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**REGULAR SESSION
SEVENTY-SEVENTH
GENERAL ASSEMBLY**

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Adjourned April 29, 1997**

**Volume II
April 18 – April 29**

**MARY KRAMER, President of the Senate
RON J. CORBETT, Speaker of the House**

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NINETY-SIXTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 18, 1997

The Senate met in regular session at 9:08 a.m., President Kramer presiding.

Prayer was offered by the Honorable Tom Vilsack, member of the Senate from Henry County, Mount Pleasant, Iowa.

The Journal of Thursday, April 17, 1997, was approved.

Senator McKean took the chair at 9:10 a.m.

Senator Kramer took the chair at 9:14 a.m.

Senator Bartz took the chair at 9:21 a.m.

President Kramer took the chair at 9:26 a.m.

QUORUM CALL

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

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

UNFINISHED BUSINESS CALENDAR (Deferred April 17, 1997)

House File 693

The Senate resumed consideration of House File 693, a bill for an act relating to civil actions and statutes of limitations in civil actions, the rate of interest on judgments and decrees, procedures for

furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, and joint and several liability, deferred April 17, 1997.

Senator McKibben offered amendment S—3355 filed by the committee on Judiciary on April 3, 1997, to page 9 of the bill.

Senator McKibben offered amendment S—3559 filed by Senators McKibben and Neuhauser on April 17, 1997, to amendment S—3355 and moved its adoption.

Amendment S—3559 was adopted by a voice vote.

Senator McKibben moved the adoption of amendment S—3355 as amended, which motion prevailed by a voice vote.

Senator McKibben offered amendment S—3593 filed by Senators McKibben and Drake on April 17, 1997, to pages 1-6, 9 and the title page of the bill.

Senator McKibben asked and received unanimous consent that action on amendment S—3593 be deferred for consideration of amendment S—3587.

Senator Vilsack offered amendment S—3587 filed by him on April 17, 1997, to pages 1 and 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3587 be adopted?" (H.F. 693) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 24:

Angelo	Bartz	Behn	Black, J.
Boettger	Douglas	Drake	Freeman

Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 4:

Borlaug	Gronstal	McLaren	Rife
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Amendment S—3587 lost.

The Senate resumed consideration of amendment S—3593 by Senators McKibben and Drake to pages 1-6, 9 and the title page of the bill, previously deferred.

Senator Vilsack called for a division of amendment S—3593: page 1, lines 3-6 and page 2, lines 15-28 as division S—3593A; page 1, lines 7-14 as division S—3593B; page 1, lines 15-50 and page 2, lines 1-14 as division S—3593C; and page 2, lines 29-49 as division S—3593D.

Senator McKibben moved the adoption of divisions S—3593A, S—3593B, S—3593C and S—3593D, which motion prevailed by a voice vote on each division.

Senator Hansen offered amendment S—3563 filed by him from the floor to pages 1 and 2 of the bill and called for a division: lines 3-6 as division S—3563A and lines 7-28 as division S—3563B.

The Chair announced that division S—3563A was out of order with the adoption of division S—3593B.

Senator Hansen moved the adoption of division S—3563B and requested a record roll call.

On the question "Shall division S—3563B be adopted?" (H.F. 693) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond

Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Rittmer

Division S—3563B lost.

Senator Palmer offered amendment S—3608 filed by him from the floor to page 2 of the bill, moved its adoption and requested a non record roll call.

The ayes were 23, nays 26.

Amendment S—3608 lost.

Senator Lundby withdrew amendment S—3569 filed by her on April 17, 1997, to page 2 of the bill.

Senator Hansen offered amendment S—3607 filed by him from the floor to page 2 of the bill.

Senator Bartz took the chair at 12:02 p.m.

Senator Hansen moved the adoption of amendment S—3607.

A record roll call was requested.

On the question "Shall amendment S—3607 be adopted?" (H.F. 693) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Rittmer
Szymoniak	Vilsack		

Nays, 26:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Tinsman	Zieman		

Absent or not voting, 2:

Kramer	McCoy
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Amendment S—3607 lost.

Senator Neuhauser offered amendment S—3601 filed by her from the floor to page 3 of the bill.

Senator Neuhauser asked and received unanimous consent that action on amendment S—3601 be deferred.

Senator Flynn withdrew amendment S—3496 filed by him on April 14, 1997, to page 4 of the bill.

Senator Flynn withdrew amendment S—3472 filed by him on April 10, 1997, to page 4 of the bill.

Senator Flynn offered amendment S—3609 filed by him from the floor to page 4 of the bill.

Senator McKibben raised the point of order that amendment S—3609 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3609 in order.

Senator Flynn moved the adoption of amendment S—3609 and requested a record roll call.

On the question "Shall amendment S—3609 be adopted?" (H.F. 693) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Rife

Amendment S—3609 lost.

Senator Hammond offered amendment S—3604 filed by her from the floor to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3604 be adopted?" (H.F. 693) the vote was:

Ayes, 21:

Black, D.	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie

McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Dearden	Rife
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Amendment S—3604 lost.

Senator Harper offered amendment S—3611 filed by her from the floor to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3611 be adopted?" (H.F. 693) the vote was:

Ayes, 22:

Black, D.	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Rife
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Dearden

Amendment S—3611 lost.

Senator Hansen withdrew amendment S—3574 filed by him on April 4, 1997, to page 2 of the bill.

Senator Neuhauser offered amendment S—3601 by her to page 3 of the bill.

Senator Neuhauser offered amendment S—3612 filed by her from the floor to amendment S—3601 and moved its adoption.

Amendment S—3612 was adopted by a voice vote.

Senator Neuhauser moved the adoption of amendment S—3601 as amended.

Amendment S—3601 lost by a voice vote.

Senator Halvorson offered amendment S—3598 filed by him on April 17, 1997, to page 3 of the bill and moved its adoption.

Amendment S—3598 lost by a voice vote.

Senator Neuhauser withdrew amendments S—3567 and S—3568 filed by her on April 17, 1997, to page 3 of the bill.

Senator Halvorson offered amendment S—3599 filed by him on April 17, 1997, to page 3 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3599 be adopted?” (H.F. 693) the vote was:

Ayes, 21:

Black, D.	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	King
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 4:

Dearden	Gronstal	Jensen	Kramer
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Amendment S—3599 lost.

Senator Halvorson withdrew amendment S—3600 filed by him on April 17, 1997, to page 3 of the bill.

Senator Neuhauser withdrew amendment S—3602 filed by her from the floor to page 3 of the bill.

Senator Hammond offered amendment S—3605 filed by her from the floor to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 25.

Amendment S—3605 lost.

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

Senator Rife offered amendment S—3613 filed by him from the floor to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3613 be adopted?" (H.F. 693) the vote was:

Ayes, 24:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise

Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Rittmer	Szymoniak	Vilsack

Nays, 26:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Schuerer
Tinsman	Zieman		

Amendment S—3613 lost.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dvorsky for the remainder of the day on request of Senator Gronstal and Senator Black of Kossuth for the remainder of the day on request of Senator Iverson.

BUSINESS PENDING

House File 693

The Senate resumed consideration of House File 693.

Senator McKibben 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. 693) the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Douglas	Drake
Flynn	Freeman	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg

Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Nays, 17:

Connolly	Dearden	Deluhery	Fink
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	Neuhauser	Palmer
Szymoniak			

Present, 1:

Vilsack

Absent or not voting, 2:

Black, J. Dvorsky

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

Senator Iverson asked and received unanimous consent that **House File 693** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 533, a bill for an act relating to and making appropriations to the justice system and providing effective dates (S—3603).

ALSO: That the House has on April 17, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 724, a bill for an act relating to investments in counties and cities by providing for the establishment of enterprise

zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone.

This bill was read first time and passed on file.

INTRODUCTION OF BILL

Senate File 549, by committee on Appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

Read first time and placed on Appropriations Calendar.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 17, 1997, 7:53 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack.

Members Absent: D. Black and McCoy (both excused).

Committee Business: Approved SSB 271 as a committee bill.

Adjourned: 7:58 p.m.

BUSINESS AND LABOR

Convened: April 17, 1997, 11:43 a.m.

Members Present: Rife, Chair; King, Vice Chair; Dearden, Ranking Member; Behn, Freeman, Gettings, Horn, Jensen, Palmer, Schuerer and Zieman.

Members Absent: none.

Committee Business: Recommended passage of Senate File 540.

Adjourned: 12:20 p.m.

JUDICIARY

Convened: April 17, 1997, 11:40 a.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, King, McKibben, Redfern and Vilsack.

Members Absent: Tinsman (excused).

Committee Business: Recommended passage of House File 717 and Senate File 539.

Adjourned: 11:45 a.m.

RULES AND ADMINISTRATION

Convened: April 17, 1997, 8:55 a.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Fink, Jensen, Kibbie, Maddox, Redfern and Rehberg.

Members Absent: Kramer, Vice Chair; Judge and Lundby (all excused).

Committee Business: Recommended passage of Senate Resolution 8.

Adjourned: 8:58 a.m.

APPROP. SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE & CAPITALS

Convened: April 15, 1997, 7:45 a.m.

Members Present: Freeman, Chair; King, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: none.

Committee Business: 4/15/97: Discussed proposed infrastructure appropriations bill and amendments, recessed until noon; reconvened at 12:13 p.m. for discussion and amendments, recessed at 2:04 p.m. until 7:30 a.m., 4/16/97.

4/16/97, 7:40 a.m.: Discussed bill and amendments, recessed at 9:02 a.m. until 7:30 a.m., 4/17/97.

4/17/97, 7:43 a.m.: Discussed bill and amendments and bill failed final approval.

Adjourned: April 17, 1997, 9:10 a.m.

PRESENTATION OF VISITORS

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

Members of F.F.A. groups from Hartley-Melvin-Sanborn and South O'Brien. Senator Freeman.

Joan Webster-Vore, Kim Kischerlarsen, Pauly Adams, Patrick Sell, Philip Gallant and Jarold Bummy Bersting (only deaf parliamentarian person in the world), members of the junior commissioners program of deaf services, department of human rights. Senator Redfern.

Seven students, members of the FFA from Lynnville-Sully School, accompanied by Matt Carlson. Senator D. Black.

Twelve eighth grade students from Boone Jr.-Sr. High School, Boone. Senator Behn.

One hundred twenty fifth and sixth grade students from Central Elementary School, Onawa, accompanied by Joann Peterson. Senator King.

Forty-three high school students from Central High School, Davenport, accompanied by Jayne Phelps and Ann Diner. Senators Deluhery and Tinsman.

Senator Szymoniak presented twelve visitors with the United States Information Agency (USIA FSN) Exchanges Program Group, who were present in the Senate chamber.

SUBCOMMITTEE ASSIGNMENTS

Senate File 541

HUMAN RESOURCES: Bartz, Chair; Rensink and Szymoniak

House Concurrent Resolution 21

LOCAL GOVERNMENT: McKean, Chair; Fraise and Zieman

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 18th day of April, 1997:

Senate Files 30, 95, 131, 219, 232, 235 and 238.

MARY PAT GUNDERSON
Secretary of the Senate

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 549 (SSB 271), a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state

board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote Ayes, 23: McLaren, Kramer, Flynn, Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: D. Black and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 541, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Boettger, Redwine, Bartz, Behn, J. Black, Dearden, Rensink and Schuerer. Nays, none. Absent or not voting, 5: Szymoniak, Dvorsky, Hammond, Tinsman and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 18, 1997, the governor approved and transmitted to the secretary of state the following bills:

S.F. 75 - Relating to the qualifications of groundwater professionals.

S.F. 118 - Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

S.F. 222 - Relating to the use tax on motor vehicle leasing.

S.F. 230 - Relating to child abuse provisions involving assessments performed by the Department of Human Services in response to reports of child abuse and providing effective dates.

S.F. 361 - Relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

S.F. 395 - Relating to the department of workforce development concerning the offsetting of unemployment compensation benefits, unemployment compensation for inmates, departmental liability for the release of unemployment compensation records, the voluntary shared work program, and workforce development services employees, and providing for an effective date.

S.F. 457 - Relating to the Iowa pharmacy practice Act by permitting qualified individuals to transport emergency medications; permitting more than one emergency drug box in a licensed health care facility; providing for electronic signatures on prescriptions; establishing programs to aid impaired pharmacists, pharmacist interns, and pharmacy technicians; and establishing a penalty.

S.F. 501 - Relating to the department of workforce development and the enforcement of employment laws concerning emergency and hazardous materials inventories, amusement rides, asbestos and employment agency licenses, wage assignments, and boxing and wrestling.

S.F. 516 - Revising public assistance provisions involving the family investment, job opportunities and basic skills, food stamp, and medical assistance programs administered by the department of human services, amending certain child support provisions, providing for fraudulent practices, and providing effective dates.

S.F. 523 - Relating to health care facilities by requiring employment checks of prospective health care facility employers.

BILL ASSIGNED TO COMMITTEE

President Kramer announced the assignment of House File 724 to the committee on Ways and Means.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 17, 1997, when the vote was taken on House File 81.

Had I been present, I would have voted "aye".

PATRICIA HARPER

AMENDMENTS FILED

S-3601	H.F.	693	Mary Neuhauser
S-3602	H.F.	693	Mary Neuhauser
S-3603	S. F.	533	House amendment
S-3604	H.F.	693	Johnie Hammond
S-3605	H.F.	693	Johnie Hammond
S-3606	S. F.	445	Mary Lou Freeman

S-3607	H. F.	693	Steven D. Hansen
S-3608	H. F.	693	William D. Palmer
S-3609	H. F.	693	Tom Flynn
S-3610	H. F.	693	Mary Neuhauser
S-3611	H. F.	693	Patricia Harper
S-3612	H. F.	693	Mary Neuhauser
S-3613	H. F.	693	Jack Rife
S-3614	S. F.	445	Mary Lou Freeman
			Patty Judge
			Allen Borlaug

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 18, 1997, the governor approved and transmitted to the secretary of state the following bills:

S.F. 104 - Relating to a minimum age requirement for a coaching authorization issued by the State Board of Educational Examiners and providing an effective date.

S.F. 296 - Relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:27 p.m., until 10:00 a.m., Monday, April 21, 1997.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 21, 1997

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

Prayer was offered by Father Linus Rasings, pastor of the St. Clements Catholic Church, Bankston, Iowa.

The Journal of Friday, April 18, 1997, was approved.

QUORUM CALL

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

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 410

On motion of Senator Redfern, Senate File 410, a bill for an act relating to the Iowa higher education loan authority by eliminating the limit on the amount of its obligations that may be outstanding for purposes of funding capital projects and allowing the authority to issue tuition anticipation notes and obligations to finance projects to be leased to an institution, with report of committee recommending passage, was taken up for consideration.

Senator Redfern 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. 410) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Drake, Lundby and McKibben until they arrive on request of Senator Iverson.

MOTION TO RECONSIDER ADOPTED

Senator Halvorson called up the motion to reconsider House File 453 filed by him on April 17, 1997, found on page 1263 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 453) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly

Dearden	Deluhery	Douglas	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kraher	Maddox	McCoy	McKean
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

Hammond

Absent or not voting, 3:

Drake

Lundby

McKibben

The motion prevailed.

Senator Schuerer moved to reconsider the vote by which House File 453 went to its last reading, which motion prevailed by a voice vote.

House File 453

On motion of Senator Schuerer, House File 453, a bill for an act relating to the grounds for termination of parental rights of a putative father, was taken up for reconsideration.

Senator Schuerer offered amendment S—3571 filed by him on April 17, 1997, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—3571 was adopted by a voice vote.

Senator Schuerer 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. 453) the vote was:

Ayes, 48:

Angelo
Black, J.

Bartz
Boettger

Behn
Borlaug

Black, D.
Connolly

Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby McKibben

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 410** and **House File 453** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 451

Senator Zieman called up for consideration Senate File 451, a bill for an act relating to milk and milk products, providing for the issuance of licenses and permits, fees, and providing penalties, amended by the House and moved that the Senate concur in House amendment S—3502 filed April 14, 1997.

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

Senator Zieman 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. 451) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby McKibben

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

UNFINISHED BUSINESS CALENDAR

House File 367

On motion of Senator King, House File 367, a bill for an act relating to the transfer of job training withholding payments to the workforce development fund account, making an appropriation, and providing effective and retroactive applicability date provisions, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator King 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. 367) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly

Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

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

House File 616

On motion of Senator Behn, House File 616, a bill for an act relating to instruments filed or recorded with the county recorder, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Behn 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. 616) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy

McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 3:

Black, D.	Dvorsky	Neuhauser
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 547

On motion of Senator Drake, Senate File 547, a bill for an act relating to veterans' benefits, veterans preference, veterans' claims, and providing a penalty, was taken up for consideration.

Senator Bartz took the chair at 11:25 a.m.

Senator Drake 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. 547) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 1:

Neuhauser

Absent or not voting, 1:

Black, J.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 367 and 616** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 451**.

President Kramer took the chair at 11:32 a.m.

UNFINISHED BUSINESS CALENDAR

House File 540

On motion of Senator Rittmer, House File 540, a bill for an act relating to personnel procedures and investment policy requirements for state government employees, with report of committee recommending amendment and passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Rittmer offered amendment S—3361 filed by the committee on State Government on April 3, 1997, to pages 2 and 3 of the bill and moved its adoption.

Amendment S—3361 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent that action on **House File 540** be **deferred**.

House File 552

On motion of Senator King, House File 552, a bill for an act eliminating notice requirements relating to the location of certain electric transmission lines, wires, or cables, with report of committee

recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator King 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. 552) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Concurrent Resolution 11

On motion of Senator Bartz, Senate Concurrent Resolution 11, a concurrent resolution requesting the United States government ensure that the Farm Service Agency of the United States Department of Agriculture be supported and structured in a manner that preserves the efficient operation of the agency at the community level, with report of committee recommending passage, was taken up for consideration.

Senator Bartz moved the adoption of Senate Concurrent Resolution 11, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 229

Senator Drake called up for consideration Senate File 229, a bill for an act relating to the issuance of motor vehicle licenses for certain law enforcement officers and providing penalties, amended by the House and moved that the Senate concur in House amendment S—3444 filed on April 9, 1997.

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

Senator Drake 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. 229) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

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

Senate File 545

On motion of Senator Drake, Senate File 545, a bill for an act relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness owed to or being collected by the state in pilot project counties, and providing an effective date, was taken up for consideration.

Senator Drake 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. 545) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

UNFINISHED BUSINESS CALENDAR

House File 336

On motion of Senator Black of Kossuth, House File 336, a bill for an act providing for the assessment of lands owned by the department of

natural resources within levee and drainage districts, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Black of Kossuth 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. 336) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Rife

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 545 and House Files 336 and 552 be immediately messaged to the House, and to send an immediate message to the House on Senate File 229.**

RECESS

On motion of Senator Iverson, the Senate recessed at 11:59 a.m., until 1:00 p.m.

APPENDIX**REPORT OF COMMITTEE MEETING****HUMAN RESOURCES**

Convened: April 18, 1997, 8:30 a.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Bartz, Behn, J. Black, Dearden, Rensink and Schuerer.

Members Absent: Szymoniak, Ranking Member; Dvorsky, Hammond, Tinsman and Vilsack (all excused).

Committee Business: Recommended passage of Senate File 541.

Adjourned: 9:00 a.m.

PETITION

The following petition was presented and placed on file by:

Senator Douglas from 339 residents of Dallas County favoring legislation strengthening drunk driving penalties.

PRESENTATION OF VISITORS

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

Forty-five seventh grade students from North Iowa Middle School, Thompson, accompanied by Brad West and Diane Matthias. Senator J. Black.

Twenty-five seventh grade students from Corwith-Wesley-Lu Verne Elementary School, Lu Verne, accompanied by Dennis Holmes. Senator J. Black.

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 547 passed the Senate on April 21, 1997.

RODNEY HALVORSON

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 547 passed the Senate on April 21, 1997.

STEWART E. IVERSON, JR.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 21st day of April, 1997:

Senate Files 80, 522, 499, 293, 417 and 519.

MARY PAT GUNDERSON
Secretary of the Senate

CERTIFICATES OF RECOGNITION

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

Bill Watters, Dubuque - For celebrating your 80th birthday on May 1, 1997. Senator Connolly (5-1-97).

K.C. Graft, Emily Peterson and Sara Shanley, Cedar Rapids - For earning the gold award. Senator Dvorsky (4-17-97).

Ancel and Juanita Swackhammer, Des Moines - For celebrating your 50th wedding anniversary. Senator McCoy (5-23-97).

Cindy Mickens, West Delaware Middle School, Manchester - For being Iowa's representative at the RespecTeen National Youth Program. Senator Rehberg (4-17-97).

Azotus & Elizabeth Crain - For celebrating your 60th wedding anniversary. Senator Rehberg (7-3-97).

John "Jack" Sunderbruch, Davenport - For your lifetime commitment to the well-being of the community and its residents. Senator Rife (4-18-97).

STUDY BILL RECEIVED

SSB 272 Appropriations

An Act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, the

judicial department, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations.

SUBCOMMITTEE ASSIGNMENT

SSB 272

APPROPRIATIONS: Freeman, Chair; Douglas, Flynn, Halvorson and McLaren.

AMENDMENTS FILED

S-3615	S. F.	549	Patricia Harper
S-3616	S. F.	549	Patricia Harper
S-3617	S. F.	549	Patricia Harper Bill Fink Mary Neuhauser
S-3618	S. F.	549	Tom Vilsack
S-3619	S. F.	549	Rod Halvorson
S-3620	S. F.	549	Rod Halvorson
S-3621	S. F.	549	Mary Neuhauser Robert E. Dvorsky
S-3622	S. F.	549	Mary Neuhauser Bill Fink Robert E. Dvorsky
S-3623	S. F.	549	Steven D. Hansen Mary Neuhauser Bill Fink Rod Halvorson Robert E. Dvorsky
S-3624	S. F.	549	William D. Palmer Rod Halvorson
S-3625	S. F.	549	Steven D. Hansen Dennis H. Black Don Gettings
S-3626	S. F.	549	Patty Judge
S-3627	S. F.	549	Mary Neuhauser Robert E. Dvorsky Mike Connolly Bill Fink Don Gettings

S-3628	S. F.	549	Rod Halvorson Tom Vilsack Johnie Hammond Bill Fink Dennis H. Black William D. Palmer Rod Halvorson Don Gettings Mary Neuhauser Steven D. Hansen Patricia Harper Robert E. Dvorsky
S-3629	S. F.	549	Tom Flynn
S-3630	H.F.	702	Johnie Hammond
S-3631	S. F.	503	Jack Rife John P. Kibbie Mary A. Lundby Mary Neuhauser
S-3632	H.F.	613	Neal Schuerer Tom Flynn
S-3633	S. F.	546	William D. Palmer
S-3634	S. F.	549	Mike Connolly Bill Fink
S-3635	S. F.	549	Derryl McLaren John P. Kibbie
S-3636	S. F.	546	Mary Lou Freeman Steven D. Hansen Mary Neuhauser Steve King
S-3637	S. F.	533	O. Gene Maddox Eugene S. Fraise Bill Fink Jeff Angelo Andy McKean Robert E. Dvorsky

AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., President pro tempore Redfern presiding.

QUORUM CALL

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

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

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 14, by Bartz, Boettger, Black Of Kossuth, Rensink, Kibbie, Judge, Behn, Fink, Hedge, and Borlaug, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 11** be **immediately messaged** to the House.

HOUSE AMENDMENT ADOPTED

Senate File 241

Senator Bartz called up for consideration Senate File 241, a bill for an act adopting the uniform transfer on death security registration Act, amended by the House and moved that the Senate concur in House amendment S—3556 filed April 16, 1997.

President Kramer took the chair at 1:25 p.m.

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

Senator Bartz 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. 241) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

UNFINISHED BUSINESS CALENDAR

Senate File 530

On motion of Senator Drake, Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system and placed on the Unfinished Business Calendar on April 3, 1997, was taken up for consideration.

Senator Connolly offered amendment S—3364 filed by him on April 7, 1997, to page 1 of the bill and moved its adoption.

Amendment S—3364 was adopted by a voice vote.

Senator Drake offered amendment S—3565 filed by Senators Drake, et al., on April 17, 1997, to pages 1 and 2 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S—3565 and **Senate File 530 be deferred.**

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 549.

Senate File 549

On motion of Senator McLaren, Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions, was taken up for consideration.

Senator McLaren asked and received unanimous consent that action on **Senate File 549 be deferred.**

The Senate stood at ease at 1:48 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:17 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 549

The Senate resumed consideration of Senate File 549, previously deferred.

Senator McLaren offered amendment S—3635 filed by Senators McLaren and Kibbie on April 21, 1997, to pages 1, 3, 9, 17, 20, 26 and 28 of the bill and moved its adoption.

Amendment S—3635 was adopted by a voice vote.

Senator Hansen offered amendment S—3625 filed by Senators Hansen, Black and Gettings from the floor to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3625 be adopted?" (S.F. 549) the vote was:

Ayes, 20:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 3:

Fraise	Gettings	Jensen
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Amendment S—3625 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise until he returns on request of Senator Gronstal.

BUSINESS PENDING

Senate File 549

Senator Hansen offered amendment S—3641 filed by him on April 21, 1997, to page 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3641 be adopted?" (S.F. 549) the vote was:

Ayes, 20:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Palmer	Szymoniak	Vilsack

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 3:

Fraise	Jensen	Rehberg
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Amendment S—3641 lost.

Senator Vilsack offered amendment S—3618 filed by him from the floor to page 5 of the bill and moved its adoption.

Amendment S—3618 lost by a voice vote.

Senator Judge offered amendment S—3626 filed by her from the floor to page 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3626 be adopted?" (S.F. 549) the vote was:

Ayes, 21:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise

Gettings	Gronstal	Halvorson	Hammond
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 29:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hansen	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Amendment S—3626 lost.

Senator Connolly asked and received unanimous consent to withdraw amendment S—3634 filed by Senators Connolly and Fink from the floor to pages 8, 20 and 28 of the bill.

Senator Connolly offered amendment S—3653 filed by Senators Connolly and Fink from the floor to pages 8 and 28 of the bill and moved its adoption.

Amendment S—3653 was adopted by a voice vote.

Senator Palmer offered amendment S—3624 filed by Senators Palmer and Halvorson from the floor to pages 8 and 9 of the bill, moved its adoption and requested a non record roll call.

The ayes were 18, nays 27.

Amendment S—3624 lost.

Senator Vilsack offered amendment S—3628 filed by Senators Vilsack, et al., from the floor to pages 8 and 9 of the bill.

A record roll call was requested.

On the question "Shall amendment S—3628 be adopted?" (S.F. 549) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freéman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Rittmer

Amendment S—3628 lost.

Senator McLaren offered amendment S—3655 filed by Senators McLaren and Kibbie from the floor to pages 8 and 9 of the bill and moved its adoption.

Amendment S—3655 was adopted by a voice vote.

Senator Dvorsky offered amendment S—3656 filed by him from the floor to page 12 of the bill and moved its adoption.

Amendment S—3656 was adopted by a voice vote.

President pro tempore Redfern took the chair at 4:18 p.m.

Senator Halvorson offered amendment S—3639 filed by Senators Halvorson and Judge from the floor to pages 15, 16 and 26 of the bill and called for a division: page 1, lines 2-4 as division S—3639A and page 1, lines 5-50 and page 2, lines 1-23 as division S—3639B.

Senator Halvorson asked and received unanimous consent to withdraw division S—3639A.

Senator Halvorson moved the adoption of division S—3639B.

Division S—3639B lost by a voice vote.

Senator Halvorson offered amendment S—3619 filed by him from the floor to page 16 of the bill.

Senator McCoy offered amendment S—3650 filed by Senators McCoy and McLaren from the floor to amendment S—3619.

Senator Halvorson called for a division of amendment S—3650 to amendment S—3619: lines 3 and 4 as division S—3650A and lines 5 and 6 as division S—3650B.

Senator McCoy moved the adoption of division S—3650A to amendment S—3619, which motion prevailed by a voice vote.

Senator McCoy moved the adoption of division S—3650B to amendment S—3619, which motion prevailed by a voice vote.

Senator Halvorson moved the adoption of amendment S—3619 as amended, which motion prevailed by a voice vote.

Senator Halvorson offered amendment S—3620 filed by him from the floor to page 16 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3620 be adopted?" (S.F. 549) the vote was:

Ayes, 14:

Black, J.	Connolly	Dvorsky	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Judge
Neuhauser	Vilsack		

Nays, 34:

Angelo	Bartz	Behn	Black, D.
Boettger	Dearden	Deluhery	Douglas
Drake	Fink	Freeman	Hedge
Horn	Iverson	Jensen	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Szymoniak
Tinsman	Zieman		

Absent or not voting, 2:

Borlaug Rittmer

Amendment S—3620 lost.

Senator Jensen asked and received unanimous consent to withdraw amendment S—3640 filed by Senators Jensen and Harper on April 21, 1997, to page 16 of the bill.

Senator Harper withdrew amendment S—3616 filed by her from the floor to page 16 of the bill.

Senator Harper withdrew amendment S—3615 filed by her from the floor to page 16 of the bill.

Senator Neuhauser offered amendment S—3621 filed by Senators Neuhauser and Dvorsky from the floor to page 21 of the bill.

Senator McLaren raised the point of order that amendment S—3621 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3621 out of order.

Senator Neuhauser offered amendment S—3627 filed by Senators Neuhauser, et al., from the floor to pages 21, 27, 28 and the title page of the bill.

Senator McLaren raised the point of order that amendment S—3627 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3627 out of order.

President Kramer took the chair at 4:59 p.m.

Senator Flynn offered amendment S—3629 filed by him from the floor to page 21 of the bill.

Senator McLaren raised the point of order that amendment S—3629 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3629 out of order.

Senator Fink offered amendment S—3654 filed by Senators Fink, et al., from the floor to page 21 of the bill.

Senator McLaren raised the point of order that amendment S—3654 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3654 out of order.

Senator Maddox asked and received unanimous consent to withdraw amendment S—3646 filed by Senators Maddox and Szymoniak from the floor to pages 21, 22 and 28 of the bill.

Senator Harper offered amendment S—3617 filed by Senators Harper, Fink and Neuhauser from the floor to pages 23 and 24 of the bill and moved its adoption.

Amendment S—3617 lost by a voice vote.

Senator Hansen offered amendment S—3623 filed by Senators Hansen, et al., from the floor to page 24 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3623 be adopted?" (S.F. 549) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Lundby

Amendment S—3623 lost.

Senator Neuhauser offered amendment S—3622 filed by Senators Neuhauser, Fink and Dvorsky from the floor to page 24 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3622 be adopted?" (S.F. 549) the vote was:

Ayes, 23:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge

Kibbie	McCoy	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rittmer	Tinsman
Zieman			

Absent or not voting, 2:

Boettger	Schuerer
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Amendment S—3622 lost.

Senator Hansen offered amendment S—3638 filed by him from the floor to page 26 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3638 be adopted?" (S.F. 549) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Tinsman	Zieman	

Absent or not voting, 1:

Schuerer

Amendment S—3638 lost.

Senator Harper offered amendment S—3663 filed by Senators Harper, et al., from the floor to pages 3, 7, 16, 20 and 28 of the bill and moved its adoption.

Amendment S—3663 was adopted by a voice vote.

Senator McLaren 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schuerer on request of Senator Iverson.

BUSINESS PENDING

Senate File 549

The Senate resumed consideration of Senate File 549.

On the question "Shall the bill pass?" (S.F. 549) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Schuerer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 241 and 549** be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senate File 540

On motion of Senator Rife, Senate File 540, a bill for an act relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund, including the imposition of an employer surcharge, providing for employee compensation for certain subsequent injuries, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Palmer offered amendment S—3647 filed by him from the floor to pages 1 and 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3647 be adopted?" (S.F. 540) the vote was:

Ayes, 21:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak			

Nays, 26:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Tinsman	Zieman		

Present, 1:

Vilsack

Absent or not voting, 2:

Douglas Schuerer

Amendment S—3647 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Douglas until she returns on request of Senator McKibben.

BUSINESS PENDING

Senate File 540

The Senate resumed consideration of Senate File 540.

Senator Dearden offered amendment S—3649 filed by him from the floor to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3649 be adopted?" (S.F. 540) the vote was:

Ayes, 21:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise

Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak			

Nays, 26:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Tinsman	Zieman		

Present, 1:

Vilsack

Absent or not voting, 2:

Douglas	Schuerer
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Amendment S—3649 lost.

Senator Dearden offered amendment S—3648 filed by Senators Dearden and Kibbie on April 21, 1997, to page 2 of the bill and moved its adoption.

Amendment S—3648 was adopted by a voice vote.

Senator Palmer offered amendment S—3651 filed by him from the floor to page 2 of the bill.

Senator Rife asked and received unanimous consent that action on amendment S—3651 be deferred.

Senator Dearden offered amendment S—3657 filed by him from the floor to page 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3657 be adopted?" (S.F. 540) the vote was:

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

Ayes, 23:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	McCoy	Neuhauser
Palmer	Rittmer	Szymoniak	

Nays, 24:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Tinsman	Zieman

Present, 1:

Vilsack

Absent or not voting, 2:

Douglas Schuerer

Amendment S—3657 lost.

The Senate resumed consideration of amendment S—3651 by Senator Palmer, previously deferred.

Senator Palmer moved the adoption of amendment S—3651, which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent that action on Senate File 540 be deferred.

MOTION TO RECONSIDER LOST

Senate File 547

Senator Iverson called up the motion to reconsider Senate File 547 filed by him from the floor, found on page 1295 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 547) the vote was:

Ayes, 7:

Black, D.	Dvorsky	Gettings	Gronstal
Halvorson	Neuhauser	Vilsack	

Nays, 41:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Drake	Fink	Flynn
Fraise	Freeman	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Szymoniak	Tinsman
Zieman			

Absent or not voting, 2:

Douglas	Schuerer
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The motion lost.

Senator Iverson asked and received unanimous consent that **Senate File 547** be **immediately messaged** to the House.

The motion to reconsider the vote by which Senate File 547 passed the Senate on April 21, 1997, filed by Senator Halvorson from the floor and found on page 1295 of the Senate Journal was out of order.

Amendment S—3642 filed by Senator Halvorson from the floor to pages 10 and 11 of the bill, was out of order.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1997, passed the following bill in which the concurrence of the House was asked:

Senate File 497, a bill for an act prohibiting the possession or distribution of gamma-hydroxybutyric acid under certain circumstances, and providing a penalty.

ALSO: That the House has on April 21, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 184, a bill for an act relating to collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution (S—3661).

ALSO: That the House has on April 21, 1997, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 19, a concurrent resolution congratulating Clinton Community College for 50 years of service to the people of Clinton County.

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

ALSO: That the House has on April 21, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 726, a bill for an act relating to the livestock production tax credit; increasing the state's reimbursement for the homestead, military service, and elderly and disabled credits; requiring the state to reimburse new property tax credits and exemptions; providing for local government budget practices and property tax statements; and including applicability date provisions.

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

ALSO: that the House has on April 21, 1997, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 553, a bill for an act amending the uniform securities Act relating to the registration of securities and the registration of broker-dealers and agents, establishing fees, and providing an effective date.

House File 715, 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 21, 1997, 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 335, a bill for an act relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, and providing a penalty and a contingent effective date (S—3645 to H—1647).

House File 405, a bill for an act relating to the sale, lease, or other disposition of property belonging to a school district or area education agency and providing an immediate effective date (S—3644 to H—1584).

House File 597, a bill for an act relating to school attendance by applying school attendance requirements under the family investment program, and providing a civil penalty for truancy, applicability provisions, and an effective date (S—3669 to H—1693).

House File 698, a bill for an act relating to child abuse information and the central registry for child abuse information maintained by the department of human services and providing an effective date (S—3643 to H—1796).

COMMITTEE REPORT

LOCAL GOVERNMENT

Final Bill Action: HOUSE CONCURRENT RESOLUTION 21, a concurrent resolution establishing a special commission to study and make recommendations concerning urban planning, growth management of cities, and protection of farmland.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Zieman, Behn, Fraise, Angelo, Bartz, D. Black, J. Black, Boettger, Connolly, Dearden, Hansen, McKean and Redwine. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

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

S. C. R.	14	Natural Resources
H. C. R.	19	Education

AMENDMENTS FILED

S-3638	S. F.	549	Steven D. Hansen
S-3639	S. F.	549	Rod Halvorson Patty Judge
S-3640	S. F.	549	John W. Jensen Patricia Harper
S-3641	S. F.	549	Steven D. Hansen
S-3642	S. F.	547	Rod Halvorson
S-3643	H. F.	698	House amendment
S-3644	H. F.	405	House amendment
S-3645	H. F.	335	House amendment
S-3546	S. F.	549	O. Gene Maddox Elaine Szymoniak
S-3647	S. F.	540	William Palmer
S-3648	S. F.	540	Dick L. Dearden John P. Kibbie
S-3649	S. F.	540	Dick L. Dearden
S-3650	S. F.	549	Matt McCoy Derryl McLaren
S-3651	S. F.	540	William D. Palmer

S-3652	H. F.	636	Allen Borlaug
S-3653	S. F.	549	Mike Connolly Bill Fink
S-3654	S. F.	549	Bill Fink Rod Halvorson Robert E. Dvorsky Patty Judge
S-3655	S. F.	549	Derryl McLaren John Kibbie
S-3656	S. F.	549	Robert E. Dvorsky
S-3657	S. F.	540	Dick Dearden
S-3658	S. F.	530	Michael E. Gronstal Matt McCoy Steven D. Hansen
S-3659	S. F.	530	Michael E. Gronstal Matt McCoy Steven D. Hansen
S-3660	S. F.	448	Mary Lundby
S-3661	S. F.	184	House amendment
S-3662	S. F.	515	O. Gene Maddox
S-3663	S. F.	549	Patricia Harper Robert E. Dvorsky Derryl McLaren Donald B. Redfern
S-3664	S. F.	533	Robert E. Dvorsky Eugene S. Fraise Tom Vilsack Michael E. Gronstal Mary Neuhauser Dick L. Dearden Steven D. Hansen Dennis H. Black Patty Judge
S-3665	S. F.	533	Eugene S. Fraise Robert E. Dvorsky Andy McKean
S-3666	H. F.	540	O. Gene Maddox John P. Kibbie Johnie Hammond Mary A. Lundby Mary Lou Freeman

S-3667	H.F.	540	Patrick J. Deluhery
S-3668	H.F.	540	Mike Connolly
S-3669	H.F.	597	Mike Connolly
S-3670	H.F.	702	House amendment
			Maggie Tinsman
			Mary A. Lundby
			Patricia Harper
			Merlin E. Bartz
			Richard F. Drake
			Elaine Szymoniak
			Nancy Boettger
			Wally E. Horn
S-3671	S. F.	533	Dennis H. Black
S-3672	S. F.	542	Dennis H. Black
			Allen Borlaug
			Jack Rife

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:12 p.m., until 9:00 a.m., Tuesday, April 22, 1997.

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 22, 1997

The Senate met in regular session at 9:12 a.m., President Kramer presiding.

Prayer was offered by the Bishop Christopher Epting of the Episcopal Diocese of Iowa.

The Journal of Monday, April 21, 1997, was approved.

SPECIAL GUESTS

Senator Szymoniak presented Pat McManus, Director of Rock in Prevention (RIP), one of America's 20 best substance abuse prevention programs. Mr. McManus, assisted by representative students from local high schools who encircled the chamber, presented a sample of his outcome-based workshops in which over 275,000 Iowans have participated.

Rock in Prevention trains local high school role models who teach younger students, kindergarten through grade eight, refusal skills to alcohol, tobacco and other drugs.

HOUSE AMENDMENT CONSIDERED

Senate File 123

Senator Maddox called up for consideration Senate File 123, a bill for an act relating to runaway children, by defining when a child is a chronic runaway, authorizing county runaway treatment plans, and providing for assessment and treatment procedures for chronic runaways, amended by the House and moved that the Senate concur in House amendment S—3463 filed April 10, 1997.

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

Senator Maddox 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. 123) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hansen	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhausser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 2:

Hammond Harper

Absent or not voting, 1:

McCoy

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

CONSIDERATION OF BILL (Regular Calendar)

House File 717

On motion of Senator Hansen, House File 717, a bill for an act to legalize the proceedings taken by the Sergeant Bluff city council to grant an urban revitalization tax exemption for certain property and

providing an effective and retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

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. 717) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

CONSIDERATION OF BILL (Ways and Means Calendar)

House File 330

On motion of Senator McKibben, House File 330, a bill for an act relating to the state income tax checkoff for domestic abuse services and providing a retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator McKibben offered amendment S—3461 filed by him on April 10, 1997, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3461 was adopted by a voice vote.

Senator Gronstal stated that House File 330 should be referred to the committee on Appropriations with the adoption of amendment S—3461.

Senate Iverson asked and received unanimous consent that **House File 330** be referred to the committee on **Appropriations**.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 698

Senator Szymoniak called up for consideration House File 698, a bill for an act relating to child abuse information and the central registry for child abuse information maintained by the department of human services and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3643 to Senate amendment H—1796 filed on April 21, 1997.

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

Senator Szymoniak 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. 698) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluherly	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben

McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 717 and 698** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 123**.

HOUSE AMENDMENT CONSIDERED

Senate File 128

Senator Bartz called up for consideration Senate File 128, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty, amended by the House in House amendment S—3553 filed April 16, 1997.

Senator Bartz withdrew amendment S—3673 filed by him from the floor to House amendment S—3553.

Senator Bartz offered amendment S—3674 filed by him from the floor to House amendment S—3553.

Senator Bartz asked and received unanimous consent that action on amendment S—3674 to House amendment S—3553, House amendment S—3553 and **Senate File 128** be **deferred**.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1997, passed the following bills in which the concurrence of the House was asked:

Senate File 21, a bill for an act eliminating the requirement that a nonperpetual care cemetery post a sign indicating the cemetery is a nonperpetual care cemetery.

Senate File 116, a bill for an act relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices.

ALSO: That the House has on April 22, 1997, concurred in the Senate amendment passed the following bills in which the concurrence of the House was asked:

House File 453, a bill for an act relating to the grounds for termination of parental rights of a putative father.

House File 693, a bill for an act relating to civil actions and statutes of limitations in civil actions, the rate of interest on judgments and decrees, procedures for furnishing patient records of plaintiffs, comparative fault in consortium claims, damages in civil actions, and joint and several liability.

House File 694, a bill for an act extending the provisions relating to the eradication of brucellosis to apply to animals other than bovine animals, making penalties applicable, and providing an effective date.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:22 a.m., until 11:15 a.m.

RECONVENED

The Senate reconvened at 11:24 a.m., President Kramer presiding.

QUORUM CALL

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

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

BUSINESS PENDING

Senate File 128

The Senate resumed consideration of Senate File 128, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty, House amendment S—3553 and amendment S—3674 by Senator Bartz to House amendment S—3553, previously deferred.

Senator Connolly rose on a point of parliamentary inquiry that pursuant to parliamentary rules, the previous motion to defer, made after final remarks on the amendment and before a vote was taken, was out of order.

The Chair clarified that Senator Bartz had not completed his final remarks at the time of deferral, had deferred only upon the requests of the majority and minority leader, and that there was an agreement between the majority and minority leaders, Senator Bartz and Senator Connolly to return to general debate on the amendment.

Senator Bartz moved the adoption of amendment S—3674 to House amendment S—3553.

A record roll call was requested.

On the question "Shall amendment S—3674 to House amendment S—3553 be adopted?" (S.F. 128) the vote was:

Ayes, 23:

Angelo	Behn	Black, J.	Boettger
Douglas	Flynn	Freeman	Hedge
Iverson	Jensen	Kibbie	King
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Schuerer	Szymoniak	Zieman	

Nays, 27:

Bartz	Black, D.	Borlaug	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fink	Fraise	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kramer	Lundby
Maddox	Neuhausser	Palmer	Rife
Rittmer	Tinsman	Vilsack	

Amendment S—3674 lost.

Senator Iverson asked and received unanimous consent that action on House amendment S—3553 and Senate File 128 be deferred.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:25 p.m., until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:08 p.m., Senator Maddox presiding.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 281, a bill for an act relating to judicial administration (S—3677).

INTRODUCTION OF BILL

Senate File 550, by Iverson and Gronstal, a bill for an act establishing an oversight and communications committee, establishing a legislative information technology bureau, and providing an effective date.

Read first time and passed on file.

QUORUM CALL

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

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

UNFINISHED BUSINESS CALENDAR

Senate File 418

On motion of Senator Redfern, Senate File 418, a bill for an act relating to corporations by providing for the call of special meetings of shareholders, for the combination of a corporation and certain shareholders, and for certain merger and share acquisitions and placed on the Unfinished Business Calendar on April 3, 1997, was taken up for consideration.

Senator Redfern offered amendment S—3278 filed by him on March 31, 1997, to pages 3 and 4 of the bill and moved its adoption.

Amendment S—3278 was adopted by a voice vote.

Senator Redfern asked and received unanimous consent that **House File 628** be substituted for **Senate File 418** as amended.

House File 628

On motion of Senator Redfern, House File 628, a bill for an act relating to corporations by providing for the call of special meetings of shareholders, for the combination of a corporation and certain shareholders, and for certain merger and share acquisitions, was taken up for consideration.

Senator Redfern 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise until he returns on request of Senator Gettings.

BUSINESS PENDING

House File 628

The Senate resumed consideration of House File 628.

On the question "Shall the bill pass?" (H.F. 628) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Fraise

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

Senator Redfern asked and received unanimous consent that **Senate File 418** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS CALENDAR

House File 410

On motion of Senator Redwine, House File 410, a bill for an act relating to programs administered by the college student aid commission and establishing an osteopathic physician recruitment program, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Redwine 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. 410) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 410 and 628 be immediately messaged to the House.

The Senate stood at ease at 2:41 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:04 p.m., President Kramer presiding.

QUORUM CALL

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

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

HOUSE AMENDMENTS CONSIDERED

Senate File 163

Senator Boettger called up for consideration Senate File 163, a bill for an act relating to the sale of cigarettes and tobacco products through vending machines, amended by the House and moved that the Senate concur in House amendment S—3510 filed on April 14, 1997.

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

Senator Iverson asked and received unanimous consent that **Senate File 163** be **immediately messaged** to the House.

Senate File 503

Senator McKibben called up for consideration Senate File 503, a bill for an act relating to criminal justice, by providing for enhanced punishment for manufacturing methamphetamine in the presence of minors, providing restrictions on public nudity and actual or simulated public performance of sex acts in certain establishments, providing for abatement of nuisance created by certain establishments which allow or permit public nudity or actual or simulated public performances of sex acts in their establishment, making changes relating to permits and rights to carry and acquire weapons, providing for hormonal intervention therapy for persons convicted of certain sex offenses, authorizing probation supervision and revocation by administrative parole and probation judges in the sixth judicial district, providing restitution for death of a victim of a crime, and providing penalties and an effective date, amended by the House in House amendment S—3466 filed April 10, 1997.

Senator Rife offered amendment S—3631 filed by Senators Rife, et al., on April 21, 1997, to House amendment S—3466.

Senator Halvorson raised the point of order that amendment S—3631 was not germane to the House amendment.

The Chair ruled the point not well taken and amendment S—3631 in order.

Senator Rife moved the adoption of amendment S—3631.

A record roll call was requested.

On the question "Shall amendment S—3631 to House amendment S—3466 be adopted?" (S.F. 503) the vote was:

Ayes, 14:

Connolly	Dearden	Deluhery	Dvorsky
Fraise	Hammond	Harper	Horn
Kibbie	Lundby	Neuhauser	Palmer
Rife	Szymoniak		

Nays, 34:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Douglas
Drake	Fink	Flynn	Freeman
Gettings	Gronstal	Halvorson	Hansen
Hedge	Iverson	Jensen	Judge
King	Kramer	McCoy	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Schuerer	Tinsman
Vilsack	Zieman		

Absent or not voting, 2:

Maddox	Rittmer
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Amendment S—3631 lost.

Senator Gronstal asked and received unanimous consent that action on House amendment S—3466 and **Senate File 503** be **deferred**.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 597

Senator Tinsman called up for consideration House File 597, a bill for an act relating to school attendance by applying school attendance

requirements under the family investment program, and providing a civil penalty for truancy, applicability provisions, and an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3669 to Senate amendment H—1693 filed April 21, 1997.

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

Senator Tinsman 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. 597) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Halvorson	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Vilsack	Zieman		

Nays, 3:

Gronstal	Hammond	Szymoniak
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Absent or not voting, 1:

McCoy

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

Senator Iverson asked and received unanimous consent that **House File 597** be **immediately messaged** to the House.

BILL ASSIGNED TO COMMITTEE

President Kramer announced the assignment of **Senate File 550** to the committee on **State Government**.

MOTION TO RECONSIDER WITHDRAWN

House File 514

Senator Rife withdrew the motion to reconsider House File 514, a bill for an act relating to financial liability coverage and registration requirements for motor vehicles in this state, providing for the seizure of motor vehicle registration plates, and providing penalties and effective dates, filed by him on April 16, 1997, and found on page 1229 of the Senate Journal.

Amendment S—3594 filed by Senator Lundby on April 17, 1997, to page 6 of the bill, was out of order.

Senator Iverson asked and received unanimous consent that **House File 514** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senate File 539

On motion of Senator McKean, Senate File 539, a bill for an act to legalize the proceedings taken by the Cedar Rapids Community School District to participate in an instructional support program and providing an effective and retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator McKean 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. 539) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise

Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

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

Senator Iverson asked and received unanimous consent that Senate File 539 be immediately messaged to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 542

On motion of Senator McLaren, Senate File 542, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date, was taken up for consideration.

Senator Black of Jasper offered amendment S—3672 filed by Senators Black of Jasper, Borlaug and Rife on April 21, 1997, to pages 1 and 7 of the bill and moved its adoption.

Amendment S—3672 was adopted by a voice vote.

Senator Vilsack offered amendment S—3532 filed by Senators Vilsack, Freeman and Judge on April 16, 1997, to page 5 of the bill and moved its adoption.

Amendment S—3532 was adopted by a voice vote.

Senator McLaren offered amendment S—3676 filed by Senators McLaren and Flynn from the floor to page 7 of the bill and moved its adoption.

Amendment S—3676 was adopted by a voice vote.

Senator Flynn offered amendment S—3580 filed by Senators Flynn, et al., on April 17, 1997, to page 7 of the bill.

Senator McLaren raised the point of order that amendment S—3580 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3580 out of order.

Senator Hansen offered amendment S—3564 filed by him on April 17, 1997, to page 7 of the bill.

Senator McLaren raised the point of order that amendment S—3564 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3564 in order.

Senator Hansen moved the adoption of amendment S—3564 and requested a record roll call.

On the question “Shall amendment S—3564 be adopted?” (S.F. 542) the vote was:

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

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorsen	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 23:

Angelo	Bartz	Behn	Black, J.
Boettger	Douglas	Drake	Hedge
Iverson	Jensen	King	Kramer
Lundby	Maddox	McKean	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Schuerer	Zieman	

Absent or not voting, 5:

Borlaug	Freeman	McKibben	Rittmer
Tinsman			

Amendment S—3564 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben for the remainder of the evening on request of Senator Rehberg.

BUSINESS PENDING

Senate File 542

The Senate resumed consideration of Senate File 542.

Senator Rife offered amendment S—3690 filed by him from the floor to page 7 of the bill.

Senator Gronstal raised the point of order that amendment S—3690 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3690 out of order.

Senator McLaren offered amendment S—3675 filed by him from the floor to page 7 of the bill.

Senator McLaren asked and received unanimous consent that action on amendment S—3675 be deferred.

Senator Dvorsky offered amendment S—3691 filed by him from the floor to page 7 of the bill and moved its adoption.

Amendment S—3691 was adopted by a voice vote.

Senator McLaren withdrew amendment S—3675 to page 7 of the bill, previously deferred.

Senator Rife offered amendment S—3693 filed by him from the floor to page 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3693 be adopted?" (S.F. 542) the vote was:

Ayes, 31:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Dvorsky	Fraise	Freeman	Gettings
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Lundby	McKean	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Nays, 18:

Black, D.	Connolly	Dearden	Deluhery
Fink	Flynn	Gronstal	Halvorson
Hammond	Hansen	Kramer	Maddox
McCoy	McLaren	Neuhauser	Palmer
Szymoniak	Vilsack		

Absent or not voting, 1:

McKibben

Amendment S—3693 was adopted.

(Action on Senate File 542 was deferred.)

The Senate stood at ease at 6:49 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 7:36 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 542

The Senate resumed consideration of Senate File 542, previously deferred.

Senator McLaren withdrew amendment S—3694 filed by him from the floor to page 7 of the bill.

Senator McLaren 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. 542) the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 2:

Gronstal	Vilsack
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Absent or not voting, 3:

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

Senator Iverson asked and received unanimous consent that **Senate File 542** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the evening on request of Senator Hansen.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 15, by Neuhauser, a concurrent resolution requesting an interim committee on anatomical gift referral.

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1997, passed the following bill in which the concurrence of the House was asked:

Senate File 358, a bill for an act relating to the adoption of the interstate emergency management assistance compact.

ALSO: That the House has on April 22, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 246, a bill for an act relating to snowmobiles and all-terrain vehicles by requiring title certificates, increasing snowmobile and all-terrain vehicle registration fees, and providing for point of sale registration (S—3684).

ALSO: That the House has on April 22, 1997, passed the following bills in which the concurrence of the Senate is asked:

House File 722, by committee on ways and means, a bill for an act relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date.

This bill was read first time and passed on file.

House File 731, a bill for an act relating to public budgeting, regulatory, and organizational matters, making fund transfers and appropriations, and providing technical provisions, and providing effective dates.

This bill was read first time and passed on file.

ALSO: That the House has on April 22, 1997, 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 707, a bill for an act relating to substance abuse evaluation and education, use of ignition interlock devices, motor vehicle license revocations and payment of restitution by certain drivers; to civil liability, forfeiture, and criminal penalties arising from operation of a motor vehicle by a person whose license is suspended, denied, revoked, or barred; and providing penalties (S—3695 to H—1692).

ALSO: That the House has on April 22, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 515, a bill for an act relating to the determination of annual salaries for deputy sheriffs.

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 549, the following corrections were made:

1. Page 28, line 3, the word and number "Section 201" were changed to the word and number "Section 14".
2. Page 28, line 7, the word and number "Section 16" were changed to the word and number "Section 17".

MARY PAT GUNDERSON
Secretary of the Senate

PRESENTATION OF VISITORS

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

Eleven high school students from Beckman High School, Dyersville. Senator Flynn.

Sixty fifth grade students from Webster Elementary School, Oskaloosa, accompanied by Dick Hamilton. Senator Hedge.

Sixth grade students from Nashua/Plainfield Elementary School, Nashua, accompanied by Ed Anderson. Senator Borlaug.

BILLS ASSIGNED TO COMMITTEE

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

S. C. R.	15	Human Resources
H. F.	726	Ways and Means
H. F.	731	Apropiations

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 14

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; J. Black, Borlaug, Fink, Hedge and Judge.

Senate File 344
Reassignment)

APPROPRIATIONS: McLaren, Chair; Borlaug, Hammond, Horn and Rittmer

House File 266

WAYS AND MEANS: Redfern, Chair; Deluhery and Freeman

House File 330

APPROPRIATIONS: McLaren, Chair; Douglas and Hammond

House File 721

WAYS AND MEANS: Douglas, Chair; Connolly and Drake

House File 724

WAYS AND MEANS: Douglas, Chair; McLaren and Palmer

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 22, 1997, the governor approved and transmitted to the secretary of state the following bills:

S.F. 30 - Relating to the exemption from sales, services, and use taxes of adjuvants and surfactants used to enhance the application of fertilizers, limestone, herbicides, pesticides, and insecticides in agricultural production and providing effective and retroactive applicability date provisions.

S.F. 95 - Relating to water and ice vessel accident reports filed with the Natural Resource Commission of the Department of Natural Resources and providing for an effective date and the act's applicability.

S.F. 131 - Relating to fraudulent practices involving family investment and medical assistance program benefits and making penalties applicable.

S.F. 219 - Relating to trespassing or stray livestock and providing remedies and an effective date.

S.F. 232 - Relating to notarial acts and providing an effective date.

S.F. 235 - Providing authority to soil and water conservation district commissioners to allocate moneys for the emergency restoration of permanent soil and water conservation practices.

S.F. 238 - Repealing the procedures for disposition of the contents of a decedent's safe deposit box and providing an effective date.

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3651 to Senate File 540 was adopted by the Senate on April 21, 1997.

JACK RIFE

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3674 to Senate File 128 failed to be adopted by the Senate on April 22, 1997.

MERLIN E. BARTZ

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3674 to Senate File 128 failed to be adopted by the Senate on April 22, 1997.

ALLEN BORLAUG

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 266, a bill for an act relating to the administration of state individual income, corporate, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3686.

Final Vote: Ayes, 13: Douglas, McKibben, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak and Vilsack. Nays, none. Absent or not voting, 2: Palmer and McLaren.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3673	S. F.	128	Merlin E. Bartz
S-3674	S. F.	128	Merlin E. Bartz
S-3675	S. F.	542	Derryl McLaren
S-3676	S. F.	542	Derryl McLaren Tom Flynn
S-3677	S. F.	281	House amendment
S-3678	S. F.	541	Jeff Angelo
S-3679	H.F.	557	O. Gene Maddox
S-3680	S. F.	128	Merlin E. Bartz
S-3681	H.F.	613	Neal Schuerer

S-3682	H.F.	557	Tom Flynn
S-3683	S.F.	128	O. Gene Maddox
S-3684	S.F.	246	Patricia Harper
S-3685	H.F.	540	House amendment
S-3686	H.F.	266	Mike Connolly
S-3687	S.F.	128	Ways and Means
S-3688	S.F.	128	Johnie Hammond
S-3689	S.F.	177	Robert E. Dvorsky
S-3690	S.F.	542	Merlin E. Bartz
S-3691	S.F.	542	Jack Rife
S-3692	S.F.	543	Robert E. Dvorsky
S-3693	S.F.	542	Elaine Szymoniak
S-3694	S.F.	542	Jack Rife
S-3695	H.F.	707	Derryl McLaren
			House amendment

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:48 p.m., until 9:00 a.m., Wednesday, April 23, 1997.

JOURNAL OF THE SENATE

ONE HUNDRED-FIRST CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 23, 1997

The Senate met in regular session at 9:04 a.m., President pro tempore Redfern presiding.

Prayer was offered by the Reverend Dr. Allen Call, pastor of the First United Methodist Church, Sioux City, Iowa.

The Journal of Tuesday, April 22, 1997, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 732, a bill for an act relating to housing development and making an appropriation.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until she arrives on request of Senator Hansen.

HOUSE AMENDMENT CONSIDERED

Senate File 214

Senator Borlaug called up for consideration Senate File 214, a bill for an act relating to the regulation of the use and disposal of sewage

sludge and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S—3517 filed April 15, 1997.

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

Senator Borlaug 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. 214) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Revsink	Rife	Schuerer	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

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

UNFINISHED BUSINESS CALENDAR (Deferred April 21, 1997)

Senate File 530

The Senate resumed consideration of Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for

the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system, and amendment S—3565 by Senators Drake, et al., to pages 1 and 2 of the bill, deferred April 21, 1997.

Senator Gronstal offered amendment S—3659 filed by Senators Gronstal, McCoy and Hansen on April 21, 1997, to amendment S—3565.

Senator Hansen asked and received unanimous consent that action on amendment S—3659 to amendment S—3565, amendment S—3565 and **Senate File 530** be deferred.

UNFINISHED BUSINESS CALENDAR

House File 613

On motion of Senator Schuerer, House File 613, a bill for an act relating to linked deposit investment programs, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Schuerer asked and received unanimous consent to withdraw amendment S—3632 filed by Senators Schuerer and Flynn on April 21, 1997, to pages 2-5 of the bill.

Senator Schuerer offered amendment S—3681 filed by Senators Schuerer and Flynn on April 22, 1997, to pages 2-5 of the bill and moved its adoption.

Amendment S—3681 was adopted by a voice vote.

Senator Schuerer 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. 613) the vote was:

Ayes, 48:

Angelo
Boettger

Bartz
Borlaug

Behn
Connolly

Black, D.
Dearden

Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Black, J. Szymoniak

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 707

Senator McKean called up for consideration House File 707, a bill for an act relating to substance abuse evaluation and education, use of ignition interlock devices, motor vehicle license revocations and payment of restitution by certain drivers; to civil liability, forfeiture, and criminal penalties arising from operation of a motor vehicle by a person whose license is suspended, denied, revoked, or barred; and providing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3695 to Senate amendment H—1692 filed April 22, 1997.

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

Senator McKean 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Black of Kossuth until he returns on request of Senator Behn.

BUSINESS PENDING

House File 707

The Senate resumed consideration of House File 707.

On the question "Shall the bill pass?" (H.F. 707) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKeeth	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Black, J.	Rife	Szymoniak
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 541

On motion of Senator Bartz, Senate File 541, a bill for an act relating to child day care provisions involving group day care homes

and establishing a child care home pilot project, with report of committee recommending passage, was taken up for consideration.

Senator Angelo asked and received unanimous consent to withdraw amendment S—3678 filed by him on April 22, 1997, to pages 3 and 5 of the bill.

Senator Bartz offered amendment S—3699 filed by him from the floor to pages 2, 3, 7 and 8 of the bill and moved its adoption.

Amendment S—3699 was adopted by a voice vote.

Senator Bartz 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. 541) the vote was:

Ayes, 46:

Bartz	Behn	Black, D.	Black, J.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Judge	Kibbie	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

Angelo

Absent or not voting, 3:

Jensen King Rittmer

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

Senator Iverson asked and received unanimous consent that Senate File 541 be immediately messaged to the House.

BILLS ASSIGNED TO COMMITTEE

President pro tempore Redfern announced the assignment of the following bills to committee:

H.F.	722	Ways and Means
H.F.	732	Appropriations

HOUSE AMENDMENT CONSIDERED

Senate File 533

Senator Maddox called up for consideration Senate File 533, a bill for an act relating to and making appropriations to the justice system and providing effective dates, amended by the House in House amendment S—3603 filed April 18, 1997.

Senator Dvorsky offered amendment S—3664 filed by Senators Dvorsky, et al., on April 21, 1997, to House amendment S—3603, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3664 to House amendment S—3603 be adopted?" (S.F. 533) the vote was:

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

Ayes, 23:

Black, D.	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 25:

Angelo	Bartz	Black, J.	Boettger
Borlaug	Douglas	Freeman	Hedge
Iverson	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Behn	Jensen
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Amendment S—3664 lost.

Senator Fraise offered amendment S—3698 filed by Senators Fraise, et al., from the floor to House amendment S—3603 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3698 to House amendment S—3603 be adopted?” (S.F. 533) the vote was:

Ayes, 20:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 28:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hammond	Hedge	Iverson
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Halvorson	Jensen
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Amendment S—3698 lost.

Senator Maddox offered amendment S—3637 filed by Senators Maddox, et al., on April 21, 1997, to House amendment S—3603.

A record roll call was requested.

On the question “Shall amendment S—3637 to House amendment S—3603 be adopted?” (S.F. 533) the vote was:

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

Ayes, 43:

Angelo	Behn	Black, D.	Boettger
Borlaug	Connolly	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	Neuhauser
Palmer	Redfern	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 6:

Bartz	Black, J.	Dearden	Gronstal
McCoy	Redwine		

Absent or not voting, 1:

McLaren

Amendment S—3637 was adopted.

Senator Fraise offered amendment S—3665 filed by Senators Fraise, et al., on April 21, 1997, to House amendment S—3603 and moved its adoption.

Amendment S—3665 was adopted by voice vote.

Senator Black of Jasper offered amendment S—3671 filed by him on April 21, 1997, to House amendment S—3603, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3671 to House amendment S—3603 be adopted?" (S.F. 533) the vote was:

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

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise

Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Schuerer	Tinsman
Zieman			

Absent or not voting, 3:

Jensen	Rife	Rittmer
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Amendment S—3671 lost.

Senator Dvorsky offered amendment S—3706 filed by Senators Dvorsky, Hammond and Hansen from the floor to House amendment S—3603, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3706 to House amendment S—3603 be adopted?" (S.F. 533) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	Lundby	Palmer
Szymoniak	Vilsack		

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Hedge	Iverson	King	Kramer
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 3:

Jensen

McCoy

Neuhauser

Amendment S—3706 lost.

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. 533) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

Neuhauser

Absent or not voting, 2:

Jensen

McCoy

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate File 533 and House File 707 be immediately messaged to the House.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 1997, 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 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates (S—3708 to H—1795).

RECESS

On motion of Senator Iverson, the Senate recessed at 12:20 p.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:43 p.m., President Kramer presiding.

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox until he returns on request of Senator Zieman.

The vote revealed 35 present, 15 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED**Senate File 432**

Senator McKean called up for consideration Senate File 432, a bill for an act relating to the disposition of private property condemned

under eminent domain, amended by the House, and moved that the Senate concur in House amendment S—3540 filed April 16, 1997.

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

Senator McKean 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. 432) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

McLaren	Palmer	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.

Senator Iverson asked and received unanimous consent that Senate File 432 be immediately messaged to the House.

UNFINISHED BUSINESS CALENDAR

(Deferred April 21, 1997)

Senate File 530

The Senate resumed consideration of Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for

the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system and amendment S—3565 by Senators Drake, et al., to pages 1 and 2 of the bill, deferred on April 21, 1997.

Senator Gronstal offered amendment S—3659 filed by Senators Gronstal, McCoy and Hansen on April 21, 1997, to amendment S—3565 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3659 to amendment S—3565 be adopted?" (S.F. 530) the vote was:

Ayes, 21:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Rife	Rittmer
Szymoniak			

Nays, 26:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Drake	Flynn
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	Redfern	Redwine
Rehberg	Rensink	Schuerer	Tinsman
Vilsack	Zieman		

Absent or not voting, 3:

Douglas	McLaren	Palmer
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Amendment S—3659 lost.

Senator Drake moved the adoption of amendment S—3565, which motion prevailed by a voice vote.

President Kramer stated that amendment S—3658 filed by Senators Gronstal, McCoy and Neuhauser on April 21, 1997, to page 2 of the bill, was out of order.

Senator Bartz took the chair at 2:38 p.m.

Senator Gronstal asked and received unanimous consent that action on **Senate File 530** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 529

Senator Lundby called up for consideration Senate File 529, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, amended by the House in House amendment S—3527 filed April 15, 1997.

Senator Lundby offered amendment S—3710 filed by her from the floor to House amendment S—3527 and moved its adoption.

Amendment S—3710 was adopted by a voice vote.

Senator Lundby offered amendment S—3537 filed by her on April 16, 1997, to House amendment S—3527

Senator Halvorson called for a division of amendment S—3537 to House amendment S—3527: lines 4 and 10 as division S—3537A and lines 5-9 as division S—3537B.

Senator Lundby moved the adoption of division S—3537A to House amendment S—3527.

A non record roll call was requested.

The ayes were 29, nays 15.

Division S—3537A was adopted.

Senator Lundby moved the adoption of division S—3537B to House amendment S—3527, which motion prevailed by a voice vote.

Senator Lundby offered amendment S—3711 filed by her from the floor to House amendment S—3527 and moved its adoption.

Amendment S—3711 was adopted by a voice vote.

Senator Lundby withdrew amendment S—3712 filed by her from the floor to House amendment S—3527.

President Kramer took the chair at 3:35 p.m.

Senator Rife withdrew amendment S—3719 filed by him from the floor to House amendment S—3527.

Senator Lundby moved the Senate concur in House amendment S—3527 as amended, which motion prevailed by a voice vote.

Senator Lundby 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Freeman until she returns on request of Senator Behn.

BUSINESS PENDING

Senate File 529

The Senate resumed consideration of Senate File 529.

On the question "Shall the bill pass?" (S.F. 529) the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Dvorsky	Gettings	Hedge	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 16:

Black, D.	Connolly	Dearden	Deluhery
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Judge	McCoy	Palmer	Vilsack

Absent or not voting, 2:

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 1997, receded from the House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 163, a bill for an act relating to the sale of cigarettes and tobacco products through vending machines.

ALSO: That the House has on April 23, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 714, a bill for an act relating to hospitals and health care facilities, including licensing and license fees, inspections and inspection fees and fines.

This bill was read first time and assigned to Ways and Means.

ALSO: That the House has on April 23, 1997, 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 533, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

INTRODUCTION OF BILLS

Senate File 551, by committee on Appropriations, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Read first time and placed on Appropriations Calendar.

Senate File 552, by committee on Appropriations, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, revenue and finance, public safety, education, transportation, and agriculture and land stewardship, the judicial department, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, making appropriations from the rebuild Iowa infrastructure fund and the general fund of the state to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, making statutory changes relating to the appropriations, and providing effective dates.

Read first time and placed on Appropriations Calendar.

CONSIDERATION OF BILL (Regular Calendar)

Senate File 543

On motion of Senator Rittmer, Senate File 543, a bill for an act relating to public retirement systems by providing for the exclusion of certain publicly elected officials from membership, and the calculation of dividends for certain retirees, under the Iowa public employees' retirement system, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak offered amendment S—3692 filed by her on April 22, 1997, to pages 1, 2 and the title page of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3692 be adopted?" (S.F. 543) the vote was:

Ayes, 22:

Bartz	Black, D.	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Fraise	Gettings	Gronstal	Hammond
Hansen	Harper	Horn	Judge
Lundby	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Flynn	Freeman	Halvorson
Hedge	Iverson	Jensen	Kibbie
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Black, J.

Amendment S—3692 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Black of Kossuth for the remainder of the day and April 24, 1997, on request of Senator Iverson.

BUSINESS PENDING

Senate File 543

The Senate resumed consideration of Senate File 543.

Senator Maddox offered amendment S—3555 filed by Senators Maddox and Szymoniak on April 16, 1997, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3555 was adopted by a voice vote.

Senator Rittmer 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. 543) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Frëeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Black, J. Lundby Rehberg

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

The Senate stood at ease at 4:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:40 p.m., President Kramer presiding.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 22, 1997, 7:55 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, D. Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper,

Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack.

Members Absent: none.

Committee Business: Amended and approved SSBs 272 and 273; recommended passage of House File 330.

Adjourned: 9:15 p.m.

WAYS AND MEANS

Convened: April 22, 1997, 1:20 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak and Vilsack.

Members Absent: Palmer, Ranking Member and McLaren (both excused).

Committee Business: Assigned bills to subcommittees; approved SSB 267 as a committee bill; recommended passage of House File 266.

Adjourned: 2:03 p.m.

STUDY BILL RECEIVED

SSB 273 Appropriations

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

SUBCOMMITTEE ASSIGNMENTS

Senate File 550

STATE GOVERNMENT: Rife, Chair; Fink and McLaren.

House File 722

WAYS AND MEANS: McKibben, Chair; Douglas and Vilsack

House File 726

WAYS AND MEANS: McKibben, Chair; Drake and Palmer

SSB 273

APPROPRIATIONS: McLaren, Chair; Kramer, McCoy, Neuhauser and Rife

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 330, a bill for an act relating to the state income tax checkoff for domestic abuse services and providing a retroactive applicability date.

Recommendation: DO PASS.

Final Vote Ayes, 25: McLaren, Kramer, Flynn, Behn, D. Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 551, (SSB 273) a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote Ayes, 13: McLaren, Kramer, Borlaug, Douglas, Dvorsky, Hammond, Hedge, Jensen, Lundby, McCoy, Neuhauser, Rensink and Rife. Nays, 10: Flynn, Behn, D. Black, Freeman, Halvorson, Harper, Maddox, Rehberg, Tinsman and Vilsack. Absent or not voting, 2: Horn and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 551 and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 552, (SSB 272) a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, revenue and finance, public safety, education, transportation, and agriculture and land stewardship, the judicial department, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, making appropriations from the rebuild Iowa infrastructure fund and the general fund of the state to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, making statutory changes relating to the appropriations, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote Ayes, 24: McLaren, Kramer, Flynn, Behn, D. Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer and Vilsack. Nays, 1: Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 552 and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 548, a bill for an act relating to the administration of lasix to horses at a pari-mutuel racetrack and subjecting violators to civil and criminal penalties, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3700.

Final Vote: Ayes, 13: Rittmer, Lundby, Kibbie, Borlaug, Deluhery, Drake, Fink, Gronstal, Halvorson, King, McKibben, Rife and Tinsman. Nays, none. Absent or not voting, 2: McLaren and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 550, a bill for an act establishing an oversight and communications committee, establishing a legislative information technology bureau, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rittmer, Lundby, Kibbie, Deluhery, Drake, Fink, Gronstal, Halvorson, King, McKibben and Rife. Nays, none. Absent or not voting, 4: Borlaug, McLaren, Szymoniak and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 23, 1997, when the vote was taken on amendment S-3664 to Senate File 533.

Had I been present, I would have voted "nay".

JERRY BEHN

MADAM PRESIDENT: I was necessarily absent from the Senate on April 23, 1997. Had I been present, I would have voted "aye" on Senate File 214.

MIKE CONNOLLY

PRESENTATION OF VISITORS

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

One hundred twenty third grade students from Lincoln Elementary School, Clear Lake, accompanied by Mrs. Tremmel and Mrs. Sorensen. Senator Bartz.

Twelfth grade students from Dunkerton High School, Dunkerton, accompanied by George Pickup. Senator Rehberg.

Forty sixth grade students from Pocahontas Catholic Elementary School, Pocahontas, accompanied by Julie Meyer. Senator Freeman.

One hundred five eleventh and twelfth grade students from North High School, Sioux City, accompanied by Larry Twait, Kathie Strapp Kris Vint, Bob DeLoss, Leslie Dake, Cathy Lucas, Corey Lessmann and Mrs. Redwine. Senators Hansen and Redwine.

AMENDMENTS FILED

S-3696	H. F.	266	Robert E. Dvorsky
S-3697	S. F.	544	H. Kay Hedge
S-3698	S. F.	533	Eugene S. Fraise Steven D. Hansen Robert E. Dvorsky Dennis H. Black Patty Judge John P. Kibbie Don Gettings
S-3699	S. F.	541	Merlin E. Bartz
S-3700	S. F.	548	State Government
S-3701	S. F.	515	Mary Neuhauser
S-3702	H. F.	266	William D. Palmer
S-3703	S. F.	128	Tom Vilsack
S-3704	H. F.	266	Mary A. Lundby Steve King Wally E. Horn Steven D. Hansen
S-3705	S. F.	367	Merlin E. Bartz
S-3706	S. F.	533	Robert E. Dvorsky Johnnie Hammond Steven D. Hansen
S-3707	H. F.	731	Patricia Harper
S-3708	H. F.	612	House amendment

S-3709	S. F.	129	John P. Kibbie Johnie Hammond Patrick J. Deluhery Mary A. Lundby Mary Lou Freeman Mike Connolly
S-3710	S. F.	529	Mary A. Lundby
S-3711	S. F.	529	Mary A. Lundby
S-3712	S. F.	529	Mary A. Lundby
S-3713	S. F.	503	Bill Fink Johnie Hammond Mary Neuhauser Patricia Harper John P. Kibbie
S-3714	S. F.	503	Bill Fink
S-3715	H.F.	731	Jerry Behn
S-3716	S. F.	390	Patty Judge Merlin E. Bartz
S-3717	S. F.	177	Andy McKean Wally E. Horn Merlin E. Bartz
S-3718	H.F.	625	Mary A. Lundby
S-3719	S. F.	529	Jack Rife
S-3720	H.F.	266	Donald B. Redfern
S-3721	S. F.	544	O. Gene Maddox
S-3722	H.F.	697	Steve King Rodney Halvorson
S-3723	H.F.	266	Donald B. Redfern
S-3724	S. F.	551	Michael E. Gronstal
S-3725	H.F.	636	Robert E. Dvorsky Mary Neuhauser
S-3726	S. F.	530	Michael E. Gronstal

HOUSE AMENDMENT CONSIDERED

(Deferred April 22, 1997)

Senate File 503

The Senate resumed consideration of Senate File 503, a bill for an act relating to criminal justice, by providing for enhanced punishment for manufacturing methamphetamine in the presence of minors,

providing restrictions on public nudity and actual or simulated public performance of sex acts in certain establishments, providing for abatement of nuisance created by certain establishments which allow or permit public nudity or actual or simulated public performances of sex acts in their establishment, making changes relating to permits and rights to carry and acquire weapons, providing for hormonal intervention therapy for persons convicted of certain sex offenses, authorizing probation supervision and revocation by administrative parole and probation judges in the sixth judicial district, providing restitution for death of a victim of a crime, and providing penalties and an effective date and House amendment S—3466, deferred April 22, 1997.

Senator Fink offered amendment S—3713 filed by Senators Fink, et al., on April 23, 1997, to House amendment S—3466 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3713 to House amendment S—3466 be adopted?" (S.F. 503) the vote was:

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

Ayes, 23:

Black, D.	Borlaug	Connolly	Dearden
Deluhery	Dvorsky	Fink	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Douglas	Drake	Flynn	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Black, J.

Maddox

Amendment S—3713 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox until he returns on request of Senator Iverson.

BUSINESS PENDING

Senate File 503

The Senate resumed consideration of Senate File 503.

Senator Fink offered amendment S—3714 filed by him from the floor to House amendment S—3466 and moved its adoption.

A record roll call was requested.

Senator Hedge took the chair at 5:53 p.m.

On the question "Shall amendment S—3714 to House amendment S—3466 be adopted?" (S.F. 503) the vote was:

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

Ayes, 23:

Black, D.	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Flynn	Freeman

Hedge	Iverson	Jensen	King
Kramer	Lundby	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Black, J. Maddox

Amendment S—3714 lost.

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

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

Senator McKibben 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. 503) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

Hammond

Absent or not voting, 3:

Black, J. Maddox Rife

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

President Kramer took the chair at 5:58 p.m.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 529 and 543** be immediately messaged to the House and to send an immediate message on **Senate File 503** to the House.

HOUSE AMENDMENT CONSIDERED

(Deferred April 22, 1997)

Senate File 128

The Senate resumed consideration of **Senate File 128**, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing a penalty and **House amendment S—3553**, deferred on **April 22, 1997**.

Senator Bartz withdrew the motion to reconsider amendment **S—3674** to **Senate File 128** filed by him on **April 22, 1997**, and found on page 1346 of the Senate Journal.

Senator Borlaug withdrew the motion to reconsider amendment **S—3674** to **Senate File 128** filed by him on **April 22, 1997**, and found on page 1346 of the Senate Journal.

Senator Dvorsky withdrew amendment **S—3688** filed by him on **April 22, 1997**, to **House amendment S—3553**.

Senator Hammond withdrew amendment **S—3687** filed by her on **April 22, 1997**, to **House amendment S—3553**.

Senator Bartz withdrew amendment **S—3680** filed by him on **April 22, 1997**, to **House amendment S—3553**.

Senator Harper withdrew amendment **S—3683** filed by her on **April 22, 1997**, to **House amendment S—3553**.

Senator Vilsack withdrew amendment S—3703 filed by him from the floor to House amendment S—3553.

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

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

Senator Bartz 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. 128) the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Flynn	Fraise
Freeman	Gettings	Halvorson	Hansen
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	McCoy	McKean	McKibben
McLaren	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, 8:

Dearden	Dvorsky	Fink	Gronstal
Hammond	Harper	Neuhauser	Szymoniak

Absent or not voting, 2:

Black, J.	Maddox
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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 WITHDRAWN

Senator McCoy withdrew the motion to reconsider amendment S—3521 to Senate File 538, filed by him on April 15, 1997, and found on page 1191 of the Senate Journal.

HOUSE AMENDMENT CONSIDERED
(Deferred April 22, 1997)

House File 121

The Senate resumed consideration of House File 121, a bill for an act relating to notification procedures prior to the performance of an abortion on or termination of parental rights of a minor and applicable penalties and House amendment S—3530, deferred April 22, 1997.

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

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

Senator Redwine 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?" (H.F. 121) the vote was:

Ayes, 39:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Flynn	Fraise
Freeman	Gettings	Halvorson	Hansen
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	McCoy	McKean	McKibben
McLaren	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Vilsack	Zieman	

Nays, 9:

Dearden	Dvorsky	Fink	Gronstal
Hammond	Harper	Neuhauser	Rife
Szymoniak			

Absent or not voting, 2:

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

Senator Iverson asked and received unanimous consent that **House File 121** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

House File 612

Senator Boettger called up for consideration House File 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S—3708 filed April 23, 1997.

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

Senator Iverson asked and received unanimous consent that **House File 612** be **immediately messaged** to the House.

UNFINISHED BUSINESS CALENDAR

House File 485

On motion of Senator Bartz, House File 485, a bill for an act relating to drainage districts by eliminating notice by petitioning landowners regarding the establishment of subdistricts, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Bartz 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. 485) the vote was:

Ayes, 49:

Angelo
Boettger

Bartz
Borlaug

Behn
Connolly

Black, D.
Dearden

Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Black, J.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 405

Senator Boettger called up for consideration House File 405, a bill for an act relating to the sale, lease, or other disposition of property belonging to a school district or area education agency and providing an immediate effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3644 to Senate amendment H—1584 filed April 21, 1997.

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

Senator Boettger 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. 405) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Black, J.

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

UNFINISHED BUSINESS CALENDAR

House File 307

The Senate resumed consideration of House File 307, a bill for an act relating to the definition of an owner of a mercantile establishment for purposes of recovery of merchandise or damages, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Boettger 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. 307) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden

Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Black, J.

Rife

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

BUSINESS PENDING

Senate File 530

The Senate resumed consideration of Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system, previously deferred.

Senator Gronstal offered amendment S—3726 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—3726 lost by a voice vote.

Senator Drake offered amendment S—3730 filed by Senators Drake, Boettger and King from the floor to page 2 of the bill and moved its adoption.

Amendment S—3730 was adopted by a voice vote.

Senator Drake 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. 530) the vote was:

Ayes, 31:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Douglas
Drake	Flynn	Fraise	Freeman
Gettings	Hedge	Horn	Jensen
Judge	King	Kramer	Lundby
Maddox	McKean	McKibben	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Schuerer	Tinsman	Zieman	

Nays, 17:

Dearden	Deluhery	Dvorsky	Fink
Gronstal	Halvorson	Hammond	Hansen
Harper	Iverson	Kibbie	McCoy
Palmer	Rife	Rittmer	Szymoniak
Vilsack			

Absent or not voting, 2:

Black, J. McLaren

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

Senator Iverson asked and received unanimous consent that **Senate File 530** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 177

Senator McKean called up for consideration Senate File 177, a bill for an act relating to motor vehicle operator prohibitions and restrictions including exhibition driving, littering, blood alcohol test certificates, and handicapped parking, and by establishing or making

existing penalties applicable, amended by the House in House amendment S—3573 filed April 17, 1997.

Senator Bartz withdrew amendment S—3689 filed by him on April 22, 1997, to House amendment S—3573.

Senator McKean offered amendment S—3717 filed by Senators McKean, Horn and Bartz from the floor to House amendment S—3573 and moved its adoption.

Amendment S—3717 was adopted by a voice vote.

Senator McKean 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 McKean 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. 177) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Black, J.

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 515

Senator Maddox called up for consideration Senate File 515, a bill for an act relating to juvenile justice and youthful offenders, by making changes in provisions relating to illegal purchase or possession of alcohol and tobacco by juveniles and youthful offenders, making changes relating to dramshop liability, providing for notification of school officials of possession of alcohol by students, providing for the taking of fingerprints and photographs of certain juveniles, permitting victims to make oral victim impact statements in juvenile proceedings, making changes related to the supplying of alcohol to persons under the age of twenty-one, providing for sharing of information regarding delinquent juveniles and juveniles under the jurisdiction of various social services agencies, providing for shared jurisdiction between the adult and juvenile courts over youthful offenders, changing the criteria for placement in the state training school or other facility, making changes relating to state reimbursement for expenses of court-appointed attorneys in juvenile court, permitting the release of information relating to juveniles who have escaped from a detention facility, providing for notification of juvenile court authorities of unexcused absences or suspensions or expulsions of students who are on probation, providing for bailiff and other law enforcement assistance to associate juvenile judges, including arrest or disposition or custody or adjudication data in criminal history data kept by the department of public safety, authorizing school officials to conduct searches of students and their lockers and other spaces and to report possession or use of alcohol or controlled substances to law enforcement authorities, amended by the House in House amendment S—3529 filed April 16, 1997.

Senator Maddox offered amendment S—3732 filed by him from the floor to House amendment S—3529 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3732 to House amendment S—3529 be adopted?" (S.F. 515) the vote was:

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

Ayes, 23:

Angelo	Bartz	Behn	Bořlaug
Douglas	Drake	Freeman	Hedge
Iverson	Jensen	Kramer	Lundby
Maddox	McKean	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Nays, 23:

Black, D.	Boettger	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	King	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Absent or not voting, 4:

Black, J.	Gettings	McKibben	Rife
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Amendment S—3732 lost.

Senator Maddox offered amendment S—3662 filed by him on April 21, 1997, to House amendment S—3529 and moved its adoption.

Amendment S—3662 was adopted by a voice vote.

Senator Neuhauser offered amendment S—3701 filed by her from the floor to House amendment S—3529 and moved its adoption.

A non record roll call was requested.

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

The ayes were 22, nays 25.

Amendment S—3701 lost.

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. 515) the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black, D.
Boettger	Connolly	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hansen	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, 8:

Borlaug	Dearden	Hammond	Harper
Neuhauser	Palmer	Rife	Szymoniak

Absent or not voting, 2:

Black, J.	Deluhery
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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.

UNFINISHED BUSINESS CALENDAR

House File 643

On motion of Senator Tinsman, House File 643, a bill for an act providing for grandparent and great-grandparent visitation rights, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Bartz took the chair at 7:53 p.m.

Senator Tinsman 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. 643) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Black, J.

Drake

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

UNFINISHED BUSINESS CALENDAR

House File 702

On motion of Senator Tinsman, House File 702, a bill for an act relating to human services and facility requirements involving the single entry point process for mental health and developmental disabilities services, regional planning councils, human services institution employee record checks, decategorization of adult disability services funding, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Hammond offered amendment S—3630 filed by her on April 21, 1997, to pages 6 and 10 of the bill and moved its adoption.

Amendment S—3630 was adopted by a voice vote.

Senator Boettger offered amendment S—3425 filed by her on April 8, 1997, to page 10 of the bill and moved its adoption.

Amendment S—3425 was adopted by a voice vote.

Senator Tinsman offered amendment S—3670 filed by Senators Tinsman, et al., on April 21, 1997, to page 10 and the title page of the bill and moved its adoption.

Amendment S—3670 was adopted by a voice vote.

Senator Tinsman 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. 702) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Black, J.

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 Iverson asked and received unanimous consent that **House Files 643 and 702** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 335

Senator Tinsman called up for consideration House File 335, a bill for an act relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, and providing a penalty and a contingent effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3645 to Senate amendment H—1647 filed April 21, 1997.

Senator Lundby asked and received unanimous consent that action on amendment S—3645 and House File 335 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKean until he returns on request of Senator Hedge.

UNFINISHED BUSINESS CALENDAR

House File 635

On motion of Senator Redfern, House File 635, a bill for an act to consider the use of less lethal munitions by peace officers not a use of deadly force, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Dvorsky offered amendment S—3589 filed by him on April 17, 1997, to page 1 of the bill and moved its adoption.

Amendment S—3589 was adopted by a voice vote.

Senator Iverson offered amendment S—3733 filed by Senators Iverson and Fink from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—3733 was adopted by a voice vote.

President Kramer took the chair at 8:38 p.m.

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

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

Ayes, 46:

Angelo
Boettger

Bartz
Borlaug

Behn
Connolly

Black, D.
Dearden

Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Black, J.	Halvorson	Lundby	McKean
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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.

UNFINISHED BUSINESS CALENDAR (Pending April 22, 1997)

House File 330

The Senate resumed consideration of House File 330, a bill for an act relating to the state income tax checkoff for domestic abuse services and providing a retroactive applicability date, referred to the committee on Appropriations on April 22, 1997, with report of committee on Appropriations recommending passage on April 23, 1997, was taken up for further consideration.

Senator McKibben 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. 330) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky

Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Black, J. Lundby McKean

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

UNFINISHED BUSINESS CALENDAR

House File 492

On motion of Senator Dvorsky, House File 492, a bill for an act relating to supplemental needs trusts for persons with disabilities, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Dvorsky 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. 492) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie

King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Black, J. McKean

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

UNFINISHED BUSINESS CALENDAR

House File 557

On motion of Senator Gronstal, House File 557, a bill for an act relating to the operation and regulation of certain insurance companies and mutual associations, and the regulatory authority of the insurance division of the department of commerce, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Maddox offered amendment S—3679 filed by him on April 22, 1997, to pages 1, 5, 6 and 12 of the bill.

Senator Gronstal raised the point of order that amendment S—3679 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3679 out of order.

Senator Maddox withdrew amendment S—3682 filed by him on April 22, 1997, to pages 1, 5, 6 and 12 of the bill.

Senator Gronstal offered amendment S—3353 filed by him on April 2, 1997, to page 6 of the bill and moved its adoption.

Amendment S—3353 was adopted by a voice vote.

Senator Gronstal offered amendment S—3423 filed by him on April 8, 1997, to page 10 of the bill and moved its adoption.

Amendment S—3423 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 557) the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	McCoy
McKibben	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Maddox

Absent or not voting, 4:

Black, J.	McKean	McLaren	Rife
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

House File 218

On motion of Senator Freeman, House File 218, a bill for an act relating to service of notices of appraisement of property for state

inheritance tax purposes, with report of committee recommending passage, was taken up for consideration.

Senator Freeman 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. 218) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Cannolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Black, J.	McKean	McLaren	Rife
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS CALENDAR

House File 674

On motion of Senator Hammond, House File 674, a bill for an act providing a cause of action against the state for wrongful imprisonment, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Hammond offered amendment S—3570 filed by her on April 17, 1997, to pages 1-3 of the bill and moved its adoption.

Amendment S—3570 was adopted by a voice vote.

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?" (H.F. 674) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Black, J.	McKean	McLaren
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 492, 405, 307, 485, 635, 330, 557, 218, 674 and Senate Files 177, 128, 214 and 515 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 129

Senator McKibben called up for consideration Senate File 129, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date, amended by the House in House amendment S—3122 filed March 12, 1997.

Senator Kibbie asked and received unanimous consent that action on House amendment S—3122 and **Senate File 129** be deferred.

UNFINISHED BUSINESS CALENDAR

House File 544

On motion of Senator Dvorsky, House File 544, a bill for an act relating to placements for adoption and foster care by providing for a family rights and responsibilities plan and agreement, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Dvorsky offered amendment S—3341 filed by the committee on Human Resources on April 2, 1997, to pages 2 and 3 of the bill and moved its adoption.

Amendment S—3341 was adopted by a voice vote.

Senator Dvorsky 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. 544) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn

Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Black, J.	McKean	McLaren
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 544

On motion of Senator Maddox, Senate File 544, a bill for an act relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 544** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 362

Senator Bartz called up for consideration Senate File 362, a bill for an act establishing a wildlife depredation unit within the department of natural resources, allowing the discharge of firearms in state parks for certain purposes, providing for the issuance of additional free deer hunting licenses, subjecting violators to an existing penalty, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3518 filed April 15, 1997.

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

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

Senator Bartz 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. 362) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Vilsack	Zieman		

Nays, 1:

Tinsman

Absent or not voting, 3:

Black, J.	McKean	Neuhauser
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS CALENDAR

House File 658

On motion of Senator Bartz, House File 658, a bill for an act relating to city ordinances and other official actions of a city council

and mayor, with report of committee recommending passage, was taken up for consideration.

Senator Bartz 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. 658) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Black, J.	McKean	Neuhauser
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 281

Senator Redfern called up for consideration Senate File 281, a bill for an act relating to judicial administration, amended by the House, and moved that the Senate concur in House amendment S—3677 filed April 22, 1997.

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

Senator Redfern 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. 281) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Black, J.	McKean	Neuhauser
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 544 and 658 and Senate Files 362 and 281** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 79, a bill for an act relating to a moratorium on the issuance of new licenses to conduct gambling games and providing an effective date (S—3727).

ALSO: That the House has on April 23, 1997, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

Senate File 529, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

ALSO: That the House has on April 23, 1997, adopted the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 22, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates.

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

House Concurrent Resolution 23, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol.

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

ALSO: That the House has on April 23, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 733, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public

safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations.

This bill was read first time and passed on file.

ALSO: That the House has on April 23, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 514, a bill for an act relating to financial liability coverage and registration requirements for motor vehicles in this state, providing for the seizure of motor vehicle registration plates, and providing penalties and effective dates.

ALSO: That the House has on April 23, 1997, insisted on its amendment to **House File 612**, a bill for an act relating to child support recovery, providing penalties, and providing effective dates and that the members of the Conference Committee on part of the House are: The Representative from Cedar, Mr. Boddicker, Chair; the Representative from Tama, Mr. Brand; the Representative from Story, Ms. Burnett; the Representative from Polk, Mr. Lamberti and the Representative from Scott, Mr. Millage.

INTRODUCTION OF BILLS

Senate File 553, by committee on Ways and Means, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision.

Read first time and placed on Ways and Means Calendar.

Senate File 554, by committee on Ways and Means, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Read first time and placed on Ways and Means Calendar.

APPENDIX**COMMITTEE REPORTS****WAYS AND MEANS**

Final Bill Action: SENATE FILE 553 (SSB 267), a bill for an act relating to the tax treatment of financial institutions and its shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Douglas, McKibben, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak and Vilsack. Nays, none. Absent or not voting, 2: Palmer and McLaren.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 554 (SSB 270), a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak and Vilsack. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 554 and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 724, a bill for an act relating to investments in counties and cities by providing for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3736.

Final Vote: Ayes, 14: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern and Szymoniak. Nays, 1: Vilsack.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3727	S. F.	79	House amendment
S-3728	H. F.	697	Mike Connolly
S-3729	H. F.	697	John P. Kibbie
S-3730	S. F.	530	Richard F. Drake Nancy Boettger Steve King
S-3731	H. F.	697	John P. Kibbie
S-3732	S. F.	515	O. Gene Maddox
S-3733	H. F.	635	Stewart Iverson, Jr. Bill Fink
S-3734	H. F.	697	John P. Kibbie
S-3735	S. F.	79	Derryl McLaren
S-3736	H. F.	724	Ways and Means
S-3737	S. F.	129	John Kibbie Johnie Hammond Patrick Deluhery Mary Lundby Mary Lou Freeman Mike Connolly

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:43 p.m., until 9:00 a.m., April 24, 1997.

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 24, 1997

The Senate met in regular session at 9:04 a.m., President pro tempore Redfern presiding.

Prayer was offered by the Reverend Steven Pike, pastor of the Martelle Christian Church, Martelle, Iowa.

The Journal of Wednesday, April 23, 1997, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 473, a bill for an act requiring owners of agricultural drainage wells to prevent surface water intake into the wells, providing for the closure of certain wells and the construction of alternative drainage systems, providing state assistance for closing agricultural drainage wells, prohibiting the construction and use of certain structures located in agricultural drainage well areas, providing for the assessment and collection of certain drainage district expenses, providing penalties, and providing an effective date (S—3738).

ALSO: That the House has on April 23, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 730, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support

of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following **conference committee** on **House File 612** on the part of the Senate: Senators Boettger, Chair; Redfern, Schuerer, Neuhauser and Vilsack.

QUORUM CALL

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

The vote revealed 35 present, 15 absent and a quorum present.

UNFINISHED BUSINESS

House File 456

On motion of Senator Angelo, House File 456, a bill for an act relating to city civil service and providing an effective date, with report of committee recommending amendment and passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Angelo offered amendment S—3360 filed by the committee on Local Government on April 3, 1997, to pages 2 and 3 of the bill.

Senator Angelo called for a division of amendment S—3360: line 3 as division S—3660A and lines 4 and 5 as division S—3360B.

Senator Angelo moved the adoption of division S—3360A.

A record roll call was requested.

On the question "Shall division S—3360A be adopted?" (H.F. 456) the vote was:

Ayes, 38:

Bartz	Behn	Black, D.	Boettger
Borlaug	Connolly	Dearden	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Jensen	Judge	Kibbie
Lundby	Maddox	McKean	McKibben
McLaren	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman		

Nays, 9:

Angelo	Deluhery	Iverson	King
Kramer	McCoy	Palmer	Vilsack
Zieman			

Absent or not voting, 3:

Black, J.	Douglas	Rittmer
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Division S—3360A was adopted.

Senator Angelo moved the adoption of division S—3360B, which motion prevailed by a voice vote.

Senator Angelo 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. 456) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn

Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Black, J. Rittmer

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 551.

Senate File 551

On motion of Senator McLaren, Senate File 551, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, was taken up for consideration.

Senator Gronstal offered amendment S—3724 filed by him on April 23, 1997, to page 1 of the bill.

A record roll call was requested.

On the question "Shall amendment S—3724 be adopted?" (S.F. 551) the vote was:

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

Ayes, 24:

Black, D.	Borlaug	Cannolly	Dearden
Deluhery	Dvorsky	Fink	Flynn

Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Jensen	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 25:

Angelo	Bartz	Behn	Boettger
Douglas	Drake	Freeman	Hedge
Iverson	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 1:

Black, J.

Amendment S—3724 lost.

Senator McLaren 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. 551) the vote was:

Ayes, 28:

Angelo	Bartz	Boettger	Connolly
Douglas	Drake	Dvorsky	Fraise
Freeman	Gettings	Gronstal	Hammond
Hedge	Iverson	Jensen	Judge
King	Kramer	Lundby	McCoy
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rensink	Rife	Szymoniak

Nays, 21:

Behn	Black, D.	Borlaug	Dearden
Deluhery	Fink	Flynn	Halvorson
Hansen	Harper	Horn	Kibbie
Maddox	McKean	McKibben	Rehberg
Rittmer	Schuerer	Tinsman	Vilsack
Zieman			

Absent or not voting, 1:

Black, J.

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

President Kramer took the chair at 10:35 a.m.

SENATE INSISTS

Senate File 529

Senator Lundby called up for consideration Senate File 529, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following **conference committee** on **Senate File 529** on the part of the Senate: Senators Lundby, Chair; Bartz, Black of Kossuth, McCoy and Gettings.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 456** and **Senate File 551** be **immediately messaged** to the House.

UNFINISHED BUSINESS CALENDAR

(Deferred April 23, 1997)

Senate File 544

The Senate resumed consideration of Senate File 544, a bill for an act relating to the designation of unincorporated areas of a county as

rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones, deferred April 23, 1997.

Senator Hedge offered amendment S—3697 filed by him on April 23, 1997, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 12.

Amendment S—3697 was adopted.

Senator Maddox offered amendment S—3721 filed by him on April 23, 1997, to pages 2, 3 and 6 of the bill and moved its adoption.

Amendment S—3721 was adopted by a voice vote.

Senator Maddox 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. 544) the vote was:

Ayes, 40:

Angelo	Bartz	Black, D.	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Fink	Fraise
Freeman	Gettings	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McKibben	McLaren
Neuhauser	Palmer	Redfern	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 9:

Behn	Dvorsky	Flynn	Gronstal
Halvorson	Hammond	McCoy	McKean
Redwine			

Absent or not voting, 1:

Black, J.

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

BILLS ASSIGNED TO COMMITTEE

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

H.C.R.	22	Ways and Means
H.F.	730	Appropriations

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 1997, passed the following bill in which the concurrence of the House was asked:

Senate File 285, a bill for an act relating to household hazardous materials and retail labeling requirements.

ALSO: That the House has on April 24, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 83, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained (S—3742)

ALSO: That the House has on April 24, 1997, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting

system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates.

ALSO: That the House has on April 24, 1997, 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 177, a bill for an act relating to motor vehicle operator prohibitions and restrictions including exhibition driving, littering, blood alcohol test certificates, and handicapped parking, and by establishing or making existing penalties applicable.

Senate File 515, a bill for an act relating to juvenile justice and youthful offenders, by making changes in provisions relating to illegal purchase or possession of alcohol and tobacco by juveniles and youthful offenders, making changes relating to dramshop liability, providing for notification of school officials of possession of alcohol by students, providing for the taking of fingerprints and photographs of certain juveniles, permitting victims to make oral victim impact statements in juvenile proceedings, making changes related to the supplying of alcohol to persons under the age of twenty-one, providing for sharing of information regarding delinquent juveniles and juveniles under the jurisdiction of various social services agencies, providing for shared jurisdiction between the adult and juvenile courts over youthful offenders, changing the criteria for placement in the state training school or other facility, making changes relating to state reimbursement for expenses of court-appointed attorneys in juvenile court, permitting the release of information relating to juveniles who have escaped from a detention facility, providing for notification of juvenile court authorities of unexcused absences or suspensions or expulsions of students who are on probation, providing for bailiff and other law enforcement assistance to associate juvenile judges, including arrest or disposition or custody or adjudication data in criminal history data kept by the department of public safety, authorizing school officials to conduct searches of students and their lockers and other spaces and to report possession or use of alcohol or controlled substances to law enforcement authorities.

ALSO: That the House has on April 24, 1997, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 544, a bill for an act relating to placements for adoption and foster care by providing for a family rights and responsibilities plan and agreement.

House File 613, a bill for an act relating to linked deposit investment programs.

House File 635, a bill for an act to consider the use of less lethal munitions by peace officers not a use of deadly force.

House File 674, a bill for an act providing a cause of action against the state for wrongful imprisonment.

SENATE INSISTS

Senate File 391

Senator Iverson called up for consideration Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

The Chair announced the following **conference committee** on **Senate File 391** on the part of the Senate: Senators Drake, Chair; Freeman, King, Halvorson and Connolly.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 550.

Senate File 550

On motion of Senator Rife, Senate File 550, a bill for an act establishing an oversight and communications committee, establishing a legislative information technology bureau, and providing an effective date, was taken up for consideration.

Senator Rife 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. 550) the vote was:

Ayes, 47:

Bartz	Behn	Black, D.	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

McKean

Absent or not voting, 2:

Angelo Black, J.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo until he returns on request of Senator Iverson.

UNFINISHED BUSINESS CALENDAR

House File 265

On motion of Senator Maddox, House File 265, a bill for an act relating to the affirmation and reenactment of certain provisions affecting the criminal and juvenile laws, and providing an effective date, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Maddox 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. 265) the vote was:

Ayes, 48:

Bartz	Behn	Black, D.	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Angelo Black, J.

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

HOUSE AMENDMENT CONSIDERED

Senate File 184

Senator Zieman called up for consideration Senate File 184, a bill for an act relating to collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution, amended by the House, and moved that the Senate concur in House amendment S—3661 filed April 21, 1997.

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

Senator Zieman 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. 184) the vote was:

Ayes, 45:

Bartz	Behn	Black, D.	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Angelo	Black, J.	Drake	Maddox
Rife			

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

CONSIDERATION OF BILL
(Regular Calendar)

House File 355

Senator Hedge called up for consideration House File 355, a bill for an act relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Hedge 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. 355) the vote was:

Ayes, 47:

Bartz	Behn	Black, D.	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Angelo	Black, J.	Judge
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 355 and 265** and **Senate File 550** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 184**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 531, a bill for an act relating to the increase in the physical plant and equipment levy (S—3745).

ALSO: That the House has on April 24, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 729, a bill for an act relating to reporting and depositing of local option sales and services taxes to the department of revenue and finance by retailers and increasing the amount of estimated distribution and frequency of distribution to cities and counties by the department of revenue and finance.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 11:35 a.m., until 1:30 p.m.

APPENDIX**MOTIONS TO RECONSIDER**

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 544 passed the Senate on April 24, 1997.

PATTY JUDGE

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 544 passed the Senate on April 24, 1997.

O. GENE MADDOX

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 9**

AGRICULTURE: Bartz, Chair; J. Black and Judge

House File 714

WAYS AND MEANS: Hedge, Chair; Connolly and Maddox

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 23, 1997, the governor approved and transmitted to the secretary of state the following bills:

S.F. 80 - relating to police bicycles.

S.F. 293 - Increasing the property damage limit for mandatory reporting of motor vehicle accidents.

S.F. 417 - Providing for the amount of a surety bond required to be executed by a treasurer of an extension council.

S.F. 499 - Relating to privileges and prohibitions for certain persons including those relating to motor vehicle licenses and to the regulation of tobacco, tobacco products, or cigarettes, and providing penalties.

S.F. 522 - Relating to legal settlement regarding providers of treatment or services.

CERTIFICATES OF RECOGNITION

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

Nathan Yoder, Riverside – For achieving the rank of Eagle Scout. Senator Hedge (4-23-97).

Pat McManus – For getting the Iowa Senate “rocking” with your Rock in Prevention presentation. Senator Szymoniak (4-22-97).

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: April 23, 1997, 8:40 a.m.

Members Present: Rittmer, Acting Chair; Lundby, Acting Vice Chair; Kibbie, Ranking Member; Borlaug, Deluhery, Drake, Fink, Gronstal, Halvorson, King, McKibben, Rife and Tinsman.

Members Absent: McLaren and Szymoniak.

Committee Business: Recommended passage of Senate File 550 and recommended passage of Senate File 548 as amended.

Adjourned: 9:05 a.m.

WAYS AND MEANS

Convened: April 23, 1997, 12:15 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak and Vilsack.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; amended and approved SSB 270 as a committee bill; recommended passage of House File 724 as amended.

Adjourned: 1:25 p.m.

PRESENTATION OF VISITORS

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

Twenty-six fifth grade students from Whittier Elementary School, Oskaloosa, accompanied by Donna DeGroot. Senator Hedge.

Ninety third grade students from Jefferson Elementary School, Des Moines, accompanied by Christy Barr. Senator Kramer.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 530, the following correction was made:

1. Page 9, line 2, the words "or the" were changed to the words "of the".

MARY PAT GUNDERSON
Secretary of the Senate

AMENDMENTS FILED

S-3738	S. F.	473	House amendment
S-3739	S. F.	79	Michael E. Gronstal
S-3740	S. F.	552	Mary Lou Freeman
S-3741	H. F.	724	Jack Rife
S-3742	S. F.	83	House amendment
S-3743	H. F.	266	William D. Palmer
S-3744	H. F.	733	Derryl McLaren
			Mary Lou Freeman
			Steve King
			John W. Jensen
S-3745	S. F.	531	House amendment
S-3746	S. F.	526	House amendment

AFTERNOON SESSION

The Senate reconvened at 2:00 p.m., President Kramer presiding.

SPECIAL GUESTS

The Chair welcomed a group of children who were present in the Senate chamber. The children accompanied their parents to work as a part of the "Take Your Children to Work Day", which is sponsored by the Iowa Commission on the Status of Women through the Iowa Department of Human Rights.

QUORUM CALL

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

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

HOUSE AMENDMENT CONSIDERED

Senate File 442

Senator Halvorson called up for consideration Senate File 442, a bill for an act relating to the designation of certain correctional facilities, amended by the House, and moved that the Senate concur in House amendment S—3572 filed on April 17, 1997.

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

Senator Halvorson 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.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Judge until she returns on request of Senator Gronstal and Senator McCoy until he returns on request of Senator Fink.

BUSINESS PENDING

Senate File 442

The Senate resumed consideration of Senate File 442.

On the question "Shall the bill pass?" (S.F. 442) the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Black, J.	Drake	Judge	McCoy
Tinsman			

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

HOUSE AMENDMENT CONSIDERED

Senate File 246

Senator Bartz called up for consideration Senate File 246, a bill for an act relating to snowmobiles and all-terrain vehicles by requiring title certificates, increasing snowmobile and all-terrain vehicle registration fees, and providing for point of sale registration, amended by the House, and moved that the Senate concur in House amendment S—3684 filed on April 22, 1997.

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

Senator Bartz 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. 246) the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Boettger
Borlaug	Dearden	Deluhery	Douglas
Fink	Flynn	Fraise	Freeman
Gettings	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Vilsack	Zieman	

Nays, 4:

Black, D.	Connolly	Dvorsky	Gronstal
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Absent or not voting, 3:

Black, J.	Drake	Tinsman
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that an immediate message be sent to the House on **Senate Files 246 and 442**.

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

The Senate resumed session at 3:55 p.m., President Kramer presiding.

INTRODUCTION OF BILL

Senate File 555, by Iverson and Gronstal, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date.

Read first time and passed on file.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 1997, passed the following bills in which the concurrence of the House was asked:

Senate File 528, a bill for an act relating to the cleanup and reuse of contaminated property, environmental remediation standards and review procedures, participation in the remediation of contaminated property, liability for the voluntary cleanup of contaminated property, liability protections, and establishing a land recycling fund.

Senate File 551, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

ALSO: That the House has on April 24, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 526, a bill for an act providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health (S—3746).

ALSO: That the House has on April 24, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 557, a bill for an act relating to the operation and regulation of certain insurance companies and mutual associations,

and the regulatory authority of the insurance division of the department of commerce.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 552

On motion of Senator Freeman, Senate File 552, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, revenue and finance, public safety, education, transportation, and agriculture and land stewardship, the judicial department, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, making appropriations from the rebuild Iowa infrastructure fund and the general fund of the state to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, making statutory changes relating to the appropriations, and providing effective dates, was taken up for consideration.

Senator Freeman offered amendment S—3740 filed by her from the floor to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—3740 was adopted by a voice vote.

Senator Freeman asked and received unanimous consent that House File 733 be substituted for Senate File 552 as amended.

House File 733

On motion of Senator Freeman, House File 733, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services,

revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations, was taken up for consideration.

Senator McLaren offered amendment S—3744 filed by Senators McLaren, et al., from the floor to strike everything after the enacting clause of the bill.

Senator Hansen offered amendment S—3757 filed by him from the floor to amendment S—3744 and moved its adoption.

Amendment S—3757 lost by a voice vote.

Senator Kibbie offered amendment S—3754 filed by him from the floor to amendment S—3744 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3754 to amendment S—3744 be adopted?" (H.F. 733) the vote was:

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

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine

Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Black, J.

Amendment S—3754 lost.

Senator Kibbie offered amendment S—3755 filed by him from the floor to amendment S—3744 and moved its adoption.

Amendment S—3755 lost by a voice vote.

Senator Connolly offered amendment S—3750 filed by Senators Connolly and Flynn from the floor to amendment S—3744 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3750 to amendment S—3744 be adopted?" (H.F. 733) the vote was:

Ayes, 24:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	McCoy	McKean
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 1:

Douglas

Amendment S—3750 lost.

Senator Freeman offered amendment S—3753 filed by her from the floor to amendment S—3744 and moved its adoption.

Amendment S—3753 was adopted by a voice vote.

Senator McLaren offered amendment S—3756 filed by him from the floor to amendment S—3744 and moved its adoption.

Amendment S—3756 was adopted by a voice vote.

Senator Black of Jasper offered amendment S—3759 filed by Senators Black of Jasper and McLaren from the floor to amendment S—3744 and moved its adoption.

Amendment S—3759 was adopted by a voice vote.

Senator McLaren filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—3754 to amendment S—3744 to House File 733 failed to be adopted by the Senate on April 24, 1997.

The motion prevailed by a voice vote and amendment S—3754 was taken up for reconsideration.

Senator Kibbie moved the adoption of amendment S—3754 to amendment S—3744, which motion prevailed by a voice vote.

Senator Flynn asked and received unanimous consent that action on **House File 733** be deferred.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 544

Senators Judge and Maddox withdrew the motions to reconsider Senate File 544, a bill for an act relating to the designation of

unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones, filed by them on April 24, 1997, and found on page 1422 of the Senate Journal.

Senator Iverson asked and received unanimous consent that **Senate File 544** be **immediately messaged** to the House.

UNFINISHED BUSINESS CALENDAR

House File 697

On motion of Senator King, House File 697, a bill for an act relating to certain procedures of the ethics and campaign disclosure board and filing requirements and certain requirements for use of campaign funds, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Halvorson offered amendment S—3464 filed by him on April 10, 1997, to pages 3-5 and 9 of the bill.

Senator King offered amendment S—3722 filed by Senators King and Halvorson on April 23, 1997, to amendment S—3464 and moved its adoption.

Amendment S—3722 was adopted by a voice vote.

Senator Black of Kossuth withdrew amendment S—3536 filed by him on April 16, 1997, to amendment S—3464.

Senator Black of Kossuth offered amendment S—3538 filed by him on April 16, 1997, to amendment S—3464 and requested a division: page 1, lines 4-19 as division S—3538A; and page 1, lines 20-50, and page 2, lines 1-28 as division S—3538B.

With the adoption of amendment S—3722 to amendment S—3464, the Chair ruled division S—3538A to amendment S—3464, out of order.

President pro tempore Redfern took the chair at 6:00 p.m.

Senator Black of Kossuth moved the adoption of division S—3538B to amendment S—3464.

A record roll call was requested.

' On the question "Shall division S—3538B to amendment S—3464 be adopted?" (H.F. 697) the vote was:

Ayes, 14:

Angelo	Bartz	Behn	Black, J.
Borlaug	Hedge	Iverson	Jensen
King	Lundby	Redfern	Rensink
Schuerer	Zieman		

Nays, 33:

Black, D.	Boettger	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redwine
Rehberg	Rife	Rittmer	Szymoniak
Tinsman			

Absent or not voting, 3:

Douglas	Kramer	Vilsack
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Division S—3538B lost.

Senator Lundby asked and received unanimous consent to withdraw amendment S—3524 filed by Senators Lundby and Bartz on April 15, 1997, to amendment S—3464.

Senator Halvorson offered amendment S—3761 filed by him from the floor to amendment S—3464 and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 25.

Amendment S—3761 lost.

Senator Iverson asked and received unanimous consent that action on amendment S—3464 as amended and **House File 697** be **deferred**.

RECESS

On motion of Senator Iverson, the Senate recessed at 6:32 p.m., until 7:45 p.m.

APPENDIX

GOVERNOR'S VETO MESSAGE

April 24, 1997

The Honorable Mary Kramer
President of the Senate
State Capitol Building
LOCAL

Dear Madam President:

Senate File 519, an act relating to the authorized use and users of the Iowa communications network and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 519 attempts to define more specifically than current code the appropriate uses and users of the Iowa Communications Network (ICN). The bill adds definitions to Code section 8D.2 for "authorized use", "authorized user", "educational use", "library", "state agency", and "telemedicine". The bill authorizes certain uses of the network. It prohibits dial-up access to the internet by an authorized user from a remote site.

Last year, the Legislature authorized an Authorized User and Use Task Force. The Task Force succeeded in defining "Authorized User" and the Iowa Telecommunication and Technology Commission is currently promulgating new rules that implement the consensus developed by the Task Force on this issue. The Task Force failed to reach a consensus on remote dial-up access to the ICN for Internet services.

The overriding mission of the network is to foster educational opportunities to all areas of the state. Closely scrutinizing actions that significantly impact the network ensures that the network's mission is not impaired. Unfortunately, Senate File 519 unduly restricts dial-up access to the network to the detriment of important users of the network.

For example, Senate File 519 would require our higher education institutions to dramatically change the educational services offered to the students or face significant additional financial burdens. Our Regent institutions have offered student dial-up access to the Internet since 1987; Senate File 519 requires a change to that policy. More study is needed to ensure that the limitations placed on dial-up access do not unnecessarily restrict the quality of education in Iowa.

For the above reasons, I hereby respectfully disapprove Senate File 519.

Sincerely,
TERRY E. BRANSTAD
Governor

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 22

WAYS AND MEANS: Douglas, Chair; Drake and Szymoniak

House File 730

APPROPRIATIONS: Rife, Chair; Kramer and Neuhauser

House File 731

APPROPRIATIONS: Lundby, Chair; Flynn and McLaren

House File 732

APPROPRIATIONS: Maddox, Chair; Douglas, Harper, Kramer and Vilsack

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 529)

A conference committee report signed by the following Senate and House members was filed April 24, 1997, on Senate File 529, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters:

On the Part of the Senate:

MARY A. LUNDBY, Chair
MERLIN E. BARTZ
JAMES BLACK

On the Part of the House:

BOB BRUNKHORST, Chair
DANNY HOLMES
RALPH KLEMME

PRESENTATION OF VISITORS

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

Twenty-nine fifth grade students from Grandview Park Baptist School, Des Moines, accompanied by Dee Long, Senator Dearden.

COMMITTEE REPORTS

NATURAL RESOURCES

Final Bill Action: SENATE CONCURRENT RESOLUTION 14, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by

supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Bartz, Angelo, Fink, D. Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, Rehberg and Zieman. Nays, none. Absent or not voting, 1: J. Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 726, a bill for an act relating to the livestock production tax credit; increasing the state's reimbursement for the homestead, military service, and elderly and disabled credits; requiring the state to reimburse new property tax credits and exemptions; providing for local government budget practices and property tax statements; and including applicability date provisions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3752.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Maddox, Redfern, Szymoniak and Vilsack. Nays, none. Absent or not voting, 2: Judge and McLaren.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3747	H.F.	266	William D. Palmer
S-3748	H.F.	733	Mike Connolly John P. Kibbie
S-3749	H.F.	726	William D. Palmer
S-3750	H.F.	733	Mike Connolly Tom Flynn
S-3751	H.F.	266	Patty Judge
S-3752	H.F.	726	Ways and Means
S-3753	H.F.	733	Mary Lou Freeman
S-3754	H.F.	733	John P. Kibbie
S-3755	H.F.	733	John P. Kibbie
S-3756	H.F.	733	Derryl McLaren
S-3757	H.F.	733	Steven D. Hansen
S-3758	H.F.	266	Patty Judge
S-3759	H.F.	733	Dennis H. Black Derryl McLaren
S-3760	H.F.	733	Eugene S. Fraise

			Robert E. Dvorsky
			Wally E. Horn
S-3761	H.F.	697	Rod Halvorson
S-3762	H.F.	697	Rod Halvorson
S-3763	H.F.	697	Mike Connolly
S-3764	H.F.	733	Johnie Hammond
			Maggie Tinsman
			Elaine Szymoniak
			Nancy Boettger
S-3765	H.F.	733	Mike Connolly
			Bill Fink
			Eugene Fraise
			William Palmer
			Rod Halvorson
			Robert Dvorsky
			Mary Neuhauser
			Johnie Hammond
			Patricia Harper
			Tom Flynn
			Wally E. Horn
			Matt McCoy
			Dennis Black
			Dick Dearden
			Tom Vilsack
			Patty Judge
			Patrick J. Deluhery
S-3766	H.F.	733	Mike Connolly
			Tom Vilsack
			Robert Dvorsky
			Michael E. Gronstal
			Wally E. Horn
			Patty Judge
			Rod Halvorson
			Patricia Harper
			Tom Flynn
			Mary Neuhauser
			Johnie Hammond
			Matt McCoy
			Steven D. Hansen
			Bill Fink
			William Palmer
			Eugene S. Fraise

BILL ASSIGNED TO COMMITTEE

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

S. F. 555 Agriculture

EVENING SESSION

The Senate reconvened at 8:47 p.m., President Kramer presiding.

QUORUM CALL

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

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Neuhauser for the remainder of the evening on request of Senator Hammond.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 529

Senator Lundby called up the conference committee report on Senate File 529, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, filed on April 24, 1997, 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 Lundby 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. 529) the vote was:

Ayes, 37:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Connolly	Douglas
Drake	Dvorsky	Fink	Fraise

Freeman	Gettings	Hedge	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Nays, 12:

Black, D.	Dearden	Deluhery	Flynn
Gronstal	Halvorson	Hammond	Hansen
Harper	Judge	Szymoniak	Vilsack

Absent or not voting, 1:

Neuhauser

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

Senator Iverson asked and received unanimous consent that **Senate File 529** be **immediately messaged** to the House.

BUSINESS PENDING

House File 733

The Senate resumed consideration of House File 733, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue, and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations, and amendment S-3744, previously deferred.

Senator Fraise offered amendment S-3760 filed by Senators Fraise, Dvorsky and Horn from the floor to amendment S-3744 and moved its adoption.

Amendment S-3760 was adopted by a voice vote.

Senator Hammond offered amendment S—3764 filed by Senators Hammond, et al., from the floor to amendment S—3744, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3764 to amendment S—3744 be adopted?" (H.F. 733) the vote was:

Ayes, 19:

Boettger	Connolly	Dearden	Deluhery
Fink	Flynn	Fraise	Gettings
Hammond	Harper	Horn	Judge
Kibbie	McCoy	Palmer	Redwine
Szymoniak	Tinsman	Vilsack	

Nays, 30:

Angelo	Bartz	Behn	Black, D.
Black, J.	Borlaug	Douglas	Drake
Dvorsky	Freeman	Gronstal	Halvorson
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Rehberg	Rensink	Rife	Rittmer
Schuerer	Zieman		

Absent or not voting, 1:

Neuhauser

Amendment S—3764 lost.

Senator Connolly offered amendment S—3765 filed by Senators Connolly, et al., from the floor to amendment S—3744.

Senator McLaren raised the point of order that amendment S—3765 to amendment S—3744 was not germane.

The Chair ruled the point well taken and amendment S—3765 out of order.

Senator Connolly offered amendment S—3766 filed by Senators Connolly, et al., from the floor to amendment S—3744 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3766 to amendment S—3744 be adopted?" (H.F. 733) the vote was:

Ayes, 21:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Neuhauser

Amendment S—3766 lost.

Senator Connolly offered amendment S—3748 filed by Senators Connolly and Kibbie from the floor to amendment S—3744 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3748 to amendment S—3744 be adopted?" (H.F. 733) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond

Hansen	Harper	Horn	Judge
Kibbie	Lundby	McCoy	Palmer
Szymoniak	Vilsack		

Nays, 24:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rensink
Rife	Rittmer	Schuerer	Zieman

Absent or not voting, 4:

King	Neuhauser	Rehberg	Tinsman
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Amendment S—3748 lost.

Senator McLaren moved the adoption of amendment S—3744 as amended, which motion prevailed by a voice vote.

Senator Freeman 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. 733) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Vilsack	Zieman		

Nays, 3:

Fink	Palmer	Tinsman
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Absent or not voting, 1:

Neuhauser

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

Senator Freeman asked and received unanimous consent that **Senate File 552** be **withdrawn** from further consideration of the Senate.

Senator Iverson asked and received unanimous consent that **House File 733** be **immediately messaged** to the House.

UNFINISHED BUSINESS CALENDAR

House File 299

On motion of Senator King, House File 299, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date, with report of committee recommending amendment and passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Iverson asked and received unanimous consent that action on **House File 299** be **deferred**.

APPENDIX

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 485, a bill for an act creating an Iowa tribute tuition grant and providing for an appropriation and an applicability date.

Recommendation: DO PASS.

Final Vote Ayes, 24: McLaren, Flynn, Behn, D. Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 730, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3767.

Final Vote Ayes, 23: McLaren, Flynn, Behn, D. Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack. Nays, 1: McCoy. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 731, a bill for an act relating to public budgeting, regulatory, and organizational matters, making fund transfers and appropriations, and providing technical provisions, and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3770.

Final Vote Ayes, 24: McLaren, Flynn, Behn, D. Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 722, a bill for an act relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3768.

Final Vote: Ayes, 11: Douglas, McKibben, Borlaug, Deluhery, Drake, Freeman, Hedge, Maddox, McLaren, Redfern and Szymoniak. Nays, 2: Connolly and Vilsack. Absent or not voting, 2: Palmer and Judge.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3767	H. F.	730	Appropriations
S-3768	H. F.	722	Ways and Means
S-3769	H. F.	724	JoAnn Douglas Don Gettings Sheldon Rittmer
S-3770	H. F.	731	Appropriations
S-3771	H. F.	299	Steve King

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:03 p.m., until 9:00 a.m., Friday, April 25, 1997.

JOURNAL OF THE SENATE

ONE HUNDRED-THIRD CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 25, 1997

The Senate met in regular session at 9:04 a.m., President pro tempore Redfern presiding.

Prayer was offered by Jeremy Hovda, Senate Page from Oskaloosa, Iowa.

The Journal of Thursday, April 24, 1997, was approved.

Senator Bartz took the chair at 9:10 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 531

Senator Redfern called up for consideration Senate File 531, a bill for an act relating to the increase in the physical plant and equipment levy, amended by the House, and moved that the Senate concur in House amendment S—3745 filed April 24, 1997.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McCoy and Judge until they arrive on request of Senator Gronstal.

BUSINESS PENDING

Senate File 531

The Senate resumed consideration of Senate File 531.

Senator Redfern 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. 531) the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Maddox
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Ziemann		

Nays, 2:

Connolly	Fink
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Absent or not voting, 6:

Judge	Kramer	Lundby	McCoy
McLaren	Rife		

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

President pro tempore Redfern took the chair at 9:20 a.m.

UNFINISHED BUSINESS CALENDAR (Deferred April 24, 1997)

House File 299

The Senate resumed consideration of House File 299, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date, deferred April 24, 1997.

Senator King offered amendment S—3771 filed by him on April 24, 1997, to strike everything after the enacting clause of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S—3771 and **House File 299** be deferred.

The Senate stood at ease at 9:26 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:06 a.m., President Kramer presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 726

On motion of Senator McKibben, House File 726, a bill for an act relating to the livestock production tax credit; increasing the state's reimbursement for the homestead, military service, and elderly and disabled credits; requiring the state to reimburse new property tax credits and exemptions; providing for local government budget practices and property tax statements; and including applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Flynn raised the point of order that House File 726 should be referred to the committee on Appropriations under Senate Rule 38.

Senator Iverson asked and received unanimous consent that **House File 726** be referred to the committee on **Appropriations** under Senate Rule 38 and returned to the Calendar no later than 11:25 a.m. today.

The Senate stood at ease at 11:15 a.m. until the fall of the gavel for the purpose of an Appropriations committee meeting.

The Senate resumed session at 11:25 a.m., President Kramer presiding.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 726, a bill for an act relating to the livestock production tax credit; increasing the state's reimbursement for the homestead, military service, and elderly and disabled credits; requiring the state to reimburse new property tax credits and exemptions; providing for local government budget practices and property tax statements; and including applicability date provisions.

Recommendation: DO PASS.

Final Vote Ayes, 21: McLaren, Kramer, Flynn, Behn, D. Black, Borlaug, Douglas, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, Neuhauser, Rehberg, Rensink, Rife, Rittmer and Tinsman. Nays, none. Absent or not voting, 4: Dvorsky, Lundby, McCoy and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS PENDING

House File 726

The Senate resumed consideration of House File 726, a bill for an act relating to the livestock production tax credit; increasing the state's reimbursement for the homestead, military service, and elderly and disabled credits; requiring the state to reimburse new property tax credits and exemptions; providing for local government budget practices and property tax statements; and including applicability date provisions, with report of committee on Appropriations recommending passage, previously deferred.

Senator McKibben offered amendment S—3752 filed by the committee on Ways and Means on April 24, 1997, to page 1 of the bill and moved its adoption.

Amendment S—3752 was adopted by a voice vote.

Senator Palmer offered amendment S—3749 filed by him on April 24, 1997, to pages 2-3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3749 be adopted?" (H.F. 726) the vote was:

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

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

McLaren

Amendment S—3749 lost.

Senator McKibben 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. 726) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge

Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

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

Senator Iverson asked and received unanimous consent that **House File 726** be **immediately messaged** to the House.

BUSINESS PENDING

House File 299

The Senate resumed consideration of House File 299, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date and amendment S—3771 by Senator King to strike everything after the enacting clause of the bill, previously deferred.

Senator King asked and received unanimous consent that action on amendment S—3772 filed by him from the floor to amendment S—3771 be deferred for consideration of amendment S—3773.

Senator Vilsack offered amendment S—3773 filed by him from the floor to amendment S—3771, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3773 to amendment S—3771 be adopted?" (H.F. 299) the vote was:

Ayes, 23:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise

Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Amendment S—3773 lost.

The Senate resumed consideration of amendment S—3772 by Senator King to amendment S—3771, previously deferred.

Senator King moved the adoption of amendment S—3772 to amendment S—3771.

A record roll call was requested.

On the question "Shall amendment S—3772 to amendment S—3771 be adopted?" (H.F. 299) the vote was:

Ayes, 24:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Jensen	King
Kramer	Maddox	McKean	McKibben
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Nays, 26:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Iverson
Judge	Kibbie	Lundby	McCoy
McLaren	Neuhauser	Palmer	Rife
Szymoniak	Vilsack		

Amendment S—3772 lost.

Senator Iverson asked and received unanimous consent that action on amendment S—3771 and House File 299 be deferred.

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 722

On motion of Senator McKibben, House File 722, a bill for an act relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKibben offered amendment S—3768 filed by the committee on Ways and Means on April 24, 1997, to pages 2-4 of the bill.

Senator Szymoniak asked and received unanimous consent that action on amendment S—3768 and House File 722 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Neuhauser for the remainder of the day on request of Senator Dvorsky.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 335

Senator Tinsman called up for consideration House File 335, a bill for an act relating to public health issues under the purview of the Iowa department of public health, including vital statistics, the board of nursing examiners, the board of dental examiners, lead poisoning, the immunization registry, the child death review team, plumbing provisions and fees, and providing a penalty and a contingent effective date, amended by the Senate, further amended by the House

and moved that the Senate concur in House amendment S—3645 to Senate amendment H—1647 filed April 21, 1997.

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

Senator Tinsman 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. 335) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Neuhauser

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

Senator Iverson asked and received unanimous consent that **House File 335** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 531**.

CONSIDERATION OF BILL (Ways and Means Calendar)

House File 724

On motion of Senator Douglas, House File 724, a bill for an act relating to investments in counties and cities by providing for the

establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Douglas offered amendment S—3736 filed by the committee on Ways and Means on April 23, 1997, to pages 1, 2, 4, 5 and 7 of the bill and moved its adoption.

Amendment S—3736 was adopted by a voice vote.

Senator Douglas asked and received unanimous consent to withdraw amendment S—3769 filed by Senators Douglas, Gettings and Rittmer on April 24, 1997, to page 1 of the bill.

Senator Douglas offered amendment S—3774 filed by Senators Douglas, Gettings and Rittmer from the floor to pages 1 and 4 of the bill.

Senator Rife asked and received unanimous consent that action on amendment S—3774 be deferred for consideration of amendment S—3741.

Senator Rife withdrew amendment S—3741 filed by him on April 24, 1997, to page 1 of the bill.

Senator Douglas moved the adoption of amendment S—3774 to pages 1 and 4 of the bill, previously deferred.

Amendment S—3774 was adopted by a voice vote.

Senator Douglas offered amendment S—3777 filed by her from the floor to page 1 of the bill and moved its adoption.

Amendment S—3777 was adopted by a voice vote.

President Kramer took the chair at 2:24 p.m.

