant to the requirements of  
31 this paragraph. To obtain the records, the political  
32 subdivision, instrumentality, or agency shall, in  
33 writing, certify that the activity is authorized by  
34 law, provide a written description of the information  
35 desired, and describe the law enforcement activity for  
36 which the information is sought. The department shall  
37 not be civilly or criminally liable for the release or  
38 rerelease of records in accordance with this  
39 paragraph.

40 Sec. 9. Section 97B.25, Code 1995, is amended to  
41 read as follows:

42 97B.25 APPLICATIONS FOR BENEFITS.

43 A representative designated by the chief benefits  
44 officer and referred to in this chapter as a  
45 retirement benefits specialist shall promptly examine  
46 applications for retirement benefits and on the basis  
47 of facts found shall determine whether or not the  
48 claim is valid and if valid, the month with respect to

49 which benefits shall commence, the monthly benefit  
50 amount payable, and the maximum duration. The

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1 retirement benefits specialist shall promptly notify  
2 the applicant and any other interested party of the  
3 decision and the reasons. Unless the applicant or  
4 other interested party, within thirty calendar days  
5 after the notification was mailed to the applicant's  
6 or party's last known address, files an appeal as  
7 provided in section 97B.20A, the decision is final and  
8 benefits shall be paid or denied in accord with the  
9 decision. A retirement application shall not be  
10 amended or revoked by the member once the first  
11 retirement allowance is paid. A member's death during  
12 the first month of entitlement shall not invalidate an  
13 approved application.

14 Sec. 10. Section 97B.39, Code 1995, is amended to  
15 read as follows:

16 97B.39 RIGHTS NOT TRANSFERABLE -- NOT OR SUBJECT  
17 TO LEGAL PROCESS -- EXCEPTIONS.

18 The right of any person to any future payment under  
19 this chapter is not transferable or assignable, at law  
20 or in equity, and the moneys paid or payable or rights  
21 existing under this chapter are not subject to  
22 execution, levy, attachment, garnishment, or other  
23 legal process, or to the operation of any bankruptcy  
24 or insolvency law except for the purposes of enforcing  
25 child, spousal, or medical support obligations or  
26 marital property orders. For the purposes of  
27 enforcing child, spousal, or medical support  
28 obligations, the garnishment or attachment of or the  
29 execution against compensation due a person under this  
30 chapter 97B shall not exceed the amount specified in  
31 15 U.S.C. § 1673(b). The department shall comply with  
32 the provisions of a marital property order requiring  
33 the selection of a particular benefit option,  
34 designated beneficiary, or contingent annuitant if the  
35 selection is otherwise authorized by this chapter and  
36 the member has not received payment of the member's  
37 first retirement allowance. However, a marital  
38 property order shall not require the payment of  
39 benefits to an alternative payee prior to the member's  
40 retirement, prior to the date the member elects to  
41 receive a lump sum distribution of accumulated  
42 contributions pursuant to section 97B.53, or in an  
43 amount that exceeds the benefits the member would  
44 otherwise be eligible to receive pursuant to this  
45 chapter.

46 Sec. 11. Section 97B.41, subsection 2, Code  
47 Supplement 1995, is amended to read as follows:  
48 2. "Accumulated contributions" means the total  
49 obtained as of any date, by accumulating each  
50 individual contribution by the member at two percent

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1 with interest plus interest dividends as provided in  
2 section 97B.70, for all completed calendar years and  
3 for any completed calendar year for which the interest  
4 dividend has not been declared and for completed  
5 months of partially completed calendar years at two  
6 percent interest plus the interest dividend rate  
7 calculated for the previous year, compounded annually,  
8 from the end of the calendar year in which such  
9 contribution was made to the first day of the month of  
10 such date as provided in section 97B.70.

11 Sec. 12. Section 97B.41, subsection 8, paragraph  
12 b, subparagraph (6), Code Supplement 1995, is amended  
13 to read as follows:

14 (6) Employees hired for temporary employment of  
15 less than six months or one thousand and forty hours  
16 in a calendar year. An employee who works for an  
17 employer for six or more months in a calendar year or  
18 who works for an employer for more than one thousand  
19 forty hours in a calendar year is not a temporary  
20 employee under this subparagraph. Adjunct instructors  
21 are temporary employees for the purposes of this  
22 chapter. As used in this section, unless the context  
23 otherwise requires, "adjunct instructors" means  
24 instructors employed by a community college or a  
25 university governed by the state board of regents  
26 without a continuing contract, whose teaching load  
27 does not exceed one-half time for two full semesters  
28 or three full quarters per calendar year.

29 Sec. 13. Section 97B.41, subsection 8, paragraph  
30 b, Code Supplement 1995, is amended by adding the  
31 following new subparagraph:

32 NEW SUBPARAGRAPH. (20) Persons employed through  
33 any program described in section 15.225, subsection 1,  
34 and provided by the Iowa conservation corps.

35 Sec. 14. Section 97B.41, Code Supplement 1995, is  
36 amended by adding the following new subsection:

37 NEW SUBSECTION. 10A. "Internal Revenue Code"  
38 means the Internal Revenue Code as defined in section  
39 422.3.

40 Sec. 15. Section 97B.41, subsection 12, Code  
41 Supplement 1995, is amended to read as follows:

42 12. "Membership service" means service rendered by

43 a member after July 4, 1953. Years of membership  
44 service shall be counted to the complete quarter  
45 calendar year. However, membership service for a  
46 calendar year shall not include more than four  
47 quarters. In determining a member's period of  
48 membership service, the department shall combine all  
49 periods of service for which the member has made  
50 contributions. If the department has not maintained

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1 the accumulated contribution account of the member for  
2 a period of service, as provided pursuant to section  
3 97B.53, subsection 6, the department shall credit the  
4 member for the service if the member submits  
5 satisfactory proof to the department that the member  
6 did make the contributions for the period of service  
7 and did not take a refund for the period of service.  
8 However, the department shall not implement the  
9 amendments to this subsection, as enacted in 1994 Iowa  
10 Acts, chapter 1183, unless and until the department  
11 determines that the most recent annual actuarial  
12 valuation of the retirement system indicates that the  
13 employer and employee contribution rates in effect  
14 under section 97B.11 can absorb the amendments to this  
15 subsection and to section 97B.53, subsections 3 and 7,  
16 section 97B.53, subsection 6, unnumbered paragraph 1,  
17 and section 97B.70, by enacting a new subsection 4,  
18 contained in 1994 Iowa Acts, chapter 1183, after  
19 meeting the other established priorities of the  
20 system. Until the amendments are implemented, the  
21 department shall continue to implement the provisions  
22 of section 97B.41, subsection 12, Code Supplement  
23 1993. As used in this subsection, unless the context  
24 otherwise requires, "other established priorities of  
25 the system" means that commencing January 1 following  
26 the most recent annual actuarial valuation of the  
27 system, the department has increased the covered wage  
28 limitation from the previous year by three thousand  
29 dollars, in accordance with section 97B.41, subsection  
30 20, paragraph "b", subparagraph (11), and that the  
31 department has implemented the amendments to section  
32 97B.66, unnumbered paragraphs 1 and 2, section 97B.72,  
33 unnumbered paragraphs 1 and 2, section 97B.72A,  
34 subsection 1, unnumbered paragraph 1, section 97B.73A,  
35 unnumbered paragraph 1, and section 97B.74, unnumbered  
36 paragraphs 1 and 2, contained in 1994 Iowa Acts,  
37 chapter 1183.  
38 Sec. 16. Section 97B.41, Code Supplement 1995, is  
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 13A. "Regular service" means  
41 service for an employer other than special service.  
42 Sec. 17. Section 97B.41, Code Supplement 1995, is  
43 amended by adding the following new subsection:  
44 NEW SUBSECTION. 14A. "Retirement" means that  
45 period of time beginning when a member who has filed  
46 an approved application for a retirement allowance has  
47 survived into at least the first day of the member's  
48 first month of entitlement and ending when the member  
49 dies.  
50 Sec. 18. Section 97B.41, subsection 15, paragraphs

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1 a and b, Code Supplement 1995, are amended to read as  
2 follows:

3 a. Service in the armed forces of the United  
4 States, if the employee was employed by the employer  
5 immediately prior to entry into the armed forces, and  
6 if the employee was released from service and returns  
7 to covered employment with the employer within twelve  
8 months of the date on which the employee has the right  
9 of release from service or within a longer period as  
10 provided required by the applicable laws of the United  
11 States.

12 b. Leave of absence or vacation authorized by the  
13 employer for a period not exceeding twelve months. A  
14 leave of absence authorized pursuant to the  
15 requirements of the federal Family and Medical Leave  
16 Act of 1993 is considered a leave of absence  
17 authorized by the employer.

18 Sec. 19. Section 97B.41, Code Supplement 1995, is  
19 amended by adding the following new subsection:

20 NEW SUBSECTION. 16A. "Special service" means  
21 service for an employer while employed in a protection  
22 occupation as provided in section 97B.49, subsection  
23 16, paragraph "a", and as a county sheriff, deputy  
24 sheriff, or airport fire fighter as provided in  
25 section 97B.49, subsection 16, paragraph "b".

26 Sec. 20. Section 97B.41, subsection 18, Code  
27 Supplement 1995, is amended to read as follows:

28 . 18. a. "Three-year average covered wage" means a  
29 member's covered wages averaged for the highest three  
30 years of the member's service, except as otherwise  
31 provided in this subsection. The highest three years  
32 of a member's covered wages shall be determined using  
33 calendar years. However, if a member's final quarter  
34 of a year of employment does not occur at the end of a  
35 calendar year, the department may determine the wages  
36 for the third year by computing the average quarter of



37 all quarters from the member's highest calendar year  
38 of covered wages not being used in the selection of  
39 the two highest years and using the computed average  
40 quarter for each quarter in the third year in which no  
41 wages have been reported in combination with the final  
42 quarter or quarters of the member's service to create  
43 a full year. However, the department shall not use  
44 the member's final quarter of wages if using that  
45 quarter would reduce the member's three-year average  
46 covered wage. If the three-year average covered wage  
47 of a member exceeds the highest maximum covered wages  
48 in effect for a calendar year during the member's  
49 period of service, the three-year average covered wage  
50 of the member shall be reduced to the highest maximum

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1 covered wages in effect during the member's period of  
2 service.

3 b. Notwithstanding any other provisions of this  
4 subsection to the contrary, the three-year average  
5 covered wage shall be computed as follows for the  
6 following members:

7 (1) For a member who retires during the calendar  
8 year beginning January 1, 1997, and whose three-year  
9 average covered wage at the time of retirement exceeds  
10 forty-eight thousand dollars, the member's covered  
11 wages averaged for the highest four years of the  
12 member's service or forty-eight thousand dollars,  
13 whichever is greater.

14 (2) For a member who retires during the calendar  
15 year beginning January 1, 1998, and whose three-year  
16 average covered wage at the time of retirement exceeds  
17 fifty-two thousand dollars, the member's covered wages  
18 averaged for the highest five years of the member's  
19 service or fifty-two thousand dollars, whichever is  
20 greater.

21 (3) For a member who retires during the calendar  
22 year beginning January 1, 1999, and whose three-year  
23 average covered wage at the time of retirement exceeds  
24 fifty-five thousand dollars, the member's covered  
25 wages averaged for the highest six years of the  
26 member's service or fifty-five thousand dollars,  
27 whichever is greater.

28 (4) For a member who retires on or after January  
29 1, 2000, but before January 1, 2003, and whose three-  
30 year average covered wage at the time of retirement  
31 exceeds fifty-five thousand dollars, the member's  
32 covered wages averaged for the highest seven years of  
33 the member's service or fifty-five thousand dollars.

34 whichever is greater.

35 For purposes of this paragraph, the highest years  
36 of the member's service shall be determined using  
37 calendar years and may be determined using one  
38 computed year calculated in the manner and subject to  
39 the restrictions provided in paragraph "a".

40 Sec. 21. Section 97B.41, subsection 20, paragraph  
41 b, subparagraph (11), unnumbered paragraphs 1 and 2,  
42 Code Supplement 1995, are amended by striking the  
43 unnumbered paragraphs and inserting in lieu thereof  
44 the following:

45 (11) For the calendar year beginning January 1,  
46 1991, wages not in excess of thirty-one thousand  
47 dollars.

48 (11A) For the calendar year beginning January 1,  
49 1992, wages not in excess of thirty-four thousand  
50 dollars.

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1 (11B) For the calendar year beginning January 1,  
2 1993, wages not in excess of thirty-five thousand  
3 dollars.

4 (11C) For the calendar year beginning January 1,  
5 1994, wages not in excess of thirty-eight thousand  
6 dollars.

7 (11D) For the calendar year beginning January 1,  
8 1995, wages not in excess of forty-one thousand  
9 dollars.

10 (11E) For the calendar year beginning January 1,  
11 1996, wages not in excess of forty-four thousand  
12 dollars.

13 (11F) Commencing with the calendar year beginning  
14 January 1, 1997, and for each subsequent calendar  
15 year, wages not in excess of the amount permitted for  
16 that year under section 401(a)(17) of the Internal  
17 Revenue Code.

18 Sec. 22. Section 97B.41, subsection 20, paragraph  
19 b, subparagraph (11), unnumbered paragraph 3, Code  
20 Supplement 1995, is amended to read as follows:

21 Notwithstanding any other provision of this chapter  
22 providing for the payment of the benefits provided in  
23 section 97B.49, subsection 16 or 17, the department  
24 shall establish the covered wages limitation which  
25 applies to members covered under section 97B.49,  
26 subsection 16 or 17, at the same level as is  
27 established under this subparagraph for other members  
28 of the system.

29 Sec. 23. Section 97B.42, unnumbered paragraph 1,  
30 Code 1995, is amended to read as follows:

31 Each employee whose employment commences after July  
32 4, 1953, or who has not qualified for credit for prior  
33 service rendered prior to July 4, 1953, or any  
34 publicly elected official of the state or any of its  
35 political subdivisions shall become a member upon the  
36 first day in which such employee is employed. The  
37 employee shall continue to be an active member so long  
38 as the employee continues in covered employment. The  
39 employee shall cease to be an active member if the  
40 employee joins another retirement system in the state  
41 which is maintained in whole or in part by public  
42 contributions or payments and receives retirement  
43 credit for service in that other system for the same  
44 position previously covered under this chapter. If an  
45 employee joins another publicly maintained retirement  
46 system and ceases to be an active member under this  
47 chapter, the employee may elect to leave the  
48 employee's accumulated contributions in the retirement  
49 fund or receive a refund of the employee's accumulated  
50 contributions in the manner provided for members who

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1 are terminating covered employment pursuant to section  
2 97B.53. However, if an employee joins another  
3 publicly maintained retirement system and leaves the  
4 employee's accumulated contributions in the retirement  
5 fund, the employee shall not be eligible to receive  
6 retirement benefits until the employee has a bona fide  
7 retirement from employment with a covered employer as  
8 provided in section 97B.52A, or until the employee  
9 would otherwise be eligible to receive benefits upon  
10 attaining the age of seventy years as provided in  
11 section 97B.46.

12 Sec. 24. Section 97B.42, unnumbered paragraph 4,  
13 Code 1995, is amended to read as follows:

14 Persons who are members of any other retirement  
15 system in the state which is maintained in whole or in  
16 part by public contributions other than persons who  
17 are covered under the provisions of chapter 97, Code  
18 1950, as amended by the Fifty-fourth General Assembly  
19 on the date of the repeal of said chapter, under the  
20 provisions of sections 97.50 through 97.53 shall not  
21 become members under this chapter while still actively  
22 participating in that other retirement system unless  
23 the persons do not receive retirement credit for  
24 service in that other system for the position to be  
25 covered under this chapter.

26 Sec. 25. Section 97B.42, unnumbered paragraph 5,  
27 Code 1995, is amended to read as follows:

28 Nothing herein contained shall be construed to  
 29 permit any person in public employment to be an active  
 30 member of employer to make any public contributions or  
 31 payments on behalf of an employee in the same position  
 32 for the same period of time to both the Iowa public  
 33 employees' retirement system and of any other  
 34 retirement system in the state which is supported in  
 35 whole or in part by public contributions or payments  
 36 except as heretofore provided.

37 Sec. 26. Section 97B.42, Code 1995, is amended by  
 38 adding the following new unnumbered paragraph:  
 39 NEW UNNUMBERED PARAGRAPH. For purposes of this  
 40 section, a "retirement system in the state which is  
 41 maintained in whole or in part by public contributions  
 42 or payments" shall not include a deferred compensation  
 43 plan established under section 509A.12 or a tax-  
 44 sheltered annuity qualified under section 403(b) of  
 45 the Internal Revenue Code.

46 Sec. 27. Section 97B.48, subsection 1, Code 1995,  
 47 is amended to read as follows:

48 1. Retirement allowances shall be paid monthly,  
 49 except that an allowance of less than six hundred  
 50 dollars a year may, at the member's option, be paid as

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1 a lump sum in an actuarial equivalent amount equal to  
 2 the sum of the member's and employer's accumulated  
 3 contributions and the retirement dividends standing to  
 4 the member's credit before December 31, 1966. Receipt  
 5 of the lump-sum payment by a member shall terminate  
 6 any and all entitlement for the period of service  
 7 covered of the member under this chapter.

8 Sec. 28. Section 97B.48A, subsection 1, Code 1995,  
 9 is amended to read as follows:

10 1. If, after the first day of the month in which  
 11 the member attains the age of fifty-five years and  
 12 until the member's sixty-fifth birthday, a member who  
 13 has not reached the member's sixty-fifth birthday and  
 14 who has a bona fide retirement under this chapter is  
 15 in regular full-time employment during a calendar  
 16 year, the member's retirement allowance shall be  
 17 suspended for as long as the member remains in  
 18 employment for the remainder of that calendar year  
 19 reduced by fifty cents for each dollar the member  
 20 earns over the limit provided in this subsection.  
 21 However, effective January 1, 1992, employment is not  
 22 full-time employment until the member receives  
 23 remuneration in an amount in excess of seven thousand  
 24 four hundred forty dollars for a calendar year, or an

25 amount equal to the amount of remuneration permitted  
26 for a calendar year for persons under sixty-five years  
27 of age before a reduction in federal Social Security  
28 retirement benefits is required, whichever is higher.  
29 Effective the first of the month in which a member  
30 attains the age of sixty-five years, a retired member  
31 may receive a retirement allowance without a reduction  
32 after return to covered employment regardless of the  
33 amount of remuneration received.

34 If a member dies and the full amount of the  
35 reduction from retirement allowances required under  
36 this subsection has not been paid, the remaining  
37 amounts shall be deducted from the payments made, if  
38 any, to the member's designated beneficiary or  
39 contingent annuitant. If the member has selected an  
40 option under which remaining payments are not required  
41 or the remaining payments are insufficient to satisfy  
42 the full amount of the reduction from retirement  
43 allowances required under this subsection, the amount  
44 still unpaid shall be a claim against the member's  
45 estate.

46 Sec. 29. Section 97B.48A, subsection 4, Code 1995,  
47 is amended to read as follows:

48 4. The department shall pay to the member the  
49 accumulated contributions of the member and to the  
50 employer the employer contributions, plus two percent

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1 interest plus interest dividends as provided in  
2 section 97B.70, for all completed calendar years,  
3 compounded annually as provided in section 97B.70, on  
4 the covered wages earned by a retired member that are  
5 not used in the recalculation of the retirement  
6 allowance of a member.

7 Sec. 30. Section 97B.49, subsection 4, Code  
8 Supplement 1995, is amended by adding the following  
9 new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. Effective January 1,  
11 1997, for members who retired on or after July 1,  
12 1953, and before July 1, 1990, with at least ten years  
13 of prior and membership service, the minimum monthly  
14 benefit payable at the normal retirement date for  
15 prior and membership service shall be two hundred  
16 dollars. The minimum monthly benefit payable shall be  
17 increased by ten dollars for each year of prior and  
18 membership service beyond ten years, up to a maximum  
19 of twenty additional years of prior and membership  
20 service. If benefits commenced on an early retirement  
21 date, the amount of the benefit shall be reduced in

22 accordance with section 97B.50. If an optional  
23 allowance was selected under section 97B.51, the  
24 amount payable shall be the actuarial equivalent of  
25 the minimum benefit.

26 Sec. 31. Section 97B.49, subsection 5, paragraph  
27 b, Code Supplement 1995, is amended to read as  
28 follows:

29 b. For each active or inactive vested member  
30 retiring on or after July 1, 1990, with four or more  
31 complete years of service, a monthly benefit shall be  
32 computed which is equal to one-twelfth of an amount  
33 equal to ~~fifty-two percent~~ the applicable percentage  
34 multiplier of the three-year average covered wage  
35 multiplied by a fraction of years of service. The  
36 applicable percentage multiplier shall be the  
37 following:

38 (1) For active or inactive vested members retiring  
39 on or after July 1, 1990, but before July 1, 1991,  
40 fifty-two percent.

41 (2) For active or inactive vested members retiring  
42 on or after July 1, 1991, but before July 1, 1992,  
43 fifty-four percent.

44 (3) For active or inactive vested members retiring  
45 on or after July 1, 1992, but before July 1, 1993,  
46 fifty-six percent.

47 (4) For active or inactive vested members retiring  
48 on or after July 1, 1993, but before July 1, 1994,  
49 fifty-seven and four-tenths percent.

50 (5) For active or inactive vested members retiring

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1 on or after July 1, 1994, sixty percent.

2 The applicable percentage multiplier shall be  
3 subject to adjustments as provided in paragraphs "e"  
4 and "f".

5 Commencing July 1, 1991, the department shall  
6 increase the percentage multiplier of the three-year  
7 average covered wage by an additional two percent each  
8 July 1 until reaching sixty percent of the three-year  
9 average covered wage if the annual actuarial valuation  
10 of the retirement system indicates for that year that  
11 the cost of this increase in the percentage of the  
12 three-year average covered wage used in computing  
13 retirement benefits can be absorbed within the  
14 employer and employee contribution rates in effect  
15 under section 97B.11. However, commencing July 1,  
16 1994, if the annual actuarial valuation of the  
17 retirement system indicates that the employer and  
18 employee contribution rates in effect under section

19 97B.11 can absorb an increase in the percentage  
20 multiplier in excess of two percent, the department  
21 shall increase the percentage multiplier for that year  
22 beyond two percent to the extent which the increase  
23 can be absorbed by the contribution rates in effect;  
24 not to exceed a maximum percentage multiplier of sixty  
25 percent. The increase in the percentage multiplier  
26 for a year applies only to the members retiring on or  
27 after July 1 of the respective year.

28 If the annual actuarial valuation of the retirement  
29 system in any year indicates that the full cost of the  
30 increase provided under this paragraph cannot be  
31 absorbed within the employer and employee contribution  
32 rates in effect under section 97B.11, the department  
33 shall reduce the increase to a level which the  
34 department determines can be so absorbed.

35 Notwithstanding any other provision of this chapter  
36 providing for the payment of the benefits provided in  
37 subsection 16 or 17, the department shall establish  
38 apply the percentage multiplier which applies to  
39 members covered under subsection 16 or 17 at the same  
40 level as is established under this subsection for  
41 other members of the system, including any  
42 modification in the percentage multiplier as provided  
43 in paragraphs "e" and "f".

44 By November 15, 1995, the department shall set  
45 aside from other moneys in the retirement fund three  
46 million eight hundred sixty thousand dollars. The  
47 moneys set aside shall be from the funds generated by  
48 the employer and employee contributions in effect  
49 under section 97B.11 that exceed the amount necessary  
50 to fund the system's existing liabilities, as

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1 determined in the annual actuarial valuation of the  
2 system as of June 30, 1995. If the annual actuarial  
3 valuation indicates that the amount of the employer  
4 and employee contributions in excess of the amount  
5 necessary to fund existing liabilities is less than  
6 three million eight hundred sixty thousand dollars,  
7 the department shall set aside all funds that are  
8 available. The funds set aside shall not be used in  
9 determining the covered wage limitation pursuant to  
10 section 97B.41, subsection 20, paragraph "b",  
11 subparagraph (11), on January 1, 1996. However, any  
12 funds set aside which are not specifically dedicated  
13 to a purpose by the Seventy-sixth General Assembly  
14 shall be used in determining the covered wage  
15 limitation thereafter.

16 In accordance with sections 97D.1 and 97D.4, it is  
17 the intent of the general assembly that once the goal  
18 of sixty percent of the three-year average covered  
19 wage is attained for a percentage multiplier, the  
20 department shall submit to the public retirement  
21 systems committee a plan for future benefit  
22 enhancements. This plan shall include, but is not  
23 limited to, continuation in the increase in the  
24 covered wage ceiling until reaching fifty-five  
25 thousand dollars for a calendar year, providing for  
26 annual adjustments in the annual dividends paid to  
27 retired members as provided in section 97B.49,  
28 subsection 13, and providing for the indexing of  
29 terminated vested members' earned benefits at a rate  
30 of three percent per year calculated from the date of  
31 termination from covered employment until the date of  
32 retirement.

33 Sec. 32. Section 97B.49, subsection 5, Code  
34 Supplement 1995, is amended by adding the following  
35 new paragraph:

36 NEW PARAGRAPH. e. Notwithstanding any other  
37 provisions of this section to the contrary, for  
38 members retiring on or after July 1, 1997, and whose  
39 three-year average covered wage exceeds fifty-five  
40 thousand dollars, the monthly benefit shall be  
41 calculated by multiplying the sum of the following  
42 amounts by the fractions of years of service for that  
43 member.

44 (1) For the first fifty-five thousand dollars of  
45 the member's three-year average covered wage, one-  
46 twelfth of an amount equal to the applicable  
47 percentage multiplier otherwise provided in this  
48 subsection multiplied by fifty-five thousand dollars.

49 (2) For that portion of a member's three-year  
50 average covered wage that exceeds fifty-five thousand

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1 dollars but is less than or equal to sixty-five  
2 thousand dollars, one-twelfth of an amount equal to  
3 the applicable percentage multiplier otherwise  
4 provided in this subsection, reduced by ten percentage  
5 points, multiplied by that portion.

6 (3) For that portion of a member's three-year  
7 average covered wage that exceeds sixty-five thousand  
8 dollars but is less than or equal to seventy-five  
9 thousand dollars, one-twelfth of an amount equal to  
10 the applicable percentage multiplier otherwise  
11 provided in this subsection, reduced by fifteen  
12 percentage points, multiplied by that portion.



13 (4) For that portion of a member's three-year  
14 average covered wage that exceeds seventy-five  
15 thousand dollars but is less than or equal to eighty-  
16 five thousand dollars, one-twelfth of an amount equal  
17 to the applicable percentage multiplier otherwise  
18 provided in this subsection, reduced by twenty  
19 percentage points, multiplied by that portion.

20 (5) For that portion of a member's three-year  
21 average covered wage that exceeds eighty-five thousand  
22 dollars but is less than or equal to ninety-five  
23 thousand dollars, one-twelfth of an amount equal to  
24 the applicable percentage multiplier otherwise  
25 provided in this subsection, reduced by thirty  
26 percentage points, multiplied by that portion.

27 (6) For that portion of a member's three-year  
28 average covered wage that exceeds ninety-five thousand  
29 dollars, one-twelfth of an amount equal to the  
30 applicable percentage multiplier otherwise provided in  
31 this subsection, reduced by forty percentage points,  
32 multiplied by that portion.

33 The covered wage categories referred to in  
34 subparagraphs (1) through (6) of this paragraph and  
35 the fifty-five thousand dollar amount otherwise  
36 specified in this paragraph shall be increased by the  
37 department for each fiscal year, beginning July 1,  
38 1998, by an amount that represents the increase in the  
39 consumer price index during the previous twelve-month  
40 period ending on June 30, as published annually in the  
41 federal register by the federal department of labor,  
42 bureau of labor statistics.

43 Sec. 33. Section 97B.49, subsection 5, Code  
44 Supplement 1995, is amended by adding the following  
45 new paragraph:

46 NEW PARAGRAPH. f. For each active or inactive  
47 vested member retiring on or after July 1, 1996, the  
48 percentage multiplier of the three-year average  
49 covered wage used under subsections 5, 15, 16, and 17  
50 to calculate the monthly retirement allowance shall be

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1 increased by one-fourth of one percentage point for  
2 each additional calendar quarter of membership service  
3 beyond the applicable years of service, not to exceed  
4 a total of five additional percentage points. For  
5 purposes of this paragraph, "the applicable years of  
6 service" shall be the following, based upon the  
7 service retirement allowance selected:

8 (1) For members receiving a retirement allowance  
9 for regular service under subsection 5 or 15, or

10 receiving a combined retirement allowance under  
 11 subsection 17, the applicable years of service is  
 12 thirty.

13 (2) For members receiving a retirement allowance  
 14 for service in a protection occupation under  
 15 subsection 16, paragraph "a", the applicable years of  
 16 service is twenty-five.

17 (3) For members receiving a retirement allowance  
 18 for service as a sheriff, deputy sheriff, or airport  
 19 fire fighter under subsection 16, paragraph "b",  
 20 subparagraph (1) or (2), the applicable years of  
 21 service is twenty-two.

22 Sec. 34. Section 97B.49, subsection 13, Code  
 23 Supplement 1995, is amended to read as follows:

24 13. a. A member who retired from the system  
 25 between January 1, 1976, and June 30, 1982, or a  
 26 contingent annuitant or beneficiary of such a member,  
 27 shall receive with the November 1994 and the November  
 28 1995 1996 monthly benefit ~~payments~~ payment a  
 29 retirement dividend equal to ~~one~~ two hundred ~~eighty-~~  
 30 ~~one~~ twenty-three percent of the monthly benefit  
 31 payment the member received for the preceding June, or  
 32 the most recently received benefit payment, whichever  
 33 is greater. The retirement dividend does not affect  
 34 the amount of a monthly benefit payment.

35 b. Each member who retired from the system between  
 36 July 4, 1953, and December 31, 1975, or a contingent  
 37 annuitant or beneficiary of such a member, shall  
 38 receive with the November 1994 and the November 1995  
 39 1996 monthly benefit ~~payments~~ payment a retirement  
 40 dividend equal to ~~two~~ two hundred ~~thirty-six~~ ninety-two  
 41 percent of the monthly benefit payment the member  
 42 received for the preceding June, or the most recently  
 43 received benefit payment, whichever is greater. The  
 44 retirement dividend does not affect the amount of a  
 45 monthly benefit payment.

46 c. Notwithstanding the determination of the amount  
 47 of a retirement dividend under paragraph "a", "b",  
 48 "d", ~~or~~ "f", ~~or~~ "g", a retirement dividend shall not  
 49 be less than twenty-five dollars.

50 d. A member who retired from the system between

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1 July 1, 1982, and June 30, 1986, or a contingent  
 2 annuitant or beneficiary of such a member, shall  
 3 receive with the November 1994 and the November 1995  
 4 1996 monthly benefit ~~payments~~ payment a retirement  
 5 dividend equal to ~~forty-nine~~ seventy-four percent of  
 6 the monthly benefit payment the member received for

7 the preceding June, or the most recently received  
8 benefit payment, whichever is greater. The retirement  
9 dividend does not affect the amount of a monthly  
10 benefit payment.

11 e. If the member dies on or after July 1 of the  
12 dividend year but before the payment date, the full  
13 amount of the retirement dividend for that year shall  
14 be paid to the designated beneficiary to the member's  
15 account, upon notification of the member's death. If  
16 there is no beneficiary designated by the member, the  
17 department shall pay the dividend to the member's  
18 estate. The beneficiary, or the representative of the  
19 member's estate, must apply for the dividend within  
20 two years after the dividend is payable or the  
21 dividend is forfeited.

22 f. A member who retired from the system between  
23 July 1, 1986, and June 30, 1990, or a contingent  
24 annuitant or beneficiary of such a member, shall  
25 receive with the November 1996 ~~and the November 1997~~  
26 monthly benefit ~~payments~~ payment a retirement dividend  
27 in an amount determined by the general assembly equal  
28 to twenty-four percent of the monthly benefit payment  
29 the member received for the preceding June, or the  
30 most recently received benefit payment, whichever is  
31 greater. The retirement dividend does not affect the  
32 amount of a monthly benefit payment.

33 Sec. 35. Section 97B.49, subsection 13, Code  
34 Supplement 1995, is amended by adding the following  
35 new paragraph:

36 NEW PARAGRAPH. g. Effective July 1, 1997,  
37 commencing with dividends payable in November 1997,  
38 and for each subsequent year, all members who retired  
39 prior to July 1, 1990, shall be eligible for annual  
40 dividend payments, payable in November of that year,  
41 pursuant to the requirements of this paragraph. The  
42 dividend payable in any given year shall be the sum of  
43 the dollar amount of the dividend payable in the  
44 previous November and the dividend adjustment.

45 The dividend adjustment for a given year shall be  
46 calculated by multiplying the total of the retiree's  
47 monthly benefit payments and the dividend payable to  
48 the retiree in the previous calendar year by the  
49 applicable percentage as determined by this paragraph.  
50 The applicable percentage shall be the least of the

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1 following percentages:

2 (1) The percentage representing eighty percent of  
3 the percentage increase in the consumer price index

4 published in the federal register by the federal  
5 department of labor, bureau of labor statistics, that  
6 reflects the percentage increase in the consumer price  
7 index for the twelve-month period ending June 30 of  
8 the year that the dividend is to be paid.

9 (2) The percentage representing the percentage  
10 amount the actuary has certified, in the annual  
11 actuarial valuation of the system as of June 30 of the  
12 year in which the dividend is to be paid, that the  
13 fund can absorb without requiring an increase in the  
14 employer and employee contributions to the fund.

15 (3) Three percent.

16 The dividend determined pursuant to this paragraph  
17 shall not be used to increase the monthly benefit  
18 amount payable.

19 Sec. 36. Section 97B.49, subsection 15, paragraph  
20 b, Code Supplement 1995, is amended to read as  
21 follows:

22 b. For each active or inactive vested member  
23 retiring on or after July 1, 1990, and before July 1,  
24 1996, who is at least fifty-five years of age and for  
25 which the sum of the number of years of membership  
26 service and prior service and the member's age in  
27 years as of the member's last birthday equals or  
28 exceeds ninety-two, a monthly benefit shall be  
29 computed which is equal to one-twelfth of the same  
30 percentage of the three-year average covered wage of  
31 the member as is provided in subsection 5.

32 Sec. 37. Section 97B.49, subsection 15, Code  
33 Supplement 1995, is amended by adding the following  
34 new paragraphs:

35 NEW PARAGRAPH. c. For each active or inactive  
36 vested member retiring on or after July 1, 1996, and  
37 before the implementation date provided in paragraph  
38 "d", subparagraph (2), who is at least fifty-five  
39 years of age and for which the sum of the number of  
40 years of membership service and prior service and the  
41 member's age in years as of the member's last birthday  
42 equals or exceeds ninety, a monthly benefit shall be  
43 computed which is equal to one-twelfth of the same  
44 percentage of the three-year average covered wage of  
45 the member as is provided in subsection 5, multiplied  
46 by a fraction of years of service as is provided in  
47 subsection 5.

48 NEW PARAGRAPH. d. (1) For each active or  
49 inactive vested member retiring on or after the  
50 implementation date provided in subparagraph (2), who

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1 is at least fifty-five years of age and for which the  
2 sum of the number of years of membership service and  
3 prior service and the member's age in years as of the  
4 member's last birthday equals or exceeds eighty-eight,  
5 a monthly benefit shall be computed which is equal to  
6 one-twelfth of the same percentage of the three-year  
7 average covered wage of the member as is provided in  
8 subsection 5, multiplied by a fraction of years of  
9 service as is provided in subsection 5.

10 (2) The department shall implement this paragraph  
11 on July 1, 1997, or on the date that the department  
12 determines that the most recent annual actuarial  
13 valuation of the system indicates that the employer  
14 and employee contribution rates in effect under  
15 section 97B.11 can absorb the costs of this paragraph,  
16 whichever is later. However, until this paragraph is  
17 implemented, the department shall not pay a dividend  
18 adjustment pursuant to subsection 13, paragraph "g".

19 Sec. 38. Section 97B.49, subsection 16, paragraph  
20 e, Code Supplement 1995, is amended to read as  
21 follows:

22 e. Annually, the department of personnel shall  
23 actuarially determine the cost of the additional  
24 benefits provided for members covered under paragraph  
25 "a" and the cost of the additional benefits provided  
26 for members covered under paragraph "b" as percents of  
27 the covered wages of the employees covered by this  
28 subsection. Sixty percent of the cost shall be paid  
29 by the employers of employees covered under this  
30 subsection and forty percent of the cost shall be paid  
31 by the employees. The employer and employee  
32 contributions required under this paragraph are in  
33 addition to the contributions paid under ~~section~~  
34 sections 97B.11 and 97B.11A.

35 Sec. 39. Section 97B.49, subsection 16, Code  
36 Supplement 1995, is amended by adding the following  
37 new paragraph:

38 NEW PARAGRAPH. m. For the fiscal year commencing  
39 July 1, 1992, and each succeeding fiscal year, the  
40 department of public safety shall pay to the  
41 department of personnel from funds appropriated to the  
42 department of public safety, the amount necessary to  
43 pay the employer share of the cost of the additional  
44 benefits provided to a fire prevention inspector peace  
45 officer pursuant to paragraph "d", subparagraph (8).

46 Sec. 40. Section 97B.49, Code Supplement 1995, is  
47 amended by adding the following new subsection:

48 NEW SUBSECTION. 17. a. An active or inactive

49 vested member, who is or has been employed in both  
50 special service and regular service, who retires on or

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1 after July 1, 1996, with four or more completed years  
2 of service and at the time of retirement is at least  
3 fifty-five years of age, may elect to receive, in lieu  
4 of the receipt of any other benefits under this  
5 section, a combined monthly retirement allowance equal  
6 to the sum of the following:

7 (1) One-twelfth of an amount equal to the  
8 applicable percentage multiplier established in  
9 subsection 5 of the member's three-year average  
10 covered wage multiplied by a fraction of years of  
11 service. The fraction of years of service for  
12 purposes of this subparagraph shall be the actual  
13 years of service, not to exceed twenty-two, earned in  
14 a position described in subsection 16, paragraph "b",  
15 for which special service contributions were made,  
16 divided by twenty-two.

17 (2) One-twelfth of an amount equal to the  
18 applicable percentage multiplier established in  
19 subsection 5 of the member's three-year average  
20 covered wage multiplied by a fraction of years of  
21 service. The fraction of years of service for  
22 purposes of this subparagraph shall be the actual  
23 years of service, not to exceed twenty-five, earned in  
24 a position described in subsection 16, paragraph "a",  
25 for which special service contributions were made,  
26 divided by twenty-five.

27 (3) One-twelfth of an amount equal to the  
28 applicable percentage multiplier established in  
29 subsection 5 of the member's three-year average  
30 covered wage multiplied by a fraction of years of  
31 service. The fraction of years of service for  
32 purposes of this subparagraph shall be the actual  
33 years of service, not to exceed thirty, for which  
34 regular service contributions were made, divided by  
35 thirty. However, any otherwise applicable age  
36 reduction for early retirement shall apply to the  
37 calculation under this subparagraph.

38 In calculating the fractions of years of service  
39 under subparagraphs (1) and (2), a member shall not  
40 receive special service credit for years of service  
41 for which the member and the member's employer did not  
42 make the required special service contributions to the  
43 department.

44 b. In calculating the combined monthly retirement  
45 allowance pursuant to paragraph "a", the sum of the

46 fraction of years of service provided in paragraph  
47 "a", subparagraphs (1), (2), and (3), shall not exceed  
48 one. If the sum of the fractions of years of service  
49 would exceed one, the department shall deduct years of  
50 service first from the calculation under paragraph

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1 "a", subparagraph (3), and then from the calculation  
2 under paragraph "a", subparagraph (2), if necessary,  
3 so that the sum of the fractions of years of service  
4 shall equal one.

5 c. (1) In calculating the combined monthly  
6 retirement allowance pursuant to paragraph "a", for  
7 members retiring on or after July 1, 1997, whose  
8 three-year average covered wage exceeds fifty-five  
9 thousand dollars, each calculation under paragraph  
10 "a", subparagraphs (1), (2), and (3) of this  
11 subsection shall be subject to reduction, calculated  
12 in the manner provided in subsection 5, paragraph "e".

13 (2) In calculating the combined monthly retirement  
14 allowance pursuant to paragraph "a", and in  
15 determining the applicable percentage multiplier  
16 established in subsection 5, the member shall be  
17 entitled to an addition in the percentage multiplier  
18 in accordance with subsection 5, paragraph "f", only  
19 for those years of service in excess of thirty years.  
20 Any addition in the percentage multiplier shall be  
21 included in the calculations required under paragraph  
22 "a", subparagraphs (1), (2), and (3) of this  
23 subsection.

24 Sec. 41. Section 97B.50, subsection 2, Code 1995,  
25 is amended to read as follows:

26 2. a. A vested member who retires from the system  
27 due to disability and commences receiving disability  
28 benefits pursuant to the federal Social Security Act,  
29 42 U.S.C. § 423 et seq., and who has not reached the  
30 normal retirement date, shall receive benefits under  
31 section 97B.49 and shall not have benefits reduced  
32 upon retirement as required under subsection 1  
33 regardless of whether the member has completed thirty  
34 or more years of membership service. However, the  
35 benefits shall be suspended during any period in which  
36 the member returns to covered employment. This  
37 section takes effect July 1, 1990, for a member  
38 meeting the requirements of this paragraph who retired  
39 from the system at any time after July 4, 1953.  
40 Eligible members are entitled to the receipt of  
41 retroactive adjustment payments back to July 1, 1990,  
42 notwithstanding the requirements of subsection 4.

43 b. A vested member who retires from the system due  
44 to disability and commences receiving disability  
45 benefits pursuant to the federal Railroad Retirement  
46 Act, 45 U.S.C. § 231 et seq., and who has not reached  
47 the normal retirement date, shall receive benefits  
48 under section 97B.49 and shall not have benefits  
49 reduced upon retirement as required under subsection 1  
50 regardless of whether the member has completed thirty

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1 or more years of membership service. However, the  
2 benefits shall be suspended during any period in which  
3 the member returns to covered employment. This  
4 section takes effect July 1, 1990, for a member  
5 meeting the requirements of this paragraph who retired  
6 from the system at any time since July 4, 1953.  
7 Eligible members are entitled to the receipt of  
8 retroactive adjustment payments back to July 1, 1990,  
9 notwithstanding the requirements of subsection 4.

10 Sec. 42. Section 97B.51, subsection 3, Code  
11 Supplement 1995, is amended to read as follows:

12 3. A member who had elected to take the option  
13 stated in subsection 1 of this section may, at any  
14 time prior to retirement, revoke such an election by  
15 written notice to the department. A member shall not  
16 change or revoke an election once the first retirement  
17 allowance is paid.

18 Sec. 43. Section 97B.51, subsection 5, Code  
19 Supplement 1995, is amended to read as follows:

20 5. At retirement, a member may designate that upon  
21 the member's death, a specified amount of money shall  
22 be paid to a named beneficiary, and the member's  
23 monthly retirement allowance shall be reduced by an  
24 actuarially determined amount to provide for the lump  
25 sum payment. The amount designated by the member must  
26 be in thousand dollar increments; ~~and the~~ and shall be  
27 limited to the amount of the member's accumulated  
28 contributions. The amount designated shall not lower  
29 the monthly retirement allowance of the member by more  
30 than one-half the amount payable under section 97B.49,  
31 subsection 1 or 5. A member may designate a different  
32 beneficiary if the original named beneficiary  
33 predeceases the member.

34 Sec. 44. Section 97B.51, subsection 6, Code  
35 Supplement 1995, is amended to read as follows:

36 6. A member may elect to receive a decreased  
37 retirement allowance during the member's lifetime with  
38 provision that in event of the member's death during  
39 the first one hundred twenty months of retirement,



40 monthly payments of the member's decreased retirement  
 41 allowance shall be made to the member's beneficiary  
 42 until a combined total of one hundred twenty monthly  
 43 payments have been made to the member and the member's  
 44 beneficiary. When the member designates multiple  
 45 beneficiaries, the present value of the remaining  
 46 payments shall be paid in a lump sum to each  
 47 beneficiary, either in equal shares to the  
 48 beneficiaries, or if the member specifies otherwise in  
 49 a written request, in the specified proportion. A  
 50 member may designate a different beneficiary if the

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1 original named beneficiary predeceases the member.  
 2 Sec. 45. Section 97B.52, subsection 1, Code  
 3 Supplement 1995, is amended to read as follows:  
 4 1. If a member dies prior to the member's first  
 5 month of entitlement, the accumulated contributions of  
 6 the member at the date of death plus the product of an  
 7 amount equal to the highest year of covered wages of  
 8 the deceased member and the number of years of  
 9 membership service divided by thirty the applicable  
 10 denominator shall be paid to the member's beneficiary  
 11 in a lump sum payment. However, a lump sum payment  
 12 made to a beneficiary under this subsection due to the  
 13 death of a member shall not be less than the amount  
 14 that would have been payable on the death of the  
 15 member on June 30, 1984, under this subsection as it  
 16 appeared in the 1983 Code.  
 17 As used in this subsection, "applicable  
 18 denominator" means the following, based upon the type  
 19 of membership service in which the member served  
 20 either on the date of death, or if the member died  
 21 after terminating service, on the date of the member's  
 22 last termination of service:  
 23 a. For regular service, the applicable denominator  
 24 is thirty.  
 25 b. For service in a protection occupation, as  
 26 defined in section 97B.49, subsection 16, paragraph  
 27 "d", the applicable denominator is twenty-five.  
 28 c. For service as a sheriff, deputy sheriff, or  
 29 airport fire fighter, as provided in section 97B.49,  
 30 subsection 16, paragraph "b", the applicable  
 31 denominator is twenty-two.  
 32 Effective July 1, 1978, a method of payment under  
 33 this subsection filed with the department by a member  
 34 does not apply.  
 35 Sec. 46. Section 97B.52, subsection 3, paragraph  
 36 b, Code Supplement 1995, is amended to read as

37 follows:

38 b. If a death benefit is due and payable, interest  
 39 shall continue to accumulate through the month  
 40 preceding the month in which payment is made to the  
 41 designated beneficiary, heirs at law, or the estate  
 42 unless the payment of the death benefit is delayed  
 43 because of a dispute between alleged heirs, in which  
 44 case the benefit due and payable shall be placed in a  
 45 noninterest bearing escrow account until the  
 46 beneficiary is determined in accordance with this  
 47 section. In order to receive the death benefit, the  
 48 beneficiary, heirs at law, or the estate, or any other  
 49 third-party payee, must apply to the department within  
 50 two five years of the member's death.

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1 The department shall reinstate a designated  
 2 beneficiary's right to receive a death benefit beyond  
 3 the five-year limitation if the designated beneficiary  
 4 was the member's spouse at the time of the member's  
 5 death and the distribution is required or permitted  
 6 pursuant to Internal Revenue Code section 401(a)(9)  
 7 and the applicable treasury regulations.

8 Sec. 47. Section 97B.52, subsection 5, Code  
 9 Supplement 1995, is amended to read as follows:

10 5. Following written notification to the  
 11 department, a beneficiary of a deceased member may  
 12 waive current and future rights to payments to which  
 13 the beneficiary would otherwise be entitled under  
 14 sections 97B.51 and this section. Upon receipt of the  
 15 waiver, the department shall pay ~~to the estate of the~~  
 16 ~~deceased member~~ the amount designated to be received  
 17 by ~~the that~~ beneficiary to the member's other  
 18 surviving beneficiary or beneficiaries or to the  
 19 estate of the deceased member, as elected by the  
 20 beneficiary in the waiver. If the payments being  
 21 waived are payable to the member's estate and an  
 22 estate is not probated, the payments shall be paid to  
 23 the deceased member's surviving spouse, or if there is  
 24 no surviving spouse, to the member's heirs other than  
 25 the beneficiary who waived the payments.

26 Sec. 48. Section 97B.52A, Code Supplement 1995, is  
 27 amended by adding the following new subsection:

28 **NEW SUBSECTION.** 3. A member who terminates  
 29 covered employment but maintains an employment  
 30 relationship with an employer that made contributions  
 31 to the system on the member's behalf does not have a  
 32 bona fide retirement until all employment, including  
 33 employment which is not covered by this chapter, with

34 such employer is terminated for at least thirty days.  
35 In order to receive retirement benefits, the member  
36 must file a completed application for benefits form  
37 with the department before returning to any employment  
38 with the same employer.

39 Sec. 49. Section 97B.53, subsection 3, Code  
40 Supplement 1995, is amended to read as follows:

41 3. The accumulated contributions of a terminated,  
42 vested member shall be credited with interest,  
43 including interest dividends, in the manner provided  
44 in section 97B.70. Interest and interest dividends  
45 shall be credited to the accumulated contributions of  
46 members who terminate service and subsequently become  
47 vested in accordance with section 97B.70. ~~However,~~  
48 ~~the department shall not implement the amendments to~~  
49 ~~this subsection or to subsection 6, unnumbered~~  
50 ~~paragraph 1, or to subsection 7, as enacted in 1994~~

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1 Iowa Acts, chapter 1183, unless and until the  
2 department determines that the most recent annual  
3 actuarial valuation of the retirement system indicates  
4 that the employer and employee contribution rates in  
5 effect under section 97B.11 can absorb the amendments  
6 to these provisions of this section and the amendments  
7 to section 97B.41, subsection 12, and section 97B.70,  
8 by enacting a new subsection 4, contained in 1994 Iowa  
9 Acts, chapter 1183, after meeting the other  
10 established priorities of the system, as defined in  
11 section 97B.41, subsection 12: Until the amendments  
12 are implemented, the department shall continue to  
13 implement the provisions of section 97B.53,  
14 subsections 3 and 7, and section 97B.53, subsection 6,  
15 unnumbered paragraph 1, 1993 Code of Iowa.

16 Sec. 50. Section 97B.53B, subsection 1, paragraph  
17 c, subparagraph (4), Code 1995, is amended to read as  
18 follows:

19 (4) ~~A distribution~~ Annual distributions of less  
20 than two hundred dollars of taxable income.

21 Sec. 51. Section 97B.66, unnumbered paragraph 1,  
22 Code Supplement 1995, is amended to read as follows:

23 A vested or retired member who was a member of the  
24 teachers insurance and annuity association-college  
25 retirement equity fund at any time between July 1,  
26 1967 and June 30, 1971 and who became a member of the  
27 system on July 1, 1971, upon submitting verification  
28 of service and wages earned during the applicable  
29 period of service under the teachers insurance and  
30 annuity association-college retirement equity fund,

31 may make employer and employee contributions to the  
32 system based upon the covered wages of the member and  
33 the covered wages and the contribution rates in effect  
34 for all or a portion of that period of service and  
35 receive credit for membership service under this  
36 system equivalent to the applicable period of  
37 membership service in the teachers insurance and  
38 annuity association-college retirement equity fund for  
39 which the contributions have been made. In addition,  
40 a member making employer and employee contributions  
41 because of membership in the teachers insurance and  
42 annuity association-college retirement equity fund  
43 under this section who was a member of the system on  
44 June 30, 1967 and withdrew the member's accumulated  
45 contributions because of membership on July 1, 1967 in  
46 the teachers insurance and annuity association-college  
47 retirement equity fund, may make employee  
48 contributions to the system for all or a portion of  
49 the period of service under the system prior to July  
50 1, 1967. A member making contributions pursuant to

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1 this section may make the contributions either for the  
2 entire applicable period of service, or, effective  
3 upon the date that the department determines that the  
4 amendments to this paragraph and unnumbered paragraph  
5 2 contained in 1994 Iowa Acts, chapter 1183, shall be  
6 implemented, for portions of the period of service,  
7 and if contributions are made for portions of the  
8 period of service, the contributions shall be in  
9 increments of one or more years, as long as the  
10 increments represent full years and not a portion of a  
11 year calendar quarters. However, the department shall  
12 not implement the amendments to this paragraph or  
13 unnumbered paragraph 2, as enacted in 1994 Iowa Acts,  
14 chapter 1183, unless and until the department  
15 determines that the most recent annual actuarial  
16 valuation of the retirement system indicates that the  
17 employer and employee contribution rates in effect  
18 under section 97B.11 can absorb the amendments to this  
19 paragraph and unnumbered paragraph 2 and to section  
20 97B.72, unnumbered paragraphs 1 and 2, section  
21 97B.72A, subsection 1, unnumbered paragraph 1, section  
22 97B.73A, unnumbered paragraph 1, and section 97B.74,  
23 unnumbered paragraphs 1 and 2, contained in 1994 Iowa  
24 Acts, chapter 1183, after meeting the other  
25 established priority of the system. Until the  
26 amendments are implemented, the department shall  
27 continue to implement the provisions of section

28 97B.66, unnumbered paragraphs 1 and 2, Code Supplement  
 29 1993. As used in this section, unless the context  
 30 otherwise requires, "other established priority of the  
 31 system" means that commencing January 1 following the  
 32 most recent annual actuarial valuation of the system,  
 33 the department has increased the covered wage  
 34 limitation from the previous year by three thousand  
 35 dollars, in accordance with section 97B.41, subsection  
 36 20, paragraph "b", subparagraph (11):

37 Sec. 52. Section 97B.66, unnumbered paragraph 2,  
 38 Code Supplement 1995, is amended to read as follows:  
 39 The contributions paid by the vested or retired  
 40 member shall be equal to the accumulated contributions  
 41 as defined in section 97B.41, subsection 2, by the  
 42 member for the applicable period of service, and the  
 43 employer contribution for the applicable period of  
 44 service under the teachers insurance and annuity  
 45 association-college retirement equity fund, that would  
 46 have been or had been contributed by the vested or  
 47 retired member and the employer, if applicable, plus  
 48 interest on the contributions that would have accrued  
 49 for the applicable period from the date the previous  
 50 applicable period of service commenced under this

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1 system or from the date the service of the member in  
 2 the teachers insurance and annuity association-college  
 3 retirement equity fund commenced to the date of  
 4 payment of the contributions by the member equal to  
 5 two percent plus the interest dividend rate applicable  
 6 for each year as provided in section 97B.70.

7 Sec. 53. Section 97B.66, unnumbered paragraph 3,  
 8 Code Supplement 1995, is amended to read as follows:  
 9 However, effective January 1, 1994, the department  
 10 shall ensure that the member, in exercising an option  
 11 provided in this section, does not exceed the amount  
 12 of annual additions to a member's account permitted  
 13 pursuant to section 415 of the federal Internal  
 14 Revenue Code.

15 Sec. 54. Section 97B.68, subsection 1, Code 1995,  
 16 is amended to read as follows:

17 1. Effective July 1, 1988 1996, a person who is a  
 18 member of the federal civil service retirement program  
 19 or the federal employee's retirement system is not  
 20 eligible for membership in the Iowa public employees'  
 21 retirement system for the same position, and this  
 22 chapter does not apply to that employee. An employee  
 23 whose membership in the federal civil service  
 24 retirement program or the federal employee's

25 retirement system is subsequently terminated shall  
 26 immediately notify the employee's employer and the  
 27 department of personnel of that fact, and the employee  
 28 shall become subject to this chapter on the date the  
 29 notification is received by the department.

30 Sec. 55. Section 97B.68, Code 1995, is amended by  
 31 adding the following new subsection:

32 NEW SUBSECTION. 3. Effective July 1, 1996, an  
 33 employee who participates in the federal civil service  
 34 retirement program or the federal employee's  
 35 retirement system may be covered under this chapter if  
 36 otherwise eligible. The employee shall not be covered  
 37 under this chapter, however, unless the employee is  
 38 not credited for service in the federal civil service  
 39 retirement system or the federal employee's retirement  
 40 system for the position to be covered under this  
 41 chapter. This subsection shall not be construed to  
 42 permit any employer to contribute on behalf of an  
 43 employee for the same position and the same period of  
 44 service to both the Iowa public employees' retirement  
 45 system and either the federal civil service retirement  
 46 program or the federal employee's retirement system.

47 Sec. 56. Section 97B.70, Code Supplement 1995, is  
 48 amended to read as follows:

49 97B.70 INTEREST AND DIVIDENDS TO MEMBERS.

50 1. Interest For calendar years prior to January 1,

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1 1997, interest at two percent per annum and interest  
 2 dividends declared by the department shall be credited  
 3 to the member's contributions and the employer's  
 4 contributions to become part of the accumulated  
 5 contributions thereby.

6 1. a. The average rate of interest earned shall be  
 7 determined upon the following basis:

8 a. (1) Investment income shall include interest  
 9 and cash dividends on stock.

10 b. (2) Investment income shall be accounted for on  
 11 an accrual basis.

12 c. (3) Capital gains and losses, realized or  
 13 unrealized, shall not be included in investment  
 14 income.

15 d. (4) Mean assets shall include fixed income  
 16 investments valued at cost or on an amortized basis,  
 17 and common stocks at market values or cost, whichever  
 18 is lower.

19 e. (5) The average rate of earned interest shall  
 20 be the quotient of the investment income and the mean  
 21 assets of the retirement fund.

22 2. b. The interest dividend shall be determined  
 23 within sixty days after the end of each calendar year  
 24 as follows:

25 The dividend rate for a calendar year shall be the  
 26 excess of the average rate of interest earned for the  
 27 year over the statutory two percent rate plus twenty-  
 28 five hundredths of one percent. The average rate of  
 29 interest earned and the interest dividend rate in  
 30 percent shall be calculated to the nearest one  
 31 hundredth, that is, to two decimal places. Interest  
 32 and interest dividends calculated pursuant to this  
 33 subsection shall be compounded annually.

34 2. For calendar years beginning January 1, 1997, a  
 35 per annum interest rate at one percent above the  
 36 interest rate on one-year certificates of deposit  
 37 shall be credited to the member's contributions and  
 38 the employer's contributions to become part of the  
 39 accumulated contributions. For purposes of this  
 40 subsection, the interest rate on one-year certificates  
 41 of deposit shall be determined by the department based  
 42 on the average rate for such certificates of deposit  
 43 as of the first business day of each year as published  
 44 in a publication of general acceptance in the business  
 45 community. The per annum interest rate shall be  
 46 credited on a quarterly basis by applying one-quarter  
 47 of the annual interest rate to the sum of the  
 48 accumulated contributions as of the end of the  
 49 previous calendar quarter.

50 3. Interest and interest dividends shall be

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1 credited to the contributions of active members and  
 2 inactive vested members until the first of the month  
 3 coinciding with or next following the member's  
 4 retirement date.

5 4. Effective upon the date that the department  
 6 determines that this subsection shall be implemented,  
 7 interest Interest and interest dividends shall be  
 8 credited to the contributions of a person who leaves  
 9 the contributions in the retirement fund upon  
 10 termination from covered employment prior to achieving  
 11 vested status, but who subsequently achieves vested  
 12 status. The interest and interest dividends shall be  
 13 credited to the contributions commencing either upon  
 14 the date that the department determines that this  
 15 subsection shall be implemented, or the date on which  
 16 the person becomes a vested member, whichever is  
 17 later. Interest and interest dividends shall cease  
 18 upon the first of the month coinciding with or next

19 following the person's retirement date. If the  
20 department no longer maintains the accumulated  
21 contribution account of the person pursuant to section  
22 97B.53, but the person submits satisfactory proof to  
23 the department that the person did make the  
24 contributions, the department shall credit interest  
25 and interest dividends in the manner provided in this  
26 subsection. ~~However, the department shall not~~  
27 ~~implement this subsection, unless and until the~~  
28 ~~department determines that the most recent annual~~  
29 ~~actuarial valuation of the retirement system indicates~~  
30 ~~that the employer and employee contribution rates in~~  
31 ~~effect under section 97B.11 can absorb the enactment~~  
32 ~~of this subsection and the amendments to section~~  
33 ~~97B.41, subsection 12, section 97B.52, subsections 3~~  
34 ~~and 7, and section 97B.52, subsection 6, unnumbered~~  
35 ~~paragraph 1, contained in 1994 Iowa Acts, chapter~~  
36 ~~1182, after meeting the other established priorities~~  
37 ~~of the system, as defined in section 97B.41,~~  
38 ~~subsection 12.~~

39 Sec. 57. Section 97B.72, unnumbered paragraphs 1  
40 and 2, Code Supplement 1995, are amended to read as  
41 follows:

42 Persons who are members of the Seventy-first  
43 General Assembly or a succeeding general assembly who  
44 submit proof to the department of membership in the  
45 general assembly during any period beginning July 4,  
46 1953, may make contributions to the system for all or  
47 a portion of the period of service in the general  
48 assembly, and receive credit for the applicable period  
49 for which contributions are made. The contributions  
50 made by the member shall be equal to the accumulated

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1 contributions as defined in section 97B.41, subsection  
2 2, which would have been made if the member of the  
3 general assembly had been a member of the system  
4 during the applicable period. The proof of membership  
5 in the general assembly and payment of accumulated  
6 contributions shall be transmitted to the department.  
7 A member making contributions pursuant to this section  
8 may make the contributions either for the entire  
9 applicable period of service, or, effective upon the  
10 date that the department determines that the  
11 amendments to this paragraph and unnumbered paragraph  
12 2 contained in 1994 Iowa Acts, chapter 1182, shall be  
13 implemented, for portions of the period of service,  
14 and if contributions are made for portions of the  
15 period of service, the contributions shall be in



16 increments of one or more years, as long as the  
17 increments represent full years and not a portion of a  
18 year calendar quarters. However, the department shall  
19 not implement the amendments to this paragraph or  
20 unnumbered paragraph 2, as enacted in 1994 Iowa Acts;  
21 chapter 1188, unless and until the department  
22 determines that the most recent annual actuarial  
23 valuation of the retirement system indicates that the  
24 employer and employee contribution rates in effect  
25 under section 97B.11 can absorb the amendments to this  
26 paragraph and unnumbered paragraph 2 and to section  
27 97B.66, unnumbered paragraphs 1 and 2; section  
28 97B.72A, subsection 1; unnumbered paragraph 1; section  
29 97B.73A, unnumbered paragraph 1; and section 97B.74;  
30 unnumbered paragraphs 1 and 2, contained in 1994 Iowa  
31 Acts, chapter 1188, after meeting the other  
32 established priority of the system, as defined in  
33 section 97B.66. Until the amendments are implemented,  
34 the department shall continue to implement the  
35 provisions of section 97B.72, unnumbered paragraphs 1  
36 and 2, Code Supplement 1993.

37 There is appropriated from moneys available to the  
38 general assembly under section 2.12 an amount  
39 sufficient to pay the contributions of the employer  
40 based on the period of service for which the members  
41 have paid accumulated contributions in an amount equal  
42 to the contributions which would have been made if the  
43 members of the general assembly who made employee  
44 contributions had been members of the system during  
45 the applicable period of service in the general  
46 assembly plus two percent interest plus and interest  
47 dividends at the rate provided in section 97B.70 for  
48 all completed calendar years, and for any completed  
49 calendar year for which the interest dividend has not  
50 been declared and for completed months of partially

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1 completed calendar years at two percent interest plus  
2 the interest dividend rate calculated for the previous  
3 year, compounded annually, from the end of the  
4 calendar year in which contribution was made to the  
5 first day of the month of such date as provided in  
6 section 97B.70.

7 Sec. 58. Section 97B.72, unnumbered paragraph 3;  
8 Code Supplement 1995, is amended to read as follows:

9 However, effective January 1, 1994, the department  
10 shall ensure that the member, in exercising an option  
11 provided in this section, does not exceed the amount  
12 of annual additions to a member's account permitted

13 pursuant to section 415 of the federal Internal  
14 Revenue Code.  
15 Sec. 59. Section 97B.72A, subsection 1, Code  
16 Supplement 1995, is amended to read as follows:  
17 1. ~~An active or A vested or retired~~ member of the  
18 system who was a member of the general assembly prior  
19 to July 1, 1988, may make contributions to the system  
20 for all or a portion of the period of service in the  
21 general assembly. The contributions made by the  
22 member shall be equal to the accumulated contributions  
23 as defined in section 97B.41, subsection 2, which  
24 would have been made if the member of the general  
25 assembly had been a member of the system during the  
26 applicable period of service in the general assembly.  
27 A member making contributions pursuant to this section  
28 may make the contributions either for the entire  
29 applicable period of service, or for portions of the  
30 period of service, and, ~~effective upon the date that~~  
31 ~~the department determines that the amendments to this~~  
32 ~~paragraph contained in 1994 Iowa Acts, chapter 1188,~~  
33 ~~shall be implemented;~~ if contributions are made for  
34 portions of the period of service, the contributions  
35 shall be in increments of one or more years, as long  
36 as the increments represent full years and not a  
37 ~~portion of a year calendar quarters.~~ The member of  
38 the system shall submit proof to the department of  
39 membership in the general assembly. The department  
40 shall credit the member with the period of membership  
41 service for which contributions are made. ~~However,~~  
42 ~~the department shall not implement the amendments to~~  
43 ~~this paragraph, as enacted in 1994 Iowa Acts, chapter~~  
44 ~~1188, unless and until the department determines that~~  
45 ~~the most recent annual actuarial valuation of the~~  
46 ~~retirement system indicates that the employer and~~  
47 ~~employee contribution rates in effect under section~~  
48 ~~97B.11 can absorb the amendments to this paragraph and~~  
49 ~~to section 97B.66, unnumbered paragraphs 1 and 2,~~  
50 ~~section 97B.72, unnumbered paragraphs 1 and 2; section~~

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1 97B.73A, unnumbered paragraph 1, and section 97B.74,  
2 unnumbered paragraphs 1 and 2, contained in 1994 Iowa  
3 Acts, chapter 1188, after meeting the other  
4 established priority of the system, as defined in  
5 section 97B.66. Until the amendments are implemented,  
6 the department shall continue to implement the  
7 provisions of section 97B.72A, subsection 1,  
8 unnumbered paragraph 1, Code Supplement 1993.  
9 There is appropriated from the general fund of the

10 state to the department an amount sufficient to pay  
11 the contributions of the employer based on the period  
12 of service of members of the general assembly for  
13 which the member paid accumulated contributions under  
14 this section. The amount appropriated is equal to the  
15 employer contributions which would have been made if  
16 the members of the system who made employee  
17 contributions had been members of the system during  
18 the period for which they made employee contributions  
19 plus two percent interest plus the interest dividend  
20 rate applicable at the rate provided in section 97B.70  
21 for each year compounded annually as provided in  
22 section 97B.70.

23 Sec. 60. Section 97B.72A, subsection 2, Code  
24 Supplement 1995, is amended to read as follows:

25 2. Effective January 1, 1994, however However, the  
26 department shall ensure that the member, in exercising  
27 an option provided in this section, does not exceed  
28 the amount of annual additions to a member's account  
29 permitted pursuant to section 415 of the federal  
30 Internal Revenue Code.

31 Sec. 61. Section 97B.73, unnumbered paragraph 1,  
32 Code 1995, is amended to read as follows:

33 A vested or retired member who was in public  
34 employment comparable to employment covered under this  
35 chapter in another state or in the federal government,  
36 or who was a member of another public retirement  
37 system in this state, including but not limited to the  
38 teachers insurance annuity association-college  
39 retirement equities fund, but who was not retired  
40 under that system, upon submitting verification of  
41 membership and service in the other public system to  
42 the department, including proof that the member has no  
43 further claim upon a retirement benefit from that  
44 other public system, may make employer and employee  
45 contributions to the system either for the entire  
46 period of service in the other public system, or for  
47 partial service in the other public system in  
48 increments of one or more years, as long as the  
49 increments represent full years and not a portion of a  
50 year calendar quarters. The member may also make one

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1 lump sum contribution to the system which represents  
2 the entire period of service in the other public  
3 system, even if the period of time exceeds one year or  
4 includes a portion of a year. If the member wishes to  
5 transfer only a portion of the service value of  
6 another public system to this system and the other

7 public system allows a partial withdrawal of a  
 8 member's system credits, the member shall receive  
 9 credit for membership service in this system  
 10 equivalent to the number of years period of service  
 11 transferred from the other public system. The  
 12 contribution payable shall be based upon the member's  
 13 covered wages for the most recent full calendar year  
 14 at the applicable rates in effect for that calendar  
 15 year under sections 97B.11 and 97B.49 and multiplied  
 16 by the member's years of service in other public  
 17 employment. If the member's most recent covered wages  
 18 were earned prior to the most recent calendar year,  
 19 the member's covered wages shall be adjusted by the  
 20 department by an inflation factor to reflect changes  
 21 in the economy since the covered wages were earned.

22 Sec. 62. Section 97B.73, unnumbered paragraph 6,  
 23 Code 1995, is amended to read as follows:

24 However, **effective January 1, 1994**, the department  
 25 shall ensure that the member, in exercising an option  
 26 provided in this section, does not exceed the amount  
 27 of annual additions to a member's account permitted  
 28 pursuant to section 415 of the federal Internal  
 29 Revenue Code.

30 Sec. 63. Section 97B.73A, unnumbered paragraph 1,  
 31 Code Supplement 1995, is amended to read as follows:

32 A part-time county attorney may elect in writing to  
 33 the department to make employee contributions to the  
 34 system for the county attorney's previous service as a  
 35 county attorney and receive credit for membership  
 36 service in the system for the applicable period of  
 37 service as a part-time county attorney for which  
 38 employee contributions are made. The contributions  
 39 paid by the member shall be equal to the accumulated  
 40 contributions, as defined in section 97B.41,  
 41 subsection 2, for the applicable period of membership  
 42 service. A member making contributions pursuant to  
 43 this section may make the contributions either for the  
 44 entire applicable period of service, or; **effective**  
 45 **upon the date that the department determines that the**  
 46 **amendments to this paragraph contained in 1994 Iowa**  
 47 **Acts, chapter 1183, shall be implemented**, for portions  
 48 of the period of service, and if contributions are  
 49 made for portions of the period of service, the  
 50 contributions shall be in increments of one or more

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1 years, as long as the increments represent full years  
 2 and not a portion of a year calendar quarters. A  
 3 member who elects to make contributions under this

4 section shall notify the applicable county board of  
5 supervisors of the member's election, and the county  
6 board of supervisors shall pay to the department the  
7 employer contributions that would have been  
8 contributed by the employer under section 97B.11 plus  
9 interest on the contributions that would have accrued  
10 if the county attorney had been a member of the system  
11 for the applicable period of service. ~~However, the~~  
12 ~~department shall not implement the amendments to this~~  
13 ~~paragraph, as enacted in 1994 Iowa Acts, chapter 1183,~~  
14 ~~unless and until the department determines that the~~  
15 ~~most recent annual actuarial valuation of the~~  
16 ~~retirement system indicates that the employer and~~  
17 ~~employee contribution rates in effect under section~~  
18 ~~97B.11 can absorb the amendments to this paragraph and~~  
19 ~~to section 97B.66, unnumbered paragraphs 1 and 2,~~  
20 ~~section 97B.72, unnumbered paragraphs 1 and 2, section~~  
21 ~~97B.72A, subsection 1, unnumbered paragraph 1, and~~  
22 ~~section 97B.74, unnumbered paragraphs 1 and 2,~~  
23 ~~contained in 1994 Iowa Acts, chapter 1183, after~~  
24 ~~meeting the other established priority of the system,~~  
25 ~~as defined in section 97B.66. Until the amendments~~  
26 ~~are implemented, the department shall continue to~~  
27 ~~implement the provisions of section 97B.73A,~~  
28 ~~unnumbered paragraph 1, Code Supplement 1993.~~  
29 Sec. 64. Section 97B.73A, unnumbered paragraph 3,  
30 Code Supplement 1995, is amended to read as follows:  
31 However, **effective January 1, 1994**, the department  
32 shall ensure that the member, in exercising an option  
33 provided in this section, does not exceed the amount  
34 of annual additions to a member's account permitted  
35 pursuant to section 415 of the federal Internal  
36 Revenue Code.  
37 Sec. 65. Section 97B.74, unnumbered paragraphs 1  
38 and 2, Code Supplement 1995, are amended to read as  
39 follows:  
40 **An active, A** vested; or retired member who was a  
41 member of the system at any time on or after July 4,  
42 1953, and who received a refund of the member's  
43 contributions for that period of membership service,  
44 may elect in writing to the department to make  
45 contributions to the system for all or a portion of  
46 the period of membership service for which a refund of  
47 contributions was made, and receive credit for the  
48 period of membership service for which contributions  
49 are made. The contributions repaid by the member for  
50 such service shall be equal to the accumulated

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1 contributions, as defined in section 97B.41,  
2 subsection 2, received by the member for the  
3 applicable period of membership service plus interest  
4 on the accumulated contributions for the applicable  
5 period from the date of receipt by the member to the  
6 date of repayment equal to two percent plus at the  
7 interest dividend rate provided in section 97B.70  
8 applicable for each year compounded annually as  
9 provided in section 97B.70.

10 An active member must have at least one quarter's  
11 reportable wages on file and have membership service,  
12 including that period of membership service for which  
13 a refund of contributions was made, sufficient to give  
14 the member vested status. A member making  
15 contributions pursuant to this section may make the  
16 contributions either for the entire applicable period  
17 of service, or, effective upon the date that the  
18 department determines that the amendments to this  
19 paragraph and unnumbered paragraph 1 contained in 1994  
20 Iowa Acts, chapter 1183, shall be implemented, for  
21 portions of the period of service, and if  
22 contributions are made for portions of the period of  
23 service, the contributions shall be in increments of  
24 one or more years, as long as the increments represent  
25 full years and not a portion of a year calendar  
26 quarters. However, the department shall not implement  
27 the amendments to this paragraph or unnumbered  
28 paragraph 1, as enacted in 1994 Iowa Acts, chapter  
29 1183, unless and until the department determines that  
30 the most recent annual actuarial valuation of the  
31 retirement system indicates that the employer and  
32 employee contribution rates in effect under section  
33 97B.11 can absorb the amendments to this paragraph and  
34 to unnumbered paragraph 1 and to section 97B.66,  
35 unnumbered paragraphs 1 and 2, section 97B.72,  
36 unnumbered paragraphs 1 and 2, section 97B.72A,  
37 subsection 1, unnumbered paragraph 1, and section  
38 97B.73A, unnumbered paragraph 1, contained in 1994  
39 Iowa Acts, chapter 1183, after meeting the other  
40 established priority of the system, as defined in  
41 section 97B.66. Until the amendments are implemented,  
42 the department shall continue to implement the  
43 provisions of section 97B.74, unnumbered paragraphs 1  
44 and 2, Code Supplement 1993.

45 Sec. 66. Section 97B.74, unnumbered paragraph 4,  
46 Code Supplement 1995, is amended by striking the  
47 unnumbered paragraph.

48 Sec. 67. Section 97B.80, unnumbered paragraph 1,

49 Code 1995, is amended to read as follows:

50 Effective July 1, 1992, a vested or retired member,

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1 who at any time served on active duty in the armed  
2 forces of the United States, upon submitting  
3 verification of the dates of the active duty service,  
4 may make employer and employee contributions to the  
5 system based upon the member's covered wages for the  
6 most recent full calendar year in which the member had  
7 reportable wages at the applicable rates in effect for  
8 that year under sections 97B.11 and 97B.49, for all or  
9 a portion of the period of time of the active duty  
10 service, in increments of no greater than one year and  
11 not less than one or more calendar quarter quarters,  
12 and receive credit for membership service and prior  
13 service for the period of time for which the  
14 contributions are made. ~~However, the member may not~~  
15 ~~make contributions in an increment of less than one~~  
16 ~~year more than once. The member may also make one~~  
17 ~~lump sum contribution to the system which represents~~  
18 ~~the period of time of the active duty service, even if~~  
19 ~~the period of time exceeds one year. If the member's~~  
20 ~~most recent covered wages were earned prior to the~~  
21 ~~most recent calendar year, the member's covered wages~~  
22 ~~shall be adjusted by the department by an inflation~~  
23 ~~factor to reflect changes in the economy. The~~  
24 ~~department shall adjust benefits for a six-month~~  
25 ~~period prior to the date the member pays contributions~~  
26 ~~under this section if the member is receiving a~~  
27 ~~retirement allowance at the time the contribution~~  
28 ~~payment is made. Verification of active duty service~~  
29 ~~and payment of contributions shall be made to the~~  
30 ~~department. However, a member is not eligible to make~~  
31 ~~contributions under this section if the member is~~  
32 ~~receiving, is eligible to receive, or may in the~~  
33 ~~future be eligible to receive retirement pay from the~~  
34 ~~United States government for active duty in the armed~~  
35 ~~forces, except for retirement pay granted by the~~  
36 ~~United States government under retired pay for~~  
37 ~~nonregular service (10 U.S.C. § 1331, et seq.). A~~  
38 ~~member receiving retired pay for nonregular service~~  
39 ~~who makes contributions under this section shall~~  
40 ~~provide information required by the department~~  
41 ~~documenting time periods covered under retired pay for~~  
42 ~~nonregular service.~~

43 Sec. 68. Section 97B.80, unnumbered paragraph 3,  
44 Code 1995, is amended to read as follows:

45 However, effective January 1, 1994, the department

46 shall ensure that the member, in exercising an option  
47 provided in this section, does not exceed the amount  
48 of annual additions to a member's account permitted  
49 pursuant to section 415 of the federal Internal  
50 Revenue Code.

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1 Sec. 69. IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
2 -- DEVELOPMENT OF PROPOSALS FOR ESTABLISHING A DEFINED  
3 CONTRIBUTION OPTION AND FOR CONVERTING THE SYSTEM INTO  
4 A DEFINED CONTRIBUTION PLAN -- REPORT. The Iowa  
5 public employees' retirement system division, in  
6 consultation with the public retirement systems  
7 committee established in section 97D.4, shall develop  
8 a proposal concerning various alternatives for  
9 establishing a defined contribution option for members  
10 of the Iowa public employees' retirement system in  
11 addition to the current defined benefit plan and a  
12 proposal concerning various alternatives for  
13 converting the Iowa public employees' retirement  
14 system into a defined contribution plan by terminating  
15 the current defined benefit plan and establishing a  
16 defined contribution plan. On or before September 1,  
17 1997, the Iowa public employees' retirement system  
18 division shall file a report with the legislative  
19 service bureau, for distribution to the public  
20 retirement systems committee, which contains proposals  
21 for establishing a defined contribution option and for  
22 converting the Iowa public employees' retirement  
23 system into a defined contribution plan. The report  
24 shall also contain actuarial information concerning  
25 the costs of the proposals.

26 Sec. 70. STUDY OF PROPOSALS CONCERNING  
27 CONTRIBUTION RATES -- IOWA PUBLIC EMPLOYEES'  
28 RETIREMENT SYSTEM -- REPORT. The Iowa public  
29 employees' retirement system division, in consultation  
30 with the public retirement systems committee  
31 established in section 97D.4, shall study proposals  
32 concerning various options for establishing equitable  
33 contribution rates for both employers and employees  
34 covered by the Iowa public employees' retirement  
35 system. In conducting the study, the division shall  
36 consider a proposal to provide that the employee and  
37 employer contribution rate be equal. On or before  
38 September 1, 1997, the Iowa public employees'  
39 retirement system division shall file a report with  
40 the legislative service bureau, for distribution to  
41 the public retirement systems committee, which  
42 contains the results of the study and any proposal, or



43 proposals, for establishing employer and employee  
44 contribution rates. The report shall also contain  
45 actuarial information concerning the costs of the  
46 proposal or proposals.

47 Sec. 71. STUDY OF PROPOSALS REGARDING DISABILITY  
48 RETIREMENT BENEFITS -- IOWA PUBLIC EMPLOYEES'  
49 RETIREMENT SYSTEM -- REPORT. The Iowa public  
50 employees' retirement system division, in consultation

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1 with the public retirement systems committee  
2 established in section 97D.4, shall study proposals  
3 concerning various options for establishing disability  
4 retirement benefits for employees, or certain  
5 employees, covered by the Iowa public employees'  
6 retirement system. In conducting the study, the  
7 division shall consider a proposal to provide  
8 disability retirement benefits for sheriffs, deputy  
9 sheriffs, airport fire fighters, or members of a  
10 protection occupation in a manner similar to the  
11 disability retirement benefits provided under chapters  
12 97A and 411. On or before September 1, 1997, the Iowa  
13 public employees' retirement system division shall  
14 file a report with the legislative service bureau, for  
15 distribution to the public retirement systems  
16 committee, which contains the results of the study and  
17 any proposal, or proposals, for establishing  
18 disability retirement benefits. The report shall also  
19 contain actuarial information concerning the costs of  
20 the proposal or proposals.

21 Sec. 72. STUDY OF PROPOSALS CONCERNING INCLUSION  
22 OF MEMBERS IN A PROTECTION OCCUPATION -- IOWA PUBLIC  
23 EMPLOYEES' RETIREMENT SYSTEM -- REPORT. The Iowa  
24 public employees' retirement system division, in  
25 consultation with the public retirement systems  
26 committee established in section 97D.4, shall study  
27 proposals concerning various options for determining  
28 additional occupations of members who should be  
29 eligible for inclusion as members in a protection  
30 occupation as provided in section 97B.49, subsection  
31 16, paragraph "d". On or before September 1, 1997,  
32 the Iowa public employees' retirement system division  
33 shall file a report with the legislative service  
34 bureau, for distribution to the public retirement  
35 systems committee, which contains the results of the  
36 study and any proposal, or proposals, for establishing  
37 which occupations should qualify for inclusion in a  
38 protection occupation. The report shall also contain  
39 actuarial information concerning the costs of the

40 proposal or proposals.

41 Sec. 73. STUDY CONCERNING ORGANIZATIONAL STRUCTURE  
42 OF THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM. The  
43 public retirement systems committee established in  
44 section 97D.4 shall study the feasibility of changing  
45 the organizational structure and governance of the  
46 Iowa public employees' retirement system. The  
47 committee shall consider the recommendations of the  
48 Buck Consultants Inc. report submitted to the Iowa  
49 public employees' retirement system in 1995, the Iowa  
50 public employees' retirement system division, and the

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1 department of personnel. The public retirement  
2 systems committee shall submit a report to the general  
3 assembly on or before January 31, 1998, containing its  
4 findings and recommendations.

5 Sec. 74. COMPREHENSIVE EXAMINATION OF PLAN DESIGN  
6 FOR THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM --  
7 REPORT. The Iowa public employees' retirement system  
8 division, in consultation with the public retirement  
9 systems committee established in section 97D.4, shall  
10 conduct a comprehensive examination of the plan design  
11 of the Iowa public employees' retirement system,  
12 pursuant to the principles established in chapter 97D,  
13 and make recommendations for plan improvement.  
14 In conducting the examination, the division shall  
15 consider and develop recommendations concerning  
16 establishment of the following:

17 1. Objective actuarial standards to determine the  
18 funded status of the system, including recommended  
19 minimum standards to determine whether the system is  
20 fully funded, and to develop safeguards to ensure that  
21 the system remains fully funded based on those  
22 standards.

23 2. Equitable contribution rates for both employers  
24 and employees, to include consideration of proposals  
25 to provide for equal employer and employee  
26 contribution rates and proposals to increase or  
27 decrease contribution rates based on the funded status  
28 of the system.

29 3. Establishing a schedule for implementing the  
30 recommendations.

31 On or before September 1, 1997, the Iowa public  
32 employees' retirement system division shall file a  
33 report with the legislative service bureau, for  
34 distribution to the public retirement systems  
35 committee, which contains the results of the  
36 comprehensive examination and any proposal, or

37 proposals, for improving plan design of the Iowa  
 38 public employees' retirement system. The report shall  
 39 also contain actuarial information concerning the  
 40 costs of the proposal or proposals.

41 DIVISION II

42 TEACHERS' PENSION AND ANNUITY RETIREMENT SYSTEMS

43 Sec. 75. Section 12B.10, subsection 6, Code 1995,  
 44 is amended by adding the following new paragraph e and  
 45 relettering the subsequent paragraphs:

46 NEW PARAGRAPH. e. A pension and annuity  
 47 retirement system governed by chapter 294.

48 Sec. 76. Section 12B.10A, subsection 6, Code 1995,  
 49 is amended by adding the following new paragraph e and  
 50 relettering the subsequent paragraphs:

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1 NEW PARAGRAPH. e. A pension and annuity  
 2 retirement system governed by chapter 294.

3 Sec. 77. Section 12B.10B, subsection 3, Code 1995,  
 4 is amended by adding the following new paragraph e and  
 5 relettering the subsequent paragraphs:

6 NEW PARAGRAPH. e. A pension and annuity  
 7 retirement system governed by chapter 294.

8 Sec. 78. Section 12B.10C, Code 1995, is amended by  
 9 adding the following new subsection 4 and renumbering  
 10 the subsequent subsections:

11 NEW SUBSECTION. 4. A pension and annuity  
 12 retirement system governed by chapter 294.

13 Sec. 79. NEW SECTION. 294.10B RIGHTS NOT  
 14 TRANSFERABLE -- NOT SUBJECT TO LEGAL PROCESS.

15 The right of any person to any future payment under  
 16 a pension and annuity retirement system established in  
 17 this chapter shall not be transferable or assignable,  
 18 at law or in equity, and shall not be subject to  
 19 execution, levy, attachment, garnishment, or other  
 20 legal process, or to the operation of any bankruptcy  
 21 or insolvency law, except for the purposes of  
 22 enforcing child, spousal, or medical support  
 23 obligations, or marital property orders. For the  
 24 purposes of enforcing child, spousal, or medical  
 25 support obligations, the garnishment or attachment of  
 26 or the execution against benefits due a person under  
 27 such a retirement system shall not exceed the amount  
 28 specified in 15 U.S.C. § 1673(b).

29 DIVISION III

30 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,  
 31 ACCIDENT, AND DISABILITY SYSTEM

32 Sec. 80. Section 97A.5, subsection 9, Code 1995,  
 33 is amended to read as follows:

34 9. DUTIES OF COMMISSIONER OF INSURANCE ACTUARY.

35 The ~~state commissioner of insurance actuary hired by~~  
 36 ~~the board of trustees~~ shall be the technical advisor  
 37 of the board of trustees on matters regarding the  
 38 operation of the funds created by the provisions of  
 39 this chapter and shall perform such other duties as  
 40 are required in connection therewith.

41 Sec. 81. Section 97A.5, subsections 10 through 12,  
 42 Code 1995, are amended to read as follows:

43 10. TABLES -- RATES. ~~Immediately after the~~  
 44 ~~establishment of this system, the state commissioner~~  
 45 ~~of insurance~~ The actuary hired by the board of  
 46 trustees shall make such investigation of anticipated  
 47 interest earnings and of the mortality, service, and  
 48 compensation experience of the members of the system  
 49 as the actuary ~~shall recommend and the board of~~  
 50 ~~trustees shall authorize recommends~~, and on the basis

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1 of such the investigation, the ~~actuary shall recommend~~  
 2 ~~for adoption by the board of trustees such shall adopt~~  
 3 the tables and such the rates as are required in  
 4 subsection 11 of this section. The board of trustees  
 5 shall adopt the rate of interest and tables, and  
 6 certify rates of contributions to be used by the  
 7 system.

8 11. ACTUARIAL INVESTIGATION. ~~In the year 1952,~~  
 9 ~~and at At least once in each two-year period~~

10 ~~thereafter, the state commissioner of insurance the~~  
 11 actuary hired by the board of trustees shall make an  
 12 actuarial investigation in the mortality, service, and  
 13 compensation experience of the members and  
 14 beneficiaries of the system, and the interest and  
 15 other earnings on the moneys and other assets of the  
 16 system, and shall make a valuation of the assets and  
 17 liabilities of the funds of the system, and taking  
 18 into account the results of such the investigation and  
 19 valuation, the board of trustees shall:

20 a. Adopt for the system such interest rate,  
 21 mortality and other tables as shall be deemed  
 22 necessary;

23 b. Certify the rates of contribution payable by  
 24 the state of Iowa in accordance with section 97A.8.

25 12. VALUATION. On the basis of such the rate of  
 26 interest and such tables as adopted by the board of  
 27 trustees ~~shall adopt, the state commissioner of~~  
 28 insurance the actuary hired by the board of trustees  
 29 shall make an annual valuation of the assets and  
 30 liabilities of the funds of the system created by this

31 chapter.

32 Sec. 82. Section 97A.5, Code 1995, is amended by  
33 adding the following new subsections:

34 NEW SUBSECTION. 14. INVESTMENT CONTRACTS. The  
35 board of trustees may execute contracts and agreements  
36 with investment advisors, consultants, and investment  
37 management and benefit consultant firms in the  
38 administration of the funds established in section  
39 97A.8.