Senator Rittmer offered amendment S—3778 filed by him from the floor to page 3 of the bill.

Senator Vilsack asked and received unanimous consent that action on amendment S—3778 be deferred.

Senator Douglas offered amendment S—3780 filed by her from the floor to page 7 and the title page of the bill and moved its adoption.

Amendment S—3780 was adopted by a voice vote.

Senator Iverson asked and received unanimous consent that action on **House File 724** be deferred and that the bill be referred to the committee on Appropriations and returned to the Senate Calendar no later than 3:00 p.m. today.

The Senate stood at ease at 2:28 p.m. until the fall of the gavel for the purpose of an Appropriations committee meeting.

The Senate resumed session at 3:10 p.m., President Kramer presiding.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 724, a bill for an act relating to investments in counties and cities by providing for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone.

Recommendation: DO PASS.

Final Vote Ayes, 20: McLaren, Kramer, Flynn, Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, McCoy, Rehberg, Rensink, Rittmer and Vilsack. Nays, none. Absent or not voting, 5: D. Black, Lundby, Neuhauser, Rife and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 732, a bill for an act relating to housing development and making an appropriation.

Recommendation: DO PASS.

Final Vote Ayes, 20: McLaren, Kramer, Flynn, Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, McCoy, Rehberg, Rensink, Rittmer and Vilsack. Nays, none. Absent or not voting, 5: D. Black, Lundby, Neuhauser, Rife and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS PENDING

House File 724

The Senate resumed consideration of House File 724, a bill for an act relating to investments in counties and cities by providing for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone, previously deferred.

Senator Halvorson offered amendment S—3783 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—3783 was adopted by a voice vote.

President pro tempore Redfern took the chair at 3:14 p.m.

Senator McCoy withdrew amendment S—3786 filed by him from the floor to page 2 of the bill.

Senator McCoy withdrew amendment S—3787 filed by him from the floor to page 2 of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S—3784 filed by him from the floor to page 2 of the bill be deferred for consideration of amendment S—3785.

Senator McCoy offered amendment S—3785 filed by him from the floor to page 2 of the bill.

President Kramer took the chair at 3:36 p.m.

Senator McCoy moved the adoption of amendment S—3785.

A record roll call was requested.

On the question "Shall amendment S—3785 be adopted?" (H.F. 724) the vote was:

Ayes, 19:

Black, D.
Fink

Black, J.
Fraise

Dearden
Gettings

Dvorsky
Gronstal

Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Palmer	Rife	Vilsack	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Connolly	Douglas	Drake
Flynn	Freeman	Hedge	Iverson
Jensen	King	Kramer	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Zieman	

Absent or not voting, 4:

Deluhery	Lundby	Neuhauser	Tinsman
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Amendment S—3785 lost.

Senator Vilsack offered amendment S—3790 filed by Senators Vilsack and Rittmer from the floor to page 3 of the bill and moved its adoption.

Amendment S—3790 was adopted by a voice vote.

The Senate resumed consideration of amendment S—3778 by Senator Rittmer to page 3 of the bill, previously deferred.

Senator Rittmer moved the adoption of amendment S—3778, which motion prevailed by a voice vote.

Senator McKean offered amendment S—3788 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3788 be adopted?" (H.F. 724) the vote was:

Ayes, 22:

Bartz	Black, D.	Black, J.	Connolly
Dearden	Drake	Dvorsky	Fink

Flynn	Fraise	Gronstal	Halvorson
Hammond	Harper	Horn	Jensen
Judge	Kibbie	McKean	Palmer
Vilsack	Zieman		

Nays, 24:

Angelo	Behn	Boettger	Borlaug
Douglas	Freeman	Gettings	Hansen
Hedge	Iverson	King	Kramer
Maddox	McCoy	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak

Absent or not voting, 4:

Deluhery	Lundby	Neuhauser	Tinsman
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Amendment S—3788 lost.

Senator Vilsack offered amendment S—3793 filed by him from the floor to page 3 of the bill.

Senator Douglas asked and received unanimous consent that action on amendment S—3793 be deferred.

Senator Vilsack withdrew amendment S—3781 filed by him from the floor to pages 3 and 4 of the bill.

The Senate resumed consideration of amendment S—3784 by Senator McCoy to page 2 of the bill, previously deferred.

Senator Halvorson called for a division of amendment S—3784: lines 3 and 4 as division S—3784A and lines 5 and 6 as division S—3784B.

Senator McCoy moved the adoption of division S—3784A.

A non record roll call was requested.

The ayes were 18, nays 27.

Division S—3784A lost.

Senator McCoy moved the adoption of division S—3784B.

A record roll call was requested.

On the question "Shall amendment S—3784B be adopted?" (H.F. 724) the vote was:

Ayes, 18:

Black, D.	Black, J.	Dearden	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Palmer	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Connolly	Douglas	Drake
Freeman	Halvorson	Hedge	Iverson
Jensen	King	Kramer	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Zieman	

Absent or not voting, 5:

Deluhery	Lundby	Neuhauser	Rife
Tinsman			

Division S—3784B lost.

Senator Iverson asked and received unanimous consent that action on House File 724 be deferred (amendment S—3793 pending).

CONSIDERATION OF BILL (Appropriations Calendar)

House File 732

On motion of Senator Maddox, House File 732, a bill for an act relating to housing development and making an appropriation, with

report of committee recommending passage, was taken up for consideration.

Senator Vilsack offered amendment S—3792 filed by Senators Vilsack and Dvorsky from the floor to pages 3, 6 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3792 be adopted?" (H.F. 732) the vote was:

Ayes, 21:

Bartz	Black, D.	Connolly	Dearden
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Palmer	Szymoniak
Vilsack			

Nays, 25:

Angelo	Behn	Black, J.	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Zieman			

Absent or not voting, 4:

Deluhery	Lundby	Neuhauser	Tinsman
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Amendment S—3792 lost.

Senator Dvorsky offered amendment S—3796 filed by Senators Dvorsky and Vilsack from the floor to pages 3 and 6 of bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3796 be adopted?" (H.F. 732) the vote was:

Ayes, 21:

Bartz	Black, D.	Connolly	Dearden
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Palmer	Szymoniak
Vilsack			

Nays, 25:

Angelo	Behn	Black, J.	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Zieman			

Absent or not voting, 4:

Deluhery	Lundby	Neuhauser	Tinsman
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Amendment S—3796 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Deluhery until he returns on request of Senator Dvorsky.

BUSINESS PENDING

House File 732

The Senate resumed consideration of House File 732

Senator Dvorsky offered amendment S—3794 filed by Senators Dvorsky and Vilsack from the floor to page 5 of the bill and moved its adoption.

Amendment S—3794 lost by a voice vote.

Senator Maddox 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. 732) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

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

Senator Iverson asked and received unanimous consent that **House File 732** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 553.

Senate File 553

On motion of Senator Redfern, Senate File 553, a bill for an act relating to the tax treatment of financial institutions and their

shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision, was taken up for consideration.

Senator Redfern 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. 553) the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Vilsack
Zieman			

Nays, none.

Present, 1:

Flynn

Absent or not voting, 4:

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

Senator Iverson asked and received unanimous consent that **Senate File 553** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 129

Senator McKibben called up for consideration Senate File 129, a bill for an act updating the Iowa Code references to the Internal Revenue

Code and providing a retroactive applicability date and an effective date, amended by the House in House amendment S—3122 filed March 12, 1997.

The Chair ruled amendment S—3709 filed by Senators Kibbie, et al., on April 23, 1997, to pages 2, 3 and the title page of the bill, out of order.

Senator Kibbie offered amendment S—3737 filed by him on April 23, 1997, to House amendment S—3122.

Senator McKibben raised the point of order that amendment S—3737 to House amendment S—3122 was not germane.

The Chair ruled the point well taken and amendment S—3737 out of order.

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

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

Senator McKibben 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. 129) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Deluhery

Lundby

Neuhauser

Tinsman

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

Senator Iverson asked and received unanimous consent that an immediate message be sent to the House on **Senate File 129**.

CONSIDERATION OF BILL (Regular Calendar)

House File 266

On motion of Senator Redfern, House File 266, a bill for an act relating to the administration of state individual income, corporate, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Redfern offered amendment S—3686 filed by the committee on Ways and Means on April 22, 1997, to strike everything after the enacting clause and to the title page of the bill.

Senator Judge offered amendment S—3751 filed by her on April 24, 1997, to amendment S—3686 and moved its adoption.

Amendment S—3751 lost by a voice vote.

Senator Dvorsky offered amendment S—3696 filed by him on April 23, 1997, to amendment S—3686, moved its adoption and requested a non record roll call.

The ayes were 25, nays 18.

Amendment S—3696 was adopted.

Senator Redfern offered amendment S—3791 filed by him from the floor to amendment S—3686 and moved its adoption.

Amendment S—3791 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the day on request of Senator Fraise.

BUSINESS PENDING

House File 266

The Senate resumed consideration of House File 266.

Senator Judge offered amendment S—3758 filed by her on April 24, 1997, to amendment S—3686 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3758 to amendment S—3686 be adopted?" (H.F. 266) the vote was:

Ayes, 18:

Black, D.	Cannolly	Dearden	Dvorsky
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Kibbie	McCoy	Palmer
Szymoniak	Vilsack		

Nays, 24:

Angelo	Behn	Black, J.	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Zieman

Absent or not voting, 8:

Bartz	Deluhery	Gettings	Judge
Lundby	Neuhauser	Rife	Tinsman

Amendment S—3758 lost.

Senator Palmer offered amendment S—3743 filed by him on April 24, 1997, to amendment S—3686 and moved its adoption.

Amendment S—3743 was adopted by a voice vote.

Senator Palmer withdrew amendment S—3702 filed by him on April 23, 1997, to amendment S—3686.

Senator Redfern offered amendment S—3720 filed by him on April 23, 1997, to amendment S—3686 and moved its adoption.

Amendment S—3720 was adopted by a voice vote.

Senator Palmer withdrew amendment S—3747 filed by him on April 24, 1997, to amendment S—3686.

Senator Redfern offered amendment S—3723 filed by him on April 23, 1997, to amendment S—3686 and moved its adoption.

Amendment S—3723 was adopted by a voice vote.

Senator Redfern asked and received unanimous consent that action on amendment S—3686 as amended and **House File 266** be deferred.

The Senate stood at ease at 5:56 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 6:10 p.m., President Kramer presiding.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 24, 1997, 7:20 p.m.

Members Present: McLaren, Chair; Flynn, Ranking Member; Behn, D. Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack.

Members Absent: Kramer, Vice Chair (excused).

Committee Business: Recommended passage of Senate File 485; recommended passage of House Files 730 and 731 as amended.

Adjourned: 8:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: April 24, 1997, 8:03 a.m.

Members Present: Bartz, Chair; Fink, Ranking Member; Borlaug, Dvorsky, Freeman, Hedge, Rehberg and Ziemann.

Members Absent: Angelo, Vice Chair; D. Black, J. Black (excused), Dearden, Deluhery, Judge and McKibben.

Committee Business: Recommended passage of Senate Concurrent Resolution 14.

Adjourned: 8:10 a.m.

WAYS AND MEANS

Convened: April 24, 1997, 11:40 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak and Vilsack.

Members Absent: none.

Committee Business: Assigned bills to subcommittees and recommended passage of House File 726 as amended.

Adjourned: 1:04 p.m.

WAYS AND MEANS

Convened: April 24, 1997, 6:35 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Maddox, McLaren, Redfern, Szymoniak and Vilsack.

Members Absent: Palmer, Ranking Member and Judge (both excused).

Committee Business: Recommended passage of House File 722 as amended.

Adjourned: 7:10 p.m.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Thirty-four sixth grade students from Boyden Elementary School, Boyden, accompanied by Marcene Cox, Vicki Vander Lugt, Dean Hooegeveen, Leila Moret and Paul Landman. Senator Rensink.

Fifteen K-3rd grade students from Madison Elementary School, Des Moines, accompanied by Julie Leonetti. Senator Dearden.

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

Sixty fifth grade students from Southdale Elementary School, Cedar Falls, accompanied by Denise Aalderks, Dave Prail and Jeannie Lingren. Senator Redfern.

Fifty-four sixth grade students from Greenfield Elementary School, Greenfield, accompanied by Connie Lundy. Senator Douglas.

Thirty fifth grade students from Valley Park Elementary School, Cedar Falls, accompanied by Mrs. Decker. Senator Redfern.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3772 to amendment S-3771 to House File 299 failed to be adopted by the Senate on April 25, 1997.

STEWART IVERSON, JR.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 25th day of April, 1997:

Senate File 193.

MARY PAT GUNDERSON
Secretary of the Senate

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 24, 1997, when the votes were taken on House File 355 and Senate File 442.

Had I been present, I would have voted "aye".

PATTY JUDGE

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 15

HUMAN RESOURCES: Boettger, Chair; Redwine and Szymoniak

Senate File 555

AGRICULTURE: Kibbie, Chair; Rehberg and Rensink

RESOLUTION ASSIGNED TO COMMITTEE

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

S. R. 10 Rules and Administration

AMENDMENTS FILED

S-3772	H. F.	299	Steve King
S-3773	H. F.	299	Tom Vilsack
S-3774	H. F.	724	JoAnn Douglas Don Gettings Sheldon Rittmer
S-3775	H. F.	540	Sheldon Rittmer
S-3776	H. F.	730	Mike Connolly
S-3777	H. F.	724	JoAnn Douglas
S-3778	H. F.	724	Sheldon Rittmer
S-3779	S. F.	485	Johnie Hammond Derryl McLaren
S-3780	H. F.	724	JoAnn Douglas
S-3781	H. F.	724	Tom Vilsack
S-3782	S. F.	549	House amendment
S-3783	H. F.	724	Rod Halvorson
S-3784	H. F.	724	Matt McCoy
S-3785	H. F.	724	Matt McCoy

S-3786	H.F.	724	Matt McCoy
S-3787	H.F.	724	Matt McCoy
S-3788	H.F.	724	Andy McKean
S-3789	H.F.	299	Steve King
S-3790	H.F.	724	Tom Vilsack Sheldon Rittmer
S-3791	H.F.	266	Donald B. Redfern
S-3792	H.F.	732	Tom Vilsack Robert E. Dvorsky
S-3793	H.F.	724	Tom Vilsack
S-3794	H.F.	732	Robert E. Dvorsky Tom Vilsack
S-3795	H.F.	731	Dennis H. Black JoAnn Douglas
S-3796	H.F.	732	Robert E. Dvorsky Tom Vilsack
S-3797	H.F.	724	Tom Vilsack Patty Judge
S-3798	H.F.	724	Tom Vilsack Patty Judge

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 730.

House File 730

On motion of Senator Rife, House File 730, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Senator Rife offered amendment S—3767 filed by the committee on Appropriations on April 24, 1997, to pages 1, 3, 6 and 12 of the bill.

Senator Connolly offered amendment S—3776 filed by him from the floor to amendment S—3767 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3776 to amendment S—3767 be adopted?" (H.F. 730) the vote was:

Ayes, 17:

Black, D.	Connolly	Dearden	Dvorsky
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Harper	Horn
Judge	Kibbie	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hansen	Hedge	Iverson
Jensen	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Zieman

Absent or not voting, 5:

Deluhery	Gettings	Lundby	Neuhauser
Tinsman			

Amendment S—3776 lost.

Senator Rife offered amendment S—3800 filed by him from the floor to amendment S—3767 and moved its adoption.

A non record roll call was requested.

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

The ayes were 25, nays 19.

Amendment S—3800 was adopted.

Senator Rife moved the adoption of amendment S—3767 as amended.

A non record roll call was requested.

The ayes were 35, nays, none.

Amendment S—3767 as amended was adopted.

Senator Rife 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. 730) the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gronstal
Hammond	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean
McKibben	McLaren	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Vilsack

Nays, 4:

Dearden	Halvorson	Hansen	McCoy
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Absent or not voting, 6:

Deluhery	Gettings	Lundby	Neuhauser
Tinsman	Zieman		

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

Senator Iverson asked and received unanimous consent that **House File 730** be **immediately messaged** to the House.

BUSINESS PENDING

House File 724

The Senate resumed consideration of House File 724, a bill for an act relating to investments in counties and cities by providing for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone and amendment S—3793, previously deferred.

Senator Vilsack offered amendment S—3797 filed by Senators Vilsack and Judge from the floor to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3797 be adopted?" (H.F. 724) the vote was:

Ayes, 20:

Bartz	Black, D.	Black, J.	Connolly
Dearden	Dvorsky	Fink	Flynn
Fraise	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McKean	Palmer	Vilsack

Nays, 25:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Hedge
Iverson	Jensen	King	Kramer
Maddox	McCoy	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Zieman			

Absent or not voting, 5:

Deluhery	Gettings	Lundby	Neuhauser
Tinsman			

Amendment S—3797 lost.

Senator Vilsack asked and received unanimous consent to withdraw amendment S—3798 filed by Senators Vilsack and Judge from the floor to page 4 of the bill.

Senator Vilsack offered amendment S—3799 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—3799 was adopted by a voice vote.

Senator Vilsack withdrew amendment S—3793 to page 3 of the bill, previously deferred.

Senator Douglas 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. 724) the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Vilsack	Zieman

Nays, 1:

Fink

Absent or not voting, 5:

Deluhery	Gettings	Lundby	Neuhauser
Tinsman			

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

Senator Iverson asked and received unanimous consent that **House File 724** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions (S—3782).

INTRODUCTION OF RESOLUTION

Senate Resolution 10, by Kramer, Iverson, Gronstal, and Judge, a resolution honoring E.A. (Sam) Samuelson for his many years of service to the Senate.

Read first time and passed on file.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE CONCURRENT RESOLUTION 22, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3802.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Drake, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak and Vilsack. Nays, none. Absent or not voting, 2: Deluhery and Freeman.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3799	H.F.	724	Tom Vilsack
S-3800	H.F.	730	Jack Rife
S-3801	H.F.	266	John P. Kibbie Johnie Hammond Mike Connolly
S-3802	H.C.R.	22	Ways and Means

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—3791 to amendment S—3686 to House File 266 was adopted by the Senate on April 25, 1997.

WALLY E. HORN

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:21 p.m., until 10:00 a.m., Monday, April 28, 1997.

JOURNAL OF THE SENATE

ONE HUNDRED-SIXTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 28, 1997

The Senate met in regular session at 10:20 a.m., President Kramer presiding.

Prayer was offered by the Honorable Allen Borlaug, member of the Senate from Chickasaw County, Protivin, Iowa.

The Journal of Friday, April 25, 1997, was approved.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **Conference Committee**, appointed April 24, 1997, on **Senate File 391**, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates, on the part of the House are: The Representative from Muscatine, Mr. Brauns, Chair; the Representative from Clinton, Mr. Bradley; the Representative from Des Moines, Mr. Cohoon; the Representative from Hancock, Mr. Rayhons; the Representative from Woodbury, Mr. Warnstadt.

ALSO: that the members of the **Conference Committee**, appointed April 24, 1997, on **Senate File 529**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, on the part of the House are: The Representative from Bremer, Mr. Brunkhorst, Chair; the Representative from Polk, Mr. Cataldo; the Representative from Scott, Mr. Holmes; the Representative from Plymouth, Mr. Kleimme; the Representative from Linn, Mr. Taylor.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 579

Senator Dearden called for consideration House File 579, a bill for an act relating to the membership of the medical assistance advisory council, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3545 to Senate amendment H—1646 filed April 16, 1997.

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

Senator Dearden 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. 579) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Palmer until he arrives on request of Senator Horn and Senator McKibben until he arrives on request of Senator Rehberg.

UNFINISHED BUSINESS CALENDAR

(Deferred April 21, 1997)

House File 540

The Senate resumed consideration of House File 540, a bill for an act relating to personnel procedures and investment policy requirements for state government employees, deferred April 21, 1997.

Senator Connolly offered amendment S—3685 filed by him on April 22, 1997, to pages 2, 4 and 5 of the bill.

Senator Rittmer offered amendment S—3775 filed by him on April 25, 1997, to amendment S—3685 and moved its adoption.

Amendment S—3775 was adopted by a voice vote.

Senator Connolly moved the adoption of amendment S—3685 as amended, which motion prevailed by a voice vote.

Senator Kibbie asked and received unanimous consent to withdraw amendment S—3666 filed by Senators Kibbie, et al., on April 21, 1997, to pages 4, 5 and the title page of the bill.

Senator Connolly withdrew amendments S—3667 and S—3668 filed by him on April 21, 1997, to page 5 of the bill.

Senator Rittmer 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. 540) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman

Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, 1:

Black, J.

Absent or not voting, 2:

McLaren Vilsack

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 579 and 540** be **immediately messaged** to the House.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 8

On motion of Senator Bartz, Senate Resolution 8, a senate resolution recognizing Sergeant Scott Harlan Siefken and his family and requesting federal assistance, with report of committee recommending passage, was taken up for consideration.

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

UNFINISHED BUSINESS CALENDAR (Deferred April 25, 1997)

House File 266

The Senate resumed consideration of House File 266, a bill for an act relating to the administration of state individual income,

corporate, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision, amendment S—3686 by the committee on Ways and Means to strike everything after the enacting clause of the bill, deferred April 25, 1997.

Senator Kibbie offered amendment S—3801 filed by Senators Kibbie, Hammond and Connolly on April 25, 1997, to amendment S—3686.

Senator Douglas raised the point of order that amendment S—3801 was not germane.

Senator Douglas asked and received unanimous consent that her request for a ruling on germaneness and action on amendment S—3801 to amendment S—3686, be deferred.

Senator Lundby asked and received unanimous consent to withdraw amendment S—3704 filed by Senators Lundby, et al., to amendment S—3686.

Senator Horn withdrew the motion to reconsider amendment S—3791 to amendment S—3686 filed by him on April 25, 1997, and found on page 1481 of the Senate Journal.

The Senate resumed consideration of amendment S—3801 to amendment S—3686 by Senators Kibbie, Hammond and Connolly, and the point of order raised by Senator Douglas that amendment S—3801 was not germane.

The Chair ruled the point well taken and amendment S—3801 out of order.

Senator Schuerer filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—3696 to amendment S—3686 to House File 266 was adopted by the Senate on April 25, 1997.

A non record roll call was requested.

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

The ayes were 25, nays 24.

The motion prevailed and amendment S—3696 to amendment S—3686 was taken up for reconsideration.

Senator Dvorsky asked and received unanimous consent that action on amendment S—3696 to amendment S—3686, amendment S—3686 as amended, and **House File 266** be **deferred**.

UNFINISHED BUSINESS CALENDAR

Senate File 448

On motion of Senator Lundby, Senate File 448, 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, placed on the Unfinished Business Calendar on April 3, 1997, was taken up for consideration.

Senator Lundby offered amendment S—3660 filed by her on April 21, 1997, to pages 1, 4, 22, 28, 32, 34 and 39 of the bill and moved its adoption.

Amendment S—3660 was adopted by a voice vote.

Senator Lundby asked and received unanimous consent that **House File 636** be **substituted** for **Senate File 448** as amended.

House File 636

On motion of Senator Lundby, House File 636, 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, was taken up for consideration.

Senator Dvorsky offered amendment S—3725 filed by Senators Dvorsky and Neuhauser on April 23, 1997, to page 28 of the bill and moved its adoption.

Amendment S—3725 was adopted by a voice vote.

Senator Borlaug offered amendment S—3457 filed by Senators Borlaug and Dearden on April 9, 1997, to page 34 of the bill.

Senator Borlaug offered amendment S—3652 filed by him on April 21, 1997, to amendment S—3457 and moved its adoption.

Amendment S—3652 was adopted by a voice vote.

Senator Borlaug moved the adoption of amendment S—3457 as amended, which motion prevailed by a voice vote.

Senator Lundby offered amendment S—3806 filed by her from the floor to page 36 of the bill and moved its adoption.

Amendment S—3806 was adopted by a voice vote.

Senator Lundby 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. 636) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Halvorson

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

Senator Lundby asked and received unanimous consent that **Senate File 448** be **withdrawn** from further consideration of the Senate.

Senator Iverson asked and received unanimous consent that **House File 636** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1997, passed the following bill in which the concurrence of the House was asked:

Senate File 161, a bill for an act modifying the holding temperature required for the storage of eggs sold at retail.

ALSO: That the House has on April 28, 1997, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 456, a bill for an act relating to city civil service and providing an effective date.

House File 726, a bill for an act relating to the livestock production tax credit; increasing the state's reimbursement for the homestead, military service, and elderly and disabled credits; requiring the state to reimburse new property tax credits and exemptions; providing for local government budget practices and property tax statements; and including applicability date provisions.

ALSO: That the House has on April 28, 1997, 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 662, a bill for an act relating to the defense of criminal charges, by making changes in the penalties applicable to certain offenses for which appointment of counsel is required, providing county attorneys or their designees with access to the centralized employee registry for purposes of collection of restitution, making changes relating to the determination of a person's indigency, prohibiting the submission of false information on an affidavit of financial status, requiring the state to enforce liens for restitution in criminal cases, and providing penalties (S—3807 to H—1775).

RECESS

On motion of Senator Iverson, the Senate recessed at 12:15 p.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:43 p.m., Senator Boettger presiding.

QUORUM CALL

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

The vote revealed 34 present, 16 absent and a quorum present.

UNFINISHED BUSINESS CALENDAR

House File 637

On motion of Senator Lundby, House File 637, a bill for an act relating to the general operation of corporations, partnerships, and associations, including provisions relating to certain filings made by corporations and associations, the filing of biennial reports by certain corporations and cooperative associations, and establishing fees, with report of committee recommending passage and placed on the

Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Lundby 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. 637) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

House File 642

On motion of Senator Maddox, House File 642, a bill for an act relating to limited partnerships and the rights and duties of limited partners, partnership agreements, duties of the secretary of state with respect to limited partnerships, and other related matters affecting foreign and domestic limited partnerships, and establishing fees and penalties, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Maddox asked and received unanimous consent that action on **House File 642** be deferred.

House File 661

On motion of Senator McKibben, House File 661, a bill for an act relating to the adjudication and sentencing of certain criminal offenders, by providing for notice and hearings on reconsiderations of sentence, permitting the presentation of oral victim impact statements at reconsideration of sentence hearings, and eliminating certain sexual offenders from eligibility for suspended or deferred sentences or deferred judgments, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 661) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 637 and 661** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 526

Senator Tinsman called up for consideration Senate File 526, a bill for an act providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health, amended by the House, and moved that the Senate concur in House amendment S—3746 filed April 24, 1997.

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

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. 526) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

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

BUSINESS PENDING

House File 266

The Senate resumed consideration of House File 266, a bill for an act relating to the administration of state individual income, corporate, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision, amendment S—3686 as amended by the committee on Ways and Means to strike everything after the enacting clause of the bill, and amendment S—3696 to amendment S—3686, previously deferred.

Senator Dvorsky moved the adoption of amendment S—3696 to amendment S—3686, which motion prevailed by a voice vote.

Senator Redfern moved the adoption of amendment S—3686 as amended, which motion prevailed by a voice vote.

Senator Redfern 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. 266) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Rife

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 266** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 526**.

UNFINISHED BUSINESS CALENDAR

House File 666

On motion of Senator King, House File 666, a bill for an act to increase the penalties for the manufacture, delivery, or possession with intent to manufacture or deliver amphetamine or any substance containing amphetamine, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 666) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jansen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben

McLaren
Redwine
Rittmer
Vilsack

Neuhauser
Rehberg
Schuerer
Zieman

Palmer
Rensink
Szymoniak

Redfern
Rife
Tinsman

Nays, none.

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

CONSIDERATION OF RESOLUTION (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 22.

House Concurrent Resolution 22

On motion of Senator Douglas, House Concurrent Resolution 22, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Douglas offered amendment S—3802 filed by the committee on Ways and Means on April 25, 1997, to page 4 of the resolution and moved its adoption.

Amendment S—3802 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on **House Concurrent Resolution 22** as amended be deferred.

UNFINISHED BUSINESS CALENDAR

House File 114

On motion of Senator Redfern, House File 114, a bill for an act to legalize certain city and county deeds and conveyances, with report of

committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Redfern 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. 114) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Rehberg

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 114 and 666** be **immediately messaged** to the House.

UNFINISHED BUSINESS CALENDAR

(Deferred April 9, 1997)

Senate File 367

The Senate resumed consideration of Senate File 367, a bill for an act relating to transfers of real property by providing that certain

disclosures regarding psychologically impacted property are not required and by amending the definition of transfer, deferred April 9, 1997.

Senator Bartz offered amendment S—3705 filed by him on April 23, 1997, to page 2 of the bill and moved its adoption.

Amendment S—3705 was adopted by a voice vote.

Senator Bartz offered amendment S—3451 filed by Senators Bartz and Neuhauser on April 9, 1997, to page 2 of the bill and moved its adoption.

Amendment S—3451 was adopted by a voice vote.

Senator Bartz 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. 367) the vote was:

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

Ayes, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Flynn
Fraise	Freeman	Gettings	Gronstal
Hansen	Iverson	Jensen	King
Kramer	McKibben	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Tinsman
Zieman			

Nays, 25:

Black, D.	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Halvorson
Hammond	Harper	Hedge	Horn
Judge	Kibbie	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Palmer	Rensink	Rife	Szymoniak
Vilsack			

The bill not having received a constitutional majority was declared to have **failed to pass the Senate.**

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1997, adopted the conference committee report and passed **Senate File 529**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

ALSO: that the House has on April 28, 1997, adopted the conference committee report and passed **House File 612**, a bill for an act relating to child support recovery, providing penalties, and providing effective dates.

ALSO: That the House has on April 28, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 142, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty.

President Kramer took the chair at 3:22 p.m.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 612)

A conference committee report signed by the following Senate and House members was filed April 28, 1997, on House File 612, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters:

On the Part of the Senate:

NANCY BOETTGER, Chair
MARY NEUHAUSER
DONALD B. REDFERN
NEAL SCHUERER
TOM VILSACK

On the Part of the House:

DAN BODDICKER, Chair
JEFFREY LAMBERTI
DAVID MILLAGE

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: **SENATE FILE 555**, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3809.

Final Vote: Ayes, 15: Rensink, J. Black, Judge, Angelo, Bartz, Behn, D. Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack and Zieman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 13, a concurrent resolution recognizing the 150th anniversary of the founding of the University of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Redfern, Rehberg, Angelo, J. Black, Boettger, Dvorsky, Fink, Kibbie, Neuhauser, Szymoniak and Tinsman. Nays, none. Absent or not voting, 4: Connolly, Kramer, Redwine and Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 10, a resolution honoring E.A. (Sam) Samuelson for his many years of service to the Senate.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Fink, Jensen, Kibbie, Maddox, Redfern and Rehberg. Nays, none. Absent or not voting, 2: Judge and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 612

Senator Boettger called up the conference committee report on House File 612, a bill for an act relating to child support recovery, providing penalties, and providing effective dates, filed on April 28, 1997, 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 Boettger 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. 612) the vote was:
Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

Senator Iverson asked and received unanimous consent that **House File 612** be **immediately messaged** to the House.

UNFINISHED BUSINESS CALENDAR

(Deferred April 25, 1997)

House File 722

The Senate resumed consideration of House File 722, a bill for an act relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date and amendment S—3768 by the committee on Ways and Means to pages 2-4 of the bill, deferred April 25, 1997.

Senator McKibben asked and received unanimous consent to withdraw amendment S—3768.

The Chair ruled that amendment S—3803 filed by Senator Vilsack from the floor to amendment S—3768, was out of order.

Senator McKibben offered amendment S—3810 filed by Senators McKibben and Flynn from the floor to pages 2 and 3 of the bill.

Senator Vilsack offered amendment S—3813 filed by him from the floor to amendment S—3810 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3813 to amendment S—3810 be adopted?" (H.F. 722) the vote was:

Ayes, 20:

Bartz	Black, D.	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 28:

Angelo	Behn	Black, J.	Boettger
Borlaug	Connolly	Douglas	Drake
Flynn	Freeman	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Kibbie	McLaren
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Amendment S—3813 lost.

Senator McKibben moved the adoption of amendment S—3810, which motion prevailed by a voice vote.

Senator McKibben 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. 722) the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Deluhery
Douglas	Drake	Dvorsky	Flynn
Fraise	Freeman	Halvorson	Hammond
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 7:

Connolly	Dearden	Fink	Gettings
Gronstal	Hansen	Neuhauser	

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 540, a bill for an act relating to personnel procedures and investment policy requirements for state government employees.

ALSO: That the House has on April 28, 1997, 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 724, a bill for an act relating to investments in counties and cities by providing for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone (S—3817 to H—1945).

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 722** be immediately messaged to the House.

BUSINESS PENDING

House Concurrent Resolution 22

The Senate resumed consideration of House Concurrent Resolution 22 as amended, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates, previously deferred.

Senator Gronstal offered amendment S—3816 filed by him from the floor to pages 2-4 of the resolution and moved its adoption.

Amendment S—3816 was adopted by a voice vote.

Senator Douglas moved the adoption of House Concurrent Resolution 22 as amended, which motion prevailed by a voice vote.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 724

Senator Douglas called up for consideration House File 724, a bill for an act relating to investments in counties and cities by providing

for the establishment of enterprise zones in areas of counties and cities for which tax incentives and assistance are available for eligible businesses locating or located in the enterprise zone, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3817 to Senate amendment H—1945 filed on April 28, 1997.

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

Senator Douglas 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. 724) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 2:

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1997, passed the following bill in which the concurrence of the House was asked:

Senate File 410, a bill for an act relating to the Iowa higher education loan authority by eliminating the limit on the amount of its obligations that may be outstanding for purposes of funding capital projects and allowing the authority to issue tuition anticipation notes and obligations to finance projects to be leased to an institution.

ALSO: That the House has on April 28, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 636, 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.

CONSIDERATION OF BILL (Regular Calendar)

Senate File 555

On motion of Senator Kibbie, Senate File 555, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Senator Kibbie offered amendment S—3809 filed by the committee on Agriculture from the floor to strike everything after the enacting clause of the bill.

Senator Kibbie offered amendment S—3815 filed by him from the floor to amendment S—3809.

Senator Bartz asked and received unanimous consent that action on amendment S—3815 to amendment S—3809, amendment S—3809 and **Senate File 555** be deferred.

BUSINESS PENDING

House File 642

The Senate resumed consideration of House File 642, a bill for an act relating to limited partnerships and the rights and duties of limited partners, partnership agreements, duties of the secretary of state with respect to limited partnerships, and other related matters affecting foreign and domestic limited partnerships, and establishing fees and penalties, previously deferred.

Senator Maddox withdrew amendment S—3804 filed by him from the floor to page 30 and the title page of the bill.

Senator Maddox offered amendment S—3814 filed by him from the floor to page 30 and the title page of the bill and moved its adoption.

Amendment S—3814 was adopted by a voice vote.

Senator Maddox 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. 642) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 662

Senator Maddox called up for consideration House File 662, a bill for an act relating to the defense of criminal charges, by making changes in the penalties applicable to certain offenses for which appointment of counsel is required, providing county attorneys or their designees with access to the centralized employee registry for purposes of collection of restitution, making changes relating to the determination of a person's indigency, prohibiting the submission of false information on an affidavit of financial status, requiring the state to enforce liens for restitution in criminal cases, and providing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3807 to Senate amendment H—1775 filed April 28, 1997.

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

Senator Maddox 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. 662) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben

McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 22** and **House Files 642** and **662** be **immediately messaged** to the House.

UNFINISHED BUSINESS CALENDAR

House File 226

On motion of Senator Angelo, House File 226, a bill for an act relating to computation of time by which criminal sentences may be reduced for good behavior and providing for limited retroactive applicability, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

Senator Angelo 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. 226) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby

Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Rife

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 226 and 724 be immediately messaged to the House.**

UNFINISHED BUSINESS CALENDAR

House File 371

On motion of Senator Tinsman, House File 371, a bill for an act relating to the issuing of temporary orders for support, custody, or visitation of a child born outside of marriage, with report of committee recommending passage and placed on the Unfinished Business Calendar on April 10, 1997, was taken up for consideration.

President pro tempore Redfern took the chair at 5:39 p.m.

Senator Tinsman 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. 371) the vote was:

Ayes, 49:

Angelo	Behn	Black, D.	Black, J.
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky

Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Bartz

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

HOUSE AMENDMENT CONSIDERED

Senate File 83

Senator Freeman called up for consideration Senate File 83, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained, amended by the House, and moved that the Senate concur in House amendment S—3742 filed on April 24, 1997.

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

Senator Freeman 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. 83) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake

Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 371** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 83**.

ADOPTION OF RESOLUTION (Regular Calendar)

House Concurrent Resolution 21

On motion of Senator McKean, House Concurrent Resolution 21, a concurrent resolution establishing a special commission to study and make recommendations concerning urban planning, growth management of cities, and protection of farmland, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved the adoption of House Concurrent Resolution 21, which motion prevailed by a voice vote.

BUSINESS PENDING

Senate File 555

The Senate resumed consideration of Senate File 555, a bill for an act relating to the control of pseudorabies, making corresponding

changes, making penalties applicable, and providing for an effective date, amendment S—3809 to strike everything after the enacting clause of the bill and amendment S—3815 to amendment S—3809, previously deferred.

Senator Bartz asked and received unanimous consent to withdraw amendment S—3818 filed by Senators Bartz and Judge from the floor to amendment S—3809.

The Senate resumed consideration of amendment S—3815 to amendment S—3809.

Senator Kibbie moved the adoption of amendment S—3815 to amendment S—3809 which motion prevailed by a voice vote.

Senator Kibbie moved the adoption of amendment S—3809 as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 555) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman.	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 21** and **Senate File 555** be **immediately messaged** to the House.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 132, the following correction was made:

1. Page 12, line 25, the following words were added "NEW UNNUMBERED PARAGRAPH".

ALSO: That in enrolling Senate File 236, the following corrections were made:

1. Page 5, line 5, the letter "n." was changed to the letter "l."
2. Page 5, line 10, the letter "o." was changed to the letter "m."
3. Page 5, line 13, the letter "p." was changed to the letter "n."
4. Page 5, line 16, the letter "q." was changed to the letter "o."
5. Page 5, line 20, the letter "r." was changed to the letter "p".

ALSO: That in enrolling Senate File 240, the following corrections were made:

1. Page 29, line 2, the words "department of Justice" were changed to the words "department of justice".
2. Page 29, line 3, a colon was added after the number "16546".
3. Page 37, line 15, the words "For aids prevention" was changed to the words "For AIDS prevention."

ALSO: That in enrolling Senate File 433, the following corrections were made:

Page 1, line 2, the words "the following new paragraph" were changed to the words "the following new unnumbered paragraph".

2. Page 1, line 34, the words "the following new paragraph" were changed to the words "the following new unnumbered paragraph".

ALSO: That in engrossing the Senate amendment to House File 266, the following corrections were made:

1. Page 20, line 45, the word and number "Section 16" were changed to the word and number "Section 17".

1. Page 20, line 48, the words and numbers "Sections 6, 12, and 20" were changed to the words and numbers "Sections 6, 12, and 22".
3. Page 21, line 4, the word and number "Section 18" were changed to the word and number "Section 20".
4. Page 21, line 6, the words and numbers Sections 201 and 202" were changed to the words and numbers "Sections 42 and 43".

MARY PAT GUNDERSON
Secretary of the Senate

PRESENTATION OF VISITORS

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

Fifty fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Maddox. Senator Hedge.

Sixth grade students from Hoover Elementary School, Dubuque, accompanied by Mrs. Lyon. Senator Flynn.

Twenty sixth grade students from Turkey Valley Community School District, Jackson Jct., accompanied by Mrs. Milbrant. Senator Borlaug.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 28th day of April, 1997:

Senate Files 116, 176, 132, 174, 229, 236, 109, 240, 379, 433 and 460.

MARY PAT GUNDERSON
Secretary of the Senate

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 18, 1997

IOWA ENERGY CENTER

1996 Annual Report.

March 24, 1997

IOWA DEPARTMENT OF PUBLIC HEALTH

A report on Organized Delivery Systems in Iowa pursuant to 75th G.A. Chapter 158.

Iowa Senior Health Program FY96.

Vital Statistics - 1995 - Pursuant to: Iowa Code, Ch. 144.5(5).

March 27, 1997

IOWA COLLEGE STUDENT AID COMMISSION

The ethnic diversity and controlled substance policy assurances summaries required by Iowa Code Section 261.25, subsection 5.

April 1, 1997

IOWA RACING AND GAMING COMMISSION

1996 Annual Report.

April 3, 1997

LEGISLATIVE SERVICE BUREAU

Hedge to Arrive Contracts Study Committee.

IOWA COLLEGE STUDENT AID COMMISSION

1995-1996 Biennial Report.

April 9, 1997

IOWA WORKFORCE DEVELOPMENT

A copy of the 1997 Annual Status Report on the Unemployment Compensation Fund in accordance with Iowa Code Section 96.35.

April 21, 1997

DIVISION OF COMMUNITY ACTION AGENCIES

The Final Report on the Iowa Dialogue on Poverty \ 1996 Annual Report on Community Action Programs in Iowa.

April 22, 1997

IOWA FAMILY POLICY CENTER

The Iowa Index of Leading Cultural Indicators.

April 25, 1997

CITIZENS' AIDE/OMBUDSMAN

Annual report for 1996 pursuant to Iowa Code Section 2C.

**ANNOUNCEMENT OF APPOINTMENTS
BY THE PRESIDENT OF THE SENATE**

President Kramer announced the following senatorial appointments after consultation with the majority and minority leaders:

April 25, 1997

Iowa Economic Development Board:

Allen Borlaug and Rod Halvorson

Agricultural Energy Management Advisory Council:

Jeff Angelo and Eugene Fraise

Communications Review Committee:

Derryl McLaren, John Redwine and Bob Dvorsky

Rural Health & Primary Care Advisory Committee:

Wilmer Rensink and Patty Judge

Child Support Advisory Committee:

Nancy Boettger and Mary Neuhauser

Committee on the Status of Women

Don Redfern (term expires at the beginning of 78th General Assembly).
Pat Harper (term expires at the beginning of 79th General Assembly).

Commission on Children, Youth and Families

Merlin Bartz and Tom Flynn

Capitol Planning Commission:

John Jensen (term expires 4-30-2001):

Patty Judge (term expires 4-30-1999 - replaces Bill Palmer)

Renewable Fuel Coproducts Advisory Committee:

JoAnn Douglas and Bill Fink (terms expire 4-30-98)

Criminal and Juvenile Justice Planning Advisory Committee:

Gene Maddox (term expires 6-30-98)

Bob Dvorsky (term expires 6-30-98 - replaces Randy Giannetto)

Police and Fire Retirement System Trustee:

Mary Lundby (term expires 4-30-98)

Rod Halvorson (term expires 4-30-98 - replaces Larry Murphy)

State Child Day Care Advisory Committee:

Kitty Rehberg

Council on Human Investment

Neal Schuerer and Tom Vilsack

Wallace Technology Transfer Foundation of Iowa:

John Redwine and Bill Palmer

Energy Fund Disbursement Council:

Mary Lou Freeman and Bill Fink

College Student Aid Commission

Don Redfern

SUBCOMMITTEE ASSIGNMENT**Senate Concurrent Resolution 13**

EDUCATION: Dvorsky, Chair; Neuhauser and Redfern

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: April 28, 1997, 9:37 a.m.

Members Present: Rensink, Chair; J. Black, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, D. Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack and Ziemann.

Members Absent: none.

Committee Business: Recommended passage of Senate File 555 as amended.

Adjourned: 9:50 a.m.

APPROPRIATIONS

Convened: April 25, 1997, 11:18 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, D. Black, Borlaug, Douglas, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, Neuhauser, Rehberg, Rensink, Rife, Rittmer and Tinsman

Members Absent: Dvorsky, Lundby, McCoy and Vilsack (all excused).

Committee Business: Recommended passage of House File 726.

Adjourned: 11:23 a.m.

APPROPRIATIONS

Convened: April 25, 1997, 2:40 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, McCoy, Rehberg, Rensink, Rittmer and Vilsack.

Members Absent: D. Black, Lundby, Neuhauser, Rife and Tinsman (all excused).

Committee Business: Recommended passage of House Files 724 and 732.

Adjourned: 3:00 p.m.

AMENDMENTS FILED

S-3803	H. F.	722	Tom Vilsack
S-3804	H. F.	642	O. Gene Maddox
S-3805	H. F.	731	Mary A. Lundby
S-3806	H. F.	636	Mary A. Lundby
S-3807	H. F.	662	House amendment
S-3808	H. F.	731	Mike Connolly
			John W. Jensen
S-3809	S. F.	555	Agriculture
S-3810	H. F.	722	Larry McKibben
			Tom Flynn
S-3811	S. F.	549	Robert E. Dvorsky
			Dennis H. Black
S-3812	H. F.	731	Rod Halvorson
S-3813	H. F.	722	Tom Vilsack
S-3814	H. F.	642	O. Gene Maddox

S-3815	S. F.	555	John P. Kibbie
S-3816	H. C. R.	22	Michael E. Gronstal
S-3817	H. F.	724	House amendment
S-3818	S. F.	555	Merlin E. Bartz Patty Judge

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 367 failed to pass the Senate on April 28, 1997.

ELAINE SZYMONIAK

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 25, 1997, when the vote was taken on Senate File 531.

Had I been present, I would have voted "aye".

PATTY JUDGE

The Senate stood at ease at 6:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:23 p.m., President pro tempore Redfern presiding.

QUORUM CALL

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

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

CONSIDERATION OF BILL (Appropriations Calendar)

House File 731

On motion of Senator Lundby, House File 731, a bill for an act relating to public budgeting, regulatory, and organizational matters, making fund transfers and appropriations, and providing technical

provisions, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Senator Lundby offered amendment S—3770 filed by the committee on Appropriations on April 24, 1997, to pages 1-4, 7, 14-16, 18, 19 and 21 of the bill.

The Senate stood at ease at 8:43 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 9:10 p.m., President Kramer presiding.

BUSINESS PENDING

House File 731

The Senate resumed consideration of House File 731 and amendment S—3770 by the committee on Appropriations to page 1-4 and 21 of the bill.

Senator Gronstal called for a division of amendment S—3770: Page 1, lines 14-50 and page 2, lines 1-15 as division S—3770A: page 1, lines 3-13; page 2, lines 16-50 and page 3, lines 1-27 as division S—3770B.

Senator Gronstal raised the point of order that division S—3770A was not germane to the bill.

The Chair ruled the point well taken and division S—3770A out of order.

The Chair ruled amendment S—3795 filed by Senators Black of Jasper and Douglas on April 25, 1997, to division S—3770A, out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the evening on request of Senator Judge.

BUSINESS PENDING

House File 731

The Senate resumed consideration of House File 731.

Senator Vilsack offered amendment S—3829 filed by Senators Vilsack, et al., to division S—3770B, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3829 to division S—3770B be adopted?” (H.F. 731) the vote was:

Ayes, 21:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Gettings	Rife
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Amendment S—3829 lost.

Senator Lundby offered amendment S—3825 filed by her from the floor to division S—3770B and moved its adoption.

Amendment S—3825 was adopted by a voice vote.

Senator Boettger offered amendment S—3824 filed by Senators Boettger and Douglas from the floor to division S—3770B and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 11.

Amendment S—3824 was adopted.

Senator Lundby offered amendment S—3805 filed by her from the floor to division S—3770B and moved its adoption.

Amendment S—3805 was adopted by a voice vote.

With the adoption of amendment S—3824, the Chair ruled amendment S—3812 filed by Senator Halvorson from the floor to division S—3770B, out of order.

Senator Lundby moved the adoption of division S—3770B as amended, which motion prevailed by a voice vote.

Senator Iverson offered amendment S—3826 filed by Senators Iverson, et al., from the floor to pages 4-6 of the bill.

Senator McCoy raised the point of order that amendment S—3826 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3826 in order.

Senator Vilsack offered amendment S—3833 filed by him from the floor to amendment S—3826, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3833 to amendment S—3826 be adopted?" (H.F. 731) the vote was:

Ayes, 22:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	McKean	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Schuerer	Tinsman
Zieman			

Absent or not voting, 3:

Gettings	Rife	Rittmer
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Amendment S—3833 lost.

Senator McCoy withdrew amendment S—3837 filed by him from the floor to amendment S—3826.

Senator McCoy withdrew amendment S—3836 filed by him from the floor to amendment S—3826.

Senator McCoy offered amendment S—3839 filed by him from the floor to amendment S—3826, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3839 to amendment S—3826 be adopted?" (H.F. 731) the vote was:

Ayes, 17:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Halvorson	Hammond	Hansen	Harper

Horn	McCoy	Neuhauser	Palmer
Vilsack			

Nays, 31:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Gronstal	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Absent or not voting, 2:

Gettings	Redfern
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Amendment S—3839 lost.

Senator Neuhauser offered amendment S—3844 filed by Senators Neuhauser and McCoy on April 28, 1997, to amendment S—3826 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3844 to amendment S—3826 be adopted?” (H.F. 731) the vote was:

Ayes, 12:

Dearden	Dvorsky	Fink	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	McCoy	Neuhauser	Palmer

Nays, 34:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Deluhery	Douglas	Drake	Flynn
Fraise	Freeman	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redwine	Rehberg

Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Absent or not voting, 4:

Gettings	Redfern	Rife	Vilsack
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Amendment S—3844 lost.

Senator McCoy offered amendment S—3845 filed by him from the floor to amendment S—3826 and moved its adoption.

Amendment S—3845 was adopted by a voice vote.

Senator McCoy offered amendment S—3846 filed by him from the floor to amendment S—3826, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3846 to amendment S—3826 be adopted?" (H.F. 731) the vote was:

Ayes, 18:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 30:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Fraise	Freeman	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 2:

Gettings	Redfern
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Amendment S—3846 lost.

Senator Iverson moved the adoption of amendment S—3826 as amended and requested a record roll call.

On the question "Shall amendment S—3826 as amended be adopted?" (H.F. 731) the vote was:

Ayes, 35:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Deluhery
Douglas	Drake	Fraise	Freeman
Halvorson	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Palmer	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 13:

Connolly	Dearden	Dvorsky	Fink
Flynn	Gronstal	Hammond	Hansen
Harper	King	McCoy	Neuhauser
Redwine			

Absent or not voting, 2:

Gettings	Redfern
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Amendment S—3826 as amended was adopted.

With the adoption of amendment S—3826 as amended, the Chair ruled the following amendments out of order:

Amendment S—3822 filed by Senators Dvorsky, et al., on April 28, 1997, to pages 5 and 6 of the bill.

Amendment S—3823 filed by Senators Vilsack, et al., on April 28, 1997, to pages 5 and 6 of the bill.

Senator Flynn offered amendment S—3821 filed by Senators Flynn, et al., on April 28, 1997, to page 6 of the bill.

Senator Lundby raised the point of order that amendment S—3821 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3821 out of order.

The Senate stood at ease at 1:30 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 1:46 a.m., President Kramer presiding.

BUSINESS PENDING

House File 731

The Senate resumed consideration of House File 731.

Senator Fink asked and received unanimous consent to withdraw amendment S—3827 filed by Senators Fink, Palmer and McCoy on April 28, 1997, to page 6 of the bill.

Senator Vilsack offered amendment S—3820 filed by Senators Vilsack, et al., on April 28, 1997, to pages 6 and 7 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3820 be adopted?" (H.F. 731) the vote was:

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

Ayes, 21:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Szymoniak	Tinsman
Vilsack			

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Zieman			

Absent or not voting, 4:

Gettings	Palmer	Redfern	Rife
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Amendment S—3820 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer for the remainder of the evening on request of Senator Gronstal.

BUSINESS PENDING

House File 731

The Senate resumed consideration of House File 731.

Senator Behn withdrew amendment S—3715 filed by him on April 23, 1997, to pages 9-13 of the bill.

Senator Lundby offered amendment S—3828 filed by Senators Lundby, McLaren and Connolly on April 28, 1997, to page 21 of the bill.

Senator Connolly offered amendment S—3834 filed by him on April 28, 1997, to amendment S—3828 and moved its adoption.

Amendment S—3834 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until he returns on request of Senator Black of Jasper.

BUSINESS PENDING

House File 731

The Senate resumed consideration of House File 731.

Senator Lundby moved the adoption of amendment S—3828 as amended.

A record roll call was requested.

On the question "Shall amendment S—3828 as amended be adopted?" (H.F. 731) the vote was:

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

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Gettings	Redfern	Vilsack
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Amendment S—3828 as amended was adopted.

Senator Connolly offered amendment S—3808 filed by Senators Connolly and Jensen on April 28, 1997, to page 21 of the bill and moved its adoption.

Amendment S—3808 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern until he returns on request of Senator Lundby.

BUSINESS PENDING

House File 731

The Senate resumed consideration of House File 731.

Senator Neuhauser offered amendment S—3819 filed by Senators Neuhauser, et al., on April 28, 1997, to page 21 of the bill.

Senator Lundby raised the point of order that amendment S—3819 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3819 out of order.

Senator Harper offered amendment S—3707 filed by her on April 23, 1997, to page 22 of the bill and moved its adoption.

Amendment S—3707 was adopted by a voice vote.

Senator Zieman withdrew amendment S—3847 filed by him from the floor to page 21 of the bill.

Senator Lundby 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. 731) the vote was:

Ayes, 38:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Deluhery	Douglas	Drake	Flynn
Fraise	Freeman	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Palmer
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 10:

Dearden	Dvorsky	Fink	Gronstal
Halvorson	Hammond	Hansen	Harper
McCoy	Neuhauser		

Absent or not voting, 2:

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

Senator Iverson asked and received unanimous consent that **House File 731** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTION

Senate Resolution 11, by Kramer, a senate resolution honoring Bob Brooks, Jim Zabel, and Ron Gonder for their dedication and enthusiasm in broadcasting University of Iowa Hawkeye sports.

Read first time and assigned to the committee on Rules and Administration.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1997, 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 702, a bill for an act relating to human services and facility requirements involving the single entry point process for mental health and developmental disabilities services, regional planning councils, human services institution employee record checks, decategorization of adult disability services funding, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation (S—3838 to H—1902).

ALSO: That the House has on April 28, 1997, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 722, a bill for an act relating to establishing a capital investment board, tax credits, termination of the Iowa seed capital corporation, establishing a capital transition board, and providing an effective date

House File 730, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

House File 733, a bill for an act making appropriations from the rebuild Iowa infrastructure fund to the departments of cultural affairs, general services, economic development, public defense, natural resources, human services, revenue and finance, public safety, education, transportation, workforce development, and agriculture and land stewardship, and to the commission of veterans affairs, Loess Hills development and conservation authority, state fair foundation, and state board of regents, making an appropriation of marine fuel tax receipts from the general fund of the state, and making statutory changes relating to the appropriations.

ALSO: That the House has on April 28, 1997, passed the following bill in which the concurrence of the Senate is asked:

House File 734, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for

certain motor vehicle license suspensions, revocations, or bars, for the appropriation and distribution of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry.

This bill was read first time and assigned to the committee on Ways and Means.

WITHDRAWN

Senator Bartz asked and received unanimous consent that House File 202 be withdrawn from further consideration of the Senate.

AMENDMENTS FILED (Filed 4-28-97)

S-3819	H.F.	731	Mary Neuhauser Robert E. Dvorsky Bill Fink Wally E. Horn Mike Connolly
S-3820	H.F.	731	Tom Vilsack Robert E. Dvorsky Eugene Fraise Michael E. Gronstal Patty Judge Patrick J. Deluhery John P. Kibbie Tom Flynn Bill Fink Patricia Harper Johnie Hammond Rod Halvorson Mike Connolly
S-3821	H.F.	731	Tom Flynn John P. Kibbie Rod Halvorson Mike Connolly Wally E. Horn Don Gettings

			Elaine Szymoniak
			Bill Fink
S-3822	H.F.	731	Robert E. Dvorsky
			Robert E. Dvorsky
			Eugene Fraise
			Michael E. Gronstal
			Patty Judge
			Patrick J. Deluhery
			John P. Kibbie
			Tom Flynn
			Bill Fink
			Rod Halvorson
			Patricia Harper
			Johnie Hammond
			Dennis H. Black
			Tom Vilsack
S-3823	H.F.	731	Tom Vilsack
			Robert E. Dvorsky
			Eugene S. Fraise
			Michael E. Gronstal
			Patty Judge
			Patrick J. Deluhery
			John P. Kibbie
			Tom Flynn
			Rod Halvorson
			Bill Fink
			Patricia Harper
			Johnie Hammond
S-3824	H.F.	731	Nancy Boettger
			JoAnn Douglas
S-3825	H.F.	731	Mary A. Lundby
S-3826	H.F.	731	Stewart Iverson, Jr.
			Derryl McLaren
			Wilmer Rensink
			Kitty Rehberg
			John W. Jensen
			Mary A. Lundby
			Eugene S. Fraise
			Rod Halvorson
			Patty Judge
			John P. Kibbie

			Mary Lou Freeman
			Merlin E. Bartz
			JoAnn Douglas
			Nancy Boettger
			Larry McKibben
			Jeff Angelo
S-3827	H.F.	731	Bill Fink
			William D. Palmer
			Matt McCoy
S-3828	H.F.	731	Mary A. Lundby
			Derryl McLaren
			Mike Connolly
S-3829	H.F.	731	Tom Vilsack
			Robert E. Dvorsky
			Eugene S. Fraise
			Michael E. Gronstal
			Rod Halvorson
S-3830	S. F.	549	Elaine Szymoniak
S-3831	S. F.	549	Derryl McLaren
S-3832	S. F.	549	John P. Kibbie
S-3833	H.F.	731	Tom Vilsack
S-3834	H.F.	731	Mike Connolly
S-3835	S. F.	549	Derryl McLaren
S-3836	H.F.	731	Matt McCoy
S-3837	H.F.	731	Matt McCoy
S-3838	H.F.	702	House amendment
S-3839	H.F.	731	Matt McCoy
S-3840	S. F.	549	Mike Connolly
S-3841	S. F.	549	Elaine Szymoniak
S-3842	S. F.	549	Patricia Harper
S-3843	S. F.	549	John P. Kibbie
S-3844	H.F.	731	Mary Neuhauser
			Matt McCoy

AMENDMENTS FILED

(Filed 4-29-97)

S-3845	H.F.	731	Matt McCoy
S-3846	H.F.	731	Matt McCoy
S-3847	H.F.	731	Lyle E. Zieman

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:25 a.m., until 10:00 a.m., Tuesday, April 29, 1997.

JOURNAL OF THE SENATE

ONE HUNDRED-SEVENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 29, 1997

The Senate met in regular session at 10:08 a.m., President pro tempore Redfern presiding.

Prayer was offered by the Reverend Gil Dawes, pastor of the Hispanic United Methodist Church, Des Moines, Iowa.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1997, concurred in the Senate amendment and adopted the following resolution in which the concurrence of the House was asked:

House Concurrent Resolution 22, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's system of state and local taxation and requiring reporting by certain dates.

ALSO: That the House has on April 29, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 642, a bill for an act relating to limited partnerships and the rights and duties of limited partners, partnership agreements, duties of the secretary of state with respect to limited partnerships, and other related matters affecting foreign and domestic limited partnerships, and establishing fees and penalties.

QUORUM CALL

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

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fraise until he arrives on request of Senator Gettings, Senator McCoy until he arrives on request of Senator Dearden, and Senator Lundby until she arrives on request of Senator Bartz.

HOUSE AMENDMENT CONSIDERED

Senate File 473

Senator Rensink called up for consideration Senate File 473, a bill for an act requiring owners of agricultural drainage wells to prevent surface water intake into the wells, providing for the closure of certain wells and the construction of alternative drainage systems, providing state assistance for closing agricultural drainage wells, prohibiting the construction and use of certain structures located in agricultural drainage well areas, providing for the assessment and collection of certain drainage district expenses, providing penalties, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3738 filed on April 24, 1997.

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

Senator Rensink 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. 473) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean

McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

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

Senator Iverson asked and received unanimous consent that **Senate File 473** be **immediately messaged** to the House.

Senator Bartz took the chair at 10:30 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 549

Senator McLaren called up for consideration Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions, amended by the House in House amendment S—3782 filed April 25, 1997.

Senator McLaren offered amendment S—3835 filed by him on April 28, 1997, to House amendment S—3782 and moved its adoption.

Amendment S—3835 was adopted by a voice vote.

Senator McLaren offered amendment S—3831 filed by him on April 28, 1997, to House amendment S—3782.

Senator Szymoniak offered amendment S—3841 filed by her on April 28, 1997, to amendment S—3831 to House amendment S—3782 and moved its adoption.

A non record roll call was requested.

The ayes were 22, nays 26.

Amendment S—3841 lost.

Senator Connolly offered amendment S—3840 filed by him on April 28, 1997, to amendment S—3831 to House amendment S—3782 and moved its adoption.

A non record roll call was requested.

The ayes were 22, nays 26.

Amendment S—3840 lost.

Senator Harper offered amendment S—3842 filed by her on April 28, 1997, to amendment S—3831 to House amendment S—3782 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3842 to amendment S—3831 to House amendment S—3782 be adopted?" (S.F. 549) the vote was:

Ayes, 25:

Black, D.	Connolly	Dearden	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Jensen	Judge
Kibbie	Lundby	McCoy	McKean
Neuhauser	Palmer	Redfern	Szymoniak
Vilsack			

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Deluhery	Douglas

Drake	Freeman	Hedge	Iverson
King	Kramer	Maddox	McKibben
McLaren	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Amendment S—3842 lost.

Senator Kibbie offered amendment S—3843 filed by him on April 28, 1997, to amendment S—3831 to House amendment S—3782, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3843 to amendment S—3831 to House amendment S—3782 be adopted?" (S.F. 549) the vote was:

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

Ayes, 23:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	Neuhauser	Palmer
Rensink	Szymoniak	Vilsack	

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Lundby	McCoy
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Amendment S—3843 lost.

Senator McLaren moved the adoption of amendment S—3831 to House amendment S—3782.

Amendment S—3831 was adopted by a voice vote.

Senator Szymoniak withdrew amendment S—3830 filed by her on April 28, 1997, to House amendment S—3782.

Senator Kibbie withdrew amendment S—3832 filed by him on April 28, 1997, to House amendment S—3782.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S—3811 filed by Senators Dvorsky and Black of Jasper on April 28, 1997, to House amendment S—3782.

Senator McLaren 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 McLaren 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. 549) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Kramer

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1997, passed the following bill in which the concurrence of the House was asked:

Senate File 544, a bill for an act relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones.

ALSO: That the House has on April 29, 1997, amended and adopted the following resolution in which the concurrence of the Senate is asked:

Senate Concurrent Resolution 1, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-seventh general assembly (S—3850).

ALSO: That the House has on April 29, 1997, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 541, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project (S—3848).

Senate File 553, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision (S—3849).

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 702

Senator Hammond called up for consideration House File 702, a bill for an act relating to human services and facility requirements involving the single entry point process for mental health and developmental disabilities services, regional planning councils, human services institution employee record checks, decategorization of adult disability services funding, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3838 to Senate amendment H—1902 filed April 28, 1997.

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

Senator Hammond 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. 702) the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Drake

Rife

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

Senator Iverson asked and received unanimous consent that **House File 702** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:40 a.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: April 28, 1997, 12:26 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Angelo, J. Black, Boettger, Dvorsky, Fink, Kibbie, Neuhauser, Szymoniak and Tinsman.

Members Absent: Connolly, Ranking Member; Kramer, Redwine and Rensink (all excused).

Committee Business: Recommended passage of Senate Concurrent Resolution 13.

Adjourned: 12:34 p.m.

RULES AND ADMINISTRATION

Convened: April 28, 1997, 12:15 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Kibbie, Maddox, Redfern and Rehberg.

Members Absent: Judge and Lundby (both excused).

Committee Business: Recommended passage of Senate Resolution 10; granted permission for Boys' State to occupy the Senate chamber on 6-18-97 from 9-11 a.m.

Adjourned: 12:19 p.m.

CERTIFICATES OF RECOGNITION

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

Earl Hanthorn - For outstanding public service as Executive Director of SIRWA. Senator Angelo (5-2-97).

Erik Naaktgeboren, Central City - For achieving the rank of Eagle Scout. Senator McKean (4-29-97).

David Dziurawiec, Sioux City - For achieving the rank of Eagle Scout. Senator Redwine (5-17-97).

Michael Charles Hanson, Manchester - For achieving the rank of Eagle Scout. Senator Rehberg (4-28-97).

Adam Luhman, West Union - For achieving the rank of Eagle Scout. Senator Zieman (4-28-97).

SUBCOMMITTEE ASSIGNMENT

House File 734

WAYS AND MEANS: Maddox, Chair; Deluhery and Hedge

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 549 passed the Senate on April 29, 1997.

DERRYL McLAREN

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 549 passed the Senate on April 29, 1997.

ROBERT E. DVORSKY

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 29, 1997, when the vote was taken on Senate File 549.

Had I been present, I would have voted "aye".

MARY KRAMER

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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, 1997:

Senate Files 21, 123, 241, 451 and 497.

MARY PAT GUNDERSON
Secretary of the Senate

PRESENTATION OF VISITORS

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

Fifty-two fourth grade students from East Elementary School, Ankeny, accompanied by Julie Snyder. Senator Palmer.

AMENDMENTS FILED

S-3848	S. F.	541	House amendment
S-3849	S. F.	553	House amendment
S-3850	S. C. R.	1	House amendment

AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., Senator Bartz presiding.

QUORUM CALL

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

The vote revealed 34 present, 16 absent and a quorum present.

The Senate stood at ease at 2:16 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 2:20 p.m., Senator Bartz presiding.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTOIN 11, a senate resolution honoring Bob Brooks, Jim Zabel, and Ron Gonder for their dedication and enthusiasm in broadcasting University of Iowa Hawkeye sports.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Maddox, Redfern and Rehberg. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 11

Senator Kramer called up the following resolution:

- 1 Senate Resolution 11
- 2 by Kramer
- 3 A Senate Resolution honoring Bob Brooks, Jim Zabel, and
- 4 Ron Gonder for their dedication and enthusiasm in
- 5 broadcasting University of Iowa Hawkeye sports.
- 6 WHEREAS, Bob Brooks of KHAK radio in Cedar Rapids
- 7 has been broadcasting University of Iowa Hawkeye
- 8 sporting events for 54 years; and

9 WHEREAS, Jim Zabel of WHO radio in Des Moines has
10 been broadcasting University of Iowa Hawkeye sporting
11 events for 50 years; and
12 WHEREAS, Ron Gonder of WMT radio in Cedar Rapids
13 has been broadcasting University of Iowa Hawkeye
14 sporting events for 28 years; and
15 WHEREAS, this trio of broadcasters has provided
16 Iowans with a varied and entertaining choice of play-
17 by-play announcing styles in bringing Iowa Hawkeye
18 sports to the citizens of this state and across the
19 country; and
20 WHEREAS, Iowans will miss the differing styles of
21 enthusiasm and professionalism represented by these
22 three broadcasters; and
23 WHEREAS, the University of Iowa has signed an
24 exclusive contract for Hawkeye football and basketball
25 radio broadcasts beginning with the 1997 football
26 season, ending the play-by-play broadcasts of these
27 three broadcasters; and
28 WHEREAS, Mr. Brooks, Mr. Zabel, and Mr. Gonder will
29 all continue to participate in new roles other than
30 play-by-play announcing during future Iowa Hawkeye

Page 2

1 football and basketball broadcasts; and
2 WHEREAS, the Cedar Rapids Gazette online service
3 has aptly noted that "long after the microphone is
4 turned off, we will still hear echoes of 'How ya
5 doin', everybody' (Brooks), 'I love it! I love it! I
6 love it!' (Zabel), and 'Oh, bro-th-er!' (Gonder)"; NOW
7 THEREFORE,
8 BE IT RESOLVED BY THE SENATE, That tribute be paid
9 to Bob Brooks, Jim Zabel, and Ron Gonder and that they
10 be recognized and thanked by the people of Iowa for
11 their years of dedicated and professional service in
12 bringing University of Iowa Hawkeye football and
13 basketball to the people of Iowa.
14 BE IT FURTHER RESOLVED, That the Secretary of the
15 Senate send copies of this Resolution to Bob Brooks,
16 Jim Zabel, and Ron Gonder.

Senator Kramer moved the adoption of Senate Resolution 11, which motion prevailed by a voice vote.

Senator Kramer presented Jim Zabel, who was here with his new wife, Jill, from Scottsdale, Arizona. Mr. Zabel addressed the Senate briefly and the Senate rose in welcome.

President Kramer took the chair at 2:32 p.m.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the senate by President Kramer for a special presentation and were thanked by Senators Iverson and Gronstal for their service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 1997 Regular Session of the Seventy-seventh General Assembly, and an individual and Page group picture were presented to each of the following Pages:

Emily Beattie, Denell Bundt, Luke Craven, Erica Davis, Danielle Host, Jeremy Hovda, Valerie Jensen, Nicole Jones, Sara Lanz, Chris Luhring, Tracy Ongena, Angel Robinson, Kari Sampson, Joe Schmitz, Howe Welander, Natasha Welch and Blair Winkler.

The Senate rose and expressed its appreciation to the Pages.

HOUSE AMENDMENT CONSIDERED

Senate File 541

Senator Bartz called up for consideration Senate File 541, a bill for an act relating to child day care provisions involving group day care homes and establishing a child care home pilot project, amended by the House, and moved that the Senate concur in House amendment S—3848 filed on April 29, 1997.

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

Senator Bartz 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. 541) the vote was:

Ayes, 47:

Bartz
Boettger

Behn
Borlaug

Black, D.
Connolly

Black, J.
Dearden

Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

Angelo

Absent or not voting, 2:

McLaren

Rife

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 537

On motion of Senator Hedge, Senate File 537, a bill for an act relating to reporting and depositing of local option sales and services taxes to the department of revenue and finance by retailers and increasing the amount of estimated distribution and frequency of distribution to cities and counties by the department of revenue and finance, was taken up for consideration.

Senator Hedge asked and received unanimous consent that **House File 729** be substituted for **Senate File 537**.

House File 729

On motion of Senator Hedge, House File 729, a bill for an act relating to reporting and depositing of local option sales and services

taxes to the department of revenue and finance by retailers and increasing the amount of estimated distribution and frequency of distribution to cities and counties by the department of revenue and finance, was taken up for consideration.

Senator Hedge 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. 729) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Lundby	McLaren	Rife
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to,

Senator Hedge asked and received unanimous consent that **Senate File 537** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 729** be **immediately messaged** to the House and to send an immediate message to the House on **Senate File 541**.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 391)

A conference committee report signed by the following Senate and House members was filed April 29, 1997, on Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates:

On the Part of the Senate:

RICHARD F. DRAKE, Chair
MIKE CONNOLLY
MARY LOU FREEMAN
ROD HALVORSON
STEVE KING

On the Part of the House:

BARRY BRAUNS, Chair
HENRY RAYHONS
STEVEN H. WARNSTADT

CONFERENCE COMMITTEE REPORT ADOPTED**Senate File 391**

Senator Drake called up the conference committee report on Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing

for the designation of access Iowa highways, and providing effective dates, filed on April 29, 1997, 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 Drake 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. 391) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

McCoy

Absent or not voting, 2:

McLaren

Rife

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

Senator Iverson asked and received unanimous consent that Senate File 391 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 553

Senator Redfern called up for consideration Senate File 553, a bill for an act relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision, amended by the House and moved that the Senate concur in House amendment S—3849 filed on April 29, 1997.

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

Senator Redfern 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. 553) the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 2:

Dearden Palmer

Absent or not voting, 1:

Rife

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

Senator Iverson asked and received unanimous consent to send an immediate message to the House on **Senate File 553**.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senate Concurrent Resolution 14

On motion of Senator Bartz, Senate Concurrent Resolution 14, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol, was taken up for consideration.

Senator Bartz asked and received unanimous consent that **House Concurrent Resolution 23** be substituted for **Senate Concurrent Resolution 14**.

House Concurrent Resolution 23

On motion of Senator Bartz, House Concurrent Resolution 23, a concurrent resolution to request that the Congress of the United States maintain and renew its commitment to America's corn growers and this nation's ethanol industry by supporting a tax exemption and by taking other actions to increase this nation's commitment to the production and use of ethanol, was taken up for consideration.

President pro tempore Redfern took the chair at 3:06 p.m.

Senator Bartz moved the adoption of House Concurrent Resolution 23, which motion prevailed by a voice vote.

Senator Bartz asked and received unanimous consent that **Senate Concurrent Resolution 14** be withdrawn from further consideration of the Senate.

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

The Senate resumed session at 3:25 p.m., President pro tempore Redfern presiding.

UNFINISHED BUSINESS CALENDAR
(Deferred April 24, 1997)

House File 697

The Senate resumed consideration of House File 697, a bill for an act relating to certain procedures of the ethics and campaign disclosure board and filing requirements and certain requirements for use of campaign funds, and amendment S—3464 as amended by Senator Halvorson, deferred April 24, 1997.

Senator Halvorson moved the adoption of amendment S—3464 as amended, which motion prevailed by a voice vote.

Senator Black of Kossuth withdrew amendment S—3539 filed by him on April 16, 1997, to pages 4 and 5 of the bill.

Senator Halvorson withdrew amendment S—3494 filed by him on April 14, 1997, to page 4 of the bill.

Senator Kibbie withdrew amendment S—3734 filed by him on April 23, 1997, to page 5 and the title page of the bill.

Senator Lundby withdrew amendment S—3519 filed by Senators Lundby and Bartz on April 15, 1997, to page 5 of the bill.

Senator Kibbie withdrew amendment S—3734 filed by him on April 23, 1997, to page 5 of the bill.

Senator Halvorson withdrew amendment S—3495 filed by him on April 14, 1997, to page 5 of the bill.

Senator Connolly offered amendment S—3728 filed by him on April 23, 1997, to page 6 of the bill.

Senator Connolly offered amendment S—3763 filed by him from the floor to amendment S—3728 and moved its adoption.

Amendment S—3763 was adopted by a voice vote.

Senator Connolly moved the adoption of amendment S—3728 as amended, which motion prevailed by a voice vote.

Senator Gettings withdrew amendment S—3516 filed by him on April 15, 1997, to pages 6 and 7 of the bill.

Senator Gettings offered amendment S—3591 filed by him on April 17, 1997, to page 6 of the bill.

Senator Lundby raised the point of order that amendment S—3591 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3591 in order.

Senator Gettings moved the adoption of amendment S—3591.

A record roll call was requested.

On the question “Shall amendment S—3591 be adopted?” (H.F. 697) the vote was:

Ayes, 24:

Black, D.	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Judge	Kibbie	McCoy	McKean
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 25:

Angelo	Bartz	Behn	Black, J.
Boettger	Borlaug	Douglas	Drake
Freeman	Iverson	Jensen	King
Lundby	Maddox	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 1:

Kramer

Amendment S—3591 lost.

Senator Kibbie withdrew amendment S—3731 filed by him on April 23, 1997, to page 9 of the bill.

Senator Halvorson withdrew amendment S—3762 filed by him from the floor to page 9 of the bill.

Senator Halvorson withdrew amendment S—3493 filed by him to pages 2 and 3 of the bill.

Senator King 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. 697) the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Flynn	Fraise	Freeman
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 2:

Fink	Gettings
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Absent or not voting, 3:

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

The Senate stood at ease at 4:00 p.m. until the fall of the gavel.

The Senate resumed session at 5:00 p.m., Senator Bartz presiding.

QUORUM CALL

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

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 549

Senators McLaren and Dvorsky withdrew the motions to reconsider Senate File 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission; the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions filed by them on April 29, 1997, and found on page 1548 of the Senate Journal.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 16, by Deluhery and McCoy, a concurrent resolution welcoming square dancers from throughout the nation to the city of Davenport for The 36th annual Iowa State Square and Round Dance Convention on March 27 and 28, 1998.

Read first time and passed on file.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1997, passed the following bills in which the concurrence of the House was asked:

Senate File 545, a bill for an act relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness

owed to or being collected by the state in pilot project counties, and providing an effective date.

Senate File 555, a bill for an act relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date.

ALSO: That the House has on April 10, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 472, a bill for an act prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure (S—3852).

ALSO: That the House has on April 29, 1997, adopted the conference committee report and passed **Senate File 391**, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates.

ALSO: That the House has on April 29, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 266, a bill for an act relating to the administration of state individual income, corporate, motor fuel, and other taxes; property taxes, property tax credits and replacement claims; sales, services, and use taxes; tax refund setoffs; and other duties of the department and director of revenue and finance; providing a penalty; and providing a retroactive applicability date provision.

The Senate stood at ease at 5:06 p.m. until the fall of the gavel.

The Senate resumed session at 5:35 p.m., Senator Bartz presiding.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 734, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license suspensions, revocations, or bars, for the appropriation and distribution

of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3853.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Szymoniak. Nays, none. Absent or not voting, 2: McLaren and Vilsack.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

House File 734

On motion of Senator Maddox, House File 734, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license suspensions, revocations, or bars, for the appropriation and distribution of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Maddox offered amendment S-3853 filed by the committee on Ways and Means from the floor to pages 1, 2, 6 and the title page of the bill and moved its adoption.

Amendment S-3853 was adopted by a voice vote.

Senator Maddox 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. 734) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise

Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Rife

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

The Journal of Monday, April 28, 1997, was approved.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 549, House Concurrent Resolution 23 and House Files 697 and 734** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 472

Senator Rensink called up for consideration Senate File 472, a bill for an act prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure, amended by the House, and moved that the Senate concur in House amendment S—3852 filed April 29, 1997.

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

Senator Rensink 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. 472) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Jensen

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent to send an immediate message to the House on **Senate File 472**.

MOTION TO RECONSIDER ADOPTED

Senator Szymoniak called up the motion to reconsider Senate File 367, a bill for an act relating to transfers of real property by providing that certain disclosures regarding psychologically impacted property are not required and by amending the definition of transfer, filed by her on April 28, 1997, found on page 1520 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 367) the vote was:

Ayes, 36:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Douglas
Drake	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hansen	Horn
Iverson	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rife
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 11:

Cannolly	Dearden	Deluhery	Dvorsky
Fink	Hammond	Harper	Hedge
Palmer	Rensink	Vilsack	

Absent or not voting, 3:

Freeman	Jensen	Rittmer
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The motion prevailed.

Senator Iverson moved to reconsider the vote by which Senate File 367 went to its last reading, which motion prevailed by a voice vote.

Senate File 367

Senator Iverson asked and received unanimous consent that action on **Senate File 367** be deferred.

BILL ASSIGNED TO COMMITTEE

The Chair announced the assignment of **Senate Concurrent Resolution 16** to the committee on **Rules and Administration**.

President Kramer took the chair at 6:09 p.m.

ADOPTION OF RESOLUTIONS

(Regular Calendar)

Senate Concurrent Resolution 13

On motion of Senator Dvorsky, Senate Concurrent Resolution 13, a concurrent resolution recognizing the 150th anniversary of the

founding of the University of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Concurrent Resolution 13, which motion prevailed by a voice vote.

Senate Resolution 10

Senator Kramer called up the following resolution:

1 Senate Resolution 10
 2 by Kramer, Iverson, Gronstal, and Judge
 3 A Resolution honoring E. A. (Sam) Samuelson for his
 4 many years of service to the Senate.
 5 WHEREAS, E. A. (Sam) Samuelson has worked as a
 6 Senate Doorkeeper since 1982; and
 7 WHEREAS, Sam is well known for his faithful service
 8 during those 16 regular sessions of the General
 9 Assembly; and
 10 WHEREAS, Sam's pleasant demeanor, warm personality,
 11 and friendly manner are well recognized by the members
 12 of the Senate and by his friends and colleagues in the
 13 General Assembly; and
 14 WHEREAS, his service has been sorely missed during
 15 his recent convalescence; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, That the Senate pay
 17 tribute and express its gratitude to E. A. (Sam)
 18 Samuelson for his devoted service to the Senate; and
 19 BE IT FURTHER RESOLVED, That an official copy of
 20 this resolution be prepared and presented to Sam and
 21 his wife, Martha.

Senator Kramer moved the adoption of Senate Resolution 10, which motion prevailed by a voice vote.

The Senate stood at ease at 6:20 p.m. until the fall of the gavel for the purpose of committee meetings.

The Senate resumed session at 7:38 p.m., Senator Boettger presiding.

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE CONCURRENT RESOLUTION 15, a concurrent resolution requesting an interim committee on anatomical gift referral.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Boettger, Redwine,; Szymoniak, Bartz, J. Black, Dvorsky, Hammond, Rensink, Schuerer, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: Behn and Dearden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 12, resolution relating to the daily operations of the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Maddox, Redfern and Rehberg. Nays, none. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 16, a concurrent resolution welcoming square dancers from throughout the nation to the city of Davenport for the 36th annual Iowa State Square and Round Dance Convention on March 27 and 28, 1998.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Maddox, Redfern and Rehberg. Nays, none. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 17, a senate concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Maddox, Redfern and Rehberg. Nays, none. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

QUORUM CALL

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

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

President Kramer took the chair at 7:45 p.m.

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolutions 16 and 15.

Senate Concurrent Resolution 16

On motion of Senator Deluhery, Senate Concurrent Resolution 16, a concurrent resolution welcoming square dancers from throughout the nation to the city of Davenport for The 36th annual Iowa State Square and Round Dance Convention on March 27 and 28, 1998, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery moved the adoption of Senate Concurrent Resolution 16, which motion prevailed by a voice vote.

Senate Concurrent Resolution 15

On motion of Senator Boettger, Senate Concurrent Resolution 15, a concurrent resolution requesting an interim committee on anatomical gift referral, with report of committee recommending passage, was taken up for consideration.

Senator Neuhauser offered amendment S—3854 filed by her from the floor to page 1 of the resolution and moved its adoption.

Amendment S—3854 was adopted by a voice vote.

Senator Boettger moved the adoption of Senate Concurrent Resolution 15 as amended, which motion prevailed by a voice vote.

Senator Hedge took the chair at 7:53 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 12, by committee on Rules and Administration, a senate resolution relating to daily operations of the Senate.

Read first time and placed on calendar.

**ADOPTION OF RESOLUTION
(Regular Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 12.

Senate Resolution 12

On motion of Senator Kramer, Senate Resolution 12, a senate resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Kramer moved the adoption of Senate Resolution 12, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1997, 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 549, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

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

The Senate resumed session at 8:20 p.m., President Kramer presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 17, by committee on Rules and Administration, a senate concurrent resolution to provide for adjournment sine die.

Read first time and placed on calendar.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 29, 1997, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 734, a bill for an act relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license suspensions, revocations, or bars, for the appropriation and distribution of the penalties collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry.

ALSO: That the House has on April 29, 1997, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 542, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date (S—3858).

ALSO: That the House has on April 29, 1997, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 27, a house concurrent resolution to provide for adjournment sine die.

PAGE RESOLUTION 1
(By 1997 Senate Pages)

Sara Lanz, Secretary of the Senate's Page, read the following resolution:

A resolution to thank Senators and Senate Staff for all of the kindness bestowed upon the pages during the seventy-seventh general assembly.

Whereas the Senators treated us to Chinese, pizza, and smiles.

Whereas it was a pleasure to work for you, because of the appreciative atmosphere.

Whereas we are very glad that we are not adjourning at 2:30 again.

Be it resolved that the Senate Pages of the 1997 Session show gratitude and best wishes to all Senate Staff.

HOUSE AMENDMENT CONSIDERED

Senate File 542

Senator McLaren called up for consideration Senate File 542, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1996, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3858 filed on April 29, 1997.

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

Senator McLaren 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. 542) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black, D.
Black, J.	Boettger	Borlaug	Connolly
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 2:

Dearden	McCoy
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Absent or not voting, 2:

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

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 17.

Senate Concurrent Resolution 17

On motion of Senator Iverson, Senate Concurrent Resolution 17, a senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 27** be substituted for **Senate Concurrent Resolution 17**.

House Concurrent Resolution 27

On motion of Senator Iverson, House Concurrent Resolution 27, a house concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 27, which motion prevailed by a voice vote.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: April 29, 1997, 7:30 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, J. Black, Dvorsky, Hammond, Rensink, Schuerer, Tinsman and Vilsack.

Members Absent: Behn and Dearden (both excused).

Committee Business: Recommended passage of Senate Concurrent Resolution 15.

Adjourned: 7:35 p.m.

RULES AND ADMINISTRATION

Convened: April 29, 1997, 2:17 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Lundby, Maddox, Redfern and Rehberg.

Members Absent: none.

Committee Business: Recommended passage of Senate Resolution 11.

Adjourned: 2:19 p.m.

RULES AND ADMINISTRATION

Convened: April 29, 1997, 6:25 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Maddox, Redfern and Rehberg.

Members Absent: Lundby (excused).

Committee Business: Recommended passage of S.C.R. 16 and approved S.C.R. 17 and S.R. 12 as committee resolutions.

Adjourned: 6:40 p.m.

WAYS AND MEANS

Convened: April 29, 1997, 11:40 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Deluhery, Drake, Hedge, Judge, Maddox, McLaren, Szymoniak and Vilsack.

Members Absent: Connolly, Freeman and Redfern (all excused).

Committee Business: Discussed House File 734.

Recessed: 12:20 p.m.

Reconvened: April 29, 1997, 4:25 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern and Szymoniak.

Members Absent: McLaren and Vilsack (both excused).

Committee Business: Recommended passage of House File 734 as amended.

Adjourned: 4:35 p.m.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 29, 1997, the governor approved and transmitted to the Secretary of State the following bill:

S.F. 193 - Relating to the election of trustees for special land use districts.

PRESENTATION OF VISITORS

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

Twenty-eight sixth grade students from Netherlands Reformed Christian School, Rock Valley, accompanied by Jewell Van Voorst. Senator Rensink.

Ten fifth grade students from Immanuel Lutheran School, Waterloo, accompanied by Aimee Brown. Senators Harper and Redfern.

AMENDMENTS FILED

S-3851	H. F.	299	Steve King
S-3852	S. F.	472	House amendment
S-3853	H. F.	734	Ways and Means
S-3854	S.C.R.	15	Mary Neuhauser

S-3855	H.F.	299	Tom Vilsack
S-3856	H.F.	299	Tom Vilsack
S-3857	H.F.	299	Tom Vilsack
S-3858	S. F.	542	House amendment

The Senate stood at ease until the fall of the gavel at 8:32 p.m.

The Senate resumed session, President Kramer presiding.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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, 1997:

Senate Files 83, 128, 129, 161, 163, 177, 184, 214, 246, 280, 281, 285, 358, 362, 391, 410, 432, 442, 472, 473, 503, 515, 526, 528, 529, 531, 533, 541, 542, 544, 545, 549, 551, 553 and 555.

MARY PAT GUNDERSON
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 214, the following correction was made:

1. Page 4, line 13, a period was added after the word "sludge".

ALSO: That in enrolling Senate File 391, the following corrections were made:

1. Page 8, line 17, the words and numbers "Sections 14 and 15" were changed to the words and numbers "Sections 13 and 14".
2. Page 8, line 19, the words and numbers "Sections 6 and 11" were changed to the words and numbers "Sections 5 and 10".
3. Page 8, line 20, the words and numbers "Sections 7, 8, 9, 10, and 13" were changed to the words and numbers "Sections 6, 7, 8, 9 and 11".

ALSO: That in enrolling Senate File 533, the following correction was made:

1. Page 34, line 28, the word and number "Section 28" were changed to the word and number "Section 27".

ALSO: That in enrolling Senate File 542, the following corrections were made:

1. Page 8, line 1, a period was added after the number "8".
2. Page 8, line 7, a period was added after the number "9".
3. Page 8, line 14, a period was added after the number "10".
4. Page 10, line 26, the word and number "Section 13" were changed to the word and number "Section 12".
5. Page 10, line 28, the word and number "Section 14" were changed to the word and number "Section 13".
6. Page 15, line 16, the word and number "Section 100" were changed to the word and number "Section 28".

ALSO: That in enrolling Senate File 549, the following corrections were made:

1. Page 5, line 17, the number "1." was changed to the letter "a."
2. Page 5, line 18, the number "2." was changed to the letter "b."
3. Page 5, line 20, the number "3." was changed to the letter "c."
4. Page 5, line 20, the number "4." was changed to the letter "d."
5. Page 30, line 19, the word and numbers "Sections 201 and 202" were changed to the words and numbers "Sections 23 and 29".

MARY PAT GUNDERSON
Secretary of the Senate

BILLS REFERRED TO COMMITTEE FROM CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 4, the following bills remaining on the Senate calendar upon adjournment of the 1997 session will be removed from the calendar and referred back to the committee to which they were originally assigned:

S. C. R.	10	Agriculture
S. C. R.	12	Natural Resources & Environment
S. F.	365	Judiciary
S. F.	367	Commerce
S. F.	390	Natural Resources & Environment
S. F.	427	Local Government
S. F.	445	Ways and Means
S. F.	470	Education
S. F.	476	Judiciary
S. F.	485	Education
S. F.	500	State Government

S. F.	521	Commerce
S. F.	538	Ways and Means
S. F.	540	Business and Labor
S. F.	546	Ways and Means
S. F.	548	State Government
S. F.	554	Ways and Means

MARY PAT GUNDERSON
Secretary of the Senate

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Iverson moved that a committee be appointed to notify the governor that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 27.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Boettger and Flynn.

COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with House Concurrent Resolution 27.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Jensen and Judge.

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 Jensen 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 Boettger 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 House Concurrent Resolution 27, duly adopted, the day of April 29, 1997, having arrived, President Kramer declared the 1997 Regular Session of the Seventy-seventh General Assembly adjourned sine die.

MESSAGE FROM THE GOVERNOR

May 21, 1997

The Honorable Mary Kramer
President of the Senate
State Capitol Building
LOCAL

Dear Madam President:

The 1997 session of the Iowa General Assembly can rightly be considered a milestone in Iowa history. Our tax reduction, public safety, and economic development initiatives will long be remembered as pivotal steps in our drive to improve the quality of life and work in Iowa.

This year Iowa taxpayers witnessed the single largest tax reduction ever passed in Iowa: a 10-percent income tax cut that lowered the state tax burden by \$200 million a year. Iowa's 101 year-old inheritance tax for family members was eliminated! For the third straight year in a row additional property tax relief was provided.

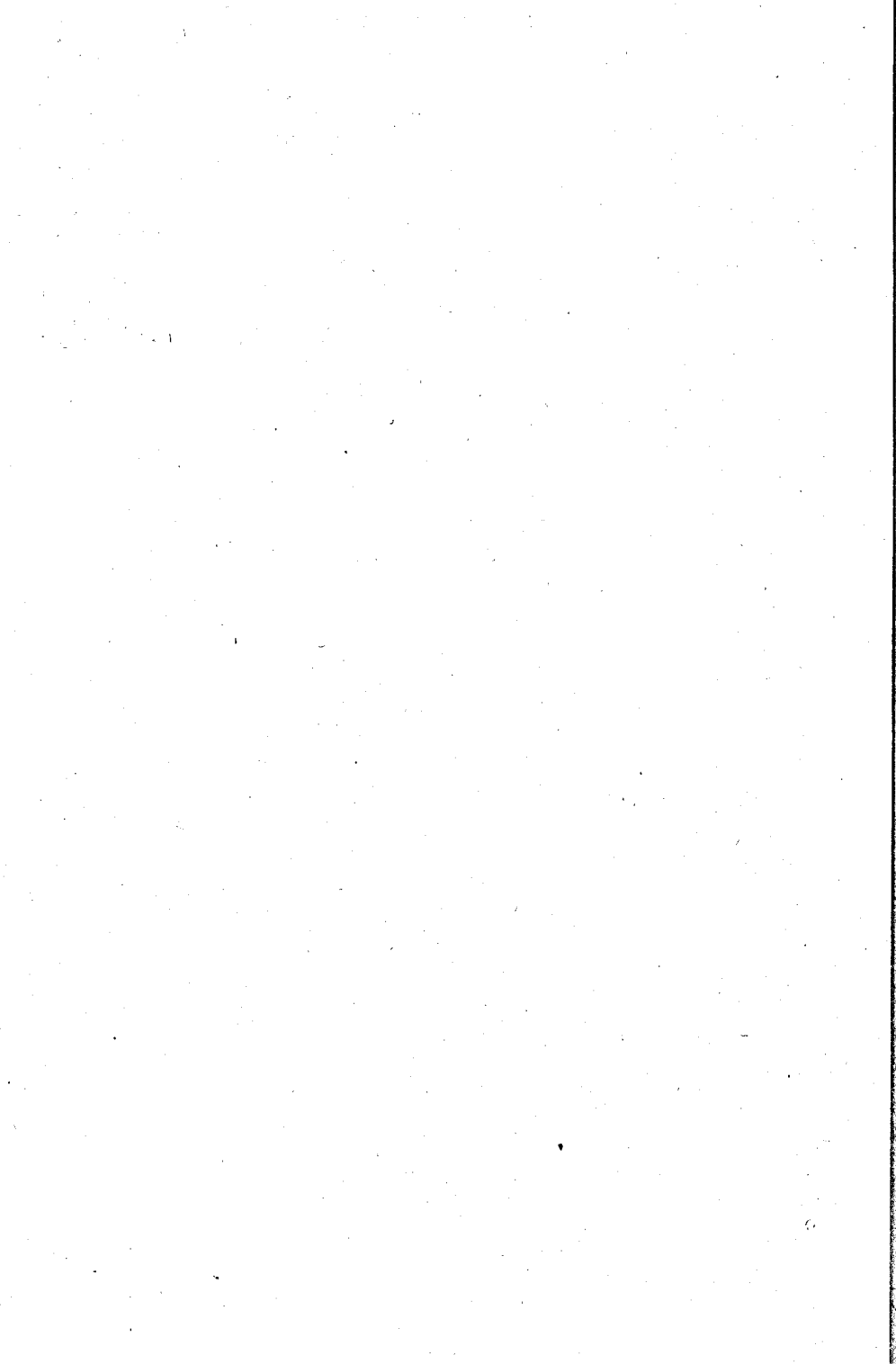
I commend the Legislature for joining me in placing more emphasis upon the victims of crime in Iowa. We passed a comprehensive bill to combat drunken driving that has the potential of saving many lives. We stiffened the penalties for illegal drug manufacturing, ensured that juveniles who break the law are held accountable for their actions, and increased penalties for underage drinking.

The areas of rural and urban Iowa that are not experiencing economic growth will be helped with the passage of the unique enterprise zone legislation. Our venture capital bill will stimulate more new investment and growth. The commitment we

made to the John Pappajohn Entrepreneurial Centers will mean greater assistance to start-up firms.

These achievements only begin to tell the story of one of the most productive and successful sessions I have ever seen. We worked together to reach important agreements. We agreed to reduce the tax burden and control state expenditures. We listened to the victims of crime and strengthened public safety in many areas. We laid the groundwork for a new era of economic development in parts of Iowa that have lagged behind. We made another major step in rebuilding our state's infrastructure. We are positioned for greater opportunities in the years ahead because of wise decisions made this session.

Sincerely,
TERRY E. BRANSTAD
Governor



SUPPLEMENT
TO THE
SENATE JOURNAL
Seventy-seventh General Assembly
1997 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 1997 Regular Session:

S.F. 21 - Eliminating the requirement that a nonperpetual care cemetery post a sign indicating the cemetery is a nonperpetual care cemetery. Approved 5-1-97.

S.F. 83 - Relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained. Approved 5-19-97.

S.F. 109 - Relating to workers' compensation coverage for injuries that occur and claims made outside of the state. Approved 5-2-97.

S.F. 116 - Relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices. Approved 5-2-97.

S.F. 123 - Relating to runaway children, by defining when a child is a chronic runaway, authorizing county runaway treatment plans, and providing for assessment and treatment procedures for chronic runaways. Approved 5-1-97.

S.F. 128 - Relating to the statistical reporting of terminations of pregnancy and establishing a penalty. Approved 5-21-97.

S.F. 129 - Updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date. Approved 5-9-97.

S.F. 132 - Relating to state department of transportation operations, including regulating hazardous materials transport, regulating motor vehicle dealers, eliminating requirements that the department adopt administrative rules in certain instances, and establishing, making applicable, or enhancing penalties. Approved 5-2-97.

S.F. 161 - Modifying the holding temperature required for the storage of eggs sold at retail. Approved 5-27-97.

S.F. 163 - Relating to the sale of cigarettes and tobacco products through vending machines. Approved 5-9-97.

S.F. 174 - Relating to the operation of motorboats on artificial lakes and providing an effective date. Approved 5-1-97.

S.F. 176 - Relating to child sexual abuse reporting. Approved 4-30-97.

S.F. 177 - Relating to motor vehicle operator prohibitions and restrictions including careless driving, littering, blood alcohol test certificates, and by establishing or making existing penalties applicable. Approved 5-19-97.

S.F.184 - Relating to collection of fees charged prisoners for room and board, by providing for the entry of judgment against the prisoner and enforcement of the judgment through writ of execution, and providing for an effective date. Approved 5-14-97.

S.F. 214 - Relating to the regulation of the use and disposal of sewage sludge and providing a penalty. Approved 5-9-97.

S.F. 229 - Relating to the issuance of motor vehicle licenses for certain law enforcement officers and providing penalties, and providing an effective date. Approved 5-1-97.

S.F. 236 - Relating to the certificate of need program. Approved 5-1-97.

S.F. 240 - Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated. Approved 5-1-97.

S.F. 241 - Relating to the probate code including guardianships and conservatorships and adopted the uniform transfer on death security registration Act. Approved 5-26-97.

S.F. 246 - Relating to snowmobiles and all-terrain vehicles including the definition of all-terrain vehicle and by requiring title certificates, increasing snowmobile and all-terrain vehicle registration fees, providing for point of sale registration, and providing an effective date. Approved 5-19-97.

S.F. 280 - Providing immunity from civil liability for an employer or employer's representative who acts reasonably in providing work-related information about a current or former employee of the employer. Approved 5-26-97.

S.F. 281 - Relating to judicial administration. Approved 5-7-97.

S.F. 285 - Relating to household hazardous material and retail labeling requirements. Approved 5-26-97.

S.F. 358 - Relating to the adoption of the interstate emergency management assistance compact. Approved 5-7-97.

S.F. 362 - Establishing a wildlife depredation unit within the department of natural resources, allowing the discharge of firearms in state parks for certain purposes, providing for the issuance of additional free deer hunting licenses, subjecting violators to an existing penalty, and providing an effective date. Approved 5-26-97.

S.F. 379 - Providing for maintenance and repair of out-of-state commercial motor vehicles. Approved 5-2-97.

S.F. 391 - Relating to and making appropriations to the state department of transportation, including allocation and use of moneys from the general fund of the state, road use tax fund, and primary road fund, providing for the nonreversion of

certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing effective dates. Item Vetoed and approved 5-19-97. See Governor's Item Veto Message.

S.F. 410 - Relating to the Iowa higher education loan authority by eliminating the limit on the amount of its obligations that may be outstanding for purposes of funding capital projects and allowing the authority to issue tuition anticipation notes and obligations to finance projects to be leased to an institution. Approved 5-26-97.

S.F. 432 - Relating to the disposition of private property condemned under eminent domain or condemned or purchased as highway right-of-way property and providing an applicability date. Approved 5-19-97.

S.F. 433 - Relating to regulation and location of a land-leased community or a modular or manufactured home and providing an effective date. Approved 4-30-97.

S.F. 442 - Relating to the designation of certain correctional facilities. Approved 5-7-97.

S.F. 451 - Relating to milk and milk products, providing for the issuance of licenses and permits, fees, and providing penalties. Approved 5-1-97.

S.F. 460 - Relating to membership on the workforce development board and providing an effective date. Approved 5-2-97.

S.F. 472 - Prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure, and providing an effective date. Approved 5-19-97.

S.F. 473 - Requiring owners of agricultural drainage wells to prevent surface water intake into the wells, providing for the closure of certain wells and the construction of alternative drainage systems, providing state assistance for closing agricultural drainage wells, prohibiting the construction and use of certain structures located in agricultural drainage well areas, providing for the assessment and collection of certain drainage district expenses, providing penalties, and providing an effective date. Approved 5-29-97.

S.F. 497 - Prohibiting the possession or distribution of gamma-hydroxybutyric acid under certain circumstances, and providing a penalty. Approved 5-1-97.

S.F. 503 - Relating to criminal justice, by providing for enhanced punishment for manufacturing methamphetamine in the presence of minors, providing restrictions on public nudity and actual or simulated public performance of sex acts in certain establishments, authorizing probation supervision and revocation by administrative parole and probation judges in the sixth judicial district, providing restitution for death of a victim of a crime, and providing penalties and an effective date. Approved 5-7-97.

S.F. 515 - Relating to juvenile justice and youthful offenders, by making changes in provisions relating to illegal purchase or possession of alcohol and tobacco by juveniles

and youthful offenders, making changes relating to dramshop liability, providing for notification of possession of alcohol by persons under legal age, providing for the taking of fingerprints and photographs of certain juveniles, permitting victims to make oral victim impact statements in juvenile proceedings, making changes related to the supplying of alcohol to persons under the age of twenty-one, providing for sharing of information regarding delinquent juveniles and juveniles under the jurisdiction of various social services agencies, providing for shared jurisdiction between the adult and juvenile courts over youthful offenders, changing the criteria for placement in the state training school or other facility, making changes relating to state reimbursement for expenses of court-appointed attorneys in juvenile court, permitting the release of information relating to juveniles who have escaped from a detention facility, providing for notification of juvenile court authorities of unexcused absences or suspensions or expulsions of students who are on probation, providing for establishment of statewide peer review courts for youthful offenders, providing for bailiff and other law enforcement assistance to associate juvenile judges, including arrest or disposition or custody or adjudication data in criminal history data kept by the department of public safety, authorizing school officials to report possession or use of alcohol or controlled substances to law enforcement authorities, and providing for a legislative study Approved 5-7-97.

S.F. 526 - Providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health. Approved 5-9-97.

S.F. 528 - Relating to the cleanup and reuse of contaminated property, environmental remediation standards and review procedures, participation in the remediation of contaminated property, liability for the voluntary cleanup of contaminated property, liability protections, and establishing a land recycling fund. Approved 5-7-97.

S.F. 529 - Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters. Item Vetoed and approved 5-27-97. See Governor's Item Veto Message.

S.F. 531 - Relating to the increase in the physical plant and equipment levy. Approved 5-26-97.

S.F. 533 - Relating to and making appropriations to the justice system and providing effective dates. Item Vetoed and approved 5-9-97. See Governor's Item Veto Message.

S.F. 541 - Relating to child day care provisions involving group day care homes and establishing a child-care home pilot project. Approved 5-19-97.

S.F. 542 - Relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1996, and subsequent fiscal years, reestablishing a domestic abuse services income tax checkoff, including retroactive applicability provisions, and providing effective dates. Approved 5-23-97.

S.F. 544 - Relating to the designation of unincorporated areas of a county as rural improvement zones, providing for improvement projects in the zones, authorizing the

issuance of certificates of indebtedness, and payment of the indebtedness by tax increment financing and an annual standby tax by such zones. Approved 5-19-97.

S.F. 545 - Relating to the nonrenewal or suspension of motor vehicle licenses for failure to pay indebtedness owed to or being collected by the state in pilot project counties, and providing an effective date. Approved 5-19-97.

S.F. 549 - Relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, the state board of regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions. Item Vetoed and approved 5-27-97. See Governor's Item Veto Message.

S.F. 551 - Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations. Approved 5-9-97.

S.F. 553 - Relating to the tax treatment of financial institutions and their shareholders which have made an election under subchapter S of the Internal Revenue Code and including a retroactive applicability date provision. Approved 5-19-97.

S.F. 555 - Relating to the control of pseudorabies, making corresponding changes, making penalties applicable, and providing for an effective date. Approved 5-26-97.

GOVERNOR'S ITEM VETO MESSAGES

May 9, 1997

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

Dear Mr. Secretary:

I hereby transmit Senate File 533, an act relating to and making appropriations to the justice system and providing effective dates.

Senate File 533 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve section 8 and section 31, subsection 3, in their entirety. These items would utilize a bad budgeting practice to fund additional staff in the Department of Corrections. I am approving direct funding for fifty new corrections officers in the bill, which is the proper way to budget for such ongoing expenses.

For the above reason, 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 533 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 19, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates.

Senate File 391, is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated section 5 and section 10, in their entirety. These items would eliminate the revenue source used to pay for the costs of investigating and prosecuting odometer fraud cases. In 1988, a 25 cent fee on vehicle titles was established to pay for the additional expenses incurred by the Attorney General's office to handle odometer fraud cases. The revenues from the fee should continue to be deposited in the general fund and appropriated to the Attorney General to be used for that purpose.

For the above reason, 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 391 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 27, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 529, an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other property related matters.

Senate File 529 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as section 14, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This item states the legislature's intent relating to funds to be appropriated in fiscal year 1999 and thereafter. Language directing or restricting the use of certain funds is more appropriately provided in the year the funds are appropriated.

I am unable to approve the item designated as section 14, subsection 4, unnumbered and unlettered paragraph 2, in its entirety. This item would require the Council on Human Investment to provide this information is not appropriate as neither the selection nor adoption of performance measures falls within the responsibilities of the Council.

I am unable to approve the item designated as section 23, unnumbered and unlettered paragraph 2, in its entirety. This item would limit lottery marketing and public information expenses to three percent of lottery revenues. Commissioner Ed Stanek has done an outstanding job of managing an honest, efficient, and well run lottery. If the state is to maintain a lottery, adequate flexibility must continue to be provided to ensure a well run program. This provision would unduly restrict the commissioner's ability to effectively operate the state lottery.

I am unable to approve the item designated as section 28, in its entirety. This item would require state agencies to conform to certain staffing and office supply expense standards in preparing their budgets for fiscal year 1999. Strict compliance with such standards is impractical given the different staffing and supply needs of the various agencies.

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 529 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 27, 1997

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 549, an act relating to the funding of, operation of, and appropriation of moneys to the College Student Aid Commission, the Department of Cultural Affairs, the Department of Education; the State Board of Regents, to the transfer of moneys from the interest for Iowa schools fund, and making related statutory changes and providing effective date and applicability provisions.

Senate File 549, is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as section 1, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This item would require any new fiscal year 1998 State Student Incentive Grant (SSIG) funds to be used only for Vocational Technical Tuition Grants. The College Student Aid Commission should retain the flexibility to allocate SSIG funds as needed.

I am unable to approve the items designated as section 22 and 36, in their entirety. These items would impact the way funding is received and spent by the First in the Nation in Education (FINE) Foundation and the International Center for Gifted and Talented Education. These items were not adequately discussed by the legislature and do not accomplish the legislative intent. I have been assured that a recommendation to limit administrative expenses will be included in the Department of Education study of the FINE Foundation to be completed this fall.

I am unable to approve the items designated as section 23, 29 and 37, in their entirety. These items would require information on student billing statements issued by the Regents institutions and community colleges to show the percentage of a student's education paid by tuition and the approximate dollar amount paid for with state appropriations. I support the addition of this information on students billing statements, however, the specific provisions of this bill are unworkable. The Regents institutions and the community colleges have agreed to develop a workable process for providing this information by the fall of 1998.

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 549 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor



IN MEMORIAM**Senate**

Rabedeaux, W.R. August 6, 1919 - June 3, 1996

Van Gilst, Bass April 14, 1911 - December 2, 1996

W.R. RABEDAUX

Senator W.R. "Bill" Rabedeaux, the son of Orren and Mecia Rabedeaux, was born on August 6, 1919, in Muscatine, Iowa. He passed away on June 3, 1996, at the age of 76 years. He married Beverly Oveson in June of 1950. They became the parents of three sons, Neal Rabedeaux of Clive, Iowa, Bruce Rabedeaux of Wilton, Iowa, Brian Rabedeaux of Minneapolis, Minnesota, and a daughter, Renee Rabedeaux of Clive, Iowa. He was grandfather to nine grandchildren.

Senator Rabedeaux was owner, editor and publisher of the Advocate News in Wilton for 20 years. He was member services director for Rural Electric Co-op of Wilton from 1947 until 1980. He was a member of Wilton Town Council, Wilton School Board, Wilton Chamber of Commerce, Muscatine County Republican Central Committee, Wilton Methodist Church, Masonic Lodge, American Legion, Lions Club, and V.F.W., having served four years in the Air Force during W.W. II.

Senator Rabedeaux began his political career in 1970 when he was elected in a special election to the Iowa Senate where he served in the sixty-third, sixty-fourth, sixty-fifth and sixty-sixth General Assemblies from 1970 until 1976.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable W.R. Rabedeaux, the State has lost an honored citizen and a faithful and useful public servant, and that the State 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.

RICHARD F. DRAKE, Chair
 JACK RIFE
 PATRICK J. DELUHERY

Committee

BASS VAN GILST

Senator Bass Van Gilst was born April 14, 1911, in Marion County north of Pella, Iowa. He passed away at his home in Oskaloosa on December 2, 1996, at the age of 85 years. His parents were Peter and Nellie Van Gilst. He married Harriet DeBruin on November 26, 1937. They became the parents of three sons, Kenneth Van Gilst of Oskaloosa, Iowa, Carl Van Gilst of Goshen, Indiana, and Mark Van Gilst of Newark, Delaware; three daughters, Elaine Van Wyk of Pella, Iowa, Diane Van Wyngarden of Oskaloosa, Iowa, and Joleen Vanderheide of Kitchener, Ontario, Canada. He was grandfather to twenty-four grandchildren and twenty-two great-grandchildren.

Senator Van Gilst farmed in Southeast Mahaska County. He served on the Iowa Board of Regents. He was a member of Cedar Christian Reformed Church, Oskaloosa

Lions Club, Farm Bureau, Oskaloosa Chamber of Commerce, YMCA, Mahaska County Habitat for Humanity and Mahaska County Historical Society.

Senator Van Gilst began his political career in 1964 when he was elected to the Iowa Senate from Mahaska County and served until 1984, serving in the sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-seventh X, sixty-eighth, sixty-ninth, sixty-ninth X and seventieth General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Bass Van Gilst, the State has lost an honored citizen and a faithful and useful public servant, and that the State 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.

DON E. GETTINGS, Chair
H. KAY HEDGE
PATTY JUDGE

Committee



AMENDMENTS FILED
During The
Seventy-seventh General Assembly
1997 Regular Session

S-3001

1 Amend Senate Resolution 1 as follows:
 2 1. Page 50, by inserting after line 18 the
 3 following:

4 "Rule 63

5 Application of Laws to Senate

6 The senate and general assembly shall not be exempt
 7 from the applicability of any general law, including
 8 any general law that otherwise might be deemed
 9 inapplicable as a rule of proceeding under article III
 10 of the Constitution of the State of Iowa, section 9,
 11 except as specifically provided in the rules of the
 12 senate or the joint rules of the senate and house of
 13 representatives."

14 2. By renumbering as necessary.

ROD HALVORSON

S-3002

1 Amend Senate Resolution 1 as follows:
 2 1. Page 50, by inserting after line 18 the
 3 following:

4 "Rule 62

5 Consideration of Conference Committee Reports

6 A conference committee report shall not be acted
 7 upon by the senate unless the report contains only
 8 issues related to provisions of the bill and
 9 amendments to the bill which were adopted by either
 10 the senate or the house of representatives and on
 11 which the senate and house of representatives
 12 differed. If a conference committee report is not
 13 acted upon because such action would violate this
 14 rule, the inaction on the report shall constitute
 15 refusal of the senate to adopt the conference
 16 committee report and shall have the same effect as if
 17 the conference committee had disagreed."

18 2. Page 50, by inserting after line 25 the
 19 following: "BE IT FURTHER RESOLVED, That should a
 20 conference committee rule be adopted by joint action
 21 of the senate and house of representatives at any time
 22 during the Seventy-seventh General Assembly
 23 restricting action by the senate to those conference
 24 committee reports that contain only issues related to
 25 the provisions of the bill and amendments to the bill
 26 which were adopted by either the senate or house of
 27 representatives and on which the senate or house of
 28 representatives differed, those provisions shall

- 29 supersede the provisions of rule 62."
30 3. By renumbering as necessary.

ROD HALVORSON

S-3003

- 1 Amend Senate Resolution 1 as follows:
2 1. Page 37, by inserting after line 28 the
3 following:
4 "Rule 45A
5 Smoking Restricted
6 In addition to a written policy on smoking
7 restrictions adopted by the committee on rules and
8 administration, smoking is prohibited in room R15A
9 when a committee or an appropriations subcommittee is
10 meeting in room R15."

MARY NEUHAUSER
MIKE CONNOLLY

S-3004

- 1 Amend Senate Resolution 1 as follows:
2 1. Page 49, line 6, by inserting after the word
3 "forms" the following: "except as provided in
4 subsection 3A".
5 2. Page 50, by inserting after line 11 the
6 following:
7 "3A. The senate shall not consider a conference
8 committee report until twenty-four hours have elapsed
9 since the report was filed and distributed to the
10 desks of the entire membership of the senate."
11 3. By renumbering as necessary.

ROD HALVORSON

S-3005

- 1 Amend Senate Resolution 1 as follows:
2 1. Page 49, line 6, by inserting after the word
3 "forms" the following: "except as provided in
4 subsections 3A and 3B".
5 2. Page 50, by inserting after line 11 the
6 following:
7 "3A. During the 15th week of the first session and
8 the 13th week of the second session, the senate shall
9 convene on Monday, Tuesday, and Wednesday and
10 thereupon shall stand at ease to allow conference
11 committees to meet. During those three days the
12 senate shall not consider any bills, resolutions, or
13 conference committee reports but may come to order to

- 14 receive the filing of conference committee reports.
 15 3B. The senate shall not consider a conference
 16 committee report until twenty-four hours have elapsed
 17 since the report was filed and distributed to the
 18 desks of the entire membership of the senate."
 19 3. By renumbering as necessary.

ROD HALVORSON

S—3006

- 1 Amend Senate Resolution 1 as follows:
 2 1. Page 46, line 18, by inserting after the word
 3 "government" the following: "whose appointment is
 4 subject to senate confirmation."

JIM LIND

S—3007

- 1 Amend Senate Resolution 1 as follows:
 2 1. Page 37, by inserting after line 28 the
 3 following:
 4 "Rule 45A
 5 Smoking Prohibited
 6 Smoking shall not be permitted in the senate or in
 7 any area of the capitol building controlled by the
 8 senate or controlled jointly by the senate and house."

MICHAEL W. CONNOLLY
 ANDY McKEAN
 ROBERT E. DVORSKY
 DON GETTINGS
 MARY NEUHAUSER
 TOM FLYNN
 PATRICK J. DELUHERY
 ELAINE SZYMONIAK
 DENNIS H. BLACK
 BILL FINK
 JOHN W. JENSEN
 DICK L. DEARDEN
 TOM VILSACK
 PATTY JUDGE
 JOHN P. KIBBIE
 STEVEN D. HANSEN
 MATT McCOY
 MAGGIE TINSMAN

S—3008

- 1 Amend Senate Resolution 1 as follows:
 2 1. Page 37, by inserting after line 28 the

3 following:

4

"Rule 45A

5

Smoking

6

Smoking shall not be permitted in any area under

7

exclusive control of the senate by anyone other than

8

senators, staff of the senate, and staff of central

9

legislative staff agencies when assigned to work in

10

the senate."

EUGENE FRAISE

S—3009

1 Amend Senate Resolution 1 as follows:

2

1. Page 48, by striking lines 13 through 17 and

3

inserting the following:

4

"Prior to an en bloc vote, any senator may request,

5

either in writing or from the floor, an individual

6

vote on any nominee on the en bloc confirmation

7

calendar. The senate shall vote separately on the

8

nominee. Prior to an en bloc vote, nominees on the en

9

bloc calendar who have been the subject of a hearing

10

under this rule shall be placed on the individual

11

calendar upon the request of any senator. In

12

addition, in the event new information is received

13

which bears upon a nominee's ability to serve in the

14

position to which appointed, any senator may by action

15

from the floor have such nominee moved from the en

16

bloc calendar to the individual confirmation

17

calendar."

JOHN P. KIBBIE

S—3010

1 Amend House Concurrent Resolution 4, as passed by
2 the House, as follows:

3

1. Page 1, by striking lines 28 and 29 and

4

inserting the following: "should be in balance while,

5

in fact, federal indebtedness".

6

2. Page 3, by striking lines 2 through 7 and

7

inserting the following:

8

"WHEREAS, large majorities".

MIKE CONNOLLY

S—3011

1 Amend Senate File 35 as follows:

2

1. By striking everything after the enacting

3

clause and inserting the following:

4

"Section 1. Section 450.2, Code 1997, is amended

5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. Property passing from
 7 estates of decedents dying on or after July 1, 1997,
 8 is not subject to tax under this chapter. This
 9 chapter is repealed July 1, 1997, for property of
 10 estates of decedents dying on or after July 1, 1997.
 11 Sec. 2. Section 450.4, Code 1997, is amended by
 12 adding the following new subsection:
 13 NEW SUBSECTION. 7. On any property of an estate
 14 of a person dying on or after July 1, 1997.
 15 Sec. 3. This Act applies to estates of decedents
 16 dying on or after July 1, 1997.”
 17 2. Title page, by striking lines 1 through 6 and
 18 inserting the following: “An Act eliminating the
 19 state inheritance tax and providing an”.

PATTY JUDGE
 JOHN P. KIBBIE
 TOM FLYNN
 DENNIS H. BLACK
 MICHAEL E. GRONSTAL
 EUGENE S. FRAISE
 ROBERT E. DVORSKY
 DON GETTINGS

S—3012

1. Amend Senate File 35 as follows:
 2 1. Page 1, line 4, by inserting before the word
 3 “parents,” the following: “except for the share of
 4 the estate passing to residents of the state who are”.
 5 2. Page 1, by striking lines 13 through 25 and
 6 inserting the following:
 7 “Sec. ____ Section 450.9, Code 1997, is amended to
 8 read as follows:
 9 **450.9 INDIVIDUAL EXEMPTIONS.**
 10 In computing the tax on the net estate passing to
 11 the surviving spouse, heirs or beneficiaries of the
 12 deceased the following exemptions shall be allowed:
 13 1. Surviving spouse, and residents of the state
 14 who are parents, grandparents, great-grandparents, and
 15 other lineal ascendants, children including legally
 16 adopted children and biological children entitled to
 17 inherit under the laws of this state, stepchildren,
 18 and grandchildren, great-grandchildren, and other
 19 lineal descendants, the entire amount of property,
 20 interest in property, and income.
 21 2. Each nonresident son and daughter, including
 22 legally adopted sons and daughters, or biological sons
 23 and daughters entitled to inherit under the law of
 24 this state, fifty thousand dollars.
 25 3. Father Nonresident father or mother, fifteen

26 thousand dollars.

27 4. Any other nonresident lineal descendant of the
28 deceased, fifteen thousand dollars.

29 Sec. ____ Section 450.10, subsection 1, unnumbered
30 paragraph 1, Code 1997, is amended to read as follows:

31 When the property, interest, or income passes to a
32 nonresident of the state who is the father or mother,
33 or to a nonresident of the state who is a child or
34 lineal descendant of the decedent, grantor, donor, or
35 vendor, including a legally adopted child or
36 biological child entitled to inherit under the laws of
37 this state, the tax imposed shall be on the individual
38 share so passing in excess of the exemptions allowed
39 as follows:"

40 3. Page 1, line 31, by striking the following:

41 "~~or step-children,~~" and inserting the following: "or
42 nonresident step-children,".

43 4. By striking page 1, line 33, through page 2,
44 line 20.

45 5. Page 2, line 24, by inserting after the word
46 "and" the following: "passing to residents of the
47 state who are".

48 6. Title page, line 1, by inserting after the
49 word "to" the following: "residents of the state who
50 are".

TOM VILSACK

S-3013

1 Amend Senate File 35 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "ascendants," the following: "uncles, aunts,".

4 2. Page 1, line 19, by inserting after the word
5 "ascendants," the following: "uncles, aunts,".

6 3. Page 2, line 25, by inserting after the word
7 "ascendants," the following: "uncles, aunts,".

8 4. Title page, line 3, by inserting after the
9 word "ascendants," the following: "uncles, aunts,".

STEVEN D. HANSEN

S-3014

1 Amend Senate Resolution 1 as follows:

2 1. Page 34, lines 5 and 6, by striking the words
3 "one-half the membership of the committee" and
4 inserting the following: "one-half the membership of
5 the committee committee members according to committee
6 rules, but no more than one-third of the committee
7 members shall be required".

ROD HALVORSON

S—3015

- 1 Amend Senate File 35 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "ascendants," the following: "brothers, sisters,".
 4 2. Page 1, line 19, by inserting after the word
 5 "ascendants," the following: "brothers, sisters,".
 6 3. Page 1, line 30, by striking the words
 7 "brother or sister," and inserting the following:
 8 "brother or sister,".
 9 4. Page 2, line 25, by inserting after the word
 10 "ascendants," the following: "brothers, sisters,".
 11 5. Title page, line 3, by inserting after the
 12 word "ascendants," the following: "brothers,
 13 sisters,".

DENNIS BLACK

S—3016

- 1 Amend Senate Resolution 1 as follows:
 2 1. Page 21, by inserting after line 22 the
 3 following:
 4 "A budget impact statement shall be attached to any
 5 bill or joint resolution which reasonably could have
 6 an annual effect of at least one hundred thousand
 7 dollars or a combined total effect within five years
 8 after enactment of five hundred thousand dollars or
 9 more on the aggregate revenues, expenditures, or
 10 fiscal liability of the state. A budget impact
 11 statement shall contain all of the following:
 12 1) The estimated effect in dollars of the bill or
 13 joint resolution on the revenues, expenditures, and
 14 fiscal liability of the state during the first five
 15 years after enactment.
 16 2) The estimated revenues and expenditures of the
 17 state for the first five years after enactment if
 18 current law remains in place, and the estimated effect
 19 in dollars of the bill or joint resolution on the
 20 balance of the general fund of the state or of other
 21 affected funds of the state for those five years.
 22 3) The estimated revenues and expenditures of the
 23 state as calculated in the preceding paragraph,
 24 modified by the estimated effect in dollars of any
 25 other bill or joint resolution passed by the senate
 26 during the current legislative session which would
 27 have a significant financial impact on the revenues,
 28 expenditures, and fiscal liability of the state during
 29 the first five years after enactment or on the balance
 30 of the general fund of the state or of other affected
 31 funds of the state during those five years."

ROD HALVORSON

S—3017

- 1 Amend Senate File 35 as follows:
- 2 1. Page 2, by striking lines 30 and 31 and
- 3 inserting the following:
- 4 "Sec. ____ This Act, being deemed of immediate
- 5 importance, takes effect from and after its
- 6 publication in the Des Moines Register, a newspaper
- 7 published in Des Moines, Iowa, and in the Cedar Rapids
- 8 Gazette, a newspaper published in Cedar Rapids, Iowa,
- 9 and applies to estates of decedents dying on or after
- 10 the effective date."

WILLIAM D. PALMER

S—3018

- 1 Amend Senate File 35 as follows:
- 2 1. Page 1, line 4, by inserting before the word
- 3 "parents," the following: "except for the first five
- 4 million dollars of each share passing to persons who
- 5 are".
- 6 2. By striking page 1, line 13, through page 2,
- 7 line 29, and inserting the following:
- 8 "Sec. ____ Section 450.9, subsection 2, Code 1997,
- 9 is amended to read as follows:
- 10 2. Each son and daughter, including legally
- 11 adopted sons and daughters, or biological sons and
- 12 daughters entitled to inherit under the law of this
- 13 state, fifty thousand or parent, grandparent, great-
- 14 grandparent, or other lineal ascendant, stepchild, or
- 15 grandchild, great-grandchild, or other lineal
- 16 descendant, five million dollars.
- 17 Sec. ____ Section 450.9, subsections 3 and 4, Code
- 18 1997, is amended by striking the subsections."
- 19 3. Title page, line 1, by striking the words
- 20 "eliminating the inheritance tax on" and inserting the
- 21 following: "increasing the exemptions from the
- 22 inheritance tax for".

JOHN P. KIBBIE

S—3019

- 1 Amend Senate File 5 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____ An ex-prisoner of war who paid for ex-
- 5 prisoner of war special plates on or after January 1,
- 6 1997, but before the effective date of this Act, is
- 7 entitled to a refund of the fees paid for the plates
- 8 in excess of fifteen dollars. A person eligible for a

9 refund under this section shall submit a claim for a
 10 refund to the state department of transportation on a
 11 form for that purpose obtained from the county
 12 treasurer. Notwithstanding any provision of the Code
 13 to the contrary, claims shall be paid from fees
 14 deposited in the road use tax fund under section
 15 321.145.

16 Sec. ____ EFFECTIVE AND APPLICABILITY DATES. This
 17 Act, being deemed of immediate importance, takes
 18 effect upon enactment and is retroactively applicable
 19 to January 1, 1997."

20 2. Title page, line 2, by inserting after the
 21 word "plates" the following: "and providing effective
 22 and retroactive applicability dates".

23 3. By renumbering as necessary.

JOHN P. KIBBIE

S-3020

1 Amend Senate Resolution 1 as follows:

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

4 "A budget impact statement shall be attached to any
 5 bill or joint resolution which reasonably could have
 6 an annual effect of at least one hundred thousand
 7 dollars or a combined total effect within five years
 8 after enactment of five hundred thousand dollars or
 9 more on the aggregate revenues, expenditures, or
 10 fiscal liability of the state. A budget impact
 11 statement shall contain all of the following:

12 (1) The estimated effect in dollars of the bill or
 13 joint resolution on the revenues, expenditures, and
 14 fiscal liability of the state during the first five
 15 years after enactment.

16 (2) The estimated revenues and expenditures of the
 17 state for the first five years after enactment if
 18 current law remains in place, and the estimated effect
 19 in dollars of the bill or joint resolution on the
 20 balance of the general fund of the state or of other
 21 affected funds of the state for those five years.

22 (3) The estimated revenues and expenditures of the
 23 state as calculated in the preceding paragraph,
 24 modified by the estimated effect in dollars of any
 25 other bill or joint resolution passed by the senate
 26 during the current legislative session which would
 27 have a significant financial impact on the revenues,
 28 expenditures, and fiscal liability of the state during
 29 the first five years after enactment or on the balance
 30 of the general fund of the state or of other affected
 31 funds of the state during those five years. The
 32 modified estimates and calculations required by this

33 paragraph need only be prepared for inclusion in a
 34 budget impact statement prior to the bill or joint
 35 resolution being taken up by the senate, after
 36 amendment and passage of the bill or joint resolution
 37 by the senate, after amendment and passage of the bill
 38 or joint resolution by the house, after further
 39 amendment and passage by the senate for the second
 40 time, and after further amendment and filing of a
 41 conference committee report."

ROD HALVORSON

S—3021

1 Amend Senate Resolution 1 as follows:
 2 1. Page 37, by inserting after line 28 the
 3 following:
 4 "Rule 45A
 5 Smoking Prohibited
 6 Smoking shall not be permitted in the senate or in
 7 any area of the capitol building controlled by the
 8 senate."

MICHAEL W. CONNOLLY

S—3022

1 Amend Senate Resolution 1 as follows:
 2 1. Page 37, by inserting before line 29 the
 3 following:
 4 "RULE 45A
 5 SMOKING RESTRICTED
 6 1. Smoking is not permitted in the senate chamber
 7 at any time.
 8 2. Smoking is not permitted in any other meeting
 9 rooms, office areas, or other space under senate
 10 control, except for areas identified under subsection
 11 3.
 12 3. Room 206 is designated a smoking room for
 13 members of the general assembly and legislative staff.
 14 Smoking may be permitted in room 326A at the
 15 discretion of the majority leader. The secretary of
 16 the senate will be responsible for clearly marking,
 17 maintaining, policing, and maximizing ventilation in
 18 room 206."

MIKE CONNOLLY

S—3023

1 Amend Senate Resolution 1 as follows:
 2 1. Page 37, by inserting after line 28 the

3 following:

4 "Rule 45A
5 Smoking Restricted
6 In addition to a written policy on smoking
7 restrictions adopted by the committee on rules and
8 administration, smoking may be prohibited in room R15A
9 by the committee or subcommittee chair when a
10 committee or an appropriations subcommittee is meeting
11 in room R15."

STEWART IVERSON, JR.
MICHAEL E. GRONSTAL

S—3024

1 Amend Senate File 22 as follows:

2 1. Page 1, line 8, by inserting after the word
3 "older" the following: "on the date of the".
4 2. Page 1, by striking line 9 and inserting the
5 following: "final".
6 3. Page 1, line 15, by inserting after the word
7 "older" the following: "when the certificate was
8 issued".

MARY LOU FREEMAN

S—3025

1 Amend Senate Concurrent Resolution 3 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "the" the following: "Iowa Attorney General and the".
4 2. Page 1, line 22, by inserting after the word
5 "CONCURRING," the following: "That the Iowa Attorney
6 General, in consultation with the Department of
7 Natural Resources, investigate the prices being
8 charged Iowans for liquid propane gas and other
9 heating fuels, and any other related matter, to assure
10 that Iowans are paying fair and reasonable prices; and
11 BE IT FURTHER RESOLVED,".
12 3. Page 1, line 29, by striking the word
13 "investigation" and inserting the following:
14 "investigations".
15 4. Page 2, line 8, by inserting after the word
16 "the" the following: "Iowa Attorney General, the
17 Director of the Department of Natural Resources, the".

ROBERT DVORSKY

S—3026

1 Amend Senate File 5 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 321.34, Code 1997, is amended
5 by adding the following new subsection:
6 **NEW SUBSECTION. 8A. EX-PRISONER OF WAR SPECIAL**
7 **PLATES.** The owner of a motor vehicle subject to
8 registration under section 321.109, subsection 1,
9 light delivery truck, panel delivery truck, or pickup
10 who was a prisoner of war during the Second World War
11 at any time between December 7, 1941, and December 31,
12 1946, the Korean Conflict at any time between June 25,
13 1950, and January 31, 1955, or the Vietnam Conflict at
14 any time between August 5, 1964, and June 30, 1973,
15 all dates inclusive, may, upon written application to
16 the department, order special registration plates with
17 an ex-prisoner of war processed emblem with the emblem
18 designed by the department in cooperation with the
19 adjutant general which emblem signifies that the owner
20 was a prisoner of war as described in this subsection.
21 The application is subject to approval by the
22 department, in consultation with the adjutant general.
23 The special plates are subject to an annual fee of
24 fifteen dollars. The department shall validate the
25 special plates in the same manner as regular
26 registration plates are validated under this section.
27 The surviving spouse of a person who was issued
28 special plates under this subsection may continue to
29 use the special plates subject to registration of the
30 special plates in the surviving spouse's name and upon
31 payment of the annual registration fee. If the
32 surviving spouse remarries, the surviving spouse shall
33 return the special plates to the department and the
34 department shall issue regular registration plates to
35 the surviving spouse.
36 Sec. 2. Section 321.34, subsection 15, Code 1997,
37 is amended by striking the subsection.
38 Sec. 3. A person eligible to be issued ex-prisoner
39 of war special plates who ordered and paid for the
40 special plates on or after January 1, 1997, but prior
41 to the effective date of this Act shall be entitled to
42 a refund from the county treasurer of all fees in
43 excess of fifteen dollars paid for issuance of the
44 special plates. To obtain a refund, a person shall
45 apply to the county treasurer before the date the
46 person's current registration expires.
47 A county treasurer may request reimbursement to the
48 county for refunds paid by submitting a single claim
49 to the state department of transportation following
50 payment of all refunds, but in any event not later

Page 2

1 than June 30, 1998. Notwithstanding any provision of
2 the Code to the contrary, claims shall be paid by the

3 department from registration fees deposited in the
4 road use tax fund under section 321.145.

5 Sec. 4. EFFECTIVE AND APPLICABILITY DATE. This
6 Act, being deemed of immediate importance, takes
7 effect upon enactment and is retroactively applicable
8 to January 1, 1997."

9 2. Title page, line 2, by inserting after the
10 word "plates" the following: "and providing an
11 effective date and a retroactive applicability date".

LARRY McKIBBEN
NANCY BOETTGER
O. GENE MADDOX
JOANN DOUGLAS
RICHARD F. DRAKE
EUGENE S. FRAISE
MIKE CONNOLLY
JIM LIND
ROD HALVORSON
JACK RIFE
DON GETTINGS

S—3027

1 Amend House Concurrent Resolution 5 as follows:

2 1. Page 2, line 26, by striking the words
3 "~~announced and~~" and inserting the following:
4 "announced and".

MICHAEL E. GRONSTAL

S—3028

1 Amend House Concurrent Resolution 5, as passed by
2 the House, as follows:

3 1. Page 8, line 20, by striking the word "first".
4 2. Page 10, by striking lines 4 through 10.

ROD HALVORSON

S—3029

1 Amend House Concurrent Resolution 5, as passed by
2 the House, as follows:

3 1. Page 10, line 10, by inserting after the word
4 "house." the following: "To be considered within the
5 subject matter content any proposed amendment must be
6 relevant, appropriate, and in a natural and logical
7 sequence to the subject matter of the bill as passed
8 by the house of origin or as amended by the second
9 house."

ROD HALVORSON

S—3030.

1 Amend Senate File 5 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 321.34, Code 1997, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 8A. EX-PRISONER OF WAR SPECIAL

7 PLATES. The owner of a motor vehicle subject to

8 registration under section 321.109, subsection 1,

9 light delivery truck, panel delivery truck, or pickup

10 who was a prisoner of war during the Second World War

11 at any time between December 7, 1941, and December 31,

12 1946, the Korean Conflict at any time between June 25,

13 1950, and January 31, 1955, or the Vietnam Conflict at

14 any time between August 5, 1964, and June 30, 1973,

15 all dates inclusive, may, upon written application to

16 the department, order only one set of special

17 registration plates with an ex-prisoner of war

18 processed emblem. The emblem shall be designed by the

19 department in cooperation with the adjutant general

20 and shall signify that the owner was a prisoner of war

21 as described in this subsection. The application is

22 subject to approval by the department, in consultation

23 with the adjutant general. The special plates shall

24 be issued at no charge and are subject to an annual

25 fee registration of fifteen dollars. The county

26 treasurer shall validate the special plates in the

27 same manner as regular registration plates are

28 validated under this section.

29 The surviving spouse of a person who was issued

30 special plates under this subsection may continue to

31 use the special plates subject to registration of the

32 special plates in the surviving spouse's name and upon

33 payment of the annual registration fee. If the

34 surviving spouse remarries, the surviving spouse shall

35 return the special plates to the department and the

36 department shall issue regular registration plates to

37 the surviving spouse.

38 Sec. 2. Section 321.34, subsection 15, Code 1997,

39 is amended by striking the subsection.

40 Sec. 3. A person eligible to be issued ex-prisoner

41 of war special plates who ordered and paid for the

42 special plates on or after January 1, 1997, but prior

43 to the effective date of this Act shall be entitled to

44 a refund from the state department of transportation

45 of all fees in excess of fifteen dollars paid for

46 issuance of one set of the special plates.

47 Notwithstanding any provision of the Code to the

48 contrary, refunds shall be paid by the department from

49 registration fees deposited in the road use tax fund

50 under section 321.145.

Page 2

- 1 A person who obtained more than one set of special
- 2 plates under section 321.34, subsection 15, shall
- 3 surrender the additional sets of special plates not
- 4 later than the end of the registration year for which
- 5 the plates were issued. A refund shall not be issued
- 6 for additional sets of special plates.
- 7 Sec. 4. EFFECTIVE AND APPLICABILITY DATE. This
- 8 Act, being deemed of immediate importance, takes
- 9 effect upon enactment and is retroactively applicable
- 10 to January 1, 1997."
- 11 2. Title page, line 2, by inserting after the
- 12 word "plates" the following: "and providing an
- 13 effective date and a retroactive applicability date".

LARRY McKIBBEN

S—3031

- 1 Amend the amendment, S—3030, to Senate File 5 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the word
- 4 "plates." the following: "A person eligible for a
- 5 refund under this section shall submit a claim for a
- 6 refund to the state department of transportation on a
- 7 form for that purpose obtained from the county
- 8 treasurer."

JOHN P. KIBBIE

S—3032

- 1 Amend Senate File 16 as follows:
- 2 1. Page 1, by striking lines 3 through 8 and
- 3 inserting the following:
- 4 "A person who places a simulated incendiary or
- 5 explosive device or material in any place where
- 6 placement of an actual incendiary or explosive device
- 7 or material would constitute arson, with the intent
- 8 that the simulated incendiary or explosive device or
- 9 material be perceived as an actual incendiary or
- 10 explosive device or material, commits an aggravated
- 11 misdemeanor."

RICHARD F. DRAKE
ELAINE SZYMONIAK

S—3033

- 1 Amend Senate File 40 as follows:
- 2 1. Page 1, line 4, by inserting after the word

- 3 "signal" the following: "or uses a device or signal
- 4 that looks or sounds like an official law enforcement
5. warning device or signal".

RICHARD F. DRAKE
WILMER RENSINK
STEVE KING

S—3034

- 1 Amend Senate File 79 as follows:
- 2 1. Page 1, by inserting after line 8 the
- 3 following:
- 4 "3. Notwithstanding subsection 1, a licensed
- 5 excursion gambling boat may be sold and a new license
- 6 may be issued for operation in the same county."

STEVEN D. HANSEN

S—3035

- 1 Amend Senate File 79 as follows:
- 2 1. Page 1, by striking line 4 and inserting the
- 3 following: "gambling games or pari-mutuel wagering
- 4 pursuant to chapter 99D or this chapter after July 1,
- 5 1997."
- 6 2. Page 1, lines 6 and 7, by striking the words
- 7 "the effective date of this Act" and inserting the
- 8 following: "July 1, 1997".
- 9 3. Page 1, line 8, by inserting after the word
- 10 "transferee" the following: "for operation in the
- 11 same county".

ROD HALVORSON

S—3036

- 1 Amend Senate File 23 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "Sec. ____ Section 321.104, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 7. To knowingly sell a vehicle to
- 7 a person who is under sixteen years of age."

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

S—3037

- 1 Amend Senate File 104 as follows:
- 2 1. Page 1, by inserting after line 4 the
- 3 following:

- 4 "Sec. 2. EFFECTIVE DATE. This Act, being deemed
 5 of immediate importance, takes effect upon enactment."
 6 2. Title page, line 3, by inserting after the
 7 word "examiners" the following: "and providing an
 8 effective date".

MIKE CONNOLLY

S—3038

- 1 Amend Senate File 104 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "age." the following: "However, this provision shall
 4 not be construed to prohibit the board of directors of
 5 a school district from employing an individual under
 6 the age of eighteen to provide coaching assistance to
 7 and sports instruction to students under the
 8 supervision of an individual employed by the district
 9 as head or assistant coach of an interscholastic
 10 athletic activity."

STEVEN D. HANSEN

S—3039

- 1 Amend Senate File 82 as follows:
 2 1. Page 1, line 15, by striking the figure
 3 "700,000" and inserting the following: "900,000".
 4 2. Page 1, line 23, by striking the figure
 5 "250,000" and inserting the following: "50,000".

TOM VILSACK
 ROBERT E. DVORSKY
 PATTY JUDGE
 JOHNIE HAMMOND
 EUGENE FRAISE

S—3040

- 1 Amend Senate File 58 as follows:
 2 1. Page 1, line 8, by striking the word "state"
 3 and inserting the following: "public".

COMMITTEE ON STATE GOVERNMENT
 JIM LIND, Chairperson

S—3041

- 1 Amend Senate File 104 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "age" the following: "to qualify for a coaching
 4 authorization to be employed as an assistant coach of

5 any interscholastic athletic activity. To qualify for
 6 a coaching authorization to be employed as a head
 7 coach of any interscholastic athletic activity, the
 8 individual must be at least twenty-one years of age."

BILL FINK

S—3042

1 Amend Senate File 58 as follows:

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

4 "Sec. 2. Section 257.31, subsection 5, paragraph
 5 j, Code 1997, is amended to read as follows:

6 j. Unusual need to continue providing a program or
 7 other special assistance to non-English speaking
 8 pupils after the expiration of the three-year five-
 9 year period specified in section 280.4.

10 Sec. 3. Section 280.4, subsection 3, Code 1997, is
 11 amended to read as follows:

12 3. In order to provide funds for the excess costs
 13 of instruction of limited English proficient students
 14 above the costs of instruction of pupils in a regular
 15 curriculum, students identified as limited English
 16 proficient shall be assigned an additional weighting
 17 that shall be included in the weighted enrollment of
 18 the school district of residence for a period not
 19 exceeding three five years. However, the school
 20 budget review committee may grant supplemental aid or
 21 modified allowable growth to a school district to
 22 continue funding a program for students after the
 23 expiration of the three-year five-year period. The
 24 school budget review committee shall calculate the
 25 additional amount for the weighting to the nearest
 26 one-hundredth of one percent so that to the extent
 27 possible the moneys generated by the weighting will be
 28 equivalent to the moneys generated by the two-tenths
 29 weighting provided prior to July 2, 1991."

30 2. Title page, line 1, by striking the word
 31 "state" and inserting the following: "state, and
 32 expanding the duration of the limited English
 33 proficient instruction program".

MICHAEL E. GRONSTAL

S—3043

1 Amend Senate Resolution 2, as follows:

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

4 "9A. FALSE OR MISLEADING POLITICAL ADVERTISING. A
 5 senator shall not sponsor any published material on

- 6 behalf of or in opposition to any candidate or ballot
 7 issue that contains any assertion, representation, or
 8 statement of fact, including, but not limited to,
 9 information concerning another candidate's prior
 10 public record, which the senator knows to be untrue,
 11 deceptive, or misleading.
 12 . For purposes of this rule, "published material"
 13 means statements or graphic representations made
 14 through any public medium which shall include, but is
 15 not limited to, electronic media such as live or
 16 prerecorded radio or television broadcasts, broadcasts
 17 or transmissions through other publicly available
 18 electronic communications, and video or audio tape
 19 recordings which are publicly distributed; print
 20 media, such as newspapers, pamphlets, folders, display
 21 cards, signs, posters, and billboard advertisements;
 22 or any other methods or mediums designed for publicly
 23 advertising or publishing information.
 24 For purposes of this rule, "sponsor" means to pay
 25 for or take affirmative action to approve published
 26 material and shall include a senator or a senator's
 27 candidate's committee which knows and approves of an
 28 independent expenditure made by another person under
 29 section 56.13."
 30 2. By renumbering as necessary.

MARY NEUHAUSER

S—3044

- 1 Amend Senate Resolution 3, as follows:
 2 1. Page 6, by inserting after 3, the following:
 3 "13A. Lobbyists and clients of lobbyists are urged
 4 to familiarize themselves with and shall not commit
 5 any of the prohibited acts specified in chapters 68B
 6 and 722 and sections 2.18 and 711.4."
 7 2. By renumbering as necessary.

ROD HALVORSON

S—3045

- 1 Amend Senate Resolution 2, as follows:
 2 1. Page 6, line 14, by inserting after the word
 3 "with" the following: "and shall comply with and
 4 refrain from violating".
 5 2. Page 6, line 15, by inserting after the figure
 6 "722" the following: "and sections 2.18 and 711.4".

ROD HALVORSON

S—3046

- 1 Amend Senate File 61 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. _____. This Act takes effect July 1, 1998."
- 5 2. Title page, line 1, by inserting after the
- 6 word "board" the following: "and providing an
- 7 effective date".
- 8 3. By renumbering as necessary.

PATTY JUDGE

S—3047

- 1 Amend Senate File 110 as follows:
- 2 1. Page 1, by striking lines 1 and 2 and
- 3 inserting the following:
- 4 "Sec. _____. Section 453A.2, subsections 1, 2, and
- 5 4, Code 1997, are amended to read as follows:
- 6 1. A person shall not sell, give, or otherwise
- 7 supply any tobacco, tobacco products, or cigarettes to
- 8 any person under ~~eighteen~~ twenty-one years of age. A
- 9 person who sells, gives, or otherwise supplies any
- 10 tobacco, tobacco products, or cigarettes to any person
- 11 shall require proof of age in the form of photographic
- 12 identification if a reasonable person could conclude
- 13 on the basis of outward appearance that a prospective
- 14 recipient may be under twenty-five years of age.
- 15 2. A person under ~~eighteen~~ twenty-one years of age
- 16 shall not smoke, use, possess, purchase, or attempt to
- 17 purchase any tobacco, tobacco products, or
- 18 cigarettes."
- 19 2. Page 1, by inserting after line 7 the
- 20 following:
- 21 "Sec. _____. Section 453A.13, subsections 2, 3, and
- 22 4, Code 1997, are amended by striking the subsections
- 23 and renumbering the subsequent subsections, and
- 24 inserting in lieu thereof the following:
- 25 2. Issuance or denial.
- 26 a. The department shall issue state permits to
- 27 distributors, wholesalers, and cigarette vendors
- 28 subject to the conditions provided in this division.
- 29 b. The department or the Iowa department of public
- 30 health, as applicable, may deny the issuance of a
- 31 permit to a distributor, wholesaler, vendor, or
- 32 retailer who is substantially delinquent in the
- 33 payment of a tax due, or the interest or penalty on
- 34 the tax, administered by the department at the time of
- 35 application. If the applicant is a partnership, a
- 36 permit may be denied if a partner is substantially
- 37 delinquent on any delinquent tax, penalty, or
- 38 interest. If the applicant is a corporation, a permit

39 may be denied if any officer having a substantial
40 legal or equitable interest in the ownership of the
41 corporation owes any delinquent tax, interest, or
42 penalty of the applicant corporation.
43 3. Fees -- expiration. All permits provided for
44 in this division shall expire on June 30 of each year.
45 A permit shall not be granted or issued until the
46 applicant has paid for the period ending June 30 next,
47 to the department or the Iowa department of public
48 health, the fees provided for in this division.
49 a. The annual state permit fee for a distributor,
50 cigarette vendor, and wholesaler is one hundred

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1 dollars when the permit is granted during the months
2 of July, August, or September. However, whenever a
3 state permit holder operates more than one place of
4 business, a duplicate state permit shall be issued for
5 each additional place of business on payment of five
6 dollars for each duplicate state permit, but refunds
7 as provided in this division do not apply to any
8 duplicate permit issued.

9 b. The fee for retail permits which are to be
10 issued by the Iowa department of public health is as
11 follows:

12 (1) For establishments located within the
13 corporate limits of cities of ten thousand population
14 and over the following:

15 (a) For establishments of less than fifteen
16 hundred square feet, one hundred twenty-five dollars.

17 (b) For establishments of fifteen hundred square
18 feet but less than two thousand square feet, one
19 hundred seventy-five dollars.

20 (c) For establishments of two thousand square feet
21 but less than five thousand square feet, two hundred
22 fifty dollars.

23 (d) For establishments of five thousand square
24 feet or more, three hundred seventy-five dollars.

25 (2) For establishments located within the
26 corporate limits of cities of over fifteen hundred and
27 less than ten thousand population the following:

28 (a) For establishments of less than fifteen
29 hundred square feet, seventy-five dollars.

30 (b) For establishments of fifteen hundred square
31 feet but less than two thousand square feet, one
32 hundred twenty-five dollars.

33 (c) For establishments of two thousand square feet
34 but less than five thousand square feet, one hundred
35 seventy-five dollars.

36 (d) For establishments of five thousand square
37 feet or more, two hundred fifty dollars.

- 38 (3) For establishments located within the
39 corporate limits of cities of fifteen hundred
40 population or less the following:
41 (a) For establishments of less than fifteen
42 hundred square feet, thirty-five dollars and fifty
43 cents.
44 (b) For establishments of fifteen hundred square
45 feet but less than two thousand square feet, seventy-
46 five dollars.
47 (c) For establishments of two thousand square feet
48 but less than five thousand square feet, one hundred
49 twenty-five dollars.
50 (d) For establishments of five thousand square

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1 feet or more, one hundred seventy-five dollars.
2 (4) For establishments located outside the
3 corporate limits of any city, a sum equal to that
4 charged in the incorporated city located nearest the
5 premises to be permitted, and in case there is doubt
6 as to which of two or more differing corporate limits
7 is the nearest, the fee which is the largest shall
8 prevail. However, if an establishment is located in
9 an unincorporated town, for purposes of this
10 subsection the unincorporated town shall be treated as
11 if it is a city.

12 Sec. ____ Section 453A.22, subsections 1 and 2,
13 Code 1997, are amended to read as follows:
14 1. If a person holding a permit issued by the
15 department or the Iowa department of public health
16 under this division, including a retailer permit for
17 railway car, has willfully violated section 453A.2,
18 the department shall revoke the permit upon notice and
19 hearing. If the person violates any other provision
20 of this division, or a rule adopted under this
21 division, or is substantially delinquent in the
22 payment of a tax administered by the department or the
23 interest or penalty on the tax, or if the person is a
24 corporation and if any officer having a substantial
25 legal or equitable interest in the ownership of the
26 corporation owes any delinquent tax of the permit-
27 holding corporation, or interest or penalty on the
28 tax, administered by the department, the department
29 may revoke the permit issued to the person, after
30 giving the permit holder an opportunity to be heard
31 upon ten days' written notice stating the reason for
32 the contemplated revocation and the time and place at
33 which the person may appear and be heard. The hearing
34 before the department may be held at a site in the
35 state as the department may direct. The notice shall
36 be given by mailing a copy to the permit holder's

37 place of business as it appears on the application for
38 a permit. If, upon hearing, the department finds that
39 the violation has occurred, the department may revoke
40 the permit.

41 2: If a retailer or employee of a retailer has
42 violated section 453A.2, 453A.36, subsection 6, or
43 453A.39, the department or local authority, in
44 addition to the other penalties fixed for such
45 violations in this section, shall assess a penalty
46 upon the same hearing and notice as prescribed in
47 subsection 1 as follows:

48 a. For a first violation, the violator shall be
49 assessed a civil penalty in the amount of three
50 hundred dollars. Failure to pay the civil penalty as

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1 ordered under this subsection shall result in
2 automatic suspension of the permit for a period of
3 fourteen days.

4 b. For a second violation ~~within a period of two~~
5 ~~years~~, the violator's permit shall be suspended for a
6 period of thirty days.

7 c. For a third violation ~~within a period of five~~
8 ~~years~~, the violator's permit shall be ~~suspended for a~~
9 ~~period of sixty days~~ revoked.

10 ~~d. For a fourth violation within a period of five~~
11 ~~years, the violator's permit shall be revoked.~~

12 Sec. ____ Section 453A.23, subsections 1 and 3,
13 Code 1997, are amended to read as follows:

14 1. Subject to this division, a retailer's permit
15 may be issued by the Iowa department of public health
16 to any dining car company, sleeping car company,
17 railroad or railway company. The permit shall
18 authorize the holder to keep for sale, and sell,
19 cigarettes at retail on any dining car, sleeping car,
20 or passenger car operated by the applicant in,
21 through, or across the state of Iowa, subject to all
22 of the restrictions imposed upon retailers under this
23 division. The application for the permit shall be in
24 the form and contain the information required by the
25 director. Each permit is good throughout the state.
26 Only one permit is required for all cars operated in
27 this state by the applicant, but a duplicate of the
28 permit shall be posted in each car in which cigarettes
29 are sold and no further permit shall be required or
30 tax levied for the privilege of selling cigarettes in
31 the cars. No cigarettes shall be sold in the cars
32 without having affixed thereto stamps evidencing the
33 payment of the tax as provided in this division.

34 3. The annual fee for a retailer's permit for
35 railway cars shall be twenty-five dollars and two

36 dollars for each duplicate thereof, which fee shall be
 37 paid to the department. The Iowa department of public
 38 health shall issue duplicates of such permits from
 39 time to time as applied for by such companies.

40 Sec. __. Section 453A.35, Code 1997, is amended
 41 to read as follows:

42 453A.35 TAX AND FEES PAID TO GENERAL FUND.

43 The proceeds derived from the sale of stamps and
 44 the payment of taxes, fees and penalties provided for
 45 under this chapter, and the permit fees received from
 46 all permits issued by the department, shall be
 47 credited to the general fund of the state. ~~All permit~~
 48 ~~fees provided for in this chapter and collected by~~
 49 ~~cities in the issuance of permits granted by the~~
 50 ~~cities shall be paid to the treasurer of the city~~

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1 ~~where the permit is effective, or to another city~~
 2 ~~officer as designated by the council, and credited to~~
 3 ~~the general fund of the city. Permit fees so~~
 4 ~~collected by counties shall be paid to the county~~
 5 ~~treasurer. The proceeds derived from the payment of~~
 6 ~~retail permit fees and penalties received from all~~
 7 ~~permits issued by the Iowa department of public health~~
 8 ~~shall be credited to the general fund of the state and~~
 9 ~~are appropriated to the Iowa department of public~~
 10 ~~health for programs related to cigarette, tobacco, and~~
 11 ~~tobacco products-related programs.~~

12 Sec. __. Section 453A.39, subsection 2,
 13 paragraphs a and b, Code 1997, are amended to read as
 14 follows:

15 a. A manufacturer, distributor, wholesaler,
 16 retailer, or distributing agent or agent thereof shall
 17 not give away any cigarettes or tobacco products to
 18 any person under ~~eighteen~~ twenty-one years of age, or
 19 within five hundred feet of any playground, school,
 20 high school, or other facility when such facility is
 21 being used primarily by persons under age ~~eighteen~~
 22 twenty-one for recreational, educational, or other
 23 purposes.

24 b. Proof of age in the form of photographic
 25 identification shall be required if a reasonable
 26 person could conclude on the basis of outward
 27 appearance that a prospective recipient of a sample
 28 may be under ~~eighteen~~ twenty-five years of age."

29 3. Page 1, line 17, by striking the word
 30 "~~eighteen~~" and inserting the following: "twenty-one".

31 4. Title page, line 1, by inserting after the
 32 word "Act" the following: "relating to cigarettes,
 33 tobacco, and tobacco products including".

34 5. Title page, line 4, by inserting after the
 35 word "provision" the following: "providing for the
 36 issuance of retail cigarette permits and collection of
 37 permit fees by the Iowa department of public health,
 38 increasing the age of a minor to twenty-one years of
 39 age or younger and providing penalties."
 40 6. By renumbering as necessary.

ROD HALVORSON

S—3048

1 Amend Senate File 132 as follows:
 2 1. Page 2, line 24, by inserting after the word
 3 "vehicles" the following: "with a true mileage, as
 4 defined in section 321.71, of one thousand miles or
 5 less".

ALLEN BORLAUG

S—3049

1 Amend Senate File 128 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 "information" the following: "that is available".
 4 2. Page 1, line 14, by inserting after the word
 5 "patient" the following: "and of the male partner
 6 responsible for the pregnancy".
 7 3. Page 1, line 15, by inserting after the word
 8 "patient" the following: "and of the male partner
 9 responsible for the pregnancy".
 10 4. Page 1, line 16, by inserting after the word
 11 "patient" the following: "and of the male partner
 12 responsible for the pregnancy".
 13 5. Page 1, line 17, by inserting after the word
 14 "patient" the following: "and of the male partner
 15 responsible for the pregnancy".
 16 6. Page 1, line 18, by inserting after the word
 17 "patient" the following: "and of the male partner
 18 responsible for the pregnancy".

JOHNIE HAMMOND
 BILL FINK

S—3050

1 Amend Senate File 132 as follows:
 2 1. By striking page 10, line 31, through page 11,
 3 line 6, and inserting the following:
 4 "b. Notwithstanding any provision of any
 5 applicable insurance policy or contract to the

6 contrary, the motor vehicle liability insurance of the
7 driver of the motor vehicle or of any other person
8 vicariously liable for the negligence of the driver of
9 the motor vehicle shall be primary and the motor
10 vehicle liability insurance of the owner to whom
11 liability is imputed under this section shall be
12 secondary. As used in this paragraph, "motor vehicle
13 liability insurance" means a liability policy of any
14 kind, including, but not limited to, a policy insuring
15 against liability for property damage, bodily injury,
16 or death arising out of the ownership, maintenance, or
17 use of a motor vehicle."

ROD HALVORSON

S—3051

1 Amend Senate File 128 as follows:
2 1. Page 2, by striking lines 2 and 3 and
3 inserting the following: "information with federal
4 public health officials for the purposes of securing
5 federal funding or conducting public health research.
6 However, in sharing the information, the department
7 shall not relinquish control of the information, and
8 any agreement entered into by the department with
9 federal public health officials to share information
10 shall prohibit the use, reproduction, release, or
11 disclosure of the information by federal public health
12 officials in a manner which violates this section.
13 The department shall publish, annually, a demographic
14 summary of the information".

MERLIN E. BARTZ

S—3052

1 Amend Senate File 132 as follows:
2 1. By striking page 10, line 31, through page 11,
3 line 6, and inserting the following:
4 "b. Notwithstanding any provision of any
5 applicable insurance policy or contract to the
6 contrary, the motor vehicle liability insurance of the
7 driver of the motor vehicle or of any other person
8 vicariously liable for the negligence of the driver of
9 the motor vehicle shall be primary and the motor
10 vehicle liability insurance of the owner to whom
11 liability is imputed under this section shall be
12 secondary. As used in this paragraph, "motor vehicle
13 liability insurance" means a liability policy of any
14 kind, providing coverage against liability for
15 property damage, bodily injury, or death arising out

16 of the ownership, maintenance, or use of a motor
17 vehicle."

ROD HALVORSON

S-3053

1 Amend Senate File 58 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "7. To written materials provided by a school to a
5 student where the dominant family language spoken in
6 the student's home is a language other than the
7 English language. Any material sent home with a
8 student or distributed by a school or school district
9 may be written in the dominant language spoken in the
10 student's home."

ELAINE SZYMONIAK

S-3054

1 Amend Senate File 58 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 618.1, Code 1997, is amended
5 to read as follows:
6 618.1 PUBLICATIONS IN ENGLISH.
7 All notices, records, proceedings, and other matter
8 whatsoever, required by law or ordinance to be
9 published in a newspaper, shall be published only in
10 the English language and in newspapers published
11 wholly in the English language."
12 2. Title page, line 1, by inserting after the
13 word "common" the following: "publication".

BILL FINK

S-3055

1 Amend Senate File 58 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "language." the following: "Additionally, all
4 driver's license renewals shall be in the English
5 language."

STEVE KING

S-3056

1 Amend Senate File 58 as follows:
2 1. Page 1, by inserting after line 17 the

3 following:

- 4 "7. To any effort to promote, identify, celebrate,
- 5 or increase public awareness of local community
- 6 heritage throughout the state, including the promotion
- 7 of the ethnic heritage of a community or series of
- 8 communities in order to establish that community or
- 9 series of communities as a center for tourism."

ROBERT DVORSKY

S—3057

1 Amend Senate File 58 as follows:

2 1. Page 1, by inserting after line 17 the

3 following:

- 4 "7. To any publication intended for native
- 5 American populations or settlements, to the extent not
- 6 already exempt from the requirements of this section
- 7 by federal law."

ROBERT DVORSKY

S—3058

1 Amend Senate File 58 as follows:

2 1. Page 1, by inserting after line 17 the

3 following:

- 4 "7. To any oral or written communications,
- 5 examinations, or publications produced or utilized by
- 6 a driver's license station."

ROBERT DVORSKY

S—3059

1 Amend Senate File 58 as follows:

2 1. Page 1, line 4, by inserting after the word

3 "language." the following:

- 4 "In order that Iowans might lead the way to better
- 5 world understanding in the twenty-first century, all
- 6 Iowans are required to be able to read and write in
- 7 one language other than the English language."

MIKE CONNOLLY

S—3060

1 Amend Senate File 58 as follows:

2 1. Page 1, line 4, by inserting after the word

3 "language." the following: "Additionally, driver's

4 license renewals shall be in the English language,

5 although initial examinations may in a language other
6 than the English language."

STEVE KING

S—3061

1 Amend Senate File 58 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "7. To personal communications relating to a
5 particular student and sent home from a school with
6 that student. All such communications may be in a
7 language other than English if a non-English language
8 is the dominant language in a student's home."

ELAINE SZYMONIAK

S—3062

1 Amend Senate File 58 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "language." the following: "This English language
4 requirement shall not apply to communications in
5 braille, to communications utilizing American sign
6 language, or to any other form or method of
7 communication intended for persons who are deaf, hard-
8 of-hearing, blind, or visually impaired."

MICHAEL E. GRONSTAL

S—3063

1 Amend Senate File 58 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "language." the following: "Additionally, driver's
4 license renewals shall be in the English language,
5 although initial examinations may be in a language
6 other than the English language."

STEVE KING

S—3064

1 Amend Senate File 58 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "7. To communications by and within the department
5 of corrections and involving community-based
6 corrections programs pursuant to section 904.103."

ROBERT DVORSKY

S—3065

- 1 Amend Senate File 58 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "This section shall not require the changing of a
- 5 surname of non-English origin to a substitute surname
- 6 of English origin."

ELAINE SZYMONIAK

S—3066

- 1 Amend Senate File 58 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "7. To any publication of the department of
- 5 workforce development. Written material produced by
- 6 the department of workforce development relating to
- 7 any matter within the scope of the department's
- 8 authority may be published in any language the
- 9 department currently utilizes or may find necessary to
- 10 utilize in the future in order to effectively
- 11 communicate with the intended recipient of the
- 12 material."

MICHAEL E. GRONSTAL

S—3067

- 1 Amend Senate File 58 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "7. To any publication of any division of the
- 5 department of human rights. Written material produced
- 6 by the divisions of the department of human rights
- 7 relating to any matter within the scope of their
- 8 authority may be published in any language the
- 9 divisions currently utilize or may find necessary to
- 10 utilize in the future in order to effectively
- 11 communicate with the intended recipients of the
- 12 material."

MICHAEL E. GRONSTAL

S—3068

- 1 Amend Senate File 58 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "7. To any publication of the civil rights
- 5 commission. Written material produced by the civil

6 rights commission relating to the law, citizens'
 7 rights, commission services, or any other matter
 8 within the scope of the commission's authority may be
 9 published in any language the commission currently
 10 utilizes or may find necessary to utilize in the
 11 future in order to effectively communicate with the
 12 intended recipient of the material."

MICHAEL E. GRONSTAL

S-3069

1 Amend Senate File 58 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following:
 4 "7. To any publication of the attorney general's
 5 office which relates to consumer information or which
 6 is designed to inform crime victims of their rights
 7 and the programs which are available to assist them."

MICHAEL E. GRONSTAL

S-3070

1 Amend Senate File 58 as follows:
 2 1. Page 1, lines 3 and 4, by striking the words
 3 "and all official proceedings, records, and
 4 publications shall be in the English language".
 5 2. Page 1, by striking lines 10 through 17 and
 6 inserting the following:
 7 "2. To instruction in foreign language classes.
 8 As the official state language, all citizens of the
 9 state, and immigrants entering the state, are
 10 encouraged to learn the English language, and thereby
 11 participate in the democratic process and become
 12 productive citizens gainfully employed in the state."

STEVEN D. HANSEN
 MICHAEL E. GRONSTAL
 BILL FINK
 TOM VILSACK
 EUGENE FRAISE
 ROBERT DVORSKY
 JOHNIE HAMMOND
 DICK L. DEARDEN
 MARY NEUHAUSER

S-3071

1 Amend Senate File 58 as follows:
 2 1. Page 1, line 2, by inserting after the words
 3 "be the" the following: "American".

TOM VILSACK

S-3072

- 1 Amend Senate File 132 as follows:
- 2 1. Page 15, line 10, by striking the word
- 3 "except" and inserting the following: ", including".
- 4 2. Page 15, line 16, by inserting after the word
- 5 "domain" the following: ", if the tax on the
- 6 transaction has not been paid within thirty days of
- 7 filing under section 558.58".
- 8 3. By renumbering as necessary.

ALLEN BORLAUG

S-3073

- 1 Amend Senate File 95 as follows;
- 2 1. Page 1, by striking lines 13 through 25 and
- 3 inserting the following:
- 4 "4. a. All reports shall be in writing, and the
- 5 ~~written report shall be without prejudice to the~~
- 6 ~~individual so reporting and, A vessel operator's~~
- 7 report shall be without prejudice to the person making
- 8 the report and shall be for the confidential use of
- 9 the ~~commission~~ department. However, upon request the
- 10 ~~commission~~ department shall disclose the identities of
- 11 the persons on board the vessels involved in the
- 12 occurrence and their addresses. Upon request of a
- 13 person who made and filed a vessel operator's report,
- 14 the department shall provide a copy of the vessel
- 15 operator's report to the requestor. A written vessel
- 16 operator's report filed with the ~~commission~~ department
- 17 shall not be admissible in or used in evidence in any
- 18 civil or criminal action arising out of the facts on
- 19 which the report is based.
- 20 b. All written reports filed by law enforcement
- 21 officers as required under section 462A.7, subsection
- 22 3, are confidential to the extent provided in section
- 23 22.7, subsection 5, and section 622.11. However, a
- 24 completed law enforcement officer's report shall be
- 25 made available by the department or the investigating
- 26 law enforcement agency to any party to a boating
- 27 accident, collision, or other casualty, the party's
- 28 insurance company or its agent, or the party's
- 29 attorney on written request and payment of a fee."

JOHN P. KIBBIE
JAMES BLACK
MERLIN E. BARTZ
DENNIS H. BLACK

S—3074

- 1 Amend Senate File 123 as follows:
- 2 1. Page 2, line 2, by inserting after the word
- 3 "away." the following: "A center shall at least meet
- 4 the requirements established for providing child
- 5 foster care under chapter 237."

O. GENE MADDOX

S—3075

- 1 Amend Senate File 189 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 257.13 ADVANCE FOR
- 5 INCREASING ENROLLMENT.
- 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 advance from the state equal to
- 10 its regular program district cost per pupil for the
- 11 budget year multiplied by the difference between the
- 12 actual enrollment for the budget year and the budget
- 13 enrollment for the budget year. The advance is
- 14 miscellaneous income to the district.
- 15 If a district receives an advance under this
- 16 section for a budget year, the department of
- 17 management shall determine the amount of the advance
- 18 which would have been generated by local property tax
- 19 revenues if the actual enrollment for the budget year
- 20 had been used in determining district cost for that
- 21 budget year. The department of management shall
- 22 reduce, but not by more than the amount of the
- 23 advance, the district's total state school aids
- 24 otherwise available under this chapter for the next
- 25 following budget year by the amount so determined, and
- 26 shall increase the district's additional property tax
- 27 levy for the next following budget year by the amount
- 28 necessary to compensate for the reduction in state
- 29 aid, so that the local property tax for the next
- 30 following year will be increased only by the amount
- 31 which it would have been increased in the budget year
- 32 if the enrollment calculated in this section could
- 33 have been used to establish the levy.
- 34 There is appropriated each fiscal year from the
- 35 general fund of the state to the department of
- 36 education the amount required to pay advances
- 37 authorized under this section, which shall be paid to
- 38 school districts in monthly installments beginning on
- 39 December 15 and ending on June 15 of a budget year."
- 40 2. Title page, line 1, by inserting after the

- 41 word "Act" the following: "relating to school finance
42 by providing a formula to fund costs resulting from
43 increased student enrollment and".
44 3. Title page, line 2, by inserting after the
45 word "years," the following: "making an
46 appropriation,".
47 4. By renumbering as necessary.

MARY NEUHAUSER

S—3076

- 1 Amend Senate File 189 as follows:
2 1. Page 1, by striking line 1 and inserting the
3 following:
4 "Section 1. Section 257.1, subsection 2,
5 unnumbered paragraph 3, Code 1997, is amended to read
6 as follows:
7 For the budget year years commencing July 1, ~~1995~~
8 ~~1997, and July 1, 1998~~, the department of management
9 shall add the amount of the additional budget
10 adjustment computed in section 257.14, subsection 2,
11 to the combined foundation base.
12 Sec. 2. Section 257.14, subsections 1 and 2, Code
13 1997, are".
14 2. Page 1, by inserting after line 11 the
15 following:
16 "2. For the budget year years beginning July 1,
17 ~~1995 1997, and July 1, 1998~~, if the department of
18 management determines that the regular program
19 district cost plus the budget adjustment computed
20 under subsection 1 of a school district is less than
21 one hundred one percent of the total of the regular
22 program district cost plus any adjustment added under
23 this section for the base year for that school
24 district, the department of management shall provide
25 an additional budget adjustment for that budget year
26 that is equal to the difference."
27 3. Title page, line 1, by striking the word
28 "extending" and inserting the following:
29 "increasing".
30 4. By renumbering as necessary.

JOHN P. KIBBIE
MIKE CONNOLLY

S—3077

- 1 Amend Senate File 184 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "older" the following: "and who has been convicted of
4 a criminal offense".

5 2. Page 1, line 8, by inserting after the word
6 "prisoner" the following: "who has been convicted of
7 a criminal offense".

MIKE CONNOLLY

S-3078

1 Amend Senate File 132 as follows:

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

4 "Sec. ____ Section 321.1, Code 1997, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION: 78A. For the purposes of this
7 subsection, "street rod vehicle" means a motor vehicle
8 manufactured in 1948 or earlier which has been
9 customized for safe road use through modifications to
10 the body, drive train, suspension, brake systems, or
11 other components."

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

14 "Sec. ____ Section 321.34, subsection 1, Code
15 1997, is amended to read as follows:

16 1. PLATES ISSUED. The county treasurer upon
17 receiving application, accompanied by proper fee, for
18 registration of a vehicle shall issue to the owner one
19 registration plate for a street rod vehicle,
20 motorcycle, motorized bicycle, truck tractor, trailer,
21 or semitrailer and two registration plates for every
22 other motor vehicle. The registration plates,
23 including special registration plates, shall be
24 assigned to the owner of a vehicle. When the owner of
25 a registered vehicle transfers or assigns ownership of
26 the vehicle to another person, the owner shall remove
27 the registration plates from the vehicle. The owner
28 shall forward the plates to the county treasurer where
29 the vehicle is registered or the owner may have the
30 plates assigned to another vehicle within thirty days
31 after transfer, upon payment of the fees required by
32 law. The owner shall immediately affix registration
33 plates retained by the owner to another vehicle owned
34 or acquired by the owner, providing the owner complies
35 with section 321.46. The department shall adopt rules
36 providing for the assignment of registration plates to
37 the transferee of a vehicle for which a credit is
38 allowed under section 321.46, subsection 6."

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

41 "Sec. ____ Section 321.422, Code 1997, is amended
42 to read as follows:

43 321.422 RED LIGHT IN FRONT.

44 No A person shall not drive or move any vehicle or

45 equipment upon any highway with any lamp or device
 46 thereon displaying or reflecting a red light visible
 47 from directly in front thereof. This section shall
 48 not apply to authorized emergency vehicles, or school
 49 buses and vehicles as provided in section 321.423,
 50 subsection 6. ~~No~~ A person shall not display any color

Page 2

1 of light other than red on the rear of any vehicle,
 2 except that stop lights and directional signals may be
 3 red, yellow, or amber. However, a person may display
 4 blue dot lights on the rear of a street rod vehicle in
 5 place of the vehicle's regular stop lights or
 6 directional signals. For the purposes of this
 7 chapter, blue dot lights are defined as a red lamp
 8 containing a blue or purple insert that is not more
 9 than one inch in diameter."

10 4. Title page, line 3, by inserting after the
 11 word "dealers," the following: "regarding street rod
 12 vehicle lights and the issuing of license plates for
 13 street rod vehicles,".

14 5. By renumbering as necessary.

MARY LUNDBY

S—3079

1 Amend Senate File 132 as follows:

2 1. Page 11, line 10, by striking the word

3 "junking" and inserting the following: "recycling".

4 2. Page 11, line 25, by striking the word

5 "junking" and inserting the following: "recycling".

ALLEN BORLAUG

S—3080

1 Amend Senate File 132 as follows:

2 1. Page 1, by inserting after line 22 the

3 following:

4 "Sec. ____ Section 321.34, subsection 9, Code

5 1997, is amended to read as follows:

6 9. LEASED VEHICLES. Registration plates under
 7 this section, including handicapped special plates,
 8 may be issued to the lessee of a motor vehicle if the
 9 lessee provides evidence of a lease for a period of
 10 more than sixty days and if the lessee complies with
 11 the requirements, under this section, for issuance of
 12 the specific registration plates."

13 2. By renumbering as necessary.

JIM LIND

S-3081

1 Amend Senate File 177 as follows:

2 1. Page 2, by inserting after line 18 the
3 following:

4 "Sec. ____ Section 321L.2, subsection 3, paragraph
5 b, subparagraph (3), Code 1997, is amended to read as
6 follows:

7 (3) The signature of the person who has been
8 issued the placard ~~and the signature of the physician~~
9 ~~or chiropractor who made the determination that the~~
10 ~~person was handicapped for purposes of issuance of the~~
11 ~~placard."~~

12 2. By renumbering as necessary.

RICHARD F. DRAKE

S-3082

1 Amend House File 255, as passed by the House, as
2 follows:

3 1. By striking page 5, line 33, through page 6,
4 line 2, and inserting the following:

5 "4. ~~3~~ Moneys remaining in the property tax relief
6 fund following the ~~payments distributions~~ made
7 pursuant to subsections 1, ~~and~~ 2, ~~and~~ 3 shall be
8 transferred to the homestead credit fund created in
9 section 425.1. This transfer shall continue until the
10 homestead credit is fully funded."

11 2. Page 6, line 3, by striking the figure "3" and
12 inserting the following: "4".

TOM VILSACK

S-3083

1 Amend House File 255, as passed by the House, as
2 follows:

3 1. Page 1, line 13, by striking the figure
4 "6,163,211" and inserting the following: "9,596,695".

5 2. Page 1, line 14, by striking the figure
6 "12,504,538" and inserting the following:
7 "19,625,241".

8 3. Page 1, line 17, by striking the figure "2.89"
9 and inserting the following: "4.50".

10 4. Page 1, line 20, by striking the figure "2.89"
11 and inserting the following: "4.50".

TOM VILSACK
STEVE HANSEN
PATTY JUDGE
ROD HALVORSON

JOHN P. KIBBIE
DON GETTINGS
EUGENE FRAISE
DICK DEARDEN

S—3084

1 Amend House File 255 as passed by the House as
2 follows:
3 1. By striking page 3, line 33, through page 4,
4 line 12, and inserting the following:
5 "b. ~~Based upon information contained in county~~
6 ~~management plans and budgets, the state county~~
7 ~~management committee shall recommend an allowed growth~~
8 ~~factor adjustment to the governor by November 15 for~~
9 ~~the succeeding fiscal year. The governor shall~~
10 recommend to the general assembly an allowed growth
11 factor adjustment for the fiscal year which commences
12 two years from the beginning date of the fiscal year
13 in progress at the time the recommendation is made.
14 The allowed growth factor adjustment shall address
15 ~~costs associated with new consumers of service,~~
16 ~~service cost inflation, and investments for economy~~
17 ~~and efficiency. The governor shall consider the~~
18 ~~committee's recommendation in developing the~~
19 ~~governor's recommendation for an allowed growth factor~~
20 ~~adjustment for inclusion in shall be submitted to the~~
21 general assembly at the time the governor's proposed
22 budget for the succeeding fiscal year is submitted in
23 accordance with chapter 8."

MARY LUNDBY

S—3085

1 Amend House File 255, as passed by the House, as
2 follows:
3 1. Page 1, line 13, by striking the figure
4 "6,163,211" and inserting the following:
5 "21,539,248".
6 2. Page 1, line 14, by striking the figure
7 "12,504,538" and inserting the following:
8 "45,253,960".
9 3. Page 1, line 17, by striking the figure "2.89"
10 and inserting the following: "10.1".
11 4. Page 1, line 20, by striking the figure "2.89"
12 and inserting the following: "10.1".

TOM FLYNN
MARY LUNDBY
BILL FINK
PATTY JUDGE

ROD HALVORSON
DENNIS BLACK

S—3086

- 1 Amend House File 255, as passed by the House, as
2 follows:
3 1. Page 1, line 13, by striking the figure
4 "6,163,211" and inserting the following: "7,464,096".
5 2. Page 1, line 14, by striking the figure
6 "12,504,538" and inserting the following:
7 "7,725,339".
8 3. Page 1, line 17, by striking the figure "2.89"
9 and inserting the following: "3.50".
10 4. Page 1, line 20, by striking the figure "2.89"
11 and inserting the following: "3.50".

MIKE CONNOLLY

S—3087

- 1 Amend Senate File 136 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99D.2, subsection 8, Code
5 1997, is amended to read as follows:
6 8. "RACETRACK ENCLOSURE" means the grandstand,
7 clubhouse, turf club or other areas of a licensed
8 racetrack which a person may enter only upon payment
9 of an admission fee, or upon payment by another, at
10 any time, based upon the person's admittance, or upon
11 presentation of authorized credentials. "Racetrack
12 enclosure" also means any additional areas designated
13 by the commission."
14 2. Page 1, line 9, by striking the word
15 "district" and inserting the following: "authority".
16 3. Page 1, line 12, by striking the word
17 "district" and inserting the following: "authority".
18 4. Page 1, line 17, by inserting after the word
19 "determined" the following: "and notice of the
20 assessed value shall be provided to the county
21 auditor".
22 5. Page 1, line 19, by striking the word and
23 figure "November 1." and inserting the following:
24 "December 1. Property taxes due as a result of this
25 subsection shall be paid to the county treasurer in
26 the manner and time as other property taxes. The
27 county treasurer shall remit the tax revenue to those
28 taxing authorities imposing the property tax under
29 this subsection."
30 6. Page 1, line 22, by striking the word
31 "district" and inserting the following: "authority".

32 7. Page 1, line 23, by inserting after the word
33 "taxation." the following: "Notwithstanding section
34 99D.7, the department of revenue and finance shall
35 adopt rules to implement this subsection."

36 8. Page 1, by inserting after line 23 the
37 following:

38 "Sec. ____ Section 99F.1, subsection 15, Code
39 1997, is amended to read as follows:

40 15. "RACETRACK ENCLOSURE" means the grandstand,
41 clubhouse, turf club, or other areas of a licensed
42 racetrack which an individual may enter only upon
43 payment of an admission fee, or upon payment by
44 another, at any time, based upon the individual's
45 admittance, or upon presentation of authorized
46 credentials. "Racetrack enclosure" also means any
47 additional areas designated by the commission."

48 9. By renumbering, relettering, or redesignating
49 and correcting internal references as necessary.

COMMITTEE ON WAYS AND MEANS
JOANN DOUGLAS, Chairperson

S-3088

1 Amend House File 255, as passed by the House, as
2 follows:

3 1. Page 1, line 12, by inserting after the word
4 "Act" the following: ", and for property tax relief
5 fund distributions".

6 2. Page 1, line 13, by striking the figure
7 "6,163,211" and inserting the following:
8 "32,500,000".

9 3. Page 1, line 14, by striking the figure
10 "12,504,538" and inserting the following:
11 "32,500,000".

12 4. Page 1, by striking lines 15 through 21 and
13 inserting the following:

14 "For the purposes of section 331.439, subsection 3,
15 as amended by this Act, the allowed growth factor
16 adjustment to be paid to counties by the department of
17 human services for the fiscal years for which
18 appropriations are made in this section shall be
19 \$21,539,248 and the provisions of section 331.439,
20 subsection 3, paragraph "c", as enacted by this Act,
21 shall not apply for those fiscal years. Of the amount
22 appropriated for each fiscal year in this section,
23 \$8,786,000 shall be transferred to the property tax
24 relief fund created in chapter 426B and shall be
25 distributed to counties for property tax relief as
26 provided in section 426B.2, as amended by this Act.
27 It is the intent of the general assembly that the
28 state appropriations for property tax relief, allowed

29 growth factor adjustments, and other expenditures for
 30 mental health, mental retardation, and developmental
 31 disabilities services shall be increased over a period
 32 of years until the state is assuming 75 percent of the
 33 cost of the services."

ROD HALVORSON

S-3089

1 Amend House File 255, as passed by the House, as
 2 follows:
 3 1. Page 1, line 13, by striking the figure
 4 "6,163,211" and inserting the following: "7,464,096".
 5 2. Page 1, line 14, by striking the figure
 6 "12,504,538" and inserting the following:
 7 "15,189,435".
 8 3. Page 1, line 17, by striking the figure "2.89"
 9 and inserting the following: "3.50".
 10 4. Page 1, line 20, by striking the figure "2.89"
 11 and inserting the following: "3.50".

MIKE CONNOLLY

S-3090

1 Amend House File 8, 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 8.59, Code 1997, is amended to
 6 read as follows:
 7 8.59 APPROPRIATIONS FREEZE.
 8 Notwithstanding contrary provisions of the Code,
 9 the amounts appropriated under the applicable sections
 10 of the Code for fiscal years commencing on or after
 11 July 1, 1993, are limited to those amounts expended
 12 under those sections for the fiscal year commencing
 13 July 1, 1992. If an applicable section appropriates
 14 moneys to be distributed to different recipients and
 15 the operation of this section reduces the total amount
 16 to be distributed under the applicable section, the
 17 moneys shall be prorated among the recipients. As
 18 used in this section, "applicable sections" means the
 19 following sections: 53.50, 229.35, 230.8, 230.11,
 20 405A.8, 411.20, ~~425.1~~, 425.39, 426A.1, 663.44, and
 21 822.5.
 22 Sec. 2. Section 25B.2, subsection 3, Code 1997, is
 23 amended by striking the subsection.
 24 Sec. 3. Section 25B.3, subsection 1, Code 1997, is
 25 amended to read as follows:
 26 1. "Political subdivision" means a city, county,

27 township, community college, area education agency, or
28 school district.

29 Sec. 4. **NEW SECTION. 25B.5A UNFUNDED STATE**
30 **MANDATES -- EFFECT.**

31 1. If, on or after July 1, 1997, a state mandate
32 is enacted by the general assembly, or otherwise
33 imposed, on a political subdivision and the state
34 mandate requires a political subdivision to engage in
35 any new activity, to provide a new service, or to
36 provide any service beyond that required by any law
37 enacted prior to July 1, 1997, and the state does not
38 appropriate moneys to fully fund the cost of the state
39 mandate, the political subdivision is not required to
40 perform the activity or provide the service and the
41 political subdivision shall not be subject to any
42 liabilities or the imposition of any fines or
43 penalties for the failure to comply with the state
44 mandate. However, this subsection does not apply to
45 any requirement imposed on a political subdivision
46 relating to public employee retirement systems under
47 chapters 97B, 410, and 411.

48 2. For the purposes of subsection 1, any
49 requirement originating from the federal government
50 and administered, implemented, or enacted by the

Page 2

1 state, or any allocation of federal moneys conditioned
2 upon the enactment of state law or rule, is not a
3 state mandate.

4 3. For the purposes of subsection 1, a political
5 subdivision or political subdivisions may appeal to
6 the advisory commission on intergovernmental
7 relations, created in chapter 28J, to determine
8 whether or not any new activity, new service, or
9 increase in service required to be engaged in by the
10 political subdivisions of the state constitutes a
11 state mandate and if it is a state mandate, to what
12 extent the state has fully funded such mandate.

13 4. For purposes of subsection 1, beginning with
14 property taxes due and payable in the fiscal year
15 beginning July 1, 1997, the cost of providing the
16 homestead property tax credit on or after January 1,
17 1997, shall be fully funded by the state. If on or
18 after January 1, 1997, a state appropriation made to
19 fund the homestead property tax credit is not
20 sufficient to fully fund the credit, the political
21 subdivision shall be required to extend to the
22 taxpayer only that portion of the credit funded by the
23 state appropriation. The department of revenue and
24 finance shall determine the portion of the credit
25 which will be funded by the state appropriation.

26 Sec. 5. Section 425.1, subsection 1, unnumbered
27 paragraph 1, Code 1997, is amended to read as follows:

28 A homestead credit fund is created. There is
29 appropriated annually from the general fund of the
30 state to the department of revenue and finance to be
31 credited to the homestead credit fund, ~~an amount~~
32 ~~sufficient to implement this chapter the sum of one~~
33 hundred fourteen million dollars.

34 Sec. 6. Section 5 of this Act applies to homestead
35 property tax credit claims filed for taxes due and
36 payable in the fiscal year beginning July 1, 1997."

COMMITTEE ON STATE GOVERNMENT
JIM LIND, Chairperson

S—3091

1 Amend Senate File 132 as follows:

2 1. By striking page 10, line 31, through page 11,
3 line 6, and inserting the following:

4 "b. The owner of a vehicle with a gross vehicle
5 weight rating of seven thousand five hundred pounds or
6 more who rents the vehicle for less than a year under
7 an agreement which requires the person renting the
8 vehicle to obtain an insurance policy covering at
9 least the minimum levels of financial responsibility
10 prescribed by law, shall not be deemed to be the owner
11 of the vehicle for the purpose of determining
12 financial responsibility for the operation of the
13 vehicle or for the acts of the operator in connection
14 with the vehicle's operation."

ALLEN BORLAUG

S—3092

1 Amend Senate File 132 as follows:

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

4 "Sec. ____ Section 321.34, subsection 9, Code
5 1997, is amended to read as follows:

6 9. LEASED VEHICLES. Registration plates under
7 this section, including disabled veteran plates
8 specified in section 321.166, may be issued to the
9 lessee of a motor vehicle if the lessee provides
10 evidence of a lease for a period of more than sixty
11 days and if the lessee complies with the requirements,
12 under this section, for issuance of the specific
13 registration plates."

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

16 "Sec. ____ Section 321.105, unnumbered paragraph

17 5, Code 1997, is amended to read as follows:

18 Seriously disabled veterans who ~~have been~~ are
 19 eligible to be provided with an automobile or other
 20 vehicle by the United States government under the
 21 provisions of sections 1901 to 1903, Title 38 of the
 22 United States Code, {38 U.S.C. § 1901 et seq.
 23 (1970)}, shall be exempt from payment of any
 24 automobile registration fee provided in this chapter,
 25 and shall be provided, without fee, with a
 26 registration plate. The disabled veteran, to be able
 27 to claim the above benefit, must be a resident of the
 28 state of Iowa ~~and must produce a certificate of title~~
 29 ~~to the automobile owned and registered in this state~~
 30 ~~in the name of said veteran."~~

31 3. By renumbering as necessary.

JIM LIND

S—3093

1 Amend Senate File 174 as follows:

2 1. Page 1, by inserting after line 14 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 "lakes" the following: "and providing an
 8 effective date".

COMMITTEE ON NATURAL RESOURCES
 AND ENVIRONMENT
 MERLIN E. BARTZ, Chairperson

S—3094

1 Amend Senate File 17 as follows:

2 1. Page 1, line 3, by striking the words "by the"
 3 and inserting the following: "by".

4 2. Page 1, line 4, by striking the word "state"
 5 and inserting the following: "a volunteer fire
 6 department".

7 3. Title page, line 2, by striking the words "the
 8 state" and inserting the following: "a volunteer fire
 9 department".

COMMITTEE ON NATURAL RESOURCES
 AND ENVIRONMENT
 MERLIN E. BARTZ, Chairperson

S—3095

1 Amend Senate File 188 as follows:

2 1. Page 1, line 35, by inserting after the word

3 "horses." the following: "Any amount of the
 4 supplement to the horse race purses determined under
 5 this paragraph which is in excess of ten million
 6 dollars shall be a tax credit against the total
 7 wagering tax owed by the licensee pursuant to section
 8 99F.11."

MATT McCOY

S-3096

1 Amend Senate File 132 as follows:
 2 1. Page 11, line 10, by striking the word
 3 "junking" and inserting the following: "recycling".

ALLEN BORLAUG

S-3097

1 Amend Senate File 188 as follows:
 2 1. Page 2, line 8, by inserting after the word
 3 "communities." the following: "A member of the board
 4 of directors, or the spouse or a child of a board
 5 member, of a licensee which is also licensed to
 6 conduct pari-mutuel horse racing with supplemental
 7 horse race purses as provided in this paragraph, shall
 8 not participate in or receive, directly or indirectly,
 9 any money or thing of value from a horse racing purse
 10 or pari-mutuel wagering at the horse racetrack."

DENNIS BLACK

S-3098

1 Amend Senate File 161 as follows:
 2 1. Page 1, line 4, by inserting before the word
 3 "All" the following: "1".
 4 2. Page 1, by inserting after line 23 the
 5 following:
 6 "2. Notwithstanding subsection 1, eggs gathered
 7 for sale at a poultry show from fowl exhibited at the
 8 show which show has received financial assistance from
 9 the state in prior fiscal years, shall be exempt from
 10 the storage temperature and consumer grade quality
 11 requirements contained in subsection 1. If eggs are
 12 offered for sale at such an exhibit, five hundred
 13 dollars is appropriated to the department to reimburse
 14 the sponsoring agency of the exhibit for the expenses
 15 associated with the exhibit."

JACK RIFE
 MERLIN E. BARTZ

S—3099

- 1 Amend Senate File 58 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "language." the following: "The establishment of
- 4 English as the common language of the state shall in
- 5 no way abridge the rights of all citizens of the state
- 6 to equal protection, equal treatment, and equal
- 7 opportunity."

MARY NEUHAUSER

S—3100

- 1 Amend Senate File 58 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "language." the following: "To foster the inclusion
- 4 of individuals whose primary language is a language
- 5 other than the English language, the state shall make
- 6 every effort to provide instruction in the English
- 7 language to such adults and children throughout the
- 8 state."

MARY NEUHAUSER

S—3101

- 1 Amend Senate File 252 as follows:
- 2 1. Page 1, line 2, by striking the words
- 3 "TYRANNUS VERTICALIS" and inserting the following:
- 4 "western kingbird".
- 5 2. Page 1, line 4, by striking the words
- 6 "tyrannus verticalis" and inserting the following:
- 7 "western kingbird".
- 8 3. Title, line 2, by striking the words "tyrannus
- 9 verticalis" and inserting the following: "western
- 10 kingbird".

MICHAEL E. GRONSTAL

S—3102

- 1 Amend Senate File 163 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 142B.6, unnumbered paragraph
- 5 3, Code 1997, is amended by striking the unnumbered
- 6 paragraph.
- 7 Sec. 2. Section 453A.13, subsection 3, Code 1997,
- 8 is amended to read as follows:
- 9 3. FEES -- EXPIRATION. All permits provided for
- 10 in this division shall expire on June 30 of each year.

11 A permit shall not be granted or issued until the
12 applicant has paid for the period ending June 30 next,
13 to the department or the city or county granting the
14 permit, the fees provided for in this division.

15 a. The annual state permit fee for a distributor,
16 cigarette vendor, and wholesaler is one hundred
17 dollars when the permit is granted during the months
18 of July, August, or September. However, whenever a
19 state permit holder operates more than one place of
20 business, a duplicate state permit shall be issued for
21 each additional place of business on payment of five
22 dollars for each duplicate state permit, but refunds
23 as provided in this division do not apply to any
24 duplicate permit issued.

25 b. The annual state fee for retail permits is as
26 follows when the permit is granted during the months
27 of July, August, or September:

28 a. (1) In places outside any city, fifty dollars.

29 b. (2) In cities of less than fifteen thousand
30 population, seventy-five dollars.

31 c. (3) In cities of fifteen thousand or more
32 population, one hundred dollars.

33 c. If any permit is granted during the months of
34 October, November, or December, the fee shall be
35 three-fourths of the ~~above maximum schedule~~ annual
36 fee; if granted during the months of January,
37 February, or March, one-half of the ~~maximum schedule~~
38 annual fee, and if granted during the months of April,
39 May, or June, one-fourth of the ~~maximum schedule~~
40 annual fee.

41 d. A city or county may establish a local retail
42 permit fee in addition to the annual state retail
43 permit fee. A local retail permit fee shall be
44 retained by the city or county imposing the fee and
45 shall be used by the city or county exclusively for
46 the purpose of enforcing section 453A.2."

47 2. Page 1, line 3, by inserting after the number
48 "6." the following: "Unless otherwise provided in
49 this subsection, any sales of cigarettes or tobacco
50 products shall be made in a direct, face-to-face

Page 2

1 exchange."

2 3. Page 1, line 4, by inserting after the word
3 "machine" the following: "or through a self-service
4 display".

5 4. Page 1, line 7, by inserting after the word
6 "machine" the following: "or through a self-service
7 display".

8 5. Page 1, line 26, by inserting after the word
9 "permit" the following: "or self-service displays".

- 10 6. Page 1, line 35, by inserting after the word
 11 "machine" the following: "or through a self-service
 12 display".
- 13 7. Page 2, line 1, by inserting after the word
 14 "machine" the following: "or self-service display".
- 15 8. Page 2, line 7, by inserting after the word
 16 "permit." the following: "A city or county may
 17 directly enforce this subsection. Notwithstanding
 18 chapter 602, any fines collected as a result of
 19 enforcement of this subsection by a city or county
 20 shall be retained by the city or county."
- 21 9. Page 2, by inserting after line 7 the
 22 following:
 23 "Sec. ____ Section 453A.56, Code 1997, is
 24 repealed."
- 25 10. Title page, line 1, by striking the words
 26 "the sale of".
- 27 11. Title page, line 2, by striking the words
 28 "through vending machines".
- 29 12. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 NANCY BOETTGER, Chairperson

S—3103

- 1 Amend Senate File 58 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following:
 4 "Sec. 2. Section 618.1, Code 1997, is amended to
 5 read as follows:
 6 618.1 PUBLICATIONS IN ENGLISH.
 7 All notices, proceedings, and other matter
 8 whatsoever, required by law or ordinance to be
 9 published in a newspaper, shall be published only in
 10 the English language and in newspapers published
 11 wholly predominantly in the English language."

STEVEN D. HANSEN

S—3104

- 1 Amend Senate File 246 as follows:
 2 1. Page 6, by inserting after line 17 the
 3 following:
 4 "DIVISION IV
 5 Sec. ____ Section 321.1, subsection 4, Code 1997,
 6 is amended to read as follows:
 7 4. "All-terrain vehicle" means a motor vehicle
 8 designed to travel on three or more wheels and
 9 designed primarily for off-road use but not including
 10 farm tractors or equipment, construction equipment,

- 11 forestry vehicles, or lawn and grounds maintenance
 12 vehicles.”
 13 2. Title page, line 1, by inserting after the
 14 word “vehicles” the following: “including the
 15 definition of all-terrain vehicle and”
 16 3. By renumbering as necessary.

BILL FINK

S—3105

- 1 Amend Senate File 58 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following:
 4 “7. To the name of any city, county, or township
 5 which is from a language other than the English
 6 language, or to the name of the state.”

MARY NEUHAUSER
 JOHNIE HAMMOND

S—3106

- 1 Amend Senate File 246 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 “vehicle” the following: “, other than a snowmobile
 4 or all-terrain vehicle used exclusively as a farm
 5 implement,”
 6 2. Page 1, line 8, by inserting after the word
 7 “vehicle.” the following: “The owner of a snowmobile
 8 or all-terrain vehicle used exclusively as a farm
 9 implement may obtain a certificate of title.”
 10 3. Page 1, line 34, by striking the word “shall”
 11 and inserting the following: “may”.
 12 4. Page 2, line 26, by striking the word “A” and
 13 inserting the following: “Once titled, a”.
 14 5. Page 3, lines 28 through 30, by striking the
 15 words “used only to offset the costs of administering
 16 the certificate of title provisions of this chapter”
 17 and inserting the following: “deposited into the
 18 general fund of the county”.
 19 6. Page 4, line 25, by striking the words “used
 20 only to offset the costs associated with this section”
 21 and inserting the following: “deposited into the
 22 general fund of the county”.
 23 7. Page 6, by inserting after line 17, the
 24 following:
 25 “DIVISION IV
 26 EFFECTIVE DATE
 27 Sec. ____ EFFECTIVE DATE. This Act takes effect
 28 January 1, 1998.”
 29 8. Title page, line 3, by striking the word

30 "and".

31 9. Title page, line 4, by inserting after the
32 word "registration" the following: ", and providing
33 an effective date".

34 10. By renumbering as necessary.

MERLIN E. BARTZ
PATTY JUDGE

S-3107

1 Amend Senate File 229 as follows:

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

4 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."

6 2. Title, line 2, by inserting after the word
7 "penalties" the following: ", and providing an
8 effective date".

RICHARD F. DRAKE

S-3108

1 Amend Senate File 237 as follows:

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

4 "Section 1. Section 321.189, subsection 6, Code
5 1997, is amended to read as follows:

6 6. LICENSES ISSUED TO MINORS. A motor vehicle
7 license issued to a person under ~~twenty-one~~ eighteen
8 years of age shall be identical in form to any other
9 motor vehicle license except that the words "under
10 ~~twenty-one~~ eighteen" shall appear prominently on the
11 face of the license. A motor vehicle license issued
12 to a person eighteen years of age or older but less
13 than twenty-one years of age shall be identical in
14 form to any other motor vehicle license except that
15 the words "under twenty-one" shall appear prominently
16 on the face of the license. Upon attaining the age of
17 eighteen or upon attaining the age of twenty-one, and
18 upon payment of a one dollar fee, the person shall be
19 entitled to a new motor vehicle license or
20 nonoperator's identification card for the unexpired
21 months of the motor vehicle license or card.

22 Sec. 2. Section 321.190, subsection 1, paragraph
23 b, Code 1997, is amended to read as follows:

24 b. The department shall not issue a card to a
25 person holding a motor vehicle license. However, a
26 card may be issued to a person holding a temporary
27 permit under section 321.181. The card shall be
28 identical in form to a driver's license issued under

29 section 321.189 except the word "nonoperator" shall
 30 appear prominently on the face of the card. A
 31 nonoperator's identification card issued to a person
 32 under ~~twenty-one~~ eighteen years of age shall ~~include~~
 33 the word "minor" be identical in form to any other
 34 nonoperator's identification card except that the
 35 words "under eighteen" shall appear prominently on the
 36 face of the card. A nonoperator's identification card
 37 issued to a person eighteen years of age or older but
 38 under twenty-one years of age shall be identical in
 39 form to any other nonoperator's identification card
 40 except that the words "under twenty-one" shall appear
 41 prominently on the face of the card.

42 Sec. 3. Section 321.218, subsection 1, Code 1997,
 43 is amended to read as follows:

44 1. A person whose motor vehicle license or
 45 operating privilege has been denied, canceled,
 46 suspended, or revoked as provided in this chapter, or
 47 as provided in section 252J.8, or as provided in
 48 section 453A.3 and who operates a motor vehicle upon
 49 the highways of this state while the license or
 50 privilege is denied, canceled, suspended, or revoked,

Page 2

1 commits a serious misdemeanor.

2 Sec. 4. Section 321A.17, Code 1997, is amended by
 3 adding the following new subsection:

4 NEW SUBSECTION. 7. This section does not apply to
 5 a person whose license is suspended under section
 6 453A.3."

7 2. Title page, line 1, by inserting after the
 8 word "to" the following: "privileges and prohibitions
 9 for minors including those relating to motor vehicle
 10 licenses and to".

11 3. Title page, line 2, by striking the words "by
 12 a person under eighteen years of age".

13 4. By renumbering as necessary.

RICHARD F. DRAKE
 STEWART IVERSON, JR.
 DON GETTINGS
 EUGENE FRAISE
 JACK RIFE
 ELAINE SZYMONIAK

S-3109

1 Amend House File 92, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 30 through 35 and
 4 inserting the following: "notwithstanding subsection

5 2, the amount of moneys allocated to the institutions
 6 under the control of the department of human services
 7 as provided in section 218.1, subsections 1, 2, 3, and
 8 5, shall be a total of not more than forty-five
 9 thousand dollars for each fiscal year, to be
 10 distributed proportionately between the four
 11 institutions by the department of education."

COMMITTEE ON EDUCATION
 DONALD B. REDFERN, Chairperson

S-3110

1 Amend Senate File 252 as follows:
 2 1. Page 1, line 2, by striking the words
 3 "TYRANNUS VERTICALIS" and inserting the following:
 4 "WESTERN KINGBIRD".
 5 2. Page 1, by striking the words "classified as
 6 tyrannus verticalis" and inserting the following:
 7 "commonly referred to as the western kingbird".
 8 3. Title page, by striking line 2, and inserting
 9 the following: "commonly referred to as the western
 10 kingbird."

MICHAEL E. GRONSTAL

S-3111

1 Amend Senate File 153 as follows:
 2 1. Page 1, line 20, by striking the words
 3 "brought pursuant to paragraph "a"" and inserting the
 4 following: "subject to paragraph "a" and brought".

COMMITTEE ON HUMAN RESOURCES
 NANCY BOETTGER, Chairperson

S-3112

1 Amend Senate File 188 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 99D.15, subsections 1 and 2,
 5 Code 1997, are amended by striking the subsections.
 6 Sec. ____ Section 99D.15, subsection 3, paragraph
 7 a, unnumbered paragraph 1, Code 1997, is amended to
 8 read as follows:
 9 A tax is imposed on the gross sum wagered by the
 10 pari-mutuel method at each track licensed for dog
 11 races or horse races. The tax imposed by this
 12 subsection shall be paid by the licensee to the
 13 commission within ten days after the close of the
 14 track's racing season. The rate of tax on each track

15 is as follows:

16 Sec. ____ Section 99D.15, subsection 4, Code 1997,
17 is amended to read as follows:

18 4. A tax of two percent is imposed on the gross
19 sum wagered by the pari-mutuel method on horse races
20 and dog races which are simultaneously telecast. The
21 tax imposed by this subsection is in lieu of the taxes
22 imposed pursuant to subsection ~~1 or~~ 3, but the tax
23 revenue from simulcast horse races shall be
24 distributed as provided in ~~subsection 1 and the tax~~
25 ~~revenue from simulcast dog races shall be distributed~~
26 ~~as provided in subsection 3.~~"

JIM LIND

S-3113

1 Amend Senate File 205 as follows:

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

4 "Sec. ____ Section 15.331B, subsection 3, Code
5 1997, is amended to read as follows:

6 3. An eligible business shall not receive the
7 exemption under this section unless it has applied to
8 be designated an exempt business by July 1, ~~1998~~ 1999.

9 Sec. ____ Section 15.337, unnumbered paragraph 3,
10 Code 1997, is amended to read as follows:

11 The department shall not grant a waiver under this
12 section after June 30, ~~1998~~ 1999."

13 2. By renumbering as necessary.

TOM VILSACK

S-3114

1 Amend Senate File 281 as follows:

2 1. Page 1, by inserting after line 34 the
3 following:

4 "Sec. ____ Section 602.8103, subsection 4,
5 paragraph i, Code 1997, is amended to read as follows:

6 i. Court files, as provided by rules prescribed by
7 the supreme court, ten years after final disposition
8 in civil cases, or ten years after expiration of all
9 sentences in criminal cases. For purposes of this
10 paragraph, "purging" means the removal and destruction
11 of documents in the court file which have no legal,
12 administrative, or historical value. Purging shall be
13 done without reproduction of the removed documents.
14 For purposes of this paragraph, "civil cases" does not
15 include ~~divorce, dissolution of marriage, child~~
16 ~~support, or paternity cases, or juvenile, mental~~

17 health, probate, or adoption proceedings.”

18 2. By renumbering as necessary.

MARY NEUHAUSER
DONALD B. REDFERN

S—3115

1 Amend Senate File 136 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 99D.2, subsection 8, Code
5 1997, is amended to read as follows:

6 8. “RACETRACK ENCLOSURE” means the grandstand,
7 clubhouse, turf club or other areas of a licensed
8 racetrack which a person may enter only upon payment
9 of an admission fee, or upon payment by another, at
10 any time, based upon the person's admittance, or upon
11 presentation of authorized credentials. “Racetrack
12 enclosure” also means any additional areas designated
13 by the commission.

14 Sec. 2. Section 99D.14, subsection 6, Code 1997,
15 is amended by striking the subsection and inserting in
16 lieu thereof the following:

17 6. Real property used in the operation of a
18 racetrack or racetrack enclosure which is exempt from
19 property taxation under another provision of the law,
20 including being exempt because it is owned by a city,
21 county, state, or charitable or nonprofit entity, may
22 be subject to real property taxation by any taxing
23 district in which the real property used in the
24 operation of the racetrack or racetrack enclosure is
25 located. To subject such real property to taxation,
26 the taxing authority of the taxing district shall pass
27 a resolution imposing the tax and shall notify the
28 county assessor, director of revenue and finance, and
29 the owner of record of the real property by September
30 1 preceding the fiscal year in which the real property
31 taxes are due and payable. The assessed value shall
32 be determined and notice of the assessed value shall
33 be provided to the county auditor by the department of
34 revenue and finance by October 15 and the owner may
35 protest the assessed value to the state board of tax
36 review by December 1. Property taxes due as a result
37 of this subsection shall be paid to the county
38 treasurer in the manner and time as other property
39 taxes. The county treasurer shall remit the tax
40 revenue to those taxing authorities imposing the
41 property tax under this subsection. Real property
42 subject to tax as provided in this subsection shall
43 continue to be taxed until such time as the taxing
44 authority of the taxing district repeals the

45 resolution subjecting the property to taxation.
 46 Notwithstanding section 99D.7, the department of
 47 revenue and finance shall adopt rules to implement
 48 this subsection.
 49 Sec. 3. Section 99F.1, subsection 15, Code 1997,
 50 is amended to read as follows:

Page 2

1 15. "RACETRACK ENCLOSURE" means the grandstand,
 2 clubhouse, turf club, or other areas of a licensed
 3 racetrack which an individual may enter only upon
 4 payment of an admission fee, or upon payment by
 5 another, at any time, based upon the individual's
 6 admittance, or upon presentation of authorized
 7 credentials. "Racetrack enclosure" also means any
 8 additional areas designated by the commission."

WILLIAM D. PALMER
 JOANN DOUGLAS

S—3116

1 Amend Senate File 221 as follows:
 2 1. Page 1, by striking lines 9 and 10 and
 3 inserting the following: "is harvested; ~~if the crop~~
 4 ~~is corn, it shall not be later than the first day of~~
 5 ~~December, unless, or except as~~ otherwise agreed upon
 6 to by the parties."

JEFF ANGELO

S—3117

1 Amend Senate File 317 as follows:
 2 1. Page 1, by striking lines 11 through 14 and
 3 inserting the following: "deputy sheriff."

DICK L. DEARDEN

S—3118

1 Amend Senate File 280 as follows:
 2 1. Page 1, line 10, by inserting after the word
 3 "information." the following: "However, the immunity
 4 provided pursuant to this section shall not apply if
 5 an employer or prospective employer discriminates or
 6 retaliates against an employee or prospective employee
 7 based upon information provided about the employee
 8 that the employee has exercised, or is believed to
 9 have exercised, any right conferred by state or

10 federal law or has undertaken any action encouraged by
11 the public policy of this state."

TOM VILSACK

S—3119

1 Amend House File 212, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ Section 99F.11, unnumbered paragraph 1,
6 Code 1997, is amended to read as follows:

7 A tax is imposed on the adjusted gross receipts
8 received annually from gambling games authorized under
9 this chapter at the rate of five percent on the first
10 one million dollars of adjusted gross receipts, at the
11 rate of ten percent on the next two million dollars of
12 adjusted gross receipts, and at the rate of twenty
13 percent on any amount of adjusted gross receipts over
14 three million dollars. However, beginning January
15 July 1, 1997, 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 1997, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 3A. Fourteen percent of the
27 adjusted gross receipts shall be deposited in the
28 rebuild Iowa infrastructure fund created in section
29 8.57, subsection 5."

JIM LIND

S—3120

1 Amend Senate File 228 as follows:

2 1. Page 1, lines 12 and 13, by striking the words
3 "of fifty one hundred dollars" and inserting the
4 following: "of fifty dollars".

5 2. Page 1, line 14, by inserting after the word
6 "duties." the following: "The board of supervisors of
7 the county shall determine the per diem and expense
8 allowances for the commissioners."

9 3. Page 1, by striking lines 24 and 25 and
10 inserting the following: "improvement, and attending
11 them, sixty dollars per day, a per diem and necessary

- 12 expenses incurred as determined by the board of
13 supervisors. If the service of a.
14 4. Page 1, by striking line 27 and inserting the
15 following: "shall be determined by the board of
16 supervisors and mileage. This subsection does".

JAMES BLACK

S—3121

- 1 Amend Senate File 293 as follows:
2 1. Page 1, line 6, by striking the words "two
3 hundred fifty".

JOANN DOUGLAS

HOUSE AMENDMENT TO
SENATE FILE 129

S—3122

- 1 Amend Senate File 129, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 14 the
4 following:
5 "Sec. ____ Section 422.9, subsection 2, Code 1997,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. f. Add the amount of the mortgage
8 interest credit allowable for the tax year under
9 section 25 of the Internal Revenue Code to the extent
10 the credit decreased the amount of interest deductible
11 under section 163(g) of the Internal Revenue Code."

S—3123

- 1 Amend Senate File 362 as follows:
2 1. Page 1, line 31, by striking the word
3 "departmental".
4 2. Page 1, line 33, by inserting after the word
5 "wildlife" the following: "to the department. The
6 criteria for issuing depredation permits shall be
7 established in administrative rules in consultation
8 with the farmer advisory committee created in section
9 481A.10A".

MERLIN E. BARTZ

S—3124

- 1 Amend Senate File 429 as follows:
2 1. Page 1, by inserting after line 11 the
3 following:

- 4 "Sec. ____ Section 462A.6A, subsection 4, Code
5 1997, is amended to read as follows:
6 4. A sailboard. ~~However, the registration decal~~
7 ~~shall be attached to the bottom surface of the bow."~~

TOM FLYNN

S—3125

- 1 Amend Senate File 329 as follows:
2 1. Page 2, by striking lines 4 through 12.
3 2. Page 2, line 21, by striking the words
4 "insured and insurer" and inserting the following:
5 "insurer, the name of the insured".
6 3. Page 2, by striking lines 28 and 29 and
7 inserting the following: "issued shall destroy the
8 card."
9 4. Page 13, by inserting after line 1 the
10 following:
11 "Sec. 101. Section 805.8, subsection 2, Code 1997,
12 is amended by adding the following new paragraph:
13 NEW PARAGRAPH. ad. If, in connection with a motor
14 vehicle accident, a person is charged and found guilty
15 of a violation of section 321.20B, subsection 1, the
16 scheduled fine is one hundred dollars."
17 5. Page 13, line 4, by striking the letters "ad"
18 and inserting the following: "af".
19 6. Page 13, by striking lines 9 through 15 and
20 inserting the following: "dollars."
21 7. Page 13, by inserting after line 32 the
22 following:
23 "Sec. 102. Section 805.8, subsection 2, paragraph
24 "ad", as enacted by this Act, is amended by striking
25 the paragraph effective July 1, 1999."
26 8. Page 13, line 34, by striking the word and
27 figure "through 15" and inserting the following: "
28 101, and 102".
29 9. Page 14, by inserting after line 15 the
30 following:
31 "Section 14 of this Act takes effect July 1, 1999."
32 10. Page 14, line 18, by striking the word and
33 figure "through 15" and inserting the following: "
34 101, and 102".
35 11. By renumbering as necessary.

COMMITTEE ON COMMERCE
JOHN JENSEN, Chairperson

S—3126

- 1 Amend Senate File 417 as follows:
2 1. Page 1, by striking lines 23 through 26 and

3 inserting the following: "~~and sufficiency of all~~
 4 ~~bonds shall be determined by the county treasurer of~~
 5 ~~the county of the extension district and upon the~~
 6 ~~treasurer's approval endorsed on the bond shall be~~
 7 ~~filed with the county~~".

JEFF ANGELO

S-3127

1 Amend Senate File 236 as follows:
 2 1. Page 2, by striking line 35 and inserting the
 3 following:
 4 "(4) Radiation therapy service applying ionizing
 5 radiation for the treatment of malignant disease using
 6 megavoltage external beam equipment."

JOHN REDWINE

S-3128

1 Amend Senate File 185 as follows:
 2 1. Page 1, by striking lines 8 and 9 and
 3 inserting the following: "be located on a division,
 4 subdivision or "forty" line, or immediately adjacent
 5 thereto, and along the line which is the".
 6 2. Page 1, by striking lines 27 through 29 and
 7 inserting the following:
 8 "A public way condemned under this subsection shall
 9 not be considered an existing public road in
 10 subsequent condemnations to provide a public way for
 11 access to an existing public road."
 12 3. Page 2, line 4, by inserting after the figure
 13 "679A." the following: "On appeal, the condemner
 14 shall establish that the interest of the condemner in
 15 establishing the public way is greater than the
 16 interest of the present owner or lessee of the
 17 condemned land."

KITTY REHBERG

S-3129

1 Amend House File 212, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 13, through page 2,
 4 line 4, and inserting the following:
 5 "6. Notwithstanding any other provision of law,
 6 real property used in the operation of a racetrack or
 7 racetrack enclosure is subject to real property
 8 taxation and all provisions relating to the
 9 assessment, collection, and apportionment of taxes

10 shall apply.”

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

13 “Sec. ____ This Act applies to real property taxes
14 payable in fiscal years beginning on or after July 1,
15 1998.”

WILLIAM D. PALMER
JOANN DOUGLAS

S—3130

1 Amend Senate File 236 as follows:

2 1. Page 2, by striking line 32 and inserting the
3 following:

4 “~~(1) Cardiac catheterization service.~~”

5 2. Page 2, by striking line 33 and inserting the
6 following:

7 “~~(2) Open heart surgical service.~~”

8 3. By renumbering as necessary.

MARY LOU FREEMAN

S—3131

1 Amend Senate File 236 as follows:

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

4 “DIVISION I”

5 2. Page 6, line 25, by striking the figure “2000”
6 and inserting the following: “1999”.

7 3. Page 6, by inserting after line 25 the
8 following:

9 “DIVISION II

10 Sec. 101. Section 68B.35, subsection 2, paragraph
11 e, Code 1997, 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. 102. Section 97B.41, subsection 8, paragraph
32 b, subparagraph (13), Code 1997, is amended to read as
33 follows:

34 (13) Members of the state transportation
35 commission, and the board of parole, and the state
36 health facilities council unless a member elects by
37 filing an application with the department to be
38 covered under this chapter.

39 Sec. 103. Section 135.74, subsections 1 and 3,
40 Code 1997, are amended to read as follows:

41 1. The department, after study and in consultation
42 with any advisory committees which may be established
43 pursuant to law, shall promulgate by rule pursuant to
44 chapter 17A uniform methods of financial reporting,
45 including such allocation methods as may be
46 prescribed, by which hospitals and health care
47 facilities shall respectively record their revenues,
48 expenses, other income, other outlays, assets and
49 liabilities, and units of service, according to
50 functional activity center. These uniform methods of

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1 financial reporting shall not preclude a hospital or
2 health care facility from using any accounting methods
3 for its own purposes provided these accounting methods
4 can be reconciled to the uniform methods of financial
5 reporting prescribed by the department and can be
6 audited for validity and completeness. Each hospital
7 and each health care facility shall adopt the
8 appropriate system for its fiscal year, effective upon
9 such date as the department shall direct. In
10 determining the effective date for reporting
11 requirements, the department shall consider both the
12 immediate need for uniform reporting of information to
13 effectuate the purposes of this division sections
14 135.74 through 135.78 and the administrative and
15 economic difficulties which hospitals and health care
16 facilities may encounter in complying with the uniform
17 financial reporting requirement, but the effective
18 date shall not be later than January 1, 1980.

19 3. The department shall, where appropriate,
20 provide for modification, consistent with the purposes
21 of this division sections 135.74 through 135.78, of
22 reporting requirements to correctly reflect the
23 differences among hospitals and among health care
24 facilities referred to in subsection 2, and to avoid
25 otherwise unduly burdensome costs in meeting the
26 requirements of uniform methods of financial

27 reporting.

28 Sec. 104. Section 135.75, subsection 2, Code 1997,
29 is amended to read as follows:

30 2. Where more than one licensed hospital or health
31 care facility is operated by the reporting
32 organization, the information required by this section
33 shall be reported separately for each licensed
34 hospital or health care facility. The department
35 shall require preparation of specified financial
36 reports by a certified public accountant, and may
37 require attestation of responsible officials of the
38 reporting hospital or health care facility that the
39 reports submitted are to the best of their knowledge
40 and belief prepared in accordance with the prescribed
41 methods of reporting. The department shall have the
42 right to inspect the books, audits and records of any
43 hospital or health care facility as reasonably
44 necessary to verify reports submitted pursuant to ~~this~~
45 division sections 135.74 through 135.78.

46 Sec. 105. Section 135.76, subsection 1, Code 1997,
47 is amended to read as follows:

48 1. The department shall from time to time
49 undertake analyses and studies relating to hospital
50 and health care facility costs and to the financial

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1 status of hospitals or health care facilities, or
2 both, which are subject to the provisions of ~~this~~
3 division sections 135.74 through 135.78. It shall
4 further require the filing of information concerning
5 the total financial needs of each individual hospital
6 or health care facility and the resources currently or
7 prospectively available to meet these needs, including
8 the effect of proposals made by health systems
9 agencies. The department shall also prepare and file
10 such summaries and compilations or other supplementary
11 reports based on the information filed with it as
12 will, in its judgment, advance the purposes of ~~this~~
13 division sections 135.74 through 135.78.

14 Sec. 106. Section 135.77, Code 1997, is amended to
15 read as follows:

16 135.77 REPORT TO GOVERNOR AND LEGISLATURE.

17 The department shall annually prepare and transmit
18 to the governor and to the general assembly, on or
19 before the date of the convening of each regular
20 session of the general assembly, a report of the
21 department's operations and activities pursuant to
22 this division sections 135.74 through 135.78 for the
23 preceding fiscal year. This report shall include a
24 compilation of all summaries and reports required by
25 this division sections 135.74 through 135.78 together

26 with such findings and recommendations as the
27 department deems necessary.

28 Sec. 107. Section 135C.2, subsection 5, unnumbered
29 paragraph 1, Code 1997, is amended to read as follows:

30 The department shall establish a special
31 classification within the residential care facility
32 category in order to foster the development of
33 residential care facilities which serve persons with
34 mental retardation, chronic mental illness, a
35 developmental disability, or brain injury, as
36 described under section 225C.26, and which contain
37 five or fewer residents. ~~A facility within the~~
38 ~~special classification established pursuant to this~~
39 ~~subsection is exempt from the requirements of section~~
40 ~~135.63.~~ The department shall adopt rules which are
41 consistent with rules previously developed for the
42 waiver demonstration project pursuant to 1986 Iowa
43 Acts, chapter 1246, section 206, and which include all
44 of the following provisions:

45 Sec. 108. Section 231B.2, subsection 1, Code 1997,
46 is amended to read as follows:

47 1. The department shall establish by rule in
48 accordance with chapter 17A a special classification
49 for elder group homes. ~~An elder group home~~
50 ~~established pursuant to this subsection is exempt from~~

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1 ~~the requirements of section 135.63.~~

2 Sec. 109. Section 231C.3, subsection 1, Code 1997,
3 is amended to read as follows:

4 1. The department shall establish, by rule in
5 accordance with chapter 17A, a program for
6 certification and monitoring of assisted living
7 programs. An assisted living program which is
8 voluntarily accredited is not required to also be
9 certified by the department and the department shall
10 accept voluntary accreditation in lieu of
11 certification by the department. ~~An assisted living~~
12 ~~program certified or voluntarily accredited under this~~
13 ~~section is exempt from the requirements of section~~
14 ~~135.63 relating to certificate of need requirements.~~

15 Sec. 110. Section 708.3A, subsection 5, is amended
16 to read as follows:

17 5. As used in this section, "health care provider"
18 means an emergency medical care provider as defined in
19 chapter 147A or a person licensed or registered under
20 chapter 148, 148C, 148D, 150, 150A, or 152 who is
21 providing or who is attempting to provide emergency
22 medical services, as defined in section 147A.1, or who
23 is providing or who is attempting to provide health
24 ~~services as defined in section 135.61~~ in a hospital.

- 25 A person who commits an assault under this section
 26 against a health care provider in a hospital, or at
 27 the scene or during out-of-hospital patient
 28 transportation in an ambulance, is presumed to know
 29 that the person against whom the assault is committed
 30 is a health care provider.
 31 Sec. 111. Sections 135.61 through 135.73, Code
 32 1997, are repealed.
 33 Sec. 112. Sections 101 through 110 take effect
 34 July 1, 1999.”
 35 4. By renumbering as necessary.

MARY LOU FREEMAN

S—3132

- 1 Amend Senate File 292 as follows:
 2 1. Page 1, by striking lines 13 through 21 and
 3 inserting the following:
 4 “Sec. ____ Section 501.502, subsection 5, Code
 5 1997, is amended to read as follows:
 6 5. The cooperative shall redeem, without interest,
 7 all of the terminated member's allocated patronage
 8 refunds and preferred stock originally issued as
 9 allocated patronage refunds for the issue price: as
 10 follows:
 11 a. A If a terminated member's current equity is
 12 less than two percent of the cooperative's total
 13 members' equity, the cooperative shall make this
 14 payment either redeem the terminated member's equity
 15 within one year after the termination of the
 16 membership or redeem the terminated member's equity in
 17 annual amounts of not less than twenty percent of the
 18 total amount provided that the entire amount must be
 19 redeemed within five years after the termination of
 20 the membership. However, if
 21 b. If a terminated member's current equity equals
 22 or exceeds two percent of the cooperative's total
 23 terminated member's equity, the cooperative shall redeem the
 24 terminated member's equity in annual amounts of not
 25 less than fifteen percent of the total amount provided
 26 that the entire amount must be redeemed within seven
 27 years after the termination of the membership.”

DERRYL McLAREN
 JOHN P. KIBBIE
 WILMER RENSINK

S—3133

- 1 Amend Senate File 391 as follows:
 2 1. Page 8, by striking lines 6 through 27.

- 3 2. Title page, lines 9 and 10, by striking the
4 words "and providing for the designation of access
5 Iowa highways,".
6 3. By renumbering as necessary.

RICHARD DRAKE
DERRYL McLAREN

S—3134

- 1 Amend Senate File 280 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "information" the following: "in writing".

TOM VILSACK

S—3135

- 1 Amend Senate File 379 as follows:
2 1. Page 1, by striking lines 28 and 29.
3 2. Title page, line 2, by striking the words "and
4 providing an effective date".

JIM LIND

S—3136

- 1 Amend Senate File 205 as follows:
2 1. Page 1, by striking lines 1 through 4 and
3 inserting the following:
4 "Sec. ____ Section 15.331B, subsection 3, Code
5 1997, is amended to read as follows:
6 3. An eligible business shall not receive the
7 exemption under this section unless it has applied to
8 be designated an exempt business by July 1, ~~1998~~ 2002.
9 Sec. ____ Section 15.337, unnumbered paragraph 3,
10 Code 1997, is amended to read as follows:
11 The department shall not grant a waiver under this
12 section after June 30, ~~1998~~ 2002."
13 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S—3137

- 1 Amend Senate File 205 as follows:
2 1. Page 1, by striking lines 1 and 2 and
3 inserting the following:
4 "Sec. ____ Section 15.331B, subsection 3, Code
5 1997, is amended to read as follows:
6 3. An eligible business shall not receive the
7 exemption under this section unless it has applied to

- 8 be designated an exempt business by July 1, 1998
 9 2002.”
 10 2. By renumbering as necessary.

MICHAEL E. GRONSTAL
 SHELDON RITTMER

S—3138

- 1 Amend Senate File 211 as follows:
 2 1. Page 3, by striking lines 6 through 15.
 3 2. Page 3, by inserting after line 35 the
 4 following:
 5 “Sec. ____ **NEW SECTION. 543D.21 APPLICABILITY TO**
 6 **BROKER ASSOCIATE AND DESIGNATED BROKER.**
 7 In addition to other individuals as provided, this
 8 chapter applies to a broker associate, or a designated
 9 broker, as defined in section 543B.5, who renders an
 10 appraisal or opinion of value, which must conform to
 11 the uniform standards of professional appraisal
 12 practices adopted by the appraisal foundation, and for
 13 purposes other than federally related transactions as
 14 defined in Title XI of the federal Financial
 15 Institutions Reform, Recovery, and Enforcement Act of
 16 1989, or as defined in the United States office of
 17 management and budget circular A-129, as amended, or
 18 the rules or regulations adopted pursuant to that
 19 circular.”
 20 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 JIM LIND, Chairperson

S—3139

- 1 Amend Senate File 365, as follows:
 2 1. Page 16, by inserting after line 14, the
 3 following:
 4 “Sec. ____ **PUBLIC MEASURE.** The foregoing Act,
 5 having been passed by the Seventy-seventh General
 6 Assembly, 1997 Session, and approved by the governor,
 7 shall be submitted to the qualified electors of the
 8 state at the general election in November of the year
 9 nineteen hundred ninety-eight in the manner
 10 established for consideration of public measures under
 11 the laws of the state of Iowa.”
 12 2. Title page, line 6, by striking the words “and
 13 by” and inserting the following: “by”.
 14 3. Title page, line 7, by inserting after the
 15 word “applicability” the following: “, and providing
 16 for a public measure”.

- 17 4. By numbering, renumbering, and changing
18 internal references as necessary.

MATT McCOY

S—3140

- 1 Amend Senate File 280 as follows:
2 1. Page 1, line 10, by inserting before the word
3 "information" the following: "work-related".
4 2. Page 1, line 13, by inserting before the word
5 "information" the following: "work-related".
6 3. Page 1, line 15, by inserting before the word
7 "information" the following: "work-related".
8 4. Page 1, line 17, by inserting before the word
9 "information" the following: "work-related".
10 5. Page 1, line 18, by inserting before the word
11 "information" the following: "work-related".
12 6. Title page, line 3, by inserting before the
13 word "information" the following: "work-related".

TOM VILSACK

S—3141

- 1 Amend Senate File 240 as follows:
2 1. Page 17, line 3, by inserting after the word
3 "law." the following: "The following amounts are
4 appropriated to the department of agriculture and land
5 stewardship for the fiscal year beginning July 1,
6 1997, and ending June 30, 1998:
7 1. For plant and animal disease and pest control,
8 grant number 10025:
9\$ 857,232
10 2. For assistance for intrastate meat and poultry,
11 grant number 10475:
12\$ 976,294
13 3. For farmers market nutrition program, grant
14 number 10577:
15\$ 412,981
16 4. For food and drug -- research grants, grant
17 number 13103:
18\$ 88,000
19 5. For surface coal mining regulation, grant
20 number 15250:
21\$ 142,986
22 6. For abandoned mine land reclamation, grant
23 number 15252:
24\$ 1,497,303
25 7. For pesticide enforcement program, grant number
26 66700:
27\$ 640,339

28	8. For pesticide certification program, grant		
29	number 66720:		
30	.....	\$	116,479
31	9. For United States environmental protection		
32	agency special federal grant, grant number 66SPX:		
33	.....	\$	44,750
34	10. For federal-state marketing improvement, grant		
35	number 10156:		
36	.....	\$	2,900
37	11. For pesticides research, grant number 66502:		
38	.....	\$	33,750
39	12. For watershed protection and flood protection,		
40	grant number 10904:		
41	.....	\$	20,000
42	13. For wetlands protection, grant number 66461:		
43	.....	\$	135,600"
44	2. Page 17, line 18, by inserting after the word		
45	"law." the following: "The following amounts are		
46	appropriated to the department for the blind for the		
47	fiscal year beginning July 1, 1997, and ending June		
48	30, 1998:		
49	1. For vocational rehabilitation -- FICA, grant		
50	number 13802:		

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1	\$	242,745
2	2. For assistive technology information network,		
3	grant number 84224:		
4	.....	\$	21,400
5	3. For rehabilitation services -- basic support,		
6	grant number 84126:		
7	.....	\$	4,475,017
8	4. For rehabilitation training, grant number		
9	84129:		
10	.....	\$	19,795
11	5. For independent living project, grant number		
12	84169:		
13	.....	\$	58,349
14	6. For older blind, grant number 84177:		
15	.....	\$	262,472
16	7. For supported employment, grant number 84187:		
17	.....	\$	71,659"
18	3. Page 17, line 34, by inserting after the word		
19	"law." the following: "The following amounts are		
20	appropriated to the Iowa state civil rights commission		
21	for the fiscal year beginning July 1, 1997, and ending		
22	June 30, 1998:		
23	1. For housing and urban development (HUD)		
24	discrimination complaints, grant number 14401:		
25	.....	\$	190,300
26	2. For job discrimination -- special projects,		

27	grant number 30002:		
28	.....	\$	542,700".
29	4. Page 18, line 7, by inserting after the word		
30	"law." the following: "The following amount is		
31	appropriated to the college student aid commission for		
32	the fiscal year beginning July 1, 1997, and ending		
33	June 30, 1998:		
34	For the Stafford loan program, grant number 84032:		
35	.....	\$	20,699,769".
36	5. Page 18, line 29, by inserting after the word		
37	"law." the following: "The following amounts are		
38	appropriated to the department of cultural affairs for		
39	the fiscal year beginning July 1, 1997, and ending		
40	June 30, 1998:		
41	1. For historic preservation grants-in-aid, grant		
42	number 15904:		
43	.....	\$	523,769
44	2. For promotion of the arts -- education, grant		
45	number 45003:		
46	.....	\$	45,000
47	3. For promotion of the arts -- federal and state,		
48	grant number 45007:		
49	.....	\$	354,900".
50	6. Page 19, line 2, by inserting after the word		

Page 3

1	"law." the following: "The following amounts are		
2	appropriated to the department of economic development		
3	for the fiscal year beginning July 1, 1997, and ending		
4	June 30, 1998:		
5	1. For department of agriculture, grant number		
6	10000:		
7	.....	\$	122,000
8	2. For procurement office, department of defense,		
9	grant number 12600:		
10	.....	\$	90,000
11	3. For national Affordable Housing Act, grant		
12	number 14239:		
13	.....	\$	9,869,012
14	4. For community service Act funds, grant number		
15	94003:		
16	.....	\$	965,000
17	5. For department of labor program, grant number		
18	17249:		
19	.....	\$	5,572,969
20	6. For job opportunities and basic skills program,		
21	grant number 13781:		
22	.....	\$	99,648
23	7. For environmental protection agency program,		
24	grant number 66000:		
25	.....	\$	74,000".

26	7. Page 19, line 9, by inserting after the word		
27	"law." the following: "The following amounts are		
28	appropriated to the department of education for the		
29	fiscal year beginning July 1, 1997, and ending June		
30	30, 1998:		
31	1. For school breakfast program, grant number		
32	10553:		
33	.....	\$	5,788,130
34	2. For school lunch program, grant number 10555:		
35	.....	\$	46,420,762
36	3. For special milk program for children, grant		
37	number 10556:		
38	.....	\$	120,029
39	4. For child care food program, grant number		
40	10558:		
41	.....	\$	18,612,258
42	5. For summer food service for children, grant		
43	number 10559:		
44	.....	\$	700,000
45	6. For administration expenses for child		
46	nutrition, grant number 10560:		
47	.....	\$	900,000
48	7. For public telecommunication facilities, grant		
49	number 11550:		
50	\$	150,000

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1	8. For vocational rehabilitation -- state		
2	supplementary assistance, grant number 13625:		
3	.....	\$	354,576
4	9. For vocational rehabilitation -- FICA, grant		
5	number 13802:		
6	.....	\$	10,170,777
7	10. For nutrition education and training, grant		
8	number 10564:		
9	.....	\$	80,440
10	11. For mine health and safety, grant number		
11	17600:		
12	.....	\$	61,000
13	12. For veterans education, grant number 64111:		
14	.....	\$	190,042
15	13. For adult education, grant number 84002:		
16	.....	\$	2,311,621
17	14. For bilingual education, grant number 84003:		
18	.....	\$	100,000
19	15. For education of handicapped children, grant		
20	number 84009:		
21	.....	\$	112,528
22	16. For E.C.I.A. -- chapter 1, grant number 84010:		
23	.....	\$	65,000,000
24	17. For migrant education, grant number 84011:		

25	.....	\$	400,000
26	18. For educationally deprived children, grant		
27	number 84012:		
28	.....	\$	440,000
29	19. For education for neglected -- delinquent		
30	children, grant number 84013:		
31	.....	\$	310,000
32	20. For handicapped education, grant number 84025:		
33	.....	\$	110,755
34	21. For handicapped -- state grants, grant number		
35	84027:		
36	.....	\$	25,311,959
37	22. For handicapped professional preparation,		
38	grant number 84029:		
39	.....	\$	114,740
40	23. For public library services, grant number		
41	84034:		
42	.....	\$	1,043,977
43	24. For interlibrary cooperation, grant number		
44	84035:		
45	.....	\$	163,282
46	25. For vocational education -- state grants,		
47	grant number 84048:		
48	\$	11,924,189
49	26. For rehabilitation services -- basic support,		
50	grant number 84126:		

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1	\$	21,866,828
2	27. For rehabilitation training, grant number		
3	84129:		
4	\$	51,053
5	28. For chapter 2 block grant, grant number 84151:		
6	.....	\$	2,936,975
7	29. For E.E.S.A. Title II, grant number 84164:		
8	.....	\$	2,060,707
9	30. For public library construction, grant number		
10	84154:		
11	.....	\$	20,000
12	31. For emergency immigrant education, grant		
13	number 84162:		
14	.....	\$	85,760
15	32. For independent living project, grant number		
16	84169:		
17	.....	\$	250,653
18	33. For education of handicapped -- incentive,		
19	grant number 84173:		
20	.....	\$	4,189,677
21	34. For education of handicapped -- infants and		
22	toddlers, grant number 84181:		
23	.....	\$	1,804,815

24	35. For Byrd scholarship program, grant number		
25	84185:		
26	.....	\$	219,000
27	36. For drug free schools/communities, grant		
28	number 84186:		
29	.....	\$	3,181,657
30	37. For supported employment, grant number 84187:		
31	.....	\$	308,006
32	38. For homeless youth and children, grant number		
33	84196:		
34	.....	\$	262,101
35	39. For even start, grant number 84213:		
36	.....	\$	702,601
37	40. For E.C.I.A. capital expense, grant number		
38	84216:		
39	.....	\$	650,000
40	41. For E.C.I.A. state improvements, grant number		
41	84218:		
42	.....	\$	465,000
43	42. For AIDS prevention project, grant number		
44	93118:		
45	.....	\$	235,577
46	43. For headstart collaborative grant, grant		
47	number 93600:		
48	\$	128,816
49	44. For serve America, grant number 94001:		
50	\$	185,263

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1	45. For environment education grants, grant number		
2	66951:		
3	\$	5,000
4	46. For teacher preparation education, grant		
5	number 84243:		
6	.....	\$	1,173,622
7	47. For department of education contracts, grant		
8	number 84999:		
9	.....	\$	50,000
10	48. For goals 2000, grant number 84276:		
11	.....	\$	3,234,618
12	49. For Iowa libraries on-line, grant number		
13	84039:		
14	.....	\$	160,000
15	50. For learn and serve America, grant number		
16	94004:		
17	.....	\$	192,650
18	51. For star schools grant, grant number 84203:		
19	.....	\$	1,981,250
20	8. Page 19, line 17, by inserting after the word		
21	"law." the following: "The following amounts are		
22	appropriated to the department of elder affairs for		

23	the fiscal year beginning July 1, 1997, and ending	
24	June 30, 1998:	
25	1. For nutrition program for elderly, grant number	
26	10570:	
27	.....	\$ 2,327,500
28	2. For senior community service employment	
29	program, grant number 17235:	
30	.....	\$ 949,594
31	3. For prevention of elder abuse, grant number	
32	93041:	
33	.....	\$ 58,327
34	4. For preventive health, grant number 93043:	
35	.....	\$ 182,933
36	5. For supportive services, grant number 93044:	
37	.....	\$ 4,347,217
38	6. For nutrition, grant number 93045:	
39	.....	\$ 6,032,746
40	7. For frail elderly, grant number 93046:	
41	.....	\$ 108,465
42	8. For ombudsman activity, grant number 93042:	
43	.....	\$ 54,838
44	9. For health care financing administration, grant	
45	number 93779:	
46	.....	\$ 248,705".
47	9. Page 19, line 25, by inserting after the word	
48	"law." the following: "The following amounts are	
49	appropriated to the department of workforce	
50	development for the fiscal year beginning July 1,	

Page 7

1	1997, and ending June 30, 1998:	
2	1. For trade expansion Act, grant number 11309:	
3	.....	\$ 10,000
4	2. For child support enforcement, grant number	
5	13783:	
6	.....	\$ 109,068
7	3. For employment statistics, grant number 17002:	
8	.....	\$ 1,400,416
9	4. For research and statistics, grant number	
10	17005:	
11	.....	\$ 114,898
12	5. For labor certification, grant number 17202:	
13	.....	\$ 108,885
14	6. For employment service, grant number 17207:	
15	.....	\$ 9,480,817
16	7. For unemployment insurance grant to state,	
17	grant number 17225:	
18	.....	\$ 19,730,000
19	8. For occupational safety and health, grant	
20	number 17500:	
21	.....	\$ 1,951,362

22	9. For disabled veterans outreach, grant number		
23	17801:		
24	.....	\$	1,016,101
25	10. For local veterans employment representation,		
26	grant number 17804:		
27	.....	\$	1,382,805
28	11. For unemployment insurance trust receipts,		
29	grant number 17998:		
30	.....	\$	184,010,000
31	12. For the federal Job Training Partnership Act,		
32	grant number 17250:		
33	.....	\$	21,000,000
34	13. For the federal department of labor, grant		
35	number 17000:		
36	.....	1	000,000
37	14. For the federal young adult conservation		
38	corps, grant number 10663:		
39	.....	\$	10,000".
40	10. Page 20, line 14, by inserting after the word		
41	"law." the following: "The following amounts are		
42	appropriated to the department of human rights for the		
43	fiscal year beginning July 1, 1997, and ending June		
44	30, 1998:		
45	1. For juvenile justice and delinquency		
46	prevention, grant number 16540:		
47	.....	\$	678,820
48	2. For weatherization assistance, grant number		
49	81042:		
50	.....	\$	2,623,312

Page 8

1	3. For client assistance, grant number 84161:		
2	.....	\$	103,000
3	4. For department of Justice Title V delinquency		
4	prevention, grant number 16546		
5	.....	\$	209,000".
6	11. Page 20, line 22, by inserting after the word		
7	"law." the following: "The following amounts are		
8	appropriated to the department of human services for		
9	the fiscal year beginning July 1, 1997, and ending		
10	June 30, 1998:		
11	1. For food stamps, grant number 10551:		
12	.....	\$	3,843,072
13	2. For administration expense for food stamps,		
14	grant number 10561:		
15	.....	\$	10,868,315
16	3. For commodity support food program, grant		
17	number 10565:		
18	.....	\$	309,557
19	4. For temporary emergency food assistance, grant		
20	number 10568:		

21	.....	\$	332,440
22	5. For child care planning and development, grant		
23	number 13673:		
24	.....	\$	14,281
25	6. For Title XVIII Medicare inspections, grant		
26	number 13773:		
27	.....	\$	100,000
28	7. For foster grandparents program, grant number		
29	72001:		
30	.....	\$	320,651
31	8. For child care for at-risk families, grant		
32	number 93574:		
33	.....	\$	229,006
34	9. For mental health training, grant number 93244:		
35	.....	\$	548,678
36	10. For family support payments to states, grant		
37	number 93560:		
38	.....	\$	3,397,953
39	11. For child support enforcement, grant number		
40	93563:		
41	.....	\$	27,684,474
42	12. For refugee and entrant assistance, grant		
43	number 93566:		
44	.....	\$	4,962,622
45	13. For developmental disabilities basic support,		
46	grant number 93630:		
47	.....	\$	881,675
48	14. For children's justice, grant number 93643:		
49	\$	173,548
50	15. For child welfare services, grant number		

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1	93645:		
2	\$	4,790,826
3	16. For crisis nursery, grant number 93656:		
4	\$	370,756
5	17. For foster care Title IV-E, grant number		
6	93658:		
7	.....	\$	19,827,081
8	18. For adoption assistance, grant number 93659:		
9	.....	\$	8,588,000
10	19. For child abuse basic, grant number 93669:		
11	.....	\$	289,319
12	20. For child abuse challenge, grant number 93672:		
13	.....	\$	250,446
14	21. For Title IV-E independent living, grant		
15	number 93674:		
16	.....	\$	482,634
17	22. For sexually transmitted disease control		
18	program, grant number 93777:		
19	.....	\$	2,377,077

20	23. For medical assistance, grant number 93778:	
21	.....	\$ 939,022,998
22	24. For adoption opportunities, grant number	
23	13652:	
24	.....	\$ 264,250".
25	12. Page 20, line 30, by inserting after the word	
26	"law." the following: "The following amounts are	
27	appropriated to the department of inspections and	
28	appeals for the fiscal year beginning July 1, 1997,	
29	and ending June 30, 1998:	
30	1. For assistance for intrastate meat and poultry,	
31	grant number 10475:	
32	.....	\$ 22,069
33	2. For food and drug research grants, grant number	
34	13103:	
35	.....	\$ 6,593
36	3. For Title XVIII Medicare inspections, grant	
37	number 13773:	
38	.....	\$ 2,041,165
39	4. For state medicaid fraud control unit, grant	
40	number 13775:	
41	.....	\$ 17,401
42	5. For state medicaid fraud control, grant number	
43	93775:	
44	.....	\$ 304,418".
45	13. Page 21, line 2, by inserting after the word	
46	"law." the following: "The following amount is	
47	appropriated to the judicial department for the fiscal	
48	year beginning July 1, 1997, and ending June 30, 1998:	
49	For United States department of health and human	
50	services, grant number 13000:	

Page 10

1	.....	\$ 150,000".
2	14. Page 21, line 9, by inserting after the word	
3	"law." the following: "The following amounts are	
4	appropriated to the department of justice for the	
5	fiscal year beginning July 1, 1997, and ending June	
6	30, 1998:	
7	1. For United States department of justice, grant	
8	number 16000:	
9	.....	\$ 2,118,000
10	2. For United States department of health and	
11	human services, grant number 13000:	
12	.....	\$ 236,791".
13	15. Page 21, line 32, by inserting after the word	
14	"law." the following: "The following amounts are	
15	appropriated to the department of natural resources	
16	for the fiscal year beginning July 1, 1997, and ending	
17	June 30, 1998:	
18	1. For forestry incentive program, grant number	

19	10064:		
20	.....	\$	685,000
21	2. For cooperative forestry assistance, grant		
22	number 10664:		
23	.....	\$	455,000
24	3. For fish restoration, grant number 15605:		
25	.....	\$	5,303,125
26	4. For wildlife restoration, grant number 15611:		
27	.....	\$	2,700,000
28	5. For acquisition, development, and planning,		
29	grant number 15916:		
30	.....	\$	5,000
31	6. For recreation boating safety financial		
32	assistance, grant number 20005:		
33	.....	\$	284,000
34	7. For Clean Lakes Act, grant number 66435:		
35	.....	\$	30,000
36	8. For consolidated environmental programs		
37	support, grant number 66600:		
38	.....	\$	7,845,754
39	9. For energy conservation, grant number 81041:		
40	.....	\$	859,717
41	10. For grants for local government, grant number		
42	81052:		
43	.....	\$	140,000
44	11. For Title VI revolving loan fund, grant number		
45	66458:		
46	.....	\$	640,000
47	12. For disaster assistance, grant number 83516:		
48	.....	\$	5,000
49	13. For United States geological survey, soil		
50	conservation service, mapping projects, grant number		

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1	15808:		
2	\$	73,112".
3	16. Page 22, line 19, by inserting after the word		
4	"law." the following: "The following amounts are		
5	appropriated to the department of public defense for		
6	the fiscal year beginning July 1, 1997, and ending		
7	June 30, 1998:		
8	1. For military operations -- Army national guard,		
9	grant number 12991:		
10	.....	\$	10,001,159
11	2. For superfund authorization, grant number		
12	83011:		
13	.....	\$	81,112
14	3. For state and local emergency operations		
15	centers, grant number 83512:		
16	.....	\$	3,000
17	4. For state disaster preparedness grants, grant		

18	number 83505:		
19	.....	\$	50,000
20	5. For state and local assistance, grant number		
21	83534:		
22	.....	\$	1,297,324
23	6. For disaster assistance, grant number 83516:		
24	.....	\$	4,754,643
25	7. For hazardous materials transport, grant number		
26	20703:		
27	.....	\$	97,222".
28	17. Page 22, line 35, by inserting after the word		
29	"law." the following: "The following amounts are		
30	appropriated to the Iowa department of public health		
31	for the fiscal year beginning July 1, 1997, and ending		
32	June 30, 1998:		
33	1. For women, infants, and children, grant number		
34	10557:		
35	.....	\$	32,430,973
36	2. For food and drug -- research grants, grant		
37	number 13103:		
38	.....	\$	16,176
39	3. For primary care services, grant number 13130:		
40	.....	\$	193,028
41	4. For health services -- grants and contracts,		
42	grant number 13226:		
43	.....	\$	184,782
44	5. For drug abuse research grant, grant number		
45	13279:		
46	.....	\$	50,243
47	6. For prevention disability, grant number 13283:		
48	.....	\$	57,080
49	7. For asbestos enforcement, grant number 66706:		
50	.....	\$	43,800

Page 12

1	8. For health programs for refugees, grant number		
2	13987:		
3	.....	\$	31,923
4	9. For radon control, grant number 66032:		
5	.....	\$	285,500
6	10. For toxic substance compliance monitoring,		
7	grant number 66701:		
8	.....	\$	166,030
9	11. For asbestos enforcement program, grant number		
10	66702:		
11	.....	\$	163,943
12	12. For drug-free schools -- communities, grant		
13	number 84186:		
14	.....	\$	777,521
15	13. For hazardous waste, grant number 66802:		
16	.....	\$	62,025

17	14. For regional delivery systems, grant number		
18	93110:		
19	.....	\$	175,582
20	15. For TB control -- elimination, grant number		
21	93116:		
22	.....	\$	231,568
23	16. For AIDS prevention project, grant number		
24	93118:		
25	.....	\$	426,761
26	17.-For physician education, grant number 93161:		
27	.....	\$	358,834
28	18. For childhood lead abatement, grant number		
29	93197:		
30	.....	\$	732,781
31	19. For family planning projects, grant number		
32	93217:		
33	.....	\$	614,500
34	20. For immunization program, grant number 93268:		
35	.....	\$	1,700,127
36	21. For needs assessment grant, grant number		
37	93283:		
38	.....	\$	910,189
39	22. For model programs for adolescents, grant		
40	number 93902:		
41	.....	\$	15,840
42	23. For rural health, grant number 93913:		
43	.....	\$	53,519
44	24. For HIV cares grants, grant number 93917:		
45	.....	\$	495,354
46	25. For trauma care, grant number 93953:		
47	\$	14,554
48	26. For preventive health services, grant number		
49	93977:		
50	\$	651,135

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1	27. For Aids prevention project, grant number		
2	93940:		
3	\$	1,309,595
4	28. For refugee health, grant number 93987:		
5	.....	\$	7,500
6	29. For breast and cervical cancer, grant number		
7	93919:		
8	.....	\$	1,591,544
9	30. For consumer protection safety, grant number		
10	87001:		
11	.....	\$	1,000
12	31. For federal emergency medical services for		
13	children, grant number 93127:		
14	.....	\$	45,473
15	32. For federal environmental protection agency,		

16	grant number 66000:		
17	.....	\$	25,000
18	33. For United States department of health and		
19	human services, grant number 13000:		
20	.....	\$	45,000
21	34. For United States department of health and		
22	human services, food and drug administration, grant		
23	number 13101:		
24	.....	\$	100,845
25	35. For federal environmental protection agency		
26	lead certification program, grant number 66707:		
27	.....	\$	276,551
28	36. Loan repayment, grant number 93165:		
29	.....	\$	75,000
30	37. Primary care services, grant number 93130:		
31	.....	\$	43,000
32	38. Nutrition education and training, grant number		
33	10564:		
34	.....	\$	53,128
35	39. Community scholarship, grant number 93931:		
36	.....	\$	36,000".
37	18. Page 23, line 8, by inserting after the word		
38	"law." the following: "The following amounts are		
39	appropriated to the department of public safety for		
40	the fiscal year beginning July 1, 1997, and ending		
41	June 30, 1998:		
42	1. For department of housing and urban		
43	development, grant number 14000:		
44	.....	\$	30,000
45	2. For department of justice, grant number 16000:		
46	.....	\$	837,789
47	3. For marijuana control, grant number 16580:		
48	.....	\$	58,000
49	4. For state and community highway safety, grant		
50	number 20600:		

Page 14

1	.....	\$	2,301,196.
2	19. Page 23, line 15, by inserting after the word		
3	"law." the following: "The following amounts are		
4	appropriated to the state board of regents for the		
5	fiscal year beginning July 1, 1997, and ending June		
6	30, 1998:		
7	1. For agricultural experiment, grant number		
8	10203:		
9	.....	\$	3,849,235
10	2. For cooperative extension service, grant number		
11	10500:		
12	.....	\$	8,150,000
13	3. For school breakfast program, grant number		
14	10553:		

15	.....	\$	9,800
16	4. For school lunch program, grant number 10555:		
17	.....	\$	204,358
18	5. For maternal and child health, grant number		
19	13110:		
20	.....	\$	131,901
21	6. For cancer treatment research, grant number		
22	13395:		
23	.....	\$	7,839
24	7. For general research, grant number 83500:		
25	.....	\$	240,557,904
26	8. For handicapped -- state grants, grant number		
27	84027:		
28	.....	\$	280,526
29	9. For rehabilitation services basic support,		
30	grant number 84126:		
31	.....	\$	51,608".
32	20. Page 24, line 35, by inserting after the word		
33	"law." the following: "The following amounts are		
34	appropriated to the state department of transportation		
35	for the fiscal year beginning July 1, 1997, and ending		
36	June 30, 1998:		
37	1. For airport improvement program -- federal		
38	aviation administration, grant number 20106:		
39	.....	\$	100,000
40	2. For highway research, plan and construction,		
41	grant number 20205:		
42	.....	\$	214,950,000
43	3. For motor carrier safety assistance, grant		
44	number 20217:		
45	.....	\$	50,000
46	4. For local rail service assistance, grant number		
47	20308:		
48	.....	\$	400,000
49	5. For urban mass transportation, grant number		
50	20507:		

Page 15

1 \$ 2,000,000".

TOM FLYNN

S—3142

- 1 Amend Senate Joint Resolution 9 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "incompetent" the following: "to vote".

PATRICK J. DELUHERY
MARY NEUHAUSER

RODNEY HALVORSON
ELAINE SZYMONIAK
MARY A. LUNDBY
ANDY McKEAN

S—3143

- 1 Amend Senate File 473 as follows:
- 2 1. Page 2, by striking lines 22 through 24 and
- 3 inserting the following:
- 4 "3. a. A person who owns an interest in land
- 5 within a designated agricultural drainage well area
- 6 shall not be eligible to participate in the program,
- 7 if the person is any of the following:
- 8 (1) A party to a pending legal or administrative
- 9 action, including a contested case proceeding under
- 10 chapter 17A, relating to an alleged violation
- 11 involving an animal feeding operation as regulated by
- 12 the department of natural resources, regardless of
- 13 whether the pending action is brought by the
- 14 department or the attorney general.
- 15 (2) Is classified as a".

STEWART IVERSON, JR.

S—3144

- 1 Amend Senate File 473 as follows:
- 2 1. Page 3, by striking line 20 and inserting the
- 3 following: "anaerobic lagoon or earthen manure
- 4 storage basin required to obtain a construction permit
- 5 by the department of natural resources."

WILMER RENSINK

S—3145

- 1 Amend Senate File 391 as follows:
- 2 1. Page 6, by striking lines 10 through 17.
- 3 2. By renumbering as necessary.

MARY LOU FREEMAN

S—3146

- 1 Amend Senate File 211 as follows:
- 2 1. Page 3, line 16, by striking the words
- 3 "salaried employee of" and inserting the following:
- 4 "person employed by".

RICHARD F. DRAKE
DERRYL McLAREN

15	\$	9,800
16	4. For school lunch program, grant number 10555:		
17	\$	204,358
18	5. For maternal and child health, grant number		
19	13110:		
20	\$	131,901
21	6. For cancer treatment research, grant number		
22	13395:		
23	\$	7,839
24	7. For general research, grant number 83500:		
25	\$	240,557,904
26	8. For handicapped -- state grants, grant number		
27	84027:		
28	\$	280,526
29	9. For rehabilitation services basic support,		
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32	20. Page 24, line 35, by inserting after the word		
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38	aviation administration, grant number 20106:		
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40	2. For highway research, plan and construction,		
41	grant number 20205:		
42	\$	214,950,000
43	3. For motor carrier safety assistance, grant		
44	number 20217:		
45	\$	50,000
46	4. For local rail service assistance, grant number		
47	20308:		
48	\$	400,000
49	5. For urban mass transportation, grant number		
50	20507:		

Page 15

1 \$ 2,000,000".

TOM FLYNN

S-3142

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PATRICK J. DELUHERY
 MARY NEUHAUSER

RODNEY HALVORSON
ELAINE SZYMONIAK
MARY A. LUNDBY
ANDY McKEAN

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- 6 shall not be eligible to participate in the program,
- 7 if the person is any of the following:
- 8 (1) A party to a pending legal or administrative
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- 11 involving an animal feeding operation as regulated by
- 12 the department of natural resources, regardless of
- 13 whether the pending action is brought by the
- 14 department or the attorney general.
- 15 (2) Is classified as a".

STEWART IVERSON, JR.

S—3144

- 1 Amend Senate File 473 as follows:
- 2 1. Page 3, by striking line 20 and inserting the
- 3 following: "anaerobic lagoon or earthen manure
- 4 storage basin required to obtain a construction permit
- 5 by the department of natural resources."

WILMER RENSINK

S—3145

- 1 Amend Senate File 391 as follows:
- 2 1. Page 6, by striking lines 10 through 17.
- 3 2. By renumbering as necessary.

MARY LOU FREEMAN

S—3146

- 1 Amend Senate File 211 as follows:
- 2 1. Page 3, line 16, by striking the words
- 3 "salaried employee of" and inserting the following:
- 4 "person employed by".

RICHARD F. DRAKE
DERRYL McLAREN

S—3147

1 Amend Senate File 246 as follows:

2 1. Page 6, by inserting after line 17 the
3 following:

4 "DIVISION IV
5 DEFINITIONS

6 Sec. ____ Section 321.1, subsection 4, Code 1997,
7 is amended to read as follows:

8 4. "All-terrain vehicle" means a motor vehicle
9 designed to travel on three or more wheels and
10 designed primarily for off-road recreational use but
11 not including farm tractors or equipment, construction
12 equipment, forestry vehicles, or lawn and grounds
13 maintenance vehicles.

14 Sec. ____ Section 321G.1, subsection 1, Code 1997,
15 is amended to read as follows:

16 1. "All-terrain vehicle" means a motorized
17 flotation-tire vehicle with not less than three low
18 pressure tires, but not more than six low pressure
19 tires, or a two-wheeled off-road motorcycle, that is
20 limited in engine displacement to less than eight
21 hundred cubic centimeters and in total dry weight to
22 less than seven hundred fifty pounds and that has a
23 seat or saddle designed to be straddled by the
24 operator and handlebars for steering control."

25 2. Title page, line 1, by inserting after the
26 word "vehicles" the following: "including the
27 definition of all-terrain vehicle and".

28 3. By renumbering as necessary.

BILL FINK

S—3148

1 Amend the amendment, S—3141, to Senate File 240, as
2 follows:

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

5 " ____ Page 15, by inserting after line 35 the
6 following:

7 "3. If funds received from the federal government
8 for a specific grant number specified in this Act is
9 less than the amount appropriated, the amount
10 appropriated shall be reduced accordingly. An annual
11 report listing any such appropriation reduction shall
12 be submitted to the fiscal committee of the
13 legislative council."

14 ____ Page 16, by inserting after line 12 the
15 following:

16 "3. If funds received from the federal government
17 for a specific grant number specified in this Act

18 exceeds the amount appropriated, the excess amount is
 19 appropriated for the purpose designated in the
 20 appropriation. An annual report listing any such
 21 excess appropriations shall be submitted to the fiscal
 22 committee of the legislative council.””
 23 2. By renumbering as necessary.

TOM FLYNN
 MAGGIE TINSMAN
 DERRYL McLAREN

S—3149

1 Amend Senate File 488 as follows:
 2 1. By striking page 1, line 12, through page 2,
 3 line 30, and inserting the following:
 4 “2. A blufflands protection revolving fund is
 5 created in the state treasury. The proceeds of the
 6 revolving fund are appropriated to make loans to
 7 conservation organizations which agree to purchase
 8 conservation easements on blufflands along the
 9 Mississippi river or to purchase blufflands along the
 10 Mississippi river for resale with restrictive
 11 covenants attached to the property. The
 12 administrative director of the division of soil
 13 conservation shall administer the revolving fund.
 14 Notwithstanding section 12C.7, interest or earnings on
 15 investments made pursuant to this section or as
 16 provided in section 12B.10 shall be credited to the
 17 blufflands protection revolving fund. Notwithstanding
 18 section 8.33, unobligated or unencumbered funds
 19 credited to the blufflands protection revolving fund
 20 shall not revert at the close of a fiscal year.
 21 However, the maximum balance in the blufflands
 22 protection fund shall not exceed two million five
 23 hundred thousand dollars. Any funds in excess of two
 24 million five hundred thousand dollars shall be
 25 credited to the general fund of the state.
 26 3. The administrative director of the division
 27 shall establish a blufflands protection program to
 28 demonstrate creative land protection techniques and
 29 encourage private landowners to protect the natural
 30 beauty of the blufflands along the Mississippi river.
 31 The commissioners of each soil and water conservation
 32 district which has a boundary which is coterminous
 33 with the Mississippi river shall cooperate with and
 34 assist the director in administering the blufflands
 35 protection program within their respective districts.
 36 The director shall provide, by rule, for a uniform
 37 application form, the content of the form, provisions
 38 for a loan agreement model conservation easement and
 39 restrictive covenant requirements for blufflands, and

40 minimum qualifications of conservation organizations
41 which are eligible to participate in the blufflands
42 protection program. The administrative director shall
43 specify the eligible purposes for which a loan
44 authorized under this section can be expended
45 including, but not limited to, the purchase of
46 blufflands, the acquisition of conservation easements
47 on blufflands, the establishment of landowner
48 associations, payment for loss of land value due to
49 restrictive covenants, and payment for administrative
50 and legal costs.

Page 2

1 4. An applicant for a loan from the blufflands
2 protection revolving fund shall apply to the soil and
3 water conservation district of the county in which the
4 bluffland is located. The application shall be on
5 forms prepared by the division and shall include the
6 information required by rule of the division. Each
7 conservation organization which applies for a loan
8 under this section shall demonstrate its financial
9 capability to qualify for a loan to the commissioners
10 and its commitment to natural resource protection and
11 appropriate development. If there is a loss of value
12 of a blufflands protection project funded under this
13 section resulting from restrictive covenants, the
14 conservation organization shall be forgiven seventy-
15 five percent of the amount of the loss not exceeding
16 the amount of the loan. If a loan is used to purchase
17 a conservation easement on a blufflands protection
18 project, the conservation organization shall be
19 forgiven seventy-five percent of the loan. The
20 application shall be reviewed and feasibility of the
21 proposed project shall be investigated by the
22 commissioners of the district and its report and
23 recommendation shall be sent to the administrative
24 director and the committee for approval."

MIKE CONNOLLY

S-3150

- 1 Amend Senate File 391 as follows:
- 2 1. Page 8, by inserting after line 33 the
- 3 following:
- 4 "Sec. __. 1996 Iowa Acts, chapter 1218, section
- 5 55, subsection 3, is repealed."
- 6 2. By renumbering as necessary.

ALLEN BORLAUG
DERRYL McLAREN
MICHAEL E. GRONSTAL

S-3151

- 1 Amend Senate File 296 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "any" the following: "medical".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "payable" the following: "or awarded".

DICK L. DEARDEN

S-3152

- 1 Amend House File 212, 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 18.12, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 19A. Determine, in cooperation
- 8 with the city of Des Moines, the amount to be paid as
- 9 reimbursement to the city of Des Moines for the police
- 10 and fire protection provided by the city for state-
- 11 owned buildings and facilities located in the city
- 12 within or without the capitol complex, including
- 13 state-owned buildings and facilities at the state
- 14 fairgrounds. There is appropriated from the general
- 15 fund of the state for each fiscal year the amount
- 16 determined pursuant to this subsection for reimbursing
- 17 the city for providing the police and fire
- 18 protection."
- 19 2. Title page, line 2, by inserting after the
- 20 word "enclosure" the following: "and for payment in
- 21 lieu of property tax for police and fire protection
- 22 for state buildings".

MATT McCOY

S-3153

- 1 Amend Senate File 246 as follows:
- 2 1. Page 5, by striking lines 15 through 18 and
- 3 inserting the following: "registration. ~~A person who~~
- 4 ~~purchases an all-terrain vehicle or snowmobile from a~~
- 5 ~~dealer shall, within five days of the purchase, apply~~
- 6 ~~for an all-terrain vehicle or snowmobile registration~~
- 7 ~~or transfer of registration. A snowmobile or all-~~
- 8 terrain vehicle dealer".
- 9 2. Page 5, line 20, by inserting after the word
- 10 "snowmobile" the following: "or all-terrain vehicle".
- 11 3. Page 5, line 32, by striking the words "~~er~~
- 12 ~~snowmobile~~" and inserting the following: "or
- 13 snowmobile".