40 NEW SUBSECTION. 15. LIABILITY. The department,  
41 the board of trustees, and the treasurer of state are  
42 not personally liable for claims based upon an act or  
43 omission of the person performed in the discharge of  
44 the person's duties under this chapter, even if those  
45 actions or omissions violate the standards established  
46 in section 97A.7, except for acts or omissions which  
47 involve malicious or wanton misconduct.

48 Sec. 83. Section 97A.6, subsection 1, paragraph a,  
49 Code 1995, is amended to read as follows:

50 a. Any member in service may retire upon the

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1 member's written application to the board of trustees,  
2 setting forth at what time, not less than thirty nor  
3 more than ninety days subsequent to the execution and  
4 filing therefor, the member desires to be retired,  
5 provided, that the said member at the time so  
6 specified for retirement shall have attained the age  
7 of fifty-five and shall have completed twenty-two  
8 years or more of creditable service, and  
9 notwithstanding that, during such period of  
10 notification, the member may have separated from the  
11 service. However, a member may retire at fifty years  
12 of age and receive a reduced retirement allowance  
13 pursuant to subsection 2A.

14 Sec. 84. Section 97A.6, subsection 2, paragraph d,  
15 subparagraph (3), Code 1995, is amended to read as  
16 follows:

17 (3) For a member who terminates service, other  
18 than by death or disability, on or after October 16,  
19 1992, but before July 1, 1996, and who does not  
20 withdraw the member's contributions pursuant to  
21 section 97A.16, upon the member's retirement there  
22 shall be added six-tenths percent of the member's  
23 average final compensation for each year of service  
24 over twenty-two years. However, this subparagraph  
25 does not apply to more than eight additional years of  
26 service.

27 Sec. 85. Section 97A.6, subsection 2, paragraph d,

28 Code 1995, is amended by adding the following new

29 subparagraph:

30 NEW SUBPARAGRAPH. (4) For a member who terminates  
31 service, other than by death or disability, on or  
32 after July 1, 1996, and who does not withdraw the  
33 member's contributions pursuant to section 97A.16,  
34 upon the member's retirement there shall be added one  
35 and one-half percent of the member's average final  
36 compensation for each year of service over twenty-two  
37 years. However, this subparagraph does not apply to  
38 more than eight additional years of service.

39 Sec. 86. Section 97A.6, subsection 10, Code 1995,  
40 is amended to read as follows:

41 10. OPTIONAL ALLOWANCE. With the provision that  
42 no optional selection shall be effective in case a  
43 beneficiary dies within thirty days after retirement,  
44 in which event such a beneficiary shall be considered  
45 as an active member at the time of death, until the  
46 first payment on account of any benefit becomes  
47 normally due, any beneficiary may elect to receive the  
48 beneficiary's benefit in a retirement allowance  
49 payable throughout life, or may elect to receive the  
50 actuarial equivalent at that time of the beneficiary's

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1 retirement allowance in a lesser retirement allowance  
2 payable throughout life with the provision that an  
3 amount in money not exceeding the amount of the  
4 beneficiary's accumulated contributions shall be  
5 immediately paid in cash to such member or some other  
6 benefit or benefits shall be paid either to the member  
7 or to such person or persons as the member shall  
8 nominate, provided such cash payment or other benefit  
9 or benefits, together with the lesser retirement  
10 allowance, shall be certified by the state  
11 ~~commissioner of insurance~~ actuary to be of equivalent  
12 actuarial value to the member's retirement allowance  
13 and shall be approved by the board of trustees;  
14 provided, that a cash payment to such member or  
15 beneficiary at the time of retirement of an amount not  
16 exceeding fifty percent of the member's or  
17 beneficiary's accumulated contributions shall be made  
18 by the board of trustees upon said member's or  
19 beneficiary's election.

20 Sec. 87. Section 97A.6, subsection 12, unnumbered  
21 paragraph 1, Code 1995, is amended to read as follows:

22 Pension to surviving spouse and children of  
23 deceased pensioned members. In the event of the death  
24 of any member receiving a retirement allowance under

25 the provisions of subsections 2, 2A, 4, or 6 of this  
26 section there shall be paid a pension:

27 Sec. 88. Section 97A.6, subsection 12, paragraph  
28 a, Code 1995, is amended to read as follows:

29 a. To the member's surviving spouse, equal to one-  
30 half the amount received by the deceased beneficiary,  
31 but in no instance less than an amount equal to ~~twenty~~  
32 twenty-five percent of the monthly earnable  
33 compensation paid to an active member having the rank  
34 of senior patrol officer of the Iowa highway safety  
35 patrol, and in addition a monthly pension equal to the  
36 monthly pension payable under subsection 9, paragraph  
37 "c," of this section for each child under eighteen  
38 years of age or twenty-two years of age if applicable;  
39 or

40 Sec. 89. Section 97A.6, subsection 14, paragraph  
41 a, subparagraphs (1), (2), and (3), Code 1995, are  
42 amended to read as follows:

43 (1) ~~Twenty-five~~ Thirty percent for members  
44 receiving a service retirement allowance and for  
45 beneficiaries receiving a pension under subsection 9  
46 of this section. ~~However, effective July 1, 1990, for~~  
47 ~~members who retired before that date, thirty percent~~  
48 ~~shall be the applicable percentage for members and~~  
49 ~~beneficiaries under this subparagraph.~~

50 (2) ~~Twenty-five~~ Thirty percent for members with

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1 five or more years of membership service who are  
2 receiving an ordinary disability retirement allowance.  
3 ~~However, effective July 1, 1990, for members who~~  
4 ~~retired before that date, thirty percent shall be the~~  
5 ~~applicable percentage for members under this~~  
6 ~~subparagraph.~~

7 (3) ~~Twelve and one-half~~ Fifteen percent for  
8 members with less than five years of membership  
9 service who are receiving an ordinary disability  
10 retirement allowance, and for beneficiaries receiving  
11 a pension under subsection 8 of this section.  
12 ~~However, effective July 1, 1990, for members who~~  
13 ~~retired before that date, fifteen percent shall be the~~  
14 ~~applicable percentage for members and beneficiaries~~  
15 ~~under this subparagraph.~~

16 Sec. 90. Section 97A.6, subsection 14, paragraph  
17 d, Code 1995, is amended to read as follows:

18 d. A retired member eligible for benefits under  
19 the provisions of subsection 1 is not eligible for the  
20 annual readjustment of pensions provided in this  
21 subsection unless the member served at least twenty-

22 two years and attained the age of fifty-five years  
23 prior to the member's termination of employment.  
24 Sec. 91. Section 97A.6, Code 1995, is amended by  
25 adding the following new subsection:  
26 NEW SUBSECTION. 2A. EARLY RETIREMENT BENEFITS.  
27 a. Notwithstanding the calculation of the service  
28 retirement allowance under subsection 2, beginning  
29 July 1, 1996, a member who has completed twenty-two  
30 years or more of creditable service and is at least  
31 fifty years of age, but less than fifty-five years of  
32 age, who has otherwise completed the requirements for  
33 retirement under subsection 1, may retire and receive  
34 a reduced service retirement allowance pursuant to  
35 this subsection. The service retirement allowance for  
36 a member less than fifty-five years of age shall be  
37 calculated in the manner prescribed in subsection 2,  
38 except that the percentage multiplier of the member's  
39 average final compensation used in the determination  
40 of the service retirement allowance shall be reduced  
41 by the board of trustees pursuant to paragraph "b".  
42 b. On July 1, 1996, and on each July 1 thereafter,  
43 the board of trustees shall determine for the  
44 respective fiscal year the percent by which the  
45 percentage multiplier under subsection 2 shall be  
46 reduced for each month that a member's retirement date  
47 precedes the member's fifty-fifth birthday. The board  
48 of trustees shall make this determination based upon  
49 the most recent actuarial valuation of the system, the  
50 calculation of the actuarial cost for each month of

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1 retirement of a member prior to age fifty-five, and  
2 the premise that the provision of a service retirement  
3 allowance to a member who is less than fifty-five  
4 years of age will not result in any increase in cost  
5 to the system.  
6 Sec. 92. Section 97A.7, subsection 2, Code 1995,  
7 is amended to read as follows:  
8 2. The several funds created by this chapter may  
9 be invested in:  
10 a. Bonds or other evidences of indebtedness  
11 issued, assumed, or guaranteed by the United States of  
12 America, or by any agency or instrumentality thereof.  
13 b. In savings accounts or time deposits in Iowa  
14 banks approved as depositories by the executive  
15 council.  
16 c. In any investments authorized for the Iowa  
17 public employees' retirement system in section 97B.7,  
18 subsection 2, paragraph "b".



19 Sec. 93. Section 97A.8, subsection 1, paragraph b,  
20 Code 1995, is amended to read as follows:

21 b. On the basis of the rate of interest and of the  
22 mortality, interest, and other tables adopted by the  
23 board of trustees, the ~~state commissioner of insurance~~  
24 board of trustees, upon the advice of the actuary  
25 hired by the board for that purpose, shall make each  
26 valuation required by this chapter and shall  
27 immediately after making such valuation, determine the  
28 "normal contribution rate". The normal contribution  
29 rate shall be the rate percent of the earnable  
30 compensation of all members obtained by deducting from  
31 the total liabilities of the fund the sum of the  
32 amount of the funds in hand to the credit of the fund  
33 and dividing the remainder by one percent of the  
34 present value of the prospective future compensation  
35 of all members as computed on the basis of the rate of  
36 interest and of mortality and service tables adopted  
37 by the board of trustees, all reduced by the employee  
38 contribution made pursuant to this subsection.  
39 However, the normal rate of contribution shall not be  
40 less than seventeen percent. The normal rate of  
41 contribution shall be determined by the ~~state~~  
42 commissioner of insurance board of trustees after each  
43 valuation.

44 Sec. 94. Section 97A.8, subsection 1, paragraph c,  
45 unnumbered paragraph 3, Code 1995, is amended by  
46 striking the unnumbered paragraph.

47 Sec. 95. Section 97A.8, subsection 1, paragraph f,  
48 subparagraph (8), Code 1995, is amended to read as  
49 follows:

50 (8) Notwithstanding any other provision of this

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1 chapter, beginning July 1, 1996, and each fiscal year  
2 thereafter, the ~~member's contribution rate shall be~~  
3 equivalent to the member's contribution rate provided  
4 under section 411-8, subsection 1, paragraph "f", for  
5 the statewide fire and police retirement system for  
6 the applicable fiscal year an amount equal to the  
7 member's contribution rate times each member's  
8 compensation shall be paid to the pension accumulation  
9 fund from the earnable compensation of the member.  
10 For the purposes of this subparagraph, the member's  
11 contribution rate shall be nine and thirty-five  
12 hundredths percent. However, the system shall  
13 increase the member's contribution rate as necessary  
14 to cover any increase in cost to the system resulting  
15 from statutory changes which are enacted by any

16 session of the general assembly meeting after January  
 17 1, 1995, if the increase cannot be absorbed within the  
 18 contribution rates otherwise established pursuant to  
 19 this paragraph, but subject to a maximum employee  
 20 contribution rate of eleven and three-tenths percent.  
 21 After the employee contribution reaches eleven and  
 22 three-tenths percent, sixty percent of the additional  
 23 cost of such statutory changes shall be paid by the  
 24 employer under paragraph "c" and forty percent of the  
 25 additional cost shall be paid by employees under this  
 26 paragraph.

27 Sec. 96. Section 97A.8, subsection 3, Code 1995,  
 28 is amended to read as follows:

29 3. EXPENSE FUND. The expense fund shall be the  
 30 fund to which shall be credited all money provided by  
 31 the state of Iowa to pay the administration expenses  
 32 of the system and from which shall be paid all the  
 33 expenses necessary in connection with the  
 34 administration and operation of the system.  
 35 Biennially the board of trustees shall estimate the  
 36 amount of money necessary to be paid into the expense  
 37 fund during the ensuing biennium to provide for the  
 38 expense of operation of the system. Investment  
 39 management expenses shall be charged to the investment  
 40 income of the system and there is appropriated from  
 41 the system an amount required for the investment  
 42 management expenses. The board of trustees shall  
 43 report the investment management expenses for the  
 44 fiscal year as a percent of the market value of the  
 45 system.

46 For purposes of this subsection, investment  
 47 management expenses are limited to the following:  
 48 a. Fees for investment advisors, consultants, and  
 49 investment management and benefit consultant firms  
 50 hired by the board of trustees in administering this

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1 chapter.  
 2 b. Fees and costs for safekeeping fund assets.  
 3 c. Costs for performance and compliance  
 4 monitoring, and accounting for fund investments.  
 5 d. Any other costs necessary to prudently invest  
 6 or protect the assets of the fund.

7 Sec. 97. Section 97A.12, Code 1995, is amended to  
 8 read as follows:

9 97A.12 EXEMPTION FROM EXECUTION AND OTHER PROCESS  
 10 OR ASSIGNMENT.

11 The right of any person to a pension, annuity, or  
 12 retirement allowance, to the return of contributions,

13 the pension, annuity, or retirement allowance itself,  
 14 any optional benefit or death benefit, any other right  
 15 accrued or accruing to any person under this chapter,  
 16 and the moneys in the various funds created under this  
 17 chapter, are not subject to execution, garnishment,  
 18 attachment, or any other process whatsoever, and are  
 19 unassignable except for the purposes of enforcing  
 20 child, spousal, or medical support obligations or  
 21 marital property orders, or as in this chapter  
 22 otherwise specifically provided in this chapter. For  
 23 the purposes of enforcing child, spousal, or medical  
 24 support obligations, the garnishment or attachment of  
 25 or the execution against compensation due a person  
 26 under this chapter shall not exceed the amount  
 27 specified in 15 U.S.C. § 1673(b).

28 Sec. 98. NEW SECTION. 97A.17 OPTIONAL TRANSFERS  
 29 WITH CHAPTER 411.

30 1. For purposes of this section unless the context  
 31 otherwise requires:

32 a. "Average accrued benefit" means the average of  
 33 the amounts representing the present value of the  
 34 accrued benefit earned by the member determined by the  
 35 former system and the present value of the accrued  
 36 benefit earned by the member determined by the current  
 37 system.

38 b. "Current system" means the eligible retirement  
 39 system in which a person has commenced employment  
 40 covered by the system after having terminated  
 41 employment covered by the former system.

42 c. "Eligible retirement system" means the system  
 43 created under this chapter and the statewide fire and  
 44 police retirement system established in chapter 411.

45 d. "Former system" means the eligible retirement  
 46 system in which a person has terminated employment  
 47 covered by the system prior to commencing employment  
 48 covered by the current system.

49 2. Commencing July 1, 1996, a vested member of an  
 50 eligible retirement system who terminates employment

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1 covered by one eligible retirement system and, within  
 2 sixty days, commences employment covered by the other  
 3 eligible retirement system may elect to transfer the  
 4 average accrued benefit earned from the former system  
 5 to the current system. The member shall file an  
 6 application with the current system for transfer of  
 7 the average accrued benefit within ninety days of the  
 8 commencement of employment with the current system.

9 3. Notwithstanding subsection 2, a vested member

10 whose employment with the current system commenced  
 11 prior to July 1, 1996, may elect to transfer the  
 12 average accrued benefit earned under the former system  
 13 to the current system by filing an application with  
 14 the current system for transfer of the average accrued  
 15 benefit on or before July 1, 1997.

16 4. Upon receipt of an application for transfer of  
 17 the average accrued benefit, the current system shall  
 18 calculate the average accrued benefit and the former  
 19 system shall transfer to the current system assets in  
 20 an amount equal to the average accrued benefit. Once  
 21 the transfer of the average accrued benefit is  
 22 completed, the member's service under the former  
 23 system shall be treated as membership service under  
 24 the current system for purposes of this chapter and  
 25 chapter 411.

#### 26 DIVISION IV

#### 27 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

28 Sec. 99. Section 400.8, subsection 1, Code 1995,  
 29 is amended to read as follows:

30 1. The commission, when necessary under the rules,  
 31 including minimum and maximum age limits, which shall  
 32 be prescribed and published in advance by the  
 33 commission and posted in the city hall, shall hold  
 34 examinations for the purpose of determining the  
 35 qualifications of applicants for positions under civil  
 36 service, other than promotions, which examinations  
 37 shall be practical in character and shall relate to  
 38 matters which will fairly test the mental and physical  
 39 ability of the applicant to discharge the duties of  
 40 the position to which the applicant seeks appointment.  
 41 The physical examination of applicants for appointment  
 42 to the positions of police officer, police matron, or  
 43 fire fighter shall be held in accordance with medical  
 44 protocols established by the board of trustees of the  
 45 fire and police retirement system established by  
 46 section 411.5. The board of trustees may change the  
 47 medical protocols at any time the board so determines.  
 48 The commission shall conduct a medical examination of  
 49 an applicant for the position of police officer,  
 50 police matron, or fire fighter after a conditional

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1 offer of employment has been made to the applicant.  
 2 An applicant shall not be discriminated against on the  
 3 basis of height, weight, sex, or race in determining  
 4 physical or mental ability of the applicant.  
 5 Reasonable rules relating to strength, agility, and  
 6 general health of applicants shall be prescribed. The

7 costs of the physical examination required under this  
8 subsection shall be paid from the trust and agency  
9 fund of the city.

10 Sec. 100. Section 411.5, Code 1995, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 13. VOLUNTARY BENEFIT PROGRAMS.

13 The board of trustees shall be responsible for the  
14 administration of the voluntary benefit programs  
15 established under section 411.40. The board may take  
16 any necessary action, including the adoption of rules,  
17 for purposes of administering the programs.

18 Sec. 101. Section 411.6, subsection 7, paragraph  
19 a, unnumbered paragraph 1, Code 1995, is amended to  
20 read as follows:

21 Should any beneficiary for either ordinary or  
22 accidental disability, except a beneficiary who is  
23 fifty-five years of age or over and would have  
24 completed twenty-two years of service if the  
25 beneficiary had remained in active service, be engaged  
26 in a gainful occupation paying more than the  
27 difference between the member's retirement allowance  
28 and one and one-half times the earnable compensation  
29 of an active member at the same position on the salary  
30 scale within the member's rank as the member held at  
31 retirement, then the amount of the member's retirement  
32 allowance shall be reduced to an amount which together  
33 with the amount earned by the member shall equal one  
34 and one-half times the amount of the current earnable  
35 compensation of an active member at the same position  
36 on the salary scale within the member's rank as the  
37 member held at retirement. Should the member's  
38 earning capacity be later changed, the amount of the  
39 member's retirement allowance may be further modified,  
40 provided, that the new retirement allowance shall not  
41 exceed the amount of the retirement allowance adjusted  
42 by annual readjustments of pensions pursuant to  
43 subsection 12 of this section nor an amount which,  
44 when added to the amount earned by the beneficiary,  
45 equals one and one-half times the amount of the  
46 earnable compensation of an active member at the same  
47 position on the salary scale within the member's rank  
48 as the member held at retirement. A beneficiary  
49 restored to active service at a salary less than the  
50 average final compensation upon the basis of which the

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1 member was retired at age fifty-five or greater, shall  
2 not again become a member of the retirement system and  
3 shall have the member's retirement allowance suspended

4 while in active service. If the rank or position held  
5 by the retired member is subsequently abolished,  
6 adjustments to the allowable limit on the amount of  
7 income which can be earned in a gainful occupation  
8 shall be computed in the same manner as provided in  
9 subsection 12, paragraph "c", of this section for  
10 readjustment of pensions when a rank or position has  
11 been abolished by the board of trustees as though such  
12 rank or position had not been abolished and salary  
13 increases had been granted to such rank or position on  
14 the same basis as increases granted to other ranks and  
15 positions in the department.

16 Sec. 102. Section 411.6, subsection 12, paragraphs  
17 a through c, Code 1995, are amended by striking the  
18 paragraphs and inserting in lieu thereof the  
19 following:

20 a. On each July 1, the monthly pensions authorized  
21 in this section payable to retired members and to  
22 beneficiaries shall be adjusted as provided in this  
23 subsection. An amount equal to the sum of one and  
24 one-half percent of the monthly pension of each  
25 retired member and beneficiary and the applicable  
26 incremental amount shall be added to the monthly  
27 pension of each retired member and beneficiary. The  
28 board of trustees shall report to the general assembly  
29 every six years, by September 15 of that year,  
30 beginning with September 15, 2001, on whether the  
31 provisions of this subsection continue to provide an  
32 equitable method for the annual readjustment of  
33 pensions payable under this chapter.

34 b. For purposes of this subsection, "applicable  
35 incremental amount" means the following amount for  
36 members receiving a pension under subsection 2, 4, or  
37 6 and for beneficiaries receiving a pension under  
38 subsection 11:

39 (1) Fifteen dollars where the member's retirement  
40 date was less than five years prior to the effective  
41 date of the increase.

42 (2) Twenty dollars where the member's retirement  
43 date was at least five years, but less than ten years,  
44 prior to the effective date of the increase.

45 (3) Twenty-five dollars where the member's  
46 retirement date was at least ten years, but less than  
47 fifteen years, prior to the effective date of the  
48 increase.

49 (4) Thirty dollars where the member's retirement  
50 date was at least fifteen years, but less than twenty

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1 years, prior to the effective date of the increase.

2 (5) Thirty-five dollars where the member's  
3 retirement date was at least twenty years prior to the  
4 effective date of the increase.

5 c. For beneficiaries receiving a pension under  
6 subsection 8 or 9, the applicable incremental amount  
7 shall be determined as set forth in paragraph "b",  
8 except that the date of the member's death shall be  
9 substituted for the member's retirement date.

10 Sec. 103. Section 411.6, subsection 12, Code 1995,  
11 is amended by adding the following new paragraph:  
12 **NEW PARAGRAPH.** e. A retired member eligible for  
13 benefits under this section and otherwise eligible for  
14 the readjustment of benefits provided in this  
15 subsection is not eligible for the readjustment unless  
16 the member was retired on or before the effective date  
17 of the readjustment.

18 Sec. 104. Section 411.13, Code 1995, is amended to  
19 read as follows:

20 **411.13 EXEMPTION FROM EXECUTION AND OTHER PROCESS,**  
21 **OR ASSIGNMENT -- EXCEPTIONS.**

22 The right of any person to a pension, annuity, or  
23 retirement allowance, to the return of contributions,  
24 the pension, annuity, or retirement allowance itself,  
25 any optional benefit or death benefit, any other right  
26 accrued or accruing to any person under this chapter,  
27 and the moneys in the fire and police retirement fund  
28 created under this chapter, are not subject to  
29 execution, garnishment, attachment, or any other  
30 process whatsoever, and are unassignable except for  
31 the purposes of enforcing child, spousal, or medical  
32 support obligations or marital property orders, or as  
33 in this chapter otherwise specifically provided in  
34 this chapter. For the purposes of enforcing child,  
35 spousal, or medical support obligations, the  
36 garnishment or attachment of or the execution against  
37 compensation due a person under this chapter shall not  
38 exceed the amount specified in 15 U.S.C. § 1673(b).

39 Sec. 105. **NEW SECTION.** 411.31 OPTIONAL TRANSFERS  
40 WITH CHAPTER 97A.

41 1. For purposes of this section, unless the  
42 context otherwise requires:

43 a. "Average accrued benefit" means the average of  
44 the amounts representing the present value of the  
45 accrued benefit earned by the member determined by the  
46 former system and the present value of the accrued  
47 benefit earned by the member determined by the current  
48 system.

49 b. "Current system" means the eligible retirement  
50 system in which a person has commenced employment

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1 covered by the system after having terminated  
2 employment covered by the former system.

3 c. "Eligible retirement system" means the system  
4 created under this chapter and the Iowa department of  
5 public safety peace officers' retirement, accident,  
6 and disability system established in chapter 97A.

7 d. "Former system" means the eligible retirement  
8 system in which a person has terminated employment  
9 covered by the system prior to commencing employment  
10 covered by the current system.

11 2. Commencing July 1, 1996, a vested member of an  
12 eligible retirement system who terminates employment  
13 covered by one eligible retirement system and, within  
14 sixty days, commences employment covered by the other  
15 eligible retirement system may elect to transfer the  
16 average accrued benefit earned from the former system  
17 to the current system. The member shall file an  
18 application with the current system for transfer of  
19 the average accrued benefit within ninety days of the  
20 commencement of employment with the current system.

21 3. Notwithstanding subsection 2, a vested member  
22 whose employment with the current system commenced  
23 prior to July 1, 1996, may elect to transfer the  
24 average accrued benefit earned under the former system  
25 to the current system by filing an application with  
26 the current system for transfer of the average accrued  
27 benefit on or before July 1, 1997.

28 4. Upon receipt of an application for transfer of  
29 the average accrued benefit, the current system shall  
30 calculate the average accrued benefit and the former  
31 system shall transfer to the current system assets in  
32 an amount equal to the average accrued benefit. Once  
33 the transfer of the average accrued benefit is  
34 completed, the member's service under the former  
35 system shall be treated as membership service under  
36 the current system for purposes of this chapter and  
37 chapter 97A.

38 Sec. 106. Section 411.37, subsection 2, Code 1995,  
39 is amended to read as follows:

40 2. The board shall include in the transition plan  
41 or other transition documents, provisions to  
42 facilitate continuity under sections 411.20, 411.21,  
43 and 411.30 and a recommendation for an equitable  
44 process for determining earnable compensation changes  
45 when calculating adjustments to pensions under section



46 411.6, subsection 12, to be submitted to the general  
47 assembly meeting in 1991.  
48 Sec. 107. Section 411.38, subsection 1, paragraph  
49 b, unnumbered paragraph 1, Code 1995, is amended to  
50 read as follows:

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1 Transfer from each terminated city fire or police  
2 retirement system to the statewide system amounts  
3 sufficient to cover the accrued liabilities of that  
4 terminated system as determined by the actuary of the  
5 statewide system. The actuary of the statewide system  
6 shall redetermine the accrued liabilities of the  
7 terminated systems as necessary to take into account  
8 additional amounts payable by the city which are  
9 attributable to errors or omissions which occurred  
10 prior to January 1, 1992, or to matters pending as of  
11 January 1, 1992. If the actuary of the statewide  
12 system determines that the assets transferred by a  
13 terminated system are insufficient to fully fund the  
14 accrued liabilities of the terminated system as  
15 determined by the actuary as of January 1, 1992, the  
16 participating city shall pay to the statewide system  
17 an amount equal to the unfunded liability plus  
18 interest for the period beginning January 1, 1992, and  
19 ending with the date of payment or the date of entry  
20 into an amortization agreement pursuant to this  
21 section. Interest on the unfunded liability shall be  
22 computed at a rate equal to the greater of the  
23 actuarial interest rate assumption on investments of  
24 the moneys in the fund or the actual investment  
25 earnings of the fund for the applicable calendar year.  
26 The participating city may enter into an agreement  
27 with the statewide system to make additional annual  
28 contributions sufficient to amortize the unfunded  
29 accrued liability of the terminated system. The terms  
30 of an amortization agreement shall be based upon the  
31 recommendation of the actuary of the statewide system,  
32 and the agreement shall do each of the following:  
33 Sec. 108. **NEW SECTION. 411.40 VOLUNTARY BENEFIT**  
34 **PROGRAMS.**  
35 The board of trustees may establish voluntary  
36 benefit programs for members subject to the following  
37 conditions:  
38 1. The voluntary benefit programs may provide  
39 benefits including, but not limited to, retiree health  
40 benefits, long-term care, and life insurance.  
41 2. Participation in the voluntary benefit programs  
42 by members shall be voluntary.

43 3. Contributions to the voluntary benefit programs  
 44 shall be paid entirely by each participating member by  
 45 means of payroll deduction. Cities employing members  
 46 participating in voluntary benefit programs shall  
 47 forward the amounts deducted to the board of trustees  
 48 for deposit in the voluntary benefit fund.  
 49 4. The voluntary benefit programs and the  
 50 voluntary benefit fund shall be administered under the

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1 direction of the board of trustees for the exclusive  
 2 benefit of members paying contributions as provided in  
 3 subsection 3.

4 5. The assets of the voluntary benefit programs  
 5 shall be credited to the voluntary benefit fund, which  
 6 is hereby created. The voluntary benefit fund shall  
 7 include contributions deposited in accordance with  
 8 subsection 3, and any interest and earnings on the  
 9 contributions. The board of trustees shall annually  
 10 establish an investment policy to govern the  
 11 investment and reinvestment of the assets in the  
 12 voluntary benefit fund. The voluntary benefit fund  
 13 created under this section and the fire and police  
 14 retirement fund created under section 411.8 shall not  
 15 be used to subsidize any portion of the liabilities of  
 16 the other fund.

17 6. The board of trustees shall include in its  
 18 annual budget the amount of money necessary during the  
 19 following year to provide for the expense of operation  
 20 of the voluntary benefit programs. The operating  
 21 expenses shall be paid from the voluntary benefit fund  
 22 under the direction of the board of trustees.

#### 23 DIVISION V

#### 24 JUDICIAL RETIREMENT SYSTEM

25 Sec. 109. Section 602.9111, Code 1995, is amended  
 26 to read as follows:

#### 27 602.9111 INVESTMENT OF FUND.

28 So much of the judicial retirement fund as may not  
 29 be necessary to be kept on hand for the making of  
 30 disbursements under this article shall be invested by  
 31 the treasurer of state in ~~bonds or other evidences of~~  
 32 ~~indebtedness issued, assumed, or guaranteed by the~~  
 33 ~~United States of America, or by any agency or~~  
 34 ~~instrumentality thereof or in any investments~~  
 35 authorized for the Iowa public employees' retirement  
 36 system in section 97B.7, subsection 2, paragraph "b",  
 37 and the earnings therefrom shall be credited to ~~said~~  
 38 the fund. The treasurer of state may execute  
 39 contracts and agreements with investment advisors.

40 consultants, and investment management and benefit  
 41 consultant firms in the administration of the judicial  
 42 retirement fund.  
 43 Investment management expenses shall be charged to  
 44 the investment income of the fund and there is  
 45 appropriated from the fund an amount required for the  
 46 investment management expenses. The court  
 47 administrator shall report the investment management  
 48 expenses for the fiscal year as a percent of the  
 49 market value of the system.  
 50 For purposes of this section, investment management

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1 expenses are limited to the following:  
 2 a. Fees for investment advisors, consultants, and  
 3 investment management and benefit consultant firms  
 4 hired by the treasurer of state in administering the  
 5 fund.  
 6 b. Fees and costs for safekeeping fund assets.  
 7 c. Costs for performance and compliance  
 8 monitoring, and accounting for fund investments.  
 9 d. Any other costs necessary to prudently invest  
 10 or protect the assets of the fund. The state court  
 11 administrator and the treasurer of state, and their  
 12 employees, are not personally liable for claims based  
 13 upon an act or omission of the person performed in the  
 14 discharge of the person's duties concerning the  
 15 judicial retirement fund, except for acts or omissions  
 16 which involve malicious or wanton misconduct.

#### DIVISION IV

#### EFFECTIVE AND APPLICABILITY PROVISIONS

19 Sec. 110. EFFECTIVE AND RETROACTIVE APPLICABILITY  
 20 DATES.

21 1. The section of this Act which amends section  
 22 97B.49, subsection 16, by enacting a new paragraph  
 23 "m", being deemed of immediate importance, takes  
 24 effect upon enactment and applies retroactively to  
 25 July 1, 1992.

26 2. The section of this Act which amends section  
 27 411.6, subsection 12, paragraphs "a" through "c",  
 28 takes effect July 1, 1997."

S-5829

1 Amend the House amendment, S-5821, to Senate File  
 2 2195, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. By striking page 1, line 5, through page 4,  
 5 line 20, and inserting the following:

6 "Section 1. There is appropriated from the  
 7 general fund of the state to the Iowa communications  
 8 network fund created in section 8D.14 for the fiscal  
 9 year beginning July 1, 1996, and ending June 30, 1997,  
 10 the following amount, or so much thereof as is  
 11 necessary, to be used for the purpose designated:

12 For debt service:  
 13 ..... \$ 12,754,000

14 Upon the appropriation of the funds in this section  
 15 to the Iowa communications network fund, the Iowa  
 16 telecommunications and technology commission shall  
 17 immediately transfer \$12,754,000 of the appropriated  
 18 amount to a separate fund established in the office of  
 19 the treasurer of state, to be used solely for debt  
 20 service for the Iowa communications network. The  
 21 commission shall certify to the treasurer of state  
 22 when a debt service payment is due, and upon receipt  
 23 of the certification the treasurer shall make the  
 24 payment. The commission shall pay any additional  
 25 amount due from funds deposited in the Iowa  
 26 communications network fund.

27 Sec. 2. PART III RELATED APPROPRIATIONS.

28 1. PART III AUTHORIZED USERS.

29 a. There is appropriated from the rebuild Iowa  
 30 infrastructure fund of the state created in section  
 31 8.57, subsection 5, to the Iowa communications network  
 32 fund under the control of the Iowa telecommunications  
 33 and technology commission for the fiscal year  
 34 beginning July 1, 1996, and ending June 30, 1997, the  
 35 following amount, or so much thereof as is necessary,  
 36 to be used for the purpose designated:

37 For the connection of a minimum of 110 Part III  
 38 authorized users as determined by the commission and  
 39 communicated to the general assembly:  
 40 ..... \$ 19,600,095

41 b. It is the intent of the general assembly that  
 42 the connection of the authorized user sites pursuant  
 43 to this subsection be awarded based upon the Part III  
 44 contracts executed in 1995.

45 c. Notwithstanding the fact that funds  
 46 appropriated pursuant to this subsection will not be  
 47 made available prior to July 1, 1996, the Iowa  
 48 telecommunications and technology commission is  
 49 authorized to negotiate and enter into contracts for  
 50 ordering necessary equipment related to the completion

3 effective date of this paragraph.

4 2. PART III NETWORK COSTS -- SUBSIDIZATION FUND.

5 There is appropriated from the general fund of the  
6 state to the Iowa communications network fund created  
7 in section 8D.14 for the fiscal year beginning July 1,  
8 1996, and ending June 30, 1997, the following amount,  
9 or so much thereof as is necessary, to be used for the  
10 purposes designated in this subsection:

11 For the subsidization of video rates for authorized  
12 users as determined by the commission and consistent  
13 with chapter 8D:

14 .....	\$ 2,400,000
15 .....	FTEs 57.00

16 3. PART III NETWORK COSTS -- MAINTENANCE AND LEASE  
17 COSTS.

18 a. There is appropriated from the rebuild Iowa  
19 infrastructure fund of the state created in section  
20 8.57, subsection 5, to the Iowa communications network  
21 fund under the control of the Iowa telecommunications  
22 and technology commission for the fiscal year  
23 beginning July 1, 1996, and ending June 30, 1997, the  
24 following amount, or so much thereof as is necessary,  
25 to be used for the purpose designated:

26 For maintenance costs and recurring lease costs as  
27 provided in this subsection:

28 .....	\$ 1,199,905
----------	--------------

29 b. As a condition of the appropriation in this  
30 subsection, \$209,298 of the amount appropriated shall  
31 be expended by the Iowa telecommunications and  
32 technology commission for maintenance costs associated  
33 with Part III connections of the network.

34 c. As a further condition of the appropriation in  
35 this subsection, \$990,607 of the amount appropriated  
36 shall be expended by the Iowa telecommunications and  
37 technology commission for recurring lease costs  
38 associated with Part III connections of the network.

39 4. SUPPORT SERVICES. There is appropriated from  
40 the general fund of the state to the Iowa  
41 communications network fund created in section 8D.14  
42 for the fiscal year beginning July 1, 1996, and ending  
43 June 30, 1997, the following amount, or so much  
44 thereof as is necessary, to be used for the purposes  
45 designated:

46 For purposes designated in paragraphs "a" and "b",  
47 and for not more than the following full-time  
48 equivalent positions:

49 .....	\$ 1,950,000
50 .....	FTEs 10.0

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1 a. As a condition of the appropriation in this  
 2 subsection, \$450,000 of the amount appropriated shall  
 3 be expended by the public broadcasting division of the  
 4 department of education to provide support for  
 5 functions related to the network, including but not  
 6 limited to the following functions: scheduling for  
 7 video classrooms; development of distance learning  
 8 applications; development of a central information  
 9 source on the Internet relating to educational uses of  
 10 the network; second-line technical support for network  
 11 sites; testing and initializing sites onto the  
 12 network; and coordinating the work of the education  
 13 telecommunications council. The division is  
 14 authorized an additional 5.00 FTEs for a total of  
 15 10.00 FTEs for the purpose of providing such support.

16 b. As a further condition of the appropriation in  
 17 this subsection, \$1,500,000 of the amount appropriated  
 18 shall be allocated by the public broadcasting division  
 19 of the department of education to the regional  
 20 telecommunications councils established in section  
 21 8D.5. The regional telecommunications councils shall  
 22 use the funds to provide technical assistance for  
 23 network classrooms, planning and troubleshooting for  
 24 local area networks, scheduling of video sites, and  
 25 other related support activities.

26 5. SPARE PARTS. There is appropriated from the  
 27 rebuild Iowa infrastructure fund of the state created  
 28 in section 8.57, subsection 5, to the Iowa  
 29 communications network fund created in section 8D.14,  
 30 for the fiscal year beginning July 1, 1996, and ending  
 31 June 30, 1997, the following amount, or so much  
 32 thereof as is necessary, to be used for the purpose  
 33 designated:

34 For establishing and maintaining a spare parts  
 35 depot related to the network:

36 ..... \$ 220,000

37 6. COMPUTERS, INTERNET CONNECTION, AND RELATED  
 38 COSTS. There is appropriated from the rebuild Iowa  
 39 infrastructure fund of the state created in section  
 40 8.57, subsection 5, to the Iowa communications network  
 41 fund created in section 8D.14, for the fiscal year  
 42 beginning July 1, 1996, and ending June 30, 1997, the  
 43 following amount, or so much thereof as is necessary,  
 44 to be used for the purpose designated:

45 For the purchase of computer equipment to be used  
 46 in connection with the network, providing for  
 47 connections to the Internet through the use of the  
 48 network, and for maintaining the regional scheduling

49 system:

50 ..... \$ 110,000

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1 Sec. 3. There is appropriated from the general  
 2 fund of the state to the Iowa communications network  
 3 fund created in section 8D.14 for the fiscal year  
 4 beginning July 1, 1996, and ending June 30, 1997, the  
 5 following amount, or so much thereof as is necessary,  
 6 to lease DS-1 or T-1 circuits for Part III connections  
 7 currently using analog technology:  
 8 ..... \$ 65,000

9 Sec. 4. There is appropriated from the general  
 10 fund of the state to the state board of regents for  
 11 the fiscal year beginning July 1, 1996, and ending  
 12 June 30, 1997, the following amount, or so much  
 13 thereof as is necessary, to be used for the purpose  
 14 designated:  
 15 For the center for educational technology at the  
 16 university of northern Iowa to coordinate staff  
 17 development for educators using educational technology  
 18 in this state:  
 19 ..... \$ 500,000

20 Sec. 5. LEGISLATIVE INTENT.

21 1. It is the intent of the general assembly that  
 22 the Iowa telecommunications and technology commission  
 23 develop recommendations concerning the expenses which  
 24 should be recovered in the rates established by the  
 25 commission for use of the network, and any necessary  
 26 subsidies. The commission shall file a written report  
 27 concerning these recommendations with the senate  
 28 committee on communications and information policy and  
 29 the house of representatives committee on technology  
 30 by no later than January 13, 1997.

31 2. It is also the intent of the general assembly  
 32 that the education telecommunications council and the  
 33 regional telecommunications councils give priority to  
 34 network video usage during the normal school hours for  
 35 grades prekindergarten through twelve at those video  
 36 sites which are located within school district  
 37 facilities. The commission, in consultation with the  
 38 education telecommunications council, shall establish  
 39 a policy for flexibility of use for educational video  
 40 classrooms during normal school hours for events  
 41 unrelated to network use.

42 Sec. 6. CONTRACT MODIFICATION. Notwithstanding  
 43 section 8D.13, the commission is authorized to  
 44 negotiate a contract with Sooland Cable involving the  
 45 connection of five Part III sites, to provide for a

46 lump-sum payment at the time of installation and  
47 activation of the circuit which will result in a real  
48 savings within a range of \$23,400 up to \$27,000 per  
49 site when compared to the original contract price.  
50 Sec. 7. ADDITIONAL CONNECTIONS.

Page 5

1 1. LEWIS CENTRAL HIGH SCHOOL. Notwithstanding  
2 section 8D.13, subsection 5, the state may own and the  
3 Iowa telecommunications and technology commission  
4 shall provide for the construction and connection to  
5 the Iowa communications network of the Lewis Central  
6 high school, located in Council Bluffs and contiguous  
7 to the school for the deaf established under chapter  
8 270.

9 2. ADDITIONS TO PART III. The Iowa  
10 telecommunications and technology commission may  
11 contract for construction relating to connections to  
12 the Iowa communications network for the following  
13 authorized users which were not identified in the  
14 original Part III request for proposals, but which  
15 meet the definition of a Part III user pursuant to  
16 section 8D.13, subsection 2, paragraph "c":

17 a. Wall LakeView middle school, Wall Lake.

18 b. Meservey-Thornton community school district,  
19 Thornton.

20 c. Eldora state training school, Eldora.

21 d. Iowa juvenile home, Toledo.

22 e. Four oaks educational center, Cedar Rapids.

23 f. Keystone area education agency, Dubuque.

24 g. Any other school district, identified by the  
25 commission, which does not have a connection to the  
26 network.

27 Sec. 8. EFFECTIVE DATE.

28 1. Section 2, subsection 1, paragraph "c", of this  
29 Act, which authorizes the Iowa telecommunications and  
30 technology commission to begin negotiations for  
31 ordering necessary equipment prior to the availability  
32 of funding, being deemed of immediate importance,  
33 takes effect upon enactment.

34 2. Section 7, subsection 1, of this Act, which  
35 authorizes the state to construct and own the Iowa  
36 communications network connection to Lewis Central  
37 high school, being deemed of immediate importance,  
38 takes effect upon enactment.""

ROBERT DVORSKY  
TOM FLYNN  
MARY A. LUNDBY



S-5830

1 Amend House File 2387, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 33, by inserting after line 11 the  
4 following:

5 "Sec. \_\_\_\_ . Section 53.38, Code 1995, is amended to  
6 read as follows:

7 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

8 Whenever a ballot is requested pursuant to section  
9 53.39 or 53.45 on behalf of a voter in the armed  
10 forces of the United States, the affidavit upon the  
11 ballot envelope of such voter or a completed federal  
12 postcard registration and absentee ballot request, if  
13 the voter is found to be an eligible elector of the  
14 county to which the ballot is submitted, shall  
15 constitute a sufficient registration under the  
16 provisions of chapter 48A and the commissioner shall  
17 place the voter's name on the registration record as a  
18 registered voter, if it does not already appear  
19 there."

20 2. By renumbering as necessary.

BILL FINK

S-5831

1 Amend House File 2387 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 33, by inserting after line 27 the  
4 following:

5 "Sec. \_\_\_\_ . Section 56.6, subsection 1, paragraphs  
6 c and d, Code Supplement 1995, are amended to read as  
7 follows:

8 c. A candidate's committee for a candidate for the  
9 general assembly at a special election for which the  
10 governor is required to give not less than forty days'  
11 notice under section 69.14 shall file a report by the  
12 fourteenth day prior to the special election which is  
13 current through the nineteenth day prior to the  
14 special election. A candidate's committee for a  
15 candidate for the general assembly at a special  
16 election for which the governor is required to give  
17 not less than eighteen days' notice under section  
18 69.14 shall file a report five days prior to the  
19 election, that shall be current as of five days prior  
20 to the filing deadline. Any report filed pursuant to  
21 this paragraph shall be timely filed, or mailed  
22 bearing a United States postal service postmark dated  
23 on or before the due date.

24 d. Committees The following committees shall file  
 25 their first reports five days prior to any election in  
 26 which the ballot contains the name of the candidate or  
 27 the local ballot issue which the committee supports or  
 28 opposes:

29 (1) A candidate's committee for municipal and  
 30 school elective offices and,

31 (2) A candidate's committee for a county elective  
 32 office at a special election.

33 (3) Political committees for local ballot issues  
 34 shall file their first reports five days prior to any  
 35 election in which the name of the candidate or the  
 36 local ballot issue which they support or oppose  
 37 appears on the printed ballot and.

38 These committees shall file their next report on  
 39 the first day of the month following the final  
 40 election in a calendar year in which the candidate's  
 41 name or the ballot issue appears on the ballot. A  
 42 committee supporting or opposing a candidate for a  
 43 municipal or school elective office or a local ballot  
 44 issue These committees shall also otherwise file  
 45 disclosure reports on the nineteenth day of January  
 46 and October of each year in which the candidate or  
 47 ballot issue does not appear on the ballot and on the  
 48 nineteenth day of January, May, and July of each year  
 49 in which the candidate or ballot issue appears on the  
 50 ballot, until the committee dissolves. These reports

## Page 2

1 However, a candidate's committee for a county elective  
 2 office at a special election shall file its regular  
 3 disclosure reports as provided in paragraph "a".

4 Any report filed pursuant to this lettered  
 5 paragraph shall be current to five days prior to the  
 6 filing deadline and are considered shall be timely  
 7 filed, if or mailed bearing a United States postal  
 8 service postmark on or before the due date."

MICHAEL E. GRONSTAL

S-5832

1 Amend the amendment, S-5829, to the House  
 2 amendment, S-5821, to Senate File 2195, as amended,  
 3 passed, and reprinted by the Senate, as follows:

- 4 1. Page 5, by striking lines 17 through 19.
- 5 2. By relettering as necessary.

ROBERT DVORSKY  
DERRYL McLAREN  
JIM LIND

S-5833

- 1 Amend the amendment, S-5829, to the House
- 2 amendment, S-5821, to Senate File 2195, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 5, by striking lines 24 through 26.

ROBERT DVORSKY  
DERRYL McLAREN  
JIM LIND

S-5834

- 1 Amend the amendment, S-5822, to House File 2387 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 2, by striking lines 31 through 33 and
- 5 inserting the following: "for federal office, unless
- 6 the candidate for whom each committee is established
- 7 is the same person and the contributing committee has
- 8 not made expenditures or".

MICHAEL E. GRONSTAL  
RICHARD F. DRAKE

S-5835

- 1 Amend the House amendment, S-5828, to Senate File
- 2 2245, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 17, line 15, by inserting after the words
- 5 "paragraph "a"," the following: "or receiving'a
- 6 retirement allowance for service as a sheriff, deputy
- 7 sheriff, or airport fire fighter under subsection 16,
- 8 paragraph "b", subparagraph (3)."
- 9 2. Page 20, by inserting after line 18 the
- 10 following:
- 11 "Sec. \_\_\_\_ Section 97B.49, subsection 16,
- 12 paragraph b, Code Supplement 1995, is amended by
- 13 adding the following new subparagraph:
- 14 NEW SUBPARAGRAPH. (3) A member who retires from.
- 15 employment as a county sheriff, deputy sheriff, or
- 16 airport fire fighter, who retires on or after July 1,

17 1997, and at the time of retirement has completed a  
18 total of twenty-five years of membership service with  
19 the last twelve years of membership service as a  
20 county sheriff, deputy sheriff, or airport fire  
21 fighter, may elect to receive in lieu of the receipt  
22 of any benefits under subsection 5 or 15, or  
23 subparagraphs (1) and (2) of this paragraph, a monthly  
24 retirement allowance equal to one-twelfth of the  
25 applicable percentage multiplier of the member's  
26 three-year average covered wage as is provided in  
27 paragraph "a", with benefits payable during the  
28 member's lifetime.

29 Sec. \_\_\_\_ . Section 97B.49, subsection 16, paragraph  
30 d, subparagraph (9), Code Supplement 1995, is amended  
31 to read as follows:

32 (9) An employee of a judicial district department  
33 of correctional services who is employed as a  
34 probation officer II or III, or a parole officer II or  
35 III, or a residential counselor."

36 3. Page 23, by inserting after line 9 the  
37 following:

38 "Sec. \_\_\_\_ . NEW SECTION. 97B.50A DISABILITY  
39 BENEFITS FOR AIRPORT FIRE FIGHTERS.

40 1. DEFINITIONS. For purposes of this section,  
41 unless the context otherwise provides, "member" means  
42 a vested member who is classified as an airport fire  
43 fighter under section 97B.49, subsection 16, at the  
44 time of the alleged disability.

45 2. ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE.

46 a. Effective July 1, 1997, a member who is injured  
47 in the performance of the member's duties, and  
48 otherwise meets the requirements of this subsection  
49 shall receive an accidental disability retirement  
50 allowance under the provisions of this subsection, in

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1 lieu of a monthly retirement allowance as provided in  
2 section 97B.49 or benefits calculated as provided in  
3 section 97B.50, subsection 2.

4 b. Upon application of a member, a member who has  
5 become totally and permanently incapacitated for duty  
6 as the natural and proximate result of an injury,  
7 disease, or exposure occurring or aggravated while in  
8 the actual performance of duty shall be retired by the  
9 department, provided that the medical board shall  
10 certify that the member is mentally or physically  
11 incapacitated for further performance of duty, that  
12 the incapacity is likely to be permanent, and that the  
13 member should be retired. The department shall make

14 the final determination, based on the medical evidence  
15 received, of a member's total and permanent  
16 disability. However, if a person's membership in the  
17 system first commenced on or after July 1, 1997, the  
18 member shall not be eligible for benefits with respect  
19 to a disability which would not exist, but for a  
20 medical condition that was known to exist on the date  
21 that membership commenced.

22 c. Disease under this subsection shall mean heart  
23 disease or any disease of the lungs or respiratory  
24 tract and shall be presumed to have been contracted  
25 while on active duty as a result of strain, exposure,  
26 or the inhalation of noxious fumes, poison, or gases.  
27 However, if a person's membership in the system first  
28 commenced on or after July 1, 1997, and the heart  
29 disease or disease of the lungs or respiratory tract  
30 would not exist, but for a medical condition that was  
31 known to exist on the date that membership commenced,  
32 the presumption established in this paragraph shall  
33 not apply.

34 d. Upon retirement for an accidental disability as  
35 provided by this subsection, a member shall receive  
36 the greater of a monthly accidental disability  
37 retirement allowance calculated under this subsection  
38 or a disability retirement allowance calculated under  
39 section 97B.50, subsection 2. The monthly accidental  
40 disability allowance calculated under this subsection  
41 shall consist of an allowance equal to one-twelfth of  
42 sixty percent of the member's three-year average  
43 covered wage at the time of disability.

#### 44 3. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

45 a. Effective July 1, 1997, a member who otherwise  
46 meets the requirements of this subsection shall  
47 receive an ordinary disability retirement allowance  
48 under the provisions of this subsection, in lieu of a  
49 monthly retirement allowance as provided in section  
50 97B.49 or benefits calculated as provided in section

Page 3

1 97B.50, subsection 2.

2 b. Upon application of a member, a member who has  
3 become totally and permanently incapacitated for duty  
4 shall be retired by the department, provided that the  
5 medical board shall certify that the member is  
6 mentally or physically incapacitated for further  
7 performance of duty, that the incapacity is likely to  
8 be permanent, and that the member should be retired.  
9 The department shall make the final determination,  
10 based on the medical evidence received, of a member's

11 total and permanent disability. However, if a  
12 person's membership in the system first commenced on  
13 or after July 1, 1997, the member shall not be  
14 eligible for benefits with respect to a disability  
15 which would not exist, but for a medical condition  
16 that was known to exist on the date that membership  
17 commenced.

18 c. Upon retirement for an ordinary disability as  
19 provided by this subsection, a member shall receive  
20 the greater of a monthly ordinary disability  
21 retirement allowance calculated under this subsection  
22 or a disability retirement allowance calculated under  
23 section 97B.50, subsection 2. The monthly ordinary  
24 disability allowance calculated under this subsection  
25 shall consist of an allowance equal to one-twelfth of  
26 fifty percent of the member's three-year average  
27 covered wage at the time of disability.

28 4. OFFSET TO ALLOWANCE. Any amounts which may be  
29 paid or payable by the employer under the provisions  
30 of any workers' compensation or other law to a member,  
31 or to the dependents of a member on account of any  
32 disability, shall be offset against and payable in  
33 lieu of any retirement allowance payable pursuant to  
34 this section on account of the same disability.

35 5. REEXAMINATION -- REEMPLOYMENT OF MEMBERS  
36 RETIRED ON ACCOUNT OF AN ACCIDENTAL DISABILITY.

37 a. Once each year during the first five years  
38 following the retirement of a member under this  
39 section, and once in every three-year period  
40 thereafter, the department may, and upon the member's  
41 application shall, require any member receiving an  
42 accidental or ordinary disability retirement allowance  
43 who has not yet attained the age of fifty-five years  
44 to undergo a medical examination as arranged by the  
45 medical board. The examination shall be made by the  
46 medical board or by an additional physician or  
47 physicians designated by the board. If any member  
48 receiving an accidental or ordinary disability  
49 retirement allowance who has not attained the age of  
50 fifty-five years refuses to submit to the medical

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1 examination, the allowance may be discontinued until  
2 the member's withdrawal of the refusal, and should the  
3 member's refusal continue for one year, all rights in  
4 and to the member's disability retirement allowance  
5 shall be revoked by the department.

6 b. If a member receiving a disability retirement  
7 allowance is returned to covered employment, the

8 member's disability retirement allowance shall cease,  
9 the member shall again become an active member, and  
10 shall contribute thereafter at the same rate payable  
11 by similarly classified members. Upon subsequent  
12 retirement, the member's retirement allowance shall be  
13 calculated as provided in section 97B.48A.

14 6. DEATH BENEFITS. A member who is receiving an  
15 accidental or ordinary disability retirement allowance  
16 under this section shall be treated as having elected  
17 a lifetime monthly retirement allowance with no death  
18 benefit unless the member elects an optional form of  
19 benefit provided under section 97B.51, which shall be  
20 actuarially equivalent to the lifetime monthly  
21 retirement allowance provided under this section.

22 7. MEDICAL BOARD. The system shall designate a  
23 medical board to be composed of three physicians who  
24 shall arrange for and pass upon the medical  
25 examinations required under the provisions of this  
26 section and shall report in writing to the department  
27 the conclusions and recommendations upon all matters  
28 duly referred to the medical board. Each report of a  
29 medical examination under this section shall include  
30 the medical board's findings as to the extent of the  
31 member's physical impairment.

32 8. RULES. The department shall adopt rules  
33 pursuant to chapter 17A specifying the application  
34 procedure for members pursuant to this section."

35 4. Page 38, line 2, by striking the word  
36 "PROPOSALS" and inserting the following: "PROPOSAL".

37 5. Page 38, lines 3 and 4, by striking the words  
38 "AND FOR CONVERTING THE SYSTEM INTO A DEFINED  
39 CONTRIBUTION PLAN".

40 6. Page 38, by striking lines 11 through 16 and  
41 inserting the following: "addition to the current  
42 defined benefit plan. On or before September 1,".

43 7. Page 38, line 20, by striking the word  
44 "proposals" and inserting the following: "a proposal,  
45 or proposals,".

46 8. Page 38, lines 21 through 23, by striking the  
47 words "and for converting the Iowa public employees'  
48 retirement system into a defined contribution plan".

49 9. By renumbering as necessary.

JOHN P. KIBBIE  
MICHAEL E. GRONSTAL

S-5836

1 Amend the amendment, S-5745, to House File 428, as  
2 passed by the House, as follows:

- 3 1. Page 1, by striking lines 15 through 32.
- 4 2. By renumbering as necessary.

JIM LIND

S-5837

- 1 Amend the amendment, S-5783, to the House
- 2 amendment, S-5677, to Senate File 2409, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, line 22, by striking the words
- 5 "appointed upon the recommendations of" and inserting
- 6 the following: "from".
- 7 2. Page 1, line 26, by inserting after the word
- 8 "programs." the following: "The governor shall
- 9 consider recommendations from statewide labor
- 10 organizations for the members representing
- 11 nonsupervisory employees."

TOM VILSACK

S-5838

- 1 Amend House File 2481, as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 28, by inserting after the figure
- 4 "15.329." the following: "However, in no event shall
- 5 the minimum number of jobs created be less than
- 6 fifteen or the minimum capital investment be less than
- 7 three million dollars per application under the
- 8 program. The department shall develop an appropriate
- 9 formula of minimum jobs created and capital investment
- 10 required per program application which can be
- 11 authorized under the waiver."
- 12 2. Page 4, by striking lines 4 through 35 and
- 13 inserting the following:
- 14 "The department shall not grant a waiver under this
- 15 section after June 30, 1998."

TOM VILSACK

S-5839

- 1 Amend amendment, S-5806, to Senate File 2468 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "thirty-
- 4 six" and inserting the following: "~~thirty-six~~
- 5 thirty".

DENNIS H. BLACK



S-5840

- 1 Amend Senate File 2468 as follows:  
2 1. Page 2, by striking lines 13 through 20 and  
3 inserting the following: "1997, to the Iowa state  
4 fair board to be used for continuing upkeep,  
5 maintenance, and capital improvements at the Iowa  
6 state fairgrounds in Des Moines."

DENNIS H. BLACK

S-5841

- 1 Amend Senate File 2468 as follows:  
2 1. Page 2, by inserting after line 20 the  
3 following:  
4 "Sec. 100. Section 257.3, subsection 1, Code  
5 Supplement 1995, is amended by adding the following  
6 new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. For purposes of the  
8 foundation property tax levy imposed under this  
9 section and the additional property tax levy imposed  
10 under section 257.4, real property which is exempt  
11 from taxation under another provision of law and which  
12 is located in a school district which has a racetrack  
13 or racetrack enclosure located within the district  
14 shall be subject to such school district's foundation  
15 property tax levy and its additional property tax levy  
16 notwithstanding its exemption under the other  
17 provision of law. This paragraph does not apply to  
18 real property in which religious services are  
19 provided.  
20 Sec. \_\_\_\_ . Section 100 of this Act applies to  
21 property taxes levied by school districts which are  
22 due and payable in fiscal years beginning on or after  
23 July 1, 1997."

BERL E. PRIEBE

S-5842

- 1 Amend the amendment, S-5829, to the House  
2 amendment, S-5821, to Senate File 2195, as amended,  
3 passed, and reprinted by the Senate, as follows:  
4 1. Page 1, by inserting after line 44 the  
5 following:  
6 " \_\_\_\_ . It is also the intent of the general  
7 assembly that the commission lease DS-1 or T-1  
8 circuits for Part III connections currently using  
9 analog technology."

- 10 2. Page 4, by striking lines 1 through 8.  
 11 3. Page 5, by striking line 17.  
 12 4. By renumbering, relettering, and correcting  
 13 internal references as necessary.

ROBERT DVORSKY  
 MERLIN E. BARTZ  
 DERRYL McLAREN  
 TOM FLYNN

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2387

S-5843

- 1 Amend the Senate amendment, H-6042, to House File  
 2 2387, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 2, line 5, by striking the word "shall"  
 5 and inserting the following: "may".  
 6 2. By striking page 3, line 47, through page 4,  
 7 line 22.  
 8 3. By renumbering, relettering, or redesignating  
 9 and correcting internal references as necessary.

S-5844

- 1 Amend the House amendment, S-5818, to Senate File  
 2 2370, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by inserting after line 31 the  
 5 following:  
 6 "\_\_\_ . Page 11, by inserting before line 24 the  
 7 following:  
 8 "Sec. \_\_\_ . NEW SECTION. 476.46 LEGISLATIVE  
 9 INTENT - SERVICE TERRITORY EXCEPTIONS.  
 10 It is the intent of the general assembly that an  
 11 energy supplier who has proceeded in good faith under  
 12 the terms and conditions of chapter 476 not suffer  
 13 economic loss as a result of action or inaction taken  
 14 by the state. Notwithstanding the service territory  
 15 restrictions contained in chapter 476, an energy  
 16 supplier who has entered into a contract prior to  
 17 January 1, 1996, to supply a local governmental entity  
 18 with electricity, shall be allowed to do so."  
 19 2. By renumbering as necessary.

ROD HALVORSON

S-5845

1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 31 the  
5 following:

6 "\_\_\_\_. Page 11, by inserting before line 24 the  
7 following:

8 "Sec. \_\_\_\_ . NEW SECTION. 476.46 LEGISLATIVE  
9 INTENT -- SERVICE TERRITORY EXCEPTIONS.

10 It is the intent of the general assembly that a  
11 hydroelectric energy supplier who has proceeded in  
12 good faith under the terms and conditions of chapter  
13 476 not suffer economic loss as a result of action or  
14 inaction taken by the state. Notwithstanding the  
15 service territory restrictions contained in chapter  
16 476, a hydroelectric energy supplier who has entered  
17 into an agreement prior to January 1, 1996, to energy  
18 supply a local governmental entity with electricity,  
19 shall be allowed to do so."

20 2. By renumbering as necessary.

ROD HALVORSON

S-5846

1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 31 the  
5 following:

6 "\_\_\_\_. Page 11, by inserting before line 24 the  
7 following:

8 "Sec. \_\_\_\_ . NEW SECTION. 476.46 LEGISLATIVE  
9 INTENT -- SERVICE TERRITORY EXCEPTIONS.

10 It is the intent of the general assembly that a  
11 hydroelectric energy supplier who has proceeded in  
12 good faith under the terms and conditions of chapter  
13 476 not suffer economic loss as a result of action or  
14 inaction taken by the state. Notwithstanding the  
15 service territory restrictions contained in chapter  
16 476, a hydroelectric energy supplier who has entered  
17 into an agreement prior to January 1, 1996, to supply  
18 a local governmental entity with hydro-generated  
19 electricity, shall be allowed to do so."

20 2. By renumbering as necessary.

ROD HALVORSON

S-5847

1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 35, by striking the figure "3."  
5 and inserting the following: "3 and inserting the  
6 following:

7 "Sec. \_\_\_\_ . It is the intent of the general  
8 assembly that a hydroelectric energy supplier who has  
9 proceeded in good faith under the terms and conditions  
10 of chapter 476 not suffer economic loss as a result of  
11 action or inaction taken by the state.

12 Notwithstanding the service territory restrictions  
13 contained in chapter 476, a hydroelectric energy  
14 supplier who has entered into an agreement prior to  
15 January 1, 1996, to supply a local governmental entity  
16 with electricity, shall be allowed to do so."

17 2. By renumbering as necessary.

ROD HALVORSON

S-5848

1 Amend the House amendment, S-5818, to Senate File  
2 2370, 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 21 the  
7 following:

8 "Sec. \_\_\_\_ . Section 476.1B, Code 1995, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 3. Notwithstanding the  
11 restrictions contained in sections 28F.1 and 28F.7, a  
12 municipal utility may enter into an agreement with a  
13 public agency or entity pursuant to chapter 28E or 28F  
14 in order to jointly finance alternative energy  
15 facilities to provide the municipal utility and other  
16 public agencies with electricity from alternate energy  
17 facilities."

BILL FINK

S-5849

1 Amend the House amendment, S-5818, to Senate File  
2 2370, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 35, by striking the figure "3."

5 and inserting the following: "3 and inserting the  
 6 following:  
 7 "Sec. \_\_\_\_ . It is the intent of the general  
 8 assembly that an energy supplier who has proceeded in  
 9 good faith under the terms and conditions of chapter  
 10 476 not suffer economic loss as a result of action or  
 11 inaction taken by the state. These persons shall be  
 12 reimbursed by the utilities for their reasonable good  
 13 faith costs as determined by the Iowa utilities board.  
 14 An energy supplier shall be deemed to have proceeded  
 15 in good faith if the supplier has made a written  
 16 request to the board by January 1, 1996, requesting  
 17 enforcement of the provisions of sections 476.43 and  
 18 476.44 by requiring an electric utility to enter into  
 19 a potential contract with the energy supplier and an  
 20 action is currently pending before the Iowa utilities  
 21 board.'"  
 22 2. By renumbering as necessary.

BILL FINK  
 MARY LOU FREEMAN  
 MARY A. LUNDBY  
 DENNIS H. BLACK

S-5850

1 Amend the House amendment, S-5615, to Senate File  
 2 2147, as passed by the Senate, as follows:  
 3 1. By striking page 1, line 43, through page 3,  
 4 line 13.  
 5 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 ROBERT DVORSKY

S-5851

1 Amend the amendment, S-5825, to House amendment, S-  
 2 5818, to Senate File 2370, as amended, passed, and  
 3 reprinted by the Senate, as follows:  
 4 1. Page 1, by striking line 7 and inserting the  
 5 following:  
 6 " \_\_\_\_ . Page 1, by striking lines 34 and 35 and  
 7 inserting the following:  
 8 " \_\_\_\_ . Page 14, by inserting before line 4 the  
 9 following:  
 10 "Sec. \_\_\_\_ . It is the intent of the general  
 11 assembly that an energy supplier who has proceeded in  
 12 good faith under the terms and conditions of chapter  
 13 476 not suffer economic loss as a result of action or

14 inaction taken by the state. These persons shall be  
 15 reimbursed by the utilities for their reasonable good  
 16 faith costs as determined by the Iowa utilities board.  
 17 An energy supplier shall be deemed to have proceeded  
 18 in good faith if the supplier has made a written  
 19 request to the board by January 1, 1996, requesting  
 20 enforcement of the provisions of sections 476.43 and  
 21 476.44 by requiring an electric utility to enter into  
 22 a potential contract with the energy supplier and an  
 23 action is currently pending before the Iowa utilities  
 24 board.”

25 —. Page 1, by striking lines 36 and 37.””

26 2. By renumbering as necessary.

BILL FINK  
 MARY LOU FREEMAN  
 MARY A. LUNDBY  
 DENNIS H. BLACK

S-5852

1 Amend Senate File 2469 as follows:

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

4 “— . “Committee” means the gambling treatment  
 5 advisory committee established in section 135.111A.”

6 2. Page 1, line 23, by striking the word  
 7 “program.” and inserting the following: “program,  
 8 with the assistance of the gambling treatment advisory  
 9 committee.”

10 3. Page 2, line 32, by inserting after the word  
 11 “subsection.” the following: “The director shall  
 12 additionally oversee the collection of information on  
 13 the impact of compulsive gambling on families.”

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

16 “Sec. — . NEW SECTION. 135.111A GAMBLING  
 17 TREATMENT ADVISORY COMMITTEE ESTABLISHED.

18 1. A gambling treatment advisory committee is  
 19 established to advise the department on the  
 20 administration of the program. The committee shall  
 21 consist of eleven members appointed by the director  
 22 for terms of office of three years and two senators  
 23 and two state representatives appointed by the  
 24 majority and minority leaders of the senate and the  
 25 speaker and the minority leader of the house of  
 26 representatives, respectively, for two-year terms.  
 27 The legislative members shall be nonvoting members. A  
 28 nonlegislative member shall not be appointed to more  
 29 than two consecutive three-year terms. Terms of

30 office shall be staggered, and shall commence on July  
31 1 of the year of appointment. The membership of the  
32 advisory committee shall be gender-balanced as  
33 provided in section 69.16A.

34 2. For a vacancy occurring after the appointment  
35 of the initial membership, the committee shall submit  
36 a list of at least two names to the director for  
37 consideration in filling the vacancy on the committee.  
38 The director shall fill the vacancy from the list of  
39 names for a term of three years or for the remainder  
40 of the unexpired term.

41 3. The committee and the director shall ensure  
42 that the committee consists of members from both urban  
43 and rural areas and represents a broad cross section  
44 of the state, selected from the following groups:  
45 recovering gamblers, the judicial department, the  
46 legal community, law enforcement officials, the  
47 religious community, employees of the lottery division  
48 of the department of revenue and finance, employees of  
49 the state racing and gaming commission, education  
50 professionals, parole and probation officers,

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1 psychiatrists licensed under chapter 148 or 150A, and  
2 representatives from employee assistance programs,  
3 consumer credit counseling and financial management  
4 agencies, business and industry, human service  
5 providers, gambling treatment providers, and other  
6 interested citizens.

7 4. Annually, the chairperson of the committee  
8 shall be elected by the committee from among its  
9 membership. The committee shall meet as frequently as  
10 the chairperson deems necessary, but not less than  
11 annually. Special meetings may be called by the  
12 department, the chairperson, or upon written request  
13 by three or more of the members of the committee.

14 5. Committee members who are applicants for or  
15 recipients of funds provided under this program are  
16 disqualified from voting on decisions relating to the  
17 disbursement of those funds for services in which the  
18 member has an interest.

19 6. Members of the committee shall be allowed their  
20 reasonable and necessary expenses incurred in the  
21 performance of their duties paid from funds  
22 appropriated for the program. Members of the  
23 committee may also be eligible to receive compensation  
24 as provided in section 7E.6."

25 5. Page 3, by inserting after line 18 the  
26 following:

- 27 "Sec. \_\_\_\_ NEW SECTION. 135.112A POWERS AND  
 28 DUTIES OF THE GAMBLING TREATMENT ADVISORY COMMITTEE.  
 29 The committee shall:  
 30 1. Consult with and make recommendations to the  
 31 department concerning the adoption of rules relating  
 32 to the treatment of problem gamblers and carrying out  
 33 the purposes of this division.  
 34 2. Recommend services to be offered to treat  
 35 problem gamblers and persons affected by the actions  
 36 of problem gamblers.  
 37 3. Advise the department on budgeting, planning,  
 38 and priorities for effective treatment of gamblers.  
 39 4. Make recommendations to the director concerning  
 40 contract proposals.  
 41 5. Make recommendations to the director concerning  
 42 committee vacancies as provided in section 135.111A.  
 43 6. Take all necessary and proper actions to carry  
 44 out the purposes of this division."  
 45 6. Title page, line 2, by striking the word  
 46 "program" and inserting the following: "program,  
 47 creating an advisory committee."  
 48 7. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
 ELAINE SZYMONIAK, Chairperson

S-5853

- 1 Amend the amendment, S-5792, to the House  
 2 amendment, S-5615, to Senate File 2147, as passed by  
 3 the Senate, as follows:  
 4 1. By striking page 1, line 39, through page 3,  
 5 line 9.  
 6 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 ROBERT DVORSKY

S-5854

- 1 Amend House File 2500, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting after line 28 the  
 4 following:  
 5 "Sec. \_\_\_\_ NEW SECTION. 633.800 SHORT TITLE --  
 6 RULES OF CONSTRUCTION.  
 7 1. This division shall be known and may be cited  
 8 as the uniform transfer on death security registration  
 9 Act.  
 10 2. The provisions of this division shall be



11 liberally construed and applied to promote its  
12 underlying purposes and policy and to make uniform the  
13 laws with respect to the subject of its provisions  
14 among states enacting this uniform Act.

15 3. Unless displaced by the particular provisions  
16 of this division, the principles of law and equity  
17 supplement the provisions of this division.

18 Sec. \_\_\_\_ . NEW SECTION. 633.801 DEFINITIONS.

19 As used in this division, unless the context  
20 otherwise requires:

21 1. "Beneficiary form" means a registration of a  
22 security which indicates the present owner of the  
23 security and the intention of the owner regarding the  
24 person who will become the owner of the security upon  
25 the death of the owner.

26 2. "Devisee" means any person designated in a will  
27 to receive a disposition of real or personal property.

28 3. "Heir" means a person, including the surviving  
29 spouse, who is entitled under the statutes of  
30 intestate succession to the property of a decedent.

31 4. "Register" means to issue a certificate showing  
32 the ownership of a certificated security or, in the  
33 case of an uncertificated security, to initiate or  
34 transfer an account showing ownership of the security.

35 5. "Registering entity" means a person who  
36 originates or transfers a security title by  
37 registration, including a broker maintaining security  
38 accounts for customers and a transfer agent or other  
39 person acting for or as an issuer of securities.

40 6. "Security" means a share, participation, or  
41 other interest in property, in a business, or in an  
42 obligation of an enterprise or other issuer, including  
43 a certificated security, an uncertificated security,  
44 and a security account.

45 7. "Security account" means either of the  
46 following:

47 a. Any of the following:

48 (1) A reinvestment account associated with a  
49 security.

50 (2) A securities account with a broker.

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1 (3) A cash balance in a brokerage account.

2 (4) Cash, interest, earnings, or dividends earned  
3 or declared on a security in an account, a

4 reinvestment account, or a brokerage account, whether  
5 or not credited to the account before the owner's  
6 death.

7 b. A cash balance or other property held for or

8 due to the owner of a security as a replacement for or  
9 product of an account security, whether or not  
10 credited to the account before the owner's death.

11 8. "State" includes any state of the United  
12 States, the District of Columbia, the Commonwealth of  
13 Puerto Rico, and any territory or possession subject  
14 to the legislative authority of the United States.

15 Sec. \_\_\_\_ . NEW SECTION. 633.802 REGISTRATION IN  
16 BENEFICIARY FORM -- SOLE OR JOINT TENANCY OWNERSHIP.

17 Only an individual whose registration of a security  
18 shows sole ownership by one individual or multiple  
19 ownership by two or more individuals with a right of  
20 survivorship, rather than as tenants in common, may  
21 obtain registration in beneficiary form. Multiple  
22 owners of a security registered in beneficiary form  
23 shall hold as joint tenants with rights of  
24 survivorship, tenants by the entireties, or owners of  
25 community property held in survivorship form and not  
26 as tenants in common.

27 Sec. \_\_\_\_ . NEW SECTION. 633.803 REGISTRATION IN  
28 BENEFICIARY FORM -- APPLICABLE LAW.

29 1. A security may be registered in beneficiary  
30 form if the form is authorized by this division or a  
31 similar statute of the state of any of the following:

- 32 a. The state of organization of the issuer or  
33 registering entity.
- 34 b. The state of location of the registering  
35 entity's principal office.
- 36 c. The state of location of the office of the  
37 entity's transfer agent or the office of the entity  
38 making the registration.
- 39 d. The state of the address listed as the owner's  
40 at the time of registration.

41 2. A registration governed by the law of a  
42 jurisdiction in which this division or a similar  
43 statute is not in force or was not in force when a  
44 registration in beneficiary form was made is presumed  
45 to be valid and authorized as a matter of contract  
46 law.

47 Sec. \_\_\_\_ . NEW SECTION. 633.804 ORIGINATION OF  
48 REGISTRATION IN BENEFICIARY FORM.

49 A security, whether evidenced by a certificate or  
50 account, is registered in beneficiary form when the

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1 registration includes a designation of a beneficiary  
2 to take the ownership at the death of the owner or the  
3 deaths of all multiple owners.

4 Sec. \_\_\_\_ . NEW SECTION. 633.805 FORM OF

## 5 REGISTRATION IN BENEFICIARY FORM.

6 Registration in beneficiary form may be shown by  
7 any of the following, appearing after the name of the  
8 registered owner and before the name of a beneficiary:

9 1. The words "transfer on death" or the  
10 abbreviation "TOD".

11 2. The words "pay on death" or the abbreviation  
12 "POD".

13 Sec. \_\_\_\_ . NEW SECTION. 633.806 EFFECT OF  
14 REGISTRATION IN BENEFICIARY FORM.

15 The designation of a transfer on death or pay on  
16 death beneficiary on a registration in beneficiary  
17 form has no effect on ownership until the owner's  
18 death. A registration of a security in beneficiary  
19 form may be canceled or changed at any time by the  
20 sole owner or all surviving owners without the consent  
21 of the beneficiary.

22 Sec. \_\_\_\_ . NEW SECTION. 633.807 UNPAID CLAIMS.

23 1. If other assets of the estate of a deceased  
24 owner are insufficient, a transfer at death of a  
25 security registered in beneficiary form is not  
26 effective against the estate of the deceased owner to  
27 the extent needed to pay claims against the estate and  
28 statutory allowances to the surviving spouse and  
29 children.

30 2. A beneficiary of a transfer on death security  
31 registration under this chapter is liable to account  
32 to the personal representative of the deceased owner  
33 for the value of the security as of the time of the  
34 deceased owner's death to the extent necessary to  
35 discharge these unpaid claims and allowances. A  
36 proceeding against a beneficiary to assert liability  
37 shall not be commenced unless the personal  
38 representative has received a written demand by the  
39 surviving spouse, a creditor, a child, or a person  
40 acting for a minor child of the deceased owner. The  
41 proceeding must be commenced within one year after the  
42 death of the owner.

43 3. A beneficiary against whom a proceeding to  
44 account is brought may join a beneficiary of any other  
45 security registered in beneficiary form by the  
46 deceased owner as a party to the proceeding.

47 Sec. \_\_\_\_ . NEW SECTION. 633.808 THE DEATH OF THE  
48 OWNER.

49 On the death of a sole owner or on the death of the  
50 sole surviving owner of multiple owners, the ownership

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1 of securities registered in beneficiary form passes to  
2 the beneficiary or beneficiaries who survive all  
3 owners. On proof of death of all owners and  
4 compliance with any applicable requirements of the  
5 registering entity, a security registered in  
6 beneficiary form may be reregistered in the name of  
7 the beneficiary or beneficiaries who survived the  
8 death of all owners. A registering entity shall  
9 provide notice to the department of revenue and  
10 finance of all reregistrations made pursuant to this  
11 division. The notice shall include the name, address,  
12 and social security number of the descendant and all  
13 transferees. Until the division of the security after  
14 the death of all owners, multiple beneficiaries  
15 surviving the death of all owners hold their interests  
16 as tenants in common. If no beneficiary survives the  
17 death of all owners, the security belongs to the  
18 estate of the deceased sole owner or the estate of the  
19 last to die of multiple owners.

20 Sec. \_\_\_\_ . NEW SECTION. 633.809 PROTECTION OF  
21 REGISTERING ENTITY.

22 1. A registering entity is not required to offer  
23 or to accept a request for security registration in  
24 beneficiary form. If a registration in beneficiary  
25 form is offered by a registering entity, the owner  
26 requesting registration in beneficiary form assents to  
27 the protections provided to the registering entity by  
28 this division.

29 2. By accepting a request for registration of a  
30 security in beneficiary form, the registering entity  
31 agrees that the registration in beneficiary form shall  
32 be implemented on the death of the deceased owner as  
33 provided in this division.

34 3. A registering entity is discharged from all  
35 claims to a security by the estate, creditors, heirs,  
36 or devisees of a deceased owner if the registering  
37 entity registers a transfer of the security in  
38 accordance with section 633.807 and does so in good  
39 faith reliance on all of the following:

40 a. The registration.

41 b. The provisions of this division.

42 c. Information provided by affidavit of the  
43 personal representative of the deceased owner, the  
44 surviving beneficiary, or the surviving beneficiary's  
45 representative, or other information available to the  
46 registering entity.

47 The protections of this division do not extend to a  
48 reregistration or payment made after a registering

49 entity has received written notice from any claimant  
50 to any interest in the security objecting to

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1 implementation of a registration in beneficiary form.  
2 No other notice or other information available to the  
3 registering entity affects its right to protection  
4 under this division.

5 4. The protection provided by this division to the  
6 registering entity of a security does not affect the  
7 rights of beneficiaries in disputes between themselves  
8 and other claimants to ownership of the transferred  
9 security, its value, or its proceeds.

10 Sec. — . NEW SECTION. 633.810 NONTESTAMENTARY  
11 TRANSFER ON DEATH.

12 1. A transfer on death resulting from a  
13 registration in beneficiary form shall be effective by  
14 reason of the contract regarding the registration  
15 between the owner and the registering entity under the  
16 provisions of this division, and is not testamentary.

17 2. The provisions of this division do not limit  
18 the rights of creditors or security owners against  
19 beneficiaries and other transferees under other laws  
20 of this state.

21 Sec. — . NEW SECTION. 633.811 TERMS,  
22 CONDITIONS, AND FORMS FOR REGISTRATION.

23 1. A registering entity offering to accept  
24 registrations in beneficiary form may establish the  
25 terms and conditions under which the registering  
26 entity receives requests for either of the following:

27 a. Registration in beneficiary form.

28 b. Implementation of registrations in beneficiary  
29 form, including requests for cancellation of  
30 previously registered transfer on death or pay on  
31 death beneficiary designations and requests for  
32 reregistration to effect a change of beneficiary.

33 2. a. The terms and conditions established by the  
34 registering entity may provide for proving death,  
35 avoiding or resolving problems concerning fractional  
36 shares, designating primary and contingent  
37 beneficiaries, and substituting a named beneficiary's  
38 descendants to take in place of the name beneficiary  
39 in the event of the beneficiary's death. Substitution  
40 may be indicated by appending to the name of the  
41 beneficiary the letters "LDPS" standing for "lineal  
42 descendants per stirpes". This designation shall  
43 substitute a deceased beneficiary's descendants who  
44 survive the owner for a beneficiary who fails to  
45 survive, with the descendants to be identified and to

46 share in accordance with the law of the beneficiary's  
 47 domicile at the owner's death governing inheritance by  
 48 descendants of an intestate. Other forms of  
 49 identifying beneficiaries who are to take on one or  
 50 more contingencies, and rules for providing proofs and

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1 assurances needed to satisfy reasonable concerns by  
 2 registering entities regarding conditions and  
 3 identities relevant to accurate implementation of  
 4 registrations in beneficiary form, may be contained in  
 5 a registering entity's terms and conditions.

6 b. The following are illustrations of  
 7 registrations in beneficiary form which a registering  
 8 entity may authorize:

9 (1) Sole owner-sole beneficiary: OWNER'S NAME  
 10 transfer on death (TOD) or pay on death (POD) to  
 11 BENEFICIARY'S NAME.

12 (2) Multiple owners-sole beneficiary: OWNERS'  
 13 NAMES, as joint tenants or tenants in the entirety,  
 14 transfer on death (TOD) or pay on death (POD) to  
 15 BENEFICIARY'S NAME.

16 (3) Multiple owners-primary and secondary  
 17 (substituted) beneficiaries: OWNERS' NAMES as joint  
 18 tenants or tenants in the entirety, transfer on death  
 19 (TOD) or pay on death (POD) to BENEFICIARY'S NAME, or  
 20 lineal descendants per stirpes.

21 Sec. \_\_\_\_ APPLICATION. The provisions of this  
 22 division relating to the uniform transfer on death  
 23 security registration Act apply to registrations of  
 24 securities in beneficiary form made before, on, or  
 25 after the effective date of this Act, by decedents  
 26 dying on or after the effective date of this Act."

27 2. Title page, line 1, by inserting after the  
 28 word "for" the following: "registration of securities  
 29 in a transfer-on-death form, and".

30 3. By renumbering as necessary.

MARY LOU FREEMAN

S-5855

1 Amend the amendment, S-5852, to Senate File 2469 as  
 2 follows:

3 1. Page 2, line 1, by inserting after the figure  
 4 "150A," the following: "psychologists licensed under  
 5 chapter 154B,".

ELAINE SZYMONIAK

S-5856

1 Amend the amendment, S-5852, to Senate File 2469 as  
2 follows:

3 1. Page 1, line 33, by inserting after the figure  
4 "69.16A." the following: "The director shall appoint  
5 two of the eleven nonlegislative members from the  
6 gambling industry, one representing a pari-mutuel  
7 racetrack enclosure licensed pursuant to chapter 99F  
8 and one representing an excursion gambling boat  
9 licensed pursuant to chapter 99F."

TONY BISIGNANO

S-5857

1 Amend the amendment, S-5792, to House amendment, S-  
2 5615, to Senate File 2147, as passed by the Senate, as  
3 follows:

4 1. Page 3, by inserting after line 30 the  
5 following:  
6 "Sec. \_\_\_\_ . 1996 Iowa Acts, Senate File 2366,  
7 section 1, if enacted, is repealed."  
8 2. By renumbering as necessary.

DERRYL McLAREN

HOUSE AMENDMENT TO  
SENATE FILE 2153

S-5858

1 Amend Senate File 2153, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 5, by striking the words "academy  
4 and who" and inserting the following: "academy,".  
5 2. Page 1, line 6, by inserting after the word  
6 "better" the following: ", and were employed on or  
7 before January 1, 1996, as chief of police of a city  
8 in this state with a population of twenty thousand or  
9 more".

S-5859

1 Amend Senate File 2470 as follows:

2 1. Page 33, by inserting after line 23 the  
3 following:

4 "Sec. \_\_\_\_ . Section 513B.4A, Code 1995, is amended  
5 to read as follows:

6 513B.4A EXEMPTION FROM PREMIUM RATE RESTRICTIONS.

7 1. A Taft-Hartley trust or a carrier with the  
 8 written authorization of such a trust may make a  
 9 written request to the commissioner for an exemption  
 10 from the application of any provisions of section  
 11 513B.4 with respect to a health benefit plan provided  
 12 to such a trust. The commissioner may grant an  
 13 exemption if the commissioner finds that application  
 14 of section 513B.4 with respect to the trust would have  
 15 a substantial adverse effect on the participants and  
 16 beneficiaries of such trust, and would require  
 17 significant modifications to one or more collective  
 18 bargaining arrangements under which the trust is  
 19 established or maintained. An exemption granted under  
 20 this section subsection shall not apply to an  
 21 individual if the individual participates in a trust  
 22 as an associate member of an employee organization.

23 2. Two or more nonprofit organizations  
 24 incorporated pursuant to chapter 504A and formed for a  
 25 charitable purpose as defined in section 13C.1,  
 26 subsection 2, and not for the purpose of purchasing  
 27 insurance, may combine for the purpose of entering  
 28 into an agreement to purchase group health insurance.  
 29 The combination of organizations may elect to be rated  
 30 as a single group subject to both of the following:

31 a. Each organization becoming part of the  
 32 combination is eligible to obtain coverage that is  
 33 offered on a guaranteed issue basis.

34 b. Coverage purchased pursuant to this subsection  
 35 is subject to section 513B.10, subsection 3,  
 36 paragraphs "a", "b", and "c".

37 The agreement to purchase group insurance under  
 38 this subsection shall require that an organization  
 39 which participates in the group coverage shall not  
 40 withdraw from the group coverage for a period of five  
 41 years. The agreement shall also require that an  
 42 organization which withdraws from the group coverage  
 43 shall not be permitted to participate in the group  
 44 coverage for a period of five years after withdrawal."

45 2. By renumbering as necessary.

MARY NEUHAUSER

S-5860

1 Amend Senate File 2470 as follows:

2 1. Page 26, by inserting after line 23 the  
 3 following:

4 "Sec. \_\_\_\_ . DEPARTMENT OF INSPECTIONS AND APPEALS.

5 1. The investigations division of the department  
 6 of inspections and appeals is authorized 1.00 FTE for



7 the fiscal year beginning July 1, 1996, and ending  
 8 June 30, 1997. This authorization of 1.00 FTE is in  
 9 addition to the number of full-time equivalent  
 10 positions authorized the investigations division in  
 11 1996 Iowa Acts, House File 2416, section 8, subsection  
 12 4.

13 2. There is appropriated from the general fund of  
 14 the state to the racing and gaming commission of the  
 15 department of inspections and appeals for the fiscal  
 16 year beginning July 1, 1996, and ending June 30, 1997,  
 17 the following amount, or so much thereof as is  
 18 necessary, to be used for the purposes designated:

19 For salaries, support, maintenance, and  
 20 miscellaneous purposes for administration and  
 21 enforcement of the excursion boat gambling laws, and  
 22 for not more than the following full-time equivalent  
 23 position:

24 .....	\$	39,804
25 .....	FTEs	1.00

26 The appropriation and full-time equivalent position  
 27 authorization provided in this subsection is in  
 28 addition to the appropriation and full-time equivalent  
 29 position authorization provided in 1996 Iowa Acts,  
 30 House File 2416, section 10."

PATTY JUDGE  
 MERLIN E. BARTZ

S-5861

1 Amend Senate File 2470 as follows:  
 2 1. Page 9, by striking lines 7 through 12 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . EXCESS LOTTERY REVENUES -- FISCAL YEAR  
 5 1995-1996. Notwithstanding 1995 Iowa Acts, chapter  
 6 220, section 15, of the lottery revenues remaining  
 7 after \$42,200,000 is transferred and credited to the  
 8 general fund of the state during the fiscal year  
 9 beginning July 1, 1995, the following amounts shall be  
 10 transferred and appropriated in descending priority  
 11 order for".  
 12 2. Page 12, line 10, by striking the word "in"  
 13 and inserting the following: "by".

LARRY MURPHY

S-5862

1 Amend Senate File 2470 as follows:  
 2 1. Page 30, by inserting after line 22 the

3 following:

4 "3. The authority of the council is limited to the  
5 issues specifically identified in this section and  
6 does not preempt the authority of the utilities board,  
7 created in section 474.1, to act on issues within the  
8 jurisdiction of the utilities board."