- 14 4. Page 5, line 34, by striking the words "ten
15 dollars" and inserting the following: "ten-dollars
16 twelve dollars and fifty cents".
17 5. By striking page 5, line 35, through page 6,
18 line 3, and inserting the following: "the
19 registration period."

MERLIN E. BARTZ

S-3154

- 1 Amend Senate File 503 as follows:
2 1. By striking page 13, line 23, through page 14,
3 line 9.
4 2. Title page, lines 13 and 14, by striking the
5 words "providing restitution for death of a victim of
6 a crime,".
7 3. By renumbering as necessary.

TOM VILSACK

S-3155

- 1 Amend Senate File 367 as follows:
2 1. Page 2, line 25, by inserting after the words
3 "real estate" the following: " unless such broker or
4 salesperson is informed by the current seller that the
5 broker or salesperson is authorized to disclose such
6 confidential information that the transferred real
7 estate is or might be psychologically impacted real
8 estate and failed to disclose such information".

WILLIAM D. PALMER
MERLIN BARTZ

S-3156

- 1 Amend Senate File 395 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "Section ____ Section 96.19, subsection 18,
5 paragraph a, subparagraph (6), subparagraph
6 subdivision (f), Code 1997, is amended by striking the
7 subparagraph subdivision.
8 Sec. ____ Section 96.19, subsection 18, paragraph
9 g, Code 1997, is amended by adding the following new
10 subparagraph:
11 NEW SUBPARAGRAPH (8) Services performed by an
12 inmate of a custodial or penal institution."
13 2. Title page, line 3, by inserting after the
14 word "benefits," the following: "unemployment

- 15 compensation for inmates.”
16 3. By renumbering as necessary.

JACK RIFE

S—3157

- 1 Amend Senate File 421 as follows:
2 1. Page 1, by inserting before line 31 the
3 following:
4 “Sec. ____ Section 910A.18, Code 1997, is amended
5 to read as follows:
6 910A.18 IMMUNITY -- ACTION IN TORT.
7 1. This chapter does not create a civil cause of
8 action and a person is not liable for damages
9 resulting from an act or omission in regard to any
10 responsibility or authority created by this chapter,
11 and such acts or omissions shall not be used in any
12 proceeding for damages. This section does not apply
13 to acts or omissions which constitute a willful and
14 wanton disregard for the rights or safety of another.
15 2. Notwithstanding subsection 1, a victim shall
16 have a cause of action pursuant to the provisions of
17 chapters 669 and 670 for a violation of the right
18 granted under section 910A.2, subsection 2. The
19 minimum award in such a cause of action shall be one
20 thousand dollars.”
21 2. By renumbering as necessary.

TOM VILSACK

S—3158

- 1 Amend Senate File 498 as follows:
2 1. Page 1; line 8, by inserting after the word
3 “forwarded” the following: “by the department”.

PATRICK J. DELUHERY

S—3159

- 1 Amend Senate File 256 as follows:
2 1. Page 1, line 10, by striking the word “six”
3 and inserting the following: “twenty”.
4 2. Page 1, line 12, by inserting after the word
5 “conditions.” the following: “However, a member of
6 the reserve forces of the United States who completed
7 a minimum aggregate of ninety days of active federal
8 service, other than training, and was discharged under
9 honorable conditions, or was retired under Title X of
10 the United States Code shall be included as a
11 veteran.”

- 12 3. Page 1, line 14, by striking the word "six"
13 and inserting the following: "twenty".
14 4. Page 1, line 15, by inserting after the word
15 "conditions." the following: "However, a member of
16 the Iowa national guard who was activated for federal
17 duty, other than training, for a minimum aggregate of
18 ninety days, and was discharged under honorable
19 conditions or was retired under Title X of the United
20 States Code shall be included as a veteran."
21 5. Page 3, line 5, by striking the words
22 "executive director" and inserting the following:
23 "commission".

JOHN P. KIBBIE
RICHARD F. DRAKE
STEWART IVERSON, JR.
PATTY JUDGE

S—3160

- 1 Amend House File 212, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting before line 5 the
4 following:
5 "If the property subject to tax under this
6 subsection is owned by a county, the maximum rate of
7 tax on gambling game receipts at the racetrack and
8 racetrack enclosure is twenty-two percent."

JACK RIFE

S—3161

- 1 Amend Senate File 362 as follows:
2 1. Page 1, line 21, by striking the word
3 "WILDLIFE" and inserting the following: "WILD
4 ANIMAL".
5 2. Page 1, line 22, by striking the word
6 "wildlife" and inserting the following: "wild
7 animal".
8 3. Page 1, line 24, by striking the word
9 "wildlife" and inserting the following: "wild
10 animal".
11 4. Page 1, line 26, by inserting after the word
12 "resources." the following: "The department shall
13 issue depredation permits as necessary to reduce crop
14 and nursery damage due to wild animals. The criteria
15 for obtaining depredation permits shall be established
16 in rules adopted pursuant to chapter 17A."
17 5. Page 1, line 33, by striking the word
18 "wildlife" and inserting the following: "wild
19 animals".

- 20 6. Page 2, line 3, by striking the word
 21 "wildlife" and inserting the following: "wild
 22 animal".
 23 7. Title, line 1, by striking the word "wildlife"
 24 and inserting the following: "wild animal".

MARY LUNDBY

S—3162

- 1 Amend Senate File 361 as follows:
 2 1. Page 2, line 20, by striking the words "a
 3 public school corporation" and inserting the
 4 following: "an eligible postsecondary institution as
 5 defined in section 261C.3, subsection 1, a school
 6 corporation."
 7 2. Page 2, lines 21 and 22, by striking the words
 8 "a public school corporation" and inserting the
 9 following: "the eligible postsecondary institution,
 10 school corporation."
 11 3. Page 2, line 23, by striking the words "as
 12 described" and inserting the following: "that
 13 includes, but is not limited to, the components
 14 provided for".
 15 4. Page 2, line 24, by inserting after the word
 16 and figure "subsection 2" the following: "
 17 paragraphs "a" through "f".
 18 5. Page 2, line 26, by striking the words
 19 "student's district of residence" and inserting the
 20 following: "receiving district".
 21 6. Page 2, line 27, by striking the words "as
 22 described" and inserting the following: "that
 23 includes, but is not limited to, the components
 24 provided for".
 25 7. Page 2, line 28, by inserting after the word
 26 and figure "subsection 2" the following: "
 27 paragraphs "a" through "f".
 28 8. Page 3, by striking line 2 and inserting the
 29 following: "to-work program that includes, but is not
 30 limited to, the components provided for in section
 31 258.10, subsection 2, paragraphs "a" through "f".

JIM LIND

S—3163

- 1 Amend Senate File 246 as follows:
 2 1. Page 6, by inserting after line 17 the
 3 following:
 4 "Sec. ____ Section 321G.7, unnumbered paragraph 2,
 5 Code 1997, is amended to read as follows:
 6 The department shall remit the fees to the

7 treasurer of state, who shall place the money in a
8 special conservation fund. The special conservation
9 fund shall include moneys transferred pursuant to
10 section 452A.83. The money is appropriated to the
11 department for the all-terrain vehicle and snowmobile
12 programs of the state. All-terrain vehicle fees shall
13 be used only for all-terrain vehicle programs and
14 snowmobile fees shall be used only for snowmobile
15 programs. Joint programs shall be supported from both
16 types of fees on a usage basis. The all-terrain
17 vehicle and snowmobile programs shall include grants,
18 subgrants, contracts, or cost-sharing of all-terrain
19 vehicle and snowmobile programs with political
20 subdivisions or incorporated private organizations or
21 both in accordance with rules adopted by the
22 commission. All all-terrain vehicle programs using
23 cost-sharing, grants, subgrants, or contracts shall
24 establish and implement a safety instruction program
25 either singly or in cooperation with other all-terrain
26 vehicle programs. At least fifty percent of the
27 special fund shall be available for political
28 subdivisions or incorporated private organizations or
29 both. Moneys from the special fund not used by the
30 political subdivisions or incorporated private
31 organizations or both shall remain in the all-terrain
32 vehicle or snowmobile accounts. The department may
33 use funds from these accounts for the administration
34 of the all-terrain vehicle and snowmobile programs.

35 Sec. ____ Section 452A.79, Code 1997, is amended
36 by adding the following new unnumbered paragraph:
37 NEW UNNUMBERED PARAGRAPH. All moneys derived from
38 the excise tax on the sale of motor fuel used in all-
39 terrain vehicles and snowmobiles shall be deposited in
40 the special conservation fund established under
41 section 321G.7.

42 Sec. ____ NEW SECTION. 452A.83 TRANSFER TO
43 SPECIAL CONSERVATION FUND.

44 The treasurer of state shall transfer from the
45 motor fuel tax fund to the special conservation fund
46 established under section 321G.7 that portion of the
47 moneys collected under this chapter which are
48 attributable to motor fuel used in all-terrain
49 vehicles and snowmobiles, computed as follows:

50 1. Determine annually, during the first full

Page 2

- 1 business week in April, the total number of all-
- 2 terrain vehicles and snowmobiles which are registered
- 3 in the state.
- 4 2. Multiply the product of the total number of
- 5 registered all-terrain vehicles and snowmobiles and

- 6 fifty gallons times the amount of the excise tax
 7 charged per gallon of motor fuel to obtain the total
 8 amount of excise tax paid on all-terrain vehicle and
 9 snowmobile fuel.
- 10 3. Subtract from the total amount of excise tax
 11 paid on all-terrain vehicle and snowmobile fuel an
 12 amount which represents three percent of the total tax
 13 paid on all-terrain vehicle and snowmobile fuel, for
 14 payment of the administrative costs, which shall be
 15 allocated to the department of natural resources for
 16 administration of all-terrain vehicle and snowmobile
 17 programs."
- 18 2. Title page, line 2, by striking the word
 19 "increasing" and inserting the following: "providing
 20 for".
- 21 3. By renumbering as necessary.

JOHN P. KIBBIE

S-3164

- 1 Amend Senate File 221 as follows:
 2 1. Page 1, by striking lines 7 through 10 and
 3 inserting the following: "place on the first day of
 4 March, ~~except in cases of mere croppers, whose leases~~
 5 ~~shall be held to expire when the crop is harvested; if~~
 6 ~~the crop is corn, it shall not be later than the first~~
 7 ~~day of December, unless otherwise agreed upon to by~~
 8 the parties."

JEFF ANGELO
TOM VILSACK

S-3165

- 1 Amend Senate File 472 as follows:
 2 1. Page 1, line 3, by inserting before the word
 3 "A" the following: "1. a."
 4 2. Page 1, line 9, by striking the words "The
 5 person".
 6 3. Page 1, line 10, by inserting before the word
 7 "shall" the following:
 8 "b. A person".
 9 4. Page 1, by inserting after line 16 the
 10 following:
 11 "2. This section shall not prohibit a person from
 12 completing the construction or expansion of an animal
 13 feeding operation structure if the person has obtained
 14 a permit for the construction or expansion of the
 15 animal feeding operation structure or the person is

16 not required to obtain a permit for the structure's
17 construction or expansion."

WILMER RENSINK

S—3166

- 1 Amend Senate File 449 as follows:
- 2 1. Page 2, by striking lines 14 and 15.
- 3 2. By renumbering as necessary.

ELAINE SZYMONIAK
JIM LIND
MAGGIE TINSMAN

S—3167

- 1 Amend Senate File 296 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. PAYMENT OF MEDICAL SERVICES TASK
- 5 FORCE. The industrial commissioner of the department
- 6 of workforce development shall establish a task force
- 7 to study and make recommendations concerning the issue
- 8 of the liability for payment for medical services
- 9 received by an employee where an employer denies
- 10 liability under the workers' compensation laws of this
- 11 state for such payment and a nonoccupational health
- 12 care plan covering the employee also denies liability
- 13 for payment. The members of the task force shall
- 14 include, but are not limited to, the insurance
- 15 commissioner and representatives of labor, business,
- 16 the health insurance industry, medical care providers,
- 17 and interested members of the legal profession. The
- 18 industrial commissioner shall submit a report
- 19 concerning the task force, including any
- 20 recommendations made, to the general assembly on or
- 21 before February 15, 1998."
- 22 2. Title page, by striking lines 1 and 2 and
- 23 inserting the following: "An Act establishing a task
- 24 force concerning the liability for payment of medical
- 25 services provided to an employee when workers'
- 26 compensation coverage is disputed."

MARY NEUHAUSER
MARY KRAMER

S—3168

- 1 Amend Senate File 398 as follows:
- 2 1. Page 1, by striking lines 1 through 19 and
- 3 inserting the following:

4 "Section 1. Section 556F.8, Code 1997, is amended
5 to read as follows:

6 556F.8 ADVERTISEMENT.

7 ~~The finder of such lost goods, money, bank notes,~~
8 ~~or other things, shall forthwith auditor shall give~~
9 written notice of the finding of such property. Such
10 ~~The~~ notice shall contain an accurate description of
11 the property and a statement as to the time when and
12 place where the ~~same property~~ was found, ~~and the post-~~
13 ~~office address of the finder. Said The~~ notice shall
14 be made as follows:

15 1. Be ~~Notice shall be~~ posted at the door, ~~or other~~
16 ~~conspicuous place,~~ of the courthouse in the county in
17 which the property was found ~~and in three other of the~~
18 ~~most public places in the said county; and,~~
19 2. ~~In case~~ If the property found ~~shall exceed ten~~
20 ~~exceeds five hundred dollars in value as determined by~~
21 ~~the auditor, in addition to the notice provided under~~
22 ~~subsection 1,~~ the notice shall be published once each
23 week for three consecutive weeks in some newspaper
24 published in and having general circulation in said
25 the county.

26 Sec. ____ Section 556F.9, Code 1997, is amended to
27 read as follows:

28 556F.9 RECORD OF PUBLICATION.

29 Proof of publication of said notice ~~and of the~~
30 ~~posting thereof~~ shall be made by ~~affidavits~~ affidavit
31 of the publisher ~~and the person posting said notices~~
32 ~~of the notice,~~ and ~~said affidavits~~ the affidavit shall
33 be filed in the office of the county auditor of said
34 the county.

35 Sec. ____ Section 556F.14, Code 1997, is amended
36 to read as follows:

37 556F.14 COSTS, CHARGES AND CARE -- ASSESSMENT.

38 The owner shall also be required to pay the finder
39 ~~or auditor~~ all such costs and charges as may have been
40 paid by the finder ~~or auditor~~ for services rendered as
41 aforesaid, including the cost of publication, together
42 with reasonable charges for keeping and taking care of
43 such property, which last mentioned charge, in case
44 the finder and the owner cannot agree, shall be
45 assessed by two disinterested householders of the
46 neighborhood, to be appointed by some magistrate ~~judge~~
47 of the proper county, whose decision, when made, shall
48 be binding and conclusive on all parties."

49 2. By renumbering as necessary.

PATRICK J. DELUHERY
MATT McCOY
O. GENE MADDOX
MARY E. KRAMER
WILLIAM D. PALMER

ELAINE SZYMONIAK
SHELDON RITTMER

S—3169

- 1 Amend Senate File 473 as follows:
- 2 1. Page 4, by inserting after line 2 the
- 3 following:
- 4 "____. "Sinkhole" means any unconstructed
- 5 depression caused by the dissolution or collapse of
- 6 subterranean materials in a carbonate formation,
- 7 gypsum, or rock salt deposits through which water may
- 8 be drained into groundwater. The depression is not
- 9 required to be open to the land's surface, and may
- 10 hold water forming a pond.
- 11 ____ "Sinkhole drainage area" means an area of
- 12 land where surface or subsurface water drains into a
- 13 sinkhole."
- 14 2. Page 7, line 12, by inserting after the word
- 15 "area" the following: "or sinkhole drainage area".

JAMES BLACK

S—3170

- 1 Amend Senate File 473 as follows:
- 2 1. Page 4, line 12, by striking the figure "1998"
- 3 and inserting the following: "1999".

JAMES BLACK

S—3171

- 1 Amend Senate File 473 as follows:
- 2 1. Page 5, line 23, by inserting after the word
- 3 "section." the following: "The guidelines shall not
- 4 affect the authority of a county or drainage district
- 5 to designate a person to perform inspections."

JAMES BLACK

S—3172

- 1 Amend Senate File 395 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ Section 96.6, subsection 4, Code 1997,
- 5 is amended to read as follows:
- 6 4. EFFECT OF DETERMINATION. A finding of fact or
- 7 law, judgment, conclusion, or final order made
- 8 pursuant to this section by an employee or
- 9 representative of the department, administrative law

10 judge, or the employment appeal board, is binding,
 11 except as provided in subsection 5, only upon the
 12 parties to proceedings brought under this chapter, and
 13 is not binding upon any other proceedings or action
 14 involving the same facts brought by the same or
 15 related parties before the division of labor services,
 16 division of industrial services, other state agency,
 17 arbitrator, court, or judge of this state or the
 18 United States.

19 Sec. ____ Section 96.6, Code 1997, is amended by
 20 adding the following new subsection:

21 **NEW SUBSECTION. 5. WAIVER.** The director shall
 22 establish a procedure for an individual to petition
 23 the director for a waiver of a requirement of this
 24 chapter that resulted in a denial of benefits to the
 25 individual if the individual can establish good cause
 26 for the waiver. An individual shall not be required
 27 to seek a waiver pursuant to this subsection for
 28 purposes of seeking judicial review of agency action.
 29 If a waiver is granted by the director, the decision
 30 granting a waiver is final agency action and an appeal
 31 of the decision shall be made directly to the district
 32 court."

33 2. Title page, line 2, by striking the words "the
 34 offsetting of".

35 3. By renumbering as necessary.

JIM LIND

S—3173

1 Amend Senate File 472 as follows:

2 1. Page 1, by striking lines 5 through 9 and
 3 inserting the following: "operation, if the person is
 4 a party to a pending legal or administrative action,
 5 including a contested case proceeding under chapter
 6 17A, relating to an alleged violation involving an
 7 animal feeding operation as regulated by the
 8 department of natural resources, regardless of whether
 9 the pending action is brought by the department or the
 10 attorney general. A person".

TOM VILSACK

S—3174

1 Amend Senate File 425 as follows:

2 1. Page 1, line 5, by inserting after the word
 3 "way," the following: "of a reasonable width".
 4 2. Page 1, line 6, by striking the words "less
 5 than" and inserting the following: "to exceed".
 6 3. Page 1, by striking lines 8 and 9 and

7 inserting the following: "be located on a division,
 8 subdivision or "forty" line, or immediately adjacent
 9 thereto, and along the line which is the".
 10 4. Page 1, by striking lines 27 through 29 and
 11 inserting the following:
 12 "A public way condemned under this subsection shall
 13 not be considered an existing public road in
 14 subsequent condemnations to provide a public way for
 15 access to an existing public road."
 16 5. Page 2, line 4, by inserting after the figure
 17 "679A," the following: "On appeal, the condemner
 18 shall establish that the interest of the condemner in
 19 establishing the public way is greater than the
 20 interest of the present owner or lessee of the
 21 condemned land."

KITTY REHBERG

S-3175

1 Amend Senate File 472 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 455B.161, Code 1997, is
 5 amended by adding the following new subsections:
 6 NEW SUBSECTION. 17A. "Qualified animal feeding
 7 operation structure" means an animal feeding operation
 8 structure other than a single-stage anaerobic lagoon
 9 or earthen manure storage basin.
 10 NEW SUBSECTION. 18A. "Single-stage anaerobic
 11 lagoon" means an anaerobic lagoon that uses a single
 12 impoundment in the process of stabilizing organic
 13 wastes which are stored in the impoundment.
 14 Sec. 2. Section 455B.162, unnumbered paragraph 1,
 15 Code 1997, is amended by striking the unnumbered
 16 paragraph.
 17 Sec. 3. Section 455B.162, subsection 1, unnumbered
 18 paragraph 1, Code 1997, is amended by striking the
 19 unnumbered paragraph and inserting in lieu thereof the
 20 following:
 21 Except as provided in this section, the following
 22 tables shall apply to animal feeding operation
 23 structures constructed or expanded on or after May 31,
 24 1995, but prior to the effective date of this Act:
 25 Sec. 4. Section 455B.162, Code 1997, is amended by
 26 adding the following new subsections:
 27 NEW SUBSECTION. 1A. A single-stage anaerobic
 28 lagoon or earthen manure storage basin shall not be
 29 constructed or expanded on or after the effective date
 30 of this Act. Except as provided in this section, the
 31 following tables shall apply to qualified animal
 32 feeding operation structures constructed or expanded

33 on or after the effective date of this Act:

34 a. The following table represents the minimum
 35 separation distance in feet required between a
 36 qualified animal feeding operation structure and a
 37 residence not owned by the owner of the animal feeding
 38 operation, or a commercial enterprise, bona fide
 39 religious institution, or an educational institution:

40	Minimum	Minimum	Minimum
41	separation	separation	separation
42	distance in	distance in	distance in
43	feet for	feet for	feet for
44	operations	operations	operations
45	having an	having an	having an
46	animal	animal	animal
47	weight	weight	weight
48	capacity of	capacity of	capacity of
49	operations	625,000 or	operations
50	having an	more pounds	operations

Page 2

1	animal	but less than	having an
2	weight	1,250,000	animal
3	capacity of	pounds for	weight
4	less than	animals other	capacity of
5	625,000	than bovine,	1,250,000 or
6	pounds for	or 1,600,000	more pounds
7	animals other	or more	for animals
8	than bovine,	pounds but	other than
9	or less than	less than	bovine, or
10	1,600,000	4,000,000	4,000,000 or
11	pounds for	pounds for	more pounds
12	<u>Type of structure</u>	<u>bovine</u>	<u>for bovine</u>
13	Multiple-stage		
14	anaerobic		
15	lagoon	1,250	1,875
16	Uncovered formed		2,500
17	manure storage		
18	structure	1,000	1,500
19	Covered formed		2,000
20	manure storage		
21	structure	750	1,000
22	Confinement		1,500
23	building	750	1,000
24	Egg washwater		1,500
25	storage structure	750	1,000

26 b. The following table represents the minimum
 27 separation distance in feet required between a
 28 qualified animal feeding operation structure and a
 29 public use area or a residence not owned by the owner
 30 of the animal feeding operation, a commercial
 31 enterprise, a bona fide religious institution, or an

32 educational institution located within the corporate
33 limits of a city:

34			Minimum	
35			separation	
36			distance in	
37			feet for	
38			operations	
39			having an	
40	Minimum	animal	weight	Minimum
41	separation	weight	capacity of	separation
42	distance in	feet for	625,000 or	distance in
43	feet for	operations	more pounds	feet for
44	operations	having an	but less than	operations
45	having an	animal	1,250,000	having an
46	animal	weight	pounds for	animal
47	weight	capacity of	animals other	weight
48	capacity of	less than	than bovine,	capacity of
49	625,000	pounds for	or 1,600,000	1,250,000 or
50	pounds for			more pounds

Page 3

1	animals other	or more	for animals
2	than bovine,	pounds but	other than
3	or less than	less than	bovine, or
4	1,600,000	4,000,000	4,000,000 or
5	pounds for	pounds for	more pounds
6	<u>Type of structure</u>	<u>bovine</u>	<u>for bovine</u>

7	<u>Qualified animal</u>		
8	feeding operation		
9	structure	1,250	1,875
			2,500

10 NEW SUBSECTION. 3. An animal feeding operation
11 structure constructed prior to May 31, 1995, may be
12 expanded only as provided in section 455B.163.

13 Sec. 5. Section 455B.163, unnumbered paragraph 1,
14 Code 1997, is amended to read as follows:

15 An animal feeding operation structure constructed
16 prior to the applicability of a requirement in section
17 455B.162, which does not comply with the distance
18 requirements of section 455B.162 on May 31, 1995
19 requirement, may continue to operate regardless of
20 those separation distances the requirement. The
21 animal feeding operation may be expanded on or after
22 May 31, 1995, regardless of those separation distances
23 at any time, if either all of the following applies
24 apply:

25 Sec. 6. Section 455B.163, Code 1997, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 3. The animal feeding operation
28 structure is a qualified animal feeding operation
29 structure.

30 Sec. 7. Section 455B.173, subsection 13, Code

31 1997, is amended to read as follows:

32 13. a. Adopt, modify, or repeal rules relating to
33 the construction or operation of animal feeding
34 operations. The rules shall include, but are not
35 limited to, minimum manure control requirements,
36 requirements for obtaining permits, and departmental
37 evaluations of animal feeding operations. The
38 department shall not require that a person obtain a
39 permit for the construction of an animal feeding
40 operation structure, if the structure is part of a
41 small animal feeding operation.

42 b. The department shall collect an indemnity fee
43 as provided in section 204.3 prior to the issuance of
44 a construction permit. The department shall deposit
45 moneys collected in indemnity fees in the manure
46 storage indemnity fund created in section 204.2.

47 c. The department shall not approve a permit for
48 the construction of three or more animal feeding
49 operation structures unless the applicant files a
50 statement approved by a professional engineer

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1 registered pursuant to chapter 542B certifying that
2 the construction of the animal feeding operation
3 structure will not impede the drainage through
4 established drainage tile lines which cross property
5 boundary lines unless measures are taken to
6 reestablish the drainage prior to completion of
7 construction. ~~The department shall deposit moneys~~
8 ~~collected in indemnity fees in the manure storage~~
9 ~~indemnity fund created in section 204.2. The~~
10 department shall not approve a permit for the
11 construction of an animal feeding operation structure
12 other than a qualified animal feeding operation
13 structure.

14 d. The department shall issue a permit for an
15 animal feeding operation, if an application is
16 submitted according to procedures required by the
17 department, and the application meets standards
18 established by the department, regardless of whether
19 the animal feeding operation is required to obtain
20 such a permit. An applicant for a construction permit
21 shall not begin construction at the location of a site
22 planned for the construction of an animal feeding
23 operation structure, until the person has been granted
24 a permit for the construction of the structure by the
25 department. 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 permit. However, the
29 sixty-day requirement shall not apply to an

30 application, if the applicant is not required to
31 obtain a permit in order to construct an animal
32 feeding operation structure or to operate an animal
33 feeding operation. The department shall deliver a
34 copy or require the applicant to deliver a copy of the
35 application for a construction permit to the county
36 board of supervisors in the county where the
37 confinement feeding operation or confinement feeding
38 operation structure subject to the permit is to be
39 located. The department shall not approve the
40 application or issue a construction permit until
41 thirty days following delivery of the application to
42 the county board of supervisors. The department shall
43 consider comments from the county board of
44 supervisors, regarding compliance by the applicant
45 with the legal requirements for the construction of
46 the confinement feeding operation structure as
47 provided in this chapter, and rules adopted by the
48 department pursuant to this chapter, if the comments
49 are delivered to the department within fourteen days
50 after receipt of the application by the county board

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1 of supervisors.

2 e. Prior to granting a permit to a person for the
3 construction of an animal feeding operation, the
4 department may require the installation and operation
5 of a hydrological monitoring system for an exclusively
6 earthen manure storage structure, if, after an on-site
7 inspection, the department determines that the site
8 presents an extraordinary potential for groundwater
9 pollution.

10 f. A person shall not obtain a permit for the
11 construction of a confinement feeding operation,
12 unless the person develops a manure management plan as
13 provided in section 455B.203.

14 g. The department shall not issue a permit to a
15 person under this subsection if an enforcement action
16 by the department, relating to a violation of this
17 chapter concerning a confinement feeding operation in
18 which the person has an interest, is pending. The
19 department shall not issue a permit to a person under
20 this subsection for five years after the date of the
21 last violation committed by a person or confinement
22 feeding operation in which the person holds a
23 controlling interest during which the person or
24 operation was classified as a habitual violator under
25 section 455B.191. The department shall conduct an
26 annual review of each confinement feeding operation
27 which is a habitual violator and each confinement
28 feeding operation in which a habitual violator holds a

29 controlling interest. The department shall notify
30 persons classified as habitual violators of their
31 classification, additional restrictions imposed upon
32 the persons pursuant to the classification, and
33 special civil penalties that may be imposed upon the
34 persons. The notice shall be sent to the persons by
35 certified mail."

36 2. Title page, line 1, by inserting after the
37 word "Act" the following: "relating to animal feeding
38 operations, by regulating animal feeding operation
39 structures and".

40 3. By renumbering as necessary.

JOHN P. KIBBIE

S-3176

1 Amend Senate File 472 as follows:

2 1. Page 1, by inserting after line 16 the
3 following:

4 "Sec. ____ Section 657.11, Code 1997, is
5 repealed."

6 2. Title page, line 1, by inserting after the
7 word "Act" the following: "relating to animal feeding
8 operation structures, by".

9 3. Title page, line 3, by inserting after the
10 word "structure" the following: "and eliminating
11 protection against nuisance suits".

PATTY JUDGE

S-3177

1 Amend Senate File 472 as follows:

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

4 "Sec. ____ Section 455B.173, subsection 13, Code
5 1997, is amended to read as follows:

6 13. Adopt, modify, or repeal rules relating to the
7 construction or operation of animal feeding
8 operations. The rules shall include, but are not
9 limited to, minimum manure control requirements,
10 requirements for obtaining permits, and departmental
11 evaluations of animal feeding operations. The
12 department shall not require that a person obtain a
13 permit for the construction of an animal feeding
14 operation structure, if the structure is part of a
15 small animal feeding operation. The department shall
16 collect an indemnity fee as provided in section 204.3
17 prior to the issuance of a construction permit. The
18 department shall not approve a permit for the
19 construction of three or more animal feeding operation

20 structures unless the applicant files a statement
21 approved by a professional engineer registered
22 pursuant to chapter 542B certifying that the
23 construction of the animal feeding operation structure
24 will not impede the drainage through established
25 drainage tile lines which cross property boundary
26 lines unless measures are taken to reestablish the
27 drainage prior to completion of construction. The
28 department shall deposit moneys collected in indemnity
29 fees in the manure storage indemnity fund created in
30 section 204.2. The department shall issue a permit
31 for an animal feeding operation, if an application is
32 submitted according to procedures required by the
33 department, and the application meets standards
34 established by the department, regardless of whether
35 the animal feeding operation is required to obtain
36 such a permit. An applicant for a construction permit
37 shall not begin construction at the location of a site
38 planned for the construction of an animal feeding
39 operation structure, until the person has been granted
40 a permit for the construction of the structure by the
41 department. The department shall make a determination
42 regarding the approval or denial of a permit within
43 sixty days from the date that the department receives
44 a completed application for a permit. However, the
45 sixty-day requirement shall not apply to an
46 application, if the applicant is not required to
47 obtain a permit in order to construct an animal
48 feeding operation structure or to operate an animal
49 feeding operation. The department shall deliver a
50 copy or require the applicant to deliver a copy of the

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1 application for a construction permit to the county
2 board of supervisors in the county where the
3 confinement feeding operation or confinement feeding
4 operation structure subject to the permit is to be
5 located. The department shall not approve the
6 application or issue a construction permit until
7 thirty days following delivery of the application to
8 the county board of supervisors. The department shall
9 consider comments from the county board of
10 supervisors, regarding compliance by the applicant
11 with the legal requirements for the construction of
12 the confinement feeding operation structure as
13 provided in this chapter, and rules adopted by the
14 department pursuant to this chapter, if the comments
15 are delivered to the department within fourteen days
16 after receipt of the application by the county board
17 of supervisors. However, if the construction permit
18 is for an animal feeding operation structure which is

19 part of a confinement feeding operation in which swine
20 are confined, the department shall not issue the
21 permit if the county board of supervisors submits an
22 objection to the department within thirty days after
23 receipt of the application by the county board of
24 supervisors. The objection must be based upon a
25 threat to environmental quality or the public health
26 that the board determines may be caused by the
27 location or design of the animal feeding operation
28 structure. Prior to granting a permit to a person for
29 the 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, ff, after an on-site
33 inspection, the department determines that the site
34 presents an extraordinary potential for groundwater
35 pollution. 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. The department shall
39 not issue a permit to a person under this subsection
40 if an enforcement action by the department, relating
41 to a violation of this chapter concerning a
42 confinement feeding operation in which the person has
43 an interest, is pending. The department shall not
44 issue a permit to a person under this subsection for
45 five years after the date of the last violation
46 committed by a person or confinement feeding operation
47 in which the person holds a controlling interest
48 during which the person or operation was classified as
49 a habitual violator under section 455B.191. The
50 department shall conduct an annual review of each

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1 confinement feeding operation which is a habitual
2 violator and each confinement feeding operation in
3 which a habitual violator holds a controlling
4 interest. The department shall notify persons
5 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 2. Title page, line 1, by inserting after the
12 word “Act” the following: “relating to animal feeding
13 operation structures, by providing for permits and”.

S—3178

- 1 Amend Senate File 472 as follows:
 2 1. Page 1, by striking lines 5 through 8 and
 3 inserting the following: "operation, if the person is
 4 a party to a pending legal or administrative action,
 5 including a contested case proceeding under chapter
 6 17A, relating to an alleged violation involving an
 7 animal feeding operation as regulated by the
 8 department of natural resources, regardless of whether
 9 the pending action is brought by the department or the
 10 attorney general."
 11 2. Page 1, line 9, by striking the words "by the
 12 department pursuant to section 455B.141."

TOM VILSACK

S—3179

- 1 Amend Senate File 472 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 455B.161, subsection 3, Code
 5 1997, is amended to read as follows:
 6 3. a. "Animal feeding operation" means a lot,
 7 yard, corral, building, or other area in which animals
 8 are confined and fed and maintained for forty-five
 9 days or more in any twelve-month period, and all
 10 structures used for the storage of manure from animals
 11 in the operation.
 12 b. Two or more animal feeding operations under
 13 common ownership or management are deemed to be a
 14 single animal feeding operation if they are adjacent
 15 as follows:
 16 (1) If the animal feeding operations do not
 17 include a confinement swine feeding operation, the
 18 animal feeding operations must be both of the
 19 following:
 20 (a) Under common ownership or management.
 21 (b) Adjacent or utilize a common system for manure
 22 storage.
 23 (2) If the animal feeding operations include a
 24 confinement swine feeding operation, any of the
 25 following apply to the animal feeding operations:
 26 (a) They must utilize a common system for manure
 27 storage or area for manure disposal.
 28 (b) They must be separated by less than two
 29 thousand five hundred feet, unless the combined animal
 30 weight capacity of the animal feeding operations is
 31 two hundred thousand pounds or less.
 32 c. An animal feeding operation does not include a
 33 livestock market.

34 Sec. ____ Section 455B.161, Code 1997, is amended
 35 by adding the following new subsections:
 36 NEW SUBSECTION. 9A. "Confinement swine feeding
 37 operation" means a confinement feeding operation in
 38 which swine are confined and fed and all structures
 39 used for the storage of manure from animals in the
 40 operation.
 41 NEW SUBSECTION. 9B. "Confinement swine feeding
 42 operation structure" means a confinement building or a
 43 formed swine manure storage structure.
 44 NEW SUBSECTION. 14A. "Formed swine manure storage
 45 structure" means a formed manure storage structure
 46 used to store swine manure, which has walls and a
 47 floor constructed of poured concrete.
 48 NEW SUBSECTION. 16A. "Manure storage structure"
 49 means any structure used to store manure from an
 50 animal feeding operation, including an anaerobic

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1 lagoon, earthen manure storage basin, or formed manure
 2 storage structure.

3 Sec. ____ Section 455B.162, unnumbered paragraph
 4 1, Code 1997, is amended to read as follows:

5 1. The Except as provided in subsection 1A, the
 6 following shall apply to animal feeding operation
 7 structures constructed on or after May 31, 1995; to
 8 the expansion of structures constructed on or after
 9 May 31, 1995; or, except as provided in section
 10 455B:163, to the expansion of structures constructed
 11 prior to May 31, 1995:

12 Sec. ____ Section 455B.162, subsection 1,
 13 unnumbered paragraph 1, Code 1997, is amended by
 14 striking the unnumbered paragraph.

15 Sec. ____ Section 455B.162, Code 1997, is amended
 16 by adding the following new subsection:

17 NEW SUBSECTION. 1A. The following shall apply to
 18 confinement swine feeding operation structures
 19 constructed on or after the effective date of this
 20 Act, if the confinement swine feeding operations are
 21 established on or after the effective date of this
 22 Act:

23 a. The following table represents the minimum
 24 separation distance in feet required between a
 25 confinement swine feeding operation structure and a
 26 residence not owned by the owner of the confinement
 27 swine feeding operation, or a commercial enterprise,
 28 bona fide religious institution, or an educational
 29 institution:

30	Minimum	Minimum	Minimum
31	separation	separation	separation
32	distance in	distance in	distance in

33		feet for	feet for	feet for
34		operations	operations	operations
35		having an	having an	having an
36		animal weight	animal weight	animal weight
37		capacity of	capacity of	capacity of
38		less than	625,000 or	1,250,000 or
39		625,000	more pounds	more pounds
40		pounds	but less than	
41			1,250,000	
42			pounds	
43		<u>Type of structure</u>		
44		Uncovered formed		
45		swine manure		
46		storage		
47		structure	2,250	2,750
48		Covered formed		
49		swine manure		
50		storage		

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1	structure	1,900	2,250	2,750
2	Confinement			
3	building	1,900	2,250	2,750
4	b. The following table represents the minimum			
5	separation distance in feet required between			
6	confinement swine feeding operation structures and a			
7	public use area or a residence not owned by the owner			
8	of the confinement swine feeding operation, a			
9	commercial enterprise, a bona fide religious			
10	institution, or an educational institution located			
11	within the corporate limits of a city:			
12	Minimum		Minimum	Minimum
13	separation		separation	separation
14	distance in		distance in	distance in
15	feet for		feet for	feet for
16	operations		operations	operations
17	having an		having an	having an
18	animal weight		animal weight	animal weight
19	capacity of		capacity of	capacity of
20	less than		625,000 or	1,250,000 or
21	625,000		more pounds	more pounds
22	pounds		but less than	
23			1,250,000	
24			pounds	
25	<u>Type of structure</u>			
26	Confinement			
27	swine			
28	feeding			
29	operation			
30	structure	2,500	3,025	3,750
31	Sec. __. Section 455B.171, subsection 2, Code			

32 1997, is amended to read as follows:

33 2. a. "Animal feeding operation" means a lot,
34 yard, corral, building, or other area in which animals
35 are confined and fed and maintained for forty-five
36 days or more in any twelve-month period, and all
37 structures used for the storage of manure from animals
38 in the animal feeding operation.

39 b. Two or more animal feeding operations under
40 common ownership or management are deemed to be a
41 single animal feeding operation if they are adjacent
42 as follows:

43 (1) If the animal feeding operations do not
44 include a confinement swine feeding operation, the
45 animal feeding operations must be both of the
46 following:

47 (a) Under common ownership or management.
48 (b) Adjacent or utilize a common area or system
49 for manure disposal.

50 (2) If the animal feeding operations include a

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1 confinement swine feeding operation, any of the
2 following apply to the animal feeding operations:

3 (a) They must utilize a common system or area for
4 manure storage.

5 (b) They must be separated by less than two
6 thousand five hundred feet, unless the combined animal
7 weight capacity of the animal feeding operations is
8 two hundred thousand pounds or less.

9 c. An animal feeding operation does not include a
10 livestock market as defined in section 455B.161.

11 Sec. ____ Section 455B.171, Code 1997, is amended
12 by adding the following new subsections:

13 NEW SUBSECTION. 4A. "Confinement swine feeding
14 operation" means the same as defined in section
15 455B.161.

16 NEW SUBSECTION. 4B. "Confinement swine feeding
17 operation structure" means the same as defined in
18 section 455B.161.

19 NEW SUBSECTION. 9A. "Formed manure storage
20 structure" means the same as defined in section
21 455B.161.

22 NEW SUBSECTION. 9B. "Formed swine manure storage
23 structure" means the same as defined in section
24 455B.161.

25 NEW SUBSECTION. 12A. "Manure storage structure"
26 means the same as defined in section 455B.161.

27 Sec. ____ Section 455B.201, Code 1997, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 5. On and after the effective
30 date of this Act, a person shall not construct a

31 manure storage structure which is part of a
 32 confinement swine feeding operation unless the manure
 33 storage structure is a formed swine manure storage
 34 structure."

35 2. Page 1, by inserting after line 16 the
 36 following:

37 "Sec. ____ Section 455B.204, subsection 1,
 38 unnumbered paragraph 1, Code 1997, is amended to read
 39 as follows:

40 An animal feeding operation structure shall not be
 41 ~~located at least constructed or expanded less than~~
 42 five hundred feet away from the surface intake of an
 43 agricultural drainage well or known sinkhole, and ~~at~~
 44 ~~least~~ not less than two hundred feet away from a lake,
 45 river, or stream located within the territorial limits
 46 of the state, any marginal river area adjacent to the
 47 state, which can support a floating vessel capable of
 48 carrying one or more persons during a total of a six-
 49 month period in one out of ten years, excluding
 50 periods of flooding. However, ~~no~~ a distance

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1 separation is not required between a location or
 2 object and a farm pond or privately owned lake, as
 3 defined in section 462A.2. A confinement swine
 4 feeding operation structure shall not be constructed
 5 or expanded less than five hundred feet away from a
 6 drinking water well.

7 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 8 of immediate importance, takes effect upon enactment."

9 3. Title page, line 1, by inserting after the
 10 word "Act" the following: "regulating animal feeding
 11 operations by providing for confinement swine feeding
 12 operations and".

13 4. Title page, line 3, by inserting after the
 14 word "structure" the following: ", and providing an
 15 effective date".

16 5. By renumbering as necessary.

PATTY JUDGE,

S-3180

1 Amend Senate File 472 as follows:

2 1. Page 1, by inserting before line 1 the
 3 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. ____ Section 137.6, Code 1997, 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. ____ Section 204.5, unnumbered paragraph 1,
19 Code 1997, 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 an 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. ____ Section 331.304, subsection 3, paragraph
30 b, Code 1997, 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. ____ Section 455B.171, Code 1997, is amended
43 by adding the following new subsections:

44 NEW SUBSECTION. 4A. "Confinement swine feeding
45 operation" means a confinement feeding operation in
46 which swine are confined and fed.

47 NEW SUBSECTION. 4B. "Confinement swine feeding
48 operation structure" means a confinement building or
49 an animal feeding operation structure which is part of
50 a confinement feeding operation, all as defined in

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1 section 455B.161.

2 NEW SUBSECTION. 12A. "Manure storage structure"
3 means an animal feeding operation structure used to
4 store manure as part of a confinement feeding
5 operation, including an anaerobic lagoon or earthen
6 manure storage structure, all as defined in section
7 455B.161.

8 Sec. ____ Section 455B.173, subsection 13, Code
9 1997, is amended to read as follows:

10 13. a. Adopt, modify, or repeal rules relating to
11 the construction or operation of animal feeding
12 operations. The rules shall include, but are not
13 limited to, minimum manure control requirements,
14 requirements for obtaining permits, and departmental
15 evaluations of animal feeding operations. The
16 department shall not require that a person obtain a
17 permit for the construction of an animal feeding
18 operation structure, if the structure is part of a
19 small animal feeding operation.

20 b. The department shall collect an indemnity fee
21 as provided in section 204.3 prior to the issuance of
22 a construction permit. The department shall deposit
23 moneys collected from indemnity fees in the manure
24 storage indemnity fund created in section 204.2.

25 c. The department shall not approve a permit for
26 the construction of a confinement swine feeding
27 operation structure or three or more other animal
28 feeding operation structures, unless the applicant
29 files a statement approved by a professional engineer
30 registered pursuant to chapter 542B certifying that
31 the construction of the animal feeding operation
32 structure will not impede the drainage through
33 established drainage tile lines which cross property
34 boundary lines unless measures are taken to
35 reestablish the drainage prior to completion of
36 construction. ~~The department shall deposit moneys~~
37 ~~collected in indemnity fees in the manure storage~~
38 ~~indemnity fund created in section 204.2. The permit~~
39 ~~for a confinement swine feeding operation structure~~
40 ~~shall be conditional upon the removal of any drainage~~
41 ~~tile located within fifty feet of the structure prior~~
42 ~~to its operation, according to rules adopted by the~~
43 ~~department, which shall provide for the removal,~~
44 ~~capping, and rerouting of the drainage tile.~~

45 d. The department shall issue a permit for an
46 animal feeding operation, if an application is
47 submitted according to procedures required by the
48 department, and the application meets standards
49 established by the department, regardless of whether
50 the animal feeding operation is required to obtain

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1 such a permit. An applicant for a construction permit
2 shall not begin construction at the location of a site
3 planned for the construction of an animal feeding
4 operation structure, until the person has been granted
5 a permit for the construction of the structure by the
6 department. The department shall make a determination

7 regarding the approval or denial of a permit within
8 sixty days from the date that the department receives
9 a completed application for a permit. However, the
10 sixty-day requirement shall not apply to an
11 application, if the applicant is not required to
12 obtain a permit in order to construct an animal
13 feeding operation structure or to operate an animal
14 feeding operation. The department shall deliver a
15 copy or require the applicant to deliver a copy of the
16 application for a construction permit to the county
17 board of supervisors in the county where the
18 confinement feeding operation or confinement feeding
19 operation structure subject to the permit is to be
20 located. The department shall not approve the
21 application or issue a construction permit until
22 thirty days following delivery of the application to
23 the county board of supervisors. The department shall
24 consider comments from the county board of
25 supervisors, regarding compliance by the applicant
26 with the legal requirements for the construction of
27 the confinement feeding operation structure as
28 provided in this chapter, and rules adopted by the
29 department pursuant to this chapter, if the comments
30 are delivered to the department within fourteen days
31 after receipt of the application by the county board
32 of supervisors.

33 e. Prior to granting a permit to a person for the
34 construction of an animal feeding operation, the
35 department may require the installation and operation
36 of a hydrological monitoring system for an exclusively
37 earthen manure storage structure, if, after an on-site
38 inspection, the department determines that the site
39 presents an extraordinary potential for groundwater
40 pollution. The department shall require the
41 installation and operation of a hydrological
42 monitoring system for a manure storage structure which
43 is part of a confinement feeding operation prior to
44 issuing a permit to the confinement feeding operation,
45 unless after an on-site inspection, the department
46 determines that no potential for groundwater pollution
47 exists.

48 f. A person shall not obtain a permit for the
49 construction of a confinement feeding operation,
50 unless the person develops a manure management plan as

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1 provided in section 455B.203.

2 g. During each major stage of construction, the
3 department shall conduct an inspection of the
4 confinement swine feeding operation structure subject
5 to a permit required to be approved by the department.

6 in order to ensure that a confinement swine feeding
7 operation structure is being constructed according to
8 design requirements approved by the department. A
9 confinement swine feeding operation structure shall
10 not operate unless the department conducts a final
11 inspection and certifies that the confinement swine
12 feeding operation structure is constructed according
13 to requirements approved by the department. The
14 department shall conduct an annual inspection of each
15 confinement swine feeding operation required to obtain
16 a construction permit under this section.

17 h. The department shall not issue a permit to a
18 person under this subsection if an enforcement action
19 by the department, relating to a violation of this
20 chapter concerning a confinement feeding operation in
21 which the person has an interest, is pending. The
22 department shall not issue a permit to a person under
23 this subsection for five years after the date of the
24 last violation committed by a person or confinement
25 feeding operation in which the person holds a
26 controlling interest during which the person or
27 operation was classified as a habitual violator under
28 section 455B.191. The department shall conduct an
29 annual review of each confinement feeding operation
30 which is a habitual violator and each confinement
31 feeding operation in which a habitual violator holds a
32 controlling interest. The department shall notify
33 persons classified as habitual violators of their
34 classification, additional restrictions imposed upon
35 the persons pursuant to the classification, and
36 special civil penalties that may be imposed upon the
37 persons. The notice shall be sent to the persons by
38 certified mail.

39 Sec. ____. Section 455B.201, subsection 4, Code
40 1997, is amended to read as follows:

41 4. A person shall not apply manure by spray
42 irrigation equipment, except as provided by rules
43 which shall be adopted by the department pursuant to
44 chapter 17A.

45 Sec. ____. Section 455B.201, Code 1997, is amended
46 by adding the following new subsections:
47 NEW SUBSECTION. 5. The department shall provide
48 for the installation and operation of a hydrological
49 monitoring system for a manure storage structure which
50 is part of a confinement feeding operation structure,

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1 unless after an on-site inspection, the department
2 determines that the site presents no potential for
3 groundwater pollution.

4 NEW SUBSECTION. 6. The department shall do all of

5 the following:

6 a. Cooperate with the Iowa department of public
7 health in regularly monitoring drinking water wells
8 which are located in close proximity to animal feeding
9 operations. The monitoring may be performed by
10 employees of a county board of health in the county
11 where a drinking water well is located and reported to
12 the department of natural resources as provided by the
13 Iowa department of public health.

14 b. Regularly inspect and evaluate the structural
15 integrity of manure storage structures which are part
16 of confinement swine feeding operations. The
17 department shall annually inspect and evaluate all
18 anaerobic lagoons and earthen manure storage basins
19 which are part of those operations and for which a
20 construction permit has been issued by the department.

21 NEW SUBSECTION. 7. Drainage tile shall not be
22 located within fifty feet from a manure storage
23 structure which is part of a confinement swine feeding
24 operation. The department shall adopt rules for the
25 inspection, removal, capping, and rerouting of the
26 drainage tile. The owner of a confinement swine
27 feeding operation shall comply with this subsection
28 not later than July 1, 1998."

29 2. Page 1, by inserting after line 16 the
30 following:

31 "Sec. ____ Section 455B.203, subsection 2, Code
32 1997, is amended by adding the following new
33 paragraph:

34 NEW PARAGRAPH. h. A written record describing
35 actions taken to determine the existence of drainage
36 tile lines, including the findings, and actions taken
37 to comply with permit requirements in section
38 455B.173, and minimum manure control requirements
39 provided in section 455B.201.

40 Sec. ____ DEPARTMENT OF NATURAL RESOURCES RULES
41 REQUIRED. The department of natural resources shall
42 adopt as rules recommended manure application
43 practices as provided in 567 IAC 65, to apply to
44 confinement swine feeding operations, unless
45 inconsistent with statute or rules required to
46 implement this Act.

47 Sec. ____ EFFECTIVE DATE. This Act, being deemed
48 of immediate importance, takes effect upon enactment."

49 3. Title page, line 1, by inserting after the
50 word "Act" the following: "regulating animal feeding

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1 operations, including by regulating confinement swine
2 feeding operations and".

3 4. Title page, line 3, by inserting after the

7 following: "petroleum base, and petroleum-based
8 fertilizers, and paints with the exception of latex-
9 based paints. However,".

10 3. Page 1, by inserting after line 17 the
11 following:

12 "Sec. ____ Section 455F.8B, subsection 2, Code
13 1997, is amended by striking the subsection.

14 Sec. ____ Section 455F.9, Code 1997, is amended to
15 read as follows:

16 455F.9 EDUCATION PROGRAM.

17 In addition to the "Toxic Cleanup Days" program the
18 department shall implement a public information and
19 education program regarding the use and disposal of
20 household hazardous materials. The program shall
21 provide appropriate information concerning the
22 reduction in use of the materials, including the
23 purchase of smaller quantities, and selection of
24 alternative products, and hazards associated with the
25 use of unregistered and unregulated alternative
26 products. The department shall cooperate with
27 existing educational institutions, the household
28 product industry, distributors, wholesalers, and
29 retailers, and other agencies of government and shall
30 enlist the support of service organizations, whenever
31 possible, in promoting and conducting the programs in
32 order to effectuate the household hazardous materials
33 policy of the state."

34 4. Page 1, line 18, by inserting after the word
35 "repealed" the following: "on January 1, 1998".

36 5. By renumbering as necessary.

- ROBERT DVORSKY

S—3184

1 Amend Senate File 341 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "executed." the following: "The department is not
4 required to review or approve a contract provided for
5 under this section. The contract is voidable in an
6 action brought in district court by a party to the
7 contract who sells grain to a grain dealer."

JOHN P. KIBBIE

S—3185

1 Amend the amendment, S—3090, to House File 8, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 36 the
5 following:

6 " _____. Title page, line 1, by inserting after the
7 word "mandates" the following: " , removing the limit
8 on the amount of state reimbursement to local
9 governments for the homestead property tax credit, and
10 providing an appropriation and an applicability
11 date"."

JIM LIND

S-3186

1 Amend Senate File 500 as follows:

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

4 "Sec. _____. Section 232.8, subsection 1, paragraph
5 b, Code 1997, is amended to read as follows:

6 b. Violations by a child of provisions of chapter
7 99D, 99E, 99F, 321, 321G, 453A, 461A, 461B, 462A,
8 481A, 481B, 483A, 484A, or 484B, which would be simple
9 misdemeanors if committed by an adult, and violations
10 by a child of county or municipal curfew or traffic
11 ordinances, are excluded from the jurisdiction of the
12 juvenile court and shall be prosecuted as simple
13 misdemeanors as provided by law. A child convicted of
14 a violation excluded from the jurisdiction of the
15 juvenile court under this paragraph shall be sentenced
16 pursuant to section 805.8, where applicable, and
17 pursuant to section 903.1, subsection 3, for all other
18 violations."

19 2. Page 5, by inserting after line 33 the
20 following:

21 "Sec. _____. Section 805.16, subsection 1, Code
22 1997, is amended to read as follows:

23 1. Except as provided in subsection 2 of this
24 section, a peace officer shall issue a police citation
25 or uniform citation and complaint, in lieu of making a
26 warrantless arrest, to a person under eighteen years
27 of age accused of committing a simple misdemeanor
28 under chapter 99D, 99E, 99F, 321, 321G, 461A, 461B,
29 462A, 481A, 481B, 483A, 484A, 484B, section 123.47, or
30 a local ordinance not subject to the jurisdiction of
31 the juvenile court, and shall not detain or confine
32 the person in a facility regulated under chapter 356
33 or 356A."

34 3. Title page, line 1, by inserting after the
35 word "racing" the following: "lottery,".

36 4. By renumbering as necessary.

JIM LIND

S—3187

- 1 Amend House File 416, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by striking lines 12 through 17 and
 4 inserting the following:
 5 "9. a. A person who operates The operator of a
 6 vehicle which is in violation of the provisions of
 7 this section, and an owner, or any other person,
 8 employing or otherwise employer, or any other person
 9 directing the operator of a vehicle, who requires or
 10 knowingly permits the operation of a vehicle in
 11 violation of the provisions of this section shall be
 12 fined according to the following schedule."
 13 2. Page 10, by inserting after line 21 the
 14 following:
 15 "Sec. ____ Section 321.476, unnumbered paragraph
 16 1, Code 1997, is amended to read as follows:
 17 Authority is hereby given to the department to stop
 18 any motor vehicle or trailer on the highways for the
 19 purposes of weighing and inspection, to weigh and
 20 inspect the same, and to enforce the provisions of and
 21 investigate operators, owners, employers, and other
 22 persons directing operators of motor vehicles
 23 suspected of violations of the motor vehicle laws
 24 relating to the registration, size, weight, and load
 25 of motor vehicles and trailers."
 26 3. By renumbering as necessary.

JIM LIND

S—3188

- 1 Amend Senate File 503 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec. ____ Section 702.11, Code 1997, 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
 17 is not a "forcible felony".
 18 Sec. ____ NEW SECTION 709.15A SEXUAL
 19 EXPLOITATION BY A LAW ENFORCEMENT OFFICER -- PENALTY.

20 1. A law enforcement officer commits a class "D"
 21 felony when the officer sexually exploits a person who
 22 is the victim of, a suspect in, or a witness to a
 23 criminal act or other activity which the officer is
 24 investigating or to which the officer is responding.
 25 2. For purposes of this section, "law enforcement
 26 officer" means a peace officer employed by the state
 27 or a political subdivision of the state.
 28 3. For purposes of this section, "sexually
 29 exploits" means engaging in conduct that is for the
 30 purpose of arousing or satisfying the sexual desire of
 31 the law enforcement officer or other participant and
 32 includes but is not limited to kissing; touching of
 33 the clothed or unclothed inner thigh, breast, groin,
 34 buttock, anus, pubes, or genitals; or a sex act as
 35 defined in section 702.17."
 36 2. By renumbering as necessary.

JIM LIND
 ELAINE SZYMONIAK

S-3189

1 Amend Senate File 492 as follows:
 2 1. Page 1, line 28, by inserting after the words
 3 through "h." the following: "The employer has the
 4 initial burden to produce evidence showing that a
 5 voluntary quit pursuant to section 96.5, subsection 1,
 6 was not for good cause attributable to the employer
 7 and that the claimant is disqualified for benefits in
 8 cases involving section 96.5, subsection 1, paragraphs
 9 "a" through "h.""

DICK L. DEARDEN

S-3190

1 Amend Senate File 467 as follows:
 2 1. Page 1, line 10, by inserting after the word
 3 "unless" the following: "any benefits awarded under
 4 this chapter would not be charged against the account
 5 of the temporary employment firm or".

DICK L. DEARDEN

S-3191

1 Amend Senate File 467 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "shall" the following: "not".
 4 2. Page 1, line 10, by striking the word "not".
 5 3. Page 1, line 12, by inserting after the word
 6 "assignment" the following: "and the temporary
 7 employment firm is notified in writing of the

8 completion of each employment assignment by the client
9 who sought the services of the temporary employee
10 through the temporary employment firm”.

DICK L. DEARDEN

S—3192

1 Amend Senate File 467 as follows:
2 1. Page 1, line 5, by striking the words “an
3 employment assignment” and inserting the following:
4 “the last employment assignment prior to a claim for
5 benefits”.
6 2. Page 1, lines 7 and 8, by striking the words
7 “an employment assignment” and inserting the
8 following: “the last employment assignment prior to a
9 claim for benefits”.
10 3. Page 1, line 8, by striking the word “each”
11 and inserting the following: “that”.

DICK L. DEARDEN

S—3193

1 Amend House File 388, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 3 through 28 and
4 inserting the following:
5 “a. On all taxable income from zero through one
6 thousand dollars, ~~four-tenths~~ thirty-six hundredths of
7 one percent.
8 b. On all taxable income exceeding one thousand
9 dollars but not exceeding two thousand dollars, ~~eight-~~
10 ~~tenths~~ seventy-two hundredths of one percent.
11 c. On all taxable income exceeding two thousand
12 dollars but not exceeding four thousand dollars, two
13 and ~~seven-tenths~~ forty-three hundredths percent.
14 d. On all taxable income exceeding four thousand
15 dollars but not exceeding nine thousand dollars, ~~five~~
16 ~~four and one-half~~ percent.
17 e. On all taxable income exceeding nine thousand
18 dollars but not exceeding fifteen thousand dollars,
19 six and ~~eight-tenths~~ twelve hundredths percent.
20 f. On all taxable income exceeding fifteen
21 thousand dollars but not exceeding twenty thousand
22 dollars, ~~seven and two-tenths~~ six and forty-eight
23 hundredths percent.
24 g. On all taxable income exceeding twenty thousand
25 dollars but not exceeding thirty thousand dollars,
26 ~~seven and fifty-five hundredths~~ six and eight-tenths
27 percent.
28 h. On all taxable income exceeding thirty thousand

29 dollars but not exceeding forty-five thousand dollars,
 30 ~~eight and eight-tenths~~ seven and ninety-two hundredths
 31 percent.

32 i. On all taxable income exceeding forty-five
 33 thousand dollars, ~~nine~~ eight and ninety-eight
 34 hundredths percent."

35 2. Title page, line 1, by striking the word
 36 "fifteen" and inserting the following: "ten".

COMMITTEE ON WAYS AND MEANS
 JOANN DOUGLAS, Chairperson

S-3194

1 Amend Senate File 195 as follows:

2 1. Page 1, by striking line 29 and inserting the
 3 following: *

4 "Sec. ____ This Act takes effect January 1,
 5 1998,".

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

COMMITTEE ON WAYS AND MEANS
 JOANN DOUGLAS, Chairperson

S-3195

1 Amend House File 388, as passed by the House, as
 2 follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 "DIVISION I -- PERCENTAGE OF FEDERAL TAX LIABILITY

6 Section 1. Section 422.4, subsection 1, Code 1997,
 7 is amended by striking the subsection and inserting in
 8 lieu thereof the following:

9 1. "Adjusted federal income tax liability" means
 10 the amount of federal income tax liability, as
 11 determined under the Internal Revenue Code, subtitle
 12 A, chapter 1, subchapter A, parts I (regular tax) and
 13 VI (alternative minimum tax), and subchapter D, part I
 14 (lump sum distribution tax), for which the taxpayer
 15 would have been liable, reduced by any federal income
 16 tax credits that may apply, if the taxpayer had paid
 17 federal income tax based on federal taxable income
 18 adjusted as provided in section 422.7, subsections 1
 19 and 2.

20 Sec. 2. Section 422.4, subsection 2, Code 1997, is
 21 amended by striking the subsection.

22 Sec. 3. Section 422.4, Code 1997, is amended by
 23 adding the following new subsection:

24 NEW SUBSECTION. 9A. "Net income" means the

25 federal taxable income as properly computed for
26 federal income tax purposes under the Internal Revenue
27 Code with the adjustments made in section 422.7,
28 subsections 1 and 2.

29 Sec. 4. Section 422.4, subsection 16, Code 1997,
30 is amended by striking the subsection.

31 Sec. 5. Section 422.5, subsection 1, Code 1997, is
32 amended by striking the subsection and inserting in
33 lieu thereof the following:

34 1. a. A tax is imposed upon every resident and
35 nonresident individual or estate and trust, which tax
36 is levied and shall be collected and paid annually
37 upon and with respect to net income at the rate of
38 twenty-eight and six-tenths percent of the taxpayer's
39 adjusted federal income tax liability.

40 b. However, the tax imposed upon the income of a
41 nonresident shall be computed by multiplying the
42 amount of tax determined under paragraph "a" by a
43 fraction of which the nonresident's net income
44 allocated to Iowa, as determined in section 422.8,
45 subsection 2, is the numerator and the nonresident's
46 total net income is the denominator. This provision
47 also applies to individuals who are residents of Iowa
48 for less than the entire tax year.

49 c. (1) The tax imposed upon the net income of a
50 resident shareholder in a value-added corporation

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1 which has in effect for the tax year an election under
2 subchapter S of the Internal Revenue Code and carries
3 on business within and without the state may be
4 computed by reducing the amount determined pursuant to
5 paragraph "a" by multiplying the amount by a fraction
6 of which the resident's net income allocated to Iowa,
7 as determined in section 422.8, subsection 2,
8 paragraph "b", is the numerator and the resident's
9 total net income is the denominator. This provision
10 also applies to individuals who are residents of Iowa
11 for less than the entire tax year.

12 (2) In order for a resident shareholder in a
13 value-added corporation which has in effect for the
14 tax year an election under subchapter S of the
15 Internal Revenue Code and carries on business within
16 and without the state, to claim the benefits of
17 apportionment of income of the value-added
18 corporation, the taxpayer must completely fill out the
19 return, determine the taxpayer's income tax liability
20 without the benefit of apportionment of the value-
21 added corporation's income, and pay the amount of tax
22 owed. The taxpayer shall recompute the taxpayer's
23 income tax liability, by applying the provisions of

24 this lettered paragraph on a special return. This
25 special return shall be filed under rules of the
26 director and constitutes a claim for refund of the
27 difference between the amount of tax the taxpayer paid
28 as determined without the provisions of this lettered
29 paragraph and the amount of tax determined with the
30 provisions of this lettered paragraph.

31 (3) This lettered paragraph shall not affect the
32 amount of the taxpayer's checkoff to the Iowa election
33 campaign fund under section 56.18, and the checkoff
34 for the fish and game fund in section 456A.16.

35 (4) For any tax year, the aggregate amount of
36 refund claims that shall be paid pursuant to this
37 lettered paragraph shall not exceed five million
38 dollars. If, for a tax year, the aggregate amount of
39 refund claims filed pursuant to this lettered
40 paragraph exceeds five million dollars, each claim for
41 refund shall be paid on a pro rata basis so that the
42 aggregate amount of refund claims does not exceed five
43 million dollars. In the case where refund claims are
44 not paid in full, the amount of the refund to which
45 the taxpayer is entitled under this lettered paragraph
46 is the pro rata amount that was paid and the taxpayer
47 is not entitled to a refund of the unpaid portion and
48 is not entitled to carry that amount forward or
49 backward to another tax year. Taxpayers shall not use
50 refunds as estimated payments for the succeeding tax

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1 year. Taxpayers whose tax years begin on January 1
2 must file their refund claims by October 31 of the
3 calendar year following the end of their tax year to
4 be eligible for refunds. Taxpayers whose tax years
5 begin on a date other than January 1 must file their
6 refund claims by the end of the tenth month following
7 the end of their tax years to be eligible. The
8 department shall determine on February 1 of the second
9 succeeding calendar year if the total amount of claims
10 for refund exceeds five million dollars for the tax
11 year. Notwithstanding any other provision, interest
12 shall not be due on any refund claims that are paid by
13 the last day of February of the second succeeding
14 calendar year. If the claim is not payable on
15 February 1 of the second succeeding calendar year,
16 because the taxpayer is a fiscal year filer, then the
17 amount of the claim allowed shall be in the same ratio
18 as the refund claims available on February 1 of the
19 second succeeding calendar year. These claims shall
20 be funded by moneys appropriated for payment of
21 individual income tax refunds.

22 Sec. 6. Section 422.5, subsection 2, unnumbered

23 paragraph 1, Code 1997, is amended to read as follows:

24 However, the tax shall not be imposed on a resident
25 or nonresident whose net income, ~~as defined in section~~
26 ~~422.7~~, is thirteen thousand five hundred dollars or
27 less in the case of married persons filing jointly ~~or~~
28 ~~filing separately on a combined return~~, unmarried
29 heads of household, and surviving spouses or nine
30 thousand dollars or less in the case of all other
31 persons; ~~but in the event that~~. If the payment of tax
32 under this division would reduce the net income of a
33 resident or nonresident to less than thirteen thousand
34 five hundred dollars or nine thousand dollars as
35 applicable, then the tax shall be reduced to that
36 amount which would result in allowing the taxpayer to
37 retain a net income of thirteen thousand five hundred
38 dollars or nine thousand dollars as applicable. The
39 ~~preceding sentence does~~ sentences do not apply to
40 estates or trusts. For the purpose of this
41 subsection, the entire net income, including any part
42 of the net income not allocated to Iowa, shall be
43 taken into account. For purposes of this subsection,
44 ~~net income~~ "net income" includes all amounts of
45 pensions or other retirement income received from any
46 source which is not taxable under this division as a
47 ~~result of the government pension exclusions in section~~
48 ~~422.7~~, or any other state law. If the combined net
49 income of a husband and wife exceeds thirteen thousand
50 five hundred dollars, neither of them shall receive

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1 the benefit of this subsection, and it is immaterial
2 whether they file a joint return or separate returns.
3 However, if a husband and wife file separate returns
4 and have a combined net income of thirteen thousand
5 five hundred dollars or less, neither spouse shall
6 receive the benefit of this paragraph, if one spouse
7 has a net operating loss and elects to carry back or
8 carry forward the loss as provided in ~~section 422.9,~~
9 ~~subsection 3~~ the Internal Revenue Code. A person who
10 is claimed as a dependent, as defined in the Internal
11 Revenue Code, by another person ~~as defined in section~~
12 ~~422.12~~ shall not receive the benefit of this
13 subsection if the person claiming the dependent has
14 net income exceeding thirteen thousand five hundred
15 dollars or nine thousand dollars as applicable or the
16 person claiming the dependent and the person's spouse
17 have combined net income exceeding thirteen thousand
18 five hundred dollars or nine thousand dollars as
19 applicable.

20 Sec. 7. Section 422.5, subsection 2, unnumbered
21 paragraph 2, Code 1997, is amended by striking the

22 unnumbered paragraph.

23 Sec. 8. Section 422.5, subsections 3 through 12,
24 Code 1997, are amended by striking the subsections.
25 Sec. 9. Section 422.6, Code 1997, is amended by
26 striking the section and inserting in lieu thereof the
27 following:

28 **422.6 INCOME FROM ESTATES OR TRUSTS.**

29 The tax imposed by section 422.5 applies to and is
30 a charge against estates and trusts with respect to
31 their net income, and the rate is the same as that
32 applicable to individuals. The fiduciary shall make
33 the return of income for the estate or trust for which
34 the fiduciary acts, whether the income is taxable to
35 the estate or trust or to the beneficiaries.

36 Sec. 10. Section 422.7, Code 1997, is amended by
37 striking the section and inserting in lieu thereof the
38 following:

39 **422.7 ADJUSTMENTS TO FEDERAL TAXABLE INCOME.**

40 In determining the taxpayer's adjusted federal
41 income tax liability, the taxpayer's federal taxable
42 income shall be adjusted as provided in subsections 1
43 and 2.

44 1. Federal taxable income is increased by the
45 following:

46 a. Interest and dividends from foreign securities
47 and from securities of states and other political
48 subdivisions exempt from federal income tax under the
49 Internal Revenue Code to the extent not otherwise
50 exempted by this state.

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1 b. Interest and dividends from regulated
2 investment companies exempt from federal income tax
3 under the Internal Revenue Code.

4 2. Federal taxable income is decreased by the
5 following:

6 a. Interest and dividends from federal securities.
7 The amount decreased shall be reduced by any interest
8 on indebtedness incurred to carry the federal
9 securities and by any expenses incurred in the
10 production of interest and dividends from the federal
11 securities to the extent deductible in determining
12 federal taxable income.

13 b. The loss on the sale or exchange of a share of
14 a regulated investment company held for six months or
15 less to the extent the loss was disallowed under
16 section 852(b)(4)(B) of the Internal Revenue Code.

17 Sec. 11. Section 422.8, subsections 2, 3, and 4,
18 Code 1997, are amended to read as follows:

19 2. a. Nonresident's net income allocated to Iowa
20 is the net income, or portion of net income, which is

21 derived from a business, trade, profession, or
22 occupation carried on within this state or income from
23 any property, trust, estate, or other source within
24 Iowa. However, income derived from a business, trade,
25 profession, or occupation carried on within this state
26 and income from any property, trust, estate, or other
27 source within Iowa shall not include distributions
28 from pensions, including defined benefit or defined
29 contribution plans, annuities, individual retirement
30 accounts, and deferred compensation plans or any
31 earnings attributable thereto so long as the
32 distribution is directly related to an individual's
33 documented retirement and received while the
34 individual is a nonresident of this state. If a
35 business, trade, profession, or occupation is carried
36 on partly within and partly without the state, only
37 the portion of the net income which is fairly and
38 equitably attributable to that part of the business,
39 trade, profession, or occupation carried on within the
40 state is allocated to Iowa for purposes of section
41 422.5, subsection 1, paragraph "j" "a", and section
42 422.13 and income from any property, trust, estate, or
43 other source partly within and partly without the
44 state is allocated to Iowa in the same manner, except
45 that annuities, interest on bank deposits and
46 interest-bearing obligations, and dividends are
47 allocated to Iowa only to the extent to which they are
48 derived from a business, trade, profession, or
49 occupation carried on within the state.
50 b. A resident's income allocable to Iowa is the

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1 ~~net income determined under section 422.7~~ reduced by
2 items of income and expenses from a subchapter S
3 corporation which is a value-added corporation that
4 carries on business within and without the state when
5 those items of income and expenses pass directly to
6 the shareholders under provisions of the Internal
7 Revenue Code. These items of income and expenses are
8 increased by the greater of the following:
9 (1) The net income or loss of the corporation
10 which is fairly and equitably attributable to this
11 state under section 422.33, subsections 2 and 3.
12 (2) Any cash or the value of property
13 distributions which are made only to the extent that
14 they are paid from income upon which Iowa income tax
15 has not been paid, as determined under rules of the
16 director, reduced by fifty percent of the amount of
17 any of these distributions that are made to enable the
18 shareholder to pay federal income tax on items of
19 income, loss, and expenses from the corporation.

20 3. Taxable Net income of resident and nonresident
21 estates and trusts shall be allocated in the same
22 manner as individuals.

23 4. The amount of minimum tax paid to another state
24 or foreign country by a resident taxpayer of this
25 state from preference items derived from sources
26 outside of Iowa shall be allowed as a credit against
27 the tax computed under this division except that the
28 credit shall not exceed ~~what~~ the product of the state
29 tax rate times the amount of ~~state~~ the federal
30 ~~alternative minimum tax would have been on the same~~
31 preference items which were taxed by the other state
32 or foreign country. The limitation on this credit
33 shall be computed according to the following formula:
34 The total of preference items earned outside of Iowa
35 and taxed by another state or foreign country shall be
36 divided by the total of preference items of the
37 resident taxpayer of Iowa. ~~In computing this~~
38 ~~quotient, those items excludable under section 422.5,~~
39 ~~subsection 1, paragraph "k", subparagraph (1) shall~~
40 ~~not be used in computing the preference items. This~~
41 ~~quotient multiplied times by the net state federal~~
42 ~~alternative minimum tax as determined in section~~
43 ~~422.5, subsection 1, paragraph "k" on the total of~~
44 preference items as if entirely earned in Iowa
45 multiplied by the state tax rate shall be the maximum
46 tax credit against the Iowa alternative minimum tax.
47 However, the maximum tax credit ~~will~~ shall not be
48 allowed to the extent that the minimum tax imposed by
49 the other state or foreign country is less than the
50 maximum tax credit otherwise computed above.

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1 Sec. 12. Section 422.13, subsection 1, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 ~~Except as provided in subsection 1A, a~~ A resident
4 or nonresident of this state shall make a return,
5 signed in accordance with forms and rules prescribed
6 by the director, if any of the following are
7 applicable:

8 Sec. 13. Section 422.13, subsection 1A, Code 1997,
9 is amended by striking the subsection.

10 Sec. 14. Section 422.14, subsection 1, Code 1997,
11 is amended to read as follows:

12 1. A fiduciary subject to taxation under this
13 division, as provided in section 422.6, shall make a
14 return, signed in accordance with forms and rules
15 prescribed by the director, for the individual,
16 estate, or trust for whom or for which the fiduciary
17 acts, if the taxable net income thereof amounts to six
18 hundred dollars or more. A nonresident fiduciary

19 shall file a copy of the federal income tax return for
20 the current tax year with the return required by this
21 section.

22 Sec. 15. Section 422.16, subsection 1, unnumbered
23 paragraph 1, Code 1997, is amended to read as follows:
24 Every withholding agent and every employer as
25 defined in this chapter and further defined in the
26 Internal Revenue Code, with respect to income tax
27 collected at source, making payment of wages to a
28 nonresident employee working in Iowa, or to a resident
29 employee, shall deduct and withhold from the wages an
30 amount which will approximate the employee's annual
31 tax liability on a calendar year basis, calculated on
32 the basis of tables to be prepared by the department
33 and schedules or percentage rates, based on the wages,
34 to be prescribed by the department. Every employee or
35 other person shall declare to the employer or
36 withholding agent the number of the employee's or
37 other person's personal exemptions and dependency
38 exemptions or credits to be used in applying the
39 tables and schedules or percentage rates. However, no
40 greater number of personal or dependency exemptions or
41 credits may be declared by the employee or other
42 person than the number to which the employee or other
43 person is entitled except as allowed under section
44 3402(m)(1) of the Internal Revenue Code ~~and as allowed~~
45 ~~for the child and dependent care credit provided in~~
46 ~~section 422.12C.~~ The claiming of exemptions or
47 credits in excess of entitlement is a serious
48 misdemeanor.

49 Sec. 16. Section 422.21, unnumbered paragraphs 5
50 and 6, Code 1997, are amended by striking the

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1 unnumbered paragraphs.
2 Sec. 17. Section 422.21, unnumbered paragraph 7,
3 Code 1997, is amended to read as follows:
4 If married taxpayers file a joint return ~~or file~~
5 ~~separately on a combined return in accordance with~~
6 ~~rules prescribed by the director,~~ both spouses are
7 jointly and severally liable for the total tax due on
8 the return, except when one spouse is considered to be
9 an innocent spouse under criteria established pursuant
10 to section 6013(e) of the Internal Revenue Code.

11 Sec. 18. Sections 422.9, 422.10, 422.11A, 422.11B,
12 422.12, 422.12B, and 422.12C, Code 1997, are repealed.

13 DIVISION II -- COORDINATING AMENDMENTS

14 Sec. 19. Section 56.2, subsection 19, Code 1997,
15 is amended to read as follows:

16 19. "State income tax liability" means the state
17 individual income tax imposed under section 422.5

18 reduced by the sum of the deductions from the computed
19 tax as provided under section 422.12.

20 Sec. 20. Section 96.3, subsection 4, Code 1997, is
21 amended to read as follows:

22 4. DETERMINATION OF BENEFITS. With respect to
23 benefit years beginning on or after July 1, 1983, an
24 eligible individual's weekly benefit amount for a week
25 of total unemployment shall be an amount equal to the
26 following fractions of the individual's total wages in
27 insured work paid during that quarter of the
28 individual's base period in which such total wages
29 were highest; the director shall determine annually a
30 maximum weekly benefit amount equal to the following
31 percentages, to vary with the number of dependents, of
32 the statewide average weekly wage paid to employees in
33 insured work which shall be effective the first day of
34 the first full week in July:

35 If the	The weekly	Subject to the
36 number of	benefit amount	following maxi-
37 dependents	shall equal the	mum percentage
38 is:	following frac-	of the statewide
39	tion of high	average weekly
40	quarter wages:	wage:
41 0	1/23	53%
42 1	1/22	55%
43 2	1/21	57%
44 3	1/20	60%
45 4 or more	1/19	65%

46 The maximum weekly benefit amount, if not a multiple
47 of one dollar shall be rounded to the lower multiple
48 of one dollar. However, until such time as sixty-five
49 percent of the statewide average weekly wage exceeds
50 one hundred ninety dollars, the maximum weekly benefit

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1 amounts shall be determined using the statewide
2 average weekly wage computed on the basis of wages
3 reported for calendar year 1981. As used in this
4 section "dependent" means dependent as defined in
5 section 422.12, subsection 1, paragraph "c" for state
6 individual income tax purposes, as if the individual
7 claimant was a taxpayer, except that an individual
8 claimant's nonworking spouse shall be deemed to be a
9 dependent under this section. "Nonworking spouse"
10 means a spouse who does not earn more than one hundred
11 twenty dollars in gross wages in one week.

12 Sec. 21. Section 216B.3, subsection 15, Code 1997,
13 is amended to read as follows:

14 15. Develop a plan to provide telephone yellow
15 pages information without charge to persons declared
16 to be blind under the standards in section 422.12,

17 ~~subsection 1, paragraph "c".~~ The department may apply
18 for federal funds to support the service. The program
19 shall be limited in scope by the availability of
20 funds. For the purposes of this subsection, an
21 individual is blind only if the individual's central
22 visual acuity does not exceed twenty-two hundredths in
23 the better eye with correcting lenses, or if the
24 individual's visual acuity is greater than twenty-two
25 hundredths but is accompanied by a limitation in the
26 fields of vision such that the widest diameter of the
27 visual field subtends an angle no greater than twenty
28 degrees.

29 Sec. 22. Section 257.21, unnumbered paragraph 2,
30 Code 1997, is amended to read as follows:

31 The instructional support income surtax shall be
32 imposed on the state individual income tax for the
33 calendar year during which the school's budget year
34 begins, or for a taxpayer's fiscal year ending during
35 the second half of that calendar year and after the
36 date the board adopts a resolution to participate in
37 the program or the first half of the succeeding
38 calendar year, and shall be imposed on all individuals
39 residing in the school district on the last day of the
40 applicable tax year. As used in this section, "state
41 individual income tax" means the taxes computed under
42 section 422.5, ~~less the credits allowed in sections~~
43 ~~422.11A, 422.11B, 422.11C, 422.12, and 422.12B.~~

44 Sec. 23. Section 421.17, subsection 21, paragraph
45 b, subparagraph (6), Code 1997, is amended to read as
46 follows:

47 (6) Upon the request of a debtor or a debtor's
48 spouse to the child support recovery unit, the foster
49 care recovery unit, or the investigations division of
50 the department of inspections and appeals, filed

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1 within fifteen days from the mailing of the notice of
2 entitlement to a refund or rebate, and upon receipt of
3 the full name and social security number of the
4 debtor's spouse, the unit or division shall notify the
5 department of revenue and finance of the request to
6 divide a joint income tax refund or rebate. The
7 department of revenue and finance shall upon receipt
8 of the notice divide a joint income tax refund or
9 rebate between the debtor and the debtor's spouse in
10 proportion to each spouse's net income as determined
11 ~~under section 422.7 defined in section 422.4.~~

12 Sec. 24. Section 421.17, subsection 23, paragraph
13 f, Code 1997, is amended to read as follows:

14 f. Upon the timely request of a defaulter or a
15 defaulter's spouse to the college student aid

16 commission and upon receipt of the full name and
 17 social security number of the defaulter's spouse, the
 18 commission shall notify the department of revenue and
 19 finance of the request to divide a joint income tax
 20 refund or rebate. The department of revenue and
 21 finance shall upon receipt of the notice divide a
 22 joint income tax refund or rebate between the
 23 defaulter and the defaulter's spouse in proportion to
 24 each spouse's net income as determined under section
 25 422.7 defined in section 422.4.

26 Sec. 25. Section 421.17, subsection 25, paragraph
 27 e, Code 1997, is amended to read as follows:

28 e. Upon the request of a debtor or a debtor's
 29 spouse to the department, filed within fifteen days
 30 from the mailing of the notice of entitlement to a
 31 refund or rebate, and upon receipt of the full name
 32 and social security number of the debtor's spouse, the
 33 department shall divide a joint income tax refund or
 34 rebate between the debtor and the debtor's spouse in
 35 proportion to each spouse's net income as determined
 36 ~~under section 422.7~~ defined in section 422.4.

37 Sec. 26. Section 422.32, unnumbered paragraph 2,
 38 Code 1997, is amended to read as follows:

39 The words, terms, and phrases defined in division
 40 II, section 422.4, subsections 4 to 6, 8, 9, 13, and
 41 15 to, and 17, when used in this division, shall have
 42 the meanings ascribed to them in said section except
 43 where the context clearly indicates a different
 44 meaning.

45 Sec. 27. Section 422D.2, Code 1997, is amended to
 46 read as follows:

47 **422D.2 LOCAL INCOME SURTAX.**

48 A county may impose by ordinance a local income
 49 surtax as provided in section 422D.1 at the rate set
 50 by the board of supervisors, of up to one percent, on

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1 the state individual income tax of each individual
 2 residing in the county at the end of the individual's
 3 applicable tax year. However, the cumulative total of
 4 the percents of income surtax imposed on any taxpayer
 5 in the county shall not exceed twenty percent. The
 6 reason for imposing the surtax and the amount needed
 7 shall be set out in the ordinance. The surtax rate
 8 shall be set to raise only the amount needed. For
 9 purposes of this section, "state individual income
 10 tax" means the tax computed under section 422.5, less
 11 the credits allowed in sections 422.11A, 422.11B,
 12 422.11C, 422.12, and 422.12B.

13 Sec. 28. Section 425.17, subsection 7, Code 1997,
 14 is amended to read as follows:

15 7. "Income" means the sum of Iowa net income as
16 defined in section ~~422.7~~ 422.4, plus all of the
17 following to the extent not already included in Iowa
18 net income: capital gains, alimony, child support
19 money, cash public assistance and relief, except
20 property tax relief granted under this division,
21 amount of in-kind assistance for housing expenses, the
22 gross amount of any pension or annuity, including but
23 not limited to railroad retirement benefits, payments
24 received under the federal Social Security Act, except
25 child insurance benefits received by a member of the
26 claimant's household, and all military retirement and
27 veterans' disability pensions, interest received from
28 the state or federal government or any of its
29 instrumentalities, workers' compensation and the gross
30 amount of disability income or "loss of time"
31 insurance. "Income" does not include gifts from
32 nongovernmental sources, or surplus foods or other
33 relief in kind supplied by a governmental agency. In
34 determining income, net operating losses and net
35 capital losses shall not be considered.

36 Sec. 29. Section 450.4, subsection 5, Code 1997,
37 is amended to read as follows:

38 5. On the value of that portion of installment
39 payments which will be includable as net income as
40 defined in section ~~422.7~~ 422.4 as received by a
41 beneficiary under an annuity which was purchased under
42 an employees pension or retirement plan.

43 Sec. 30. Section 476.6, subsection 1, unnumbered
44 paragraph 2, Code 1997, is amended to read as follows:

45 A subscriber of a telephone exchange or service,
46 who is declared to be legally blind ~~under section~~
47 ~~422.12, subsection 1, paragraph "c"~~, is exempt from
48 any charges for telephone directory assistance that
49 may be approved by the board. For the purposes of
50 this paragraph, an individual is legally blind only if

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1 the individual's central visual acuity does not exceed
2 twenty-two hundredths in the better eye with
3 correcting lenses, or if the individual's visual
4 acuity is greater than twenty-two hundredths but is
5 accompanied by a limitation in the fields of vision
6 such that the widest diameter of the visual field
7 subtends an angle no greater than twenty degrees.

8 Sec. 31. Section 541A.2, subsection 7, unnumbered
9 paragraph 1, Code 1997, is amended to read as follows:

10 An individual development account closed in
11 accordance with this subsection is not subject to the
12 limitations and benefits provided by this chapter but
13 is subject to state tax in accordance with the

14 provisions of ~~section 422.7, subsection 28, and~~
15 section 450.4, subsection 6. An individual
16 development account may be closed for any of the
17 following reasons:

18 Sec. 32. Section 514A.3, subsection 2, Code 1997,
19 is amended by striking the subsection.

20 DIVISION III -- EFFECTIVE AND APPLICABILITY DATE
21 PROVISIONS

22 Sec. 33. This Act takes effect January 1, 1998,
23 and applies to tax years beginning on or after January
24 1, 1998."

25 2. Title page, by striking lines 1 and 2 and
26 inserting the following: "An Act relating to making
27 the state individual income tax a percent of the
28 federal income tax liability with certain adjustments
29 and including effective and applicability date
30 provisions."

MARY NEUHAUSER
ROBERT E. DVORSKY

S-3196

1 Amend House File 388 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I -- IOWA NET INCOME

5 Section 1. Section 422.4, subsection 1, paragraphs
6 b and c, Code 1997, are amended to read as follows:

7 b. "Cumulative inflation factor" means the product
8 of the annual inflation factor for the ~~1988~~ 1997
9 calendar year and all annual inflation factors for
10 subsequent calendar years as determined pursuant to
11 this subsection. The cumulative inflation factor
12 applies to all tax years beginning on or after January
13 1 of the calendar year for which the latest annual
14 inflation factor has been determined.

15 c. The annual inflation factor for the ~~1988~~ 1997
16 calendar year is one hundred percent.

17 Sec. 2. Section 422.4, subsections 2 and 16, Code
18 1997, are amended by striking the subsections.

19 Sec. 3. Section 422.4, subsection 9, Code 1997, is
20 amended to read as follows:

21 9. The word "individual" means a natural person;
22 and if an individual is permitted to file as a
23 corporation, under the Internal Revenue Code, that
24 fictional status is not recognized for purposes of
25 this chapter, and the individual's taxable net income
26 shall be computed as required under the Internal
27 Revenue Code relating to individuals not filing as a
28 corporation, with the adjustments allowed by this
29 chapter division.

30 Sec. 4. Section 422.4, Code 1997, is amended by
 31 adding the following new subsection:
 32 NEW SUBSECTION. 9A. "Net income" means the
 33 federal taxable income as properly computed for
 34 federal tax purposes under the Internal Revenue Code
 35 with the adjustments made in section 422.7,
 36 subsections 1 and 2.

37 Sec. 5. Section 422.5, subsection 1, Code 1997, is
 38 amended by striking the subsection and inserting in
 39 lieu thereof the following:

40 1. A tax is imposed upon every resident and
 41 nonresident individual or estate and trust which tax
 42 shall be levied, collected, and paid annually upon and
 43 with respect to the entire net income as defined in
 44 this division at rates, depending on filing status, as
 45 follows:

46 a. For a single individual, estate, or trust, the
 47 rates of tax are the following:

	<u>Net Income</u>		
	<u>over</u>	<u>but not over</u>	<u>Rate</u>
48			
49	\$ 0	3,400	3.8%

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1	3,400	7,000	4.5
2	7,000	21,000	5.7
3	21,000	100,000	6.0
4	100,000		6.5

5 b. For husband and wife filing a joint return, the
 6 rates of tax are the following:

	<u>Net Income</u>		
	<u>over</u>	<u>but not over</u>	<u>Rate</u>
7			
8			
9	\$ 0	4,400	3.8%
10	4,400	9,000	4.5
11	9,000	27,000	5.7
12	27,000	100,000	6.0
13	100,000		6.5

14 c. For a married person filing separately, the
 15 rates of tax are the following:

	<u>Net Income</u>		
	<u>over</u>	<u>but not over</u>	<u>Rate</u>
16			
17			
18	\$ 0	2,200	3.8%
19	2,200	4,500	4.5
20	4,500	13,500	5.7
21	13,500	50,000	6.0
22	50,000		6.5

23 d. For a head of household, the rates of tax are
 24 the following:

	<u>Net Income</u>		
	<u>over</u>	<u>but not over</u>	<u>Rate</u>
25			
26			
27	\$ 0	3,700	3.8%
28	3,700	7,600	4.5

29	7,600	22,800	5.7
30	22,800	100,000	6.0
31	100,000		6.5

32 e. (1) The tax imposed upon the net income of a
 33 nonresident shall be computed by reducing the amount
 34 determined pursuant to paragraphs "a" through "d", by
 35 the amounts of nonrefundable credits under this
 36 division and by multiplying this resulting amount by a
 37 fraction of which the nonresident's net income
 38 allocated to Iowa, as determined in section 422.8,
 39 subsection 2, paragraph "a", is the numerator and the
 40 nonresident's total net income computed under section
 41 422.7 is the denominator. This provision also applies
 42 to individuals who are residents of Iowa for less than
 43 the entire tax year.

44 (2) The tax imposed upon the net income of a
 45 resident shareholder in a value-added corporation
 46 which has in effect for the tax year an election under
 47 subchapter S of the Internal Revenue Code and carries
 48 on business within and without the state may be
 49 computed by reducing the amount determined pursuant to
 50 paragraphs "a" through "d", by the amounts of

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1 nonrefundable credits under this division and by
 2 multiplying this resulting amount by a fraction of
 3 which the resident's net income allocated to Iowa, as
 4 determined in section 422.8, subsection 2, paragraph
 5 "b", is the numerator and the resident's total net
 6 income computed under section 422.7 is the
 7 denominator. This subparagraph also applies to
 8 individuals who are residents of Iowa for less than
 9 the entire tax year.

10 (a) In order for a resident shareholder in a
 11 value-added corporation which has in effect for the
 12 tax year an election under subchapter S of the
 13 Internal Revenue Code and carries on business within
 14 and without the state, to claim the benefits of
 15 apportionment of income of the value-added
 16 corporation, the taxpayer must completely fill out the
 17 return, determine the taxpayer's income tax liability
 18 without the benefit of apportionment of the value-
 19 added corporation's income, and pay the amount of tax
 20 owed. The taxpayer shall recompute the taxpayer's
 21 income tax liability, by applying the provisions of
 22 this subparagraph on a special return. This special
 23 return shall be filed under rules of the director and
 24 constitutes a claim for refund of the difference
 25 between the amount of tax the taxpayer paid as
 26 determined without the provisions of this subparagraph
 27 and the amount of tax determined with the provisions

28 of this subparagraph.

29 (b) This subparagraph shall not affect the amount
30 of the taxpayer's checkoff to the Iowa election
31 campaign fund under section 56.18, the checkoff for
32 the fish and game fund in section 456A.16, the credits
33 from tax provided in sections 422.10, 422.11A, and
34 422.12 and the allocation of these credits between
35 spouses if the taxpayers filed separate returns.

36 (c) For any tax year, the aggregate amount of
37 refund claims that shall be paid pursuant to this
38 subparagraph shall not exceed five million dollars.
39 If, for a tax year, the aggregate amount of refund
40 claims filed pursuant to this subparagraph exceeds
41 five million dollars, each claim for refund shall be
42 paid on a pro rata basis so that the aggregate amount
43 of refund claims does not exceed five million dollars.
44 In the case where refund claims are not paid in full,
45 the amount of the refund to which the taxpayer is
46 entitled under this subparagraph is the pro rata
47 amount that was paid and the taxpayer is not entitled
48 to a refund of the unpaid portion and is not entitled
49 to carry that amount forward or backward to another
50 tax year. Taxpayers shall not use refunds as

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1 estimated payments for the succeeding tax year.
2 Taxpayers whose tax years begin on January 1 must file
3 their refund claims by October 31 of the calendar year
4 following the end of their tax year to be eligible for
5 refunds. Taxpayers whose tax years begin on a date
6 other than January 1 must file their refund claims by
7 the end of the tenth month following the end of their
8 tax years to be eligible. The department shall
9 determine on February 1 of the second succeeding
10 calendar year if the total amount of claims for refund
11 exceeds five million dollars for the tax year.
12 Notwithstanding any other provision, interest shall
13 not be due on any refund claims that are paid by the
14 last day of February of the second succeeding calendar
15 year. If the claim is not payable on February 1 of
16 the second succeeding calendar year, because the
17 taxpayer is a fiscal year filer, then the amount of
18 the claim allowed shall be in the same ratio as the
19 refund claims available on February 1 of the second
20 succeeding calendar year. These claims shall be
21 funded by moneys appropriated for payment of
22 individual income tax refunds.
23 1A. There is imposed upon every resident and
24 nonresident of this state, including estates and
25 trusts, the greater of the tax determined in
26 paragraphs "a" through "e", or the state alternative

27 minimum tax equal to eighty-five percent of the
28 maximum state individual income tax rate applicable to
29 the taxpayer for the tax year, rounded to the nearest
30 one-tenth of one percent, of the state alternative
31 minimum net income of the taxpayer as computed under
32 this subsection.

33 The state alternative minimum net income of a
34 taxpayer is equal to the taxpayer's federal
35 alternative minimum taxable income, as computed for
36 federal income tax purposes with the adjustments
37 provided in section 422.7.

38 In the case of a resident, including a resident
39 estate or trust, the state's apportioned share of the
40 state alternative minimum tax is one hundred percent
41 of the state alternative minimum tax computed in this
42 subsection. In the case of a resident or part-year
43 resident shareholder in a value-added corporation
44 which has in effect for the tax year an election under
45 subchapter S of the Internal Revenue Code and carries
46 on business within and without the state, a
47 nonresident, including a nonresident estate or trust,
48 or an individual, estate, or trust that is domiciled
49 in the state for less than the entire tax year, the
50 state's apportioned share of the state alternative

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1 minimum tax is the amount of tax computed under this
2 subsection, reduced by the applicable credits in
3 sections 422.10 through 422.12 and this result
4 multiplied by a fraction with a numerator of the sum
5 of state net income allocated to Iowa as determined in
6 section 422.8, subsection 2, paragraph "a" or "b", as
7 applicable, plus tax preference items, adjustments,
8 and losses attributable to Iowa and with a denominator
9 of the sum of total net income computed under section
10 422.7 plus all tax preference items, adjustments, and
11 losses. In computing this fraction, those items
12 excludable in computing state alternative minimum net
13 income shall not be used in computing the tax
14 preference items.

15 Sec. 6. Section 422.5, subsections 2 and 6, Code
16 1997, are amended to read as follows:

17 2. However, the tax shall not be imposed on a
18 resident or nonresident whose net income, as defined
19 in section 422.7, is thirteen thousand five hundred
20 dollars or less in the case of married persons filing
21 jointly ~~or filing separately on a combined return,~~
22 unmarried heads of household, and surviving spouses or
23 nine thousand dollars or less in the case of all other
24 persons; but in the event that the payment of tax
25 under this division would reduce the net income to

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

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1 subsection-3. A person who is claimed as a dependent
2 by another person as defined in section 422.12 shall
3 not receive the benefit of this subsection if the
4 person claiming the dependent has net income exceeding
5 thirteen thousand five hundred dollars or nine
6 thousand dollars as applicable or the person claiming
7 the dependent and the person's spouse have combined
8 net income exceeding thirteen thousand five hundred
9 dollars or nine thousand dollars as applicable.
10 In addition, if the married persons', filing
11 jointly ~~or filing separately on a combined return,~~
12 unmarried head of household's, or surviving spouse's
13 net income exceeds thirteen thousand five hundred
14 dollars, the regular tax imposed under this division
15 shall be the lesser of the maximum state individual
16 income tax rate times the portion of the net income in
17 excess of thirteen thousand five hundred dollars or
18 the regular tax liability computed without regard to
19 this sentence. Taxpayers electing to file separately
20 shall compute the alternate tax described in this
21 paragraph using the total net income of the husband
22 and wife. The alternate tax described in this
23 paragraph does not apply if one spouse elects to carry
24 back or carry forward the loss as provided in section

25 422.9, subsection 3.

26 6. Upon determination of the latest cumulative
27 inflation factor, the director shall multiply each
28 dollar amount set forth in subsection 1, paragraphs
29 "a" through "~~c~~" "d", of this section by this
30 cumulative inflation factor, shall round off the
31 resulting product to the nearest one dollar, and shall
32 incorporate the result into the income tax forms and
33 instructions for each tax year.

34 Sec. 7. Section 422.5, subsections 3, 4, 5, 7, 9,
35 10, 11, and 12, Code 1997, are amended by striking the
36 subsections.

37 Sec. 8. Section 422.6, unnumbered paragraph 1,
38 Code 1997, is amended to read as follows:

39 The tax imposed by section 422.5 less the credits
40 allowed under sections 422.10, 422.11A, and 422.11B,
41 ~~and 422.11C~~, and the personal exemption credit allowed
42 under section 422.12 apply to and are a charge against
43 estates and trusts with respect to their ~~taxable net~~
44 income, and the rates are the same as those applicable
45 to individuals. The fiduciary shall make the return
46 of income for the estate or trust for which the
47 fiduciary acts, whether the income is taxable to the
48 estate or trust or to the beneficiaries.

49 Sec. 9. Section 422.7, Code 1997, is amended by
50 striking the section and inserting in lieu thereof the

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1 following:

2 422.7 NET INCOME COMPUTED.

3 In determining the taxpayer's net income, the
4 taxpayer's federal taxable income shall be adjusted as
5 provided in subsections 1 and 2.

6 1. Federal taxable income is increased by the
7 following:

8 a. Interest and dividends from foreign securities.
9 and from securities of states and other political
10 subdivisions exempt from federal income tax under the
11 Internal Revenue Code to the extent not otherwise
12 exempted by this state.

13 b. Interest and dividends from regulated
14 investment companies exempt from federal income tax
15 under the Internal Revenue Code.

16 c. Iowa income taxes, to the extent deducted in
17 computing federal taxable income.

18 d. Federal income tax refunds, to the extent
19 deducted in computing state income taxes for tax years
20 beginning before January 1, 1997.

21 2. Federal taxable income is decreased by the
22 following:

23 a. Interest and dividends from federal securities.

24 The amount decreased shall be reduced by any interest
25 on indebtedness incurred to carry the federal
26 securities and by any expenses incurred in the
27 production of interest and dividends from the federal
28 securities to the extent deductible in determining
29 federal taxable income.

30 b. The loss on the sale or exchange of a share of
31 a regulated investment company held for six months or
32 less to the extent the loss was disallowed under
33 section 852(b)(4)(B) of the Internal Revenue Code.

34 c. Iowa income tax refunds, to the extent included
35 in determining federal taxable income.

36 d. Federal income taxes, to the extent paid for
37 tax years beginning before January 1, 1997.

38 e. For a person who is disabled, or is fifty-five
39 years of age or older, or is the surviving spouse of
40 an individual or a survivor having an insurable
41 interest in an individual who would have qualified for
42 the deduction under this paragraph for the tax year,
43 subtract, to the extent included, the total amount of
44 a governmental or other pension or retirement pay,
45 including, but not limited to, defined benefit or
46 defined contribution plans, annuities, individual
47 retirement accounts, plans maintained or contributed
48 to by an employer, or maintained or contributed to by
49 a self-employed person as an employer, and deferred
50 compensation plans or any earnings attributable to the

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1 deferred compensation plans, up to a maximum of ten
2 thousand dollars for a person who files a separate
3 state income tax return and up to a maximum of twenty
4 thousand dollars for a husband and wife who file a
5 joint state income tax return. However, a surviving
6 spouse who is not disabled or fifty-five years of age
7 or older can only exclude the amount of pension or
8 retirement pay received as a result of the death of
9 the other spouse.

10 f. In the case of married persons filing a joint
11 return where both spouses have qualified earned
12 income, subtract an amount equal to thirty-four
13 percent of the lesser of thirty thousand dollars or
14 the amount of the qualified earned income of the
15 spouse with the lower qualified earned income.

16 For purposes of this paragraph "qualified earned
17 income" means the same as defined for the federal
18 income tax year beginning in the 1986 calendar year.

19 Sec. 10. Section 422.8, subsection 2, paragraph a,
20 Code 1997, is amended to read as follows:

21 a. Nonresident's net income allocated to Iowa is
22 the net income, or portion of net income, which is

23 derived from a business, trade, profession, or
24 occupation carried on within this state or income from
25 any property, trust, estate, or other source within
26 Iowa. However, income derived from a business, trade,
27 profession, or occupation carried on within this state
28 and income from any property, trust, estate, or other
29 source within Iowa shall not include distributions
30 from pensions, including defined benefit or defined
31 contribution plans, annuities, individual retirement
32 accounts, and deferred compensation plans or any
33 earnings attributable thereto so long as the
34 distribution is directly related to an individual's
35 documented retirement and received while the
36 individual is a nonresident of this state. If a
37 business, trade, profession, or occupation is carried
38 on partly within and partly without the state, only
39 the portion of the net income which is fairly and
40 equitably attributable to that part of the business,
41 trade, profession, or occupation carried on within the
42 state is allocated to Iowa for purposes of section
43 422.5, subsection 1, paragraph "j" "d", and section
44 422.13 and income from any property, trust, estate, or
45 other source partly within and partly without the
46 state is allocated to Iowa in the same manner, except
47 that annuities, interest on bank deposits and
48 interest-bearing obligations, and dividends are
49 allocated to Iowa only to the extent to which they are
50 derived from a business, trade, profession, or

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1 occupation carried on within the state.

2 Sec. 11. Section 422.8, subsection 2, paragraph b,
3 subparagraph (2), Code 1997, is amended to read as
4 follows:

5 (2) Any cash or the value of property
6 distributions which are made only to the extent that
7 they are paid from income upon which Iowa income tax
8 has not been paid, as determined under rules of the
9 director, ~~reduced by fifty percent of the amount of~~
10 ~~any of these distributions that are made to enable the~~
11 ~~shareholder to pay federal income tax on items of~~
12 ~~income, loss, and expenses from the corporation.~~

13 Sec. 12. Section 422.8, subsections 3 and 4, Code
14 1997, are amended to read as follows:

15 3. Taxable Net income of resident and nonresident
16 estates and trusts shall be allocated in the same
17 manner as individuals.

18 4. The amount of minimum tax paid to another state
19 or foreign country by a resident taxpayer of this
20 state from preference items derived from sources
21 outside of Iowa shall be allowed as a credit against

22 the tax computed under this division except that the
23 credit shall not exceed what the amount of state
24 alternative minimum tax would have been on the same
25 preference items which were taxed by the other state
26 or foreign country. The limitation on this credit
27 shall be computed according to the following formula:
28 The total of preference items earned outside of Iowa
29 and taxed by another state or foreign country shall be
30 divided by the total of preference items of the
31 resident taxpayer of Iowa. In computing this
32 quotient, those items excludable under section 422.5,
33 subsection 1, paragraph "k", subparagraph (1) 422.7
34 shall not be used in computing the preference items.
35 This quotient multiplied times the net state
36 alternative minimum tax as determined in section
37 422.5, subsection 1, paragraph "k" 1A, on the total of
38 preference items as if entirely earned in Iowa shall
39 be the maximum tax credit against the Iowa alternative
40 minimum tax. However, the maximum tax credit will not
41 be allowed to the extent that the minimum tax imposed
42 by the other state or foreign country is less than the
43 maximum tax credit computed above.

44 Sec. 13. Section 422.11B, Code 1997, is amended to
45 read as follows:

46 422.11B MINIMUM TAX CREDIT.

47 1. There is allowed as a credit against the tax
48 determined in section 422.5, subsection 1, paragraphs
49 "a" through "j" "e", for a tax year an amount equal to
50 the minimum tax credit for that tax year.

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1 The minimum tax credit for a tax year is the
2 excess, if any, of the adjusted net minimum tax
3 imposed for all prior tax years beginning on or after
4 January 1, 1987, over the amount allowable as a credit
5 under this section for those prior tax years.

6 2. The allowable credit under subsection 1 for a
7 tax year shall not exceed the excess, if any, of the
8 tax determined in section 422.5, subsection 1,
9 paragraphs "a" through "j" "e", over the state
10 alternative minimum tax as determined in section
11 422.5, subsection 1, paragraph "k" 1A.

12 The net minimum tax for a tax year is the excess,
13 if any, of the tax determined in section 422.5,
14 subsection 1, paragraph "k" 1A, for the tax year over
15 the tax determined in section 422.5, subsection 1,
16 paragraphs "a" through "j" "e", for the tax year.

17 The adjusted net minimum tax for a tax year is the
18 net minimum tax for the tax year reduced by the amount
19 which would be the net minimum tax if the only item of
20 tax preference taken into account was that described

21 in paragraph (6) of section 57(a) of the Internal
22 Revenue Code.

23 Sec. 14. Section 422.12, subsections 1 and 3, Code
24 1997, are amended by striking the subsections.

25 Sec. 15. Section 422.12, subsection 2, unnumbered
26 paragraph 1, Code 1997, is amended to read as follows:

27 A tuition credit equal to ten percent of the first
28 one thousand dollars which the taxpayer has paid to
29 others for each dependent in grades kindergarten
30 through twelve, for tuition and textbooks of each
31 dependent in attending an elementary or secondary
32 school situated in Iowa, which school is accredited or
33 approved under section 256.11, which is not operated
34 for profit, and which adheres to the provisions of the
35 federal Civil Rights Act of 1964 and chapter 216. As
36 used in this subsection, "textbooks" means books and
37 other instructional materials and equipment used in
38 elementary and secondary schools in teaching only
39 those subjects legally and commonly taught in public
40 elementary and secondary schools in this state and
41 does not include instructional books and materials
42 used in the teaching of religious tenets, doctrines,
43 or worship, the purpose of which is to inculcate those
44 tenets, doctrines, or worship, and does not include
45 books or materials for extracurricular activities
46 including sporting events, musical or dramatic events,
47 speech activities, driver's education, or programs of
48 a similar nature. Notwithstanding any other
49 provision, ~~all other credits~~ the credit allowed under
50 ~~this section and section 422.12B~~ shall be deducted

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1 before the tuition credit under this subsection. The
2 department, when conducting an audit of a taxpayer's
3 return, shall also audit the tuition tax credit
4 portion of the tax return.

5 Sec. 16. Section 422.12B, subsection 2, Code 1997,
6 is amended to read as follows:

7 ~~2. Married taxpayers electing to file separate~~
8 ~~returns or filing separately on a combined return may~~
9 ~~avail themselves of the earned income credit by~~
10 ~~allocating the earned income credit to each spouse in~~
11 ~~the proportion that each spouse's respective earned~~
12 ~~income bears to the total combined earned income.~~
13 Taxpayers affected by the allocation provisions of
14 section 422.8 shall be permitted a deduction for the
15 credit only in the amount fairly and equitably
16 allocable to Iowa under rules prescribed by the
17 director.

18 Sec. 17. Section 422.12C, subsection 3, Code 1997,
19 is amended by striking the subsection and inserting in

20 lieu thereof the following:

21 3. Nonresidents or part-year residents of Iowa
22 must determine their Iowa child and dependent care
23 credit in the ratio of their Iowa source net income to
24 their all source net income.

25 Sec. 18. Section 422.13, subsection 1A, Code 1997,
26 is amended to read as follows:

27 1A. Notwithstanding any other provision in this
28 section, a resident of this state is not required to
29 make and file a return if the person's net income is
30 equal to or less than the appropriate dollar amount
31 listed in section 422.5, subsection 2, upon which tax
32 is not imposed. A nonresident of this state is not
33 required to make and file a return if the person's
34 total net income in section 422.5, subsection 1,
35 paragraph "z" "e", is equal to or less than the
36 appropriate dollar amount provided in section 422.5,
37 subsection 2, upon which tax is not imposed. For
38 purposes of this subsection, the amount of a lump sum
39 distribution subject to separate federal tax shall be
40 included in net income for purposes of determining if
41 a resident is required to file a return and the
42 portion of the lump sum distribution that is allocable
43 to Iowa is included in total net income for purposes
44 of determining if a nonresident is required to make
45 and file a return.

46 Sec. 19. NEW SECTION. 422.13A INCOME TAX FILING
47 STATUS.

48 1. Married taxpayers who file a joint federal
49 income tax return shall file a joint return for Iowa
50 income tax purposes.

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1 2. Married taxpayers who file separate federal
2 income tax returns shall file separately for Iowa
3 income tax purposes.

4 Sec. 20. Section 422.14, subsection 1, Code 1997,
5 is amended to read as follows:

6 1. A fiduciary subject to taxation under this
7 division, as provided in section 422.6, shall make a
8 return, signed in accordance with forms and rules
9 prescribed by the director, for the individual,
10 estate, or trust for whom or for which the fiduciary
11 acts, if the taxable net income thereof amounts to six
12 hundred dollars or more. A nonresident fiduciary
13 shall file a copy of the federal income tax return for
14 the current tax year with the return required by this
15 section.

16 Sec. 21. Section 422.15, subsection 3, Code 1997,
17 is amended to read as follows:

18 3. Every fiduciary shall make a return for the

19 individual, estate, or trust for whom or for which the
 20 fiduciary acts, and shall set forth in such return the
 21 taxable net income, the names and addresses of the
 22 beneficiaries, and the amounts distributed or
 23 distributable to each as reported on the federal
 24 fiduciary income tax return. Such return may be made
 25 by one or two or more joint fiduciaries.

26 Sec. 22. Section 422.21, unnumbered paragraphs 5
 27 and 7, Code 1997, are amended to read as follows:

28 The director shall determine for the 1980 1998 and
 29 each subsequent calendar year the annual and
 30 cumulative inflation factors for each calendar year to
 31 be applied to tax years beginning on or after January
 32 1 of that calendar year. The director shall compute
 33 the new dollar amounts as specified to be adjusted in
 34 section 422.5 by the latest cumulative inflation
 35 factor and round off the result to the nearest one
 36 dollar. The annual and cumulative inflation factors
 37 determined by the director are not rules as defined in
 38 section 17A.2, subsection 10. The director shall
 39 determine for the 1990 calendar year and each
 40 subsequent calendar year the annual and cumulative
 41 standard deduction factors to be applied to tax years
 42 beginning on or after January 1 of that calendar year.
 43 The director shall compute the new dollar amounts of
 44 the standard deductions specified in section 422.9,
 45 subsection 1, by the latest cumulative standard
 46 deduction factor and round off the result to the
 47 nearest ten dollars. The annual and cumulative
 48 standard deduction factors determined by the director
 49 are not rules as defined in section 17A.2, subsection
 50 10.

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1 If married taxpayers file a joint return or file
 2 separately on a combined return in accordance with
 3 rules prescribed by the director, both spouses are
 4 jointly and severally liable for the total tax due on
 5 the return, except when one spouse is considered to be
 6 an innocent spouse under criteria established pursuant
 7 to section 6013(e) of the Internal Revenue Code.

8 Sec. 23. Section 422.9, Code 1997, is repealed.

9 DIVISION II -- COORDINATING AMENDMENTS

10 Sec. 24. Section 96.3, subsection 4, Code 1997, is
 11 amended to read as follows:

12 4. DETERMINATION OF BENEFITS. With respect to
 13 benefit years beginning on or after July 1, 1983, an
 14 eligible individual's weekly benefit amount for a week
 15 of total unemployment shall be an amount equal to the
 16 following fractions of the individual's total wages in
 17 insured work paid during that quarter of the

18 individual's base period in which such total wages
 19 were highest; the director shall determine annually a
 20 maximum weekly benefit amount equal to the following
 21 percentages, to vary with the number of dependents, of
 22 the statewide average weekly wage paid to employees in
 23 insured work which shall be effective the first day of
 24 the first full week in July:

25 If the	The weekly	Subject to the
26 number of	benefit amount,	following maxi-
27 dependents	shall equal the	imum percentage
28 is:	following frac-	of the statewide
29	tion of high	average weekly
30	quarter wages:	wage:
31 0	1/23	53%
32 1	1/22	55%
33 2	1/21	57%
34 3	1/20	60%
35 4 or more	1/19	65%

36 The maximum weekly benefit amount, if not a multiple
 37 of one dollar shall be rounded to the lower multiple
 38 of one dollar. However, until such time as sixty-five
 39 percent of the statewide average weekly wage exceeds
 40 one hundred ninety dollars, the maximum weekly benefit
 41 amounts shall be determined using the statewide
 42 average weekly wage computed on the basis of wages
 43 reported for calendar year 1981. As used in this
 44 section "dependent" means dependent as defined in
 45 section 422-12, subsection 1, paragraph "c" for state
 46 individual income tax purposes, as if the individual
 47 claimant was a taxpayer, except that an individual
 48 claimant's nonworking spouse shall be deemed to be a
 49 dependent under this section. "Nonworking spouse"
 50 means a spouse who does not earn more than one hundred

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1 twenty dollars in gross wages in one week.
 2 Sec. 25. Section 216B.3, subsection 15, Code 1997,
 3 is amended to read as follows:
 4 15. Develop a plan to provide telephone yellow
 5 pages information without charge to persons declared
 6 to be blind ~~under the standards in section 422-12,~~
 7 ~~subsection 1, paragraph "c".~~ The department may apply
 8 for federal funds to support the service. The program
 9 shall be limited in scope by the availability of
 10 funds. For the purposes of this subsection, an
 11 individual is blind only if the individual's central
 12 visual acuity does not exceed twenty-two hundredths in
 13 the better eye with correcting lenses, or if the
 14 individual's visual acuity is greater than twenty-two
 15 hundredths but is accompanied by a limitation in the
 16 fields of vision such that the widest diameter of the

17 visual field subtends an angle no greater than twenty
 18 degrees.

19 Sec. 26. Section 476.6, subsection 1, unnumbered
 20 paragraph 2, Code 1997, is amended to read as follows:

21 A subscriber of a telephone exchange or service,
 22 who is declared to be legally blind ~~under section~~
 23 ~~422.12, subsection 1, paragraph "c",~~ is exempt from
 24 any charges for telephone directory assistance that
 25 may be approved by the board. For the purposes of
 26 this paragraph, an individual is legally blind only if
 27 the individual's central visual acuity does not exceed
 28 twenty-two hundredths in the better eye with
 29 correcting lenses, or if the individual's visual
 30 acuity is greater than twenty-two hundredths but is
 31 accompanied by a limitation in the fields of vision
 32 such that the widest diameter of the visual field
 33 subtends an angle no greater than twenty degrees.

34 Sec. 27. Section 541A.2, subsection 7, unnumbered
 35 paragraph 1, Code 1997, is amended to read as follows:

36 An individual development account closed in
 37 accordance with this subsection is not subject to the
 38 limitations and benefits provided by this chapter but
 39 is subject to state tax in accordance with the
 40 provisions of ~~section 422.7, subsection 28,~~ and
 41 section 450.4, subsection 6. An individual
 42 development account may be closed for any of the
 43 following reasons:

44 Sec. 28. Section 541A.3, subsection 2, Code 1997,
 45 is amended by striking the subsection.

46 **DIVISION III -- EFFECTIVE AND APPLICABILITY DATE**
 47 **PROVISIONS**

48 Sec. 29. This Act, being deemed of immediate
 49 importance, takes effect upon enactment and applies
 50 retroactively to tax years beginning on or after

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1 January 1, 1997."

2 2. Title page, by striking lines 1 and 2 and
 3 inserting the following: "An Act relating to the
 4 state individual income tax by tying the computation
 5 more closely to the federal individual income tax,
 6 establishing a new rate structure, and providing an
 7 effective and retroactive applicability date
 8 provision."

TOM VILSACK
 TOM FLYNN
 PATRICK J. DELUHERY

S—3197

- 1 Amend House File 388, as passed by the House, as
 2 follows:
- 3 1. Page 1, by striking lines 3 through 28 and
 4 inserting the following:
- 5 "a. On all taxable income from zero through one
 6 thousand dollars, ~~four-tenths~~ three-tenths of one
 7 percent.
- 8 b. On all taxable income exceeding one thousand
 9 dollars but not exceeding two thousand dollars, ~~eight-~~
 10 ~~tenths~~ six-tenths of one percent.
- 11 c. On all taxable income exceeding two thousand
 12 dollars but not exceeding four thousand dollars, two
 13 and ~~seven-tenths~~ three hundredths percent.
- 14 d. On all taxable income exceeding four thousand
 15 dollars but not exceeding nine thousand dollars, ~~five~~
 16 three and seventy-five hundredths percent.
- 17 e. On all taxable income exceeding nine thousand
 18 dollars but not exceeding fifteen thousand dollars,
 19 ~~six and eight-tenths~~ five and one-tenth percent.
- 20 f. On all taxable income exceeding fifteen
 21 thousand dollars but not exceeding twenty thousand
 22 dollars, ~~seven and two-tenths~~ five and four-tenths
 23 percent.
- 24 g. On all taxable income exceeding twenty thousand
 25 dollars but not exceeding thirty thousand dollars,
 26 ~~seven and fifty-five~~ five and sixty-six hundredths
 27 percent.
- 28 h. On all taxable income exceeding thirty thousand
 29 dollars but not exceeding forty-five thousand dollars,
 30 ~~eight and eight-tenths~~ six and six-tenths percent.
- 31 i. On all taxable income exceeding forty-five
 32 thousand dollars, nine and ninety-eight hundredths
 33 percent."
- 34 2. Title page, line 1, by striking the word
 35 "fifteen" and inserting the following "up to twenty-
 36 five".

MICHAEL E. GRONSTAL
 PATTY JUDGE
 PATRICK J. DELUHERY
 MATT McCOY
 RODNEY HALVORSON
 TOM FLYNN
 STEVEN D. HANSEN
 WALLY E. HORN

S—3198

- 1 Amend the Committee amendment, S—3193, to House
 2 File 388, as passed by the House, as follows:

- 3 1. Page 1, by striking lines 3 through 36 and
 4 inserting the following:
 5 "___ Page 1, by striking line 27 and inserting
 6 the following: "dollars, nine and ninety-eight
 7 hundredths".
 8 ___ Title page, line 1, by inserting after the
 9 word "by" the following: "up to"."

MICHAEL E. GRONSTAL
 PATTY JUDGE
 JOHN P. KIBBIE
 MATT McCOY
 RODNEY HALVORSON
 TOM FLYNN
 PATRICK J. DELUHERY
 STEVEN D. HANSEN
 DON GETTINGS
 MIKE CONNOLLY
 DICK L. DEARDEN
 DENNIS H. BLACK
 ROBERT E. DVORSKY
 TOM VILSACK
 MARY NEUHAUSER
 WALLY E. HORN
 JOHNIE HAMMOND
 BILL FINK

S-3199

- 1 Amend House File 388, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 29 the
 4 following:
 5 "Sec. ___. Section 422.7, subsection 34, Code
 6 1997, is amended to read as follows:
 7 34. For a person who is disabled, or is fifty-five
 8 years of age or older, or is the surviving spouse of
 9 an individual or a survivor having an insurable
 10 interest in an individual who would have qualified for
 11 the exemption under this subsection for the tax year,
 12 subtract, to the extent included, the total amount of
 13 a governmental or other pension or retirement pay,
 14 including, but not limited to, defined benefit or
 15 defined contribution plans, annuities, individual
 16 retirement accounts, plans maintained or contributed
 17 to by an employer, or maintained or contributed to by
 18 a self-employed person as an employer, and deferred
 19 compensation plans or any earnings attributable to the
 20 deferred compensation plans, up to a maximum of three
 21 thousand dollars for a person who files a separate
 22 state income tax return and up to a maximum of six
 23 thousand dollars for a husband and wife who file a

24 ~~joint state income tax return.~~ However, a surviving
 25 spouse who is not disabled or fifty-five years of age
 26 or older can only exclude the amount of pension or
 27 retirement pay received as a result of the death of
 28 the other spouse."

29 2. Title page, line 2, by inserting after the
 30 word "percent" the following: ", increasing the
 31 pension deduction."

PATRICK DELUHERY
 TOM FLYNN
 DON GETTINGS
 EUGENE S. FRAISE
 RODNEY HALVORSON
 STEVEN D. HANSEN
 DENNIS H. BLACK
 JOHN P. KIBBIE
 WALLY E. HORN
 WILLIAM D. PALMER
 MICHAEL E. GRONSTAL
 MATT MCCOY
 ROBERT E. DVORSKY

S—3200

- 1 Amend House File 142, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, lines 4 through 6 by striking the
 4 words "to coincide with one or more firearm seasons or
 5 to be one or more separate pistol or revolver seasons
 6 for hunting deer." and inserting the following: "as
 7 separate firearm seasons or to coincide with one or
 8 more other firearm deer hunting seasons."
 9 2. Page 1, by striking lines 14 through 16 and
 10 inserting the following: "barrel modifications. The
 11 barrel length of a pistol or revolver use for deer
 12 hunting shall be at least".
 13 3. Page 1, by striking lines 19 through 22 and
 14 inserting the following: "with a pistol or revolver.
 15 A person possessing a prohibited".

COMMITTEE ON NATURAL RESOURCES
 AND ENVIRONMENT
 MERLIN E. BARTZ, Chairperson

S—3201

- 1 Amend Senate File 284 as follows:
 2 1. Page 5, by striking lines 9 and 10 and
 3 inserting the following: "within the state of Iowa

4 contribute significantly to nonattainment of an ozone
5 standard”.

MERLIN E. BARTZ

S—3202

1 Amend Senate File 291 follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 “The department is not required to review or
5 approve a contract provided for under this section. A
6 contract executed in violation of this section is
7 voidable in an action brought in district court by a
8 party to the contract who sells grain to a grain
9 dealer.”

JOHN P. KIBBIE

S—3203

1 Amend Senate File 519 as follows:
2 1. Page 3, line 16, by inserting after the figure
3 “336,” the following: “a city, a county.”
4 2. Page 3, by inserting after line 29 the
5 following:
6 “Sec. ____ Section 8D.11, subsection 4, Code 1997,
7 is amended to read as follows:
8 4. A political subdivision receiving
9 communications services from the state as of April 1,
10 1986, may continue to do so but communications
11 services shall not be provided or resold to additional
12 political subdivisions other than a city, a county, a
13 school corporation, a city library, a regional library
14 as provided in chapter 256, and a county library as
15 provided in chapter 336. The rates charged to the
16 political subdivision shall be the same as the rates
17 charged to state agencies.
18 Sec. ____ Section 8D.13, Code 1997, is amended by
19 adding the following new subsection:
20 NEW SUBSECTION. 20. Access to the network shall
21 be offered to cities and counties. A city or county
22 shall be responsible for all costs associated with
23 becoming a part of the network.”
24 3. By renumbering as necessary.

ROBERT DVORSKY

S—3204

1 Amend Senate File 109 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 85.71, Code 1997, is amended
5 to read as follows:

6 **85.71 EMPLOYMENT INJURY OUTSIDE OF STATE.**

7 If an employee, while working outside the
8 territorial limits of this state, suffers an injury on
9 account of which the employee, or in the event of
10 death, the employee's dependents, would have been
11 entitled to the benefits provided by this chapter had
12 such injury occurred within this state, such employee,
13 or in the event of death resulting from such injury,
14 the employee's dependents, shall be entitled to the
15 benefits provided by this chapter, ~~provided that if~~ at
16 the time of such injury any of the following is
17 applicable:

18 1. The employment is principally localized in this
19 state, that is, the employee's employer has a place of
20 business in this or some other state and the employee
21 regularly works in this state, or if the employee's
22 employer has a place of business in this state and the
23 employee is domiciled in this state, ~~or,~~

24 2. The employee is working under a contract of
25 hire made in this state in employment not principally
26 localized in any state, ~~or,~~

27 3. The employee is working under a contract of
28 hire made in this state in employment principally
29 localized in another state, whose workers'
30 compensation law is not applicable to the employee's
31 employer, ~~or,~~

32 4. The employee is working under a contract of
33 hire made in this state for employment outside the
34 United States.

35 **Sec. 2. NEW SECTION. 85.72 CLAIMS FOR BENEFITS**
36 **MADE OUTSIDE OF STATE -- RESTRICTIONS -- CREDIT.**

37 1. An employee, or an employee's dependents, shall
38 not be entitled to benefits under this chapter if the
39 employee or the employee's dependents receives
40 benefits through a settlement, judgment, or award, for
41 the same injury, disability, or death pursuant to the
42 laws of another state or country concerning workers'
43 compensation.

44 2. If an employee, or an employee's dependents,
45 files a claim for benefits pursuant to the laws of
46 another state or country concerning workers'
47 compensation, a claim by an employee, or an employee's
48 dependents, for workers' compensation benefits under
49 this chapter for the same injury, disability, or death
50 shall be stayed, without prejudice, pending resolution

Page 2

1 of the out-of-state claim for benefits.

2 3. If benefits are paid under this chapter and

3 were previously paid for the same injury, disability,
4 or death pursuant to the laws of another state or
5 country concerning workers' compensation, the employer
6 shall have a credit concerning the benefits paid under
7 this chapter to the extent that benefits were paid in
8 another state or country."

9 2. Title page, line 1, by striking the word
10 "employment" and inserting the following: "injuries
11 that occur and claims made".

STEVE KING

S—3205

1 Amend Senate File 467 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "assignment." the following: "To show that the
4 employee was advised in writing of the notification
5 requirement of this paragraph, the temporary
6 employment firm shall advise the temporary employee by
7 requiring the temporary employee, at the time of
8 employment with the temporary employment firm, to read
9 and sign a document that provides a clear and concise
10 explanation of the notification requirement and the
11 consequences of failure to notify. The document shall
12 be separate from any contract of hire and a copy of
13 the signed document shall be provided to the temporary
14 employee."

JERRY BEHN

S—3206

1 Amend House File 236, as passed by the House, as
2 follows:

3 1. Page 1, line 10, by inserting after the word
4 "unless" the following: "any benefits awarded under
5 this chapter would not be charged against the account
6 of the temporary employment firm or".

DICK L. DEARDEN

S—3207

1 Amend House File 236, as passed by the House, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "shall" the following: "not".
5 2. Page 1, line 10, by striking the word "not".
6 3. Page 1, line 12, by inserting after the word
7 "assignment" the following: "and the temporary
8 employment firm is notified in writing of the

9 completion of each employment assignment by the client
10 who sought the services of the temporary employee
11 through the temporary employment firm”.

DICK L. DEARDEN

S—3208

1 Amend House File 236, as passed by the House, as
2 follows:
3 1. Page 1, line 5, by striking the words “an
4 employment assignment” and inserting the following:
5 “the last employment assignment prior to a claim for
6 benefits”.
7 2. Page 1, lines 7 and 8, by striking the words
8 “an employment assignment” and inserting the
9 following: “the last employment assignment prior to a
10 claim for benefits”.
11 3. Page 1, line 8, by striking the word “each”
12 and inserting the following: “that”.

DICK L. DEARDEN

S—3209

1 Amend Senate File 225 as follows:
2 1. Page 1, line 9, by inserting after the figure
3 “225C.46.” the following: “Assistive device” does
4 not mean any device or attachment to a device for
5 which a certificate of title is issued by the state
6 department of transportation or any device or organ
7 implanted or transplanted into or attached directly to
8 an individual.”

SHELDON RITTMER

S—3210

1 Amend Senate File 503 as follows
2 1. Page 6, line 7, by inserting after the word
3 “initiation” the following: “and formal supervision”.
4 2. Page 6, line 11, by inserting after the word
5 “confinement” the following: “and shall be monitored
6 as part of the formal probation or parole supervision
7 which is performed by the person’s probation or parole
8 officer”.

LARRY McKIBBEN
TOM VILSACK

S—3211

1 Amend House File 236, as passed by the House, as
2 follows:

3 1. Page 1, line 12, by inserting after the word
4 "assignment" the following: "or the individual had
5 good cause for not contacting the temporary employment
6 firm within three working days and notified the firm
7 at the first reasonable opportunity thereafter".

DICK L. DEARDEN

S-3212

1 Amend Senate File 421 as follows:
2 1. Page 1, line 12, by inserting after the word
3 "registered" the following: "except for an original
4 intake interview in proceedings in which the accused
5 is a juvenile".

JOHNNIE HAMMOND

S-3213

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "Sec. ____ NEW SECTION. 125.83A PLACEMENT IN
6 CERTAIN FEDERAL FACILITIES.
7 If upon completion of the commitment hearing, the
8 court finds that the contention that the respondent is
9 a chronic substance abuser has been sustained by clear
10 and convincing evidence, and the court is furnished
11 evidence that the respondent is eligible for care and
12 treatment in a facility operated by the veterans
13 administration or another agency of the United States
14 government and that the facility is willing to receive
15 the respondent, the court may so order. The
16 respondent, when so placed in a facility operated by
17 the veterans administration or another agency of the
18 United States government within or outside of this
19 state, shall be subject to the rules of the veterans
20 administration or other agency, but shall not lose any
21 procedural rights afforded the respondent by this
22 chapter. The chief officer of the facility shall
23 have, with respect to the respondent so placed, the
24 same powers and duties as the chief medical officer of
25 a hospital in this state would have in regard to
26 submission of reports to the court, retention of
27 custody, transfer, convalescent leave or discharge.
28 Jurisdiction is retained in the court to maintain
29 surveillance of the respondent's treatment and care,
30 and at any time to inquire into the respondent's
31 condition and the need for continued care and custody.

32 2. Upon receipt of a certificate stating that a
33 respondent placed under this chapter is eligible for
34 care and treatment in a facility operated by the
35 veterans administration or another agency of the
36 United States government which is willing to receive
37 the respondent without charge to the state of Iowa or
38 any county in the state, the chief medical officer may
39 transfer the respondent to that facility. Upon so
40 doing, the chief medical officer shall notify the
41 court which ordered the respondent's placement in the
42 same manner as would be required in the case of a
43 transfer under section 125.86, subsection 2, and the
44 respondent transferred shall be entitled to the same
45 rights as the respondent would have under that
46 subsection. No respondent shall be transferred under
47 this section who is confined pursuant to conviction of
48 a public offense or whose placement was ordered upon
49 contention of incompetence to stand trial by reason of
50 mental illness, without prior approval of the court

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1 which ordered that respondent's placement.
2 3. A judgment or order of commitment by a court of
3 competent jurisdiction of another state or the
4 District of Columbia, under which any person is
5 hospitalized or placed in a facility operated by the
6 veterans administration or another agency of the
7 United States government, shall have the same force
8 and effect with respect to that person while the
9 person is in this state as the judgment or order would
10 have if the person were in the jurisdiction of the
11 court which issued it. That court shall be deemed to
12 have retained jurisdiction of the person so placed for
13 the purpose of inquiring into that person's condition
14 and the need for continued care and custody, as do
15 courts in this state under this section. Consent is
16 given to the application of the law of the state or
17 district in which the court is situated which issued
18 the judgment or order as regards authority of the
19 chief officer of any facility, operated in this state
20 by the veterans administration or another agency of
21 the United States government, to retain custody,
22 transfer, place on convalescent leave or discharge the
23 person so committed."
24 2. Title page, line 2, by inserting after the
25 word "statistics," the following: "chemical substance
26 abuse."
27 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S—3214

- 1 Amend Senate File 519 as follows:
- 2 1. Page 5, line 28, by inserting after the word
- 3 "final" the following: "agency action".
- 4 2. Page 5, line 30, by inserting after the word
- 5 "disputes." the following: "The board shall have the
- 6 authority to recover the costs associated with
- 7 implementing this section from the Iowa
- 8 telecommunications and technology commission."

JOHN JENSEN

S—3215

- 1 Amend Senate File 519 as follows:
- 2 1. Page 5, lines 24 and 25, by striking the words
- 3 "other person" and inserting the following: "local
- 4 exchange carrier".
- 5 2. Page 5, line 26, by striking the word "person"
- 6 and inserting the following: "carrier".

JOHN JENSEN

S—3216

- 1 Amend Senate File 519 as follows:
- 2 1. Page 4, line 6, by inserting after the word
- 3 "gain" the following: ", unless the use is an
- 4 authorized use under section 8D.2, subsection 0A,
- 5 paragraph "c" or "d".

DERRYL McLAREN

S—3217

- 1 Amend Senate File 464 as follows:
- 2 1. Page 1, by striking lines 8 through 10 and
- 3 inserting the following: "education."
- 4 2. Page 1, line 11, by striking the word
- 5 "DEFINITIONS."
- 6 3. Page 1, lines 11 and 12, by striking the words
- 7 "section: a. "Student"" and inserting the following:
- 8 "section, "student"".
- 9 4. Page 1, by striking lines 16 through 19.
- 10 5. Page 2, line 16, by inserting before the word
- 11 "parent's" the following: "teaching".

STEVE D. HANSEN

S—3218

- 1 Amend Senate File 519 as follows:
- 2 1. Page 5, line 28, by inserting after the word
- 3 "final" the following: "agency action".
- 4 2. Page 5, line 30, by inserting after the word
- 5 "disputes." the following: "The board shall have the
- 6 authority to recover the costs associated with
- 7 implementing this section from the parties to the
- 8 dispute."

MIKE CONNOLLY
JOHN JENSEN

S—3219

- 1 Amend Senate File 241 as follows:
- 2 1. Page 5, by inserting after line 8 the
- 3 following:
- 4 "____. In an action for an accounting brought under
- 5 this section, where the deceased owner was domiciled
- 6 in this state, the laws of this state shall apply."
- 7 2. By renumbering as necessary.

MERLIN E. BARTZ

S—3220

- 1 Amend Senate File 519 as follows:
- 2 1. Page 3, line 27, by striking the word "may"
- 3 and inserting the following: "shall".

ROBERT DVORSKY
JOHN JENSEN

S—3221

- 1 Amend Senate File 281 as follows:
- 2 1. By striking page 1, line 35, through page 2,
- 3 line 7.
- 4 2. By renumbering as necessary.

DONALD B. REDFERN

S—3222

- 1 Amend Senate File 296 as follows:
- 2 1. Page 1, by striking lines 2 through 21 and
- 3 inserting the following: "amended by adding the
- 4 following new unnumbered paragraph:
- 5 NEW UNNUMBERED PARAGRAPH. If an employer denies
- 6 liability under this chapter, chapter 85A, or chapter

7 85B, for payment for any medical services received by
8 an employee with a disability, and the employee is a
9 beneficiary under either an individual or group plan
10 for nonoccupational illness, injury, or disability,
11 the nonoccupational plan shall not deny payment for
12 the medical services received on the basis that the
13 employer's liability for the medical services under
14 this chapter, chapter 85A, or chapter 85B is
15 unresolved."

DONALD B. REDFERN

S—3223

1 Amend Senate File 241 as follows:
2 1. Page 4, line 6, by striking the words "UNPAID
3 CLAIMS" and inserting the following: "CLAIMS AGAINST
4 A BENEFICIARY OF A TRANSFER ON DEATH SECURITY
5 REGISTRATION."
6 2. Page 5, by inserting after line 8 the
7 following:
8 "___ A district court in this state shall have
9 subject matter jurisdiction over a claim against a
10 designated beneficiary brought by the decedent's
11 personal representative or by a claimant to an
12 interest in a security registered under this division.
13 Any provision in a security registration form
14 restricting jurisdiction over a claim, or restricting
15 a choice of forum, to a forum outside this state is
16 void."
17 3. By renumbering as necessary.

MERLIN E. BARTZ

S—3224

1 Amend Senate File 516 as follows:
2 1. Page 5, line 2, by striking the words "attain
3 or".
4 2. Page 7, by striking lines 22 through 27 and
5 inserting the following:
6 "1. If, as a condition of receiving federal funds
7 for the family investment program, federal law
8 requires implementation and administration of certain
9 activities during a period when the general assembly
10 is not in session, the department shall proceed to
11 implement and administer those provisions, even if in
12 conflict with other existing state law. However, the
13 period of implementation authorized under this
14 subsection shall end upon the adjournment of the
15 regular session of the general assembly immediately
16 following the commencement of the period of

17 implementation.”

18 3. Page 13, by striking line 20, and inserting
19 the following: “is not a parent who is nineteen years
20 of age or younger or a parent of a child who is less
21 than three months of age shall”.

22 4. Page 28, by striking lines 3 through 8 and
23 inserting the following:

24 “NEW SUBSECTION. 4A. “Family investment program”
25 means the family investment program eligibility
26 requirements under chapter 239B, except to the extent
27 federal law requires application of the eligibility
28 requirements under chapter 239, Code 1997, as in
29 effect on July 16, 1996.”

30 5. Page 31, line 9, by inserting after the word
31 “enactment.” the following: “However, the department
32 of human services shall implement the following
33 provisions on or after the date indicated:

34 1. The department shall include a second cousin as
35 a specified relative as provided in section 239B.1,
36 subsection 12, paragraph “n”, as enacted in this Act,
37 beginning July 1, 1997.

38 2. The department shall phase in the required
39 participation in a family investment agreement for
40 individuals who meet the conditions described in
41 paragraph “a” or “b”. The phase-in shall be
42 implemented in a manner so that the required
43 participation applies to all family investment program
44 participants on or before July 1, 1998. The phase-in
45 of the required participation applies to individuals
46 who meet either of the following conditions:

47 a. The individual is a parent or specified
48 relative of a child who is less than three months of
49 age and began caring for the child before a referral
50 of the individual to the job opportunities and basic

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1 skills program.

2 b. The individual is working thirty hours or more
3 per week and began working before a referral of the
4 individual to the job opportunities and basic skills
5 program.”

6 6. By renumbering as necessary.

MAGGIE TINSMAN

S—3225

1 Amend Senate File 457 as follows:

2 1. Page 6, by striking lines 2 through 24.

3 2. Title page, line 7, by striking the words

- 4 "providing for board investigative subpoena power;"
- 5 3. By renumbering as necessary.

JOHN REDWINE

S-3226

- 1 Amend Senate File 503 as follows:
- 2 1. By striking page 1, line 26, through page 2,
- 3 line 30.
- 4 2. Title page, by striking lines 8 and 9, and
- 5 inserting the following: "establishment, providing
- 6 for hormonal".
- 7 3. By renumbering as necessary.

ALLEN BORLAUG
JEFF ANGELO
PATRICK DELUHERY
TOM FLYNN

S-3227

- 1 Amend Senate File 503 as follows:
- 2 1. By striking page 5, line 21 through page 7,
- 3 line 15.
- 4 2. Title page, lines 9 through 11, by striking
- 5 the words "providing for hormonal intervention therapy
- 6 for persons convicted of certain sex offenses,".

MATT McCOY

S-3228

- 1 Amend Senate File 225 as follows:
- 2 1. Page 1, line 9, by inserting after the figure
- 3 "225C.46." the following: "'Assistive device" does
- 4 not mean any device for which a certificate of title
- 5 is issued by the state department of transportation or
- 6 any device or organ implanted or transplanted into or
- 7 attached directly to an individual."

ROBERT DVORSKY
SHELDON RITTMER

S-3229

- 1 Amend House File 335, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by striking the word
- 4 "subsection" and inserting the following:
- 5 "subsections".
- 6 2. Page 2, by inserting after line 2 the

7 following:

8 **"NEW SUBSECTION. 7. Review team members and their**
 9 **agents are immune from any liability, civil or**
 10 **criminal, which might otherwise be incurred or imposed**
 11 **as a result of any act, omission, proceeding,**
 12 **decision, or determination undertaken or performed, or**
 13 **recommendation made as a review team member or agent**
 14 **provided that the review team members or agents acted**
 15 **in good faith and without malice in carrying out their**
 16 **official duties in their official capacity. The**
 17 **department shall adopt rules pursuant to chapter 17A**
 18 **to administer this subsection. A complainant bears**
 19 **the burden of proof in establishing malice or lack of**
 20 **good faith in an action brought against review team**
 21 **members involving the performance of their duties and**
 22 **powers under this section."**
 23 3. Page 2, line 3, by striking the figure "7" and
 24 inserting the following: "8".

COMMITTEE ON STATE GOVERNMENT
 SHELDON RITTMER, Chairperson

S—3230

1 Amend the amendment, S—3155, to Senate File 367, as
 2 follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "informed" the following: "in writing".
 5 2. Page 1, line 5, by striking the word "such".
 6 3. Page 1, line 8, by striking the word "failed"
 7 and inserting the following: "fails".

MERLIN E. BARTZ

S—3231

1 Amend House File 331, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 11, by inserting after the words
 4 "areas if" the following: "the student is present
 5 and".

MARY NEUHAUSER

S—3232

1 Amend Senate File 429 as follows:
 2 1. Page 1, line 34, by striking the words "or
 3 completely leaves the water".

BILL FINK

S—3233

1 Amend Senate File 451 as follows:

- 2 1. Page 1, line 14, by inserting after the word
3 "who" the following: "takes farm samples or".
4 2. Page 1, line 17, by inserting after the word
5 "person." the following: "However, a milk hauler does
6 not include a person who drives a bulk milk tanker, if
7 the person does not take a milk sample or handle raw
8 milk or raw milk products."

LYLE E. ZIEMAN

S—3234

1 Amend Senate File 442 as follows:

- 2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. 101. Section 602.6201, subsection 3,
5 paragraph b, Code 1997, is amended to read as follows:
6 b. All other judicial election districts are
7 entitled to the number of judgeships equal to the
8 average, rounded to the nearest whole number, of the
9 following two quotients, each rounded to the nearest
10 hundredth:
11 (1) The combined civil and criminal filings in the
12 election district divided by four hundred fifty.
13 (2) The election district's population divided by
14 forty thousand.
15 However, the judicial election district in which
16 the Iowa state penitentiary at Fort Madison is located
17 is entitled to one additional judgeship."

O. GENE MADDOX

S—3235

1 Amend Senate File 453 as follows:

- 2 1. Page 1, line 2, by striking the figure "1."
3 and inserting the following:
4 "1. a."
5 2. Page 1, by inserting after line 10 the
6 following:
7 "b. If a child whose needs are included in a cash
8 assistance grant is older than the compulsory
9 attendance age under section 299.1A and is not
10 actively completing educational requirements for
11 graduation in an accredited school or would not be
12 excepted from attendance requirements under section
13 299.2 if section 299.2 was applicable to the child,
14 the child's family shall be subject to sanction as
15 provided in this section."

16 3. Page 1, line 13, by inserting after the word
17 "chapter" the following: "who has not completed
18 educational requirements through the sixth grade".

19 4. Page 1, line 15, by inserting after the word
20 "section." the following: "A sanction shall also be
21 applied if a school truancy officer provides
22 notification to the department of human services as
23 provided in section 299.12 that a child whose needs
24 are included in a cash assistance grant under the
25 family investment program and who is older than the
26 compulsory attendance age under section 299.1A is not
27 actively completing educational requirements for
28 graduation in an accredited school or would not be
29 excepted from attendance requirements under section
30 299.2 if section 299.2 was applicable to the child."

31 5. Page 1, by inserting after line 25 the
32 following:

33 "e. For a child subject to sanction under
34 subsection 1, paragraph "b", the child would qualify
35 for an exception to attendance requirements under
36 section 299.2 if section 299.2 was applicable to the
37 child."

38 6. Page 1, line 35, by inserting after the word
39 "truant" the following: "or is subject to sanction
40 under subsection 1, paragraph "b"".

41 7. Page 6, line 12, by inserting after the figure
42 "239.5B." the following: "The school truancy officer
43 may also provide notification to the department of
44 human services as provided in section 239.5B that a
45 child whose needs are included in a cash assistance
46 grant under the family investment program and who is
47 older than compulsory attendance age under section
48 299.1A is not actively completing educational
49 requirements for graduation in an accredited school or
50 would not be excepted from attendance requirements

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1 under section 299.2 if section 299.2 was applicable to
2 the child."

JOHN P. KIBBIE

S—3236

1 Amend Senate File 515, as follows:

2 1. Page 1, line 34, by inserting after the word

3 "person's" the following: "motor vehicle".

4 2. Page 1, line 35, by inserting after the word

5 "year." the following: "The court may, in its

6 discretion, order the person who is under legal age to

7 perform community service work under section 909.3A.

8 of an equivalent value to the fine imposed under this
 9 section. A person who is under the age of eighteen
 10 who commits a violation of this section shall not be
 11 detained or placed in a secure facility instead of
 12 paying, or for failure to pay, the fine imposed under
 13 this section. The chief judge of each judicial
 14 district shall designate a person who is responsible
 15 for ensuring that any fines imposed are collected."

16 3. Page 3, by inserting after line 11, the
 17 following:

18 "Sec. ____ NEW SECTION. 123.47C FURNISHING
 19 CEREAL BEVERAGE WITH ALCOHOL CONTENT TO PERSONS UNDER
 20 LEGAL AGE -- PENALTY.

21 A person shall not sell, give, or otherwise supply
 22 to a person who is under legal age any cereal beverage
 23 with any alcohol content under the name of "near
 24 beer", "brew", "bru", or any other name which conveys
 25 or implies to the purchaser or recipient that the
 26 beverage has an alcohol content. A person who
 27 violates this section commits a serious misdemeanor."

28 4. Page 4, by striking lines 2 through 25 and
 29 inserting the following:

30 "Sec. ____ Section 123.92, Code 1997, is amended
 31 by adding the following new unnumbered paragraph:
 32 NEW UNNUMBERED PARAGRAPH. Any person who is
 33 injured in person or property or means of support by
 34 an intoxicated person who is under legal age or
 35 resulting from the intoxication of a person who is
 36 under legal age, has a right of action for all damages
 37 actually sustained, severally or jointly, against any
 38 person who sold or served any beer, wine, or
 39 intoxicating liquor to the person under legal age when
 40 the person who sold or served the beer, wine, or
 41 intoxicating liquor knew or should have known the
 42 under-age person was intoxicated, or who sold to and
 43 served the under-age person to a point where the
 44 person knew or should have known the under-age person
 45 would become intoxicated. If the injury was caused by
 46 an intoxicated person who is under the legal age, a
 47 person who sold or served beer, wine, or intoxicating
 48 liquor to the under-age person may establish as an
 49 affirmative defense that the intoxication did not
 50 contribute to the injurious action of the under-age

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1 person."

2 5. Page 5, by inserting after line 23 the
 3 following:

4 "Sec. ____ Section 216A.138, Code 1997, is amended
 5 by adding the following new subsection:

6 NEW SUBSECTION. 5A. The plan shall include

7 development of a resource guide outlining successful
 8 programs and practices established within this state
 9 which are designed to promote positive youth
 10 development and that assist delinquent and other at-
 11 risk youth in overcoming personal and social problems.
 12 The guide shall be made publicly available."

13 6. Page 8, line 2, by striking the words "The
 14 written" and inserting the following: "In addition,
 15 the victim may orally present a victim impact
 16 statement. The".

17 7. Page 8, by striking lines 5 through 9 and
 18 inserting the following: "informal adjustment
 19 associated with the complaint."

20 8. Page 17, by inserting after line 29 the
 21 following:

22 "Sec. ____ Section 232.150, subsection 1,
 23 unnumbered paragraph 1, Code 1997, is amended to read
 24 as follows:

25 Upon application of a person who was taken into
 26 custody for a delinquent act ~~or, who~~ was the subject
 27 of a complaint alleging delinquency ~~or, who~~ was the
 28 subject of a delinquency petition, or who committed a
 29 violation of section 123.47, or upon the court's own
 30 motion, the court, after hearing, shall order the
 31 records in the case including those specified in
 32 sections 232.147 and 232.149 sealed if the court finds
 33 all of the following:"

34 9. Page 20, by inserting after line 15 the
 35 following:

36 "Sec. ____ Section 602.6110, Code 1997, is amended
 37 to read as follows:

38 **602.6110 PEER REVIEW COURT — PILOT PROJECTS.**

39 1. A peer review court is may be established as a
 40 pilot program in each judicial district to divert
 41 certain youthful offenders from the criminal or
 42 juvenile justice systems. The court shall consist of
 43 a qualified adult to act as judge with while the
 44 duties of prosecutor, defense counsel, court
 45 attendant, clerk, and jury ~~composed of~~ shall be
 46 performed by persons ~~ten~~ twelve through seventeen
 47 years of age.

48 2. The jurisdiction of the peer review court
 49 extends to those persons ten through seventeen years
 50 of age who have committed misdemeanor offenses, or

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1 delinquent acts which would be misdemeanor offenses if
 2 committed by an adult, ~~and who have entered a plea of~~
 3 guilty who have admitted involvement in the
 4 misdemeanor or delinquent act, entered and who meet

5 the criteria established for entering into an informal
6 adjustment agreement, or agreed to the entry of a
7 consent decree to for those offenses in district or
8 juvenile court. Those persons may then elect to
9 appear before the peer review court to receive
10 sentence for a determination of the terms and
11 conditions of the informal adjustment or may elect to
12 proceed with the informal or formal procedures
13 established in chapter 232.

14 3. The peer review court shall not determine guilt
15 or innocence and any statements or admissions made by
16 the person before the peer review court are not
17 admissible in any formal proceedings involving the
18 same person. The peer review court shall only
19 determine the sentence for terms and conditions of the
20 informal adjustment for the offense. The sentence
21 terms and conditions may consist of fines,
22 restrictions for damages, attendance at treatment
23 programs, or community service work or any combination
24 of these penalties as appropriate to the offense or
25 delinquent act committed. A person appearing before
26 the peer review court may also be required to serve as
27 a juror on the court as a part of the person's
28 sentence.

29 3. 4. Subject to the agreement of the chief judge
30 of the judicial district, the supreme court shall
31 designate two judicial districts in which to locate a
32 peer review court pilot project. The chief judge of
33 the each judicial district which establishes a peer
34 review court shall appoint a peer review court
35 advisory board. The advisory board shall adopt rules
36 for the peer review court advisory program, shall
37 appoint persons to serve on the peer review court, and
38 shall supervise the expenditure of funds appropriated
39 to the program."

40 10. Title page 1, line 3, by striking the words
41 "and tobacco".

42 11. Title page 1, line 22, by inserting after the
43 word "probation," the following: "providing for
44 establishment of statewide peer review courts for
45 youthful offenders,".

46 12. Title page 2, by striking lines 4 and 5 and
47 inserting the following: "authorizing school
48 officials to report possession or".

49 13. By numbering and renumbering as necessary.

O. GENE MADDOX
JOHNIE HAMMOND
MAGGIE TINSMAN
NANCY BOETTGER

S-3237

- 1 Amend Senate File 362 as follows:
- 2 1. By striking page 1, line 21, through page 2,
- 3 line 6.
- 4 2. Page 2, by striking lines 18 and 19.
- 5 3. Title page, by striking lines 1 and 2, and
- 6 inserting the following: "An Act allowing the
- 7 discharge of".

PATTY JUDGE

S-3238

- 1 Amend Senate File 362 as follows:
- 2 1. By striking page 1, line 21, through page 2,
- 3 line 6.
- 4 2. Page 2, by striking lines 18 and 19 and
- 5 inserting the following:
- 6 "Sec. ____ NEW SECTION. 483A.28 DEPREDATION
- 7 PERMITS -- NONRESIDENT DEER HUNTING PASSPORTS.
- 8 1. a. In administering a deer depredation permit
- 9 program, the department shall accept the
- 10 recommendations of the United States department of
- 11 agriculture, animal damage control. In determining
- 12 the value of crop damage caused by deer, the
- 13 department shall include the damage to all types of
- 14 agricultural and horticultural crops caused by the
- 15 deer population.
- 16 b. A deer damage control fund is created in the
- 17 state treasury under the control of the department.
- 18 The moneys credited to the deer damage control fund
- 19 shall be used by the department to fund the deer
- 20 depredation permit program.
- 21 2. In addition to the requirements of section
- 22 483A.8, a nonresident who hunts deer in this state
- 23 shall have a nonresident deer passport. Upon
- 24 application and payment of a fee of ten dollars, the
- 25 department shall issue a nonresident deer passport to
- 26 the applicant. The fees collected by the department
- 27 shall be credited to the deer damage control fund.
- 28 Sec. ____ APPROPRIATION. There is appropriated
- 29 from the general fund of the state to the deer damage
- 30 control fund for the fiscal year beginning July 1,
- 31 1997, and ending June 30, 1998, the sum of twenty-five
- 32 thousand dollars, or so much thereof as is necessary,
- 33 to be used for the purposes authorized for the deer
- 34 damage control fund."
- 35 3. Title page, line 1, by striking the word
- 36 "wildlife" and inserting the following: "deer".

PATTY JUDGE

S—3239

- 1 Amend Senate File 188 as follows:
- 2 1. Page 1, line 32, by striking the word
- 3 "fifteen" and inserting the following: "ten".

MATT McCOY
DICK L. DEARDEN

S—3240

- 1 Amend Senate File 411 as follows:
- 2 1. Page 2, line 2, by inserting after the words
- 3 "property." the following: "If the real property
- 4 contains less than two acres, is located outside of a
- 5 city, is not adjacent to a city, and was previously
- 6 used as a schoolhouse site, the procedure contained in
- 7 sections 297.15 through 297.20 shall be followed in
- 8 lieu of this section."
- 9 2. Page 2, by striking lines 9 through 13 and
- 10 inserting the following:
- 11 "~~Before the board of directors may sell, lease or~~
- 12 ~~dispose of any property belonging to the school~~
- 13 ~~district it shall comply with the requirements set~~
- 14 ~~forth in sections 297.15 to 297.20 and sections 297.23~~
- 15 ~~and 297.24. Any real estate proposed to be sold shall~~
- 16 ~~be~~".

NANCY BOETTGER

S—3241

- 1 Amend House File 405, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 23, by striking the word "real".
- 4 2. Page 2, line 27, by inserting after the word
- 5 "resolution." the following: "The notice shall also
- 6 describe the property. A locally known address for
- 7 real property may be substituted for a legal
- 8 description of real property contained in the
- 9 resolution."

NANCY BOETTGER

S—3242

- 1 Amend Senate File 188 as follows:
- 2 1. Page 1, line 32, by striking the word
- 3 "fifteen" and inserting the following: "ten".

DICK L. DEARDEN

S—3243

1 Amend Senate File 423 as follows:

2 1. By striking page 1, line 3, through page 2,
3 line 1, and inserting the following:
4 "9. Upon a vote of two-thirds of its members, the
5 administrative rules review committee may delay the
6 effective date of a rule until the adjournment of the
7 next regular session of the general assembly. The
8 committee shall refer a rule whose effective date has
9 been delayed to the speaker of the house of
10 representatives and the president of the senate who
11 shall refer the rule to the appropriate standing
12 committees of the general assembly. A standing
13 committee shall review a rule within twenty-one days
14 after the rule is referred to the committee by the
15 speaker of the house of representatives or the
16 president of the senate and may sponsor a joint
17 resolution to disapprove of the rule or take any other
18 action authorized by law. The standing committee
19 shall inform the administrative rules review committee
20 of any committee action taken concerning the rule. If
21 the general assembly has not disapproved of the rule
22 by a joint resolution, the rule shall become
23 effective. The speaker of the house of
24 representatives and the president of the senate shall
25 notify the administrative code editor of the final
26 disposition of each rule delayed pursuant to this
27 subsection. If a rule is disapproved, it shall not
28 become effective and the agency shall rescind the
29 rule. This section shall not apply to rules made
30 effective under section 17A.5, subsection 2, paragraph
31 "b."

32 2. Title page, line 1, by striking the words
33 "prospective rescission" and inserting the following:
34 "delay".

JOHN P. KIBBIE

S—3244

1 Amend Senate File 503 as follows:

2 1. Page 13, line 31, by striking the words "one
3 hundred fifty thousand" and inserting the following:
4 "one million".

5 2. Page 13, line 32, by inserting after the word
6 "estate." the following: "The obligation to pay the
7 additional amount shall not be dischargeable in any
8 proceeding under the federal Bankruptcy Act."

STEVEN D. HANSEN

S—3245

- 1 Amend Senate File 503 as follows:
- 2 1. Page 14, by inserting after line 14 the
- 3 following:
- 4 "Sec. ____ DEPARTMENT OF CORRECTIONS --
- 5 SUPERMAXIMUM SECURITY CORRECTIONAL FACILITY -- REQUEST
- 6 FOR PROPOSALS. The department of corrections shall
- 7 issue a request for proposals for the construction of
- 8 a supermaximum security correctional facility at the
- 9 Fort Madison correctional facility, which would only
- 10 be constructed if the proposal is accepted. The
- 11 department of corrections shall include specifications
- 12 concerning the number of correctional beds in the
- 13 request for proposals and issue the request for
- 14 proposals in such a manner that responses are due and
- 15 shall be included in a report submitted by the
- 16 department to the general assembly on or before
- 17 January 12, 1998. The department of corrections shall
- 18 not accept a proposal received in accordance with this
- 19 section without specific authorization through the
- 20 enactment of legislation to fund the proposal."
- 21 2. Title page, line 14, by inserting after the
- 22 word "crime," the following: "authorizing a request
- 23 for proposals concerning the construction of a
- 24 supermaximum security correctional facility at Fort
- 25 Madison,".
- 26 3. By renumbering as necessary.

STEVEN D. HANSEN
EUGENE FRAISE
TOM VILSACK

S—3246

- 1 Amend the amendment, S—3238, to Senate File 362 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 15.
- 4 2. Page 1, line 16, by striking the word "b." and
- 5 inserting the following: "1."
- 6 3. Page 1, line 31, by striking the words
- 7 "twenty-five" and inserting the following: "two
- 8 hundred fifty".

PATTY JUDGE.

S—3247

- 1 Amend the amendment, S—3204, to Senate File 109 as
- 2 follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "state" the following: ", is registered to do

5 business in this state, or has employees who work in
6 this state.

7 2. Page 1, line 39, by striking the word
8 "receives" and inserting the following: "has
9 initiated a contested case or other similar proceeding
10 for".

11 3. Page 1, by striking line 40.

12 4. Page 1, line 43, by inserting after the word
13 "compensation" the following: ", and the employee or
14 the employee's dependents receives benefits following
15 resolution of the proceeding pursuant to a settlement,
16 judgment, or award".

17 5. Page 1, line 45, by striking the words "files
18 a claim" and inserting the following: "initiates a
19 contested case proceeding".

20 6. Page 1, line 47, by striking the word "claim"
21 and inserting the following: "contested case
22 proceeding initiated".

DICK L. DEARDEN

S—3248

1 Amend Senate File 339 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 507A.4, subsection 10, Code
5 1997, is amended to read as follows:

6 10. a. Transactions involving a multiple employer
7 welfare arrangement, as defined in section 3 of the
8 federal Employee Retirement Income Security Act of
9 1974, 29 U.S.C. § 1002, paragraph 40, if the multiple
10 employer welfare arrangement meets all of the
11 following conditions:

12 a. (1) The arrangement is administered by an
13 authorized insurer or an authorized third-party
14 administrator.

15 b. (2) The arrangement has been in existence and
16 provided health insurance for at least fifteen five
17 years prior to July 1, 1994 1997.

18 c. (3) The arrangement was established by a trade,
19 industry, or professional association of employers
20 that has a constitution or bylaws, and has been
21 organized and maintained in good faith for at least
22 twenty ten continuous years prior to July 1, 1994
23 1997.

24 (4) The arrangement registers with and obtains a
25 certificate of registration issued by the commissioner
26 of insurance.

27 (5) The arrangement is subject to the jurisdiction
28 of the commissioner of insurance, including regulatory
29 oversight and solvency standards as established by

30 rules adopted by the commissioner of insurance
 31 pursuant to chapter 17A.
 32 b. A multiple employer welfare arrangement
 33 registered with the commissioner of insurance which
 34 does not meet the solvency standards established by
 35 rule adopted by the commissioner of insurance is
 36 subject to chapter 507C.

37 Sec. 2. 1994 Iowa Acts, chapter 1038, section 3,
 38 as amended by 1995 Iowa Acts, chapter 33, section 1,
 39 and 1996 Iowa Acts, chapter 1024, section 1, is
 40 amended to read as follows:

41 SEC. 3. REPEAL. This Act is repealed effective
 42 July 1, 1997 1998.

43 Sec. 3. Section 513A.8, Code 1997, is repealed.

44 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
 45 immediate importance, takes effect upon enactment."

46 2. Title page, line 1, by striking the words

47 "delay of the repeal for the".

NEAL SCHUERER

S-3249

1 Amend Senate File 17 as follows:

2 1. Page 1, line 3, by inserting after the word
 3 "reasonable" the following: "and actual".

4 2. Page 1, line 3, by striking the words "by the"
 5 and inserting the following: "by".

6 3. Page 1, line 4, by striking the word "state"
 7 and inserting the following: "emergency response
 8 units".

9 4. Title page, line 2, by striking the words "the
 10 state" and inserting the following: "emergency
 11 response units".

JAMES BLACK

S-3250

1 Amend Senate File 393 as follows:

2 1. Page 2, by striking lines 2 through 7 and
 3 inserting the following: "the Securities Act of
 4 1933."

5 2. Page 4, line 14, by striking the words and
 6 figures "subsections 2 and 13" and inserting the
 7 following: "subsection 2".

8 3. Page 4, line 20, by striking the word "An" and
 9 inserting the following: "To the extent necessary to
 10 compute fees, an".

11 4. Page 4, line 23, by striking the words
 12 "subsections 2 and 13" and inserting the following:
 13 "subsection 2".

14 5. Page 6, by inserting after line 4 the
15 following:
16 "Sec. ____ Section 502.208, subsections 1, 2, 4,
17 5, 8, 9, 11, and 13, Code 1997, are amended to read as
18 follows:

19 1. A registration statement or a notice filing
20 made pursuant to section 502.206A may be filed by the
21 issuer, any other person on whose behalf the offering
22 is to be made, or a registered broker-dealer.

23 2. a. Except as provided in subsection 13 and
24 section 502.207A, subsection 3, paragraph "g", a
25 person who files a registration statement or a notice
26 filing shall pay a filing fee of one-tenth of one
27 percent of the proposed aggregate sales price of the
28 securities to be offered to persons in this state
29 pursuant to the registration statement or notice
30 filing. However, except as provided in paragraph "c"
31 of this subsection, subsection 13, and section
32 502.207A, subsection 3, paragraph "g", the annual
33 filing fee shall not be less than fifty dollars or
34 more than one thousand dollars.

35 b. The administrator shall retain the filing fee
36 even if the notice filing is withdrawn or the
37 registration is withdrawn, denied, suspended, revoked,
38 or abandoned.

39 c. A person who is a ~~face amount certificate~~
40 ~~company, open end management investment company, or a~~
41 ~~unit investment trust, as defined in the Investment~~
42 ~~Company Act of 1940, the issuer of a federal covered~~
43 ~~security under section 18(b)(2) of the Securities Act~~
44 ~~of 1933 shall initially register~~ make a notice filing
45 and annually renew a registration statement notice
46 filing in this state for an indefinite amount or a
47 fixed amount. The fixed amount must be for two
48 hundred fifty thousand dollars. A registrant notice
49 filer shall pay a filing fee when the statement notice
50 is filed. If the ~~registration statement amount~~

Page 2

1 covered by the notice is indefinite, the registrant
2 notice filer shall pay a filing fee of one thousand
3 dollars. If the ~~registration statement amount covered~~
4 by the notice is fixed, the registrant notice filer
5 shall pay a filing fee of two hundred fifty dollars,
6 and the following shall apply:

7. (1) The registrant notice filer shall file a sales
8 report with the administrator or pay an additional
9 filing fee of one thousand two hundred fifty dollars
10 within ninety days after the ~~registration statement's~~
11 notice filing's annual renewal date. If the
12 registrant notice filer files a sales report with the

13 administrator, the registrant notice filer shall pay
14 an additional filing fee of one-tenth of one percent
15 of the amount of securities sold in excess of two
16 hundred fifty thousand dollars. The additional filing
17 fee must be paid within ninety days after the
18 registration statement's notice filing's annual
19 renewal date.

20 (2) ~~The administrator shall order the registration~~
21 ~~of notice filing covering the additional securities~~
22 ~~shall be effective retroactively as of the effective~~
23 ~~date of the registration statement notice filing that~~
24 ~~is being amended.~~

25 4. Any document filed under this chapter or a
26 predecessor act within five years preceding the filing
27 of a registration statement or notice filing may be
28 incorporated by reference in the registration
29 statement or notice filing to the extent that the
30 document is currently accurate.

31 5. The administrator may by rule or otherwise
32 permit the omission of any item of information or
33 document from any registration statement or notice
34 filing.

35 8. The administrator may by rule require that
36 registered securities of designated classes shall be
37 issued under a trust indenture containing such
38 provisions as the administrator determines.

39 9. a. A registration statement or notice filing
40 shall remain effective for one year from its effective
41 date unless it is renewed, extended, or amended by
42 rule or order of the administrator. An initial notice
43 filing or a renewal or amendment of a notice filing
44 becomes effective on the date received by the
45 administrator, or, if requested by the issuer, on the
46 date that the initial notice filing, renewal, or
47 amendment is effective with the securities and
48 exchange commission. All outstanding securities of
49 the same class as a registered security or a security
50 for which a notice filing has been made are considered

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1 to be registered or covered by a notice filing for the
2 purpose of any transaction by or on behalf of a person
3 who is not the issuer, and who is not in control of
4 the issuer or controlled by the issuer or under common
5 control with the issuer, so long as the registration
6 statement or notice filing is effective, unless
7 otherwise prescribed by order. A registration
8 statement may or notice filing shall not be withdrawn
9 after its effective date if any of the securities has
10 been sold in this state, unless permitted by rule or
11 order of the administrator. A registration statement

12 is not effective during the time a stop order is in
13 effect under section 502.209. A notice filing is not
14 effective during the time that a stop order issued
15 pursuant to section 502.206A is in effect. A
16 registration statement which never became effective
17 may be withdrawn without prejudice to the issuer upon
18 request and for good cause as determined at the
19 discretion of the administrator.

20 b. During the effective period of a registration
21 statement, the administrator may by rule or order
22 require the person who filed the registration
23 statement to file reports, not more often than
24 quarterly, to keep reasonably current the information
25 contained in the registration statement and to
26 disclose the progress of the offering. If any of the
27 securities registered has been sold in this state, the
28 administrator may by rule or order extend the period
29 for filing the reports, for an additional period not
30 exceeding two years from the date the registration
31 became effective or from the date of its last
32 amendment or extension.

33 ~~11. Except for face amount certificate companies,~~
34 ~~open end management investment companies, and unit~~
35 ~~investment trusts, as defined by the Investment~~
36 ~~Company Act of 1940, registration~~ Registration
37 statements may be amended during the registration
38 period to increase the amount of registered securities
39 to be offered for sale to persons in this state.

40 a. The amendment to the registration statement
41 becomes effective on the date ordered by the
42 administrator.

43 b. Filing fees shall be calculated as specified by
44 subsection 2, paragraph "a", and subsection 13.

45 ~~13. a. With the exception of face amount~~
46 ~~certificate companies, open end management investment~~
47 ~~companies, and unit investment trusts, a~~ A registrant
48 who sold securities to persons in this state in excess
49 of the amount of securities registered in this state
50 at the time of the sale may file an amendment to its

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1 registration statement to register the additional
2 securities. The following requirements shall apply:
3 (1) a. If a registrant proposes to sell securities
4 to persons in this state pursuant to a registration
5 statement that is currently effective in this state in
6 an amount that exceeds the amount registered in this
7 state, the registrant must do both of the following:
8 (a) (1) File an amendment to register the
9 additional securities.
10 (b) (2) Pay an additional filing fee in the same

11 amount as specified by subsection 2, paragraph "a", as
12 though the amendment constitutes a separate issue.

13 (2) b. If a registrant sold securities to persons
14 in this state in excess of the amount registered in
15 this state at that time, the registrant must do both
16 of the following:

17 (a) (1) File an amendment to register the
18 additional securities.

19 (b) (2) Pay an additional filing fee that is three
20 times the amount specified in subsection 2, paragraph
21 "a", as though the amendment constitutes a separate
22 issue.

23 (3) c. The administrator may order the amendment
24 effective retroactively as of the effective date of
25 the registration statement that is being amended."

26 6. Page 7, by inserting after line 6 the
27 following:

28 "Sec. ____ Section 502.406, subsection 2,
29 paragraph a, Code 1997, is amended to read as follows:

30 a. ~~Neither the~~ The fact that a registration
31 statement ~~or a notice filing~~ has been filed under this
32 chapter ~~nor~~ or the fact that such ~~the~~ statement has
33 become effective ~~constitutes~~ does not constitute a
34 finding by the administrator that any document filed
35 under this chapter is true, complete or not
36 misleading. ~~Neither any~~ Any such fact ~~nor~~ or the fact
37 that an exemption is available for a security or a
38 transaction ~~means~~ does not mean that the administrator
39 has passed in any way upon the merits or
40 qualifications of, or has recommended or given
41 approval to, any person, security or transaction."

42 7. Page 7, by striking lines 19 and 20 and
43 inserting the following: "prospective investors,
44 unless the security is a federal covered security or
45 the transaction relates to a federal covered security
46 or the security or transaction is exempted by section
47 502.202 or".

48 8. Page 7, by inserting after line 23 the
49 following:

50 "Sec. ____ Section 502.607, subsection 1, Code

Page 5

1 1997, is amended to read as follows:

2 1. Pursuant to the Iowa administrative procedure
3 Act chapter 17A, the administrator may from time to
4 time make, amend, and rescind such rules, forms, and
5 orders as are necessary to carry out the provisions of
6 this chapter, including rules and forms governing
7 registration statements, notice filings, applications,

8 and reports, and defining any terms, whether or not
9 used in this chapter, insofar as the definitions are
10 not inconsistent with the provisions of this chapter.
11 For the purpose of rules and forms, the administrator
12 may classify securities, persons, and other relevant
13 matters, and prescribe different requirements for
14 different classes.

15 Sec. ____ Section 502.608, subsections 2 and 3,
16 Code 1997, are amended to read as follows:

17 2. The administrator shall keep a register of all
18 applications for registration, notice filings, and
19 registration statements which are or have been
20 effective under this chapter and predecessor laws, and
21 all censure, denial, suspension, or revocation orders
22 which have been entered under this chapter and
23 predecessor laws. The register shall be open for
24 public inspection.

25 3. The information contained in or filed with any
26 registration statement, application, notice filing, or
27 report may be made available to the public under such
28 rules as the administrator prescribes.

29 Sec. ____ Section 502.609, subsection 1,
30 unnumbered paragraph 1, Code 1997, is amended to read
31 as follows:

32 Every applicant for registration under this
33 chapter, and every issuer which proposes to offer a
34 security in this state, shall file with the
35 administrator, in such form as the administrator by
36 rule prescribes, an irrevocable consent appointing the
37 administrator or the administrator's successor in
38 office to be such person's attorney to receive service
39 of any lawful process in any noncriminal suit, action
40 or proceeding against such person or the successor,
41 executor or administrator of such person which arises
42 under this chapter or any rule or order hereunder
43 after the consent has been filed, with the same
44 validity as if served personally on the person filing
45 the consent. The consent need not be filed by a
46 person who has filed a consent in connection with a
47 previous registration or notice filing which is then
48 in effect. Service may be made by leaving a copy of
49 the process in the office of the administrator, but it
50 is not effective unless the plaintiff, including the

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1 administrator when acting as such,".

2 9. By renumbering as necessary.

NEAL SCHUERER
JOHN W. JENSEN

S-3251

- 1 Amend House File 553, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "employee," the following: "member, manager".
- 5 2. Page 1, line 28, by inserting after the word
- 6 "partner," the following: "member, manager".

NEAL SCHUERER

S-3252

- 1 Amend Senate File 522 as follows:
- 2 1. Page 1, line 3, by striking the word "a."
- 3 2. Page 1, by striking line 4 and inserting the
- 4 following: "from any ~~community-based~~ provider of,
- 5 whether organized for pecuniary profit or not or
- 6 whether supported by charitable or public or private
- 7 funds, that provides treatment or services for".
- 8 3. Page 1, line 5, by inserting after the word
- 9 "health," the following: "brain injury".
- 10 4. Page 1, by striking line 7 and inserting the
- 11 following: "~~host county in which the site of the~~
- 12 provider is located unless the person continuously
- 13 resides in the ~~host~~ that".
- 14 5. Page 1, by striking lines 10 through 20.
- 15 6. Title page, line 1, by striking the word
- 16 "community-based".

NANCY BOETTGER

S-3253

- 1 Amend Senate File 503 as follows:
- 2 1. Page 7, by inserting after line 15 the
- 3 following:
- 4 "Sec. ____ Section 904.705, unnumbered paragraph
- 5 2, Code 1997, is amended to read as follows:
- 6 The director ~~may~~ shall with the assistance of the
- 7 department of natural resources establish and operate
- 8 forestry nurseries on state-owned land under the
- 9 control of the department. Residents of the adult
- 10 correctional institutions shall provide the labor for
- 11 the operation. Nursery stock shall be sold in
- 12 accordance with the rules of the natural resource
- 13 commission. The department shall pay the costs of
- 14 establishing and operating the forestry nurseries out
- 15 of the revolving farm fund created in section 904.706.
- 16 The department of natural resources shall pay the
- 17 costs of transporting, sorting, and distributing
- 18 nursery stock to and from or on state-owned land under

19 the control of the department of natural resources.
20 Receipts from the sale of nursery stock produced under
21 this section shall be divided between the department
22 and the department of natural resources in direct
23 proportion to their respective costs as a percentage
24 of the total costs. The department shall deposit its
25 receipts in the revolving farm fund created in section
26 904.706.

27 Sec. ____ Section 904.706, unnumbered paragraph 1,
28 Code 1997, is amended to read as follows:

29 A revolving farm fund is created in the state
30 treasury in which the department shall deposit
31 receipts from agricultural products, nursery stock,
32 agricultural land rentals, and the sale of livestock.
33 ~~However, before Before~~ any agricultural operation is
34 phased out, the department which proposes to
35 discontinue this operation shall notify and receive
36 the permission of the governor, chairpersons and
37 ranking members of the house and senate appropriations
38 committees, and cochairpersons and ranking members of
39 the subcommittee in the senate and house of
40 representatives which has handled the appropriation
41 for this department in the past session of the general
42 assembly. Before the department sells farmland under
43 the control of the department, the director shall
44 notify and receive the permission of the governor,
45 chairpersons and ranking members of the house and
46 senate appropriations committees, and cochairpersons
47 and ranking members of the joint appropriations
48 subcommittee that handled the appropriation for the
49 department during the past session of the general
50 assembly. No sale or discontinuance of operations

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1 shall cause the level of activity or inmate
2 participation to fall below the level of activity or
3 participation which was in effect on January 1, 1997.
4 The department may pay from the fund for the
5 operation, maintenance, and improvement of farms and
6 agricultural or nursery property under the control of
7 the department. A purchase order for five thousand
8 dollars or less payable from the fund is exempt from
9 the general purchasing requirements of chapter 18.
10 Notwithstanding section 8.33, unencumbered or
11 unobligated receipts in the revolving farm fund at the
12 end of a fiscal year shall not revert to the general
13 fund of the state."

14 2. Title page, line 11, by inserting after the
15 word "offenses," the following: "by providing for the
16 maintenance of the forestry nursery and prison farm
17 programs."

18 3. By numbering, renumbering, and changing
19 internal references as necessary.

EUGENE FRAISE
STEVEN HANSEN
ROBERT DVORSKY
JOHNIE HAMMOND
TOM VILSACK
DENNIS BLACK
PATTY JUDGE

S—3254

1 Amend the amendment, S—3188, to Senate File 503 as
2 follows:

3 1. Page 1, lines 15 and 16, by striking the words
4 "law enforcement officer" and inserting the following:
5 "public official".

6 2. Page 1, line 19, by striking the words "LAW
7 ENFORCEMENT OFFICER" and inserting the following:
8 "PUBLIC OFFICIAL".

9 3. Page 1, line 20, by striking the words "law
10 enforcement officer" and inserting the following:
11 "public official".

12 4. Page 1, line 21, by striking the word
13 "officer" and inserting the following: "official".

14 5. Page 1, line 23, by striking the word
15 "officer" and inserting the following: "official".

16 6. Page 1, line 24, by striking the word
17 "officer" and inserting the following: "official".

18 7. Page 1, lines 25 and 26, by striking the words
19 "'law enforcement officer' means a peace officer" and
20 inserting the following: "'public official' means a
21 person who serves or is".

22 8. Page 1, line 31, by striking the words "law
23 enforcement officer" and inserting the following:
24 "public official".

JERRY BEHN
ALLEN BORLAUG

S—3255

1 Amend Senate File 503 as follows:

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

4 "Sec. ____ **NEW SECTION. 453A.36A CIGARETTES AND**
5 **OTHER TOBACCO PRODUCTS -- ADVERTISING, PROMOTIONAL**
6 **LIMITATIONS.**

7 1. It is unlawful for any person to advertise on
8 any advertising device cigarettes or other tobacco
9 products within one thousand feet of any playground,

10 school, high school, or other facility when such
 11 facility is being used primarily by persons under age
 12 eighteen for recreational, educational, or other
 13 purposes.

14 2. Any advertising of cigarettes or tobacco
 15 products on advertising devices in this state, no
 16 matter where located, including but not limited to
 17 advertising devices located on public transportation
 18 or at the point-of-sale, shall be in black and white
 19 text only.

20 3. Use of the brand name or logo of a cigarette or
 21 tobacco product shall not be used in the promotion of
 22 any sport or entertainment event held in this state.
 23 However, the corporate name of a manufacturer,
 24 distributor, wholesaler, retailer, or distributing
 25 agent may be used in the promotion of such an event.

26 4. A person who violates this section is guilty of
 27 a serious misdemeanor."

28 2. Title page, line 3, by inserting after the
 29 word "minors," the following: "providing for
 30 restrictions on advertising related to cigarettes and
 31 tobacco products,".

32 3. By renumbering as necessary.

JOHNIE HAMMOND
 ROBERT DVORSKY

S-3256

1 Amend Senate File 503 as follows:

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

4 "Sec. ____ Section 453A.39, Code 1997, is amended
 5 to read as follows:

6 453A.39 TOBACCO PRODUCT AND CIGARETTE SAMPLES --
 7 RESTRICTIONS—ADMINISTRATION PROHIBITION.

8 1. A manufacturer, distributor, wholesaler,
 9 retailer, or distributing agent or agent thereof shall
 10 not give away cigarettes or tobacco products at any
 11 time in connection with the manufacturer's,
 12 distributor's, wholesaler's, retailer's, or
 13 distributing agent's business or for promotion of the
 14 business or product, ~~except as provided in subsection~~
 15 2.

16 ~~2. a. A manufacturer, distributor, wholesaler,~~
 17 ~~retailer, or distributing agent or agent thereof shall~~
 18 ~~not give away any cigarettes or tobacco products to~~
 19 ~~any person under eighteen years of age, or within five~~
 20 ~~hundred feet of any playground, school, high school,~~
 21 ~~or other facility when such facility is being used~~
 22 ~~primarily by persons under age eighteen for~~
 23 ~~recreational, educational, or other purposes.~~

24 b. Proof of age shall be required if a reasonable
 25 person could conclude on the basis of outward
 26 appearance that a prospective recipient of a sample
 27 may be under eighteen years of age.
 28 c. Persons engaged in sampling shall secure stocks
 29 of samples in safe locations in order to avoid
 30 inadvertent distribution of samples contrary to the
 31 provisions of this section.
 32 d. Sampling shall cease at a particular location
 33 when circumstances arise that make it apparent that
 34 sampling cannot continue in a manner consistent with
 35 the provisions of this section; however, sampling may
 36 resume at that location when such circumstances abate.
 37 e. All cigarette samples shall be shipped to a
 38 distributor that has a permit to stamp cigarettes or
 39 little cigars with Iowa tax. The manufacturer
 40 shipping samples under this section shall send an
 41 affidavit to the director stating the quantity and to
 42 whom the samples were shipped. The distributor
 43 receiving the shipment shall send an affidavit to the
 44 director stating the quantity and from whom the
 45 samples were shipped. These affidavits shall be duly
 46 notarized and submitted to the director at time of
 47 shipment and receipt of the samples. The distributor
 48 shall pay the tax on samples by separate remittance
 49 along with the affidavit."
 50 2. Title page, line 3, by inserting after the

Page 2

- 1 word "minors," the following: "prohibiting the giving
- 2 away of tobacco products and cigarette samples,".
- 3 3. By renumbering as necessary.

JOHNIE HAMMOND
 ROBERT DVORSKY

S-3257

- 1 Amend Senate File 503 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 Sec. ____ Section 453A.36, subsection 6, Code
- 5 1997, is amended to read as follows:
- 6 6. Unless otherwise provided in this subsection,
- 7 any sales of cigarettes or tobacco products shall be
- 8 made in a direct, face-to-face exchange. Any sales of
- 9 cigarettes or tobacco products made through a
- 10 cigarette vending machine or through a self-service
- 11 display are subject to rules and penalties relative to
- 12 retail sales of cigarettes and tobacco products

13 provided for in this chapter. No cigarettes shall be
14 sold through any cigarette vending machine or through
15 a self-service display unless the cigarettes have been
16 properly stamped or metered as provided by this
17 division, and in case of violation of this provision,
18 the permit of the dealer authorizing retail sales of
19 cigarettes shall be canceled. Payment of the license
20 fee as provided in section 453A.13 authorizes a
21 cigarette vendor to sell cigarettes or tobacco
22 products through vending machines, ~~provided that the~~
23 ~~following conditions are met: the machines are~~
24 ~~located in places where the machines are under the~~
25 ~~supervision of a person of legal age who is~~
26 ~~responsible for prevention of purchase by minors from~~
27 ~~the machines; the machines are equipped with a lock-~~
28 ~~out device under the control of a person of legal age~~
29 ~~who shall directly regulate the sale of items through~~
30 ~~the machines, and which shall include a mechanism to~~
31 ~~prevent the machines from functioning if the power~~
32 ~~source for the lock-out device fails or if the lock-~~
33 ~~out device is disabled, and a mechanism to ensure that~~
34 ~~only one pack of cigarettes or one tobacco product is~~
35 ~~dispensed at a time; and the location where the~~
36 ~~machines are placed is covered by a local retail~~
37 ~~permit or self-service displays. However, a lock-out~~
38 ~~device is not required for machines operated in the~~
39 ~~following locations, if the machines are not to be~~
40 ~~placed in a doorway or other area readily accessible~~
41 ~~to minors: a commercial establishment holding a class~~
42 ~~"C" liquor license or a class "B" beer permit under~~
43 ~~chapter 123, if the establishment is not also licensed~~
44 ~~as a food service establishment under chapter 137B; a~~
45 ~~private facility not open to the public; or a~~
46 ~~workplace not open to the public. However, cigarettes~~
47 ~~or tobacco products shall not be sold through a~~
48 ~~vending machine or through a self-service display~~
49 ~~unless the vending machine or self-service display is~~
50 ~~located in a place where the retailer ensures that no~~

Page 2

1 person younger than eighteen years of age is present
2 or permitted to enter at any time. This section does
3 not require a retail licensee to buy a cigarette
4 vendor's permit if the retail licensee is in fact the
5 owner of the cigarette vending machines and the
6 machines are operated in the location described in the
7 retail permit. A city or county may directly enforce
8 this subsection. Notwithstanding chapter 602, any
9 finances collected as a result of enforcement of this
10 subsection by a city or county shall be retained by

11 the city or county."

12 2. Title page, line 3, by inserting after the
13 word "minors," the following: "providing for
14 restrictions on the sale of cigarettes and tobacco
15 products through vending machines and to minors,".

JOHNIIE HAMMOND
ROBERT DVORSKY

S—3258

1 Amend Senate File 503, as follows:

2 1. Page 5, line 30, by inserting after the word
3 "offense" the following: "shall be evaluated by a
4 psychiatrist who specializes in the treatment of
5 sexual disorders to determine what, if any, forms of
6 treatment may be appropriate under the circumstances
7 for the particular individual. If the evaluation so
8 recommends, the person".

9 2. Page 5, line 34, by inserting after the word
10 "conviction" the following: "and a recommendation in
11 favor of medroxyprogesterone acetate treatment by a
12 psychiatrist who specializes in the treatment of
13 sexual disorders".

14 3. Page 6, line 7, by striking the words
15 "initiation of treatment" and inserting the following:
16 "treatment of any diagnosed sexual disorder, which may
17 include but is not limited to medroxyprogesterone
18 acetate treatment,".

19 4. Page 6, line 10, by inserting after the word
20 "parole," the following: "a plan for treatment of any
21 diagnosed sexual disorder, which may include but is
22 not limited to medroxyprogesterone acetate treatment,
23 shall be established for the inmate and".

ELAINE SZYMONIAK

S—3259

1 Amend Senate File 503 as follows:

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

4 "Sec. ____ Section 142B.6, unnumbered paragraph 3,
5 Code 1997, is amended by striking the paragraph."

6 2. Page 14, by inserting after line 14 the
7 following:

8 "Sec. ____ Section 453A.56, Code 1997, is
9 repealed."

10 3. Title page, line 3, by inserting after the
11 word "minors," the following: "providing for
12 application of local laws and regulations to cigarette

- 13 and tobacco products.”
14 4. By renumbering as necessary.

JOHNIE HAMMOND
ROBERT DVORSKY

S—3260

- 1 Amend Senate File 503 as follows:
2 1. Page 1, line 10, by inserting after the word
3 “years.” the following: “The person shall also be
4 required to undergo an assessment to determine whether
5 the person is addicted to methamphetamine or other
6 controlled substances, which shall include the
7 examination and testing of hair samples from the
8 person. If the assessment reveals that the person is
9 addicted to methamphetamine or other controlled
10 substances, the person shall, as part of the person’s
11 sentence, be required to participate in no less than
12 two years of substance abuse treatment, which may be
13 conducted on an outpatient basis.”

ELAINE SZYMONIAK

S—3261

- 1 Amend Senate File 503 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 “Sec. __. Section 331.302, subsection 2, Code
5 1997, is amended to read as follows:
6 2. A county shall not provide a penalty in excess
7 of a one hundred dollar fine or in excess of thirty
8 days imprisonment for the violation of an ordinance.
9 The criminal penalty surcharge required by section
10 911.2 and the jail, courthouse security, and detention
11 facility surcharge required by section 911A.2 shall be
12 added to a county fine and ~~is~~ are not a part of the
13 county’s penalty.
14 Sec. __. Section 364.3, subsection 2, Code 1997,
15 is amended to read as follows:
16 2. A city shall not provide a penalty in excess of
17 a one hundred dollar fine or in excess of thirty days
18 imprisonment for the violation of an ordinance. An
19 amount equal to ten percent of all fines collected by
20 cities shall be deposited in the account established
21 in section 602.8108. However, one hundred percent of
22 all fines collected by a city pursuant to section
23 321.236, subsection 1, shall be retained by the city.
24 The criminal penalty surcharge required by section
25 911.2 and the jail, courthouse security, and detention
26 facility surcharge required by section 911A.2 shall be

27 added to a city fine and is are not a part of the
28 city's penalty.

29 Sec. ____ Section 602.8107, subsection 2,
30 paragraph b, Code 1997, is amended to read as follows:

31 b. Fines or penalties and ~~criminal penalty~~
32 surcharges.

33 Sec. ____ Section 602.8107, subsection 4,
34 unnumbered paragraph 2, Code 1997, is amended to read
35 as follows:

36 This subsection does not apply to amounts collected
37 for victim restitution, the victim compensation fund,
38 criminal penalty surcharge, jail, courthouse security,
39 and detention facility surcharge, or amounts collected
40 as a result of procedures initiated under subsection 5
41 or under section 421.17, subsection 25."

42 2. Page 5, by inserting after line 20 the
43 following:

44 "Sec. ____ Section 805.8, subsection 1, Code 1997,
45 is amended to read as follows:

46 1. APPLICATION. Except as otherwise indicated,
47 violations of sections of the Code specified in this
48 section are scheduled violations, and the scheduled
49 fine for each of those violations is as provided in
50 this section, whether the violation is of state law or

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1 of a county or city ordinance. The criminal penalty
2 surcharge required by section 911.2 and the jail,
3 courthouse security, and detention facility surcharge
4 required by section 911A.2 shall be added to the
5 scheduled fine.

6 Sec. ____ Section 805.8, subsection 11, unnumbered
7 paragraph 1, Code 1997, is amended to read as follows:

8 For violations of section 142B.6 or 453A.2,
9 subsection 2, the scheduled fine is twenty-five
10 dollars, and is a civil penalty, and the criminal
11 penalty surcharge under section 911.2 and the jail,
12 courthouse security, and detention facility surcharge
13 under section 911A.2 shall not be added to the
14 penalty, and the court costs pursuant to section
15 805.9, subsection 6, shall not be imposed. If the
16 civil penalty assessed for a violation of section
17 142B.6 is not paid in a timely manner, a citation
18 shall be issued for the violation in the manner
19 provided in section 804.1. However, a person under
20 age eighteen shall not be detained in a secure
21 facility for failure to pay the civil penalty. The
22 complainant shall not be charged a filing fee."

23 3. Page 5, by inserting after line 26 the
24 following:

25 "Sec. ____ Section 902.9, unnumbered paragraph 2,

26 Code 1997, is amended to read as follows:

27 The criminal penalty surcharge required by section
28 911.2 and the jail, courthouse security, and detention
29 facility surcharge required by section 911A.2 shall be
30 added to a fine imposed on a class "C" or class "D"
31 felon, as provided by ~~that section~~ those sections, and
32 is are not a part of or subject to the maximums set in
33 this section.

34 Sec. ____ Section 903.1, subsection 4, Code 1997,
35 is amended to read as follows:

36 4. The criminal penalty surcharge required by
37 section 911.2 and the jail, courthouse security, and
38 detention facility surcharge required by section
39 911A.2 shall be added to a fine imposed on a
40 misdemeanor, and is are not a part of or subject to
41 the maximums set in this section."

42 4. Page 7, by inserting after line 15 the
43 following:

44 "Sec. 101. NEW SECTION. 905A.1 DEFINITIONS.

45 For the purposes of this chapter, unless the
46 context otherwise requires:

47 1. "Division" means the division of criminal and
48 juvenile justice planning of the department of human
49 rights.

50 2. "Government" means a community-based

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1 correctional program as defined in section 905.1, or a
2 city, school district or accredited nonpublic school,
3 or county which expends funds for incarceration or
4 supervision of individuals charged with or convicted
5 of a felony, an aggravated misdemeanor, or a serious
6 misdemeanor, or for crime prevention activities.

7 3. "Judicial election district" means a judicial
8 election district described in section 602.6109.

9 Sec. 102. NEW SECTION. 905A.2 LOCAL CORRECTIONS
10 INFRASTRUCTURE GRANT PROGRAM.

11 1. A local corrections infrastructure grant
12 program is created in the division. The division
13 shall adopt rules pursuant to chapter 17A as necessary
14 to administer the program in accordance with this
15 chapter. The rules shall include but are not limited
16 to provisions for auditing of grant expenditures.

17 2. The division shall develop a request for
18 proposals for the grant program and assist judicial
19 election districts in developing proposals in response
20 to the request. The division shall not accept more
21 than one proposal from a judicial election district
22 for each of the grant groupings. For the fiscal year
23 beginning July 1, 1998, grants shall be awarded in
24 accordance with this chapter in the following two

25 groupings:

- 26 a. Twenty-five million dollars to one or more
27 governments or groups of governments in judicial
28 election districts, divided proportionately according
29 to the judicial election districts' relative
30 proportion of the state's general population.
- 31 b. Nine million dollars to one or more governments
32 or groups of governments representing judicial
33 election districts, awarded according to criteria
34 developed by the task force established pursuant to
35 section 905A.3 based upon the relative amount of
36 criminal activity in the judicial election district,
37 the innovative nature of the proposal submitted by the
38 government or group of governments, and the statewide
39 need for the project proposed to be developed.
- 40 3. A proposal for a grant under this section is
41 subject to all of the following conditions:
- 42 a. A judicial election district may combine with
43 one or more other judicial election districts in
44 developing a proposal or may propose a joint project
45 in separate proposals.
- 46 b. A proposal shall be for one or more
47 infrastructure or school-based crime prevention
48 projects or combination of projects relating to one or
49 more of the following purposes:
- 50 (1) A county jail.

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- 1 (2) A regional or multicounty jail.
- 2 (3) A county juvenile detention or shelter care
3 home, including retirement of outstanding debt for
4 such a home.
- 5 (4) A regional or multicounty juvenile detention
6 or shelter care home.
- 7 (5) A community-based correctional program
8 facility.
- 9 (6) A school-based crime prevention program.
- 10 c. Grant moneys under this chapter shall not be
11 used for purposes other than infrastructure.
- 12 d. The division may accept or reject a proposal in
13 whole or in part.
- 14 e. A proposal must address the need for the
15 proposed project, degree of urgency for the project,
16 location of the project, provisions for the
17 governments within the judicial election district to
18 access the project, and the performance measures to be
19 used to evaluate the project.
- 20 f. The submission date for proposals under
21 subsection 2, paragraph "a" shall be on or before
22 February 16, 1998, and the submission date for
23 proposals under subsection 2, paragraph "b" shall be

24 on or before April 17, 1998. However, for good cause
25 shown, the division may extend the submission date for
26 proposals under subsection 2, paragraph "a". It is
27 the intent of the general assembly that the grant
28 award process be complete by June 30, 1998, and awards
29 made in the fiscal year beginning July 1, 1998.
30 However, the division may delay final approval of a
31 grant proposal which is approved in part while full
32 approval of the proposal is pending.

33 4. The office of the attorney general, the
34 department of education, and the university of
35 northern Iowa's criminology program shall work with
36 the division in implementing a public planning process
37 to assist the governments in judicial election
38 districts in developing a proposal, developing
39 technical assistance materials for the grant program,
40 developing the request for proposals, developing
41 proposed scoring tools, and producing model
42 performance measures and other evaluation processes
43 for grant program projects. The public planning
44 process shall include but is not limited to public
45 meetings in each of the judicial election districts.

46 Sec. 103. NEW SECTION. 905A.3 TASK FORCE.

47 1. The division shall establish and convene a
48 local corrections infrastructure grant program task
49 force to assist the division in scoring and evaluating
50 grant proposals and other assistance deemed necessary

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1 by the division.

2 2. The membership of the task force shall include
3 but is not limited to representatives of the
4 following:

- 5 a. County sheriffs.
- 6 b. Police chiefs.
- 7 c. Office of the attorney general.
- 8 d. District judges.
- 9 e. Juvenile court judges.
- 10 f. Probation officers.
- 11 g. Juvenile court officers.
- 12 h. County supervisors.
- 13 i. City council members.
- 14 j. Criminal and juvenile justice planning advisory
15 council.
- 16 k. Juvenile services providers.
- 17 l. Community-based correctional programs.
- 18 m. County attorneys.
- 19 n. The Iowa state police association.
- 20 o. Local school officials.
- 21 p. Other members deemed necessary by the division
22 or task force.

- 23 3. Members of the task force are eligible for
 24 reimbursement of actual and necessary expenses
 25 incurred in the performance of their official duties.
 26 The task force shall elect a chairperson and other
 27 officers deemed necessary by the task force.
 28 Sec. 104. NEW SECTION. 905A.4 PAYMENT OF GRANTS.
 29 A grant awarded under section 905A.2 shall be paid
 30 from the proceeds of bonds issued under section 16.177
 31 or other moneys available to the division. A project
 32 approved by the division for a grant under this
 33 chapter is deemed to be approved by the general
 34 assembly for purposes of issuing bonds under section
 35 16.177. The department of corrections shall pledge
 36 amounts in the Iowa prison infrastructure fund
 37 established under section 602.8108A as security for
 38 the payment of principal of, premium, if any, and
 39 interest on the bonds.”
 40 5. Page 11, by inserting after line 26 the
 41 following:
 42 “Sec. ____ NEW SECTION. 907.14 PAYMENT IN LIEU
 43 OF FINE.
 44 When the court has deferred judgment the court may
 45 order the defendant to pay an amount in lieu of a fine
 46 in a case where a minimum fine would otherwise be
 47 ordered. Payments in lieu of fines shall be ordered,
 48 enforced, and administered as fines under chapter
 49 909.”
 50 6. Page 13, by inserting after line 22 the

Page 6

- 1 following:
 2 “Sec. ____ Section 909.3, Code 1997, is amended by
 3 adding the following new subsection:
 4 NEW SUBSECTION. 3. If the court orders a fine to
 5 be paid as provided by subsection 2, the court shall
 6 require the defendant to execute a mandatory wage
 7 assignment that would ensure payment of the fine
 8 within twelve months of the date the wage assignment
 9 becomes effective. The wage assignment shall be
 10 enforced if the defendant fails to make payment as
 11 provided in subsection 2.
 12 A mandatory wage assignment executed pursuant to
 13 this section is not subject to the limitation on
 14 garnishment provided in sections 537.5105 and 642.21,
 15 and is not subject to the limitation on assignment of
 16 benefits under chapter 96 as provided in section
 17 96.15. However, a wage assignment executed under this
 18 subsection shall be enforced only after an order for
 19 income withholding pursuant to chapter 252D or a
 20 court-ordered wage assignment for purposes of support
 21 is entered and enforced. A wage assignment executed

22 under this subsection shall be limited as specified in
23 15 U.S.C. § 1673(b).

24 Sec. ___. Section 909.8, Code 1997, is amended to
25 read as follows:

26 **909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO**
27 **CRIMINAL PENALTY SURCHARGE SURCHARGES.**

28 The provisions of this chapter governing the
29 payment and collection of a fine, except section
30 909.3A, also apply to the payment and collection of a
31 criminal penalty surcharge imposed pursuant to chapter
32 911 and the jail, courthouse security, and detention
33 facility surcharge imposed pursuant to section 911A.2.

34 Sec. ___. Section 909.10, subsection 1, Code 1997,
35 is amended to read as follows:

36 1. As used in this section, unless the context
37 otherwise requires, "delinquent amounts" means a fine,
38 court-imposed court costs in a criminal proceeding, or
39 criminal surcharge imposed pursuant to section 911.2,
40 or jail, courthouse security, and detention facility
41 surcharge imposed pursuant to section 911A.2, which
42 remains unpaid after two years from the date that the
43 fine, court costs, or surcharge was imposed, and which
44 is not collected by the county attorney pursuant to
45 section 602.8107. However, if the fine may be paid in
46 installments pursuant to section 909.3, the fine is
47 not a delinquent amount unless the installment remains
48 unpaid after two years from the date the installment
49 was due."

50 7. Page 14, by inserting after line 9 the

Page 7

1 following:

2 "Sec. ___. NEW SECTION. 911A.1 JAIL, COURTHOUSE
3 SECURITY, AND DETENTION FACILITY SURCHARGE
4 ESTABLISHED.

5 A jail, courthouse security, and detention facility
6 surcharge shall be levied against certain law
7 violators as provided in section 911A.2. The
8 surcharge shall be used as provided in section 911A.3.

9 Sec. ___. NEW SECTION. 911A.2 SURCHARGE.

10 When a court imposes a fine or forfeiture for a
11 violation of a state law, or of a city or county
12 ordinance except an ordinance regulating the parking
13 of motor vehicles, the court shall assess an
14 additional penalty in the form of a surcharge equal to
15 ten dollars. In the event of multiple offenses, the
16 surcharge shall be based upon the total number of
17 offenses. When a fine or forfeiture is suspended in
18 whole or in part, the surcharge shall not be reduced.

19 The surcharge is subject to the provisions of
20 chapter 909 governing the payment and collection of

21 fines, as provided in section 909.8.

22 Sec. . NEW SECTION. 911A.3 DISPOSITION OF
23 SURCHARGE:

24 1. When a court assesses a surcharge under section
25 911A.2, notwithstanding any other provision of the
26 Code to the contrary, proceeds from the surcharge
27 shall be appropriated and transferred to the treasurer
28 of the county in which the citation was issued to be
29 deposited in the county general fund and used only for
30 courthouse security and the improvement, expansion,
31 operation, or construction of a jail or juvenile
32 detention facility.

33 2. At any time and for the purposes specified in
34 subsection 1, a county may transfer proceeds received
35 and deposited pursuant to this section to a contiguous
36 county or a county that has a relationship with the
37 transferring county concerning the use of a jail or
38 juvenile detention facility in the recipient county.

39 Sec. 201. GRANT PROGRAM IMPLEMENTATION. There is
40 appropriated from the general fund of the state to the
41 department of human rights, division of criminal and
42 juvenile justice planning, for the fiscal year
43 beginning July 1, 1997, and ending June 30, 1998, the
44 following amount, or so much thereof as is necessary,
45 to be used for the purposes designated:

46 For technical assistance and staffing associated
47 with the development of the local corrections
48 infrastructure grant program enacted by this Act,
49 including salaries, support, maintenance,
50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:		
2	\$	200,000
3	FTEs	2.00"

4 8. Page 14, line 15, by striking the words and
5 figures "2 and 7 through 11" and inserting the
6 following: "2, 7 through 11, 101 through 104, and
7 201".

8 9. Title page, line 14, by inserting after the
9 word "crime," the following: "creating a local
10 corrections infrastructure grant program, authorizing
11 the use of bonding, making appropriations, imposing a
12 civil penalty for certain motor vehicle license
13 revocations, imposing a surcharge on criminal fines
14 and forfeitures, providing for mandatory wage
15 assignment for certain delinquent fines,".

PATRICK J. DELUHERY
JOHN P. KIBBIE
MIKE CONNOLLY

EUGENE FRAISE
 ELAINE SZYMONIAK
 MATT McCOY
 BILL FINK
 JOHNIE HAMMOND
 TOM FLYNN
 DENNIS BLACK
 MARY NEUHAUSER
 DON E. GETTINGS
 STEVEN D. HANSEN
 TOM VILSACK
 ROD HALVORSON
 PATTY JUDGE
 ROBERT DVORSKY
 WILLIAM D. PALMER
 MICHAEL E. GRONSTAL
 WALLY HORN
 DICK L. DEARDEN

S—3262

1 Amend Senate File 79 as follows:
 2 1. Page 1, by striking lines 3 through 8 and
 3 inserting the following:
 4 "1. Unless an application for a license has been
 5 received by the commission on or before March 15,
 6 1997, the commission shall not issue a license to
 7 conduct gambling games pursuant to this chapter to an
 8 applicant until July 1, 2000.
 9 2. However, prior to July 1, 2000, the commission
 10 may approve the sale or transfer of the ownership of a
 11 gambling game operation licensed pursuant to this
 12 chapter and issue a new license to the purchaser or
 13 transferee."

DERRYL McLAREN

S—3263

1 Amend Senate File 503 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec. ____ Section 719.4, subsections 1 and 2,
 5 Code 1997, are amended by striking the subsections and
 6 inserting in lieu thereof the following:
 7 1. As used in this section, "escape" means either
 8 of the following:
 9 a. To depart from detention or custody in a secure
 10 facility for the detention or custody of juveniles or
 11 from custody or from a jail, detention facility,
 12 community-based corrections facility, correctional
 13 facility, or institution to which the person has been

14 committed by reason of the conviction, charge, or
15 arrest, or from the custody of any public officer or
16 employee to whom the person has been entrusted, when
17 the person knows that the person is not permitted to
18 leave custody or the correctional facility.

19 b. Failure to return to a secure facility for the
20 detention or custody of juveniles or a jail, detention
21 facility, community-based corrections facility,
22 correctional facility, or institution to which the
23 person has been committed by reason of the conviction,
24 charge, or arrest, or from the custody of any public
25 officer or employee to whom the person has been
26 entrusted, following a temporary leave granted for a
27 specific purpose or for a limited period of time.

28 2. a. A person convicted of a felony, or charged
29 with or arrested for the commission of a felony who
30 intentionally escapes commits a class "C" felony.

31 b. A person convicted of, charged with, or
32 arrested for a misdemeanor who intentionally escapes
33 commits an aggravated misdemeanor.

34 Sec. ____ Section 719.7, Code 1997, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 719.7 PROMOTING OR POSSESSING CONTRABAND.

38 1. "Contraband" includes but is not limited to any
39 of the following:

40 a. A controlled substance or a simulated or
41 counterfeit controlled substance, hypodermic syringe,
42 or intoxicant.

43 b. A dangerous weapon, offensive weapon, pneumatic
44 gun, stun gun, firearm ammunition, explosive or
45 incendiary material, or other material fashioned in
46 such a manner as to be capable of inflicting death or
47 injury.

48 c. Rope, ladder components, key or key pattern,
49 metal file, or other instrument or device designed or
50 intended to facilitate escape of an inmate.

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1 2. The sheriff, department of corrections, or
2 department of human services may x-ray a person under
3 the control of the department if there is reason to
4 believe that the person is in possession of
5 contraband. A licensed physician or x-ray technician
6 under the supervision of a licensed physician must x-
7 ray the person.

8 3. A person commits the offense of promoting or
9 possessing contraband if the person, not authorized by
10 law, does any of the following:

11 a. Knowingly introduces contraband into, or onto
12 the grounds of, a secure facility for the detention or

13 custody of juveniles or a jail, detention facility,
 14 correctional institution, or institution under the
 15 management of the department of corrections.
 16 b. Knowingly conveys contraband to any person
 17 confined in a secure facility for the detention or
 18 custody of juveniles, jail, detention facility,
 19 correctional institution, or institution under the
 20 management of the department of corrections.
 21 c. Knowingly makes, obtains, or possesses
 22 contraband while confined in a secure facility for the
 23 detention or custody of juveniles, jail, detention
 24 facility, correctional institution, or institution
 25 under the management of the department of corrections
 26 or while being transported or moved incidental to
 27 confinement.
 28 4. A person who promotes or possesses contraband
 29 or fails to report an offense of promoting or
 30 possessing contraband commits the following:
 31 a. A class "C" felony if the contraband is of the
 32 type described in subsection 1, paragraph "b".
 33 b. A class "D" felony if the contraband is any
 34 other type of contraband.
 35 c. An aggravated misdemeanor for failing to report
 36 a known violation or attempted violation of this
 37 section to an official or officer at the secure
 38 facility for the detention or custody of juveniles,
 39 jail, detention facility, correctional institution, or
 40 institution under the management of the department of
 41 corrections.
 42 5. Nothing in this section is intended to limit
 43 the authority of the administrator of any secure
 44 facility for the detention or custody of juveniles,
 45 jail, detention facility, correctional institution, or
 46 institution under the management of the department of
 47 corrections to prescribe or enforce rules concerning
 48 the definition of contraband, and the transportation,
 49 making, or possession of substances, objects,
 50 materials, or items in the institutions or

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1 facilities."

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

4 "Sec. ____ Section 719.8, Code 1997, is repealed."

5 3. Title page, line 5, by inserting after the
 6 word "establishments," the following: "making changes
 7 related to escape and voluntary absence from custody
 8 or a correctional facility, establishing the offense
 9 of promoting or possessing contraband in prisons,

- 10 jails, and juvenile facilities.”
11 4. By renumbering as necessary.

MARY NEUHAUSER

S—3264

- 1 Amend Senate File 515, as follows:
2 1. Page 2, line 2, by inserting after the word
3 “person” the following: “who is of legal age”.
4 2. Page 2, line 7, by inserting after the word
5 “person” the following: “who is of legal age”.
6 3. Page 2, line 12, by inserting after the word
7 “person” the following: “who is of legal age”.
8 4. Page 2, line 20, by striking the words
9 “EIGHTEEN YEARS OF” and inserting the following:
10 “EIGHTEEN YEARS OF LEGAL”.
11 5. Page 2, line 21, by striking the word “A” and
12 inserting the following: “1. A”.
13 6. Page 2, line 32, by inserting after the word
14 “make” the following: “a reasonable effort to
15 identify a person over the age of eighteen but under
16 legal age who is discovered to be in possession of
17 alcoholic liquor, wine, or beer in violation of
18 section 123.47, and the law enforcement agency of
19 which the peace officer is an employee shall make a
20 reasonable attempt to notify the person’s custodial
21 parent or legal guardian of the possession, whether or
22 not the person is arrested or a citation is issued,
23 unless the officer has reasonable grounds to believe
24 that the notification is not in the best interest of
25 the person or will endanger the person.
26 2. The peace officer shall also make”.
27 7. Page 2, line 34, by inserting after the word
28 “attends” the following: “if the person is enrolled
29 in elementary or secondary school”.
30 8. Page 3, line 30, by striking the word “A” and
31 inserting the following: “A Except as otherwise
32 provided in section 123.50A, a”.
33 9. Page 4, by inserting after line 1, the
34 following:
35 “Sec. ____ NEW SECTION. 123.50A LICENSEE AND
36 PERMITTEE STRUCTURED FINES PILOT PROJECT.
37 1. A licensee and permittee structured fines pilot
38 project is established in the fifth judicial district
39 for purposes of assessing appropriate fines for
40 licensees and permittees who do either of the
41 following:
42 a. Sell, give, or otherwise supply alcoholic
43 beverages, wine, or beer to any person while knowing,
44 or failing to exercise reasonable care to ascertain
45 whether, the person is under legal age.

46 b. Permit any person to consume any alcoholic
 47 beverage, wine, or beer while knowing, or failing to
 48 exercise reasonable care to ascertain whether, the
 49 person is under legal age.
 50 2. The chief judge of the fifth judicial district,

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1 in consultation with the county attorneys of the
 2 counties located within the judicial district, local
 3 public defender, representatives of the private
 4 defense bar, the court administrator, the director of
 5 pretrial services, the director of the judicial
 6 district department of correctional services, and
 7 members of the boards of supervisors of the counties
 8 located within the judicial district, shall establish
 9 a structured fine program which takes into
 10 consideration the facts underlying the offense, the
 11 age of the person to whom the alcoholic beverage,
 12 wine, or beer was sold, given, or supplied, any harm
 13 caused by the commission of the offense, the ability
 14 of the offender to pay a fine, and the likelihood that
 15 the offender will commit the offense again. Fines
 16 assessed shall be within the parameters established
 17 for fines applicable to serious misdemeanor violations
 18 under section 903.1."

19 10. Title page, line 5, by striking the words "of
 20 school officials".

21 11. Title page, line 6, by striking the words "by
 22 students," and inserting the following: "by persons
 23 under legal age,".

24 9. By numbering and renumbering as necessary.

TOM VILSACK

S—3265

1 Amend Senate File 503 as follows:
 2 1. Page 1, by inserting after line 25 the
 3 following:
 4 "Sec. ____ Section 669.2, subsection 4, unnumbered
 5 paragraph 1, Code 1997, is amended to read as follows:
 6 "Employee of the state" includes any one or more
 7 officers, agents, or employees of the state or any
 8 state agency, including members of the general
 9 assembly, and persons acting on behalf of the state or
 10 any state agency in any official capacity, temporarily
 11 or permanently in the service of the state of Iowa,
 12 whether with or without compensation, but does not
 13 include a contractor doing business with the state.
 14 Professional personnel, including physicians,
 15 osteopathic physicians and surgeons, osteopathic

16 physicians, optometrists, dentists, nurses, physician
17 assistants, and other medical personnel, who render
18 services to patients or inmates of state institutions
19 under the jurisdiction of the department of human
20 services, and employees of the commission of veterans
21 affairs, or the Iowa department of corrections are to
22 be considered employees of the state, whether the
23 personnel are employed on a full-time basis or render
24 services on a part-time basis on a fee schedule or
25 other arrangement. Criminal defendants while
26 performing unpaid community service ordered by the
27 district court, board of parole, or judicial district
28 department of correctional services, ~~or an inmate~~
29 inmates providing services pursuant to ~~a chapter 28E~~
30 an agreement entered into pursuant to section 904.703,
31 and persons providing supervision, security, or
32 transportation for inmates or criminal defendants who
33 are providing the services, are to be considered
34 employees of the state."

35 2. Page 7, by inserting after line 15 the
36 following:

37 "Sec. ____ Section 904.703, unnumbered paragraph
38 1, Code 1997, is amended to read as follows:

39 Inmates shall work on state account in the
40 maintenance of state institutions, in the erection,
41 repair, authorized demolition, or operation of
42 buildings and works used in connection with the
43 institutions, and in industries established and
44 maintained in connection with the institutions by the
45 director. The director shall encourage the making of
46 agreements, including agreements under chapter 28E,
47 with departments and agencies of the state or its
48 political subdivisions to provide products or services
49 under an inmate work program to the departments and,
50 agencies, and political subdivisions. The director

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1 may implement an inmate work program for trustworthy
2 inmates of state correctional institutions, under
3 proper supervision, whether at work centers located
4 outside the state correctional institutions or in
5 construction or maintenance work at public or
6 charitable facilities and for other agencies of state,
7 county, or local government. The supervision,
8 security, and transportation of, and allowances paid
9 to inmates used in public service projects shall be
10 provided pursuant to agreements made by the director
11 and the agency for which the work is done. Housing
12 and maintenance shall also be provided pursuant to the
13 agreement unless the inmate is housed and maintained
14 in the correctional facility. All such work,

15 including but not limited to that provided in this
 16 section, shall have as its primary purpose the
 17 development of attitudes, skills, and habit patterns
 18 which are conducive to inmate rehabilitation. The
 19 director may adopt rules allowing inmates
 20 participating in an inmate work program to receive
 21 educational or vocational training outside the state
 22 correctional institutions and away from the work
 23 centers or public or charitable facilities used under
 24 a program.

25 Sec. ____ Section 904.703, unnumbered paragraph 3,
 26 Code 1997, is amended by striking the paragraph."

27 3. Title page, line 13, by inserting after the
 28 word "district," the following: "making changes
 29 related to work programs for inmates and criminal
 30 defendants,".

MARY NEUHAUSER

S—3266

1 Amend Senate File 472 as follows:
 2 1. Page 1, line 5, by striking the word "legal".
 3 2. Page 1, line 8, by striking the word "legal".
 4 3. Page 1, line 8, by inserting after the word
 5 "commenced" the following: "in district court".
 6 4. Page 1, line 9, by striking the words "by the
 7 department pursuant to section 455B.141" and inserting
 8 the following: "by the department, or the action is
 9 the second or a subsequent contested case proceeding
 10 brought against the person by the department under
 11 chapter 17A".

TOM VILSACK

S—3267

1 Amend Senate File 503 as follows:
 2 1. Page 5, by inserting after line 26 the
 3 following:
 4 "Sec. ____ Section 901.8, Code 1997, is amended to
 5 read as follows:
 6 901.8 CONSECUTIVE SENTENCES.
 7 If a person is sentenced for two or more separate
 8 offenses, the sentencing judge may order the second or
 9 further sentence to begin at the expiration of the
 10 first or succeeding sentence. If a person is
 11 sentenced for escape under section 719.4 or for a
 12 crime committed while confined in a detention facility
 13 or penal institution, the ~~sentencing judge shall order~~
 14 the sentence to shall begin at the expiration of and
 15 shall run consecutively to any existing sentence. If

16 the person is presently in the custody of the director
17 of the Iowa department of corrections, the sentence
18 shall be served at the facility or institution in
19 which the person is already confined unless the person
20 is transferred by the director. If consecutive
21 sentences are required under this section or are
22 specified in the order of commitment, the several
23 terms shall be construed as one continuous term of
24 imprisonment."

25 2. Title page, line 11, by inserting after the
26 words "offenses," the following: "imposing
27 consecutive sentences for escapes from or crimes
28 committed while confined in detention facilities or
29 penal institutions,".

MARY NEUHAUSER

S-3268

1 Amend Senate File 503, as follows:

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

4 "___: A county attorney, or a county attorney's
5 designee, upon the filing of an indictment or
6 information alleging that the person has unlawfully
7 manufactured methamphetamine, its salts, isomers, and
8 salts of its isomers in the presence of a minor, shall
9 file a petition under section 232.87 alleging that the
10 minor is a child in need of assistance.

11 Sec. ___. Section 232.69, Code 1997, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 4. In addition to any other
14 training required by law, a social worker employed by
15 a public or private agency or institution whose duties
16 include providing services to children who have been
17 exposed to or are addicted to methamphetamine or other
18 controlled substances, shall receive specialized
19 training on the issue of substance abuse, addiction,
20 and environmental evidence of substance abuse and
21 addiction in children.

22 Sec. ___. Section 232.98, subsection 1, unnumbered
23 paragraph 1, Code 1997, is amended to read as follows:

24 Except as provided in section 232.78, subsection 4,
25 a physical or mental examination of the child may be
26 ordered only after the filing of a petition pursuant
27 to section 232.87 and after a hearing to determine
28 whether an examination is necessary to determine the
29 child's physical or mental condition. The court may
30 consider chemical dependency as either a physical or
31 mental condition and may consider a chemical
32 dependency evaluation as either a physical or mental
33 examination. If the petition concerns a child who was

34 present at the time of or at a location at which
 35 methamphetamine, its salts, isomers, and salts of its
 36 isomers, was being unlawfully manufactured, an
 37 examination of the child, including testing of hair
 38 samples and an assessment of any physiological damage
 39 which may have resulted from exposure to the chemical
 40 substances used or produced in the manufacturing
 41 process, shall be conducted."

42 2. Title page, line 3, by inserting after the
 43 word "minors" the following: "and assessment and
 44 intervention procedures applicable to those minors".

45 3. By numbering as necessary.

ELAINE SZYMONIAK

S—3269

1 Amend Senate File 503 as follows:

2 1. Page 5, by inserting after line 26, the
 3 following:

4 "Sec. ____ NEW SECTION. 901.11 CONDITIONS OF
 5 COMMITMENT TO CORRECTIONAL INSTITUTION.

6 In addition to any other terms and conditions that
 7 the court may impose, for persons who are convicted of
 8 an offense which is punishable by a sentence of
 9 confinement of more than one year, and who receive a
 10 sentence of confinement of more than one year, the
 11 court shall order that the person do all of the
 12 following prior to discharge of the person's sentence:

13 1. Complete at least thirty hours per week of hard
 14 labor, as defined under section 904.701, which is
 15 designed to demonstrate the person's ability to assume
 16 responsibility, work hard, and to complete projects.

17 2. Complete minimum educational competencies,
 18 commensurate with the person's abilities, which may
 19 include but is not limited to obtaining a high school
 20 equivalency diploma under chapter 259A.

21 3. If the person has children, attend and
 22 successfully complete parenting training programs.

23 4. Participate in vocational training.

24 5. Complete any applicable treatment programs,
 25 including but not limited to sex offender and
 26 substance abuse treatment.

27 6. Participate in team sports."

28 2. Page 7, by inserting after line 15, the
 29 following:

30 "Sec. ____ NEW SECTION. 904.517 RESTORATIVE
 31 JUSTICE.

32 A person who has been committed to the custody of
 33 the director of the department of corrections for an
 34 offense for which the maximum penalty is ten years or
 35 more may enroll in a program of restorative justice

36 established by the department. The program shall be
 37 designed to help the inmate to earn compensation which
 38 would enable the inmate to repay any amounts owed by
 39 the inmate as a result of the commission of the
 40 offense and to benefit other inmates within the
 41 institutions. The program may include, but is not
 42 limited to, programs which lead to the attainment of
 43 specific competencies in teaching, computer use, or
 44 specific vocational skills; programs which cause the
 45 inmate to direct or lead discussion groups on positive
 46 social skills, including, but not limited to, good
 47 grooming, language skills, and job interviewing; and
 48 programs which involve the inmate in contributing to
 49 the physical improvement of the institution in which
 50 the inmate resides."

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1 3. Title page, line 3, by inserting after the
 2 word "minors," the following: "providing enhanced
 3 conditions of release for persons sentenced to
 4 confinement of more than one year, providing for a
 5 restorative justice program,".

6 4. By numbering, renumbering, and changing
 7 internal references as necessary.

JOHNNIE HAMMOND
 ROBERT DVORSKY

S-3270

1 Amend Senate File 426 as follows:

2 1. Page 1, by inserting after line 18 the
 3 following:

4 "The county treasurer or the department shall
 5 provide each applicant making a contribution under
 6 this section with information regarding the
 7 distributions made from the fund and the use made of
 8 funds retained by the county."

STEVEN D. HANSEN

S-3271

1 Amend Senate File 503 as follows:

2 1. Page 5, by inserting after line 26 the
 3 following:

4 "Sec. ___. Section 901A.2, subsection 3, Code
 5 1997, is amended by striking the subsection.
 6 Sec. ___. Section 901A.2, subsection 4, Code 1997,
 7 is amended to read as follows:
 8 4. A person convicted of a sexually predatory

9 offense which is a felony, who has previously been
 10 ~~sentenced under subsection 3~~ convicted of a sexually
 11 predatory offense, shall be sentenced to life in
 12 prison on the same terms as a class "A" felon under
 13 section 902.1, notwithstanding any other provision of
 14 the Code to the contrary. In order for a person to be
 15 sentenced under this subsection; the prosecuting
 16 attorney shall allege and prove that this section is
 17 applicable to the person."
 18 2. Title page, line 9, by inserting after the
 19 words "providing for" the following: "enhancement of
 20 penalties and".

TOM VILSACK

S—3272

1 Amend the amendment, S—3258, to Senate File 503 as
 2 follows
 3 1. Page 1, line 16, by inserting before the word
 4 "treatment" the following: "formal supervision and".
 5 2. Page 1, by inserting after line 23 the
 6 following:
 7 "___ . Page 6, line 11, by inserting after the
 8 word "confinement" the following: "and shall be
 9 monitored as part of the formal probation or parole
 10 supervision which is performed by the person's
 11 probation or parole officer"."

LARRY McKIBBEN
TOM VILSACK

S—3273

1 Amend Senate File 508 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. ___. Section 537.2501, subsection 1,
 5 paragraph g, Code 1997, is amended to read as follows:
 6 g. A surcharge of not more than five percent of
 7 the amount of the face value of the payment instrument
 8 or twenty dollars, whichever is greater, for each
 9 dishonored payment instrument provided that the fee is
 10 clearly and conspicuously disclosed in the ~~cardholder~~
 11 agreement contract. However, the amount of the
 12 surcharge shall not exceed twenty dollars unless the
 13 check, draft, or order was presented twice or the
 14 maker does not have an account with the drawee. If
 15 the check, draft, or order was presented twice or the
 16 maker does not have an account with the drawee, the
 17 amount of the surcharge shall not exceed fifty
 18 dollars. The surcharge shall not be assessed against

- 19 the maker if the reason for the dishonor of the
 20 instrument is that the maker has stopped payment
 21 pursuant to section 554.4403.”
 22 2. Title page, line 1, by striking the words
 23 “account maintenance” and inserting the following:
 24 “certain”.
 25 3. By renumbering as necessary.

DONALD B. REDFERN

S—3274

- 1 Amend Senate File 187 as follows:
 2 1. Page 2, line 25, by striking the figure
 3 “\$50.50” and inserting the following: “no fee”.
 4 2. Page 2, line 28, by striking the figure
 5 “\$50.50” and inserting the following: “no fee”.
 6 3. Page 3, line 3, by striking the figure “22.50”
 7 and inserting the following: “33.50”.
 8 4. Page 3, line 4, by striking the figure “60.50”
 9 and inserting the following: “71.50”.

MIKE CONNOLLY

S—3275

- 1 Amend the amendment, S—3262, to Senate File 79, as
 2 follows:
 3 1. Page 1, line 5, by striking the word and
 4 figure “March 15” and inserting the following: “June
 5 1”.

TOM VILSACK

S—3276

- 1 Amend Senate File 523 as follows:
 2 1. Page 1, by striking lines 5 through 16 and
 3 inserting the following:
 4 “1. ~~On or after Beginning July 1, 1994 1997, with~~
 5 ~~regard to new applicants for licensure or employment,~~
 6 ~~if a person is being considered for licensure under~~
 7 ~~this chapter, or for employment involving direct~~
 8 ~~responsibility for a resident or with access to a~~
 9 ~~resident when the resident is alone, or if the person~~
 10 ~~considered for licensure or employment under this~~
 11 ~~chapter will reside prior to employment of a person in~~
 12 ~~a facility, the facility may shall request that the~~
 13 ~~department of human services conduct public safety~~
 14 ~~perform criminal and child and dependent adult abuse~~
 15 ~~record checks of the person in this state and in other~~
 16 ~~states, on a random basis. In addition, the facility~~

17 may request that the department of human services
18 perform a child abuse record check in this state.

19 Beginning July 1, 1994 1997."

20 2. Page 1, line 17, by striking the words "new
21 applicants for employment" and inserting the
22 following: "new applicants for employment persons
23 prior to employment".

24 3. Page 1, line 19, by striking the word
25 "applicant" and inserting the following: "applicant
26 persons".

27 4. Page 1, line 21, by striking the words "on or
28 after July 1, 1994," and inserting the following: "on
29 or after July 1, 1994".

30 5. Page 1, line 31, by striking the words "in by"
31 and inserting the following: "in".

32 6. Page 1, lines 34 and 35, by striking the words
33 "inspections and appeals" and inserting the following:
34 "public safety".

35 7. Page 2, line 1, by striking the words "child
36 or" and inserting the following: "child or".

37 8. Page 2, line 2, by striking the words
38 "employed by" and inserting the following: "to be
39 employed by in".

40 9. Page 2, line 3, by inserting after the word
41 "department" the following: "of public safety".

42 10. Page 2, line 7, by inserting after the word
43 "warranted," the following: "If a department of human
44 services child abuse record check determines the
45 person has a record of founded child abuse, the
46 department shall inform the licensee that an
47 evaluation will be conducted to determine whether
48 prohibition of the person's employment is warranted."

49 11. Page 2, line 26, by striking the word "by"
50 and inserting the following: "by in".

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1 12. By striking page 2, line 28, through page 3,
2 line 16.

3 13. Page 3, lines 19 and 20, by striking the
4 words "inspections and appeals" and inserting the
5 following: "public safety".

6 14. Title page, line 2, by inserting before the
7 word "health" the following: "prospective".

8 15. Title page, line 2, by striking the words
9 "employees and providing for a" and inserting the
10 following: "employees."

11 16. Title page, by striking lines 3 and 4.

S-3277

- 1 Amend House File 611 as follows:
- 2 1. By striking page 1, line 29, through page 2,
- 3 line 6.
- 4 2. By renumbering as necessary.

PATRICK J. DELUHERY
NEAL SCHUERER

S-3278

- 1 Amend Senate File 418 as follows:
- 2 1. Page 3, line 16, by striking the words
- 3 "occurrences in subsection 1 result" and inserting the
- 4 following: "foregoing results".
- 5 2. Page 4, by striking line 10 and inserting the
- 6 following: "corporation on or prior to such adoption.
- 7 An amendment to the bylaws".
- 8 3. Page 4, line 35, by inserting after the word
- 9 "approved" the following: "or not opposed".

DONALD B. REDFERN

S-3279

- 1 Amend Senate File 99 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 542B.14, subsection 1,
- 5 paragraph a, Code 1997, is amended by adding the
- 6 following new subparagraph:
- 7 NEW SUBPARAGRAPH. (4) For applicants who obtained
- 8 an associate of science, or more advanced, degree
- 9 between July 1, 1983, and June 30, 1988, in lieu of
- 10 compliance with subparagraph (1), the board shall only
- 11 require compliance with the provisions of subparagraph
- 12 (3) with regard to areas of study and practical
- 13 experience."
- 14 2. Title page, by striking lines 1 and 2, and
- 15 inserting the following: "An Act relating to
- 16 professional engineering licensure requirements for
- 17 applicants with certain educational qualifications."

O. GENE MADDOX

S-3280

- 1 Amend the amendment, S-3262, to Senate File 79 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word and

4 figure "March 15" and inserting the following: "June
5 1".

TOM VILSACK

S—3281

1 Amend Senate File 515 as follows:
2 1. Page 17, line 16, by inserting after the
3 figure "692" the following: "and juvenile court
4 social records, as defined in section 232.2,
5 subsection 31, shall be deemed confidential criminal
6 identification files under section 22.7, subsection
7 9".

JOHNE HAMMOND

S—3282

1 Amend the amendment, S—3236, to Senate File 515 as
2 follows:
3 1. Page 2, lines 14 and 15, by striking the words
4 "In addition, the victim may" and inserting the
5 following: "Unless the matter is disposed of at the
6 preliminary inquiry conducted by the intake officer
7 under section 232.28, the victim may also".

JOHNE HAMMOND

S—3283

1 Amend the amendment, S—3262, to Senate File 79, as
2 follows:
3 1. Page 1, by striking line 8 and inserting the
4 following: "applicant."
5 2. Page 1, by striking line 9 and inserting the
6 following:
7 "2. However, the commission".

ROD HALVORSON

S—3284

1 Amend Senate File 515 as follows:
2 1. Page 5, by inserting after line 23, the
3 following:
4 "Sec. ____ Section 232.2, Code 1997, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 47A. "Runaway" means a child who
7 voluntarily is absent from the household in which the
8 child resides without the consent of the child's
9 parent, guardian, or other custodian."

10 2. Page 16, by inserting after line 20, the
11 following:

12 "Sec. ____ Section 232.126, unnumbered paragraph
13 1, Code 1997, is amended to read as follows:

14 The court shall appoint counsel or a guardian ad
15 litem to represent the interests of the child at the
16 hearing to determine whether the family is a family in
17 need of assistance unless the child already has such
18 counsel or guardian. If the petition alleges that the
19 child is a runaway, the court shall appoint counsel to
20 represent the interests of the child, unless the child
21 already has counsel. The court shall appoint counsel
22 for the parent, guardian or custodian if that person
23 desires but is financially unable to employ counsel.

24 Sec. ____ Section 232.127, subsections 1, 7, and
25 9, Code 1997, are amended to read as follows:

26 1. Upon the filing of a petition, the court shall
27 fix a time for a hearing and give notice thereof to
28 the child and the child's parent, guardian or
29 custodian. If the petition alleges that the child is
30 a runaway, the petition and a written enumeration of
31 the rights specified in section 232.128 shall be
32 served upon the child within a reasonable time before
33 hearing.

34 7. Except as otherwise provided in section
35 232.128, the court may shall not order the child
36 placed on probation, in a foster home or in a
37 nonsecure facility unless the child requests and
38 agrees to such supervision or placement. In no event
39 shall the The court may order the child placed in the
40 state training school or other a secure facility only
41 under the conditions specified in section 232.128.

42 9. A child found in contempt of court because of
43 violation of conditions imposed under this section
44 shall not be considered delinquent. Such a contempt
45 may be punished by imposition of a work assignment or
46 assignments to benefit the state or a governmental
47 subdivision of the state. In addition to or in lieu
48 of such an assignment or assignments, the court may
49 impose one of the dispositions set out in sections
50 232.100 to through 232.102 or section 232.128.

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1. Sec. ____ NEW SECTION. 232.128 RUNAWAYS.

2 1. If the petition alleges that the child is a
3 runaway, the child shall, prior to and at the hearing,
4 be informed of all of the following:

5 a. The right to have a written copy of the
6 petition served upon the child within a reasonable
7 time before the hearing on the petition.

8 b. The right to a hearing before the court.

9 c. The right to legal counsel, including the right
10 to court-appointed legal counsel if the child is
11 indigent.

12 d. The right to an explanation of the nature and
13 consequences of the hearing.

14 e. The right to present and confront witnesses.

15 f. The right to a transcript or record of the
16 proceedings.

17 g. The right to appeal to an appropriate court.

18 2. At the hearing, the court shall not order the
19 child placed in a secure facility, but may impose one
20 of the dispositions set out in sections 232.100
21 through 232.102. The court shall inform the child
22 that violation of the terms of the dispositional order
23 may result in placement in a secure facility. The
24 court shall send a copy of any dispositional order
25 placing the child in a nonsecure setting to the agency
26 or facility responsible for supervision, counseling,
27 or treatment of the child.

28 3. If the child violates the terms of the
29 dispositional order, the agency or facility shall
30 notify the court of the violation and submit a report
31 to the court reviewing the behavior of the child and
32 the circumstances under which the child was brought
33 before the court. The report shall also include an
34 assessment of the reasons for the child's behavior and
35 recommendations for appropriate continuing or
36 alternative placements. Upon receipt of the notice
37 and report, the court shall fix a date and time for a
38 hearing to determine whether the child violated the
39 terms of the dispositional order. Notice of the
40 grounds alleged as the basis for the violation of the
41 dispositional order and of the date, time, and place
42 of hearing shall be served upon the child.

43 4. At the violation hearing, the court shall
44 review the report and determine what, if any,
45 modifications should be made in the original
46 dispositional order. If the modification in the
47 dispositional order directs or authorizes placement of
48 the child in a secure facility, the court must
49 determine that there is no less restrictive
50 alternative appropriate to the needs of the child and

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1 the community.

2 5. This section shall not apply to a child who is
3 a child in need of assistance."

4 3. Title page 1, line 19, by inserting after the
5 word "facility," the following: "providing for

- 6 dispositional alternatives for runaways.”
7 4. By numbering and renumbering as necessary.

WILLIAM PALMER

S—3285

- 1 Amend the amendment, S—3123, to Senate File 362 as
2 follows:
3 1. Page 1, line 9, by inserting after the figure
4 “481A.10A” the following: “and conservation
5 organizations”.

DENNIS H. BLACK

S—3286

- 1 Amend Senate File 397 as follows:
2 1. Page 1, by striking lines 3 through 13 and
3 inserting the following:
4 “NEW SUBSECTION. 4A. For purposes of subsection
5 3, both of the following apply:
6 a. A bank that has been chartered solely for the
7 purpose of, and does not open for business prior to
8 acquiring control of, or acquiring all or
9 substantially all of the assets of, one or more
10 branches owned and operated on January 1, 1997, by a
11 savings association, as defined in 12 U.S.C. § 1813,
12 which association is an affiliate of the bank, is
13 deemed to have been in continuous existence and
14 operation as a bank for the combined periods of
15 continuous existence and operation of the bank and the
16 savings association from which the branch or branches
17 were acquired.
18 b. An office of a united community bank which was
19 formerly a branch of a state savings association or
20 federal savings association, as defined in 12 U.S.C.
21 § 1813, which was acquired by the united community
22 bank through an acquisition as defined in the united
23 community bank through an acquisition as defined in 12
24 U.S.C. § 1823(k) is deemed to be a united community
25 bank office which was formerly the principal place of
26 business of a bank referred to in subsection 3,
27 paragraph “b.”

DONALD B. REDFERN
MICHAEL E. GRONSTAL
JOANN DOUGLAS
PATRICK J. DELUHERY

S—3287

- 1 Amend Senate File 397 as follows:
2 1. Page 1, by striking line 3 and inserting the
3 following:
4 "NEW SUBSECTION. 4A. For purposes of subsection
5 3, both of the following apply:
6 a. A bank".
7 2. Page 1, by inserting after line 13 the
8 following:
9 "b. An office of a united community bank which was
10 formerly a branch of a state savings association or
11 federal savings association, as defined in 12 U.S.C.
12 § 1813, which was acquired by the united community
13 bank through an acquisition as defined in the united
14 community bank through an acquisition as defined in 12
15 U.S.C. § 1823(k) is deemed to be a united community
16 bank office which was formerly the principal place of
17 business of a bank referred to in subsection 3,
18 paragraph "b"."

DONALD B. REDFERN
MICHAEL E. GRONSTAL
JOANN DOUGLAS
PATRICK J. DELUHERY

S—3288

- 1 Amend Senate File 515 as follows:
2 1. Page 5, by inserting after line 23 the
3 following:
4 "Sec. ____. NEW SECTION. 217.44 TRUANCY ACADEMY
5 DEMONSTRATION PROGRAM ESTABLISHED.
6 1. Subject to an appropriation of sufficient funds
7 by the general assembly, the department of human
8 services, in consultation with the department of
9 education, the department of workforce development,
10 the Iowa department of public health, the division of
11 criminal and juvenile justice planning of the
12 department of human rights, institutions of higher
13 learning with applicable programs, and the division of
14 job training and entrepreneurship assistance of the
15 department of economic development, shall establish a
16 four-year truancy academy demonstration program in
17 Polk county that commences in the fiscal year
18 beginning July 1, 1997. The truancy academy
19 demonstration program shall be designed to reduce
20 juvenile crime and the truancy rate of students of
21 compulsory school attendance age. The department
22 shall locate a truancy academy in Polk county as a
23 residential facility.
24 2. The program shall include active participation

25 by community-based youth organizations, school
26 corporations, and local, state, and federal agencies.
27 The program shall provide for positive peer coaching
28 and early truancy intervention, and shall address
29 school dropout and absenteeism, juvenile court
30 involvement, family conflict, unemployment, teenage
31 suicide, youth mental health, substance abuse, and
32 other health problems.

33 3. The department of human services shall
34 coordinate an evaluation initiative designed to
35 investigate program effectiveness in reducing juvenile
36 crime and the truancy rate within Polk county. In
37 developing the evaluation initiative, the department
38 shall consult with the department of education, the
39 department of workforce development, the Iowa
40 department of public health, the division of criminal
41 and juvenile justice planning of the department of
42 human rights, institutions of higher learning with
43 applicable programs, and the division of job training
44 and entrepreneurship assistance of the department of
45 economic development.

46 4. A program participant shall be a person of
47 compulsory attendance age as defined in section
48 299.1A, who is at least twelve years of age, and who
49 has failed to attend school as provided in chapter 299
50 for ten or more days, without a reasonable excuse for

Page 2

1 the absence. The board of directors of a school
2 district or the authorities in charge of an accredited
3 nonpublic school may provide the department with the
4 names of persons deemed truant as provided in this
5 section and section 299.8.

6 5. The program shall provide at a minimum
7 recreation opportunities, personal skills development,
8 academic skills development, family interaction
9 opportunities, and mentoring. Additional objectives
10 of the program shall be to increase the ability of
11 existing agencies within the local community to
12 address the multiple problems of truant youth and to
13 coordinate their activities and to facilitate joint
14 planning to make the most economic and innovative use
15 of community resources. The program shall provide
16 career development services, mental health and family
17 counseling services, and primary health care services
18 that include, but are not limited to physical
19 examinations, immunizations, hearing and vision
20 screening, and preventive and primary health care
21 services, in the context of the educational needs of
22 the program participants. The primary goal of the
23 program shall be to return a successful student to a

24 regular classroom, an alternative options education
25 program as provided in section 280.19A, or to private
26 instruction as provided in chapter 299A.
27 6. The director of human services shall establish
28 a local advisory board, whose members at a minimum
29 shall include a representative of the private industry
30 council serving the area, parents of children who have
31 been deemed truant as provided in section 299.8, a
32 teacher recommended by the local teachers association,
33 a representative from the health and mental health
34 community in the area, teenagers enrolled in the
35 school and recommended by the school student
36 government, a representative from the nonprofit
37 provider community, and a representative from the
38 juvenile court system serving the area. Management of
39 the program shall be by school districts in the area
40 or by a nonprofit youth service organization. As used
41 in this subsection, "youth service" means recreational
42 services, employment services, civic services, or
43 juvenile treatment services.
44 7. If a child is deemed to be truant for ten or
45 more days under subsection 4, the school truancy
46 officer may provide notification to the department of
47 human services. An initial and any subsequent
48 notification shall be made in writing. A school
49 truancy officer may release information to the
50 department of human services as provided in section

Page 3

1 279.9A.
2 8. The council on human services shall adopt rules
3 under chapter 17A for the administration of this
4 section."
5 2. Page 17, by inserting after line 29 the
6 following:
7 "Sec. __. Section 279.9A, Code 1997, is amended
8 to read as follows:
9 279.9A INFORMATION SHARING.
10 1. The rules referred to in section 279.9 shall
11 provide that upon the request of school officials of a
12 school to which the student seeks to transfer or has
13 transferred, school officials of the sending school
14 shall provide an accurate record of any suspension or
15 expulsion actions taken, and the basis for those
16 actions taken, against the student under sections
17 279.9, 280.19A, 282.3, 282.4, and 282.5. The
18 designated representative shall disclose this
19 information only to those school employees whose
20 duties require them to be involved with the student.
21 For purposes of this section, "school employees" means
22 persons employed by a nonpublic school or school

23 district, or any area education agency staff member
24 who provides services to a school or school district.
25 2. a. The board of directors of each public
26 school and the authorities in charge of each
27 accredited nonpublic school shall adopt rules which
28 provide that the school district or school may share
29 information contained within a student's permanent
30 record pursuant to an interagency agreement with the
31 department of human services, school and law
32 enforcement authorities, and other signatory agencies.
33 The board of directors or authorities shall limit the
34 information shared pursuant to an interagency
35 agreement to that information which is necessary to
36 achieve the purpose of the agreement. The purpose of
37 the agreement shall be to reduce juvenile crime by
38 promoting cooperation and collaboration and the
39 sharing of appropriate information between the parties
40 in a joint effort to improve school safety, reduce
41 truancy, reduce school suspensions and expulsions, and
42 to support alternatives to suspensions and expulsions
43 which provide structured and well-supervised
44 educational programs supplemented by coordinated and
45 appropriate services designed to correct behaviors
46 that lead to truancy, suspension, and expulsion, and
47 to support students in successfully completing their
48 education. Information shared under the agreement
49 shall be used solely for determining the programs and
50 services appropriate to the needs of the student or

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1 the student's family, or coordinating the delivery of
2 programs and services to the student or the student's
3 family. Information shared under the agreement is not
4 admissible in any court proceedings which take place
5 prior to a disposition hearing, unless written consent
6 is obtained from a student's parent, guardian, or
7 legal or actual custodian.
8 b. A school or school district entering into an
9 interagency agreement under this section shall adopt a
10 policy implementing the provisions of the interagency
11 agreement. The policy shall include, but not be
12 limited to, the provisions of the interagency
13 agreement and the procedures to be used by the school
14 or school district to share information from the
15 student's permanent record with participating
16 agencies. The policy shall be published in the
17 student handbook."
18 3. Page 19, by inserting after line 15 the
19 following:
20 "Sec. ____ Section 299.5A, unnumbered paragraph 1,
21 Code 1997, is amended to read as follows:

22 If a child is truant as defined in section 299.8,
 23 school officers shall attempt to find the cause for
 24 the child's absence and use every means available to
 25 the school to assure that the child does attend. The
 26 board of directors of a school district or the
 27 authorities in charge of an accredited nonpublic
 28 school may utilize the provisions of section 217.44 in
 29 addition to the provisions of this section or section
 30 299.6 to assure the child's attendance. A child
 31 participating in a truancy academy, as provided in
 32 section 217.44, shall not be considered truant. If
 33 the parent, guardian, or legal or actual custodian, or
 34 child refuses to accept the school's attempt to assure
 35 the child's attendance or the school's attempt to
 36 assure the child's attendance is otherwise
 37 unsuccessful, the truancy officer shall refer the
 38 matter to the county attorney for mediation or
 39 prosecution."

40 4. Title page 2, line 7, by inserting after the
 41 word "authorities" the following: "conditionally
 42 establishing a truancy academy demonstration program
 43 and providing for information sharing between school
 44 officials and various agencies pursuant to interagency
 45 agreements designed to reduce truancy".
 46 5. By renumbering as necessary.

MATT McCOY

S—3289

1 Amend Senate File 109 as follows:
 2 1. Page 1, by inserting after line 8 the
 3 following:
 4 "Sec. ____ Section 85.71, subsection 2, Code 1997,
 5 is amended to read as follows:
 6 2. The employee is working under a contract of
 7 hire made in this state in employment not principally
 8 localized in any state and the employee spends a
 9 substantial part of the employee's working time
 10 working for the employer in this state, or".
 11 2. By renumbering as necessary.

STEVE KING

S—3290

1 Amend Senate File 523 as follows:
 2 1. Page 3, by inserting after line 21 the
 3 following:
 4 "Sec. ____ HOME HEALTH SERVICES -- REGULATORY
 5 REQUIREMENTS. The departments of public health and
 6 inspections and appeals shall review federal and state

7 requirements applicable to providers of homemaker,
8 home-health aide, home-care aide, hospice, and other
9 in-home services to persons with health problems. The
10 review shall include but is not limited to current and
11 proposed federal requirements for quality assurance,
12 fiscal information concerning the source of regulatory
13 funding, feasibility analysis of requiring criminal
14 and dependent adult abuse record checks of employees
15 of the providers, feasibility analysis of implementing
16 state regulation of the providers, and other
17 information deemed appropriate by the departments.
18 The departments shall submit a report of findings and
19 recommendations on or before December 15, 1997.”
20 2. By renumbering as necessary.

MATT McCOY

S—3291

1 Amend Senate File 515, as follows:
2 1. Page 1, by striking lines 16 through 19, and
3 inserting the following: “beer given or dispensed to
4 a person under the age of eighteen within a private
5 home and with the knowledge, presence, and consent of
6 the parent or guardian, for beverage or medicinal
7 purposes ~~or as; except in the case of liquor, wine, or~~
8 ~~beer given or dispensed for beverage or medicinal~~
9 purposes to a person who is age eighteen, nineteen, or
10 twenty within a private home and with the knowledge,
11 presence, and consent of the person's parent or
12 guardian or with the signed written consent of the
13 parent or guardian specifying the date and place for
14 the consumption and displayed by the person upon
15 demand; except in the case of liquor, wine, or beer
16 administered to the person by”.
17 2. Page 1, line 20, by striking the word
18 “purposes” and inserting the following: “purposes;”.

WILLIAM FINK

S—3292

1 Amend Senate File 241 as follows:
2 1. Page 1, by striking lines 7 through 18.
3 2. By renumbering as necessary.

TOM VILSACK

S—3293

1 Amend Senate File 501 as follows:
2 1. Page 1, by striking lines 25 through 34.

- 3 2. Title page, line 3, by striking the words
4 "construction contractors,".
5 3. By renumbering as necessary.

MARY LUNDBY

S—3294

- 1 Amend Senate File 471 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Sec. ____ Section 455G.11, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 12. A person engaged in the
7 wholesale or retail sale of petroleum shall receive a
8 discount of eight percent on that person's annual
9 insurance premium for all tanks located at a site
10 which meets all of the following conditions:
11 a. The person maintains a collection device for
12 the purpose of storing waste oil filters.
13 b. The person accepts waste oil filters from the
14 general public.
15 c. The person posts a notice at the site in a form
16 and manner approved by the administrator advertising
17 that the person will accept waste oil filters from the
18 general public."
19 2. Title page, line 2, by inserting after the
20 word "filters" the following: "and providing an
21 insurance premium discount".
22 3. By renumbering as necessary.

MARY LOU FREEMAN

S—3295

- 1 Amend the amendment, S—3236, to Senate File 515, as
2 follows:
3 1. Page 1, by striking line 28 and inserting the
4 following:
5 "____. By striking page 4, line 2, through page 5,
6 line 15. and".
7 2. Page 1, lines 37 and 38, by striking the words
8 "any person" and inserting the following: "a person
9 who is not a licensee or permittee and".
10 3. Page 1, line 40, by striking the word "person"
11 and inserting the following: "the nonlicensee or
12 nonpermittee".
13 4. Page 1, line 44, by striking the word "person"
14 and inserting the following: "nonlicensee or
15 nonpermittee".
16 5. Page 1, line 47, by inserting after the word

17 "person" the following: "who is not a licensee or
18 permittee and".

O. GENE MADDOX

HOUSE AMENDMENT TO
SENATE FILE 433

S-3296

1 Amend Senate File 433, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 335.30, Code 1997, is amended
6 by adding the following new paragraph:
7 NEW UNNUMBERED PARAGRAPH. A county shall not adopt
8 or enforce construction, building, or design
9 ordinances, regulations, requirements, or restrictions
10 which would mandate width standards greater than
11 twenty-four feet, roof pitch, or other design
12 standards for manufactured housing if the housing
13 otherwise complies with 42 U.S.C. § 5403. A county
14 shall not adopt or enforce zoning or subdivision
15 regulations or other ordinances which mandate width
16 standards for a single modular or manufactured home
17 which is sited upon land otherwise zoned as
18 agricultural land. However, this paragraph shall not
19 prohibit a county from adopting and enforcing zoning
20 regulations related to transportation, water,
21 sewerage, or other land development."

22 2. Page 1, by striking lines 6 through 10 and
23 inserting the following: "manufactured housing."

24 3. Page 1, lines 13 and 14, by striking the words
25 ", modular homes, or a combination of the homes" and
26 inserting the following: "or modular homes".

27 4. Page 1, by inserting after line 21 the
28 following:

29 "Sec. ____ Section 414.28, Code 1997, is amended
30 by adding the following new paragraph:
31 NEW UNNUMBERED PARAGRAPH. A city shall not adopt
32 or enforce construction, building, or design
33 ordinances, regulations, requirements, or restrictions
34 which would mandate width standards greater than
35 twenty-four feet, roof pitch, or other design
36 standards for manufactured housing if the housing
37 otherwise complies with 42 U.S.C. § 5403. However,
38 this paragraph shall not prohibit a city from adopting
39 and enforcing zoning regulations related to
40 transportation, water, sewerage, or other land
41 development."

42 5. Page 1, lines 30 and 31, by striking the words

- 43 “, modular homes, or a combination of the homes” and
 44 inserting the following: “or modular homes”.
 45 6. Page 2, by inserting after line 3 the
 46 following:
 47 “Sec. _____. This Act, being deemed of immediate
 48 importance, takes effect upon enactment.”
 49 7. Title page, by striking lines 1 and 2 and
 50 inserting the following: “An Act relating to

Page 2

- 1 regulation and location of a land-leased community or
 2 a modular or manufactured home.”
 3 8. Title page, by inserting after the word “home”
 4 the words “and providing an effective date”.
 5 9. By renumbering, relettering, or redesignating
 6 and correcting internal references as necessary.

S—3297

- 1 Amend Senate File 362 as follows:
 2 1. By striking page 1, line 21, through page 2,
 3 line 6.
 4 2. Page 2, by striking lines 18 and 19 and
 5 inserting the following:
 6 “Sec. _____. NEW SECTION. 483A.28 DEPREDATION
 7 PERMITS -- NONRESIDENT DEER HUNTING PASSPORTS.
 8 1. In administering a deer depredation permit
 9 program, the department shall accept the
 10 recommendations of the United States department of
 11 agriculture, animal damage control. In determining
 12 the value of crop damage caused by deer, the
 13 department shall include the damage to all types of
 14 agricultural and horticultural crops caused by the
 15 deer population.
 16 2. A deer damage control fund is created in the
 17 state treasury under the control of the department.
 18 The moneys credited to the deer damage control fund
 19 shall be used by the department to fund the deer
 20 depredation permit program.
 21 Sec. _____. APPROPRIATION. There is appropriated
 22 from the general fund of the state to the deer damage
 23 control fund for the fiscal year beginning July 1,
 24 1997, and ending June 30, 1998, the sum of two hundred
 25 fifty thousand dollars, or so much thereof as is
 26 necessary, to be used for the purposes authorized for
 27 the deer damage control fund.”
 28 3. Title page, line 1, by striking the word
 29 “wildlife” and inserting the following: “deer”.

S—3298

- 1 Amend House File 645, as passed by the House, as
- 2 follows:
- 3 1. By striking page 6, line 27, through page 7,
- 4 line 35.

COMMITTEE ON LOCAL GOVERNMENT
 LYLE E. ZIEMAN, Chairperson

S—3299

- 1 Amend Senate File 380 as follows:
- 2 1. Page 1, line 30, by striking the words
- 3 "recreation, entertainment," and inserting the
- 4 following: "entertainment".
- 5 2. Page 1, line 34, by adding after the word "be"
- 6 the following: "regarded as intended for
- 7 entertainment or demonstration purposes."
- 8 3. Page 1, by striking line 35.

ELAINE SZYMONIAK

S—3300

- 1 Amend Senate File 495 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "race." the following: "The use of a check or debit
- 4 card with overdraft protection is not prohibited by
- 5 this subsection."
- 6 2. Page 1, line 18, by inserting after the word
- 7 "chance." the following: "The use of a check or debit
- 8 card with overdraft protection is not prohibited by
- 9 this subsection."

ANDY McKEAN
 LARRY McKIBBEN
 ROD HALVORSON

S—3301

- 1 Amend Senate File 518 as follows:
- 2 1. Page 2, line 21, by inserting after the word
- 3 "department." the following: "In determining the
- 4 competence of a bidder, the department may consider
- 5 such factors as the quality of the item or service,
- 6 the bidder's management abilities, the bidder's
- 7 proposed plan for providing the items or services
- 8 requested, the financial stability of the bidder, the
- 9 bidder's ability to timely perform, the bidder's
- 10 ability to provide ongoing services such as
- 11 maintenance, training, and support, the bidder's past
- 12 and current performance on other similar contracts,
- 13 and the bidder's specialized or technical expertise."

14 2. Page 2, line 22, by inserting after the word
 15 "items" the following: "or services".
 16 3. Page 2, line 23, by inserting after the word
 17 "bid." the following: "The lowest competent bid or
 18 bids may be determined after best and final offer
 19 negotiations with qualified bidders as disclosed in
 20 the bid specifications. Notwithstanding section 72.3,
 21 in any procurement made under this chapter, the
 22 director, following submittal and evaluation of bids,
 23 may enter into best and final offer negotiations with
 24 qualified bidders in order to obtain the lowest price
 25 possible on an item or service. The director shall
 26 adopt rules pursuant to chapter 17A providing for the
 27 circumstances under which best and final offer
 28 negotiations may be conducted and procedures for
 29 conducting negotiations with qualified bidders."

MARY LUNDBY

S—3302

1 Amend Senate File 518 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following:
 4 "Sec. ____ Section 18.1, Code 1997, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 7. "State buildings and grounds"
 7 excludes any building under the custody and control of
 8 the Iowa public employees' retirement system.
 9 Sec. ____ Section 18.3, subsections 4 and 7, Code
 10 1997, are amended to read as follows:
 11 4. Providing for the proper maintenance of the
 12 state capitol, grounds, and equipment and all other
 13 state buildings; and grounds, and equipment at the
 14 seat of government, except those referred to in
 15 section 216B.3, subsection 6.
 16 7. Providing architectural services, contracting
 17 for construction and construction oversight for state
 18 agencies except for the board of regents, department
 19 of transportation, national guard, and natural
 20 resource commission, and the Iowa public employees'
 21 retirement system. Capital funding appropriated to
 22 state agencies, except the board of regents,
 23 department of transportation, national guard, and
 24 natural resource commission, and the Iowa public
 25 employees' retirement system for property management
 26 shall be transferred for administration and control to
 27 the director of the department of general services."
 28 2. Page 4, by inserting after line 6 the
 29 following:
 30 "Sec. ____ Section 18.8, unnumbered paragraph 5,
 31 Code 1997, is amended to read as follows:

32 Except for buildings and grounds described in
 33 section 216B.3, subsection 6, ~~and~~; section 2.43,
 34 unnumbered paragraph 1; and any buildings under the
 35 custody and control of the Iowa public employees'
 36 retirement system, the director shall assign office
 37 space at the capitol, other state buildings and
 38 elsewhere in the city of Des Moines, for all executive
 39 and judicial state agencies. Assignments may be
 40 changed at any time. The various officers to whom
 41 rooms have been so assigned may control the same while
 42 the assignment to them is in force. Official
 43 apartments shall be used only for the purpose of
 44 conducting the business of the state. The term
 45 "capitol" or "capitol building" as used in the Code
 46 shall be descriptive of all buildings upon the capitol
 47 grounds. The capitol building itself is reserved for
 48 the operations of the general assembly, the governor
 49 and the courts and the assignment and use of physical
 50 facilities for the general assembly shall be pursuant

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1 to section 2.43."

MARY LUNDBY

S—3303

1 Amend House File 694, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, line 17, by striking the word
 4 "domesticated" and inserting the following:
 5 "designated".
 6 2. Page 9, line 11, by striking the word
 7 "domesticated" and inserting the following:
 8 "designated".
 9 3. Page 10, line 21, by striking the word
 10 "domesticated" and inserting the following:
 11 "designated".
 12 4. Page 12, line 27, by striking the word
 13 "domesticated" and inserting the following:
 14 "designated".

COMMITTEE ON AGRICULTURE
 WILMER RENSINK, Chairperson

S—3304

1 Amend Senate File 508 as follows:
 2 1. Page 1, by striking lines 9 through 18.

JOANN DOUGLAS

S—3305

1 Amend Senate File 211 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 543B.29, unnumbered paragraph
5 1, Code 1997, is amended to read as follows:

6 A license to practice the profession of real estate
7 broker and salesperson may be revoked or suspended, or
8 a licensee may be otherwise disciplined by the
9 commission, when the licensee is guilty of the
10 following acts or offenses:

11 Sec. 2. Section 543B.29, Code 1997, is amended by
12 adding the following new subsection:

13 **NEW SUBSECTION. 12.** Noncompliance with the
14 appraisal requirements in chapter 543D when providing
15 an appraisal.

16 Sec. 3. Section 543B.29, unnumbered paragraph 3,
17 Code 1997, is amended to read as follows:

18 A real estate broker or salesperson who is an owner
19 or lessor of property or an employee of an owner or
20 lessor may have the broker's or salesperson's license
21 revoked or suspended, or may be otherwise disciplined
22 by the commission, for violations of this section or
23 section 543B.34, except subsections 4, 5, 6, and 9,
24 with respect to that property.

25 Sec. 4. Section 543D.1, Code 1997, is amended to
26 read as follows:

27 543D.1 SHORT TITLE.

28 This chapter shall be known and may be cited as the
29 "~~Iowa Voluntary~~ Appraisal Standards and Appraiser
30 Certification Law".

31 Sec. 5. Section 543D.3, Code 1997, is amended to
32 read as follows:

33 543D.3 PURPOSES -- ~~VOLUNTARY~~ CERTIFICATION.

34 The purpose of this chapter is to establish
35 standards for real estate appraisals and a procedure
36 for the ~~voluntary~~ certification of real estate
37 appraisers.

38 ~~A person who is not a certified real estate~~
39 ~~appraiser under this chapter may appraise real estate~~
40 ~~for compensation if certification is not required by~~
41 ~~this chapter or by federal or state law, rule, or~~
42 ~~policy~~ Except as otherwise provided in this chapter,
43 only a certified appraiser, designated broker, or
44 broker associate as defined in section 543B.5 may
45 charge a fee for conducting an appraisal.

46 Sec. 6. Section 543D.4, subsections 3 and 4, Code
47 1997, are amended to read as follows:

48 3. Each A real estate appraiser member of the
49 board ~~appointed after January 1, 1992,~~ must be a
50 certified real estate appraiser. The governor shall

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1 attempt to represent each class of certified
2 appraisers in making the appointments.
3 4. The term of each member is three years; ~~except~~
4 ~~that, of the members first appointed, two shall be~~
5 ~~appointed for two years and two shall be appointed for~~
6 ~~one year.~~

7 Sec. 7. Section 543D.16, subsection 2, Code 1997,
8 is amended to read as follows:

9 2. The basic continuing education requirement for
10 renewal of certification shall be the completion,
11 ~~during the immediately preceding term before June 30~~
12 ~~of the year in which the appraiser's certificate~~
13 ~~expires,~~ of the number of ~~classroom~~ hours of
14 instruction required by the board in courses or
15 seminars which have received the ~~approval~~ preapproval
16 of the board. Instructional hours by correspondence
17 and home study courses claimed by an appraiser shall
18 not exceed fifty percent of the required hours of
19 instruction necessary for renewal.

20 Sec. 8. **NEW SECTION. 543D.20 EXCLUSIONS FROM**
21 **APPLICABILITY OF CHAPTER.**

22 This chapter does not apply to the following:

23 1. An individual licensed under chapter 543B who
24 does not provide an appraisal, but who in the ordinary
25 course of business provides an opinion of value,
26 valuation, analysis, or a recommendation of price or
27 pricing of real estate in the pursuit of a listing,
28 when the opinion is provided to assist a potential
29 purchaser in developing a purchase offer or to provide
30 a broker's price opinion, whether or not the opinion
31 is provided for a fee. Providing an opinion pursuant
32 to this subsection is not subject to the uniform
33 standard of performance appraisal procedures.

34 2. A broker associate, or a designated broker, as
35 defined in section 543B.5, who renders an appraisal of
36 value for purposes other than federally related
37 transactions as defined in Title XI of the federal
38 Financial Institutions Reform, Recovery, and
39 Enforcement Act of 1989, or as defined in the United
40 States office of management and budget circular A-129,
41 as amended, or the rules or regulations adopted
42 pursuant to that circular.

43 3. a. An employee of any of the following:

44 (1) The federal government.

45 (2) The state, or any agency, department, or
46 political subdivision of the state.

47 (3) A financial institution as defined in section
48 535A.1, if the appraisal is associated with a loan of
49 less than fifty thousand dollars.

50 b. Notwithstanding paragraph "a", an employee of

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- 1 an entity identified in paragraph "a" who also
- 2 practices as an independent real estate appraiser is
- 3 subject to this chapter and shall comply with the
- 4 requirements of this chapter prior to engaging in such
- 5 other real estate appraising.
- 6 Sec. 9. EFFECTIVE DATE. Sections 1 through 6 and
- 7 8 of this Act are effective July 1, 1998."