MICHAEL E. GRONSTAL

S-5863

1 Amend Senate File 2470 as follows:

2 1. Page 33, by inserting after line 23 the  
3 following:

4 "Sec. \_\_\_\_ . Section 708.3A, Code Supplement 1995,  
5 as amended by 1996 Iowa Acts, Senate File 2167,  
6 section 1, is amended to read as follows:

7 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS,  
8 AND HEALTH CARE PROVIDERS.

9 1. A person who commits an assault, as defined in  
10 section 708.1, against a peace officer, whether on-  
11 duty or not, health care provider, or fire fighter,  
12 whether paid or volunteer, with the knowledge that the  
13 person against whom the assault is committed is a  
14 peace officer, health care provider, or fire fighter  
15 and with the intent to inflict a serious injury upon  
16 the peace officer, health care provider, or fire  
17 fighter, is guilty of a class "D" felony.

18 2. A person who commits an assault, as defined in  
19 section 708.1, against a peace officer, whether on-  
20 duty or not, health care provider, or fire fighter,  
21 whether paid or volunteer, who knows that the person  
22 against whom the assault is committed is a peace  
23 officer, health care provider, or fire fighter and who  
24 uses or displays a dangerous weapon in connection with  
25 the assault, is guilty of a class "D" felony.

26 3. A person who commits an assault, as defined in  
27 section 708.1, against a peace officer, whether on-  
28 duty or not, health care provider, or fire fighter,  
29 whether paid or volunteer, who knows that the person  
30 against whom the assault is committed is a peace  
31 officer, health care provider, or fire fighter, and  
32 who causes bodily injury or disabling mental illness,  
33 is guilty of an aggravated misdemeanor.

34 4. Any other assault, as defined in section 708.1,  
35 committed against a peace officer, whether on-duty or  
36 not, health care provider, or fire fighter, whether  
37 paid or volunteer, by a person who knows that the  
38 person against whom the assault is committed is a  
39 peace officer, health care provider, or fire fighter,

40 is a serious misdemeanor.

41 5. As used in this section, "health care provider"  
 42 means an emergency medical care provider as defined in  
 43 chapter 147A or a person licensed or registered under  
 44 chapter 148, 148C, 148D, 150, 150A, or 152 who is  
 45 providing or who is attempting to provide emergency  
 46 medical services, as defined in section 147A.1, or who  
 47 is providing or who is attempting to provide health  
 48 services as defined in section 135.61 in a hospital.  
 49 A person who commits an assault under this section  
 50 against a health care provider in a hospital, or at

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1 the scene or during out-of-hospital patient  
 2 transportation in an ambulance, is presumed to know  
 3 that the person against whom the assault is committed  
 4 is a health care provider."

5 2. Page 33, by inserting after line 31 the  
 6 following:

7 "Sec. \_\_\_\_ . REPEAL. 1996 Iowa Acts, Senate File  
 8 2080, section 62, is repealed."

9 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5864

1 Amend Senate File 2470, as follows:

2 1. Page 29, by inserting after line 21 the  
 3 following:

4 "Sec. \_\_\_\_ . Section 34A.3, subsection 1, unnumbered  
 5 paragraph 1, Code 1995, is amended to read as follows:

6 The board of supervisors of each county shall  
 7 establish a joint 911 service board not later than  
 8 January 1, 1989. Each political subdivision of the  
 9 state ~~having a public safety agency serving territory~~  
 10 within the county is entitled to voting membership on  
 11 the joint 911 service board. Each ~~private public~~  
 12 safety agency operating within the area is entitled to  
 13 ~~nonvoting voting~~ membership on the board. ~~A township~~  
 14 ~~which does not operate its own public safety agency,~~  
 15 ~~but contracts~~ Each private safety agency under  
 16 contract with a political subdivision within the  
 17 county for the provision of public safety services; ~~is~~  
 18 ~~not entitled to membership on the joint 911 service~~  
 19 ~~board; but its contractor is entitled to membership~~  
 20 ~~according to the contractor's status as a public or~~  
 21 ~~private safety agency is entitled to voting membership~~  
 22 ~~on the board. The board of supervisors of the county~~

23 establishing the board is also entitled to voting  
 24 membership on the board. The joint 911 service board  
 25 shall develop an enhanced 911 service plan  
 26 encompassing at minimum the entire county, unless an  
 27 exemption is granted by the administrator permitting a  
 28 smaller E911 service area. The administrator may  
 29 grant a discretionary exemption from the single county  
 30 minimum service area requirement based upon an E911  
 31 joint service board's or other E911 service plan  
 32 operating authority's presentation of evidence which  
 33 supports the requested exemption if the administrator  
 34 finds that local conditions make adherence to the  
 35 minimum standard unreasonable or technically  
 36 infeasible, and that the purposes of this chapter  
 37 would be furthered by granting an exemption. The  
 38 minimum size requirement is intended to prevent  
 39 unnecessary duplication of public safety answering  
 40 points and minimize other administrative, personnel,  
 41 and equipment expenses. An E911 service area must  
 42 encompass a geographically contiguous area. No  
 43 exemption shall be granted from the contiguous area  
 44 requirement. The administrator may order the  
 45 inclusion of a specific territory in an adjoining E911  
 46 service plan area to avoid the creation by exclusion  
 47 of a territory smaller than a single county not  
 48 serviced by surrounding E911 service plan areas upon  
 49 request of the joint 911 service board representing  
 50 the territory. The E911 service plan operating

Page 2

- 1 authority shall submit the plan on or before January
- 2 1, 1994, to all of the following:"
- 3 2. By renumbering as necessary.

TOM FLYNN

S-5865

- 1 Amend Senate File 2470 as follows:
- 2 1. Page 26, by inserting after line 26 the
- 3 following:
- 4 "Sec. \_\_\_\_ . CORRECTIONAL SERVICES PILOT PROJECTS.
- 5 There is appropriated from the general fund of the
- 6 state to the department of corrections for the fiscal
- 7 year beginning July 1, 1996, and ending June 30, 1997,
- 8 the following amount, or so much thereof as is
- 9 necessary, to be used for the purpose designated:
- 10 For distribution to the first and second judicial
- 11 district departments of correctional services to be

12 used in accordance with the provisions of this  
13 section:

14 ..... \$ 100,000

15 1. The first and second judicial district  
16 departments of correctional services shall utilize  
17 moneys appropriated in this section to establish a  
18 pilot project in each judicial district department of  
19 correctional services to provide targeted services to  
20 offenders convicted of a serious or aggravated  
21 misdemeanor. The moneys appropriated in this section  
22 shall be evenly divided between the first and second  
23 judicial district departments of correctional  
24 services.

25 2. It is the intent of the general assembly that  
26 the pilot projects target offenders who are at high  
27 risk to recidivate and evaluate the progress of  
28 participants. The district court and the department  
29 of corrections shall cooperate with the first and  
30 second judicial district departments of correctional  
31 services in carrying out the pilot projects and shall  
32 assist in obtaining grants and private resources to  
33 supplement this appropriation. Each judicial district  
34 department of correctional services shall file a  
35 report with the legislative fiscal bureau by January  
36 15, 1998, on the results of the pilot project in the  
37 judicial district."

TOM FLYNN  
RANDAL J. GIANNETTO  
MERLIN E. BARTZ

S-5866

- 1 Amend Senate File 2470 as follows:
- 2 1. Page 6, line 28, by inserting after the word
- 3 "development" the following: ", in consultation with
- 4 the department of cultural affairs,".
- 5 2. Page 9, by striking lines 28 and 29 and
- 6 inserting the following:
- 7 "\_\_\_ . To the department of cultural affairs for
- 8 design and construction of a gothic house visitors
- 9 center in Eldon, Iowa:"

LARRY MURPHY

S-5867

- 1 Amend Senate File 2470 as follows:
- 2 1. Page 26, by inserting after line 26 the
- 3 following:

4 "Sec. \_\_\_\_ DEPARTMENT OF AGRICULTURE AND LAND  
 5 STEWARDSHIP. The department of agriculture and land  
 6 stewardship shall utilize not more than \$82,000 of the  
 7 moneys appropriated to the department's administrative  
 8 division in 1996 Iowa Acts, Senate File 2446, section  
 9 1, subsection 1, if enacted, for the acquisition of  
 10 laboratory equipment, including but not limited to a  
 11 rapid fat analyzer and a nitrogen protein combustion  
 12 analyzer."  
 13 2. By renumbering as necessary.

DENNIS H. BLACK  
 BERL E. PRIEBE  
 DON GETTINGS  
 BRAD BANKS  
 DERRYL McLAREN

S-5868

1 Amend Senate File 2470 as follows:  
 2 1. Page 4, line 13, by inserting after the word  
 3 "costs." the following: "Any reduction of an  
 4 allocation under this subsection as necessary to fund  
 5 the provisions of this paragraph shall be made from  
 6 the allocation in paragraph "b"."

LARRY MURPHY

S-5869

1 Amend Senate File 2470 as follows:  
 2 1. Page 20, by inserting after line 18 the  
 3 following:  
 4 "1. Except in those cases where test samples for  
 5 alcohol or illegal controlled substances are analyzed  
 6 by the state hygienic laboratory at the state  
 7 university of Iowa, and except as provided in  
 8 subsection 6, an employer shall not require or request  
 9 employees or applicants for employment to submit to a  
 10 drug test as a condition of employment, preemployment,  
 11 promotion, or change in status of employment. An  
 12 employer shall not request, require, or conduct random  
 13 or blanket drug testing of employees. However, this  
 14 section does not apply to preemployment drug tests  
 15 authorized for peace officers or correctional officers  
 16 of the state, or to drug tests required under federal  
 17 statutes or under federal regulations, or to drug  
 18 tests conducted pursuant to a nuclear regulatory  
 19 commission regulation, or to drug tests conducted to  
 20 determine if an employee is ineligible to receive

21 workers' compensation under section 85.16, subsection  
22 2.

23 The exemption granted by this subsection relating  
24 to drug testing pursuant to federal regulations, is of  
25 no effect, as it applies to a particular regulation,  
26 upon a finding by a court of competent jurisdiction,  
27 including any appeal of such finding, that the  
28 particular regulation is unconstitutional or otherwise  
29 invalid. The decision of a court invalidating any  
30 regulation exempted by this section shall not be  
31 stayed pending appeal.

32 2. This section does not prohibit an employer from  
33 requiring a specific employee to submit to a drug test  
34 if all of the following conditions are met:

35 a. The employer has probable cause to believe that  
36 an employee's faculties are impaired on the job. For  
37 purposes of this paragraph, an employer has probable  
38 cause to believe that an employee's faculties are  
39 impaired on the job if the employer is investigating  
40 an accident in the workplace and all of the following  
41 conditions are met:

42 (1) The employer has reasonable grounds to believe  
43 that the employee proposed to be tested either  
44 directly caused or directly contributed to the  
45 accident.

46 (2) The accident results in a personal injury  
47 which requires medical treatment away from the  
48 workplace or damage to property, including equipment,  
49 in an amount reasonably estimated to exceed one  
50 thousand dollars at the time of the accident.

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1 (3) Prior to the accident, the employer has  
2 provided the employee to be tested with written notice  
3 of the employer's rules or policies regarding alcohol  
4 and controlled substances and testing when a workplace  
5 accident or injury occurs.

6 b. The employee is in a position where such  
7 impairment presents a danger to the safety of the  
8 employee, another employee, a member of the public, or  
9 the property of the employer, or when impairment due  
10 to the effects of a controlled substance is a  
11 violation of a known rule of the employer.

12 c. The test sample withdrawn from the employee is  
13 analyzed by a laboratory or testing facility that has  
14 been approved under rules adopted by the department of  
15 public health. The laboratory or testing facility  
16 shall test for and report to the employer only the  
17 presence of alcohol or illegal controlled substances

18 in any test sample. The report and information  
19 provided the employer may be both qualitative and  
20 quantitative but only concerning the presence of  
21 alcohol or an illegal controlled substance in any test  
22 sample. Upon request by an employee or applicant for  
23 employment, the employer shall provide to the employee  
24 or applicant the results of any drug test.

25 d. If a test is conducted and the results indicate  
26 that the employee is under the influence of alcohol or  
27 a controlled substance or indicate the presence of  
28 alcohol or a controlled substance, a second test using  
29 an alternative method of analysis shall be conducted.  
30 When possible and practical, the second test shall use  
31 a portion of the same test sample withdrawn from the  
32 employee for use in the first test.

33 e. An employee shall be accorded a reasonable  
34 opportunity to rebut or explain the results of a drug  
35 test.

36 f. The employer shall provide substance abuse  
37 evaluation, and treatment if recommended by the  
38 evaluation, with costs apportioned as provided under  
39 the employee benefit plan or at employer expense, if  
40 there is no employee benefit plan, the first time an  
41 employee's drug test indicates the presence of alcohol  
42 or a controlled substance. An employer shall take no  
43 disciplinary action against an employee due to the  
44 employee's drug involvement the first time the  
45 employee's drug test indicates the presence of alcohol  
46 or a controlled substance if the employee undergoes a  
47 substance abuse evaluation, and if the employee  
48 successfully completes substance abuse treatment if  
49 treatment is recommended by the evaluation. However,  
50 if an employee fails to undergo substance abuse

### Page 3

1 evaluation when required under the results of a drug  
2 test, or fails to successfully complete substance  
3 abuse treatment when recommended by an evaluation, the  
4 employee may be disciplined up to and including  
5 discharge. The substance abuse evaluation and  
6 treatment provided by the employer shall take place  
7 under a program approved by the department of public  
8 health or accredited by the joint commission on the  
9 accreditation of health care organizations.

10 3. In conducting those tests designed to identify  
11 the presence of chemical substances in the body, the  
12 employer shall ensure to the extent feasible that the  
13 tests only measure and that the records of the tests  
14 only show or make use of information regarding



15 chemical substances in the body which are likely to  
16 affect the ability of the employee to perform safely  
17 the employee's duties while on the job.

18 4. This section does not restrict an employer's  
19 ability to prohibit the use of alcohol or controlled  
20 substances during work hours or to discipline  
21 employees for being under the influence of alcohol or  
22 controlled substances during work hours.

23 5. This section does not prevent an employer from  
24 conducting medical screening in order to monitor  
25 exposure to toxic or other unhealthy substances  
26 encountered in the workplace or in the performance of  
27 their job responsibilities. Any such screening must  
28 be limited to the specific substances required to be  
29 monitored.

30 6. In addition to drug testing permitted by  
31 subsection 2, drug testing of an employee or applicant  
32 for employment shall also be permitted under the  
33 following circumstances:

34 a. During a preemployment application process.  
35 The employer shall include notice that a drug test  
36 will be part of a preemployment application process in  
37 any notice or advertisement soliciting applicants for  
38 employment or in the application for employment, and  
39 an applicant for employment shall be personally  
40 informed of the requirement for a drug test at the  
41 first interview. However, in order to conduct a drug  
42 test pursuant to this paragraph, the employer shall  
43 provide that a preemployment application process which  
44 includes a drug test shall be required in the same  
45 manner for all job classifications of the employer in  
46 which applicants for employment are sought.

47 b. During a regularly scheduled physical. The  
48 employer shall give notice that a drug test will be  
49 part of the physical at least thirty days prior to the  
50 date the physical is scheduled. However, in order to

Page 4

1 conduct a drug test pursuant to this paragraph, the  
2 employer shall provide that a regularly scheduled  
3 physical which includes a drug test shall be required  
4 in the same manner for all classifications of  
5 employees of the employer.

6 c. An employer may require an employee, as a  
7 condition of employment to undergo drug testing, if  
8 the employer has provided substance abuse evaluation,  
9 and treatment, if recommended by the evaluation, which  
10 have been paid for in whole or in part by the employer  
11 or its insurance carrier. The employee may be

12 required to undergo drug testing without prior notice,  
13 but in no case shall more than four tests be conducted  
14 in the twenty-four-month period following the  
15 employee's completion of substance abuse treatment if  
16 the treatment was recommended by the evaluation. A  
17 drug test shall not be required of an employee by an  
18 employer during drug treatment of the employee, if  
19 such testing would duplicate testing of the employee  
20 conducted in the course of treatment and the employee  
21 has waived confidentiality as to the employer of the  
22 results of such testing. An employer shall not  
23 require an employee to submit to drug testing under  
24 this paragraph if more than twenty-four months have  
25 elapsed since the employee successfully completed drug  
26 treatment and the employee has not had a drug test  
27 conducted indicating the presence of alcohol or an  
28 illegal controlled substance during that twenty-four-  
29 month period.

30 Drug testing conducted under this subsection shall  
31 conform to the requirements of subsection 2,  
32 paragraphs "c", "d", "e", and "f"; however, paragraph  
33 "f" shall not apply to drug tests conducted as a part  
34 of a preemployment application process.

35 7. An employer shall protect the confidentiality  
36 of the results of any drug test conducted on an  
37 employee. The results of the test may be recorded in  
38 the employee's personnel records; however, if an  
39 employee whose test indicated the employee was under  
40 the influence of alcohol or a controlled substance or  
41 indicated the presence of a controlled substance has  
42 undergone substance abuse evaluation and, when  
43 treatment is indicated under the substance abuse  
44 evaluation, successfully completed treatment for  
45 substance abuse, the employee's personnel records  
46 shall be expunged of any reference to the test or its  
47 results when the employee leaves employment.

48 8. This section may be enforced through a civil  
49 action.

50 a. A person who violates this section or who aids

**Page 5**

1 in the violation of this section is liable to an  
2 aggrieved employee or applicant for employment for  
3 affirmative relief including reinstatement or hiring,  
4 with or without back pay, or any other equitable  
5 relief as the court deems appropriate including  
6 attorney fees and court costs.

7 b. When a person commits, is committing, or  
8 proposes to commit; an act in violation of this

9 section, an injunction may be granted through an  
10 action in district court to prohibit the person from  
11 continuing such acts. The action for injunctive  
12 relief may be brought by an aggrieved employee or  
13 applicant for employment, the county attorney, or the  
14 attorney general.

15 In an action brought under this subsection alleging  
16 that an employer has required or requested a drug test  
17 in violation of this section, the employer has the  
18 burden of proving that the requirements of this  
19 section were met.

20 9. An employee shall not be discharged,  
21 disciplined, or discriminated against in any manner  
22 for filing a complaint or testifying in any proceeding  
23 or action involving violations of this section. An  
24 employee discharged, disciplined, or otherwise  
25 discriminated against in violation of this section  
26 shall be compensated by the employer in the amount of  
27 any loss of wages and benefits arising out of the  
28 discrimination and shall be restored to the employee's  
29 previous position of employment.

30 10. An employer who conducts a drug test pursuant  
31 to this section shall submit a report annually to the  
32 labor division of the department of employment  
33 services, documenting the number of drug tests  
34 conducted, the results of the tests conducted, and the  
35 direct costs associated with the testing.

36 11. As used in this section, unless the context  
37 otherwise requires:

38 a. "Drug test" means any blood, urine, saliva,  
39 chemical, or skin tissue test conducted for the  
40 purpose of detecting the presence of a chemical  
41 substance in an individual.

42 b. "Employee" means employee as defined in section  
43 85.61 and includes the employer, and any chief  
44 executive officer, president, vice president,  
45 supervisor, manager, and officer of the employer.

46 12. Notwithstanding any contrary provision of this  
47 section, the state hygienic laboratory at the state  
48 university of Iowa may perform and may be utilized to  
49 perform any drug test provided for under this  
50 section."

Page 6

1 2. By renumbering as necessary.

MARY KRAMER

S-5870

1 Amend the amendment, S-5863, to Senate File 2470 as  
2 follows:

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

5 "Sec. \_\_\_\_ . Section 702.11, Code 1995, is amended  
6 to read as follows:

7 702.11 FORCIBLE FELONY.

8 A "forcible felony" is any felonious child-  
9 endangerment, assault, murder, sexual abuse,  
10 kidnapping, robbery, arson in the first degree, or  
11 burglary in the first degree. However, sexual abuse  
12 in the third degree committed between spouses, sexual  
13 abuse in violation of section 709.4, subsection 2,  
14 paragraph "c", subparagraph (4), or sexual  
15 exploitation by a counselor or therapist in violation  
16 of section 709.15, or sexual exploitation by a law  
17 enforcement officer in violation of section 709.15A is  
18 not a "forcible felony".

19 2. Page 2, by striking line 4 and inserting the  
20 following: "is a health care provider.

21 Sec. \_\_\_\_ . **NEW SECTION. 709.15A SEXUAL**  
22 **EXPLOITATION BY A LAW ENFORCEMENT OFFICER -- PENALTY.**

23 1. As used in this section:

24 a. "Law enforcement officer" means a peace officer  
25 employed by the state or a political subdivision of  
26 the state.

27 b. "Sexual exploitation by a law enforcement  
28 officer" occurs when a sex act, as defined in section  
29 702.17, occurs between a law enforcement officer and a  
30 victim at any time between the time the victim is  
31 responded to or the victim's case is opened and the  
32 time a conviction or plea of guilty is obtained or the  
33 case is closed.

34 c. "Victim" means a person who is the subject of  
35 an act being investigated or responded to by a law  
36 enforcement officer as a crime.

37 2. A law enforcement officer who commits sexual  
38 exploitation commits a class "D" felony."

JIM LIND

S-5871

1 Amend Senate File 2470 as follows:

2 1. Page 25, by striking lines 17 through 27 and  
3 inserting the following:

4 "Sec. \_\_\_\_ . **WILDLIFE DIVERSITY.** There is  
5 appropriated from the general fund of the state to the

6 state fish and game protection fund for the fiscal  
7 year beginning July 1, 1996, and ending June 30, 1997,  
8 the following amount, or so much thereof as is  
9 necessary, to be used for the purposes designated:"  
10 2. Page 25, line 33, by inserting after the word  
11 "section" the following: "and revenues from the  
12 income tax refund checkoff credited to the state fish  
13 and game protection fund".

LARRY MURPHY  
DENNIS H. BLACK

S-5872

1 Amend Senate File 2470 as follows:  
2 1. Page 11, by inserting after line 15 the  
3 following:  
4 "\_\_\_\_. To the department of human services for  
5 funding of the adolescent tracking and monitoring  
6 program:  
7 ..... \$ 1,000,000".

JOHNIE HAMMOND  
ELAINE SZYMONIAK  
STEVEN D. HANSEN  
MAGGIE TINSMAN

S-5873

1 Amend the House amendment, S-5738, to Senate File  
2 2464, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 7 through 22 and  
5 inserting the following:  
6 "A person interested in transferring real property  
7 located in a district, or a broker or salesperson  
8 acting on behalf of the person, shall disclose, in  
9 accordance with chapter 558A, that the property is  
10 located in a real estate improvement district and the  
11 amount of any special assessment under this chapter  
12 against the property."  
13 \_\_\_\_ . Page 5, by striking lines 15 through 20 and  
14 inserting the following:  
15 "Sec. \_\_\_\_ . Section 558A.4, subsection 1, Code  
16 1995, is amended to read as follows:  
17 1. The disclosure statement shall include  
18 information relating to the condition and important  
19 characteristics of the property and structures located  
20 on the property, including significant defects in the  
21 structural integrity of the structure, as provided in

22 rules which shall be adopted by the real estate  
 23 commission pursuant to section 543B.9. The disclosure  
 24 statement shall also include whether the property is  
 25 located in a real estate improvement district and the  
 26 amount of any special assessment against the property  
 27 under chapter 358C. The rules may require the  
 28 disclosure to include information relating to the  
 29 property's zoning classification; the condition of  
 30 plumbing, heating, or electrical systems; or the  
 31 presence of pests.”

32 2. Page 1, by inserting after line 47 the  
 33 following:

34 “\_\_\_ . Page 19, by inserting after line 7 the  
 35 following:

36 “Sec. \_\_\_ . NEW SECTION. 364.12A CONDEMNATION OF  
 37 RESIDENTIAL BUILDINGS -- PUBLIC PURPOSE.

38 For the purposes of section 6A.4, subsection 6, a  
 39 city may condemn a residential building found to be a  
 40 public nuisance and take title to the property for the  
 41 public purpose of disposing of the property under  
 42 section 364.7 by conveying the property to a private  
 43 individual for rehabilitation or for demolition and  
 44 construction of housing.”

45 3. Page 2, line 38, by striking the letter “b”  
 46 and inserting the following: “a”, for the purposes  
 47 of this paragraph”.

48 4. Page 3, line 17, by striking the words  
 49 “general fund of the state” and inserting the  
 50 following: “housing improvement fund”.

## Page 2

1 5. Page 3, line 40, by striking the words “Twenty  
 2 percent” and inserting the following: “Two-thirds  
 3 percent”.

4 6. Page 3, line 44, by inserting after the figure  
 5 “16.100.” the following: “Of the moneys transferred  
 6 under this paragraph, sixty percent shall be used in  
 7 accordance with section 16.100, subsection 1A, and  
 8 forty percent shall be used for the other purposes of  
 9 the housing improvement fund.”

10 7. Page 3, by striking lines 45 through 50 and  
 11 inserting the following:

12 “b. One-third of the receipts shall be deposited  
 13 in the general fund of the state.”

14 8. Page 4, by inserting after line 6 the  
 15 following:

16 “\_\_\_ . Page 24, line 21, by striking the figure  
 17 “403A” and inserting the following: “403”.

18 \_\_\_ . Page 24, line 28, by striking the figure

19 "403A" and inserting the following: "403".

20 9. By striking page 4, line 50, through page 5,  
21 line 2, and inserting the following: "For a county, a  
22 revitalization area shall include only property which  
23 will be used as industrial property only, commercial  
24 property, commercial property consisting of three or  
25 more separate living quarters with at least seventy-  
26 five percent of the space used for residential  
27 purposes, or residential property."

28 10. Page 5, by inserting after line 45 the  
29 following:

30 "DIVISION 201

31 Sec. \_\_\_\_ . APPROPRIATION. There is appropriated  
32 from the general fund of the state to the Iowa finance  
33 authority for the fiscal year beginning July 1, 1995,  
34 and ending June 30, 1996, the following amount, or so  
35 much thereof as is necessary, to be used for the  
36 purpose designated:

37 For assisting counties and cities in forming or  
38 organizing housing councils:  
39 ..... \$ 1,000,000

40 Notwithstanding section 8.33, moneys remaining  
41 unobligated or unexpended shall not revert but shall  
42 remain available to the Iowa finance authority for the  
43 purposes of this section for the fiscal year beginning  
44 July 1, 1996, and ending June 30, 1997. Funds  
45 remaining unobligated on June 30, 1997, shall be  
46 transferred to the housing improvement fund created in  
47 section 16.100."

48 11. Page 5, lines 47 and 48, by striking the word  
49 and figure "and 101" and inserting the following:  
50 "101, and 201".

Page 3

1 12. By renumbering as necessary.

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2477

S-5874

1 Amend the Senate amendment, H-5522, to House File  
2, 2477, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. By striking page 1, line 3, through page 9,  
5 line 31, and inserting the following:

6 " \_\_\_\_ . By striking everything after the enacting  
7 clause and inserting the following:

8 "COLLEGE STUDENT AID COMMISSION

9 Section 1. There is appropriated from the general  
10 fund of the state to the college student aid  
11 commission for the fiscal year beginning July 1, 1996,  
12 and ending June 30, 1997, the following amounts, or so  
13 much thereof as may be necessary, to be used for the  
14 purposes designated:

15 1. GENERAL ADMINISTRATION

16 For salaries, support, maintenance, miscellaneous  
17 purposes, and for not more than the following full-  
18 time equivalent positions:

19 .....	\$	342,797
20 .....	FTEs	7.05

21 The college student aid commission shall conduct a  
22 study of and consider possible differentiations in the  
23 grants awarded that are based upon parental income and  
24 assets under the Iowa tuition grant program and shall  
25 consider the reimbursement of grant moneys by a  
26 student if the student does not complete a term of  
27 study funded by an Iowa tuition grant or a vocational-  
28 technical tuition grant. The commission shall submit  
29 a report of its findings and recommendations to the  
30 general assembly by January 1, 1997.

31 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH  
32 SCIENCES

33 a. For forgivable loans to Iowa students attending  
34 the university of osteopathic medicine and health  
35 sciences, under the forgivable loan program pursuant  
36 to section 261.19A:

37 .....	\$	379,260
----------	----	---------

38 b. For the university of osteopathic medicine and  
39 health sciences for an initiative in primary health  
40 care to direct primary care physicians to shortage  
41 areas in the state:

42 .....	\$	395,000
----------	----	---------

43 The moneys appropriated in this lettered paragraph  
44 shall be used as follows:

45 (1) To reduce student loan debt for primary care  
46 physicians in an amount not to exceed \$30,000 per  
47 student for a four-year period of medical service in  
48 medically under-served areas of the state.

49 (2) For tuition scholarships for students  
50 attending the university of osteopathic medicine and

1 health sciences who agree to practice primary care  
2 medicine in medically under-served areas of the state.



3 The student shall practice in the state two years for  
 4 every year of tuition. A person receiving funds under  
 5 this subparagraph shall not be eligible for funds  
 6 under subparagraph (1).

7 (3) For general administration costs of the  
 8 university for the primary care initiative, the  
 9 university shall expend an amount not to exceed  
 10 \$50,000.

11 Within one month of the end of a fiscal quarter,  
 12 the university of osteopathic medicine and health  
 13 sciences shall submit a report to the legislative  
 14 fiscal bureau concerning the expenditure of funds used  
 15 pursuant to subparagraphs (1), (2), and (3) of this  
 16 lettered paragraph. The university shall also submit  
 17 the annual audit of the university to the legislative  
 18 fiscal bureau within six months following the end of  
 19 the year being audited.

20 The college student aid commission shall not  
 21 provide moneys for subparagraphs (1) and (2) of this  
 22 lettered paragraph until the university has signed and  
 23 submitted contracts for the use of these moneys for  
 24 reduction of student loan debt and tuition  
 25 scholarships. Funds for subparagraph (3) of this  
 26 lettered paragraph shall be provided quarterly to the  
 27 university.

28 Notwithstanding section 8.33, the funds for this  
 29 lettered paragraph shall not revert to the general  
 30 fund but be available for expenditure the following  
 31 fiscal year for purposes of subparagraphs (1) and (2).

32 The college student aid commission, the university  
 33 of osteopathic medicine and health sciences, and the  
 34 legislative fiscal bureau shall cooperatively develop  
 35 and propose uniform time periods of medical practice  
 36 which shall be served in the state in return for an  
 37 allocation of state funds for purposes of the  
 38 university of osteopathic medicine and health  
 39 sciences. Proposals developed may relate to  
 40 allocations of funds within a single appropriation  
 41 concept and include contracting provisions. Proposals  
 42 shall be submitted in a report to the general assembly  
 43 by January 1, 1997.

44 **3. STUDENT AID PROGRAMS**

45 For payments to students for the Iowa grant  
 46 program:

47 ..... \$ 1,397,790

48 Sec. 2. There is appropriated from the loan  
 49 reserve account to the college student aid commission  
 50 for the fiscal year beginning July 1, 1996, and ending

Page 3

1 June 30, 1997, the following amount, or so much  
 2 thereof as may be necessary, to be used for the  
 3 purposes designated:  
 4 For operating costs of the Stafford loan program  
 5 including salaries, support, maintenance,  
 6 miscellaneous purposes, and for not more than the  
 7 following full-time equivalent positions:

8 .....	\$	4,596,739
9 .....	FTEs	31.95

10 Sec. 3. Notwithstanding the maximum allowed  
 11 balance requirement of the scholarship and tuition  
 12 grant reserve fund as provided in section 261.20,  
 13 there is appropriated from the scholarship and tuition  
 14 grant reserve fund to the college student aid  
 15 commission for the fiscal year beginning July 1, 1996,  
 16 and ending June 30, 1997, the funds remaining  
 17 following transfer, pursuant to section 261.20 for the  
 18 fiscal year ending June 30, 1995, which are to be  
 19 divided equally for purposes of the Iowa vocational-  
 20 tuition grants and the work study program. Funds  
 21 appropriated in this section are in addition to funds  
 22 appropriated in section 261.25, subsection 3, and  
 23 section 261.85.

24 Sec. 4. Not later than September 1, 1996, the  
 25 college student aid commission shall compile a list of  
 26 affected students receiving tuition grants during the  
 27 fiscal year beginning July 1, 1995, and who  
 28 transferred from a nonaccredited to an accredited  
 29 private institution for the fiscal year beginning July  
 30 1, 1996. If the student meets all financial aid  
 31 criteria as set forth by the commission, the  
 32 transferring affected student may continue to receive  
 33 a tuition grant for the fiscal year beginning July 1,  
 34 1996. The commission shall calculate the funds  
 35 remaining from tuition grants awarded to affected  
 36 students who do not transfer to an accredited private  
 37 institution in the fiscal year beginning July 1, 1996.  
 38 Notwithstanding section 261.25, subsection 1, the  
 39 first \$200,000 of these funds shall be used for  
 40 national guard tuition aid as provided in section  
 41 261.21 as enacted by this Act, the next \$115,000 shall  
 42 be used for enhanced forgivable loans as provided in  
 43 this section, the next \$100,000 shall be used for  
 44 chiropractic graduate student forgivable loans as  
 45 provided in section 261.71, the next \$15,000 shall be  
 46 used to provide grants to students who would meet the  
 47 requirements for receipt of a vocational-technical  
 48 tuition grant, but who are enrolled in a licensed

49 school of cosmetology arts and sciences under chapter  
50 157, or a licensed barber school under chapter 158,

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1 and any excess remaining funds shall be used to award  
2 tuition grants to eligible students. For purposes of  
3 this paragraph, "affected student" means a qualified  
4 student for whom payment of a tuition grant was made  
5 under section 261.13 for one or more semesters or  
6 trimesters while the student was attending a private  
7 institution which was accredited as defined in section  
8 261.9 for the fiscal year beginning July 1, 1995, but  
9 which does not meet the requirements for an accredited  
10 private institution for the fiscal year beginning July  
11 1, 1996.

12 The amount of an enhanced forgivable loan issued  
13 under this section shall not exceed \$11,500. To  
14 qualify for an enhanced forgivable loan a person  
15 shall do all of the following:

16 (1) Practice as a primary care physician in a  
17 community designated as underserved by state and  
18 federal authorities and which has a population of less  
19 than 20,000. A student must provide one year of  
20 practice for every year of loan forgiveness.

21 (2) Have shown superior academic achievement and  
22 demonstrated exceptional financial need during the  
23 last year of undergraduate study.

24 The commission shall prescribe by rule the terms of  
25 repayment and forgiveness. The rules shall be  
26 consistent with the requirements of section 261.19A.  
27 The commission shall deposit payments made by loan  
28 recipients into the fund created in section 261.19B.

29 DEPARTMENT OF CULTURAL AFFAIRS

30 Sec. 5. There is appropriated from the general  
31 fund of the state to the department of cultural  
32 affairs for the fiscal year beginning July 1, 1996,  
33 and ending June 30, 1997, the following amounts, or so  
34 much thereof as is necessary, to be used for the  
35 purposes designated:

36 1. ARTS DIVISION

37 For salaries, support, maintenance, miscellaneous  
38 purposes, including funds to match federal grants, for  
39 areawide arts and cultural service organizations that  
40 meet the requirements of chapter 303C, and for not  
41 more than the following full-time equivalent  
42 positions:

43 .....	\$	1,081,918
44 .....	FTEs	11.00

45 The Iowa arts council shall develop and implement a

46 simplified, uniform grant application for use by all  
 47 grant applicants and shall prescribe a uniform grant  
 48 application renewal period for all grant applicants by  
 49 January 15, 1997.

50 2. HISTORICAL DIVISION

Page 5

1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:  
 4 ..... \$ 2,626,267  
 5 ..... FTEs 58.50

6 3. HISTORIC SITES

7 For salaries, support, maintenance, miscellaneous  
 8 purposes, and for not more than the following full-  
 9 time equivalent positions:  
 10 ..... \$ 386,039  
 11 ..... FTEs 5.00

12 4. ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:  
 16 ..... \$ 250,227  
 17 ..... FTEs 4.30

18 5. COMMUNITY CULTURAL GRANTS

19 For planning and programming for the community  
 20 cultural grants program established under section  
 21 303.3, and for not more than the following full-time  
 22 equivalent position:  
 23 ..... \$ 707,721  
 24 ..... FTEs 0.70

25 DEPARTMENT OF EDUCATION

26 Sec. 6. There is appropriated from the general  
 27 fund of the state to the department of education for  
 28 the fiscal year beginning July 1, 1996, and ending  
 29 June 30, 1997, the following amounts, or so much  
 30 thereof as may be necessary, to be used for the  
 31 purposes designated:

32 1. GENERAL ADMINISTRATION

33 For salaries, support, maintenance, miscellaneous  
 34 purposes, and for not more than the following full-  
 35 time equivalent positions:  
 36 ..... \$ 5,378,382  
 37 ..... FTEs 96.95

38 The department of education shall conduct a study  
 39 of the special education funding system with the  
 40 following goals: increasing the capacity of the whole  
 41 school to meet the needs of all children; increasing  
 42 support available to "at-risk" students; and ensuring

43 predictable and equitable special education funding at  
44 both the state and local levels. The study shall  
45 include, but is not limited to, an examination of the  
46 consequences of increasing the current special  
47 education weights and the impact that will have on  
48 those districts whose expenditures exceed the amounts  
49 generated under the present weighting plan and on  
50 those districts which are generating sufficient funds;

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1 the issues and feasibility of alternative special  
2 education funding systems based on school district  
3 experiences with involvement from representatives of  
4 the education community, including representatives  
5 from area education agencies, special education  
6 teachers, administrators, and advocacy groups; and the  
7 possibility of establishing a funding system to  
8 address students that are "at-risk" but are not  
9 currently eligible for special education services.

10 The department shall submit its findings and specific  
11 recommendations in a report to the general assembly  
12 and the legislative fiscal bureau by January 1, 1997.

13 The department of education shall conduct a study  
14 of the trends in the number of students requiring  
15 services to become proficient in the English language  
16 and the current and projected costs related to  
17 providing such services by local school districts.

18 The department shall report its findings and specific  
19 recommendations regarding funding to the general  
20 assembly and the legislative fiscal bureau by January  
21 1, 1997.

22 The department of education, in consultation with  
23 the department of human services, shall conduct a  
24 study of the funding for educational programs provided  
25 for each child living with an individual licensed  
26 under chapter 237, or in a foster care or other  
27 facility as defined in sections 282.19 and 282.27.

28 The recommendations developed shall include but not be  
29 limited to the funding structure and source of  
30 funding. The department shall submit a report of its  
31 findings and recommendations to chairpersons and  
32 ranking members of the joint appropriations  
33 subcommittee on education and the chairpersons and  
34 ranking members of the standing education committees  
35 by January 1, 1997.

36 The department of education shall review the  
37 reports required of the department by the general  
38 assembly since 1980 and shall catalog the progress,  
39 success, and failures of the general assembly in

40 implementing or responding to the recommendations  
 41 contained in those reports. The department shall  
 42 submit its findings and recommendations to the  
 43 chairpersons and ranking members of the joint  
 44 appropriations subcommittee on education and the  
 45 chairpersons and ranking members of the standing  
 46 education committees of the senate and the house of  
 47 representatives by January 1, 1997.  
 48 The department of education shall conduct a study  
 49 of the means by which student employability skills may  
 50 be measured, including but not limited to the

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1 employability skills of students at various levels of  
 2 their secondary education and students who have  
 3 graduated, the businesses that employ them, and the  
 4 institutions of higher learning which admit the  
 5 graduates. The department shall submit its findings  
 6 and recommendations to the chairpersons and ranking  
 7 members of the joint appropriations subcommittee on  
 8 education and the chairpersons and ranking members of  
 9 the standing education committees of the senate and  
 10 the house of representatives by January 1, 1997.

11 The department of education shall submit an annual  
 12 report of funds expended and activities accomplished  
 13 in the K-12 and community college management  
 14 information system to the the general assembly and the  
 15 legislative fiscal bureau by January 1, 1997. The  
 16 department shall determine the goals of the K-12 and  
 17 community college management information system and  
 18 establish a timeline by which the goals shall be  
 19 accomplished. The goals and timeline shall be  
 20 included in the annual report submitted to the general  
 21 assembly and the legislative fiscal bureau by January  
 22 1, 1997.

23 2. VOCATIONAL EDUCATION ADMINISTRATION

24 For salaries, support, maintenance, miscellaneous  
 25 purposes, and for not more than the following full-  
 26 time equivalent positions:

27 .....	\$	656,057
28 .....	FTEs	18.60

29 3. BOARD OF EDUCATIONAL EXAMINERS

30 For salaries, support, maintenance, miscellaneous  
 31 purposes, and for not more than the following full-  
 32 time equivalent positions:

33 .....	\$	194,582
34 .....	FTEs	2.00

35 4. VOCATIONAL REHABILITATION DIVISION

36 a. For salaries, support, maintenance,

37 miscellaneous purposes, and for not more than the  
 38 following full-time equivalent positions:  
 39 ..... \$ 4,098,243  
 40 ..... FTEs 289.75

41 The division of vocational rehabilitation services  
 42 of the department of education shall seek, in addition  
 43 to state appropriations, funds other than federal  
 44 funds, which may include but are not limited to local  
 45 funds, for purposes of matching federal vocational  
 46 rehabilitation funds.

47 Notwithstanding the full-time equivalent position  
 48 limit established in this subsection for the fiscal  
 49 year ending June 30, 1997, if federal funding is  
 50 available to pay the costs of additional employees for

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1 the vocational rehabilitation division who would have  
 2 duties relating to vocational rehabilitation services  
 3 paid for through federal funding, authorization to  
 4 hire not more than four full-time equivalent employees  
 5 shall be provided, the full-time equivalent position  
 6 limit shall be exceeded, and the additional employees  
 7 shall be hired by the division.

8 b. For matching funds for programs to enable  
 9 severely physically or mentally disabled persons to  
 10 function more independently, including salaries and  
 11 support, and for not more than the following full-time  
 12 equivalent positions:

13 ..... \$ 75,169  
 14 ..... FTEs 1.50

15 5. STATE LIBRARY

16 For salaries, support, maintenance, miscellaneous  
 17 purposes, and for not more than the following full-  
 18 time equivalent positions:

19 ..... \$ 2,797,190  
 20 ..... FTEs 34.50

21 Reimbursement of the institutions of higher  
 22 learning under the state board of regents for  
 23 participation in the access plus program during the  
 24 fiscal year beginning July 1, 1996, and ending June  
 25 30, 1997, shall not exceed the total amount of  
 26 reimbursement paid to the regents institutions of  
 27 higher learning for participation in the access plus  
 28 program during the fiscal year beginning July 1, 1995,  
 29 and ending June 30, 1996.

30 6. REGIONAL LIBRARY

31 For state aid:

32 ..... \$ 1,537,000

33 7. PUBLIC BROADCASTING DIVISION

34 For salaries, support, maintenance, capital  
 35 expenditures, miscellaneous purposes, and for not more  
 36 than the following full-time equivalent positions:  
 37 ..... \$ 7,075,335  
 38 ..... FTEs 104.50  
 39 8. CAREER PATHWAYS PROGRAM  
 40 For purposes of developing and implementing a  
 41 career pathways program to expand opportunities for  
 42 youth and adults to become prepared for and succeed in  
 43 high-wage, high-skill employment:  
 44 ..... \$ 650,000  
 45 Of the funds appropriated in this subsection, and  
 46 from funds available pursuant to section 256.39,  
 47 subsection 7, for each year during the fiscal period  
 48 beginning July 1, 1996, and ending June 30, 1998,  
 49 \$50,000 may be expended for purposes of employing an  
 50 individual to administer and direct the career

Page 9

1 pathways program.

2 Notwithstanding section 8.33, unobligated and  
 3 unencumbered money remaining on June 30, 1997, from  
 4 the allocation made in this subsection shall not  
 5 revert but shall be available for expenditure during  
 6 the following fiscal year.

7 9. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS

8 For reimbursement for vocational education  
 9 expenditures made by secondary schools:  
 10 ..... \$ 3,308,850

11 Funds allocated in this subsection shall be used  
 12 for expenditures made by school districts to meet the  
 13 standards set in sections 256.11, 258.4, and 260C.14  
 14 as a result of the enactment of 1989 Iowa Acts,  
 15 chapter 278. Funds shall be used as reimbursement for  
 16 vocational education expenditures made by secondary  
 17 schools in the manner provided by the department of  
 18 education for implementation of the standards set in  
 19 1989 Iowa Acts, chapter 278.

20 10. SCHOOL FOOD SERVICE

21 For use as state matching funds for federal  
 22 programs that shall be disbursed according to federal  
 23 regulations, including salaries, support, maintenance,  
 24 miscellaneous purposes, and for not more than the  
 25 following full-time equivalent positions:  
 26 ..... \$ 2,716,859  
 27 ..... FTEs 14.00

28 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

29 To provide funds for costs of providing textbooks  
 30 to each resident pupil who attends a nonpublic school



31 as authorized by section 301.1. The funding is  
 32 limited to \$20 per pupil and shall not exceed the  
 33 comparable services offered to resident public school  
 34 pupils:

35 .....	\$	616,000
36 12. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION		
37 To assist a vocational agriculture youth		
38 organization sponsored by the schools to support the		
39 foundation established by that vocational agriculture		
40 youth organization and for other youth activities:		
41 .....	\$	107,900
42 13. FAMILY RESOURCE CENTERS		
43 For support of the family resource center		
44 demonstration program established under chapter 256C:		
45 .....	\$	120,000
46 14. CENTER FOR ASSESSMENT		
47 For the purpose of developing academic standards in		
48 the areas of math, history, science, English, language		
49 arts, and geography:		
50 .....	\$	200,000

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1 The department of education shall submit in a  
 2 report to the general assembly by January 1, 1997, the  
 3 amount of state funding anticipated to be needed to  
 4 fund the department's future participation with the  
 5 center for assessment and shall determine the number  
 6 of years participation is necessary.

7 15. COMMUNITY COLLEGES

8 Notwithstanding chapter 260D, if applicable, for  
 9 general state financial aid, including general  
 10 financial aid to merged areas in lieu of personal  
 11 property tax replacement payments under section  
 12 427A.13, to merged areas as defined in section 260C.2,  
 13 for vocational education programs in accordance with  
 14 chapters 258 and 260C:

15 .....	\$126,006,270
16 The funds appropriated in this subsection shall be	
17 allocated as follows:	
18 a. Merged Area I .....	\$ 6,011,556
19 b. Merged Area II .....	\$ 7,088,572
20 c. Merged Area III .....	\$ 6,693,483
21 d. Merged Area IV .....	\$ 3,261,020
22 e. Merged Area V .....	\$ 6,820,986
23 f. Merged Area VI .....	\$ 6,321,009
24 g. Merged Area VII .....	\$ 9,016,757
25 h. Merged Area IX .....	\$ 11,055,518
26 i. Merged Area X .....	\$ 17,159,800
27 j. Merged Area XI .....	\$ 18,467,633

28	k. Merged Area XII .....	\$ 7,281,649
29	l. Merged Area XIII .....	\$ 7,447,594
30	m. Merged Area XIV .....	\$ 3,303,347
31	n. Merged Area XV .....	\$ 10,303,739
32	o. Merged Area XVI .....	\$ 5,773,608
33	Of the moneys allocated to merged area XI in	
34	paragraph "j", for the fiscal year beginning July 1,	
35	1996, and ending June 30, 1997, \$135,000 shall be	
36	expended on the career opportunity program established	
37	in section 260C.29 to provide assistance to minority	
38	persons who major in fields or subject areas where	
39	minorities are currently underutilized.	
40	By January 1, 1997, the department of education, in	
41	consultation with the Iowa association of community	
42	college trustees, shall submit recommendations for a	
43	funding formula that identifies and addresses	
44	community college needs.	
45	Unless the board of directors of a community	
46	college filed a dental hygiene program intent form	
47	with the department of education by December 1, 1995,	
48	the board shall not authorize the creation of a dental	
49	hygienist program until after the adjournment of the	
50	first regular session of the Seventy-seventh General	

**Page 11**

1 Assembly.

2 Sec. 7. The board of directors of each community  
 3 college shall submit to the department of education  
 4 and the legislative fiscal bureau, by August 15, 1996,  
 5 on forms designed by the department of education in  
 6 consultation with the community colleges, information  
 7 which shall include, but is not limited to, the  
 8 following:

9 1. The number of full-time and part-time students  
 10 enrolled in each program offered by the community  
 11 college, listed by program.

12 2. The number of and any appropriate demographic  
 13 information, including salaries of full-time and part-  
 14 time staff, relating to the faculty, administration,  
 15 and support personnel employed at each community  
 16 college.

17 3. The full-time equivalent total of persons  
 18 employed as identified in subsection 2.

19 4. Tuition charges, fees, and other costs payable  
 20 to the community college by a student.

21 5. The types of degrees granted by the community  
 22 college and the number of students receiving these  
 23 degrees.

24 6. The amounts of revenues and expenditures from

25 state financial aid, federal funds, tax levies,  
26 projects authorized under chapters 260E and 260F,  
27 tuition, bonds, other local sources, foundation  
28 sources, and donations and gifts that may be accepted  
29 by the governing board of a community college.

30 7. An inventory of buildings and facilities owned  
31 and leased by the community college, and any related  
32 operation and maintenance costs.

33 8. Infrastructure plans, which shall include, but  
34 are not limited to, the amounts expended in the  
35 current fiscal year on renovation and construction,  
36 and any future plans and projected costs for  
37 expansion.

38 The department of education may withhold from a  
39 community college any state financial assistance  
40 appropriated to the department for allocation to the  
41 community college for the fiscal year beginning July  
42 1, 1996, and ending June 30, 1997, if the community  
43 college fails to substantially meet the requirements  
44 of this section.

45 Sec. 8. Notwithstanding section 8.33 and 1995 Iowa  
46 Acts, chapter 218, section 1, subsection 17, funds  
47 appropriated and allocated for advanced placement  
48 pursuant to 1995 Iowa Acts, chapter 218, section 1,  
49 subsection 17, remaining unencumbered and unobligated  
50 on June 30, 1996, shall not revert to the general fund

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1 of the state but shall be distributed to the  
2 department of education for the fiscal year beginning  
3 July 1, 1996, and ending June 30, 1997, as follows:

4 1. The amount of \$50,000 for participation by the  
5 department of education in a state and national  
6 project, the national assessment of education progress  
7 (NAEP), to determine the academic achievement of Iowa  
8 students in math, reading, science, United States  
9 history, or geography.

10 2. The amount of \$19,000 for purposes of providing  
11 grants to support qualifying teams for a worldwide  
12 academic competition.

13 If funds available from the specified source under  
14 this section are insufficient to fully fund the  
15 appropriations made in this section, the amounts  
16 appropriated to the department for the purposes  
17 specified under this section shall be reduced  
18 proportionately.

19 Sec. 9. DEPARTMENT OF EDUCATION INTERIM MEETING.

20 It is the intent of the general assembly that the  
21 chairpersons and ranking members of the joint

22 appropriations subcommittee on education, the  
 23 legislative fiscal bureau, and the legislative service  
 24 bureau meet with representatives from the  
 25 international center for gifted and talented education  
 26 and the first in the nation in education foundation  
 27 during the 1996 legislative interim period to  
 28 determine and recommend a permanent funding source and  
 29 the amount of funding needed to support the center and  
 30 the foundation.

31 Sec. 10. INTERNATIONAL CENTER FOR GIFTED AND  
 32 TALENTED EDUCATION. It is the intent of the general  
 33 assembly that the international center for gifted and  
 34 talented education fund the gifted and talented summer  
 35 institute during the fiscal year beginning July 1,  
 36 1996, from the moneys appropriated to the  
 37 international center for gifted and talented education  
 38 pursuant to section 257B.1A for the fiscal year  
 39 beginning July 1, 1996, and ending June 30, 1997.

40 Sec. 11. Notwithstanding section 257B.1A,  
 41 subsection 5, as amended by 1996 Iowa Acts, House File  
 42 570, and this Act, for the fiscal year beginning July  
 43 1, 1996, and ending June 30, 1997, 50 percent of the  
 44 interest remaining in the interest for Iowa schools  
 45 fund after the total of the transfer of moneys to the  
 46 first in the nation in education foundation pursuant  
 47 to section 257B.1A, subsection 2, and after the  
 48 transfer of moneys to the international center  
 49 endowment fund in section 257B.1A, subsection 3,  
 50 paragraph "a", shall, in addition, be transferred to

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1 the international center endowment fund and the  
 2 remaining 50 percent, rather than become a part of the  
 3 interest for Iowa schools fund, shall be transferred  
 4 to the first in the nation in education foundation.

STATE BOARD OF REGENTS

6 Sec. 12. There is appropriated from the general  
 7 fund of the state to the state board of regents for  
 8 the fiscal year beginning July 1, 1996, and ending  
 9 June 30, 1997, the following amounts, or so much  
 10 thereof as may be necessary, to be used for the  
 11 purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

13 a. For salaries, support, maintenance,  
 14 miscellaneous purposes, and for not more than the  
 15 following full-time equivalent positions:

16 .....	\$	1,137,417
17 .....	FTEs	15.63

18 If the moneys provided in this lettered paragraph

19 are augmented by reimbursements from the institutions  
 20 under the control of the state board of regents for  
 21 the funding of the office of the state board of  
 22 regents, the office shall report quarterly such  
 23 reimbursements to the chairpersons and ranking members  
 24 of the joint appropriations subcommittee on education.

25 The board shall prepare a quarterly report,  
 26 regarding the board office budget and the  
 27 reimbursements provided to the board by the  
 28 institutions of higher learning under the control of  
 29 the board, which shall be submitted quarterly to the  
 30 general assembly and the legislative fiscal bureau.

31 b. For allocation by the state board of regents to  
 32 the state university of Iowa, the Iowa state  
 33 university of science and technology, and the  
 34 university of northern Iowa to reimburse the  
 35 institutions for deficiencies in their operating funds  
 36 resulting from the pledging of tuitions, student fees  
 37 and charges, and institutional income to finance the  
 38 cost of providing academic and administrative  
 39 buildings and facilities and utility services at the  
 40 institutions:

41 ..... \$ 26,984,350

42 The state board of regents, the department of  
 43 management, and the legislative fiscal bureau shall  
 44 cooperate to determine and agree upon, by November 15,  
 45 1996, the amount that needs to be appropriated for  
 46 tuition replacement for the fiscal year beginning July  
 47 1, 1997.

48 c. For funds to be allocated to the southwest Iowa  
 49 graduate studies center:

50 ..... \$ 104,156

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1 d. For funds to be allocated to the siouxland  
 2 interstate metropolitan planning council for the  
 3 tristate graduate center under section 262.9,  
 4 subsection 21:

5 ..... \$ 74,511

6 e. For funds to be allocated to the quad-cities  
 7 graduate studies center:

8 ..... \$ 154,278

9 It is the intent of the general assembly that the  
 10 state board of regents explore options relating to  
 11 locating the graduate centers under its control within  
 12 the appropriate campuses of the community college  
 13 system, and that the board consider the benefits of  
 14 fully utilizing the Iowa communications network to  
 15 maximize efficiency. The board shall review options

16 regarding relocation of the centers and submit  
17 recommendations to the legislative fiscal bureau and  
18 the joint appropriations subcommittee on education by  
19 January 1, 1997.

20 2. STATE UNIVERSITY OF IOWA

21 a. General university, including lakeside  
22 laboratory

23 For salaries, support, maintenance, equipment,  
24 miscellaneous purposes, and for not more than the  
25 following full-time equivalent positions:

26 ..... \$202,702,328  
27 ..... FTEs 4,022.97

28 b. For the primary health care initiative in the  
29 college of medicine and for not more than the  
30 following full-time equivalent positions:

31 ..... \$ 771,000  
32 ..... FTEs 11.00

33 From the moneys appropriated in this lettered  
34 paragraph, \$330,000 shall be allocated to the  
35 department of family practice at the state university  
36 of Iowa college of medicine for family practice  
37 faculty and support staff.

38 c. University hospitals

39 For salaries, support, maintenance, equipment, and  
40 miscellaneous purposes and for medical and surgical  
41 treatment of indigent patients as provided in chapter  
42 255, for medical education, and for not more than the  
43 following full-time equivalent positions:

44 ..... \$ 29,452,383  
45 ..... FTEs 5,701.67

46 The university of Iowa hospitals and clinics shall  
47 submit quarterly a report regarding the portion of the  
48 appropriation in this lettered paragraph expended on  
49 medical education. The report shall be submitted in a  
50 format jointly developed by the university of Iowa

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1 hospitals and clinics, the legislative fiscal bureau,  
2 and the department of management, and shall delineate  
3 the expenditures and purposes of the funds.

4 Funds appropriated in this lettered paragraph shall  
5 not be used to perform abortions except medically  
6 necessary abortions, and shall not be used to operate  
7 the early termination of pregnancy clinic except for  
8 the performance of medically necessary abortions. For  
9 the purpose of this lettered paragraph, an abortion is  
10 the purposeful interruption of pregnancy with the  
11 intention other than to produce a live-born infant or  
12 to remove a dead fetus, and a medically necessary

13 abortion is one performed under one of the following  
 14 conditions:

15 (1) The attending physician certifies that  
 16 continuing the pregnancy would endanger the life of  
 17 the pregnant woman.

18 (2) The attending physician certifies that the  
 19 fetus is physically deformed, mentally deficient, or  
 20 afflicted with a congenital illness.

21 (3) The pregnancy is the result of a rape which is  
 22 reported within 45 days of the incident to a law  
 23 enforcement agency or public or private health agency  
 24 which may include a family physician.

25 (4) The pregnancy is the result of incest which is  
 26 reported within 150 days of the incident to a law  
 27 enforcement agency or public or private health agency  
 28 which may include a family physician.

29 (5) The abortion is a spontaneous abortion,  
 30 commonly known as a miscarriage, wherein not all of  
 31 the products of conception are expelled.

32 The total quota allocated to the counties for  
 33 indigent patients for the fiscal year beginning July  
 34 1, 1996, shall not be lower than the total quota  
 35 allocated to the counties for the fiscal year  
 36 commencing July 1, 1995. The total quota shall be  
 37 allocated among the counties on the basis of the 1990  
 38 census pursuant to section 255.16.

39 d. Psychiatric hospital

40 For salaries, support, maintenance, equipment,  
 41 miscellaneous purposes, for the care, treatment, and  
 42 maintenance of committed and voluntary public  
 43 patients, and for not more than the following full-  
 44 time equivalent positions:

45 .....	\$	7,225,868
46 .....	FTEs	307.05

47 e. Hospital-school

48 For salaries, support, maintenance, miscellaneous  
 49 purposes, and for not more than the following full-  
 50 time equivalent positions:

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1 .....	\$	5,938,345
2 .....	FTEs	167.10

3 f. Oakdale campus

4 For salaries, support, maintenance, miscellaneous  
 5 purposes, and for not more than the following full-  
 6 time equivalent positions:

7 .....	\$	2,896,269
8 .....	FTEs	63.58

9 g. State hygienic laboratory

10	For salaries, support, maintenance, miscellaneous		
11	purposes, and for not more than the following full-		
12	time equivalent positions:		
13	.....	\$	3,309,148
14	.....	FTEs	102.49
15	h. Family practice program		
16	For allocation by the dean of the college of		
17	medicine, with approval of the advisory board, to		
18	qualified participants, to carry out chapter 148D for		
19	the family practice program, including salaries and		
20	support, and for not more than the following full-time		
21	equivalent positions:		
22	.....	\$	2,060,917
23	.....	FTEs	180.74
24	i. Child health care services		
25	For specialized child health care services,		
26	including childhood cancer diagnostic and treatment		
27	network programs, rural comprehensive care for		
28	hemophilia patients, and the Iowa high-risk infant		
29	follow-up program, including salaries and support, and		
30	for not more than the following full-time equivalent		
31	positions:		
32	.....	\$	464,274
33	.....	FTEs	10.60
34	j. Agricultural health and safety programs		
35	For agricultural health and safety programs, and		
36	for not more than the following full-time equivalent		
37	positions:		
38	.....	\$	253,213
39	.....	FTEs	3.48
40	k. Statewide cancer registry		
41	For the statewide cancer registry, and for not more		
42	than the following full-time equivalent positions:		
43	.....	\$	195,167
44	.....	FTEs	3.07
45	l. Substance abuse consortium		
46	For funds to be allocated to the Iowa consortium		
47	for substance abuse research and evaluation, and for		
48	not more than the following full-time equivalent		
49	positions:		
50	.....	\$	64,396
<b>Page 17</b>			
1	.....	FTEs	1.15
2	m. Center for biocatalysis		
3	For the center for biocatalysis, and for not more		
4	than the following full-time equivalent positions:		
5	.....	\$	1,017,000
6	.....	FTEs	14.40



7 n. National advanced driving simulator  
 8 For the national advanced driving simulator, and  
 9 for not more than the following full-time equivalent  
 10 positions:

11 .....	\$	608,448
12 .....	FTEs	3.58

13 It is the intent of the general assembly that  
 14 fiscal year 1997-1998 shall be the last fiscal year in  
 15 which the general assembly appropriates funds for  
 16 purposes of the planning and construction of the  
 17 national advanced driving simulator.

18 o. Research park

19 For salaries, support, maintenance, equipment,  
 20 miscellaneous purposes, and for not more than the  
 21 following full-time equivalent positions:

22 .....	\$	321,000
23 .....	FTEs	4.35

24 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

25 a. General university

26 For salaries, support, maintenance, equipment,  
 27 miscellaneous purposes, and for not more than the  
 28 following full-time equivalent positions:

29 .....	\$161,084,066
30 .....	FTEs 3,583.64

31 Of the funds appropriated in this lettered  
 32 paragraph, for the fiscal year beginning July 1, 1996,  
 33 and ending June 30, 1997, \$40,000 shall be expended  
 34 for purposes of the institute of public leadership.

35 Of the funds appropriated in this lettered  
 36 paragraph, for the fiscal year beginning July 1, 1996,  
 37 and ending June 30, 1997, \$1,700,000 shall be expended  
 38 for purposes of the healthy livestock program.

39 b. Agricultural experiment station

40 For salaries, support, maintenance, miscellaneous  
 41 purposes, and for not more than the following full-  
 42 time equivalent positions:

43 .....	\$ 31,754,200
44 .....	FTEs 546.98

45 c. Cooperative extension service in agriculture  
 46 and home economics

47 For salaries, support, maintenance, miscellaneous  
 48 purposes, including salaries and support for the fire  
 49 service institute, and for not more than the following  
 50 full-time equivalent positions:

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1 .....	\$ 19,280,398
2 .....	FTEs 431.85
3 By January 1, 1997, Iowa state university of	

4	science and technology shall submit a report		
5	concerning the population served and each service		
6	provided by the Iowa cooperative extension service in		
7	agriculture and home economics to the chairpersons and		
8	ranking members of the joint appropriations		
9	subcommittee on education and the legislative fiscal		
10	bureau.		
11	d. Leopold center		
12	For agricultural research grants at Iowa state		
13	university under section 266.39B, and for not more		
14	than the following full-time equivalent positions:		
15	.....	\$	560,593
16	.....	FTEs	11.25
17	e. Livestock disease research		
18	For deposit in and the use of the livestock disease		
19	research fund under section 267.8, and for not more		
20	than the following full-time equivalent positions:		
21	.....	\$	276,022
22	.....	FTEs	3.17
23	f. Research park		
24	For salaries, support, maintenance, miscellaneous		
25	purposes, and for not more than the following full-		
26	time equivalent positions:		
27	.....	\$	370,000
28	.....	FTEs	4.31
29	4. UNIVERSITY OF NORTHERN IOWA		
30	a. General university		
31	For salaries, support, maintenance, equipment,		
32	miscellaneous purposes, and for not more than the		
33	following full-time equivalent positions:		
34	.....	\$	72,083,159
35	.....	FTEs	1,425.50
36	b. Recycling and reuse center		
37	.....	\$	239,745
38	c. Metal casting		
39	.....	\$	160,000
40	5. STATE SCHOOL FOR THE DEAF		
41	For salaries, support, maintenance, miscellaneous		
42	purposes, and for not more than the following full-		
43	time equivalent positions:		
44	.....	\$	6,703,655
45	.....	FTEs	124.14
46	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
47	For salaries, support, maintenance, miscellaneous		
48	purposes, and for not more than the following full-		
49	time equivalent positions:		
50	.....	\$	3,736,503

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1 .....	FTEs	83.68
2 7. TUITION AND TRANSPORTATION COSTS		
3 For payment to local school boards for the tuition		
4 and transportation costs of students residing in the		
5 Iowa braille and sight saving school and the state		
6 school for the deaf pursuant to section 262.43 and for		
7 payment of certain clothing and transportation costs		
8 for students at these schools pursuant to section		
9 270.5:		
10 .....	\$	11,882
11 Sec. 13. If revenues received by the state board		
12 of regents from indirect cost reimbursements, refunds		
13 and reimbursements, interest, and other categories		
14 within the general operating budgets of the		
15 institutions of higher learning under the control of		
16 the regents equal an amount greater than the original		
17 budget approved by the regents board for the fiscal		
18 year beginning July 1, 1996, and ending June 30, 1997,		
19 the increase shall be used for building repair,		
20 deferred maintenance, or fire safety at the respective		
21 institutions of higher learning under the control of		
22 the board, and shall not be used to increase budget		
23 ceilings adopted by the regents board.		
24 Sec. 14. Reallocations of sums received under		
25 section 12, subsections 2, 3, 4, 5, and 6, of this		
26 Act, including sums received for salaries, shall be		
27 reported on a quarterly basis to the co-chairpersons		
28 and ranking members of the legislative fiscal		
29 committee and the joint appropriations subcommittee on		
30 education.		
31 Sec. 15. It is the intent of the general assembly		
32 that \$328,155 of the money appropriated to the		
33 university of northern Iowa for the fiscal year		
34 beginning July 1, 1996, and ending June 30, 1997, in		
35 1996 Iowa Acts, Senate File 2195, section 3, if		
36 enacted, shall be treated by the department of		
37 management in the same manner as the money		
38 appropriated under the general university category for		
39 the university of northern Iowa in section 12,		
40 subsection 4, paragraph "a", of this Act.		
41 Sec. 16. Notwithstanding section 8.33, funds		
42 appropriated in 1995 Iowa Acts, chapter 218, section		
43 6, subsection 1, paragraph "b", remaining unencumbered		
44 or unobligated on June 30, 1996, shall not revert to		
45 the general fund of the state but shall be available		
46 for expenditure for the purposes listed in section 12,		
47 subsection 1, paragraph "b", of this Act during the		
48 fiscal year beginning July 1, 1996, and ending June		

49 30, 1997.

50 Sec. 17. MEDICAL ASSISTANCE -- SUPPLEMENTAL

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1 AMOUNTS. For the fiscal year beginning July 1, 1996,  
2 and ending June 30, 1997, the department of human  
3 services shall continue the supplemental  
4 disproportionate share and a supplemental indirect  
5 medical education adjustment applicable to state-owned  
6 acute care hospitals with more than 500 beds and shall  
7 reimburse qualifying hospitals pursuant to that  
8 adjustment with a supplemental amount for services  
9 provided medical assistance recipients. The  
10 adjustment shall generate supplemental payments  
11 intended to equal the state appropriation made to a  
12 qualifying hospital for treatment of indigent patients  
13 as provided in chapter 255. To the extent of the  
14 supplemental payments, a qualifying hospital shall,  
15 after receipt of the funds, transfer to the department  
16 of human services an amount equal to the actual  
17 supplemental payments that were made in that month.  
18 The aggregate amounts for the fiscal year shall not  
19 exceed the state appropriation made to the qualifying  
20 hospital for treatment of indigent patients as  
21 provided in chapter 255. The department of human  
22 services shall deposit the portion of these funds  
23 equal to the state share in the department's medical  
24 assistance account and the balance shall be credited  
25 to the general fund of the state. To the extent that  
26 state funds appropriated to a qualifying hospital for  
27 the treatment of indigent patients as provided in  
28 chapter 255 have been transferred to the department of  
29 human services as a result of these supplemental  
30 payments made to the qualifying hospital, the  
31 department shall not, directly or indirectly, recoup  
32 the supplemental payments made to a qualifying  
33 hospital for any reason, unless an equivalent amount  
34 of the funds transferred to the department of human  
35 services by a qualifying hospital pursuant to this  
36 provision is transferred to the qualifying hospital by  
37 the department.

38 If the state supplemental amount allotted to the  
39 state of Iowa for the federal fiscal year beginning  
40 October 1, 1996, and ending September 30, 1997,  
41 pursuant to section 1923 (f)(3) of the federal Social  
42 Security Act, as amended, or pursuant to federal  
43 payments for indirect medical education is greater  
44 than the amount necessary to fund the federal share of  
45 the supplemental payments specified in the preceding

46 paragraph, the department of human services shall  
47 increase the supplemental disproportionate share or  
48 supplemental indirect medical education adjustment by  
49 the lesser of the amount necessary to utilize fully  
50 the state supplemental amount or the amount of state

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1 funds appropriated to the state university of Iowa  
2 general education fund and allocated to the university  
3 for the college of medicine. The state university of  
4 Iowa shall transfer from the allocation for the  
5 college of medicine to the department of human  
6 services, on a monthly basis, an amount equal to the  
7 additional supplemental payments made during the  
8 previous month pursuant to this paragraph. A  
9 qualifying hospital receiving supplemental payments  
10 pursuant to this paragraph that are greater than the  
11 state appropriation made to the qualifying hospital  
12 for treatment of indigent patients as provided in  
13 chapter 255 shall be obligated as a condition of its  
14 participation in the medical assistance program to  
15 transfer to the state university of Iowa general  
16 education fund on a monthly basis an amount equal to  
17 the funds transferred by the state university of Iowa  
18 to the department of human services. To the extent  
19 that state funds appropriated to the state university  
20 of Iowa and allocated to the college of medicine have  
21 been transferred to the department of human services  
22 as a result of these supplemental payments made to the  
23 qualifying hospital, the department shall not,  
24 directly or indirectly, recoup these supplemental  
25 payments made to a qualifying hospital for any reason,  
26 unless an equivalent amount of the funds transferred  
27 to the department of human services by the state  
28 university of Iowa pursuant to this paragraph is  
29 transferred to the qualifying hospital by the  
30 department.

31 Continuation of the supplemental disproportionate  
32 share and supplemental indirect medical education  
33 adjustment shall preserve the funds available to the  
34 university hospital for medical and surgical treatment  
35 of indigent patients as provided in chapter 255 and to  
36 the state university of Iowa for educational purposes  
37 at the same level as provided by the state funds  
38 initially appropriated for that purpose.

39 The department of human services shall, in any  
40 compilation of data or other report distributed to the  
41 public concerning payments to providers under the  
42 medical assistance program, set forth reimbursements

43 to a qualifying hospital through the supplemental  
44 disproportionate share and supplemental indirect  
45 medical education adjustment as a separate item and  
46 shall not include such payments in the amounts  
47 otherwise reported as the reimbursement to a  
48 qualifying hospital for services to medical assistance  
49 recipients.

50 For purposes of this section, "supplemental

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1 payment" means a supplemental payment amount paid for  
2 medical assistance to a hospital qualifying for that  
3 payment under this section.

4 Sec. 18. For the fiscal year beginning July 1,  
5 1996, and ending June 30, 1997, the state board of  
6 regents may use notes, bonds, or other evidences of  
7 indebtedness issued under section 262.48 to finance  
8 projects that will result in energy cost savings in an  
9 amount that will cause the state board to recover the  
10 cost of the projects within an average of six years.

11 Sec. 19. Notwithstanding section 270.7, the  
12 department of revenue and finance shall pay the state  
13 school for the deaf and the Iowa braille and sight  
14 saving school the moneys collected from the counties  
15 during the fiscal year beginning July 1, 1996, for  
16 expenses relating to prescription drug costs for  
17 students attending the state school for the deaf and  
18 the Iowa braille and sight saving school.

19 Sec. 20. Section 11.6, subsection 1, paragraph a,  
20 unnumbered paragraph 1, Code 1995, is amended to read  
21 as follows:

22 The financial condition and transactions of all  
23 cities and city offices, counties, county hospitals  
24 organized under chapters 347 and 347A, memorial  
25 hospitals organized under chapter 37, entities  
26 organized under chapter 28E having gross receipts in  
27 excess of one hundred thousand dollars in a fiscal  
28 year, merged areas, area education agencies, and all  
29 school offices in school districts, shall be examined  
30 at least once each year, except that cities having a  
31 population of seven hundred or more but less than two  
32 thousand shall be examined at least once every four  
33 years, and cities having a population of less than  
34 seven hundred may be examined as otherwise provided in  
35 this section. The examination shall cover the fiscal  
36 year next preceding the year in which the audit is  
37 conducted. The examination of school offices shall  
38 include an audit of all school funds, the certified  
39 annual financial report, and the certified enrollment

40 as provided in section 257.6. ~~Examinations of~~  
41 ~~community colleges shall include an audit of eligible~~  
42 ~~and noneligible contact hours as defined in section~~  
43 ~~260D.2. Eligible and noneligible contact hours and~~  
44 ~~any differences~~ Differences in certified enrollment  
45 shall be reported to the department of management.

46 Sec. 21. Section 256.52, subsections 1 and 2, Code  
47 1995, are amended to read as follows:

48 1. The state commission of libraries consists of  
49 one member appointed by the supreme court, the  
50 director of the department of education, or the

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1 director's designee, and six members appointed by the  
2 governor to serve four-year terms beginning and ending  
3 as provided in section 69.19. Of the governor's  
4 appointees, one member shall be from the medical  
5 profession and five members selected at large. Not  
6 more than three of the members appointed by the  
7 governor shall be of the same gender. The members  
8 shall be reimbursed for their actual expenditures  
9 necessitated by their official duties. Members may  
10 also be eligible for compensation as provided in  
11 section 7E.6.

12 2. The commission shall elect one of its members  
13 as chairperson. The commission shall meet at the time  
14 and place specified by call of the chairperson. ~~Four~~  
15 Five members are a quorum for the transaction of  
16 business.

17 Sec. 22. Section 257.31, subsection 16, Code 1995,  
18 is amended to read as follows:

19 16. The committee shall perform the duties  
20 assigned to it under ~~chapter 260D and section sections~~  
21 ~~257.32 and 260C.18B.~~

22 Sec. 23. Section 257B.1A, subsections 2 through 4,  
23 if enacted by 1996 Iowa Acts, House File 570, are  
24 amended to read as follows:

25 2. For a transfer of moneys from the interest for  
26 Iowa schools fund to the first in the nation in  
27 education foundation, prior to July 1, October 1,  
28 January 1, and March 1 of each year, the governing  
29 board of the first in the nation in education  
30 foundation established in section 257A.2 shall certify  
31 to the treasurer of state the cumulative total value  
32 of cash contributions received under section 257A.7  
33 for deposit in the first in the nation in education  
34 fund and for the use of the foundation. ~~The value of~~  
35 ~~in-kind contributions shall be based upon the fair~~  
36 ~~market value of the contribution determined for income~~

37 tax purposes.

38 The portion of the permanent school fund that is  
39 equal to the cumulative total value of cash  
40 contributions, less the portion of the permanent  
41 school fund dedicated to the international center for  
42 gifted and talented education, is dedicated to the  
43 first in the nation in education foundation for that  
44 year. The interest earned on this dedicated amount  
45 shall be transferred by the treasurer of state to the  
46 credit of the first in the nation in education  
47 foundation.

48 3. a. For a transfer of moneys from the interest  
49 for Iowa schools fund to the international center  
50 endowment fund established in section 263.8A, prior to

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1 July 1, October 1, January 1, and March 1 of each  
2 year, the state university of Iowa shall certify to  
3 the treasurer of state the cumulative total value of  
4 cash contributions received and deposited in the  
5 international center endowment fund. Within fifteen  
6 days following certification by the state university  
7 of Iowa, the treasurer of state shall transfer from  
8 the interest for Iowa schools fund to the  
9 international center an amount equal to the amount of  
10 interest earned on the portion of the permanent school  
11 fund that is equal to one-half the cumulative total  
12 value of the cash contributions deposited in the  
13 international center endowment fund, not to exceed  
14 eight hundred seventy-five thousand dollars.

15 b. However, if prior to July 1, 1998, the general  
16 assembly appropriates moneys for the international  
17 center endowment fund established in section 263.8A in  
18 an aggregate amount equal to eight hundred seventy-  
19 five thousand dollars, the transfer of the interest  
20 earned based upon the cumulative value of cash  
21 contributions equal to one million seven hundred fifty  
22 thousand dollars deposited in the international center  
23 endowment fund on July 1, 1995, is no longer required  
24 under this section. If, on or after July 1, 1998, the  
25 general assembly appropriates moneys for the  
26 international center endowment fund in an aggregate  
27 amount equal to six hundred seventy-five thousand  
28 dollars, the transfer of interest earned based upon  
29 the cumulative value of cash contributions equal to  
30 one million three hundred fifty thousand dollars  
31 deposited in the international center endowment fund  
32 between July 1, 1995, and June 30, 1998, is no longer  
33 required under this section.



34 4. In addition to the moneys transferred pursuant  
 35 to subsection 3, paragraph "a", effective on the date  
 36 on which the cumulative total value of cash  
 37 contributions deposited in the international center  
 38 endowment fund between July 1, 1995, and June 30,  
 39 1998, equals or exceeds one million three hundred  
 40 fifty thousand dollars, and annually thereafter, the  
 41 treasurer of state shall transfer moneys from the  
 42 interest for Iowa schools fund to the international  
 43 center endowment fund in an amount equal to the  
 44 interest earned on six hundred seventy-five thousand  
 45 dollars in the permanent school fund.

46 Sec. 24. Section 260C.2, Code 1995, is amended by  
 47 adding the following new subsection:

48 NEW SUBSECTION. 2A. "Instructional cost center"  
 49 means one of the following areas of course offerings  
 50 of the community colleges:

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1 a. Arts and sciences cost center.  
 2 b. Vocational-technical preparatory cost center.  
 3 c. Vocational-technical supplementary cost center.  
 4 d. Adult basic education and high school  
 5 completion cost center.

6 e. Continuing and general education cost center.  
 7 Sec. 25. Section 260C.4, subsection 4, paragraph  
 8 h, Code 1995, is amended to read as follows:

9 h. This subsection is void and shall be stricken  
 10 from the Code effective June 30, ~~1995~~ 1998, except as  
 11 provided in section 260C.47.

12 Sec. 26. Section 260C.14, Code 1995, is amended by  
 13 adding the following new subsection:

14 NEW SUBSECTION. 22. Provide, within a reasonable  
 15 time, information as requested by the departments of  
 16 management and education.

17 Sec. 27. Section 260C.18, subsection 4, Code 1995,  
 18 is amended to read as follows:

19 4. State aid and supplemental state aid to be paid  
 20 in accordance with the statutes which provide such  
 21 aid.

22 Sec. 28. NEW SECTION. 260C.18A STATE AID.

23 For the fiscal year beginning July 1, 1996, and for  
 24 each succeeding fiscal year, moneys appropriated by  
 25 the general assembly from the general fund of the  
 26 state to the department of education for community  
 27 college purposes for general state financial aid,  
 28 including general financial aid to merged areas in  
 29 lieu of personal property tax replacement payments  
 30 under section 427A.13, to merged areas as defined in

31 section 260C.2, and for vocational education programs  
32 in accordance with chapters 258 and 260C, for a fiscal  
33 year, shall be allocated to each community college by  
34 the department of education in the proportion that the  
35 allocation to that community college in 1995 Iowa  
36 Acts, chapter 218, section 1, subsection 19, bears to  
37 the total appropriation made in 1995 Iowa Acts,  
38 chapter 218, section 1, subsection 19.

39 Sec. 29. NEW SECTION. 260C.18B COMMUNITY COLLEGE  
40 BUDGET REVIEW.

41 1. A community college budget review procedure is  
42 established for the school budget review committee  
43 created in section 257.30. The school budget review  
44 committee, in addition to its duties under chapter  
45 257, shall meet and hold hearings each year under this  
46 chapter to review unusual circumstances of community  
47 colleges, either upon the committee's motion or upon  
48 the request of a community college. The committee may  
49 grant supplemental state aid to the community college  
50 from funds appropriated to the department of education

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1 for community college budget review purposes.  
2 Unusual circumstances shall include but not be  
3 limited to the following:  
4 a. An unusual increase or decrease in enrollment  
5 or contact hours.  
6 b. Natural disasters.  
7 c. Unusual staffing problems.  
8 d. Unusual necessity for additional funds to  
9 permit continuance of a course or program in an  
10 instructional cost center which provides substantial  
11 benefit to students.  
12 e. Unusual need for a new course or program in an  
13 instructional cost center which will provide  
14 substantial benefit to students, if the community  
15 college establishes the need and the amount of  
16 necessary increased cost.  
17 f. Unique problems of community colleges to  
18 include vandalism, civil disobedience, and other costs  
19 incurred by community colleges.  
20 2. When the school budget review committee makes a  
21 decision under subsection 1, it shall provide written  
22 notice of its decision, including the amount of  
23 supplemental state aid approved, to the board of  
24 directors of the community college and to the  
25 department of education.  
26 3. All decisions by the school budget review  
27 committee under this chapter shall be made in

28 accordance with reasonable and uniform policies which  
29 shall be consistent with this chapter.

30 4. Failure by a community college to provide  
31 information or appear before the school budget review  
32 committee as requested for the accomplishment of  
33 review or hearing constitutes justification for the  
34 committee to instruct the department of revenue and  
35 finance to withhold supplemental state aid to that  
36 community college until the committee's inquiries are  
37 satisfied completely.

38 Sec. 30. Section 260C.22, Code 1995, is amended by  
39 adding the following new subsection:

40 NEW SUBSECTION. 4. The board of directors of any  
41 merged area that failed to certify for levy under  
42 subsection 3 by March 15, 1982, and March 15, 1983,  
43 may certify for levy by April 15, 1997, and April 15,  
44 1998, a tax on taxable property in the merged area at  
45 rates that will provide total revenues for the two  
46 years equal to five percent of the area school's  
47 general fund expenditures for the fiscal year ending  
48 June 30, 1995, in order to provide a cash reserve for  
49 that area school. As nearly as possible, one-half the  
50 revenue for the cash reserve fund shall be collected

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1 during each year.

2 The revenues derived from the levies shall be  
3 placed in a separate cash reserve fund.  
4 Notwithstanding subsection 3, moneys from the cash  
5 reserve fund established by a merged area under  
6 subsection 3 or this subsection shall be used only to  
7 alleviate temporary cash shortages and for the  
8 acquisition, lease, lease-purchase, installation, and  
9 maintenance of instructional technology equipment,  
10 including hardware and software, materials and  
11 supplies, and staff development and training related  
12 to instructional technology. If moneys from the cash  
13 reserve fund are used to alleviate a temporary cash  
14 shortage, the cash reserve fund shall be reimbursed  
15 immediately from the general fund of the community  
16 college as funds in the general fund become available,  
17 but in no case later than June 30 of the current  
18 fiscal year, to repay the funds taken from the cash  
19 reserve fund.

20 Sec. 31. Section 260C.29, subsection 3, Code  
21 Supplement 1995, is amended by adding the following  
22 new paragraphs:

23 NEW PARAGRAPH. f. Contract with other community  
24 colleges to expand the availability of program

25 services and increase the number of students served by  
26 the program.

27 NEW PARAGRAPH. g. Establish a separate account,  
28 which shall consist of all appropriations, grants,  
29 contributions, bequests, endowments, or other moneys  
30 or gifts received specifically for purposes of the  
31 program by the community college administering the  
32 program as provided in subsection 2. Not less than  
33 eighty percent of the funds received from state  
34 appropriations for purposes of the program shall be  
35 used for purposes of assistance to students as  
36 provided in subsection 5.

37 Sec. 32. Section 260C.34, Code 1995, is amended to  
38 read as follows:

39 260C.34 USES OF FUNDS.

40 Funds obtained pursuant to section 260C.17; section  
41 260C.18, subsections 3, 4, and 5 of section 260C.18;  
42 section and sections 260C.18A, 260C.18B, 260C.19, and  
43 section 260C.22 shall not be used for the construction  
44 or maintenance of athletic buildings or grounds but  
45 may be used for a project under section 260C.56.

46 Sec. 33. Section 260C.39, unnumbered paragraph 5,  
47 Code 1995, is amended to read as follows:

48 The terms of employment of personnel, for the  
49 academic year following the effective date of the  
50 agreement to combine the merged areas shall not be

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1 affected by the combination of the merged areas,  
2 except in accordance with the procedures under  
3 sections 279.15 to 279.18 and section 279.24, to the  
4 extent those procedures are applicable, or under the  
5 terms of the base bargaining agreement. The authority  
6 and responsibility to offer new contracts or to  
7 continue, modify, or terminate existing contracts  
8 pursuant to any applicable procedures under chapter  
9 279, shall be transferred to the acting, and then to  
10 the new, board of the combined merged area upon  
11 certification of a favorable vote to each of the  
12 merged areas affected by the agreement. The  
13 collective bargaining agreement of the merged area  
14 with the largest number of contact hours eligible for  
15 receiving the greatest amount of general state aid; as  
16 defined under section 260D.2; shall serve as the base  
17 agreement for the combined merged area and the  
18 employees of the merged areas which combined to form  
19 the new combined merged area shall automatically be  
20 accreted to the bargaining unit from that former  
21 merged area for purposes of negotiating the contracts

22 for the following years without further action by the  
23 public employment relations board. If only one  
24 collective bargaining agreement is in effect among the  
25 merged areas which are combining under this section,  
26 then that agreement shall serve as the base agreement,  
27 and the employees of the merged areas which are  
28 combining to form the new combined merged area shall  
29 automatically be accreted to the bargaining unit of  
30 that former merged area for purposes of negotiating  
31 the contracts for the following years without further  
32 action by the public employment relations board. The  
33 board of the combined merged area, using the base  
34 agreement as its existing contract, shall bargain with  
35 the combined employees of the merged areas that have  
36 agreed to combine for the academic year beginning with  
37 the effective date of the agreement to combine merged  
38 areas. The bargaining shall be completed by March 15  
39 prior to the academic year in which the agreement to  
40 combine merged areas becomes effective or within one  
41 hundred eighty days after the organization of the  
42 acting board of the new combined merged area,  
43 whichever is later. If a bargaining agreement was  
44 already concluded in the former merged area which has  
45 the collective bargaining agreement that is serving as  
46 the base agreement for the new combined merged area,  
47 between the former merged area board and the employees  
48 of the former merged area, that agreement is void,  
49 unless the agreement contained multiyear provisions  
50 affecting academic years subsequent to the effective

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1 date of the agreement to form a combined merged area.  
2 If the base collective bargaining agreement contains  
3 multiyear provisions, the duration and effect of the  
4 agreement shall be controlled by the terms of the  
5 agreement. The provisions of the base agreement shall  
6 apply to the offering of new contracts, or the  
7 continuation, modification, or termination of existing  
8 contracts between the acting or new board of the  
9 combined merged area and the combined employees of the  
10 new combined merged area.

11 Sec. 34. Section 260C.47, subsection 1, unnumbered  
12 paragraph 1, Code 1995, is amended to read as follows:

13 The state board of education shall establish an  
14 accreditation process for community college programs  
15 by July 1, ~~1994~~ 1997. The process shall be jointly  
16 developed and agreed upon by the department of  
17 education and the community colleges. The state  
18 accreditation process shall be integrated with the

19 accreditation process of the north central association  
 20 of colleges and schools, including the evaluation  
 21 cycle, the self-study process, and the criteria for  
 22 evaluation, which shall incorporate the standards for  
 23 community colleges developed under section 260C.48;  
 24 and shall identify and make provision for the needs of  
 25 the state that are not met by the association's  
 26 accreditation process. If a joint agreement has not  
 27 been reached by July 1, ~~1994~~ 1997, the approval  
 28 process provided under section 260C.4, subsection 4,  
 29 shall remain the required accreditation process for  
 30 community colleges. For the academic year commencing  
 31 July 1, ~~1995~~ 1998, and in succeeding school years, the  
 32 department of education shall use a two-component  
 33 process for the continued accreditation of community  
 34 college programs.