MICHAEL E. GRONSTAL

S—3306

- 1 Amend House File 686, as passed by the House, as
- 2 follows:
- 3 1. Page 1, lines 33 and 34, by striking the words
- 4 "USE OF UNUSED RIGHT-OF-WAY FOR PUBLIC PURPOSE".
- 5 2. Page 2, by striking lines 5 through 7 and
- 6 inserting the following: "unused right-of-way shall
- 7 send by certified mail to".
- 8 3. Page 2, line 30, by inserting after the word
- 9 "shall" the following: "transfer the land for a
- 10 public purpose or".
- 11 4. Page 2, by inserting after line 34 the
- 12 following:
- 13 "Sec. ____ APPLICABILITY DATE. This Act applies
- 14 only to decisions to dispose of unused right-of-way
- 15 made on or after July 1, 1997."
- 16 5. Title page, line 3, by inserting after the
- 17 word "property" the following: "and providing an
- 18 applicability date".
- 19 6. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

S—3307

- 1 Amend Senate File 256 as follows:
- 2 1. Page 9, by striking lines 17 through 22.
- 3 2. By renumbering as necessary.

STEWART IVERSON, Jr.

S—3308

- 1 Amend House File 655, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 30, by striking the figure
- 4 "6,846,466" and inserting the following: "6,796,466".
- 5 2. Page 7, line 21, by striking the figure

6 "4,077,000" and inserting the following: "4,127,000".

7 3. Page 8, by striking lines 27 through 31.

8 4. Page 11, line 32, by striking the word
9 "industrial" and inserting the following: "labor".

10 5. Page 14, line 1, by inserting after the word
11 "plant" the following: "labor".

12 6. Page 15, by striking lines 29 and 30.

13 7. Page 16, by inserting after line 15 the
14 following:

15 "Sec. ____ Section 260F.2, subsection 11, Code
16 1997, is amended to read as follows:

17 11. "Project" means a training arrangement which
18 is the subject of an agreement entered into between
19 the community college and a business to provide
20 program services. "Project" also means a department-
21 sponsored training arrangement which is sponsored by
22 the department and administered under sections 260F.6A
23 and 260F.6B."

24 8. Page 16, line 19, by inserting after the word
25 "technology" the following: "or new statewide".

26 9. Page 16, by striking line 21 and inserting the
27 following: "specified in section 260C.44.

28 Notwithstanding the provisions of section 260F.6,
29 subsection 2, relating to maximum award amounts,
30 moneys allocated to the".

31 10. Page 18, by striking line 22 and inserting
32 the following:

33 "Sec. 200. HOUSING ASSISTANCE INTERIM STUDY. As".

34 11. Page 18, by striking lines 25 and 26 and
35 inserting the following: "opportunity to learn about
36 housing assistance organizations. By".

37 12. By striking page 18, line 29, through page
38 19, line 9, and inserting the following:

39 "Sec. ____ HOUSING ASSISTANCE INFORMATION. By
40 October 15, 1997, all housing assistance organizations
41 in Iowa are requested to submit a report to the
42 secretary of the senate and the chief clerk of the
43 house of representatives based on such information as
44 is needed for the interim study requested in section
45 200."

46 13. Page 19, by striking lines 20 and 21 and
47 inserting the following:

48 "Sec. ____ EFFECTIVE DATE. Sections 23 and 24 of
49 this Act, being deemed of immediate importance, take
50 effect upon enactment."

Page 2

1 14. By renumbering as necessary.

S—3309

- 1 Amend the amendment, S—3236, to Senate File 515, as
 2 follows:
 3 1. Page 1, by inserting after line 27, the
 4 following:
 5 “___ Page 3, by striking lines 12 and 13.”
 6 2. By striking page 1, line 28, through page 2,
 7 line 1, and inserting the following:
 8 “___ By striking page 4, line 2 through page 5,
 9 line 15 and inserting the following:
 10 “Sec. ___ Section 123.92, Code 1997, is amended
 11 by adding the following new unnumbered paragraph:
 12 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 13 123.49, subsection 1, any person who is injured in
 14 person or property or means of support by an
 15 intoxicated person who is under legal age or resulting
 16 from the intoxication of a person who is under legal
 17 age, has a right of action for all damages actually
 18 sustained, severally or jointly, against a person who
 19 is not a licensee or permittee and who dispensed or
 20 gave any beer, wine, or intoxicating liquor to the
 21 intoxicated under-age person when the nonlicensee or
 22 nonpermittee who dispensed or gave the beer, wine, or
 23 intoxicating liquor to the under-age person knew or
 24 should have known the under-age person was
 25 intoxicated, or who dispensed or gave beer, wine, or
 26 intoxicating liquor to the under-age person to a point
 27 where the nonlicensee or nonpermittee knew or should
 28 have known that the under-age person would become
 29 intoxicated. If the injury was caused by an
 30 intoxicated person who is under legal age, a person
 31 who is not a licensee or permittee and who dispensed
 32 or gave beer, wine, or intoxicating liquor to the
 33 under-age person may establish as an affirmative
 34 defense that the intoxication did not contribute to
 35 the injurious action of the under-age person.”
 36 3. By numbering and renumbering as necessary.

O. GENE MADDIX

S—3310

- 1 Amend Senate File 471 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Sec. ___ Section 455G.11, Code 1997, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 12. A person engaged in the
 7 wholesale or retail sale of petroleum shall receive a
 8 discount of eight percent on that person's annual
 9 insurance premium for all tanks located at a site

10 which meets all of the following conditions:

- 11 a. The person maintains a collection device for
 12 the purpose of storing waste oil filters.
 13 b. The person accepts waste oil filters from the
 14 general public.
 15 c. The person posts a notice at the site in a form
 16 and manner approved by the administrator advertising
 17 that the person will accept waste oil filters from the
 18 general public.
 19 d. The person registers an end user, other than a
 20 sanitary landfill, of the waste oil filters.”
 21 2. Title page, line 2, by inserting after the
 22 word “filters” the following: “and providing an
 23 insurance premium discount”.
 24 3. By renumbering as necessary.

MARY LOU FREEMAN

S—3311

- 1 Amend House File 475, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 3 and inserting the
 4 following:
 5 “NEW SUBSECTION. 4A. For purposes of subsection
 6 3, both of the following apply:
 7 a. A bank”.
 8 2. Page 1, by inserting after line 13 the
 9 following:
 10 “b. An office of a united community bank which was
 11 formerly a branch of a state savings association or
 12 federal savings association, as defined in 12 U.S.C.
 13 § 1813, which was acquired by the united community
 14 bank through an acquisition as defined in the united
 15 community bank through an acquisition as defined in 12
 16 U.S.C. § 1823(k) is deemed to be a united community
 17 bank office which was formerly the principal place of
 18 business of a bank referred to in subsection 3,
 19 paragraph “b.”

DONALD B. REDFERN
 MICHAEL E. GRONSTAL
 JOANN DOUGLAS
 PATRICK J. DELUHERY

S—3312

- 1 Amend House File 475, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 3 through 13 and
 4 inserting the following:
 5 “NEW SUBSECTION. 4A. For purposes of subsection

6 3, both of the following apply:

- 7 a. A bank that has been chartered solely for the
8 purpose of, and does not open for business prior to
9 acquiring control of, or acquiring all or
10 substantially all of the assets of, one or more
11 branches owned and operated on January 1, 1997, by a
12 savings association, as defined in 12 U.S.C. § 1813,
13 which association is an affiliate of the bank, is
14 deemed to have been in continuous existence and
15 operation as a bank for the combined periods of
16 continuous existence and operation of the bank and the
17 savings association from which the branch or branches
18 were acquired.
- 19 b. An office of a united community bank which was
20 formerly a branch of a state savings association or
21 federal savings association, as defined in 12 U.S.C.
22 § 1813, which was acquired by the united community
23 bank through an acquisition as defined in the united
24 community bank through an acquisition as defined in 12
25 U.S.C. § 1823(k) is deemed to be a united community
26 bank office which was formerly the principal place of
27 business of a bank referred to in subsection 3,
28 paragraph "b."

DONALD B. REDFERN
MICHAEL E. GRONSTAL
JOANN DOUGLAS
PATRICK J. DELUHERY

S—3313

- 1 Amend Senate File 493 as follows:
- 2 1. Page 1, by striking lines 9 through 16 and
3 inserting the following:
- 4 "22. INCOMPETENT ~~—includes means the condition~~
5 ~~of any person who has been adjudicated by a court to~~
6 ~~be incapable of managing the person's property, or~~
7 ~~earing for the person's own self, or both as follows:~~
8 a. To have a decision-making capacity which is so
9 impaired that the person is unable to care for the
10 person's personal safety or to attend to or provide
11 for necessities for the person such as food, shelter,
12 clothing, or medical care, without which physical
13 injury or illness may occur.
- 14 b. To have a decision-making capacity which is so
15 impaired that the person is unable to make,
16 communicate, or carry out important decisions
17 concerning the person's financial affairs.
- 18 c. To have a decision-making capacity which is so
19 impaired that both paragraphs "a" and "b" are
20 applicable to the person."

DONALD B. REDFERN

S-3314

1 Amend Senate File 468 as follows:

2 1. Page 1, line 1, by striking the words

3 "INSPECTION PROGRAM --".

4 2. Page 1, by striking lines 3 through 8 and

5 inserting the following:

6 "The following shall apply to an anaerobic lagoon

7 or earthen manure storage basin which is part of an

8 animal feeding operation, if the anaerobic lagoon or

9 earthen manure storage basin is required to be

10 constructed pursuant to a permit issued by the

11 department:

12 1. The department shall inspect each such

13 anaerobic lagoon and earthen manure storage basin

14 every thirty-six months. The department shall give

15 priority to inspections".

16 3. Page 1, lines 16 and 17, by striking the words

17 "the inspection program" and inserting the following:

18 "inspections conducted pursuant to this section".

19 4. Page 1, by inserting after line 19 the

20 following:

21 "2. A person who constructs an anaerobic lagoon or

22 earthen manure storage basin shall notify the

23 department that excavation is nearing completion prior

24 to completing excavation for the anaerobic lagoon or

25 earthen manure storage basin, as provided by the

26 department. The geological survey bureau shall review

27 the anaerobic lagoon or earthen manure storage basin

28 when the excavation is being completed, including when

29 the construction of a clay liner is being completed.

30 The bureau shall direct the taking of samples and

31 provide for the analysis of the samples to determine

32 the permeability of the anaerobic lagoon or earthen

33 manure storage basin."

MERLIN E. BARTZ

S-3315

1 Amend Senate File 468 as follows:

2 1. Page 1, by inserting before line 1 the

3 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 for which a construction permit is required

10 to be obtained as provided in section 455B.173, for

11 use by counties in amending their building codes.

12 Sec. __. Section 331.304, subsection 3, paragraph

13 b, Code 1997, is amended to read as follows:

14 b. A Except as otherwise provided in this
 15 paragraph, a county building code shall not apply to
 16 farm houses, barns, outbuildings, or other farm
 17 buildings or structures which are primarily adapted
 18 for use for an agricultural purposes purpose, while so
 19 used or under construction for that use. The county
 20 building code may apply to a confinement swine feeding
 21 operation structure, as determined in section
 22 455B.161, constructed or expanded on or after the
 23 effective date of this Act, for which a construction
 24 permit is required to be obtained as provided in
 25 section 455B.173.

26 Sec. ____ Section 455B.161, Code 1997, is amended
 27 by adding the following new subsections:

28 NEW SUBSECTION. 9A. "Confinement swine feeding
 29 operation" means a confinement feeding operation in
 30 which swine are confined and fed.

31 NEW SUBSECTION. 9B. "Confinement swine feeding
 32 operation structure" means a confinement building or
 33 an animal feeding operation structure which is part of
 34 a confinement swine feeding operation."

35 2. Title page, line 1, by inserting after the
 36 word "for" the following: "a model building code for
 37 and".

PATTY JUDGE

S—3316

1 Amend Senate File 468 as follows:

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

4 "Section 1. Section 455B.173, subsection 13, Code
 5 1997, is amended to read as follows:

6 13. Adopt, modify, or repeal rules relating to the
 7 construction or operation of animal feeding
 8 operations. The rules shall include, but are not
 9 limited to, minimum manure control requirements,
 10 requirements for obtaining permits, and departmental
 11 evaluations of animal feeding operations. The
 12 department shall not require that a person obtain a
 13 permit for the construction of an animal feeding
 14 operation structure, if the structure is part of a
 15 small animal feeding operation. The department shall
 16 collect an indemnity fee as provided in section 204.3
 17 prior to the issuance of a construction permit. The
 18 department shall not approve a permit for the
 19 construction of three or more animal feeding operation
 20 structures unless the applicant files a statement
 21 approved by a professional engineer registered
 22 pursuant to chapter 542B certifying that the

23 construction of the animal feeding operation structure
24 will not impede the drainage through established
25 drainage tile lines which cross property boundary
26 lines unless measures are taken to reestablish the
27 drainage prior to completion of construction. The
28 department shall deposit moneys collected in indemnity
29 fees in the manure storage indemnity fund created in
30 section 204.2. The department shall issue a permit
31 for an animal feeding operation, if an application is
32 submitted according to procedures required by the
33 department, and the application meets standards
34 established by the department, regardless of whether
35 the animal feeding operation is required to obtain
36 such a permit. An applicant for a construction permit
37 shall not begin construction at the location of a site
38 planned for the construction of an animal feeding
39 operation structure, until the person has been granted
40 a permit for the construction of the structure by the
41 department. The department shall make a determination
42 regarding the approval or denial of a permit within
43 sixty days from the date that the department receives
44 a completed application for a permit. However, the
45 sixty-day requirement shall not apply to an
46 application, if the applicant is not required to
47 obtain a permit in order to construct an animal
48 feeding operation structure or to operate an animal
49 feeding operation. The department shall deliver a
50 copy or require the applicant to deliver a copy of the

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1 application for a construction permit to the county
2 board of supervisors in the county where the
3 confinement feeding operation or confinement feeding
4 operation structure subject to the permit is to be
5 located. The department shall not approve the
6 application or issue a construction permit until
7 thirty days following delivery of the application to
8 the county board of supervisors. The department shall
9 consider comments from the county board of
10 supervisors, regarding compliance by the applicant
11 with the legal requirements for the construction of
12 the confinement feeding operation structure as
13 provided in this chapter, and rules adopted by the
14 department pursuant to this chapter, if the comments
15 are delivered to the department within fourteen days
16 after receipt of the application by the county board
17 of supervisors. However, if the construction permit
18 is for an animal feeding operation structure which is
19 part of a confinement feeding operation in which swine
20 are confined, the department shall not issue the
21 permit if the county board of supervisors submits an

22 objection to the department within thirty days after
 23 receipt of the application by the county board of
 24 supervisors. The objection must be based upon a
 25 threat to environmental quality or the public health
 26 that the board determines may be caused by the
 27 location or design of the animal feeding operation
 28 structure. Prior to granting a permit to a person for
 29 the 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. 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. The department shall
 39 not issue a permit to a person under this subsection
 40 if an enforcement action by the department, relating
 41 to a violation of this chapter concerning a
 42 confinement feeding operation in which the person has
 43 an interest, is pending. The department shall not
 44 issue a permit to a person under this subsection for
 45 five years after the date of the last violation
 46 committed by a person or confinement feeding operation
 47 in which the person holds a controlling interest
 48 during which the person or operation was classified as
 49 a habitual violator under section 455B.191. The
 50 department shall conduct an annual review of each

Page 3

1 confinement feeding operation which is a habitual
 2 violator and each confinement feeding operation in
 3 which a habitual violator holds a controlling
 4 interest. The department shall notify persons
 5 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 2. Title page, line 2, by inserting after the
 12 word "structures" the following: "and providing for
 13 permits".

PATTY JUDGE

S-3317

- 1 Amend Senate File 468 as follows:
- 2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 455B.171, Code 1997, is
5 amended by adding the following new subsections:

6 NEW SUBSECTION. 2A "Animal feeding operation
7 structure" means the same as defined in section
8 455B.161.

9 NEW SUBSECTION. 4A. "Confinement swine feeding
10 operation" means a confinement feeding operation in
11 which swine are confined and fed.

12 NEW SUBSECTION. 4B. "Confinement swine feeding
13 operation structure" means an animal feeding operation
14 structure which is part of a confinement swine feeding
15 operation."

16 2. Page 1, by striking line 2 and inserting the
17 following: "ANIMAL FEEDING OPERATION STRUCTURES."

18 3. Page 1, line 14, by inserting after the word
19 "pollution." the following: "During each major stage
20 of construction, the department shall conduct an
21 inspection of the confinement swine feeding operation
22 structure subject to a permit required to be approved
23 by the department, in order to ensure that a
24 confinement swine feeding operation structure is being
25 constructed according to design requirements approved
26 by the department. A confinement swine feeding
27 operation structure shall not operate unless the
28 department conducts a final inspection and certifies
29 that the confinement swine feeding operation structure
30 is constructed according to requirements approved by
31 the department. The department shall conduct an
32 annual inspection of each confinement swine feeding
33 operation required to obtain a construction permit
34 under this section."

35 4. By renumbering as necessary.

PATTY JUDGE

S-3318

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, by striking lines 20 through 31 and
4 inserting the following:

5 "Sec. __. WORKFORCE DEVELOPMENT FUND. For
6 allocation of \$3,187,500 for the purposes identified
7 under section 15.343, subsection 2, paragraph "b", for
8 allocation of \$637,500 for the purposes identified in
9 section 15.343, subsection 2, paragraph "c", \$435,000
10 of which shall be allocated to high technology
11 apprenticeship programs and distributed to community
12 colleges based upon contact hours under programs
13 administered during the prior fiscal year as
14 determined by the department of education, and for

15 allocation of \$1,706,028 for the purposes identified
 16 under section 15.343, subsection 2, there is
 17 appropriated from the workforce development fund
 18 account created in section 15.342A, for the fiscal
 19 year beginning July 1, 1997, and ending June 30, 1998,
 20 to the workforce development fund created in section
 21 15.343, the following amount:

22\$ 5,531,028"

- 23 2. Page 15, by striking lines 29 and 30.
- 24 3. By renumbering as necessary.

TOM VILSACK

S—3319

1 Amend House File 655, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 24 the
 4 following:

5 "The division of industrial services shall not
 6 reduce the number of scheduled hearings of contested
 7 cases or eliminate the venue for such hearings, as
 8 established by the division for the period beginning
 9 January 1, 1997, and ending January 20, 1998. The
 10 division shall also establish a substantially similar
 11 schedule for such hearings for the period beginning
 12 January 20, 1998, and ending June 30, 1998. The
 13 division shall report to the legislative fiscal bureau
 14 any modification of the established schedule, or any
 15 changes which the division determines are necessary in
 16 establishing the schedule for the period beginning
 17 January 20, 1998, and ending June 30, 1998."

TOM VILSACK

S—3320

1 Amend House File 655, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 8, by striking lines 23 through 31 and
 4 inserting the following: "ending June 30, 1998, a sum
 5 equal to 75 percent of the moneys in the workforce
 6 development fund account, to the workforce development
 7 fund created in section 15.343. Of that
 8 appropriation, a sum equal to 56.25 percent of the
 9 moneys in the workforce development fund account shall
 10 be allocated for purposes identified in section
 11 15.343, subsection 2, paragraph "b"; a sum equal to
 12 11.25 percent of the moneys in the workforce
 13 development fund account shall be allocated for
 14 purposes identified in section 15.343, subsection 2,

15 paragraph "c"; and a sum equal to 7.5 percent of the
16 moneys in the workforce development fund account shall
17 be allocated for purposes identified in section
18 15.343, subsection 2, paragraphs "a" and "d".
19 2. Page 15, by striking lines 29 and 30.
20 3. By renumbering as necessary.

TOM VILSACK

S—3321

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 24, by striking the figure
4 "150,000" and inserting the following: "178,000".
5 2. Page 17, by striking lines 22 through 25 and
6 inserting the following: "any fund, notwithstanding
7 section 8.33. Unobligated Of the unobligated funds
8 remaining on June 30, 1997, the first \$28,000 shall
9 revert to the general fund of the state community
10 development program of the department of economic
11 development for purposes of Iowa's councils of
12 governments and all remaining moneys shall revert to
13 the strategic investment fund created in section
14 15.313."

TOM VILSACK

S—3322

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by striking lines 27 through 31 and
4 inserting the following:
5 "It is the intent of the general assembly that the
6 department of economic development allocate \$3,187,500
7 for the purposes identified under section 15.343,
8 subsection 2, paragraph "b", allocate \$637,500 for the
9 purposes identified in section 15.343, subsection 2,
10 paragraph "c", \$435,000 of which shall be allocated to
11 high technology apprenticeship programs and
12 distributed to the community colleges based upon
13 contact hours under programs administered during the
14 prior fiscal year as determined by the department of
15 education, and allocate \$1,706,028 for the purposes
16 identified under section 15.343, subsection 2."
17 2. Page 15, by striking lines 29 and 30.
18 3. By renumbering as necessary.

TOM VILSACK

S—3323

1 Amend the amendment, S—3236, to Senate File 515, as
2 follows:

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

5 “___ Page 3, by striking lines 12 and 13.”

6 2. By striking page 1, line 28, through page 2,
7 line 1, and inserting the following:

8 “___ By striking page 4, line 2 through page 5,
9 line 15 and inserting the following:

10 “Sec. ___. Section 123.92, Code 1997, is amended
11 by adding the following new unnumbered paragraph:

12 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding section
13 123.49, subsection 1, any person who is injured in
14 person or property or means of support by a person who
15 is under legal age and who is under the influence of
16 beer, wine, or intoxicating liquor or resulting from
17 the acts or omissions of a person who is under legal
18 age and who is under the influence of beer, wine, or
19 intoxicating liquor, has a right of action for all
20 damages actually sustained, severally or jointly,
21 against a person who is not a licensee or permittee
22 and who dispensed or gave any beer, wine, or
23 intoxicating liquor to the under-age person who is
24 under the influence of beer, wine, or intoxicating
25 liquor when the nonlicensee or nonpermittee who
26 dispensed or gave the beer, wine, or intoxicating
27 liquor to the under-age person knew or should have
28 known the under-age person was intoxicated, or who
29 dispensed or gave beer, wine, or intoxicating liquor
30 to the under-age person to a point where the
31 nonlicensee or nonpermittee knew or should have known
32 that the under-age person would be under the influence
33 of beer, wine, or intoxicating liquor. If the injury
34 was caused by an intoxicated person who is under legal
35 age, a person who is not a licensee or permittee and
36 who dispensed or gave beer, wine, or intoxicating
37 liquor to the under-age person may establish as an
38 affirmative defense that the influence of beer, wine,
39 or intoxicating liquor did not contribute to the
40 injurious action of the under-age person.”

41 3. By numbering and renumbering as necessary.

TOM VILSACK

S—3324

1 Amend Senate File 515 as follows:

2 1. Page 20, by inserting after line 23 the
3 following:

4 “Sec. ___. Section 622.10, unnumbered paragraph 1,

5 Code 1997, is amended to read as follows:

6 A practicing attorney, counselor, physician,
7 surgeon, physician assistant, mental health
8 professional, or the stenographer or confidential
9 clerk of any such person, who obtains information by
10 reason of the person's employment, or a member of the
11 clergy shall not be allowed, in giving testimony, to
12 disclose any confidential communication properly
13 entrusted to the person in the person's professional
14 capacity, and necessary and proper to enable the
15 person to discharge the functions of the person's
16 office according to the usual course of practice or
17 discipline. The prohibition does not apply to cases
18 where the person in whose favor the prohibition is
19 made waives the rights conferred; nor does the
20 prohibition apply to physicians or surgeons,
21 physician's assistants, mental health professionals,
22 or to the stenographer or confidential clerk of any
23 physicians or surgeons, physician's assistants, or
24 mental health professionals, in a civil action in
25 which the condition of the person in whose favor the
26 prohibition is made is an element or factor of the
27 claim or defense of the person or of any party
28 claiming through or under the person. The prohibition
29 also does not apply to cases in which the
30 communication pertains to chemical test results of
31 specimens of a person's blood, breath, or urine which
32 are obtained under chapter 321J. The evidence is
33 admissible upon trial of the action only as it relates
34 to the condition alleged."

35 2. Title page 1, line 4, by inserting after the
36 word "dramshop" the following: "and other alcohol-
37 related".

38 3. By numbering and renumbering and changing
39 internal references as necessary.

TOM FLYNN

S-3325

1 Amend Senate File 512 as follows:

2 1. Page 1, by inserting after line 33 the
3 following:

4 "Sec. ____ NEW SECTION. 627.6A EXEMPTION FROM
5 EXECUTION FOR CHILD SUPPORT.

6 Notwithstanding the provisions of section 627.6, a
7 creditor to whom child support is owed may bring an
8 action pursuant to this section for satisfaction of a
9 child support order against assets which are otherwise
10 exempt. Such an action shall be commenced by filing a
11 petition for application of exempt assets in the same
12 manner as provided in chapter 598 for the filing of a

13 petition for modification. Upon notice as required
14 for the commencement of an original action and after a
15 hearing, the court may order that the exempt assets
16 provided for in section 627.6, in whole or in part,
17 are not exempt from the collection of the child
18 support obligation. Notwithstanding an action of the
19 state court under this section, a bankruptcy court may
20 make the determination that the otherwise exempt
21 assets provided for in section 627.6 are not exempt
22 from the claims of a child support creditor if such
23 creditor objects to the exemptions claimed by the
24 debtor in conformity with 11 U.S.C. § 522(l) and
25 federal rule of bankruptcy procedure 4003.”
26 2. Title page, line 2, by inserting after the
27 word “trustee,” the following: “exemption from
28 execution for child support.”
29 3. By renumbering as necessary.

TOM VILSACK
DONALD B. REDFERN

S—3326

1 Amend Senate File 329 as follows:
2 1. Page 13, by inserting after line 1 the
3 following:
4 “Sec. ____ Section 622.10, unnumbered paragraph 1,
5 Code 1997, is amended to read as follows:
6 A practicing attorney, counselor, physician,
7 surgeon, physician assistant, mental health
8 professional, or the stenographer or confidential
9 clerk of any such person, who obtains information by
10 reason of the person’s employment, or a member of the
11 clergy shall not be allowed, in giving testimony, to
12 disclose any confidential communication properly
13 entrusted to the person in the person’s professional
14 capacity, and necessary and proper to enable the
15 person to discharge the functions of the person’s
16 office according to the usual course of practice or
17 discipline. The prohibition does not apply to cases
18 where the person in whose favor the prohibition is
19 made waives the rights conferred; nor does the
20 prohibition apply to physicians or surgeons,
21 physician’s assistants, mental health professionals,
22 or to the stenographer or confidential clerk of any
23 physicians or surgeons, physician’s assistants, or
24 mental health professionals, in a civil action in
25 which the condition of the person in whose favor the
26 prohibition is made is an element or factor of the
27 claim or defense of the person or of any party
28 claiming through or under the person. The prohibition
29 also does not apply to cases in which the

30 communication pertains to chemical test results of
 31 specimens of a person's blood, breath, or urine which
 32 are obtained under chapter 321J. The evidence is
 33 admissible upon trial of the action only as it relates
 34 to the condition alleged."

35 2. Title page, line 4, by inserting after the
 36 word "state" the following: "use of chemical test.
 37 results,".

38 3. By numbering and renumbering and changing
 39 internal references as necessary.

TOM FLYNN

S—3327

1 Amend the amendment, S—3236, to Senate File 515 as
 2 follows:

3 1. Page 1, line 27, by striking the words
 4 "serious misdemeanor" and inserting the following:
 5 "simple misdemeanor punishable by a fine of not more
 6 than one hundred dollars".

JEFF ANGELO

S—3328

1 Amend the amendment, S—3313, to Senate File 493 as
 2 follows:

3 1. Page 1, line 7, by striking the word "follows"
 4 and inserting the following: "provided in either or
 5 both of the following paragraphs".
 6 2. Page 1, by striking lines 18 through 20.

DONALD B. REDFERN

S—3329

1 Amend Senate File 427 as follows:

2 1. Page 2, by striking lines 9 through 13, and
 3 inserting the following: "allow the office to be
 4 voted on at the general election. Votes cast for the
 5 deceased candidate shall not be canvassed, Votes cast
 6 for all other candidates for that office shall be
 7 canvassed as provided in chapter 50. The county
 8 chairperson of the political party of the deceased
 9 candidate shall notify the commissioner in writing as
 10 soon as practicable before the date of the election
 11 whether the county convention wishes to proceed under
 12 subsection 1 or".

JAMES BLACK

S—3330

1 Amend Senate File 378 as follows:

2 1. Page 1, line 3, by striking the word "nine"

3 and inserting the following: "nine thirteen".

4 2. Page 1, line 3, by striking the word "Six" and

5 inserting the following: "Six Eight".

6 3. Page 1, line 8, by inserting after the word

7 "Iowa," the following: "two shall have investment

8 experience".

9 4. Page 1, by striking lines 14 and 15 and

10 inserting the following: "system. The".

11 5. Page 1, line 18, by inserting after the word

12 "one" the following: "voting member and one

13 nonvoting".

14 6. Page 1, line 19, by inserting after the word

15 "representatives" the following: ", after

16 consultation with the majority leader and the minority

17 leader of the house".

18 7. Page 1, line 19, by inserting after the word

19 "one" the following: "voting member and one

20 nonvoting".

21 8. Page 1, line 20, by inserting after the word

22 "house." the following: "The speaker of the house of

23 representatives shall first select the voting member

24 from the membership of the house in each odd-numbered

25 general assembly and the president of the senate shall

26 first select the voting member from the membership of

27 the senate in each even-numbered general assembly".

28 9. Page 1, line 20, by striking the word "two"

29 and inserting the following: "two four".

30 10. Page 1, line 23, by inserting after the word

31 "representatives" the following: ", after

32 consultation with the majority leader and the minority

33 leader of the house".

34 11. Page 1, line 26, by striking the word "Five"

35 and inserting the following: "Five Six".

36 12. Page 1, by inserting after line 27 the

37 following:

38 "Sec. ____ EFFECTIVE DATE -- RETROACTIVE

39 APPLICABILITY. This Act, being deemed of immediate

40 importance, takes effect upon enactment and, for

41 purposes of the selection of voting and nonvoting

42 members of the general assembly, is retroactively

43 applicable to January 13, 1997, and is applicable on

44 and after that date."

45 13. Title page, line 1, by striking the words

46 "qualifications of certain members" and inserting the

47 following: "membership".

48 14. Title page, line 3, by inserting after the

49 word "system" the following: "and providing an

50 effective and applicability date".

Page 2

1 15. By renumbering as necessary.

SHELDON RITTMER

S-3331

1 Amend Senate File 471 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Sec. ____ Section 455G.11, Code 1997, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 12. A person engaged in the
7 wholesale or retail sale of petroleum shall receive a
8 discount of eight percent on that person's annual
9 underground storage tank insurance premium for all
10 tanks located at a site which meets all of the
11 following conditions:

12 a. The person maintains a collection device for
13 the purpose of storing waste oil filters.

14 b. The person accepts waste oil filters from the
15 general public.

16 c. The person posts a notice at the site in a form
17 and manner approved by the administrator advertising.
18 that the person will accept waste oil filters from the
19 general public.

20 d. The person registers an end user, other than a
21 sanitary landfill, of the waste oil filters."

22 2. Title page, line 2, by inserting after the
23 word "filters" the following: "and providing an
24 insurance premium discount".

25 3. By renumbering as necessary.

MARY LOU FREEMAN

S-3332

1 Amend Senate File 499 as follows:

2 1. By striking page 1, line 35, through page 2,
3 line 12.

4 2. Page 2, lines 18 and 19, by striking the words
5 "for whom the violation is a first offense.".

6 3. By striking page 2, line 28, through page 4,
7 line 8.

8 4. Page 4, by striking lines 23 through 28 and
9 inserting the following:

10 "b. (1) For violations of section 453A.2,
11 subsection 2, the scheduled fine is as follows and is
12 a civil penalty, and the criminal penalty surcharge

- 13 under section 911.2 shall not be added to the penalty,
 14 and the court costs pursuant to section 805.9,
 15 subsection 6, shall not be imposed.
 16 (a) If the violation is a first offense, the
 17 scheduled fine is twenty-five dollars.
 18 (b) If the violation is a second offense, the
 19 scheduled fine is fifty dollars.
 20 (c) If the violation is a third or subsequent
 21 offense, the scheduled fine is one hundred dollars."
 22 5. Page 4, line 29, by striking the word "For"
 23 and inserting the following: "(2) For".
 24 6. Page 4, by striking lines 30 through 32 and
 25 inserting the following: "subsection 2, the scheduled
 26 fine is twenty-five dollars if the violation is a
 27 first offense, fifty dollars if the violation is a
 28 second offense, and one hundred dollars if the
 29 violation is a third or subsequent offense."
 30 7. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 ANDY McKEAN, Chairperson

S—3333

- 1 Amend House File 121, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 1 and 2 and
 4 inserting the following:
 5 "Section 1. Section 135L.1, subsections 3 and 6,
 6 Code 1997, are amended by striking the subsections."
 7 2. Page 3, line 1, by striking the word "counsel"
 8 and inserting the following: "counsel".
 9 3. Page 3, by striking lines 9 through 27 and
 10 inserting the following: "subparagraph (2), Code
 11 1997, is amended by striking the subparagraph."
 12 4. Page 4, by striking lines 22 through 34.
 13 5. Page 5, line 16, by striking the words "or
 14 grandparent" and inserting the following:
 15 "grandparent".
 16 6. Page 5, by striking lines 26 through 28 and
 17 inserting the following:
 18 "1. With the exception of the civil liability
 19 which may apply to a grandparent or aunt or uncle of a
 20 pregnant minor who accepts notification under this
 21 chapter, a A person is".
 22 7. Page 6, line 7, by striking the words "or
 23 grandparent" and inserting the following:
 24 "grandparent".
 25 8. Page 6, by striking lines 12 through 16.
 26 9. Title page, line 3, by inserting after the
 27 word "penalties" the following: "and providing for a

28 repeal".

29 10. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
NANCY BOETTGER, Chairperson

S—3334

- 1 Amend the amendment, S—3236, to Senate File 515, as
- 2 follows:
- 3 1. Page 1, by striking lines 18 through 20 and
- 4 inserting the following:
- 5 ""Sec. ____ NEW SECTION. 123.47C CEREAL BEVERAGE
- 6 WITH ALCOHOL -- PERSONS UNDER LEGAL AGE -- PENALTIES."
- 7 2. Page 1, by inserting after line 27 the
- 8 following:
- 9 "A person who is under legal age shall not possess
- 10 any cereal beverage with any alcohol content under the
- 11 name of "near beer", "brew", "bru", or any other name
- 12 which conveys or implies to the person that the
- 13 beverage has an alcohol content. A person who
- 14 violates this section commits a simple misdemeanor
- 15 punishable by a fine of one hundred dollars."

STEVE D. HANSEN

S—3335

- 1 Amend House File 133, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 23, by inserting after the figure
- 4 "148," the following: "148A,".

ELAINE SZYMONIAK
JOHNIE HAMMOND

S—3336

- 1 Amend Senate File 515 as follows:
- 2 1. Page 3, by inserting before line 12 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 123.47D CEREAL BEVERAGE
- 5 WITH ALCOHOL -- PERSONS UNDER LEGAL AGE -- PENALTIES.
- 6 A person who is under legal age shall not possess
- 7 any cereal beverage with any alcohol content under the
- 8 name of "near beer", "brew", "bru", or any other name
- 9 which conveys or implies to the person that the
- 10 beverage has an alcohol content. A person who
- 11 violates this section commits a simple misdemeanor
- 12 punishable by a fine of one hundred dollars. A person
- 13 who is under the age of eighteen who commits a
- 14 violation of this section shall not be detained or

15 placed in a secure facility instead of paying, or for
 16 failure to pay, the fine imposed under this section.
 17 The chief judge of each judicial district shall
 18 designate a person who is responsible for ensuring
 19 that any fines imposed are collected."

20 2. Page 21, by inserting after line 18 the
 21 following:

22 "Sec. ____ Section 805.16, subsection 1, Code
 23 1997, is amended to read as follows:

24 1. Except as provided in subsection 2 of this
 25 section, a peace officer shall issue a police citation
 26 or uniform citation and complaint, in lieu of making a
 27 warrantless arrest, to a person under eighteen years
 28 of age accused of committing a simple misdemeanor
 29 under chapter 321, 321G, 461A, 461B, 462A, 481A, 481B,
 30 483A, 484A, 484B, section 123.47 or 123.47D, or a
 31 local ordinance not subject to the jurisdiction of the
 32 juvenile court, and shall not detain or confine the
 33 person in a facility regulated under chapter 356 or
 34 356A."

35 3. By renumbering as necessary

STEVE D. HANSEN

S—3337

1 Amend House File 126 as follows:

2 1. Page 2, line 6, by inserting after the word
 3 "profit" the following: ", professions and
 4 occupations, nonprofit organizations,".

5 2. Page 2, by striking lines 8 and 9 and
 6 inserting the following: "institutions, businesses,
 7 professions and occupations, nonprofit organizations,
 8 and manufacturers."

TOM VILSACK

S—3338

1 Amend Senate File 521 as follows:

2 1. Page 2, by inserting after line 23 the
 3 following:

4 "Sec. ____ Section 476.101, subsection 1, Code
 5 1997, is amended to read as follows:

6 1. A certificate of public convenience and
 7 necessity to provide local telephone service shall not
 8 be interpreted as conveying a monopoly, exclusive
 9 privilege, or franchise. A competitive local exchange
 10 service provider shall not be subject to the
 11 requirements of this chapter, except that a
 12 competitive local exchange service provider shall

13 obtain a certificate of public convenience and
 14 necessity pursuant to section 476.29, file tariffs,
 15 notify affected customers prior to any rate increase,
 16 file reports, information, and pay assessments
 17 pursuant to section 476.2, subsection 4, and sections
 18 476.9, 476.10, 476.16, 476.102, and 477C.7, and shall
 19 be subject to the board's authority with respect to
 20 adequacy of service, interconnection, discontinuation
 21 of service, civil penalties, and complaints. A
 22 competitive local exchange service provider shall also
 23 be subject to sections 476.76 and 476.77.
 24 PARAGRAPH DIVIDED. If, after notice and
 25 opportunity for hearing, the board determines that a
 26 competitive local exchange service provider possesses
 27 market power in its local exchange market or markets,
 28 the board may apply such other provisions of this
 29 chapter to a competitive local exchange service
 30 provider as it deems appropriate."
 31 2. Title page, line 2, by inserting after the
 32 word "utility" the following: "or a competitive local
 33 exchange service provider".
 34 3. By renumbering as necessary.

TOM FLYNN

S-3339

1 Amend the amendment, S-3332, to Senate File 499 as
 2 follows:
 3 1. Page 1, by inserting after line 5 the
 4 following:
 5 "____. Page 2, line 27, by inserting after the
 6 word "violation" the following: "to be used for
 7 enforcement of section 453A.2".
 8 2. By renumbering as necessary.

ROD HALVORSON
 ANDY McKEAN
 O. GENE MADDOX

S-3340

1 Amend House File 579, as passed by the House, as
 2 follows:
 3 1. Page 1, line 21, by inserting after the word
 4 "practitioners," the following: "the Iowa
 5 occupational therapists association".

COMMITTEE ON HUMAN RESOURCES
 NANCY BOETTGER, Chairperson

S-3341

- 1 Amend House File 544, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 2, by striking the word "child"
 4 and inserting the following: "family".
 5 2. Page 2, line 14, by inserting before the word
 6 "foster" the following: "family".
 7 3. Page 3, line 6, by inserting after the figure
 8 "1998." the following: "The standards shall not
 9 impose unnecessary paperwork requirements and shall be
 10 developed as part of the placement agreements, which
 11 shall be attached to children's case permanency
 12 plans."

COMMITTEE ON HUMAN RESOURCES
 NANCY BOETTGER, Chairperson

S-3342

- 1 Amend Senate File 527 as follows:
 2 1. Page 2, by inserting after line 28 the
 3 following:
 4 "Sec. ____ Section 476.97, Code 1997, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 12. Notwithstanding the
 7 provisions of this section, the board, after notice
 8 and opportunity for hearing, may at any time order a
 9 local exchange carrier with more than five hundred
 10 thousand access lines in this state to be subject to
 11 rate-based rate-of-return regulation, if the board
 12 finds that such action is in the public interest."
 13 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3343

- 1 Amend Senate File 527 as follows:
 2 1. Page 2, by inserting after line 28 the
 3 following:
 4 "Sec. ____ Section 476.97, Code 1997, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 12. A plan for price regulation,
 7 or the operation of a local exchange carrier under a
 8 price regulation plan, does not diminish or restrict
 9 the authority of the board with regard to complaints
 10 filed under section 476.3 or 476.11, or section
 11 476.101, subsection 8."
 12 2. By renumbering as necessary.

STEVEN D. HANSEN

S—3344

- 1 Amend Senate File 527 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "(c) This subparagraph does not apply if the board
- 5 finds that the local exchange carrier, within the
- 6 twenty-four months immediately preceding the date the
- 7 local exchange carrier enters into a plan under this
- 8 section, has committed an act prohibited under section
- 9 476.100."

STEVEN D. HANSEN

S—3345

- 1 Amend Senate File 378 as follows:
- 2 1. Page 1, line 3, by striking the word "nine"
- 3 and inserting the following: "~~nine~~ twelve".
- 4 2. Page 1, line 3, by striking the word "Six" and
- 5 inserting the following: "~~Six~~ Seven".
- 6 3. Page 1, line 8, by inserting after the word
- 7 "Iowa," the following: "one shall have investment
- 8 experience".
- 9 4. Page 1, by striking lines 14 and 15 and
- 10 inserting the following: "system. The".
- 11 5. Page 1, line 18, by striking the words "one
- 12 member" and inserting the following: "~~one member~~ two
- 13 members".
- 14 6. Page 1, line 19, by inserting after the word
- 15 "representatives" the following: ", after
- 16 consultation with the majority leader and the minority
- 17 leader of the house".
- 18 7. Page 1, line 19, by striking the words "one
- 19 member" and inserting the following: "~~one member~~ two
- 20 members".
- 21 8. Page 1, line 20, by striking the word "two"
- 22 and inserting the following: "~~two~~ four".
- 23 9. Page 1, line 23, by inserting after the word
- 24 "representatives" the following: ", after
- 25 consultation with the majority leader and the minority
- 26 leader of the house".
- 27 10. Page 1, line 26, by striking the word "Five"
- 28 and inserting the following: "~~Five~~ Six".
- 29 11. Page 1, by inserting after line 27 the
- 30 following:
- 31 "Sec. . EFFECTIVE DATE -- RETROACTIVE
- 32 APPLICABILITY. This Act, being deemed of immediate
- 33 importance, takes effect upon enactment and, for
- 34 purposes of the selection of members of the general
- 35 assembly, is retroactively applicable to January 13,

- 36 1997, and is applicable on and after that date.”
 37 12. Title page, line 1, by striking the words
 38 “qualifications of certain members” and inserting the
 39 following: “membership”.
 40 13. Title page, line 3, by inserting after the
 41 word “system” the following: “and providing an
 42 effective and applicability date”.
 43 14. By renumbering as necessary.

SHELDON RITTMER
 MICHAEL E. GRONSTAL

S—3346

- 1 Amend House File 655, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 18, line 13, by striking the figure “375”
 4 and inserting the following: “652”.
 5 2. Page 18, line 16, by striking the word
 6 “liquidate” and inserting the following: “provide for
 7 the orderly liquidation of”.
 8 3. Page 18, line 20, by striking the figure “375”
 9 and inserting the following: “652”.

ALLEN BORLAUG
 DERRYL McLAREN

S—3347

- 1 Amend Senate File 521 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Section 1. Section 476.76, Code 1997, is amended
 5 to read as follows:
 6 476.76 REORGANIZATION DEFINED.
 7 For purposes of this division unless the context
 8 otherwise requires, “reorganization” of a gas or
 9 electric rate-regulated public utility means either of
 10 the following:
 11 1. The acquisition, sale, lease, or any other
 12 disposition, directly or indirectly, including by
 13 merger or consolidation, of the whole or any
 14 substantial part of a gas or electric rate-regulated
 15 public utility’s assets.
 16 2. The purchase or other acquisition or sale or
 17 other disposition of the controlling capital stock of
 18 any a gas or electric rate-regulated public utility,
 19 either directly or indirectly.”
 20 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3348

1 Amend Senate File 527 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 476.97, subsection 11,
5 paragraph a, Code 1997, is amended to read as follows:

6 a. Notwithstanding subsections 1 through 10, a
7 local exchange carrier with fewer than five hundred
8 thousand access lines in this state shall have the
9 option to be regulated pursuant to subsections 1
10 through 10 or pursuant to this subsection. A local
11 exchange carrier which elects to become price
12 regulated under this subsection shall also be subject
13 to subsections 5 through 8 and subsection 10 in the
14 same manner as a local exchange carrier which operates
15 under an approved plan of price regulation submitted
16 pursuant to subsection 1.

17 Sec. 2. Section 476.97, subsection 11, paragraph
18 c, Code 1997, is amended to read as follows:

19 c. (1) Upon election of a local exchange carrier
20 to become price-regulated under this subsection, the
21 carrier shall reduce its rates for basic local
22 telephone service an average of three percent. In
23 lieu of the three percent reduction, the local
24 exchange carrier may establish its rates for basic
25 local telephone service in a rate proceeding under
26 section 476.3 or 476.6 commenced after July 1, 1995.

27 (2) Notwithstanding subparagraph (1), upon the
28 election of a local exchange carrier with five hundred
29 thousand or more access lines to become price-
30 regulated under this subsection, the carrier shall
31 reduce its rates for basic local telephone service an
32 average of four and one-half percent. In lieu of the
33 four and one-half percent reduction, the local
34 exchange carrier may establish its rates for basic
35 local telephone service in a rate proceeding under
36 section 476.3 or 476.6 commenced after the effective
37 date of this Act.

38 Sec. 3. Section 476.97, subsection 11, paragraph
39 e, Code 1997, is amended by adding the following new
40 subparagraph:

41 NEW SUBPARAGRAPH. (7) Notwithstanding
42 subparagraph (6), a local exchange carrier with five
43 hundred thousand or more access lines which enters
44 into a plan on or after the effective date of this
45 Act, shall immediately reduce its average intrastate
46 access service rates by at least fifty percent of the
47 difference between average intrastate access service
48 rates and average interstate access service rates as
49 of the date the plan is filed, and further reduce such
50 rates by the remaining amount of the difference in

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1 equal annual reductions on the anniversary of the
2 filing of the plan during the first two years that its
3 plan is in effect.
4 Sec. 4. Section 476.97, Code 1997, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 12. A plan for price regulation,
7 or the operation of a local exchange carrier under a
8 plan for price regulation, does not restrict or
9 diminish the authority of the board with regard to
10 complaints filed pursuant to section 476.3 or 476.11,
11 476.100, or pursuant to section 476.101, subsection
12 8."

MICHAEL E. GRONSTAL

S-3349

1 Amend House File 299, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 5 through 9 and
4 inserting the following: "drug or alcohol testing
5 based upon evidence that an employee is using or has
6 used alcohol or other drugs in violation of the
7 employer's written policy drawn from specific
8 objective and articulable facts and reasonable
9 inferences drawn from those facts in light of
10 experience. For purposes of this paragraph, facts and
11 inferences may be based upon, but not limited to, any
12 of the following:
13 (1) Observable phenomena while at work such as
14 direct observation of alcohol or other drug use or
15 abuse or of the physical symptoms or manifestations of
16 being impaired due to alcohol or other drug use.
17 (2) Abnormal conduct or erratic behavior while at
18 work or a significant deterioration in work
19 performance.
20 (3) A report of alcohol or other drug use provided
21 by a reliable and credible source.
22 (4) Evidence that an individual has tampered with
23 any drug or alcohol test during the individual's
24 employment with the current employer.
25 (5) Evidence that an employee has caused an
26 accident while at work.
27 (6) Evidence that an employee has manufactured,
28 sold, distributed, solicited, possessed, used, or
29 transferred drugs while working or while on the
30 employer's premises or while operating the employer's
31 vehicle, machinery, or equipment."
32 2. Page 2, by striking lines 22 through 24 and
33 inserting the following: "without individualized

34 suspicion. The selection of employees to be tested
35 shall be done by an entity independent from the
36 employer and shall be made by a scientifically valid
37 method, such as a random number table or a computer-
38 based random number generator that is matched with
39 employees' social security numbers, payroll
40 identification numbers, or other comparable
41 identifying numbers in which each member of the
42 employee”.

43 3. By striking page 3, line 33, through page 4;
44 line 13, and inserting the following:

45 “b. Sample collection for testing of current
46 employees shall be performed so that the specimen is
47 split into two components at the time of collection in
48 the presence of the individual from whom the sample or
49 specimen is collected. The second portion of the
50 specimen or sample shall be of sufficient quantity to

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1 permit a second, independent confirmatory test as
2 provided in paragraph “i”. If the specimen is urine,
3 the sample shall be split such that the primary sample
4 contains at least thirty milliliters and the secondary
5 sample contains at least fifteen milliliters. Both
6 portions of the sample shall be forwarded to the
7 laboratory conducting the initial confirmatory
8 testing. In addition to any requirements for storage
9 of the initial sample that may be imposed upon the
10 laboratory as a condition for certification of
11 approval, the laboratory shall store the second
12 portion of any sample until receipt of a confirmed
13 negative test result or for a period of at least
14 forty-five calendar days following the completion of
15 the initial confirmatory testing, if the first portion
16 yielded a confirmed positive test result.”

17 4. By striking page 4, line 35, through page 5,
18 line 2, and inserting the following: “administration
19 or approved under rules adopted by”.

20 5. Page 5, by inserting after line 24 the
21 following:

22 “i. (1) If a confirmed positive drug or alcohol
23 test for a current employee is reported to the
24 employer by the medical review officer, the employer
25 shall notify the employee in writing of the results of
26 the test, the employee's right to request and obtain a
27 confirmatory test of the second sample collected
28 pursuant to paragraph “b” at an approved laboratory of
29 the employee's choice, and the fee payable by the
30 employee to the employer for reimbursement of expenses
31 concerning the test. The fee charged an employee
32 shall be an amount that represents the costs

33 associated with conducting the second confirmatory
34 test, which shall be consistent with the employer's
35 cost for conducting the initial confirmatory test on
36 an employee's sample. If the employee requests a
37 second confirmatory test, identifies an approved
38 laboratory to conduct the test, and pays the employer
39 the fee for the test within five days from the date
40 the employee receives written notice of the right to
41 request a test, a second confirmatory test shall be
42 conducted at the laboratory chosen by the employee.
43 The results of the second confirmatory test shall be
44 reported to the medical review officer who reviewed
45 the initial confirmatory test results and the medical
46 review officer shall review the results and issue a
47 report to the employer on whether the results of the
48 second confirmatory test confirmed the initial
49 confirmatory test as to the presence of a specific
50 drug or alcohol. If the results of the second test do

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1 not confirm the results of the initial confirmatory
2 test, the initial confirmatory test shall not be
3 considered a confirmed positive drug or alcohol test
4 for purposes of taking disciplinary action pursuant to
5 subsection 9.

6 (2) If a confirmed positive drug or alcohol test
7 for a prospective employee is reported to the employer
8 by the medical review officer, the employer shall
9 notify the prospective employee in writing of the
10 results of the test, of the name and address of the
11 medical review officer who made the report, and of the
12 prospective employee's right to request records under
13 subsection 12."

14 6. By striking page 5, line 35, through page 6,
15 line 7, and inserting the following: "alcohol
16 testing."

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

19 "f. In order to conduct drug or alcohol testing
20 under this section, an employer shall require
21 supervisory personnel of the employer involved with
22 drug or alcohol testing under this section to attend a
23 minimum of two hours of initial training and to
24 attend, on an annual basis thereafter, a minimum of
25 one hour of subsequent training. The training shall
26 include, but is not limited to, information concerning
27 the recognition of evidence of employee alcohol and
28 other drug abuse, the documentation and corroboration
29 of employee alcohol and other drug abuse, and the
30 referral of employees who abuse alcohol or other drugs
31 to the employee assistance program or to the resource

32 file of employee assistance services providers.”

33 8. Page 8, line 3, by inserting after the word

34 “PROCEDURES.” the following:

35 “a.”

36 9. Page 8, line 11, by striking the word “a.” and

37 inserting the following: “(1)”.

38 10. Page 8, line 18, by striking the word “b.”

39 and inserting the following: “(2)”.

40 11. Page 8, line 20, by striking the word “c.”

41 and inserting the following: “(3)”.

42 12. Page 8, line 21, by striking the word “d.”

43 and inserting the following: “(4)”.

44 13. Page 8, line 22, by striking the word “e.”

45 and inserting the following: “(5)”.

46 14. Page 8, by inserting after line 24 the

47 following:

48 “b. Following a drug or alcohol test, but prior to

49 receipt of the final results of the drug or alcohol

50 test, an employer may suspend a current employee, with

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1 or without pay, pending the outcome of the test. An

2 employee who has been suspended shall be reinstated by

3 the employer, with back pay if applicable, if the

4 result of the test is not a confirmed positive drug or

5 alcohol test which indicates a violation of the

6 employer’s written policy.”

7 15. Page 10, line 15, by inserting after the word

8 “except” the following: “as provided by this section

9 or”.

10 16. Page 10, line 18, by inserting after the word

11 “employee” the following: “, or a prospective

12 employee.”.

13 17. Page 10, line 25, by inserting after the word

14 “officer.” the following: “However, a prospective

15 employee shall be entitled to records under this

16 paragraph only if the prospective employee requests

17 the records within fifteen calendar days from the date

18 the employer provided the prospective employee written

19 notice of the results of a drug or alcohol test as

20 provided in subsection 6, paragraph “i”, subparagraph

21 (2).”

22 18. By renumbering, relettering, or redesignating

23 and correcting internal references as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S—3350

1 Amend Senate File 493 as follows:

2 1. Page 1, by striking lines 9 through 16 and

3 inserting the following:
 4 "22. INCOMPETENT —includes means the condition
 5 of any person who has been adjudicated by a court to
 6 be incapable of managing the person's property, or
 7 caaring for the person's own self, or both to meet at
 8 least one of the following conditions:
 9 a. To have a decision-making capacity which is so
 10 impaired that the person is unable to care for the
 11 person's personal safety or to attend to or provide
 12 for necessities for the person such as food, shelter,
 13 clothing, or medical care, without which physical
 14 injury or illness may occur.
 15 b. To have a decision-making capacity which is so
 16 impaired that the person is unable to make,
 17 communicate, or carry out important decisions
 18 concerning the person's financial affairs.
 19 c. To have a decision-making capacity which is so
 20 impaired that both paragraphs "a" and "b" are
 21 applicable to the person."

DONALD B. REDFERN

S—3351

1 Amend House File 542, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 10, by striking the words "bodily
 4 fluids or secretions" and inserting the following:
 5 "blood, seminal fluid, urine, or feces".
 6 2. Page 1, lines 12 and 13, by striking the words
 7 "bodily fluids or secretions" and inserting the
 8 following: "blood, seminal fluid, urine, or feces".
 9 3. Title page, line 2, by inserting after the
 10 words "contact with" the following: "certain".
 11 4. Title page, line 3, by inserting after the
 12 words "expelling of" the following: "certain".

STEVE HANSEN

S—3352

1 Amend Senate File 163 as follows:
 2 1. Page 1, line 3, by inserting after the number
 3 "6." the following: "Unless otherwise provided in
 4 this subsection, any sales of cigarettes or tobacco
 5 products shall be made in a direct, face-to-face
 6 exchange."
 7 2. Page 1, line 4, by inserting after the word
 8 "machine" the following: "or through a self-service
 9 display".
 10 3. Page 1, line 7, by inserting after the word
 11 "machine" the following: "or through a self-service

12 display".

13 4. Page 1, line 26, by inserting after the word
14 "permit" the following: "or self-service displays".

15 5. Page 1, line 35, by inserting after the word
16 "machine" the following: "or through a self-service
17 display".

18 6. Page 2, line 1, by inserting after the word
19 "machine" the following: "or self-service display".

20 7. Page 2, line 7, by inserting after the word
21 "permit." the following: "A city or county may
22 directly enforce this subsection. Notwithstanding
23 chapter 602, any fines collected as a result of
24 enforcement of this subsection by a city or county
25 shall be retained by the city or county."

26 8. Page 2, by inserting after line 7 the
27 following:

28 "Sec. ____ EFFECTIVE DATE. This Act is effective
29 August 28, 1997."

30 9. Title page, by striking line 2 and inserting
31 the following: "and providing an effective date."

ROBERT DVORSKY
JOHNE HAMMOND

S-3353

1 Amend House File 557, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 19 the
4 following:

5 "Sec. ____ NEW SECTION. 514B.33 ESTABLISHMENT OF
6 LIMITED SERVICE ORGANIZATIONS.

7 1. A person may apply to the commissioner for and
8 obtain a certificate of authority to establish and
9 operate a limited service organization in compliance
10 with this chapter. A person shall not establish or
11 operate a limited service organization in this state,
12 or sell, offer to sell, or solicit offers to purchase
13 or receive advance or periodic consideration in
14 conjunction with a limited service organization
15 without obtaining a certificate of authority under
16 this chapter.

17 2. The commissioner shall adopt rules pursuant to
18 chapter 17A establishing a certification process for
19 limited service organizations.

20 3. a. For purposes of this section, "limited
21 service organization" means an organization providing
22 dental care services, vision care services, mental
23 health services, substance abuse services,
24 pharmaceutical services, podiatric care services, or
25 such other services as may be determined by the
26 commissioner.

- 27 b. "Limited service organization" does not include
28 an organization providing hospital, medical, surgical,
29 or emergency services, except as such services are
30 provided incident to those services identified in
31 paragraph "a".
32 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S—3354

- 1 Amend House File 8, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 29, through page 2,
4 line 1.

LYLE E. ZIEMAN

S—3355

- 1 Amend House File 693 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by inserting after line 4 the
4 following:
5 "Sec. ____ OBSTETRICAL STUDY.
6 1. a. The Iowa department of public health shall
7 conduct a study to verify the number of physicians by
8 county practicing in Iowa who are engaged in
9 obstetrical deliveries without regard to the
10 physicians' areas of practice, specialties, or the
11 areas of board certification. The department shall
12 further certify the number of specialists licensed as
13 obstetricians and gynecologists by county.
14 b. The department shall additionally request from
15 each physician engaged in obstetrical deliveries a
16 copy of the malpractice insurance coverage maintained
17 by each physician, the company providing the coverage,
18 the annual premium paid, and any applicable
19 deductible.
20 2. a. The department shall conduct the study
21 under subsection 1 within six months of the effective
22 date of this Act and shall annually update the study,
23 with a copy of the report to be delivered to the
24 general assembly each year by January 15.
25 b. The department shall include in the annual
26 report an analysis of the impact of this Act, if any,
27 on the number of claims or actions commenced against
28 physicians engaged in obstetrical deliveries. The
29 department shall also include in the annual report the
30 number and percentage of increase or decrease from the
31 previous year of physicians practicing in rural Iowa
32 engaged in the delivery of babies or care of minors

33 under the age of six.

34 3. The commissioner of insurance shall report by
35 January 15 of each year to the general assembly
36 whether medical malpractice premiums for pediatricians
37 and obstetricians have been reduced since the
38 effective date of this Act."

39 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3356

1 Amend House File 331, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ Section 808A.1, subsection 5, Code
6 1997, is amended to read as follows:

7 5. "Student search rule" means a rule established
8 by the school board of a public school, pursuant to
9 section 279.8 or 279.9, or the authorities in charge
10 of a nonpublic school controlling the manner of the
11 searching of students or protected student areas and
12 school lockers, desks, and other facilities or spaces
13 owned by the school. A student search rule, to be
14 valid for purposes of this chapter, ~~must~~ shall require
15 that all searches of students or protected student
16 areas be reasonable reasonably related in scope to the
17 circumstances which gave rise to the need for the
18 search and shall be based upon consideration of
19 relevant factors which include, but are not limited
20 to, the following:

21 a. The seriousness nature of the violation for
22 which a ~~the search may be~~ is being instituted.

23 b. The age or ages and gender of the students
24 which who may be searched pursuant to the rule.

25 c. The ~~information or suspicion which must exist~~
26 ~~to warrant the institution of a~~ objectives to be
27 accomplished by the search."

28 2. Page 1, line 7, by inserting after the word
29 "establish" the following: "and may search a student
30 or protected student area pursuant to".

31 3. Page 1, line 11, by inserting after the words
32 "areas if" the following: "the student is present
33 and".

34 4. Page 1, line 13, by striking the words "If
35 the" and inserting the following: "The".

36 5. Page 1, by striking lines 17 through 24, and
37 inserting the following:

38 "b. The search is conducted in a manner which is
39 reasonably related to the objectives of the search and

40 which is not excessively intrusive in light of the age
 41 and gender of the student and the nature of the
 42 infraction.”
 43 6. By numbering and renumbering as necessary.

COMMITTEE ON EDUCATION
 DONALD B. REDFERN, Chairperson

S—3357

1 Amend House File 625, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 16, by striking line 25 and inserting the
 4 following:
 5 “1. The school year shall begin annually on the
 6 first day of July 1 and the regular school calendar
 7 may commence on or after that date, but once
 8 commenced.”
 9 2. Page 16, line 29, by striking the word
 10 “December” and inserting the following: “December.”
 11 3. Page 16, line 32, by striking the word
 12 “School” and inserting the following: “School
 13 school”.
 14 4. Page 16, line 33, by striking the word “, and”
 15 and inserting the following: “, and, School”.

COMMITTEE ON EDUCATION
 DONALD B. REDFERN, Chairperson

S—3358

1 Amend House File 645, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 “Section 1. Section 321.44A, Code 1997, is amended
 6 to read as follows:
 7 321.44A VOLUNTARY CONTRIBUTION -- ANATOMICAL GIFT
 8 PUBLIC AWARENESS AND TRANSPLANTATION FUND -- AMOUNT
 9 RETAINED BY COUNTY TREASURER.
 10 For each application for registration or renewal,
 11 the county treasurer or the department shall request
 12 through use of a written form, and, if the application
 13 is made in person, through verbal communication, that
 14 an applicant make a voluntary contribution of one
 15 dollar or more to the anatomical gift public awareness
 16 and transplantation fund established pursuant to
 17 section 142C.15. Moneys Ninety-five percent of the
 18 moneys collected in the form of contributions shall be
 19 remitted to the treasurer of state for deposit in the
 20 fund to be used for the purposes specified for the
 21 fund. The remaining five percent shall be retained by

- 22 the county treasurer for deposit in the general fund
 23 of the county. The director shall adopt rules to
 24 administer this section.”
 25 2. By renumbering as necessary.

NANCY BOETTGER
 EUGENE FRAISE

S—3359

- 1 Amend House File 692, as passed by the House, as
 2 follows:
 3 1. By striking page 3, line 32, through page 4,
 4 line 3.

COMMITTEE ON TRANSPORTATION
 RICHARD F. DRAKE, Chairperson

S—3360

- 1 Amend House File 456, as passed by the House, as
 2 follows:
 3 1. Page 2, by striking lines 15 through 20.
 4 2. By striking page 2, line 34, through page 3,
 5 line 31.
 6 3. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
 LYLE E. ZIEMAN, Chairperson

S—3361

- 1 Amend House File 540, as passed by the House, as
 2 follows:
 3 1. By striking page 2, line 18, through page 3,
 4 line 29.
 5 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 SHELDON RITTMER, Chairperson

S—3362

- 1 Amend House File 416, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 8 through 13 and
 4 inserting the following: “the weight on the axle.”
 5 2. Page 1, line 23, by inserting after the word
 6 “vehicle” the following: “, except an implement of
 7 husbandry.”
 8 3. Page 2, line 35, by inserting after the word
 9 “tires.” The following: “This subsection does not”

10 apply to implements of husbandry."

11 4. Page 9, by striking lines 3 through 8 and
 12 inserting the following: "plant site shall ~~comply~~
 13 ~~with the formula under this section which is used for~~
 14 ~~travel on highways that are part of the interstate~~
 15 ~~system. This paragraph applies only to a vehicle or~~
 16 ~~combination of vehicles operating along a route of~~
 17 ~~travel approved by the department or appropriate local~~
 18 ~~authority shall comply with subsection 4, paragraph~~
 19 ~~"a."~~"

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

22 "Sec. ____ NEW SECTION. 321.467 RETRACTABLE
 23 AXLES.

24 A vehicle which is a model year 1999 or later
 25 vehicle shall not operate on a highway of this state
 26 with a retractable axle unless the weight on the
 27 retractable axle can only be adjusted by means of a
 28 manual device located on the vehicle that is not
 29 accessible to the operator of the vehicle during
 30 operation of the vehicle. However, the controls for
 31 raising and lowering the retractable axle may be
 32 accessible to the operator of the vehicle while the
 33 vehicle is in operation."

34 6. By renumbering as necessary.

RICHARD F. DRAKE
 ALLEN BORLAUG
 MATT McCOY

S-3363

1 Amend House File 707, as amended, passed, and
 2 reprinted by the House, as follows:

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

5 "Section 1. Section 321.12, Code 1997, is amended
 6 to read as follows:

7 321.12 OBSOLETE RECORDS DESTROYED.

8 1. The director may destroy any records of the
 9 department which have been maintained on file for
 10 three years which the director deems obsolete and of
 11 no further service in carrying out the powers and
 12 duties of the department, except as otherwise provided
 13 in this section.

14 2. ~~However, operating~~ Operating records relating
 15 to a person who has been issued a commercial driver's
 16 license shall be maintained on file in accordance with
 17 rules adopted by the department.

18 3. The following records may be destroyed
 19 according to the following requirements:

20 a. Records concerning suspensions authorized under

21 section 321.210, subsection 1, paragraph "g", and
22 section 321.210A may be destroyed six months after the
23 suspension is terminated and the requirements of
24 section 321.191 have been satisfied.

25 b. Records concerning suspensions and surrender of
26 licenses or registrations required under section
27 321A.31 for failing to maintain proof of financial
28 responsibility, as defined in section 321A.1, may be
29 destroyed six months after the requirements of
30 sections 321.191 and 321A.29 have been satisfied.

31 4. The director shall not destroy any operating
32 records pertaining to arrests or convictions for
33 operating while intoxicated, in violation of section
34 321J.2, ~~which are more than twelve years old. The~~
35 ~~twelve-year period shall commence with the date of the~~
36 ~~arrest or conviction for the offense, whichever first~~
37 ~~occurs. However, the director shall not destroy~~
38 ~~operating records which pertain to arrests or~~
39 ~~convictions for operating while intoxicated after the~~
40 ~~expiration of twelve years when the motor vehicle~~
41 ~~being operated was a commercial motor vehicle or if~~
42 ~~all of the provisions of the court order have not been~~
43 ~~satisfied.~~

44 ~~The director shall destroy any or operating records~~
45 ~~pertaining to revocations for violations of section~~
46 ~~321J.2A which are more than twelve years old. The~~
47 ~~twelve-year period shall commence with the date the~~
48 ~~revocation of the person's operating privileges~~
49 ~~becomes effective. This paragraph shall not apply to~~
50 ~~records of revocations which pertain to violations of~~

Page 2

1 section 321J.2A by persons operating a commercial
2 motor vehicle, except that one conviction or
3 revocation under section 321J.2 or 321J.2A shall be
4 deleted from the operating records during the lifetime
5 of the individual driver if the following conditions
6 are satisfied:

7 a. The conviction or revocation occurred when the
8 individual was under the age of twenty-one.

9 b. No other convictions or revocations pursuant to
10 chapter 321J were imposed on the individual between
11 the time of the first conviction or revocation under
12 chapter 321J and the time the individual reached the
13 age of twenty-five."

14 2. Page 1, by inserting before line 5 the
15 following:

16 "Sec. ____ NEW SECTION. 321J.1A PUBLICATION OF
17 LAW.

18 1. The department of public safety, the governor's
19 traffic safety bureau, the state department of

20 transportation, the governor, and the attorney general
21 shall cooperate in an ongoing public education
22 campaign to inform the citizens of this state of the
23 dangers and the specific legal consequences of driving
24 drunk in this state. The entities shall use their
25 best efforts to utilize all available opportunities
26 for making public service announcements on television
27 and radio broadcasts, and to obtain and utilize
28 federal funds for highway safety and other grants in
29 conducting the public education campaign.

30 2. The department shall publish pamphlets
31 containing the criminal and administrative penalties
32 for drunk driving, and related laws, rules,
33 instructions, and explanatory matter. This
34 information may be included in pamphlets containing
35 information related to other motor vehicle laws,
36 published pursuant to section 321.15. Copies of such
37 pamphlets shall be given wide distribution, and a
38 supply shall be made available to each county
39 treasurer."

40 3. Page 1, by striking lines 9 through 19 and
41 inserting the following:

42 "a. A serious misdemeanor for the first offense
43 ~~and shall be imprisoned, punishable by all of the~~
44 following:

45 (1) Imprisonment in the county jail or community-
46 based correctional facility for not less than forty-
47 eight hours, to be served consecutively, as ordered by
48 the court, less credit for any time the person was
49 confined in a jail or detention facility following
50 arrest, and assessed. Pursuant to subsection 2A, this

Page 3

1 sentence shall not be deferred or suspended. However,
2 the court, in ordering service of the sentence and in
3 its discretion, may accommodate the defendant's work
4 schedule.

5 (2) Assessment of a fine of not less than five
6 hundred dollars nor more than one thousand dollars.
7 As an alternative to a portion or all of the fine, the
8 court may order the person to perform not more than
9 two hundred hours of unpaid community service. The
10 court may accommodate the sentence to the work
11 schedule of the defendant.

12 (3) Revocation of the person's motor vehicle
13 license pursuant to section 321J.4, subsection 1,
14 section 321J.9, or section 321J.12, which includes a
15 minimum revocation period of one hundred eighty days,
16 including a minimum period of ineligibility for a
17 temporary restricted license of thirty days, and may
18 involve a revocation period of one year.

19 (4) Assignment to substance abuse evaluation and
 20 treatment, a course for drinking drivers, and, if
 21 available and appropriate, a reality education
 22 substance abuse prevention program pursuant to
 23 subsection 2A."

24 4. Page 1, by striking line 25, and inserting the
 25 following: "fine of not less than seven one thousand
 26 five hundred fifty dollars nor more than five thousand
 27 dollars."

28 5. Page 1, by striking line 31, and inserting the
 29 following: "of not less than seven two thousand five
 30 hundred fifty dollars nor more than seven thousand
 31 five hundred dollars. The minimum"

32 6. Page 2, line 23, by striking the word
 33 "minimum".

34 7. By striking page 2, line 24, through page 3,
 35 line 3, and inserting the following: "applicable to
 36 the defendant under subsection 2."

37 8. Page 3, by striking line 7 and inserting the
 38 following:

39 "c. Where the program is available and is
 40 appropriate for the convicted person, a person
 41 convicted of an offense under subsection 2 shall be
 42 ordered to participate in a reality education
 43 substance abuse prevention program as provided in
 44 section 321J.24.

45 d. A minimum term of imprisonment in a county jail
 46 or".

47 9. Page 3, by striking lines 22 through 30 and
 48 inserting the following:

49 "3. No conviction for, deferred judgment for, or
 50 plea of guilty to, a violation of this section which

Page 4

1 ~~occurred more than six years prior to the date of the~~
 2 ~~violation charged shall be considered in determining~~
 3 ~~that the violation charged is a second, third, or~~
 4 ~~subsequent offense. For the purpose of In determining~~
 5 ~~if a violation charged is a second, third, or~~
 6 ~~subsequent offense, deferred for purposes of criminal~~
 7 ~~sentencing or license revocation under this chapter:~~

8 a. Any conviction or revocation deleted from motor
 9 vehicle operating records pursuant to section 321.12
 10 shall not be considered as a previous offense.

11 b. Deferred judgments entered pursuant to previous
 12 versions of section 907.3 for violations of this
 13 section and convictions shall be counted as previous
 14 offenses.

15 c. Convictions or the equivalent of deferred
 16 judgments for".

17 10. Page 4, line 18, by striking the word

18 "other".

19 11. Page 4, line 20, by striking the words "or
20 receiving a deferred judgment for" and inserting the
21 following: "~~or receiving a deferred judgment for~~".

22 12. Page 7, by striking lines 31 and 32 and
23 inserting the following: "conviction or revocation
24 under this chapter ~~within the previous six years and~~
25 the. The defendant shall not be".

26 13. Page 8, by striking line 13, and inserting
27 the following: "under this chapter ~~within the~~
28 ~~previous six years.~~ The".

29 14. Page 10, lines 21 and 22, by striking the
30 words "or as a condition of a deferred judgment for"
31 and inserting the following: "~~or as a condition of a~~
32 ~~deferred judgment for~~".

33 15. Page 12, by striking lines 17 through 19 and
34 inserting the following:

35 "The clerk of court shall send notice of a
36 conviction of an offense for which the vehicle was
37 impounded to the impounding authority upon conviction
38 of the defendant for such offense.

39 Impoundment of the vehicle under this section may
40 occur in addition to any criminal penalty imposed
41 under chapter 321 or this chapter for the underlying
42 criminal offense."

43 16. Page 18, line 14, by striking the word "this"
44 and inserting the following: "this".

45 17. Page 21, line 2, by striking the words
46 "twenty-four hours" and inserting the following: "a
47 reasonable time".

48 18. Page 21, by striking line 17, and inserting
49 the following: "previous revocation ~~within the~~
50 ~~previous six years under~~".

Page 5

1 19. Page 21, by striking lines 19 through 21 and
2 inserting the following:

3 "b. ~~Five hundred forty days~~ Two years if the
4 person has ~~one or more had a~~ previous ~~revocations~~
5 ~~within the previous six years~~ revocation under this
6 chapter."

7 20. Page 22, by striking line 8 and inserting the
8 following: "revocation ~~within the previous six years~~
9 under this".

10 21. Page 22, by striking lines 10 through 12 and
11 inserting the following:

12 "b. One year if the person has had ~~one or more a~~
13 ~~previous revocations within the previous six years~~
14 revocation under this chapter."

15 22. Page 22, by striking lines 15 through 29 and
16 inserting the following:

17 "5. Upon certification, subject to penalty of
18 perjury, by the peace officer that there existed
19 reasonable grounds to believe that the person had been
20 operating a motor vehicle in violation of section
21 321J.2A, that there existed one or more of the
22 necessary conditions for chemical testing described in
23 section 321J.6, subsection 1, and that the person
24 submitted to chemical testing and the test results
25 indicated an alcohol concentration as defined in
26 section 321J.1 of .02 or more but less than .10, the
27 department shall revoke the person's motor vehicle
28 license or operating privilege for a period of sixty
29 days if the person has had no ~~revocations within the~~
30 ~~previous six years~~ previous revocation under section
31 321J.2A this chapter, and for a period of ninety days
32 if the person has had ~~one or more a~~ previous
33 revocations within the previous six years revocation
34 under section 321J.2A this chapter."

35 23. Page 23, by inserting before line 18 the
36 following:

37 "The court or department may request that the
38 community college conducting the course for drinking
39 drivers which the person is ordered to attend
40 immediately report to the court or department that the
41 person has successfully completed the course for
42 drinking drivers. The court or department may request
43 that the treatment program which the person attends
44 periodically report on the defendant's attendance and
45 participation in the program, as well as the status of
46 treatment or rehabilitation."

47 24. Page 24, lines 4 and 5, by striking the words
48 "within the previous ~~six~~ twelve years" and inserting
49 the following: "~~within the previous six years~~".

50 25. Page 26, by inserting before line 35 the

Page 6

1 following:

2 "Sec. ____ Section 321J.24, subsection 1,
3 paragraph b, Code 1997, is amended to read as follows:

4 b. "Participant" means a person ~~who is sixteen~~
5 ~~years of age or older but under the age of twenty-one,~~
6 and who is ordered by the court to participate in the
7 reality education substance abuse prevention program.

8 Sec. ____ Section 321J.24, subsection 2, Code
9 1997, is amended to read as follows:

10 2. A reality education substance abuse prevention
11 program is established in those judicial districts
12 where the chief judge of the judicial district
13 authorizes participation in the program. Upon a
14 conviction or adjudication for a violation of section
15 321J.2, or the entry of a deferred judgment concerning

16 ~~a violation of section 321J.2, the court or juvenile~~
17 ~~court, with the consent of the defendant or delinquent~~
18 ~~child, may order a defendant who is sixteen years of~~
19 ~~age or older but under the age of twenty one or~~
20 ~~delinquent child who is sixteen years of age or older~~
21 ~~to participate participation in the reality education~~
22 ~~substance abuse prevention program as a term and~~
23 ~~condition of probation or disposition in addition to~~
24 ~~any other term or condition of probation or~~
25 ~~disposition required or authorized by law. The court~~
26 ~~or juvenile court shall require the defendant or~~
27 ~~delinquent child to abstain from consuming any~~
28 ~~controlled substance, alcoholic liquor, wine, or beer~~
29 ~~before reaching age twenty one while participating in~~
30 ~~the program.~~

31 Sec. ____ Section 321J.25, subsection 4, Code
32 1997, is amended to read as follows:

33 4. Upon the revocation of the motor vehicle
34 license or operating privileges of a person who is
35 fourteen years of age or older for a violation of
36 section 321J.2A, if the person has had no previous
37 revocations under either section 321J.2 or section
38 321J.2A, a person may participate in the substance
39 abuse awareness program. The state department of
40 transportation shall notify a potential program
41 participant of the possibility and potential benefits
42 of attending a program and shall notify a potential
43 program participant of the availability of programs
44 which exist in the area in which the person resides.
45 The state department of transportation shall consult
46 with the Iowa department of public health to determine
47 what programs are available in various areas of the
48 state. ~~The period of revocation for a person whose~~
49 ~~motor vehicle license or operating privilege has been~~
50 ~~revoked under section 321J.2A, shall be reduced by~~

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1 ~~fifty percent upon receipt by the state department of~~
2 ~~transportation of a certification by a program~~
3 ~~provider that the person has completed a program."~~

4 26. Page 27, by inserting before line 30 the
5 following:

6 "d. Where the program is available and appropriate
7 for the defendant, the court shall also order the
8 defendant to participate in a reality education
9 substance abuse prevention program as provided in
10 section 321J.24."

11 27. Page 28, by striking lines 18 through 33 and
12 inserting the following: "operation of a motor
13 vehicle while intoxicated."

14 28. Page 29, by inserting before line 9 the

15 following:

16 "Sec. ____ Section 811.1, subsections 1 and 2,

17 Code 1997, are amended to read as follows:

18 1. A defendant awaiting judgment of conviction and

19 sentencing following either a plea or verdict of

20 guilty of a class "A" felony, murder, any class "B"

21 felony included in section 707.6A, felonious assault,

22 felonious child endangerment, sexual abuse in the

23 second degree, sexual abuse in the third degree,

24 kidnapping, robbery in the first degree, arson in the

25 first degree, or burglary in the first degree, or any

26 felony included in section 124.401, subsection 1,

27 paragraph "a".

28 2. A defendant appealing a conviction of a class

29 "A" felony, murder, any class "B" felony included in

30 section 707.6A, felonious assault, felonious child

31 endangerment, sexual abuse in the second degree,

32 sexual abuse in the third degree, kidnapping, robbery

33 in the first degree, arson in the first degree, or

34 burglary in the first degree, or any felony included

35 in section 124.401, subsection 1, paragraph "a".

36 29. Page 29, lines 11 and 12, by striking the

37 words "and, within the previous six twelve years," and

38 inserting the following: "and, ~~within the previous~~

39 ~~six~~ years."

40 30. Page 29, by striking lines 18 through 32 and

41 inserting the following: "intoxicated."

42 31. By striking page 30, line 23, through page

43 31, line 3, and inserting the following: "involving

44 operation of a motor vehicle while intoxicated."

45 32. By striking page 31, line 33, through page

46 32, line 13, and inserting the following: "of a motor

47 vehicle while intoxicated."

48 33. Title page, by striking line 7 and inserting

49 the following: "certain bail restrictions and

50 penalties."

Page 8

1 34. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3364

1 Amend Senate File 530 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Sec. ____ Section 16.161, Code 1997, is amended

5 to read as follows:

6 16.161 AUTHORITY TO ISSUE E911 PROGRAM BONDS AND

7 NOTES.

8 The authority shall assist the ~~department of public~~
9 defense E911 communications council as provided in
10 chapter 34A, subchapter II and the authority shall
11 have all of the powers delegated to it by a joint E911
12 service board or the department of public defense in a
13 chapter 28E agreement with respect to the issuance and
14 securing of bonds or notes and the carrying out of the
15 purposes of chapter 34A."

16 2. Page 1, line 6, by inserting after the word
17 "service." the following: "When two or more joint
18 E911 service boards have agreed to pool funds for the
19 purpose of purchasing necessary equipment to be used
20 in providing E911 service, the authority shall issue
21 bonds and notes as provided in sections 34A.20 through
22 34A.22."

23 3. By renumbering as necessary.

MIKE CONNOLLY

S—3365

1 Amend Senate File 533 as follows:

2 1. Page 8, by inserting after line 26 the
3 following:

4 "4. The department of corrections shall issue a
5 request for proposals for the construction of a
6 supermaximum security correctional facility at a
7 location determined by the department, which would
8 only be constructed if the proposal is accepted. The
9 department of corrections shall include specifications
10 concerning the number of correctional beds in the
11 request for proposals and issue the request for
12 proposals in such a manner that responses are due and
13 shall be included in a report submitted by the
14 department to the general assembly on or before
15 January 12, 1998. The department of corrections shall
16 not accept a proposal received in accordance with this
17 subsection without specific authorization through the
18 enactment of legislation to fund the proposal."

19 2. By renumbering as necessary.

EUGENE FRAISE
STEVEN D. HANSEN

S—3366

1 Amend the amendment, S—3308, to House File 655, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 6 the
5 following:

- 6 "___". Page 8, by inserting after line 26 the
 7 following:
 8 "It is the intent of the general assembly that the
 9 department of economic development allocate \$3,187,500
 10 for the purposes identified under section 15.343,
 11 subsection 2, paragraph "b", allocate \$637,500 for the
 12 purposes identified in section 15.343, subsection 2,
 13 paragraph "c", \$435,000 of which shall be allocated to
 14 high technology apprenticeship programs and
 15 distributed to the community colleges based upon
 16 contact hours under programs administered during the
 17 prior fiscal year as determined by the department of
 18 education, and allocate \$1,706,028 for the purposes
 19 identified under section 15.343, subsection 2."
 20 2. By renumbering as necessary.

TOM VILSACK

S—3367

- 1 Amend Senate File 533 follows:
 2 1. Page 24, by inserting after line 18 the
 3 following:
 4 "4. The Iowa law enforcement academy shall provide
 5 training to officers by utilizing the Iowa
 6 communications network and shall seek cooperative
 7 efforts with board of regents institutions, private
 8 colleges, and community colleges, in providing
 9 training to officers."
 10 2. By renumbering as necessary.

ROBERT E. DVORSKY

S—3368

- 1 Amend Senate File 533 as follows:
 2 1. Page 2, line 9, by inserting after the words
 3 "enforcement of" the following: ", and public
 4 education relating to."
 5 2. Page 2, line 12, by striking the word
 6 "either".
 7 3. Page 2, line 13, by inserting after the word
 8 "damages" the following: ", civil penalties, or other
 9 sums".
 10 4. Page 2, lines 14 and 15, by striking the words
 11 and figure "under chapter 553" and inserting the
 12 following: "or settlement".
 13 5. Page 2, line 15, by inserting after the word
 14 "judgment" the following: "or settlement".
 15 6. Page 2, line 16, by inserting after the word
 16 "purposes" the following: ", public education."
 17 7. Page 2, line 17, by striking the word

18 "actions" and inserting the following: "judgments or
19 settlements".

20 8. Page 2, line 18, by inserting after the word
21 "judgments" the following: "or settlements".

22 9. Page 2, line 32, by inserting after the word
23 "damages" the following: ", civil penalties, or other
24 sums".

25 10. Page 2, line 33, by striking the words
26 "consumer fraud".

27 11. Page 2, line 35, by striking the words "on
28 consumer fraud" and inserting the following: "
29 enforcement purposes, or costs or attorney fees
30 awarded the state in state or federal consumer fraud
31 judgments or settlements".

ROBERT E. DVORSKY
EUGENE S. FRAISE

S—3369

1 Amend Senate File 533 as follows:

2 1. Page 31, by inserting after line 35 the
3 following:

4 "Sec. ____ Section 905.12, unnumbered paragraph 2,
5 Code 1997, is amended to read as follows:

6 Any balance remaining after deductions and payments
7 shall be credited to the resident's personal account
8 at the district department and shall be paid to the
9 resident upon release. The deputy director of the
10 ~~department of corrections responsible for community-~~
11 ~~based correctional programs~~ shall establish a plan to
12 comply with the provisions of court orders entered
13 pursuant to this section."

14 2. By renumbering as necessary.

ROBERT DVORSKY
EUGENE S. FRAISE

S—3370

1 Amend Senate File 533 as follows:

2 1. Page 28, line 1, by inserting after the word
3 "training" the following: "and personal protective
4 equipment needs".

5 2. Page 28, by striking lines 6 and 7 and
6 inserting the following: "cities and benefited fire
7 districts.

8 Of the moneys appropriated in this subsection, no
9 more than fifty percent shall be used for the personal
10 protective equipment needs of fire fighters."

ROBERT DVORSKY
EUGENE S. FRAISE

S-3371

- 1 Amend Senate File 533 as follows:
 2 1. Page 19, by inserting after line 5 the
 3 following:
 4 "4. Notwithstanding section 8.33, and in addition
 5 to moneys authorized to be encumbered for use by a
 6 state agency pursuant to section 8.62, moneys
 7 appropriated for the fiscal year beginning July 1,
 8 1997, to a state agency, except the department of
 9 corrections, and in an amount equal to the amount the
 10 state agency expended for purchases from Iowa state
 11 industries during the fiscal year beginning July 1,
 12 1997, shall not revert to the general fund of the
 13 state. A state agency shall expend moneys that do not
 14 revert to the general fund pursuant to this subsection
 15 in the fiscal year commencing July 1, 1998, for
 16 technological enhancements. An agency expending
 17 moneys for the fiscal year beginning July 1, 1998,
 18 under this subsection, shall report in detail, as
 19 provided in section 8.62, subsection 3, how the moneys
 20 were expended. Moneys under this subsection which
 21 remain unexpended on June 30, 1999, shall be deposited
 22 in the cash reserve fund created in section 8.56."
 23 2. By renumbering as necessary.

EUGENE S. FRAISE
 ROBERT E. DVORSKY

S-3372

- 1 Amend Senate File 533 as follows:
 2 1. Page 16, by striking lines 18 through 22.
 3 2. By renumbering as necessary.

ROBERT DVORSKY

S-3373

- 1 Amend Senate File 533 as follows:
 2 1. Page 33, by inserting after line 9 the
 3 following:
 4 "Sec. 101. 1996 Iowa Acts, chapter 1216, section
 5 21, subsection 7, is amended to read as follows:
 6 7. For costs associated with the training and and
 7 personal protective equipment needs of volunteer fire
 8 fighters:
 9\$ 875,000
 10 Notwithstanding section 8.33, moneys appropriated
 11 in this subsection which remain unobligated or
 12 unexpended at the close of the fiscal year shall not
 13 revert to the general fund of the state but shall

14 remain available only for the purpose designated in
 15 this subsection in the succeeding fiscal year.
 16 Of the moneys appropriated in this subsection, no
 17 more than fifty percent shall be used for the personal
 18 protective equipment needs of fire fighters."
 19 2. Page 34, by inserting after line 8 the
 20 following:
 21 "5. Section 101 of this Act, relating to funding
 22 for training and equipment needs of volunteer fire
 23 fighters, being deemed of immediate importance, takes
 24 effect upon enactment."
 25 3. By renumbering as necessary.

ROBERT E. DVORSKY
 EUGENE S. FRAISE

S—3374

1 Amend Senate File 529 as follows:
 2 1. Page 3, line 13, by striking the figure
 3 "3,079,517" and inserting the following: "3,257,628".
 4 2. Page 3, line 19, by striking the figure
 5 "120,000" and inserting the following: "298,111".

RODNEY HALVORSON

S—3375

1 Amend House File 515, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 11 through 14 and
 4 inserting the following: "deputy sheriff."

DICK L. DEARDEN

S—3376

1 Amend House File 589, as passed by the House, as
 2 follows:
 3 1. Page 7, by inserting after line 32 the
 4 following:
 5 "Sec. ____ **NEW SECTION. 90A.13 PROHIBITED**
 6 **FIGHTING EXHIBITIONS.**
 7 1. A person shall not hold, promote, or
 8 participate in a full contact or no-holds-barred or
 9 other exhibition commonly known as "no rules",
 10 "ultimate fighting", "extreme fighting", "shoot
 11 fighting", or "sport boxing" in this state.
 12 2. The state commissioner of athletics shall adopt
 13 rules pursuant to chapter 17A defining the exhibitions
 14 prohibited under subsection 1, and distinguishing
 15 those exhibitions from boxing and wrestling contests

16 permitted under this chapter, and from exhibitions or
17 contests of the martial arts.

18 3. A person who violates this section or the rules
19 adopted pursuant to this section commits a simple
20 misdemeanor."

21 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3377

1 Amend Senate File 533 as follows:

2 1. Page 31, by inserting after line 35 the
3 following:

4 "Sec. ____ Section 904.706, unnumbered paragraph
5 1, Code 1997, is amended to read as follows:

6 A revolving farm fund is created in the state
7 treasury in which the department shall deposit
8 receipts from agricultural products, nursery stock,
9 agricultural land rentals, and the sale of livestock.

10 However, ~~before any agricultural operation is phased~~
11 ~~out, the department which proposes to discontinue this~~
12 ~~operation shall notify the governor, chairpersons and~~
13 ~~ranking members of the house and senate appropriations~~
14 ~~committees, and cochairpersons and ranking members of~~
15 ~~the subcommittee in the senate and house of~~
16 ~~representatives which has handled the appropriation~~
17 ~~for this department in the past session of the general~~
18 ~~assembly. Before the department sells farmland under~~
19 ~~the control of the department, the director shall~~
20 ~~notify the governor, chairpersons and ranking members~~
21 ~~of the house and senate appropriations committees, and~~
22 ~~cochairpersons and ranking members of the joint~~
23 ~~appropriations subcommittee that handled the~~
24 ~~appropriation for the department during the past~~
25 ~~session of the general assembly. The department shall~~
26 ~~not phase out or discontinue any agricultural~~
27 ~~operation or sell any farmland under the control of~~
28 ~~the department that existed as of January 1, 1997. In~~
29 ~~addition, no sale or discontinuance of operations~~
30 ~~shall cause the level of activity or inmate~~
31 ~~participation to fall below the level of activity or~~
32 ~~participation which was in effect on January 1, 1997.~~
33 The department may pay from the fund for the
34 operation, maintenance, and improvement of farms and
35 agricultural or nursery property under the control of
36 the department. A purchase order for five thousand
37 dollars or less payable from the fund is exempt from
38 the general purchasing requirements of chapter 18.
39 Notwithstanding section 8.33, unencumbered or
40 unobligated receipts in the revolving farm fund at the
41 end of a fiscal year shall not revert to the general

- 42 fund of the state.”
- 43 2. By renumbering as necessary.

EUGENE FRAISE
 ANDY McKEAN
 ROBERT DVORSKY

S—3378

- 1 Amend Senate File 533 as follows:
- 2 1. Page 4, by striking line 21 and inserting the
- 3 following:
- 4 \$ 950,000”
- 5 2. Page 19, by striking line 23 and inserting the
- 6 following:
- 7\$ 20,336,516”

MICHAEL E. GRONSTAL
 MARY LOU FREEMAN
 MARY A. LUNDBY
 ROBERT E. DVORSKY

S—3379

- 1 Amend Senate File 533 as follows:
- 2 1. Page 20, by striking lines 22 through 25.
- 3 2. By renumbering as necessary.

O. GENE MADDOX

S—3380

- 1 Amend Senate File 533 as follows:
- 2 1. Page 8, by inserting after line 3 the
- 3 following:
- 4 “It is the intent of the general assembly that the
- 5 department of corrections make all reasonable efforts,
- 6 including use of any available funds, to commence
- 7 operations at the Fort Dodge correctional facility as
- 8 soon as possible.”

ROD HALVORSON
 ROBERT E. DVORSKY
 EUGENE S. FRAISE

HOUSE AMENDMENT TO
 SENATE FILE 293

S—3381

- 1 Amend Senate File 293, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 8 the
 4 following:
 5 "Sec. ____ Section 321A.5, subsection 1, Code
 6 1997, is amended to read as follows:
 7 1. The department shall, immediately or within
 8 sixty days after the receipt of a report of a motor
 9 vehicle accident within this state which has resulted
 10 in bodily injury or death or damage to the property of
 11 any one person in excess of ~~five hundred~~ one thousand
 12 dollars, suspend the license of each operator and all
 13 registrations of each owner of a motor vehicle in any
 14 manner involved in the accident, and if the operator
 15 is a nonresident the privilege of operating a motor
 16 vehicle within this state, and if the owner is a
 17 nonresident the privilege of the use within this state
 18 of any motor vehicle owned by the owner, unless the
 19 operator or owner or both shall deposit security in a
 20 sum which shall be sufficient in the judgment of the
 21 department to satisfy any judgment or judgments for
 22 damages resulting from the accident as may be
 23 recovered against the operator or owner; provided
 24 notice of the suspension shall be sent by the
 25 department to the operator and owner not less than ten
 26 days prior to the effective date of the suspension and
 27 shall state the amount required as security."
 28 2. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 109

S—3382

1 Amend Senate File 109, 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 85.71, Code 1997, is amended
 6 to read as follows:
 7 85.71 EMPLOYMENT INJURY OUTSIDE OF STATE.
 8 If an employee, while working outside the
 9 territorial limits of this state, suffers an injury on
 10 account of which the employee, or in the event of
 11 death, the employee's dependents, would have been
 12 entitled to the benefits provided by this chapter had
 13 such injury occurred within this state, such employee,
 14 or in the event of death resulting from such injury,
 15 the employee's dependents, shall be entitled to the
 16 benefits provided by this chapter, ~~provided that if~~ at
 17 the time of such injury any of the following is
 18 applicable:
 19 1. The employment is principally localized in this
 20 state, that is, the employee's employer has a place of

21 business in this or some other state and the employee
 22 regularly works in this state, or if the employee's
 23 employer has a place of business in this state and the
 24 employee is domiciled in this state, ~~or,~~

25 2. The employee is working under a contract of
 26 hire made in this state in employment not principally
 27 localized in any state, ~~or~~ and the employee spends a
 28 substantial part of the employee's working time
 29 working for the employer in this state.

30 3. The employee is working under a contract of
 31 hire made in this state in employment principally
 32 localized in another state, whose workers'
 33 compensation law is not applicable to the employee's
 34 employer, ~~or,~~

35 4. The employee is working under a contract of
 36 hire made in this state for employment outside the
 37 United States.

38 Sec. 2. **NEW SECTION. 85.72 CLAIMS FOR BENEFITS**
 39 **MADE OUTSIDE OF STATE -- RESTRICTIONS -- CREDIT.**

40 1. An employee, or an employee's dependents, shall
 41 not be entitled to benefits under this chapter if the
 42 employee or the employee's dependents has initiated a
 43 judicial proceeding or a contested case or other
 44 similar proceeding for the same injury, disability, or
 45 death pursuant to the laws of another state or country
 46 concerning workers' compensation, and the employee or
 47 the employee's dependents receives benefits following
 48 resolution of the proceeding pursuant to a settlement,
 49 judgment, or award.

50 2. If an employee, or an employee's dependents,

Page 2

1 initiates a judicial proceeding or a contested case or
 2 other similar proceeding for benefits pursuant to the
 3 laws of another state or country concerning workers'
 4 compensation, any proceeding initiated by an employee,
 5 or an employee's dependents, for workers' compensation
 6 benefits under this chapter for the same injury,
 7 disability, or death shall be stayed, without
 8 prejudice, pending resolution of the out-of-state
 9 claim for benefits.

10 3. If benefits are paid under this chapter and
 11 were payable, at any time, for the same injury,
 12 disability, or death pursuant to the laws of another
 13 state or country concerning workers' compensation, the
 14 employer shall have a credit toward the benefits
 15 payable under this chapter for any benefits paid in
 16 another state or country."

17 2. Title page, line 1, by striking the word
 18 "employment" and inserting the following: "injuries
 19 that occur and claims made".

S—3383

- 1 Amend Senate File 529 as follows:
- 2 1. Page 5, by striking lines 31 through 33.

ROD HALVORSON

HOUSE AMENDMENT TO
SENATE FILE 379

S—3384

- 1 Amend Senate File 379, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 2, by inserting after the word
- 4 "COMMERCIAL" the following: "MOTOR".
- 5 2. Page 1, line 3, by inserting after the word
- 6 "commercial" the following: "motor".
- 7 3. Page 1, line 9, by inserting after the word
- 8 "commercial" the following: "motor".
- 9 4. Page 1, line 10, by inserting after the word
- 10 "commercial" the following: "motor".
- 11 5. Page 1, line 14, by striking the words
- 12 "commercial vehicle dealer or repair facility" and
- 13 inserting the following: "department".
- 14 6. Page 1, line 15, by inserting after the word
- 15 "commercial" the following: "motor".
- 16 7. Page 1, by striking lines 16 through 18 and
- 17 inserting the following:
- 18 "2. The department shall provide a temporary entry
- 19 and exit permit to a commercial motor vehicle".
- 20 8. Page 1, line 19, by striking the words "the
- 21 state or" and inserting the following: "and".
- 22 9. Page 1, line 21, by inserting after the word
- 23 "commercial" the following: "motor".
- 24 10. Page 1, line 22, by striking the word
- 25 "document" and inserting the following: "permit".
- 26 11. Page 1, line 22, by striking the word "or"
- 27 and inserting the following: "and".
- 28 12. Page 1, line 25, by inserting after the
- 29 figure "452A" the following: ", except for violations
- 30 of section 452A.74A".
- 31 13. Page 1, line 26, by inserting after the word
- 32 "commercial" the following: "motor".
- 33 14. Page 1, line 27, by striking the figure
- 34 "326.2" and inserting the following: "321.1,
- 35 subsection 11, paragraph "e", subparagraph (2)".
- 36 15. Title page, line 2, by inserting after the
- 37 word "commercial" the following: "motor".

S—3385

- 1 Amend House File 655, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 13, line 27, by striking the figure
- 4 "65,935" and inserting the following: "100,446".

TOM FLYNN
TOM VILSACK

S—3386

- 1 Amend Senate File 533 as follows:
- 2 1. Page 16, by inserting after line 30 the
- 3 following:
- 4 "8. a. In addition to the moneys allocated in
- 5 subsection 1, paragraph "a", an additional amount as
- 6 determined by this paragraph, but in no event greater
- 7 than \$292,919, shall be allocated to the first
- 8 judicial district department of correctional services
- 9 to provide a day programming center in the district
- 10 but only if the additional amount equals or exceeds
- 11 \$150,000. The additional amount shall be an amount
- 12 that represents one-half of the total of money
- 13 appropriated but not obligated or expended by the
- 14 department of corrections for purposes of renovating
- 15 cellhouse 17 at the Fort Madison correctional facility
- 16 and for the operation of the Fort Dodge correctional
- 17 facility, as determined by the department of
- 18 management. Notwithstanding section 8.33, additional
- 19 moneys allocated in this paragraph which remain
- 20 unobligated or unexpended at the close of the fiscal
- 21 year shall not revert to the general fund of the state
- 22 but shall remain available only for the purpose
- 23 designated in this paragraph in the succeeding fiscal
- 24 year.
- 25 b. In addition to the moneys allocated in
- 26 subsection 1, paragraph "b", an additional amount as
- 27 determined by this paragraph, but in no event greater
- 28 than \$262,942, shall be allocated to the second
- 29 judicial district department of correctional services
- 30 to provide a day programming center in the district
- 31 but only if the additional amount equals or exceeds
- 32 \$150,000. The additional amount shall be an amount
- 33 that represents one-half of the total of money
- 34 appropriated but not obligated or expended by the
- 35 department of corrections for purposes of renovating
- 36 cellhouse 17 at the Fort Madison correctional facility
- 37 and for the operation of the Fort Dodge correctional
- 38 facility, as determined by the department of
- 39 management. Notwithstanding section 8.33, additional
- 40 moneys allocated in this paragraph which remain

41 unobligated or unexpended at the close of the fiscal
42 year shall not revert to the general fund of the state
43 but shall remain available only for the purpose
44 designated in this paragraph in the succeeding fiscal
45 year.”

46 2. By renumbering as necessary.

MERLIN E. BARTZ
TOM FLYNN

S—3387

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, by inserting after line 30 the
4 following:
5 “It is the intent of the general assembly that each
6 regional workforce development center designate a
7 business liaison outreach officer. The business
8 liaison outreach officer shall actively seek input
9 from area businesses regarding actual labor needs of
10 businesses within the region, determine the extent to
11 which area businesses have utilized or are utilizing
12 job placement services to meet these labor needs,
13 examine the past and current record of job placement
14 services regarding the ability to respond to these
15 labor needs through the referral of qualified job
16 applicants, and develop a plan for implementing
17 necessary changes for improving the level of business
18 utilization of job placement services and the ability
19 to refer qualified job applicants in the future.”

TOM FLYNN

S—3388

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, by inserting after line 25 the
4 following:
5 “Sec. ____ To the extent possible, the
6 administrative rules for the high technology
7 apprenticeship programs authorized in section 260F.6B
8 shall be generally consistent with the current
9 administrative rules in 261 IAC ch. 17, with the
10 exception that the definition of “currently existing
11 program” shall be stricken.”
12 2. By renumbering as necessary.

ALLEN BORLAUG
DERRYL McLAREN

S—3389

- 1 Amend the amendment, S—3308, to House File 655, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 24 and 25.
- 5 2. Page 1, line 27, by inserting after the figure
- 6 "260C.44" the following: "and which may include both
- 7 new and statewide apprenticeship programs".
- 8 3. By renumbering as necessary.

ALLEN BORLAUG
DERRYL McLAREN

S—3390

- 1 Amend House File 542, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 3, by striking the word "A" and
- 4 inserting the following: "1. A".
- 5 2. Page 1, line 7, by striking the figure "1."
- 6 and inserting the following: "a."
- 7 3. Page 1, line 11, by striking the figure "2."
- 8 and inserting the following: "b."
- 9 4. Page 1, by inserting after line 15 the
- 10 following:
- 11 "2. Notwithstanding section 331.756, the actions
- 12 to enforce the requirements of this section shall be
- 13 commenced or prosecuted by the attorney general."

TOM VILSACK

S—3391

- 1 Amend Senate File 529 as follows:
- 2 1. Page 21, by inserting after line 34 the
- 3 following:
- 4 "Sec. ____ Section 99D.9, Code 1997, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 6A. A licensee or an agent of a
- 7 licensee shall not establish or operate a family or
- 8 group day care home or center in violation of section
- 9 237A.30.
- 10 Sec. ____ Section 99F.7, subsection 5, paragraph
- 11 b, Code 1997, is amended by striking the paragraph.
- 12 Sec. ____ Section 99F.7, Code 1997, is amended by
- 13 adding the following new subsection:
- 14 NEW SUBSECTION. 14A. A licensee or an agent of a
- 15 licensee shall not establish or operate a family or
- 16 group day care home or center in violation of section
- 17 237A.30.
- 18 Sec. ____ NEW SECTION. 237A.30 GAMBLING

19 ESTABLISHMENTS.

20 1. For the purposes of this section, unless the
 21 context otherwise requires, "gambling establishment"
 22 means any structure, building, or other facility which
 23 is owned, leased, rented, or otherwise operated, used,
 24 or controlled by any of the following:

25 a. A person licensed under chapter 99D to operate
 26 a pari-mutuel racetrack.

27 b. A person licensed under chapter 99F to operate
 28 an excursion gambling boat or gambling games at a
 29 pari-mutuel racetrack enclosure.

30 2. Child day care may be provided in accordance
 31 with this chapter in a gambling establishment if the
 32 care is available only to the children of persons
 33 employed by the gambling establishment or if the child
 34 day care has been authorized to be provided in a
 35 gambling establishment pursuant to an agreement
 36 entered into or exception to policy issued by the
 37 director of human services or the department of human
 38 services which is in existence as of the effective
 39 date of this Act.

40 3. Except for child day care provided in
 41 accordance with subsection 2, a family or group day
 42 care home or center shall not be established or
 43 operated in or by a gambling establishment.
 44 Establishing or operating a family or group day care
 45 home or center in violation of this section is subject
 46 to penalty under section 237A.19 and injunction under
 47 section 237A.20."

48 2. By renumbering as necessary.

JACK RIFE

S—3392

1 Amend Senate File 529 as follows:

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

4 "Sec. ____ Section 99F.6, subsection 4, paragraph
 5 a, Code 1997, is amended to read as follows:

6 a. Before a license is granted, the division of
 7 criminal investigation of the department of public
 8 safety shall conduct a thorough background
 9 investigation of the applicant for a license to
 10 operate a gambling game operation on an excursion
 11 gambling boat. The applicant shall provide
 12 information on a form as required by the division of
 13 criminal investigation. A qualified sponsoring
 14 organization licensed to operate gambling games under
 15 this chapter shall distribute the receipts of all
 16 gambling games, less reasonable expenses, charges,
 17 taxes, fees, and deductions allowed under this

18 chapter, as winnings to players or participants or
 19 shall distribute the receipts for educational, civic,
 20 public, charitable, patriotic, or religious uses as
 21 defined in section 99B.7, subsection 3, paragraph "b".
 22 However, if a licensee who is also licensed to conduct
 23 pari-mutuel wagering at a horse racetrack has unpaid
 24 debt from the pari-mutuel racetrack operations, the
 25 first receipts of the gambling games operated within
 26 the racetrack enclosure less reasonable operating
 27 expenses, taxes, and fees allowed under this chapter
 28 shall be first used to pay the annual indebtedness.
 29 The commission shall authorize, subject to the debt
 30 payments for horse racetracks and the provisions of
 31 paragraph "b" for dog racetracks, a licensee who is
 32 also licensed to conduct pari-mutuel dog or horse
 33 racing to use receipts from gambling games within the
 34 racetrack enclosure to supplement purses for races
 35 particularly for Iowa-bred horses pursuant to an
 36 agreement which shall be negotiated between the
 37 licensee and representatives of the dog or horse
 38 owners. For a licensee who is also licensed to
 39 conduct pari-mutuel horse racing, the supplement to
 40 the horse race purses shall be an amount equal to
 41 fifteen percent of the annual adjusted gross receipts
 42 received from gambling games and, of the total sum
 43 allocated to supplement horse race purses, twenty
 44 percent shall be used to supplement the purses of
 45 Iowa-bred horses. A qualified sponsoring organization
 46 shall not make a contribution to a candidate,
 47 political committee, candidate's committee, state
 48 statutory political committee, county statutory
 49 political committee, national political party, or
 50 fund-raising event as these terms are defined in

Page 2

1 section 56.2. The membership of the board of
 2 directors of a qualified sponsoring organization shall
 3 represent a broad interest of the communities."
 4 2. By renumbering as necessary.

JACK RIFE

S-3393

1 Amend Senate File 529 as follows:
 2 1. Page 20, by inserting after line 12 the
 3 following:
 4 "It is the intent of the general assembly that the
 5 secretary of state shall not expend public funds to
 6 inform or attempt to persuade the general public or
 7 interest groups on legislative issues except for those

8 legislative issues which directly affect the office of
9 secretary of state."

TOM FLYNN

S—3394

1 Amend Senate File 533 as follows:

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

4\$ 220,000"

DENNIS H. BLACK

S—3395

1 Amend the amendment, S—3357, to House File 625, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "___ Page 16, by inserting after line 3 the
7 following:

8 "Sec. ___ NEW SECTION. 272.12 PERMANENT
9 PROFESSIONAL LICENSE.

10 The minimum requirements for the board to award a
11 permanent professional license to an applicant are as
12 follows:

- 13 1. Possession of a valid practitioner's license.
- 14 2. Completion of four years of successful teaching
15 experience.
- 16 3. Possession of a master's degree or a
17 professional degree beyond a baccalaureate degree."

18 2. Page 1, by inserting after line 15 the
19 following:

20 "___ Title page, line 5, by inserting after the
21 word "students," the following: "the creation of a
22 permanent teaching license,""

23 3. By renumbering as necessary.

BILL FINK

S—3396

1 Amend Senate File 533 as follows:

2 1. Page 11, by inserting after line 28 the
3 following:

4 "Sec. ___ INMATE TELEPHONE REBATE FUND --
5 DISTRIBUTION.

6 Notwithstanding contrary provisions of section
7 904.508A, there is appropriated from the inmate

8 telephone rebate fund created in section 904.508A for
9 the fiscal year beginning July 1, 1997, and ending
10 June 30, 1998, the following amounts, or so much
11 thereof as is necessary, to be used for the purposes
12 designated, and in the following priority:

13 1. To the department of corrections, for the
14 hiring of 12 additional correctional officers:
15 \$ 444,000

16 Of the additional correctional officers authorized
17 pursuant to this subsection, four officers each shall
18 be assigned to the Oakdale correctional facility, the
19 Mt. Pleasant correctional facility, and the Clarinda
20 correctional facility.

21 2. To the department of corrections, for the
22 operation of adult correctional institutions but only
23 to the extent necessary to ensure that correctional
24 officers authorized by section 5 of this Act shall be
25 hired and not laid off based on an inability to recoup
26 sufficient revenues from inmate earnings:
27 \$ 813,580

28 3. To the department of corrections, for
29 educational programs for inmates at state penal
30 institutions:
31 \$ 100,000

32 4. To the department of corrections, for the
33 implementation of a computer database to provide
34 inmate case management and offender profiling:
35 \$ 100,000

36 5. To the department of justice, for victim
37 assistance grants:
38 \$ 100,000

39 6. To the department of corrections and the
40 judicial district departments of correctional
41 services, for connecting all of its correctional
42 facilities and institutions to the Iowa communications
43 network (ICN):
44 \$ 100,000

45 2. By renumbering as necessary.

ROBERT DVORSKY
TOM VILSACK
EUGENE FRAISE

S—3397

1 Amend Senate File 529 as follows:
2 1. Page 5, line 16, by striking the figure
3 "100,000" and inserting the following: "75,000".

MATT McCOY

S-3398

- 1 Amend Senate File 529 as follows:
- 2 1. Page 1, line 31, by striking the figure
- 3 "429,137" and inserting the following: "452,637".

MATT McCOY

S-3399

- 1 Amend Senate File 529 as follows:
- 2 1. Page 6, line 9, by striking the figure
- 3 "1,926,518" and inserting the following: "2,201,518".
- 4 2. Page 6, line 10, by striking the figure
- 5 "52.60" and inserting the following: "57.60".
- 6 3. Page 6, by inserting after line 10 the
- 7 following:
- 8 "It is the intent of the general assembly that the
- 9 state department or state agency which provides data
- 10 processing services to support voter registration file
- 11 maintenance and storage shall provide those services
- 12 without charge."
- 13 4. Page 19, line 23, by striking the figure
- 14 "656,440" and inserting the following: "381,440".
- 15 5. Page 19, line 24, by striking the figure
- 16 "10.00" and inserting the following: "5.00".
- 17 6. Page 19, by striking lines 25 through 35.

MATT McCOY

S-3400

- 1 Amend Senate File 533 as follows:
- 2 1. Page 7, by inserting after line 9 the
- 3 following:
- 4 "In addition to the amount appropriated in this
- 5 paragraph, there shall be an additional appropriation
- 6 to the Mt. Pleasant correctional facility in an amount
- 7 not to exceed \$243,000 that represents the difference
- 8 between \$243,000 and the revenues recouped from inmate
- 9 earnings by the facility as of January 1, 1998."

TOM VILSACK

S-3401

- 1 Amend Senate File 533 as follows:
- 2 1. Page 19, by inserting after line 23 the
- 3 following:
- 4 "Notwithstanding any contrary provision of section
- 5 815.7, the fees authorized for attorneys appointed to
- 6 represent indigent or partially indigent persons who

7 are not under contract with the state public defender
8 shall be calculated based upon an hourly rate that
9 shall not exceed fifty-five dollars per hour, unless
10 the offense charged is a class "A" or class "B"
11 felony, in which case the hourly rate shall not exceed
12 sixty dollars per hour."

ROBERT DVORSKY

S—3402

1 Amend Senate File 529 as follows:
2 1. Page 20, by inserting after line 12 the
3 following: "The secretary of state shall prepare a
4 report outlining the orderly abolition of the office
5 of secretary of state. The report shall be submitted
6 to the chairpersons and ranking members of the joint
7 subcommittees on administration and regulation not
8 later than January 1, 1998."

JOHNIE HAMMOND

S—3403

1 Amend Senate File 529 as follows:
2 1. Page 19, by inserting after line 2 the
3 following:
4 "Notwithstanding section 99E.10, subsection 1, the
5 lottery expenses for marketing, educational, and
6 informational material shall not exceed three percent
7 of the lottery revenue."

TOM VILSACK

S—3404

1 Amend Senate File 529 as follows:
2 1. Page 9, by inserting after line 15 the
3 following:
4 "It is the intent of the general assembly that the
5 lieutenant governor shall serve as the director of the
6 department of commerce, notwithstanding section 546.2,
7 subsection 2."

MIKE CONNOLLY

S—3405

1 Amend Senate File 529 as follows:
2 1. Page 21, by inserting after line 34 the
3 following:
4 "Sec. ____ . LEGISLATIVE LIAISONS.

5 It is the intent of the general assembly that each
 6 state agency or state office receiving an
 7 appropriation pursuant to this Act shall employ only
 8 one legislative liaison to represent the state agency
 9 or state office before the general assembly."

TOM VILSACK

S-3406

1 Amend Senate File 529 as follows:
 2 1. Page 5, line 33, by striking the figure
 3 "7,500" and inserting the following: "4,100".
 4 2. Page 5, by inserting after line 33 the
 5 following:
 6 "4. NATIONAL CENTER FOR POLICY ALTERNATIVES.
 7 For support of the membership assessment:
 8\$ 3,400".

ROD HALVORSON

S-3407

1 Amend Senate File 529 as follows:
 2 1. Page 19, by striking lines 13 through 15 and
 3 inserting the following:
 4 "Sec. __. OFFICE OF GOVERNOR. There is
 5 appropriated from the general fund of the state to the
 6 office of governor for the fiscal year beginning July
 7 1, 1997, and".
 8 2. Page 20, by striking lines 11 and 12 and
 9 inserting the following:
 10 "Notwithstanding chapter 9, the governor shall
 11 assign the duties of the office of secretary of state
 12 funded pursuant to this section to other state
 13 agencies. The publisher of the official register may
 14 consider an electronic version of the official
 15 register as an official copy for distribution."

MIKE CONNOLLY

S-3408

1 Amend Senate File 529 as follows:
 2 1. Page 11, line 5, by inserting after word
 3 "only." the following: "The division shall complete
 4 the inspection of all state-licensed residential care
 5 facilities within twelve months."

MATT McCOY

S-3409

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 20, by inserting after the word
4 "fund" the following: "and for allocating \$100,000
5 for the purposes of the microbusiness enterprise
6 assistance program under section 15.114".

ELAINE SZYMONIAK

S-3410

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 6 the
4 following:
5 "From moneys appropriated under this paragraph, the
6 department shall distribute to each eligible local and
7 county economic development office up to \$25,000 if
8 the amount is matched by the economic development
9 office receiving the money. A local or county
10 economic development office is eligible to receive
11 such moneys if the local or county economic
12 development office is located in a county which is one
13 of the bottom one-third counties in the state for per
14 capita income."

PATTY JUDGE

S-3411

1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 2 the
4 following:
5 "As a condition on the use of any portion of the
6 appropriation made under this lettered paragraph for
7 making awards from the community economic betterment
8 program account, the department shall provide that
9 awards under the community economic betterment program
10 of \$500,000 or more must be made to businesses able to
11 pay at least 130 percent of the average county wage,
12 shall review the wage cap in high-wage counties and
13 provide that the wage cap is tied to an appropriate
14 inflator for determining eligibility for awards, and
15 shall provide, in addition to all other existing
16 requirements for awards from the community economic
17 betterment program account, that the remaining 10
18 percent of the funds shall be transferred by the
19 department to other programs within the strategic
20 investment fund and used for purposes other than the

21 community economic betterment program if, after 90
 22 percent of funds in the account have been obligated
 23 for the fiscal year, either of the following
 24 conditions have not been met:

25 (1) All projects approved have starting wages not
 26 less than 100 percent of the lesser of either the
 27 average county wage or the average regional wage, as
 28 compiled annually by the department for the community
 29 economic betterment program. For the purposes of this
 30 lettered paragraph, the average regional wage shall be
 31 compiled based upon the service delivery areas in
 32 section 84B.2.

33 (2) The average starting wage for the businesses
 34 for which the awards were made under the program shall
 35 exceed 100 percent of the statewide average wage."

TOM VILSACK

S-3412

1 Amend House File 335 as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 6, line 6, by striking the word "anytime"
 4 and inserting the following: "any time".

5 2. Page 6, line 15, by striking the word "or" and
 6 inserting the following: "and".

7 3. Page 6, by striking lines 17 through 19 and
 8 inserting the following: "entered on the certificate
 9 of birth ~~without the written consent of the mother and~~
 10 ~~the person to be named as the father, unless a~~
 11 ~~determination of paternity has been made".~~

12 4. Page 7, line 6, by striking the word "A" and
 13 inserting the following: "1. A".

14 5. Page 7, line 11; by inserting after the word
 15 "chapter." the following: "A death certificate shall
 16 include the social security number, if provided, of
 17 the deceased person."

18 6. Page 7, by inserting after line 13 the
 19 following:

20 "2. All information included on a death
 21 certificate may be provided as mutually agreed upon by
 22 the division and the child support recovery unit,
 23 including by automated exchange."

24 7. Page 7, line 14, by striking the word "If" and
 25 inserting the following: "3. If".

MAGGIE TINSMAN

S-3413

1 Amend Senate File 339 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 507A.4, subsection 10, Code
5 1997, is amended to read as follows:

6 10. a. Transactions involving a multiple employer
7 welfare arrangement, as defined in section 3 of the
8 federal Employee Retirement Income Security Act of
9 1974, 29 U.S.C. § 1002, paragraph 40, if the multiple
10 employer welfare arrangement meets all of the
11 following conditions:

12 a. (1) The arrangement is administered by an
13 authorized insurer or an authorized third-party
14 administrator.

15 b. (2) The arrangement has been in existence and
16 provided health insurance for at least ~~fifteen~~ five
17 years prior to July 1, 1994 ~~1997~~.

18 e. (3) The arrangement was established by a trade,
19 industry, or professional association of employers
20 that has a constitution or bylaws, and has been
21 organized and maintained in good faith for at least
22 ~~twenty ten~~ ten continuous years prior to July 1, 1994
23 ~~1997~~.

24 (4) The arrangement registers with and obtains a
25 certificate of registration issued by the commissioner
26 of insurance.

27 (5) The arrangement is subject to the jurisdiction
28 of the commissioner of insurance, including regulatory
29 oversight and solvency standards as established by
30 rules adopted by the commissioner of insurance
31 pursuant to chapter 17A.

32 b. A multiple employer welfare arrangement
33 registered with the commissioner of insurance which
34 does not meet the solvency standards established by
35 rule adopted by the commissioner of insurance is
36 subject to chapter 507C.

37 Sec. 2. 1994 Iowa Acts, chapter 1038, section 3,
38 as amended by 1995 Iowa Acts, chapter 33, section 1,
39 and 1996 Iowa Acts, chapter 1024, section 1, is
40 amended to read as follows:

41 SEC. 3. REPEAL. This Act is repealed effective
42 July 1, 1997 ~~1998~~.

43 Sec. 3. Section 513A.8, Code 1997, is repealed.

44 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
45 immediate importance, takes effect upon enactment."

46 2. Title page, line 1, by striking the words
47 "delay of the repeal for".

NEAL SCHUERER

S—3414

1 Amend House File 133, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 8 the

4 following:

5 "Sec. __. NEW SECTION. 514C.14 PATIENT ACCESS
6 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
7 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

8 Notwithstanding section 514C.6, a managed care
9 health plan or indemnity plan with a limited provider
10 network shall provide patients direct access to each
11 type of physician, as defined in section 135.1 and
12 licensed under chapter 148, 150A, or 151. Direct
13 access to a physician licensed under chapter 151 shall
14 not be conditioned upon a referral by a provider
15 licensed under another chapter. Access to a
16 specialist may be conditioned upon a referral by a
17 primary care provider physician licensed under chapter
18 148, 150A, or 151. If a physician licensed under
19 chapter 151 determines that a referral should be made
20 to a physician licensed under another chapter, a
21 managed care health plan or indemnity plan with a
22 limited provider network may require that the referral
23 be made first to a provider designated by the plan.
24 Any copayment deductible, cost containment mechanism,
25 or premium rate shall not discriminate directly or
26 indirectly upon the basis of the license held by the
27 physician. Access to a specialist may be subject to a
28 different copayment or deductible than access to a
29 primary care provider. Access to a nonparticipating
30 physician may be restricted or may be subject to
31 different copayments, deductibles, or premium rates,
32 or may be excluded, provided that a plan shall not
33 differentiate or exclude a physician directly or
34 indirectly upon the basis of the license held by the
35 physician.

36 Each plan must demonstrate that it is capable of
37 serving appropriately the needs of the subscriber
38 population in the service area of the plan with regard
39 to patient access to each type of physician. The
40 commissioner of insurance shall adopt rules as
41 necessary to administer this paragraph.

42 For purposes of this section, "managed care health
43 plan or indemnity plan with a limited provider
44 network" means a health maintenance organization,
45 organized delivery system, accountable health plan,
46 health care insurance plan which limits the number of
47 licensed physicians who can provide services under the
48 plan, preferred provider organization, exclusive
49 provider organization, restricted access network, or
50 similar health-care plan. For purposes of this

Page 2

1 section, "physician" means physician as defined in
2 section 135.1 and licensed under chapter 148, 150A, or

3 151.”

4 2. Renumber as necessary.

MARY LUNDBY
 MICHAEL E. GRONSTAL
 MERLIN E. BARTZ
 PATTY JUDGE
 STEVEN D. HANSEN
 H. KAY HEDGE
 JOHN W. JENSEN
 PATRICK J. DELUHERY
 WILLIAM D. PALMER
 WILMER RENSINK
 EUGENE S. FRAISE
 JACK RIFE

S—3415

1 Amend Senate File 453 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 “Section 1. NEW SECTION. 239.5B SCHOOL
 5 ATTENDANCE.

6 1. As a condition of eligibility for an applicant
 7 for or a recipient of assistance under this chapter,
 8 the department shall require a child's parent or other
 9 specified relative whose needs are included in the
 10 cash assistance grant payable to the child's family to
 11 cooperate with efforts to ensure children receiving
 12 assistance under this chapter complete educational
 13 requirements through the sixth grade. As a further
 14 condition of eligibility, an applicant or recipient
 15 shall provide written authorization for release of
 16 information to a school concerning the receipt of
 17 assistance and for release of information by a school
 18 concerning the child's compliance with attendance
 19 requirements.

20 2. If the department of human services receives
 21 written notification from a school truancy officer
 22 under section 299.12 that a child receiving assistance
 23 under this chapter is deemed to be truant, the
 24 department shall contact the child's parent or other
 25 specified relative whose needs are included in the
 26 child's assistance grant to schedule an attendance
 27 cooperation meeting. The departments of human
 28 services and education shall mutually agree upon the
 29 form of the written notification. Parties
 30 participating in the attendance cooperation meeting
 31 may include the child and shall include the child's
 32 parent or other specified relative whose needs are
 33 included in the child's assistance grant, and a
 34 representative of the department of human services.

35 The school truancy officer or other school officials,
36 county attorney or the county attorney's designee,
37 designee of the juvenile court, and other persons
38 deemed appropriate by the department of human services
39 shall be invited to participate in the attendance
40 cooperation meeting.

41 3. The purpose of the attendance cooperation
42 meeting is for the parties participating in the
43 meeting to attempt to ascertain the cause of the
44 child's nonattendance, to cause the parties to arrive
45 at an agreement relative to addressing the child's
46 attendance, and to initiate referrals to any agencies
47 or counseling that the department of human services
48 believes to be appropriate under the circumstances.
49 The terms agreed to shall be reduced to writing in an
50 attendance cooperation agreement and signed by the

Page 2

1 child's parent or other specified relative whose needs
2 are included in the child's assistance grant, the
3 child, and the representative of the department of
4 human services. If appropriate, other persons
5 participating in the attendance cooperation meeting
6 may also sign the agreement. Each party signing the
7 agreement shall receive a copy of the agreement, which
8 shall set forth the cause identified for the child's
9 nonattendance and future responsibilities of each
10 party.

11 4. If the parties fail to enter into an attendance
12 cooperation agreement, or the child's parent or other
13 specified relative whose needs are included in the
14 child's assistance grant violates a term of the
15 attendance cooperation agreement or fails to engage in
16 an attendance cooperation meeting, the child's family
17 shall be subject to sanction as provided in this
18 section. The sanction shall continue to apply until
19 the department of human services receives written
20 notification from the school truancy officer of any of
21 the following:

- 22 a. The child is complying with the attendance
- 23 policy applicable to the child's school.
- 24 b. The child has satisfactorily completed
- 25 educational requirements through the sixth grade.
- 26 c. The child's school has determined there is good
- 27 cause for the child's nonattendance and the school
- 28 withdraws the written notification.
- 29 d. The child is no longer enrolled in the school
- 30 for which the written notification was provided and
- 31 the child's family demonstrates that the child is
- 32 enrolled in and is attending another school or is
- 33 otherwise receiving equivalent schooling as authorized

34 under state law.

35 5. The sanction under this section shall be a
 36 deduction from the cash assistance grant payable to
 37 the child's family in an amount equivalent to twenty-
 38 five percent of the family investment program payment
 39 standard applicable to the family. If more than one
 40 child in the family is deemed to be truant, the
 41 sanction shall continue to apply until the department
 42 receives written notification from the school truancy
 43 officer, as provided in subsection 4, concerning each
 44 child.

45 6. Notwithstanding any contrary provision of
 46 chapter 239, unless prohibited by federal law, the
 47 department may release or make information available
 48 to a school truancy officer, as defined in section
 49 299.12, regarding persons applying for or receiving
 50 assistance under this chapter as necessary to verify

Page 3

1 the family investment program assistance status of a
 2 child of a family who may be subject to sanction under
 3 this section. The department shall implement
 4 protocols restricting information access under this
 5 section by region or other means to provide for the
 6 minimum access to information necessary to implement
 7 the purposes of this section. The department may
 8 adopt rules as necessary to administer this section.
 9 Information shared as part of an attendance
 10 cooperation meeting and the attendance cooperation
 11 agreement itself shall be considered a confidential
 12 record under section 22.7 and unless authorized under
 13 this section or section 299.12, dissemination of the
 14 information and the attendance cooperation agreement
 15 is subject to the provisions of chapter 22 applicable
 16 to confidential records.

17 Sec. 2. Section 299.5A, unnumbered paragraph 1,
 18 Code 1997, is amended to read as follows:

19 If a child is truant as defined in section 299.8,
 20 school officers shall attempt to find the cause for
 21 the child's absence and use every means available to
 22 the school to assure that the child does attend. The
 23 school may utilize an attendance cooperation meeting
 24 and agreement process which substantially conforms
 25 with the requirements of section 239.5B. Information
 26 shared as part of an attendance cooperation meeting
 27 and the attendance cooperation agreement itself shall
 28 be considered a confidential record under section 22.7
 29 and dissemination of the information and the
 30 attendance cooperation agreement is subject to the
 31 provisions of chapter 22 applicable to confidential
 32 records. If the parent, guardian, or legal or actual

33 custodian, or child refuses to accept the school's
34 attempt to assure the child's attendance or the
35 school's attempt to assure the child's attendance is
36 otherwise unsuccessful, the truancy officer shall
37 refer the matter to the county attorney for mediation
38 or prosecution.

39 Sec. 3. Section 299.6, Code 1997, is amended by
40 adding the following new unnumbered paragraph:
41 NEW UNNUMBERED PARAGRAPH. If a child's parent,
42 guardian, or legal or actual custodian who is found
43 guilty and is subject to a penalty as provided in this
44 section has been subject to a sanction under section
45 239.5B as a result of the child's truancy, the court
46 may waive the penalty under this section.

47 Sec. 4. NEW SECTION. 299.6A CIVIL PENALTY --
48 DISTRIBUTION OF FUNDS.

49 1. In lieu of a criminal proceeding under section
50 299.6, a county attorney may bring a civil action

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1 against a parent, guardian, or legal or actual
2 custodian of a child who is of compulsory attendance
3 age, has not completed educational requirements, and
4 is truant, if the parent, guardian, or legal or actual
5 custodian has failed to cause the child to attend a
6 public school, an accredited nonpublic school, or
7 competent private instruction in the manner provided
8 in this chapter. If the court finds that the parent,
9 guardian, or legal or actual custodian has failed to
10 cause the child to attend as required in this section,
11 the court shall assess a civil penalty of not less
12 than one hundred but not more than one thousand
13 dollars, for each violation established. However, if
14 the court finds that the parent, guardian, or legal or
15 actual custodian of the child has been subject to
16 sanction under section 239.5B as a result of the
17 child's truancy, the court may waive the civil penalty
18 under this section.

19 2. Funds received from civil penalties assessed
20 pursuant to this section shall be paid to the school
21 district of residence or school district of
22 enrollment, if open enrolled, of the person against
23 whom the court assessed the penalty. The school
24 district shall use moneys received under this
25 subsection to support programs for students who meet
26 the definition of at-risk children adopted by the
27 department of education.

28 Sec. 5. NEW SECTION. 299.12 TRUANT CHILDREN --
29 FAMILY INVESTMENT PROGRAM.

30 1. For the purposes of this section, "school
31 truancy officer" means a truancy officer appointed

32 under section 299.10 or any other person designated by
33 a public school board or a governing body of an
34 accredited nonpublic school to administer provisions
35 of this section.

36 2. If a child deemed to be truant under this
37 chapter is a member of a family receiving or applying
38 for family investment program assistance under chapter
39 239 and has not completed the sixth grade, the school
40 truancy officer shall provide notification to the
41 department of human services as provided in section
42 239.5B. An initial and any subsequent notification
43 shall be made in writing.

44 3. Notwithstanding any other provision of this
45 chapter to the contrary, unless prohibited by federal
46 law, a school truancy officer may release information
47 to the department of human services and may receive
48 information from the department of human services
49 regarding a child described in subsection 2. In
50 addition, the school truancy officer may utilize other

Page 5

1 sources available to the officer as necessary to
2 verify whether a child is a member of a family
3 receiving or applying for family investment program
4 assistance. Release of information under this section
5 shall be restricted to the minimum access to
6 information necessary to achieve the purposes of this
7 section.

8 4. It is the intent of this section that a public
9 school board or governing body of an accredited
10 nonpublic school shall exercise the authority granted
11 under this section as a means of increasing and
12 ensuring school attendance of young children, as
13 education is a critical element in the success of
14 individuals and good attendance habits should be
15 developed and reinforced at an early age.

16 Sec. 6. EFFECTIVE DATE -- APPLICABILITY --
17 EMERGENCY RULES -- CODE EDITOR.

18 1. a. Section 239.5B, as enacted by this Act,
19 being deemed of immediate importance, takes effect
20 upon enactment.

21 b. The department of human services shall begin
22 implementing the provisions of section 239.5B, as
23 enacted by this Act, which require written
24 authorization for release of information as a
25 condition of eligibility for family investment program
26 assistance, effective July 1, 1997, and shall complete
27 implementation not later than December 31, 1997.

28 c. The provisions of sections 239.5B and 299.12
29 authorizing information release or access between the
30 department of human services and school truancy

31 officers shall apply beginning January 1, 1998.
 32 2. The department of human services may adopt
 33 emergency rules under section 17A.4, subsection 2, and
 34 section 17A.5, subsection 2, paragraph "b", to
 35 implement the provisions of section 239.5B, as enacted
 36 by this Act, in accordance with this section and the
 37 rules shall be effective immediately upon filing,
 38 unless the effective date is delayed by the
 39 administrative rules review committee, notwithstanding
 40 section 17A.4, subsection 5, and section 17A.8,
 41 subsection 9, or a later effective date is specified
 42 in the rules. Any rules adopted in accordance with
 43 this subsection shall not take effect before the rules
 44 are reviewed by the administrative rules review
 45 committee. Any rules adopted in accordance with this
 46 section shall also be published as a notice of
 47 intended action as provided in section 17A.4.
 48 3. If Senate File 516 or other legislation
 49 providing for the repeal of chapters 239 and 249C and
 50 codification of the family investment program in

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1 chapter 239B is enacted by the Seventy-seventh General
 2 Assembly, 1997 Session, the repeal of chapter 239
 3 shall not be deemed to repeal section 239.5B, as
 4 enacted by this Act, and the Code editor shall codify
 5 section 239.5B, as enacted by this Act, as part of
 6 chapter 239B and shall revise internal references to
 7 that section necessary to conform with the designation
 8 codified by the Code editor."
 9 2. Title page, by striking lines 1 through 5 and
 10 inserting the following: "An Act relating to school
 11 attendance by applying school attendance requirements
 12 under the family investment program, and providing a
 13 civil penalty for truancy, applicability provisions,
 14 and an effective date."

MAGGIE TINSMAN

S-3416

1 Amend Senate File 365, as follows:
 2 1. Page 5, line 19, by striking the figure "4"
 3 and inserting the following: "6".
 4 2. Page 8, line 6, by striking the words "before
 5 the same trier of fact".
 6 3. Page 9, by striking lines 11 through 33, and
 7 inserting the following: "or the victim."
 8 4. By striking page 12, line 12 through page 13,
 9 line 19, and inserting the following:
 10 "3. Except for good cause shown, as soon as

11 practicable but not later than sixty days after the
12 return of a verdict of guilty or the entry of a plea
13 of guilty to a charge of capital murder, a panel of
14 three judges shall conduct a separate sentencing
15 hearing to determine whether the defendant should be
16 sentenced to death or life imprisonment. The panel of
17 judges shall consist of the judge who presided at the
18 trial or before whom the guilty plea was entered and
19 two additional district court judges, to be appointed
20 by the chief justice of the supreme court. If the
21 trial judge dies, resigns, is incapacitated, or is
22 otherwise disqualified, a replacement for the trial
23 judge shall also be appointed by the chief justice.
24 The two additional district court judges, and any
25 necessary replacement for the trial judge, may be
26 selected from any judicial district in the state but
27 the chief justice shall give preference in selection
28 of judges to judges from the judicial district in
29 which the case was filed or from adjoining judicial
30 districts. In selecting the district court judges for
31 the panel, the chief justice shall select only those
32 district court judges who are regularly sitting
33 judges, except that the chief justice may select a
34 retired justice of the supreme court or a retired
35 judge from the court of appeals as one of the
36 additional judges for the panel. Any district court
37 judge who is appointed to serve on the panel may be
38 subject to disqualification as provided in sections
39 602.1603, 602.1604, 602.1606, 602.1609, 602.1610, and
40 602.1612. The trial judge shall be the presiding
41 judge for purposes of the sentencing hearing. If a
42 replacement judge has been appointed for the trial
43 judge, the district court judges appointed to the
44 panel shall choose a presiding judge from among
45 themselves.

46 4. At the sentencing hearing, in addition to the
47 evidence presented by the parties, the three-judge
48 panel shall consider the certified transcripts of the
49 trial. Any evidence presented by either the
50 prosecuting attorney or the defendant that the panel

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1 of judges deems relevant to the nature of the crime,
2 and the character, background, and history of the
3 defendant, including any evidence presented in the
4 initial proceeding of the trial, and any matters
5 relating to any aggravating or mitigating factors may
6 be presented. Any evidence which the panel of judges
7 deems to have probative value may be received, as long
8 as each party is given an opportunity to rebut such
9 evidence, although the introduction of any evidence

10 secured in violation of the Constitution of the United
11 States or of the Constitution of Iowa shall not be
12 authorized. The prosecuting attorney and the
13 defendant or the defendant's counsel shall be
14 permitted to present arguments for or against a
15 sentence of death.

16 5. The burden of proof as to each aggravating
17 factor shall be beyond a reasonable doubt. There shall
18 be no burden of proof as to proving or disproving
19 mitigating factors.

20 6. After hearing all the evidence and arguments of
21 the prosecuting attorney and the defendant or the
22 defendant's counsel, the panel of judges shall
23 unanimously determine whether to impose a sentence of
24 death based upon special verdicts on the following
25 issues:

26 a. Whether at least one aggravating factor has
27 been proved beyond a reasonable doubt.

28 b. Whether no mitigating factors exist which
29 outweigh any aggravating factor or factors found to
30 exist.

31 c. Whether the defendant should be sentenced to
32 death.

33 7. The panel of judges shall not impose a death
34 sentence unless it returns unanimous affirmative
35 written findings on all of the issues in subsection 6.
36 The sentence of the panel of judges, whether to death
37 or to life in prison, shall be supported by specific
38 written findings of fact based upon any aggravating
39 and mitigating factors established and upon the
40 records of the trial and the sentencing hearing. If
41 the panel of judges cannot unanimously agree on a
42 sentence, it shall make a record of each judge's
43 position and shall sentence the defendant to life
44 imprisonment."

45 5. Page 15, line 29, by striking the words "trial
46 court" and inserting the following: "three-judge
47 panel".

48 6. Page 15, line 35, by striking the words "trial
49 court" and inserting the following: "three-judge
50 panel".

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1 7. Page 16, line 4, by inserting after the word
2 "so." the following: "Noncompliance with this rule
3 without a showing of good cause shall result in the
4 exclusion of the evidence sought to be introduced
5 without further sanction."

S—3417

1 Amend Senate File 478 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 600A.2, subsection 18, Code
5 1997, is amended by striking the subsection and
6 inserting in lieu thereof the following:

7 18. "To abandon a minor child" means that a
8 parent, putative father, custodian, or guardian
9 rejects the duties imposed by the parent-child
10 relationship, guardianship, or custodianship, which
11 may be evinced by the person, while being able to do
12 so, making no provision or making only a marginal
13 effort to provide for the support of the child or to
14 communicate with the child.

15 Sec. 2. Section 600A.8, Code 1997, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 3A. If the termination of
18 parental rights relates to a putative father and the
19 putative father has abandoned the child. For the
20 purposes of this subsection, a putative father is
21 deemed to have abandoned a child as follows:

22 a. (1) If the child is less than six months of
23 age when the termination hearing is held, a putative
24 father is deemed to have abandoned the child unless
25 the putative father does all of the following:

26 (a) Demonstrates a willingness to assume full
27 custody of the child rather than merely objecting to
28 the termination of parental rights.

29 (b) Takes prompt action to establish a parental
30 relationship with the child.

31 (c) Demonstrates, through actions, a commitment to
32 the child which is not met by the putative father
33 marrying the mother of the child after adoption of the
34 child.

35 (2) In determining whether the requirements of
36 this paragraph are met, the court may consider all of
37 the following:

38 (a) The fitness and ability of the putative father
39 in personally assuming full custody of the child,
40 including a personal and financial commitment which is
41 timely demonstrated.

42 (b) Whether efforts made by the putative father in
43 personally assuming full custody of the child are
44 substantial enough to evince a settled purpose to
45 personally assume all parental duties.

46 (c) Whether the putative father publicly
47 acknowledged paternity or held himself out to be the
48 father of the child during the six continuing months
49 immediately prior to the termination proceeding.

50 (d) Whether the putative father paid a fair and

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1 reasonable sum, in accordance with the putative
2 father's means, for medical, hospital, and nursing
3 expenses incurred in connection with the mother's
4 pregnancy or with the birth of the child, or whether
5 the putative father demonstrated emotional support as
6 evidenced by the putative father's conduct toward the
7 mother.

8 (e) Any measures taken by the putative father to
9 establish legal responsibility for the child.

10 (f) Any other factors evincing a commitment to the
11 child.

12 b. (1) If the child is six months of age or older
13 when the termination hearing is held, a putative
14 father is deemed to have abandoned the child unless
15 the putative father maintains substantial and
16 continuous or repeated contact with the child as
17 demonstrated by contribution toward support of the
18 child of a reasonable amount, according to the
19 putative father's means, and as demonstrated by any of
20 the following:

21 (a) Visiting the child at least monthly when
22 physically and financially able to do so and when not
23 prevented from doing so by the person having lawful
24 custody of the child.

25 (b) Regular communication with the child or with
26 the person having the care or custody of the child,
27 when physically and financially unable to visit the
28 child or when prevented from visiting the child by the
29 person having lawful custody of the child.

30 (2) The subjective intent of the putative father,
31 whether expressed or otherwise, unsupported by
32 evidence of acts specified in subparagraph (1)
33 manifesting such intent, does not preclude a
34 determination that the putative father failed to
35 maintain substantial and continuous or repeated
36 contact with the child. In making a determination,
37 the court shall not require a showing of diligent
38 efforts by any person to encourage the putative father
39 to perform the acts specified in subparagraph (1). In
40 making a determination, the court may consider the
41 conduct of the putative father toward the child's
42 mother during the pregnancy. A putative father of a
43 child who openly lived with the child for a period of
44 six months within the one-year period immediately
45 preceding the termination of parental rights hearing
46 and who during that period openly held himself out to
47 be the father of the child is deemed to have
48 maintained substantial and continuous contact with the
49 child for the purposes of this paragraph."

NEAL SCHUERER

S—3418

1 Amend House File 597, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 17, through page 2,
4 line 19, and inserting the following: "deemed to be
5 truant, the child's family shall be subject to
6 sanction as".

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

9 "5. The sanction under this section shall be a
10 deduction of twenty-five percent from the net cash
11 assistance grant amount payable to the child's family
12 prior to any deduction for recoupment of prior
13 overpayment."

14 3. Page 3, by striking lines 21 through 27.

15 4. By striking page 3, line 33; through page 4,
16 line 6, and inserting the following: "that the child
17 does attend. Prior to deeming a child who has
18 completed educational requirements through the sixth
19 grade truant, the school may utilize an attendance
20 cooperation process which substantially conforms with
21 the provisions of section 299.12. If the parent,".

22 5. Page 5, line 12, by striking the words "TRUANT
23 CHILDREN" and inserting the following: "VIOLATION OF
24 ATTENDANCE POLICY".

25 6. By striking page 5, line 19, through page 6,
26 line 9, and inserting the following:

27 "___ . Prior to a child who has not completed
28 educational requirements through the sixth grade being
29 deemed to be truant, the school truancy officer shall
30 contact the child's parent, guardian, or legal or
31 actual custodian to participate as a member of an
32 attendance team for the child. Parties who are
33 members of an attendance team may include the child
34 and shall include the child's parent, guardian, or
35 legal or actual custodian and the school truancy
36 officer. If the child is a member of a family
37 receiving assistance under the family investment
38 program, the department of human services shall be
39 notified and shall make the contacts for attendance
40 team participation in lieu of the school truancy
41 officer. For a child who is a member of a family
42 receiving assistance under the family investment
43 program, the attendance team shall include the child's
44 parent or specified relative whose needs are included
45 in the child's assistance grant and a representative
46 of the department of human services. The school
47 truancy officer or the representative of the
48 department of human services making the attendance
49 team participation contacts may invite other school
50 officials, a designee of the juvenile court, the

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1 county attorney or the county attorney's designee, or
2 other persons deemed appropriate to participate in the
3 attendance team.

4 _____. The attendance team shall hold an attendance
5 cooperation meeting. The purpose of the attendance
6 cooperation meeting is for the parties participating
7 in the meeting to attempt to ascertain the cause of
8 the child's nonattendance, to cause the parties to
9 arrive at an agreement relative to addressing the
10 child's attendance, and to initiate referrals to any
11 services or counseling that the attendance team
12 believes to be appropriate under the circumstances.
13 The terms agreed to shall be reduced to writing in an
14 attendance cooperation agreement and signed by the
15 parties to the agreement. Each party signing the
16 agreement shall receive a copy of the agreement, which
17 shall set forth the cause identified for the child's
18 nonattendance and future responsibilities of each
19 party.

20 _____. If an attendance team determines that a
21 monitor would improve compliance with the attendance
22 cooperation agreement, the attendance team may
23 designate a person to monitor the agreement. The
24 monitor may be a volunteer, a member of the attendance
25 team, a designee of the public school board or
26 governing body of the accredited nonpublic school, or
27 other appropriate person. A monitor shall contact
28 parties to the attendance cooperation agreement on a
29 periodic basis as appropriate to monitor performance
30 of the agreement.

31 _____. If the parties fail to enter into an
32 attendance cooperation agreement, or the child's
33 parent, guardian, or custodian acting as a party
34 violates a term of the attendance cooperation
35 agreement or fails to participate in an attendance
36 cooperation meeting, the child may be deemed to be
37 truant.

38 _____. a. If a child deemed to be truant under this
39 section is a member of a family receiving family
40 investment program assistance under chapter 239 and
41 has not completed the sixth grade, the school truancy
42 officer may provide notification to the department of
43 human services. An initial and any subsequent
44 notification shall be made in writing. The form of
45 the notification shall be mutually determined by the
46 departments of human services and education.

47 b. Notwithstanding any other provision of this
48 chapter to the contrary, unless prohibited by federal
49 law, a school truancy officer may release information
50 to the department of human services and may receive

Page 3

1 information from the department of human services
2 regarding a child described in paragraph "a". In
3 addition, the school truancy officer may utilize other
4 sources available to the officer as necessary to
5 verify whether a child is a member of a family
6 receiving family investment program assistance.
7 Release of information under this section shall be
8 limited to the minimum access to information necessary
9 to achieve the purposes of this section.

10 _____. A public school board or governing body of an
11 accredited nonpublic school shall exercise the
12 authority granted under this section as a means of
13 increasing and ensuring school attendance of young
14 children, as education is a critical element in the
15 success of individuals and good attendance habits
16 should be developed and reinforced at an early age."

17 7. Page 6, by inserting before line 10 the
18 following:

19 "Sec. _____. NEW SECTION. 299.13 CIVIL
20 ENFORCEMENT.

21 A person shall not disseminate or redisseminate
22 information shared with the person pursuant to section
23 235.5B, 299.5A, or 299.12, unless specifically
24 authorized to do so by section 217.30, 235.5B, 299.5A,
25 or 299.12. Unless a prohibited dissemination or
26 redissemination of information is subject to
27 injunction or sanction under other state or federal
28 law, an action for judicial enforcement may be brought
29 in accordance with this section. An aggrieved person,
30 the attorney general, or a county attorney may seek
31 judicial enforcement of the requirements of this
32 section in an action brought against the public school
33 or accredited nonpublic school or any other person who
34 has been granted access to information pursuant to
35 section 235.5B, 299.5A, or 299.12. Suits to enforce
36 this section shall be brought in the district court
37 for the county in which the information was
38 disseminated or redisseminated. Upon a finding by a
39 preponderance of the evidence that a person has
40 violated this section, the court shall issue an
41 injunction punishable by civil contempt ordering the
42 person in violation of this section to comply with the
43 requirements of, and to refrain from any violations of
44 section 235.5B, 299.5A, or 299.12 with respect to the
45 dissemination or redissemination of information shared
46 with the person pursuant to section 235.5B, 299.5A, or
47 299.12."

48 8. By renumbering as necessary.

MAGGIE TINSMAN
NANCY BOETTGER

MARY NEUHAUSER
JOHN REDWINE

S—3419

- 1 Amend House File 655, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, line 3, by inserting after the word
- 4 "shelters." the following: "Of the moneys in the
- 5 fund, not less than five hundred forty-six thousand
- 6 dollars shall be spent annually on homeless shelter
- 7 projects."

ROBERT E. DVORSKY

S—3420

- 1 Amend House File 132, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 26 the
- 4 following:
- 5 "___ An act by a domesticated animal, if the
- 6 owner of the domesticated animal, a domesticated
- 7 animal professional, a domesticated animal activity
- 8 sponsor, or a person exhibiting the domesticated
- 9 animal, because of a superior knowledge about
- 10 domesticated animals, knew or should have known of an
- 11 inherent risk of a domesticated animal activity, but
- 12 failed to take reasonable actions necessary to avoid
- 13 damages or injury to, or the death of, a person caused
- 14 by the inherent risk of the domesticated animal
- 15 activity."

DONALD B. REDFERN

HOUSE AMENDMENT TO
SENATE FILE 236

S—3421

- 1 Amend Senate File 236, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 5 through 11.
- 4 2. Page 5, by inserting after line 22 the
- 5 following:
- 6 "NEW PARAGRAPH. q. The change in ownership,
- 7 licensure, organizational structure, or designation of
- 8 the type of institutional health facility if the
- 9 health services offered by the successor institutional
- 10 health facility are unchanged."
- 11 3. Page 5, by inserting before line 23 the
- 12 following:

13 "Sec. ____ Section 135.63, subsection 4,
14 unnumbered paragraph 1, Code 1997, is amended to read
15 as follows:

16 For the period beginning July 1, 1995, and ending
17 June 30, ~~1997~~ 1998, the department shall not process
18 applications for and the council shall not consider a
19 new or changed institutional health service for an
20 intermediate care facility for persons with mental
21 retardation except as provided in this subsection.

22 Sec. ____ Section 135.63, subsection 4, paragraph
23 a, unnumbered paragraph 1, Code 1997, is amended to
24 read as follows:

25 For the period beginning July 1, 1995, and ending
26 June 30, ~~1997~~ 1998, the department and council shall
27 process applications and consider applications if
28 either of the following conditions are met:"

29 4. Page 6, by striking lines 20 and 21.

30 5. Page 6, by striking lines 22 through 27 and
31 inserting the following:

32 "Sec. ____ REVIEW OF CERTIFICATE OF NEED PROGRAM.

33 1. a. The Iowa department of public health shall
34 complete a comprehensive review of the certificate of
35 need program and shall submit a written report of the
36 findings and recommendations as to the continued
37 relevance of the program to the general assembly by
38 January 15, 2000.

39 b. Four members of the general assembly shall be
40 appointed to assist the Iowa department of public
41 health in completing the review. The terms of the
42 legislative members shall be for one year beginning
43 and ending as provided in section 69.19 or until their
44 successors are appointed. Appointments shall comply
45 with sections 69.16 and 69.16A. Vacancies shall be
46 filled in the same manner as the original appointment.
47 Each legislative member shall receive compensation
48 pursuant to section 2.10. The legislative members
49 shall be appointed as follows:

50 (1) Two members of the senate appointed by the

Page 2

1 majority leader of the senate after consultation with
2 the minority leader of the senate.

3 (2) Two members of the house of representatives
4 appointed by the speaker of the house after
5 consultation with the majority leader and the minority
6 leader of the house.

7 2. The Iowa department of public health, the
8 department of human services, and the department of
9 inspections and appeals shall conduct a review of the
10 regulation of psychiatric medical institutions for
11 children and intermediate care facilities for persons

12 with mental retardation. The review shall include a
 13 review of the moratorium language in section 135.63,
 14 subsection 4, relating to intermediate care facilities
 15 for persons with mental retardation. The departments
 16 shall submit jointly to the general assembly by
 17 January 15, 1998, a written report with
 18 recommendations to eliminate duplicative regulation of
 19 these institutional programs.”
 20 6. By renumbering, relettering, or redesignating
 21 and correcting internal references as necessary.

S—3422

1 Amend the amendment, S—3357, to House File 625, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 15 and
 5 inserting the following:
 6 “___ . By striking page 16, line 23, through page
 7 17, line 8.
 8 ___ . Page 17, by striking lines 19 and 20.
 9 ___ . By striking page 22, line 16, through page
 10 23, line 5.
 11 ___ . Page 23, line 6, by striking the figure
 12 “257.17.”
 13 ___ . By renumbering as necessary.”

JOHN P. KIBBIE
 WILMER RENSINK
 NEAL SCHUERER
 BILL FINK
 ELAINE SZYMONIAK
 STEVEN D. HANSEN
 JEFF ANGELO
 NANCY BOETTGER
 MARY LOU FREEMAN
 MERLIN E. BARTZ

S—3423

1 Amend House File 557, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, by inserting after line 23 the
 4 following:
 5 “Sec. ___ . Section 515D.4, subsection 2,
 6 unnumbered paragraph 1, Code 1997, is amended to read
 7 as follows:
 8 ~~Coverage under a policy~~ A person shall not be
 9 ~~canceled except by notice to the insured as provided~~
 10 ~~in this chapter. Notice of cancellation of coverage~~
 11 ~~under a policy is not effective~~ excluded from the
 12 policy unless it the exclusion is based on one or more

13 of the following reasons:

14 Sec. ___. Section 515D.5, Code 1997, is amended to
15 read as follows:

16 515D.5 DELIVERY OF NOTICE.

17 1. Notwithstanding the provisions of sections
18 515.80 through 515.81A, a notice of cancellation of a
19 policy shall not be effective unless mailed or
20 delivered by the insurer to the named insured at least
21 twenty days prior to the effective date of
22 cancellation, or, where the cancellation is for
23 nonpayment of premium notwithstanding the provisions
24 of sections 515.80 and 515.81A at least ten days prior
25 to the date of cancellation. A post office department
26 certificate of mailing to the named insured at the
27 address shown in the policy shall be proof of receipt
28 of such mailing. Unless the reason accompanies the
29 notice of cancellation, the notice shall state that,
30 upon written request of the named insured, mailed or
31 delivered to the insurer not less than fifteen days
32 prior to the date of cancellation, the insurer will
33 state the reason for cancellation, together with
34 notification of the right to a hearing before the
35 commissioner within fifteen days as provided in this
36 chapter.

37 When the reason does not accompany the notice of
38 cancellation, the insurer shall, upon receipt of a
39 timely request by the named insured, state in writing
40 the reason for cancellation. A statement of reason
41 shall be mailed or delivered to the named insured
42 within five days after receipt of a request.

43 2. A notice of exclusion of a person under a
44 policy pursuant to section 515D.4, is not effective
45 unless written notice is mailed or delivered to the
46 named insured at least twenty days prior to the
47 effective date of the exclusion. The written notice
48 shall state the reason for the exclusion, together
49 with notification of the right to a hearing before the
50 commissioner pursuant to section 515D.10 within

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1 fifteen days of receipt or delivery of a statement of
2 reason as provided in this section."

3 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3424

1 Amend Senate File 339 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 507A.4, subsection 10, Code
5 1997, is amended to read as follows:

6 10. a. Transactions involving a multiple employer
7 welfare arrangement, as defined in section 3 of the
8 federal Employee Retirement Income Security Act of
9 1974, 29 U.S.C. § 1002, paragraph 40, if the multiple
10 employer welfare arrangement meets all of the
11 following conditions:

12 a. (1) The arrangement is administered by an
13 authorized insurer or an authorized third-party
14 administrator.

15 b. (2) The arrangement has been in existence and
16 provided health insurance for at least ~~fifteen~~ five
17 years prior to July 1, ~~1994~~ 1997.

18 e. (3) The arrangement was established by a trade,
19 industry, or professional association of employers
20 that has a constitution or bylaws, and has been
21 organized and maintained in good faith for at least
22 twenty ten continuous years prior to July 1, ~~1994~~
23 1997.

24 (4) The arrangement registers with and obtains a
25 certificate of registration issued by the commissioner
26 of insurance.

27 (5) The arrangement is subject to the jurisdiction
28 of the commissioner of insurance, including regulatory
29 oversight and solvency standards as established by
30 rules adopted by the commissioner of insurance
31 pursuant to chapter 17A.

32 b. A multiple employer welfare arrangement
33 registered with the commissioner of insurance which
34 does not meet the solvency standards established by
35 rule adopted by the commissioner of insurance is
36 subject to chapter 507C.

37 Sec. 2. 1994 Iowa Acts, chapter 1038, section 3,
38 as amended by 1995 Iowa Acts, chapter 33, section 1,
39 and 1996 Iowa Acts, chapter 1024, section 1, is
40 amended to read as follows:

41 SEC. 3. REPEAL. This Act is repealed effective
42 July 1, ~~1997~~ 1998.

43 Sec. 3. Section 513A.8, Code 1997, is repealed.

44 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
45 immediate importance, takes effect upon enactment."

46 2. Title page, line 1, by striking the words

47 "delay of the repeal for the".

NEAL SCHUERER

S-3425

1 Amend House File 702, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 10, by striking lines 12 through 20.
- 4 2. By renumbering as necessary.

NANCY BOETTGER

S—3426

1 Amend House File 611 as follows:

2 1. Page 1, by striking line 8 and inserting the
3 following: "of any other state found by the
4 administrator to provide protection to consumers that
5 is equal to or greater than that provided by the laws
6 of this state, or pursuant to the laws of the United
7 States which authorizes".

8 2. Page 1, by striking lines 13 through 20 and
9 inserting the following:

10 "Sec. ____ Section 537.2202, subsection 3, Code
11 1997, is amended to read as follows:

12 3. If the billing cycle is monthly, the charge may
13 not exceed an amount which, on a corresponding annual
14 basis, is equal to one point sixty-five percent the
15 greater of nineteen and eight hundredths percent or
16 the prime rate plus six percent. For purposes of this
17 subsection, "prime rate" means the rate of interest as
18 determined and published by the superintendent of
19 banking pursuant to section 535.2, subsection 3,
20 paragraph "a". If the billing cycle is not monthly,
21 the maximum charge for the billing cycle shall bear
22 the same relation to the applicable monthly maximum
23 charge as the number of days in the billing cycle
24 bears to three hundred sixty-five divided by twelve.
25 A billing cycle is monthly if the closing date of the
26 cycle is the same date each month or does not vary by
27 more than four days from the regular date."

28 3. Page 1, by striking lines 21 through 26 and
29 inserting the following:

30 "Sec. ____ Section 537.2402, subsection 3, Code
31 1997, is amended to read as follows:

32 3. If the billing cycle is monthly, the charge
33 shall not exceed an amount which, on a corresponding
34 annual basis, is equal to one and sixty-five
35 hundredths percent of the maximum amount pursuant to
36 subsection 2 the greater of nineteen and eight
37 hundredths percent or the prime rate plus six percent.
38 For purposes of this subsection, "prime rate" means
39 the rate of interest as determined and published by
40 the superintendent of banking pursuant to section
41 535.2, subsection 3, paragraph "a". If the billing
42 cycle is not monthly, the maximum charge for the
43 billing cycle shall bear the same relation to the
44 applicable monthly maximum charge as the number of
45 days in the billing cycle bears to three hundred

46 sixty-five divided by twelve. A billing cycle is
 47 monthly if the closing date of the cycle is the same
 48 date each month or does not vary by more than four
 49 days from the regular date.”
 50 4. Page 1, line 27, by striking the figures “3,

Page 2

1 5,” and inserting the following: “5”.
 2 5. Page 2, line 3, by inserting after the word
 3 “agreement.” the following: “An over-limit charge
 4 shall not be imposed if the creditor has authorized
 5 the transaction or transactions which result in the
 6 cardholder's balance exceeding the limit established
 7 for the cardholder under the agreement.”
 8 6. Page 2, by inserting after line 17 the
 9 following:
 10 “Sec. __. **NEW SECTION. 537.3502 OPEN-END CREDIT**
 11 **FOR DOOR-TO-DOOR SALES -- PROHIBITED ACTS.**
 12 A seller, as defined in section 555A.1, shall not
 13 finance or offer to finance, or arrange or offer to
 14 arrange financing of a door-to-door sale, as defined
 15 in section 555A.1, through open-end credit. A
 16 contract made in violation of this section is void.
 17 This section applies to any person who attempts to
 18 circumvent the prohibition in this section by any
 19 means.
 20 Sec. __. Section 537.5201, subsection 1,
 21 paragraph w, Code 1997, is amended to read as follows:
 22 w. Door-to-door sales under section 537.3501 and
 23 537.3502.”
 24 7. By renumbering as necessary.

STEVEN D. HANSEN

S—3427

1 Amend the amendment, S—3418, to House File 597, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 “__. Page 1, line 8, by striking the words “the
 7 sixth grade” and inserting the following: “the
 8 compulsory attendance age under section 299.1A”.”
 9 2. Page 1, by inserting after line 6 the
 10 following:
 11 “__. Page 2, line 27, by striking the words “the
 12 sixth grade” and inserting the following: “the
 13 compulsory attendance age under section 299.1A”.”
 14 3. Page 1, by striking lines 17 through 20 and

- 15 inserting the following: "does attend. Prior to
16 deeming a child truant, the school shall utilize an
17 attendance cooperation process in accordance with".
18 4. Page 1, by striking lines 27 through 29 and
19 inserting the following:
20 "____. Prior to deeming a child truant, the school
21 truancy officer shall".
22 5. Page 2, lines 40 and 41, by striking the words
23 "and has not completed the sixth grade".
24 6. Page 3, line 13, by striking the word "young".
25 7. By renumbering as necessary.

TOM VILSACK

S—3428

- 1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 2 the
4 following:
5 "The department may allocate from the strategic
6 investment fund up to \$100,000 for the microbusiness
7 rural enterprise assistance program under section
8 15.114."

TOM VILSACK

S—3429

- 1 Amend House File 655, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 8 the
4 following:
5 "Starting in the fiscal year beginning July 1,
6 1997, the department shall annually study the effects
7 supplementing horse race purses with a percentage of
8 annual adjusted gross receipts received from gambling
9 games pursuant to section 99F.6 has on thoroughbred
10 breeders and owners in Iowa. The department shall
11 file a report providing the findings of the study to
12 the general assembly no later than January 15 of each
13 year starting in the fiscal year beginning July 1,
14 1998."
15 2. Page 16, by inserting after line 15 the
16 following:
17 "Sec. ____ Section 99F.6, subsection 4, paragraph
18 a, Code 1997, is amended to read as follows:
19 a. Before a license is granted, the division of
20 criminal investigation of the department of public
21 safety shall conduct a thorough background
22 investigation of the applicant for a license to

23 operate a gambling game operation on an excursion
24 gambling boat. The applicant shall provide
25 information on a form as required by the division of
26 criminal investigation. A qualified sponsoring
27 organization licensed to operate gambling games under
28 this chapter shall distribute the receipts of all
29 gambling games, less reasonable expenses, charges,
30 taxes, fees, and deductions allowed under this
31 chapter, as winnings to players or participants or
32 shall distribute the receipts for educational, civic,
33 public, charitable, patriotic, or religious uses as
34 defined in section 99B.7, subsection 3, paragraph "b".
35 However, if a licensee who is also licensed to conduct
36 pari-mutuel wagering at a horse racetrack has unpaid
37 debt from the pari-mutuel racetrack operations, the
38 first receipts of the gambling games operated within
39 the racetrack enclosure less reasonable operating
40 expenses, taxes, and fees allowed under this chapter
41 shall be first used to pay the annual indebtedness.
42 The commission shall authorize, subject to the debt
43 payments for horse racetracks and the provisions of
44 paragraph "b" for dog racetracks, a licensee who is
45 also licensed to conduct pari-mutuel dog or horse
46 racing to use receipts from gambling games within the
47 racetrack enclosure to supplement purses for races
48 particularly for Iowa-bred horses pursuant to an
49 agreement which shall be negotiated between the
50 licensee and representatives of the dog or horse

Page 2

1 owners. For a licensee who is also licensed to
2 conduct pari-mutuel horse racing, the supplement to
3 the horse race purses shall be an amount equal to
4 fifteen percent of the annual adjusted gross receipts
5 received from gambling games and, of the total sum
6 allocated to supplement horse race purses, twenty
7 percent shall be used to supplement the purses of
8 Iowa-bred horses. A qualified sponsoring organization
9 shall not make a contribution to a candidate,
10 political committee, candidate's committee, state
11 statutory political committee, county statutory
12 political committee, national political party, or
13 fund-raising event as these terms are defined in
14 section 56.2. The membership of the board of
15 directors of a qualified sponsoring organization shall
16 represent a broad interest of the communities."
17 3. By renumbering as necessary.

JACK RIFE

S-3430

- 1 Amend Senate File 533 as follows:
 2 1. Page 4, by inserting after line 28 the
 3 following:
 4 "In addition to moneys appropriated in this
 5 subsection, the executive council is authorized, in
 6 its discretion, to disburse from the civil reparations
 7 trust fund created in section 668A.1 an additional
 8 amount, not to exceed \$450,000, to the department of
 9 justice for use as legal services for persons in
 10 poverty grants as provided in section 13.34."

O. GENE MADDOX
 DERRYL McLAREN
 MARY LOU FREEMAN
 MAGGIE TINSMAN
 MARY A. LUNDBY
 ROBERT E. DVORSKY
 NANCY BOETTGER
 ANDY McKEAN
 MARY E. KRAMER
 TOM FLYNN

S-3431

- 1 Amend House File 597, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 8, by striking the words "the
 4 sixth grade" and inserting the following: "the
 5 compulsory attendance age under section 299.1A".
 6 2. Page 2, line 27, by striking the words "the
 7 sixth grade" and inserting the following: "the
 8 compulsory attendance age under section 299.1A".
 9 3. Page 5, lines 21 and 22, by striking the words
 10 "has not completed the sixth grade" and inserting the
 11 following: "is of compulsory attendance age under
 12 section 299.1A".
 13 4. Page 6, line 6, by striking the word "young".

TOM VILSACK

S-3432

- 1 Amend Senate File 533 as follows:
 2 1. Page 26, by inserting after line 27 the
 3 following:
 4 "Of the funds appropriated in this subsection, the
 5 division shall use such moneys as are necessary to
 6 assist the state racing and gaming commission in
 7 ensuring compliance with the purse allocation
 8 provisions of section 99F.6."

9 2. Page 30, by inserting after line 8 the
10 following:

11 "Sec. ____ Section 99F.6; subsection 4, paragraph
12 a, Code 1997, is amended to read as follows:

13 a. Before a license is granted, the division of
14 criminal investigation of the department of public
15 safety shall conduct a thorough background
16 investigation of the applicant for a license to
17 operate a gambling game operation on an excursion
18 gambling boat. The applicant shall provide
19 information on a form as required by the division of
20 criminal investigation. A qualified sponsoring
21 organization licensed to operate gambling games under
22 this chapter shall distribute the receipts of all
23 gambling games, less reasonable expenses, charges,
24 taxes, fees, and deductions allowed under this
25 chapter, as winnings to players or participants or
26 shall distribute the receipts for educational, civic,
27 public, charitable, patriotic, or religious uses as
28 defined in section 99B.7, subsection 3, paragraph "b".
29 However, if a licensee who is also licensed to conduct
30 pari-mutuel wagering at a horse racetrack has unpaid
31 debt from the pari-mutuel racetrack operations, the
32 first receipts of the gambling games operated within
33 the racetrack enclosure less reasonable operating
34 expenses, taxes, and fees allowed under this chapter
35 shall be first used to pay the annual indebtedness.
36 The commission shall authorize, subject to the debt
37 payments for horse racetracks and the provisions of
38 paragraph "b" for dog racetracks, a licensee who is
39 also licensed to conduct pari-mutuel dog or horse
40 racing to use receipts from gambling games within the
41 racetrack enclosure to supplement purses for races
42 particularly for Iowa-bred horses pursuant to an
43 agreement which shall be negotiated between the
44 licensee and representatives of the dog or horse
45 owners. For a licensee who is also licensed to
46 conduct pari-mutuel horse racing, the supplement to
47 the horse race purses shall be an amount equal to
48 fifteen percent of the annual adjusted gross receipts
49 received from gambling games and, of the total sum
50 allocated to supplement horse race purses, twenty

Page 2

1 percent shall be used to supplement the purses of
2 Iowa-bred horses. A qualified sponsoring organization
3 shall not make a contribution to a candidate,
4 political committee, candidate's committee, state
5 statutory political committee, county statutory
6 political committee, national political party, or
7 fund-raising event as these terms are defined in

- 8 section 56.2. The membership of the board of
 9 directors of a qualified sponsoring organization shall
 10 represent a broad interest of the communities.”
 11 3. By renumbering as necessary.

JACK RIFE

S—3433

- 1 Amend Senate File 533 as follows:
 2 1. Page 11, by inserting after line 28 the
 3 following:
 4 “13. It is the intent of the general assembly that
 5 the department of corrections shall implement a
 6 restorative justice plan in each correctional facility
 7 under the control of the department by July 1, 1998.”
 8 2. By renumbering as necessary.

JOHNE HAMMOND
 STEVEN D. HANSEN

S—3434

- 1 Amend Senate File 533 as follows:
 2 1. Page 11, by inserting after line 28 the
 3 following:
 4 “13. It is the intent of the general assembly that
 5 the department of corrections shall provide that
 6 inmates in correctional facilities under the control
 7 of the department shall not have access to cable
 8 television in the inmate's cell or in other areas in
 9 which inmates have access. The department of
 10 corrections may permit access to cable television in
 11 correctional facilities under the control of the
 12 department.”
 13 2. By renumbering as necessary.

BILL FINK
 MIKE CONNOLLY
 EUGENE S. FRAISE
 PATRICK J. DELUHERY
 STEVEN D. HANSEN
 JOHN P. KIBBIE
 DICK L. DEARDEN
 MATT McCOY
 MARY NEUHAUSER
 DENNIS H. BLACK
 MICHAEL E. GRONSTAL
 DON GETTINGS
 WILLIAM D. PALMER
 PATTY JUDGE
 WALLY E. HORN

S-3435

1 Amend Senate File 533 as follows:

2 1. Page 30, by inserting after line 8 the
3 following:

4 "Sec. ____ Section 331.302, subsection 2, Code
5 1997, is amended to read as follows:

6 2. A county shall not provide a penalty in excess
7 of a one hundred dollar fine or in excess of thirty
8 days imprisonment for the violation of an ordinance.
9 The criminal penalty surcharge required by section
10 911.2 and the jail, courthouse security, and detention
11 facility surcharge required by section 911A.2 shall be
12 added to a county fine and is are not a part of the
13 county's penalty.

14 Sec. ____ Section 364.3, subsection 2, Code 1997,
15 is amended to read as follows:

16 2. A city shall not provide a penalty in excess of
17 a one hundred dollar fine or in excess of thirty days
18 imprisonment for the violation of an ordinance. An
19 amount equal to ten percent of all fines collected by
20 cities shall be deposited in the account established
21 in section 602.8108. However, one hundred percent of
22 all fines collected by a city pursuant to section
23 321.236, subsection 1, shall be retained by the city.
24 The criminal penalty surcharge required by section
25 911.2 and the jail, courthouse security, and detention
26 facility surcharge required by section 911A.2 shall be
27 added to a city fine and is are not a part of the
28 city's penalty."

29 2. Page 31, by inserting after line 35 the
30 following:

31 "Sec. ____ Section 602.8107, subsection 2,
32 paragraph b, Code 1997, is amended to read as follows:

33 b. Fines or penalties and ~~criminal penalty~~
34 surcharges.

35 Sec. ____ Section 602.8107, subsection 4,
36 unnumbered paragraph 2, Code 1997, is amended to read
37 as follows:

38 This subsection does not apply to amounts collected
39 for victim restitution, the victim compensation fund,
40 criminal penalty surcharge, jail, courthouse security,
41 and detention facility surcharge, or amounts collected
42 as a result of procedures initiated under subsection 5
43 or under section 421.17, subsection 25.

44 Sec. ____ Section 805.8, subsection 1, Code 1997,
45 is amended to read as follows:

46 1. APPLICATION. Except as otherwise indicated,
47 violations of sections of the Code specified in this
48 section are scheduled violations, and the scheduled
49 fine for each of those violations is as provided in
50 this section, whether the violation is of state law or

Page 2

1 of a county or city ordinance. The criminal penalty
2 surcharge required by section 911.2 and the jail,
3 courthouse security, and detention facility surcharge
4 required by section 911A.2 shall be added to the
5 scheduled fine.

6 Sec. ____ Section 805.8, subsection 11, unnumbered
7 paragraph 1, Code 1997, is amended to read as follows:

8 For violations of section 142B.6 or 453A.2,
9 subsection 2, the scheduled fine is twenty-five
10 dollars, and is a civil penalty, and the criminal
11 penalty surcharge under section 911.2 and the jail,
12 courthouse security, and detention facility surcharge
13 under section 911A.2 shall not be added to the
14 penalty, and the court costs pursuant to section
15 805.9, subsection 6, shall not be imposed. If the
16 civil penalty assessed for a violation of section
17 142B.6 is not paid in a timely manner, a citation
18 shall be issued for the violation in the manner
19 provided in section 804.1. However, a person under
20 age eighteen shall not be detained in a secure
21 facility for failure to pay the civil penalty. The
22 complainant shall not be charged a filing fee.

23 Sec. ____ Section 902.9, unnumbered paragraph 2,
24 Code 1997, is amended to read as follows:

25 The criminal penalty surcharge required by section
26 911.2 and the jail, courthouse security, and detention
27 facility surcharge required by section 911A.2 shall be
28 added to a fine imposed on a class "C" or class "D"
29 felon, as provided by ~~that section~~ those sections, and
30 ~~is~~ are not a part of or subject to the maximums set in
31 this section.

32 Sec. ____ Section 903.1, subsection 4, Code 1997,
33 is amended to read as follows:

34 4. The criminal penalty surcharge required by
35 section 911.2 and the jail, courthouse security, and
36 detention facility surcharge required by section
37 911A.2 shall be added to a fine imposed on a
38 misdemeanor, and ~~is~~ are not a part of or subject to
39 the maximums set in this section.

40 Sec. 101. NEW SECTION. 905A.1 DEFINITIONS.

41 For the purposes of this chapter, unless the
42 context otherwise requires:

43 1. "Division" means the division of criminal and
44 juvenile justice planning of the department of human
45 rights.

46 2. "Government" means a community-based
47 correctional program as defined in section 905.1, or a
48 city, school district or accredited nonpublic school,
49 or county which expends funds for incarceration or
50 supervision of individuals charged with or convicted

Page 3

1 of a felony, an aggravated misdemeanor, or a serious
2 misdemeanor, or for crime prevention activities.

3 3. "Judicial election district" means a judicial
4 election district described in section 602.6109.

5 Sec. 102. NEW SECTION. 905A.2 LOCAL CORRECTIONS
6 INFRASTRUCTURE GRANT PROGRAM.

7 1. A local corrections infrastructure grant
8 program is created in the division. The division
9 shall adopt rules pursuant to chapter 17A as necessary
10 to administer the program in accordance with this
11 chapter. The rules shall include but are not limited
12 to provisions for auditing of grant expenditures.

13 2. The division shall develop a request for
14 proposals for the grant program and assist judicial
15 election districts in developing proposals in response
16 to the request. The division shall not accept more
17 than one proposal from a judicial election district
18 for each of the grant groupings. For the fiscal year
19 beginning July 1, 1998, grants shall be awarded in
20 accordance with this chapter in the following two
21 groupings:

22 a. Twenty-five million dollars to one or more
23 governments or groups of governments in judicial
24 election districts, divided proportionately according
25 to the judicial election districts' relative
26 proportion of the state's general population.

27 b. Nine million dollars to one or more governments
28 or groups of governments representing judicial
29 election districts, awarded according to criteria
30 developed by the task force established pursuant to
31 section 905A.3 based upon the relative amount of
32 criminal activity in the judicial election district,
33 the innovative nature of the proposal submitted by the
34 government or group of governments, and the statewide
35 need for the project proposed to be developed.

36 3. A proposal for a grant under this section is
37 subject to all of the following conditions:

38 a. A judicial election district may combine with
39 one or more other judicial election districts in
40 developing a proposal or may propose a joint project
41 in separate proposals.

42 b. A proposal shall be for one or more
43 infrastructure or school-based crime prevention
44 projects or combination of projects relating to one or
45 more of the following purposes:

46 (1) A county jail.

47 (2) A regional or multicounty jail.

48 (3) A county juvenile detention or shelter care
49 home, including retirement of outstanding debt for
50 such a home.

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1 (4) A regional or multicounty juvenile detention
2 or shelter care home.

3 (5) A community-based correctional program
4 facility.

5 (6) A school-based crime prevention program.

6 (7) A runaway assessment center.

7 c. Grant moneys under this chapter shall not be
8 used for purposes other than infrastructure.

9 d. The division may accept or reject a proposal in
10 whole or in part.

11 e. A proposal must address the need for the
12 proposed project, degree of urgency for the project,
13 location of the project, provisions for the
14 governments within the judicial election district to
15 access the project, and the performance measures to be
16 used to evaluate the project.

17 f. The submission date for proposals under
18 subsection 2, paragraph "a" shall be on or before
19 February 16, 1998, and the submission date for
20 proposals under subsection 2, paragraph "b" shall be
21 on or before April 17, 1998. However, for good cause
22 shown, the division may extend the submission date for
23 proposals under subsection 2, paragraph "a". It is
24 the intent of the general assembly that the grant
25 award process be complete by June 30, 1998, and awards
26 made in the fiscal year beginning July 1, 1998.
27 However, the division may delay final approval of a
28 grant proposal which is approved in part while full
29 approval of the proposal is pending.

30 4. The office of the attorney general, the
31 department of education, and the university of
32 northern Iowa's criminology program shall work with
33 the division in implementing a public planning process
34 to assist the governments in judicial election
35 districts in developing a proposal, developing
36 technical assistance materials for the grant program,
37 developing the request for proposals, developing
38 proposed scoring tools, and producing model
39 performance measures and other evaluation processes
40 for grant program projects. The public planning
41 process shall include but is not limited to public
42 meetings in each of the judicial election districts.

43 Sec. 103. NEW SECTION. 905A.3 TASK FORCE.

44 1. The division shall establish and convene a
45 local corrections infrastructure grant program task
46 force to assist the division in scoring and evaluating
47 grant proposals and other assistance deemed necessary
48 by the division.

49 2. The membership of the task force shall include
50 but is not limited to representatives of the

Page 5

1 following:

- 2 a. County sheriffs.
- 3 b. Police chiefs.
- 4 c. Office of the attorney general.
- 5 d. District judges.
- 6 e. Juvenile court judges.
- 7 f. Probation officers.
- 8 g. Juvenile court officers.
- 9 h. County supervisors.
- 10 i. City council members.
- 11 j. Criminal and juvenile justice planning advisory
- 12 council.
- 13 k. Juvenile services providers.
- 14 l. Community-based correctional programs.
- 15 m. County attorneys.
- 16 n. The Iowa state police association.
- 17 o. Local school officials.
- 18 p. Other members deemed necessary by the division
- 19 or task force.

20 3. Members of the task force are eligible for
 21 reimbursement of actual and necessary expenses
 22 incurred in the performance of their official duties.
 23 The task force shall elect a chairperson and other
 24 officers deemed necessary by the task force.

25 Sec. 104. NEW SECTION. 905A.4 PAYMENT OF GRANTS.

26 A grant awarded under section 905A.2 shall be paid
 27 from the proceeds of bonds issued under section 16.177
 28 or other moneys available to the division. A project
 29 approved by the division for a grant under this
 30 chapter is deemed to be approved by the general
 31 assembly for purposes of issuing bonds under section
 32 16.177. The department of corrections shall pledge
 33 amounts in the Iowa prison infrastructure fund
 34 established under section 602.8108A as security for
 35 the payment of principal of, premium, if any, and
 36 interest on the bonds.

37 Sec. ____ NEW SECTION. 907.14 PAYMENT IN LIEU OF
 38 FINE.

39 When the court has deferred judgment the court may
 40 order the defendant to pay an amount in lieu of a fine
 41 in a case where a minimum fine would otherwise be
 42 ordered. Payments in lieu of fines shall be ordered,
 43 enforced, and administered as fines under chapter 909.

44 Sec. ____ Section 909.3, Code 1997, is amended by
 45 adding the following new subsection:

46 NEW SUBSECTION. 3. If the court orders a fine to
 47 be paid as provided by subsection 2, the court shall
 48 require the defendant to execute a mandatory wage
 49 assignment that would ensure payment of the fine
 50 within twelve months of the date the wage assignment

Page 6

1 becomes effective. The wage assignment shall be
2 enforced if the defendant fails to make payment as
3 provided in subsection 2.

4 A mandatory wage assignment executed pursuant to
5 this section is not subject to the limitation on
6 garnishment provided in sections 537.5105 and 642.21,
7 and is not subject to the limitation on assignment of
8 benefits under chapter 96 as provided in section
9 96.15. However, a wage assignment executed under this
10 subsection shall be enforced only after an order for
11 income withholding pursuant to chapter 252D or a
12 court-ordered wage assignment for purposes of support
13 is entered and enforced. A wage assignment executed
14 under this subsection shall be limited as specified in
15 15 U.S.C. § 1673(b).

16 Sec. ___, Section 909.8, Code 1997, is amended to
17 read as follows:

18 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
19 ~~CRIMINAL PENALTY SURCHARGE SURCHARGES.~~

20 The provisions of this chapter governing the
21 payment and collection of a fine, except section
22 909.3A, also apply to the payment and collection of a
23 criminal penalty surcharge imposed pursuant to chapter
24 911 and the jail, courthouse security, and detention
25 facility surcharge imposed pursuant to section 911A.2.

26 Sec. ___, Section 909.10, subsection 1, Code 1997,
27 is amended to read as follows:

28 1. As used in this section, unless the context
29 otherwise requires, "delinquent amounts" means a fine,
30 court-imposed court costs in a criminal proceeding, or
31 criminal surcharge imposed pursuant to section 911.2,
32 or jail, courthouse security, and detention facility
33 surcharge imposed pursuant to section 911A.2, which
34 remains unpaid after two years from the date that the
35 fine, court costs, or surcharge was imposed, and which
36 is not collected by the county attorney pursuant to
37 section 602.8107. However, if the fine may be paid in
38 installments pursuant to section 909.3, the fine is
39 not a delinquent amount unless the installment remains
40 unpaid after two years from the date the installment
41 was due.

42 Sec. ___, NEW SECTION. 911A.1 JAIL, COURTHOUSE
43 SECURITY, AND DETENTION FACILITY SURCHARGE
44 ESTABLISHED.

45 A jail, courthouse security, and detention facility
46 surcharge shall be levied against certain law
47 violators as provided in section 911A.2. The
48 surcharge shall be used as provided in section 911A.3.

49 Sec. ___, NEW SECTION. 911A.2 SURCHARGE.

50 When a court imposes a fine or forfeiture for a

1 violation of a state law, or of a city or county
 2 ordinance except an ordinance regulating the parking
 3 of motor vehicles, the court shall assess an
 4 additional penalty in the form of a surcharge equal to
 5 ten dollars. In the event of multiple offenses, the
 6 surcharge shall be based upon the total number of
 7 offenses. When a fine or forfeiture is suspended in
 8 whole or in part, the surcharge shall not be reduced.

9 The surcharge is subject to the provisions of
 10 chapter 909 governing the payment and collection of
 11 fines, as provided in section 909.8.

12 Sec. ____ NEW SECTION. 911A.3 DISPOSITION OF
 13 SURCHARGE.

14 1. When a court assesses a surcharge under section
 15 911A.2, notwithstanding any other provision of the
 16 Code to the contrary, proceeds from the surcharge
 17 shall be appropriated and transferred to the treasurer
 18 of the county in which the citation was issued to be
 19 deposited in the county general fund and used only for
 20 courthouse security and the improvement, expansion,
 21 operation, or construction of a jail or juvenile
 22 detention facility.

23 2. At any time and for the purposes specified in
 24 subsection 1, a county may transfer proceeds received
 25 and deposited pursuant to this section to a contiguous
 26 county or a county that has a relationship with the
 27 transferring county concerning the use of a jail or
 28 juvenile detention facility in the recipient county."

29 3. Page 33, by inserting after line 27 the
 30 following:

31 "Sec. 201. GRANT PROGRAM IMPLEMENTATION. There is
 32 appropriated from the general fund of the state to the
 33 department of human rights, division of criminal and
 34 juvenile justice planning, for the fiscal year
 35 beginning July 1, 1997, and ending June 30, 1998, the
 36 following amount, or so much thereof as is necessary,
 37 to be used for the purposes designated:

38 For technical assistance and staffing associated
 39 with the development of the local corrections
 40 infrastructure grant program enacted by this Act,
 41 including salaries, support, maintenance,
 42 miscellaneous purposes, and for not more than the
 43 following full-time equivalent positions:

44	\$	200,000
45	FTEs	2.00"

46 4. Page 34, by inserting after line 8 the
 47 following:

48 "Sections 101 through 104 and 201 of this Act,
 49 relating to local corrections infrastructure, being
 50 deemed of immediate importance, take effect upon

Page 8

- 1 enactment."
- 2 5. By renumbering as necessary.

STEVEN D. HANSEN
PATRICK J. DELUHERY
TOM FLYNN
MATT McCOY
JOHN P. KIBBIE

S—3436

- 1 Amend the amendment, S—3434, to Senate File 533 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "corrections" the following: ", to the extent
- 5 permissible by law,".

STEWART IVERSON, JR.

S—3437

- 1 Amend Senate File 329 as follows:
- 2 1. Page 2, by striking lines 4 through 12.
- 3 2. Page 2, line 21, by striking the words
- 4 "insured and insurer" and inserting the following:
- 5 "insurer, the name of the insured".
- 6 3. Page 2, by inserting after line 22 the
- 7 following:
- 8 "The insurance division shall adopt rules regarding
- 9 the contents of a financial liability coverage card to
- 10 be issued pursuant to this section. Notwithstanding
- 11 the provisions of this section, a fleet owner shall
- 12 not be required to maintain in each vehicle a
- 13 financial liability coverage card with the individual
- 14 registration number of the vehicle included on the
- 15 card. Such fleet owner shall be required to maintain
- 16 a liability coverage card in each vehicle in the fleet
- 17 including information deemed appropriate by the
- 18 commissioner of insurance."
- 19 4. Page 2, by striking lines 28 and 29 and
- 20 inserting the following: "issued shall destroy the
- 21 card."
- 22 5. Page 2, line 33, by striking the word
- 23 "citation" and inserting the following: "memorandum".
- 24 6. Page 3, by striking lines 2 through 6 and
- 25 inserting the following: "liability coverage being in
- 26 effect for the motor vehicle. Upon removing the
- 27 license plates and".
- 28 7. Page 3, lines 7 and 8 by striking the words
- 29 "issue a temporary registration permit and".

- 30 8. Page 3, lines 9 and 10 by striking the words
31 "along with a copy of the citation issued by the peace
32 officer".
- 33 9. Page 3, line 28, by striking the words "county
34 treasurer" and inserting the following: "clerk of
35 court".
- 36 10. Page 3, by striking lines 29 through 33 and
37 inserting the following: "fifty dollars. Upon
38 payment of the fine, payment of a fifteen dollar
39 administrative fee to the county treasurer, and
40 providing proof of financial liability coverage to the
41 county treasurer, the treasurer shall issue new
42 license plates and registration to the person."
- 43 11. Page 4, line 6, by striking the words "return
44 the" and inserting the following: "issue new".
- 45 12. Page 4, by striking lines 16 through 20 and
46 inserting the following: "person's license plates or
47 registration returned."
- 48 13. Page 4, by striking lines 25 through 27 and
49 inserting the following: "the motor vehicle. If the
50 motor vehicle is not".

Page 2

- 1 14. By striking page 4, line 30, through page 5,
2 line 3, and inserting the following: "section
3 321.89."
- 4 15. Page 5, by inserting after line 7 the
5 following:
6 "6A. This section does not apply to a motor
7 vehicle owned by a motor vehicle dealer licensed
8 pursuant to chapter 322."
- 9 16. Page 6, line 23, by inserting after the word
10 "dealer" the following: ", if subject to section
11 321.20B."
- 12 17. Page 7, by striking lines 10 through 16 and
13 inserting the following: "vehicle."
- 14 18. By striking page 7, line 17, through page 8,
15 line 21.
- 16 19. Page 12, by striking lines 8 through 31 and
17 inserting the following:
18 "Sec. 1001. Section 322.4, Code 1997, is amended
19 by adding the following new subsection:
20 NEW SUBSECTION. 7A. Proof that the applicant has
21 financial liability coverage as defined in section
22 321.1, except that such coverage shall be in limits of
23 not less than one hundred thousand dollars because of
24 bodily injury to or death of one person in any one
25 accident and, subject to the limit for one person,
26 three hundred thousand dollars because of bodily
27 injury to or death of two or more persons in any one
28 accident, and fifty thousand dollars because of injury

29 to or destruction of property of others in any one
30 accident.

31 Sec. 1002. Section 322.8, Code 1997, is amended by
32 adding the following new unnumbered paragraph:
33 NEW UNNUMBERED PARAGRAPH. A supplemental statement
34 shall include any change in the licensee's financial
35 liability coverage."

36 20. Page 13, by inserting after line 1 the
37 following:

38 "Sec. 1003. Section 805.8, subsection 2, Code
39 1997, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. ad. If, in connection with a motor
42 vehicle accident, a person is charged and found guilty
43 of a violation of section 321.20B, subsection 1, the
44 scheduled fine is one hundred dollars."

45 21. Page 13, line 4, by striking the word "ad"
46 and inserting the following: "af".

47 22. Page 13, by striking lines 9 through 15 and
48 inserting the following: "dollars."

49 23. Page 13, by striking lines 22 through 32.

50 24. Page 13, by striking line 34 and inserting

Page 3

1 the following: "Sections 1 through 11 and 1001
2 through 1003 of this Act take".

3 25. Page 14, lines 3 and 4, by striking the words
4 and figures "which shall be effective by October 1,
5 1997".

6 26. Page 14, by striking line 15 and inserting
7 the following:

8 "Section 14 of this Act takes effect July 1, 1999."

9 27. Page 14, line 18, by striking the word and
10 figure "through 15" and inserting the following: "and
11 1003".

12 28. Page 14, by inserting after line 20 the
13 following:

14 "Sec. __. Section 805.8, subsection 2, paragraph
15 "ad", as enacted by this Act, is amended by striking
16 the paragraph effective July 1, 1999."

17 29. Title page, by striking lines 1 through 3 and
18 inserting the following: "An Act relating to
19 financial liability coverage and registration".

20 30. By renumbering as necessary.

JOANN DOUGLAS

S-3438

1 Amend Senate File 533 as follows:

2 1. Page 33, by inserting after line 9 the

3 following:

4 "Sec. 101. 1996 Iowa Acts, chapter 1216, section
5 21, subsection 7, is amended to read as follows:

6 7. For costs associated with the training of
7 volunteer fire fighters:

8\$ 875,000

9 Notwithstanding section 8.33, moneys appropriated
10 in this subsection which remain unobligated or
11 unexpended at the close of the fiscal year shall not
12 revert to the general fund of the state but shall
13 remain available only for the purpose designated in
14 this subsection in the succeeding fiscal year."

ROBERT E. DVORSKY
O. GENE MADDOX

S—3439

1 Amend the amendment, S—3418, to House File 597, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "___ Page 1, line 2, by striking the figure "1."
7 and inserting the following:
8 "1. a."

9 ___ Page 1, by inserting after line 13 the
10 following:

11 "b. If a child whose needs are included in a cash
12 assistance grant is older than the compulsory
13 attendance age under section 299.1A and is not
14 actively completing educational requirements for
15 graduation in an accredited school or would not be
16 excepted from attendance requirements under section
17 299.2 if section 299.2 was applicable to the child,
18 the child's family shall be subject to sanction as
19 provided in this section."

20 ___ Page 1, line 16, by inserting after the word
21 "chapter" the following: "who has not completed
22 educational requirements through the sixth grade".

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

25 "___ Page 2, line 20, by inserting after the
26 word "section." the following: "A sanction shall also
27 be applied if a school truancy officer provides
28 notification to the department of human services as
29 provided in section 299.12 that a child whose needs
30 are included in a cash assistance grant under the
31 family investment program and who is older than the
32 compulsory attendance age under section 299.1A is not
33 actively completing educational requirements for
34 graduation in an accredited school or would not be

35 excepted from attendance requirements under section
36 299.2 if section 299.2 was applicable to the child."

37 ____ Page 2, by inserting after line 35 the
38 following:

39 "e. For a child subject to sanction under
40 subsection 1, paragraph "b", the child would qualify
41 for an exception to attendance requirements under
42 section 299.2 if section 299.2 was applicable to the
43 child."

44 3. Page 1, by inserting after line 13 the
45 following:

46 "____ Page 3, line 5, by inserting after the word
47 "truant" the following: "or is subject to sanction
48 under subsection 1, paragraph "b"."

49 4. Page 2, line 43, by inserting after the word
50 "services." the following: "The school truancy

Page 2

1 officer may also provide notification to the
2 department of human services as provided in section
3 239.5B that a child whose needs are included in a cash
4 assistance grant under the family investment program
5 and who is older than compulsory attendance age under
6 section 299.1A is not actively completing educational
7 requirements for graduation in an accredited school or
8 would not be excepted from attendance requirements
9 under section 299.2 if section 299.2 was applicable to
10 the child."

JOHN P. KIBBIE

S—3440

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 34, the
4 following:

5 "Sec. ____ Section 144.32, unnumbered paragraph 1,
6 Code 1997, is amended to read as follows:

7 If a person other than a funeral director, medical
8 examiner, emergency medical service, or an authorized
9 agent of a funeral or cremation establishment assumes

10 custody of a dead body or fetus, the person shall
11 secure a burial-transit permit. To be valid, the
12 burial-transit permit must be issued by the county
13 medical examiner, a funeral director, or the county
14 registrar of the county where the certificate of death
15 or fetal death was filed. The permit shall be
16 obtained prior to the removal of the body or fetus
17 from the place of death and the permit shall accompany

- 18 the body or fetus to the place of final disposition.” ~
19 2. By renumbering as necessary.

ROD HALVORSON

S-3441

- 1 Amend Senate File 500 as follows:
2 1. Page 1, by inserting after line 4 the
3 following:
4 “Sec. ____ Section 99D.9, subsection 6, Code 1997,
5 is amended to read as follows:
6 6. A licensee may shall not loan to any person
7 money or any other thing of value or permit a
8 financial institution, vendor, or other person to loan
9 money on the basis of a credit card or similar
10 instrument in person or through an electronic or
11 mechanical device including but not limited to a
12 satellite terminal as defined in section 527.2 for the
13 purpose of permitting that person to wager on any
14 race. The use of a check or debit card with overdraft
15 protection is not prohibited by this subsection.”
16 2. Page 1, by striking lines 18 through 24.
17 3. Page 3, by inserting after line 10 the
18 following:
19 “Sec. ____ Section 99F.7, subsection 9, Code 1997,
20 is amended to read as follows:
21 9. A licensee shall not loan to any person money
22 or any other thing of value or permit a financial
23 institution, vendor, or other person to loan money on
24 the basis of a credit card or similar instrument in
25 person or through an electronic or mechanical device
26 including but not limited to a satellite terminal as
27 defined in section 527.2 for the purpose of permitting
28 that person to wager on any game of chance. The use
29 of a check or debit card with overdraft protection is
30 not prohibited by this subsection.”
31 4. Page 3, by striking lines 29 through 35.
32 5. By renumbering as necessary.

ANDY McKEAN
ROD HALVORSON

S-3442

- 1 Amend Senate File 367 as follows:
2 1. Page 2, line 4, by striking the words
3 “PSYCHOLOGICALLY IMPACTED” and inserting the
4 following: “STIGMATIZED”.
5 2. Page 2, line 8, by striking the words
6 “psychologically impacted” and inserting the
7 following: “stigmatized”.

- 8 3. Page 2, line 9, by striking the words
9 "psychologically impacted" and inserting the
10 following: "stigmatized".
11 4. Page 2, line 12, by striking the word
12 "psychologically".
13 5. Page 2, line 13, by striking the word
14 "impacted" and inserting the following:
15 "stigmatized".
16 6. Page 2, line 20, by striking the words
17 "Psychologically impacted" and inserting the
18 following: "Stigmatized".
19 7. Page 2, line 25, by striking the words
20 "psychologically impacted" and inserting the
21 following: "stigmatized".
22 8. Title page, line 2, by striking the words
23 "psychologically impacted" and inserting the
24 following: "stigmatized".

MERLIN E. BARTZ
MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 132

S-3443

- 1 Amend Senate File 132, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "Sec. ____ Section 321.11, unnumbered paragraph 3,
6 Code 1997, is amended to read as follows:
7 Notwithstanding other provisions of this section to
8 the contrary, the department shall not release
9 personal information to a person, other than to an
10 officer or employee of a law enforcement agency or a
11 licensed private investigation agency or a licensed
12 security service or a licensed employee of either, if
13 the information is requested by the presentation of a
14 registration plate number. However, a law enforcement
15 agency may release the name, address, and telephone
16 number of a motor vehicle registrant to a person
17 requesting the information by the presentation of a
18 registration plate number if the law enforcement
19 agency believes that the information is necessary to
20 prevent an unlawful act. A person seeking the
21 information shall state in writing the nature of the
22 unlawful act that the person is attempting to
23 prevent."
24 2. Page 1, line 27, by striking the figure
25 "321.166" and inserting the following: "321.105".
26 3. Page 3, lines 17 and 18, by striking the words

- 27 ~~“have been are eligible to be”~~ and inserting the
28 following: “have been”.
- 29 4. Page 3, line 31, by striking the words “after
30 the expiration date of the person’s” and inserting the
31 following: “with an expired”.
- 32 5. Page 4, by inserting after line 32 the
33 following:
34 “Sec. ____ Section 321.249, Code 1997, is amended
35 to read as follows:
36 **321.249 SCHOOL ZONES.**
37 Cities and counties shall have the power to
38 establish school zones and provide for the stopping of
39 all motor vehicles approaching ~~said the school zones,~~
40 when movable stop signs have been placed in the
41 streets in ~~such the~~ cities and highways in counties at
42 the limits of the zones, ~~this notwithstanding the~~
43 provisions of any statute to the contrary. All
44 traffic-control devices provided for school zones
45 shall conform to specifications included in the manual
46 of traffic-control devices adopted by the department,
47 except the provision prohibiting the use of portable
48 or part-time stop signs.”
- 49 6. Page 11, line 22, by striking the words “the
50 person renting the vehicle to obtain”.

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- 1 7. Page 11, by inserting after line 28, the
2 following:
3 “Sec. ____ Section 321.560, Code 1997, is amended
4 by adding the following new unnumbered paragraph:
5 A person who is determined to be a habitual
6 offender while the person’s license is already revoked
7 for being a habitual offender under section 321.555
8 shall not be issued a license to operate a motor
9 vehicle in this state for a period of not less than
10 two years nor more than six years. The revocation
11 period may commence either on the date of the final
12 decision of the department under section 17A.19 or the
13 date on which the district court upholds the final
14 decision of the department, whichever occurs later, or
15 on the date the previous revocation expires.”
- 16 8. Page 12, by striking lines 7 through 15.
- 17 9. Page 15, by striking lines 15 through 26.
- 18 10. By striking page 15, line 27, through page
19 16, line 14.
- 20 11. Page 19, by striking lines 25 through 35.
- 21 12. Page 20, lines 5 through 7, by striking the
22 words “or for operating a motor vehicle on the
23 highways of this state with an expired license or
24 permit under section 321.174A”.
- 25 13. Page 20, line 7, by striking the word

- 26 "twenty" and inserting the following: "twenty one
 27 hundred".
 28 14. Page 20, line 10, by striking the word
 29 "paragraph" and inserting the following:
 30 "paragraphs".
 31 15. Page 20, by inserting after line 13, the
 32 following:
 33 "NEW PARAGRAPH. ae. For operating a motor vehicle
 34 on the highways of this state with an expired motor
 35 vehicle license pursuant to section 321.174A, the
 36 scheduled fine is twenty dollars."
 37 16. By renumbering, relettering, or redesignating
 38 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 229

S—3444

- 1 Amend Senate File 229, as amended, passed, and
 2 reprinted by the senate, as follows:
 3 1. Page 1, line 34, by inserting after the word
 4 "officer." the following: "However, this paragraph
 5 shall not apply to a violation of subsection 4,
 6 paragraph "a"."

S—3445

- 1 Amend House File 383, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 7 and inserting the
 4 following: "freeway primary, and primary highways,
 5 and highways, subject to the approval".
 6 2. Page 1, line 12, by inserting after the words
 7 "to the" the following: "interstate".
 8 3. Page 1, line 21, by inserting after the word
 9 "reconstruction." the following: "For purposes of
 10 this section, "interstate rest area" means a rest
 11 area, as defined in section 306C.10, which is located
 12 entirely on the interstate right-of-way."

MERLIN E. BARTZ

S—3446

- 1 Amend Senate File 532 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. DEPARTMENT OF EDUCATION. There is
 5 appropriated from the general fund of the state to the
 6 department of education for the fiscal year beginning
 7 July 1, 1997, and ending June 30, 1998, the following

8 amount, or so much thereof as is necessary, to be used
9 for the purposes designated:

10 For purposes of reimbursing school districts for
11 fees waived by school districts:

12 \$ 3,200,000

13 1. Moneys appropriated in this section shall be
14 allocated as follows:

15 a. One million dollars of the funds appropriated
16 shall be allocated to school districts in the
17 proportion that the basic enrollment of a district
18 bears to the sum of the basic enrollments of all
19 school districts in the state for the budget year.

20 b. Two million two hundred thousand dollars of the
21 funds appropriated shall be allocated to school
22 districts for fee waiver reimbursement based upon the
23 financial need of the school districts. A school
24 district shall qualify for reimbursement under this
25 subsection if twenty-seven percent or more of the
26 students in attendance at the school district during
27 the month of September are eligible for free or
28 reduced price meals under the federal National School
29 Lunch Act and the federal Child Nutrition Act of 1966,
30 42 U.S.C. } 1751-1785.

31 2. The allocation to each school district under
32 this section shall be made in one payment on or about
33 October 15. Prior to the receipt of funds, a school
34 district shall provide to the department of education
35 adequate assurance that it has developed or is
36 developing a fee waiver policy in accordance with
37 section 282.6 and that funds received under this
38 section will be used to defray the district cost of
39 implementing the fee waiver requirements of section
40 282.6.

41 3. Moneys received under this section shall not be
42 commingled with state aid payments made under section
43 257.16 to a school district and shall be accounted for
44 by the local school district separately from state aid
45 payments.

46 4. Payments made to school districts under this
47 section are miscellaneous income for purposes of
48 chapter 257 or are considered encumbered. Each local
49 school district shall maintain a separate listing
50 within its budget for payments received and

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1 expenditures made pursuant to this section.”

2 2. Page 2, by striking lines 20 through 22 and
3 inserting the following: “education program. The
4 ~~board of education may, in a hardship case, exempt a~~
5 ~~student from payment of the above fees. Every person,~~
6 however, who”.

7 3. Page 3, by striking lines 15 through 18.

8 4. Page 3, by inserting after line 18 the

9 following:

10 "3. The state board of education shall adopt
11 tuition and fee waiver rules that at a minimum do the
12 following:

13 a. Require the board of directors of a school
14 district to waive tuition and fees for indigent
15 families for the following:

16 (1) Driver education offered during the regular
17 school year.

18 (2) Driver education when offered by a school
19 district only as a summer school program.

20 (3) Costs associated with student participation in
21 a school-sponsored activity program if student
22 participation is not required and if fund-raising
23 activities are not available to defray the student
24 costs of participation.

25 (4) Transportation for resident pupils attending
26 public school who are not entitled to transportation
27 under section 285.1 if the school district determines
28 that the transportation is necessary for safety
29 purposes.

30 (5) Student fees included in subsection 2,
31 paragraphs "a" through "e".

32 b. Permit, at the discretion of the board of
33 directors of the school district, a full, partial, or
34 temporary waiver of fees for the following:

35 (1) Summer school tuition or summer school driver
36 education tuition when driver education is also
37 offered during the regular school year.

38 (2) Costs associated with student participation in
39 a school-sponsored activity program if student
40 participation is not required and if fund-raising
41 activities are available to defray the student costs
42 of participation.

43 (3) Transportation for resident pupils attending
44 public school who are not entitled to transportation
45 under section 285.1 if transportation is not for
46 safety purposes.

47 (4) Student fees included in subsection 2,
48 paragraphs "g" and "h".

49 c. Require that items and materials resulting from
50 a student's efforts become the property of the student

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1 unless impractical or in violation of state or federal
2 law."

3 5. By renumbering and relettering as necessary.

MIKE CONNOLLY

S-3447

- 1 Amend House File 383 as follows:
- 2 1. Page 1, line 4, by inserting before the words
- 3 "The department" the following: "1."
- 4 2. Page 1, line 8, by striking the word "After".
- 5 3. Page 1, line 9, by inserting before the word
- 6 "January" the following: "2. After".
- 7 4. Page 1, line 21, by inserting after the word
- 8 "reconstruction." the following: "This subsection is
- 9 repealed effective June 30, 2000."

MERLIN E. BARTZ

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 655

S-3448

- 1 Amend the Senate amendment, H-1611, to House File
- 2 655, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 13.
- 5 2. By renumbering as necessary.

S-3449

- 1 Amend the amendment, S-3363, to House File 707, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking line 2 and inserting the
- 5 following: "motor vehicle, except for the following:
- 6 a. One conviction or".
- 7 2. Page 2, line 7, by striking the word "a." and
- 8 inserting the following: "(1)".
- 9 3. Page 2, line 9, by striking the word "b." and
- 10 inserting the following: "(2)".
- 11 4. Page 2, by inserting before line 14 the
- 12 following:
- 13 "b. A conviction or revocation under section
- 14 321J.2 shall be deleted from the operating records
- 15 twelve years after the date of conviction or the
- 16 effective date of revocation."
- 17 5. By renumbering, relettering, and correcting
- 18 internal references as necessary.

ANDY McKEAN

S-3450

- 1 Amend the amendment, S-3363, to House File 707, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:

4 1. Page 4, by inserting before line 22 the
5 following:
6 "____. Page 7, by inserting before line 22 the
7 following:
8 "Sec. ____ Section 321J.3, Code 1997, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 3. The state department of
11 transportation, in cooperation with the judicial
12 department, shall adopt rules, pursuant to the
13 procedure in section 125.33, regarding the assignment
14 of persons ordered under section 321J.17 to submit to
15 substance abuse evaluation and treatment. The rules
16 shall be applicable only to persons other than those
17 committed to the custody of the director of the
18 department of corrections under section 321J.2. The
19 rules shall be consistent with the practices and
20 procedures of the judicial department in sentencing
21 persons to substance abuse evaluation and treatment
22 under section 321J.2. The rules shall include the
23 requirement that the treatment programs utilized by a
24 person pursuant to an order of the department meet the
25 licensure standards of the division of substance abuse
26 for the department of public health. The rules shall
27 also include provisions for payment of costs by the
28 offenders, including insurance reimbursement on behalf
29 of offenders, or other forms of funding, and shall
30 also address reporting requirements of the facility,
31 consistent with the provisions of sections 125.84 and
32 125.86. The department shall be entitled to treatment
33 information contained in reports to the department,
34 notwithstanding any provision of chapter 125 that
35 would restrict department access to treatment
36 information and records.””
37 2. By renumbering or relettering as necessary.

ANDY McKEAN

S—3451

1 Amend Senate File 367 as follows:
2 1. Page 2, line 22, by striking the words "A
3 cause" and inserting the following:
4 "Except when the broker or salesperson is working
5 solely as a buyer's agent and has knowledge about the
6 stigma, a cause".

MERLIN E. BARTZ
MARY NEUHAUSER

S—3452

1 Amend House File 577, as passed by the House, as
2 follows:

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

5 "Sec. 101. Section 543B.29, unnumbered paragraph
6 1, Code 1997, is amended to read as follows:

7 A license to practice the profession of real estate
8 broker and salesperson may be revoked or suspended, or
9 a licensee may be otherwise disciplined by the
10 commission, when the licensee is guilty of the
11 following acts or offenses:

12 Sec. 102. Section 543B.29, Code 1997, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 12. Noncompliance with the
15 appraisal requirements in chapter 543D when providing
16 an appraisal.

17 Sec. 103. Section 543B.29, unnumbered paragraph 3,
18 Code 1997, is amended to read as follows:

19 A real estate broker or salesperson who is an owner
20 or lessor of property or an employee of an owner or
21 lessor may have the broker's or salesperson's license
22 revoked or suspended, or may be otherwise disciplined
23 by the commission, for violations of this section or
24 section 543B.34, except subsections 4, 5, 6~U.~ and 9,
25 with respect to that property.

26 Sec. 104. Section 543D.1, Code 1997, is amended to
27 read as follows:

28 543D.1 SHORT TITLE.

29 This chapter shall be known and may be cited as the
30 "Iowa Voluntary Appraisal Standards and Appraiser
31 Certification Law".

32 Sec. 105. Section 543D.3, Code 1997, is amended to
33 read as follows:

34 543D.3 PURPOSES -- VOLUNTARY CERTIFICATION.

35 The purpose of this chapter is to establish
36 standards for real estate appraisals and a procedure
37 for the voluntary certification of real estate
38 appraisers.

39 ~~A person who is not a certified real estate~~
40 ~~appraiser under this chapter may appraise real estate~~
41 ~~for compensation if certification is not required by~~
42 ~~this chapter or by federal or state law, rule, or~~
43 ~~policy~~ Except as otherwise provided in this chapter,
44 only a certified appraiser, designated broker, or
45 broker associate as defined in section 543B.5 may
46 charge a fee for conducting an appraisal.

47 Sec. 106. Section 543D.4, subsections 3 and 4,
48 Code 1997, are amended to read as follows:

49 3. Each ~~A~~ real estate appraiser member of the
50 board appointed after January 1, 1992, must be a

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1 certified real estate appraiser. The governor shall
2 attempt to represent each class of certified

3 appraisers in making the appointments.

4 4. The term of each member is three years; ~~except~~
5 ~~that, of the members first appointed, two shall be~~
6 ~~appointed for two years and two shall be appointed for~~
7 ~~one year."~~

8 2. Page 1, by inserting after line 12 the
9 following:

10 "Sec. 107. **NEW SECTION. 543D.20 EXCLUSIONS FROM**
11 **APPLICABILITY OF CHAPTER.**

12 This chapter does not apply to the following:

13 1. An individual licensed under chapter 543B who
14 does not provide an appraisal, but who in the ordinary
15 course of business provides an opinion of value,
16 valuation, analysis, or a recommendation of price or
17 pricing of real estate in the pursuit of a listing,
18 when the opinion is provided to assist a potential
19 purchaser in developing a purchase offer or to provide
20 a broker's price opinion, whether or not the opinion
21 is provided for a fee. Providing an opinion pursuant
22 to this subsection is not subject to the uniform
23 standard of performance appraisal procedures.

24 2. In addition to other individuals as provided,
25 this chapter applies to a broker associate, or a
26 designated broker, as defined in section 543B.5, who
27 renders an appraisal or opinion of value, which must
28 conform to the uniform standards of professional
29 appraisal practices adopted by the appraisal
30 foundation, and for purposes other than federally
31 realted transactions as defined in Title XI of the
32 federal Financial Institutions Reform, Recovery, and
33 Enforcement Act of 1989, or as defined in the United
34 States office of management and budget circular A-129,
35 as amended, or the rules or regulations adopted
36 pursuant to that circular.

37 3. a. An employee of any of the following:

38 (1) The federal government.

39 (2) The state, or any agency, department, or
40 political subdivision of the state.

41 (3) A financial institution as defined in section
42 535A.1.

43 b. Notwithstanding paragraph "a", an employee of
44 an entity identified in paragraph "a" who also
45 practices as an independent real estate appraiser is
46 subject to this chapter and shall comply with the
47 requirements of this chapter prior to engaging in such
48 other real estate appraising.

49 Sec. 108. **EFFECTIVE DATE.** Sections 101 through
50 107 of this Act are effective July 1, 1998."

Page 3

1 3. Title page, line 1, by inserting after the
2 word "education" the following: "and other".

- 3 4. Title page, line 2, by inserting after the
4 word "appraisers" the following: ", brokers and
5 salespersons".
6 5. By renumbering as necessary.

ROBERT DVORSKY

HOUSE AMENDMENT TO
SENATE FILE 391

S-3453

- 1 Amend Senate File 391, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 4, by inserting after the word
4 "senate" the following: "in consultation with the
5 minority leader in each house".
6 2. Page 6, by striking lines 10 through 13.
7 3. By striking page 7, line 33, through page 8,
8 line 19.
9 4. Title page, lines 9 and 10, by striking the
10 words "and providing for the designation of access
11 Iowa highways."
12 5. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

S-3454

- 1 Amend Senate File 532 as follows:
2 1. Page 4, by inserting after line 24 the
3 following:
4 "Sec. ____ Section 422.12, subsection 2,
5 unnumbered paragraph 1, Code 1997, is amended to read
6 as follows:
7 A tuition credit equal to ten percent of the first
8 one thousand dollars which the taxpayer has paid to
9 others for each dependent in grades kindergarten
10 through twelve, for tuition, fees, and textbooks of
11 each dependent in attending an elementary or secondary
12 school situated in Iowa, which school is accredited or
13 approved under section 256.11, which is not operated
14 for profit, and which adheres to the provisions of the
15 federal Civil Rights Act of 1964 and chapter 216. As
16 used in this subsection, "textbooks" means books and
17 other instructional materials and equipment used in
18 elementary and secondary schools in teaching only
19 those subjects legally and commonly taught in public
20 elementary and secondary schools in this state and
21 does not include instructional books and materials
22 used in the teaching of religious tenets, doctrines,
23 or worship, the purpose of which is to inculcate those
24 tenets, doctrines, or worship, and does not include

25 books or materials for extracurricular activities
 26 including sporting events, musical or dramatic events,
 27 speech activities, driver's education, or programs of
 28 a similar nature. Notwithstanding any other
 29 provision, all other credits allowed under this
 30 section and section 422.12B shall be deducted before
 31 the tuition credit under this subsection. The
 32 department, when conducting an audit of a taxpayer's
 33 return, shall also audit the tuition tax credit
 34 portion of the tax return.

35 Sec. ____ APPLICABILITY. This Act applies
 36 retroactively to January 1, 1997, for tax years
 37 beginning on or after that date."

38 2. Title page, line 2, by inserting after the
 39 word "districts" the following: ", modifying the
 40 tuition and textbook tax credit,".

41 3. By renumbering as necessary.

STEVEN D. HANSEN
 TOM VILSACK

S—3455

1 Amend Senate File 532 as follows:

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

4 "Sec. ____ Section 422.12, subsection 2,
 5 unnumbered paragraph 1, Code 1997, is amended to read
 6 as follows:

7 A tuition credit equal to ~~ten~~ twenty percent of the
 8 first one thousand dollars which the taxpayer has paid
 9 to others for each dependent in grades kindergarten
 10 through twelve, for tuition, fees, and textbooks of
 11 each dependent in attending an elementary or secondary
 12 school situated in Iowa, which school is accredited or
 13 approved under section 256.11, which is not operated
 14 for profit, and which adheres to the provisions of the
 15 federal Civil Rights Act of 1964 and chapter 216. As
 16 used in this subsection, "textbooks" means books and
 17 other instructional materials and equipment used in
 18 elementary and secondary schools in teaching only
 19 those subjects legally and commonly taught in public
 20 elementary and secondary schools in this state and
 21 does not include instructional books and materials
 22 used in the teaching of religious tenets, doctrines,
 23 or worship, the purpose of which is to inculcate those
 24 tenets, doctrines, or worship, and does not include
 25 books or materials for extracurricular activities
 26 including sporting events, musical or dramatic events,
 27 speech activities, driver's education, or programs of
 28 a similar nature. Notwithstanding any other
 29 provision, all other credits allowed under this

30 section and section 422.12B shall be deducted before
31 the tuition credit under this subsection. The
32 department, when conducting an audit of a taxpayer's
33 return, shall also audit the tuition tax credit
34 portion of the tax return.

35 Sec. __. APPLICABILITY. This Act applies
36 retroactively to January 1, 1997, for tax years
37 beginning on or after that date."

38 2. Title page, line 2, by inserting after the
39 word "districts" the following: ", increasing the
40 tuition and textbook tax credit to twenty percent of
41 the first one thousand dollars of K through 12
42 tuition, fees, and textbook expenses, providing a
43 retroactive applicability date,".

44 3. By renumbering as necessary.

STEVEN D. HANSEN
TOM VILSACK

S-3456

1 Amend House File 577, as passed by the House, as
2 follows:

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

5 "Sec. 101. Section 543B.29, unnumbered paragraph
6 1, Code 1997, is amended to read as follows:

7 A license to practice the profession of real estate
8 broker and salesperson may be revoked or suspended, or
9 a licensee may be otherwise disciplined by the
10 commission, when the licensee is guilty of the
11 following acts or offenses:

12 Sec. 102. Section 543B.29, Code 1997, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 12. Noncompliance with the
15 appraisal requirements in chapter 543D when providing
16 an appraisal.

17 Sec. 103. Section 543B.29, unnumbered paragraph 3,
18 Code 1997, is amended to read as follows:

19 A real estate broker or salesperson who is an owner
20 or lessor of property or an employee of an owner or
21 lessor may have the broker's or salesperson's license
22 revoked or suspended, or may be otherwise disciplined
23 by the commission, for violations of this section or
24 section 543B.34, except subsections 4, 5, 6, and 9,
25 with respect to that property.

26 Sec. 104. Section 543D.1, Code 1997, is amended to
27 read as follows:

28 543D.1 SHORT TITLE.

29 This chapter shall be known and may be cited as the
30 "Iowa Voluntary Appraisal Standards and Appraiser
31 Certification Law".

32 Sec. 105. Section 543D.3, Code 1997, is amended to
33 read as follows:

34 543D.3 PURPOSES -- VOLUNTARY CERTIFICATION.

35 The purpose of this chapter is to establish
36 standards for real estate appraisals and a procedure
37 for the voluntary certification of real estate
38 appraisers.

39 ~~A person who is not a certified real estate~~
40 ~~appraiser under this chapter may appraise real estate~~
41 ~~for compensation if certification is not required by~~
42 ~~this chapter or by federal or state law, rule, or~~
43 ~~policy Except as otherwise provided in this chapter,~~
44 ~~only a certified appraiser, designated broker, or~~
45 ~~broker associate as defined in section 543B.5 may~~
46 ~~charge a fee for conducting an appraisal.~~

47 Sec. 106. Section 543D.4, subsections 3 and 4,
48 Code 1997, are amended to read as follows:

49 3. Each A real estate appraiser member of the
50 board appointed after January 1, 1992, must be a

Page 2

1 certified real estate appraiser. The governor shall
2 attempt to represent each class of certified
3 appraisers in making the appointments.

4 4. The term of each member is three years; ~~except~~
5 ~~that, of the members first appointed, two shall be~~
6 ~~appointed for two years and two shall be appointed for~~
7 ~~one year."~~

8 2. Page 1, by inserting after line 12 the
9 following:

10 "Sec. 107. **NEW SECTION. 543D.20 EXCLUSIONS FROM**
11 **APPLICABILITY OF CHAPTER.**

12 This chapter does not apply to the following:

13 1. An individual licensed under chapter 543B who
14 does not provide an appraisal, but who in the ordinary
15 course of business provides an opinion of value,
16 valuation, analysis, or a recommendation of price or
17 pricing of real estate in the pursuit of a listing,
18 when the opinion is provided to assist a potential
19 purchaser in developing a purchase offer or to provide
20 a broker's price opinion, whether or not the opinion
21 is provided for a fee. Providing an opinion pursuant
22 to this subsection is not subject to the uniform
23 standard of performance appraisal procedures.

24 In addition to other individuals as provided, this
25 chapter applies to a broker associate, or a designated
26 broker, as defined in section 543B.5, who renders an
27 appraisal or opinion of value, which must conform to
28 the uniform standards of professional appraisal
29 practices adopted by the appraisal foundation, and for
30 purposes other than federally realted transactions as

31 defined in Title XI of the federal Financial
 32 Institutions Reform, Recovery, and Enforcement Act of
 33 1989, or as defined in the United States office of
 34 management and budget circular A-129, as amended, or
 35 the rules or regulations adopted pursuant to that
 36 circular.

37 2. a. An employee of any of the following:

38 (1) The federal government.

39 (2) The state, or any agency, department, or
 40 political subdivision of the state.

41 (3) A financial institution as defined in section
 42 535A.1.

43 b. Notwithstanding paragraph "a", an employee of
 44 an entity identified in paragraph "a" who also
 45 practices as an independent real estate appraiser is
 46 subject to this chapter and shall comply with the
 47 requirements of this chapter prior to engaging in such
 48 other real estate appraising.

49 Sec. 108. EFFECTIVE DATE. Sections 101 through
 50 107 of this Act are effective July 1, 1998."

Page 3

1 3. Title page, line 1, by inserting after the
 2 word "education" the following: "and other".

3 4. Title page, line 2, by inserting after the
 4 word "appraisers" the following: ", brokers and
 5 salespersons".

6 5. By renumbering as necessary.

ROBERT DVORSKY

S-3457

1 Amend House File 636, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 34, by inserting before line 15 the
 4 following:

5 "No absentee ballot application shall be
 6 preaddressed or printed with instructions to send the
 7 ballot to anyone other than the voter."

8 2. Page 34, by inserting before line 15 the
 9 following:

10 "Sec. ____ Section 53.8, subsection 1, Code 1997,
 11 is amended to read as follows:

12 1. Upon receipt of an application for an absentee
 13 ballot and immediately after the absentee ballots are
 14 printed, the commissioner shall mail an absentee
 15 ballot to the applicant within twenty-four hours,
 16 except as otherwise provided in subsection 3. The
 17 ballot shall be mailed to the applicant at the address
 18 listed on the applicant's voter registration, unless

19 the applicant indicates that the applicant is away
 20 from the county. The absentee ballot shall be
 21 enclosed in an unsealed envelope bearing a serial
 22 number and affidavit. The absentee ballot and
 23 unsealed envelope shall be enclosed in or with a
 24 carrier envelope which bears the same serial number as
 25 the unsealed envelope. The absentee ballot, unsealed
 26 envelope, and carrier envelope shall be enclosed in a
 27 third envelope to be sent to the registered voter."

28 3. Page 34, by inserting before line 15 the
 29 following:

30 "Sec. . NEW SECTION. 53.9 PROHIBITED PERSONS.

31 No person required to file reports under chapter
 32 56, and no person acting as an actual or implied agent
 33 for a person required to file reports under chapter
 34 56, shall receive absentee ballots on behalf of
 35 voters."

36 4. By renumbering as necessary.

ALLEN BORLAUG
 DICK L. DEARDEN

S—3458

1 Amend the amendment, S—3421, to Senate File 236 as
 2 amended, passed, and reprinted by the Senate as
 3 follows:

4 1. Page 1, line 10, by striking the word
 5 "unchanged." and inserting the following:
 6 "unchanged."

7 2. Page 1, by inserting after line 10, the
 8 following:

9 "NEW PARAGRAPH. r. The conversion of an existing
 10 number of beds by an intermediate care facility for
 11 persons with mental retardation to a smaller facility
 12 environment, including but not limited to a community-
 13 based environment which does not result in an
 14 increased number of beds, notwithstanding any
 15 provision in this division to the contrary, including
 16 subsection 4, if all of the following conditions
 17 exist:

18 (1) The intermediate care facility for persons
 19 with mental retardation reports the number and type of
 20 beds to be converted on a form prescribed by the
 21 department at least thirty days before the conversion.

22 (2) The intermediate care facility for persons
 23 with mental retardation reports the conversion of beds
 24 on its next annual report to the department."

NANCY BOETTGER
 MAGGIE TINSMAN

S—3459

1 Amend House File 662, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, line 7, by striking the words "to the
4 clerk of court".

5 2. Page 6, line 23, by striking the word
6 "application" and inserting the following:
7 "assessment".

8 3. Page 6, lines 24 and 25, by striking the words
9 "the filing of the affidavit of financial status" and
10 inserting the following: "determination of
11 indigency".

12 4. Page 6, line 26, by striking the word
13 "application" and inserting the following:
14 "assessment".

15 5. Page 6, lines 27 and 28, by striking the words
16 "application is filed" and inserting the following:
17 "determination of indigency is made".

18 6. Page 6, line 31, by striking the word
19 "application" and inserting the following:
20 "assessment".

21 7. By striking page 6, line 33, through page 7,
22 line 10, and inserting the following:

23 "c. Before legal assistance is granted, the".

24 8. Page 7, by striking lines 13 through 17 and
25 inserting the following: "assistance. If the court
26 determines that the assessment fee should be assessed
27 at the time fixed by the court for pronouncement of
28 judgment and sentence, the order appointing counsel
29 shall".

30 9. Page 7, line 18, by inserting after the word
31 "determination," the following: "At the time fixed by
32 the court for pronouncement of judgment and
33 sentencing, the court shall verify that the assessment
34 fee has been paid or has been waived by the court. If
35 the fee has not been paid or waived the court shall
36 include the amount of the assessment fee in any orders
37 for payment of restitution and may order that any
38 posted cash bond be forfeited in an amount sufficient
39 to pay the assessment fee."

40 10. Page 9, by striking lines 8 through 11 and
41 inserting the following: "By".

42 11. By renumbering as necessary.

O. GENE MADDIX

S—3460

1 Amend House File 685, as passed by the House, as
2 follows:

3 1. Page 1, line 1, by striking the word

- 4 "MOTORCYCLE".
- 5 2. Page 1, line 3, by striking the word
6 "motorcycles" and inserting the following: "motor
7 vehicles".
- 8 3. Page 1, line 4, by striking the word and
9 figure "chapter 322D" and inserting the following:
10 "this chapter".
- 11 4. Title page, line 1, by striking the word
12 "motorcycle" and inserting the following: "motor
13 vehicle".

H. KAY HEDGE

S—3461

- 1 Amend House File 330, as passed by the House, as
2 follows:
- 3 1. Page 1, by striking lines 16 and 17 and
4 inserting the following: "The funds generated from
5 the checkoff are appropriated to the department of
6 justice and shall be used by the crime victim
7 assistance division for the".
- 8 2. Title page, line 2, by inserting after the
9 word "services" the following: ", making an
10 appropriation,".

LARRY McKIBBEN

HOUSE AMENDMENT TO
SENATE FILE 193

S—3462

- 1 Amend Senate File 193 as passed by the Senate as
2 follows:
- 3 1. Page 1, line 4, by striking the word "each"
4 and inserting the following: "each".
- 5 2. Page 1, line 5, by striking the word
6 "October".
- 7 3. Page 1, line 17, by striking the word "shall"
8 and inserting the following: "shall may".
- 9 4. Page 1, line 19, by striking the words
10 "October election date" and inserting the following:
11 "next annual election".
- 12 5. Page 1, line 29, by striking the words "in
13 September October" and inserting the following: "in
14 September".

HOUSE AMENDMENT TO
SENATE FILE 123

S-3463

1 Amend Senate File 123, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 20 through 22 and
4 inserting the following: "problems with chronic
5 runaway children in the county. The plan shall
6 identify the problems with".

7 2. Page 1, by striking lines 25 through 28 and
8 inserting the following: "a runaway assessment and
9 counseling center."

S-3464

1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 2 through 32, and
4 inserting the following:

5 "2. a. A contribution shall be deposited in the
6 account maintained by the committee within thirty days
7 of initial receipt of the contribution by the
8 candidate or the committee. An individual who
9 receives contributions for a committee without the
10 prior authorization of the chairperson of the
11 committee or the candidate shall be responsible for
12 either rendering the contributions to the treasurer
13 ~~within fifteen days of the date of receipt of the~~
14 contributions, who shall deposit the contribution in
15 the account maintained by the committee, or for
16 depositing the contributions in the account maintained
17 by the committee within seven days of the date of
18 receipt of the contributions, but the contribution
19 must be deposited within the thirty-day period.

20 b. A person who receives contributions for a
21 committee shall, ~~not later than fifteen days from the~~
22 ~~date of receipt of the contributions or on demand of~~
23 ~~the treasurer,~~ render to the treasurer the
24 contributions and an account of the total of all
25 contributions, including the name and address of each
26 person making a contribution in excess of ten dollars,
27 the amount of the contributions, and the date on which
28 the contributions were received. ~~The treasurer shall~~
29 ~~deposit all contributions within seven days of receipt~~
30 ~~by the treasurer in an account maintained by the~~
31 ~~committee.~~

32 c. All funds of a committee shall be segregated
33 from any other funds held by officers, members, or
34 associates of the committee or the committee's
35 candidate. However, if a candidate's committee

36 receives contributions only from the candidate, or if
37 a permanent organization temporarily engages in
38 activity which qualifies it as a political committee
39 and all expenditures of the organization are made from
40 existing general operating funds and funds are not
41 solicited or received for this purpose from sources
42 other than operating funds, then that committee is not
43 required to maintain a separate account in a financial
44 institution.

45 d. The funds of a committee are not attachable for
46 the personal debt of the committee's candidate or an
47 officer, member, or associate of the committee."

48 2. Page 4, by striking lines 16 through 25, and
49 inserting the following:

50 "f. ~~The total amount of proceeds~~ Proceeds from any

Page 2

1 fund-raising event. ~~Contributions and sales at fund-~~
2 ~~raising events which involve the sale of a product~~
3 ~~acquired at less than market value and sold for an~~
4 ~~amount of money in excess of the amount specified in~~
5 ~~paragraph "b" of this subsection shall be designated~~
6 ~~separately from reported with other monetary~~
7 ~~contributions reported under paragraph "b".~~ Products
8 donated for sale at the fund-raising event shall be
9 reported with other in-kind and monetary contributions
10 and the report shall include the name and address of
11 the donor, a description of the product, the market
12 value of the product, the sales price of the product,
13 and the name and address of the purchaser reported
14 under paragraph "d"."

15 3. Page 5, by striking lines 23 through 31, and
16 inserting the following:

17 "1. A candidate and the candidate's committee
18 shall use campaign funds only for campaign purposes,
19 educational and other expenses associated with the
20 duties of office, or constituency services, and shall
21 not use campaign funds for personal expenses or
22 personal benefit. ~~The purchase of subscriptions to~~
23 ~~newspapers from or which circulate within the area~~
24 ~~represented by the office which a candidate is seeking~~
25 ~~or holds is presumed to be an expense that is~~
26 ~~associated with the duties of the campaign for and~~
27 ~~duties of office. The candidate and the candidate's~~
28 committee shall, in reports filed with the board,
29 explain each expenditure of funds, but need not
30 categorize each expenditure as for campaign purposes,
31 educational expense, an expense associated with the
32 duties of office, or for constituency services. Board
33 review of the explanations pursuant to section
34 68B.32A, subsection 3, shall be limited to confirming

- 35 that the explanation describes a permitted use of
36 campaign funds under this division.
37 4. Page 5, by striking lines 32 and 33.
38 5. Page 9, lines 22 and 23, by striking the words
39 "rules adopted by" and inserting the following:
40 "rules, policies, and procedures of".
41 6. By renumbering, relettering, redesignating, or
42 correcting internal references as necessary.

RODNEY HALVORSON

HOUSE AMENDMENT TO
SENATE FILE 253

S-3465

- 1 Amend Senate File 253, as passed by the Senate, as
2 follows:
3 1. Page 1, lines 13 and 14, by striking the words
4 "place where veterinary medicine is practiced" and
5 inserting the following: "business engaged in the
6 practice of veterinary medicine".
7 2. Page 1, by inserting before line 15 the
8 following:
9 "Sec. ____ Section 169.3, subsection 10,
10 unnumbered paragraph 1, Code 1997, is amended to read
11 as follows:
12 "Practice of veterinary medicine" or "veterinary
13 medical services" means any of the following:"
14 3. Page 2, by striking lines 4 through 22 and
15 inserting the following:
16 "169.4A PROVISION OF VETERINARY SERVICES.
17 A person, including a corporation, limited
18 liability company, or partnership, established on or
19 after July 1, 1994, but prior to the effective date of
20 this Act, other than either a professional corporation
21 organized under chapter 496C or a veterinarian
22 licensed under this chapter, shall not provide
23 veterinary medical services, own a veterinary clinic,
24 or practice in this state, except as otherwise
25 provided in this chapter. However, this section shall
26 not prohibit a person from owning an interest in real
27 property or a building where a clinic is located, if
28 veterinary medical services or a practice is conducted
29 by the clinic by a professional corporation or a
30 veterinarian licensed under this chapter."
31 4. Page 2, line 28, by striking the word "own"
32 and inserting the following: "expand".
33 5. Page 2, line 28, by striking the word
34 "lease".
35 6. Page 3, by inserting after line 3 the
36 following:

37 " _____. Relocating a clinic or expanding the size of
 38 an existing clinic on the same premises. However,
 39 this paragraph shall not allow the person to increase
 40 the number of clinics or the number of premises where
 41 clinics are located.

42 _____. An animal shelter or pound as defined in
 43 section 162.2, if the animal shelter or pound engages
 44 a licensed veterinarian or the holder of a temporary
 45 permit issued by the board pursuant to section 169.11,
 46 in order to practice veterinary medicine at the animal
 47 shelter or pound."

48 7. Page 3, line 16, by striking the word "may"
 49 and inserting the following: "shall".

50 8. Page 3, line 18, by inserting after the word

Page 2

1 "clinic" the following: ", as provided in rules which
 2 shall be adopted by the board pursuant to chapter
 3 17A".

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

6 "Sec. _____. Section 169.5, Code 1997, is amended by
 7 adding the following new subsection:

8 NEW SUBSECTION. 10. A person who owns a clinic,
 9 but who, on or after the effective date of this Act,
 10 is prohibited from establishing, purchasing, or
 11 acquiring a legal or equitable interest in a clinic as
 12 provided in section 169.4B, shall be subject to the
 13 same standards of conduct, as provided in this chapter
 14 and rules adopted by the board, as apply to a licensed
 15 veterinarian, unless the board determines that a
 16 standard of conduct is inapplicable. The board may
 17 issue, renew, or deny the issuance or renewal of a
 18 certificate, adopt, amend, or repeal rules relating to
 19 the standards of conduct; and take disciplinary action
 20 against the person, including suspension or revocation
 21 of a certificate which shall be in accord with section
 22 169.14."

23 10. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 503

S-3466

1 Amend Senate File 503, 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. 124.401C MANUFACTURING

6 METHAMPHETAMINE IN PRESENCE OF MINORS.

7 1. In addition to any other penalties provided in
8 this chapter, a person who is eighteen years of age or
9 older and who either directly or by extraction from
10 natural substances, or independently by means of
11 chemical processes, or both, unlawfully manufactures
12 methamphetamine, its salts, isomers, and salts of its
13 isomers in the presence of a minor shall be sentenced
14 up to an additional term of confinement of five years.

15 2. For purposes of this section, the term "in the
16 presence of a minor" shall mean, but is not limited
17 to, any of the following:

18 a. When a minor is physically present during the
19 activity.

20 b. When the activity is conducted in the residence
21 of a minor.

22 c. When the activity is conducted in a building
23 where minors can reasonably be expected to be present.

24 d. When the activity is conducted in a room
25 offered to the public for overnight accommodation.

26 e. When the activity is conducted in any multiple-
27 unit residential building.

28 Sec. 2. Section 728.1, Code 1997, is amended by
29 adding the following new subsection:

30 **NEW SUBSECTION. 5A.** "Place of business" means the
31 premises of a business required to obtain a sales tax
32 permit pursuant to chapter 422, the premises of a
33 nonprofit or not-for-profit organization, and the
34 premises of an establishment which is open to the
35 public at large or where entrance is limited by a
36 cover charge or membership requirement.

37 Sec. 3. Section 728.5, Code 1997, is amended to
38 read as follows:

39 **728.5 PUBLIC INDECENT EXPOSURE IN CERTAIN**
40 **ESTABLISHMENTS.**

41 ~~A holder of a liquor license or beer permit or any~~
42 An owner, manager, or person who exercises direct
43 control over any licensed premises defined in section
44 123.3, subsection 20 a place of business required to
45 obtain a sales tax permit shall be guilty of a serious
46 misdeemeanor under any of the following circumstances:

47 1. If such person ~~allow~~ allows or ~~permit~~ permits
48 the actual or simulated public performance of any sex
49 act upon or in such ~~licensed premises~~ place of
50 business.

Page 2

1 2. If such person ~~allow~~ allows or ~~permit~~ permits
2 the exposure of the genitals or buttocks or female
3 breast of any person who acts as a waiter or waitress.

4 3. If such person ~~allow~~ allows or ~~permit~~ permits

5 the exposure of the genitals or female breast nipple
 6 of any person who acts as an entertainer, whether or
 7 not the owner of the ~~licensed premises~~ place of
 8 business in which the activity is performed employs or
 9 pays any compensation to such person to perform such
 10 activity.

11 4. If such person ~~allow~~ allows or ~~permit~~ permits
 12 any person to remain in or upon the ~~licensed premises~~
 13 place of business who exposes to public view the
 14 person's genitals, pubic hair, or anus.

15 ~~5. If such person allow or permit the displaying~~
 16 ~~of moving pictures, films, or pictures depicting any~~
 17 ~~sex act or the display of the pubic hair, anus, or~~
 18 ~~genitals upon or in such licensed premises.~~

19 6 5. If such person advertises that any activity
 20 prohibited by this section is allowed or permitted in
 21 such ~~licensed premises~~ place of business.

22 7 6. If such person allows or permits a minor to
 23 engage in or otherwise perform in a live act intended
 24 to arouse or satisfy the sexual desires or appeal to
 25 the prurient interests of patrons. However, if such
 26 person allows or permits a minor to participate in any
 27 act included in subsections 1 through 4, the person
 28 shall be guilty of an aggravated misdemeanor.

29 ~~Provided that the~~ The provisions of this section
 30 shall not apply to a theater, concert hall, art
 31 center, museum, or similar establishment which is
 32 primarily devoted to the arts or theatrical
 33 performances and in which any of the circumstances
 34 contained in this section were permitted or allowed as
 35 part of such art exhibits or performances.

36 Sec. 4. Section 728.8, Code 1997, is amended to
 37 read as follows:

38 728.8 SUSPENSION OF LICENSES OR PERMITS.

39 Any person who knowingly permits a violation of
 40 section 728.2, 728.3, or 728.5, subsection 7 6, to
 41 occur on premises under the person's control shall
 42 have all permits and licenses issued to the person
 43 under state or local law as a prerequisite for doing
 44 business on such premises revoked for a period of six
 45 months. The county attorney shall notify all agencies
 46 responsible for issuing licenses and permits of any
 47 conviction under section 728.2, 728.3, or 728.5,
 48 subsection 7 6.

49 Sec. 5. Section 907.2, unnumbered paragraph 2,
 50 Code 1997, is amended to read as follows:

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1 Probation officers employed by the judicial
 2 district department of correctional services, while
 3 performing the duties prescribed by that department,

4 are peace officers. Probation officers shall
5 investigate all persons referred to them for
6 investigation by the director of the judicial district
7 department of correctional services which employs
8 them. They shall furnish to each person released
9 under their supervision or committed to a community
10 corrections residential facility operated by the
11 judicial district department of correctional services,
12 a written statement of the conditions of probation or
13 commitment. They shall keep informed of each person's
14 conduct and condition and shall use all suitable
15 methods prescribed by the judicial district department
16 of correctional services to aid and encourage the
17 person to bring about improvements in the person's
18 conduct and condition. Probation officers shall keep
19 records of their work and, unless section 907.8A
20 applies, shall make reports to the court when alleged
21 violations occur and within no less than thirty days
22 before the period of probation will expire. If
23 section 907.8A applies, the probation officers shall
24 make the reports of alleged violations to the
25 administrative parole and probation judge within no
26 less than thirty days before the period of probation
27 will expire. Probation officers shall coordinate
28 their work with other social welfare agencies which
29 offer services of a corrective nature operating in the
30 area to which they are assigned.

31 Sec. 6. Section 907.7, unnumbered paragraphs 1 and
32 2, Code 1997, are amended to read as follows:

33 The length of the probation shall be for such term
34 as the court may shall fix but not to exceed five
35 years if the offense is a felony or not to exceed two
36 years if the offense is a misdemeanor.

37 The length of the probation shall not be less than
38 one year if the offense is a misdemeanor and shall not
39 be less than two years if the offense is a felony.
40 However, the court or the administrative parole and
41 probation judge, if section 907.8A applies, may
42 subsequently reduce the length of the probation if the
43 court or the administrative parole and probation judge
44 determines that the purposes of probation have been
45 fulfilled. The purposes of probation are to provide
46 maximum opportunity for the rehabilitation of the
47 defendant and to protect the community from further
48 offenses by the defendant and others.

49 Sec. 7. Section 907.8, unnumbered paragraph 3,
50 Code 1997, is amended to read as follows:

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1 Jurisdiction of Except as otherwise provided in
2 section 907.8A, the court shall retain jurisdiction
3 over these persons shall remain with the sentencing

4 court. Jurisdiction may be transferred to a court in
5 another jurisdiction, or to the administrative parole
6 and probation judge under section 907.8A, if a
7 person's probation supervision is transferred to a
8 judicial district department of correctional services
9 in a district other than the district in which the
10 person was sentenced.

11 Sec. 8. NEW SECTION. 907.8A SIXTH JUDICIAL
12 DISTRICT -- DETERMINATION OF ISSUES DURING
13 PROBATIONARY PERIOD.

14 1. Except for those persons who are granted a
15 deferred judgment or deferred sentence, for each
16 adult, and each juvenile who has been prosecuted,
17 convicted, and sentenced as an adult, who is released
18 on probation by the court in the sixth judicial
19 district, the jurisdiction of the sentencing court
20 shall cease upon approval by the sentencing court of
21 the conditions established by the judicial district
22 department of correctional services. If a person is
23 granted a deferred judgment or deferred sentence,
24 jurisdiction shall be retained by the court.

25 2. All issues relating to whether the probationer
26 has violated or fulfilled the terms and conditions of
27 probation, including but not limited to express
28 violations of a specific term of probation, new
29 violations of the law, and changes of the term of
30 probation as provided in sections 907.7, 908.11, and
31 910.4, which would otherwise be determined by the
32 court, shall be determined instead by an
33 administrative parole and probation judge. The
34 administrative parole and probation judge, who shall
35 be an attorney, shall be appointed by the board of
36 parole, notwithstanding chapter 17A. The costs of
37 employing the administrative parole and probation
38 judge shall be borne by the board of parole.

39 A probation hearing conducted by an administrative
40 parole and probation judge shall be conducted in the
41 same manner as hearings regarding revocations or
42 modifications of or discharge from parole. The
43 hearing may be conducted electronically. The
44 probation officer shall notify the county attorney at
45 least five days prior to any probation hearing. The
46 interests of the state shall be represented by the
47 probation officer at the probation hearing, unless the
48 county attorney or the county attorney's designee
49 elects to assist the probation officer. The board of
50 parole, the department of corrections, and the clerk

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1 of the district court in the sixth judicial district
2 shall devise and implement a system for the filing of

3 documents and records of probation hearings conducted
4 under this section. The system shall allow for the
5 electronic filing of records and documents where
6 electronic filing is practicable.

7 3. Appeals from orders of the administrative
8 parole and probation judge which pertain to the
9 revocations or modifications of or discharge from
10 probation shall be conducted in the manner provided in
11 rules adopted by the board of parole.

12 Sec. 9. Section 907.9, Code 1997, is amended to
13 read as follows:

14 907.9 DISCHARGE FROM PROBATION.

15 1. At Except as otherwise provided in section
16 907.8A, at any time that the court determines that the
17 purposes of probation have been fulfilled, the court
18 may order the discharge of a person from probation.

19 2. At any time that a probation officer determines
20 that the purposes of probation have been fulfilled,
21 the officer may order the discharge of a person from
22 probation after approval of the district director, and
23 notification of the sentencing court, the
24 administrative parole and probation judge if section
25 907.8A applies, and the county attorney who prosecuted
26 the case.

27 3. ~~The sentencing judge, unless the judge is no~~
28 ~~longer serving or is otherwise unable to, or, if~~
29 ~~section 907.8A applies, the administrative parole and~~
30 ~~probation judge, may order a hearing on its own~~
31 ~~motion, or shall order a hearing upon the request of~~
32 ~~the county attorney, for review of such discharge. If~~
33 ~~the sentencing judge is no longer serving or unable to~~
34 ~~order such hearing, the chief judge of the district or~~
35 ~~the chief judge's designee shall order any hearing~~
36 ~~pursuant to this section, if section 907.8A does not~~
37 ~~apply. Following the hearing, the court or the~~
38 ~~administrative parole and probation judge shall~~
39 ~~approve or rescind such discharge. If a hearing is~~
40 ~~not ordered within thirty days after notification by~~
41 ~~the probation officer, the person shall be discharged~~
42 ~~and the probation officer shall notify the state court~~
43 ~~administrator of such discharge.~~

44 4. ~~At the expiration of the period of probation,~~
45 ~~in cases where the court fixes the term of probation,~~
46 ~~the court or, if section 907.8A applies, the~~
47 ~~administrative parole and probation judge, shall order~~
48 ~~the discharge of the person from probation, and the~~
49 ~~court or administrative parole and probation judge~~
50 ~~shall forward to the governor a recommendation for or~~

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1 against restoration of citizenship rights to that
2 person. A person who has been discharged from

3 probation shall no longer be held to answer for the
4 person's offense. Upon discharge from probation, if
5 judgment has been deferred under section 907.3, the
6 court's criminal record with reference to the deferred
7 judgment shall be expunged. The record maintained by
8 the state court administrator as required by section
9 907.4 shall not be expunged. The court's record shall
10 not be expunged in any other circumstances.

11 5. A probation officer or the director of the
12 judicial district department of correctional services
13 who acts in compliance with this section is acting in
14 the course of the person's official duty and is not
15 personally liable, either civilly or criminally, for
16 the acts of a person discharged from probation by the
17 officer after such discharge, unless the discharge
18 constitutes willful disregard of the person's duty.

19 Sec. 10. Section 908.11, Code 1997, is amended to
20 read as follows:

21 908.11 VIOLATION OF PROBATION.

22 1. A probation officer or the judicial district
23 department of correctional services having probable
24 cause to believe that any person released on probation
25 has violated the conditions of probation shall proceed
26 by arrest or summons as in the case of a parole
27 violation.

28 2. The Except as otherwise provided in sections
29 907.8 and 907.8A, the functions of the liaison officer
30 and the board of parole shall be performed by the
31 judge or magistrate who placed the alleged violator on
32 probation if that judge or magistrate is available,
33 otherwise by another judge or magistrate who would
34 have had jurisdiction to try the original offense.

35 3. If the probation officer proceeds by arrest and
36 section 907.8A does not apply, any magistrate may
37 receive the complaint, issue an arrest warrant, or
38 conduct the initial appearance and probable cause
39 hearing if it is not convenient for the judge who
40 placed the alleged violator on probation to do so.
41 The initial appearance, probable cause hearing, and
42 probation revocation hearing, or any of them, may at
43 the discretion of the court be merged into a single
44 hearing when it appears that the alleged violator will
45 not be prejudiced thereby by the merger.

46 4. If the person who is believed to have violated
47 the conditions of probation was sentenced and placed
48 on probation in the sixth judicial district under
49 section 907.8A, or jurisdiction over the person was
50 transferred to the sixth judicial district as a result

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1 of transfer of the person's probation supervision, the
2 functions of the liaison officer and the board of

3 parole shall be performed by the administrative parole
4 and probation judge as provided in section 907.8A.

5 5. If the probation officer proceeds by arrest and
6 section 907.8A applies, the administrative parole and
7 probation judge may receive the complaint, issue an
8 arrest warrant, or conduct the initial appearance and
9 probable cause hearing. The initial appearance,
10 probable cause hearing, and probation revocation
11 hearing, or any of them, may, at the discretion of the
12 administrative parole and probation judge, be merged
13 into a single hearing when it appears that the alleged
14 violation will not be prejudiced by the merger.

15 6. If the violation is established, the court or
16 the administrative parole and probation judge may
17 continue the probation with or without an alteration
18 of the conditions of probation. If the defendant is
19 an adult the court may hold the defendant in contempt
20 of court and sentence the defendant to a jail term
21 while continuing the probation, order the defendant to
22 be placed in a violator facility established pursuant
23 to section 904.207 while continuing the probation, or
24 revoke the probation and require the defendant to
25 serve the sentence imposed or any lesser sentence,
26 and, if imposition of sentence was deferred, may
27 impose any sentence which might originally have been
28 imposed. The administrative parole and probation
29 judge may revoke the probation and require the
30 defendant to serve the sentence which was originally
31 imposed. The administrative parole and probation
32 judge may grant credit against the sentence, for any
33 time served while the defendant was on probation. The
34 order of the administrative parole and probation judge
35 shall become a final decision, unless the defendant
36 appeals the decision to the board of parole within the
37 time provided in rules adopted by the board. The
38 appeal shall be conducted pursuant to rules adopted by
39 the board and the record on appeal shall be the record
40 made at the hearing conducted by the administrative
41 parole and probation judge.

42 **Sec. 11. NEW SECTION. 910.3B RESTITUTION FOR**
43 **DEATH OF VICTIM.**

44 **1. In all criminal cases in which the offender is**
45 **convicted of a felony in which the act or acts**
46 **committed by the offender caused the death of another**
47 **person, in addition to the amount determined to be**
48 **payable and ordered to be paid to a victim for**
49 **pecuniary damages, as defined under section 910.1, and**
50 **determined under section 910.3, the court shall also**

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1 order the offender to pay at least one hundred fifty
2 thousand dollars in restitution to the victim's

3 estate. The obligation to pay the additional amount
4 shall not be dischargeable in any proceeding under the
5 federal Bankruptcy Act. Payment of the additional
6 amount shall have the same priority as payment of a
7 victim's pecuniary damages under section 910.2, in the
8 offender's plan for restitution.

9 2. An award under this section does not preclude
10 or supersede the right of a victim's estate to bring a
11 civil action against the offender for damages arising
12 out of the same facts or event. However, no evidence
13 relating to the entry of the judgment against the
14 offender pursuant to this section or the amount of the
15 award ordered pursuant to this section, shall be
16 permitted to be introduced in any civil action for
17 damages arising out of the same facts or event.

18 3. An offender who is ordered to pay a victim's
19 estate under this section is precluded from denying
20 the elements of the felony offense which resulted in
21 the order for payment in any subsequent civil action
22 for damages arising out of the same facts or event.

23 Sec. 12. Sections 906.16, 908.4, 908.5, 908.6,
24 908.7, 908.10, and 908.10A, Code 1997, are amended by
25 striking from the sections the words "administrative
26 parole judge" and inserting in lieu thereof the words
27 "administrative parole and probation judge".

28 Sec. 13. EFFECTIVE DATE. Sections 2 through 4 of
29 this Act, being deemed of immediate importance, take
30 effect upon enactment."

31 2. Title page 1, by striking lines 5 through 15
32 and inserting the following: "establishments,
33 authorizing probation supervision and".

34 3. Title page 1, by striking lines 17 and 18 and
35 inserting the following: "the sixth judicial
36 district, providing".

S—3467

1 Amend the amendment S—3333, to House File 121 as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "___Page 1, by striking lines 1 and 2."

7 2. Page 1, by striking lines 9 through 11 and
8 inserting the following:

9 "___ Page 3, by striking line 13 and inserting
10 the following: "grandparent or an aunt or uncle of
11 the pregnant minor in lieu".

12 ___ Page 3, lines 16 and 17, by striking the
13 words "~~or an aunt or uncle~~" and inserting the
14 following: "or an aunt or uncle".

15 ___ Page 3, by striking lines 21 through 24 and

16 inserting the following:

17 "(i) A declaration which informs the grandparent
18 or the aunt or uncle of the pregnant minor that the
19 grandparent or aunt or uncle of the pregnant minor may
20 be subject to civil action if the grandparent or aunt
21 or uncle accepts".

22 ____ Page 3, line 26, by striking the words "~~or~~
23 ~~aunt or uncle~~" and inserting the following: "or aunt
24 or uncle".

25 3. Page 1, by striking lines 13 through 15 and
26 inserting the following:

27 "____ Page 5, by striking lines 16 and 17 and
28 inserting the following: "notification document
29 mailed to a parent, grandparent, or aunt or uncle of
30 the pregnant minor under this chapter, a".

31 4. Page 1, by striking lines 16 through 21 and
32 inserting the following:

33 "____ Page 5, line 27, by striking the words "~~or~~
34 ~~aunt or uncle~~" and inserting the following: "or aunt
35 or uncle".

36 5. Page 1, by striking lines 22 through 24 and
37 inserting the following:

38 "____ Page 6, by striking lines 7 and 8 and
39 inserting the following: "necessary for notification
40 of a parent, grandparent, or aunt or uncle of a
41 pregnant minor who is designated to receive".

42 6. By renumbering as necessary.

ROD HALVORSON

S-3468

1 Amend House File 121, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 and 2.

4 2. Page 3, by striking line 13 and inserting the
5 following: "grandparent or an aunt or uncle of the
6 pregnant minor in lieu".

7 3. Page 3, lines 16 and 17, by striking the words
8 "~~or an aunt or uncle~~" and inserting the following:
9 "or an aunt or uncle".

10 4. Page 3, by striking lines 21 through 24 and
11 inserting the following:

12 "(i) A declaration that informs the grandparent or
13 the aunt or uncle of the pregnant minor that the
14 grandparent or aunt or uncle of the pregnant minor may
15 be subject to civil action if the grandparent or aunt
16 or uncle accepts".

17 5. Page 3, line 26, by striking the words "~~or~~
18 ~~aunt or uncle~~" and inserting the following: "or aunt
19 or uncle".

20 6. Page 5, by striking lines 16 and 17 and

21 inserting the following: "notification document
 22 mailed to a parent, grandparent, or aunt or uncle of
 23 the pregnant minor under this chapter, a".
 24 7. Page 5, line 27, by striking the words "~~or~~
 25 ~~aunt or uncle~~" and inserting the following: "or aunt
 26 or uncle".
 27 8. Page 6, by striking lines 7 and 8 and
 28 inserting the following: "necessary for notification
 29 of the parent, grandparent, or aunt or uncle of a
 30 pregnant minor who is designated to receive".
 31 9. By renumbering as necessary.

ROD HALVORSON

S—3469

1 Amend House File 8, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 29, through page 2,
 4 line 1, and inserting the following:
 5 "3. If a political subdivision finds that a new
 6 activity, new service, or increase in service is
 7 required by law or rule and sufficient moneys are not
 8 appropriated to fully fund the activity or service as
 9 provided in subsection 1, the political subdivision
 10 shall carry out the new activity or service or shall
 11 apply to the district court of the district in which
 12 the political subdivision is located, to determine
 13 whether or not the new activity, new service, or
 14 increase in service is a state mandate and, if a state
 15 mandate exists, whether or not sufficient moneys have
 16 been appropriated by the state to fully fund the state
 17 mandate. If the district court finds that a state
 18 mandate is not imposed or that a state mandate is
 19 imposed without sufficient moneys appropriated to
 20 fully fund the state mandate, a political subdivision
 21 affected by the state mandate is not required to carry
 22 the state mandate."

ROD HALVORSON

HOUSE AMENDMENT TO
 SENATE FILE 519

S—3470

1 Amend Senate File 519, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 7, by striking the word
 4 "strictly".
 5 2. Page 1, line 27, by inserting after the word
 6 "assembly." the following: "The commission shall

7 strictly construe and administer this subsection to
 8 effectuate the intent of the general assembly to limit
 9 the expansion of the user base in a manner which is
 10 consistent with this chapter and limited to the
 11 authorized users identified and authorized by the
 12 general assembly."

13 3. Page 2, line 24, by striking the words
 14 "eligible for tuition grants".

15 4. Page 2, by inserting after line 31 the
 16 following:

17 "NEW SUBSECTION. 3A. "Nonprofit institution of
 18 higher education" means a private educational
 19 institution which is accredited by the north central
 20 association of colleges and secondary schools
 21 accrediting agency based on the agency's
 22 requirements."

23 5. Page 3, by inserting after line 8 the
 24 following:

25 "Sec. ____ Section 8D.2, subsection 4, Code 1997,
 26 is amended to read as follows:

27 4. "Private agency" means an accredited nonpublic
 28 school, a nonprofit institution of higher education
 29 ~~eligible for tuition grants~~, or a hospital licensed
 30 pursuant to chapter 135B or a physician clinic to the
 31 extent provided in section 8D.13, subsection 16."

32 6. Page 3, by striking lines 22 through 29 and
 33 inserting the following:

34 "Sec. ____ Section 8D.13, subsections 2 and 3,
 35 Code 1997, are amended to read as follows:

36 2. For purposes of this section; unless the
 37 context otherwise requires:

38 a. "Part I" means the communications connections
 39 between central switching and institutions under the
 40 control of the board of regents, nonprofit
 41 institutions of higher education ~~eligible for tuition~~
 42 grants, and the regional switching centers for the
 43 remainder of the network.

44 b. "Part II" means the communications connections
 45 between the regional switching centers and the
 46 secondary switching centers.

47 c. "Part III" means the communications connection
 48 between the secondary switching centers and the
 49 agencies defined in section 8D.2, subsections 4 and 5,
 50 excluding state agencies, institutions under the

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1 control of the board of regents, nonprofit
 2 institutions of higher education ~~eligible for tuition~~
 3 grants, and the judicial department, judicial district
 4 departments of correctional services, hospitals and
 5 physician clinics, agencies of the federal government,

6 and post offices.

7 3. The financing for the procurement costs for the
8 entirety of Part I except for the communications
9 connections between central switching and institutions
10 under the control of the board of regents, and
11 nonprofit institutions of higher education eligible
12 for tuition grants, and for the video, data, and voice
13 capacity for state agencies and for Part II and Part
14 III, shall be provided by the state. The financing
15 for the procurement and maintenance costs for Part III
16 shall be provided by the state. A local school board,
17 governing authority of a nonpublic school, or an area
18 education agency board may elect to provide one
19 hundred percent of the financing for the procurement
20 and maintenance costs for Part III to become part of
21 the network. The basis for the amount of state
22 financing is one hundred percent of a single
23 interactive audio and interactive video connection for
24 Part III, and such data and voice capacity as is
25 necessary. If a school board, governing authority of
26 a nonpublic school, or area education agency board
27 elects to provide one hundred percent of the financing
28 for the leasing costs for Part III, the school
29 district or area education agency may become part of
30 the network as soon as the network can reasonably
31 connect the district or agency. A local school board,
32 governing authority of a nonpublic school, or an area
33 education agency board may also elect not to become
34 part of the network. Construction of Part III,
35 related to a school board, governing authority of a
36 nonpublic school, or area education agency board which
37 provides one hundred percent of the financing for the
38 leasing costs for Part III, may proceed as determined
39 by the commission and consistent with the purpose of
40 this chapter."

41 7. Page 4, line 34, by inserting after the figure
42 "4." the following: "This section is not intended to
43 restrict the use of dial-up access to a stand-alone
44 computer or computers connected into a local area
45 network or a wide area network controlled exclusively
46 by the authorized user for students and teachers."

47 8. Page 5, line 18, by inserting after the word
48 "user" the following: ", except for the resale of
49 services as permitted by rule of the commission by a
50 nonprofit institution of higher education to students

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1 attending the institution and residing at a residence
2 facility maintained and operated by the institution;
3 an institution under the control of the board of
4 regents to students attending the institution and

5 residing at a residence facility maintained and
6 operated by the institution; or an institution under
7 the control of the board of regents to private
8 businesses which have entered into an agreement with
9 the university for such services and which are
10 receiving assistance of limited duration under a
11 state-funded program directly related to the
12 relationship between the business and the institution,
13 but only during the time the business is qualified to
14 receive such assistance”.

15 9. Page 5, by striking lines 21 through 23 and
16 inserting the following:

17 “3. Use of the network, or any network services,
18 to transmit an unauthorized personal or private
19 business communication, except as specifically
20 authorized in this chapter, or an incidental personal
21 or private business communication by an authorized
22 user from an authorized site.”

23 10. Page 5, by inserting after line 35 the
24 following:

25 “Sec. ____.

26 1. Notwithstanding the provisions of this Act, an
27 authorized user providing dial-up internet access with
28 the approval of the commission on April 1, 1997, which
29 would be prohibited by this Act, shall be permitted by
30 the commission to continue to provide such access
31 until no later than January 1, 1998. An authorized
32 user providing dial-up internet access pursuant to
33 this section shall discontinue providing such service
34 on or before January 1, 1998.

35 2. Notwithstanding subsection 1, an authorized
36 user providing dial-up internet access with the
37 approval of the commission on April 1, 1997, which
38 would be prohibited by this Act, and which would be
39 required to discontinue providing such service on or
40 before January 1, 1998, may continue to provide such
41 access after January 1, 1998, if nontoll internet
42 service is not available in the local exchange area in
43 which the authorized user is located. The authorized
44 user shall discontinue providing dial-up internet
45 access within sixty days of the availability of
46 nontoll internet service in the local exchange area.
47 However, if the authorized user is a public school,
48 the public school is not required to discontinue
49 providing dial-up internet access until the school
50 board determines and certifies to the commission that

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1 the newly available nontoll internet service meets the
2 necessary technical quality standards for the service
3 as established by the school board in consultation

4 with the commission.
 5 3. A nonprofit institution of higher education or
 6 an institution under the control of the board of
 7 regents may petition the commission for an extension
 8 of the authorization to utilize dial-up access for
 9 Iowa communications network services. The commission
 10 shall provide a copy of the petition to the
 11 telecommunications advisory committee. The committee
 12 may advise the commission regarding telecommunications
 13 matters related to the petition. The commission may
 14 grant the petition if the commission determines that
 15 technology is not available to prohibit such dial-up
 16 access. The commission and the institution
 17 petitioning for continued authorization under this
 18 subsection shall devise a plan to assist the
 19 institution in obtaining alternate access services in
 20 lieu of the dial-up access to the Iowa communications
 21 network.”
 22 11. By renumbering, relettering, or redesignating
 23 and correcting internal references as necessary.