35 Sec. 35. NEW SECTION. 260C.49 RULES.

36 The department of education shall adopt rules and  
 37 definitions of terms necessary for the administration  
 38 of this chapter. The school budget review committee  
 39 shall adopt rules under chapter 17A to carry out  
 40 section 260C.18B.

41 Sec. 36. Section 261.12, subsection 1, paragraph  
 42 b, Code Supplement 1995, is amended to read as  
 43 follows:

44 b. For the fiscal year beginning July 1, ~~1995~~  
 45 1996, and for each following fiscal year, ~~two~~ three  
 46 thousand ~~nine one~~ hundred fifty dollars.

47 Sec. 37. NEW SECTION. 261.21 NATIONAL GUARD  
 48 TUITION AID PROGRAM.

49 1. Subject to an appropriation of sufficient funds  
 50 by the general assembly, a member of the national

Page 30

1 guard who meets the eligibility requirements of this  
 2 subsection is entitled to attend and pursue any  
 3 undergraduate course of study at a community college  
 4 as defined in chapter 260C, or an institution of  
 5 higher learning under the control of the state board  
 6 of regents upon the payment by the member personally  
 7 of fifty percent of the tuition charged by the  
 8 community college or institution of higher learning.  
 9 The remaining tuition shall be paid by the college  
 10 student aid commission from funds appropriated by the  
 11 general assembly. To be eligible for tuition aid  
 12 under this section, a national guard member shall meet  
 13 the following conditions:

14 a. Be a resident of the state and a member of an  
 15 Iowa army or air national guard unit throughout each

16 semester or duration of the vocational program for  
17 which the member has applied for benefits.

18 b. Have satisfactorily completed required initial  
19 active duty training.

20 c. Have maintained satisfactory performance of  
21 duty upon return from initial active duty training,  
22 including attending a minimum ninety percent of  
23 scheduled drill dates and attending annual training.

24 d. Have satisfactorily met the entrance  
25 requirements for admission to a community college, or  
26 institution of higher learning under the control of  
27 the state board of regents, and maintain satisfactory  
28 academic progress.

29 e. Have provided proper notice of national guard  
30 status to the community college or institution at the  
31 time of registration for the term in which tuition  
32 benefits are sought.

33 f. Apply to the adjutant general of Iowa, who  
34 shall determine eligibility and whose decision is  
35 final.

36 2. Participation in the tuition aid program by an  
37 accredited private institution, as defined in section  
38 261.9, is voluntary. Subject to an appropriation of  
39 sufficient funds by the general assembly, a member of  
40 the Iowa national guard who meets the eligibility  
41 requirements of subsection 1, except for subsection 1,  
42 paragraph "d", is entitled to attend and pursue any  
43 undergraduate course of study at any participating  
44 accredited private institution, as defined in section  
45 261.9, upon admission to the institution and payment  
46 of tuition less an amount equal to fifty percent of  
47 the resident tuition rate established for institutions  
48 of higher learning under the control of the state  
49 board of regents. The remaining tuition, not to  
50 exceed fifty percent of the resident tuition rate for

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1 a regents university, shall be paid by the college  
2 student aid commission from funds appropriated by the  
3 general assembly.

4 3. An eligible member of the national guard,  
5 attending an educational institution as a full-time  
6 student, shall not receive tuition aid under this  
7 section for more than eight semesters, or if attending  
8 as a part-time student, not more than sixteen  
9 semesters of undergraduate study, or the trimester or  
10 quarter equivalent. A guard member who has met the  
11 educational requirements for a baccalaureate degree is  
12 ineligible for tuition aid under this section.

13 4. The eligibility of applicants shall be  
 14 certified by the adjutant general of Iowa to the  
 15 college student aid commission, and all amounts that  
 16 are or become due to a community college, accredited  
 17 private institution, or institution of higher learning  
 18 under the control of the state board of regents under  
 19 this section shall be paid to the college or  
 20 institution by the college student aid commission upon  
 21 receipt of certification by the president or governing  
 22 board of the educational institution as to accuracy of  
 23 charges made, and as to the attendance of the  
 24 individual at the educational institution. The  
 25 college student aid commission shall maintain an  
 26 annual record of the number of participants and the  
 27 tuition dollar value of the participation.

28 5. The college student aid commission shall adopt  
 29 rules pursuant to chapter 17A to administer this  
 30 section.

31 Sec. 38. Section 261.25, subsections 1 and 3, Code  
 32 Supplement 1995, are amended to read as follows:

33 1. There is appropriated from the general fund of  
 34 the state to the commission for each fiscal year the  
 35 sum of ~~thirty-five~~ thirty-eight million six hundred  
 36 sixty-four thousand seven hundred fifty dollars for  
 37 tuition grants.

38 3. There is appropriated from the general fund of  
 39 the state to the commission for each fiscal year the  
 40 sum of one million ~~four~~ six hundred ~~twenty-four~~ eighty  
 41 thousand ~~seven~~ two hundred ~~eighty~~ fifty-seven dollars  
 42 for vocational-technical tuition grants.

43 Sec. 39. Section 261.48, unnumbered paragraph 4,  
 44 Code 1995, is amended by striking the unnumbered  
 45 paragraph.

46 Sec. 40. Section 261C.6, subsection 2, unnumbered  
 47 paragraph 2, Code 1995, is amended to read as follows:

48 A pupil is not eligible to enroll on a full-time  
 49 basis in an eligible postsecondary institution and  
 50 receive payment for all courses in which a student is

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1 enrolled. If an eligible postsecondary institution is  
 2 a community college established under chapter 260C,  
 3 the contact hours of a pupil for which a tuition  
 4 reimbursement amount is received are not contact hours  
 5 eligible for general aid under chapter 260D.

6 Sec. 41. Section 262.9, subsection 4, unnumbered  
 7 paragraph 1, Code Supplement 1995, is amended to read  
 8 as follows:

9 Manage and control the property, both real and



10 personal, belonging to the institutions. The board  
11 shall purchase or require the purchase of, when the  
12 price is reasonably competitive and the quality as  
13 intended, ~~and in keeping with the schedule established~~  
14 ~~in this subsection, soybean-based inks and plastic~~  
15 ~~products with recycled content, including but not~~  
16 ~~limited to plastic garbage can liners. For purposes~~  
17 ~~of this subsection, "recycled content" means that the~~  
18 ~~content of the product contains a minimum of thirty~~  
19 ~~percent postconsumer material. All inks purchased~~  
20 ~~that are used internally or are contracted for by the~~  
21 ~~board shall be soybean-based to the extent~~  
22 ~~formulations for such inks are available.~~

23 Sec. 42. Section 262.9, subsection 4, paragraphs  
24 a, b, and c, Code Supplement 1995, are amended by  
25 striking the paragraphs.

26 Sec. 43. Section 262.9, subsection 10, Code  
27 Supplement 1995, is amended by striking the  
28 subsection.

29 Sec. 44. Section 262.9, Code Supplement 1995, is  
30 amended by adding the following new subsection:  
31 **NEW SUBSECTION. 30.** By January 1 annually, submit  
32 a report to the general assembly and the legislative  
33 fiscal bureau on the facilities overhead use allowance  
34 and the amount of building and equipment use  
35 allowances of the overall indirect cost recovery on  
36 federally sponsored research programs. The report  
37 shall include the individual institutional policies of  
38 distribution of the federal facilities overhead use  
39 allowance within each institution of higher learning  
40 under the control of the board, and shall be in a  
41 format agreed to by the board and the legislative  
42 fiscal bureau.

43 Sec. 45. Section 262.34A, Code 1995, is amended to  
44 read as follows:

45 262.34A **BID REQUESTS.**

46 The state board of regents shall request bids and  
47 proposals for materials, products, supplies,  
48 provisions, and other needed articles to be purchased  
49 at public expense, from Iowa state industries as  
50 defined in section 904.802, subsection 2, when the

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1 articles are available in the requested quantity and  
2 at comparable prices and quality. The exceptions  
3 provided under section 904.808, subsection 1, shall  
4 not apply to the state board of regents.

5 Sec. 46. Section 272.2, subsection 15, if enacted  
6 by 1996 Iowa Acts, House File 455, is amended to read

7 as follows:

8 15. Adopt rules that require specificity in  
 9 written complaints that are filed by individuals who  
 10 have personal knowledge of an alleged violation and  
 11 which are accepted by the board, provide that the  
 12 jurisdictional requirements as set by the board in  
 13 administrative rule are met on the face of the  
 14 complaint before initiating an investigation of  
 15 allegations, provide that before initiating an  
 16 investigation of allegations, provide that any  
 17 investigation be limited to the allegations contained  
 18 on the face of the complaint, provide for an adequate  
 19 interval between the receipt of a complaint and public  
 20 notice of the complaint, permit parties to a complaint  
 21 to mutually agree to a resolution of the complaint  
 22 filed with the board, allow the respondent the right  
 23 to review any investigative report for accuracy with  
 24 its author prior to the submission of the report to  
 25 upon a finding of probable cause for further action by  
 26 the board, require that the conduct providing the  
 27 basis for the complaint occurred within three years of  
 28 the filing discovery of the complaint event by the  
 29 complainant unless good cause can be shown for an  
 30 extension of this limitation, and require complaints  
 31 to be resolved within one hundred eighty days unless  
 32 good cause can be shown for an extension of this  
 33 limitation.

34 Sec. 47. Section 273.3, subsection 12, Code 1995,  
 35 is amended to read as follows:

36 12. Prepare an annual budget estimating income and  
 37 expenditures for programs and services as provided in  
 38 sections 273.1 to 273.9 and chapter 256B within the  
 39 limits of funds provided under section 256B.9 and  
 40 chapter 257. The board shall give notice of a public  
 41 hearing on the proposed budget by publication in an  
 42 official county newspaper in each county in the  
 43 territory of the area education agency in which the  
 44 principal place of business of a school district that  
 45 is a part of the area education agency is located.  
 46 The notice shall specify the date, which shall be not  
 47 later than March 1 of each year, the time, and the  
 48 location of the public hearing. The proposed budget  
 49 as approved by the board shall then be submitted to  
 50 the state board of education, on forms provided by the

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1 department, no later than March 15 preceding the next  
 2 fiscal year for approval. The state board shall  
 3 review the proposed budget of each area education

4 agency and shall before April 1, either grant approval  
5 or return the budget without approval with comments of  
6 the state board included. An unapproved budget shall  
7 be resubmitted to the state board for final approval  
8 not later than April 15. For the fiscal year  
9 beginning July 1, 1999, and each succeeding fiscal  
10 year, the state board shall give final approval only  
11 to budgets submitted by area education agencies  
12 accredited by the state board or that have been given  
13 conditional accreditation by the state board.

14 Sec. 48. Section 273.3, Code 1995, is amended by  
15 adding the following new subsection:

16 **NEW SUBSECTION. 22.** Meet annually with the  
17 members of the boards of directors of the school  
18 districts located within its boundaries if requested  
19 by the school district boards.

20 Sec. 49. **NEW SECTION. 273.10 ACCREDITATION OF**  
21 **AREA EDUCATION PROGRAMS.**

22 1. The department of education shall develop, in  
23 consultation with the area education agencies, and  
24 establish an accreditation process for area education  
25 agencies by July 1, 1997. At a minimum, the  
26 accreditation process shall consist of the following:

27 a. The timely submission by an area education  
28 agency of information required by the department on  
29 forms provided by the department.

30 b. The use of an accreditation team appointed by  
31 the director of the department of education to conduct  
32 an evaluation, including an on-site visit of each area  
33 education agency. The team shall include, but is not  
34 limited to, department staff members, representatives  
35 from the school districts served by the area education  
36 agency being evaluated, area education agency staff  
37 members from area education agencies other than the  
38 area education agency that conducts the programs being  
39 evaluated for accreditation, and other team members  
40 with expertise as deemed appropriate by the director.

41 2. Prior to a visit to an area education agency,  
42 the accreditation team shall have access to that area  
43 education agency's program audit report filed with the  
44 department. After a visit to an area education  
45 agency, the accreditation team shall determine whether  
46 the accreditation standards for a program have been  
47 met and shall make a report to the director and the  
48 state board, together with a recommendation as to  
49 whether the programs of the area education agency  
50 should receive initial accreditation or remain

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1 accredited. The accreditation team shall report  
2 strengths and weaknesses, if any, for each  
3 accreditation standard and shall advise the area  
4 education agency of available resources and technical  
5 assistance to further enhance the strengths and  
6 improve areas of weakness. An area education agency  
7 may respond to the accreditation team's report.  
8 3. The state board of education shall determine  
9 whether a program of an area education agency shall  
10 receive initial accreditation or shall remain  
11 accredited. Approval of area education agency  
12 programs by the state board shall be based upon the  
13 recommendation of the director of the department of  
14 education after a study of the factual and evaluative  
15 evidence on record about each area education agency  
16 program in terms of the accreditation standards  
17 adopted by the state board.

18 Approval, if granted, shall be for a term of three  
19 years. However, the state board may grant conditional  
20 approval for a term of less than three years if  
21 conditions warrant.

22 4. If the state board of education determines that  
23 an area education agency's program does not meet  
24 accreditation standards, the director of the  
25 department of education, in cooperation with the board  
26 of directors of the area education agency, shall  
27 establish a remediation plan prescribing the  
28 procedures that must be taken to correct deficiencies  
29 in meeting the program standards, and shall establish  
30 a deadline date for correction of the deficiencies.  
31 The remediation plan is subject to the approval of the  
32 state board.

33 5. The area education agency program shall remain  
34 accredited during the implementation of the  
35 remediation plan. The accreditation team shall visit  
36 the area education agency and shall determine whether  
37 the deficiencies in the standards for the program have  
38 been corrected and shall make a report and  
39 recommendation to the director and the state board of  
40 education. The state board shall review the report  
41 and recommendation and shall determine whether the  
42 deficiencies in the program have been corrected.

43 6. If the deficiencies in an area education  
44 program have not been corrected, the agency board  
45 shall take one of the following actions within sixty  
46 days from removal of accreditation:

47 a. Merge the deficient program with a program from  
48 another accredited area education agency.

49 b. Contract with another area education agency or  
50 other public educational institution for purposes of

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1 program delivery.

2 The rules developed by the state board of education  
3 for the accreditation process shall include provisions  
4 for removal of accreditation, including provisions for  
5 proper notice to the administrator of the area  
6 education agency, each member of the board of  
7 directors of the area education agency, and the  
8 superintendents and administrators of the schools of  
9 the districts served by the area education agency.

10 Sec. 50. NEW SECTION. 273.11 STANDARDS FOR  
11 ACCREDITING AREA EDUCATION PROGRAMS.

12 1. The state board of education shall develop  
13 standards and rules for the accreditation of area  
14 education agencies by July 1, 1997. Standards shall  
15 be general in nature, but at a minimum shall identify  
16 requirements addressing the services provided by each  
17 division, as well as identifying indicators of quality  
18 that will permit area education agencies, school  
19 districts, the department of education, and the  
20 general public to judge accurately the effectiveness  
21 of area education agency services.

22 2. Standards developed shall include, but are not  
23 limited to, the following:

24 a. Support for school-community planning,  
25 including a means of assessing needs, establishing  
26 shared direction and implementing program plans and  
27 reporting progress.

28 b. Professional development programs that respond  
29 to current needs.

30 c. Support for curriculum development,  
31 instruction, and assessment for reading, language  
32 arts, math and science, using research-based  
33 methodologies.

34 d. Special education compliance and support.

35 e. Management services, including financial  
36 reporting and purchasing as requested and funded by  
37 local districts.

38 f. Support for instructional media services that  
39 supplement and support local district media centers  
40 and services.

41 g. Support for school technology planning and  
42 staff development for implementing instructional  
43 technologies.

44 h. A program and services evaluation and reporting  
45 system.

46 Sec. 51. Section 282.4, subsection 3, Code  
47 Supplement 1995, is amended to read as follows:  
48 3. Notwithstanding section 282.6, if a student has  
49 been expelled or suspended from school and has not met  
50 the conditions of the expulsion or suspension ~~and if~~

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1 ~~the student, or the parent or guardian of the student,~~  
2 ~~changes district of residence,~~ the student shall not  
3 be ~~enrolled~~ permitted to enroll in the new a school  
4 ~~district of residence~~ until the board of directors of  
5 the new school ~~district of residence~~ approves, by a  
6 majority vote, the enrollment of the student.

7 Sec. 52. Section 282.5, Code Supplement 1995, is  
8 amended to read as follows:

9 282.5 READMISSION OF STUDENT.

10 When a student is suspended by a teacher,  
11 principal, or superintendent, pursuant to section  
12 282.4, the student may be readmitted by the teacher,  
13 principal, or superintendent when the conditions of  
14 the suspension have been met, but when expelled by the  
15 board the student may be readmitted only by the board  
16 or in the manner prescribed by the board.

17 Sec. 53. Section 294A.25, subsections 7 and 8,  
18 Code Supplement 1995, are amended to read as follows:

19 7. Commencing with the fiscal year beginning July  
20 1, ~~1993~~ 1996, the amount of fifty thousand dollars for  
21 geography alliance; ~~seventy thousand dollars for~~  
22 ~~gifted and talented~~, and one hundred eighty thousand  
23 dollars for a management information system from  
24 additional funds transferred from phase I to phase  
25 III.

26 8. For the fiscal year beginning July 1, ~~1995~~  
27 1996, and ending June 30, 1997, to the department of  
28 education from phase III moneys the amount of one  
29 million two hundred fifty thousand dollars for support  
30 for the operations of the new Iowa schools development  
31 corporation and for school transformation design and  
32 implementation projects administered by the  
33 corporation. Of the amount provided in this  
34 subsection, one hundred fifty thousand dollars shall  
35 be used for the school and community planning  
36 initiative.

37 Sec. 54. Section 298.9, Code Supplement 1995, is  
38 amended to read as follows:

39 298.9 SPECIAL LEVIES.

40 If the voter-approved physical plant and equipment  
41 levy, consisting solely of a physical plant and  
42 equipment property tax levy, is voted at a special

43 election and certified to the board of supervisors  
 44 after the regular levy is made, the board shall at its  
 45 next regular meeting levy the tax and cause it to be  
 46 entered upon the tax list to be collected as other  
 47 school taxes. If the certification is filed prior to  
 48 ~~April~~ May 1, the annual levy shall begin with the tax  
 49 levy of the year of filing. If the certification is  
 50 filed after ~~April~~ May 1 in a year, the levy shall

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1 begin with the levy of the fiscal year succeeding the  
 2 year of the filing of the certification.

3 Sec. 55. FUNDS TRANSFERRED. For the fiscal year  
 4 beginning July 1, 1996, and ending June 30, 1997, the  
 5 following amounts for the purposes designated shall be  
 6 paid to the department of education from additional  
 7 funds transferred from phase I to phase III:

- 8 1. For support of the Iowa mathematics and science  
 9 coalition:  
 10 ..... \$ 50,000
- 11 2. For purposes of the Iowa law and school safety  
 12 project:  
 13 ..... \$ 75,000
- 14 3. For supplemental funds for a management  
 15 information system:  
 16 ..... \$ 120,000

17 If funds available are insufficient to fully fund  
 18 the appropriation for a management information system  
 19 under this section, the amount distributed for the  
 20 management information system shall be reduced to an  
 21 amount equal to the available funds.

22 Sec. 56. 1996 Iowa Acts, Senate File 2080, section  
 23 70, subsection 1, is amended to read as follows:

24 1. ~~Sections 260C.24 and Section 303.18, Code~~  
 25 Supplement 1995, ~~are~~ is repealed.

26 Sec. 57. 1996 Iowa Acts, Senate File 2080, section  
 27 16, is repealed.

28 Sec. 58. REPEAL -- DIRECTION TO CODE EDITOR.  
 29 Section 260C.18A, as enacted in this Act, is repealed  
 30 effective July 1, 1997. The Code editor shall strike  
 31 the reference to section 260C.18A in section 260C.34  
 32 effective July 1, 1997.

33 Sec. 59. REPEAL.

34 1. Sections 225.34, 261.45, 261.52A, and 294.15,  
 35 Code 1995, are repealed.

36 2. Chapter 260D, Code and Code Supplement 1995, is  
 37 repealed.

38 Sec. 60. EFFECTIVE DATE. The unnumbered paragraph  
 39 relating to the creation of a dental hygienist program

40 provided for in section 6, subsection 15, of this Act,  
41 being deemed of immediate importance, takes effect  
42 upon enactment.

43 Sec. 61. EFFECTIVE AND RETROACTIVE APPLICABILITY  
44 DATES. The sections of this Act which amend section  
45 260C.4, subsection 4, paragraph "h", and section  
46 260C.47, subsection 1, unnumbered paragraph 1, being  
47 deemed of immediate importance, take effect upon  
48 enactment and apply retroactively to June 30, 1994.

49 Sec. 62. Sections 3, 8, and 16 of this Act and  
50 section 59, subsection 2, of this Act, being deemed of

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1 immediate importance, take effect upon enactment."'''

S-5875

1 Amend the House amendment, S-5738, to Senate File  
2 2464, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 4, line 30, through page 5,  
5 line 2.

O. GENE MADDOX  
ALLEN BORLAUG

S-5876

1 Amend Senate File 2469 as follows:

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

4 "Sec. \_\_\_\_ . CORRECTIONAL SERVICES PILOT PROJECTS.

5 1. The general assembly recognizes that problem  
6 gamblers and persons affected by gambling who do not  
7 receive some treatment for their gambling problems are  
8 at risk to commit crimes and the gambling treatment  
9 program established in section 135.110 as enacted in  
10 this Act is designed to eliminate or reduce this risk.  
11 Therefore it is the intent of the general assembly  
12 that pilot projects be established for problem  
13 gamblers and to target other criminal offenders who  
14 are at high risk to commit a first offense or  
15 recidivate and to evaluate the progress of  
16 participants. The district court and the department  
17 of corrections shall cooperate with the first and  
18 second judicial district departments of correctional  
19 services in carrying out the pilot projects and shall  
20 assist in obtaining grants and private resources to  
21 supplement the appropriation made in subsection 2.



22 Each judicial district department of correctional  
 23 services shall file a report with the legislative  
 24 fiscal bureau by January 15, 1998, on the results of  
 25 the pilot project in the judicial district.

26 2. There is appropriated from the general fund of  
 27 the state to the department of corrections for the  
 28 fiscal year beginning July 1, 1996, and ending June  
 29 30, 1997, the following amount, or so much thereof as  
 30 is necessary, to be used for the purpose designated:

31 For distribution to the first and second judicial  
 32 district departments of correctional services to be  
 33 used in accordance with the provisions of this  
 34 section:

35 ..... \$ 100,000

36 The first and second judicial district departments  
 37 of correctional services shall utilize moneys  
 38 appropriated in this section to establish a pilot  
 39 project in each judicial district department of  
 40 correctional services to provide targeted services to  
 41 offenders convicted of a serious or aggravated  
 42 misdemeanor. The moneys appropriated in this section  
 43 shall be evenly divided between the first and second  
 44 judicial district departments of correctional  
 45 services."

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
 SENATE FILE 454

S-5877

1 Amend Senate File 454, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. NEW SECTION. 231C.1 FINDINGS AND  
 6 PURPOSE.

7 1. The general assembly finds that assisted living  
 8 is an important part of the long-term care system in  
 9 this state. Assisted living emphasizes the  
 10 independence and dignity of the individual while  
 11 providing services in a cost-effective manner.

12 2. The purposes of establishing an assisted living  
 13 program include all of the following:

14 a. To encourage the establishment and maintenance  
 15 of a safe and homelike environment for individuals of  
 16 all income levels who require assistance to live  
 17 independently but who do not require health-related  
 18 care on a continuous twenty-four-hour per day basis.

19 b. To establish standards for assisted living  
20 programs that allow flexibility in design which  
21 promotes a social model of service delivery by  
22 focusing on individual independence, individual needs  
23 and desires, and consumer-driven quality of service.

24 c. To encourage general public participation in  
25 the development of assisted living programs for  
26 individuals of all income levels.

27 Sec. 2. NEW SECTION. 231C.2 DEFINITIONS.

28 As used in this chapter, unless the context  
29 otherwise requires:

30 1. "Assisted living" means provision of housing  
31 with services which may include but are not limited to  
32 health-related care, personal care, and assistance  
33 with instrumental activities of daily living to six or  
34 more tenants in a physical structure which provides a  
35 homelike environment. "Assisted living" also includes  
36 encouragement of family involvement, tenant self-  
37 direction, and tenant participation in decisions that  
38 emphasize choice, dignity, privacy, individuality,  
39 shared risk, and independence. "Assisted living" does  
40 not include the provision of housing and assistance  
41 with instrumental activities of daily living which  
42 does not also include provision of personal care or  
43 health-related care.

44 2. "Department" means the department of elder  
45 affairs created in chapter 231 or the department's  
46 designee.

47 3. "Health-related care" means services provided  
48 by a registered nurse or a licensed practical nurse,  
49 on a part-time or intermittent basis, and services  
50 provided by other licensed health care professionals,

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1 on a part-time or intermittent basis, as defined by  
2 rule.

3 4. "Instrumental activities of daily living" means  
4 those activities that reflect the tenant's ability to  
5 perform household and other tasks necessary to meet  
6 the tenant's needs within the community, which may  
7 include but are not limited to shopping, cooking,  
8 housekeeping, chores, and traveling within the  
9 community.

10 5. "Personal care" means assistance with the  
11 essential activities of daily living which may include  
12 but are not limited to transferring, bathing, personal  
13 hygiene, dressing, grooming, housekeeping essential to  
14 the health and welfare of the tenant, and supervising  
15 of self-administered medications, but does not include

16 the administration of medications.

17 6. "Tenant" means an individual who receives  
18 assisted living services through a certified or  
19 accredited assisted living program.

20 Sec. 3. NEW SECTION. 231C.3 CERTIFICATION OR  
21 VOLUNTARY ACCREDITATION OF ASSISTED LIVING PROGRAMS.

22 1. The department shall establish, by rule in  
23 accordance with chapter 17A, a program for  
24 certification and monitoring of assisted living  
25 programs. An assisted living program which is  
26 voluntarily accredited is not required to also be  
27 certified by the department and the department shall  
28 accept voluntary accreditation in lieu of  
29 certification by the department. An assisted living  
30 program certified or voluntarily accredited under this  
31 section is exempt from the requirements of section  
32 135.63 relating to certificate of need requirements.

33 2. Each assisted living program operating in the  
34 state shall be certified with the department or shall  
35 be voluntarily accredited. The owner or manager of a  
36 certified assisted living program shall comply with  
37 the rules adopted by the department for an assisted  
38 living program. A person shall not represent an  
39 assisted living program to the public as a certified  
40 or voluntarily accredited program unless the program  
41 is certified or voluntarily accredited pursuant to  
42 this chapter.

43 3. Services provided by a certified or voluntarily  
44 accredited assisted living program may be provided  
45 directly by staff of the assisted living program, by  
46 individuals contracting with the assisted living  
47 program to provide services, or by individuals  
48 employed by the tenant or with whom the tenant  
49 contracts if the tenant agrees to assume the  
50 responsibility and risk of the employment or the

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1 contractual relationship.

2 4. The department may enter into contracts to  
3 provide certification and monitoring of assisted  
4 living programs. The department shall have full  
5 access to a program during certification and  
6 monitoring of programs seeking certification or  
7 currently certified. Upon the request of the  
8 department the entity providing accreditation of a  
9 program shall provide copies to the department of all  
10 materials related to the accreditation process.

11 Sec. 4. NEW SECTION. 231C.4 FIRE AND SAFETY  
12 STANDARDS.

13 The state fire marshal shall adopt rules, in  
 14 coordination with the department, relating to the  
 15 certification or voluntary accreditation and  
 16 monitoring of the fire and safety of certified or  
 17 voluntarily accredited assisted living programs.  
 18 Sec. 5. NEW SECTION. 231C.5 COORDINATION OF THE  
 19 LONG-TERM CARE SYSTEM.

20 1. Any person representing a program to the public  
 21 as an assisted living program prior to July 1, 1996,  
 22 shall be granted a temporary certification by the  
 23 department or shall be voluntarily accredited and  
 24 shall meet the requirements of this chapter within one  
 25 year of the issuance of the temporary certification or  
 26 voluntary accreditation to receive subsequent  
 27 certification or voluntary accreditation.

28 2. A hospital licensed pursuant to chapter 135B or  
 29 a health care facility licensed pursuant to chapter  
 30 135C may operate an assisted living program, located  
 31 in a distinct part of or separate structure under the  
 32 control of the hospital or health care facility, if  
 33 certified or voluntarily accredited pursuant to this  
 34 chapter.

35 3. This chapter shall not be construed to require  
 36 that a facility licensed as a different type of  
 37 facility also comply with the requirements of this  
 38 chapter, unless the facility is represented to the  
 39 public as a certified or voluntarily accredited  
 40 assisted living program.

41 Sec. 6. MEDICAL ASSISTANCE WAIVER. The department  
 42 of human services shall take any actions necessary to  
 43 allow a certified or voluntarily accredited assisted  
 44 living program to be a provider of personal care  
 45 services under the medical assistance home and  
 46 community-based services waiver for the elderly.

47 Sec. 7. IMPLEMENTATION. It is the intent of the  
 48 general assembly that sections 1 through 5 of this Act  
 49 be implemented following the establishment of a  
 50 funding source for implementation and administration

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1 of this Act."

S-5878

1 Amend the House amendment, S-5738, to Senate File  
 2 2464, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. By striking page 4, line 50, through page 5,  
 5 line 2, and inserting the following: "For a county, a

6 revitalization area shall include only property which  
 7 will be used as industrial property only, commercial  
 8 property, commercial property consisting of three or  
 9 more separate living quarters with at least seventy-  
 10 five percent of the space used for residential  
 11 purposes, or residential property. However, a county  
 12 shall not provide a tax exemption under this chapter  
 13 to commercial property, commercial property consisting  
 14 of three or more separate living quarters with at  
 15 least seventy-five percent of the space used for  
 16 residential purposes, or residential property which is  
 17 located within the limits of a city."

MICHAEL E. GRONSTAL  
 O. GENE MADDOX  
 ALLEN BORLAUG

S-5879

1 Amend Senate Resolution 125 as follows:  
 2 1. Page 1, line 29, by striking the word  
 3 "Administration." and inserting the following:  
 4 "Administration, or the successor to that position, as  
 5 appointed by the President of the United States,  
 6 William Jefferson Clinton, or his successor."

JIM LIND

S-5880

1 Amend the House amendment, S-5818, to Senate File  
 2 2370, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by inserting after line 31, the  
 5 following:  
 6 "\_\_\_\_. Page 11, by inserting before line 24, the  
 7 following:  
 8 "Sec. 100. NEW SECTION. 476.46 ALTERNATE ENERGY  
 9 REVOLVING LOAN PROGRAM.  
 10 1. The Iowa energy center created under section  
 11 266.39C shall establish and administer an alternate  
 12 energy revolving loan program to encourage the  
 13 development of alternate energy production facilities  
 14 and small hydro facilities within the state.  
 15 2. An alternate energy revolving loan fund is  
 16 created in the office of the treasurer of state to be  
 17 administered by the Iowa energy center. The fund  
 18 shall include moneys remitted to the fund pursuant to  
 19 subsection 3 and any other moneys appropriated or  
 20 otherwise directed to the fund. Moneys in the fund

21 shall be used to provide loans for the construction of  
22 alternate energy production facilities or small hydro  
23 facilities as defined in section 476.42. A gas or  
24 electric utility which is not required to be rate-  
25 regulated shall not be eligible for a loan under this  
26 section. A facility shall be eligible for no more  
27 than two hundred fifty thousand dollars in loans  
28 outstanding at any time under this program. Each loan  
29 shall be for a period not to exceed twenty years,  
30 shall bear no interest, and shall be repayable to the  
31 fund created under this section in installments as  
32 determined by the Iowa energy center. The interest  
33 rate upon delinquent payments shall accelerate  
34 immediately to the current legal usury limit. Any  
35 loan made pursuant to this program shall become due  
36 for payment upon sale of the facility for which the  
37 loan was made. Interest on the fund shall be  
38 deposited in the fund. Section 8.33 shall not apply  
39 to the moneys in the fund.

40 3. The board shall direct all gas and electric  
41 utilities required to be rate-regulated to remit to  
42 the treasurer of state by July 1, 1996, eighty-five  
43 one-thousandths of one percent of the total gross  
44 operating revenues during calendar year 1995 derived  
45 from their intrastate public utility operations, by  
46 July 1, 1997, eighty-five one-thousandths of one  
47 percent of the total gross operating revenues during  
48 calendar year 1996 derived from their intrastate  
49 public utility operations and by July 1, 1998, eighty-  
50 five one-thousandths of one percent of the total gross

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1 operating revenues during calendar year 1997 derived  
2 from their intrastate public lottery operations. The  
3 amounts collected pursuant to this section shall be in  
4 addition to the amounts permitted to be assessed  
5 pursuant to section 476.10 and the amounts assessed  
6 pursuant to section 476.10A. The board shall allow  
7 inclusion of these amounts in the budgets approved by  
8 the board pursuant to section 476.6, subsection 19,  
9 paragraph "a".

10 2. Page 1, by inserting after line 35, the  
11 following:

12 "— . Page 14, by inserting before line 4 the  
13 following:

14 "Sec. — . Notwithstanding the restrictions  
15 contained in section 28F.1, third and fourth  
16 unnumbered paragraphs, and section 28F.7, a municipal  
17 utility may enter into an agreement with a public

18 agency which has received for this purpose before the  
19 effective date of this Act a commitment for a United  
20 States department of energy grant, to jointly finance  
21 one wind turbine alternate energy production facility  
22 as defined in section 476.42 of not more than twenty  
23 megawatts nameplate-rated capacity, and to provide the  
24 municipal utility and other public or private agencies  
25 with electricity from the facility. An electric  
26 utility shall not be required to purchase electricity  
27 from such an alternate energy production facility  
28 pursuant to sections 476.43 and 476.44.”

29 \_\_\_\_ . Page 14, by inserting after line 5, the  
30 following:

31 “Sec. \_\_\_\_ . Section 100 of this Act being deemed of  
32 immediate importance, takes effect upon enactment.””

MICHAEL E. GRONSTAL  
BILL FINK

S-5881

1 Amend the amendment, S-5780, to the House  
2 amendment, S-5707, to Senate File 2256, as amended,  
3 passed, and reprinted by the Senate, as follows:

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

6 “Amend the House amendment, S-5707, to Senate File  
7 2256, as passed by the Senate, as follows:

8 \_\_\_\_ . By striking page 1, line 3, through page 2,  
9 line 6, and inserting the following:

10 “\_\_\_\_ . Page 1, by inserting before line 1 the  
11 following:

12 “Section 1. Section 123.47, Code Supplement 1995,  
13 is amended to read as follows:

14 123.47 PERSONS UNDER THE AGE OF EIGHTEEN --  
15 PENALTY.

16 A person shall not sell, give, or otherwise supply  
17 alcoholic liquor, wine, or beer to any person knowing  
18 or having reasonable cause to believe that person to  
19 be under the age of eighteen, and a person or persons  
20 under the age of eighteen shall not purchase or  
21 attempt to purchase, or individually or jointly have  
22 alcoholic liquor, wine, or beer in their possession or  
23 control; except in the case of liquor, wine, or beer  
24 given or dispensed to a person under the age of  
25 eighteen within a private home and with the knowledge,  
26 presence, and consent of the parent or guardian, for  
27 beverage or medicinal purposes or as administered to  
28 the person by either a physician or dentist for  
29 medicinal purposes and except to the extent that a

30 person under the age of eighteen may handle alcoholic  
 31 beverages, wine, and beer during the regular course of  
 32 the person's employment by a liquor control licensee,  
 33 or wine or beer permittee under this chapter. A  
 34 person, other than a licensee or permittee, who  
 35 violates this section regarding the purchase of or  
 36 attempt to purchase alcoholic liquor, wine, or beer  
 37 shall pay a ~~twenty-five~~ seventy-five dollar penalty."

38 \_\_\_\_ . Page 1, lines 13 through 16, by striking the  
 39 words "or with the signed, written consent of the  
 40 parent or guardian specifying the date and place for  
 41 the consumption and displayed by the person upon  
 42 demand," and inserting the following: "~~or with the~~  
 43 ~~signed, written consent of the parent or guardian~~  
 44 specifying the date and place for the consumption and  
 45 displayed by the person upon demand,"

46 \_\_\_\_ . Page 1, line 27, by striking the word  
 47 "fifty" and inserting the following: "fifty one  
 48 hundred".

49 \_\_\_\_ . Page 2, by inserting after line 2 the  
 50 following:

## Page 2

1 "Sec. \_\_\_\_ . Section 123.49, subsection 1,  
 2 unnumbered paragraph 1, Code 1995, is amended to read  
 3 as follows:

4 A person shall not sell, ~~dispense, or give to an~~  
 5 ~~intoxicated person, or one simulating intoxication, or~~  
 6 otherwise supply any alcoholic liquor beverage, wine,  
 7 or beer to any other person knowing or having  
 8 reasonable cause to believe the other person to be  
 9 intoxicated or simulating intoxication.

10 Sec. \_\_\_\_ . Section 730.5, subsection 1, Code 1995,  
 11 is amended to read as follows:

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

14 a. "drug Drug test" means any blood, urine,  
 15 saliva, chemical, or skin tissue test conducted for  
 16 the purpose of detecting the presence of a chemical  
 17 substance in an individual.

18 b. "Preemployment" means that period of time  
 19 between when a bona fide offer of employment is made  
 20 and when employment begins.

21 Sec. \_\_\_\_ . Section 730.5, subsection 2, Code 1995,  
 22 is amended to read as follows:

23 2. Except as provided in subsection 7, an employer  
 24 shall not require or request employees or applicants  
 25 for employment to submit to a drug test as a condition  
 26 of employment, preemployment, promotion, or change in



27 status of employment. An employer shall not request,  
28 require, or conduct random or blanket drug testing of  
29 employees. However, this section does not apply to  
30 preemployment drug tests authorized for peace officers  
31 or correctional officers of the state, or to drug  
32 tests required under federal statutes or under federal  
33 regulations ~~adopted as of July 1, 1990~~, or to drug  
34 tests conducted pursuant to a nuclear regulatory  
35 commission regulation, or to drug tests conducted to  
36 determine if an employee is ineligible to receive  
37 workers' compensation under section 85.16, subsection  
38 2.

39 The exemption granted by this subsection relating  
40 to drug testing pursuant to federal regulations  
41 ~~adopted as of July 1, 1990~~, is of no effect, as it  
42 applies to a particular regulation, upon a finding by  
43 a court of competent jurisdiction, including any  
44 appeal of such finding, that the particular regulation  
45 is unconstitutional or otherwise invalid. The  
46 decision of a court invalidating any regulation  
47 exempted by this section shall not be stayed pending  
48 appeal.

49 Sec. \_\_\_\_ . Section 730.5, subsection 3, paragraph  
50 a, Code 1995, is amended to read as follows:

Page 3

1 a. The employer has probable cause to believe that  
2 an employee's faculties are impaired on the job. For  
3 purposes of this paragraph, an employer has probable  
4 cause to believe that an employee's faculties are  
5 impaired on the job if the employer is investigating  
6 an accident in the workplace and all of the following  
7 conditions are met:

8 (1) The employer has reasonable grounds to believe  
9 that the employee proposed to be tested either  
10 directly caused or directly contributed to the  
11 accident.

12 (2) The employer has reasonable grounds to believe  
13 that the employee's faculties were impaired and that  
14 the impairment was likely a substantial factor in  
15 causing the accident.

16 (3) The accident results in a personal injury  
17 which requires medical treatment away from the  
18 workplace or damage to property, including equipment,  
19 in an amount reasonably estimated to exceed three  
20 thousand dollars at the time of the accident.

21 (4) Prior to the accident, the employer has  
22 provided the employee to be tested with written notice  
23 of the employer's rules or policies regarding alcohol

24 and controlled substances and testing when a workplace  
25 accident or injury occurs.

26 Sec. \_\_\_\_ . Section 730.5, subsection 3, paragraph  
27 c, Code 1995, is amended to read as follows:

28 c. The test sample withdrawn from the employee is  
29 analyzed by a laboratory or testing facility that has  
30 been approved under rules adopted by the department of  
31 public health. The laboratory or testing facility  
32 shall test for and report to the employer only the  
33 presence of alcohol or illegal controlled substances  
34 in any test sample. Upon request by an employee or  
35 applicant for employment, the employer shall provide  
36 to the employee or applicant the results of any drug  
37 test. The rules adopted by the department of public  
38 health shall provide for all of the following:

39 (1) The initial screening test may utilize  
40 immunoassay, thin layer, high performance liquid or  
41 gas chromatography, or an equivalent technology. If  
42 the initial test utilizes immunoassay, the test kit  
43 must meet the requirements of the United States food  
44 and drug administration.

45 (2) Samples which have tested positive by initial  
46 testing, with the exception of alcohol, shall be  
47 confirmed by gas chromatography-mass spectrometry or  
48 by a scientifically equivalent technique approved by  
49 the department.

50 (3) All initial positive drug test results with

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1 the exception of alcohol shall be confirmed by gas  
2 chromatography-mass spectrometry or an equivalent test  
3 approved by the department before being reported as  
4 positive or negative.

5 (4) All initial positive test results for alcohol  
6 shall be confirmed by gas chromatography, or a test  
7 that is recognized by the department as an equivalent  
8 test before being reported as positive or negative.

9 (5) Preliminary reports for drugs other than  
10 alcohol shall not be issued in the absence of  
11 confirmation by gas chromatography-mass spectrometry  
12 or a scientifically equivalent test approved by the  
13 department.

14 (6) Complete chain of custody procedures shall be  
15 used for referred specimens. When sample volumes  
16 permit, it is recommended that only an aliquot of the  
17 original specimen be sent to a reference laboratory.

18 Sec. \_\_\_\_ . Section 730.5, subsection 7, Code 1995,  
19 is amended to read as follows:

20 7. A drug test conducted as a part of a physical

21 examination performed as a part of a preemployment  
22 physical or as a part of a regularly scheduled  
23 physical is only permissible In addition to drug  
24 testing permitted by subsection 3, drug testing of an  
25 employee or applicant for employment shall also be  
26 permitted under the following circumstances:

27 a. For a drug test during a preemployment  
28 physical, the employer shall include notice that a  
29 drug test will be part of a preemployment physical in  
30 any notice or advertisement soliciting applicants for  
31 employment or in the application for employment, and  
32 an applicant for employment shall be personally  
33 informed of the requirement for a drug test at the  
34 first interview.

35 If the test sample withdrawn from the applicant is  
36 analyzed by the state hygienic laboratory or a  
37 laboratory certified by, and at the request of, the  
38 state hygienic laboratory, the cost of the initial  
39 test of the sample shall not be paid for by the  
40 employer but shall be paid for by the state.

41 b. For a drug test during a regularly scheduled  
42 physical, the employer shall give notice that a drug  
43 test will be part of the physical at least thirty days  
44 prior to the date the physical is scheduled.

45 c. For a preemployment drug test not conducted as  
46 part of a preemployment physical, the employer shall  
47 provide that any sample taken for analysis be taken  
48 under the direct supervision of a person licensed  
49 under chapter 148, 148C, 150A, or 152, and that the  
50 sample shall be analyzed by the state hygienic

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1 laboratory or a laboratory certified by, and at the  
2 request of, the state hygienic laboratory.

3 d. An employer may require an employee, as a  
4 condition of employment, to undergo testing for  
5 illegal use of drugs if that employee has been  
6 referred by the employer for substance abuse  
7 evaluation pursuant to subsection 3, paragraph "f",  
8 and treatment, if recommended by the evaluation. The  
9 employee may be required to undergo testing for  
10 illegal use of drugs without prior notice, but in no  
11 case shall more than three tests be conducted in the  
12 eighteen-month period following the employee's  
13 completion of substance abuse treatment if the  
14 treatment was recommended by the evaluation. A drug  
15 test shall not be required of an employee by an  
16 employer during drug treatment of the employee, if  
17 such testing would duplicate testing of the employee

18 conducted in the course of treatment and the employee  
 19 has waived confidentiality as to the employer of the  
 20 results of such testing. An employer shall not  
 21 require an employee to submit to testing for illegal  
 22 use of drugs under this paragraph if more than  
 23 eighteen months have elapsed since the employee  
 24 successfully completed drug treatment and the employee  
 25 has not had a drug test conducted indicating the  
 26 presence of alcohol or an illegal controlled substance  
 27 during that eighteen-month period.

28 e. If a preemployment drug test is conducted on an  
 29 applicant who does not reside in this state, the  
 30 sample taken for analysis shall be maintained under  
 31 the supervision of a comparable licensed person in the  
 32 state in which the test is conducted and the drug test  
 33 shall be performed by a laboratory certified by United  
 34 States department of health and human services.

35 Drug testing conducted under this subsection shall  
 36 conform to the requirements of subsection 3,  
 37 paragraphs "c", "d", "e", and "f"; however, paragraph  
 38 "f" shall not apply to preemployment drug tests  
 39 conducted as a part of a preemployment physical.

40 Sec. \_\_\_\_ . Section 730.5, subsection 9, paragraph  
 41 a, Code 1995, is amended to read as follows:

42 a. A person who violates this section or who aids  
 43 in the violation of this section is liable to an  
 44 aggrieved employee or applicant for employment for  
 45 affirmative relief including reinstatement or hiring,  
 46 with or without back pay, liquidated damages in the  
 47 amount of one hundred dollars for each violation, or  
 48 any other equitable relief as the court deems  
 49 appropriate including attorney fees and court costs.

50 Sec. \_\_\_\_ . Section 730.5, subsection 11, Code 1995,

## Page 6

1 is amended by striking the subsection.

2 Sec. \_\_\_\_ . Section 730.5, Code 1995, is amended by  
 3 adding the following new subsections:

4 **NEW SUBSECTION.** 12. An employer who conducts a  
 5 drug test pursuant to this section shall, for each  
 6 fiscal year beginning on or after July 1, 1996, file  
 7 an annual report with the division of labor services  
 8 of the department of employment services, on forms  
 9 provided by the division, documenting separately the  
 10 following information for all preemployment drug  
 11 tests, regularly scheduled drug tests, and drug tests  
 12 conducted pursuant to a finding of probable cause:

13 a. The number of drug tests conducted in each  
 14 category.

- 15 b. The results of drug tests conducted in each  
 16 category.  
 17 c. The number of personal injuries, and the dollar  
 18 loss for property damage, arising out of the use of  
 19 alcohol and illegal controlled substances by  
 20 employees.  
 21 d. The cumulative direct costs of drug tests in  
 22 each category.  
 23 e. The cost of substance abuse evaluation and  
 24 treatment for employees in each category.  
 25 NEW SUBSECTION. 13. Any court ordered drug test  
 26 shall not in any manner affect the rights of an  
 27 employer to conduct a drug test under this section.”  
 28 \_\_\_\_ . Title page, lines 1 and 2, by striking the  
 29 words “by persons aged eighteen, nineteen, and  
 30 twenty,” and inserting the following: “or drugs.”  
 31 \_\_\_\_ . By renumbering, relettering, or  
 32 redesignating and correcting internal references as  
 33 necessary.””

TOM VILSACK  
 RANDAL J. GIANNETTO  
 DENNIS H. BLACK

S-5882

- 1 Amend the amendment, S-5880, to the House  
 2 amendment, S-5818, to Senate File 2370 as amended,  
 3 passed, and reprinted by the Senate as follows:  
 4 1. Page 2, line 2, by striking the word “lottery”  
 5 and inserting the following: “utility”.

MICHAEL E. GRONSTAL

S-5883

- 1 Amend the amendment, S-5880, to the House  
 2 amendment, S-5818, to Senate File 2370 as amended,  
 3 passed, and reprinted by the Senate, as follows:  
 4 1. Page 1, line 40, by striking the words “gas  
 5 and”.

DENNIS H. BLACK

S-5884

- 1 Amend the amendment, S-5780, to the House  
 2 amendment, S-5707, to Senate File 2256, as amended,  
 3 passed, and reprinted by the Senate, as follows:  
 4 1. Page 1, by inserting before line 1 the

5 following:

6 "Amend the House amendment, S-5707, to Senate File  
7 2256, as passed by the Senate, as follows:

8 \_\_\_\_ . By striking page 1, line 3, through page 2,  
9 line 6, and inserting the following:

10 " \_\_\_\_ . Page 1, by inserting before line 1 the  
11 following:

12 "Section 1. Section 123.47, Code Supplement 1995,  
13 is amended to read as follows:

14 123.47 PERSONS UNDER THE AGE OF EIGHTEEN --  
15 PENALTY.

16 A person shall not sell, give, or otherwise supply  
17 alcoholic liquor, wine, or beer to any person knowing  
18 or having reasonable cause to believe that person to  
19 be under the age of eighteen, and a person or persons  
20 under the age of eighteen shall not purchase or  
21 attempt to purchase, or individually or jointly have  
22 alcoholic liquor, wine, or beer in their possession or  
23 control; except in the case of liquor, wine, or beer  
24 given or dispensed to a person under the age of  
25 eighteen within a private home and with the knowledge,  
26 presence, and consent of the parent or guardian, for  
27 beverage or medicinal purposes or as administered to  
28 the person by either a physician or dentist for  
29 medicinal purposes and except to the extent that a  
30 person under the age of eighteen may handle alcoholic  
31 beverages, wine, and beer during the regular course of  
32 the person's employment by a liquor control licensee,  
33 or wine or beer permittee under this chapter. A  
34 person, other than a licensee or permittee, who  
35 violates this section regarding the purchase of or  
36 attempt to purchase alcoholic liquor, wine, or beer  
37 shall pay a ~~twenty-five~~ seventy-five dollar penalty."

38 \_\_\_\_ . Page 1, lines 13 through 16, by striking the  
39 words "or with the signed, written consent of the  
40 parent or guardian specifying the date and place for  
41 the consumption and displayed by the person upon  
42 demand," and inserting the following: "~~or with the~~  
43 ~~signed, written consent of the parent or guardian~~  
44 ~~specifying the date and place for the consumption and~~  
45 ~~displayed by the person upon demand,~~."

46 \_\_\_\_ . Page 1, line 27, by striking the word  
47 "fifty" and inserting the following: "fifty one  
48 hundred".

49 \_\_\_\_ . Page 2, by inserting after line 2 the  
50 following:

Page 2

1 "Sec. \_\_\_\_ . Section 123.49, subsection 1,  
2 unnumbered paragraph 1, Code 1995, is amended to read  
3 as follows:

4 A person shall not sell, ~~dispense, or give to an~~  
5 ~~intoxicated person, or one simulating intoxication, or~~  
6 otherwise supply any alcoholic ~~liquor beverage~~, wine,  
7 or beer to any other person knowing or having  
8 reasonable cause to believe the other person to be  
9 intoxicated or simulating intoxication.

10 Sec. \_\_\_\_ . Section 730.5, subsection 1, Code 1995,  
11 is amended to read as follows:

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

14 a. "~~drug~~ Drug test" means any blood, urine,  
15 saliva, chemical, or skin tissue test conducted for  
16 the purpose of detecting the presence of a chemical  
17 substance in an individual.

18 b. "Employee" means employee as defined in section  
19 85.61 and includes the employer, and any chief  
20 executive officer, president, vice president,  
21 supervisor, manager, and officer of the employer.

22 Sec. \_\_\_\_ . Section 730.5, subsection 2, Code 1995,  
23 is amended to read as follows:

24 2. Except as provided in subsection 7, an employer  
25 shall not require or request employees or applicants  
26 for employment to submit to a drug test as a condition  
27 of employment, preemployment, promotion, or change in  
28 status of employment. An employer shall not request,  
29 require, or conduct random or blanket drug testing of  
30 employees. However, this section does not apply to  
31 preemployment drug tests authorized for peace officers  
32 or correctional officers of the state, or to drug  
33 tests required under federal statutes or under federal  
34 regulations ~~adopted as of July 1, 1990~~, or to drug  
35 tests conducted pursuant to a nuclear regulatory  
36 commission regulation, or to drug tests conducted to  
37 determine if an employee is ineligible to receive  
38 workers' compensation under section 85.16, subsection  
39 2.

40 The exemption granted by this subsection relating  
41 to drug testing pursuant to federal regulations  
42 ~~adopted as of July 1, 1990~~, is of no effect, as it  
43 applies to a particular regulation, upon a finding by  
44 a court of competent jurisdiction, including any  
45 appeal of such finding, that the particular regulation  
46 is unconstitutional or otherwise invalid. The  
47 decision of a court invalidating any regulation  
48 exempted by this section shall not be stayed pending

49 appeal.

50 Sec. \_\_\_\_ . Section 730.5, subsection 3, paragraph

Page 3

1 a, Code 1995, is amended to read as follows:

2 a. The employer has probable cause to believe that  
3 an employee's faculties are impaired on the job. For  
4 purposes of this paragraph, an employer has probable  
5 cause to believe that an employee's faculties are  
6 impaired on the job if the employer is investigating  
7 an accident in the workplace and all of the following  
8 conditions are met:

9 (1) The employer has reasonable grounds to believe  
10 that the employee proposed to be tested either  
11 directly caused or directly contributed to the  
12 accident.

13 (2) The accident results in a personal injury  
14 which requires medical treatment away from the  
15 workplace or damage to property, including equipment,  
16 in an amount reasonably estimated to exceed one  
17 thousand dollars at the time of the accident.

18 (3) Prior to the accident, the employer has  
19 provided the employee to be tested with written notice  
20 of the employer's rules or policies regarding alcohol  
21 and controlled substances and testing when a workplace  
22 accident or injury occurs.

23 Sec. \_\_\_\_ . Section 730.5, subsection 3, paragraph

24 c, Code 1995, is amended to read as follows:

25 c. The test sample withdrawn from the employee is  
26 analyzed by a laboratory or testing facility that has  
27 been approved under rules adopted by the department of  
28 public health. The laboratory or testing facility  
29 shall test for and report to the employer only the  
30 presence of alcohol or illegal controlled substances  
31 in any test sample. The report and information  
32 provided the employer may be both qualitative and  
33 quantitative but only concerning the presence of  
34 alcohol or an illegal controlled substance in any test  
35 sample. Upon request by an employee or applicant for  
36 employment, the employer shall provide to the employee  
37 or applicant the results of any drug test.

38 Sec. \_\_\_\_ . Section 730.5, subsection 7, Code 1995,

39 is amended to read as follows:

40 7. A drug test conducted as a part of a physical  
41 examination performed as a part of a preemployment  
42 physical or as a part of a regularly scheduled  
43 physical is only permissible In addition to drug  
44 testing permitted by subsection 3, drug testing of an  
45 employee or applicant for employment shall also be



46 permitted under the following circumstances:  
47 a. For a preemployment physical, the During a  
48 preemployment application process. The employer shall  
49 include notice that a drug test will be part of a  
50 preemployment physical application process in any

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1 notice or advertisement soliciting applicants for  
2 employment or in the application for employment, and  
3 an applicant for employment shall be personally  
4 informed of the requirement for a drug test at the  
5 first interview. However, in order to conduct a drug  
6 test pursuant to this paragraph, the employer shall  
7 provide that a preemployment application process which  
8 includes a drug test shall be required in the same  
9 manner for all job classifications of the employer in  
10 which applicants for employment are sought.

11 b. For a regularly scheduled physical, the During  
12 a regularly scheduled physical. The employer shall  
13 give notice that a drug test will be part of the  
14 physical at least thirty days prior to the date the  
15 physical is scheduled. However, in order to conduct a  
16 drug test pursuant to this paragraph, the employer  
17 shall provide that a regularly scheduled physical  
18 which includes a drug test shall be required in the  
19 same manner for all classifications of employees of  
20 the employer.

21 c. An employer may require an employee, as a  
22 condition of employment to undergo drug testing, if  
23 the employer has provided substance abuse evaluation,  
24 and treatment, if recommended by the evaluation, which  
25 have been paid for in whole or in part by the employer  
26 or its insurance carrier. The employee may be  
27 required to undergo drug testing without prior notice,  
28 but in no case shall more than four tests be conducted  
29 in the twenty-four-month period following the  
30 employee's completion of substance abuse treatment if  
31 the treatment was recommended by the evaluation. A  
32 drug test shall not be required of an employee by an  
33 employer during drug treatment of the employee, if  
34 such testing would duplicate testing of the employee  
35 conducted in the course of treatment and the employee  
36 has waived confidentiality as to the employer of the  
37 results of such testing. An employer shall not  
38 require an employee to submit to drug testing under  
39 this paragraph if more than twenty-four months have  
40 elapsed since the employee successfully completed drug  
41 treatment and the employee has not had a drug test  
42 conducted indicating the presence of alcohol or an

43 illegal controlled substance during that twenty-four-  
 44 month period.

45 Drug testing conducted under this subsection shall  
 46 conform to the requirements of subsection 3,  
 47 paragraphs "c", "d", "e", and "f"; however, paragraph  
 48 "f" shall not apply to drug tests conducted as a part  
 49 of a preemployment ~~physical~~ application process.

50 Sec. \_\_\_\_ . Section 730.5, subsection 11, Code 1995,

Page 5

1 is amended by striking the subsection.

2 Sec. \_\_\_\_ . Section 730.5, Code 1995, is amended by  
 3 adding the following new subsection:

4 NEW SUBSECTION. 12. An employer who conducts a  
 5 drug test pursuant to this section shall submit a  
 6 report annually to the labor division of the  
 7 department of employment services, documenting the  
 8 number of drug tests conducted, the results of the  
 9 tests conducted, and the direct costs associated with  
 10 the testing."''

11 2. Page 1, by striking lines 1 through 5.

12 3. By renumbering as necessary.

MARY KRAMER

HOUSE AMENDMENT TO  
 SENATE FILE 2265

S-5885

1 Amend Senate File 2265, 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 598.7A, Code Supplement 1995,  
 6 is amended to read as follows:

7 598.7A DISSOLUTION OF MARRIAGE DOMESTIC RELATIONS  
 8 PROCEEDING -- MEDIATION.

9 In addition to the custody mediation provided  
 10 pursuant to section 598.41, unless the court  
 11 determines that a history of domestic abuse exists as  
 12 specified in section 598.41, subsection 3, paragraph  
 13 "j", or unless the court determines that direct  
 14 physical harm or significant emotional harm to the  
 15 child, other children, or a parent is likely to  
 16 result, or unless the action involves a child support  
 17 or medical support obligation enforced by the child  
 18 support recovery unit, on the application of either  
 19 party, or on the court's own motion, the court ~~may~~

20 require shall determine in each domestic relations  
21 proceeding or modification of any order relating to  
22 those proceedings whether the parties to the  
23 proceeding shall participate in mediation to attempt  
24 to resolve differences between the parties relative to  
25 the granting of a marriage dissolution decree; if the  
26 court determines that mediation may effectuate a  
27 resolution of the differences without court  
28 intervention. The court may order participation in  
29 mediation at any time prior to the entering of a final  
30 order or the granting of a final decree.

31 The costs of mediation shall be paid in full or in  
32 part by the parties, as determined by the court and  
33 taxed as court costs."

34 2. Page 1, line 1, by striking the word and  
35 figure "Section 1." and inserting the following:  
36 "Sec. 2."

37 3. Page 1, by striking lines 3 through 13 and  
38 inserting the following:

39 "1. The parties to any action which involves the  
40 issues of child custody or visitation shall  
41 participate in a court-approved course to educate and  
42 sensitize the parties to the needs of any child or  
43 party during and subsequent to the proceeding within  
44 forty-five days of the service of notice and petition  
45 for the action or within forty-five days of the  
46 service of notice and application for modification of  
47 an order. Participation in the course may be waived  
48 or delayed by the court for good cause including, but  
49 not limited to, a default by any of the parties.  
50 Participation in the course is not required if the

## Page 2

1 proceeding involves termination of parental rights of  
2 any of the parties. A final decree shall not be  
3 granted or a final order shall not be entered until  
4 the parties have complied with this section."

5 4. Page 1, line 23, by inserting after the word  
6 "minimum" the following: "and as appropriate".

7 5. Page 1, by striking lines 28 and 29 and  
8 inserting the following: "responsibilities of parents  
9 following divorce."

10 6. Page 1, by inserting before line 30 the  
11 following:

12 "5. In addition to the provisions of this section  
13 relating to the required participation in a court-  
14 approved course by the parties to an action as  
15 described in subsection 1, the court may require age-  
16 appropriate counseling for children who are involved

17 in a dissolution of marriage action. The counseling  
 18 may be provided by a public or private entity approved  
 19 by the court. The costs of the counseling shall be  
 20 taxed as court costs.

21 6. The supreme court may prescribe rules to  
 22 implement this section."

23 7. Page 1, line 30, by striking the word "This"  
 24 and inserting the following: "Section 2 of this".

25 8. Title page, line 1, by inserting after the  
 26 word "to" the following: "domestic relations  
 27 including".

28 9. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2470

S-5886

1 Amend Senate File 2470, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 11 the  
 4 following:

5 "Sec. \_\_\_\_ . Section 261.12, Code Supplement 1995,  
 6 is amended by adding the following new subsection:  
 7 NEW SUBSECTION. 1A. The amount of a tuition grant  
 8 to a qualified full-time student for the summer  
 9 semester or trimester equivalent shall be one-half the  
 10 amount of the tuition grant the student receives under  
 11 subsection 1.

12 Sec. \_\_\_\_ . Section 261.12, subsection 2, Code  
 13 Supplement 1995, is amended to read as follows:

14 2. The amount of a tuition grant to a qualified  
 15 part-time student enrolled in a course of study  
 16 including at least three semester hours but fewer than  
 17 twelve semester hours for the fall, ~~and~~ spring, and  
 18 summer semesters, or the trimester or quarter  
 19 equivalent, shall be equal to the amount of a tuition  
 20 grant that would be paid to a full-time student times  
 21 a number which represents the number of hours in which  
 22 the part-time student is actually enrolled divided by  
 23 twelve semester hours, or the trimester or quarter  
 24 equivalent.

25 Sec. \_\_\_\_ . Section 261.13, Code 1995, is amended to  
 26 read as follows:

27 261.13 ANNUAL GRANT.

28 A tuition grant may be made annually for ~~both~~ the  
 29 fall, ~~and~~ spring, and summer semesters or the  
 30 trimester equivalent. Payments under the grant shall  
 31 be allocated equally among the semesters or trimesters  
 32 and shall be paid at the beginning of each semester or

33 trimester upon certification by the accredited private  
 34 institution that the student is admitted and in  
 35 attendance. If the student discontinues attendance  
 36 before the end of any semester or trimester after  
 37 receiving payment under the grant, the entire amount  
 38 of any refund due that student, up to the amount of  
 39 any payments made under the annual grant, shall be  
 40 paid by the accredited private institution to the  
 41 state."

42 2. Page 2, line 17, by striking the words  
 43 "fifteen million ~~seven~~ one hundred" and inserting the  
 44 following: "fourteen million ~~seven~~ five hundred  
 45 twenty".

46 3. Page 2, lines 26 and 27, by striking the words  
 47 "eight million ~~one~~ two hundred ~~twenty-five~~ fifty" and  
 48 inserting the following: "seven million ~~one~~ six  
 49 hundred ~~twenty-five~~ seventy".

50 4. Page 4, by striking lines 19 through 32.

Page 2

1 5. Page 5, by inserting after line 13 the  
 2 following:

- 3 \*4. To Clyde Dalbey for a claim relating to an
- 4 individual income tax refund:
- 5 ..... \$ 1,922.39
- 6 5. To Cecil Travis of Ankeny for a claim relating
- 7 to a mobile home use tax refund:
- 8 ..... \$ 420.00"

9 6. Page 6, by striking lines 12 through 14.

10 7. Page 6, by inserting after line 24 the  
 11 following:

12 "The moneys appropriated in this subsection shall  
 13 be utilized for purposes of providing information,  
 14 technical assistance, coordination, and legal advice  
 15 to groups of farmers who desire to create a value-  
 16 added cooperative. The primary goal shall be to  
 17 assist the successful development of such cooperatives  
 18 while minimizing the risks to the farmers involved."

19 8. Page 9, by inserting after line 1 the  
 20 following:

- 21 "\_\_\_ . To the department of economic development
- 22 for a grant for completion of the Cherokee area rural
- 23 economic development center in Cherokee:
- 24 ..... \$ 150,000"

25 9. Page 9, by inserting after line 30 the  
 26 following:

27 "\_\_\_ . To the department of natural resources for a  
 28 grant to the city of Sioux City for expenses  
 29 associated with the Perry creek flood control and

30 greenway project:

31 ..... \$ 100,000"

32 10. Page 10, by inserting after line 3 the

33 following:

34 "———. To the Iowa department of public health for  
35 the period beginning July 1, 1996, and ending June 30,  
36 1998, to be used for purposes of supporting a program  
37 to assist counties in testing private wells and waters  
38 of the state for pollution caused by confinement  
39 feeding operations:

40 ..... \$ 50,000

41 From moneys appropriated in this subsection, the  
42 department shall support testing programs administered  
43 by counties which may submit an application to the  
44 department to participate in the state assistance  
45 program, as provided by the department. The county  
46 shall perform testing within a test area. As used in  
47 this subsection, "test area" means an area within a  
48 two-mile radius of any structure used to store manure  
49 which is part of a confinement feeding operation.  
50 Iowa state university of science and technology shall

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1 adopt necessary standards, protocols, and criteria for  
2 testing by counties. The program shall be  
3 administered within each participating county by the  
4 county's board of health or the board's designee. The  
5 testing may be performed with volunteer assistance.  
6 However, all testing shall be performed under the  
7 supervision of a county official. The samples of the  
8 testing shall be analyzed by the state hygienic  
9 laboratory at the state university of Iowa. All  
10 moneys available under this subsection shall only be  
11 used for the following purposes:

12 a. Analyzing test samples by the state hygienic  
13 laboratory.

14 b. Performing tests by counties. However, not  
15 more than \$50 of the moneys available to a county  
16 under this subsection shall be used to pay for  
17 administering testing by the county within any test  
18 area, including labor and equipment costs, regardless  
19 of the number of tests performed by the county within  
20 the test area."

21 11. Page 10, line 19, by striking the figure  
22 "50,000" and inserting the following: "100,000".

23 12. Page 11, by inserting after line 18 the  
24 following:

25 "———. To the department of commerce for the  
26 insurance division to continue the senior health

27 insurance information program:  
 28 ..... \$ 75,000  
 29 —. To the department of elder affairs for the  
 30 older Iowans' legislature:  
 31 ..... \$ 15,000  
 32 —. To the department of natural resources for  
 33 testing of animal feeding operations and their  
 34 structures, in accordance with this subsection:  
 35 ..... \$ 185,000  
 36 The department of natural resources shall utilize  
 37 the moneys appropriated in this subsection to perform  
 38 testing of animal feeding operations and their  
 39 structures, including confinement feeding operations  
 40 and confinement feeding operation structures all as  
 41 defined in section 455B.161, and manure management and  
 42 disposal systems used by such operations. The  
 43 operations and their structures or systems must have  
 44 been constructed or installed on or before July 1,  
 45 1985. The testing shall be for the purpose of  
 46 determining the extent to which operations and their  
 47 structures and manure management and disposal systems  
 48 contribute to point and nonpoint contamination of the  
 49 state's groundwater and surface water. A person  
 50 owning or operating an animal feeding operation may

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1 cooperate with the department in carrying out this  
 2 subsection. The identity of the animal feeding  
 3 operations shall be confidential and not subject to  
 4 chapter 22. The findings of the testing shall not be  
 5 used in a case or proceeding brought against a person  
 6 based upon a violation of state law. The department  
 7 shall report its findings and recommendations to the  
 8 general assembly not later than January 15, 1998.”

9 13. Page 19, by inserting after line 33 the  
 10 following:

11 “Sec. —. INSTITUTE REFERENCE. The reference to  
 12 the “institute of public leadership” in 1996 Iowa  
 13 Acts, House File 2477, section 12, subsection 3,  
 14 paragraph “a”, if enacted, means the Iowa institute  
 15 for public leadership.”

16 14. Page 20, by inserting after line 3 the  
 17 following:

18 “Sec. —. VERTICAL INFRASTRUCTURE TASK FORCE.  
 19 Notwithstanding the membership specified for the  
 20 vertical infrastructure definition task force as  
 21 created in 1996 Iowa Acts, House File 2421, if  
 22 enacted, a representative from the national electrical  
 23 contractors association, Iowa chapter, shall be a

24 member of the task force rather than a representative  
25 from the Iowa chapter, national electrical  
26 association.”

27 15. Page 21, line 18, by inserting after the word  
28 “building” the following: “and the old historical  
29 building”.

30 16. Page 21, by inserting after line 30 the  
31 following:

32 “Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES -- LOCAL  
33 PURCHASE. There is appropriated from the general fund  
34 of the state to the department of human services for  
35 the fiscal year beginning July 1, 1995, and ending  
36 June 30, 1996, the following amount, or so much  
37 thereof as is necessary, to be used for the purpose  
38 designated:

39 For replacement of federal social services block  
40 grant funding allocated in 1995 Iowa Acts, chapter  
41 208, section 10, subsection 3, paragraphs “d” and “g”,  
42 and subsequently reduced by the federal government,  
43 for local administrative costs and other local  
44 services and for local purchase of services for  
45 persons with mental illness or mental retardation or  
46 other developmental disability:

47 ..... \$ 1,600,000

48 Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES -- SPECIAL  
49 AUTHORIZATION. Notwithstanding sections 8.33 and  
50 8.62, and any other provision of law to the contrary,

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1 not more than \$2,200,000 of moneys appropriated to the  
2 department of human services for the fiscal year  
3 beginning July 1, 1995, and ending June 30, 1996,  
4 which remain unobligated or unexpended shall not  
5 revert to the fund from which appropriated but shall  
6 remain available in the succeeding fiscal year for use  
7 as follows:

8 1. For the adolescent tracking and monitoring  
9 program, \$1,200,000.

10 2. For upgrading computer hardware, \$1,000,000.  
11 If the actual amount of moneys available pursuant  
12 to this section is less than \$2,200,000, the  
13 department shall prorate the actual amount based upon  
14 the relative amounts allocated in subsections 1 and  
15 2.”

16 17. Page 22, lines 5 and 6, by striking the words  
17 “department of personnel” and inserting the following:  
18 “Iowa public employees’ retirement system”.

19 18. Page 22, line 18, by striking the words  
20 “department of personnel” and inserting the following:



21 "Iowa public employees' retirement system".

22 19. Page 22, line 23, by striking the words

23 "department of personnel" and inserting the following:

24 "system".

25 20. Page 23, by striking lines 4 through 7 and

26 inserting the following: "to be located in southwest

27 Iowa."

28 21. Page 24, by inserting after line 28 the

29 following:

30 "Sec. \_\_\_\_ . WORKFORCE DEVELOPMENT FUND. There is

31 appropriated from the workforce development fund

32 account, as established in 1996 Iowa Acts, Senate File

33 2351, section 1, for the fiscal year beginning July 1,

34 1996, and ending June 30, 1997, to the workforce

35 development fund created in section 15.343, the

36 following amount for the purposes of the workforce

37 development fund:

38 ..... \$ 3,152,000"

39 22. By striking page 24, line 29, through page

40 25, line 19.

41 23. By striking page 25, line 20, through page

42 26, line 3.

43 24. Page 26, by striking lines 4 through 25.

44 25. Page 27, by inserting after line 23 the

45 following:

46 "Sec. \_\_\_\_ . DEPARTMENT OF HUMAN SERVICES CONTINGENT

47 REDUCTION. Notwithstanding contrary provisions of

48 section 8.41, subsection 3, as enacted by 1996 Iowa

49 Acts, House File 2256, if during the fiscal year

50 beginning July 1, 1996, the department of human

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1 services receives federal funding for child day care  
2 assistance which is unanticipated and has not been  
3 budgeted, the funding shall be used as provided in  
4 1996 Iowa Acts, Senate File 2442, section 6, if  
5 enacted, and the appropriation in that section is,  
6 reduced by up to an equivalent amount, to the extent  
7 that federal funding for child day care is not  
8 jeopardized by the reduction of the appropriation in  
9 that section.

10 Sec. \_\_\_\_ . GROUP FOSTER CARE TARGET.

11 Notwithstanding 1996 Iowa Acts, Senate File 2442,

12 section 10, subsection 2, paragraph "a", if enacted,

13 the amount allocated as the statewide expenditure

14 target under section 242.143 for group foster care

15 maintenance and services is \$23,601,280.

16 Sec. \_\_\_\_ . 1996 Iowa Acts, House File 2472, section

17 21, subsection 2, paragraph b, unnumbered paragraph 2,

18 if enacted, is amended to read as follows:

19 The department of public safety, with the approval  
20 of the department of management, may employ no more  
21 than two special agents and four gaming enforcement  
22 officers for each additional riverboat regulated after  
23 March 31, 1996, and one special agent for each racing  
24 facility which becomes operational during the fiscal  
25 year beginning July 1, 1996. One additional gaming  
26 enforcement officer, up to a total of four per boat,  
27 may be employed for each riverboat that has extended  
28 operations to 24 hours and has not previously operated  
29 with a 24-hour schedule. Positions authorized in this  
30 paragraph are in addition to the full-time equivalent  
31 positions authorized in this subsection."

32 26. Page 30, by inserting after line 18 the  
33 following:

34 "Sec. \_\_\_\_ . NEW SECTION. 28E.41 EMERGENCY  
35 SERVICES -- CONTRACTS FOR MUTUAL AID.

36 1. A city fire department, benefited fire  
37 district, or township fire department may enter into  
38 contracts providing for mutual aid regarding emergency  
39 services provided by such department or district. The  
40 contracts that are agreed upon may provide for  
41 compensation from the parties and other terms that are  
42 agreeable to the parties and may be for an indefinite  
43 period as long as they include a sixty-day  
44 cancellation notice by any party. The contracts  
45 agreed upon shall not be entered into for the purpose  
46 of reducing the number of employees of any party.

47 2. A city fire department, benefited fire  
48 district, or township fire department may provide  
49 assistance to any other such department or district in  
50 the state at the time of a significant emergency such

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1 as a fire, earthquake, flood, tornado, hazardous  
2 material incident, or other such disaster. The chief  
3 or highest ranking fire officer of an assisting  
4 department or district may render aid to a requesting  
5 department or district as long as the chief or officer  
6 is acting in accordance with the policies and  
7 procedures set forth by the governing board of the  
8 assisting department or district.

9 3. The chief or highest ranking officer of the  
10 city fire department, benefited fire district, or  
11 township fire department of the district within which  
12 the incident occurs shall maintain control of the  
13 incident in accordance with the provisions of chapter  
14 102. The chief or highest ranking officer of the

15 department or district giving mutual aid shall be in  
16 charge of the assisting departmental or district  
17 personnel."

18 27. Page 32, by inserting after line 31 the  
19 following:

20 "Sec. \_\_\_\_ . Section 159.29, subsection 2,  
21 unnumbered paragraph 1, Code 1995, is amended to read  
22 as follows:

23 An owner of an agricultural drainage well and a  
24 landholder whose land is drained by the well or wells  
25 of another person shall develop, in consultation with  
26 the department of agriculture and land stewardship and  
27 the department of natural resources, a plan which  
28 proposes alternatives to the use of agricultural  
29 drainage wells by July 1, 1996 1998."

30 28. Page 35, by inserting after line 2 the  
31 following:

32 "Sec. \_\_\_\_ . NEW SECTION. 279.8A TRAFFIC AND  
33 PARKING.

34 The board may make necessary rules to provide for  
35 the policing, control, and regulation of traffic and  
36 parking of vehicles and bicycles on school grounds.

37 The rules may provide for the use of institutional  
38 roads, driveways, and grounds; registration of  
39 vehicles and bicycles; the designation of parking  
40 areas; the erection and maintenance of signs  
41 designating prohibitions or restrictions; the  
42 installation and maintenance of parking control  
43 devices; and assessment, enforcement, and collection  
44 of reasonable penalties for the violation of the  
45 rules.

46 Rules made under this section may be enforced under  
47 procedures adopted by the board. Penalties may be  
48 imposed for violation of the rules, including, but not  
49 limited to, a reasonable monetary penalty. The rules  
50 made under this section may also be enforced by the

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1 impoundment of vehicles and bicycles for violation of  
2 the rules. The board shall establish procedures for  
3 the determination of controversies in connection with  
4 the imposition of penalties. The procedures must  
5 require giving notice of the violation and the penalty  
6 prescribed and providing the opportunity for an  
7 administrative hearing.

8 The board may contract with a city or county to  
9 enforce rules made under this section by ordinance of  
10 the city or county, and shall consult with local  
11 government transportation officials to ensure that

12 rules made pursuant to this section are not in  
13 conflict with city or county parking and traffic  
14 ordinances.

15 Sec. \_\_\_\_ . Section 356.7, as enacted by 1996 Iowa  
16 Acts, Senate File 2352, section 1, is amended to read  
17 as follows:

18 356.7 CHARGE FOR ROOM AND BOARD -- LIEN.

19 1. The county sheriff may charge a prisoner who is  
20 eighteen years of age or older for the room and board  
21 provided to the prisoner while in the custody of the  
22 county sheriff. Moneys collected by the sheriff under  
23 this section shall be credited to the county general  
24 fund and distributed as provided in this section. If  
25 a prisoner fails to pay for the room and board, the  
26 sheriff may file a room and board reimbursement lien  
27 as provided in subsection 2. The county attorney may  
28 file the room and board reimbursement lien on behalf  
29 of the sheriff and the county. This section does not  
30 apply to prisoners who are paying for their room and  
31 board by court order pursuant to sections 356.26  
32 through 356.35.

33 2. The sheriff or the county attorney, on behalf  
34 of the sheriff, may file a room and board  
35 reimbursement lien with the clerk of the district  
36 court which shall include all of the following  
37 information, if known:

38 a. The name and date of birth of the person whose  
39 property or other interests are subject to the lien.

40 b. The present address of the residence and  
41 principal place of business of the person named in the  
42 lien.

43 c. The criminal proceeding pursuant to which the  
44 lien is filed, including the name of the court, the  
45 title of the action, and the court's file number.

46 d. The name and address of the sheriff or the name  
47 and address of the county attorney who is filing the  
48 lien on behalf of the sheriff.

49 e. A statement that the notice is being filed  
50 pursuant to this section.

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1 f. The amount of room and board reimbursement the  
2 person has been ordered to pay or is likely to be  
3 ordered to pay.

4 3. The filing of a room and board reimbursement  
5 lien in accordance with this section creates a lien in  
6 favor of the sheriff in any personal or real property  
7 identified in the lien to the extent of the interest  
8 held in that property by the person named in the lien.

9 4. This section does not limit the right of the  
10 sheriff to obtain any other remedy authorized by law.

11 5. Of the moneys collected and credited to the  
12 county general fund as provided in this section, sixty  
13 percent of the moneys collected shall be used for the  
14 following purposes:

15 a. Courthouse security equipment and law  
16 enforcement personnel costs.

17 b. Infrastructure improvements of a jail including  
18 new or remodeling costs.

19 c. Infrastructure improvements of juvenile  
20 detention facilities, including new or remodeling  
21 costs.

22 The sheriff may submit a plan or recommendations to  
23 the county board of supervisors for the use of the  
24 funds as provided in this subsection or the sheriff  
25 and board may jointly develop a plan for the use of  
26 the funds. Subject to the requirements of this  
27 subsection, funds may be used in the manner set forth  
28 in an agreement entered into under chapter 28E.

29 The county board of supervisors shall review the  
30 plan or recommendations submitted by the sheriff  
31 during the normal budget process of the county.

32 Sec. \_\_\_\_ . Section 602.8107, subsection 2,  
33 paragraph d, Code Supplement 1995, is amended to read  
34 as follows:

35 d. Court costs, including correctional fees  
36 assessed pursuant to sections 356.7 and 904.108,  
37 court-appointed attorney fees, or public defender  
38 expenses."

39 29. Page 35, by inserting after line 32 the  
40 following:

41 "Sec. \_\_\_\_ . Section 613.17, Code 1995, is amended  
42 to read as follows:

43 **613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.**

44 A person, who in good faith renders emergency care  
45 or assistance without compensation, shall not be  
46 liable for any civil damages for acts or omissions  
47 occurring at the place of an emergency or accident or  
48 while the person is in transit to or from the  
49 emergency or accident or while the person is at or  
50 being moved to or from an emergency shelter unless

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1 such acts or omissions constitute recklessness. For  
2 purposes of this section, if a volunteer fire fighter,  
3 a volunteer operator or attendant of an ambulance or  
4 rescue squad service, a volunteer paramedic, a  
5 volunteer emergency medical technician, or a volunteer

6 registered member of the national ski patrol system  
 7 receives nominal compensation not based upon the value  
 8 of the services performed, that person shall be  
 9 considered to be receiving no compensation. The  
 10 operation of a motor vehicle in compliance with  
 11 section 321.231 by a volunteer fire fighter, volunteer  
 12 operator, or attendant of an ambulance or rescue squad  
 13 service, a volunteer paramedic, or volunteer emergency  
 14 medical technician shall be considered rendering  
 15 emergency care or assistance for purposes of this  
 16 section. For purposes of this section, a person  
 17 rendering emergency care or assistance includes a  
 18 person involved in a workplace rescue arising out of  
 19 an emergency or accident."

20 30. Page 36, by inserting after line 5 the  
 21 following:

22 "Sec. \_\_\_\_ . Section 904.108, Code 1995, is amended  
 23 by adding the following new subsection:

24 NEW SUBSECTION. 7. The director may charge an  
 25 inmate a correctional fee for custodial expenses  
 26 incurred or which may be incurred while the inmate is  
 27 in the custody of the department. The custodial  
 28 expenses may include, but are not limited to, board  
 29 and room, medical and dental fees, education costs,  
 30 clothing costs, and the costs of supervision,  
 31 services, and treatment to the inmate. The  
 32 correctional fee shall not exceed the actual cost of  
 33 keeping the inmate in custody. The correctional fees  
 34 shall be assessed as court costs and any correctional  
 35 fees collected pursuant to this subsection shall be  
 36 credited to the general fund of the state. The  
 37 correctional fees shall be collected as other court  
 38 costs pursuant to section 602.8107. This subsection  
 39 does not limit the right of the director to obtain any  
 40 other remedy authorized by law."

41 31. Page 36, by inserting after line 9 the  
 42 following:

43 "DIVISION 101  
 44 ECONOMIC DEVELOPMENT AND RELATED APPROPRIATIONS  
 45 AND STATUTORY CHANGES

46 Sec. 150. There is appropriated from the general  
 47 fund of the state and other designated funds to the  
 48 department of economic development for the fiscal year  
 49 beginning July 1, 1996, and ending June 30, 1997, the  
 50 following amounts, or so much thereof as is necessary,

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1 to be used for the purposes designated:

2 1. ADMINISTRATIVE SERVICES DIVISION

3 a. General administration

4 For salaries, support, maintenance, miscellaneous  
 5 purposes, and for providing that a business receiving  
 6 moneys from the department for the purpose of job  
 7 creation shall make available ten percent of the new  
 8 jobs created for promise jobs program participants who  
 9 are qualified for the jobs created and for not more  
 10 than the following full-time equivalent positions:

11 ..... \$ 1,405,687  
 12 ..... FTEs 23.75

13 The director shall coordinate efforts with the  
 14 workforce coordinator and the department of workforce  
 15 development if enacted by Senate File 2409, to  
 16 implement the intent of the general assembly regarding  
 17 businesses receiving job creation moneys and shall  
 18 report to the joint appropriations subcommittee on  
 19 economic development regarding the number of jobs to  
 20 be created by each business, the number of qualified  
 21 promise jobs participants applying with the business,  
 22 and the number of promise jobs participants hired.

23 b. Film office

24 For salaries, support, maintenance, miscellaneous  
 25 purposes, and for not more than the following full-  
 26 time equivalent positions:

27 ..... \$ 199,341  
 28 ..... FTEs 2.00

29 2. BUSINESS DEVELOPMENT DIVISION

30 a. Business development operations

31 For salaries, support, maintenance, miscellaneous  
 32 purposes, for not more than the following full-time  
 33 equivalent positions, for allocating \$495,000 to the  
 34 heartland technology network, \$150,000 to the graphic  
 35 arts center, and \$100,000 to the university of  
 36 northern Iowa for operation of industrial technology  
 37 programs at the Iowa plastics technology center  
 38 located in Waverly, Iowa, for allocating \$75,000 for  
 39 the purposes of the regulatory assistance program, and  
 40 for allocating \$60,000, and up to a 0.50 full-time  
 41 equivalent position to administer the heartland  
 42 technology network, the graphic arts technology  
 43 center, and the plastics technology center:

44 ..... \$ 3,890,775  
 45 ..... FTEs 17.75

46 b. Small business programs

47 For salaries, support, maintenance, miscellaneous  
 48 purposes, and for not more than the following full-  
 49 time equivalent positions for the small business  
 50 program, the small business advisory council, and

Page 12

1 targeted small business program:

2 ..... \$ 498,756

3 ..... FTEs 6.00

4 c. Federal procurement office

5 For salaries, support, maintenance, miscellaneous

6 purposes, and for not more than the following full-

7 time equivalent positions:

8 ..... \$ 96,492

9 ..... FTEs 3.00

10 Notwithstanding section 8.33, moneys remaining

11 unencumbered or unobligated on June 30, 1997, shall

12 not revert and shall be available for expenditure

13 during the fiscal year beginning July 1, 1997, for the

14 same purposes.

15 d. Strategic investment fund

16 For deposit in the strategic investment fund for

17 salaries, support, for not more than the following

18 full-time equivalent positions, and for allocating

19 from the funds remaining unobligated in the Wallace

20 technology transfer foundation fund on June 30, 1996,

21 notwithstanding section 8.33, \$200,000 for a study

22 regarding the feasibility of establishing an Iowa-

23 based airline:

24 ..... \$ 6,707,638

25 ..... FTEs 10.50

26 As a condition of any portion of the appropriation

27 made under this lettered paragraph being used for

28 awards from the community economic betterment account,

29 the department shall provide that awards under the

30 program of \$500,000 or more must be to businesses able

31 to pay at least 130 percent of the average county

32 wage, shall review the wage cap in high wage counties

33 and provide that it is tied to an appropriate inflator

34 for determining eligibility for awards, and shall

35 provide, in addition to all other existing

36 requirements for awards from the community economic

37 betterment account, that the remaining 10 percent of

38 the funds shall be transferred by the department to

39 other programs within the strategic investment fund

40 and used for purposes other than the community

41 economic betterment program if, after 90 percent of

42 funds in the account have been obligated for the

43 fiscal year, either of the following conditions have

44 not been met:

45 (1) All projects approved have starting wages not

46 less than 90 percent of the lesser of either the

47 average county wage or the average regional wage, as

48 compiled annually by the department for the community



49 economic betterment program. For the purposes of this  
50 lettered paragraph, the average regional wage shall be

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1 compiled based upon the service delivery areas in  
2 section 84B.2, if enacted by 1996 Iowa Acts, Senate  
3 File 2409.

4 (2) The average starting wage for the businesses  
5 for which the awards were made under the program shall  
6 exceed 100 percent of the statewide average wage.

7 Additionally, the department shall provide an  
8 annual report on the progress made by the department  
9 in making the community economic betterment program a  
10 self-sustaining, revolving loan program.

11 e. Targeted small business incubator

12 Moneys appropriated for fiscal year 1995-1996 and  
13 not expended by June 30, 1996, shall not revert but  
14 shall be held by the department for funding, with  
15 local matching funds, the targeted small business  
16 incubator in Des Moines for the fiscal year beginning  
17 July 1, 1996, and ending June 30, 1997.

18 f. Insurance economic development

19 There is appropriated from moneys collected by the  
20 division of insurance in excess of the anticipated  
21 gross revenues under section 505.7, subsection 3, to  
22 the department for the fiscal year beginning July 1,  
23 1996, and ending June 30, 1997, the following amount,  
24 or so much thereof as is necessary, for insurance  
25 economic development and international insurance  
26 economic development:

27 ..... \$ 200,000

28 g. Value-added agriculture

29 There is appropriated from the moneys available to  
30 support value-added agricultural products and  
31 processes, four percent, or so much thereof as is  
32 necessary, of the total moneys available to support  
33 value-added agricultural products and processes  
34 pursuant to section 423.24 each quarter for  
35 administration of the value-added agricultural  
36 products and processes financial assistance program as  
37 provided in section 15E.111, including salaries,  
38 support, maintenance, miscellaneous purposes, and for  
39 not more than 2.00 FTEs.

40 3. COMMUNITY DEVELOPMENT DIVISION

41 a. Community assistance

42 For salaries, support, maintenance, miscellaneous  
43 purposes, and for not more than the following full-  
44 time equivalent positions for administration of the  
45 community economic preparedness program, the Iowa

46 community betterment program, and the city development  
 47 boards:  
 48 ..... \$ 578,943  
 49 ..... FTEs 8.50  
 50 There is also appropriated from the rural community

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1 2000 program revolving fund established in section  
 2 15.287 to the community assistance program for the  
 3 purposes of the community economic preparedness  
 4 program:  
 5 ..... \$ 50,000

6 b. Main street/rural main street program  
 7 For salaries and support for not more than the  
 8 following full-time equivalent positions:  
 9 ..... \$ 413,530  
 10 ..... FTEs 3.00

11 Notwithstanding section 8.33, moneys committed to  
 12 grantees under contract from the general fund of the  
 13 state that remain unexpended on June 30 of the fiscal  
 14 year shall not revert to any fund but shall be  
 15 available for expenditure for purposes of the contract  
 16 during the succeeding fiscal year.

17 c. Rural development program  
 18 For salaries, support, maintenance, miscellaneous  
 19 purposes, for not more than the following full-time  
 20 equivalent positions, for rural resource coordination,  
 21 rural community leadership, rural innovations grant  
 22 program, and the rural enterprise fund and for  
 23 allocating \$100,000 for the purposes of the  
 24 microbusiness rural enterprise assistance program  
 25 under section 15.114:  
 26 ..... \$ 711,181  
 27 ..... FTEs 4.50

28 There is also appropriated from the rural community  
 29 2000 program revolving fund established in section  
 30 15.287 to the rural development program for the  
 31 purposes of the program including the rural enterprise  
 32 fund and collaborative skills development training:  
 33 ..... \$ 351,000

34 Notwithstanding section 8.33, moneys committed to  
 35 grantees under contract from the general fund of the  
 36 state or through transfers from the Iowa community  
 37 development loan fund or from the rural community 2000  
 38 program revolving fund that remain unexpended at the  
 39 end of the fiscal year shall not revert but shall be  
 40 available for expenditure for purposes of the contract  
 41 during the succeeding fiscal year.

42 d. Community development block grant and HOME

43 For administration and related federal housing and  
 44 urban development grant administration for salaries,  
 45 support, maintenance, miscellaneous purposes, and for  
 46 not more than the following full-time equivalent  
 47 positions:  
 48 ..... \$ 403,974  
 49 ..... FTEs 18.75  
 50 e. Councils of governments

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1 There is appropriated from the rural community 2000  
 2 program revolving fund established in section 15.287  
 3 to provide to Iowa's councils of governments funds for  
 4 planning and technical assistance funds to assist  
 5 local governments to develop community development  
 6 strategies for addressing long-term and short-term  
 7 community needs:

8 ..... \$ 178,000

9 f. Councils of governments  
 10 For distributing on a per capita basis to each  
 11 council of governments:  
 12 ..... \$ 50,000

13 g. Housing development fund  
 14 For providing technical assistance to communities  
 15 of all sizes and local financial institutions to help  
 16 meet local housing needs and to provide and transfer  
 17 matching funds for the HOME program:  
 18 ..... \$ 1,300,000

19 Notwithstanding section 8.33, moneys committed to  
 20 grantees under contract from the housing development  
 21 fund and moneys transferred for matching funds for the  
 22 HOME program that remain unexpended or unobligated on  
 23 June 30 of the fiscal year shall not revert to any  
 24 fund but shall be available for obligation and  
 25 expenditure for purposes of those programs during the  
 26 succeeding fiscal year.

27 4. INTERNATIONAL DIVISION

28 a. International trade operations  
 29 For salaries, support, maintenance, miscellaneous  
 30 purposes, for not more than the following full-time  
 31 equivalent positions, and for allocating \$100,000 to  
 32 promote trade opportunities in Korea and the Pacific  
 33 rim:

34 ..... \$ 1,027,950  
 35 ..... FTEs 10.00

36 From among the full-time equivalent positions  
 37 authorized by this paragraph, one position shall  
 38 concentrate on the export sale of grain, one on the  
 39 export sale of livestock, and one on the export sale

40	of value-added agricultural products.		
41	b. Foreign trade offices		
42	For salaries, support, maintenance, and		
43	miscellaneous purposes:		
44	.....	\$	595,250
45	c. Export trade assistance program		
46	For export trade activities, including a program to		
47	encourage and increase participation in trade shows		
48	and trade missions by providing financial assistance		
49	to businesses for a percentage of their costs of		
50	participating in trade shows and trade missions, by		

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1	providing for the lease/sublease of showcase space in		
2	existing world trade centers, by providing temporary		
3	office space for foreign buyers, international		
4	prospects, and potential reverse investors, and by		
5	providing other promotional and assistance activities,		
6	including salaries and support for not more than the		
7	following full-time equivalent position:		
8	.....	\$	275,000
9	.....	FTEs	0.25
10	d. Agricultural product advisory council		
11	For support, maintenance, and miscellaneous		
12	purposes:		
13	.....	\$	1,300
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:		
22	.....	\$	100,000
23	5. TOURISM DIVISION		
24	a. Tourism operations		
25	For salaries, support, maintenance, miscellaneous		
26	purposes, for not more than the following full-time		
27	equivalent positions, and for allocating \$100,000 for		
28	a grant program for annual community celebrations of		
29	Iowa's agricultural heritage, provided that the		
30	appropriation shall not be used for advertising		
31	placements for in-state and out-of-state tourism		
32	marketing:		
33	.....	\$	825,212
34	.....	FTEs	18.52
35	b. Tourism advertising		
36	For contracting exclusively for tourism advertising		

37 for in-state and out-of-state tourism marketing  
 38 services, tourism promotion programs, electronic  
 39 media, print media, and printed materials:  
 40 ..... \$ 2,737,000  
 41 The department shall not use the moneys  
 42 appropriated in this lettered paragraph, unless the  
 43 department develops public-private partnerships with  
 44 Iowa businesses in the tourism industry, Iowa tour  
 45 groups, Iowa tourism organizations, and political  
 46 subdivisions in this state to assist in the  
 47 development of advertising efforts. The department  
 48 shall, to the fullest extent possible, develop  
 49 cooperative efforts for advertising with contributions  
 50 from other sources.

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1 c. Welcome center program  
 2 To provide tourism materials for welcome centers:  
 3 ..... \$ 100,000  
 4 Sec. \_\_\_\_ . Notwithstanding section 15E.120,  
 5 subsections 5, 6, and 7, and section 15.287, there is  
 6 appropriated from the Iowa community development loan  
 7 fund all the moneys available during the fiscal year  
 8 beginning July 1, 1996, and ending June 30, 1997, to  
 9 the department of economic development for the rural  
 10 development program to be used by the department for  
 11 the purposes of the program.  
 12 Sec. \_\_\_\_ . Notwithstanding section 15.251,  
 13 subsection 2, there is appropriated from the job  
 14 training fund to the department of economic  
 15 development for the fiscal year beginning July 1,  
 16 1996, and ending June 30, 1997, the following amounts,  
 17 or so much thereof as is necessary, to be used for the  
 18 purposes designated:  
 19 For administration of chapter 260E, including  
 20 salaries, support, maintenance, miscellaneous  
 21 purposes, and for not more than the following full-  
 22 time equivalent positions:  
 23 ..... \$ 160,000  
 24 ..... FTEs 2.40  
 25 Appropriations to the department of economic  
 26 development for administration of chapter 260E and the  
 27 department of employment services for the target  
 28 alliance program shall be funded on a proportional  
 29 basis if receipts to the job training fund are  
 30 insufficient to fund both appropriations in their  
 31 entirety.  
 32 Sec. \_\_\_\_ . Of all funds appropriated to or receipts  
 33 credited to the job training fund created in section

34 260F.6, subsection 1, up to \$125,000 for the fiscal  
 35 year beginning July 1, 1996, and ending June 30, 1997,  
 36 and not more than 1.30 of the full-time equivalent  
 37 positions may be used for the administration of the  
 38 Iowa small business new job training Act.

39 Sec. \_\_\_\_ . Notwithstanding section 423.24,  
 40 subsection 1, paragraph "b", subparagraph (1), there.  
 41 is appropriated for the fiscal year beginning July 1,  
 42 1996, and ending June 30, 1997, \$100,000 of the total  
 43 revenues collected pursuant to section 423.7 and  
 44 deposited in the value-added agricultural products and  
 45 processes financial assistance fund, pursuant to  
 46 section 423.24, subsection 1, paragraph "b",  
 47 subparagraph (1), to the Iowa cooperative extension  
 48 service in agriculture and home economics at Iowa  
 49 state university of science and technology for  
 50 administration of the Iowa grain quality initiative.

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1 Sec. \_\_\_\_ . The Iowa seed capital corporation is  
 2 authorized up to 5.00 FTEs. The seed capital  
 3 corporation shall not make any new investments after  
 4 June 30, 1997. The portfolio of investments held by  
 5 the seed capital corporation on June 30, 1997, shall  
 6 be transferred to a private entity for management of  
 7 the investments.

8 Sec. \_\_\_\_ . There is appropriated from the general  
 9 fund of the state to the Iowa state university of  
 10 science and technology for the fiscal year beginning  
 11 July 1, 1996, and ending June 30, 1997, the following  
 12 amounts, or so much thereof as is necessary, to be  
 13 used for the purposes designated:

14 1. For funding and maintaining in their current  
 15 locations the existing small business development  
 16 centers, and for not more than the following full-time  
 17 equivalent positions:

18 .....	\$	1,216,245
19 .....	FTEs	5.80

20 2. For funding the institute for physical research  
 21 and technology, provided that \$318,358 shall be  
 22 allocated to the industrial incentive program in  
 23 accordance with the intent of the general assembly,  
 24 and for not more than the following full-time  
 25 equivalent positions:

26 .....	\$	4,124,607
27 .....	FTEs	46.42

28 It is the intent of the general assembly that the  
 29 incentive program focus on Iowa industrial sectors and  
 30 seek contributions and in-kind donations from

31 businesses, industrial foundations, and trade  
 32 associations and that moneys for the institute for  
 33 physical research and technology industrial incentive  
 34 program shall only be allocated for projects which are  
 35 matched by private sector moneys for directed contract  
 36 research or for nondirected research. The match  
 37 required of small businesses as defined in section  
 38 15.102, subsection 4, for directed contract research  
 39 or for nondirected research shall be \$1 for each \$3 of  
 40 state funds. The match required for other businesses  
 41 for directed contract research or for nondirected  
 42 research shall be \$1 for each \$1 of state funds. The  
 43 match required of industrial foundations or trade  
 44 associations shall be \$1 for each \$1 of state funds.  
 45 Iowa state university shall report annually to the  
 46 joint appropriations subcommittee on economic  
 47 development of the senate and house appropriations  
 48 committees the total amounts of private contributions,  
 49 the proportion of contributions from small businesses  
 50 and other businesses, and the proportion for directed

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1 contract research and nondirected research of benefit  
 2 to Iowa businesses and industrial sectors.  
 3 Notwithstanding section 8.33, moneys appropriated  
 4 for any fiscal year which remain unobligated and  
 5 unexpended at the end of the fiscal year shall not  
 6 revert but shall be available for expenditure the  
 7 following fiscal year.

8 Sec. \_\_\_\_ . There is appropriated from the general  
 9 fund of the state to the state university of Iowa for  
 10 the fiscal year beginning July 1, 1996, and ending  
 11 June 30, 1997, the following amount, or so much  
 12 thereof as is necessary, to be used for the purpose  
 13 designated:

14 For funding the advanced drug development program  
 15 at the Oakdale research park and for not more than the  
 16 following full-time equivalent positions:

17 .....	\$	319,169
18 .....	FTEs	2.85

19 The board of regents shall submit a report on the  
 20 progress of regents institutions in meeting the  
 21 strategic plan for technology transfer and economic  
 22 development to the chairpersons of the joint  
 23 appropriations subcommittee on economic development,  
 24 the joint appropriations subcommittee on education,  
 25 the majority leader and minority leader of the senate,  
 26 the majority and minority leaders of the house of  
 27 representatives, the secretary of the senate, the

28 chief clerk of the house of representatives, and the  
 29 legislative fiscal bureau by December 1, 1996.  
 30 Sec. \_\_\_\_ . DEPARTMENT OF EMPLOYMENT SERVICES OR  
 31 DEPARTMENT OF WORKFORCE DEVELOPMENT. As used in this  
 32 section, references to the department of employment  
 33 services shall include the department of workforce  
 34 development if enacted by Senate File 2409. There is  
 35 appropriated from the general fund of the state, to  
 36 the department of employment services for the fiscal  
 37 year beginning July 1, 1996, and ending June 30, 1997,  
 38 the following amounts, or so much thereof as is  
 39 necessary, for the purposes designated, including that  
 40 the department of employment services, the department  
 41 of personnel, and the department of management shall  
 42 ensure that all nonsupervisory full-time equivalent  
 43 positions authorized and funded for the department of  
 44 employment services in this section will be utilized  
 45 during the fiscal year beginning July 1, 1996, and  
 46 ending June 30, 1997, and during future fiscal years,  
 47 and will not be held vacant, to ensure that the  
 48 backlog of cases in that department will be reduced as  
 49 rapidly as possible:  
 50 1. DIVISION OF LABOR SERVICES

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1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions contingent upon the  
 4 enactment of section 12 of this Act and the provision  
 5 which requires moneys appropriated from the special  
 6 employment security contingency fund to first be used  
 7 to fully fund the appropriation of \$296,000 to the  
 8 division of labor services in subsection 1 of section  
 9 13 of this Act prior to funding the appropriation in  
 10 section 13 of this Act to the division of industrial  
 11 services:

12 .....	\$	2,729,542
13 .....	FTEs	89.50

14 From the contractor registration fees, the division  
 15 of labor services shall reimburse the department of  
 16 inspections and appeals for all costs associated with  
 17 hearings under chapter 91C, relating to contractor  
 18 registration.

19 2. DIVISION OF INDUSTRIAL SERVICES

20 For salaries, support, maintenance, miscellaneous  
 21 purposes, and for not more than the following full-  
 22 time equivalent positions:

23 .....	\$	2,131,389
24 .....	FTEs	33.00



25	3. For salaries, support, maintenance,		
26	miscellaneous purposes, and for not more than the		
27	following full-time equivalent position for a		
28	workforce development coordinator and council:		
29	.....	\$	141,606
30	.....	FTEs	1.00
31	4. For the workforce development initiative to be		
32	used to create model workforce development centers and		
33	provide an integrated management information system:		
34	.....	\$	275,000
35	5. For salaries, support, maintenance,		
36	miscellaneous purposes for collection of labor market		
37	information, and for not more than the following full-		
38	time equivalent positions:		
39	.....	\$	173,250
40	.....	FTEs	3.20
41	6. For salaries, support, maintenance, and		
42	miscellaneous purposes for the mentoring project for		
43	family investment program participants, and for not		
44	more than the following full-time equivalent		
45	positions:		
46	.....	\$	72,000
47	.....	FTEs	1.50
48	7. a. Youth workforce programs		
49	For purposes of the conservation corps, including		
50	allocating \$800,000 for a summer youth program for		

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1 cities of over 150,000 in population, salary, support,  
 2 maintenance, miscellaneous purposes, and for not more  
 3 than the following full-time equivalent positions:  
 4 ..... \$ 1,718,661  
 5 ..... FTEs 2.40  
 6 Notwithstanding section 8.33, moneys committed to  
 7 grantees under contract that remain unexpended on June  
 8 30 of the fiscal year shall not revert to any fund but  
 9 shall be available for expenditure for purposes of the  
 10 contract during the succeeding fiscal year.  
 11 b. Workforce investment program  
 12 For allocating \$425,000 to the workforce  
 13 development fund under section 15.343 for funding, to  
 14 the extent possible, the currently existing high  
 15 technology apprenticeship programs, under section  
 16 260C.44 at the community colleges, for the purposes of  
 17 the workforce investment program, and for a  
 18 competitive grant program by the department for  
 19 projects that increase Iowa's pool of available labor  
 20 via training and support services with priority given  
 21 to projects which serve displaced homemakers or

22 welfare recipients, including salaries and support,  
 23 and not more than the following full-time equivalent  
 24 position:

25 .....	\$	903,000
26 .....	FTEs	0.90

27 The department shall ensure that the workforce  
 28 investment program is coordinated with services  
 29 provided under the federal Job Training Partnership  
 30 Act and that welfare recipients receive priority for  
 31 services under both programs.

32 Notwithstanding section 8.33, moneys committed to  
 33 grantees under contract that remain unexpended at the  
 34 end of the fiscal year, shall not revert to any fund  
 35 but shall be available for expenditure for purposes of  
 36 the contract during the succeeding fiscal year.

37 c. Labor management councils

38 For salaries, support, maintenance, miscellaneous  
 39 purposes, and for not more than the following full-  
 40 time equivalent position:

41 .....	\$	100,338
42 .....	FTEs	0.50

43 Notwithstanding section 8.33, moneys committed to  
 44 grantees under contract that remain unexpended on June  
 45 30 of the fiscal year shall not revert to any fund but  
 46 shall be available for expenditure for purposes of the  
 47 contract during the succeeding fiscal year. The  
 48 department shall not use moneys appropriated in this  
 49 lettered paragraph for grants to grantees who do not  
 50 facilitate the active participation of labor as

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1 members of labor management councils or who fail to  
 2 make a good faith effort to either schedule meetings  
 3 during nonworking hours or obtain voluntary agreements  
 4 with employers to allow employees time off to attend  
 5 labor management council meetings with no loss of pay  
 6 or other benefits.

7 Sec. \_\_\_\_ . Notwithstanding section 15.251,  
 8 subsection 2, there is appropriated from the job  
 9 training fund to the department of employment services  
 10 for the fiscal year beginning July 1, 1996, and ending  
 11 June 30, 1997, the following amount, or so much  
 12 thereof as is necessary, to be used for the purpose  
 13 designated:

14 For the target alliance program:		
15 .....	\$	30,000

16 Sec. \_\_\_\_ . ADMINISTRATIVE CONTRIBUTION SURCHARGE  
 17 FUND. There is appropriated from the administrative  
 18 contribution surcharge fund of the state to the

19 department of employment services for the fiscal year  
 20 beginning July 1, 1996, and ending June 30, 1997, the  
 21 following amount, or so much thereof as is necessary,  
 22 for the purposes designated:

23 DIVISION OF JOB SERVICE

24 Notwithstanding section 96.7, subsection 12,  
 25 paragraph "c", for salaries, support, maintenance,  
 26 conducting labor availability surveys, miscellaneous  
 27 purposes, and for not more than the following full-  
 28 time equivalent positions:

29 .....	\$ 6,310,000
30 .....	FTEs 141.54

31 1. The department of employment services shall  
 32 provide services throughout the fiscal year beginning  
 33 July 1, 1996, and ending June 30, 1997, in all  
 34 communities in which workforce centers were operating  
 35 on July 1, 1993. However, this provision shall not  
 36 prevent the consolidation of multiple offices within  
 37 the same city or the colocation of workforce centers  
 38 with another public agency.

39 2. The division of industrial services shall not  
 40 reduce the number of scheduled hearings of contested  
 41 cases or eliminate the venue of such hearings, as  
 42 established by the division for the period beginning  
 43 January 1, 1996, and ending January 20, 1997. The  
 44 division shall also establish a substantially similar  
 45 schedule for such hearings for the period beginning  
 46 January 20, 1997, and ending June 30, 1997. The  
 47 division shall report to the legislative fiscal bureau  
 48 concerning any modification of the established  
 49 schedule, or any changes which the division determines  
 50 are necessary in establishing the schedule for the

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1 period beginning January 20, 1997, and ending June 30,  
 2 1997.

3 3. The division shall continue charging a \$65  
 4 filing fee for workers' compensation cases. The  
 5 filing fee shall be paid by the petitioner of a claim.  
 6 However, the fee can be taxed as a cost and paid by  
 7 the losing party, except in cases where it would  
 8 impose an undue hardship or be unjust under the  
 9 circumstances.

10 Sec. \_\_\_\_ EMPLOYMENT SECURITY CONTINGENCY FUND.

11 There is appropriated from the special employment  
 12 security contingency fund to the department of  
 13 employment services for the fiscal year beginning July  
 14 1, 1996, and ending June 30, 1997, the following  
 15 amounts, or so much thereof as is necessary, for the

16 purposes designated and subject to the requirement  
 17 that the appropriation to the division of labor  
 18 services under this section be fully funded from the  
 19 special employment security contingency fund prior to  
 20 any amounts being used to fund the appropriation made  
 21 to the division of industrial services under this  
 22 section:

23 1. DIVISION OF LABOR SERVICES

24 For salaries, support, maintenance, and  
 25 miscellaneous purposes:

26 ..... \$ 296,000

27 2. DIVISION OF INDUSTRIAL SERVICES

28 For salaries, support, maintenance, and  
 29 miscellaneous purposes:

30 ..... \$ 175,000

31 Any additional penalty and interest revenue may be  
 32 used to accomplish the mission of the department.

33 Sec. \_\_\_\_ . PUBLIC EMPLOYMENT RELATIONS BOARD.

34 There is appropriated from the general fund of the  
 35 state to the public employment relations board for the  
 36 fiscal year beginning July 1, 1996, and ending June  
 37 30, 1997, the following amount, or so much thereof as  
 38 is necessary, for the purposes designated:

39 For salaries, support, maintenance, miscellaneous  
 40 purposes, and for not more than the following full-  
 41 time equivalent positions:

42 ..... \$ 777,164

43 ..... FTEs 12.80

44 Sec. \_\_\_\_ . There is appropriated from the general  
 45 fund of the state to the Iowa finance authority for  
 46 the fiscal year beginning July 1, 1996, and ending  
 47 June 30, 1997, the following amount, or so much  
 48 thereof as is necessary, to be used for the purpose  
 49 designated:

50 For deposit in the housing improvement fund created

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1 in section 16.100 for purposes of the fund:

2 ..... \$ 400,000

3 Sec. \_\_\_\_ . There is allocated from the unobligated  
 4 funds remaining in the Wallace technology transfer  
 5 foundation fund, after the allocation in section 150,  
 6 subsection 2, paragraph "d", of this Act, on June 30,  
 7 1996, \$100,000 for deposit in the housing improvement  
 8 fund created in section 16.100 for the purposes of the  
 9 fund. Any funds remaining shall not revert to any  
 10 fund, notwithstanding section 8.33. Unobligated funds  
 11 remaining on June 30, 1997, shall revert to the  
 12 general fund of the state.

13 Sec. \_\_\_\_ . NEW SECTION. 15.113 ECONOMIC  
14 DEVELOPMENT ASSISTANCE -- REPORT.

15 In order for the general assembly to have accurate  
16 and complete information regarding expenditures for  
17 economic development and job training incentives and  
18 to respond to the job training needs of Iowa workers,  
19 the department shall provide to the legislative fiscal  
20 bureau by January 15 of each year data on all  
21 assistance or benefits provided under the community  
22 economic betterment program, the new jobs and income  
23 program, and the Iowa industrial new jobs training Act  
24 during the previous calendar year. The department  
25 shall meet with the legislative fiscal bureau prior to  
26 submitting the data to assure that its form and  
27 specificity are sufficient to provide accurate and  
28 complete information to the general assembly. The  
29 department shall also contact other state agencies  
30 providing financial assistance to Iowa businesses and,  
31 to the extent practical coordinate the submission of  
32 the data to the legislative fiscal bureau.

33 Sec. \_\_\_\_ . NEW SECTION. 15.114 MICROBUSINESS  
34 RURAL ENTERPRISE ASSISTANCE.

35 1. As used in this section:

36 a. "Department" means the department of economic  
37 development.

38 b. "Microbusiness" or "microbusiness enterprise"  
39 means a business producing services with five or fewer  
40 full-time equivalent employee positions and with  
41 assistance requirements of not more than twenty-five  
42 thousand dollars.

43 c. "Microbusiness organization" means a nonprofit  
44 corporation organized under chapter 504A which is  
45 exempt from taxation pursuant to section 501(c) of the  
46 Internal Revenue Code and which has a principal  
47 mission of actively engaging in microbusiness  
48 development, training, technical assistance, and  
49 capital access for the start-up or expansion of  
50 microbusinesses.

Page 25

1 2. The department shall contract with a  
2 microenterprise organization actively engaged in  
3 microbusiness enterprise to assist in the  
4 establishment of this program. In order to qualify  
5 for the contract, the microenterprise organization  
6 shall do all of the following:

7 a. Demonstrate a past performance of and a  
8 capacity to successfully engage in microbusiness  
9 development.

10 b. Have a statewide commitment to and focus on  
11 microbusiness development.

12 c. Provide training and technical assistance.

13 d. Demonstrate an ability to provide access to  
14 capital for start-up or expansion of a microbusiness.

15 e. Have established linkages with financial  
16 institutions.

17 f. Demonstrate an ability to provide follow-up  
18 technical assistance after a microbusiness start-up or  
19 expansion.

20 3. Moneys allocated pursuant to this section which  
21 remain unexpended or unobligated at the end of a  
22 fiscal year shall remain available to the department  
23 to support the assistance program or may be credited  
24 to the value-added agricultural products and processes  
25 financial assistance fund created in section 15E.112  
26 and shall not revert notwithstanding section 8.33.

27 4. The department shall submit a report in  
28 accordance with section 7A.11 not later than November  
29 1 of each year detailing the activities of the  
30 microenterprise organization and describing the  
31 success of the project.

32 Sec. \_\_\_\_ . Section 15.313, subsection 2, Code 1995,  
33 is amended by adding the following new paragraphs:

34 NEW PARAGRAPH. g. The entrepreneurs with  
35 disabilities program, which provides technical and  
36 financial assistance to help persons with disabilities  
37 become self-sufficient and create additional  
38 employment opportunities by establishing or expanding  
39 small business ventures.

40 NEW PARAGRAPH. h. The job opportunities for  
41 persons with disabilities program, which provides  
42 service and technical assistance to rehabilitation  
43 organizations or agencies that create, expand, or spin  
44 off business ventures for persons with disabilities.

45 Sec. \_\_\_\_ . NEW SECTION. 15A.4 COMPETITIVE  
46 PROGRAMS -- GOOD NEIGHBOR AGREEMENT -- ADDITIONAL  
47 CONSIDERATION.

48 For any program providing financial assistance for  
49 economic development in which the assistance is  
50 provided on a competitive basis, a business which

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1 enters into a good neighbor agreement shall receive  
2 extra consideration of at least ten points or the  
3 equivalent. A good neighbor agreement is an  
4 enforceable contract between the business and a  
5 community group or coalition of community groups which  
6 requires the business to adhere to negotiated

7 environmental, economic, labor, or other social and  
8 community standards.

9 A business which fails to abide by the good  
10 neighbor agreement shall repay all financial  
11 assistance received under the program.

12 Sec. \_\_\_\_ . Section 15E.112, subsection 1, Code  
13 1995, is amended to read as follows:

14 1. A value-added agricultural products and  
15 processes financial assistance fund is created within  
16 the state treasury under the control of the  
17 department. The fund shall consist of any money  
18 appropriated by the general assembly and any other  
19 moneys available to and obtained or accepted by the  
20 department from the federal government or private  
21 sources for placement in the fund. ~~Until July 1,~~  
22 ~~2000, moneys shall be deposited in the fund as~~  
23 ~~provided in section 423.24. Not more than one percent~~  
24 ~~of the total moneys available to support value added~~  
25 ~~agricultural products and processes pursuant to~~  
26 ~~section 423.24 during each quarter shall be used by~~  
27 ~~the department for administration of the value added~~  
28 ~~agricultural products and processes financial~~  
29 ~~assistance program, as provided in section 15E.111.~~  
30 The assets of the fund shall be used by the department  
31 only for carrying out the purposes of section 15E.111.

32 Sec. \_\_\_\_ . For the fiscal year beginning July 1,  
33 1996, and ending June 30, 1997, section 15.343,  
34 subsection 2, paragraph "d", as amended in Senate File  
35 2351, if enacted, shall be available for the funding  
36 of innovative training and career opportunity  
37 programming for minorities, provided such funding is  
38 matched on a dollar-for-dollar basis by a  
39 participating community college.

40 Sec. \_\_\_\_ . Notwithstanding sections 15.108, 15.224  
41 through 15.230, 15.347, 15.348, and 239.22, the  
42 department of employment services shall administer the  
43 following programs: job training partnership Act,  
44 Iowa conservation corps, americorps, mentoring for  
45 promise jobs, food stamp employment and training, and  
46 the labor/management co-op programs.

47 Sec. \_\_\_\_ . FEDERAL GRANTS. All federal grants to  
48 and the federal receipts of agencies appropriated  
49 funds under this Act, not otherwise appropriated, are  
50 appropriated for the purposes set forth in the federal

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1 grants or receipts unless otherwise provided by the  
2 general assembly."

3 32. Page 36, by inserting after line 9, the

4 following:

5

“DIVISION —

6 SPECIAL REGISTRATION PLATES -- SURVIVING SPOUSE

7 Sec. \_\_\_\_ . The state department of transportation

8 shall allow the surviving spouse of a person who was

9 issued prisoner of war plates pursuant to section

10 321.34, subsection 8, to continue to use the special

11 plates, subject to registration of the special plates

12 in the surviving spouse's name and upon payment of the

13 annual registration fee. If the surviving spouse

14 remarries, the surviving spouse shall return the

15 special plates to the department and the department

16 shall issue regular registration plates to the

17 surviving spouse.

18 This division of this Act, being deemed of

19 immediate importance, takes effect upon enactment.”

20 33. Page 36, by inserting after line 9 the

21 following:

22

“DIVISION —

23

COUNTY PROVISIONS

24 Sec. 100. Section 331.424, subsection 1, paragraph

25 a, subparagraph (1), Code Supplement 1995, is amended

26 to read as follows:

27 (1) The costs of inpatient or outpatient substance

28 abuse admission, commitment, transportation, care, and

29 treatment at any of the following:

30 (a) Care and treatment of persons at the The

31 alcoholic treatment center at Oakdale. However, the

32 county may require that an admission to the center

33 shall be reported to the board by the center within

34 five days as a condition of the payment of county

35 funds for that admission.

36 (b) A state mental health institute, or a

37 community-based public or private facility or service.

38 Sec. \_\_\_\_ . Section 331.424A, subsection 4, Code

39 Supplement 1995, as amended by 1996 Iowa Acts, Senate

40 File 2030, section 1, is amended to read as follows:

41 4. For the fiscal year beginning July 1, 1996, and

42 for each subsequent fiscal year, the county shall

43 certify a levy for payment of services. ~~Unless~~

44 ~~otherwise provided by state law, for~~ For each fiscal

45 year, county revenues from taxes imposed by the county

46 credited to the services fund shall not exceed an

47 amount equal to the amount of base year expenditures

48 for services as defined in section 331.438, less the

49 amount of property tax relief to be received pursuant

50 to section 426B.2, subsections 1 and 3, in the fiscal



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1 year for which the budget is certified. The county  
2 auditor and the board of supervisors shall reduce the  
3 amount of the levy certified for the services fund by  
4 the amount of property tax relief to be received. A  
5 levy certified under this section is not subject to  
6 the appeal provisions of sections 331.426 and 444.25B  
7 or to any other provision in law authorizing a county  
8 to exceed, increase, or appeal a property tax levy  
9 limit.

10 Sec. \_\_\_\_ . Section 426B.1, Code Supplement 1995, is  
11 amended by adding the following new subsection:  
12 NEW SUBSECTION. 3. There is annually appropriated  
13 from the property tax relief fund to the department of  
14 human services to supplement the medical assistance  
15 appropriation for the fiscal year beginning July 1,  
16 1997, and for succeeding fiscal years, six million six  
17 hundred thousand dollars to be used for the nonfederal  
18 share of the costs of services provided to minors with  
19 mental retardation under the medical assistance  
20 program to meet the requirements of section 249A.12,  
21 subsection 4. The appropriation in this subsection  
22 shall be charged to the property tax relief fund prior  
23 to the distribution of moneys from the fund under  
24 section 426B.2 and the amount of moneys available for  
25 distribution shall be reduced accordingly. However,  
26 the appropriation in this subsection shall be  
27 considered to be a property tax relief payment for  
28 purposes of the combined amount of payments required  
29 to achieve fifty percent of the counties' base year  
30 expenditures as provided in section 426B.2, subsection  
31 3.

32 Sec. \_\_\_\_ . Section 444.25A, subsection 2, paragraph  
33 e, unnumbered paragraph 2, Code Supplement 1995, is  
34 amended to read as follows:

35 For purposes of this paragraph, the price index for  
36 government purchases by type for state and local  
37 governments is defined by the bureau of economic  
38 analysis of the United States department of commerce  
39 and published in table 7.11 of the national income and  
40 products accounts. For the fiscal years beginning  
41 July 1, 1995, and July 1, 1996, the price index used  
42 shall be the revision published in the November 1994  
43 and November 1995 issues, respectively, of the United  
44 States department of commerce publication, "survey of  
45 current business". For purposes of this paragraph,  
46 tax dollars levied in the fiscal years beginning July  
47 1, 1994, and July 1, 1995, shall not include funds  
48 levied for paragraphs "a", "b", and "c", and "d" of

49 this subsection.

50 Sec. \_\_\_\_ . Section 444.25B, subsection 1,

Page 29

1 unnumbered paragraph 1, Code Supplement 1995, is  
2 amended to read as follows:

3 The maximum amount of property tax dollars which  
4 may be certified by a county for taxes payable in the  
5 fiscal year beginning July 1, 1997, shall not exceed  
6 the amount of property tax dollars certified by the  
7 county for taxes payable in the fiscal year beginning  
8 July 1, 1996, minus the amount by which the property  
9 tax relief moneys to be received by the county in the  
10 fiscal year beginning July 1, 1997, pursuant to  
11 section 426B-2, subsections 1 and 3, exceed the amount  
12 of the property tax relief moneys received in the  
13 fiscal year beginning July 1, 1996, for each of the  
14 levies for the following, except for the levies on the  
15 increase in taxable valuation due to new construction,  
16 additions or improvements to existing structures,  
17 remodeling of existing structures for which a building  
18 permit is required, annexation, and phasing out of tax  
19 exemptions, and on the increase in valuation of  
20 taxable property as a result of a comprehensive  
21 revaluation by a private appraiser under a contract  
22 entered into prior to January 1, 1992, or as a result  
23 of a comprehensive revaluation directed or authorized  
24 by the conference board prior to January 1, 1992, with  
25 documentation of the contract, authorization, or  
26 directive on the revaluation provided to the director  
27 of revenue and finance, if the levies are equal to or  
28 less than the levies for the previous year, levies on  
29 that portion of the taxable property located in an  
30 urban renewal project the tax revenues from which are  
31 no longer divided as provided in section 403.19,  
32 subsection 2, or as otherwise provided in this  
33 section:

34 Sec. \_\_\_\_ . Section 444.25B, subsection 2, Code  
35 Supplement 1995, is amended by adding the following  
36 new paragraph after paragraph d and relettering the  
37 subsequent paragraph:

38 NEW PARAGRAPH. dd. Mental health, mental  
39 retardation, and developmental disabilities services  
40 fund under section 331.424A.

41 Sec. \_\_\_\_ . Section 444.25B, subsection 2, paragraph  
42 e, unnumbered paragraphs 1 and 2, Code Supplement  
43 1995, are amended to read as follows:

44 Unusual need for additional moneys to finance  
45 existing programs which would provide substantial

46 benefit to county residents or compelling need to  
 47 finance new programs which would provide substantial  
 48 benefit to county residents. The increase in taxes  
 49 levied under this exception for the fiscal year  
 50 beginning July 1, 1997, is limited to no more than the

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1 product of the total tax dollars levied in the fiscal  
 2 year beginning July 1, 1996, and the percent change,  
 3 computed to two decimal places, ~~in the price index for~~  
 4 ~~government purchases by type for state and local~~  
 5 ~~governments computed between the preliminary price~~  
 6 ~~index for the third quarter of calendar year 1996 from~~  
 7 ~~that computed and the revised price index for the~~  
 8 ~~third quarter of calendar year 1995 as published in~~  
 9 ~~the same issue in which the preliminary 1996 third~~  
 10 ~~quarter price index is first published.~~

11 For purposes of this paragraph, the price index for  
 12 government purchases by type for state and local  
 13 governments is defined by the bureau of economic  
 14 analysis of the United States department of commerce  
 15 and published in table 7-11 of the national income and  
 16 products accounts. For the fiscal year beginning July  
 17 1, 1997, the price index used shall be the revision  
 18 published in the November 1996 edition of the United  
 19 States department of commerce publication, "survey of  
 20 current business" state and local government chain-  
 21 type price index used in the quantity and price  
 22 indexes for gross domestic product, as published by  
 23 the bureau of economic analysis of the United States  
 24 department of commerce in the national income and  
 25 products accounts as published in "survey of current  
 26 business". For purposes of this paragraph, tax  
 27 dollars levied in the fiscal year beginning July 1,  
 28 1996, shall not include funds levied for paragraphs  
 29 "a", "b", and "c", "d", and "dd" of this subsection.

30 Sec. \_\_\_\_ . Section 444.25B, Code Supplement 1995,  
 31 is amended by adding the following new subsection:

32 NEW SUBSECTION. 5. MH/MR/DD LEVY ADJUSTMENT. A  
 33 county which did not certify the maximum levy  
 34 authorized for the county's mental health, mental  
 35 retardation, and developmental disabilities services  
 36 fund under section 331.424A, subsection 4, for the  
 37 fiscal year beginning July 1, 1996, may certify up to  
 38 the maximum authorized levy under the services fund  
 39 for the fiscal year beginning July 1, 1997. However,  
 40 any amount of increase in the certified services fund  
 41 levy under this subsection over the amount certified  
 42 for the services fund in the previous fiscal year

43 shall be offset by an equivalent decrease in the  
 44 amount certified by the county for general county  
 45 services.  
 46 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 100 of this  
 47 division of this Act, relating to substance abuse  
 48 treatment costs, being deemed of immediate importance,  
 49 takes effect upon enactment.”  
 50 34. Title page, line 1, by striking the words

Page 31

- 1 “state expenditure” and inserting the following:
- 2 “public levy, expenditure.”
- 3 35. By renumbering, relettering, or redesignating
- 4 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 560

S-5887

- 1 Amend the Senate amendment, H-6054, to House File
- 2 560, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 12 through 16.
- 4 2. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2369

S-5888

- 1 Amend the Senate amendment, H-5821, to House File
- 2 2369, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 11, by inserting after the figure
- 5 “509,” the following: “509A.”
- 6 2. Page 1, line 27, by striking the word
- 7 “gynecologists.” and inserting the following:
- 8 “gynecologists which provide that when complications
- 9 are not present, the postpartum hospital stay ranges
- 10 from a minimum of forty-eight hours for a vaginal
- 11 delivery to a minimum of ninety-six hours for a
- 12 cesarean birth, excluding the day of delivery. The
- 13 guidelines adopted by rule by the commissioner shall
- 14 also provide that in the event of a discharge from the
- 15 hospital prior to the minimum stay established in the
- 16 guidelines, a postdischarge follow-up visit shall be
- 17 provided to the mother and newborn by providers

18 competent in postpartum care and newborn assessment if  
19 determined medically appropriate as directed by the  
20 attending physician, in accordance with the  
21 guidelines.”

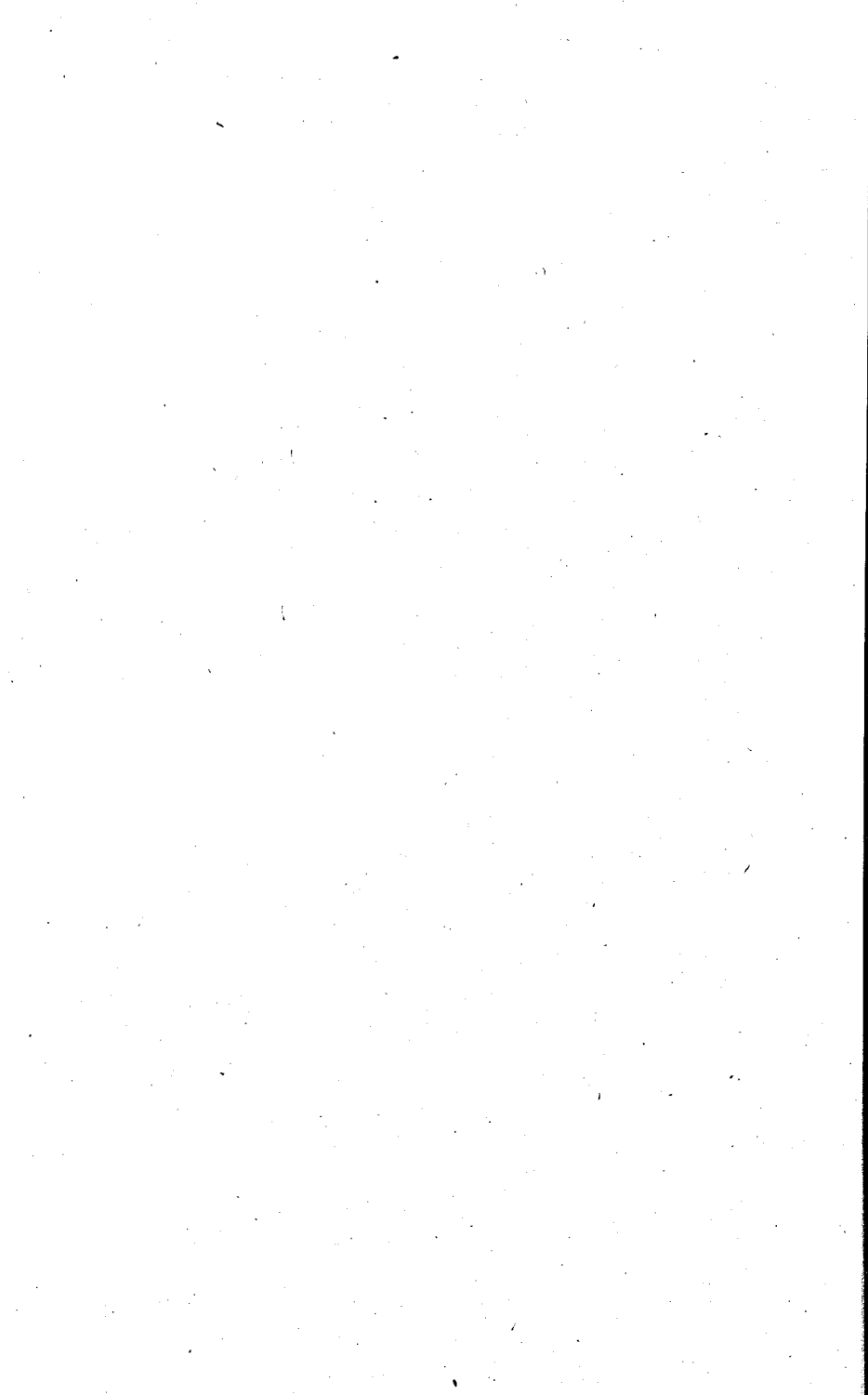
22 3. Page 1, line 31, by inserting after the word  
23 “stay” the following: “and postdischarge follow-up  
24 care”.

25 4. Page 1, line 34, by inserting after the figure  
26 “509,” the following: “509A,”.

27 5. Page 1, by striking lines 37 through 40 and  
28 inserting the following: “under chapter 514B, shall  
29 use the guidelines adopted by rule by the  
30 commissioner, and shall not deselect, require  
31 additional documentation, require additional  
32 utilization review, terminate services to, reduce  
33 payment to, or in any manner provide a disincentive to  
34 an attending physician solely on the basis that the  
35 attending physician provided or directed the provision  
36 of services in compliance with the guidelines adopted  
37 by rule.”

38 6. Page 1, by inserting before line 41 the  
39 following:

40 “3. Preauthorization or precertification for a  
41 hospital stay or for a postdischarge follow-up visit  
42 in accordance with the guidelines adopted by rule by  
43 the commissioner shall not be required.””



**REPORTS OF CONFERENCE COMMITTEES  
(Senate Files)**

**Filed During The  
SEVENTY-SIXTH GENERAL ASSEMBLY  
1996 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 13

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 13, a bill for An Act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4195.
2. That the House recedes from its amendment, S-3055.
3. That Senate File 13, 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. NEW SECTION. 135L.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Abortion" means an abortion as defined in chapter 146.
2. "Adult" means a person eighteen years of age or older.
3. "Aunt or uncle" means an aunt or uncle of the pregnant minor who is twenty-five years of age or older.
4. "Child-placing agency" means any agency, public, semipublic, or private, which represents itself as placing children, receiving children for placement, or actually engaging in placement of children and includes the department of human services.
5. "Court" means the juvenile court.
6. "Grandparent" means the parent of an individual who is the parent of the pregnant minor.
7. "Medical emergency" means a condition which, based upon a physician's judgment, necessitates an abortion to avert the pregnant minor's death, or for which a delay will create a risk of serious impairment of a major bodily function.
8. "Minor" means a person under eighteen years of age who has not been and is not married.
9. "Parent" means one parent or a legal guardian or custodian of a pregnant minor.
10. "Responsible adult" means an adult, who is not associated with an abortion provider, chosen by a pregnant minor to assist the minor in the decision-making process established in this chapter.

Sec. 2. NEW SECTION. 135L.2 PROSPECTIVE MINOR PARENTS DECISION-MAKING ASSISTANCE PROGRAM ESTABLISHED.

1. A decision-making assistance program is created to provide assistance to minors in making informed decisions relating to pregnancy. The program shall offer and include all of the following:

- a. (1) A video, to be developed by a person selected through a request for proposals process or other contractual agreement, which provides information regarding the various options available to a pregnant minor with regard to the pregnancy, including a decision to continue the pregnancy to term and retain parental rights following the child's birth, a decision to continue the pregnancy to term and place the child for adoption following the child's birth, and a decision to terminate the pregnancy through abortion. The video shall provide the information in a manner and language, including but not limited to, the use of closed captioning for the hearing-impaired, which could be understood by a minor.



(2) The video shall explain that public and private agencies are available to assist a pregnant minor with any alternative chosen.

(3) The video shall explain that if the pregnant minor decides to continue the pregnancy to term, and to retain parental rights to the child, the father of the child is liable for the support of the child.

(4) The video shall explain that tendering false documents is a fraudulent practice in the fourth degree pursuant to section 135L.7.

b. Written decision-making materials which include all of the following:

(1) Information regarding the options described in the video including information regarding the agencies and programs available to provide assistance to the pregnant minor in parenting a child; information relating to adoption including but not limited to information regarding child-placing agencies; and information regarding abortion including but not limited to the legal requirements relative to the performance of an abortion on a pregnant minor. The information provided shall include information explaining that if a pregnant minor decides to continue the pregnancy to term and to retain parental rights, the father of the child is liable for the support of the child and that if the pregnant minor seeks public assistance on behalf of the child, the pregnant minor shall, and if the pregnant minor is not otherwise eligible as a public assistance recipient, the pregnant minor may, seek the assistance of the child support recovery unit in establishing the paternity of the child, and in seeking support payments for a reasonable amount of the costs associated with the pregnancy, medical support, and maintenance from the father of the child, or if the father is a minor, from the parents of the minor father. The information shall include a listing of the agencies and programs and the services available from each.

(2) A workbook which is to be used in viewing the video and which includes a questionnaire and exercises to assist a pregnant minor in viewing the video and in considering the options available regarding the minor's pregnancy.

(3) A detachable certification form to be signed by the pregnant minor certifying that the pregnant minor was offered a viewing of the video and the written decision-making materials.

2. a. The video shall be available through the state and local offices of the Iowa department of public health, the department of human services, and the judicial department and through the office of each licensed physician who performs abortions.

b. The video may be available through the office of any licensed physician who does not perform abortions, upon the request of the physician; through any nonprofit agency serving minors, upon the request of the agency; and through any other person providing services to minors, upon the request of the person.

3. During the initial appointment between a licensed physician and a pregnant minor, a licensed physician, who is providing medical services to a pregnant minor, shall offer the viewing of the video and the written decision-making materials to the pregnant minor, and shall obtain the signed and dated certification form from the pregnant minor. If the pregnant minor has previously been offered the viewing of the video and the written decision-making materials by another source, the licensed physician shall obtain the completed certification form from the other source to verify that the pregnant minor has been offered the viewing of the video and the written decision-making materials. A licensed physician shall not perform an abortion on a pregnant minor prior to obtaining the completed certification form from a pregnant minor. If the pregnant minor decides to terminate parental

rights following the child's birth, a copy of the completed certification form shall be attached to the petition for termination of parental rights.

4. A pregnant minor shall be encouraged to select a responsible adult, preferably a parent of the pregnant minor, to accompany the pregnant minor in viewing the video and receiving the decision-making materials.

5. To the extent possible and at the discretion of the pregnant minor, the person responsible for impregnating the pregnant minor shall also be involved in the viewing of the video and in the receipt of written decision-making materials.

6. Following the offering of the viewing of the video and of the written decision-making materials, the pregnant minor shall sign and date the certification form attached to the materials, and shall submit the completed form to the licensed physician or provide the person making the offer with information to send the completed form to the pregnant minor's attending physician. The person offering the viewing of the video and the decision-making materials shall also provide a copy of the completed certification form to the pregnant minor.

Sec. 3. NEW SECTION. 135L.3 NOTIFICATION OF PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE CHILD.

Following compliance with the provisions of section 135L.2, a pregnant minor who chooses to place the pregnant minor's child for adoption is subject to the following conditions:

1. Notification of a parent of the pregnant minor of the pregnant minor's decision to place the child for adoption. Notification shall be made at least twenty-four hours prior to the conducting of the hearing on termination of parental rights. The pregnant minor's attorney or the child-placing agency shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

2. If the pregnant minor objects to the notification of a parent, the pregnant minor may petition the court to authorize waiver of the notification requirement in accordance with the following procedures:

a. The court shall ensure that the pregnant minor is provided with assistance in preparing and filing the petition for waiver of notification and shall ensure that the pregnant minor's identity remains confidential.

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor who may be the responsible adult and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner which protects the

confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor or by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

d. Notwithstanding any law or rule to the contrary, the court proceedings under this section and section 135L.4 shall be given precedence over other pending matters to ensure that the court reaches a decision expeditiously.

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

(1) That the pregnant minor is mature and capable of providing informed consent to the termination of parental rights for the purposes of adoption of the pregnant minor's child.

(2) That the pregnant minor is not mature, or does not claim to be mature, but that notification is not in the best interest of the pregnant minor.

f. The court shall issue specific factual findings and legal conclusions, in writing, to support the decision.

g. Upon conclusion of the hearing, the court shall immediately issue a written order which shall be provided immediately to the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, or any other person designated by the pregnant minor to receive the order.

h. An expedited, confidential appeal shall be available to a pregnant minor for whom the court denies a petition for waiver of notification. An order granting the pregnant minor's application for waiver of notification is not subject to appeal. Access to the appellate courts for the purpose of an appeal under this section shall be provided to a pregnant minor twenty-four hours a day, seven days a week.

i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor who chooses to place the pregnant minor's child for adoption do not apply if any of the following applies:

(1) A parent of the pregnant minor authorizes the pregnant minor's decision, in writing, and a copy of the written authorization is attached to the termination of parental rights petition.

(2) (a) The pregnant minor declares, in a written statement submitted to the pregnant minor's legal counsel or to the child-placing agency providing services to the pregnant minor, a reason for not notifying a parent and a reason for notifying

a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the pregnant minor's legal counsel or the child-placing agency providing services to the pregnant minor shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy.

(4) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

n. A copy of the completed certification form pursuant to section 135L.2, and a copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor, or a copy of the order waiving notification shall be attached to the petition for termination of parental rights, unless the pregnant minor is otherwise exempt from obtaining any of these documents under this chapter.

o. Noncompliance with the provisions of this section is not grounds for any of the following:

(1) Denial, modification, vacation, or appeal of a termination of parental rights order issued pursuant to section 600A.9.

(2) Denial, modification, vacation, or appeal of an interlocutory or final adoption decree rendered under section 600.13.

**Sec. 4. NEW SECTION. 135L.4 NOTIFICATION OF PARENT PRIOR TO THE PERFORMANCE OF ABORTION ON A PREGNANT MINOR — REQUIREMENTS — CRIMINAL PENALTY.**

1. A person shall not perform an abortion on a pregnant minor until at least forty-eight hours' prior notification is provided to a parent of the pregnant minor.

2. The person who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

3. If the pregnant minor objects to the notification of a parent prior to the performance of an abortion on the pregnant minor, the pregnant minor may petition the court to authorize waiver of the notification requirement pursuant to this section in accordance with the following procedures:

a. The court shall ensure that the pregnant minor is provided with assistance in preparing and filing the petition for waiver of notification and shall ensure that the pregnant minor's identity remains confidential.

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel, and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor, by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

d. Notwithstanding any law or rule to the contrary, the court proceedings under this section and section 135L.3 shall be given precedence over other pending matters to ensure that the court reaches a decision expeditiously.

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

(1) That the pregnant minor is mature and capable of providing informed consent for the performance of an abortion.

(2) That the pregnant minor is not mature, or does not claim to be mature, but that notification is not in the best interest of the pregnant minor.

f. The court shall issue specific factual findings and legal conclusions, in writing, to support the decision.

g. Upon conclusion of the hearing, the court shall immediately issue a written order which shall be provided immediately to the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, or to any other person designated by the pregnant minor to receive the order.

h. An expedited, confidential appeal shall be available to a pregnant minor for whom the court denies a petition for waiver of notification. An order granting the pregnant minor's application for waiver of notification is not subject to appeal. Access to the appellate courts for the purpose of an appeal under this section shall be provided to a pregnant minor twenty-four hours a day, seven days a week.

i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and if the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed

marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor prior to the performance of an abortion on a pregnant minor do not apply if any of the following applies:

(1) The abortion is authorized in writing by a parent entitled to notification.

(2) (a) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion in accordance with section 135L.6.

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained.

(5) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

n. A person who performs an abortion in violation of this section is guilty of a serious misdemeanor.

#### Sec. 5. NEW SECTION. 135L.5 PROSPECTIVE MINOR PARENTS PROGRAM ADVISORY COMMITTEE CREATED.

1. A prospective minor parents program advisory committee is created which shall be composed of all of the following:

a. The following members appointed by the governor:

(1) A health care professional.

(2) A counselor, who has expertise in sexual abuse counseling.

(3) A representative of a child-placing agency other than a child-placing agency under the management or control of any division of the department of human services or any administrator of the department of human services.

- (4) A juvenile court judge.
- (5) A representative of a crisis pregnancy center.
- (6) A representative of an abortion provider.
- (7) A representative of an adolescent treatment program.
- (8) A school nurse.
- (9) A secondary school teacher.
- (10) A parent.
- (11) A person ordained or designated as a regular leader of a religious community.
- (12) The director of public health, or the director's designee.

b. The following nonvoting members:

(1) Two members of the senate appointed by the majority leader of the senate after consultation with the minority leader of the senate.

(2) Two members of the house of representatives appointed by the speaker of the house after consultation with the majority leader and the minority leader of the house.

(3) The director of human services, or the director's designee.

(4) The director of the department of education, or the director's designee.

(5) A minor who is at least fourteen but less than eighteen years of age at the time of the appointment, appointed by the governor.

2. Representative associations of professionals and providers who are to be appointed to the advisory committee may submit a listing of nominees to the governor. The governor may consider the listings in appointing members to the advisory committee. The governor shall appoint members who represent a variety of philosophical views.

3. Members shall serve terms beginning on the date on which all members are initially appointed. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

4. Nonlegislative members shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members shall receive compensation pursuant to section 2.10.

5. The committee shall select a chairperson, annually, from its membership. A majority of the voting members of the committee constitutes a quorum.

6. The advisory committee shall do all of the following:

a. Develop criteria for the selection of a person, through a request for proposals process or other contractual agreement, to develop the video described in this chapter. Following receipt of applications, or upon agreement of a simple majority of the voting members to a contractual agreement, the advisory committee shall also select the recipient of the contract for development of the video.

b. Develop criteria for information to be included in the video. The criteria shall, at a minimum, require that the person developing the video request input from a variety of interest groups and perspectives which have an interest in pregnancy-related issues and that the video present the various perspectives in an unbiased manner.

c. Develop a process for and provide for the distribution of the video and develop confidentiality requirements relating to the persons involved in viewing the video.

d. Promote use of the video and written decision-making materials through public service announcements and other media formats.

e. Provide ongoing evaluation of the prospective minor parents decision-making

assistance program including evaluation of the video and written document and of the notification and waiver system, and make recommendations for improvement.

f. Receive input from the public regarding the program through the use of public hearings, focus groups, surveys, and other formats.

7. The committee, upon the advice of the Iowa department of public health, may receive gifts, grants, or donations for the purpose of implementing and continuing the program.

8. The advisory committee and the producer of the video shall attempt to complete and distribute the video for use not later than January 1, 1997.

9. The advisory committee shall submit a report to the general assembly on or before January 8, 1997, regarding the progress of the committee in completing the committee's duties regarding the development and distribution of the video.

10. The Iowa department of public health shall provide administrative support to the advisory committee.

Sec. 6. NEW SECTION. 135L.6 MEDICAL EMERGENCY EXCEPTION — ALTERNATIVE PROCEDURE.

If a pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion on the pregnant minor, and which results in the inapplicability of section 135L.2 with regard to the required offering of the viewing of the video, of section 135L.3 with regard to notification of a parent prior to the termination of parental rights of a pregnant minor for the purposes of placing the child for adoption, or of section 135L.4 with regard to notification of a parent prior to the performance of an abortion on a pregnant minor, the attending physician shall do the following:

1. Certify in writing the basis for the medical judgment that a medical emergency exists and make the written certification available to a parent of the pregnant minor prior to performance of the abortion, if possible.

2. If it is not possible to provide a parent of the pregnant minor with written certification prior to performance of the abortion under subsection 1, the physician shall provide the written certification to a parent of the pregnant minor within twelve hours following the performance of the abortion unless one of the following applies:

a. The abortion is authorized in writing by a parent entitled to notification.

b. (1) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(2) The notification form shall be in duplicate and shall include both of the following:

(a) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(b) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

c. The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the



procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy and abortion, if an abortion is obtained.

d. The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

e. The pregnant minor elects not to allow notification of the pregnant minor's parent and a court authorizes waiver of the notification requirement following completion of the proceedings prescribed under section 135L.3 or 135L.4.

**Sec. 7. NEW SECTION. 135L.7 FRAUDULENT PRACTICE.**

A person who does any of the following is guilty of a fraudulent practice in the fourth degree pursuant to section 714.12:

1. Knowingly tenders a false original or copy of the signed and dated certification form described in section 135L.2, to be retained by the licensed physician, to be sent to the pregnant minor's attending physician, or to be attached to the termination of parental rights petition pursuant to section 135L.3.

2. Knowingly tenders a false original or copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor under this chapter, a false original or copy of the written certification to be provided to a parent of a pregnant minor pursuant to section 135L.6, or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor or relative to the termination of parental rights of a pregnant minor.

**Sec. 8. NEW SECTION. 135L.8 IMMUNITIES.**

1. With the exception of the civil liability which may apply to a grandparent or aunt or uncle of a pregnant minor who accepts notification under this chapter, a person is immune from any liability, civil or criminal, for any act, omission, or decision made in connection with a good faith effort to comply with the provisions of this chapter.

2. This section shall not be construed to limit civil or criminal liability of a person for any act, omission, or decision made in relation to the performance of a medical procedure on a pregnant minor.

**Sec. 9. NEW SECTION. 135L.9 ADOPTION OF RULES — IMPLEMENTATION AND DOCUMENTS.**

The Iowa department of public health shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent, grandparent, or aunt or uncle of a pregnant minor who is designated to receive notification under this chapter.

**Sec. 10. NEW SECTION. 232.5 ADOPTION OF CHILD BORN TO A MINOR OR ABORTION PERFORMED ON A MINOR — WAIVER OF NOTIFICATION PROCEEDINGS.**

The court shall have exclusive jurisdiction over the proceedings for the granting of an order for waiver of the notification requirements relating to the adoption of a child born to a minor or to the performance of an abortion on a minor pursuant to sections 135L.3 and 135L.4.

Sec. 11. Section 600.13, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION. 7. Noncompliance with the provisions of section 135L.2**

or 135L.3 is not grounds for denial, modification, vacation, or appeal of an interlocutory or final adoption decree.

Sec. 12. Section 600A.4, subsection 4, Code 1995, is amended to read as follows:

4. Either a parent who has signed a release of custody, or a nonsigning parent, may, at any time prior to the entry of an order terminating parental rights, request the juvenile court designated in section 600A.5 to order the revocation of any release of custody previously executed by either parent. If such request is by a signing parent, and is within ninety-six hours of the time such parent signed a release of custody, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release or releases revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. Noncompliance by a pregnant minor with the provisions of section 135L.2 or 135L.3 does not constitute good cause for revocation. In determining whether good cause exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child including avoidance of a disruption of an existing relationship between a parent and child. The juvenile court shall also give due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

Sec. 13. Section 600A.9, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Noncompliance with the provisions of section 135L.2 or 135L.3 is not grounds for denial, modification, vacation, or appeal of a termination of parental rights order.

Sec. 14. **EFFECTIVE DATE.** The section of this Act which creates section 135L.5 relating to the establishment of the advisory committee, being deemed of immediate importance, takes effect upon enactment. The advisory committee shall be appointed within sixty days of the enactment of this Act and may begin performing committee duties prior to the beginning of the official commencement of the terms of the committee members as provided in section 135L.5 as created in this Act.

If the advisory committee created pursuant to section 135L.5 has completed its duties regarding the development and distribution of the video pursuant to section 135L.2 prior to January 1, 1997, the remainder of this Act takes effect January 1, 1997. However, even if the advisory committee has not completed its duties prior to January 1, 1997, and the video is not developed and distributed prior to January 1, 1997, the remaining sections of this Act, exclusive of the section which creates section 135L.5, and exclusive of the section and provisions which relate to development, distribution, and offering of the video and the written decision-making materials, take effect January 1, 1997.

Sec. 15. **REPEAL — ADVISORY COMMITTEE.** Section 135L.5 is repealed effective January 1, 1999, or two years following the distribution date of the video as determined by the advisory committee, whichever is later."

2. Title page, by striking lines 1 through 3, and inserting the following: "An Act relating to the establishment of a prospective minor parents decision-making assistance program, providing penalties, providing a repeal, and providing effective dates."

On the Part of the Senate:

On the Part of the House:

ELAINE SZYMONIAK, Chairperson  
 MERLIN E. BARTZ  
 MARY E. KRAMER  
 LARRY MURPHY

DAN BODDICKER, Chairperson  
 DONNA HAMMITT BARRY  
 CHARLES HURLEY

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 2154

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 2154, a bill for An Act increasing the penalties for certain offenses involving methamphetamine, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5878.
2. That the House recedes from its amendment, S-5614.
3. That Senate File 2154, 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 124.401, subsection 1, paragraph a, subparagraph (2), subparagraph subdivision (d), Code 1995, is amended to read as follows:

(d) Methamphetamine, its salts, isomers, or salts of isomers.

(e) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph subdivisions (a) through (c) (d).

Sec. 2. Section 124.401, subsection 1, paragraph b, Code 1995, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) More than five grams but not more than five kilograms of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

Sec. 3. Section 124.401, subsection 1, paragraph c, Code 1995, is amended by adding the following new subparagraph (6) and renumbering the subsequent subparagraph:

NEW SUBPARAGRAPH. (6) Five grams or less of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine.

Sec. 4. Section 124.401, Code 1995, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. It is unlawful for any person to sell, distribute, or make available any product containing ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine, if the person knows, or should know, that the product may be used as a precursor to any illegal substance or an intermediary to any controlled substance. A person who violates this

subsection commits a serious misdemeanor.

**NEW SUBSECTION. 2B.** It is unlawful for any person to possess any product containing ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine, with the intent to use the product as a precursor to any illegal substance or an intermediary to any controlled substance. A person who violates this subsection commits a class "D" felony.

Sec. 5. Section 124.401A, Code 1995, 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, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, 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. 6. Section 124.401B, Code 1995, is amended to read as follows:

**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. 7. Section 232.22, subsection 1, paragraph e, subparagraph (3), Code Supplement 1995, is amended to read as follows:

(3) A mixture or substance containing methamphetamine, its salts, isomers, ~~and~~ ~~or~~ salts of isomers, ~~or~~ ~~analog~~s of methamphetamine, and if the act was committed by an adult, it would be a violation of section 124.401, subsection 1; ~~paragraph "e" subparagraph (6).~~

Sec. 8. **EPHEDRINE STUDY.** The board of pharmacy examiners and the department of public safety shall conduct a study of uses not approved by the United States food and drug administration, and uses as a precursor in the production of illegal substances, of ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine. The study shall include a review of regulations in other states relating to, but not limited to, inappropriate or illegal uses of ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine. The secretary of the board of pharmacy examiners and the commissioner of public safety shall report the

findings and recommendations of the study to the general assembly on or before January 2, 1997."

2. Title page, line 1, by inserting after the word "Act" the following: "relating to certain drug offenses and penalties by".

3. Title page, line 2, by inserting after the word "methamphetamine" the following: ", creating new offenses involving ephedrine, and expanding the types of real property within one thousand feet of which a person who unlawfully possesses a substance is subject to an increased penalty".

On the Part of the Senate:

On the Part of the House:

TONY BISIGNANO, Chairperson  
 RANDAL J. GIANNETTO  
 MARY NEUHAUSER  
 O. GENE MADDOX  
 LYLE E. ZIEMAN

KEN VEENSTRA, Chairperson  
 BRIAN COON  
 DAN BODDICKER  
 MICHAEL MORELAND  
 ROBERT J. OSTERHAUS

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 2442

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 2442, a bill for An Act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates, respectfully make the following report:

1. That the House recedes from its amendment, S-5550.
2. That Senate File 2442, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following: "Section 1. FAMILY INVESTMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For assistance under the family investment program under chapter 239:  
 ..... \$ 34,787,255

1. The department shall continue the special needs program under the family investment program.
2. The department may adopt administrative rules for the family investment, food stamp, and medical assistance programs to change or delete welfare reform initiatives that threaten the integrity or continuation of the program or that are not cost-effective. Prior to the adoption of rules, the department shall consult with the welfare reform council, members of the public involved in development of the policy established in the 1993 session of the Seventy-fifth General Assembly, and the chairpersons and ranking members of the human resources committees

of the senate and the house of representatives.

Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For emergency assistance to families with dependent children for homeless prevention programs:

..... \$ 1,967,500

1. The emergency assistance provided for in this section shall be available beginning October 1 of the fiscal year and shall be provided only if all other publicly funded resources have been exhausted. Specifically, emergency assistance is the program of last resort and shall not supplant assistance provided by the low-income home energy assistance program (LIHEAP), county general relief, and veterans affairs programs. The department shall establish a \$500 maximum payment, per family, in a twelve-month period. The emergency assistance includes, but is not limited to, assisting people who face eviction, potential eviction, or foreclosure, utility shutoff or fuel shortage, loss of heating energy supply or equipment, homelessness, utility or rental deposits, or other specified crisis which threatens family or living arrangements. The emergency assistance shall be available to migrant families who would otherwise meet eligibility criteria. The department may contract for the administration and delivery of the program. The program shall be terminated when funds are exhausted.

2. For the fiscal year beginning July 1, 1996, the department shall continue the process for the state to receive refunds of rent deposits for emergency assistance recipients which were paid by persons other than the state. The refunds received by the department under this subsection shall be deposited with the moneys of the appropriation made in this section and used as additional funds for the emergency assistance program. Notwithstanding section 8.33, moneys received by the department under this subsection which remain after the emergency assistance program is terminated and state moneys in the emergency assistance account which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure when the program resumes operation on October 1 in the succeeding fiscal year.

3. Of the funds appropriated in this section, \$10,000 is allocated to the community voice mail program to continue the existing program. The funds shall be made available beginning July 1, 1996.

Sec. 3. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$366,687,988

1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed,

mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. Notwithstanding section 8.39, the department may transfer funds appropriated in this section to a separate account established in the department's case management unit for expenditures required to provide case management services for mental health, mental retardation, and developmental disabilities services under medical assistance which are jointly funded by the state and county, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes for which the funds were appropriated in this section.

3. If a medical assistance recipient is more than 17 years of age and is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement shall reimburse the department on a monthly basis for the portion of the recipient's cost of care which is not paid from federal funds.

4. a. The county of legal settlement shall be billed for 50 percent of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization in accordance with sections 249A.26 and 249A.27, and 100 percent of the nonfederal share of the cost of care for adults which is reimbursed under a federally approved home and community-based waiver that would otherwise be approved for provision in an intermediate care facility for the mentally retarded, provided under the medical assistance program. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the costs of case management provided for adults, day treatment, partial hospitalization, and the home and community-based waiver services. The case management services specified in this subsection shall be billed to a county only if the services are provided outside of a managed care contract.

b. The state shall pay the entire nonfederal share of the costs for case management services provided to persons 17 years of age and younger who are served in a medical assistance home and community-based waiver program for persons with mental retardation.

c. Medical assistance funding for case management services for eligible persons 17 years of age and younger shall also be provided to persons residing in counties with child welfare decategorization projects implemented in accordance with section 232.188, provided these projects have included these persons in their service plan and the decategorization project county is willing to provide the nonfederal share of costs.

d. When paying the necessary and legal expenses of intermediate care facilities

for the mentally retarded (ICFMR), the cost payment requirements of section 222.60 shall be considered fulfilled when payment is made in accordance with the medical assistance payment rates established for ICFMRs by the department and the state or a county of legal settlement is not obligated for any amount in excess of the rates.

5. The department may adopt and implement administrative rules regarding a prepaid mental health services plan for medical assistance patients. The rules shall include but not be limited to service provider standards, service reimbursement, and funding mechanisms. Notwithstanding the provisions of subsection 4, paragraph "a" of this section and section 249A.26, requiring counties to pay all or part of the nonfederal share of certain services provided to persons with disabilities under the medical assistance program, the state shall pay 100 percent of the nonfederal share of any services included in the plan implemented pursuant to this subsection.

6. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, Chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

7. Of the funds appropriated to the Iowa department of health for substance abuse grants, \$950,000 for the fiscal year beginning July 1, 1996, shall be transferred to the department of human services for an integrated substance abuse managed care system.

8. The department shall implement a new medical assistance home and community-based waiver for persons with physical disabilities as a means to further develop the personal assistance services program under section 225C.46. The waiver shall not be implemented in a manner which would require additional county or state funding for assistance provided to an individual served under the waiver.

9. The department may expand the drug prior authorization program to include the therapeutic class of gastrointestinal drugs known as proton pump inhibitors. The department shall not expand the requirement of drug prior authorization without prior approval of the general assembly except to require prior authorization of an equivalent of a prescription drug which is subject to prior authorization as of June 30, 1996. The department shall adopt administrative rules to implement this provision.

10. The department of human services shall expand the program to administratively pursue reimbursements for pharmacy services to include all pharmacy claims for which a recipient of medical assistance also has third-party coverage.

11. The department of human services, in consultation with the Iowa department of public health and the department of education, shall develop and implement a proposal to utilize the early and periodic screening, diagnosis, and treatment (EPSDT) funding under medical assistance, to the extent possible, to implement the screening component of the EPSDT program through the school system. The department may enter into contracts to utilize maternal and child health centers, the public health nursing program, or school nurses in implementing this provision.

12. The department shall implement the case study for outcome-based performance standards for programs serving persons with mental retardation or other developmental disabilities proposed pursuant to 1994 Iowa Acts, chapter 1170, section 56. The department shall adopt rules applicable to the programs



included in the case study, request a waiver of applicable federal requirements, and take other actions deemed necessary by the department to implement the case study.

13. The department of human services shall submit a report to the general assembly on or before January 1, 1997, regarding reimbursement for teleconsultive services provided by health care providers to recipients of medical assistance. The report shall include but is not limited to recommendations regarding the feasibility of implementation of a pilot program, including the adoption and utilization of an alternative reimbursement methodology, to determine the effect of teleconsultive services on health care quality, access, and cost.

14. A member of the joint appropriations subcommittee on human services participating during the 1996 legislative interim in a planning process for long-term care provided in nursing facilities and through alternative types of care involving a national foundation held by the department in the state, is entitled to per diem and expenses payable as a joint expense under section 2.12.

Sec. 4. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 6,811,400

1. The department shall continue to contract for drug utilization review under the medical assistance program.

2. The department shall negotiate with the department's contractor for mental health managed care under the medical assistance program to establish performance standards for successful outcomes for persons receiving services under the contract. The performance standards shall be incorporated into the contract or shall be made an addendum to the contract which is in effect as of the effective date of this subsection. The contractor's attainment of these performance standards shall be a factor in the department's decision to extend the contract in effect for managed mental health care or to initiate a new procurement process. Any future contract shall contain sanctions for failure to attain the performance standards. The provisions of section 228.5 as amended in this Act are applicable to the requirements of this subsection.

3. Any future contract entered into by the department for mental health managed care or for other services under the medical assistance program shall include a provision which requires the contractor to make public information the amount of profit realized by the contractor and the amount of funds expended by the contractor for administrative purposes under the contract.

Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For state supplementary assistance, funeral assistance, and the mental retardation waiver rent subsidy program:

..... \$ 19,190,000

1. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt

emergency rules to implement this subsection.

2. a. If during the fiscal year beginning July 1, 1996, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-along requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this Act to ensure that federal requirements are met. The department may adopt emergency rules to implement the provisions of this subsection.

b. If during the fiscal year beginning July 1, 1996, the department projects that state supplementary assistance expenditures will exceed the amount appropriated, the department may transfer funds appropriated in this Act for medical assistance for the purposes of the state supplementary assistance program. However, funds shall only be transferred from the medical assistance appropriation if the funds transferred are projected to be in excess of the funds necessary for the medical assistance program.

3. The department may use up to \$75,000 of the funds appropriated in this section for a rent subsidy program for adult persons to whom all of the following apply:

- a. Are receiving assistance under the medical assistance home and community-based services for persons with mental retardation (HCBS/MR) program.
- b. Were discharged from an intermediate care facility for the mentally retarded (ICFMR) immediately prior to receiving HCBS/MR services.

The goal of the subsidy program shall be to encourage and assist in enabling persons who currently reside in an ICFMR to move to a community living arrangement. An eligible person may receive assistance in meeting their rental expense and, in the initial two months of eligibility, in purchasing necessary household furnishings and supplies. The program shall be implemented so that it does not meet the federal definition of state supplementary assistance and will not impact the federal pass-along requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. 1382g.

Sec. 6. CHILD DAY CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For protective child day care assistance and state child care assistance:

..... \$ 12,547,100

1. Of the funds appropriated in this section, \$2,496,286 shall be used for protective child day care assistance.

2. Of the funds appropriated in this section, \$8,180,889 shall be used for state child care assistance.

3. For the purposes of this subsection, the term "poverty level" means the poverty level defined by the poverty income guidelines published by the United States department of health and human services. Based upon the availability of the funding provided in subsection 2 the department shall establish waiting lists for state child care assistance in descending order of prioritization as follows:

- a. Families with an income at or below 100 percent of the federal poverty level whose members are employed at least 30 hours per week, and parents with a

family income at or below 100 percent of the federal poverty level who are under the age of 21 and are participating in an educational program leading to a high school diploma or equivalent.

b. Parents with a family income at or below 100 percent of the federal poverty level who are under the age of 21 and are participating, at a satisfactory level, in an approved training program or in an educational program.

c. Families with an income of more than 100 percent but not more than 110 percent of the federal poverty level whose members are employed at least 30 hours per week. Assistance provided to families pursuant to this paragraph shall be provided in accordance with a sliding fee scale developed by the department. If, pursuant to an evaluation of expenditures for state child care assistance it is determined that sufficient funding is available, the department shall implement the provisions of this paragraph on or before January 2, 1997.

d. Families with an income at or below 155 percent of the federal poverty level with a special needs child as a member of the family.

e. Families with an income at or below 100 percent of the federal poverty level whose members are employed part-time at least 20 hours per week.

The department may adopt emergency rules to implement the provisions of this subsection.

4. a. Migrant seasonal farm worker families whose family income is equal to or less than 100 percent of the United States office of management and budget poverty guidelines are eligible for state child care assistance. The monthly family income shall be determined by calculating the total amount of family income earned during the 12-month period preceding the date of application for the assistance and dividing the total amount by 12.

b. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the requirements of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

5. If the department projects that funding for state child care assistance is reasonably adequate to fund the provisions of subsection 3, paragraphs "a" "b" and "c" the department may transfer not more than \$200,000 of the funding appropriated in this section to the appropriation in this Act for child and family services to provide additional funding for family-centered services.

6. Of the funds appropriated in this section, \$636,641 is allocated for the statewide program for child day care resource and referral services under section 237A.26.

7. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child day care assistance and related programs.

8. Of the funds appropriated in this section, \$1,178,284 is allocated for transitional child care assistance.

9. During the 1996-1997 fiscal year, the department shall utilize the moneys deposited in the child day care credit fund created in section 237A.28 for state child care assistance, in addition to the moneys allocated for that purpose in this section.

10. Of the funds appropriated in this section, the department shall expend not more than \$20,000 to develop a system in cooperation with child day care resource and referral services under section 237A.26, in which volunteer evaluation teams are utilized to review and inspect registered family day care homes on behalf

of the department. The department shall also review requirements for payment of publicly funded child day care, including but not limited to the effects on providers and the state budget of paying for child day care on a daily basis, block-of-hours basis, or hourly basis. The department shall review the policy implications of encouraging family day care home registration by providing an enhanced reimbursement for family day care homes that are registered. In addition, the department shall develop a proposal for a disproportionate share reimbursement adjustment for the child day care providers for which 75 percent or more of the children provided care receive public funding for the cost of their care. The department shall submit a report to the general assembly on or before January 15, 1997, which includes recommendations concerning the issues required by this subsection.

11. Of the funds appropriated in this section, \$35,000 is allocated for use by the united Mexican-American center in Des Moines for the center's child day care program.

12. A family who was eligible for and received state child care assistance during the fiscal year beginning July 1, 1995, shall continue to receive the assistance in the succeeding fiscal year for as long as the family continues to meet the eligibility requirements in effect for the fiscal year beginning July 1, 1995.

13. Notwithstanding section 8.33, moneys appropriated to the department of human services for state child care assistance in 1996 Iowa Acts, House File 2114, section 2, which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure in the succeeding fiscal year.

Sec. 7. JOBS PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the federal-state job opportunities and basic skills (JOBS) program, food stamp employment and training program, family development and self-sufficiency grants, entrepreneurial training, and implementing family investment agreements, in accordance with this section:

..... \$ 12,601,592

1. Of the funds appropriated in this section, \$11,692,292 is allocated for the JOBS program. For family investment agreements developed in the fiscal year beginning July 1, 1996, the maximum time period for postsecondary education is limited to two years.

2. The department shall continue to contract for services in developing, delivering, and monitoring an entrepreneurial training waiver program to provide technical assistance in self-employment training to families which receive assistance under the family investment program, contingent upon federal approval of waiver renewal requests.

3. Of the funds appropriated in this section, \$129,985 is allocated for the food stamp employment and training program.

4. Of the funds appropriated in this section, \$779,315 is allocated to the family development and self-sufficiency grant program as provided under section 217.12.

a. Not more than 5 percent of the funds allocated in this subsection shall be used for the administration of the grant program.

b. Federal funding matched by state, county, or other funding which is not appropriated in this section shall be deposited in the department's JOBS account.

If the match funding is generated by a family development and self-sufficiency grantee, the federal funding received shall be used to expand the family development and self-sufficiency grant program. If the match funding is generated by another source, the federal funding received shall be used to expand the grant program or the JOBS program. The department may adopt rules to implement the provisions of this paragraph.

c. Based upon the annual evaluation report concerning each grantee funded by this allocation, the family development and self-sufficiency council may use funds allocated to renew grants.

Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$ 6,517,000
.....	FTEs 226.22

1. The director of human services, within the limitations of the funds appropriated in this section, or funds transferred from the family investment program appropriation for this purpose, shall establish new positions and add employees to the child support recovery unit if the director determines that both the current and additional employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds employees, the department shall demonstrate the cost-effectiveness of the current and additional employees by reporting to the joint appropriations subcommittee on human services the ratio of the total amount of administrative costs for child support recoveries to the total amount of the child support recovered.

2. Nonpublic assistance application fees and federal tax refund offsets received by the child support recovery unit are appropriated and shall be used for the purposes of the child support recovery program. The director of human services may add positions within the limitations of the amount appropriated for salaries and support for the positions. The director shall report any positions added pursuant to this subsection to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

3. The director of human services, in consultation with the department of management and the legislative fiscal committee, is authorized to receive and deposit state child support incentive earnings in the manner specified under applicable federal requirements.

4. The director of human services may establish new positions and add state employees to the child support recovery unit if the director determines the employees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support recovery incentives exceeds the cost of the positions, the positions are necessary to ensure continued federal funding of the program, or the new positions can reasonably be expected to recover at least twice the amount of money necessary to pay the salaries and support for the new positions.

5. The child support recovery unit shall continue to work with the judicial department to determine the feasibility of a pilot project utilizing a court-appointed

referee for judicial determinations on child support matters. The extent and location of any pilot project shall be jointly developed by the judicial department and the child support recovery unit.

6. The department shall expend up to \$50,000, including federal financial participation, for the fiscal year beginning July 1, 1996, for a child support public awareness campaign. The department shall cooperate with the office of the attorney general in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities and through continuation of the publication of names of persons who are delinquent in payment of child support obligations, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

7. The department shall continue the pilot program option to provide and supervise a community service pilot project for absent parents who are ordered by the court to perform community service for failure to pay child support pursuant to section 598.23A.

8. The director of human services may enter a contract with private collection agencies to collect support payments for cases which have been identified by the department as difficult collection cases if the department determines that this form of collection is more cost effective than departmental collection methods. The director may use a portion of the state share of funds collected through this means to pay the costs of any contracts authorized under this subsection.

9. The department shall employ on or before July 2, 1996, at least 1.00 FTE to respond to telephone inquiries during all weekly business hours.

10. The department shall develop guidelines to be used in lieu of the child support guidelines prescribed under section 598.21, subsection 4, for establishing a support obligation and the amount of the support debt accrued and accruing pursuant to section 234.39 for the costs of foster care services. The proposed guidelines shall reflect the public purpose of establishing a support obligation without causing a serious disruption of the family of the obligor. The department shall submit the proposed guidelines to the general assembly on or before January 15, 1997.

Sec. 9. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of the state training school and the Iowa juvenile home, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

For the state juvenile institutions:

..... \$ 13,769,809  
..... FTEs 320.77

1. The following amounts of the funds appropriated and full-time equivalent positions authorized in this section are allocated for the Iowa juvenile home at Toledo:

..... \$ 5,130,863  
..... FTEs 118.54

2. The following amounts of the funds appropriated and full-time equivalent positions authorized in this section are allocated for the state training school at Eldora:

..... \$ 8,638,946  
..... FTEs 202.23

3. During the fiscal year beginning July 1, 1996, the population levels at the state juvenile institutions shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21.

4. Of the funds appropriated in this section, \$10,000 shall be used by the state training school and \$8,000 by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 1996.

5. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.

Sec. 10. CHILD AND FAMILY SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... \$ 85,460,607

1. The department may transfer moneys appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under medical assistance or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations in this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

2. a. Of the funds appropriated in this section, up to \$24,601,280 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services.

b. The department shall report quarterly to the legislative fiscal bureau concerning the status of each region's efforts to contain expenditures for group foster care placements in accordance with the regional plan established pursuant to section 232.143.

c. The department shall not certify any additional enhanced residential treatment beds, unless the director of human services approves the beds as necessary, based on the type of children to be served and the location of the enhanced residential treatment beds.

d. (1) Of the funds appropriated in this section, not more than \$6,538,215 is allocated as the state match funding for psychiatric medical institutions for children.

(2) The department may transfer all or a portion of the funds appropriated in this section for psychiatric medical institutions for children (PMICs) to the appropriation in this Act for medical assistance and may amend the managed mental health care contract to include PMICs.

e. Of the funds allocated in this subsection, not more than \$1,077,995 is allocated as the state match funding for 50 highly structured juvenile program beds.

3. The department shall establish a goal that not more than 15 percent of the children placed in foster care funded under the federal Social Security Act, Title IV-E, may be placed in foster care for a period of more than 24 months.

4. In accordance with the provisions of section 232.188, the department shall continue the program to decategorize child welfare services in additional counties or clusters of counties.

5. Of the funds appropriated in this section, up to \$96,512 is allocated for continued

foster care services to a child who is 18 years of age or older in accordance with the provisions of section 234.35, subsection 3, paragraph "c". However, if funding in this appropriation would remain unobligated at the end of the fiscal year, the allocation in this subsection may be exceeded to the extent necessary to provide the continued foster care services. The department shall distribute the moneys allocated in this subsection to the department's regions based on each region's proportion of the total number of children placed in foster care on March 31 preceding the beginning of the fiscal year, who, during the fiscal year would no longer be eligible for foster care due to age.

6. Notwithstanding section 232.142, subsection 3, the financial aid paid by the state for the establishment, improvements, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 1996, shall be limited to \$872,500. Funds allocated in this subsection shall be prorated among eligible detention homes.

7. The amount of the appropriation made in this section available for foster care is based upon expansion of the number of children in foster care who are eligible for federal supplemental security income (SSI). The department may use up to \$300,000 of those funds to enter into a performance-based contract to secure SSI benefits for children placed in foster care. The contract shall include provisions for training of department of human services and juvenile court staff, completion of applications, tracking of application results, and representation during the appeals process whenever an appeal is necessary to secure SSI benefits. Notwithstanding section 217.30 and section 232.2, subsection 11, and any other provision of law to the contrary, the director or the director's designee on behalf of a child in foster care may release medical, mental health, substance abuse, or any other information necessary only to determine the child's eligibility for SSI benefits, and may sign releases for the information. In any release of information made pursuant to this subsection, confidentiality shall be maintained to the maximum extent possible.

8. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project to stay together or to be reunified.

9. Notwithstanding section 234.35, subsection 1, for the fiscal year beginning July 1, 1996, state funding for shelter care paid pursuant to section 234.35, subsection 1, paragraph "h" shall be limited to \$3,223,732. The department shall develop a formula in consultation with the shelter care committee created by the department to allocate shelter care funds to the department's regions. The formula shall be based on the region's proportion of the state population of children and historical usage. The department may adopt emergency rules to implement the provisions of this subsection.

10. Of the funds appropriated in this section, not more than \$527,137 may be used to develop and maintain the state's implementation of the national adoption and foster care information system pursuant to the requirements of Pub. L. No. 99-509. The department may transfer funds as necessary from the appropriations in this Act for field operations and general administration to implement this subsection. Moneys allocated in accordance with this subsection shall be considered encumbered for the purposes of section 8.33.

11. Of the funds appropriated in this section, up to \$619,433 may be used as determined by the department for any of the following purposes:

a. For general administration of the department to improve staff training efforts.



b. For oversight of termination of parental rights and permanency planning efforts on a statewide basis.

c. For personnel, assigned by the attorney general, to provide additional services relating to termination of parental rights and child in need of assistance cases.

d. For specialized permanency planning field operations staff.

12. The department may adopt administrative rules following consultation with child welfare services providers to implement outcome-based child welfare services pilot projects. The rules may include, but are not limited to, the development of program descriptions, provider licensing and certification standards, reimbursement and payment amounts, contract requirements, assessment and service necessity requirements, eligibility criteria, claims submission procedures, and accountability standards.

13. Of the funds appropriated in this section, up to \$125,340 may be used to develop, in cooperation with providers of children and family services, a performance-based monitoring program to evaluate and improve outcomes for children and families. The department may adopt administrative rules to implement this subsection.

14. The department may develop, within the funds available, a pilot kinship care project to enhance family involvement in the development of the permanency plan required under chapter 232 for children who are removed from their homes. The project components may include family involvement before and after removal of the child and shall stress safety for the child.

15. Within the funds appropriated in this section, the department may develop a subsidized guardianship program to provide financial assistance to guardians of children who have a permanency order under section 232.104, subsection 2, paragraph "d" subparagraph (1), in cases in which all of the following conditions exist:

a. The option of reunification has been eliminated and termination of parental rights is not appropriate.

b. The child has lived with the potential guardian for at least six months.

c. The child is either 14 years of age or older or, if under 14 years of age, is part of a sibling group and cannot be made available for adoption.

d. The placement does not require departmental supervision.

The financial assistance provided shall be in the same amount as provided for family foster care. For purposes of medical assistance and child support recovery, these payments shall be considered foster care payments.

16. The department shall continue to make adoption presubsidy and adoption subsidy payments to adoptive parents at the beginning of the month for the current month.

17. If Title XIX of the federal Social Security Act is repealed prior to January 17, 1997, and the state is otherwise authorized to establish requirements for providing health and rehabilitative services to persons who would be eligible for medical assistance under chapter 249A, the department shall eliminate the clinical assessment and consultation teams operating as part of the medical assistance children's rehabilitative services initiative. The provisions of this subsection shall apply through January 16, 1997.

18. Federal funds received by the state during the fiscal years beginning July 1, 1995, and July 1, 1996, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section shall be used as additional funding for services provided under this section.

Moneys received by the department in accordance with the provisions of this section shall remain available for the purposes designated until June 30, 1998.

19. The department may adopt emergency rules to revise administrative rules relating to rehabilitative treatment services under the child welfare program as necessary to comply with federal requirements to maintain nonstate funding.

20. The department in cooperation with the department of education shall collect data to determine the number of children for whom sheltered workshops and supported employment will be required during the period beginning July 1, 1997, through June 30, 2002. The department shall report the findings of the study to the general assembly by January 2, 1997.

21. Of the funds appropriated in this section, up to \$150,000 shall be transferred to the Iowa healthy kids trust fund for use by the division of insurance of the department of commerce for planning, administration, and implementation of the Iowa healthy kids program as established in chapter 514I as enacted in this Act.

Sec. 11. COMMUNITY-BASED PROGRAMS — ADOLESCENT PREGNANCY PREVENTION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For community-based programs, on the condition that family planning services are funded, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$ 2,635,146
..... FTEs	1.00

1. Of the funds appropriated in this section, \$736,146 shall be used for adolescent pregnancy prevention grants, including not more than \$156,048 for programs to prevent pregnancies during the adolescent years and to provide support services for pregnant or parenting adolescents. It is the intent of the general assembly that by July 1, 1998, grants awarded under this subsection be required to meet the criteria under subsection 2 including the provision of community-wide services within the proximity of the community or region.

2. Of the funds appropriated in this section, \$298,000 shall be used for grants to community or regional groups which demonstrate broad-based representation from community representatives including but not limited to schools, churches, human service-related organizations, and businesses. Priority in the awarding of grants shall be given to groups which provide services to both urban and rural areas within the proximity of the community or region and which provide age-appropriate programs adapted for both male and female youth at the elementary, middle, and high school levels. A program shall focus on the prevention of initial pregnancies during the adolescent years by emphasizing sexual abstinence as the only completely safe and effective means of avoiding pregnancy and sexually transmitted diseases and by providing information regarding the comparative failure rates of contraceptives, and by emphasizing responsible decision making in relationships, managing of peer and social pressures, development of self-esteem, the costs and responsibilities of parenting, and information regarding the alternative of adoption for placement of a child. The program shall also include an evaluation and assessment component which includes evaluation of and recommendations for improvement of the program by the youth and parents involved. Evaluation and assessment reports shall be provided to the department of human services, at a time determined by the department in the grant award.

Community or regional groups interested in applying for a grant under this subsection may be issued a planning grant or may utilize grant moneys for the costs of technical assistance to analyze community needs, match service providers to needs, negotiate service provision strategies, or other assistance to focus grant services provided under this subsection. The technical assistance may be provided by organizations affiliated with institutions under the authority of the state board of regents or other organizations experienced in providing technical assistance concerning similar services.

3. The department of human services, in cooperation with the Iowa department of public health, shall determine the criteria to be used in measuring the results of all pregnancy prevention programs for which funds are allocated in this section. The criteria to be used shall be made available to the interim committee established in subsection 4.

4. The legislative council is requested to established a legislative interim committee during the 1996 interim of the general assembly to evaluate the effectiveness of current and proposed adolescent pregnancy prevention programs.

5. Of the funds appropriated in this section, \$846,014 shall be used by the department for child abuse prevention grants. Of the funds allocated in this subsection, \$115,000 shall be transferred to the Iowa department of public health for the Iowa healthy family program under section 135.106, to be expended in accordance with the provisions relating to this program in 1996 Iowa Acts, Senate File 2448.

Sec. 12. COURT-ORDERED SERVICES PROVIDED TO JUVENILES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4:

..... \$ 3,090,000

1. Notwithstanding section 232.141 or any other provision of law, the funds appropriated in this section shall be allocated to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination on the allocations on or before June 15.

2. a. Each judicial district shall continue the planning group for the court-ordered services for juveniles provided in that district which was established pursuant to 1991 Iowa Acts, chapter 267, section 119. A planning group shall continue to perform its duties as specified in that law. Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group.

b. Each district planning group shall submit an annual report in January to the state court administrator and the department of human services. The report shall cover the preceding fiscal year and shall include a preliminary report on the current fiscal year. The administrator and the department shall compile these reports and submit the reports to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

3. The department of human services shall develop policies and procedures to ensure that the funds appropriated in this section are spent only after all other

reasonable actions have been taken to utilize other funding sources and community-based services. The policies and procedures shall be designed to achieve the following objectives relating to services provided under chapter 232:

a. Maximize the utilization of funds which may be available from the medical assistance program including usage of the early and periodic screening, diagnosis, and treatment (EPSDT) program.

b. Recover payments from any third-party insurance carrier which is liable for coverage of the services, including health insurance coverage.

c. Pursue development of agreements with regularly utilized out-of-state service providers which are intended to reduce per diem costs paid to those providers.

4. The department of human services, in consultation with the state court administrator and the judicial district planning groups, shall compile a monthly report describing spending in the districts for court-ordered services for juveniles, including the utilization of the medical assistance program. The reports shall be submitted on or before the twentieth day of each month to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

5. Notwithstanding chapter 232 or any other provision of law, a district or juvenile court in a department of human services district shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district allocation to pay for the service. The chief juvenile court officer shall work with the judicial district planning group to encourage use of the funds appropriated in this section such that there are sufficient funds to pay for all court-related services during the entire year. The eight chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the allocations and shall cooperatively request the state court administrator to transfer funds between the districts' allocations as prudent.

6. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

7. Of the funds appropriated in this section, not more than \$100,000 may be used by the judicial department for administration of the requirements under this section and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

8. Of the funds appropriated in this section, not more than \$400,000 may be transferred to the appropriation in this Act for child and family services and used to provide school-based supervision of children adjudicated under chapter 232.

Sec. 13. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the state mental health institutes for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$ 41,537,333
.....	FTEs 927.16

1. The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

a. State mental health institute at Cherokee:	\$ 13,581,308
.....	FTEs 306.04
b. State mental health institute at Clarinda:	\$ 6,172,607
.....	FTEs 136.82
c. State mental health institute at Independence:	\$ 16,946,094
.....	FTEs 401.82
d. State mental health institute at Mount Pleasant:	\$ 4,837,324
.....	FTEs 82.48

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.

3. As part of the discharge planning process at the state mental health institutes, the department shall provide assistance in obtaining eligibility for federal supplemental security income (SSI) to those individuals whose care at a state mental health institute is the financial responsibility of the state.

Sec. 14. HOSPITAL-SCHOOLS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the state hospital-schools, for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$ 62,029,824
.....	FTEs 1,516.00

1. The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

a. State hospital-school at Glenwood:	\$ 35,070,700
.....	FTEs 872.50
b. State hospital-school at Woodward:	\$ 26,959,124
.....	FTEs 643.50

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation.

Sec. 15. MENTAL ILLNESS SPECIAL SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental illness special services:	\$ 121,220
.....	

1. The department and the Iowa finance authority shall develop methods to implement the financing for existing community-based facilities and to implement financing for the development of affordable community-based housing facilities. The department shall assure that clients are referred to the housing as it is developed.

2. The funds appropriated in this section are to provide funds for construction and start-up costs to develop community living arrangements to provide for persons with mental illness who are homeless. These funds may be used to match federal Stewart B. McKinney Homeless Assistance Act grant funds.

Sec. 16. FAMILY SUPPORT SUBSIDY PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used by the division of children and family services for the purpose designated:

For the family support subsidy program:

..... \$ 1,344,000

The division of children and family services shall utilize not more than \$200,000 of the funds appropriated in this section to implement a pilot project of the children-at-home component under the comprehensive family support program in at least one rural and one urban county. Not more than \$50,000 of the funds allocated in this paragraph shall be used for administrative costs.

Sec. 17. SPECIAL NEEDS GRANTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To provide special needs grants to families with a family member at home who has a developmental disability or to a person with a developmental disability:

..... \$ 53,212

Grants must be used by a family to defray special costs of caring for the family member to prevent out-of-home placement of the family member or to provide for independent living costs. The grants may be administered by a private nonprofit agency which serves people statewide provided that no administrative costs are received by the agency. Regular reports regarding the special needs grants with the family support subsidy program and an annual report concerning the characteristics of the grantees shall be provided to the legislative fiscal bureau.

Sec. 18. MI/MR/DD STATE CASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purchase of local services for persons with mental illness, mental retardation, and developmental disabilities where the client has no established county of legal settlement:

..... \$ 5,454,000

If a county has a county management plan which is approved by the director of human services pursuant to section 331.439, the services paid for under this section are exempt from the department's purchase of service system requirements. The department shall adopt rules to implement the provisions of this paragraph.

Sec. 19. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this Act:

..... \$ 16,230,000

1. Of the funds appropriated in this section, \$15,951,138 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$30,000 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. The department shall submit an annual report concerning each population served and each service funded in this section to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

5. Of the funds appropriated in this section, not more than \$248,862 shall be provided to those counties having supplemental per diem contracts in effect on June 30, 1994, which were originally initiated under 1993 Iowa Acts, chapter 172, section 16, subsection 2. The amount provided to each county shall be equal to the amount the county would be eligible to receive under the supplemental per diem contracts in effect on June 30, 1994, if the contracts were continued in effect for the entire fiscal year beginning July 1, 1996.

6. a. Funding from the federal social services block grant in the amount of \$13,038,763 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with eligibility guidelines established in the department's rules outlining general provisions for service administration. Services eligible for payment with funds allocated in this subsection are limited to any of the following which are provided in accordance with the department's administrative rules for the services: adult support, adult day care, administrative support for volunteers, community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity.

c. In purchasing services with funds allocated in this subsection, a county shall designate a person to provide for eligibility determination and development of a case plan for individuals for whom the services are purchased. The designated person shall be a medical assistance case manager serving the person's county of residence. If an individual does not have a case manager, the individual's eligibility shall be determined by a social services caseworker of the department serving the individual's county of residence. The case plan shall be developed in

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accordance with the department's rules outlining general provisions for service administration.

d. Services purchased with funds allocated in this subsection must be the result of a referral by the person who identified the services in developing the individual's case plan.

e. Services purchased with funds allocated in this subsection must be under a purchase of service contract established in accordance with the department's administrative rules for purchase of service.

f. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

g. Each county shall submit to the department a plan for funding of the services eligible for payment under this subsection. The plan may provide for allocation of the funds for one or more of the eligible services. The plan shall identify the funding amount the county allocates for each service and the time period for which the funding will be available. Only those services which have funding allocated in the plan are eligible for payment with funds provided in this subsection.

h. A county shall provide advance notice to the individual receiving services, the service provider, and the person responsible for developing the case plan of the date the county determines that funding will no longer be available for a service.

i. The moneys provided under this subsection do not establish an entitlement to the services funded under this subsection.

7. If a county has a county management plan which is approved by the director of human services pursuant to section 331.439, the county shall be considered to have met the requirements of subsection 2, and subsection 6, paragraphs "b" "c" "d" "e" and "g". The department shall adopt rules to implement the provisions of this subsection.

Sec. 20. PERSONAL ASSISTANCE — FAMILY SUPPORT. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount or so much thereof as is necessary, to be used for the purpose designated:

For continuation of a pilot project for the personal assistance services program in accordance with this section:

..... \$ 364,000

The funds appropriated in this section shall be used by the division of children and family services to continue the pilot project for the personal assistance services program under section 225C.46 in an urban and a rural area. A portion of the funds may be used for costs to develop a federal home and community-based waiver under the medical assistance program for persons with physical disabilities or other expenditures necessary to develop the personal assistance program in the most appropriate and cost-effective manner. However, not more than \$50,000 shall be used for administrative costs. The pilot project and the waiver shall not be implemented in a manner that would require additional county or state costs for assistance provided to an individual served under the pilot project or the waiver.

Sec. 21. FIELD OPERATIONS. There is appropriated from the general fund



of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 38,483,998  
 ..... FTEs 2,019.00

Sec. 22. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 11,917,316  
 ..... FTEs 401.00

1. Of the funds appropriated in this section, \$57,090 is allocated for the prevention of disabilities policy council established in section 225B.3.

2. a. Except as provided under this subsection and under the appropriation in this Act to the legislative council, the department shall not implement the options for service system modification developed by the department's modification teams in response to proposed federal action and shall not implement other actions in response to enacted federal changes affecting the programs administered by the department unless the department is implementing a policy or action authorized in law by the Seventy-sixth General Assembly, 1996 Session, or by the Seventy-seventh General Assembly.

b. The department may make changes to the requirements for periodic reporting by participants under the family investment program, food stamp program, or medical assistance program if the changes would result in a reduction in paperwork for the participants and for department staff. If a federal waiver is necessary to implement a change, the department may submit the waiver request to the United States departments of health and human services and agriculture, as applicable. If the department elects to submit a waiver request or to adopt rules to implement a change under this paragraph, the department shall first consult with a group similar to the work group that considered the state human investment policy proposal or with a successor interagency task force which makes recommendations concerning the family investment program, and shall share the proposals with the chairpersons and ranking members of the committees on human resources of the senate and house of representatives.

c. If implementation of the request would result in increased federal funding and would permit greater flexibility in service funding, the department may submit a waiver request to the United States department of health and human services for Title IV-E funding to be provided to the state in a fixed amount. Prior to submission of the request, the department shall consult with representatives of the juvenile court and service providers.

Sec. 23. DEPARTMENT OF HUMAN SERVICES RESTRUCTURING TASK FORCE ON THE FUTURE OF HUMAN SERVICES. There is appropriated from the general fund of the state to the legislative council for the fiscal period beginning July 1, 1996, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For expenses associated with the activities of the task force for assessing the structure and function of the department of human services and human services programs in accordance with this section:

..... \$ 75,000

1. The legislative council shall establish a task force to develop a comprehensive proposal for changing the role and function of the department of human services and its programs. The purpose of the changes is to improve services to Iowans through the creation of new federal, state, and local partnerships. The task force shall make recommendations regarding restructuring the department of human services in order to achieve better human services results, to improve the quality of service delivery, and to increase the quality of the department's interaction with the public. The task force may also assess program duplication and linkages with other federal, state, or local programs or funding streams.

2. The task force shall be composed of not more than 21 members appointed by the legislative council and shall include not more than five individuals recommended by the governor and legislators who are members of the joint appropriations subcommittee on human services and other knowledgeable legislators designated by the legislative council. The task force may use moneys appropriated in this section for technical assistance. The task force shall consult with service consumers, experts who are representative of organizations such as nonprofit service organizations, health insurers, and human services-oriented community organizations, representatives of local governments, representatives of state agencies, federal officials with expertise or responsibilities regarding human services in Iowa, and others, as determined by the task force. An interim report shall be completed prior to the convening of the Seventy-seventh General Assembly.

The task force shall provide for public input concerning the four modification proposals developed by the department in response to proposed federal actions submitted to the joint appropriations subcommittee on human services in February 1996.

The task force may establish work groups to assist in the task force's consideration of the modification proposals which may include the following:

- a. A review of the child welfare modification proposal which may include input from representatives of the juvenile court, service providers, families receiving services, the attorney general, representatives of local governments, representatives of state agencies, and other citizens and officials.
- b. A review of the mental health and developmental disabilities proposal which shall incorporate issues associated with implementation of the funding reform enacted in 1995 Iowa Acts, chapter 206; usage of service providers such as intermediate care facilities for the mentally retarded, state institutions, and other services for persons with disabilities; distribution of services throughout the state; and other issues. In addition, the review shall consider a proposal to replace the single contract for managed care under medical assistance with not more than four regional plans utilizing collaborations between community mental health centers as umbrella agencies.
- c. A review of the family investment program proposal which may include input from the work group which considered the state human investment policy proposal or a successor interagency task force which makes recommendations to the department concerning the family investment program. Consideration of issues associated with the proposal may include review of the emergency assistance

program, the family development and self-sufficiency (FaDSS) program, and child day care programs, and an assessment of the feasibility of transferring all or part of the functions of the child support recovery unit to other agencies of state government.

d. A review of the medical assistance proposal which may include input from representatives of the medical assistance advisory council, the long-term care resident's advocate, and consumer groups such as the Iowa affiliate of the American association of retired persons, Iowa citizens' action network, the governor's DD council which was formerly referred to as the governor's planning council for developmental disabilities, and representatives of maternal and child health centers.

3. If federal law requires the state to make changes in the programs and services directed to the populations addressed by the modification proposals and authorizes the changes to be made without state legislation, the department shall adopt rules to implement the changes. The rules shall be submitted to the task force for review and recommendation prior to their submission to the administrative rules review committee.

Sec. 24. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services: \$ 98,900

Sec. 25. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. The department of human services may allocate increases among items and procedures for durable medical products and supplies as deemed appropriate in cooperation with durable medical equipment and supply dealers, audiologists, and hearing aid dealers.

b. For the fiscal year beginning July 1, 1996, skilled nursing facilities shall remain at the rates in effect on June 30, 1996.

c. The dispensing fee for pharmacists shall remain at the rate in effect on June 30, 1996. The reimbursement policy for drug product costs shall be in accordance with federal requirements.

d. Reimbursement rates for in-patient and outpatient hospital services shall remain at the rates in effect on June 30, 1996. The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "f". Reimbursements made between July 1, 1996, and June 30, 1997, under the outpatient hospital reimbursement system implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "f" shall be retrospectively adjusted so that the reimbursement made is within a ten percent deviation of the lower of the cost or the charges for the services provided during the fiscal year ending June 30, 1996. In addition, the department shall continue the revised medical assistance payment policy implemented pursuant to that paragraph to provide reimbursement for costs of screening and treatment provided in the hospital emergency room if made pursuant to the prospective payment methodology developed by the department for the payment of outpatient services provided under the medical assistance program.

e. Reimbursement rates for rural health clinics shall be increased in accordance with increases under the federal medicare program.

f. Home health agencies certified for the federal Medicare program, hospice services, and acute care mental hospitals shall be reimbursed for their current federal Medicare audited costs.

g. The basis for establishing the maximum medical assistance reimbursement rate for nursing facilities shall be the 70th percentile of facility costs as calculated from the June 30, 1996, unaudited compilation of cost and statistical data. However, to the extent funds are available within the amount projected for reimbursement of nursing facilities within the appropriation for medical assistance in this Act, and within the appropriation for medical assistance as a whole, the department shall adjust the maximum medical assistance reimbursement for nursing facilities to the 70th percentile, as calculated on December 31, 1996, unaudited compilation of cost and statistical data and the adjustment shall take effect January 1, 1997.

h. The department may modify the reimbursement methodology for skilled nursing facilities which participated in the medical assistance program on or before May 31, 1993, and which met the departmental disproportionate share payment provisions as of May 31, 1993, if it is possible to demonstrate that the modification would result in a cost savings to the medical assistance program.

i. The department may revise the fee schedule used for physician reimbursement.

j. Federally qualified health centers shall be reimbursed at 100 percent of reasonable costs as determined by the department in accordance with federal requirements.

k. The department may allocate increases among items and procedures for dental procedures as deemed appropriate in cooperation with dentists.

2. For the fiscal year beginning July 1, 1996, the maximum cost reimbursement rate for residential care facilities reimbursed by the department shall be \$21.54 per day. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall be \$15.41 per day. For the fiscal year beginning July 1, 1996, the maximum reimbursement rate for providers reimbursed under the in-home health-related care program shall be \$414.11 per month.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 1995.

4. Notwithstanding section 234.38, in the fiscal year beginning July 1, 1996, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$12.34, the rate for children ages 6 through 11 years shall be \$13.06, the rate for children ages 12 through 15 years shall be \$14.23, and the rate for children ages 16 and older shall be \$15.12.

5. For the fiscal year beginning July 1, 1996, the maximum reimbursement rates for social service providers shall be the same as the rates in effect on June 30, 1996, except under any of the following circumstances:

a. If a new service was added after June 30, 1996, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used

to support actual and allowable costs of a service purchased under a purchase of service contract.

c. The department revises the reimbursement rates as part of the changes in the mental health and developmental disabilities services system initiated pursuant to 1995 Iowa Acts, chapter 206 (Senate File 69), and associated legislation.

d. The reimbursement rate revision is necessary to implement the change required by the appropriation in this Act for an increase in the reimbursement for residential care facilities.

6. The group foster care reimbursement rates paid for placement of children out-of-state shall be calculated according to the same rate-setting principles as those used for in-state providers unless the director determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

7. For the fiscal year beginning July 1, 1996, the combined service and maintenance components of the reimbursement rate paid to a shelter care provider shall be based on the cost report submitted to the department. The maximum reimbursement rate shall be \$76.61 per day. If the department would reimburse the provider at less than the maximum rate but the provider's cost report justifies a rate of at least \$76.61, the department shall readjust the provider's reimbursement rate to the maximum reimbursement rate. In January 1997, the department shall review the usage of shelter care and the funding allocated for shelter care, if the usage is less than anticipated and the existing contracts for provision of shelter care do not obligate the total amount of the funds allocated, the department may utilize moneys in the allocation, which would otherwise be unexpended, for wrap-around services or support to enable group foster care placement to be prevented or the length of stay reduced.

8. The department, through the drug utilization review commission, shall propose a pilot project for an alternative payment system, recommended in the study completed by the drug utilization review commission, for compensation of pharmacists for pharmaceutical care services under medical assistance at no cost to the state. The department shall submit the proposal to the members of the joint appropriations subcommittee on human services on or before November 30, 1996.

9. For the fiscal year beginning July 1, 1996, the department shall calculate reimbursement rates for intermediate care facilities for the mentally retarded at the 80th percentile. The department shall address any other proposals for containment of intermediate care facilities for the mentally retarded costs with the work group for restructuring of the department of human services created pursuant to this Act.

10. The department of human services shall adopt rules applicable to agencies providing services under the department's rehabilitative treatment program for children and their families to eliminate reimbursement rate limits on service components which are within a category of cost which itself has a reimbursement rate limit. The change required by this subsection shall be implemented in a manner which is cost neutral.

11. The department shall negotiate with providers of services under the department's medical assistance rehabilitative treatment program for children and families, to revise the department's rules providing reimbursement rates under the program, including a review of cost principles. The goals for the revision are to simplify the reimbursement process, reduce paperwork for providers, and

provide full payment for necessary services provided under contract with the department. Prior to adoption of the rules and no later than October 1, 1996, the department shall provide a description of the agreement to the chairpersons and ranking members of the joint appropriations subcommittee on human services. The provisions of this subsection shall be separate from the provisions of subsection 10.

12. The department of human services, in consultation with representatives of nursing facilities, consumers, legislators, a representative of the department of management or the governor's designee, and other interested entities, shall do all of the following with the goals of improving the quality of care and improving the recruitment and retention of qualified direct health care providers in nursing facilities:

a. Establish definitions for the direct health care, administrative, room and board, and property cost categories for reimbursement of nursing facilities under the medical assistance program.

b. Analyze and make recommendations for the distribution of costs among the cost categories which may include elimination or replacement of the cost categories.

c. Analyze and make recommendations to eliminate reimbursement rate limits on components which are within a category of cost which itself has a reimbursement rate limit.

d. Conduct a cost-benefit analysis of incentive payments, evaluate their impact on quality of care and patient well-being, and make recommendations based upon the analysis and evaluation.

e. Analyze and make recommendations for clarification and simplification of the cost report format, which may include standardization with the county charts of accounts.

f. Analyze and make recommendations regarding the use of a reimbursement allowance for those nursing facilities serving a disproportionate share of medical assistance patients.

g. Analyze and make recommendations regarding effective ways to mediate disputes between a nursing facility and the department of inspections and appeals concerning significant violations, prior to a formal appeal.

h. Submit a report of the definitions, analysis, and recommendations to the general assembly on or before December 16, 1996.

13. The department may adopt emergency rules to implement the provisions of this section.

**Sec. 26. RESIDENTIAL SERVICES — PURCHASE OF SERVICES — REIMBURSEMENT RATE INCREASE.** There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For an increase in the purchase of service reimbursement rate for adult residential services provided to persons residing in any category of licensed residential care facility. Beginning July 1, 1996, provider service rates for adult residential services shall be increased up to the amount of actual and allowable costs plus inflation, based upon the cost reports on which rates have been established as of April 1, 1996. However, a provider service rate shall not be increased by more than \$4.36 per day. If a provider service rate in effect prior to July 1, 1996, is greater than the actual and allowable costs plus inflation, based upon the cost report, or if the difference between the provider service rate and the actual and

allowable costs is less than \$.44 per day, the provider service rate shall be increased by \$.44 per day:

..... \$ 1,300,000

1. Funding appropriated in this section shall be allocated to counties in accordance with the distribution guidelines for local purchase of services in accordance with the appropriation in this Act for the mental health and developmental disabilities community services fund. Use of the funding is restricted to reimbursement of a licensed residential care facility provider of adult residential services which had a purchase of service contract for those services in effect on June 30, 1996, and for which the rate negotiated for fiscal year 1996-1997 is greater than the rate paid in fiscal year 1995-1996.

2. Of the moneys appropriated in this section, \$130,000 shall be transferred to the appropriation in this Act for increased reimbursement rate to residential care facilities providing services through local purchase of services for persons under the state cases program, and in accordance with the guidelines in this Act for local purchase of services.

Sec. 27. APPROPRIATIONS REDUCTIONS. The following appropriations in this Act for the fiscal year beginning July 1, 1996, and ending June 30, 1997, are reduced by a total of \$1,560,000: child support recovery, juvenile institutions, community-based programs, mental health institutes, state hospital-schools, field operations, and general administration. The department shall use the following guidelines in achieving these reductions:

1. As the highest priority, avoid disruptions of direct client services.
2. To the extent possible, use attrition to reduce the number of positions filled.
3. To the extent possible, not disproportionately affect a single job classification.
4. Not include in the reduction, the elimination of the 3.00 FTEs for managed care specialists in the medical services division.
5. Consider reductions in administration, overhead, and program duplication.

The department shall submit the department's plan for accomplishing the reductions to the chairpersons and ranking members of the joint appropriations subcommittee on human services, the department of management, and the legislative fiscal bureau on or before June 15, 1996.

Sec. 28. STATE INSTITUTIONS — CLOSINGS, REDUCTIONS, AND BILLING PRACTICES.

1. If a state institution administered by the department of human services is to be closed or reduced in size, prior to the closing or reduction the department shall initiate and coordinate efforts in cooperation with the Iowa department of economic development to develop new jobs in the area in which the state institution is located. In addition, the department may take other actions to utilize any closed unit or other facilities and services of an institution, including but not limited to assisting public or private organizations in utilizing the services and facilities. The actions may also include assisting an organization with remodeling and lease costs by forgiving future rental or lease payments to the extent necessary for a period not to exceed five years. The department of human services and the department of economic development shall submit a joint report to the chairpersons and ranking members of the joint appropriations subcommittee on human services on or before January 2, 1997, regarding any efforts made pursuant to this subsection.

2. For purposes of this section, "state institution" means a state mental health institute, a state hospital-school, the state training school, and the Iowa juvenile

home under the authority of the department of human services listed in section 218.1. If excess capacity exists at a state institution beyond the capacity required for placements at the institution under law, the department of human services may enter into a contract with a managed care provider or an organized delivery system for health care, to provide services during the fiscal year beginning July 1, 1996, at the institution for the plan or system.

3. The department shall work with administrators of state institutions and the department of management and the legislative fiscal bureau in reviewing revenues and expenditures attributable to state institutions, applicable fiscal procedures, and other information as necessary to develop a proposal to revise the manner of making appropriations to these state institutions and of accounting for reimbursements and expenditures so that in future fiscal years the amounts appropriated reflect the net amount of state funds needed. The proposal shall be submitted to the general assembly on or before December 16, 1996. If deemed feasible by those performing the review, the department of human services and the department of management shall incorporate the proposed revisions in the budget documents for the fiscal year beginning July 1, 1997.

4. The superintendents of the state hospital-schools shall work with the department's administrative staff in studying the manner in which services and costs are combined for purposes of billing for medical assistance reimbursement at the state hospital-schools. Following the study, the superintendents shall submit a report which may include a proposal for revising the state hospital-schools' manner of billing for medical assistance reimbursement to be more comparable to other intermediate care facilities for the mentally retarded. The report shall be submitted to the general assembly on or before December 16, 1996.

5. The superintendent of the state hospital-schools shall work with the department's administrative staff in developing methodologies to bill services, consultation, and other assistance provided by the state hospital-schools in support of community-based services. The department may implement the methodologies in the fiscal year beginning July 1, 1996.

6. In addition to existing planning efforts for community-based alternatives to placements at a state hospital-school, if the department's budget planning for fiscal year 1997-1998 includes a proposal for reduction of capacity at a state hospital-school or mental health institute, the department shall work with counties, service providers, advocates, and the department's contractor for managed mental health care under medical assistance, in developing a plan for community-based placements in place of the capacity proposed to be reduced. The plan shall be submitted for review to the task force on the future of human services created in this Act and to the state-county management committee. It is the intent of the general assembly that any authorization for any reduction of capacity at a state hospital-school or state mental health institute in fiscal year 1997-1998 is contingent upon development of sufficient community-based placements to replace the reduced capacity.

7. To the extent possible, the department shall consult with the applicable workgroups of the task force on the future of the department of human services created in this Act concerning the activities required of the department pursuant to this section.

Sec. 29. STANDARDS FOR CASELOADS. The department of human services shall develop a plan for meeting national standards on caseloads for the department's social workers.



The department shall submit the planning provisions required by this section to the members of the joint appropriations subcommittee on human services of the senate and house of representatives on or before January 8, 1997.

Sec. 30. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on human services, the legislative fiscal bureau, the legislative service bureau, and to the caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 31. REPORTS BY PROVIDERS OF FOSTER CARE SERVICES — REVIEW — PROCESS SIMPLIFICATION. The department of human services shall consult with providers of rehabilitation treatment services relating to the medical assistance child services initiative in reviewing provider requirements relating to financial and statistical accountability reporting and the process for submission of the reports relating to these requirements. Following this review, and no later than January 1, 1997, the department of human services shall implement a process which provides, at a minimum, for a simplified means of documenting compliance with provider accountability requirements which shall, at a minimum, include consolidation of the reports required and which may provide a means for submission of the reports in an electronic format.

Sec. 32. Section 135H.6, Code 1995, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. The department of human services may give approval to conversion of beds specializing in substance abuse treatment previously approved under subsection 5, paragraph "b" to beds which are not specialized as referenced in subsection 5, paragraph "a". Beds converted under this subsection shall be in addition to the number of beds authorized under subsection 5, paragraph "a". However, the total number of beds approved under subsection 5 shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion.

NEW SUBSECTION. 7. A psychiatric institution licensed prior to January 1, 1996, may exceed the number of beds authorized under subsections 5 and 5A if the excess beds are used to provide services funded from a source other than the medical assistance program under chapter 249A. Notwithstanding subsections 4, 5, and 5A, the provision of services using such excess beds does not require a certificate of need or a review by the department of human services.

Sec. 33. Section 228.5, subsection 1, Code 1995, is amended to read as follows:

1. An individual or an individual's legal representative shall be informed that mental health information relating to the individual may be disclosed to employees or agents of or for the same mental health facility or to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual.

Sec. 34. Section 228.5, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Mental health information relating to an individual may be disclosed to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual.

Sec. 35. Section 232.143, Code Supplement 1995, is amended to read as follows:

232.143 REGIONAL GROUP FOSTER CARE TARGET BUDGET TARGETS.

1. A statewide expenditure target for the average number of for children in group foster care placements on any day of in a fiscal year, which placements are a charge upon or are paid for by the state, shall be established annually in an appropriation bill by the general assembly. The department and the judicial department shall jointly develop a formula for allocating a portion of the statewide expenditure target established by the general assembly to each of the department's regions. The formula shall be based upon the region's proportion of the state population of children and of the statewide number of children placed in usage of group foster care in the previous five completed fiscal years and other indicators of need. The number expenditure amount determined in accordance with the formula shall be the group foster care placement budget target for that region. A region may exceed its budget target for group foster care by not more than five percent in a fiscal year, provided the overall funding allocated by the department for all child welfare services in the region is not exceeded.

2. For each of the department's regions, representatives appointed by the department and the juvenile court shall establish a plan for containing the number of expenditures for children placed in group foster care ordered by the court within the budget target allocated to that region pursuant to subsection 1. The plan shall include monthly targets and strategies for developing alternatives to group foster care placements in order to contain expenditures for child welfare services provided to children within the amount appropriated by the general assembly for that purpose. Each regional plan shall be established in advance of the fiscal year to which the regional plan applies. To the extent possible, the department and the juvenile court shall coordinate the planning required under this subsection with planning for services paid under section 232.141, subsection 4. The department's regional administrator shall communicate regularly, as specified in the regional plan, with the juvenile courts within that region concerning the current status of the regional plan's implementation.

3. State payment for group foster care placements shall be limited to those placements which are in accordance with the regional plans developed pursuant to subsection 2. If a proposed group foster care placement in a region would meet the region's plan requirements except that the placement would cause a monthly or overall budget target to be exceeded and the child is eligible for an alternative service which is costlier and more restrictive than the proposed placement, the director of human services, after consultation with appropriate juvenile court officials, may allow an exception to policy and authorize the placement. At the close of the fiscal year, moneys for specific placements authorized by the director under this subsection shall be transferred from the state appropriation for the alternative placement to the appropriation for group foster care placements, as necessary to prevent a deficit in the appropriation for group foster care.

Sec. 36. Section 234.39, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

It is the intent of this chapter that an individual receiving foster care services and the individual's parents or guardians, shall have primary responsibility for paying the cost of the care and services. The support obligation established and adopted under this section shall be consistent with the limitations on legal liability established under sections 222.78 and 230.15, and by any other statute limiting legal responsibility for support which may be imposed on a person for the cost of care and services provided by the department. The department shall notify

an individual's parents or guardians at the time of the placement of an individual in foster care, of the responsibility for paying the cost of care and services. Support obligations shall be established as follows:

Sec. 37. Section 234.39, Code Supplement 1995, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. The support debt for the costs of services, for which a support obligation is established pursuant to this section, which accrues prior to the establishment of the support debt, shall be collected, at a maximum, in the amount which is the amount of accrued support debt for the three months preceding the earlier of the following:

a. The provision by the child support recovery unit of the initial notice to the parent or guardian of the amount of the support obligation.

b. The date that the written request for a court hearing is received by the child support recovery unit as provided in section 252C.3 or 252F.3.

Sec. 38. **NEW SECTION.** 239.23 FAMILY INVESTMENT PROGRAM HOST HOMES.

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

a. "Host home" means a host home authorized in accordance with the provisions of this section and licensed by the department to provide a living arrangement and related services to minor parents and pregnant minors or an alternative adult supervised placement approved by the department.

b. "Minor parent" means a recipient of or applicant for assistance who is less than eighteen years of age and has never been married.

2. The department shall perform a home assessment of a minor parent who applies for assistance to assess the minor parent's living arrangement prior to the granting of assistance. If a minor parent is receiving assistance at the time the provisions of this section are implemented, the department shall perform a home assessment as a condition of continued assistance.

3. If the department determines, based upon the home assessment, that the minor parent is living in an environment which is conducive to the positive upbringing of the minor parent's child, the department may allow the minor parent to continue living in the home with the parent or the legal guardian of the minor parent or in another current living arrangement which is approved by the department.

4. If the department determines, based upon the home assessment, that good cause exists for the minor parent to not live with their parent or legal guardian or in the other current living arrangement because the home environment is not conducive to the minor parent's physical, emotional, or mental well-being, the department shall require the minor parent to relocate to a host home, as a condition of assistance under this chapter. If the minor parent does not live in a host home and the department determines the resulting level of risk to the minor parent warrants the filing of a child in need of assistance petition, the department shall file the petition.

5. If the department determines, based upon the home assessment, that remaining in the current living arrangement is not in the best interest of the minor parent or a child of the minor parent and the minor parent is placed in a host home, the parent or legal guardian shall be referred to the department's child support recovery unit to establish a child support obligation in accordance with the child support guidelines prescribed pursuant to section 598.21, subsection 4, not to exceed the cost of the host home placement. However, if a child in need of assistance petition is filed and the child is placed in a foster care setting, the child support

obligation shall be determined as provided in section 234.39.

6. a. The department shall issue a request for proposals for grants for nonprofit organizations to establish host homes to provide adult supervision to minor parents and pregnant minors presumed to be eligible for assistance. A proposal shall demonstrate the organization's ability to provide supervision, services, and other support to enable a minor parent or pregnant minor to develop self-sufficiency.

b. Funding for a host home shall be obtained through assignment of the minor parent's assistance under this chapter, as permitted under federal law or waiver, through child support recovered from the parent or legal guardian of the minor parent, and through appropriations made for the purposes of reimbursing host homes.

c. The department shall adopt rules for licensing of host homes which are distinct from foster care licensure requirements.

d. Host home services shall include but are not limited to training in family development, parenting and self-sufficiency skills, and assistance in completing an education.

e. A host home shall not be considered to be a group foster care facility or to be another licensed facility which provides care for children. The placement of a minor parent or pregnant minor and the children of a minor parent shall not be considered a placement which is subject to the statewide target for the number of group foster care placements under section 232.143 and associated provisions.

7. This section shall not be implemented prior to July 1, 1997, and implementation is contingent upon federal approval of a waiver authorizing the implementation. Sec. 39. Section 252B.4, Code 1995, is amended to read as follows:

#### 252B.4 NONASSISTANCE CASES.

The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by the unit to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department.

1. The director shall require an application fee of five dollars.

2. The director may ~~require an additional~~ collect a fee to cover the costs incurred by the department in providing the support collection and paternity determination services for service of process, genetic testing and court costs if the entity providing the service charges a fee for the services.

a. The director shall, by rule, establish and inform all applicants for support enforcement and paternity determination services of the fee schedule.

b. The additional fee for services may be deducted from the amount of the support money recovered by the department or may be collected from the recipient of the services following recovery of support money by the department.

3. When the unit intercepts a federal tax refund of an obligor for payment of delinquent support and the funds are due to a recipient of services who is not otherwise eligible for public assistance, the unit shall deduct a twenty-five dollar fee from the funds before forwarding the balance to the recipient.

a. The unit shall inform the recipient of the fee under this subsection prior to assessment.

b. The fee shall be assessed only to individuals who receive support from the federal tax refund offset program. If the tax refund due the recipient is less than

fifty dollars, the fee shall not be assessed.

4. The department may adopt rules to establish fees which provide for recovery of administrative costs of the program in addition to other fees identified.

5. 4. Fees collected pursuant to this section shall be retained by the department for use by the unit. The director or a designee shall keep an accurate record of funds so retained.

6. 5. An application fee paid by a recipient of services pursuant to subsection 1 may be recovered by the unit from the person responsible for payment of support and if recovered, shall be used to reimburse the recipient of services.

a. The fee shall be an automatic judgment against the person responsible to pay support.

b. This subsection shall serve as constructive notice that the fee is a debt due and owing, is an automatic judgment against the person responsible for support, and is assessed as the fee is paid by a recipient of services. The fee may be collected in addition to any support payments or support judgment ordered, and no further notice or hearing is required prior to collecting the fee.

c. Notwithstanding any provision to the contrary, the unit may collect the fee through any legal means by which support payments may be collected, including but not limited to income withholding under chapter 252D or income tax refund offsets, unless prohibited under federal law.

d. The unit is not required to file these judgments with the clerk of the district court, but shall maintain an accurate accounting of the fee assessed, the amount of the fee, and the recovery of the fee.

e. Support payments collected shall not be applied to the recovery of the fee until all other support obligations under the support order being enforced, which have accrued through the end of the current calendar month, have been paid or satisfied in full.

f. This subsection applies to fees that become due on or after July 1, 1992.

Sec. 40. Section 426B.2, subsection 5, Code Supplement 1995, is amended to read as follows:

5. The department of human services shall notify the director of revenue and finance of the amounts due a county in accordance with the provisions of this section. The director of revenue and finance shall draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with subsections 1 and 3 and ~~mail~~ distribute the warrants to the county auditors in ~~September on July 1~~ and ~~March~~ January 1 of each year. Warrants for the state payment in accordance with subsection 2 shall be ~~mailed~~ distributed in January of each year.

Sec. 41. NEW SECTION. 514I.1 IOWA HEALTHY KIDS PROGRAM — LEGISLATIVE INTENT.

1. The general assembly finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have health care services available or funded, and for those who do, lack of access is a restriction to obtaining such services. It is the intent of the general assembly that a program be implemented to provide health care services and comprehensive health benefits or insurance coverage to children. A goal for the program is to cooperate with any existing programs with similar purposes funded by either the public or private sector.

2. For the purposes of this chapter, unless the context otherwise requires:

a. "Advisory council" means the advisory council created by the division under section 514I.4.

b. "Division" means the insurance division of the department of commerce.

c. "Program" means the program developed by the division in accordance with section 514I.3.

Sec. 42. NEW SECTION. 514I.2 IOWA HEALTHY KIDS PROGRAM AUTHORIZATION.

1. The general assembly authorizes the division to implement the Iowa healthy kids program. The division shall have all powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any person and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of the program.

2. The program shall operate initially on a pilot project basis to include urban and rural areas. Expansion beyond the initial pilot project is subject to authorization by law.

3. Implementation of the program shall be limited to the extent of the funding appropriated for the purposes of the program.

Sec. 43. NEW SECTION. 514I.3 IOWA HEALTHY KIDS PROGRAM OBJECTIVES.

The division shall develop a program to attain all of the following objectives:

1. Organize groupings of children for provision of comprehensive health benefits or insurance coverage.

2. Arrange for the collection of any payment or premium, in an amount to be determined by the division. The payment or premium shall be collected from a family of a participating child or other person to provide for payment for health care services or premiums for comprehensive health benefits or insurance coverage and for the actual or estimated administrative expenses incurred during the period for which the payments are made. The amount of payment or premium charged shall be based on the ability of the family of a child to pay. The division shall provide for adjustment of the amount charged to reflect contributions, public subsidy, or other means used to defray the amount charged.

3. Establish administrative and accounting procedures for the operation of the program.

4. Establish, in consultation with appropriate professional organizations, standards for health care services, providers, and comprehensive health benefits or insurance coverage appropriate for children and their family members.

5. Establish eligibility criteria which children and their family members must meet in order to participate in the program.

6. Establish participation criteria for the program and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance or benefits administrator to provide administrative services to the program.

7. Contract with authorized insurers, benefits providers, or any provider of health care services meeting standards established by the division, for the provision of comprehensive health benefits or insurance coverage and health care services to participants.

8. Develop and implement a plan to publicize the program, eligibility requirements of the program, and procedures for enrollment in the program and to maintain public awareness of the program.

9. Provide for administration of the program.

10. As appropriate, enter into contracts with local school boards or other agencies to provide on-site information, enrollment, and other services necessary to the operation of the program.

11. Provide an interim report on or before March 1, 1997, to the governor and general assembly, on the development of the program to date and an annual report thereafter until the program is terminated or extended statewide.

Sec. 44. NEW SECTION. 514I.4 ADVISORY COUNCIL.

1. The division may create an advisory council to assist the division in implementing the program. The advisory council membership may include, but is not limited to, the following:

- a. A school administrator.
- b. A member of a school board.
- c. An employee of the state or local government in public health services.
- d. A pediatrician who is a member of the American academy of pediatrics, Iowa chapter.
- e. The director of human services or the director's designee.
- f. A member of the association of Iowa hospitals and health systems.
- g. A representative of authorized health care insurers or health maintenance organizations.
- h. A representative of a university center for health issues.
- i. A family practice physician who is a member of the Iowa academy of family physicians.
- j. A school nurse who is a member of the Iowa nurses association.
- k. The director of public health or the director's designee.
- l. A citizen who is knowledgeable concerning health care and children's issues.
- m. A citizen who is a parent with children at home who is active in a school-parent organization.

2. Advisory council members are entitled to receive, from funds of the division, reimbursement for actual and necessary expenses incurred in the performance of their official duties.

Sec. 45. NEW SECTION. 514I.5 LICENSING NOT REQUIRED — FISCAL OPERATION.

1. Health benefits or insurance coverage obtained under the program is secondary to any other available private or public health benefits or insurance coverage held by the participant child. The division may establish procedures for coordinating benefits under this program with benefits under other public and private coverage.

2. The program shall not be deemed to be insurance. However, the insurance division may require that any marketing representative utilized and compensated by the program be appointed as a representative of the insurers or health benefits services providers with which the program contracts.

Sec. 46. NEW SECTION. 514I.6 THE IOWA HEALTHY KIDS TRUST FUND.

1. An Iowa healthy kids trust fund is created in the state treasury under the authority of the commissioner of insurance, to which all appropriations shall be deposited and used to carry out the purposes of this chapter. Other revenues of the program such as grants, contributions, matching funds, and participant payments shall not be considered revenue of the state, but rather shall be funds of the program. However, the division may designate portions of grants, contributions, matching funds, and participant payments as funds of the state and deposit those funds in the trust fund.

2. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

Sec. 47. NEW SECTION. 514I.7 ACCESS TO RECORDS — CONFIDENTIALITY — PENALTIES.

1. Notwithstanding any other law to the contrary, the program shall have access to the medical records of a child who is participating or applying to participate in the program upon receipt of permission from a parent or guardian of the child, including but not limited to the medical records maintained by the state or a political subdivision of the state. Notwithstanding chapter 22, any identifying information, including medical records and family financial information, obtained by the program pursuant to this subsection is confidential. Except as provided in section 252B.9, chapter 252E, or any federal law or regulation to the contrary, the program, the program's employees, and agents of the program shall not release, without the written consent of the participant or the parent or guardian of the participant, to any state or federal agency, to any private business or person, or to any other entity, any confidential information received pursuant to this subsection.

2. A violation of the provisions of subsection 1 is a serious misdemeanor.

Sec. 48. FEDERAL WAIVERS.

1. The department of human services shall submit a waiver request or requests to the United States department of health and human services as necessary to implement the changes in the family investment program and host home provisions under section 239.23 as enacted by this Act. In addition, the department may submit additional waiver requests to the United States department of health and human services to make changes to the medical assistance program under chapter 249A, as necessary to revise the program in accordance with any waiver provision implemented pursuant to section 239.23.

2. The waiver request or requests submitted by the department of human services to the United States department of health and human services shall be to apply the provisions of section 239.23 statewide. If federal waiver approval of the provisions is granted, the department of human services shall implement the provisions in accordance with the federal approval. If an approved waiver is in conflict with a provision of state law, the waiver provision shall apply and the department shall propose an amendment to resolve the conflict. The proposed amendment shall be submitted in accordance with the provisions of section 2.16 to the Seventy-seventh General Assembly.

3. The department of human services shall adopt administrative rules pursuant to chapter 17A to implement the provisions of an approved waiver. If necessary to conform with federal waiver terms and conditions or to efficiently administer the provisions, the rules may apply additional policies and procedures which are consistent with the provisions of the approved waiver.

4. The effective date of a waiver requested under this section which is granted by the federal government shall be established by rule but shall not be earlier than July 1, 1997. If federal law is enacted to permit the state to implement a provision of section 239.23 without a federal waiver, the department shall proceed to implement the provisions within the timeframe specified in this subsection.



Sec. 49. EMERGENCY RULES. If specifically authorized by a provision of this Act, the department of human services or the mental health and mental retardation commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b" to implement the provisions and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 50. EFFECTIVE DATE. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 4, subsection 2, relating to the mental health managed care program.
2. Section 6, subsection 13, relating to moneys appropriated in 1996 Iowa Acts, House File 2114.
3. Section 10, subsection 18, relating to expenditure of federal funds for child and family services.
4. Section 27, relating to appropriations reductions."

On the Part of the Senate:

JOHNIE HAMMOND, Chairperson  
 PATRICK J. DELUHERY  
 ELAINE SZYMONIAK  
 NANCY BOETTGER  
 MAGGIE TINSMAN

On the Part of the House:

HUBERT HOUSER, Chairperson  
 RICHARD ARNOLD  
 DANNY CARROLL  
 ED FALLON  
 PAM JOCHUM

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 2443

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 2443, a bill for An Act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes, respectfully make the following report:

1. That the House recedes from its amendment, S-5459.
2. That Senate File 2443, 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. There is appropriated from the general fund of the state and other designated funds to the department of economic development for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, and for providing that a business receiving moneys from the department for the purpose of job creation shall make available ten percent of the new jobs created for promise jobs program participants who are qualified for the jobs created and for not more than the following full-time equivalent positions:

.....	\$ 1,405,687
.....	FTEs 23.75

The director shall coordinate efforts with the workforce coordinator and the department of workforce development if enacted by Senate File 2409, to implement the intent of the general assembly regarding businesses receiving job creation moneys and shall report to the joint appropriations subcommittee on economic development regarding the number of jobs to be created by each business, the number of qualified promise jobs participants applying with the business, and the number of promise jobs participants hired.

b. Film office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 199,341
.....	FTEs 2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for allocating \$495,000 to the heartland technology network, \$150,000 to the graphic arts center, and \$100,000 to the university of northern Iowa for operation of industrial technology programs at the Iowa plastics technology center located in Waverly, Iowa, for allocating \$75,000 for the purposes of the regulatory assistance program, and for allocating \$60,000, and up to a 0.50 full-time equivalent position to administer the heartland technology network, the graphic arts technology center, and the plastics technology center:

.....	\$ 3,890,775
.....	FTEs 17.75

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program, the small business advisory council, and targeted small business program:

.....	\$ 498,756
.....	FTEs 6.00

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 96,492
.....	FTEs 3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1997, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1997, for the same purposes.

d. Strategic investment fund

For deposit in the strategic investment fund for salaries, support, for not more than the following full-time equivalent positions, and for allocating from the funds

remaining unobligated in the Wallace technology transfer foundation fund on June 30, 1996, notwithstanding section 8.33, \$200,000 for a study regarding the feasibility of establishing an Iowa-based airline:

..... \$ 7,007,638  
 ..... FTEs 10.50

As a condition of any portion of the appropriation made under this lettered paragraph being used for awards from the community economic betterment account, the department shall provide that awards under the program of \$500,000 or more must be to businesses able to pay at least 130 percent of the average county wage, shall review the wage cap in high wage counties and provide that it is tied to an appropriate inflator for determining eligibility for awards, and shall provide, in addition to all other existing requirements for awards from the community economic betterment account, that the remaining 10 percent of the funds shall be transferred by the department to other programs within the strategic investment fund and used for purposes other than the community economic betterment program if, after 90 percent of funds in the account have been obligated for the fiscal year, either of the following conditions have not been met:

(1) All projects approved have starting wages not less than 90 percent of the lesser of either the average county wage or the average regional wage, as compiled annually by the department for the community economic betterment program. For the purposes of this lettered paragraph, the average regional wage shall be compiled based upon the service delivery areas in section 84B.2, if enacted by 1996 Iowa Acts, Senate File 2409.

(2) The average starting wage for the businesses for which the awards were made under the program shall exceed 100 percent of the statewide average wage.

Additionally, the department shall provide an annual report on the progress made by the department in making the community economic betterment program a self-sustaining, revolving loan program.

e. Targeted small business incubator

Moneys appropriated for fiscal year 1995-1996 and not expended by June 30, 1996, shall not revert but shall be held by the department for funding, with local matching funds, the targeted small business incubator in Des Moines for the fiscal year beginning July 1, 1996, and ending June 30, 1997.

f. Insurance economic development

There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for insurance economic development and international insurance economic development:

..... \$ 200,000

g. Value-added agriculture

There is appropriated from the moneys available to support value-added agricultural products and processes, four percent, or so much thereof as is necessary, of the total moneys available to support value-added agricultural products and processes pursuant to section 423.24 each quarter for administration of the value-added agricultural products and processes financial assistance program as provided in section 15E.111, including salaries, support, maintenance, miscellaneous purposes, and for not more than 2.00 FTEs.

3. COMMUNITY DEVELOPMENT DIVISION

a. Community assistance

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development boards:

.....	\$	578,943
.....	FTEs	8.50

There is also appropriated from the rural community 2000 program revolving fund established in section 15.287 to the community assistance program for the purposes of the community economic preparedness program:

.....	\$	50,000
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b. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:

.....	\$	413,530
.....	FTEs	3.00

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

c. Rural development program

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for rural resource coordination, rural community leadership, rural innovations grant program, and the rural enterprise fund and for allocating \$100,000 for the purposes of the microbusiness rural enterprise assistance program under section 15.114:

.....	\$	711,181
.....	FTEs	4.50

There is also appropriated from the rural community 2000 program revolving fund established in section 15.287 to the rural development program for the purposes of the program including the rural enterprise fund and collaborative skills development training:

.....	\$	351,000
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Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state or through transfers from the Iowa community development loan fund or from the rural community 2000 program revolving fund that remain unexpended at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

d. Community development block grant and HOME

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	403,974
.....	FTEs	18.75

e. Councils of governments

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to provide to Iowa's councils of governments funds for planning and technical assistance funds to assist local governments to develop community development strategies for addressing long-term and short-term community needs:

..... \$ 178,000

f. Councils of governments

For distributing on a per capita basis to each council of governments:

..... \$ 50,000

g. Housing development fund

For providing technical assistance to communities of all sizes and local financial institutions to help meet local housing needs and to provide and transfer matching funds for the HOME program:

..... \$ 1,300,000

Notwithstanding section 8.33, moneys committed to grantees under contract from the housing development fund and moneys transferred for matching funds for the HOME program that remain unexpended or unobligated on June 30 of the fiscal year shall not revert to any fund but shall be available for obligation and expenditure for purposes of those programs during the succeeding fiscal year.

4. INTERNATIONAL DIVISION

a. International trade operations

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, and for allocating \$100,000 to promote trade opportunities in Korea and the Pacific rim:

..... \$ 1,027,950

..... FTEs 10.00

From among the full-time equivalent positions authorized by this paragraph, one position shall concentrate on the export sale of grain, one on the export sale of livestock, and one on the export sale of value-added agricultural products.

b. Foreign trade offices

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 595,250

c. Export trade assistance program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, including salaries and support for not more than the following full-time equivalent position:

..... \$ 275,000

..... FTEs 0.25

d. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

..... \$ 1,300

e. For transfer to the partner state program which the department may use to contract with private groups or organizations which are the most appropriate to administer this program and the groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this subsection of the funds transferred:

..... \$ 100,000

5. TOURISM DIVISION

a. Tourism operations

For salaries, support, maintenance, miscellaneous purposes, and for not more

than the following full-time equivalent positions, provided that the appropriation shall not be used for advertising placements for in-state and out-of-state tourism marketing, and for allocating \$300,000 for a soccer facility:

..... \$ 1,025,212  
..... FTEs 18.52

b. Tourism advertising

For contracting exclusively for tourism advertising for in-state and out-of-state tourism marketing services, tourism promotion programs, electronic media, print media, and printed materials:

..... \$ 2,737,000

The department shall not use the moneys appropriated in this lettered paragraph, unless the department develops public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

c. Welcome center program

To provide tourism materials for welcome centers and for allocating \$150,000 for a new welcome center:

..... \$ 250,000

6. BUSINESS CONSORTIA AND SUPPLIER NETWORK TRAINING

For deposit in the workforce development fund for training directed at specific needs of businesses involved with business consortia and supplier networks on the condition that training shall not be provided to a business which uses outsourcing:

..... \$ 150,000

Sec. 2. Notwithstanding section 15E.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund all the moneys available during the fiscal year beginning July 1, 1996, and ending June 30, 1997, to the department of economic development for the rural development program to be used by the department for the purposes of the program.

Sec. 3. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of economic development for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For administration of chapter 260E, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 160,000  
..... FTEs 2.40

Appropriations to the department of economic development for administration of chapter 260E and the department of employment services for the target alliance program shall be funded on a proportional basis if receipts to the job training fund are insufficient to fund both appropriations in their entirety.

Sec. 4. Of all funds appropriated to or receipts credited to the job training fund created in section 260F.6, subsection 1, up to \$125,000 for the fiscal year beginning July 1, 1996, and ending June 30, 1997, and not more than 1.30 of the full-time equivalent positions may be used for the administration of the Iowa small business new job training Act.

Sec. 5. Notwithstanding section 423.24, subsection 1, paragraph "b"

subparagraph (1), there is appropriated for the fiscal year beginning July 1, 1996, and ending June 30, 1997, \$100,000 of the total revenues collected pursuant to section 423.7 and deposited in the value-added agricultural products and processes financial assistance fund, pursuant to section 423.24, subsection 1, paragraph "b" subparagraph (1), to the Iowa cooperative extension service in agriculture and home economics at Iowa state university of science and technology for administration of the Iowa grain quality initiative.

Sec. 6. The Iowa seed capital corporation is authorized up to 5.00 FTEs. The seed capital corporation shall not make any new investments after June 30, 1997. The portfolio of investments held by the seed capital corporation on June 30, 1997, shall be transferred to a private entity for management of the investments.

Sec. 7. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For funding and maintaining in their current locations the existing small business development centers, and for not more than the following full-time equivalent positions:

.....	\$ 1,216,245
.....	FTEs 5.80

2. For funding the institute for physical research and technology, provided that \$318,358 shall be allocated to the industrial incentive program in accordance with the intent of the general assembly, and for not more than the following full-time equivalent positions:

.....	\$ 4,124,607
.....	FTEs 46.42

It is the intent of the general assembly that the incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university shall report annually to the joint appropriations subcommittee on economic development of the senate and house appropriations committees the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated for any fiscal year which remain unobligated and unexpended at the end of the fiscal year shall not revert but shall be available for expenditure the following fiscal year.

Sec. 8. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used

for the purpose designated:

For funding the advanced drug development program at the Oakdale research park and for not more than the following full-time equivalent positions:

.....	\$	319,169
.....	FTEs	2.85

The board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the chairpersons of the joint appropriations subcommittee on economic development, the joint appropriations subcommittee on education, the majority leader and minority leader of the senate, the majority and minority leaders of the house of representatives, the secretary of the senate, the chief clerk of the house of representatives, and the legislative fiscal bureau by December 1, 1996.

Sec. 9. DEPARTMENT OF EMPLOYMENT SERVICES OR DEPARTMENT OF WORKFORCE DEVELOPMENT. As used in this section, references to the department of employment services shall include the department of workforce development if enacted by Senate File 2409. There is appropriated from the general fund of the state, to the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated, including that the department of employment services, the department of personnel, and the department of management shall ensure that all nonsupervisory full-time equivalent positions authorized and funded for the department of employment services in this section will be utilized during the fiscal year beginning July 1, 1996, and ending June 30, 1997, and during future fiscal years, and will not be held vacant, to ensure that the backlog of cases in that department will be reduced as rapidly as possible:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions contingent upon the enactment of section 12 of this Act and the provision which requires moneys appropriated from the special employment security contingency fund to first be used to fully fund the appropriation of \$296,000 to the division of labor services in subsection 1 of section 13 of this Act prior to funding the appropriation in section 13 of this Act to the division of industrial services:

.....	\$	2,729,542
.....	FTEs	89.50

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,131,389
.....	FTEs	33.00

3. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position for a workforce development coordinator and council:

.....	\$	141,606
.....	FTEs	1.00

4. For the workforce development initiative to be used to create model workforce



development centers and provide an integrated management information system:  
 ..... \$ 275,000

5. For salaries, support, maintenance, miscellaneous purposes for collection of labor market information, and for not more than the following full-time equivalent positions:

..... \$ 173,250  
 ..... FTEs 3.20

6. For salaries, support, maintenance, and miscellaneous purposes for the mentoring project for family investment program participants, and for not more than the following full-time equivalent positions:

..... \$ 72,000  
 ..... FTEs 1.50

7. a. Youth workforce programs

For purposes of the conservation corps, including salary, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 918,661  
 ..... FTEs 2.40

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

b. Workforce investment program

For allocating \$425,000 to the workforce development fund under section 15.343 for funding, to the extent possible, the currently existing high technology apprenticeship programs, under section 260C.44 at the community colleges, for the purposes of the workforce investment program, and for a competitive grant program by the department for projects that increase Iowa's pool of available labor via training and support services with priority given to projects which serve displaced homemakers or welfare recipients, including salaries and support, and not more than the following full-time equivalent position:

..... \$ 903,000  
 ..... FTEs 0.90

The department shall ensure that the workforce investment program is coordinated with services provided under the federal Job Training Partnership Act and that welfare recipients receive priority for services under both programs.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended at the end of the fiscal year, shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

c. Labor management councils

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:

..... \$ 100,338  
 ..... FTEs 0.50

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of the fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year. The department shall not use moneys appropriated in this lettered paragraph for grants to grantees who do not facilitate the active

participation of labor as members of labor management councils or who fail to make a good faith effort to either schedule meetings during nonworking hours or obtain voluntary agreements with employers to allow employees time off to attend labor management council meetings with no loss of pay or other benefits.

Sec. 10. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the target alliance program:

..... \$ 30,000

Sec. 11. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There is appropriated from the administrative contribution surcharge fund of the state to the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for the purposes designated:

DIVISION OF JOB SERVICE

Notwithstanding section 96.7, subsection 12, paragraph "c" for salaries, support, maintenance, conducting labor availability surveys, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,310,000  
..... FTEs 141.54

1. The department of employment services shall provide services throughout the fiscal year beginning July 1, 1996, and ending June 30, 1997, in all communities in which workforce centers were operating on July 1, 1993. However, this provision shall not prevent the consolidation of multiple offices within the same city or the colocation of workforce centers with another public agency.

2. The division of industrial services shall not reduce the number of scheduled hearings of contested cases or eliminate the venue of such hearings, as established by the division for the period beginning January 1, 1996, and ending January 20, 1997. The division shall also establish a substantially similar schedule for such hearings for the period beginning January 20, 1997, and ending June 30, 1997. The division shall report to the legislative fiscal bureau concerning any modification of the established schedule, or any changes which the division determines are necessary in establishing the schedule for the period beginning January 20, 1997, and ending June 30, 1997.

3. The division shall continue charging a \$65 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances.

Sec. 12. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of employment services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated and subject to the requirement that the appropriation to the division of labor services under this section be fully funded from the special employment security contingency fund prior to any amounts being used to fund the appropriation made to the division of industrial services under this section:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 296,000

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 175,000

Any additional penalty and interest revenue may be used to accomplish the mission of the department.

Sec. 13. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 777,164  
 ..... FTEs 12.80

Sec. 14. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the housing improvement fund created in section 16.100 for purposes of the fund:

..... \$ 400,000

Sec. 15. There is allocated from the unobligated funds remaining in the Wallace technology transfer foundation fund, after the allocation in section 1, subsection 2, paragraph "d" of this Act, on June 30, 1996, \$100,000 for deposit in the housing improvement fund created in section 16.100 for the purposes of the fund. Any funds remaining shall not revert to any fund, notwithstanding section 8.33. Unobligated funds remaining on June 30, 1997, shall revert to the general fund of the state.

Sec. 16. NEW SECTION. 15.113 ECONOMIC DEVELOPMENT ASSISTANCE — REPORT.

In order for the general assembly to have accurate and complete information regarding expenditures for economic development and job training incentives and to respond to the job training needs of Iowa workers, the department shall provide to the legislative fiscal bureau by January 15 of each year data on all assistance or benefits provided under the community economic betterment program, the new jobs and income program, and the Iowa industrial new jobs training Act during the previous calendar year. The department shall meet with the legislative fiscal bureau prior to submitting the data to assure that its form and specificity are sufficient to provide accurate and complete information to the general assembly. The department shall also contact other state agencies providing financial assistance to Iowa businesses and, to the extent practical coordinate the submission of the data to the legislative fiscal bureau.

Sec. 17. NEW SECTION. 15.114 MICROBUSINESS RURAL ENTERPRISE ASSISTANCE.

1. As used in this section:

- a. "Department" means the department of economic development.
- b. "Microbusiness" or "microbusiness enterprise" means a business producing services with five or fewer full-time equivalent employee positions and with assistance requirements of not more than twenty-five thousand dollars.
- c. "Microbusiness organization" means a nonprofit corporation organized under chapter 504A which is exempt from taxation pursuant to section 501(c) of the

Internal Revenue Code and which has a principal mission of actively engaging in microbusiness development, training, technical assistance, and capital access for the start-up or expansion of microbusinesses.

2. The department shall contract with a microenterprise organization actively engaged in microbusiness enterprise to assist in the establishment of this program. In order to qualify for the contract, the microenterprise organization shall do all of the following:

- a. Demonstrate a past performance of and a capacity to successfully engage in microbusiness development.
- b. Have a statewide commitment to and focus on microbusiness development.
- c. Provide training and technical assistance.
- d. Demonstrate an ability to provide access to capital for start-up or expansion of a microbusiness.
- e. Have established linkages with financial institutions.
- f. Demonstrate an ability to provide follow-up technical assistance after a microbusiness start-up or expansion.

3. Moneys allocated pursuant to this section which remain unexpended or unobligated at the end of a fiscal year shall remain available to the department to support the assistance program or may be credited to the value-added agricultural products and processes financial assistance fund created in section 15E.112 and shall not revert notwithstanding section 8.33.

4. The department shall submit a report in accordance with section 7A.11 not later than November 1 of each year detailing the activities of the microenterprise organization and describing the success of the project.

Sec. 18. Section 15.313, subsection 2, Code 1995, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. The entrepreneurs with disabilities program, which provides technical and financial assistance to help persons with disabilities become self-sufficient and create additional employment opportunities by establishing or expanding small business ventures.

NEW PARAGRAPH. h. The job opportunities for persons with disabilities program, which provides service and technical assistance to rehabilitation organizations or agencies that create, expand, or spin off business ventures for persons with disabilities.

Sec. 19. NEW SECTION. 15A.4 COMPETITIVE PROGRAMS — GOOD NEIGHBOR AGREEMENT — ADDITIONAL CONSIDERATION.

For any program providing financial assistance for economic development in which the assistance is provided on a competitive basis, a business which enters into a good neighbor agreement shall receive extra consideration of at least ten points or the equivalent. A good neighbor agreement is an enforceable contract between the business and a community group or coalition of community groups which requires the business to adhere to negotiated environmental, economic, labor, or other social and community standards.

A business which fails to abide by the good neighbor agreement shall repay all financial assistance received under the program.

Sec. 20. Section 15E.112, subsection 1, Code 1995, is amended to read as follows:

1. A value-added agricultural products and processes financial assistance fund is created within the state treasury under the control of the department. The fund shall consist of any money appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from the

federal government or private sources for placement in the fund. ~~Until July 1, 2000, moneys shall be deposited in the fund as provided in section 423.24. Not more than one percent of the total moneys available to support value-added agricultural products and processes pursuant to section 423.24 during each quarter shall be used by the department for administration of the value-added agricultural products and processes financial assistance program, as provided in section 15E.111.~~ The assets of the fund shall be used by the department only for carrying out the purposes of section 15E.111.

Sec. 21. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, section 15.343, subsection 2, paragraph "d" as amended in Senate File 2351, if enacted, shall be available for the funding of innovative training and career opportunity programming for minorities, provided such funding is matched on a dollar-for-dollar basis by a participating community college.

Sec. 22. Notwithstanding sections 15.108, 15.224 through 15.230, 15.347, 15.348, and 239.22, the department of employment services shall administer the following programs: job training partnership Act, Iowa conservation corps, americorps, mentoring for promise jobs, food stamp employment and training, and the labor/management co-op programs.

Sec. 23. FEDERAL GRANTS. All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly."

On the Part of the Senate:

On the Part of the House:

TOM VILSACK, Chairperson  
TONY BISIGNANO  
STEVEN D. HANSEN

STEVEN W. CHURCHILL, Chairperson  
TOM BAKER  
PHIL WISE

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2446

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 2446, a bill for An Act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5834.
2. That the House recedes from its amendment, S-5613.
3. That Senate File 2446, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:  
"DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following

amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes, and for the salaries and support of not more than the following full-time equivalent positions:

..... \$ 1,836,111..... FTEs 43.45

(1) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a" \$322,406 and 7.00 FTEs shall be used to support horticulture.

(2) Of the amount appropriated in this paragraph "a" \$50,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

(3) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a" \$130,519 and 4.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing the values of agricultural land.

(4) Of the amount appropriated in this paragraph "a" not more than \$5,000 shall be allocated to the Iowa limousin cattle junior association in connection with the 1996 national junior limousin cattle show.

(5) Of the amount appropriated in this paragraph "a" \$500 shall be allocated as state aid to support the north Iowa poultry expo.

(6) Of the amount appropriated and full-time equivalent positions authorized in this paragraph "a" \$71,486 and 1.00 FTE shall be allocated to support the administrative assistant VI position created in section 26 of this Act.

b. For the operations of the dairy trade practices bureau:

..... \$ 66,846

c. For the purpose of performing commercial feed audits:

..... \$ 64,698

d. For the purpose of performing fertilizer audits:

..... \$ 64,697

2. REGULATORY DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,858,960

..... FTEs 122.50

Of the amount appropriated pursuant to this paragraph "a" not more than \$10,000 shall be used to support the hiring and training of a meat and poultry inspector in west-central Iowa.

b. For the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

..... \$ 651,220

3. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program, and for not more than the following full-time equivalent positions:

..... \$ 852,475

..... FTEs 85.10

(1) Of the amount appropriated in this paragraph "a" \$110,000 shall be used to administer a program relating to the detection, surveillance, and eradication

of the gypsy moth. The department shall allocate and use the appropriation made in this paragraph before moneys other than those appropriated in this paragraph are used to support the program.

(2) Of the amount appropriated and the number of full-time equivalent positions authorized in this paragraph "a" \$49,850 and 1.00 FTE shall be used to support an additional regional entomologist for purposes of conducting laboratory and field inspection activities.

(3) Of the number of full-time equivalent positions authorized in this paragraph "a" and funded in paragraph "c" 1.00 FTE shall be used to support an organics program coordinator who shall assure compliance of organic foods sold commercially within the state with federal regulations relating to organic foods.

b. For the operations of the commercial feed programs:

..... \$ 742,499

c. For the operations of the pesticide programs:

..... \$ 1,291,781

Of the amount appropriated in this paragraph "c" \$200,000 shall be allocated to Iowa state university for purposes of training commercial pesticide applicators.

d. For the operations of the fertilizer programs:

..... \$ 633,832

**4. SOIL CONSERVATION DIVISION**

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,951,591

..... FTEs 172.28

(1) Of the amount appropriated in this paragraph "a" \$330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

(2) Of the amount appropriated and the number of full-time equivalent positions authorized in this paragraph "a" \$56,000 and 1.00 FTE shall be used to support a position for oversight of financial incentive programs.

b. To provide financial incentives for soil conservation practices under chapter 161A:

..... \$ 6,461,850

c. The following requirements apply to the moneys appropriated in paragraph "b":

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 161A.47.

(2) Of the moneys appropriated in paragraph "b" 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment as provided in section 161A.73.

(3) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping as provided in section 161A.73.

(4) The state soil conservation committee created in section 161A.4 may allocate moneys to conduct research and demonstration projects to promote conservation

tillage and nonpoint source pollution control practices.

(5) The financial incentive payments may be used in combination with department of natural resources moneys.

d. The provisions of section 8.33 shall not apply to the moneys appropriated in paragraph "b". Unencumbered or unobligated moneys remaining on June 30, 2000, from moneys appropriated in paragraph "b" for the fiscal year beginning July 1, 1996, shall revert to the general fund on August 31, 2000.

Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

.....	\$	215,807
.....	FTEs	1.00

Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

.....	\$	900,300
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2. Persons, including organizations interested in swine production in this state and in the promotion of Iowa pork products who contribute support to the program, are encouraged to increase financial support for purposes of ensuring the program's effective continuation.

Sec. 4. HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

.....	\$	192,560
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DEPARTMENT OF NATURAL RESOURCES

Sec. 5. GENERAL APPROPRIATION. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,002,389
.....	FTEs	119.25

Of the amount appropriated and the number of full-time equivalent positions authorized in this subsection 1, at least \$150,000 and 4.00 FTEs shall be used



by administration and support services to support a compliance and permit assistance team to facilitate cooperation between the department and persons regulated by the department in order to ensure efficient compliance with applicable legal requirements.

**2. PARKS AND PRESERVES DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 5,546,988
.....	FTEs 195.73

**3. FORESTS AND FORESTRY DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,494,908
.....	FTEs 48.71

**4. ENERGY AND GEOLOGICAL RESOURCES DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,681,228
.....	FTEs 52.00

**5. a. ENVIRONMENTAL PROTECTION DIVISION**

(1) For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 1,920,509
.....	FTEs 214.50

(2) Of the amount appropriated and the number of full-time equivalent positions authorized in subparagraph (1) at least \$374,600 and 9.00 FTEs shall be used to support the regulation of animal feeding operations.

(3) Of the number of full-time equivalent positions authorized in subparagraph (1), 1.00 FTE shall be used to support the administration of the waste tire management fund, as provided in section 455D.11C, as enacted in 1996 Iowa Acts, House File 2433.

**b. WATER QUALITY PROTECTION FUND**

For allocation to the administrative account of the water quality protection fund established pursuant to section 455B.183A, to carry out the purpose of that account:

.....	\$ 729,000
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(1) Of the number of full-time equivalent positions authorized in paragraph "a" 32.50 FTEs shall be dedicated to carrying out the provisions of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and to support the program to assist water supply systems as provided in section 455B.183B. However, the limitation on full-time equivalent positions provided in paragraph "a" shall not limit the number of additional full-time equivalent positions supported by moneys deposited in the water quality protection fund as provided in section 455B.183A, in order to carry out the provisions of division III of chapter 455B relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and the administration of the program to assist water supply systems pursuant to section 455B.183B.

(2) In providing assistance to water supply systems, the department shall provide priority to water supply systems serving a population of seven thousand or less. At least 2.00 FTEs shall be allocated to provide assistance to systems serving a population of seven thousand or less.

6. FISH AND WILDLIFE DIVISION

For not more than the following full-time equivalent positions:

..... FTEs 342.18

7. WASTE MANAGEMENT ASSISTANCE DIVISION

For not more than the following full-time equivalent positions:

..... FTEs 16.75

Sec. 6. STATE FISH AND GAME PROTECTION FUND—APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

1. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:

..... \$ 21,340,891

2. The department shall not expend more moneys from the fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative fiscal bureau and the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources concerning the commission's approval.

Sec. 7. MARINE FUEL TAX RECEIPTS — BOATING FACILITIES AND ACCESS. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintaining and developing boating facilities and access to public waters by the parks and preserves division:

..... \$ 411,311

Sec. 8. SNOWMOBILE FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1996, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:

..... \$ 100,000

Sec. 9. VESSEL FEES — TRANSFER FOR ENFORCEMENT PURPOSES. There is transferred on July 1, 1996, from the fees deposited under section 462A.52 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the administration and enforcement of navigation laws and water safety:

..... \$ 1,300,000

Of the amount appropriated in this section and the full-time equivalent positions authorized by section 5, subsection 6, of this Act, not more than \$100,000 and

1.00 FTE may be used for purposes of controlling and eradicating eurasian milfoil.

Notwithstanding section 8.33, moneys transferred pursuant to this section which are unencumbered or unobligated on June 30, 1997, shall be transferred on July 1, 1997, to the special conservation fund established by section 462A.52 to be used as provided in that section, and shall not revert as provided in section 8.33.

**RESOURCES ENHANCEMENT AND PROTECTION**

Sec. 10. GENERAL APPROPRIATION. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the general fund of the state to the Iowa resources enhancement and protection fund, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the sum of \$9,000,000, of which all moneys shall be allocated as provided in section 455A.19.

**RELATED APPROPRIATIONS**

Sec. 11. APPROPRIATION AND TRANSFER FROM ORGANIC NUTRIENT MANAGEMENT FUND. There is appropriated and transferred from the organic nutrient management fund, as created in section 161C.5, to the following entities in the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To Iowa state university for supporting odor control applications of animal feeding operations, including confinement feeding operations, regulated by the department of natural resources pursuant to chapter 455B:

..... \$ 400,000  
 a. Moneys provided under this subsection for odor control applications of animal feeding operations shall be provided on a dollar-for-dollar match with an individual owner or operator and shall not exceed the amount actually spent by or on behalf of the owner or operator for odor control.

b. Notwithstanding section 8.33, moneys provided under this subsection for odor control applications of animal feeding operations shall not revert to the organic nutrient management fund but shall remain available for use as provided in this subsection during the fiscal year beginning July 1, 1997, and ending June 30, 1998. The moneys provided in this subsection which remain unexpended or unobligated on June 30, 1998, shall revert to the organic nutrient management fund on August 31, 1998.

2. To Iowa state university for supporting a person connected with the United States department of agriculture who engages in animal control, for purposes of contributing to the control of animals, and especially predators, which pose a threat to this state's agriculture:

..... \$ 50,000

3. To the soil conservation division of the department of agriculture and land stewardship for supporting soil and water conservation district development, including the training of soil and water conservation district staff:

..... \$ 42,000

4. To the interstate agricultural grain marketing commission for carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

..... \$ 80,000

5. a. To Iowa state university for supporting multiflora rose eradication research and projects:

..... \$ 25,000

b. Notwithstanding 1995 Iowa Acts, chapter 216, section 19, subsection 2, moneys allocated pursuant to 1995 Iowa Acts, chapter 216, section 19, subsection 1, paragraph "d" which remain unencumbered or unobligated on June 30, 1996, shall not revert pursuant to section 8.33, but shall remain available to Iowa state university for purposes of supporting multiflora rose eradication research and projects, for subsequent fiscal years.

6. To the soil conservation division of the department of agriculture and land stewardship to provide financial incentives for soil conservation practices under chapter 161A:

..... \$ 100,000

7. To Iowa state university, in cooperation with the farm section of the attorney general's office, in sponsoring an Iowa agriculture 2000 conference, with assistance provided by the department of agriculture and land stewardship and Iowa commodity organizations, for independent agricultural producers and other persons interested in the future of Iowa agriculture:

..... \$ 80,000

Moneys provided by this subsection shall be used to defray expenses incurred by Iowa state university and the farm section of the attorney general's office in planning and sponsoring the conference. Iowa state university shall prepare a report which accounts for moneys expended by the university in sponsoring the conference. The report shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources on or before January 15, 1997.

Sec. 12. NONREVERSION OF MONEYS ALLOCATED TO IOWA GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa Acts, chapter 216, section 19, subsection 2, moneys allocated pursuant to 1995 Iowa Acts, chapter 216, section 19, subsection 1, paragraph "f" subparagraph (1), which remain unencumbered or unobligated on June 30, 1996, shall not revert pursuant to section 8.33, but shall remain available to Iowa state university for purposes of supporting the Iowa cooperative extension service in agriculture and home economics in establishing and administering an Iowa grain quality initiative in subsequent fiscal years.

Sec. 13. TRANSFERS OF MONEYS REQUIRED TO BE DEPOSITED IN THE WATER PROTECTION FUND. Notwithstanding section 161C.4 and the reversion and allocation provisions in section 455A.19, subsection 1, paragraph "c" of the unencumbered and unobligated moneys remaining, which are required to be deposited in the water protection fund created in section 161C.4, as provided in section 455A.19, subsection 1, paragraph "c" the following amount shall be transferred first from moneys required to be deposited in the water protection practices account, and if necessary from moneys required to be deposited in the water quality protection projects account, which shall be used for the following purposes:

To the Loess Hills development and conservation authority, for deposit in the Loess Hills development and conservation fund created in section 161D.2 for the purposes specified in section 161D.1:

..... \$ 400,000

Sec. 14. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD — TRANSFER. There is appropriated from the unassigned revenue fund administered by the Iowa comprehensive underground storage tank fund board, to the department of natural

resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration expenses of the underground storage tank section of the department of natural resources:

..... \$ 75,000

Sec. 15. TRANSFER — AIR QUALITY. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, the department of natural resources shall transfer up to \$430,000 from the hazardous substance remedial fund created pursuant to section 455B.423, 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.

MISCELLANEOUS

Sec. 16. STUDY OF LOCATING FIELD OFFICE IN NORTH CENTRAL DISTRICT. The department of natural resources shall conduct a study of the feasibility of locating a field office in the department's north central district. On or before January 1, 1997, the department of natural resources shall submit a report including findings and recommendations resulting from the study to the committees of the general assembly which have jurisdiction over natural resources.

Sec. 17. STATE NURSERIES. Notwithstanding section 17A.2, subsection 10, paragraph "g" the department of natural resources shall adopt administrative rules establishing a range of prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

1. The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

2. The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 18. TRANSFER OF MONEYS OR POSITIONS; CHANGES IN TABLES OF ORGANIZATION — NOTIFICATION. In addition to the requirements of section 8.39, in each fiscal quarter, the department of agriculture and land stewardship and the department of natural resources shall notify the chairpersons, vice chairpersons, and ranking members of the joint appropriations subcommittee on agriculture and natural resources for the previous fiscal quarter of any transfer of moneys or full-time equivalent positions made by either department which is not authorized in this Act, or any permanent position added to or deleted from either department's table of organization.

Sec. 19. AIR QUALITY PROGRAM — NONGENERAL FUND SUPPORT. The department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, shall not use moneys appropriated from the general fund of the state pursuant to this Act, to support any purpose 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.

Notwithstanding section 455B.133B, the department may use moneys deposited in the air contaminant source fund created in section 455B.133B during the fiscal year beginning July 1, 1996, and ending June 30, 1997, for any purpose 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.

Sec. 20. NATIVE AMERICAN WAR MEMORIAL. The department of natural

resources may purchase, with funds which become available under chapter 465A for the fiscal year beginning July 1, 1996, and ending June 30, 1997, lands on which to locate a native American war memorial.

**Sec. 21. SOIL AND WATER CONSERVATION CONFERENCE.**

1. The division of soil conservation of the department of agriculture and land stewardship shall sponsor a conference not later than September 1, 1996, regarding the protection of cropland soils in this state. The conference shall include discussions of the status of soil and water conservation as it relates to conservation compliance accomplishments, agricultural production policies, water quality protection, and the state's Iowa soil 2000 goal.

2. Conferees shall include representatives of the division of soil conservation, the state soil conservation committee, soil and water conservation districts, the natural resources conservation service of the United States department of agriculture, the cooperative extension service of Iowa state university, and the department of natural resources. The division of soil conservation shall invite other interested persons to serve as conferees, including members of Iowa's congressional delegation; the chairpersons and ranking members of the standing committees on agriculture, and on natural resources, environment, and energy of the senate; the chairpersons and ranking members of the standing committees on agriculture, on natural resources, and on environmental protection of the house of representatives; the chairpersons and ranking members of the joint appropriations subcommittee on agriculture and natural resources; representatives of the United States environmental protection agency; and members of farm and commodity organizations.

3. The division of soil conservation shall report to the general assembly not later than January 15, 1997, regarding findings and recommendations of the conferees.

**Sec. 22. LAND ACQUISITION — NATURAL RESOURCE COMMISSION.**

The natural resource commission, upon consultation with department of natural resources staff, shall develop and implement a land acquisition policy which shall be embodied in a strategic land acquisition plan administered by the department. The land acquisition policy and the land acquisition strategic plan shall provide for the acquisition of land in order to enhance the quality of existing state parks, state preserves, state forests, state wildlife areas, and state recreation areas. The commission shall consider all of the following factors and may consider additional factors:

1. The enhancement of the goals of an ecosystem or biodiversity management plan for a state park, state preserve, state forest, state wildlife area, or state recreation area.

2. The proximity or contiguity of the land to a state park, state preserve, state forest, state wildlife area, or state recreation area.

3. The quality of existing natural communities existing on the land.

4. The presence on the land of threatened or endangered species.

5. The potential for enhancing the natural quality or recreational potential of land owned or managed for conservation purposes by other public or nonprofit entities.

6. The risk of losing natural assets through the sale of the land to a competing interest.

7. The preservation or enhancement of unique irreplaceable archaeological, historical, or cultural features existing on land owned or managed for such purposes

by other public or nonprofit entities.

Sec. 23. GIFT CERTIFICATES FOR SPECIAL PRIVILEGE FEES ON STATE PARKS AND RECREATION AREAS. The department of natural resources shall publish and make available for purchase by the general public gift certificates entitling the bearer of the certificate to free camping and other special privileges at state parks and recreation areas. The department shall establish prices for the certificates based on amounts required to be paid in fees for camping and special privileges pursuant to section 461A.47.

Sec. 24. APPROPRIATIONS CONDITIONAL UPON IMPLEMENTATION OF CERTAIN PROVISIONS. As a condition of the appropriations made to the department of agriculture and land stewardship in sections 1 through 4 of this Act, the following shall occur as provided in sections 26 and 27 of this Act by July 1, 1996:

1. The department shall complete all administrative functions necessary to transfer the powers and duties of the deputy secretary of agriculture to the interim assistant secretary of agriculture.

2. The office from which the position of deputy secretary of agriculture performed duties on January 1, 1996, shall be vacated until the position of interim assistant secretary of agriculture is filled.

Sec. 25. DEPUTY SECRETARY OF AGRICULTURE — POSITION ELIMINATED. Notwithstanding contrary provisions in sections 14A.1 and 159.14, the position of deputy secretary of agriculture is eliminated.

Sec. 26. ADMINISTRATIVE ASSISTANT VI POSITION. An additional position of administrative assistant VI is created within the department of agriculture and land stewardship. The duties of the position shall not include any matter relating to personnel, including the appointment of an interim assistant secretary of agriculture as provided in section 27 of this Act; or the administration of or budgeting for the department or its administrative units, including divisions within the department. The position shall not have jurisdiction over the heads of the department's administrative units, including division directors. Notwithstanding chapter 19A, the person appointed to fill the position shall serve at the pleasure of the secretary of agriculture. The secretary of agriculture shall prepare and submit a written report to the chairpersons and ranking members of the house and senate standing committees on appropriations and to the legislative fiscal bureau director not later than August 31, 1996, describing the duties and responsibilities of the position.

Sec. 27. INTERIM ASSISTANT SECRETARY OF AGRICULTURE. The position of interim assistant secretary of agriculture is created within the department of agriculture and land stewardship. The secretary of agriculture shall appoint a person to serve as the interim assistant secretary of agriculture, at any time after the effective date of this section of this Act. However, the person appointed as interim assistant secretary of agriculture shall not fill that position before January 15, 1997. Notwithstanding chapter 19A, the person appointed as interim assistant secretary of agriculture shall serve at the pleasure of the secretary of agriculture. The interim assistant secretary of agriculture shall have the same powers and duties performed by the position of the deputy secretary of agriculture, as that position existed on January 1, 1996. Until the appointment of the interim assistant secretary of agriculture is made, the interim assistant secretary of agriculture's duties shall be performed by the administrative division director of the department of agriculture and land stewardship who shall be acting interim

assistant secretary of agriculture. Upon appointment, the interim assistant secretary of agriculture shall receive compensation at the same pay grade at which the position of deputy secretary of agriculture was compensated immediately prior to the effective date of this section of this Act. No position shall be housed in the office from which the position of deputy secretary of agriculture performed duties on January 1, 1996, until the appointment of the interim assistant secretary of agriculture, who shall be housed in that office.

#### CODIFIED CHANGES

#### Sec. 28. NEW SECTION. 2.55A DEPARTMENTAL INFORMATION REQUIRED.

1. The department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits authorized in law for the departments.

2. The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

3. The department of agriculture and land stewardship shall provide the legislative fiscal bureau information and financial data on at least a monthly basis, relating to the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget prior to the start of the fiscal year, and to the department's actual expenditures after the accounting system has been closed for that fiscal year.

#### Sec. 29. NEW SECTION. 8.60A TRUST FUND INFORMATION.

The department of revenue and finance in cooperation with each appropriate agency shall track receipts to the general fund of the state 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 reports detailing revenue from receipts previously deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each three-month period as designated by the legislative fiscal bureau.

Sec. 30. Section 166D.10, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. In addition to other applicable requirements of this section, feeder swine shall not be moved into this state from another state except to slaughter, unless the feeder swine are vaccinated by a differentiable vaccine within forty-five days of arrival in this state.

Sec. 31. Section 455A.18, subsection 3, unnumbered paragraph 1, Code 1995, is amended to read as follows:



For each fiscal year of the fiscal period beginning July 1, 1990 ~~1997~~, and ending June 30, ~~2001~~ 2021, there is appropriated from the general fund, to the Iowa resources enhancement and protection fund, the amount of ~~thirty twenty~~ million dollars, ~~except that for the fiscal year beginning July 1, 1990, the amount is twenty million dollars~~, to be used as provided in this chapter. However, in any fiscal year of the fiscal period, if moneys from the lottery are appropriated by the state to the fund, the amount appropriated under this subsection shall be reduced by the amount appropriated from the lottery.

**Sec. 32. NEW SECTION. 455A.21 PREFERENCE PROVIDED — PERSONS MEETING ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.**

In its employment of persons in temporary positions in conservation and outdoor recreation, the department of natural resources shall give preference to persons meeting eligibility requirements for the green thumb program under section 15.227 and to persons working toward an advanced education in natural resources and conservation.

**Sec. 33. FUTURE REPEAL.** Sections 25 through 27 of this Act are repealed on December 31, 1998.

**Sec. 34. EFFECTIVE DATES.**

1. This subsection, section 11, subsection 5, paragraph "b" and section 12 of this Act, being deemed of immediate importance, take effect upon enactment.

2. The amendment to section 455A.18 in this Act takes effect on July 1, 1997."

On the Part of the Senate:

On the Part of the House:

DENNIS H. BLACK, Chairperson  
BRAD BANKS  
DON E. GETTINGS

JAMES HAHN, Chairperson  
JACK DRAKE  
SANDRA GREINER

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2448**

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 2448, a bill for an Act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-5622.

2. That Senate File 2448, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 30 the following:

"A first-time violation detected during or as a result of random testing to detect civil rights violations shall not result in assessment of a fine over \$500.00. The intent of civil rights testing shall be educational. If this provision is determined

to be illegal or unconstitutional by a court of law, or if the provision would in any way jeopardize a federal department of housing and urban development grant to the commission, the provision shall not apply.

The questionnaire which the Iowa state civil rights commission requires an employer to complete during the course of an investigation, after a complaint against the employer has been filed, shall be revised and shortened."

2. Page 3, line 12, by striking the figure "29,552" and inserting the following: "32,894".

3. Page 3, line 23, by striking the figure "2,200,738" and inserting the following: "2,197,396".

4. Page 4, line 8, by striking the figure "50,000" and inserting the following: "46,658".

5. Page 5, line 1, by striking the figure "997,900" and inserting the following: "884,900".

6. Page 17, line 6, by striking the figure "1,065,000" and inserting the following: "952,000".

7. Page 18, line 4, by striking the figure "735,000" and inserting the following: "622,000".

8. Page 19, line 25, by striking the word "county" and inserting the following: "county, as agreed upon by the county board of supervisors and any boards of health within the county,".

9. Page 19, by striking lines 28 through 30 and inserting the following: "funds become available. The department shall submit a report to the general assembly on or before January 2, 1997, which shall include an evaluation of the first year of the voluntary demonstration project and a plan to expand statewide a single source contract for each county beginning July 1, 1997. The department may include other state and federal".

10. Page 21, by striking lines 12 through 17 and inserting the following:

6A. STATUS OF WOMEN DIVISION CONTINGENT APPROPRIATION.

If the general assembly does not enact a statute creating a department of workforce development with responsibility for the mentoring project for family investment program participants, the following amount for the division of the status of women to implement the mentoring project under section 239.22:

.....	\$	72,000
.....	FTEs	1.50"

11. Page 21, line 28, by striking the figure "478,235" and inserting the following: "378,021".

12. Page 22, line 11, by striking the words "new grants and".

13. Page 22, line 16, by striking the figure "1,800,000" and inserting the following: "1,600,000".

14. Page 24, by striking lines 6 through 9 and inserting the following: "232.190:"

15. Page 24, line 30, by striking the figure "18.6" and inserting the following: "18.6, subsections 1 through 7, and subsections 9 through 14, and the dollar limitation in subsection 8".

16. Page 25, line 3, by inserting after the word "subcommittee." the following: "Prior to making a purchase under this section, the department shall first determine whether goods or services are available from a targeted small business and preference shall be given to making the purchases from targeted small businesses."

17. Page 25, line 10, by striking the word "gamblers" and inserting the following: "gambling".

18. Page 25, line 15, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".
19. Page 25, line 18, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".
20. Page 25, line 26, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".
21. Page 25, line 28, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".
22. Page 25, lines 34 and 35, by striking the words "gamblers assistance" and inserting the following: "~~gamblers assistance~~ gambling".
23. Page 26, line 13, by striking the word "gamblers" and inserting the following: "gambling".
24. By renumbering as necessary.

On the Part of the Senate:

On the Part of the House:

TOM FLYNN, Chairperson  
 NANCY BOETTGER  
 DICK DEARDEN  
 RANDAL GIANNETTO  
 WILMER RENSINK

JOSEPH KREMER, Chairperson  
 NORMAN MUNDIE  
 KEITH WEIGEL

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 2449

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 2449, a bill for An Act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5736.
2. That the House recedes from its amendment, S-5574.
3. That Senate File 2449, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. By striking everything after the enacting clause and inserting the following:

"DIVISION I  
INDEXATION

Section 1. Section 422.4, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. "Annual inflation factor" means an index, expressed as a percentage, determined by the department by October 15 of the calendar year preceding the calendar year for which the factor is determined, which reflects the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual inflation factor, the department shall use the annual percent change, but not less than zero percent, in the implicit price deflator for the gross national product gross domestic product price deflator computed for the second quarter of the calendar year by the bureau of economic analysis of the United States department of commerce and shall add ~~one-half~~ all of that percent change to one hundred percent. The annual inflation factor and the cumulative inflation factor shall each be expressed as a percentage rounded to the nearest one-tenth of one percent. The annual inflation factor shall not be less than one hundred percent.

Sec. 2. Section 422.4, subsection 1, paragraph d, Code 1995, is amended by striking the paragraph.

Sec. 3. Section 422.4, subsection 2, paragraph a, Code 1995, is amended to read as follows:

a. "Annual standard deduction factor" means an index, expressed as a percentage, determined by the department by October 15 of the calendar year preceding the calendar year for which the factor is determined, which reflects the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual standard deduction factor, the department shall use the annual percent change, but not less than zero percent, in the implicit price deflator for the gross national product gross domestic product price deflator computed for the second quarter of the calendar year by the bureau of economic analysis of the United States department of commerce and shall add ~~one-half~~ all of that percent change to one hundred percent. The annual standard deduction factor and the cumulative standard deduction factor shall each be expressed as a percentage rounded to the nearest one-tenth of one percent. The annual standard deduction factor shall not be less than one hundred percent.

Sec. 4. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to the computation of the annual inflation factor and annual standard deduction factor for calendar years beginning on or after January 1, 1996. The department of revenue and finance shall adjust the annual inflation factor and annual standard deduction factor previously computed for the 1996 calendar year to reflect the change made in the computation of those factors in this Act.

DIVISION II  
SCHOOL PROPERTY TAX

Sec. 5. Section 257.1, subsection 2, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

For the budget year commencing July 1, ~~1991~~ 1996, and for each succeeding budget year the regular program foundation base per pupil is ~~eighty-three~~ eighty-seven and five-tenths percent of the regular program state cost per pupil, except

that the regular program foundation base per pupil for the portion of weighted enrollment that is additional enrollment because of special education is seventy-nine percent of the regular program state cost per pupil. For the budget year commencing July 1, 1991, and for each succeeding budget year the special education support services foundation base is seventy-nine percent of the special education support services state cost per pupil. The combined foundation base is the sum of the regular program foundation base and the special education support services foundation base.

Sec. 6. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to the computation of school foundation aid payable during school budget years beginning on or after July 1, 1996.

### DIVISION III

#### HOMESTEAD, MILITARY, AND ELDERLY OR DISABLED TAX CREDIT AND REIMBURSEMENT CLAIMS

Sec. 7. Section 8.59, Code 1995, is amended to read as follows:

##### 8.59 APPROPRIATIONS FREEZE.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, "applicable sections" means the following sections: 53.50, 229.35, 230.8, 230.11, 405A.8, 411.20, ~~425.1, 425.39, 426A.1~~, 663.44, and 822.5.

Sec. 8. Section 425.1, subsection 1, Code 1995, is amended to read as follows:

1. A homestead credit fund is created. There is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the homestead credit fund, an amount sufficient the sum of one hundred fourteen million four hundred thousand dollars to implement this chapter.

The director of revenue and finance shall issue warrants on the homestead credit fund payable to the county treasurers of the several counties of the state under this chapter.

Sec. 9. Section 425.39, Code 1995, is amended to read as follows:

1. The extraordinary property tax credit and reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the extraordinary property tax credit and reimbursement fund, from funds not otherwise appropriated, an amount sufficient the sum of twelve million five hundred thousand dollars to implement this division.

2. If the amount appropriated under subsection 1, ~~as limited by section 8.59~~, plus any supplemental appropriation made for purposes of this section for a fiscal year is insufficient to pay all claims in full, the director shall pay, in full, all claims to be paid during the fiscal year for reimbursement of rent constituting property taxes paid or if moneys are insufficient to pay all such claims on a pro rata basis. If the amount of claims for credit for property taxes due to be paid during the fiscal year exceed the amount remaining after payment to renters, the director of revenue and finance shall prorate the payments to the counties for the property tax credit. In order for the director to carry out the requirements of this subsection, notwithstanding any provision to the contrary in this division,

claims for reimbursement for rent constituting property taxes paid filed before May 1 of the fiscal year shall be eligible to be paid in full during the fiscal year and those claims filed on or after May 1 of the fiscal year shall be eligible to be paid during the following fiscal year and the director is not required to make payments to counties for the property tax credit before June 15 of the fiscal year.

Sec. 10. Section 426A.1, Code 1995, is amended to read as follows:

**426A.1 APPROPRIATION.**

There is appropriated from the general fund of the state the amounts necessary sum of two million eight hundred thousand dollars to fund the credits provided under this chapter.

Sec. 11. It is the intent of the general assembly to provide property tax relief to the citizens of Iowa by fully funding the homestead credit, the elderly and disabled credit, and military tax exemption. The general assembly directs local officials to join the general assembly in providing property tax relief to the fullest extent possible by reducing property tax levies in proportion to increased reimbursement from the state. However, the general assembly recognizes that the most efficient method of achieving property tax relief is through a locally determined strategy based upon the fiscal needs of the local government. This section applies to the 1996-1997 fiscal year only.

Sec. 12. This division of this Act takes effect July 1, 1996, and applies to homestead, military service, and elderly or disabled tax credit and rent reimbursement claims payable in fiscal years beginning on or after July 1, 1996.

**DIVISION IV**

**SUBCHAPTER S CORPORATIONS**

Sec. 13. Section 422.4, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION.** 17A. The term "value-added corporation" means a corporation that purchases, receives, or holds personal property of any description and which adds to its value by a process of manufacturing, construction, processing, or combining of different materials, and shall specifically include the economic activity identified in divisions C and D of the standard industrial classification codes appearing in 13 C.F.R. ch. 1(1-1-94 edition), with a view to selling the finished product for gain or profit. A corporation engaged in more than one business activity is a value-added corporation if more than fifty percent of its gross receipts, figured on a three-year annual average, or such shorter period as the corporation shall have been in existence, are from the processes previously identified.

Sec. 14. Section 422.5, subsection 1, paragraph j, Code 1995, is amended to read as follows:

j. (1) The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the nonresident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "a" is the numerator and the nonresident's total net income computed under section 422.7 is the denominator. This provision also applies to individuals who are residents of Iowa for less than the entire tax year.

(2) The tax imposed upon the taxable income of a resident shareholder in a value-added corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state may be computed by reducing the amount determined pursuant

to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the resident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "b" is the numerator and the resident's total net income computed under section 422.7 is the denominator. This paragraph also applies to individuals who are residents of Iowa for less than the entire tax year.

(a) In order for a resident shareholder in a value-added corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, to claim the benefits of apportionment of income of the value-added corporation, the taxpayer must completely fill out the return, determine the taxpayer's income tax liability without the benefit of apportionment of the value-added corporation's income, and pay the amount of tax owed. The taxpayer shall recompute the taxpayer's income tax liability, by applying the provisions of this subparagraph on a special return. This special return shall be filed under rules of the director and constitutes a claim for refund of the difference between the amount of tax the taxpayer paid as determined without the provisions of this subparagraph and the amount of tax determined with the provisions of this subparagraph.

(b) This subparagraph shall not affect the amount of the taxpayer's checkoff to the Iowa election campaign fund under section 56.18, the checkoff for the fish and game fund in section 107.16, the credits from tax provided in sections 422.10, 422.11A, and 422.12 and the allocation of these credits between spouses if the taxpayers filed separate returns or separately on combined returns.

(c) For any tax year, the aggregate amount of refund claims that shall be paid pursuant to this subparagraph shall not exceed five million dollars. If, for a tax year, the aggregate amount of refund claims filed pursuant to this subparagraph exceeds five million dollars, each claim for refund shall be paid on a pro rata basis so that the aggregate amount of refund claims does not exceed five million dollars. In the case where refund claims are not paid in full, the amount of the refund to which the taxpayer is entitled under this subparagraph is the pro rata amount that was paid and the taxpayer is not entitled to a refund of the unpaid portion and is not entitled to carry that amount forward or backward to another tax year. Taxpayers shall not use refunds as estimated payments for the succeeding tax year. Taxpayers whose tax years begin on January 1 must file their refund claims by October 31 of the calendar year following the end of their tax year to be eligible for refunds. Taxpayers whose tax years begin on a date other than January 1 must file their refund claims by the end of the tenth month following the end of their tax years to be eligible. The department shall determine on February 1 of the second succeeding calendar year if the total amount of claims for refund exceeds five million dollars for the tax year. Notwithstanding any other provision, interest shall not be due on any refund claims that are paid by the last day of February of the second succeeding calendar year. If the claim is not payable on February 1 of the second succeeding calendar year, because the taxpayer is a fiscal year filer, then the amount of the claim allowed shall be in the same ratio as the refund claims available on February 1 of the second succeeding calendar year. These claims shall be funded by moneys appropriated for payment of individual income tax refunds.

Sec. 15. Section 422.5, subsection 1, paragraph k, unnumbered paragraph 4, Code 1995, is amended to read as follows:

In the case of a resident, including a resident estate or trust, the state's

apportioned share of the state alternative minimum tax is one hundred percent of the state alternative minimum tax computed in this subsection. In the case of a resident or part year resident shareholder in a value-added corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, a nonresident, including a nonresident estate or trust, or an individual, estate, or trust that is domiciled in the state for less than the entire tax year, the state's apportioned share of the state alternative minimum tax is the amount of tax computed under this subsection, reduced by the applicable credits in sections 422.10 through 422.12 and this result multiplied by a fraction with a numerator of the sum of state net income allocated to Iowa as determined in section 422.8, subsection 2, paragraph "a" or "b" as applicable, plus tax preference items, adjustments, and losses under subparagraph (1) attributable to Iowa and with a denominator of the sum of total net income computed under section 422.7 plus all tax preference items, adjustments, and losses under subparagraph (1). In computing this fraction, those items excludable under subparagraph (1) shall not be used in computing the tax preference items. Married taxpayers electing to file separate returns or separately on a combined return must allocate the minimum tax computed in this subsection in the proportion that each spouse's respective preference items, adjustments, and losses under subparagraph (1) bear to the combined preference items, adjustments, and losses under subparagraph (1) of both spouses.

Sec. 16. Section 422.8, subsection 2, Code 1995, is amended to read as follows:

2. a. Nonresident's net income allocated to Iowa is the net income, or portion thereof of net income, which is derived from a business, trade, profession, or occupation carried on within this state or income from any property, trust, estate, or other source within Iowa. However, income derived from a business, trade, profession, or occupation carried on within this state and income from any property, trust, estate, or other source within Iowa shall not include distributions from pensions, including defined benefit or defined contribution plans, annuities, individual retirement accounts, and deferred compensation plans or any earnings attributable thereto so long as the distribution is directly related to an individual's documented retirement and received while the individual is a nonresident of this state. If a business, trade, profession, or occupation is carried on partly within and partly without the state, only the portion of the net income which is fairly and equitably attributable to that part of the business, trade, profession, or occupation carried on within the state is allocated to Iowa for purposes of section 422.5, subsection 1, paragraph "j" and section 422.13 and income from any property, trust, estate, or other source partly within and partly without the state is allocated to Iowa in the same manner, except that annuities, interest on bank deposits and interest-bearing obligations, and dividends are allocated to Iowa only to the extent to which they are derived from a business, trade, profession, or occupation carried on within the state.

b. A resident's income allocable to Iowa is the income determined under section 422.7 reduced by items of income and expenses from a subchapter S corporation which is a value-added corporation that carries on business within and without the state when those items of income and expenses pass directly to the shareholders under provisions of the Internal Revenue Code. These items of income and expenses are increased by the greater of the following:

(1) The net income or loss of the corporation which is fairly and equitably attributable to this state under section 422.33, subsections 2 and 3.



(2) Any cash or the value of property distributions which are made only to the extent that they are paid from income upon which Iowa income tax has not been paid, as determined under rules of the director, reduced by fifty percent of the amount of any of these distributions that are made to enable the shareholder to pay federal income tax on items of income, loss, and expenses from the corporation.

Sec. 17. Section 422.8, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION. 6.** If the resident or part-year resident is a shareholder of a value-added corporation which has in effect an election under subchapter S of the Internal Revenue Code, subsections 1 and 3 do not apply to any income taxes paid to another state or foreign country on the income from the value-added corporation which has in effect an election under subchapter S of the Internal Revenue Code.

Sec. 18. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 1996, for tax years beginning on or after that date.

**DIVISION V**

**LIVESTOCK PRODUCTION TAX CREDIT**

Sec. 19. **NEW SECTION. 422.120 LIVESTOCK PRODUCTION TAX CREDIT ALLOWED.**

1. a. There is allowed a state tax credit for livestock production operations located in the state. The amount of the credit equals ten cents for each corn equivalent consumed by the livestock in the production operation as specified under this section. The credit shall be refunded as provided in section 422.121.

b. The credit shall be available to an individual or corporate taxpayer who owns livestock, if all of the following apply:

(1) The total net worth of the taxpayer during the taxpayer's tax year is less than one million dollars.

(2) The taxpayer receives, or accrues in the case of an accrual-basis taxpayer, more than one-half of the taxpayer's gross income from farming or ranching operations during the tax year. Gross income from farming or ranching is the amount reported as gross income on schedule F, or the equivalent schedule, of the taxpayer's income tax return, the total gains from sales of breeding livestock, and, if applicable, the taxpayer's distributive share of income from farming or ranching from a partnership, limited liability company, subchapter S corporation, or an estate or trust. To determine whether a taxpayer receives more than one-half of gross income from farming or ranching, the taxpayer's amount of gross income from farming or ranching shall be divided by the taxpayer's total gross income as defined in section 61 of the federal Internal Revenue Code.

2. The amount of the credit per operation is determined by adding together for each head of livestock in the operation the product of ten cents times the number of corn equivalents consumed by that head of livestock. The amount of livestock production credit per operation per tax year shall not exceed three thousand dollars and the amount of livestock production credit per taxpayer per tax year shall not exceed three thousand dollars.

The maximum amount of corn equivalents for a head of livestock in a production operation is the following:

a. Hog operations:

(1) Farrow to finish

Corn equivalents:

13.0

(2) Farrow to feeder pig	2.6
(3) Finishing feeder pigs	10.4
b. Poultry operations:	
(1) Layers	0.88
(2) Turkeys	1.5
(3) Broilers	0.15
c. Beef operations:	
(1) Cow-calf	111.5
(2) Stocker	41.5
(3) Feedlot	75.0
(4) Dairy	350.0
d. Sheep operations:	
(1) Ewe flock	20.5
(2) Feedlot	4.1

3. If the livestock operation is carried on partly within and partly without the state, the portion of the operation attributable to this state shall be determined pursuant to rules adopted by the department. The department may adjust the allocation upon request of the taxpayer in order to reflect the actual livestock operation carried on within this state.

4. An individual may claim the livestock production tax credit allowed a partnership, limited liability company, subchapter S corporation, or estate or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earning of the partnership, limited liability company, subchapter S corporation, or estate or trust.

5. A fraudulent claim for a credit refund under this division shall cause the forfeiture of any right or interest to a tax credit refund in subsequent tax years under this division.

**Sec. 20. NEW SECTION. 422.121 APPROPRIATION.**

Beginning with the fiscal year beginning July 1, 1997, there is appropriated annually from the general fund of the state two million dollars to refund the credits allowed under this division.

**Sec. 21. NEW SECTION. 422.122 REFUND OF LIVESTOCK PRODUCTION CREDIT CLAIMS.**

1. Each tax year the total amount of livestock production credit refund claims that shall be paid pursuant to section 422.120 shall not exceed the amount appropriated by the general assembly for that purpose. If the total dollar amount of the refund claims exceeds that amount, each claim shall be paid an amount equal to that amount divided by the total number of claims, not to exceed the amount of the taxpayer's claim. Remaining funds shall be prorated among those claims not paid in full in the proportion that each such claim bears to the total amount of such claims not paid in full.

2. In the case where refund claims are not paid in full, the amount of the refund to which the taxpayer is entitled is the amount computed in subsection 1, and paid to the taxpayer, and the taxpayer is not entitled to any unpaid portion of a claim and is not entitled to carry forward or backward to another tax year any unpaid portion of a claim. A taxpayer shall not use a refund as an estimated payment for the succeeding tax year.

3. A taxpayer must file a claim for refund within ten months from the last day of the taxpayer's tax year. An extension for filing shall not be allowed. The

department shall determine by February 28 of the calendar year following the calendar year in which the claims were filed if the total amount of claims for refund exceeds the amount appropriated for that purpose by the general assembly for the tax year. If the claim is not payable on February 28 because the taxpayer is a fiscal year filer, the claim shall be considered as a claim filed for the following tax year.

4. A claim for refund shall be made on claim forms to be made available by the department. In order for a taxpayer to have a valid refund claim, the taxpayer must supply legible copies of documents the director deems necessary to verify the amount of the refund.

Sec. 22. FISCAL YEAR 1997-1998 APPROPRIATION. Notwithstanding the livestock production operations described in section 422.120, for the tax year beginning on or after January 1, 1996, the appropriation in section 422.121 shall only be used to satisfy claims for cow-calf production.

Sec. 23. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 1996.

#### DIVISION VI SCHOOL STUDY GOALS

Sec. 24. It is the intent of the general assembly to support the study of the department of education required in 1996 Iowa Acts, House File 2477, if enacted, with the specified goals of increasing the capacity of the whole school to meet the needs of all children; increasing support available to at-risk students; and ensuring predictable and equitable special education funding at both the state and local levels; and with the additional goal of achieving parity between the percentage of regular program state cost per pupil and the percentage for that portion of weighted enrollment that is additional enrollment because of special education which constitute the regular program foundation base and the percentage of special education support services state cost per pupil which constitutes the special education support services foundation base.

#### DIVISION VII FUNDING CREDITS AND EXEMPTIONS

Sec. 25. NEW SECTION. 25B.7 FUNDING PROPERTY TAX CREDITS AND EXEMPTIONS.

1. Beginning with property taxes due and payable in the fiscal year beginning July 1, 1997, the cost of providing a property tax credit or property tax exemption which is enacted by the general assembly on or after January 1, 1997, shall be fully funded by the state. If a state appropriation made to fund a credit or exemption which is enacted on or after January 1, 1997, is not sufficient to fully fund the credit or exemption, the political subdivision shall be required to extend to the taxpayer only that portion of the credit or exemption funded by the state appropriation. The department of revenue and finance shall determine the portion of the credit or exemption which will be funded by the state appropriation.

2. The requirement for fully funding and the consequences of not fully funding credits and exemptions under subsection 1 also apply to all of the following:

- a. Homestead tax credit pursuant to sections 425.1 through 425.15.
- b. Elderly, low-income, and disabled property tax credits pursuant to sections 425.16 through 425.40.
- c. Military service property tax credits and exemptions pursuant to chapter 426A and sections 427.3 through 427.7.

Sec. 26. This division of this Act takes effect July 1, 1996."

2. Title page, by striking lines 1 through 17 and inserting the following: "An Act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of shareholders of certain subchapter S corporations; increasing the amount of the appropriations for homestead credit, military service credit, and low-income elderly and disabled credit and reimbursement claims; providing tax credits for livestock production; increasing the regular program foundation base level under the school aid program; requiring full funding for certain property tax credits; and providing effective and applicability date provisions."

On the Part of the Senate:

WILLIAM D. PALMER, Chairperson  
WAYNE BENNETT  
MARY LOU FREEMAN  
EMIL J. HUSAK  
TOM VILSACK

On the Part of the House:

ROGER HALVORSON, Chairperson  
BILL BERNAU  
JOHN GREIG  
CHUCK LARSON  
RICHARD MYERS

**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not  
Previously Printed During the**

**SEVENTY-SIXTH GENERAL ASSEMBLY**

**1996 Regular Session**

## 1 SENATE RESOLUTION NO. 102

2 by: committee on Rules and Administration  
 3 A Resolution relating to gubernatorial appointments requiring  
 4 senate confirmation.

5 WHEREAS, section 2.32, subsection 7, requires the  
 6 governor to provide the secretary of the senate with a  
 7 list of all gubernatorial appointments requiring  
 8 senate confirmation during this session by February 1;  
 9 and

10 WHEREAS, this information has been submitted and is  
 11 on file in the office of the secretary of the senate;  
 12 and

13 WHEREAS, that subsection also requires that the  
 14 senate by resolution approve the list or request  
 15 corrections by February 15; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the following  
 17 list of appointment positions submitted by the  
 18 governor pursuant to section 2.32, subsection 7, and  
 19 on file with the secretary of the senate is approved:

- 20 Accountancy Examining Board
- 21 1 term beginning 7-21-95 and ending 4-30-98
- 22 2 terms beginning 5-1-96 and ending 4-30-99
- 23 African-Americans, Commission on the Status of
- 24 6 terms beginning 5-1-96 and ending 4-30-2000
- 25 Agricultural Development Authority
- 26 3 terms beginning 5-1-96 and ending 4-30-2002
- 27 Alcoholic Beverages Commission
- 28 1 term beginning 5-1-96 and ending 4-30-2001
- 29 Architectural Examining Board
- 30 3 terms beginning 5-1-96 and ending 4-30-99

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- 1 Athletic Trainer Advisory Board
- 2 3 terms beginning 5-1-96 and ending 4-30-99
- 3 Banking, Superintendent of
- 4 1 term beginning 9-15-95 and ending 4-30-97
- 5 Barber Examiners, State Board of
- 6 2 terms beginning 5-1-96 and ending 4-30-99
- 7 Behavioral Science Examiners, State Board of
- 8 1 term beginning 5-9-95 and ending 4-30-97
- 9 1 term beginning 6-22-95 and ending 4-30-96
- 10 3 terms beginning 5-1-96 and ending 4-30-99
- 11 Blind, Commission for the
- 12 1 term beginning 5-1-96 and ending 4-30-99
- 13 Chiropractic Examiners, State Board of
- 14 3 terms beginning 5-1-96 and ending 4-30-99
- 15 City Development Board
- 16 1 term beginning 8-4-95 and ending 4-30-97
- 17 1 term beginning 5-1-96 and ending 4-30-2002

- 18 Civil Rights Commission, Iowa State
- 19 1 vacancy for a term ending 4-30-99
- 20 1 term beginning 5-22-95 and ending 4-30-99
- 21 Community Action Agencies, Commission on
- 22 3 terms beginning 5-1-96 and ending 4-30-99
- 23 Community Health Management Information System
- 24 Governing Board
- 25 1 term beginning 5-24-95 and ending 4-30-96
- 26 1 term beginning 6-13-95 and ending 4-30-98
- 27 1 term beginning 7-11-95 and ending 4-30-98
- 28 4 terms beginning 5-1-96 and ending 4-30-99
- 29 Corrections, Board of
- 30 1 term beginning 8-16-95 and ending 4-30-99

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- 1 Cosmetology Arts and Sciences Examiners,
- 2 State Board of
- 3 4 terms beginning 5-1-96 and ending 4-30-99
- 4 County Finance Committee
- 5 1 term beginning 7-11-95 and ending 4-30-99
- 6 1 term beginning 8-25-95 and ending 4-30-99
- 7 Credit Union Review Board
- 8 2 terms beginning 5-1-96 and ending 4-30-99
- 9 Deaf, Commission on the
- 10 3 terms beginning 5-1-96 and ending 4-30-99
- 11 Deaf Services, Administrator of the Division of
- 12 1 vacancy for a term ending 4-30-98
- 13 Dental Examiners, State Board of
- 14 3 terms beginning 5-1-96 and ending 4-30-99
- 15 Dietetic Examiners, State Board of
- 16 1 term beginning 5-1-96 and ending 4-30-99
- 17 Economic Development Board, Iowa
- 18 2 terms beginning 5-1-96 and ending 4-30-2000
- 19 Education, Director of the Department of
- 20 1 term served at the pleasure of the Governor
- 21 Education, State Board of
- 22 1 term beginning 7-11-95 and ending 4-30-2000
- 23 4 terms beginning 5-1-96 and ending 4-30-2002
- 24 Elder Affairs, Commission of
- 25 2 terms beginning 5-1-96 and ending 4-30-2000
- 26 Employment Appeal Board
- 27 1 term beginning 7-31-95 and ending 4-30-98
- 28 1 term beginning 5-1-96 and ending 4-30-2002
- 29 Engineering & Land Surveying Examining Board
- 30 3 terms beginning 5-1-96 and ending 4-30-99

## Page 4

- 1 Environmental Protection Commission
- 2 1 term beginning 5-5-95 and ending 4-30-99
- 3 Finance Authority, Iowa
- 4 1 term beginning 1-3-96 and ending 4-30-97
- 5 First in the Nation in Education Foundation
- 6 Governing Board
- 7 1 term beginning 6-22-95 and ending 4-30-99
- 8 1 term beginning 10-2-95 and ending 4-30-2000
- 9 Grain Indemnity Fund Board, Iowa
- 10 2 terms beginning 5-1-96 and ending 4-30-99
- 11 Hearing Aid Dealers, Board of Examiners for the
- 12 Licensing & Regulation of
- 13 2 terms beginning 5-1-96 and ending 4-30-99
- 14 Higher Education Loan Authority, Iowa
- 15 1 term beginning 5-1-96 and ending 4-30-2002
- 16 Human Investment, Iowa Council on
- 17 2 terms beginning 5-1-96 and ending 4-30-99
- 18 Human Services, Council on
- 19 1 term beginning 1-3-96 and ending 4-30-97
- 20 1 vacancy for a term ending 4-30-2001
- 21 Indigent Defense Advisory Commission
- 22 1 vacancy for a term ending 4-30-95
- 23 1 vacancy for a term ending 4-30-97
- 24 1 term beginning 5-1-96 and ending 4-30-99
- 25 Industrial Commissioner
- 26 1 term beginning 1-2-96 and ending 4-30-97
- 27 Inspections & Appeals, Director of the Department of
- 28 1 vacancy for a term ending 4-30-2000
- 29 Job Service Advisory Council
- 30 3 vacancies for terms ending 4-30-95

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- 1 Judicial Nominating Commission, State
- 2 1 term beginning 5-5-95 and ending 4-30-2001
- 3 1 term beginning 8-7-95 and ending 4-30-99
- 4 Judicial Qualifications, Commission on
- 5 1 term beginning 5-1-95 and ending 4-30-2001
- 6 Labor Commissioner
- 7 1 term beginning 9-13-95 and ending 4-30-2001
- 8 Landscape Architectural Examining Board
- 9 3 terms beginning 5-1-96 and ending 4-30-99
- 10 Law Enforcement Academy Council, Iowa
- 11 2 terms beginning 5-1-96 and ending 4-30-2000
- 12 Lottery Board
- 13 1 term served at the pleasure of the Governor
- 14 Management, Director of the Department of
- 15 1 term served at the pleasure of the Governor



- 16 Medical Examiners, State Board of
- 17 3 terms beginning 5-1-96 and ending 4-30-99
- 18 Mental Health & Developmental Disabilities
- 19 Commission
- 20 4 terms beginning 5-1-96 and ending 4-30-99
- 21 Mortuary Science Examiners, State Board of
- 22 2 terms beginning 5-1-96 and ending 4-30-99
- 23 Nursing Examiners, State Board of
- 24 3 terms beginning 5-1-96 and ending 4-30-99
- 25 Nursing Home Administrators, State Board of
- 26 Examiners for
- 27 2 terms beginning 5-1-96 and ending 4-30-99
- 28 1 term beginning 1-8-96 and ending 4-30-98
- 29 Optometry Examiners, State Board of
- 30 2 terms beginning 5-1-96 and ending 4-30-99

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- 1 Parole, Board of
- 2 1 term beginning 5-1-96 and ending 4-30-2000
- 3 Personnel, Director of the Department of
- 4 1 term served at the pleasure of the Governor
- 5 Pharmacy Examiners, State Board of
- 6 1 vacancy for a term ending 4-30-98
- 7 3 terms beginning 5-1-96 and ending 4-30-99
- 8 Physical & Occupational Therapy Examiners,
- 9 State Board of
- 10 3 terms beginning 5-1-96 and ending 4-30-99
- 11 Physician Assistant Examiners, State Board of
- 12 1 term beginning 5-25-95 and ending 4-30-97
- 13 1 term beginning 8-25-95 and ending 4-30-96
- 14 2 terms beginning 5-1-96 and ending 4-30-99
- 15 Podiatry Examiners, State Board of
- 16 2 terms beginning 5-1-96 and ending 4-30-99
- 17 Prevention of Disabilities Policy Council
- 18 3 terms beginning 5-1-96 and ending 4-30-99
- 19 Psychology Examiners, State Board of
- 20 3 terms beginning 5-1-96 and ending 4-30-99
- 21 Public Employment Relations Board
- 22 2 terms beginning 5-1-96 and ending 4-30-2000
- 23 Racing and Gaming Commission, State
- 24 2 terms beginning 5-1-96 and ending 4-30-99
- 25 Railway Finance Authority, Iowa
- 26 1 term beginning 1-8-96 and ending 4-30-96
- 27 2 terms beginning 5-1-96 and ending 4-30-2002
- 28 Real Estate Appraiser Examining Board
- 29 1 vacancy for a term ending 4-30-97
- 30 2 terms beginning 5-1-96 and ending 4-30-99

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- 1 Real Estate Commission
- 2 2 terms beginning 5-1-96 and ending 4-30-99
- 3 Regents, State Board of
- 4 1 term beginning 5-9-95 and ending 4-30-2001
- 5 1 term beginning 8-30-95 and ending 4-30-97
- 6 Renewable Fuels and Coproducts Advisory
- 7 Committee
- 8 1 vacancy for a term ending 4-30-96
- 9 2 terms beginning 5-1-96 and ending 4-30-99
- 10 Respiratory Care Advisory Committee
- 11 2 terms beginning 5-1-96 and ending 4-30-99
- 12 School Budget Review Committee
- 13 1 term beginning 5-1-95 and ending 4-30-98
- 14 1 term beginning 5-1-96 and ending 4-30-99
- 15 Seed Capital Corporation, Iowa
- 16 3 terms served at the pleasure of the Governor
- 17 Small Business Advisory Council
- 18 1 vacancy for a term ending 4-30-98
- 19 2 terms beginning 5-1-96 and ending 4-30-2000
- 20 Social Work Examiners, State Board of
- 21 2 terms beginning 5-1-96 and ending 4-30-99
- 22 Speech Pathology & Audiology Examiners,
- 23 State Board of
- 24 2 terms beginning 5-1-96 and ending 4-30-99
- 25 State-Federal Relations, Director of the Office for
- 26 1 term served at the pleasure of the Governor
- 27 Telecommunications and Technology Commission, Iowa
- 28 1 term beginning 6-13-95 and ending 4-30-96
- 29 1 term beginning 6-22-95 and ending 4-30-98
- 30 1 term beginning 5-1-96 and ending 4-30-2002

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- 1 Telecommunications and Technology Commission,
- 2 Chairperson of the Iowa
- 3 1 term beginning 6-13-95 and ending 4-30-96
- 4 Title Guaranty Division Board
- 5 1 term beginning 5-22-95 and ending 4-30-99
- 6 2 terms beginning 5-1-96 and ending 4-30-2001
- 7 Transportation Commission, State
- 8 2 terms beginning 5-1-96 and ending 4-30-2000
- 9 Veterans Affairs, Commission of
- 10 1 term beginning 7-28-95 and ending 4-30-96
- 11 1 term beginning 7-28-95 and ending 4-30-99
- 12 2 terms beginning 5-1-96 and ending 4-30-2000
- 13 Veterinary Medicine, Iowa Board of
- 14 2 terms beginning 5-1-96 and ending 4-30-99
- 15 Wallace Technology Transfer Foundation of Iowa

- 16 3 terms beginning 5-1-96 and ending 4-30-99  
 17 Women, Commission on the Status of  
 18 1 vacancy for a term ending 4-30-96  
 19 1 term beginning 9-13-95 and ending 4-30-98  
 20 4 terms beginning 5-1-96 and ending 4-30-2000

1 SENATE RESOLUTION NO. 103

- 2 by: Priebe, Hedge, Kibbie, Palmer, and Rittmer  
 3 A Senate Resolution honoring Mrs. Phyllis Barry upon  
 4 her retirement as Iowa Administrative Code Editor.  
 5 WHEREAS, Mrs. Phyllis Barry is retiring as Iowa  
 6 Administrative Code Editor after serving for over 31  
 7 years in the State of Iowa's Code office; and  
 8 WHEREAS, her positions of responsibility in the  
 9 Code office have involved many years of service in  
 10 both the legislative and judicial branches of  
 11 government; and  
 12 WHEREAS, she has worked closely with  
 13 representatives from all three branches of government  
 14 both as Deputy Code Editor and as Administrative Code  
 15 Editor; and  
 16 WHEREAS, Mrs. Barry has served as Secretary to the  
 17 Administrative Rules Review Committee since its  
 18 establishment in 1975, and as editor of the  
 19 publications of executive branch administrative rules,  
 20 never missing a biweekly publication deadline during  
 21 the period of more than twenty years; and  
 22 WHEREAS, in these roles, Mrs. Barry has been  
 23 involved in all aspects of legal publication of the  
 24 Code of Iowa, the Iowa Acts, the Iowa Administrative  
 25 Bulletin, the Iowa Administrative Code, the Iowa Court  
 26 Rules, and the State Roster; and  
 27 WHEREAS, in her publication activities with the  
 28 Iowa Supreme Court and the executive branch agencies,  
 29 Mrs. Barry has developed close working relationships  
 30 beneficial to the operations of state government in

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- 1 general; and  
 2 WHEREAS, Mrs. Barry has excelled in her unyielding  
 3 devotion to quality and perfection in the publication  
 4 of the law and the administrative rules, and has  
 5 served the legal community and the public for many  
 6 years, personally providing essential statutory and  
 7 administrative rules historical research; and  
 8 WHEREAS, Mrs. Barry's expertise and knowledge in  
 9 the field of statutory and administrative law  
 10 publication are unsurpassed in the State of Iowa; and  
 11 WHEREAS, her counterparts in other states have

12 frequently sought her counsel and advice; and  
 13 WHEREAS, this expertise and knowledge have provided  
 14 an essential public service to the citizens of the  
 15 State of Iowa, guaranteeing the citizens of Iowa  
 16 timely and efficient access to state laws and  
 17 administrative rules, thus helping to preserve to the  
 18 citizens the opportunity to prize their liberties and  
 19 to maintain their rights as memorialized in the  
 20 State's motto; and  
 21 WHEREAS, Mrs. Barry has been a very able  
 22 administrator of the Code office for many years,  
 23 assembling at all times a professional, expert, and  
 24 loyal staff, while maintaining an uncommon affinity  
 25 and cordiality among her colleagues in the Code  
 26 office; and  
 27 WHEREAS, it is fitting that the General Assembly  
 28 and all of state government should recognize Mrs.  
 29 Barry's outstanding accomplishments and leadership in  
 30 the field of statutory and administrative law

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1 publication for the State of Iowa; NOW THEREFORE,  
 2 BE IT RESOLVED BY THE SENATE, That the General  
 3 Assembly of the State of Iowa pay tribute to Mrs.  
 4 Phyllis Barry for her extraordinary accomplishments  
 5 and devoted service to the Iowa General Assembly, the  
 6 Administrative Rules Review Committee, the Legislative  
 7 Service Bureau, and the citizens of this state and,  
 8 upon her retirement, wish her the very best in the  
 9 years ahead; and  
 10 BE IT FURTHER RESOLVED, That an official copy of  
 11 this Resolution be prepared and presented to Mrs.  
 12 Phyllis Barry.

1 SENATE RESOLUTION NO. 104  
 2 by Black, Boswell, Fink, and McLaren  
 3 (COMPANION TO LSB 4409HH BY CHURCHILL)  
 4 A Resolution urging the United States government to  
 5 reassess its policy relating to the dispute between  
 6 the People's Republic of China (mainland communist  
 7 China) and the Republic of China (ROC) on Taiwan.  
 8 WHEREAS, the Republic of China on Taiwan  
 9 established a sister state relationship with the State  
 10 of Iowa on September 25, 1989, and is a valued trading  
 11 partner of the United States; and  
 12 WHEREAS, the Republic of China on Taiwan is a  
 13 paradigm example of the success of a market-based  
 14 economic system and of an open political system; and  
 15 WHEREAS, the People's Republic of China has been

16 escalating its threatening rhetoric and propaganda  
 17 directed at the Republic of China on Taiwan; and  
 18 WHEREAS, the Senate is justifiably concerned with  
 19 the security of the citizens and government of the  
 20 Republic of China on Taiwan; and  
 21 WHEREAS, the Senate supports the efforts of the  
 22 Republic of China on Taiwan to become a fully  
 23 democratic nation; and  
 24 WHEREAS, it is the fervent hope and desire of the  
 25 Senate that the People's Republic of China will not  
 26 interfere with the Republic of China on Taiwan's  
 27 upcoming presidential election; NOW THEREFORE,  
 28 BE IT RESOLVED BY THE SENATE, That the United  
 29 States government reassess its foreign policy relating  
 30 to the People's Republic of China and take appropriate

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1 actions in accordance with the Taiwan Relations Act,  
 2 22 U.S.C.A. § 3301(b), to send a clear message to the  
 3 leadership of the People's Republic of China that  
 4 disputes between the People's Republic of China and  
 5 the Republic of China on Taiwan should be dealt with  
 6 through peaceful negotiations rather than political  
 7 intimidation and threats of military confrontation.  
 8 BE IT FURTHER RESOLVED, That copies of this  
 9 Resolution be sent to the members of the Iowa  
 10 congressional delegation, the embassy of the People's  
 11 Republic of China in Washington, D.C., and the foreign  
 12 ministry of the Republic of China in Taipei, Taiwan.

## SENATE RESOLUTION NO. 106

2 by: Horn and Rife

3 A Senate Resolution of congratulations and support for  
 4 the Iowa State Cyclones Men's Basketball Team and  
 5 the Iowa Hawkeyes Women's and Men's Basketball Teams.  
 6 WHEREAS, the citizens of Iowa are justly proud that  
 7 the Iowa State Cyclones Men's Basketball Team and the  
 8 Iowa Hawkeyes Men's Basketball Team have been invited  
 9 to the 1996 NCAA tournament and the Iowa Hawkeyes  
 10 Women's Basketball Team has been invited to the 1996  
 11 NCAA Women's Basketball Tournament; and  
 12 WHEREAS, the Iowa Hawkeyes Women's Team, in Head  
 13 Coach Angie Lee's inaugural season, excited Iowa fans  
 14 while compiling a 25-3 record, winning the Big Ten  
 15 regular season title outright, and being selected as  
 16 the second-seeded team in the Mideast Regional, and  
 17 will commence tournament play on Friday, March 15,  
 18 1996; and  
 19 WHEREAS, the Iowa State Cyclones Men's Team, in

20 Head Coach Tim Floyd's second season, greatly pleased  
 21 Iowa State fans by exceeding all expectations in  
 22 compiling a 23-8 record, winning the Big Eight  
 23 Conference Basketball Tournament, finishing second in  
 24 the regular season Big Eight conference race, and  
 25 being selected as the fifth-seeded team in the Midwest  
 26 Regional, and will commence play on Thursday, March  
 27 14, 1996; and  
 28 WHEREAS, the Iowa Hawkeyes Men's Team, in Head  
 29 Coach Tom Davis' 10th season, completed its season  
 30 with a strong finish in compiling a 22-8 record,

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1 finishing fourth in the Big Ten conference race, and  
 2 being selected as the sixth-seeded team in the West  
 3 Regional, and will commence play on Friday, March 15,  
 4 1996; NOW THEREFORE,  
 5 BE IT RESOLVED BY THE SENATE, That Coach Angie Lee  
 6 and the Iowa Hawkeyes Women's Basketball Team be  
 7 congratulated on the success of their season and  
 8 wished the best of luck during the 1996 NCAA  
 9 tournament; and  
 10 BE IT FURTHER RESOLVED, That Coach Tim Floyd and  
 11 the Iowa State Cyclones Men's Basketball Team be  
 12 congratulated on the success of their season and  
 13 wished the best of luck during the 1996 NCAA  
 14 tournament; and  
 15 BE IT FURTHER RESOLVED, That Coach Tom Davis and  
 16 the Iowa Hawkeyes Men's Basketball Team be  
 17 congratulated on the success of their season and  
 18 wished the best of luck during the 1996 NCAA  
 19 tournament.

1 SENATE RESOLUTION NO. 107  
 2 by: committee on Local Government  
 3 (SUCCESSOR TO SSB 2346)  
 4 A Senate Resolution requesting the House of  
 5 Representatives to override the Governor's item veto  
 6 of certain provisions of House File 2114.  
 7 WHEREAS, the state taxation of the pensions of  
 8 federal retirees during the 1985, 1986, 1987, and 1988  
 9 tax years was unconstitutional; and  
 10 WHEREAS, a moral obligation exists to refund the  
 11 excess taxes; and  
 12 WHEREAS, it was unfair to have allowed some federal  
 13 retirees to receive refunds from an unconstitutional  
 14 tax while others are denied the refund as a result of  
 15 the item veto by the Governor of section 11 of House  
 16 File 2114; and

17 WHEREAS, to paraphrase a well-known quote, the  
18 power to keep illegally obtained taxes is the power  
19 not only to destroy the citizens of Iowa but the power  
20 to destroy the integrity of the state itself; and  
21 WHEREAS, some of those federal retirees being  
22 denied refunds are veterans who have risked their  
23 lives for their country and are now losing their just  
24 rewards not as a result of foreign action, but as a  
25 result of the Governor's item veto of section 11 of  
26 House File 2114; and  
27 WHEREAS, the rationale for the item veto, that  
28 enactment of such a law would be precedent-setting and  
29 could create untold future financial exposure, is not  
30 valid because of previous enactments of law allowing

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1 claims for refunds to be paid even though the statute  
2 of limitations has expired and because the general  
3 assembly, as caretaker of the state treasury, can  
4 limit any future financial exposure in a manner it  
5 deems appropriate; and  
6 WHEREAS, an additional rationale that there is no  
7 compelling reason for allowing the refund claims of  
8 federal retirees is also invalid because the refund is  
9 for an unconstitutional tax; and  
10 WHEREAS, the citizens of Iowa, believing inherently  
11 in the constitutionality of any tax imposed by the  
12 state, will pay such tax without protestation, but to  
13 disallow citizens a refund for an unconstitutional tax  
14 solely because of the technical passage of a certain  
15 period of time will eventually lead to citizen  
16 protests of any and every payment of state taxes if  
17 only to protect themselves from not receiving a refund  
18 for the paying of an unconstitutional tax; NOW  
19 THEREFORE,  
20 BE IT RESOLVED BY THE SENATE, That the Senate  
21 beseech the House of Representatives to stand united  
22 to do justice to fellow citizens of the state of Iowa  
23 by overriding the Governor's item veto of section 11  
24 of House File 2114.

1 SENATE RESOLUTION NO. 108

2 by: committee on Rules and Administration  
3 A Resolution commemorating the visit of the delegation  
4 of parliamentarians from the Stavropol Krai and  
5 recognizing the contributions of the parliamentarians  
6 to strengthened relations between the Iowa State  
7 Senate and the Stavropol Regional State Duma.  
8 WHEREAS, the Iowa State Senate has established an

9 exchange of legislative members between the Stavropol  
10 Regional State Duma based in Stavropol, Russia, and  
11 the Iowa State Senate based in Des Moines, Iowa,  
12 United States of America, a relationship first  
13 initiated some four years ago; and  
14 WHEREAS, under that exchange a formal visit of  
15 legislative dignitaries from the Stavropol Regional  
16 State Duma will take place in Des Moines, Iowa, during  
17 the first week of April 1996; and  
18 WHEREAS, the delegation of dignitaries includes Mr.  
19 Yury A. Gontar, Deputy Chairman, Stavropol Regional  
20 State Duma, Mrs. Tatyana D. Gabitova, Chairwoman,  
21 Stavropol Regional State Duma Committee on Social  
22 Support, Mr. Victor P. Khloponya, Chairman, Stavropol  
23 Regional State Duma Committee on Legal and Human  
24 Rights, and Dr. Victor A. Cherepanov, Chairman,  
25 Stavropol Regional State Duma Committee on Auditing  
26 and Accounting; and  
27 WHEREAS, this visit demonstrates yet another  
28 manifestation of the strong sister-state relationship  
29 which exists between the State of Iowa and the  
30 Stavropol Krai; and

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1 WHEREAS, that relationship was created for the  
2 purpose of establishing greater friendship and  
3 understanding between the people of the State of Iowa  
4 and the people of the Stavropol Krai through the  
5 medium of direct personal communication; and  
6 WHEREAS, one of the purposes of the sister-state  
7 relationship is to conduct mutually beneficial social,  
8 economic, educational, and cultural programs in order  
9 to bring the citizens of Iowa and Stavropol closer  
10 together and to strengthen international understanding  
11 and good will; and  
12 WHEREAS, the visit of the delegation of  
13 representatives from the Stavropol Regional State Duma  
14 is the first of this year's exchange visits of  
15 legislators to the other state's legislature, and is  
16 intended to benefit both legislative bodies through  
17 the exchange of ideas and practical suggestions  
18 regarding legislative solutions and procedures; and  
19 WHEREAS, the visit of the Stavropol  
20 parliamentarians is particularly intended to provide  
21 the members of the Duma with an opportunity to view  
22 Iowa's working democracy and free market economy, in  
23 order to allow them to learn from the Iowa General  
24 Assembly's traditions of lawmaking in a democratic  
25 society and market economy, including the General



26 Assembly's continuing attention to legal and economic  
27 reforms; and  
28 WHEREAS, this visit will enable the Stravropol  
29 parliamentarians to consider whether any of Iowa's  
30 democratic and economic principles and reforms can be

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1 applied to the betterment of the Stavropol Krai; and  
2 WHEREAS, such learning is intended not only to  
3 benefit the workings of the Stavropol Regional State  
4 Duma but also to benefit economic development and  
5 business relationships between the people of the State  
6 of Iowa and the people of the Stavropol Krai; NOW  
7 THEREFORE,  
8 BE IT RESOLVED BY THE SENATE, That the Iowa State  
9 Senate hereby commemorates the visit of the delegation  
10 of parliamentarians from the Stavropol Krai,  
11 encourages the work of the parliamentarians in their  
12 efforts to strengthen the Stavropol Regional State  
13 Duma as a democratic institution of self-government,  
14 and recognizes the contributions of the  
15 parliamentarians in the development of a closer  
16 relationship between the Iowa State Senate and the  
17 Stravropol Regional State Duma.  
18 BE IT FURTHER RESOLVED, That the Secretary of the  
19 Senate provide each member of the delegation from the  
20 Stavropol Regional State Duma with an official copy of  
21 this Resolution.

1 SENATE RESOLUTION NO. 110

2 by: Black and Boswell

3 A Resolution recognizing June 22, 1996, as Morman Trail  
4 Day, in celebration of the sesquicentennial anniversary  
5 of the Mormon pioneer exodus of 1846.

6 WHEREAS, the Church of Jesus Christ of Latter-day  
7 Saints was organized in Fayette, New York, in 1830 by  
8 Joseph Smith; and

9 WHEREAS, the Saints, or Mormons as they became  
10 known, migrated to Missouri in the 1830s, where they  
11 remained until 1839, when religious intolerance drove  
12 them to Commerce, Illinois; and

13 WHEREAS, the Mormons renamed the city Nauvoo, and  
14 by 1845 their numbers made Nauvoo the 10th largest  
15 city in the United States; and

16 WHEREAS, Joseph Smith and his brother Hyrum were  
17 jailed in Carthage, Illinois, charged with inciting a  
18 riot and two days later were assassinated by a mob at  
19 the county jail; and

20 WHEREAS, fearing violence resulting from the

21 religious intolerance of their neighbors, and facing  
 22 divisive forces within their own community, in  
 23 February 1846 the Mormons followed Brigham Young in  
 24 the largest mass exodus in American history; and  
 25 WHEREAS, the trail these pioneers blazed, 1,400  
 26 miles from Nauvoo, Illinois, to Salt Lake City, Utah,  
 27 running the width of Iowa from near Montrose to  
 28 Council Bluffs, the Mormon Pioneer Trail, is now a  
 29 National Historic Trail; and  
 30 WHEREAS, though the Mormon pioneers experienced

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1 great hardships during their journey, their faith and  
 2 determination eventually led 60,000 Mormon pioneers to  
 3 create new lives in Utah, significantly expanding the  
 4 borders of this country; and  
 5 WHEREAS, the Church of Jesus Christ of Latter-day  
 6 Saints and its members recognize with appreciation and  
 7 thankfulness the people of the state of Iowa, who by  
 8 their aid and protection exemplified the qualities of  
 9 charity and hospitality; NOW THEREFORE,  
 10 BE IT RESOLVED BY THE SENATE, That the citizens of  
 11 Iowa are encouraged to recognize and celebrate June  
 12 22, 1996, as Mormon Trail Day, and to honor the  
 13 courage and sacrifice of the Mormon pioneers in this,  
 14 the sesquicentennial year of their migration across  
 15 Iowa.

1 SENATE RESOLUTION NO. 111

2 by: Black and Boswell

3 A Senate Resolution honoring the Honorable Teng-Hui Lee,  
 4 President of the Republic of China.

5 WHEREAS, Iowa established a sister-state  
 6 relationship with the Taiwan Province of the Republic  
 7 of China on September 25, 1989, and Taiwan is a valued  
 8 trading partner of the United States and the State of  
 9 Iowa; and

10 WHEREAS, the Honorable Teng-Hui Lee garnered over  
 11 5.8 million votes, or 54 percent of the total ballots  
 12 cast, a landslide victory in his reelection on March  
 13 23, 1996, as the President of the Republic of China;  
 14 and

15 WHEREAS, this victory in the Republic of China's  
 16 first direct presidential election must be viewed as a  
 17 resounding show of support for Teng-Hui Lee's  
 18 leadership skills and high personal character; and

19 WHEREAS, President Teng-Hui Lee is a graduate of  
 20 Iowa State University of Science and Technology,  
 21 having received his master's degree from that

22 prestigious academic institution in 1953; and  
 23 WHEREAS, the citizens of Iowa are justifiably proud  
 24 of the accomplishments of Teng-Hui Lee, for his  
 25 leadership in the creation of the Republic of China's  
 26 market-based economic system, and the creation of an  
 27 open, democratic political system; and  
 28 WHEREAS, Iowans are proud of Teng-Hui Lee's many  
 29 accomplishments, his Iowa State University academic  
 30 "roots", and his exemplary role as a leader in the

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1 free world; NOW THEREFORE,  
 2 BE IT RESOLVED BY THE SENATE, That President Teng-  
 3 Hui Lee be designated an "Honorary Citizen" of the  
 4 State of Iowa, and be blessed with health, wisdom,  
 5 peace, and goodwill for time to come; and  
 6 BE IT FURTHER RESOLVED, That upon passage, an  
 7 official copy of this Resolution be sent to President  
 8 Teng-Hui Lee in Taipei, Taiwan.

1 SENATE RESOLUTION NO. 113

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, 1996 and ending June 30, 1997, 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 \$2,944,790.
- 27 2. Interim expenses including members' and staff  
 28 compensation and other current expenses in an amount

29 not to exceed \$330,500.

30 3. Fixed expenses, including 'permanent employees'

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1 compensation and equipment in an amount not to exceed  
2 \$1,782,456.

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 \$75,000.

8 5. A special fund for technology and  
9 computerization improvements to be used with the  
10 authorization of the Committee on Rules and  
11 Administration, in an amount not to exceed \$200,000.

12 6..A special Senator Dale L. Tieden scholarship  
13 fund for a Senate page to be used with the  
14 authorization of the Committee on Rules and  
15 Administration, in an amount not to exceed \$1,000.

16 Sec. 2. The Secretary of the Senate shall  
17 immediately provide written notice to the majority and  
18 minority leaders of the Senate and to the Chair and  
19 Ranking Member of the Senate Appropriations Committee  
20 if actual expenditures payable pursuant to Iowa Code  
21 sections 2.10 through 2.14 inclusive exceed the  
22 maximum amount allocated to any category of the budget  
23 provided by section 1 of this resolution. The written  
24 notice shall specify the amount of and reasons for any  
25 excess expenditure.

26 Sec. 3. The expenditures referred to in section 2  
27 of this resolution shall consist only of those sums  
28 required for payment of the various expenses of the  
29 General Assembly including such items as legislative  
30 printing expenses, unpaid expenses incurred during the

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1 interim between sessions of the General Assembly,  
2 expenditures incurred pursuant to resolutions, and  
3 expenses for purchases of legislative equipment and  
4 supplies necessary to carry out the functions of the  
5 General Assembly. Joint expenditures or special  
6 expenditures approved by the Committee on Rules and  
7 Administration or the Legislative Council are not  
8 included in the budget set forth in this resolution.

9 Sec. 4. If a special session of the General  
10 Assembly is held, the Committee on Rules and

11 Administration shall provide for consideration of a  
12 budget for the special session.

1                   SENATE RESOLUTION NO. 114

2           by: committee on Rules and Administration

3                   (SUCCESSOR TO SR 112)

4 A Senate Resolution honoring Iowa State University  
5 track and field coordinator and former head  
6 men's cross country coach Bill Bergan on his  
7 retirement.

8 WHEREAS, Coach Bill Bergan took over the Iowa State  
9 University Cyclones men's track and field and cross  
10 country programs when the programs consistently  
11 finished in the lower division of the Big Eight  
12 Conference and built the programs into national  
13 powerhouses; and

14 WHEREAS, Coach Bill Bergan's cross country teams  
15 won 10 Big Eight titles for Iowa State University and  
16 captured the 1989 and 1994 National Collegiate  
17 Athletic Association's cross country championships;  
18 and

19 WHEREAS, Coach Bill Bergan's track and field teams  
20 won 15 conference titles for Iowa State University;  
21 and

22 WHEREAS, Coach Bill Bergan's athletes achieved All-  
23 American honors 110 times and captured 163 Big Eight  
24 Conference individual titles; and

25 WHEREAS, several of Coach Bill Bergan's athletes  
26 went on to earn numerous awards in international  
27 competition, including an Olympic silver medal in the  
28 400-meter hurdles and a world record in the 10,000-  
29 meter run; and

30 WHEREAS, Coach Bill Bergan was named to the Iowa

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1 Association of Track Coaches Hall of Fame in 1984 and  
2 earned National Collegiate Cross Country Coach of the  
3 Year in 1983 and National Collegiate Track Coach of  
4 the Year in 1986; and

5 WHEREAS, Coach Bill Bergan brought distinction and  
6 honor to Iowa State University's track and field and  
7 cross country programs; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, That Coach Bill  
9 Bergan be congratulated on his retirement and for his  
10 years of success at Iowa State University; and

11 BE IT FURTHER RESOLVED, That copies of this  
12 Resolution be sent to Coach Bill Bergan, Iowa State

13 University President Martin Jischke, Iowa State  
14 University Athletic Director Gene Smith, and members

15 of the Iowa State University Cyclones men's and  
16 women's track and field teams.

1                   SENATE RESOLUTION NO. 115

2                   by: committee on Commerce

3                   (SUCCESSOR TO SSB 2357)

4 A Senate Resolution honoring the memory and efforts of  
5 United States Secretary of Commerce Ronald H. Brown.  
6 WHEREAS, Secretary of Commerce Ronald H. Brown  
7 served as United States Secretary of Commerce prior to  
8 his tragic death and the deaths of the members of a  
9 business delegation and flight crew while on a mission  
10 to develop trade and investment opportunities for  
11 American businesses and to assist in the rebuilding of  
12 the economies of Bosnia and Croatia; and

13 WHEREAS, Secretary Brown led the transformation of  
14 America into an export superpower, leading the  
15 creation of the first-ever national export strategy to  
16 assist United States companies in realizing their  
17 export potential, translating that strategy into  
18 results by winning over \$80 billion of foreign  
19 contracts for United States businesses; and

20 WHEREAS, Secretary Brown, as the nation's first  
21 African-American Secretary of Commerce, demonstrated  
22 again and again that America's diversity is America's  
23 strength, by fighting for resources to help minority  
24 businesses expand, by promoting diversity at the  
25 Department of Commerce, and by solidifying the trade  
26 ties between a diverse America and new, emerging  
27 markets in South Africa, the Middle East, Ireland,  
28 Latin America, Asia, and Central Europe; and

29 WHEREAS, Secretary Brown championed the role of  
30 civilian technology as a critical ingredient of United

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1 States success in the global marketplace by entering  
2 into more than 220 public-private partnerships through  
3 the Advanced Technology Program to ensure that America  
4 remains the world's technology leader; and

5 WHEREAS, Secretary Brown spurred the growth of the  
6 emerging information superhighway, while ensuring that  
7 it reaches schools, hospitals, cities, and farms; and

8 WHEREAS, Secretary Brown promoted sustainable  
9 development, encouraging both economic growth and  
10 environmental protection by rebuilding depleted  
11 fisheries, boosting the export of environmental  
12 technologies, and modernizing our nation's weather  
13 service; and

14 WHEREAS, upon becoming Secretary of Commerce,

15 Secretary Brown visited Iowa and examined the joint  
 16 technology transfer programs at Iowa State University  
 17 and Des Moines Area Community College, which combine  
 18 the resources of private industry, educational  
 19 institutions, and the federal government to accomplish  
 20 technology transfer objectives; and

21 WHEREAS, Secretary Brown was the lead person in  
 22 President Clinton's administration who successfully  
 23 implemented the transfer of funds from the more  
 24 expensive Department of Defense programs to the  
 25 university-private industry partnership program; and

26 WHEREAS, Secretary Brown was a strong proponent of  
 27 export programs, and as a member of cabinet-level  
 28 interagency committees, supported export programs in  
 29 both the Commerce Commercial Services programs and the  
 30 Small Business Administration programs which have

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1 helped Iowa businesses to utilize the services of  
 2 state agencies and the United States Department of  
 3 Commerce office in Des Moines to increase exports; and

4 WHEREAS, Secretary Brown, prior to his service as  
 5 Secretary of Commerce, also served his country with  
 6 distinction and great effectiveness in the Bureau of  
 7 Export Administration, the Economic Development  
 8 Administration, the International Trade  
 9 Administration, the Economic and Statistics

10 Administration, the Minority Business Development  
 11 Agency, the National Oceanic and Atmospheric  
 12 Administration, the National Telecommunications and  
 13 Information Administration, the Patent and Trademark  
 14 Office, and the United States Travel and Tourism  
 15 Administration; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That tribute be paid  
 17 to the memory of Secretary of Commerce Ronald H.  
 18 Brown, and that he be recognized posthumously for his  
 19 many contributions to the citizens of this state and  
 20 the country; and

21 BE IT FURTHER RESOLVED, That the Secretary of the  
 22 Senate prepare an official copy of this Resolution for  
 23 presentation to Secretary Brown's wife, Alma Brown.

1 SENATE RESOLUTION NO. 120

2 by: Kibbie, Husak, Priebe, Giannetto,

3 Boswell, Jensen, Iverson, and Drake

4 A Senate Resolution urging the Commission of Veterans  
 5 Affairs to provide for the establishment of a state  
 6 veterans' cemetery in central Iowa.

7 WHEREAS, Iowa has only one national veterans'

8 cemetery; and

9 WHEREAS, the only national veterans' cemetery is  
10 located in Keokuk, Iowa, and is scheduled to be  
11 without additional burial space by 2002; and

12 WHEREAS, federal legislation which supports the  
13 creation of veterans' cemeteries recommends that  
14 veterans' cemeteries should be located conveniently to  
15 veterans and their families; and

16 WHEREAS, of the approximate 300,000 veterans  
17 residing in Iowa, 192,000 veterans reside in central  
18 Iowa; and

19 WHEREAS, fifty percent of the funding required to  
20 establish a veterans' cemetery can be obtained from  
21 federal grants; and

22 WHEREAS, one of the priorities of the Commission of  
23 Veterans Affairs, when created, was the establishment  
24 of a state veterans' cemetery; and

25 WHEREAS, all of the veterans' organizations in this  
26 state have expressed support for the concept of  
27 establishing a state veterans' cemetery; and

28 WHEREAS, a potential location for a state veterans'  
29 cemetery has been identified and is available; NOW  
30 THEREFORE,

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1 BE IT RESOLVED, That the Iowa Senate urges the  
2 Commission of Veterans Affairs to take the necessary  
3 steps toward planning and establishing a state  
4 veterans' cemetery at a centralized location in this  
5 state including the submission of an application for a  
6 federal grant for that purpose.

7 BE IT FURTHER RESOLVED, That the Iowa Senate  
8 consider financial support for a state veterans'  
9 cemetery upon receipt of appropriate plans for  
10 establishment and maintenance of the proposed cemetery  
11 and a request for an appropriation submitted to the  
12 Senate Committee on Appropriations in an amount not to  
13 exceed \$500,000.

14 BE IT FURTHER RESOLVED, That the secretary of the  
15 Senate send a copy of this resolution to the executive  
16 director of the Commission of Veterans Affairs.

1 SENATE RESOLUTION NO. 122

2 by: committee on Agriculture

3 A Senate Resolution requesting the  
4 Attorney General to investigate diesel fuel  
5 prices.

6 WHEREAS, this state depends upon diesel fuel in  
7 order to produce and transport goods, especially



8 agricultural commodities and products; and  
 9 WHEREAS, diesel fuel prices have increased in  
 10 recent months, placing a greater burden upon persons  
 11 operating motor vehicles that use diesel fuel; and  
 12 WHEREAS, according to the Department of Natural  
 13 Resources, the average price of self-service diesel  
 14 fuel for March was \$1.21, which was one cent more than  
 15 in February; and  
 16 WHEREAS, the average price of diesel fuel is  
 17 expected to increase again in April; and  
 18 WHEREAS, during this same period the price for  
 19 diesel fuel has for the past several years increased  
 20 despite the decreased need to convert crude oil into  
 21 propane gas; NOW THEREFORE,  
 22 BE IT RESOLVED BY THE SENATE, That the Honorable  
 23 Tom Miller, Attorney General, investigate the repeated  
 24 increase in diesel fuel prices during this period,  
 25 including factors relating to supply and demand, as  
 26 well as possible collusion and price fixing by the  
 27 industry; and  
 28 BE IT FURTHER RESOLVED, That the Department of  
 29 Natural Resources cooperate with the Attorney General,  
 30 as requested by the Attorney General, in order to

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1 conduct this investigation; and  
 2 BE IT FURTHER RESOLVED, That copies of this  
 3 resolution be sent by the Secretary of the Senate to  
 4 the Honorable Tom Miller, Attorney General, and to the  
 5 Honorable Larry J. Wilson, Director of the Department  
 6 of Natural Resources.

1 SENATE RESOLUTION NO. 123

2 by: committee on Agriculture

3 A Senate Resolution to urge that Ms. Oprah Winfrey  
 4 retract negative comments regarding the safety  
 5 of cattle herds in this country and the integrity  
 6 of beef products consumed by the public, and to  
 7 encourage the public to protest sponsors supporting  
 8 her program.

9 WHEREAS, Iowa is a leading agricultural state,  
 10 consistently ranking among the top livestock-producing  
 11 states in the nation, including the fifth largest  
 12 cattle-producing state in the union; and

13 WHEREAS, farmers and ranchers have contributed to  
 14 this nation's economic prosperity, by creating a  
 15 system unmatched in the world for abundant, safe, and  
 16 affordable production of food and food products,  
 17 including wholesome beef products; and

18 WHEREAS, beef is a nutrient-dense food which  
19 provides high levels of vitamins and minerals  
20 essential to good health, including protein containing  
21 necessary amino acids, zinc, iron, phosphorus, and B-  
22 complex vitamins, including thiamin, riboflavin,  
23 niacin, B-6, and B-12; and

24 WHEREAS, cattle producers and the beef industry  
25 have instituted changes to provide lean cuts of beef  
26 which contain 27 percent less fat than ten years ago;  
27 and

28 WHEREAS, unfounded concerns have been expressed  
29 regarding the safety of United States cattle herds  
30 because of reports of British cattle herds infected

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1 with bovine spongiform encephalopathy (BSE), also  
2 referred to as "Mad Cow Disease"; and  
3 WHEREAS, BSE is not present in United States cattle  
4 herds; and

5 WHEREAS, strict precautions have been established  
6 since 1989 by the Food Safety and Inspection Service  
7 and the Animal and Plant Health Inspection Service of  
8 the United States Department of Agriculture to ensure  
9 that the disease does not enter into this country; and

10 WHEREAS, all beef product imports from Britain were  
11 stopped in 1985; and

12 WHEREAS, there is no scientific link between BSE in  
13 cattle and disease in humans; and

14 WHEREAS, Creutzfeldt-Jakob Disease occurs at  
15 constant rates of one case per million people each  
16 year both among vegetarians and consumers of meat  
17 products, including in nations where BSE has never  
18 occurred; and

19 WHEREAS, in a recent national broadcast of her  
20 syndicated television program, Ms. Oprah Winfrey  
21 sensationalized this issue by stating that beef  
22 products originating in the United States are  
23 dangerous to human populations; and

24 WHEREAS, Ms. Winfrey has recklessly used her  
25 influence as a celebrity and her position as a  
26 television personality to misinform the public  
27 regarding the safety of beef products; and

28 WHEREAS, Ms. Winfrey's comments may have distorted  
29 the market for cattle and injured beef's reputation  
30 for wholesomeness at a time when American farmers and

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1 ranchers are suffering from low profit margins for  
2 cattle due to high cattle inventories and feed costs;  
3 and

4 WHEREAS, Ms. Winfrey's comments appear especially  
5 uninformed, given that her program originates from  
6 Chicago, located in an important agricultural state,  
7 in the city which is home to the Chicago Mercantile  
8 Exchange and the Chicago Board of Trade; NOW  
9 THEREFORE,

10 BE IT RESOLVED BY THE SENATE, That Ms. Oprah  
11 Winfrey is urged to retract negative comments  
12 regarding the safety of cattle herds in this country  
13 and the integrity of beef products consumed by the  
14 American public, and devote air-time to discussing the  
15 facts regarding BSE and the nutritional value of beef;  
16 and

17 BE IT FURTHER RESOLVED, That until Ms. Winfrey  
18 retracts unfair and uninformed comments made about the  
19 beef industry, the public is encouraged to protest, by  
20 refraining from viewing her television program and  
21 purchasing products manufactured by sponsors of the  
22 program; and

23 BE IT FURTHER RESOLVED, That copies of this  
24 resolution be sent by the Secretary of the Senate to  
25 Ms. Oprah Winfrey, sponsors of her syndicated  
26 television program, and the Chicago Tribune and the  
27 Chicago Sun-Times.

1 SENATE RESOLUTION NO. 125

2 by: committee on Transportation

3 (SUCCESSOR TO SR 124)

4 A Resolution supporting the use of more than one crew  
5 member in freight railroad operations.

6 WHEREAS, if trains are operated with only one crew  
7 member, the likelihood of highway-rail grade crossings  
8 being blocked for greater periods of time will  
9 increase, thereby hindering emergency vehicles; and

10 WHEREAS, the use of only one employee in the  
11 locomotive will reduce the ability to protect against  
12 human error which may cause an accident; and

13 WHEREAS, the possibility of train collisions and  
14 impacts with highway vehicles will be increased if  
15 freight trains are allowed to operate with only one  
16 crew member; and

17 WHEREAS, the safety of railroad operations must be  
18 maintained at its highest level in order to protect  
19 the public; and

20 WHEREAS, the public will be placed at great risk if

21 freight railroads are allowed to operate trains with  
 22 only one person in the locomotive; NOW THEREFORE,  
 23 BE IT RESOLVED BY THE SENATE, That no freight  
 24 railroad should operate a train in Iowa with only one  
 25 crew member working in the locomotive.  
 26 BE IT FURTHER RESOLVED BY THE SENATE, That a copy  
 27 of this resolution shall be sent to the Honorable  
 28 Jolene Molitoris, Administrator of the Federal  
 29 Railroad Administration.

1           SENATE CONCURRENT RESOLUTION NO. 102  
 2           by: committee on Human Resources  
 3           (SUCCESSOR TO SSB 2007)  
 4 A Concurrent Resolution designating the week of  
 5 January 7-14, 1996, as Children's Week in Iowa.  
 6 WHEREAS, a healthy future for Iowa is dependent  
 7 upon a healthy present for Iowa's children; and  
 8 WHEREAS, the emotional, physical, and spiritual  
 9 well-being of children is directly dependent upon the  
 10 actions of the family, community, and government; and  
 11 WHEREAS, the first Children's Week was established  
 12 in 1986 in Iowa by the Iowa Commission on Children,  
 13 Youth and Families, making this the 11th observance of  
 14 Children's Week in Iowa; NOW THEREFORE,  
 15 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 16 REPRESENTATIVES CONCURRING, That the General Assembly  
 17 designates the week of January 7-14, 1996, as  
 18 Children's Week in Iowa.  
 19 BE IT FURTHER RESOLVED, That the General Assembly  
 20 encourages Iowa's citizens to set good examples for  
 21 Iowa's children, involve children in positive  
 22 activities, advocate for children's education, work to  
 23 develop the potential all children possess, listen to  
 24 children, celebrate children, recognize children as  
 25 part of the community, and appreciate the valuable  
 26 resource children represent for Iowa's future.  
 27 BE IT FURTHER RESOLVED, That the General Assembly  
 28 requests that the Governor issue a proclamation  
 29 calling upon the people of Iowa to observe the week of  
 30 January 7-14, 1996, as Children's Week.

1           SENATE CONCURRENT RESOLUTION NO. 103  
 2           by: Hansen  
 3 A Concurrent Resolution posthumously honoring Mr. Loren  
 4 Callendar, and recognizing his many contributions to  
 5 city government and to the citizens of Siouxland.  
 6 WHEREAS, Mr. Callendar vigorously served the labor  
 7 community in Woodbury County serving a term as  
 8 president of the Amalgamated Meatcutters and Butchers  
 9 Workmen of North America, now the United Food and

10 Commercial Workers International Union, and a term as  
 11 chair of the Northwest Iowa Labor Council; and  
 12 WHEREAS, Mr. Loren Callendar's abilities as a  
 13 consensus builder made him a valued member on the many  
 14 boards and commissions on which he served; and  
 15 WHEREAS, Mr. Loren Callendar, during his  
 16 distinguished lifetime, improved the quality of life  
 17 in Sioux City by serving selflessly as a city council  
 18 member for two decades, mayor pro tem five times, and  
 19 as mayor of Sioux City from 1986 to 1989; and  
 20 WHEREAS, Mr. Callendar began his political career  
 21 in 1975 in a tight race and served on the council  
 22 continuously since that first election; and  
 23 WHEREAS, Mr. Callendar was the voice of the senior  
 24 citizen and blue-collar worker, representing the  
 25 common man in city government; and  
 26 WHEREAS, Mr. Callendar's conservative tax and  
 27 spending messages were well received by the voters;  
 28 and  
 29 WHEREAS, Mr. Callendar's devotion to the best  
 30 interests of the people was rewarded in each election

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1 by the voters' enthusiastic support, exemplified by  
 2 the impressive 70 percent or more of the vote by which  
 3 he won in each of his elections; and  
 4 WHEREAS, the untimely death of Mr. Loren Callendar  
 5 on early Wednesday morning, January 10, 1996, has  
 6 saddened the citizens of Woodbury County and  
 7 constitutes a loss for Sioux City; NOW THEREFORE,  
 8 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 9 REPRESENTATIVES CONCURRING, That the General Assembly  
 10 posthumously honor Mr. Loren Callendar, and recognize  
 11 his life's many accomplishments, his deep commitment  
 12 to labor and good government, to the county of  
 13 Woodbury, and to his beloved Sioux City; and  
 14 BE IT FURTHER RESOLVED, That the Secretary of the  
 15 Senate send copies of this Resolution to the city of  
 16 Sioux City and to his surviving spouse, Mrs. Alice  
 17 Callendar.

1 SENATE CONCURRENT RESOLUTION 104  
 2 by: McLaren and Banks  
 3 A Senate Concurrent Resolution requesting Iowa State  
 4 University to establish an Iowa Agriculture 2000  
 5 Conference in order to provide information to  
 6 independent agricultural producers regarding  
 7 production and marketing structures.  
 8 WHEREAS, agriculture is the foundation of this

9 nation's prosperity, providing a system unmatched in  
10 the world for the production of abundant, divergent,  
11 and affordable food, feed, grains, and animal  
12 products, which supports the well-being of this  
13 nation's citizens, and the prosperity of the United  
14 States' economy; and

15 WHEREAS, the state of Iowa is a leading  
16 agricultural state which relies upon a strong work  
17 ethic and the knowledge and management acumen of  
18 independent producers to operate their family farms  
19 efficiently, productively, and profitably in the face  
20 of dramatic changes in the industry; and

21 WHEREAS, Iowa's agricultural production and  
22 marketing structures are undergoing a transformation  
23 which increasingly requires independent producers to  
24 reevaluate business practices and reformulate  
25 strategies in order to compete and prosper in the next  
26 century; NOW THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
28 REPRESENTATIVES CONCURRING, That Iowa State  
29 University, in cooperation with the Attorney General's  
30 office, and the Department of Agriculture and Land

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1 Stewardship, is requested to sponsor an Iowa  
2 Agriculture 2000 Conference, with assistance provided  
3 by Iowa commodity organizations, for independent  
4 agricultural producers and other persons interested in  
5 the future of Iowa agriculture; and

6 BE IT FURTHER RESOLVED, That the conference be  
7 conducted over the course of several days early this  
8 summer in Ames for purposes of providing expert  
9 information, opinions, and options to Iowa producers,  
10 and to allow experts and producers to share ideas and  
11 experiences, and to work toward adopting practicable  
12 strategies and solutions in to order to manage  
13 changing production and marketing structures,  
14 including working in the federal and state regulatory  
15 environment; to adapt to changing marketing systems;  
16 and to understand new marketing opportunities and  
17 challenges, including producer networking, and  
18 contracting; and

19 BE IT FURTHER RESOLVED, That the conference be  
20 supported from reasonable registration fees that do  
21 not discourage agricultural producers from attending  
22 the conference, trade show exhibit fees from the  
23 vendor community, and support provided by the General  
24 Assembly; and

25 BE IT FURTHER RESOLVED, That copies of this

26 resolution be sent by the Secretary of the Senate to  
 27 President Martin C. Jischke, Ph.D., Iowa State  
 28 University, Attorney General Tom Miller, and Secretary  
 29 of Agriculture Dale M. Cochran.

1 SENATE CONCURRENT RESOLUTION NO. 105

2 by: Fraise

3 (COMPANION TO HCR 26 BY GREINER)

4 A Concurrent Resolution in support of maintaining the  
 5 Mississippi River as a major transportation route  
 6 for various products shipped into and out of the  
 7 Upper Mississippi region.

8 WHEREAS, barges operating on United States inland  
 9 waterways are the dominant carriers of United States  
 10 grains to export port facilities; and

11 WHEREAS, the barge share of grain movement to  
 12 export ports increased from 43 percent in 1974 to 54  
 13 percent in 1991 and the majority of this barge grain  
 14 traffic is on the Mississippi River system; and

15 WHEREAS, the Upper Mississippi River is the  
 16 dominant originator of grain barge traffic for export;  
 17 and

18 WHEREAS, 95 percent of the world's population live  
 19 outside the United States; and

20 WHEREAS, economies and populations continue to grow  
 21 worldwide and these agricultural export markets are  
 22 essential to the economic future of the upper Midwest  
 23 including Iowa; and

24 WHEREAS, barriers to increased international trade  
 25 continue to decline making export markets even more  
 26 likely to grow; and

27 WHEREAS, international markets are very competitive  
 28 and opportunities can be gained or lost based on very  
 29 small differences in price; and

30 WHEREAS, the United States Army Corps of Engineers

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1 projects Upper Mississippi River barge traffic to  
 2 double between 1987 and 2020; and

3 WHEREAS, increased barge traffic will continue to  
 4 place a burden on the river transportation system  
 5 which is more than 50 years old; and

6 WHEREAS, the original design specifications for the  
 7 locks and dams have been surpassed by modern barge  
 8 technology resulting in delays because tows must be  
 9 broken down to move through the locks; and

10 WHEREAS, delays now costing \$35 million per year  
 11 are projected to rise as high as \$200 million per  
 12 year; and

13 WHEREAS, shipping products by rail or truck would  
 14 significantly increase costs and consumption of fuel  
 15 and the emission of pollutants into the atmosphere;  
 16 and

17 WHEREAS, a consistent, economical, and reliable  
 18 inland waterway system is critical to our economy; and

19 WHEREAS, the national economic and public benefit  
 20 of the Upper Mississippi River system is more than \$1  
 21 billion per year and the maintenance costs are only  
 22 \$130 million; NOW THEREFORE,

23 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 24 REPRESENTATIVES CONCURRING, That the maintenance of  
 25 the Upper Mississippi River system is essential to the  
 26 economic well-being of Iowa and the Midwest; and

27 BE IT FURTHER RESOLVED, That the Congress should  
 28 continue full funding for the Upper Mississippi River  
 29 -- Illinois Waterway Navigation Feasibility Study;  
 30 provide adequate funding for major rehabilitation

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1 efforts on the Upper Mississippi River; clearly  
 2 recognize that transportation activities on the river  
 3 must continue; and expedite the current study process  
 4 being undertaken by the United States Army Corps of  
 5 Engineers regarding the system's use through the year  
 6 2050; and

7 BE IT FURTHER RESOLVED, That copies of this  
 8 Resolution be sent to the President of the United  
 9 States; the Chief of Engineers, United States Army  
 10 Corps of Engineers, North Central Division; the United  
 11 States Secretary of Transportation; the Speaker of the  
 12 United States House of Representatives; and the  
 13 members of Iowa's congressional delegation.

### 1 SENATE CONCURRENT RESOLUTION 106

2 by: Freeman

3 A Senate Concurrent Resolution commemorating the veterans  
 4 of the United States armed forces who fought and won  
 5 the Battle of the Bulge during World War II.

6 WHEREAS, on June 6, 1944, the Allied Forces under  
 7 the command of General Dwight D. Eisenhower began an  
 8 assault on western Europe which systematically  
 9 dislodged the armed forces of Nazi Germany from France  
 10 and parts of Belgium and Luxembourg during the summer  
 11 and fall of 1944; and

12 WHEREAS, the final major German counteroffensive of  
 13 World War II, which became known as the Battle of the  
 14 Bulge, began in Belgium on December 16, 1944, and was  
 15 repulsed in January 1945; and



16 WHEREAS, during the height of the battle and while  
17 surrounded by German forces with superior numbers of  
18 soldiers and weapons, the sacrifices and heroic acts  
19 of American soldiers became legendary; and  
20 WHEREAS, names and locations such as Ardennes, St.  
21 Vith, and Bastogne are now an unforgettable part of  
22 American military history; NOW THEREFORE,  
23 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
24 REPRESENTATIVES CONCURRING, That the Iowa General  
25 Assembly commemorates the valiant efforts of the  
26 American armed forces during the Battle of the Bulge  
27 more than 50 years ago.  
28 BE IT FURTHER RESOLVED, That the Iowa General  
29 Assembly wishes the American veterans of the Battle of  
30 the Bulge a pleasant and memorable reunion during June

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1 28 through 30, 1996, in Storm Lake, Iowa.  
2 BE IT FURTHER RESOLVED, That the Secretary of the  
3 Senate send a copy of this concurrent resolution to  
4 the chairperson of the Battle of the Bulge American  
5 veterans reunion.

1 SENATE CONCURRENT RESOLUTION NO. 107

2 by: Kibbie and Rensink  
3 A Concurrent Resolution urging the United States  
4 Congress to authorize construction of the  
5 Lewis and Clark rural water system.  
6 WHEREAS, the Lewis and Clark rural water system was  
7 envisioned and organized to supply a safe and adequate  
8 drinking water supply to 180,000 residents of  
9 northwestern Iowa, southeastern South Dakota, and  
10 southwestern Minnesota; and  
11 WHEREAS, five communities and two rural water  
12 systems in northwest Iowa, representing 24,000  
13 residents of Iowa, joined the Lewis and Clark rural  
14 water system in hope of solving existing problems  
15 relating to inadequate supplies and poor quality of  
16 drinking water; and  
17 WHEREAS, the 1993 Session of the Iowa General  
18 Assembly enacted legislation authorizing federal,  
19 state, and local governments to cooperate in managing  
20 and administering rural water districts; and  
21 WHEREAS, federal legislation authorizing  
22 construction of the Lewis and Clark rural water system  
23 and federal, state, and local government cost-sharing  
24 to assist project sponsors in building the project has  
25 been introduced in the United States Congress; NOW  
26 THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 28 REPRESENTATIVES CONCURRING, That the 1996 Session of  
 29 the Iowa General Assembly is committed to supporting  
 30 the Lewis and Clark rural water system and urges

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1 congressional approval of federal legislation  
 2 authorizing the construction of the Lewis and Clark  
 3 rural water system.  
 4 BE IT FURTHER RESOLVED, That copies of this  
 5 resolution be sent by the Secretary of the Senate to  
 6 the members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 108  
 2 by: committee on Judiciary  
 3 (SUCCESSOR TO SSB 2175)  
 4 A Concurrent Resolution posthumously honoring Mr. John L.  
 5 Mowry and recognizing his many contributions to city,  
 6 state, and federal government.  
 7 WHEREAS, Mr. Mowry was born in Baxter, Iowa, on  
 8 December 15, 1905, graduated from Marshalltown High  
 9 School, in 1924, where he was president of the senior  
 10 class and a member of varsity football and basketball  
 11 teams; and  
 12 WHEREAS, Mr. Mowry, after receiving his bachelor of  
 13 arts degree from Ohio State University and his law  
 14 degree from the University of Iowa, began his long,  
 15 colorful career as a special agent for the Federal  
 16 Bureau of Investigation assigned to New York; and  
 17 WHEREAS, Mr. Mowry returned to Iowa briefly to  
 18 serve as county attorney for Marshall County from 1938  
 19 to 1941; and  
 20 WHEREAS, during World War II, Mr. Mowry was  
 21 assigned to the Intelligence Unit of the Materiel  
 22 Command of the Army Air Forces and stationed in  
 23 Philadelphia; and  
 24 WHEREAS, after World War II, Mr. Mowry was  
 25 appointed Deputy Liquor Commissioner for the State of  
 26 New York by Governor Thomas E. Dewey; and  
 27 WHEREAS, Mr. Mowry never forgot his Iowa roots  
 28 during the years he lived on the east coast, returning  
 29 to Iowa in 1950 to become Marshalltown's mayor; and  
 30 WHEREAS, after five years as Marshalltown's mayor,

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1 Mr. Mowry chose to continue his public service to his  
 2 community as its elected representative to the Iowa  
 3 General Assembly; and

4 WHEREAS, Mr. Mowry is remembered by friends at the  
 5 Iowa General Assembly as a man of conviction, who,  
 6 while serving five terms in the Iowa House of  
 7 Representatives, served as majority floor leader and  
 8 chair of the Judiciary Committee, and who, while  
 9 serving two terms in the Iowa Senate, served as chair  
 10 of the Commerce Committee; and

11 WHEREAS, during his distinguished lifetime, Mr.  
 12 Mowry was a trustee of the Susie Sower Trust for the  
 13 benefit of the Historical Society of Marshall County  
 14 and was an active, lifetime member of the First  
 15 Presbyterian Church and the American, Iowa, Marshall  
 16 County, and New York bar associations; and

17 WHEREAS, the death of Mr. John L. Mowry on  
 18 Wednesday morning, November 1, 1995, has saddened the  
 19 citizens of Marshall County and constitutes a loss for  
 20 the City of Marshalltown; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 22 REPRESENTATIVES CONCURRING, That the General Assembly  
 23 posthumously honor Mr. John L. Mowry, recognizing his  
 24 life's many accomplishments and his deep commitment to  
 25 public service, Marshall County, and to his beloved  
 26 Marshalltown; and

27 BE IT FURTHER RESOLVED, That the Secretary of the  
 28 Senate send copies of this Resolution to the City of  
 29 Marshalltown and to Mr. Mowry's daughter, Mrs. Madelyn  
 30 Irvine.

1 SENATE CONCURRENT RESOLUTION NO. 109

2 by: Szymoniak

3 (COMPANION TO LSB 4257HH BY BLODGETT)

4 A Concurrent Resolution urging the United States  
 5 Congress to amend relevant law to facilitate the  
 6 development and approval of new drugs and biologics.

7 WHEREAS, improving patient access to quality health  
 8 care is a paramount national goal; and

9 WHEREAS, the key to improved health care in many  
 10 cases and especially for individuals with serious  
 11 unmet medical needs, is the rapid development and  
 12 approval of safe and effective drugs, biological  
 13 products, and medical devices; and

14 WHEREAS, minimizing the delay between discovery and  
 15 eventual approval of a new drug, biological product,  
 16 or medical device derived from research conducted by  
 17 innovative pharmaceutical and biotechnology companies  
 18 could improve the lives of millions of individuals;  
 19 and

20 WHEREAS, current limitations on the dissemination  
 21 of information about pharmaceutical products reduce  
 22 the availability of information to health care

23 professionals and patients, and may be viewed as  
 24 interfering with the right of free speech guaranteed  
 25 by the first amendment to the Constitution of the  
 26 United States; and  
 27 WHEREAS, the current regulations and practices  
 28 governing the review of new drugs, biological  
 29 products, and medical devices by the United States  
 30 Food and Drug Administration may delay approval and

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1 are unnecessarily expensive, NOW THEREFORE,  
 2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 3 REPRESENTATIVES CONCURRING, That the Iowa General  
 4 Assembly respectfully urges the Congress of the United  
 5 States to address this important issue by enacting  
 6 comprehensive legislation to facilitate the rapid  
 7 review and approval of innovative drugs, biological  
 8 products, and medical devices, without compromising  
 9 patient safety or product effectiveness; and  
 10 BE IT FURTHER RESOLVED, That copies of this  
 11 resolution be transmitted to the President of the  
 12 United States, the Speaker of the United States House  
 13 of Representatives, the President of the United States  
 14 Senate, and to each member of the United States Senate  
 15 and House of Representatives.

1 SENATE CONCURRENT RESOLUTION NO. 110  
 2 by: Szymoniak and Redfern  
 3 A Concurrent Resolution designating March 1996 as  
 4 Iowa Women's History Month.  
 5 WHEREAS, Iowa is celebrating its sesquicentennial,  
 6 and Iowa women of every race, class, and ethnic  
 7 background have made historic contributions to the  
 8 growth and strength of our state and nation in  
 9 countless recorded and unrecorded ways; and  
 10 WHEREAS, Iowa women have played and continue to  
 11 play a critical economic, cultural, and social role by  
 12 constituting a significant portion of the labor force,  
 13 working both inside and outside the home; and  
 14 WHEREAS, Iowa women were particularly important in  
 15 the establishment of early charitable, philanthropic,  
 16 and cultural institutions in Iowa and the nation; and  
 17 WHEREAS, Iowa women were leaders in the  
 18 abolitionist movement, the emancipation movement, the  
 19 industrial labor movement, the women's suffrage  
 20 movement, the civil rights movement, and the peace  
 21 movement, creating a more fair and just society for  
 22 all; and  
 23 WHEREAS, despite these many contributions and the

24 contributions of women throughout the world, the role  
25 of women is consistently overlooked and undervalued in  
26 literature, teaching, and the study of history; NOW  
27 THEREFORE,  
28 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
29 REPRESENTATIVES CONCURRING, That the General Assembly  
30 designate the month of March 1996 as Iowa Women's

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1 History Month, and invite the citizens of Iowa to  
2 discover a new world of people and events in history.  
3 BE IT FURTHER RESOLVED, That the General Assembly  
4 request that the Governor issue a proclamation calling  
5 upon the people of Iowa to observe this month with  
6 appropriate programs, ceremonies, and activities.

1 SENATE CONCURRENT RESOLUTION NO. 112

2 by: Hansen

3 A Concurrent Resolution supporting the 185th Fighter  
4 Wing of the Air National Guard of Iowa in its  
5 peacekeeping patrols in the United Nations "No-Fly  
6 Zone" over Iraq.  
7 WHEREAS, the 185th Fighter Wing of the Air National  
8 Guard of Iowa is home-based in Sioux City, Iowa; and  
9 WHEREAS, the 185th Fighter Wing will be responsible  
10 for patrols in F-16 fighter aircraft over the United  
11 Nations "No-Fly Zone" north of the 36th parallel in  
12 Iraq; and

13 WHEREAS, the 185th Fighter Wing has been expressly  
14 chosen to serve its country in promoting and  
15 protecting human rights in Iraq; and

16 WHEREAS, the 185th Fighter Wing is one of Iowa's  
17 most decorated National Guard units having served the  
18 United States previously in similar duty in 1993 in  
19 "Operation Provide Comfort"; NOW THEREFORE,

20 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
21 REPRESENTATIVES CONCURRING, That all Iowans recognize  
22 and appreciate the sacrifices of the Air National  
23 Guard of Iowa men and women associated with the Iraqi  
24 mission, honor and support them in the different  
25 peacekeeping tasks ahead, and look forward to their  
26 safe return.

27 BE IT FURTHER RESOLVED, That the Secretary of the  
28 Senate send a copy of this Resolution to Major General  
29 Warren G. Lawson, Iowa National Guard, and Colonel  
30 Dennis Swanstrom, 185th Fighter Wing, who will

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1 distribute copies to the men and women of the 185th  
2 Fighter Wing associated with the Iraqi peacekeeping  
3 mission and to their closest family member.

1 SENATE CONCURRENT RESOLUTION NO. 113

2 by: Drake

3 A Concurrent Resolution declaring Miss Iowa an official  
4 hostess for the State of Iowa.

5 WHEREAS, the Miss America contest provides an  
6 opportunity for young women in Iowa to compete for the  
7 honor of representing the state of Iowa in national  
8 competition; and

9 WHEREAS, the Miss America program supports the  
10 educational endeavors of young women by awarding a  
11 substantial amount of scholarships to contestants; and

12 WHEREAS, the winner of this state's Miss America  
13 contest, crowned as Miss Iowa, has capably represented  
14 the state of Iowa in national competition and has  
15 devoted countless hours in public appearances  
16 throughout the state during her year reign as Miss  
17 Iowa; NOW THEREFORE,

18 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
19 REPRESENTATIVES CONCURRING, That the General Assembly  
20 designates Miss Iowa, this state's representative in  
21 the Miss America contest, as an official hostess for  
22 the state of Iowa.

1 SENATE CONCURRENT RESOLUTION NO. 114

2 by: committee on Communication and Information Policy

3 (SUCCESSOR TO SSB 2344)

4 (COMPANION TO HCR 118)

5 A Concurrent Resolution recognizing the League of Women  
6 Voters of Iowa and Cornell College for their efforts  
7 in creating an Internet-accessible system for  
8 obtaining legislative information.

9 WHEREAS, an enlightened citizenry is an  
10 indispensable ingredient of the infrastructure of  
11 democracy; and

12 WHEREAS, the Internet, a federated system, composed  
13 of allied computer networks, that connects  
14 governmental, educational, scientific, and commercial  
15 institutions, is rapidly expanding to serve as a  
16 critical channel of communication which allows persons  
17 immediate access to information, issues, and decisions  
18 that have a profound impact upon the course of public  
19 policy and the lives of Iowa's citizens; and

20 WHEREAS, the League of Women Voters of Iowa,  
21 established in 1920, and Cornell College, founded in

22 1853, have been devoted to the public causes of  
 23 supporting learning, promoting democratic values, and  
 24 encouraging open access to information and the  
 25 expression of opinions essential for self-government;  
 26 and  
 27 WHEREAS, since 1994, the League of Women Voters of  
 28 Iowa and Cornell College have been jointly dedicated  
 29 to establishing an Internet-accessible system to allow  
 30 citizens of this state to access legislative

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1 information, including statutes and legislative  
 2 proposals; and  
 3 WHEREAS, in 1996, the League of Women Voters of  
 4 Iowa and Cornell College presented this system for use  
 5 and operation by the General Assembly in order to  
 6 ensure free and open access of legislative information  
 7 to Iowa's citizenry; NOW THEREFORE,  
 8 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 9 REPRESENTATIVES CONCURRING, That the General Assembly  
 10 recognizes the contribution that the League of Women  
 11 Voters of Iowa and Cornell College have made to this  
 12 state, including affording citizens of the state a  
 13 greater opportunity to access law and legislation and  
 14 to participate in our democratic system of government;  
 15 and  
 16 BE IT FURTHER RESOLVED, That copies of this  
 17 resolution be sent by the Secretary of the Senate to  
 18 the President of the League of Women Voters of Iowa,  
 19 and to the President of Cornell College.

1 SENATE CONCURRENT RESOLUTION NO. 115  
 2 by: committee on Small Business, Economic Development,  
 3 and Tourism  
 4 (SUCCESSOR TO SSB 2341)  
 5 A Concurrent Resolution requesting that Iowa's  
 6 congressional delegation support guaranteed state  
 7 legislative involvement in the reorganization,  
 8 implementation, and funding of federal workforce  
 9 development and job training programs in the states.  
 10 WHEREAS, Congress is considering significant  
 11 changes in the manner in which workforce development  
 12 and job training programs are administered and funded;  
 13 and  
 14 WHEREAS, several proposed changes would restrict or  
 15 bypass the legislature in the allocation of federal  
 16 funds by providing the federal funds directly to the  
 17 governor or the state agencies responsible for the  
 18 programs; and

19 WHEREAS, it is the constitutional prerogative of  
20 the legislature to appropriate funds for expenditure  
21 by state agencies; and

22 WHEREAS, the legislative process allows for public  
23 participation and the presentation of differing  
24 perspectives on workforce development and job training  
25 programs that is lacking in the executive branch; NOW  
26 THEREFORE,

27 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
28 REPRESENTATIVES CONCURRING, That the General Assembly  
29 strongly urges the members of Iowa's congressional  
30 delegation to support provisions in any legislation

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1 regarding the manner in which federal workforce  
2 development and job training programs are administered  
3 and funded requiring that federal block grant funds  
4 for workforce development or job training programs be  
5 appropriated by the states' legislatures according to  
6 the laws and procedures applicable to the  
7 appropriation and expenditure of states' own revenues;  
8 and

9 BE IT FURTHER RESOLVED, That the Secretary of the  
10 Senate shall send copies of this Resolution to each  
11 member of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 116

2 by: Kibbie

3 A Senate Concurrent Resolution to urge the federal  
4 government to restore requirements for the  
5 reporting of information regarding cattle fed  
6 in Iowa feedlots.

7 WHEREAS, the production of livestock by this  
8 nation's farmers and ranchers represents a critical  
9 component of this nation's prosperity; and

10 WHEREAS, the state of Iowa consistently ranks among  
11 the top cattle producing states in this nation; and

12 WHEREAS, the National Agricultural Statistics  
13 Service of the United States Department of Agriculture  
14 provides an essential function by surveying feedlots  
15 in this state and other states on a monthly basis in  
16 order to report information regarding cattle feedlots,  
17 including cattle inventories, the number of cattle  
18 placed on feed, and the number of cattle marketed; and

19 WHEREAS, the National Agricultural Statistics  
20 Service has amended its practice to only survey  
21 feedlots in the nation having a capacity of 1,000 or  
22 more cattle; and

23 WHEREAS, the state of Iowa is unique among cattle



24 producing states because it relies upon approximately  
25 1,500 small feedlots, each having a capacity of less  
26 than 1,000 cattle, operated by farmer-feeders, who  
27 raise between 50 and 60 percent of all cattle fed in  
28 this state, compared to the 300 large feedlots in the  
29 state each having a capacity to feed 1,000 or more  
30 cattle; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
2 REPRESENTATIVES CONCURRING, That the National  
3 Agricultural Statistics Service of the United States  
4 Department of Agriculture is urged to reinstate its  
5 practice of surveying all feedlots in this state in  
6 order to ensure accurate and dependable reporting  
7 information; and

8 BE IT FURTHER RESOLVED, That copies of this  
9 resolution be sent by the Secretary of the Senate to  
10 the President of the United States; the United States  
11 Secretary of Agriculture; the Administrator of the  
12 National Agricultural Statistics Service of the United  
13 States Department of Agriculture; the President of the  
14 United States Senate; the Speaker of the United States  
15 House of Representatives; and members of Iowa's  
16 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 117

2 by: Kramer

3 (COMPANION TO LSB 4425HH BY JACOBS)

4 A Concurrent Resolution designating the week of April 14  
5 through April 21, 1996, as Days of Remembrance of the  
6 Victims of the Holocaust.

7 WHEREAS, the Holocaust was the state-sponsored,  
8 systematic persecution and annihilation of European  
9 Jewry by Nazi Germany and its collaborators between  
10 1933 and 1945; and

11 WHEREAS, the primary victims of the Holocaust were  
12 6,000,000 Jews, another 5,000,000 victims included  
13 Gypsies, Serbs, Poles, resistance fighters, German  
14 opponents of Nazism, homosexuals, Jehovah's Witnesses,  
15 Soviet prisoners of war, political dissidents,  
16 habitual criminals, beggars, vagrants, and hawkers;  
17 and

18 WHEREAS, 1996 marks the fiftieth anniversary of the  
19 International Military Tribunal's trial at Nuremberg  
20 of 22 major Nazi leaders, and the continuation of  
21 subsequent military tribunals at Nuremberg, as well as  
22 in other Allied-occupied sectors of Germany, to try  
23 additional Nazi criminals; and

24 WHEREAS, the charter for the Nuremberg Trials  
25 established, for the first time in international law,  
26 that crimes against humanity, as well as crimes  
27 against peace, and war crimes are punishable, thus  
28 making the individuals who were responsible for  
29 promulgating governmental policies that resulted in  
30 aggressive war and genocide accountable for their

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1 actions; and

2 WHEREAS, Americans recognize that in addition to  
3 the need for international law to provide judicial  
4 accountability for crimes against humanity, each  
5 citizen is responsible for eternal vigilance against  
6 all tyranny; and

7 WHEREAS, Tuesday, April 16, 1996, has been  
8 designated, pursuant to an Act of Congress, as a Day  
9 of Remembrance of the Victims of the Holocaust, known  
10 internationally as Yom Hashoah; NOW THEREFORE,  
11 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
12 REPRESENTATIVES CONCURRING, That the week of April 14  
13 through April 21, 1996, is designated as Days of  
14 Remembrance of the Victims of the Holocaust, in memory  
15 of the victims.

16 BE IT FURTHER RESOLVED, That the General Assembly  
17 encourage the citizens of Iowa to strive collectively  
18 and individually to overcome bigotry, hatred, and  
19 indifference through learning, tolerance, and  
20 remembrance.

1 SENATE CONCURRENT RESOLUTION NO. 118

2 by: Szymoniak

3 A Concurrent Resolution recognizing the outstanding  
4 work of the employees of the Division of Vocational  
5 Rehabilitation Services of the Department of  
6 Education and commemorating the 75th anniversary of  
7 vocational rehabilitation services in Iowa.

8 WHEREAS, the Iowa Division of Vocational  
9 Rehabilitation Services was created on June 1, 1921,  
10 through the enactment of the federal Civilian  
11 Rehabilitation Act of 1920; and

12 WHEREAS, the mission of the Division of Vocational  
13 Rehabilitation Services is to work for and with  
14 individuals who have disabilities in order to assist  
15 those individuals in gaining employment and achieving  
16 independence and economic success; and

17 WHEREAS, services provided by the Division include  
18 vocational counseling, job placement, education, and  
19 processing of disability applications; and

20 WHEREAS, in the 75 years vocational rehabilitation  
21 services have been provided in Iowa, the Division has  
22 assisted over 100,000 Iowans with disabilities to  
23 secure gainful employment; and  
24 WHEREAS, the Division of Vocational Rehabilitation  
25 Services provides assistance in each of Iowa's 99  
26 counties through its 46 area offices and service  
27 units; NOW THEREFORE,  
28 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
29 REPRESENTATIVES CONCURRING, That the Iowa General  
30 Assembly honor the Division of Vocational

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1 Rehabilitation Services and its many past and present,  
2 capable and caring employees for their outstanding  
3 assistance to Iowans with disabilities during this,  
4 the 75th anniversary of vocational rehabilitation in  
5 Iowa.

1 SENATE CONCURRENT RESOLUTION NO. 123

2 by: committee on Education

3 (SUCCESSOR TO SCR 121)

4 A Senate Concurrent Resolution congratulating Coach  
5 Dan Gable and the University of Iowa Hawkeye  
6 Wrestling Team for winning the National  
7 Collegiate Athletic Association's 1996 team  
8 championship.  
9 WHEREAS, Coach Dan Gable's Hawkeye wrestling team  
10 recently won the NCAA's 1996 championship, Coach  
11 Gable's 14th as head coach at the University of Iowa  
12 and the 15th national title in the university's  
13 history; and  
14 WHEREAS, Iowa's team was the only team in the  
15 nation to qualify its entire ten-man team and three of  
16 those wrestlers, Bill Zudick, Joe Williams, and Daryl  
17 Weber, won individual national titles; and  
18 WHEREAS, this recent win is just the latest in Dan  
19 Gable's extraordinarily successful career, which began  
20 in 1977 when the Hawkeye wrestling team claimed a  
21 third place national finish and earned Dan Gable the  
22 NCAA's Rookie Coach of the Year honor; and  
23 WHEREAS, Dan Gable has won every Big Ten wrestling  
24 title and nine consecutive NCAA championships since  
25 1977 and coached 40 NCAA and 104 Big Ten champions;  
26 and  
27 WHEREAS, Iowans are justly proud of Dan Gable and  
28 his outstanding wrestling program at Iowa, the  
29 national fame he brought Iowa with his win of the gold  
30 medal at the 1972 Summer Olympics, and his success in

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1 coaching American Olympic wrestling teams and high  
 2 school teams; and  
 3 WHEREAS, Iowa's 1996 championship Hawkeye wrestling  
 4 team brought national honor to Iowa and thrilled fans  
 5 across the nation; NOW THEREFORE,  
 6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 7 REPRESENTATIVES CONCURRING, That the General Assembly  
 8 congratulate Coach Dan Gable and the University of  
 9 Iowa Hawkeye Wrestling Team on their magnificent  
 10 season and express the appreciation of Iowa's citizens  
 11 for the national honor and the excitement Coach Gable  
 12 and his team brought to the State of Iowa.

1 SENATE CONCURRENT RESOLUTION NO. 124  
 2 by: committee on Education  
 3 (SUCCESSOR TO SCR 120)  
 4 A Concurrent Resolution honoring Ms. Jorie Graham, the  
 5 1996 Pulitzer Prize winner in the field of poetry.  
 6 WHEREAS, Ms. Jorie Graham is a graduate of New York  
 7 University and the University of Iowa Writers'  
 8 Workshop, and has taught at several universities,  
 9 including Columbia University and the University of  
 10 Iowa; and  
 11 WHEREAS, Ms. Graham is a published author of  
 12 several books and pieces of poetry and prose in many  
 13 magazines and journals, including the prestigious Iowa  
 14 Review, published at the University of Iowa; and  
 15 WHEREAS, Ms. Graham possesses diverse experience as  
 16 a writer, poet, editor, and teacher; and  
 17 WHEREAS, Ms. Graham has won the 1996 Pulitzer Prize  
 18 in Poetry, presented by Columbia University, for her  
 19 book entitled "The Dream of the Unified Field: New  
 20 and Selected Poems"; and  
 21 WHEREAS, the Pulitzer Prize is the most prestigious  
 22 award for writing granted in America; and  
 23 WHEREAS, Ms. Graham is the twenty-third faculty  
 24 member or student from the University of Iowa to have  
 25 won a Pulitzer Prize, and therefore brings further  
 26 distinction to the University of Iowa and its Writers'  
 27 Workshop, which is widely regarded as the premier  
 28 creative writing university degree program in the  
 29 United States; NOW THEREFORE,  
 30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

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1 REPRESENTATIVES CONCURRING, That the General Assembly  
 2 of Iowa recognize and honor Ms. Jorie Graham for her

3 lifetime of work and achievements, and especially for  
 4 her outstanding accomplishment in winning the 1996  
 5 Pulitzer Prize in Poetry.  
 6 BE IT FURTHER RESOLVED, That an official copy of  
 7 this resolution be prepared for presentation to Ms.  
 8 Graham.

1 SENATE CONCURRENT RESOLUTION NO. 125  
 2 by: committee on Education  
 3 (SUCCESSOR TO SCR 122)  
 4 A Concurrent Resolution honoring University of Iowa Women's  
 5 Basketball Coach Angie Lee.  
 6 WHEREAS, University of Iowa Women's Basketball  
 7 Coach Angie Lee, in her first season as head coach,  
 8 led the Iowa Hawkeyes to an overall record of 27-4, to  
 9 the 1995-96 regular season Big Ten Conference Title  
 10 with a record of 15-1, and to a berth in the Sweet 16  
 11 in the NCAA Tournament; and  
 12 WHEREAS, Coach Lee molded her young team into a  
 13 national power, climbing to as high as fifth in the  
 14 Associated Press and USA Today Top 25 Polls; and  
 15 WHEREAS, Coach Lee has been named 1996 Big Ten  
 16 Coach of the Year, 1996 Associated Press Division I  
 17 Coach of the Year, 1996 Converse/WBCA District IV  
 18 Coach of the Year, and 1996 College Sports Magazine  
 19 Division I Coach of the Year; NOW THEREFORE,  
 20 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 21 REPRESENTATIVES CONCURRING, That Coach Angie Lee be  
 22 congratulated for the well-deserved honors bestowed  
 23 upon her and on her outstanding leadership,  
 24 inspiration, and coaching ability exhibited during the  
 25 1995-96 basketball season; and  
 26 BE IT FURTHER RESOLVED, That Coach Angie Lee, her  
 27 coaching staff, and the members of the Iowa Hawkeyes  
 28 Women's Basketball Team be recognized for their  
 29 achievements and be extended the best wishes of the  
 30 General Assembly and continued success in the coming

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1 seasons; and  
 2 BE IT FURTHER RESOLVED, That, upon passage, an  
 3 official copy of this Resolution be prepared for  
 4 presentation to Coach Angie Lee.

1 SENATE CONCURRENT RESOLUTION 126  
 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, May 1,  
7 1996, it be the final adjournment of the 1996 Regular  
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- Husak, Emil J.—Senator Thirtieth District  
Judge, Patty—Senator Forty-sixth District  
Fraise, Eugene—Senator Fiftieth District

#### ASSISTANT MINORITY FLOOR LEADERS—

- Hedge, H. Kay—Senator Forty-eighth District  
Kramer, Mary E.—Senator Thirty-seventh District  
Lind, Jim—Senator Thirteenth District  
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#### BANKS, BRAD—Senator Second District

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Amendments filed—152, 222, 239, 387, 438, 600, 631, 634, 726, 738, 742,  
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- Bills introduced—67, 214, 240, 302, 326, 387, 430, 456, 492
- Amendments filed—154, 387, 448, 624, 646, 716, 742, 921, 922, 923, 924, 936, 1020, 1111, 1120, 1125, 1187, 1288, 1382, 1391, 1425, 1431, 1454
- Amendments offered—154, 716, 742, 877, 1120, 1259, 1288, 1421, 1431
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- Conference committee appointments—1266
- Conference committee reports—1434
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- Presented with an enrolled copy of Senate Resolution 119 and his Senate chair upon completion of the 1996 session—1470
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- Similar bills received and attached—541, 623, 677, 695, 846
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**BISIGNANO, TONY—Senator Thirty-fourth District**

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Amendments offered—363, 418, 435, 438, 816, 831, 832, 944, 1014, 1060, 1107, 1109, 1237, 1256, 1468, 1560

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Presented Oleg L. Shchecka and Michael M. Yukachev from Nakhodka, Russia—623

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Rulings—632, 634, 850, 855, 922, 923, 1078, 1298, 1325, 1508

Welcomed the Honorable Robert D. Fulton, former lieutenant governor and governor of Iowa—623

Welcomed forty-five members of Financial Women International—1116

Senators Horn and Vilsack presented an engraved plaque and an enrolled copy of Senate Resolution 118. Senator Giannetto presented him with his parking space sign—1588

**BLACK, DENNIS H.—Senator Twenty-Ninth District—**

Bills introduced—56, 217, 241, 323, 468

Amendments filed—261, 624, 727, 741, 742, 743, 750, 803, 876, 894, 1016, 1017, 1135, 1187, 1378, 1454, 1459, 1460, 1466, 1506, 1513, 1517, 1544, 1545, 1572, 1575

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**BOETTGER, NANCY—Senator Forty-first District—**

Bills introduced—130, 156, 170, 172, 219, 302, 456

Amendments filed—202, 218, 324, 341, 520, 667, 726, 787, 874, 918, 921, 996, 1016, 1020, 1072, 1104, 1202, 1392, 1454

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**BORLAUG, ALLEN—Senator Fifteenth District**

Bills introduced—156, 219, 302, 386, 420, 456, 500

Amendments filed—155, 341, 715, 716, 718, 726, 735, 749, 814, 874, 894, 921, 922, 923, 926, 936, 1128, 1223, 1228, 1376, 1382, 1392, 1454, 1459, 1460, 1565

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Presented Governor Branstad who delivered the State and Budget address—29

Presented Chief Justice McGivern who delivered the Condition of the Iowa Judiciary Message—44

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Welcomed Corning Ambassadors from Corning, Ia.—144

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Welcomed a delegation of parliamentarians from Stavropol Krai—1144

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#### CONDITION OF THE IOWA JUDICIARY MESSAGE—

Delivered by Chief Justice McGiverin—44-51  
 Resolution relating to, HCR 102 - H.J. 4 adopted & msgd. - S.J. 9, 21, 22 adopted, 22 - H.J. 37.

#### CONDITION OF THE STATE AND BUDGET ADDRESS MESSAGE—

Delivered by Governor Terry E. Branstad—29-37  
 Resolution relating to, HCR 101 - H.J. 3-4 adopted & msgd. - S.J. adopted, 22 msgd., 28 - H.J. 37.

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 House File 2114—493  
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 House File 2416—1164  
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 House File 2486—1490  
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 House File 2416—1502-1503  
 House File 2458—1540  
 House File 2486—1555  
 House File 2421—1556  
 House File 2472—1563-1564

Reports filed:

Printed after session—2850-2934

CONGRESS OF THE UNITED STATES (See Resolutions relating to)—  
 (See President of the United States, Congress, and/or Federal Agencies)

CONNOLLY, MIKE—Senator Eighteenth District

Bills introduced—56, 387, 419  
 Amendments filed—139, 151, 624, 717, 726, 739, 780, 803, 847, 859, 874,  
 894, 982, 1019, 1077, 1078, 1079, 1083, 1089, 1128, 1304, 1320, 1345,  
 1351, 1356, 1369, 1382  
 Amendments offered—739, 757, 780, 822, 1005, 1076, 1077, 1078, 1079, 1083,  
 1358, 1376  
 Amendments withdrawn—153, 780, 822, 859, 1019, 1181, 1355  
 Committee appointments—6  
 Conference committee temporary appointment—1518  
 Presided at sessions of the Senate—389, 416, 742, 763, 938  
 Resolutions offered—1559  
 Rulings—743, 942

DEARDEN, DICK L.— Senator Thirty-fifth District—

Bills introduced—56, 59, 86  
 Amendments filed—341, 646, 981  
 Amendments offered—820  
 Appointed to—44  
 Called up appointees on Individual Confirmation Calendar—1313  
 Conference committee appointments—1230, 1532  
 Conference committee reports—1271-1272  
 Resolutions offered—1559  
 Statutory appointments—14



**DELUHERY, PATRICK J.—Senator Twenty-second District**

Bills introduced—56, 138, 213, 374, 386, 533

Amendments filed—261, 341, 600, 624, 726, 803, 854, 876, 959, 969, 1104, 1347, 1360

Amendments offered—341, 732, 854, 880, 969, 1121, 1360

Committee appointments—12

Conference committee appointments—1405, 1490

Conference committee reports—1546

Presided at sessions of the Senate—887

Reports—16

**DOUGLAS, JOANN— Senator Thirty-ninth District—**

Bills introduced—130, 218, 302, 308, 456

Amendments filed—154, 347, 406, 448, 624, 667, 726, 736, 803, 874, 921, 1104, 1368, 1369, 1375, 1376, 1377, 1392, 1454

Amendments offered—154, 347, 503, 1375, 1376

Conference committee appointments—1410

Memorial report—1622

Petitions presented—1170

**DRAKE, RICHARD F.—Senator Twenty-fourth District**

Bills introduced—176, 240, 326, 456

Amendments filed—406, 624, 645, 726, 735, 760, 787, 921, 982, 1320, 1368, 1379, 1484

Amendments offered—758, 760, 1379

Conference committee appointments—1346, 1516, 1532

Conference committee reports—1536-1537

Memorial reports—1625-1626

Petitions presented—457

Resolutions offered—781, 1416

**DVORSKY, ROBERT E.—Senator Twenty-fifth District—**

Bills introduced—27, 56, 123

Amendments filed—341, 698, 707, 717, 726, 727, 787, 814, 854, 876, 1128, 1216, 1242, 1272, 1309, 1375, 1376, 1403, 1407, 1475, 1476, 1499, 1513, 1521

Amendments offered—707, 732, 794, 826, 837, 907, 1309, 1360, 1376, 1403, 1406, 1407, 1475, 1476, 1485, 1499

Amendments withdrawn—1375

Appointed to—44

Called up appointees on Individual Confirmation Calendar—1311

Conference committee appointments—1162

Conference committee reports—1563

Resolutions offered—1363, 1386

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Appointees, investigation of—351, 912, 986-987

Bills introduced—97, 139, 282, 336, 337, 429, 430, 431, 474, 491, 492, 551, 552, 553, 566, 567

Investigating committee reports—480, 747, 1102, 1103-1104

Resolutions offered—1414  
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 Senate File 2195 - Senator Connolly—1504  
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**FINK, BILL—Senator Forty-fifth District**

Bills introduced—56, 130, 182, 247, 300, 302, 326, 361, 733  
 Amendments filed—261, 269, 335, 351, 387, 406, 499, 609, 624, 634, 645,  
 725, 847, 860, 959, 1104, 1128, 1180, 1225, 1351, 1369, 1406, 1459, 1460,  
 1466, 1484, 1513, 1517, 1572  
 Amendments offered—339, 608, 609, 681, 758, 797, 858, 860, 1078, 1094,  
 1128, 1140, 1180, 1225, 1231, 1405, 1406, 1484  
 Amendments withdrawn—681, 682, 1119, 1406, 1571, 1573  
 Conference committee appointments—1346  
 Memorial report—1622  
 Presided at sessions of the Senate—291  
 Resolutions offered—673

**FLYNN, TOM—Senator Seventeenth District—**

Bills introduced—56, 59, 64, 163, 311, 361, 362, 429  
 Amendments filed—121, 341, 600, 644, 646, 669, 692, 717, 726, 787, 806,  
 807, 814, 874, 894, 937, 1038, 1089, 1104, 1117, 1272, 1304, 1345, 1347,  
 1351, 1356, 1365, 1382, 1407, 1451, 1475, 1499, 1543, 1544  
 Amendments offered—649, 806, 807, 1038, 1081, 1344, 1345, 1356, 1543  
 Amendments withdrawn—1296, 1365, 1451  
 Conference committee appointments—1230, 1490  
 Conference committee reports—1271-1272, 1549  
 Presided at sessions of the Senate—1566

**FRAISE, EUGENE**—Senator Fiftieth District, Assistant Majority Leader  
 Bills introduced—11, 21, 56, 67, 219, 419, 733  
 Amendments filed—261, 448, 469, 470, 520, 548, 604, 624, 634, 638, 669,  
 678, 735, 847, 874, 937, 969, 1013, 1083, 1201  
 Amendments offered—604, 630, 669, 855, 857, 967, 969, 1083, 1196  
 Amendments withdrawn—759, 964  
 Committee appointments—6  
 Conference committee appointments—1162  
 Conference committee reports—1563  
 Resolutions offered—240, 1182

**FREEMAN, MARY LOU**—Senator Fifth District  
 Bills introduced—10, 84, 302, 387, 469  
 Amendments filed—151, 341, 387, 632, 678, 726, 778, 937, 959, 962, 1016,  
 1020, 1104, 1128, 1135, 1242, 1376, 1454, 1459, 1460, 1466, 1513, 1517,  
 1527  
 Amendments offered—151, 632, 778, 1020, 1376, 1459, 1527, 1572  
 Appointed to—28  
 Conference committee appointments—1266  
 Conference committee reports—1434  
 Petitions presented—843  
 Resolutions offered—360

**GENERAL ASSEMBLY** (See Resolutions relating to)—

- Senate Resolution 101 - Call for the removal of the deputy secretary of Agriculture. S.J. 170, 186, 200.
- Senate Resolution 102 - Gubernatorial appointments require senate confirmation. S.J. 321-322, 322, 342 adopted.
- Senate Resolution 103 - Honor Mrs. Phyllis Barry upon her retirement as Iowa Administrative Code Editor. S.J. 517, 526, 527, 536 adopted.
- Senate Resolution 105 - Request review of the Legislative rules comprising the Legislative session timetable for requesting, considering, and debating bills and resolutions. S.J. 700-701, 723, 729, 802.
- Senate Resolution 107 - Request House of Representatives to override the Governor's item veto of certain provisions of House File 2114. S.J. 954, 958-959, 965, 1002, 1018, 1019 adopted.
- Senate Resolution 109 - Request Legislative Council to establish interim study the issue of sharing and leasing gov't equipment, cmte. to study. S.J. 1182, 1199, 1240.
- Senate Resolution 113 - Daily operation of the Senate. S.J. 1315 adopted.
- House Concurrent Resolution 101 - Joint convention, Tuesday, January 9, 1996, 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget message. - H.J. 3-4 adopted and msgd. - S.J. 9 adopted, 22 msgd., 28 - H.J. 37.
- House Concurrent Resolution 102 - Joint convention, Wednesday, January 10, 1996, 9:30 a.m.; Chief Justice McGiverin present his message of the condition of the judicial department. H.J. 4 adopted & msgd. S.J. 9, 21, 22, adopted, 22 - H.J. 37.

House Concurrent Resolution 105 - Recognize women state legislators. H.J. 65, 97-98, as amended, adopted, 102 - S.J. 115, 121, 135, 358, 359, 472-473 as amended adopted, 476 msgd. - H.J. 462, 470.

House Concurrent Resolution 119 - Express sympathy of the Iowa G.A. to the family of Captain John R. Pitzen, United States Navy. H.J. 779, 907 adopted & msgd., - S.J. 953, 1048, 1116, 1340, 1343 adopted, 1347 - H.J. 1594.

House Concurrent Resolution 123 - Approve and confirm the appointment of the citizens' aide. H.J. 1081, 1412 adopted, 1415 msgd. - S.J. 1267, 1274, 1289, 1340, 1343 adopted, 1347 - H.J. 1594.

House Concurrent Resolution 128 - General Assembly recognize the seventy-fifth anniversary of the Division of Criminal Investigation. H.J. 1729, 1925, adopted and msgd. - S.J. 1514, 1522, 1533.

#### GETTINGS, DONALD E.—Senator Forty-seventh District

Bills introduced—56, 67, 733

Amendments filed—269, 387, 448, 469, 470, 645, 981, 1028, 1051, 1104, 1117, 1185, 1187, 1277, 1320, 1375, 1544

Amendments offered—436, 855, 993, 1016, 1051, 1142, 1375, 1484

Amendments withdrawn—1375, 1484

Appointed to Law Enforcement Council—1391

Appointed to—44

Committee appointments—12

Conference committee appointments—1227

Conference committee reports—1461-1462

Reports—16

Resolutions offered—1182, 1559

#### GIANNETTO, RANDAL JOHN—Senator Thirty-Second District

Bills introduced—56, 59, 163, 170, 172, 176, 182, 198, 272, 390, 733

Amendments filed—114, 261, 341, 470, 624, 638, 646, 651, 667, 669, 672, 678, 750, 804, 847, 894, 918, 959, 969, 982, 1016, 1029, 1049, 1063, 1089, 1090, 1117, 1242, 1272, 1309, 1320, 1369, 1415, 1544, 1575

Amendments offered—131, 629, 672, 681, 879, 883, 905, 942, 1063, 1295, 1298, 1331, 1377, 1378, 1417

Amendments withdrawn—1298, 1544

Appointed to—44

Called up appointees on Individual Confirmation Calendar—1153, 1154

Committee appointments—6

Conference committee appointments—1230, 1360, 1516

Conference committee reports—1271-1272, 1424, 1536-1537

Memorial reports—1623, 1624

Presented Senator Bisignano his parking space sign—1588

Resolutions offered—1416, 1559

Standing committees appointed to—13, 14

#### GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—29

Bills signed by—303, 599-600, 725, 957, 1025, 1168, 1169, 1215-1216, 1270-1271, 1302, 1317-1318, 1388-1389, 1411, 1446, 1464-1465, 1504-1505, 1511-1512, 1549, 1603  
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 Item veto messages—1609-1620  
 Resolution relating to Condition of the State & Budget Message, HCR 101  
 - H.J. 3-4 adopted & msgd. - S.J. 9 adopted, 22 msgd., 28 - H.J. 37.  
 Veto messages—1491-1492  
 Closing message—1605

#### GRONSTAL, MICHAEL E.—Senator Forty-second District

Bills introduced—56, 170, 218, 225, 240, 308, 733  
 Amendments filed—261, 341, 344, 452, 469, 499, 537, 548, 624, 639, 667, 717, 735, 736, 787, 829, 831, 847, 959, 960, 969, 982, 1028, 1089, 1104, 1110, 1117, 1124, 1127, 1135, 1173, 1190, 1222, 1223, 1242, 1272, 1342, 1347, 1348, 1351, 1379, 1380, 1391, 1392, 1466, 1478, 1484, 1513, 1521, 1543, 1550, 1565, 1572, 1573  
 Amendments offered—341, 344, 452, 639, 779, 829, 831, 832, 833, 850, 885, 947, 969, 1045, 1064, 1109, 1110, 1121, 1127, 1190, 1222, 1223, 1259, 1325, 1348, 1379, 1470, 1484, 1529, 1543, 1557, 1565, 1572, 1573  
 Amendments withdrawn—537, 1079, 1127, 1128, 1342, 1347, 1406, 1484, 1565  
 Called up appointees on Individual Confirmation Calendar—1330  
 Committee appointments—6  
 Conference committee appointments—1346, 1410, 1532  
 Conference committee reports—1551  
 Petitions presented—843  
 Presided as sessions of the Senate—521, 1550, 1552  
 Resolutions offered—1281  
 Statutory appointments—13, 14

#### HALVORSON, ROD—Senator Seventh District—

Bills introduced—21, 42, 59, 67, 387, 450  
 Amendments filed—178, 261, 308, 435, 505, 520, 548, 600, 634, 645, 669, 698, 788, 894, 1016, 1028, 1072, 1104, 1128, 1135, 1226, 1368, 1369, 1377, 1380, 1454, 1513  
 Amendments offered—178, 505, 826, 1037, 1038, 1128, 1226, 1258, 1375, 1376, 1377, 1378, 1380, 1572  
 Amendments withdrawn—435, 826, 1037, 1128, 1226, 1258, 1377, 1572, 1573  
 Called up appointees on Individual Confirmation Calendar—1313  
 Conference committee appointments—1164, 1410  
 Conference committee reports—1502, 1551  
 Resolutions offered—1182

**HAMMOND, JOHNIE—Senator Thirty-first District—**

- Bills introduced—11, 38, 59, 106, 121, 176, 219, 374, 451
- Amendments filed—335, 341, 344, 600, 645, 678, 726, 727, 739, 804, 884, 937, 967, 969, 982, 1016, 1028, 1189, 1233, 1242, 1250, 1272, 1297, 1300, 1320, 1349, 1359, 1428, 1454, 1545
- Amendments offered—472, 651, 731, 732, 791, 817, 853, 881, 884, 1189, 1250, 1296, 1297, 1300, 1349, 1359, 1428
- Amendments withdrawn—732, 739, 740, 817, 967, 1359, 1545
- Conference committee appointments—493, 1405
- Conference committee reports—747, 1546
- Memorial report—1624
- Resolutions offered—21, 1363

**HANSEN, STEVEN D.—Senator First District—**

- Bills introduced—56, 387, 733
- Amendments filed—161, 341, 438, 448, 474, 499, 678, 698, 738, 901, 1029, 1104, 1117, 1201, 1309, 1320, 1545
- Amendments offered—178, 474, 629, 1042, 1079, 1149, 1259, 1261, 1298, 1309, 1377
- Amendments withdrawn—631
- Appointed to Economic Development Board—1391
- Conference committee appointments—1131, 1516
- Conference committee reports—1536, 1537
- Presided at sessions of the Senate—805, 1090, 1395, 1467, 1497, 1509, 1582, 1589
- Resolutions offered—66, 727
- Rulings—1092, 1096, 1099

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- Willard "Bill" R. Hansen, State Racing and Gaming Commission—1101
- Rita D. Sealock, State Racing and Gaming Commission—1101

**HEDGE, H. KAY—Senator Forty-eighth District, Assistant Minority Leader**

- Bills introduced—302, 456
- Amendments filed—155, 162, 387, 470, 474, 726, 921, 923, 1425, 1454
- Amendments offered—474, 923
- Amendments withdrawn—474
- Conference committee appointments—1490
- Conference committee reports—1549
- Memorial reports—1625-1626
- Presented the Queen of the Sixty-first Annual Tulip Time Festival and her court—1274
- Senators Rife and Hedge presented an enrolled copy of Senate Resolution 119 and his chair to Senator Bennett upon completion of the 1996 session—1470
- Resolutions offered—517

**HORN, WALLY E.—Senator Twenty-seventh District, Majority Leader**

- Bills introduced—1118, 1501



- Amendments filed—1128  
 Called up appointees on Individual Confirmation Calendar—1316  
 Called up appointees on En Bloc Confirmation Calendar—938-940, 1147-1148, 1203-1205, 1252-1254, 1281-1282, 1293-1294, 1328, 1352  
 Welcomed a delegation of parliamentarians from Stavropol Krai—1144  
 Presented Iowa State University basketball coach Tim Floyd and team members—1348-1349  
 Senators Horn and Judge escorted Senator Boswell to the well of the Senate. They presented Senator Boswell with an engraved plaque and an enrolled copy of Senate Resolution 117—1580  
 Senators Horn and Vilsack escorted Senator Bisignano to the well of the Senate. He was presented with an engraved plaque and an enrolled copy of Senate Resolution 118—1588  
 Senator Horn was presented with an inscribed desk clock on behalf of the members of the Senate in recognition of his leadership service during the Seventy-sixth General Assembly—1590  
 Welcomed the Honorable Tom Harkin, U.S. Senator from Iowa—63  
 Presented Iowa State University football coach Dan McCarney and Iowa State's all-American tailback Troy Davis—360  
 Resolutions offered—789

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#### HUMAN RESOURCES, COMMITTEE ON—

Appointees, investigation of—351-352, 913, 987-988, 1070-1071  
 Bills introduced—116, 172, 176, 301, 307, 337, 338, 349, 386, 387, 451, 474,  
 476, 477, 491, 506, 538, 549, 550, 552, 566, 642  
 Amendments filed—359, 469, 1519  
 Investigating committee reports—734, 747, 1070-1071, 1241  
 Referred to—985  
 Standing committees appointed to—372-373

**HUSAK, EMIL J.**—Senator Thirtieth District, Assistant Majority Leader  
 Bills introduced—56, 57, 198, 326, 336, 337, 415, 420, 733  
 Amendments filed—180, 261, 308, 634, 658, 671, 726, 923, 969, 1053, 1062,  
 1104, 1202, 1223, 1351, 1375, 1391  
 Amendments offered—180, 344, 658, 923, 1062  
 Amendments withdrawn—1053  
 Committee appointments—1604  
 Conference committee appointments—493, 1162, 1266  
 Conference committee reports—746, 1434, 1563  
 Petitions presented—1024  
 Resolutions offered—1416  
 Welcomed the Honorable Gene Kennedy, former member of the House &  
 Senate—930

**INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 59—**  
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**INTRODUCTIONS—**  
 (See Addressed the Senate and/or Presentations)

**INVESTIGATING COMMITTEES—Governor's Appointments—**  
 (See Appointments - Governor's)

**IVERSON, JR., STEWART**—Senator Ninth District—  
 Bills introduced—56, 170, 282, 302, 361, 387, 390, 420, 456, 468, 471, 472,  
 674  
 Amendments filed—58, 308, 348, 548, 600, 624, 667, 669, 671, 678, 726, 743,  
 749, 874, 921, 923, 937, 963, 967, 968, 971, 1016, 1135, 1189, 1223, 1379,  
 1454  
 Amendments offered—58, 348, 680, 743, 795, 948, 963, 968, 971, 1442  
 Amendments withdrawn—967, 1356  
 Conference committee appointments—1162  
 Conference committee reports—1563  
 Memorial reports—1623, 1624  
 Presented General Raymond G. Davis, retired from the United States Marine  
 Corps after 33 years of active duty—272  
 Resolutions offered—1416

**JENSEN, JOHN W.**—Senator Eleventh District  
 Bills introduced—56, 156, 219, 302, 387, 456  
 Amendments filed—387, 600, 646, 726, 727, 838, 839, 874, 921, 1135, 1351,  
 1375, 1377, 1391, 1454  
 Amendments offered—1377  
 Conference committee appointments—1410  
 Conference committee reports—1551  
 Memorial report—1623  
 Resolutions offered—1416

- Presented his granddaughter, PFC Jessica Jensen, who graduated from the Marine Corps Boot Camp in Parris Island, South Carolina—479
- Introduced Brian Heithoff and Jason Reid representing 4th & 5th grade classes of Gunn Elementary School, Council Bluffs who addressed the Senate about school fund raisers for the Friends of the Capitol. Mrs. Heithoff presented a check for \$2,153.82 for the Capitol restoration project—1085
- Presented visitors from Denmark—1271
- Welcomed the Honorable Edgar H. Holden former member of the House and Senate—930

#### JOINT CONVENTIONS—

- Condition of the State and Budget Message of Governor Terry E. Branstad—29-37.
  - Resolution relating to:
    - House Concurrent Resolution 101 - H.J. 3-4 adopted & msgd. - S.J. 9 adopted, 22 msgd., 28 - H.J. 37.
- Condition of the Iowa Judiciary Message of Chief Justice Arthur A. McGiverin—44-51.
  - Resolution relating to:
    - House Concurrent Resolution 102 - H.J. 4 adopted & msgd. - S.J. 9, 21, 22 adopted, 22 - H.J. 37.

#### JUDGE, PATTY—Senator Forty-Sixth District, Assistant Majority Leader

- Bills introduced—11, 56, 59, 67, 218, 290, 310, 361, 733
- Amendments filed—152, 261, 341, 469, 624, 634, 669, 768, 922, 937, 981, 1014, 1082, 1089, 1092, 1104, 1201, 1216, 1223, 1543
- Amendments offered—152, 261, 681, 952, 972, 980, 1082, 1092, 1180, 1223, 1543
- Amendments withdrawn—1176
- Appointed to—28
- Conference committee appointments—1164, 1518
- Conference committee reports—1502
- Memorial report—1622
- Presided at sessions of the Senate—69
- Senators Horn and Judge escorted Senator Boswell to the Senate well and presented him with an engraved plaque and an enrolled copy of Senate Resolution 117—1580
- Resolutions offered—1182, 1559
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#### JUDICIARY, COMMITTEE ON—

- Appointees, investigation of—352, 394, 525, 913, 988
- Bills introduced—97, 98, 139, 146, 213, 281, 289, 290, 300, 337, 338, 349, 407, 408, 415, 420, 441, 447, 450, 451, 518, 519, 533, 535, 536, 538, 549, 550, 551, 552, 567, 568, 569, 585, 586, 642
- Amendments filed—97, 139, 889, 890, 982
- Investigating committee reports—1102-1103
- Referred to—985, 1011
- Resolution offered—449
- Standing committees appointed to—373

**KIBBIE, JOHN P.—Senator Fourth District**

Bills introduced—10; 11, 56, 57, 59, 67, 241, 302, 586, 733

Amendments filed—77, 261, 290, 341, 374, 600, 624, 634, 635, 646, 651, 666, 669, 726, 727, 750, 847, 874, 936, 952, 969, 1089, 1104, 1135, 1202, 1242, 1351, 1368, 1369, 1391, 1478

Amendments offered—258, 572, 635, 708, 951, 952, 1119, 1121, 1376, 1478

Amendments withdrawn—635, 1376

Introduced Miss Shamrock of 1996, Shauna Donovan and her parents from Estherville, Iowa and Mayor and Mrs. Stowell of Emmetsburg, Iowa—790

Introduced the Honorable John T. Browne T.D., a Convener of the Fine Gael Party and group leader of legislation for justice and health—790  
Petitions presented—1025

Resolutions offered—449, 517, 895, 1182, 1416, 1559

Statutory appointments—14

**KRAMER, MARY E.—Senator Thirty-seventh District, Assistant Minority Leader**

Bills introduced—11, 264, 302, 310, 386, 420, 456, 506

Amendments filed—202, 218, 341, 342, 537, 735, 874, 937, 960, 1320, 1335, 1341, 1402, 1454, 1545, 1577

Amendments offered—342, 537, 1050, 1210, 1402, 1545, 1577

Amendments withdrawn—1335

Memorial report—1625

**LEGISLATIVE EMPLOYEES—**

(See Officers and Employees)

**LIND, JIM—Senator Thirteenth District, Assistant Minority Leader**

Bills introduced—68, 123, 176, 219, 302, 387, 407, 455, 456

Amendments filed—150, 222, 341, 432, 438, 499, 520, 537, 548, 633, 645, 646, 682, 717, 726, 738, 835, 840, 923, 925, 937, 946, 1016, 1018, 1028, 1117, 1158, 1242, 1272, 1304, 1320, 1356, 1378, 1382, 1434, 1442, 1451, 1455, 1475, 1487, 1544, 1570

Amendments offered—150, 222, 432, 537, 581, 633, 682, 738, 835, 840, 925, 946, 1018, 1158, 1258, 1261, 1378, 1382, 1487, 1544, 1570

Amendments withdrawn—222, 531, 947, 1019, 1360

Called up appointees on Individual Confirmation Calendar—1312, 1329

Conference committee appointments—493

Conference committee reports—747

Resolutions offered—1230

**LOCAL GOVERNMENT, COMMITTEE ON—**

Appointees, investigation of—352, 394, 525, 913, 988, 1103

Bills introduced—247, 270, 407, 420, 430, 519, 533, 535, 568

Amendments filed—515, 548

Referred to—985

Standing committees appointed to—373

**LUNDBY, MARY A.—Senator Twenty-sixth District**

Bills introduced—56, 69, 170, 302, 323, 361, 456

Amendments filed—154, 341, 475, 600, 624, 632, 646, 669, 726, 727, 741, 874, 923, 959, 969, 970, 1016, 1071, 1104, 1110, 1128, 1365, 1368, 1369, 1391, 1402, 1405, 1415, 1459, 1466, 1475, 1513, 1517  
 Amendments offered—475, 632, 741, 970, 1015, 1099, 1128, 1365, 1402  
 Amendments withdrawn—742, 1110, 1128  
 Appointed to Trustee of Police and Fire Retirement Systems—1391  
 Committee appointments—12, 167  
 Conference committee appointments—1164  
 Conference committee reports—1502  
 Reports—16

MADDOX, O. GENE—Senator Thirty-eighth District  
 Bills introduced—74, 84, 308, 336, 409, 430, 456  
 Amendments filed—261, 341, 678, 715, 726, 727, 803, 847, 874, 918, 921, 923, 962, 1135, 1222, 1223, 1241, 1392, 1454, 1565  
 Amendments offered—212, 715, 857, 962, 1040, 1222, 1570  
 Amendments withdrawn—857, 962, 1066, 1223, 1565  
 Called up appointees on Individual Confirmation Calendar—1314  
 Committee appointments—6  
 Conference committee appointments—1360, 1516  
 Conference committee reports—1424, 1536-1537  
 Memorial report—1625

MAJORITY FLOOR LEADER, Wally E. Horn, Senator Twenty-seventh District  
 (See Horn, Wally E.—Senator Twenty-seventh District, Majority Leader)

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Claims filed and approved—See House Journal Pages 184-224  
 Claims filed and denied—See House Journal Pages 167-183, 621, 627, 1607-1608

McKEAN, ANDREW J., (ANDY)—Senator Twenty-eighth District  
 Bills introduced—11, 59, 74, 130, 146, 263, 302, 420, 429, 456, 469  
 Amendments filed—154, 261, 341, 469, 600, 634, 638, 669, 678, 726, 803, 921, 923, 969, 1016, 1049, 1071, 1072, 1104, 1117, 1135, 1136, 1242, 1272, 1368, 1392, 1402, 1454  
 Amendments offered—474, 649, 669, 921, 969, 1016, 1098, 1138, 1295  
 Amendments withdrawn—1098, 1296  
 Appointed to—44

MCLAREN, DERRYL—Senator Forty-third District  
 Bills introduced—247, 264, 302, 324, 326, 456, 506  
 Amendments filed—324, 600, 624, 631, 639, 716, 718, 726, 727, 742, 814, 837, 838, 839, 847, 874, 894, 937, 1135, 1300, 1368, 1369, 1376, 1407, 1434, 1438, 1451, 1455, 1475, 1499, 1530  
 Amendments offered—631, 639, 648, 716, 742, 836, 837, 838, 839, 1379, 1407, 1438, 1451, 1530  
 Amendments withdrawn—631, 840, 1450  
 Committee appointments—6  
 Conference committee appointments—1131, 1227

Escorted Russian guests to the well—1144  
 Petitions presented—843, 1170  
 Resolutions offered—130, 673

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From Governor Terry E. Branstad, item veto—1609-1620

From Governor Terry E. Branstad, veto—1491-1492

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Committee appointed—12

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MINORITY FLOOR LEADER, Jack Rife—Senator Twentieth District  
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Filed:

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Senate File 401—894

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Senate File 2037, S-5203—671

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Senate File 2372—1600  
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## MURPHY, LARRY—Senator Fourteenth District

Bills introduced—56, 59, 146, 156, 176, 240, 270, 322, 387, 390, 733  
 Amendments filed—151, 187, 218, 269, 344, 639, 726, 750, 847, 923, 937,  
 969, 981, 982, 1067, 1072, 1125, 1320, 1349, 1368, 1369, 1376, 1377,  
 1380, 1381, 1382, 1391, 1427, 1434, 1451, 1542, 1544, 1545  
 Amendments offered—151, 153, 221, 344, 742, 1067, 1376, 1377, 1380, 1381,  
 1382, 1402, 1427, 1542, 1544, 1545  
 Amendments withdrawn—150, 1125, 1402  
 Appointed to Trustee of Police and Fire Retirement Systems—1391  
 Conference committee appointments—1410  
 Conference committee reports—1551  
 Resolutions offered—1559

## NATURAL RESOURCES, ENVIRONMENT &amp; ENERGY, COMMITTEE ON—

Appointees, investigation of—525-526, 914, 989  
 Bills introduced—68, 300, 338, 349, 408, 431, 437, 477  
 Amendments filed—280, 415, 448, 483, 548, 891, 976, 982  
 Investigating committee reports—1116  
 Referred to—985, 1039  
 Standing committees appointed to—373

## NEUHAUSER, MARY—Senator Twenty-third District

Bills introduced—56, 59, 176, 290

- Amendments filed—341, 374, 406, 717, 725, 726, 740, 749, 806, 874, 918, 1019, 1042, 1188, 1201, 1221, 1234, 1368, 1369, 1454, 1543
- Amendments offered—341, 653, 792, 806, 810, 851, 852, 1042, 1143, 1209, 1221, 1234, 1543
- Amendments withdrawn—947
- Called up appointees on Individual Confirmation Calendar—1311
- Conference committee appointments—1346, 1360, 1490
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- Conference committee reports—1424, 1549
- Escorted Russian guests to the Senate well—1144
- Introduced Coach Angie Lee, University of Iowa Women's basketball team—1441
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## PALMER, WILLIAM D.—Senator Thirty-third District

- Bills introduced—56, 217, 218, 733
- Amendments filed—387, 769, 894, 1104, 1124
- Amendments offered—921, 1124, 1259, 1358
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- Resolutions offered—517

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Senate File 2446, S-5258 as amended - Senator Murphy—741  
Senate File 2449, S-5609 to S-5598 - Senator Iverson—1122  
Senate File 2449, S-5593 to S-5580 - Senator Iverson—1124  
Senate File 2469, S-5876 - Senator Szymoniak—1561  
Senate File 2470, S-5859 - Senator Palmer—1543  
Senate File 2470, S-5863 - Senator Hansen—1545  
Senate File 2470, S-5869 - Senator Vilsack—1545  
House File 555, S-3624 - Senator Murphy—1210  
House File 2144, S-5616 - Senator Vilsack—1158  
House File 2229, S-5300 - Senator Gettings—1051  
House File 2259, S-5527 - Senator Sorensen—1236  
House File 2383, S-5554 as amended - Senator Bartz—1180  
House File 2383, S-5629 - Senator Black—1261  
House File 2383, S-5676 - Senator Fink—1261  
House File 2383, S-5685B - Senator Black—1264  
House File 2387, S-5822D - Senator Lind—1471  
House File 2409, S-5529 - Senator Flynn—1079  
House File 2416, S-5528 - Senator Bisignano—1017  
House File 2416, S-5517 - Senator Lind—1017  
House File 2416, S-5501 - Senator Judge—1018  
House File 2416, S-5515 - Senator Murphy—1018  
House File 2416, S-5531 - Senator Judge—1020  
House File 2419, S-5418 - Senator Connolly—1077  
House File 2421, S-5767 - Senator Husak—1380  
House File 2421, S-5700A as amended - Senator Drake—1384  
House File 2449, S-5547 - Senator Gronstal—1099  
House File 2449, S-5543 - Senator Connolly—1099  
House File 2449, S-5569 - Senator Hammond—1109  
House File 2449, S-5489 as amended - Senator Bartz—1110  
House File 2472, S-5472 - Senator Vilsack—969

House File 2477, S-5483A to S-5427 - Senator Kibbie—962  
House File 2500, S-5854 - Senator Vilsack—1527

Ruled in order:

Senate File 401, S-5315—885  
Senate File 2037, S-5223—669  
Senate File 2256, S-5881—1574  
Senate File 2341, S-5211—820  
Senate File 2353, S-5759—649  
Senate File 2449, S-5609—1122  
Senate File 2449, S-5593—1124  
House File 555, S-3624—1211  
House File 2383, S-5676—1261  
House File 2383, S-5554 as amended—1180  
House File 2387, S-5822D—1471  
House File 2421, S-5767—1380  
House File 2421, S-5700A as amended—1384  
House File 2449, S-5543—1099  
House File 2449, S-5569—1110  
House File 2449, S-5489—1110

Ruled out of order:

Senate File 2037, S-5168 as amended—632  
Senate File 2037, S-5204—632  
Senate File 2037, S-5222—669  
Senate File 2063, S-5024—155  
Senate File 2082, S-5022—154  
Senate File 2082, S-5023—154  
Senate File 2147, S-5857—1530  
Senate File 2157, S-5111—504  
Senate File 2160, S-5070—776  
Senate File 2195, S-5378—840  
Senate File 2220, S-5238—680  
Senate File 2324, S-5219—823  
Senate File 2335, S-5364—831  
Senate File 2341, S-5360—820  
Senate File 2353, S-5159—649  
Senate File 2370, S-5605—1128  
Senate File 2370, S-5608—1128  
Senate File 2370, S-5611—1128  
Senate File 2423, S-5710 as amended—1359  
Senate File 2442, S-5733—1349  
Senate File 2446, S-5258 as amended—742  
Senate File 2469, S-5876—1561  
Senate File 2470, S-5859—1543  
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Senate File 2470, S-5869—1545  
House File 2144, S-5616—1158  
House File 2229, S-5300—1051  
House File 2259, S-5527—1236  
House File 2383, S-5629—1261  
House File 2383, S-5685B—1264

House File 2409, S-5529—1079  
 House File 2416, S-5528—1017  
 House File 2416, S-5517—1017  
 House File 2416, S-5501—1018  
 House File 2416, S-5515—1018  
 House File 2416, S-5531—1020  
 House File 2419, S-5418—1077  
 House File 2449, S-5547—1099  
 House File 2449, S-5543—1099  
 House File 2472, S-5472—969  
 House File 2500, S-5854—1527

Ruled well taken:

Senate File 2128, S-5124, referred to Ways and Means—639

Withdrawn:

Senate File 2300, S-5708 as amended—1345  
 Senate File 2335, S-5406—903

PRESENTATIONS—

(See also Addressed the Senate)

President Boswell welcomed the Corning Ambassadors from Corning, Iowa—144

Senator Iverson presented General Raymond G. Davis from Stockbridge, Georgia. General Davis is retired from the United States Marine Corps after 33 years of active duty, and is a highly decorated veteran of WW II (Pacific), Korea and Vietnam, whose medals and decorations include the Congressional Medal of Honor, Navy Cross, Silver Stars and Purple Heart—272

Senator Horn presented Iowa State University football coach Dan McCarney and Iowa State's all-American tailback, Troy Davis—360

Senator Jensen presented his granddaughter, PFC Jessica Jensen who graduated from the Marine Corp Boot Camp in Parris Is., South Carolina—479

Senator Bisignano introduced Oleg L. Shchecka and Michael M. Yukachev from Nakhodka, Russia—623

Senator Bisignano welcomed the Honorable Robert D. Fulton, former lieutenant governor and governor of Iowa—623

Senator Boswell welcomed John E. Flannery from Des Moines, a Special Olympics contestant—696

Senator Kibbie introduced Miss Shamrock of 1996, Shauna Donovan and her parents from Estherville, Ia. and Mayor Norlyn Stowell and his wife from Emmetsburg, Ia.—790

Senator Kibbie welcomed the Irish Dancers who were present in the Senate gallery—790

Senator Kibbie introduced John Brown T.D. and his wife Nancy from Carlow, Ireland, a Convener of the Fine Gael Party and group leader of legislation for justice and health—790

Senator Black presented a delegation from sister city Smila, Ukraine—192

Senator Priebe introduced Senate Resolution 103 honoring Mrs. Phyllis Barry upon her retirement and presented her with an enrolled copy of the resolution—536

- Senator Priebe welcomed the Honorable Norman G. Rodgers, former member of the House and Senate—803
- Senator Husak welcomed the Honorable Gene Kennedy, former member of the House and Senate—930
- Senator Jensen welcomed the Honorable Edgar H. Holden, former member of the House and Senate—930
- Senator Borlaug welcomed the Honorable Jim Nussle, member of the U.S. House—1025
- Senator Redfern introduced 17 Russian exchange students from the Russian State Pedagogical University in St. Petersburg—1047
- Senator Bisignano presented 45 members of Financial Women International—1116
- Senator Jensen introduced Brian Heithoff and Jason Reid from Gunn Elementary School, Council Bluffs, who briefly addressed the Senate about school fund raisers for Friends of the Capitol. Mrs. Heithoff presented a check to Senator Jensen of \$2,153.82 for the Capitol restoration project—1085
- Senator Boswell welcomed a delegation of parliamentarians from Stavropol Krai, accompanied by their interpreters—1144
- Senators Horn and Rife extended their welcome, Senators McLaren and Neuhauser escorted the Russian guests, and Senator Szymoniak presented the individuals who addressed the Senate—1144
- Senator Priebe welcomed several members of the German Congress on Agriculture—1184
- Senator Jensen presented visitors from Denmark—1271
- Senator Hedge presented Jill Verhey, Queen of the sixty-first Annual Tulip Time Festival and members of her court—1274
- Senator Horn presented Iowa State University basketball coach Tim Floyd and his team—1348-1349
- Senator Neuhauser introduced University of Iowa Women's basketball coach Angie Lee—1441
- Senator Boswell introduced guests from Germany—1473

#### PRESENTATION OF GIFTS—

- Senators Rife and Hedge escorted Senator Bennett to the Senate well and he was presented with an enrolled copy of Senate Resolution 119 and his Senate chair upon completion of the 1996 session—1470
- President Boswell invited the Senate pages to the Senate well for a special presentation. They were thanked by President Boswell and Senators Horn and Rife for their service to the Senate—1562-1563
- Senators Horn and Judge escorted Senator Boswell to the well and presented him with an engraved plaque and an enrolled copy of Senate Resolution 117—1580
- Senator Rife expressed tribute to Senator Banks and he will be presented with an engraved plaque and an enrolled copy of Senate Resolution 116—1583
- Senators Horn and Vilsack escorted Senator Bisignano to the Senate well and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 118—1588

Senator Hansen invited Senators Boswell, Horn, Bisignano, and Rife to the Senate well. Senate Boswell was presented with an inscribed gavel. Senators Horn, Bisignano and Rife were presented with an inscribed desk clock on behalf of the Senate in recognition of their leadership service during the Seventy-sixth General Assembly—1590

**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 106 - Commemorate the Veterans of the U.S. armed forces who fought and won the Battle of the Bulge during World War II. S.J. 360, 370, 461, 1516, 1525-1526 adopted, 1532 msgd. - H.J. 1937, 2066.

Senate Concurrent Resolution 107 - Urge Congress to authorize construction of the Lewis and Clark rural water system - S.J. 449, 468, 511, 515, 616 adopted, 619 msgd., 1494 - H.J. 538, 548, 607, 931, 1863 adopted, 1871 msgd.

Senate Concurrent Resolution 109 - Urge Congress to amend relevant law to facilitate the development and approval of new drugs and biologics - S.J. 454, 468, 519, 616 adopted, 619 msgd., 1279 - H.J. 538, 548, 1472 deferred, 1474 adopted, 1476 msgd.

Senate Concurrent Resolution 112 - Support the 185th Fighter Wing of the Air National Guard of Iowa in its peacekeeping patrols in the United Nations "No-fly Zone" over Iraq - S.J. 724, 727-728, 749, 933, 934, 980, 1030-1031 adopted, 1039 msgd. - H.J. 976, 1001.

Senate Concurrent Resolution 115 - Request Iowa's congressional delegation support guaranteed st. legislative involvement in the reorganization, implementation, and funding of fed. workforce development & job training programs in the states - S.J. 811-812, 812, 861 adopted, 861 - H.J. 821, 832.

Senate Concurrent Resolution 116 - Urge fed. govt. to restore requirements for the reporting of information regarding cattle fed in Iowa feedlots - S.J. 895, 935, 973, 974, 1075 adopted, 1079 msgd. - H.J. 1055, 1081.

Senate Resolution 104 - Urge the U.S. govt. to reassess its policy relating to the dispute between the People's Republic of China and the Republic of China on Taiwan - S.J. 673-674, 695, 724, 744-745 adopted.

Senate Resolution 115 - Honor the memory and efforts of United States Secretary of Commerce Ronald H. Brown - S.J. 1363, 1368, 1373 adopted.

House Concurrent Resolution 108 - International Nafta Superhighway, DOT join I-35 Corridor Coalition, request private matching money be solicited for payment of membership fees - H.J. 127, 260.



House Concurrent Resolution 111 - Support Iowa military personnel in the Bosnian peacekeeping mission - H.J. 333, 340 adopted & msgd., 404 - S.J. 362, 371, 462, 933, 1002, 1010 adopted as amended, 1011 msgd. - H.J. 947, 956.

House Concurrent Resolution 112 - Urge congress to authorize construction of the Lewis and Clark rural water system - H.J. 452.

House Concurrent Resolution 115 - Congress remove current obstacles which prevent the transfer of ag. land between family members participating in Iowa's Beginning Farm Loan Program - H.J. 501, 606.

House Concurrent Resolution 117 - Support the 185th Fighter Wing of the Air National Guard of Iowa in its peacekeeping patrols in the United Nations "No-fly Zone" over Iraq - H.J. 669.

#### PRESIDENT PRO TEMPORE OF THE SENATE—SENATOR TONY BISIGNANO

(See BISIGNANO, TONY - Senator Thirty-fourth District)

#### PRIEBE, BERL E.—Senator Eighth District

Bills introduced—26, 56, 67, 157, 163, 302, 376, 387, 733

Amendments filed—121, 261, 324, 346, 347, 374, 387, 600, 624, 645, 646, 651, 658, 669, 726, 741, 742, 749, 750, 814, 847, 901, 918, 926, 937, 982, 1089, 1096, 1104, 1110, 1128, 1135, 1136, 1187, 1188, 1263, 1320, 1351, 1391, 1459, 1460, 1506, 1544

Amendments offered—346, 347, 648, 651, 658, 669, 741, 906, 946, 1096, 1110, 1119, 1122, 1188, 1263, 1460, 1508

Amendments withdrawn—648, 1110, 1180

Committee appointments—6, 1227

Presided at sessions of the Senate—1426

Welcomed the Honorable Norman G. Rodgers former member of the House and Senate—802

Welcomed several members of the German Congress on Agriculture—1184  
Resolutions offered—517, 1416

#### REAPPOINTMENTS—

(See Appointments - Reappointments, Statutory - Senators)

#### REDFERN, DONALD. B.— Senator Twelfth District

Bills introduced—170, 302, 323, 387, 438, 456

Amendments filed—161, 341, 618, 621, 624, 717, 727, 751, 838, 839, 1104, 1233, 1242, 1351, 1375, 1425, 1454

Amendments offered—178, 618, 621, 717, 759, 924, 1233

Appointed to—14

Conference committee appointments—1162

Conference committee reports—1563

Introduced Russian exchange students from Russia State Pedagogical University in St. Petersburg—1047

Resolutions offered—506

Statutory appointments—14

**RENSINK, WILMER—Senator Third District**

- Bills introduced—156, 456
- Amendments filed—162, 387, 600, 726, 727, 874, 921, 923, 962
- Amendments offered—739
- Amendments withdrawn—793, 810
- Conference committee appointments—1230
- Conference committee reports—1271-1272
- Resolutions offered—449
- Statutory appointments—13

**REPORTS—**

(See Communications and/or individual headings)

**RESOLUTIONS—**

(See also Legislative Index Volume)

- Assigned to committee—137, 468, 517, 1048, 1241, 1274, 1363, 1387, 1457
- Introduction, Senate Concurrent Resolutions—21, 25, 66, 130, 240, 360-361, 449, 454, 506, 517, 727-728, 781, 805-806, 811, 895, 1163, 1268, 1281, 1363, 1386-1387, 1414, 1596
- Introduction, Senate Resolutions—170, 322, 517, 673, 700, 789, 954, 1163, 1182, 1198, 1230, 1315, 1321, 1363, 1370, 1371, 1416-1417, 1453, 1514, 1559, 1569
- Placed on calendar—25, 322, 449, 700, 806, 812, 954, 1163, 1315, 1321, 1363, 1370-1371, 1414, 1514, 1569, 1596
- Placed on Unfinished Business Calendar—980
- Resolutions printed after session—2936-2976
- Substituted—943
- Withdrawn—27

**RIFE, JACK—Senator Twentieth District, Minority Leader**

- Bills introduced—94, 303, 456, 1118, 1501
- Amendments filed—726, 731, 982, 1072, 1341, 1384, 1454
- Amendments offered—731, 1099, 1378, 1384
- Committee appointments—1604
- Resolutions offered—789
- Presented an engraved plaque and an enrolled copy of Senate Resolution 116 for Senator Banks—1583
- Welcomed the delegation of parliamentarians from Stavropol Krai who were present in the Senate chamber—1144
- Presented an enrolled copy of Senate Resolution 119 and his Senate chair to Senator Bennett upon the completion of the 1996 session—1470
- Senator Rife was presented with an inscribed desk clock on behalf of the members of the Senate in recognition of his leadership service during the Seventy-sixth General Assembly—1590

**RITTMER, SHELDON—Senator Nineteenth District**

- Bills introduced—26, 27, 56, 59, 96, 97, 123, 146, 176, 302, 308, 456, 532
- Amendments filed—453, 454, 469, 536, 726, 875, 918, 921, 924, 1014, 1020, 1097, 1104, 1202, 1241, 1365, 1376
- Amendments offered—453, 454, 536, 614, 875, 924, 1093, 1097, 1110, 1365

Amendments withdrawn—536, 1014  
Conference committee appointments—1346, 1532  
Resolutions offered—517

## RULES—

(See also Joint Rules)

## Rules invoked—

## Rule 21 (Secretary's report in engrossing):

Senate File 2060—510  
Senate File 2080—228-229  
Senate File 2168—458  
Senate File 2195—1505  
Senate File 2224—930  
Senate File 2266—893  
Senate File 2351—873-874  
Senate File 2464—1245

## Rule 21 (Secretary's report in enrolling):

Senate File 2013—1168  
Senate File 2030—276  
Senate File 2062—1269  
Senate File 2195—1548  
Senate File 2201—1464  
Senate File 2208—1388  
Senate File 2219—1184  
Senate File 2245—1601  
Senate File 2301—1472  
Senate File 2324—1366  
Senate File 2370—1601  
Senate File 2395—1168  
Senate File 2442—1601  
Senate File 2448—1602  
Senate File 2464—1602  
Senate File 2470—1602

## Rule 24 (Final disposition of motion to reconsider):

Senate File 2372—1600  
House File 2486—1600-1601

## Rule 28 (introduction, reading and form of bills and resolutions):

Senate File 2028—42  
Senate File 2029—42  
Senate File 2030—42  
Senate File 2042—67  
Senate File 2043—67  
Senate File 2044—67  
Senate File 2045—68  
Senate File 2046—68  
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Senate File 2063—97  
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Senate File 2468—1414-1415  
Senate Joint Resolution 2003—322  
Senate Concurrent Resolution 102—25  
Senate Concurrent Resolution 103—66-67  
Senate Concurrent Resolution 111—517  
Senate Concurrent Resolution 112—727-728  
Senate Concurrent Resolution 123—1414  
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Senate Resolution 101—170  
Senate Resolution 102—322  
Senate Resolution 103—517  
Senate Resolution 116—1370  
Senate Resolution 117—1370  
Senate Resolution 118—1370  
Senate Resolution 119—1371

**Rule 38 (First reading and commitment):**

Senate File 2128, referred to Ways and Means—639  
Senate File 2256, referred to Ways and Means—1577

**Rule 59 (Confirmation of Appointments):**

Confirmation of Governor's appointments—938-940, 1057, 1057-1058, 1147-1148, 1153, 1154, 1154-1155, 1206, 1254, 1282-1283, 1293-1294, 1311, 1312, 1313, 1314-1315, 1328-1329, 1330, 1352, 1354

Subcommittee assignments, Governor's appointments—371-372, 985-993, 1167

**Rule 60 (Bills no longer eligible under Senate Rule 60 be referred to cmte.):**

984-985

## Ruled Out of Order (amendments, etc.)

Senate File 2012, S-5152—816  
Senate File 2037, S-5097, S-5201, S-5206, S-5208—634  
Senate File 2037, S-5228—671  
Senate File 2131, S-5101—1196  
Senate File 2147, S-5850—1530  
Senate File 2153, S-5215—942  
Senate File 2170, S-5059, S-5146—1034  
Senate File 2184, S-5123—1092  
Senate File 2195, S-5832—1499  
Senate File 2210, S-5534—1295  
Senate File 2220, S-5159, S-5232—682  
Senate File 2221, S-5396—1096  
Senate File 2256, S-5884—1577  
Senate File 2265, S-5193—651  
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Senate File 2449, S-5445—922  
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House File 2421, S-5776—1384  
House File 2423, S-5710—1359  
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House File 2472, S-5472—969  
House File 2472, S-5512—1013  
House File 2477, S-5475—962

## RULES AND ADMINISTRATION, COMMITTEE ON—

Amendments filed—936

Appointees referred to—318

Appointees referred to standing committees—351-352

Appointees placed on En Bloc Confirmation Calendar—394, 424, 480, 495,  
510, 525-526, 676, 734, 747, 1026-1027, 1070-1071, 1102-1103, 1116, 1165-  
1167

Referred to—729

Reports, administration—6, 7, 16-17, 17-20, 313, 912-916

Reports, supplemental—6-7

Resolutions offered—322, 1315, 1321, 1370, 1371, 1596

Resolutions relating to:

Senate Concurrent Resolution 126 - Final adjournment, Wednesday,  
May 1, 1996, Second Session of the Seventy-sixth General  
Assembly - S.J. 1596, 1597 adopted & msgd. - H.J. 2169 adopted,  
2170 msgd. - S.J. 1601.

Senate Resolution 102 - Gubernatorial appointments require senate  
confirmation - S.J. 321-322, 322, 342 adopted.

Senate Resolution 105 - Request review of the Legislative rules  
comprising the legislative session timetable for requesting,  
considering, and debating bills & resolutions - S.J. 700-701, 723,  
729, 802.

Senate Resolution 113 - Daily operation of the Senate - S.J. 1315  
adopted.

House Concurrent Resolution 105 - Recognize women state legislators  
- H.J. 65, 97-98, as amended, adopted, 102 - S.J. 115, 121, 135,  
358, 359, 472-473 as amended, adopted, 476, msgd. - H.J. 462,  
470.

House Concurrent Resolution 123 - Approve and confirm the  
appointment of the citizens' aide - H.J. 1081, 1412 adopted, 1415  
msgd. - S.J. 1267, 1274, 1289, 1340, 1343 adopted, 1347 - H.J.  
1594.

## SECRETARY OF THE SENATE, JOHN F. DWYER—

Communications received and on file—14-16, 108-112, 233-236, 315-318, 661-  
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Reports on corrections in enrollment, Senate Rule 21—276, 1168, 1184, 1269,  
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Resolutions relating to:

Senate Resolution 113 - legislative expenses - S.J. 1315 adopted.

## SENATE CONCURRED—

Senate File 73, S-5052—1059



Senate File 259, S-5636 as amended—1226  
Senate File 284, S-5817—1479  
Senate File 376, S-5257—908  
Senate File 454, S-5877 as amended—1581  
Senate File 482, S-5036—906  
Senate File 2012, S-5631—1219  
Senate File 2030, S-5010 as amended—181  
Senate File 2035, S-5478—1065  
Senate File 2062, S-5566—1150  
Senate File 2063, S-5109—1181  
Senate File 2074, S-5665—1194  
Senate File 2085, S-5630—1225  
Senate File 2114, S-5690—1347  
Senate File 2147, S-5615 as amended—1408  
Senate File 2147, S-5615 as amended—1530  
Senate File 2153, S-5858—1541  
Senate File 2154, S-5680 as amended—1256  
Senate File 2157, S-5728—1354  
Senate File 2168, S-5769—1418  
Senate File 2186, S-5626—1193  
Senate File 2195, S-5821 as amended—1477  
Senate File 2195, S-5821 as amended—1499  
Senate File 2201, S-5688—1283  
Senate File 2207, S-5788—1420  
Senate File 2208, S-5671—1248  
Senate File 2213, S-5592—1161  
Senate File 2245, S-5828 as amended—1478  
Senate File 2256, S-5707 as amended—1578  
Senate File 2260, S-5479—1160  
Senate File 2265, S-5885—1586  
Senate File 2269, S-5659—1249  
Senate File 2287, S-5480—1212  
Senate File 2294, S-5687—1284  
Senate File 2301, S-5789—1418  
Senate File 2324, S-5650—1232  
Senate File 2351, S-5778—1474  
Senate File 2366, S-5815—1488  
Senate File 2370, S-5818 as amended—1573-1574  
Senate File 2372, S-5782—1483  
Senate File 2375, S-5600—1155  
Senate File 2381, S-5672—1257  
Senate File 2399, S-5702—1468  
Senate File 2409, S-5677 as amended—1401  
Senate File 2409, S-5677 as amended—1481  
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Senate File 2420, S-5649—1250  
Senate File 2438, S-5645—1251  
Senate File 2446, S-5624 as amended—1187  
Senate File 2449, S-5574 as amended—1126  
Senate File 2464, S-5738 as amended—1565  
Senate File 2470, S-5886—1593-1594

House File 560, S-5887 to H-6054—1592  
 House File 570, S-5729 to H-5920—1436-1437  
 House File 2369, S-5888 to H-5821—1591  
 House File 2370, S-5696 to H-5621—1361  
 House File 2383, S-5777 to H-5877—1404  
 House File 2419, S-5691 to H-5756—1333  
 House File 2433, S-5627 to H-5735—1237  
 House File 2456, S-5648 to H-5649—1255  
 House File 2477, S-5874 to H-5522—1554  
 House File 2497, S-5808 to H-5976—1526

#### SENATE INSISTS—

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 Senate File 2446—1227  
 Senate File 2449—1266  
 House File 2416—1163-1164  
 House File 2421—1410  
 House File 2449—1346  
 House File 2472—1162  
 House File 2486—1490

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 House File 2458, S-5816—1515

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 Senate File 2030—262-263  
 Senate File 2085—1332  
 Senate File 2245—1495  
 House File 2390—1324

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM, COMMITTEE ON—

Appointees, investigation of—914  
 Bills introduced—518, 532, 566, 570  
 Amendments filed—1028  
 Investigating committee reports—1103  
 Resolutions offered—811

#### SORENSEN, ALBERT— Senator Fortieth District

Bills introduced—56, 59, 176, 240, 326, 733  
 Amendments filed—218, 261, 290, 646, 669, 678, 726, 727, 1016, 1018, 1135,  
 1290, 1454

Amendments offered—340, 1018, 1297  
 Amendments withdrawn—210, 261  
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 Conference committee appointments—1164, 1532  
 Conference committee reports—1502  
 Petitions presented—843  
 Presided at sessions of the Senate—74  
 Resolutions offered—1559  
 Statutory appointments—13

#### STANDING COMMITTEES AND SUBCOMMITTEES—

Standing committees appointed—13-14, 167  
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 Chairpersons listed—13-14, 167  
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Appointees, investigation of—352, 914-916, 989-993  
 Bills introduced—116, 171, 300, 406, 430, 491, 492, 534, 549, 550, 566  
 Amendments filed—298, 484, 892, 893, 978  
 Investigating committee reports—598-599, 1165-1167  
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- Natural Resources, Environment and Energy—118, 134, 164, 200, 215, 312, 378, 508
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### STUDY COMMITTEES—

Resolutions relating to:

- Senate Concurrent Resolution 119 - Iowa Administrative Procedure Act, cmte. to study - S.J. 1281, 1292, 1339.
- House Concurrent Resolution 126 - Child visitation and custody issues, establish cmte. to study - H.J. 1597.
- House Concurrent Resolution 127 - Efforts to reduce and recycle solid waste, establish cmte. to study - H.J. 1641.
- House Concurrent Resolution 131 - Family law issues, cmte. to study - H.J. 2066.
- Senate Resolution 109 - Request Legislative Council to establish interim study the issue of sharing and leasing gov't. equipment, cmte. to study - S.J. 1182, 1199, 1240.

### SUBCOMMITTEE APPOINTMENTS—

Assignments for governor's appointments—985-993

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### SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)

Condition of the Iowa Judiciary Message—44-51

Resolution relating to the Condition of the Iowa Judiciary Message:

House Concurrent Resolution 102 - H.J. 4 adopted & msgd. - S.J. 9, 21, 22 adopted, 22 - H.J. 37.

**SZYMONIAK, ELAINE—Senator Thirty-sixth District**

Bills introduced—10, 11, 21, 56, 130, 240, 336, 455

Amendments filed—58, 180, 248, 261, 388, 473, 624, 678, 698, 726, 727, 739,  
740, 750, 803, 847, 901, 918, 937, 946, 959, 968, 981, 1117, 1202, 1216,  
1241, 1272, 1320, 1537, 1545, 1561

Amendments offered—58, 180, 473, 602, 711, 732, 739, 740, 884, 949, 968,  
1307, 1560

Amendments withdrawn—1360

Appointed to—28

Conference committee appointments—1405

Conference committee reports—1546

Memorial report—1625

Presented Ms. Nelia Beishenalieva from Kyrgystan, Russia & her interpreter  
Jayne Williams—599

Presented the Russian delegation who addressed the Senate—1144

Resolutions offered—454, 506, 1268

Statutory appointments—13

**TINSMAN, MAGGIE—Senator Twenty-first District, Assistant Minority Leader**

Bills introduced—10, 97, 123, 156, 170, 172, 176, 219, 270, 456

Amendments filed—154, 341, 638, 726, 727, 732, 803, 918, 921, 923, 969,  
1016, 1202, 1428, 1545

Amendments offered—638, 732, 822

Conference committee appointments—1405

Conference committee reports—1546

Statutory appointments—13

**TRANSPORTATION, COMMITTEE ON—**

Appointees, investigation of—916, 993, 1027

Bills introduced—198, 247, 322, 416, 517, 518

Amendments filed—196, 406, 981

Referred to—985

Resolutions offered—1569

**VILSACK, TOM—Senator Forty-ninth District**

Bills introduced—9, 10, 12, 59, 67, 79, 105, 733

Amendments filed—152, 180, 344, 347, 387, 406, 453, 469, 520, 624, 634,  
678, 715, 716, 717, 718, 726, 787, 814, 847, 876, 901, 952, 964, 981, 982,  
1028, 1071, 1090, 1104, 1242, 1382, 1392, 1400, 1425, 1481, 1493, 1575

Amendments offered—152, 344, 347, 453, 619, 620, 715, 716, 717, 718, 798,  
819, 824, 876, 901, 909, 952, 964, 1014, 1059, 1157, 1400, 1481, 1493,  
1567, 1575

Amendments withdrawn—536, 1036, 1157, 1298

Conference committee appointments—493, 1131, 1266, 1516

Conference committee reports—1434, 1536, 1537

Memorial report—1626

Resolutions offered—1182

Senators Horn and Vilsack escorted Senator Bisignano to the Senate well  
and he was presented with an engraved plaque and an enrolled copy  
of Senate Resolution 118—1588

**WAYS AND MEANS, COMMITTEE ON—**

Appointees, investigation of—352, 510, 916, 993

Bills introduced—42, 171, 300, 301, 450, 668, 813, 815, 920, 938, 1130, 1131,  
1201, 1280, 1281, 1306, 1414

Amendments filed—447, 520, 918, 1290, 1320, 1413, 1415

Investigating committee reports—1135

Referred to—350, 553, 622, 984, 1525, 1532

Standing committees appointed to—374

**ZIEMAN, LYLE E.—Senator Sixteenth District**

Bills introduced—59, 156, 172, 302, 336, 456

Amendments filed—261, 717, 727, 921, 1454

Conference committee appointments—1360

Conference committee reports—1424