S—3471

1 Amend House File 8, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 18, by inserting after the word
 4 “liabilities” the following: “imposed by the state”.

TOM VILSACK

S—3472

1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 16, by inserting after the word
 4 “person.” the following: “The prohibition also does
 5 not apply to cases in which the communication pertains
 6 to chemical test results of specimens of a person’s
 7 blood, breath, or urine which are obtained under
 8 chapter 321J.”

TOM FLYNN

S—3473

1 Amend House File 597, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, by inserting after line 12 the
 4 following:
 5 “4. As part of the process for determining the
 6 form for the written notification concerning the
 7 truancy of a child who is a member of a family

8 receiving family investment program assistance as
9 required by this Act, the departments of human
10 services and education shall consult with the Iowa
11 department of public health in developing a plan for
12 providing a family resource center, school-based youth
13 services program, or school-based health clinic in
14 those schools in which fifty percent or more of the
15 children enrolled are eligible for free or reduced
16 price meals under the federal National School Lunch
17 Act and the federal Child Nutrition Act of 1966, 42
18 U.S.C. § 1751-1785. The departments shall submit the
19 plan on or before December 15, 1997, in a report to
20 the governor and general assembly. The report shall
21 include findings, recommendations, and implementation
22 provisions."

ELAINE SZYMONIAK
TOM VILSACK

S-3474

1 Amend House File 597, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 8, by inserting after the word
4 "child." the following: "The department shall adopt a
5 procedure by which all or part of the amount of moneys
6 deducted from a sanctioned family's assistance grant
7 may be remitted to the family as a reward for the
8 child's improved compliance with attendance
9 requirements."
10 2. Page 5, line 7, by inserting after the word
11 "penalty." the following: "The school district shall
12 adopt a procedure by which all or part of the amount
13 of the civil penalty paid by the child's parent,
14 guardian, or custodian may be remitted to the payer as
15 a reward for the child's improved compliance with
16 attendance requirements."
17 3. Page 5, line 8, by inserting after the word
18 "use" the following: "other".

ELAINE SZYMONIAK
TOM VILSACK

S-3475

1 Amend House File 662, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 29, the
4 following:
5 "Sec. ____ Section 815.10, subsection 1, Code
6 1997, is amended by adding the following new
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. For purposes of this
 9 section, a person who is charged with a serious
 10 misdemeanor offense which is only punishable by the
 11 imposition of a fine shall not be entitled to legal
 12 assistance at public expense.”
 13 2. By numbering and renumbering as necessary.

O. GENE MADDOX

S—3476

1 Amend the amendment, S—3418, to House File 597, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 10, by striking the word “twenty-
 5 five” and inserting the following: “ten”.

JOHNIE HAMMOND

S—3477

1 Amend House File 698, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 3 the
 4 following:
 5 “Sec. ____ Section 232.68, unnumbered paragraph 1,
 6 Code 1997, is amended to read as follows:
 7 The definitions in section 235A.13 are applicable
 8 to this part 2 of division III. As used in sections
 9 232.67 through 232.77 and 235A.12 through 235A.23,
 10 unless the context otherwise requires:”
 11 2. Page 1, by striking lines 33 and 34 and
 12 inserting the following: “correct the ~~information~~
 13 report data and disposition data pursuant to section
 14 235A.19, and of the procedures to correct the
 15 ~~information data~~. The juvenile court”.
 16 3. Page 3, by striking line 19 and inserting the
 17 following: “injury was not minor and isolated and is
 18 likely to reoccur.”
 19 4. Page 3, line 24, by striking the word
 20 “another” and inserting the following: “a prior”.
 21 5. Page 4, by striking line 10 and inserting the
 22 following: “welfare was not minor and isolated and is
 23 likely to reoccur, in”.
 24 6. Page 5, line 3, by inserting after the word
 25 “department” the following: “of human services and
 26 the department of inspections and appeals”.
 27 7. Page 5, by inserting after line 11 the
 28 following:
 29 “(11) The Iowa braille and sight saving school and
 30 the Iowa school for the deaf controlled by the state
 31 board of regents.”

32 8. Page 5, line 16, by striking the words "child
33 abuse information is" and inserting the following:
34 "report data and disposition data are".

35 9. Page 5, by striking lines 21 through 25 and
36 inserting the following:

37 "4. a. The confidentiality of all of the
38 following shall be maintained in accordance with
39 section 217.30:

40 (1) Investigation or assessment data.

41 (2) Information pertaining to an allegation of
42 child abuse for which there was no investigation or
43 assessment performed.

44 (3) Information pertaining to an allegation of
45 child abuse which was determined to not meet the
46 definition of child abuse.

47 (4) Report data and disposition data pertaining to
48 an allegation of child abuse determined to meet the
49 definition of child abuse which is not subject to
50 placement in the central registry. Individuals

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1 identified in section 235A.15, subsection 3, are
2 authorized to have access to such data under section
3 217.30.

4 b. The confidentiality of report data and
5 disposition data pertaining to an allegation of child
6 abuse determined to meet the definition of child abuse
7 which is subject to placement in the central registry,
8 shall be maintained as provided in chapter 235A."

9 10. Page 5, by inserting before line 26 the
10 following:

11 "Sec. ____ Section 235A.13, Code 1997, is amended
12 by adding the following new subsection:

13 NEW SUBSECTION. 2A. "Department" means the
14 department of human services.

15 Sec. ____ Section 235A.13, subsections 1, 6, and
16 8, Code 1997, are amended to read as follows:

17 1. "Child abuse information" means any or all of
18 the following data maintained by the department in a
19 manual or automated data storage system and
20 individually identified:

21 a. Report data.

22 b. Investigation or assessment data.

23 c. Disposition data.

24 6. "Investigation or assessment data" means any of
25 the following information pertaining to the
26 department's evaluation of report data, including a
27 family:

28 a. Additional information as to the nature, extent
29 and cause of the injury, and the identity of persons
30 responsible therefor.

31 b. ~~The names and conditions of other children in~~
 32 ~~the home.~~

33 e. ~~The child's home environment and relationships~~
 34 ~~with parents or others responsible for the child's~~
 35 ~~care.~~

36 a. Identification of the strengths and needs of
 37 the child, and of the child's parent, home, and
 38 family.

39 b. Identification of services available from the
 40 department and informal and formal services and other
 41 support available in the community to meet identified
 42 strengths and needs.

43 8. "Report data" means any of the following
 44 information pertaining to any occasion involving or
 45 reasonably believed to involve an investigation or
 46 assessment of an allegation of child abuse, including
 47 in which the department has determined the alleged
 48 child abuse meets the definition of child abuse:

49 a. The name and address of the child and the
 50 child's parents or other persons responsible for the

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1 child's care.

2 b. The age of the child.

3 c. The nature and extent of the injury, including
 4 evidence of any previous injury.

5 d. ~~Any other Additional~~ information believed to be
 6 helpful in establishing as to the nature, extent, and
 7 cause of the injury, and the identity of the person or
 8 persons alleged to be responsible therefor for the
 9 injury.

10 e. The names and conditions of other children in
 11 the child's home.

12 f. Any other information believed to be helpful in
 13 establishing the information in paragraph "d".

14 Sec. ____ Section 235A.14, subsection 6, Code
 15 1997, is amended to read as follows

16 6. The central registry shall include ~~but not be~~
 17 ~~limited to~~ report data, ~~investigation data~~ and
 18 ~~disposition data which is subject to placement in the~~
 19 central registry under section 232.71D. The central
 20 registry shall not include assessment data."

21 11. Page 5, line 33, by striking the words "child
 22 abuse information" and inserting the following:
 23 "child abuse information".

24 12. Page 5, line 34, by striking the word "is"
 25 and inserting the following: "is report data and
 26 disposition data subject to placement in the central
 27 registry pursuant to section 232.71D are".

28 13. Page 6, line 10, by inserting after the word
 29 "investigation" the following: "or assessment".

- 30 14. Page 6, line 20, by inserting after the word
31 "investigation" the following: "or assessment".
- 32 15. Page 7, lines 6 and 7, by striking the words
33 "child abuse information" and inserting the following:
34 "report data and disposition data".
- 35 16. Page 7, line 9, by inserting after the word
36 "data" the following: "and, if authorized in law to
37 the extent necessary for purposes of an employment
38 evaluation, report data,".
- 39 17. Page 7, by striking lines 21 through 29 and
40 inserting the following:
41 "~~(3) To an employee or agent of the department of~~
42 ~~human services responsible for registering or~~
43 ~~licensing or approving the registration or licensing~~
44 ~~of an agency or facility, or to an individual~~
45 ~~providing care to a child and regulated by the~~
46 ~~department.~~
47 (4) To an employee of the department of human
48 services responsible for an adoptive placement, a
49 certified adoption investigator, or licensed child
50 placing agency responsible for an adoptive placement."

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- 1 18. Page 7, line 30, by striking the figure "3"
2 and inserting the following: "1".
- 3 19. Page 7, line 32, by striking the figure "4"
4 and inserting the following: "2".
- 5 20. Page 7, line 33, by striking the word
6 "information" and inserting the following:
7 "information data".
- 8 21. Page 8, line 1, by striking the figure "5"
9 and inserting the following: "3".
- 10 22. Page 8, line 2, by striking the word
11 "information" and inserting the following:
12 "information data".
- 13 23. Page 8, line 5, by striking the figure "6"
14 and inserting the following: "4".
- 15 24. Page 8, line 6, by striking the word
16 "information" and inserting the following:
17 "information data".
- 18 25. Page 8, line 9, by striking the figure "7"
19 and inserting the following: "5".
- 20 26. Page 8, line 10, by striking the word
21 "information" and inserting the following:
22 "information data".
- 23 27. Page 8, line 12, by striking the figure "8"
24 and inserting the following: "6".
- 25 28. Page 8, line 13, by striking the word
26 "information" and inserting the following:
27 "information data".
- 28 29. Page 8, line 16, by striking the figure "9"

29 and inserting the following: "7".

30 30. Page 8, line 18, by striking the word
31 "information" and inserting the following:
32 "information data".

33 31. Page 8, line 21, by striking the figure "10"
34 and inserting the following: "8".

35 32. Page 8, line 24, by striking the word
36 "information" and inserting the following:
37 "information data".

38 33. Page 8, line 26, by striking the figure "11"
39 and inserting the following: "9".

40 34. Page 8, line 29, by striking the word
41 "information" and inserting the following:
42 "information data".

43 35. Page 8, by inserting after line 30 the
44 following:

45 "(10) To an administrator of a child day care
46 resource and referral agency which has entered into an
47 agreement authorized by the department to provide
48 child day care resource and referral services. Access
49 is authorized if the data concerns a person providing
50 child day care services or a person employed by a

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1 provider of such services and the agency includes the
2 provider as a referral or the provider has requested
3 to be included as a referral."

4 36. Page 8, line 31, by striking the word
5 "Relating" and inserting the following: "Relating
6 Report data and disposition data, and investigation or
7 assessment data to the extent necessary for resolution
8 of the proceeding, relating".

9 37. Page 8, line 35; by striking the word
10 "information" and inserting the following:
11 "information data".

12 38. Page 9, line 4, by striking the words "child
13 abuse information" and inserting the following:
14 "child-abuse information report data and disposition
15 data".

16 39. Page 9, line 7, by striking the words "child
17 abuse information" and inserting the following:
18 "child-abuse information report data and disposition
19 data".

20 40. Page 9, line 14, by inserting after the word
21 "follows" the following: ", but only with respect to
22 report data and disposition data for cases of founded
23 child abuse subject to placement in the registry
24 pursuant to section 232.71D".

25 41. Page 9, line 16, by striking the word
26 "information" and inserting the following:
27 "information data".

- 28 42. Page 9, line 17, by striking the word
 29 "information" and inserting the following:
 30 "information data".
- 31 43. Page 9, line 22, by striking the word
 32 "information" and inserting the following:
 33 "information data".
- 34 44. Page 9, line 26, by striking the word
 35 "registry" and inserting the following: "registry
 36 department".
- 37 45. Page 9, line 30, by striking the word
 38 "Information" and inserting the following: "Data".
- 39 46. Page 9, line 33, by inserting after the word
 40 "investigating" the following: "or assessing".
- 41 47. Page 9, line 34, by inserting after the word
 42 "investigating" the following: "or assessing".
- 43 48. Page 10, by striking lines 1 through 3 and
 44 inserting the following:
 45 "(5) To a public or licensed child-placing agency
 46 of another state responsible for an adoptive or foster
 47 care preplacement or placement evaluation."
- 48 49. Page 10, line 4, by striking the figures "(6)
 49 (5)" and inserting the following: "(6)".
- 50 50. Page 10, by striking lines 6 through 11.

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- 1 51. Page 10, line 12, by striking the figures
 2 "~~(7)~~ (2)" and inserting the following: "(7)".
- 3 52. Page 10, line 14, by striking the figures
 4 "~~(8)~~ (3)" and inserting the following: "(8)".
- 5 53. Page 10, line 18, by striking the figures
 6 "~~(9)~~ (4)" and inserting the following: "(9)".
- 7 54. Page 10, line 21, by striking the figures
 8 "~~(10)~~ (5)" and inserting the following: "(10)".
- 9 55. Page 10, line 25, by striking the figures
 10 "~~(11)~~ (6)" and inserting the following: "(11)".
- 11 56. Page 10, line 31, by striking the figures
 12 "~~(12)~~ (7)" and inserting the following: "(12)".
- 13 57. By striking page 10, line 34, through page
 14 11, line 6, and inserting the following:
 15 "~~(13) To an administrator of a child day care~~
 16 ~~resource and referral agency which has entered into an~~
 17 ~~agreement authorized by the department to provide~~
 18 ~~child day care resource and referral services. Access~~
 19 ~~is authorized if the information concerns a person~~
 20 ~~providing child day care services or a person employed~~
 21 ~~by a provider of such services and the agency includes~~
 22 ~~the provider as a referral or the provider has~~
 23 ~~requested to be included as a referral."~~
- 24 58. Page 11, line 7, by striking the figure "(9)"
 25 and inserting the following: "(13)".
- 26 59. Page 11, by inserting after line 9 the

27 following:

28 "(14) To an employee or agent of the department
 29 responsible for registering or licensing or approving
 30 the registration or licensing of an agency or
 31 facility, or to an individual providing care to a
 32 child and regulated by the department.

33 (15) To an employee of the department responsible
 34 for an adoptive placement, a certified adoption
 35 investigator, or licensed child placing agency
 36 responsible for an adoptive placement.

37 f. The following, but only with respect to
 38 disposition data for cases of founded child abuse
 39 subject to placement in the central registry pursuant
 40 to section 232.71D:"

41 60. Page 11, line 10, by striking the figure
 42 "(10)".

43 61. Page 11, line 11, by striking the word
 44 "information" and inserting the following:
 45 "information data".

46 62. Page 11, by inserting after line 20 the
 47 following:

48 "3. Access to report data and disposition data for
 49 a case of child abuse determined to meet the
 50 definition of child abuse, which data is not subject

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1 to placement in the central registry pursuant to
 2 section 232.71D, is authorized only to the following
 3 persons:

4 a. Subjects of a report identified in subsection
 5 2, paragraph "a".

6 b. Persons involved in an investigation or
 7 assessment of child abuse identified in subsection 2,
 8 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
 9 and (9).

10 c. Others identified in subsection 2, paragraph
 11 "e", subparagraphs (2), (3), and (6).

12 4. Access to report data for a case of child abuse
 13 determined to not meet the definition of child abuse,
 14 which data is not subject to placement in the central
 15 registry pursuant to section 232.71D, is authorized
 16 only to the following:

17 a. Subjects of a report identified in subsection
 18 2, paragraph "a".

19 b. Persons involved in an investigation or
 20 assessment of child abuse identified in subsection 2,
 21 paragraph "b", subparagraphs (2), (6), and (7).

22 c. Others identified in subsection 2, paragraph
 23 "e", subparagraph (2)."

24 63. Page 11, by striking line 21 and inserting
 25 the following:

26 "3. Access to ~~founded child abuse information~~
27 disposition data subject to placement in".
28 64. Page 11, line 26, by striking the words
29 "Child abuse information" and inserting the following:
30 "~~Child abuse information~~ Disposition data".
31 65. Page 11, line 33, by inserting after the word
32 "investigation" the following: "or assessment".
33 66. Page 11, line 35, by inserting after the word
34 "investigation" the following: "or assessment".
35 67. Page 12, line 1, by inserting after the word
36 "investigation" the following: "or assessment".
37 68. Page 12, line 5, by inserting after the word
38 "investigation" the following: "or assessment".
39 69. Page 12, line 9, by inserting after the word
40 "investigation" the following: "or assessment".
41 70. Page 12, line 10, by inserting after the word
42 "investigation" the following: "or assessment".
43 71. Page 12, line 12, by inserting after the word
44 "investigation" the following: "or assessment".
45 72. Page 12, line 23, by striking the words
46 "child abuse information has" and inserting the
47 following: "report data and disposition data have".
48 73. Page 12, line 33, by striking the words
49 "Child abuse information" and inserting the following:
50 "Report data and disposition data".

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1 74. Page 13, line 3, by striking the words "Child
2 abuse information" and inserting the following:
3 "~~Child abuse information~~ Report and disposition data".
4 75. Page 13, line 6, by striking the words "child
5 abuse by information" and inserting the following:
6 "abuse by data".
7 76. Page 13, line 7, by striking the word
8 "information" and inserting the following:
9 "information data".
10 77. Page 13, line 10, by striking the words
11 "child abuse information" and inserting the following:
12 "data placed in the registry".
13 78. Page 13, line 11, by striking the word
14 "information" and inserting the following: "data".
15 79. Page 13, line 13, by striking the word
16 "information" and inserting the following:
17 "information data".
18 80. Page 13, line 15, by striking the word
19 "information" and inserting the following:
20 "information data".
21 81. Page 13, line 17, by striking the word
22 "Information" and inserting the following: "Data".
23 82. Page 13, line 18, by striking the words "from
24 the central registry".

25 83. Page 13, line 19, by striking the word
 26 "information" and inserting the following:
 27 "information data".

28 84. Page 14, by striking lines 5 through 12 and
 29 inserting the following:

30 "~~3. However, if a correction of child abuse
 31 information is requested under section 235A.19 and the
 32 issue is not resolved at the end of the one-year
 33 period, the information shall be retained until the
 34 issue is resolved and if the child abuse information
 35 is not determined to be founded, the information shall
 36 be expunged at the appropriate time under subsection
 37 2.~~

38 ~~4. 3. The registry, at least once a year, shall
 39 review and~~".

40 85. By striking page 14, line 31, through page
 41 15, line 3, and inserting the following: "information
 42 shall be expunged from the central registry. Child
 43 abuse information which is expunged from the central
 44 registry under this subsection shall not be retained
 45 by the department any longer than the time period in
 46 rule for retaining information which is not placed in
 47 the central registry, allowing credit for the amount
 48 of time the information was held in the central
 49 registry. If the review".

50 86. By striking page 15, line 19, through page

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1 16, line 11, and inserting the following:

2 "Sec. ____ Section 235A.19, Code 1997, is amended
 3 to read as follows:

4 235A.19 EXAMINATION, REQUESTS FOR CORRECTION OR
 5 EXPUNGEMENT AND APPEAL.

6 1. A subject of a child abuse report, as
 7 identified in section 235A.15, subsection 2, paragraph
 8 "a", shall have the right to examine ~~child abuse~~
 9 ~~information in the registry report data and~~
 10 ~~disposition data~~ which refers to the subject. The
 11 registry ~~department~~ may prescribe reasonable hours and
 12 places of examination.

13 2. a. A subject of a child abuse report may file
 14 with the department within six months of the date of
 15 the notice of the results of an investigation required
 16 by section 232.71, subsection 7, ~~or an assessment~~
 17 ~~performed in accordance with section 232.71A, a~~
 18 written statement to the effect that ~~child abuse~~
 19 ~~information report data and disposition data~~ referring
 20 to the subject is in whole or in part erroneous, and
 21 may request a correction of that ~~information data~~ or
 22 of the findings of the investigation ~~or assessment~~
 23 report. The department shall provide the subject with

24 an opportunity for an evidentiary hearing pursuant to
25 chapter 17A to correct the information data or the
26 findings, unless the department corrects the
27 information data or findings as requested. The
28 department shall ~~delay the expungement of information~~
29 ~~which is not determined to be founded until the~~
30 ~~conclusion of a proceeding to correct the information~~
31 ~~or findings~~. The department may defer the hearing
32 until the conclusion of a pending juvenile or district
33 court case relating to the information data or
34 findings.

35 b. The department shall not disclose any child
36 ~~abuse information report data or disposition data~~
37 until the conclusion of the proceeding to correct the
38 information data or findings, except as follows:

39 (1) As necessary for the proceeding itself.

40 (2) To the parties and attorneys involved in a
41 judicial proceeding.

42 (3) For the regulation of child care or child
43 placement.

44 (4) Pursuant to court order.

45 (5) To the subject of an investigation or
46 assessment or a report.

47 (6) For the care or treatment of a child named in
48 a report as a victim of abuse.

49 (7) To persons involved in an investigation or
50 assessment of child abuse.

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1 3. The subject of a child abuse report may appeal
2 the decision resulting from a hearing held pursuant to
3 subsection 2 to the district court of Polk county or
4 to the district court of the district in which the
5 subject of the child abuse report resides.
6 Immediately upon appeal the court shall order the
7 department to file with the court a certified copy of
8 the ~~child abuse information report data or disposition~~
9 data. Appeal shall be taken in accordance with
10 chapter 17A.

11 4. Upon the request of the appellant, the record
12 and evidence in such cases shall be closed to all but
13 the court and its officers, and access ~~thereto to the~~
14 record and evidence shall be prohibited unless
15 otherwise ordered by the court. The clerk shall
16 maintain a separate docket for such actions. ~~No A~~
17 person other than the appellant shall not permit a
18 copy of any of the testimony or pleadings or the
19 substance ~~thereof of the testimony or pleadings~~ to be
20 made available to any person other than a party to the
21 action or the party's attorney. Violation of the
22 provisions of this subsection shall be a public

23 offense punishable under section 235A.21.

24 5. Whenever the registry department corrects or
25 eliminates information data as requested or as ordered
26 by the court, the registry department shall advise all
27 persons who have received the incorrect information
28 data of such fact. Upon application to the court and
29 service of notice on the registry department, any
30 subject of a child abuse report may request and obtain
31 a list of all persons who have received child-abuse
32 information report data or disposition data referring
33 to the subject.

34 6. In the course of any proceeding provided for by
35 this section, the identity of the person who reported
36 the disputed information data and the identity of any
37 person who has been reported as having abused a child
38 may be withheld upon a determination by the registry
39 department that disclosure of their identities would
40 be detrimental to their interests."

41 87. Page 16, by inserting after line 31 the
42 following:

43 "Sec. ____ 1997 Iowa Acts, Senate File 176,
44 section 2, if enacted, is amended by striking the
45 section and inserting in lieu thereof the following:
46 SEC. 2. Section 232.70, Code 1997, is amended by
47 adding the following new subsection:
48 NEW SUBSECTION. 7. If a report would be
49 determined to constitute an allegation of child abuse
50 as defined under section 232.68, subsection 2,

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1 paragraph "c" or "e", except that the suspected abuse
2 resulted from the acts or omissions of a person other
3 than a person responsible for the care of the child,
4 the department shall refer the report to the
5 appropriate law enforcement agency having jurisdiction
6 to investigate the allegation. The department shall
7 refer the report orally as soon as practicable and in
8 writing within seventy-two hours of receiving the
9 report.

10 Sec. ____ 1997 Iowa Acts, Senate File 230,
11 sections 14, 15, and 16 amending section 235A.15, if
12 enacted, are repealed.

13 Sec. ____ 1997 Iowa Acts, Senate File 230,
14 sections 18 and 19, amending section 235A.18, Code
15 1997, if enacted, are repealed.

16 Sec. ____ 1997 Iowa Acts, Senate File 230, section
17 20, amending section 235A.19, subsection 2, paragraph
18 a, if enacted, is repealed."

19 88. Page 16, line 32, by inserting before the
20 word "REGISTRY" the following: "RETROACTIVE".

21 89. Page 17, line 14, by inserting before the

22 word "child" the following: "experienced parents from
23 families of various sizes and with children of various
24 ages and".

25 90. Page 17, line 32, by striking the words
26 "child abuse information" and inserting the following:
27 "report data or disposition data".

28 91. Page 17, line 34, by striking the word
29 "information" and inserting the following: "data".

30 92. By striking page 17, line 35, through page
31 18, line 4, and inserting the following:

32 "Sec. ____ Section 232.71D, subsection 1, as
33 enacted by this Act, is amended to read as follows:

34 1. The requirements of this section shall apply to
35 child abuse information ~~in the report of an~~
36 ~~investigation performed in accordance with section~~
37 ~~232.71 or in the report of relating to a report of~~
38 child abuse and to an assessment performed in
39 accordance with section 232.71A 232.71B.

40 Sec. ____ Section 232.71D, subsection 5, paragraph
41 a, subparagraphs (1) and (2), Code 1997, as enacted by
42 this Act, are amended to read as follows:

43 (1) ~~Investigation or assessment~~ Assessment data.

44 (2) Information pertaining to an allegation of
45 child abuse for which there was no ~~investigation or~~
46 ~~assessment performed.~~

47 Sec. ____ Section 235A.13, unnumbered paragraph 1,
48 Code 1997, is amended to read as follows:

49 As used in chapter 232, division III, part 2, and
50 sections 235A.13 to 235A.23, unless the context

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1 otherwise requires:

2 Sec. ____ Section 235A.13, subsection 1, paragraph
3 b, Code 1997, as amended by this Act, is amended to
4 read as follows:

5 b. ~~Investigation or assessment~~ Assessment data.

6 Sec. ____ Section 235A.13, subsection 5, Code 1997,
7 is amended to read as follows:

8 5. "Individually identified" means any report,
9 ~~investigation~~ assessment, or disposition data which
10 names the person or persons responsible or believed
11 responsible for the child abuse.

12 Sec. ____ Section 235A.13, subsection 6,
13 unnumbered paragraph 1, Code 1997, as amended by this
14 Act, is amended to read as follows:

15 "~~Investigation or assessment~~ Assessment data" means
16 any of the following information pertaining to the
17 department's evaluation of a family:

18 Sec. ____ Section 235A.13, subsection 8,
19 unnumbered paragraph 1, Code 1997, as amended by this
20 Act, is amended to read as follows:

21 "Report data" means any of the following
22 information pertaining to an ~~investigation or~~
23 assessment of an allegation of child abuse in which
24 the department has determined the alleged child abuse
25 meets the definition of child abuse:

26 Sec. ____ Section 235A.15, subsection 2, paragraph
27 b, unnumbered paragraph 1, Code 1997, as amended by
28 this Act, is amended to read as follows:

29 b. Persons involved in an investigation assessment
30 of child abuse as follows:

31 Sec. ____ Section 235A.15, subsection 2, paragraph
32 b, subparagraphs (2), (3), (4), and (8), Code 1997, as
33 amended by this Act, are amended to read as follows:

34 (2) To an employee or agent of the department of
35 human services responsible for the investigation
36 assessment of a child abuse report.

37 (3) To a law enforcement officer responsible for
38 assisting in an investigation assessment of a child
39 abuse allegation or for the temporary emergency
40 removal of a child from the child's home.

41 (4) To a multidisciplinary team, if the department
42 of human services approves the composition of the
43 multidisciplinary team and determines that access to
44 the team is necessary to assist the department in the
45 ~~investigation~~, diagnosis, assessment, and disposition
46 of a child abuse case.

47 (8) To a licensing authority for a facility
48 providing care to a child named in a report, if the
49 licensing authority is notified of a relationship
50 between facility policy and the alleged child abuse

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1 under section ~~232.71, subsection 4~~ 232.71B.

2 Sec. ____ Section 235A.15, subsection 2, paragraph
3 d, unnumbered paragraph 1, Code 1997, as amended by
4 this Act, is amended to read as follows:

5 Report data and disposition data, and ~~investigation~~
6 ~~or~~ assessment data to the extent necessary for
7 resolution of the proceeding, relating to judicial and
8 administrative proceedings as follows:

9 Sec. ____ Section 235A.15, subsection 3, paragraph
10 b, Code 1997, as amended by this Act, is amended to
11 read as follows:

12 b. Persons involved in an ~~investigation or~~
13 assessment of child abuse identified in subsection 2,
14 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
15 and (9).

16 Sec. ____ Section 235A.15, subsection 4, paragraph
17 b, Code 1997, as amended by this Act, is amended to
18 read as follows:

19 b. Persons involved in an ~~investigation or~~

20 assessment of child abuse identified in subsection 2,
21 paragraph "b", subparagraphs (2), (6), and (7).

22 Sec. ____ Section 235A.15, subsection 6, Code
23 1997, as amended by this Act, is amended to read as
24 follows:

25 6. a. If a child who is a legal resident of
26 another state is present in this state and a report of
27 child abuse is made concerning the child, the
28 department shall act to ensure the safety of the
29 child. The department shall contact the child's state
30 of legal residency to coordinate the ~~investigation~~
31 assessment of the report. If the child's state of
32 residency refuses to conduct an investigation, the
33 department shall commence an appropriate ~~investigation~~
34 assessment.

35 b. If a report of child abuse is made concerning
36 an alleged perpetrator who resides in this state and a
37 child who resides in another state, the department
38 shall assist the child's state of residency in
39 conducting an ~~investigation~~ assessment of the report.
40 The assistance shall include but is not limited to an
41 offer to interview the alleged perpetrator and any
42 other relevant source. If the child's state of
43 residency refuses to conduct an investigation of the
44 report, the department shall commence an appropriate
45 ~~investigation~~ assessment. The department shall seek
46 to develop protocols with states contiguous to this
47 state for coordination in the investigation or
48 assessment of a report of child abuse when a person
49 involved with the report is a resident of another
50 state.

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1 Sec. ____ Section 235A.17, subsection 2, Code
2 1997, as amended by this Act, is amended to read as
3 follows:

4 2. The department of human services may notify
5 orally the mandatory reporter in an individual child
6 abuse case of the results of the case ~~investigation~~
7 assessment and of the confidentiality provisions of
8 sections 235A.15 and 235A.21. The department shall
9 subsequently transmit a written notice to the
10 mandatory reporter of the results and confidentiality
11 provisions. If the report data and disposition data
12 have been placed in the registry as founded child
13 abuse pursuant to section 232.71D, a copy of the
14 written notice shall be transmitted to the registry
15 and shall be maintained by the registry as provided in
16 section 235A.18. Otherwise, a copy of the written
17 notice shall be retained by the department with the
18 case file.

19 Sec. ____ Section 235A.19, subsection 2, paragraph
20 a, Code 1997, as amended by this Act, is amended to
21 read as follows:

22 a. A subject of a child abuse report may file with
23 the department within six months of the date of the
24 notice of the results of ~~an investigation required by~~
25 ~~section 232.71, subsection 7, or an assessment~~
26 performed in accordance with section 232.71A, a
27 written statement to the effect that report data and
28 disposition data referring to the subject is in whole
29 or in part erroneous, and may request a correction of
30 that data or of the findings of the ~~investigation or~~
31 assessment report. The department shall provide the
32 subject with an opportunity for an evidentiary hearing
33 pursuant to chapter 17A to correct the data or the
34 findings, unless the department corrects the data or
35 findings as requested. The department may defer the
36 hearing until the conclusion of a pending juvenile or
37 district court case relating to the data or findings.

38 Sec. ____ Section 235A.19, subsection 2, paragraph
39 b, subparagraphs (5) and (7), Code 1997, as amended by
40 this Act, are amended to read as follows:

41 (5) To the subject of an ~~investigation or~~
42 assessment or a report.

43 (7) To persons involved in an ~~investigation or~~
44 assessment of child abuse."

45 93. By renumbering as necessary.

ELAINE SZYMONIAK
NANCY BOETTGER
JAMES E. BLACK

S-3478

1 Amend House File 708, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, line 30, by striking the figure
4 "1,300,000" and inserting the following: "1,350,000".

5 2. Page 10, line 26, by striking the word "a."

6 3. Page 10, line 29, by striking the figure
7 "150,000" and inserting the following: "200,000".

8 4. Page 10, by striking lines 30 through 33.

9 5. Page 11, by striking lines 1 through 3 and
10 inserting the following: "point and nonpoint
11 pollution in this state. Iowa state university shall
12 select test sites where earthen waste storage
13 structures are located, and shall".

14 6. Page 11, by striking lines 5 and 6 and
15 inserting the following: "according to established
16 testing procedures. For".

17 7. Page 11, line 22, by inserting before the word
18 "structure" the following: "earthen waste storage".

19 8. Page 16, by striking lines 11 through 23.

20 9. Page 18, by inserting after line 11, the

21 following:

22 "Sec. __. SUPPORT OF WILD ANIMAL DEPREDATION

23 BIOLOGISTS. There is appropriated from the state fish

24 and game protection fund to the division of fish and

25 wildlife of the department of natural resources for

26 the fiscal year beginning July 1, 1997, and ending

27 June 30, 1998, an amount necessary to support

28 necessary full-time equivalent positions which shall

29 be filled by persons serving as wild animal

30 depredation biologists within the wild animal

31 depredation unit established within the fish and

32 wildlife division of the department of natural

33 resources, as provided in 1997 Iowa Acts, Senate File

34 362, if enacted."

35 10. Page 18, by inserting after line 33 the

36 following:

37 "Sec. __. Section 166D.2, subsection 7, unnumbered

38 paragraph 2, Code 1997, is amended to read as follows:

39 The department may ~~combine~~ require an official

40 health certificate or a veterinarian inspection cer-

41 tificate as required under chapter 163 ~~with a~~

42 ~~certificate of inspection or substitute, by rule, an~~

43 approved movement record maintained by the owner for a

44 relocation exempted by subsection 31.

45 Sec. __. Section 166D.2, subsection 31, Code

46 1997, is amended to read as follows:

47 31. "Move" or "movement" means to ship, transport,

48 or deliver by land, water, or air, including any

49 physical relocation of swine to different premises.

50 However, "move" or "movement" does not include the

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1 physical relocation of swine to different premises if

2 the ownership of the swine does not change, the prior

3 and new location is within the state, and the

4 relocation between the prior and new location is

5 within the state. However, a relocation which is not

6 included as a move or movement under this paragraph

7 must be accompanied by a movement record approved by

8 the department or a certificate of inspection.

9 Sec. __. Section 166D.9, subsection 4, unnumbered

10 paragraph 1, Code 1997, is amended to read as follows:

11 While the state is classified in either stage I, ~~or~~

12 II, or III of the national pseudorabies program

13 pursuant to federal regulations, the following

14 requirements must be satisfied:

15 Sec. __. Section 166D.10, subsection 1,

16 unnumbered paragraph 1, Code 1997, is amended to read

17 as follows:

18 1. A person shall not sell, lease, exhibit, or
 19 loan, or move swine within the state, except to
 20 slaughter, unless the swine are accompanied by a
 21 certificate of inspection as provided by the owner
 22 transferring possession section 163.30 or a movement
 23 record approved by the department. However, a native
 24 Iowa feeder pig pigs moved from farm to farm within
 25 the state is are exempt from the certificate of
 26 inspection's department identification requirements if
 27 the owner transferring possession and the person
 28 taking possession state on the certificate of
 29 inspection agree in writing that the feeder swine pigs
 30 will not be commingled with other swine for a period
 31 of thirty days.

32 Sec. ____ Section 166D.10, subsection 4, Code
 33 1997, is amended to read as follows:

34 4. In addition to other applicable requirements of
 35 this section, ~~feeder swine shall not be moved into~~
 36 ~~this state from another state except to slaughter,~~
 37 ~~unless the feeder swine are vaccinated by a~~
 38 ~~differentiable vaccine within forty-five days of~~
 39 ~~arrival in this state~~ the department shall
 40 periodically determine the prevalence of pseudorabies
 41 in each county as provided in this chapter. Beginning
 42 on October 1, 1997, all feeder swine moved from
 43 outside of the state into a county in which the
 44 pseudorabies prevalence is determined to be greater
 45 than five percent shall be vaccinated, unless the
 46 feeder swine originated from a qualified negative or
 47 qualified differentiable negative herd. The feeder
 48 swine shall be vaccinated with a differentiable
 49 vaccine by procedures established by rules adopted by
 50 the department pursuant to section 166D.1.

Page 3

1 Sec. ____ NEW SECTION. 166D.17 STATISTICAL
 2 SAMPLING -- CHANGE OF OWNERSHIP.

3 If ownership of a herd changes in part or entirely,
 4 without changing location, the herd shall be tested by
 5 statistical sampling. Section 166D.10 shall not apply
 6 to this section."

7 11. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 DERRYL McLAREN, Chairperson

S-3479

1 Amend House File 710, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, line 8, by striking the figure

- 4 "3,616,528" and inserting the following: "3,657,598".
 5 2. Page 19, line 1, by striking the figure
 6 "70,000" and inserting the following: "28,930".
 7 3. Page 19, line 13, by striking the figure
 8 "1,142,331" and inserting the following: "1,203,648".
 9 4. Page 25, line 26, by striking the figure
 10 "353,355" and inserting the following: "292,038".

COMMITTEE ON APPROPRIATIONS
 DERRYL McLAREN, Chairperson

S-3480

- 1 Amend House File 331, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 19, by inserting after the word
 4 "subsection" the following: "and inserting in lieu
 5 thereof the following:
 6 5. If a search is or is to be conducted of a
 7 student protected area pursuant to subsection 1, and
 8 the student is or will not be present at the time that
 9 the search is conducted, the student shall be informed
 10 of the search either prior to or as soon as is
 11 reasonably practicable after the search is conducted".

TOM VILSACK
 JOHN REDWINE
 NANCY BOETTGER

S-3481

- 1 Amend House File 708, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 13, by striking the figure
 4 "1,780,278" and inserting the following: "1,820,368".
 5 2. Page 1, line 14, by striking the figure
 6 "41.45" and inserting the following: "42.45".
 7 3. Page 17, by striking lines 7 and 8.
 8 4. By renumbering as necessary.

PATTY JUDGE

S-3482

- 1 Amend House File 710, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 26, by inserting after line 24 the
 4 following:
 5 "c. Of the funds appropriated in this subsection,
 6 the amount allocated for an inflation increase in the
 7 J.A. Jones contract shall be reduced by \$125,187, and

8 the amount allocated for in-house psychiatric services
9 shall be increased by that amount."

JOHN P. KIBBIE

S—3483

1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 8 the
4 following:

5 "In addition to the funds appropriated in this
6 subsection, \$500,000 shall be transferred from funds
7 appropriated to the department of human services for
8 medical assistance for the fiscal year beginning July
9 1, 1997, and ending June 30, 1998. The \$500,000
10 transferred shall be allocated from a \$1,088,839
11 decrease in medical assistance expenditures resulting
12 from a reduced estimate of the number of bed days
13 utilized by nursing facility residents because of the
14 expansion of case management services, prior to the
15 reversion of the \$1,088,839 to the general fund of the
16 state."

TOM FLYNN

S—3484

1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 18, line 32, by striking the figure
4 "235,000" and inserting the following: "265,000".

5 2. Page 18, by inserting after line 32 the
6 following:

7 "Funds appropriated in this lettered paragraph
8 shall expand the community health enhancement program,
9 the existing community grant fund and the primary care
10 loan repayment and community scholarship program to
11 the governor's designated shortage areas and rural
12 federally designated, medically underserved areas, as
13 established in section 135.107. Funds appropriated
14 for an expanded community health enhancement program,
15 when added to any other appropriation, shall not
16 exceed a combined total of \$100,000."

17 3. Page 27, by inserting after line 8 the
18 following:

19 "Sec. ___. Section 135.107, subsection 3,
20 paragraph a, Code 1997, is amended by adding the
21 following new unnumbered paragraph:
22 NEW UNNUMBERED PARAGRAPH. One hundred thousand
23 dollars is appropriated annually to the Iowa
24 department of public health from the general fund of

25 the state for an expanded community health enhancement
26 program to fund projects demonstrating a high degree
27 of innovation or need in achieving a major expansion
28 of a region's primary care network or capacity.
29 Notwithstanding subparagraphs (1) and (2), funds
30 received pursuant to this paragraph shall be
31 unrestricted in amount, but shall not be awarded to a
32 community with a population of greater than ten
33 thousand located within a region. Projects for which
34 grants may be awarded include, but are not limited to,
35 renovations of hospitals and clinics, the purchase of
36 major medical equipment, expansion of a provider
37 network, or the provision or expansion of medical
38 services. Grants for this enhancement program shall
39 not be awarded in the same fiscal year to a community
40 or region which is receiving a primary care
41 recruitment and retention endeavor community grant
42 award pursuant to subparagraphs (1) and (2) for that
43 fiscal year."

PATTY JUDGE

S-3485

1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, by inserting after line 29 the
4 following:
5 "The department shall develop a plan during the
6 fiscal year beginning July 1, 1997, and ending June
7 30, 1998, for expansion of the healthy opportunities
8 for parents to experience success program to all
9 counties throughout the state. The plan shall provide
10 for completion of the expansion effort by June 30,
11 2003. The department shall determine the amount of an
12 appropriation sufficient to cover the cost of the
13 expansion, and request the appropriation for the
14 fiscal year beginning July 1, 1998, and ending June
15 30, 1999."

JOHNIE HAMMOND

S-3486

1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 24, line 19, by striking the figure
4 "1,600,494" and inserting the following: "2,000,494".
5 2. Page 24, by inserting after line 20 the
6 following:
7 "Of the funds appropriated in this subsection,
8 \$400,000 is conditioned on the enactment of

9 legislation authorizing the imposition of a \$10
 10 surcharge on criminal fines and forfeitures imposed
 11 for the violation of state law or city or county
 12 ordinance, and notwithstanding any provision in the
 13 legislation to the contrary, \$400,000 of the
 14 surcharges collected shall be transferred from all the
 15 counties in which the surcharges were imposed to the
 16 general fund of the state. Amounts so transferred by
 17 each county shall be in proportion to the amount of
 18 additional community grant funding received by that
 19 county out of the additional \$400,000 appropriation."

ROBERT E. DVORSKY
 JOHNIE HAMMOND

S—3487

1 Amend the amendment, S—3453, to Senate File 391, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 6 through 11.
 5 2. By renumbering as necessary.

MARY LOU FREEMAN

S—3488

1 Amend House File 81, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 15, by inserting after the word
 4 "section." the following: "A person who is born
 5 before 1967 and who possesses a valid hunting license,
 6 meets the requirements for a hunter safety and ethics
 7 education course certification to be used in other
 8 states or jurisdictions which require hunter safety
 9 certification for hunting purposes."

MERLIN E. BARTZ
 ALLEN BORLAUG
 DICK L. DEARDEN

S—3489

1 Amend the amendment, S—3356, to House File 331, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 32, by striking the words "is
 5 present" and inserting the following: "can be
 6 present".

BILL FINK

S-3490

1 Amend House File 514, 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. The legislative council is requested
6 to establish an interim committee to study issues
7 concerning uninsured drivers and appropriate and
8 effective means for reducing the number of such
9 drivers in this state. The committee shall solicit
10 and consider input from the insurance division, the
11 state department of transportation, the insurance
12 industry, and any other persons deemed appropriate by
13 the committee. The interim committee shall submit a
14 report and any recommendations to the general assembly
15 by January 1, 1998."

16 2. Title page, by striking lines 2 through 4 and
17 inserting the following: "requirements for motor
18 vehicles in this state."

JACK RIFE

S-3491

1 Amend House File 708, as amended, passed, and
2 reprinted, by the House, as follows:

3 1. Page 15, by inserting after line 10 the
4 following:

5 "Sec. ____ BLUFFLANDS PROTECTION REVOLVING FUND.

6 1. As used in this section, "blufflands protection
7 Act" means 1997 Iowa Acts, Senate File 167, 1997 Iowa
8 Acts, Senate File 488, or 1997 Iowa Acts, House File
9 150.

10 2. There is appropriated from the general fund of
11 the state to the blufflands protection revolving fund
12 as created in section 161A.80, as enacted in the
13 blufflands protection Act for the fiscal year
14 beginning July 1, 1997, and ending June 30, 1998, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:

17\$ 250,000

18 For purpose of making loans to conservation
19 organizations which agree to purchase conservation
20 easements on blufflands along the Mississippi river or
21 to purchase blufflands along the Mississippi river for
22 resale with restrictive covenants attached to the
23 property, as provided in the blufflands protection
24 Act.

25 3. This section takes effect if the blufflands

- 26 protection Act is enacted.”
27 2. By renumbering as necessary.

MIKE CONNOLLY

S—3492

- 1 Amend House File 514, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by striking lines 18 through 21 and
4 inserting the following: “require exhibition of the
5 driver’s motor vehicle license, to serve a summons or
6 memorandum of traffic”.
7 2. Page 6, by inserting after line 27 the
8 following:
9 “Sec. ____ Section 321.492, Code 1997, is amended
10 by adding the following new unnumbered paragraph after
11 unnumbered paragraph 1:
12 NEW UNNUMBERED PARAGRAPH. A peace officer having
13 probable cause to stop a vehicle may require
14 exhibition of the proof of insurance card issued for
15 the vehicle if the vehicle is a motor vehicle
16 registered in this state.”
17 3. By renumbering as necessary.

MARY NEUHAUSER

S—3493

- 1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 2, line 20, through page 3,
4 line 32.
5 2. By renumbering as necessary.

ROD HALVORSON

S—3494

- 1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by striking lines 26 and 27.
4 2. By renumbering as necessary.

ROD HALVORSON

S—3495

- 1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 5, by striking lines 21 through 33.
- 4 2. By renumbering as necessary.

ROD HALVORSON

S—3496

- 1 Amend House File 693, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 16, by inserting after the word
- 4 "person." the following: "The prohibition also does
- 5 not apply to cases in which the communication pertains
- 6 to chemical test results of specimens of a person's
- 7 blood, breath, or urine."

TOM FLYNN

S—3497

- 1 Amend House File 710, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 27, by striking lines 11 through 17.
- 4 2. Page 27, by inserting after line 26 the
- 5 following:
- 6 "Sec. 100. Section 135L.4, Code 1997, is
- 7 repealed."
- 8 3. By renumbering as necessary.

ELAINE SZYMONIAK
TOM FLYNN
SHELDON RITTMER

S—3498

- 1 Amend House File 708, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 10, by striking lines 7 through 16.

BILL FINK

S—3499

- 1 Amend the amendment, S—3478, to House File 708, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 1, line 35, through page 3,
- 5 line 6.

STEWART IVERSON, JR.
JOHN P. KIBBIE

S—3500

- 1 Amend House File 514, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. NEW SECTION. 307.55 UNINSURED
6 MOTORIST FUND.
7 An uninsured motorist 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 and used for providing services and
11 support to individuals injured in accidents involving
12 other individuals who are in violation of section
13 321.20B. Such services and support shall only be
14 provided if the person who is in violation of section
15 321.20B would otherwise be subject to liability for
16 injury caused in the accident. The fund shall be used
17 to provide for costs associated with personal injury
18 and property damage resulting from the accident. The
19 department shall establish procedures by rule for
20 making application for and receiving services and
21 support from the fund."
22 2. Page 11, by striking lines 14 through 19 and
23 inserting the following: "pursuant to this paragraph
24 shall be deposited in the uninsured motorist fund
25 established in section 307.55."
26 3. By renumbering as necessary.

MARY NEUHAUSER

S—3501

- 1 Amend Senate File 390 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 455B.305A, subsection 1, Code
5 1997, is amended to read as follows:
6 1. Prior to the siting of a proposed, new sanitary
7 landfill, sanitary landfill expansion, incinerator, or
8 infectious medical waste incinerator, a city, county,
9 or private agency, shall submit a request for local
10 siting approval to the city council or county board of
11 supervisors which governs the city or county in which
12 the proposed site is to be located. ~~The requirements~~
13 ~~of this section do not apply to the expansion of an~~
14 ~~existing sanitary landfill owned by a private agency~~
15 ~~which disposes of waste which the agency generates on~~
16 ~~property owned by the agency.~~ The city council or
17 county board of supervisors shall approve or
18 disapprove the site for each sanitary landfill, or
19 incinerator, or infectious medical waste incinerator.

20 Prior to the siting of a proposed new sanitary
21 landfill, sanitary landfill expansion, or incinerator
22 by a private agency disposing of waste which the
23 agency generates on property owned by the agency which
24 is located outside of the city limits and for which no
25 county zoning ordinance exists, the private agency
26 shall cause written notice of the proposal, including
27 the nature of the proposed facility, and the right of
28 the owner to submit a petition for formal siting of
29 the proposed site, to be served either in person or by
30 mail on the owners and residents of all property
31 within two miles in each direction of the proposed
32 local site area. The owners shall be identified based
33 upon the authentic tax records of the county in which
34 the proposed site is to be located. The private
35 agency shall notify the county board of supervisors
36 which governs the county in which the site is to be
37 located of the proposed siting, and certify that
38 notices have been mailed to owners and residents of
39 the impacted area. Written notice shall be published
40 in the official newspaper, as selected by the county
41 board of supervisors pursuant to section 349.1, of the
42 county in which the site is located. The notice shall
43 state the name and address of the applicant, the
44 location of the proposed site, the nature and size of
45 the development, the nature of the activity proposed,
46 the probable life of the proposed activity, and a
47 description of the right of persons to comment on the
48 request. If two hundred fifty or a minimum of twenty
49 percent, whichever is less, of the owners and
50 residents of property notified submit a petition for

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1 formal review to the county board of supervisors or if
2 the county board of supervisors, on the board's own
3 motion, requires formal review of the proposed siting,
4 the private agency proposal is subject to the formal
5 siting procedures established pursuant to this
6 section.
7 Sec. 2. Section 455B.305A, Code 1997, is amended
8 by adding the following new subsections:
9 NEW SUBSECTION. 11. The requirements of this
10 section apply to the expansion of an existing sanitary
11 landfill owned by a private agency which disposes of
12 waste which the agency generates on property owned or
13 leased by the agency on or after July 1, 1996.
14 NEW SUBSECTION. 12. Any permit issued by the
15 department on or after July 1, 1996, for expansion of
16 an existing sanitary landfill owned by a private
17 agency which disposes of waste which the agency
18 generates on property owned or leased by the agency,

19 and which did not comply with the requirements of this
20 section before obtaining a permit shall be null and
21 void. A private agency may reapply for a permit for
22 expansion of an existing sanitary landfill in
23 accordance with the provisions of this section.

24 Sec. 3. From July 1, 1997, until December 31,
25 1997, both of the following shall occur:

26 1. Under section 455B.310, subsection 2,
27 unnumbered paragraph 1, Code 1997, one dollar and five
28 cents of the tonnage fee imposed shall be retained by
29 a city, county, or public or private agency, instead
30 of the ninety-five cents currently retained. The
31 additional ten cents retained pursuant to this section
32 shall be used in accordance with section 455B.310,
33 subsection 2, paragraph "b". The reduction in tonnage
34 fees pursuant to this section shall be taken from that
35 portion of the tonnage fees which would have been
36 allocated for funding alternatives to landfills
37 pursuant to section 455E.11, subsection 2, paragraph
38 "a", subparagraph (1).

39 2. Under section 455D.3, subsection 3, paragraph
40 "a", unnumbered paragraph 2, Code 1997, if the
41 department determines that a planning area has met or
42 exceeded the twenty-five percent goal, a planning area
43 shall retain twenty-five cents of the tonnage fee
44 imposed pursuant to section 455B.310, subsection 2, in
45 addition to the current fifty cents subtracted. Moneys
46 subtracted under section 455D.3, subsection 3,
47 paragraph "a", unnumbered paragraph 2, Code 1997, and
48 retained pursuant to this subsection, shall be used
49 for implementing waste reduction and recycling
50 requirements of comprehensive plans filed under

Page 3

1 section 455B.306. The reduction in tonnage fees
2 pursuant to this section shall be taken from that
3 portion of the tonnage fees which would have been
4 allocated for funding alternatives to landfills
5 pursuant to section 455E.11, subsection 2, paragraph
6 "a", subparagraph (1).

7 Sec. 4. The legislative council is requested to
8 establish an interim committee to meet three times to
9 conduct a comprehensive review of the goals,
10 regulation, reporting, and status of statewide efforts
11 to reduce and recycle solid waste. The review shall
12 include, but not be limited to, an evaluation of the
13 effectiveness of statewide goals for waste stream
14 reduction, incentives, and penalties used to encourage
15 planning areas to meet the waste stream reduction
16 goals, recycling programs, tonnage fees, and programs
17 funded by tonnage fees. The committee shall submit a

- 18 report of its findings and recommendations to the
 19 general assembly by December 15, 1997.
 20 Sec. 5. Sections 1 and 2 of this Act apply
 21 retroactively to July 1, 1996, with respect to the
 22 expansion of an existing sanitary landfill owned by a
 23 private agency.”
 24 2. Title page, line 2, by inserting after the
 25 words “landfills and” the following: “, the
 26 regulation of sanitary landfills, and including a
 27 retroactive applicability provision”.
 28 3. By renumbering as necessary.

PATTY JUDGE
 MERLIN E. BARTZ

HOUSE AMENDMENT TO
 SENATE FILE 451

S—3502

- 1 Amend Senate File 451, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 4, by striking the figure “1993”
 4 and inserting the following: “1995”.

S—3503

- 1 Amend the amendment, S—3485, to House File 710, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 9, by striking the words “The
 5 plan shall provide”.
 6 2. Page 1, by striking lines 10 through 15.

SHELDON RITTMER
 DERRYL McLAREN

S—3504

- 1 Amend Senate File 538 as follows:
 2 1. Page 1, line 26, by inserting after the word
 3 “return.” the following: “The credit in this
 4 subsection does not apply to a taxpayer whose net
 5 income, as properly computed for state tax purposes,
 6 is forty-five thousand dollars or more. In the case
 7 where the taxpayer is married, whether filing jointly
 8 or separately, the credit does not apply if the
 9 combined net income of the taxpayer and spouse is
 10 forty-five thousand dollars or more.”

ROBERT E. DVORSKY

S—3505

- 1 Amend House File 453 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 28 and 29, and
- 4 inserting the following: "child."
- 5 2. Page 2, line 19, by striking the figure "(1)".
- 6 3. Page 2, line 26, by striking the word "(a)"
- 7 and inserting the following: "(1)".
- 8 4. Page 2, line 29, by striking the word "(b)"
- 9 and inserting the following: "(2)".
- 10 5. Page 2, by inserting after line 33, the
- 11 following:
- 12 "(3) Openly living with the child for a period of
- 13 six months within the one-year period immediately
- 14 preceding the termination of parental rights hearing
- 15 and during that period openly holding himself out to
- 16 be the father of the child."
- 17 6. Page 2, line 34, by striking the figure "(2)"
- 18 and inserting the following: "c."
- 19 7. Page 3, by striking lines 1 through 4, and
- 20 inserting the following: "specified in paragraph "a"
- 21 or "b" manifesting such intent, does not preclude a
- 22 determination that the putative father has abandoned
- 23 the child. In making a determination, the court
- 24 shall".
- 25 8. Page 3, line 7, by striking the word and
- 26 figure "subparagraph (1)" and inserting the following:
- 27 "paragraph "a" or "b)".
- 28 9. Page 3, by striking lines 9 through 15, and
- 29 inserting the following: "mother during the
- 30 pregnancy. Demonstration of a commitment to the child
- 31 is not met by the putative father marrying the mother
- 32 of the child after adoption of the child."
- 33 10. By renumbering as necessary.

NEAL SCHUERER

S—3506

- 1 Amend House File 715, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 41, line 2, by inserting after the word
- 4 "funds." the following: "Programs or areas which have
- 5 previously received funding shall be eligible for
- 6 additional funding under this appropriation."
- 7 2. Page 53, line 15, by inserting after the word
- 8 "system" the following: "without use of county
- 9 funds".

- 10 3. Page 55, line 6, by inserting after the word
11 "support," the following: "state hospital-schools,".

ELAINE SZYMONIAK

S-3507

- 1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 27, by inserting after line 1 the
4 following:
5 "Sec. 100. MEDICAL ASSISTANCE APPROPRIATION --
6 HEALTH PROGRAMS. Notwithstanding section 8.33, of the
7 funds remaining unobligated or unexpended from the
8 appropriation to the department of human services for
9 medical assistance in 1996 Iowa Acts, chapter 1213,
10 section 3, at the close of the fiscal year beginning
11 July 1, 1996, \$600,000 shall not revert to the general
12 fund of the state but shall remain available to be
13 used for the purposes designated in this section in
14 the succeeding fiscal year. The moneys retained shall
15 be transferred to the Iowa department of public health
16 and shall be used in addition to the allocations in
17 this Act in the amount of \$400,000 for the public
18 health nursing program and \$200,000 for the home care
19 aid/chore program. Notwithstanding section 8.39,
20 moneys transferred pursuant to this section are not
21 subject to further transfer."
22 2. Page 28, line 6, by striking the word "DATE"
23 and inserting the following: "DATES."
24 1."
25 3. Page 28, by inserting after line 8 the
26 following:
27 "2. Section 100, relating to reversion of a
28 medical assistance appropriation, being deemed of
29 immediate importance, takes effect upon enactment."

WILLIAM D. PALMER

S-3508

- 1 Amend House File 710, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, line 20, by striking the figure
4 "8,390,159" and inserting the following:
5 "26,852,144".
6 2. Page 7, by inserting after line 27 the
7 following:
8 "(3) Of the funds appropriated in this lettered
9 paragraph, \$18,461,985 shall be used to develop and
10 implement a substance abuse prevention, counseling,
11 and treatment program for public school students in

12 grades five through twelve throughout the state. The
 13 program shall address illegal drug, alcohol, and
 14 tobacco use by students through a combination of
 15 counseling, detention, and treatment referral. The
 16 department shall coordinate with the department of
 17 education to either hire or contract with substance
 18 abuse prevention counselors in each school district at
 19 a ratio of one counselor to every three hundred
 20 students. Counselors hired or contracted with shall
 21 meet substance abuse counseling training standards as
 22 prescribed by the departments. The programs developed
 23 shall involve mandatory school detention for students
 24 identified as substance abusers. The departments
 25 shall determine identification criteria by rule.
 26 During detention, students shall receive counseling,
 27 with referral for treatment at a licensed substance
 28 abuse treatment facility if substance abuse continues
 29 and referral is determined warranted in the opinion of
 30 the counselor."

WILLIAM D. PALMER

S-3509

1 Amend Senate File 528 as follows:
 2 1. Page 1, line 14, by inserting after the word
 3 "tanks" the following: ", other than petroleum
 4 underground storage tanks,"
 5 2. Page 1, by inserting after line 22 the
 6 following:
 7 "1A. "Affiliate" means a corporate parent,
 8 subsidiary, or predecessor of a participant, a co-
 9 owner or co-operator of a participant, a spouse,
 10 parent, or child of a participant, an affiliated
 11 corporation or enterprise of a participant, or any
 12 other person substantially involved in the legal
 13 affairs or management of a participant, as defined by
 14 the department."
 15 3. Page 1, line 24, by striking the words "that
 16 are" and inserting the following: "naturally
 17 occurring and".
 18 4. Page 1, line 26, by striking the words "at an
 19 enrolled site".
 20 5. Page 2, line 11, by inserting after the word
 21 "chapter." the following: "A participant is a
 22 participant only to the extent the participant
 23 complies with the requirements of this chapter."
 24 6. Page 3, line 4, by inserting after the word
 25 "by" the following: "purchase, eminent domain,".
 26 7. Page 3, by inserting after line 8 the
 27 following:
 28 "k. A government agency or political subdivision

29 which acquires an enrolled site through voluntary or
30 involuntary means, including, but not limited to,
31 abandonment, tax foreclosure, eminent domain, or
32 escheat."

33 8. Page 3, by striking lines 31 through 34 and
34 inserting the following:

35 "d. The use of pesticides in accordance with the
36 product label."

37 9. Page 4, by striking lines 22 through 24 and
38 inserting the following: "persons to voluntarily
39 develop and implement cleanup plans."

40 10. Page 4, lines 25 and 26, by striking the
41 words "and nurtured with clear, predictable" and
42 inserting the following: "through the adoption of".

43 11. By striking page 4, line 32, through page 5,
44 line 8.

45 12. Page 5, by inserting after line 15 the
46 following:

47 "1A. Adopt rules establishing statewide standards
48 and criteria for determination of background standards
49 and site specific cleanup standards."

50 13. Page 5, by striking lines 22 through 26 and

Page 2

1 inserting the following:

2 "4. Adopt rules establishing requirements for the
3 submission, performance, and verification of site
4 assessments, cleanup plans, and certifications of
5 completion. The rules shall provide that all site
6 assessments, cleanup plans, and certifications of
7 completion submitted by a participant shall be
8 prepared by or under the supervision of an
9 appropriately trained professional, including a
10 groundwater professional certified pursuant to section
11 455G.18.

12 5. Adopt rules for public notice of the proposed
13 verification of a certificate of completion by the
14 department where the certificate of completion is
15 conditioned on the use of an institutional or
16 technological control."

17 14. Page 6, by inserting after line 3 the
18 following:

19 "4. Take actions necessary, including the
20 revocation, suspension, or modification of permits or
21 agreements, the issuance of orders, and the initiation
22 of administrative or judicial proceedings, to enforce
23 the provisions of this chapter and any agreements,
24 covenants, easements, or orders issued pursuant to
25 this chapter."

26 15. Page 6, by striking lines 5 through 16 and
27 inserting the following:

28 "1. A person may enroll property in the land
29 recycling program pursuant to this chapter to carry
30 out a response action in accordance with rules adopted
31 by the commission which outline the eligibility for
32 enrollment. The eligibility rules shall reasonably
33 encourage the enrollment of all sites potentially
34 eligible to participate under this chapter and shall
35 not take into account any amounts the department may
36 be reimbursed under this chapter."

37 16. Page 6, line 21, by inserting after the word
38 "site." the following: "An agreement entered into
39 under this subsection must allow the department access
40 to the enrolled site and must require a demonstration
41 of the participant's ability to carry out a response
42 action reasonably associated with the enrolled site."

43 17. Page 6, by striking lines 24 through 29 and
44 inserting the following:

45 "a. Property for which corrective action is needed
46 or has been taken for petroleum underground storage
47 tanks under chapter 455B, division IV, part 8.
48 However, such property may be enrolled to address
49 hazardous substances other than petroleum from
50 underground storage tanks.

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1 b. Property which has been placed or is proposed
2 to be included on the national priorities list
3 established pursuant to the federal Comprehensive
4 Environmental Response, Compensation, and Liability
5 Act, 42 U.S.C. § 9601 et seq."

6 18. Page 6, by striking lines 30 and 31 and
7 inserting the following:

8 "c. An animal feeding operation structure as
9 defined in section 455B.161."

10 19. Page 7, line 15, by inserting after the word
11 "section" the following: "and shall, subject to the
12 limitation on fees in subsection 3, be liable for any
13 costs actually incurred by the department. The
14 department or court may determine that a participant
15 who withdraws prior to completion of all response
16 actions identified for the enrolled site forfeits all
17 benefits and immunities provided by this chapter as to
18 the enrolled site. If it is deemed necessary and
19 appropriate by the department, a participant who
20 withdraws shall stabilize the enrolled site in
21 accordance with a plan approved by the department."

22 20. Page 7, by inserting after line 28 the
23 following:

24 "Any remediation standard which is applied must
25 provide for the protection of the public health and
26 safety and the environment."

27 21. By striking page 7, line 34, through page 8,
28 line 3.

29 22. Page 8, by striking lines 20 through 23 and
30 inserting the following:

31 "1. Methods to identify background standards shall
32 be adopted by the commission after consideration of
33 the joint recommendations of the department and the
34 technical advisory committee."

35 23. Page 9, by striking lines 8 and 9 and
36 inserting the following:

37 "1. Statewide standards shall be adopted by the
38 commission after consideration of the joint
39 recommendations of the department and the technical
40 advisory committee. The standards must provide for
41 the protection of the public health and safety and the
42 environment."

43 24. Page 10, by striking lines 25 through 27 and
44 inserting the following:

45 "1. Procedures to establish site-specific cleanup
46 standards shall be adopted by the commission after
47 consideration of the joint recommendations of the
48 department and the technical advisory committee.
49 Site-specific cleanup standards must provide for the
50 protection of the public health and safety and the

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1 environment."

2 25. Page 12, line 29, by inserting after the word
3 "tanks" the following: "other than petroleum
4 underground storage tanks".

5 26. Page 12, lines 31 and 32, by striking the
6 words "or hazardous substances may, at their election,
7 utilize compliance" and inserting the following:
8 "shall comply".

9 27. Page 13, line 3, by striking the word "shall"
10 and inserting the following: "may".

11 28. Page 13, line 21, by striking the word
12 "shall" and inserting the following: "may".

13 29. Page 13, line 30, by inserting after the word
14 "control." the following: "The director may require
15 reasonable proof of financial assurance where
16 necessary to assure a technological control remains
17 effective."

18 30. Page 14, by inserting after line 4 the
19 following:

20 "e. An environmental protection easement."

21 31. Page 14, by striking lines 5 through 17 and
22 inserting the following:

23 "3. If the department's determination of
24 compliance with applicable standards pursuant to
25 subchapter 3 is conditioned on a restriction in the

26 use of any real estate in the affected area, the
27 participant must utilize an institutional control. If
28 the restriction in use is to limit the use to
29 nonresidential use, the participant must use an
30 environmental protection easement as the institutional
31 control. Environmental protection easements may also
32 be used to implement other institutional or
33 technological controls. An environmental protection
34 easement must be granted by the fee title owners of
35 the relevant real estate. The participant shall
36 furnish to the department abstracts of title and other
37 documents sufficient to enable the department to
38 determine that the easements will be enforceable. An
39 environmental protection easement shall be in a form
40 provided by rule of the department. An environmental
41 protection easement must provide all of the following:
42 a. The easement names the state, acting through
43 the department, as grantee.
44 b. The easement identifies the activity either
45 being restricted or required through the institutional
46 or technological control.
47 c. The easement runs with the land, binding the
48 owner of the land and the owner's successors and
49 assigns.
50 d. The easement shall include an acknowledgment by

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1 the director of acceptance of the easement by the
2 department.
3 e. The easement is filed in the office of the
4 recorder of the county in which the real estate is
5 located and in any central registry which may be
6 created by the director."
7 32. Page 14, line 23, by inserting after the word
8 "participant." the following: "An environmental
9 protection easement granted pursuant to subsection 3
10 shall be enforceable in perpetuity notwithstanding
11 sections 614.24 through 614.38. After the recording
12 of the easement, each instrument transferring an
13 interest in the area affected by the easement shall
14 include a specific reference to the recorded easement.
15 If a transfer instrument fails to include a specific
16 reference to the recorded easement, the transferor is
17 not entitled to any of the benefits provided by this
18 chapter."
19 33. Page 14, line 26, by inserting after the word
20 "discontinued," the following: "modified,"
21 34. Page 14, by striking lines 29 through 32 and
22 inserting the following: "applicable standard. Upon
23 review and approval by the department, the department
24 shall issue an amendment to its no further action

25 letter approving the removal, discontinuance,
26 modification, or termination of an institutional or
27 technological control which is no longer needed.”
28 35. By striking page 14, line 33, through page
29 15, line 6, and inserting the following:
30 “6. An environmental protection easement granted
31 pursuant to subsection 3 may be released or amended
32 only by a release or amendment of the easement
33 executed by the director and filed with the county
34 recorder. The department may determine that any
35 person who intentionally violates an environmental
36 protection easement or other technological or
37 institutional control contained in a no further action
38 letter loses any of the benefits provided by this
39 chapter as to the affected area. In the event the
40 technological or institutional controls fail to
41 achieve compliance with the applicable standards, the
42 participant shall undertake an additional response
43 action sufficient to demonstrate to the department
44 compliance with applicable standards. Failure to
45 proceed in a timely manner in performing the
46 additional response action may result in termination
47 of the participant’s enrollment in the land recycling
48 program.”
49 36. Page 15, line 21, by inserting after the word
50 “notice” the following: “or hearing”.

Page 6

1 37. Page 16, line 1, by inserting after the word
2 “approval” the following: “from the department”.
3 38. Page 16, line 5, by inserting after the word
4 “obtain” the following: “from the department”.
5 39. Page 16, line 7, by inserting after the word
6 “rules.” the following: “A violation of the
7 conditions of the consolidated standards permit shall
8 be deemed to be a violation of the applicable statute,
9 rule, or regulation under which approval of activities
10 in connection with a response action would have been
11 required and is subject to enforcement in the same
12 manner and to the same extent as a violation of the
13 applicable statute, rule, or regulation would have
14 been.”
15 40. Page 16, by striking lines 10 through 21.
16 41. Page 16, line 25, by inserting after the word
17 “standards” the following: “and the department has
18 certified that the participant has met all
19 requirements for completion”.
20 42. By striking page 16, line 27, through page
21 17, line 1, and inserting the following:
22 “2. A no further action letter shall state that
23 the participant and any protected party are not

24 required to take any further action at the site
25 related to any hazardous substance for which
26 compliance with applicable standards is demonstrated
27 by the participant in accordance with applicable
28 standards, except for continuing requirements
29 specified in the no further action letter. If the
30 participant was a person having control over a
31 hazardous substance, as that phrase is defined in
32 section 455B.381, at the time of the release, a no
33 further action letter may provide that a further
34 response action may be required, where appropriate, to
35 protect against an imminent and substantial threat to
36 public health, safety, and welfare. A protected party
37 who was a person having control over a hazardous
38 substance, as that phrase is defined in section
39 455B.381, at the time of the release, may be required
40 by the department to conduct a further response
41 action, where appropriate, to protect against an
42 imminent and substantial threat to public health,
43 safety, and welfare.

44 If a person transfers property to an affiliate in
45 order for that person or the affiliate to obtain a
46 benefit to which the transferor would not otherwise be
47 eligible under this chapter or to avoid an obligation
48 under this chapter, the affiliate shall be subject to
49 the same obligations and obtain the same level of
50 benefits as those available to the transferor under

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1 this chapter.

2 A no further action letter shall be void if the
3 department demonstrates by clear, satisfactory, and
4 convincing evidence that any approval under this
5 chapter was obtained by fraud or material
6 misrepresentation, knowing failure to disclose
7 material information, or false certification to the
8 department.”

9 43. Page 17, by striking lines 16 through 18 and
10 inserting the following: “party from liability to the
11 state, in the state’s capacity as a regulator
12 administering environmental programs, to perform
13 additional environmental assessment, remedial
14 activity, or response action with regard to the
15 release of a hazardous substance for which the
16 participant and each protected party has complied with
17 the requirements of this chapter.”

18 44. Page 17, by striking lines 21 through 27 and
19 inserting the following:
20 “Upon issuance of a no further action letter
21 pursuant to section 455H.302, except as provided in
22 that section, the participant and each protected party

23 shall no longer have liability under chapter 455A,
24 under chapter 455B other than liability for petroleum
25 underground storage tanks, or under chapters 455D and
26 455E to the state or to any other person as to any
27 condition at the affected area with regard to
28 hazardous substances for which compliance with
29 applicable standards was demonstrated by the
30 participant in accordance with this chapter and for
31 which the department has provided a certificate of
32 completion."

33 45. Page 20, line 33, by inserting after the word
34 "RELEASE" the following: "OR BEYOND AFFECTED AREA".

35 46. Page 21, line 2, by inserting after the word
36 "letter" the following: "or from liability for any
37 condition outside the affected area addressed in the
38 cleanup plan and no further action letter".

39 47. Page 21, by inserting after line 2 the
40 following:

41 "Sec. ____ NEW SECTION. 455H.309 RELATIONSHIP TO
42 FEDERAL LAW.

43 The liability protection and immunities afforded
44 under this chapter extend only to liability or
45 potential liability arising under state law. It is
46 not intended to provide any relief as to liability or
47 potential liability arising under federal law. This
48 section shall not be construed as precluding any
49 agreement with a federal agency by which it agrees to
50 provide liability protection based on participation

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1 and completion of a cleanup plan under this chapter.

2 Sec. ____ NEW SECTION. 455H.310 INCREMENTAL
3 PROPERTY TAXES.

4 1. To encourage economic development and the
5 recycling of contaminated land to promote the purposes
6 of this chapter, cities and counties may provide by
7 ordinance that the costs of carrying out response
8 actions under this chapter are to be reimbursed, in
9 whole or in part, by incremental property taxes over a
10 six-year period. A city or county which implements
11 the option provided for under this section shall
12 provide that taxes levied on property enrolled in the
13 land recycling program under this chapter each year by
14 or for the benefit of the state, city, county, school
15 district, or other taxing district shall be divided as
16 provided in section 403.19, subsections 1 and 2, in
17 the same manner as if the enrolled property was
18 taxable property in an urban renewal project.
19 Incremental property taxes collected under this
20 section shall be placed in a special fund of the city
21 or county. A participant shall be reimbursed with

22 moneys from the special fund for costs associated with
 23 carrying out a response action in accordance with
 24 rules adopted by the commission. Beginning in the
 25 fourth of the six years of collecting incremental
 26 property taxes, the city or county shall begin
 27 decreasing by twenty-five percent each year the amount
 28 of incremental property taxes computed under this
 29 section."

30 48. Page 22, by striking line 6 and inserting the
 31 following:

32 "e. An engineer employed by a city or county which
 33 is appointed jointly by the Iowa league of cities and
 34 Iowa state association of counties."

35 49. By renumbering and correcting internal
 36 numbering and references as necessary.

ALLEN BORLAUG
 PATTY JUDGE
 MERLIN E. BARTZ
 BILL FINK
 LARRY McKIBBEN
 DENNIS H. BLACK

HOUSE AMENDMENT TO
 SENATE FILE 163

S—3510

1 Amend Senate File 163, as passed by the Senate, as
 2 follows:

3 1. Page 2, line 2, by striking the word
 4 "eighteen" and inserting the following: "twenty-one".

5 2. Page 2, by inserting after line 7 the
 6 following:

7 "Sec. __. CIGARETTE AND TOBACCO PRODUCTS --
 8 ADVERTISING -- INTERIM. The legislative council is
 9 requested to establish an interim committee to review
 10 the effects of the advertising of cigarette and
 11 tobacco products on persons under the age of eighteen.
 12 The committee shall make recommendations to the
 13 general assembly on or before December 15, 1997, which
 14 include measures that may be implemented to address
 15 such advertising."

16 3. Title page, line 2, by striking the words
 17 "through vending machines".

18 4. By renumbering, relettering, or redesignating
 19 and correcting internal references as necessary.

S—3511

1 Amend House File 644, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 28 the
4 following:
5 "d. The board shall adopt rules establishing the
6 form and contents of the written disclosure required
7 under this subsection. The written disclosure shall
8 include a statement indicating that the licensee
9 should have made the disclosure identifying the party
10 the licensee represents in the transaction, as
11 required under subsection 1, at the time the licensee
12 provided specific assistance to the client."

ROD HALVORSON

S-3512

1 Amend House File 644, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 26, by striking the word "A" and
4 inserting the following: "A written disclosure is
5 required to be made prior to an offer being made or
6 accepted by any party to a transaction. The".

TOM VILSACK

S-3513

1 Amend the amendment, S-3509, to Senate File 528 as
2 follows:
3 1. Page 5, lines 16 and 17, by striking the words
4 "is not entitled to" and inserting the following:
5 "may lose".

ALLEN BORLAUG
BILL FINK

S-3514

1 Amend House File 611, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 13 through 20 and
4 inserting the following:
5 "Sec. ____ Section 537.2202, subsection 3, Code
6 1997, is amended to read as follows:
7 3. If the billing cycle is monthly, the charge may
8 not exceed an amount which, on a corresponding annual
9 basis, is equal to one point sixty-five percent the
10 greater of nineteen and eight hundredths percent or
11 the prime rate plus six percent. For purposes of this
12 subsection, "prime rate" means the rate of interest as
13 determined and published by the superintendent of
14 banking pursuant to section 535.2, subsection 3,
15 paragraph "a". If the billing cycle is not monthly,

16 the maximum charge for the billing cycle shall bear
 17 the same relation to the applicable monthly maximum
 18 charge as the number of days in the billing cycle
 19 bears to three hundred sixty-five divided by twelve.
 20 A billing cycle is monthly if the closing date of the
 21 cycle is the same date each month or does not vary by
 22 more than four days from the regular date."

23 2. Page 1, by striking lines 21 through 26 and
 24 inserting the following:

25 "Sec. ____ Section 537.2402, subsection 3, Code
 26 1997, is amended to read as follows:

27 3. If the billing cycle is monthly, the charge
 28 shall not exceed an amount which, on a corresponding
 29 annual basis, is equal to one and sixty-five
 30 hundredths percent of the maximum amount pursuant to
 31 subsection 2 the greater of nineteen and eight
 32 hundredths percent or the prime rate plus six percent.
 33 For purposes of this subsection, "prime rate" means
 34 the rate of interest as determined and published by
 35 the superintendent of banking pursuant to section
 36 535.2, subsection 3, paragraph "a". If the billing
 37 cycle is not monthly, the maximum charge for the
 38 billing cycle shall bear the same relation to the
 39 applicable monthly maximum charge as the number of
 40 days in the billing cycle bears to three hundred
 41 sixty-five divided by twelve. A billing cycle is
 42 monthly if the closing date of the cycle is the same
 43 date each month or does not vary by more than four
 44 days from the regular date."

45 3. Page 1, line 27, by striking the figures "3,
 46 5," and inserting the following: "5".

47 4. By renumbering as necessary.

ROBERT E. DVORSKY

S—3515

1 Amend House File 611, as passed by the House, as
 2 follows:

3 1. Page 2, by inserting after line 17 the
 4 following:

5 "Sec. ____ NEW SECTION. 537.3502 OPEN-END CREDIT
 6 FOR DOOR-TO-DOOR SALES -- PROHIBITED ACTS.

7 A seller, as defined in section 555A.1, shall not
 8 finance or offer to finance, or arrange or offer to
 9 arrange financing of a door-to-door sale, as defined
 10 in section 555A.1, through open-end credit. A
 11 contract made in violation of this section is void.
 12 This section applies to any person who attempts to
 13 circumvent the prohibition in this section by any
 14 means.

15 Sec. ____ Section 537.5201, subsection 1,

16 paragraph w, Code 1997, is amended to read as follows:

17 w. Door-to-door sales under section 537.3501 and

18 537.3502."

19 2. By renumbering as necessary.

ROBERT E. DVORSKY

S—3516

1 Amend House File 697, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 6, by inserting before line 20 the

4 following:

5 "Sec. ____ Section 68B.32, subsection 1, Code

6 1997, is amended to read as follows:

7 1. An Iowa ethics and campaign disclosure board is

8 established as an independent agency. Effective

9 January 1, 1994, the board shall administer this

10 chapter and set standards for, investigate complaints

11 relating to, and monitor the ethics of officials,

12 employees, lobbyists, and candidates for office in the

13 executive branch of state government. The board shall

14 also administer and set standards for, investigate

15 complaints relating to, and monitor the campaign

16 finance practices of candidates for public office.

17 The board shall consist of six members and shall be

18 balanced as to political affiliation as provided in

19 section 69.16. The members shall be appointed by the

20 governor, subject to confirmation by the senate."

21 2. Page 7, by inserting before line 11 the

22 following:

23 "Sec. ____ Section 68B.32A, subsection 12, Code

24 1997, is amended to read as follows:

25 12. Establish rules relating to ethical conduct

26 for persons holding a state office in the executive

27 branch of state government, ~~including candidates, and~~

28 for employees of the executive branch of state

29 government, and for candidates for any state office.

30 ~~The board shall also establish regulations governing~~

31 the conduct of lobbyists of the executive branch of

32 state government, ~~including. The rules which~~

33 regulations shall include, but are not limited to,

34 rules and regulations governing conflicts of interest,

35 abuse of office or position, misuse of public or

36 campaign property, campaign advertising, use of

37 confidential information, participation in matters in

38 which an official or state employee has a financial

39 interest, and rejection of improper offers.

40 Sec. ____ Section 68B.32B, subsection 1, Code

41 1997, is amended to read as follows:

42 1. Any person may file a complaint alleging that a

43 candidate, committee, person holding a state office in

44 the executive branch of state government, employee of
 45 the executive branch of state government, or other
 46 person has committed a violation of chapter 56 or
 47 rules adopted by the board. Any person may file a
 48 complaint alleging that a person holding a state
 49 office in the executive branch of state government, an
 50 employee of the executive branch of state government,

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1 a candidate for state office, or a lobbyist or a
 2 client of a lobbyist of the executive branch of state
 3 government has committed a violation of this chapter
 4 or rules adopted by the board. The board shall
 5 prescribe and provide forms for this purpose. A
 6 complaint must include the name and address of the
 7 complainant, a statement of the facts believed to be
 8 true that form the basis of the complaint, including
 9 the sources of information and approximate dates of
 10 the acts alleged, and a certification by the
 11 complainant under penalty of perjury that the facts
 12 stated to be true are true to the best of the
 13 complainant's knowledge."
 14 3. By renumbering as necessary.

DON GETTINGS

HOUSE AMENDMENT TO
 SENATE FILE 214

S—3517

1 Amend Senate File 214, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 27, by striking the word and
 4 figure "July 1" and inserting the following: "March
 5 1".

HOUSE AMENDMENT TO
 SENATE FILE 362

S—3518

1 Amend Senate File 362, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 25, by striking the word "three"
 4 and inserting the following: "two".
 5 2. Page 1, by striking lines 32 through 34 and
 6 inserting the following: "The unit shall serve and
 7 act as the liaison to the department for the producers
 8 in the state who suffer crop and nursery damage due to
 9 wild animals. The department shall issue depredation

10 permits as necessary to reduce crop and nursery damage
 11 due to wild animals. The criteria for issuing".
 12 3. Page 2, by inserting after line 10 the
 13 following:
 14 "Sec. ____ REPORT TO GENERAL ASSEMBLY, 1998. The
 15 department of natural resources shall report, during
 16 January 1998, to the chairpersons and ranking members
 17 of the house committee on natural resources and the
 18 senate committee on natural resources and environment
 19 the number of applications received for depredation
 20 permits and the number of depredation permits issued
 21 during the preceding calendar year pursuant to section
 22 481C.2."
 23 4. By renumbering as necessary.

S-3519

1 Amend House File 697, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting before line 21 the
 4 following:
 5 "Sec. ____ Section 56.40, Code 1997, is amended to
 6 read as follows:
 7 56.40 CAMPAIGN FUNDS.
 8 1. As used in this division, "campaign funds"
 9 means contributions to a candidate or candidate's
 10 committee which are required by this chapter to be
 11 deposited in a separate campaign account.
 12 2. A candidate's committee shall not accept
 13 contributions from any other candidate's committee
 14 including candidate's committees from other states or
 15 for federal office, unless the candidate for whom each
 16 committee is established is the same person. For
 17 purposes of this section, "contributions" does not
 18 mean travel costs incurred by a candidate in attending
 19 a campaign event of another candidate.
 20 3. This section shall not be construed to prohibit
 21 a candidate or candidate's committee from using
 22 campaign funds or accepting contributions for the
 23 following:
 24 a. The purchase of tickets to meals if the
 25 candidate attends solely for the purpose of enhancing
 26 the person's candidacy or the candidacy of another
 27 person.
 28 b. Meals purchased while executing the duties
 29 associated with public office, provided that such
 30 expenditures do not exceed thirty-five dollars per
 31 day."
 32 2. By renumbering as necessary.

MARY A. LUNDBY
 MERLIN E. BARTZ

S—3520

- 1 Amend Senate File 538 as follows:
 2 1. Page 1, lines 1 and 2, by striking the words
 3 and figure "unnumbered paragraph 1,"
 4 2. Page 1, line 3, by inserting before the word
 5 "A" the following: "2."
 6 3. Page 1, line 18, by striking the word "not"
 7 and inserting the following: "not".
 8 4. Page 1, by inserting after line 26 the
 9 following:
 10 "As used in this subsection, "tuition" means any
 11 charges for the expenses of personnel, buildings,
 12 equipment and materials other than textbooks, and
 13 other expenses of elementary or secondary schools
 14 which relate to the teaching only of those subjects
 15 legally and commonly taught in public elementary and
 16 secondary schools in this state and which do not
 17 relate to the teaching of religious tenets, doctrines,
 18 or worship, the purpose of which is to inculcate those
 19 tenets, doctrines, or worship, and or which do ~~not~~
 20 relate to extracurricular activities including
 21 sporting events, musical or dramatic events, speech
 22 activities, driver's education, or programs of a
 23 similar nature."

TOM VILSACK
 ROD HALVORSON

S—3521

- 1 Amend Senate File 538 as follows:
 2 1. Page 1, line 6, by inserting after the word
 3 "tuition" the following: "fees,"

TOM VILSACK

S—3522

- 1 Amend House File 694, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, by inserting after line 14 the
 4 following:
 5 "Sec. __. Section 165.18, Code 1997, is amended
 6 to read as follows:
 7 165.18 BRUCCELLOSIS AND TUBERCULOSIS ERADICATION
 8 FUND.
 9 1. A brucellosis and tuberculosis eradication fund
 10 is created as a separate fund in the office of the
 11 ~~secretary of agriculture~~ state treasury under the
 12 control of the department, to be used ~~together with~~

13 state and federal funds available to pay for all of
 14 the following:

15 a. The indemnity and other expenses provided in
 16 this chapter.

17 b. The indemnity as set out in section 164.21 and
 18 other expenses provided in chapter 164.

19 c. The expenses of the inspection and testing
 20 program provided in chapter 163A, but only to the
 21 extent that the moneys in the fund are not required
 22 for expenses incurred under chapter 164 or 165.

23 d. Indemnities as provided in section 159.5,
 24 subsection 13, but only to the extent that the moneys
 25 in the fund are not required to pay expenses under
 26 chapter 163A, 164, or 165.

27 2. The treasurer of state shall act as custodian
 28 of the fund and disburse amounts contained in the fund
 29 as directed by the department. The treasurer of state
 30 is authorized to invest the moneys deposited in the
 31 fund. The income from such investment shall be
 32 credited to and deposited in the fund.

33 Notwithstanding section 8.33, moneys in the fund are
 34 not subject to reversion to the general fund of the
 35 state. The fund shall be administered by the
 36 department which shall make expenditures from the fund
 37 consistent with the purposes set out in subsection 1.
 38 The moneys in the fund shall be disbursed upon
 39 warrants drawn by the director of revenue and finance
 40 pursuant to the order of the department. The auditor
 41 of state shall regularly perform audits of the fund.

42 3. The fund consists of moneys appropriated by the
 43 general assembly and any other moneys available to and
 44 obtained or accepted by the department from the
 45 federal government or private sources for placement in
 46 the fund.

47 2. 4. If it appears to before October 1, the
 48 secretary of agriculture determines that the balance
 49 in the fund on January 20 is insufficient to carry on
 50 the work in the state for the following fiscal year,

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1 the secretary shall notify the board of supervisors of
 2 each county to levy an include the amount sufficient
 3 to pay the expenses estimated to be incurred under
 4 subsection 1 for the following fiscal year, subject to
 5 a maximum levy of thirty-three and three-fourths cents
 6 per thousand dollars of assessed value of all taxable
 7 property in the county as part of the department's
 8 estimate of expenditure requirements as provided in
 9 section 8.23.

10 ~~3. Not later than December 15 or June 15 of a year~~
 11 ~~in which the tax is collected, the county treasurer~~
 12 ~~shall transmit the amount of the tax levied and~~
 13 ~~collected to the treasurer of state, who shall credit~~
 14 ~~it to the brucellosis and tuberculosis eradication~~
 15 ~~fund.~~

16 Sec. ____ Section 331.512, subsection 1, paragraph
 17 f, Code 1997, is amended by striking the paragraph.

18 Sec. ____ Section 331.559, subsection 2, Code
 19 1997, is amended by striking the subsection.

20 Sec. ____ **MONEYS DEPOSITED INTO THE BRUCELLOSIS**
 21 **AND TUBERCULOSIS ERADICATION FUND.** Any moneys
 22 deposited into the brucellosis and tuberculosis
 23 eradication fund as created in section 165.18 prior to
 24 the effective date of this Act shall remain in the
 25 fund for expenditure as provided in that section."

26 2. Title page, line 1, by inserting after the
 27 word "Act" the following: "relating to animal
 28 disease, by".

29 3. Title page, line 2, by inserting after the
 30 word "animals," the following: "providing for
 31 funding,".

32 4. By renumbering as necessary.

STEVEN D. HANSEN

S-3523

1 Amend Senate File 538 as follows:

2 1. Page 1, lines 1 and 2, by striking the words
 3 and figure "unnumbered paragraph 1,".

4 2. Page 1, line 3, by inserting before the word
 5 "A" the following: "2."

6 3. Page 1, by inserting after line 26 the
 7 following:

8 "As used in this subsection, "tuition" means any
 9 charges for the expenses of personnel, buildings,
 10 equipment and materials other than textbooks, and
 11 other expenses of elementary or secondary schools
 12 which relate to the teaching only of those subjects
 13 legally and commonly taught in public elementary and
 14 secondary schools in this state or which relate to
 15 essential courses that are a part of a curriculum in
 16 public elementary and secondary schools in this state
 17 and which do not relate to the teaching of religious
 18 tenets, doctrines, or worship, the purpose of which is
 19 to inculcate those tenets, doctrines, or worship, and
 20 which do not relate to extracurricular activities
 21 including sporting events, musical or dramatic events,

22 speech activities, driver's education, or programs of
23 a similar nature."

MIKE CONNOLLY

S-3524

1 Amend the amendment, S-3464, to House File 697, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting before line 15 the
5 following:

6 "___ Page 5, by inserting before line 21 the
7 following:

8 "Sec. ___ Section 56.40, Code 1997, is amended to
9 read as follows:

10 56.40 CAMPAIGN FUNDS.

11 1. As used in this division, "campaign funds"
12 means contributions to a candidate or candidate's
13 committee which are required by this chapter to be
14 deposited in a separate campaign account.

15 2. A candidate's committee shall not accept
16 contributions from any other candidate's committee
17 including candidate's committees from other states or
18 for federal office, unless the candidate for whom each
19 committee is established is the same person. For
20 purposes of this section, "contributions" does not
21 mean travel costs incurred by a candidate in attending
22 a campaign event of another candidate.

23 3. This section shall not be construed to prohibit
24 a candidate or candidate's committee from using
25 campaign funds or accepting contributions for the
26 following:

27 a. The purchase of tickets to meals if the
28 candidate attends solely for the purpose of enhancing
29 the person's candidacy or the candidacy of another
30 person.

31 b. Meals purchased while executing the duties
32 associated with public office, provided that such
33 expenditures do not exceed thirty-five dollars per
34 day."

35 2. Page 2, by inserting before line 38 the
36 following:

37 "___ Page 5, by inserting before line 34 the
38 following:

39 "Sec. ___ Section 56.41, subsection 2, paragraph
40 i, Code 1997, is amended to read as follows:

41 i. Meals, groceries, or other food expense, except
42 for the following:

43 (1) The purchase of tickets to meals that the
44 candidate attends solely for the purpose of enhancing
45 the candidacy or the candidacy of another person.

46 However, payment for food
47 (2) Food and drink purchased for campaign related
48 purposes and for entertainment of campaign volunteers
49 is permitted.
50 (3) Meals purchased while executing the duties of

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1 office, provided that such expenditures do not exceed
2 thirty-five dollars per day.”
3 3. By renumbering as necessary.

MARY A. LUNDBY
MERLIN E. BARTZ

S—3525

1 Amend the House amendment, S—3470, to Senate File
2 519, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 4, by striking line 21 and inserting the
5 following: “network.
6 Sec. __. ADDITIONAL CONNECTIONS. The general
7 assembly finds that multidisciplinary cultural
8 institutions, including museums and cultural
9 organizations, offer an opportunity to provide unique
10 educational programming to students and residents
11 throughout the state. Access to the network shall be
12 provided pursuant to this section to twelve
13 multidisciplinary cultural institutions, and a
14 classroom for each institution shall be provided,
15 including any equipment necessary for providing such
16 connection.
17 Two sites per year shall be selected by the
18 department of cultural affairs. The selection of
19 sites shall be made by the department based on the
20 relative scoring of 1997 grants submitted by those
21 institutions for the cultural enrichment grant program
22 which is based on independent review of the following
23 criteria: programming, fiscal and managerial
24 practices, community outreach, long-range and
25 cooperative planning, fundraising efforts, and
26 cultural impact.
27 Sites eligible for selection include living history
28 farms in Urbandale; Blank park zoo in Des Moines; the
29 state historical society of Iowa in Des Moines;
30 Dubuque county historical society in Dubuque; Grout
31 museum of history and science in Waterloo; Vesterheim,
32 Norwegian-American museum in Decorah; Des Moines
33 botanical center in Des Moines; Waterloo recreation
34 and arts commission in Waterloo; civic center of
35 greater Des Moines in Des Moines; Putnam museum of

36 history and natural science in Davenport; family
37 museum of arts and science in Bettendorf; and Sioux
38 City public museum in Sioux City.
39 No more than one institution per year shall be
40 selected from a metropolitan area. The state
41 historical society of Iowa shall be included in the
42 first year as one of the sites selected.””

MIKE CONNOLLY
TOM FLYNN

S—3526

1 Amend Senate File 538 as follows:
2 1. Page 1, by striking lines 1 through 26 and
3 inserting the following:
4 “Section 1. Section 422.12, subsection 2, Code
5 1997, is amended by striking the subsection.
6 Sec. 2. **NEW SECTION. 422.12A TUITION TAX CREDIT.**
7 1. The taxes imposed under this division, less the
8 credits allowed under sections 422.11A, 422.11B,
9 422.12, 422.12B, and other nonrefundable credits shall
10 be reduced by a tuition tax credit equal to twenty
11 percent of the first one thousand dollars which the
12 taxpayer has paid to others for each dependent in
13 grades kindergarten through twelve, for tuition and
14 textbooks of each dependent in attending an elementary
15 or secondary school situated in Iowa, which school is
16 accredited or approved under section 256.11, which is
17 not operated for profit, and which adheres to the
18 provisions of the federal Civil Rights Act of 1964 and
19 chapter 216. As used in this section, “textbooks”
20 means books and other instructional materials and
21 equipment used in elementary and secondary schools in
22 teaching only those subjects legally and commonly
23 taught in public elementary and secondary schools in
24 this state and does not include instructional books
25 and materials used in the teaching of religious
26 tenets, doctrines, or worship, the purpose of which is
27 to inculcate those tenets, doctrines, or worship, and
28 does include books or materials for extracurricular
29 activities including sporting events, musical or
30 dramatic events, speech activities, driver’s
31 education, or programs of a similar nature. The
32 department, when conducting an audit of a taxpayer’s
33 return, shall also audit the tuition tax credit
34 portion of the tax return.
35 2. As used in this section, “tuition” means any
36 charges for the expenses of personnel, buildings,
37 equipment and materials other than textbooks, and
38 other expenses of elementary or secondary schools
39 which relate to the teaching only of those subjects

40 legally and commonly taught in public elementary and
 41 secondary schools in this state and which do not
 42 relate to the teaching of religious tenets, doctrines,
 43 or worship, the purpose of which is to inculcate those
 44 tenets, doctrines, or worship, or which do relate to
 45 extracurricular activities including sporting events,
 46 musical or dramatic events, speech activities,
 47 driver's education, or programs of a similar nature.
 48 3. Any credit in excess of the tax liability shall
 49 be refunded. In lieu of claiming a refund, a taxpayer
 50 may elect to have the overpayment shown on the

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- 1 taxpayer's final, completed return credited to the tax
 2 liability for the following taxable year."
 3 2. By renumbering as necessary.

ROD HALVORSON

HOUSE AMENDMENT TO
 SENATE FILE 529

S—3527

- 1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, line 9, by striking the figure
 4 "1,926,518" and inserting the following: "2,201,518".
 5 2. Page 6, line 10, by striking the figure
 6 "52.60" and inserting the following: "57.60".
 7 3. Page 12, line 13, by striking the figure
 8 "2,025,201" and inserting the following: "2,007,624".
 9 4. Page 12, by inserting after line 14 the
 10 following:
 11 "It is the intent of the general assembly that if
 12 the funds appropriated in this section are
 13 insufficient to meet the costs of the commission
 14 associated with the extended horse racetrack season,
 15 the commission may collect any deficient costs not to
 16 exceed \$17,577 from the horse racetrack licensee."
 17 5. Page 19, by inserting before line 7 the
 18 following:
 19 "It is the intent of the general assembly that none
 20 of the lottery appropriation shall be expended for the
 21 lease or purchase of any equipment that sells lottery
 22 tickets, validates winning tickets, and allows credit
 23 from winning tickets back on the equipment. Credits
 24 from winning tickets shall be printed out on a receipt
 25 for cash redemption only."
 26 6. Page 19, line 27, by striking the figure
 27 "656,440" and inserting the following: "381,440".

- 28 7. Page 19, line 28, by striking the figure
29 "10.00" and inserting the following: "5.00".
30 8. By striking page 19, line 29, through page 20,
31 line 4.
32 9. Page 21, by striking lines 5 through 17.
33 10. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

S—3528

- 1 Amend the amendment, S—3477, to House File 698, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 17 and 18 and
5 inserting the following: "following: "injury was not
6 minor or was not isolated or is likely to reoccur.""
7 2. Page 1, by striking lines 22 and 23 and
8 inserting the following: "following: "injury was not
9 minor or was not isolated or is likely to reoccur,
10 in"."
11 3. Page 1, line 46, by inserting after the word
12 "abuse." the following: "Individuals identified in
13 section 235A.15, subsection 4, are authorized to have
14 access to such information under section 217.30."
15 4. Page 11, by inserting after line 20 the
16 following:
17 " ___. Page 17, line 4, by striking the figure "2"
18 and inserting the following: "3"."
19 5. Page 11, by inserting after line 24 the
20 following:
21 " ___. Page 17, by inserting after line 22 the
22 following:
23 "Sec. ___. EVALUATION. It is the intent of the
24 general assembly that the department of human services
25 will seek funding for the fiscal year beginning July
26 1, 1998, and ending June 30, 1999, for an independent
27 evaluation of the changes implemented in the state's
28 child protection system pursuant to the enactments of
29 the Seventy-seventh General Assembly, 1997 Session.
30 The evaluation should be conducted during the fiscal
31 year beginning July 1, 1998, for submission to the
32 governor and general assembly during the 1999
33 legislative session. The evaluation should include
34 but is not limited to a determination of whether the
35 system changes have improved the safety of children
36 and the support of families in the community, and
37 should identify indicators of increased community
38 involvement in child protection.""

ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE FILE 515

S—3529

1 Amend Senate File 515; as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 4 through 9, and
4 inserting the following: "section. However, if the
5 person who commits the violation of this section is
6 under the age of eighteen, the matter shall be
7 disposed of in the manner provided in chapter 232."

8 2. Page 2, line 15, by inserting after the words
9 "punishable by a" the following: "minimum".

10 3. Page 2, line 20, by striking the words "the
11 person who is under legal age" and inserting the
12 following: "any person".

13 4. Page 2, line 25, by striking the word "death
14 of the" and inserting the following: "death of any".

15 5. Page 2, line 26, by striking the words "who is
16 under legal age".

17 6. Page 3, by striking lines 7 through 17 and
18 inserting the following: "will endanger that person."

19 7. By striking page 3, line 33, through page 4,
20 line 20.

21 8. Page 5, by inserting after line 6 the
22 following: "If the violation is committed by a person
23 who is employed by a licensee or permittee, the
24 licensee or permittee and the individual shall each be
25 deemed to have committed the violation and shall each
26 be punished as provided in this subsection."

27 9. Page 5, line 31, by inserting after the word
28 "person." the following: "For purposes of this
29 paragraph, "dispensed" or "gave" means the act of
30 physically presenting a receptacle containing beer,
31 wine, or intoxicating liquor to the under-age person
32 whose actions or intoxication results in the
33 sustaining of damages by another person."

34 10. Page 5, line 31, by inserting after the word
35 "person." the following: "However, a person who
36 dispenses or gives beer, wine, or intoxicating liquor
37 to an underage person shall only be liable for any
38 damages if the person knew or should have known that
39 the underage person was under legal age."

40 11. Page 6, by inserting after line 12, the
41 following:

42 "Sec. ____ Section 232.2, subsection 12, Code
43 1997, is amended by adding the following new
44 paragraph:

45 NEW PARAGRAPH. c. The violation of section
46 123.47."

47 12. Page 7, line 23, by inserting after the word

48 "child" the following: "who is at least ten years of
49 age and who is".

50 13. Page 7, by inserting after line 26, the

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1 following:

2 "Sec. ___. Section 232.22, Code 1997, is amended

3 by adding the following new subsection:

4 NEW SUBSECTION. 7. Notwithstanding any other
5 provision of the Code to the contrary, a child shall
6 not be placed in detention for a violation of section
7 123.47, or for failure to comply with a dispositional
8 order which provides for performance of community
9 service for a violation of section 123.47."

10 14. Page 8, line 12, by inserting after the word
11 "child" the following: "who is at least ten years of
12 age and who".

13 15. Page 12, line 35, by inserting after the word
14 "offense" the following: "or for purpose of
15 prosecution of the child as an adult or a youthful
16 offender".

17 16. Page 13, by striking lines 3 and 4 and
18 inserting the following: "heard by the district court
19 as part of the proceedings under section 907.3A, or by
20 the juvenile court as provided in this section. If
21 the motion for waiver for purpose of being prosecuted
22 as a youthful offender is made as a result of a
23 conditional agreement between the county attorney and
24 the child, the conditions of the agreement shall be
25 disclosed to the court in the same manner as provided
26 in rules 8 and 9 of the Iowa rules of criminal
27 procedure."

28 17. Page 13, line 29, by inserting after the
29 figure "232.23." the following: "If the court has
30 been apprised of conditions of an agreement between
31 the county attorney and the child which resulted in a
32 motion for waiver for purposes of the child being
33 prosecuted as a youthful offender, and the court finds
34 that the conditions are in the best interests of the
35 child, the conditions of the agreement shall
36 constitute conditions of the waiver order."

37 18. Page 15, by striking lines 14 through 19, and
38 inserting the following:

39 "Sec. ___. Section 232.52, subsection 2, paragraph
40 g, Code 1997, is amended to read as follows:

41 g. An order placing a child, other than a child
42 who has committed a violation of section 123.47, in
43 secure custody for not more than two days in a
44 facility under section 232.22, subsection 2, paragraph
45 "a" or "b"."

46 19. Page 15, line 31, by inserting after the word

47 "order." the following: "The hearing may be waived if
48 all parties to the proceeding agree."
49 20. Page 15, line 31, by inserting after the word
50 "order." the following: "The dispositional order

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1 regarding a child who has received a youthful offender
2 deferred sentence may also be terminated prior to the
3 child reaching the age of eighteen upon motion of the
4 county attorney, if the waiver of the child to
5 district court was conditioned upon the terms of an
6 agreement between the county attorney and the child
7 violates the terms of the agreement after the waiver
8 order has been entered."

9 21. Page 17, by inserting after line 30, the
10 following:

11 "Sec. ____ Section 232.148, subsection 5,
12 paragraph b, Code 1997, is amended to read as follows:

13 b. After a petition is filed, the petition is
14 dismissed or the proceedings are suspended and the
15 child has not entered into a consent decree, and has
16 not been adjudicated delinquent on the basis of a
17 delinquent act other than one alleged in the petition
18 in question, or has not been placed on youthful
19 offender status."

20 22. Page 18, line 4, by striking the word "are"
21 and inserting the following: "is".

22 23. Page 18, by striking lines 21 through 30 and
23 inserting the following:

24 "Sec. ____ Section 232.150, subsection 1, Code
25 1997, is amended by adding the following new
26 paragraph:

27 NEW PARAGRAPH. c. The person was not placed on
28 youthful offender status, transferred back to district
29 court after the youthful offender's eighteenth
30 birthday, and sentenced for the offense which
31 precipitated the youthful offender placement."

32 24. Page 19, line 8, by striking the words "which
33 require school officials".

34 25. Page 19, line 12, by inserting after the word
35 "law." the following: "The procedures may include a
36 provision which does not require a report when the
37 school officials have determined that a school at-risk
38 or other student assistance program would be
39 jeopardized if a student self reports."

40 26. Page 19, line 16, by inserting before the
41 word "rules" the following: "a policy and the
42 superintendent of each public school shall adopt".

43 27. Page 19, line 18, by striking the words
44 "agreement with the" and inserting the following:
45 "agreement with state and local agencies that are part

46 of the juvenile justice system including the juvenile
47 court, the”.

48 28. Page 19, line 19, by striking the words
49 “school and” and inserting the following: “and
50 local”.

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1 29. Page 19, line 20, by striking the words
2 “authorities, and other signatory agencies.” and
3 inserting the following: “authorities. The
4 disclosure of information shall be directly related to
5 the juvenile justice system’s ability to effectively
6 serve, prior to adjudication, the student whose
7 records are being released.”

8 30. Page 20, line 5, by striking the word
9 “Confidential” and inserting the following: “The
10 interagency agreement shall provide, and each
11 signatory agency to the agreement shall certify in the
12 agreement, that confidential”.

13 31. Page 22, line 27, by inserting after the word
14 “program.” the following: “Rules adopted shall
15 include procedures which are designed to eliminate the
16 influence of prejudice and racial and economic
17 discrimination in the procedures and decisions of the
18 peer review court.”

19 32. Page 24, lines 3 and 4, by striking the words
20 and figures “section 123.47 or 123.47D,” and inserting
21 the following: “~~section 123.47~~”.

22 33. Page 25, line 1, by inserting after the
23 figure “907.3” the following: “but subject to any
24 conditions of the waiver order”.

25 34. Page 25, line 10, by inserting after the word
26 “section.” the following: “Notwithstanding section
27 901.2, a presentence investigation shall not be
28 ordered by the court subsequent to an entry of a plea
29 of guilty or verdict of guilty or prior to deferral of
30 sentence of a youthful offender under this section.”

31 35. Page 25, by striking lines 32 and 33, and
32 inserting the following: “suspended sentence.
33 Notwithstanding anything in section 907.7 to the
34 contrary, if the district court either continues the
35 youthful offender deferred sentence or enters a
36 sentence, suspends the sentence, and places the
37 youthful offender on probation, the term of formal
38 supervision shall commence upon entry of the order by
39 the district court and may continue for a period not
40 to exceed five years. If the district court enters a
41 sentence of confinement, and the youthful offender was
42 previously placed in secure confinement by the
43 juvenile court under the terms of the initial
44 disposition order or any modification to the initial

45 disposition order, the person shall receive credit for
 46 any time spent in secure confinement. During any".
 47 36. Page 25, line 34, by inserting after the word
 48 "probation" the following: "imposed by the district
 49 court".
 50 37. Page 27, by striking lines 8 through 11, and

Page 5

1 inserting the following: "adjustment associated with
 2 the complaint. Unless the matter is disposed of at
 3 the preliminary inquiry conducted by the intake
 4 officer under section 232.28, the victim may also be
 5 allowed to orally present the victim impact
 6 statement."

7 38. Page 27, by inserting after line 12, the
 8 following:

9 "Sec. ____ JUVENILE JUSTICE INTERIM STUDY. The
 10 legislative council is requested to establish an
 11 interim study committee consisting of members of both
 12 political parties from both houses of the general
 13 assembly to review and consider the need for
 14 improvements in the laws and programs established to
 15 reform juvenile delinquents and reduce juvenile crime.
 16 The study may include but is not limited to the review
 17 of the need for improvements in the current juvenile
 18 justice system, the youthful offender program, the
 19 programs established to combat substance abuse by
 20 juveniles, and the coordination of programs and
 21 information between the juvenile and adult criminal
 22 justice systems. The committee shall submit its
 23 findings, together with any recommendations, in a
 24 report to the general assembly which convenes in
 25 January 1998."

26 39. Title page 2, line 12, by inserting after the
 27 word "authorities" the following: ", and providing
 28 for a legislative study".

29 40. By renumbering, relettering, or redesignating
 30 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 121

S—3530

1 Amend the Senate amendment, H-1691, to House File
 2 121, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 5 and 6 and
 5 inserting the following:

6 "____. Page 4, line 26, by striking the words "six

7 months have" and inserting the following: "one year
8 has"."

9 2. By renumbering as necessary.

S-3531

1 Amend House File 142, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 9, by inserting after the word
4 "bullet" the following: "generating at least three
5 hundred seventy-five foot pounds of energy at the
6 muzzle according to the manufacturer's
7 specifications".

8 2. Page 1, by striking lines 14 through 16 and
9 inserting the following: "barrel modifications. The
10 barrel length of a pistol or revolver used for deer
11 hunting shall be at least".

12 3. Page 1, line 17, by striking the words "four
13 inches" and inserting the following: "five and one-
14 half inches according to the manufacturer's
15 specifications".

STEVE KING

S-3532

1 Amend Senate File 542 as follows:

2 1. Page 5, by inserting after line 8 the
3 following:

4 "Sec. ____ SNOW DISASTER EMERGENCY GRANTS TO
5 COUNTIES. There is appropriated from the general fund
6 of the state to the department of public defense for
7 the fiscal year beginning July 1, 1996, and ending
8 June 30, 1997, the following amount, or so much
9 thereof as is necessary, to be used for the purpose
10 designated:

11 For distribution by the emergency management
12 division to assist those counties proclaimed by the
13 governor to be in a state of disaster emergency as the
14 result of a severe winter storm:

15\$ 100,000

16 Funding distributed to a county eligible for
17 assistance under this section shall not exceed the
18 amount the county expended in excess of the county's
19 approved budget amount for snow removal. If the total
20 amount of excess expenditures by all counties eligible
21 for assistance exceeds the amount appropriated, the
22 amounts distributed shall be prorated based upon a
23 county's share of the total amount of excess
24 expenditures by all counties. If the total amount of
25 excess expenditures is less than the amount
26 appropriated, the remainder of the appropriation shall

- 27 revert to the general fund of the state.”
 28 2. By renumbering as necessary.

TOM VILSACK
 MARY LOU FREEMAN
 PATTY JUDGE

S—3533

- 1 Amend Senate File 500 as follows:
 2 1. Page 1, line 5, by striking the figure “99D.9”
 3 and inserting the following: “99D.24”.
 4 2. Page 1, line 7, by striking the figure “6A”
 5 and inserting the following: “7”.
 6 3. Page 3, line 11, by striking the figure
 7 “99F.7” and inserting the following: “99F.15”.
 8 4. Page 3, line 13, by striking the figure “17”
 9 and inserting the following: “7”.

JACK RIFE

S—3534

- 1 Amend Senate File 500 as follows:
 2 1. Page 1, by striking lines 5 through 11.
 3 2. Page 3, by striking lines 11 through 17.

SHELDON RITTMER
 RICHARD F. DRAKE
 ALLEN BORLAUG

S—3535

- 1 Amend Senate File 500 as follows:
 2 1. Page 3, by inserting after line 35 the
 3 following:
 4 “Sec. ____ Section 232.8, subsection 1, paragraph
 5 b, Code 1997, is amended to read as follows:
 6 b. Violations by a child of provisions of chapter
 7 99D, 99E, 99F, 321, 321G, 453A, 461A, 461B, 462A,
 8 481A, 481B, 483A, 484A, or 484B, which would be simple
 9 misdemeanors if committed by an adult, and violations
 10 by a child of county or municipal curfew or traffic
 11 ordinances, are excluded from the jurisdiction of the
 12 juvenile court and shall be prosecuted as simple
 13 misdemeanors as provided by law. A child convicted of
 14 a violation excluded from the jurisdiction of the
 15 juvenile court under this paragraph shall be sentenced
 16 pursuant to section 805.8, where applicable, and
 17 pursuant to section 903.1, subsection 3, for all other
 18 violations.”
 19 2. Page 5, by inserting after line 33 the

20 following:

21 "Sec. ____ Section 805.16, subsection 1, Code

22 1997, is amended to read as follows:

23 1. Except as provided in subsection 2 of this

24 section, a peace officer shall issue a police citation

25 or uniform citation and complaint, in lieu of making a

26 warrantless arrest, to a person under eighteen years

27 of age accused of committing a simple misdemeanor

28 under chapter 99D, 99E, 99F, 321, 321G, 461A, 461B,

29 462A, 481A, 481B, 483A, 484A, 484B, section 123.47, or

30 a local ordinance not subject to the jurisdiction of

31 the juvenile court, and shall not detain or confine

32 the person in a facility regulated under chapter 356

33 or 356A."

34 3. Title page, line 1, by inserting after the

35 word "racing" the following: ", lottery,".

36 4. By renumbering as necessary.

JACK RIFE

S—3536

1 Amend the amendment, S—3464, to House File 697, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking line 50, through page 2,

5 line 14, and inserting the following:

6 "f. ~~The total amount of proceeds~~ Proceeds from any

7 fund-raising event. ~~Contributions and sales at fund-~~

8 ~~raising events which involve the sale of a product~~

9 ~~acquired at less than market value and sold for an~~

10 ~~amount of money in excess of the amount specified in~~

11 shall be reported as a monetary contribution under

12 paragraph "b" of this subsection shall be designated

13 separately from. Products donated for sale at the

14 fund-raising event shall be reported as in-kind and

15 monetary contributions and the report shall include

16 the name and address of the donor, a description of

17 the product, the market value of the product, the

18 sales price of the product, and the name and address

19 of the purchaser under paragraph "d.""

20 2. Page 2, by inserting before line 15 the

21 following:

22 "Sec. ____ Section 56.40, Code 1997, is amended to

23 read as follows:

24 56.40 CAMPAIGN FUNDS.

25 1. As used in this division, "campaign funds"

26 means contributions to a candidate or candidate's

27 committee which are required by this chapter to be

28 deposited in a separate campaign account.

29 2. A candidate's committee shall not accept

30 contributions from any other candidate's committee

31 including candidate's committees from other states or
 32 for federal office, unless the candidate for whom each
 33 committee is established is the same person. For
 34 purposes of this section, "contributions" does not
 35 mean travel costs incurred by a candidate in attending
 36 a campaign event of another candidate.

37 3. This section shall not be construed to prohibit
 38 a candidate or candidate's committee from using
 39 campaign funds or accepting contributions for either
 40 of the following:

41 a. The purchase of tickets to meals if the
 42 candidate attends solely for the purpose of enhancing
 43 the person's candidacy or the candidacy of another
 44 person.

45 b. Meals purchased while executing the duties
 46 associated with public office, provided that such
 47 expenditures do not exceed thirty-five dollars per
 48 day. However, the meal expenditure permitted under
 49 this paragraph shall not be permitted on any day when
 50 a statutory per diem pursuant to section 2.10, 7E.6,

Page 2

1 or 331.215, or any other provision allowing statutory
 2 per diems for public officers, is authorized."

3 3. Page 2, by inserting before line 38 the
 4 following:

5 "____. Page 5, by inserting before line 34 the
 6 following:

7 "Sec. ____ Section 56.41, subsection 2, paragraph
 8 i, Code 1997, is amended to read as follows:

9 i. Meals, groceries, or other food expense, except
 10 for the following:

11 (1) The purchase of tickets to meals that the
 12 candidate attends solely for the purpose of enhancing
 13 the candidacy or the candidacy of another person.

14 ~~However, payment for food~~

15 (2) Food and drink purchased for campaign related
 16 purposes and for entertainment of campaign volunteers
 17 is permitted.

18 (3) Meals purchased while executing the duties
 19 associated with public office, provided that such
 20 expenditures do not exceed thirty-five dollars per
 21 day. However, the meal expenditure permitted under
 22 this subparagraph shall not be permitted on any day
 23 when a statutory per diem pursuant to section 2.10,
 24 7E.6, or 331.215, or any other provision allowing
 25 statutory per diems for public officers, is
 26 authorized."

27 4. By renumbering as necessary.

S—3537

- 1 Amend the House amendment, S—3527, to Senate File
2 529, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, by striking lines 3 through 6.
 - 5 2. Page 1, by striking lines 23 and 24 and
6 inserting the following: "from winning tickets back
7 on the equipment. However, such lottery equipment may
8 be leased or purchased if the credits from winning
9 tickets are printed out on a receipt".
 - 10 3. Page 1, by striking lines 26 through 31.

MARY A. LUNDBY

S—3538

- 1 Amend the amendment, S—3464, to House File 697, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, by striking line 50, through page 2,
5 line 14, and inserting the following:
6 "~~f. The total amount of proceeds~~ Proceeds from any
7 fund-raising event. ~~Contributions and sales at fund-~~
8 ~~raising events which involve the sale of a product~~
9 ~~acquired at less than market value and sold for an~~
10 ~~amount of money in excess of the amount specified in~~
11 ~~shall be reported as a monetary contribution under~~
12 ~~paragraph "b" of this subsection shall be designated~~
13 ~~separately from. Products donated for sale at the~~
14 ~~fund-raising event shall be reported as in-kind and~~
15 ~~monetary contributions and the report shall include~~
16 ~~the name and address of the donor, a description of~~
17 ~~the product, the market value of the product, the~~
18 ~~sales price of the product, and the name and address~~
19 ~~of the purchaser under paragraph "d."~~
 - 20 2. Page 2, by inserting before line 15 the
21 following:
22 "___ . Page 5, by inserting before line 21 the
23 following:
24 "Sec. ___ . Section 56.40, Code 1997, is amended to
25 read as follows:
26 56.40 CAMPAIGN FUNDS.
27 1. As used in this division, "campaign funds"
28 means contributions to a candidate or candidate's
29 committee which are required by this chapter to be
30 deposited in a separate campaign account.
31 2. A candidate's committee shall not accept
32 contributions from any other candidate's committee
33 including candidate's committees from other states or
34 for federal office, unless the candidate for whom each

35 committee is established is the same person. For
 36 purposes of this section, "contributions" does not
 37 mean travel costs incurred by a candidate in attending
 38 a campaign event of another 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 either
 42 of the following:

43 a. The purchase of tickets to meals if the
 44 candidate attends solely for the purpose of enhancing
 45 the person's candidacy or the candidacy of another
 46 person.

47 b. Meals purchased while executing the duties
 48 associated with public office, provided that such
 49 expenditures do not exceed thirty-five dollars per
 50 day. However, the meal expenditure permitted under

Page 2

1 this paragraph shall not be permitted on any day when
 2 a statutory per diem pursuant to section 2.10, 7E.6,
 3 or 331.215, or any other provision allowing statutory
 4 per diems for public officers, is authorized."

5 3. Page 2, by inserting before line 38 the
 6 following:

7 "____. Page 5, by inserting before line 34 the
 8 following:

9 "Sec. ____ Section 56.41, subsection 2, paragraph
 10 i, Code 1997, is amended to read as follows:

11 i. Meals, groceries, or other food expense, except
 12 for the following:

13 (1) The purchase of tickets to meals that the
 14 candidate attends solely for the purpose of enhancing
 15 the candidacy or the candidacy of another person.

16 ~~However, payment for food~~

17 (2) Food and drink purchased for campaign related
 18 purposes and for entertainment of campaign volunteers
 19 is permitted.

20 (3) Meals purchased while executing the duties
 21 associated with public office, provided that such
 22 expenditures do not exceed thirty-five dollars per
 23 day. However, the meal expenditure permitted under
 24 this subparagraph shall not be permitted on any day
 25 when a statutory per diem pursuant to section 2.10,
 26 7E.6, or 331.215, or any other provision allowing
 27 statutory per diems for public officers, is
 28 authorized."

29 4. By renumbering as necessary.

S-3539

1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 16 through 25, and
4 inserting the following:

5 "~~f. The total amount of proceeds~~ Proceeds from any
6 fund-raising event. ~~Contributions and sales at fund-~~
7 ~~raising events which involve the sale of a product~~
8 ~~acquired at less than market value and sold for an~~
9 ~~amount of money in excess of the amount specified in~~
10 shall be reported as a monetary contribution under
11 paragraph "b" of this subsection shall be designated
12 separately from. Products donated for sale at the
13 fund-raising event shall be reported as in-kind and
14 monetary contributions and the report shall include
15 the name and address of the donor, a description of
16 the product, the market value of the product, the
17 sales price of the product, and the name and address
18 of the purchaser under paragraph "d"."

19 2. Page 5, by inserting before line 21 the
20 following:

21 "Sec. ____ Section 56.40, Code 1997, 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. For
33 purposes of this section, "contributions" does not
34 mean travel costs incurred by a candidate in attending
35 a campaign event of another candidate.

36 3. This section shall not be construed to prohibit
37 a candidate or candidate's committee from using
38 campaign funds or accepting contributions for either
39 of the following:

40 a. The purchase of tickets to meals if the
41 candidate attends solely for the purpose of enhancing
42 the person's candidacy or the candidacy of another
43 person.

44 b. Meals purchased while executing the duties
45 associated with public office, provided that such
46 expenditures do not exceed thirty-five dollars per
47 day. However, the meal expenditure permitted under
48 this paragraph shall not be permitted on any day when
49 a statutory per diem pursuant to section 2.10, 7E.6,
50 or 331.215, or any other provision allowing statutory

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1 per diems for public officers, is authorized.
 2 3. Page 5, by inserting before line 34 the
 3 following:
 4 "Sec. ____ Section 56.41, subsection 2, paragraph
 5 i, Code 1997, is amended to read as follows:
 6 i. Meals, groceries, or other food expense, except
 7 for the following:
 8 (1) The purchase of tickets to meals that the
 9 candidate attends solely for the purpose of enhancing
 10 the candidacy or the candidacy of another person.
 11 However, payment for food
 12 (2) Food and drink purchased for campaign related
 13 purposes and for entertainment of campaign volunteers
 14 is permitted.
 15 (3) Meals purchased while executing the duties
 16 associated with public office, provided that such
 17 expenditures do not exceed thirty-five dollars per
 18 day. However, the meal expenditure permitted under
 19 this subparagraph shall not be permitted on any day
 20 when a statutory per diem pursuant to section 2.10,
 21 7E.6, or 331.215, or any other provision allowing
 22 statutory per diems for public officers, is
 23 authorized."
 24 4. By renumbering as necessary.

JAMES E. BLACK

HOUSE AMENDMENT TO
 SENATE FILE 432

S—3540

1 Amend Senate File 432, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 15, by striking the word
 4 "assessed" and inserting the following: "appraised".
 5 2. Page 1, line 18, by striking the word
 6 "assessed" and inserting the following: "appraised".
 7 3. By striking page 1, line 32, through page 2,
 8 line 21, and inserting the following:
 9 "306.23 NOTICE -- PREFERENCE OF SALE.
 10 1. For the sale of unused right-of-way notice of
 11 intention to sell the tract, parcel, or piece of land,
 12 or part thereof, must be sent, not less than ten days
 13 prior to the sale, by certified mail, by the The
 14 agency in control of the land, a tract, parcel, or
 15 piece of land, or part thereof, which is unused right-
 16 of-way shall send by certified mail to the last known
 17 address of the present owner of adjacent land from
 18 which the tract, parcel, piece of land, or part

19 thereof, was originally ~~bought~~ purchased or condemned
 20 for highway purposes, and ~~if located in a city, to the~~
 21 mayor to the person who owned the land at the time it
 22 was purchased or condemned for highway purposes,
 23 notice of the agency's intent to sell the land, the
 24 name and address of any other person to whom a notice
 25 was sent, and the fair market value of the real
 26 property based upon an appraisal by an independent
 27 appraiser.

28 '2. The notice shall give an opportunity to the
 29 present owner of adjacent property and to the person
 30 who owned the land at the time it was purchased or
 31 condemned for highway purposes to be heard and make
 32 offers within sixty days of the date the notice is
 33 mailed for the tract, parcel, or piece of land to be
 34 sold, and if the offer is equal to, An offer which
 35 equals or exceeds in amount any other offer received,
 36 it and which equals or exceeds the fair market value
 37 of the property shall be given preference by the
 38 agency in control of the land. ~~Neglect or failure for~~
 39 ~~any reason, to comply with the notice, does not~~
 40 ~~prevent the giving of a clear title to the purchaser~~
 41 ~~of the tract, parcel, or piece of land. If no offers~~
 42 are received within sixty days or if no offer equals
 43 or exceeds the fair market value of the land, the
 44 agency shall transfer the land for a public purpose or
 45 proceed with the sale of the property.

46 '3. For the purposes of this section, "public
 47 purpose" means the transfer to a state agency or a
 48 city, county, or other political subdivision for a
 49 public purpose.

50 Sec. ____ APPLICABILITY DATE. Section 2 of this

Page 2

1 Act applies only to decisions to dispose of unused

2 right-of-way made on or after July 1, 1997."

3 4. Title page, line 2, by inserting after the

4 word "domain" the following: "or condemned or

5 purchased as highway right-of-way property and

6 providing an applicability date".

7 5. By renumbering as necessary.

S-3541

1 Amend House File 514, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3 the

4 following:

5 "This subsection does not apply to the operator of

6 a motor vehicle owned or leased to the United States,

7 this state, or any political subdivision of this state

- 8 or to a motor vehicle which is subject to section
 9 325.26, 327.15, 327A.5, or 327B.6.”
- 10 2. Page 2, line 4, by inserting after the figure
 11 “2.” the following: “a.”
- 12 3. Page 2, by striking line 14 and inserting the
 13 following:
 14 “b. The insurance division and the department, as
 15 appropriate, shall adopt rules regarding the”.
- 16 4. Page 2, line 18, by inserting after the word
 17 “a” the following: “financial”.
- 18 5. Page 2, line 20, by inserting after the word
 19 “a” the following: “financial”.
- 20 6. Page 2, line 22, by inserting after the word
 21 “insurance” the following: “or the director, as
 22 applicable”.
- 23 7. By striking page 9, line 30, through page 10,
 24 line 1, and inserting the following: “or use of any
 25 vehicle owned by such the person. A person issued a
 26 certificate of self-insurance pursuant to this section
 27 shall maintain a financial liability coverage card as
 28 provided in section 321.20B, subsection 2, paragraph
 29 “b.””
- 30 8. By renumbering as necessary.

JOANN DOUGLAS

S—3542

- 1 Amend House File 331, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 2, line 19, by striking the word
 4 “subsection.” and inserting the following:
 5 “subsection and inserting in lieu thereof the
 6 following:
 7 5. If a student is not or will not be present at
 8 the time a search of a student protected area is
 9 conducted pursuant to subsection 1, the student shall
 10 be informed of the search either prior to or as soon
 11 as is reasonably practicable after the search is
 12 conducted.”

TOM VILSACK
 JOHN REDWINE
 NANCY BOETTGER

S—3543

- 1 Amend Senate File 500 as follows:
 2 1. Page 3, by striking lines 1 through 4.
 3 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3544

1 Amend House File 514, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 17 the
4 following:
5 "4A. The department shall establish by rule
6 standardized criteria for determining whether to
7 impound a vehicle or remove the license plates and
8 registration under subsection 4. The department shall
9 provide a copy of such criteria to local jurisdictions
10 for use in developing local standardized criteria for
11 such actions when taken by a peace officer associated
12 with a local law enforcement agency."

TOM VILSACK
RICHARD F. DRAKE

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 579

S-3545

1 Amend the Senate amendment, H-1646, to House File
2 579 as passed by the House, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "___, Page 1, line 8, by striking the word
6 "therapist" and inserting the following: "therapy"."
7 2. Page 1, line 5, by striking the word
8 "therapists" and inserting the following: "therapy".

S-3546

1 Amend the amendment, S-3357, to House File 625, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "___, Page 3, by inserting after line 35 the
7 following:
8 "Sec. ___, Section 256.11, Code 1997, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 9. Unless a waiver has been
11 obtained under section 256.11A, each school or school
12 district shall have all of the following:
13 a. A media center in each attendance center
14 accessible to students throughout the school day.
15 b. A qualified school media specialist who shall
16 meet the licensing standards prescribed by the board
17 of educational examiners and be responsible for media

18 center supervision.

19 c. An articulated sequential elementary-secondary
20 guidance program for grades kindergarten through
21 twelve. The guidance counselor shall meet the
22 licensing standards prescribed by the board of
23 educational examiners.

24 In determining the requirements of this subsection
25 for nonpublic schools, the department shall evaluate
26 the schools on a school system basis rather than on an
27 individual school basis.

28 Sec. ____ Section 256.11A, subsections 1 and 2,
29 Code 1997, are amended to read as follows:

30 1. Schools and school districts ~~unable to meet the~~
31 ~~standard adopted by the state board requiring each~~
32 ~~school or school district operating a kindergarten~~
33 ~~through grade twelve program to provide an articulated~~
34 ~~sequential elementary-secondary guidance program may,~~
35 not later than August 1, ~~1995~~ 1997, for the school
36 year beginning July 1, ~~1995~~ 1997, file a written
37 request to the department of education that the
38 department waive the requirement, for established in
39 section 256.11, subsection 9, paragraph "c", that a
40 school or school district operating a kindergarten
41 through grade twelve program, provide an articulated
42 sequential elementary-secondary guidance program. The
43 procedures specified in subsection 3 apply to the
44 request. Not later than August 1, ~~1996~~ 1998, for the
45 school year beginning July 1, ~~1996~~ 1998, the board of
46 directors of a school district or the authorities in
47 charge of a nonpublic school may request a one-year
48 extension of the waiver.

49 2. Not later than August 1, ~~1995~~ 1997, for the
50 school year beginning July 1, ~~1995~~ 1997, the board of

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1 directors of a school district, or authorities in
2 charge of a nonpublic school, may file a written
3 request with the department of education that the
4 department waive the ~~rule adopted by the state board~~
5 ~~to establish and operate the requirements established~~
6 under section 256.11, subsection 9, paragraphs "a" and
7 "b", for a media services specialist and a media
8 services program to support the total curriculum for
9 that district or school center. The procedures
10 specified in subsection 3 apply to the request. Not
11 later than August 1, ~~1996~~ 1998, for the school year
12 beginning July 1, ~~1996~~ 1998, the board of directors of
13 a school district or the authorities in charge of a
14 nonpublic school may request an additional one-year
15 extension of the waiver."

16 2. Page 1, by inserting after line 15 the

17 following:

- 18 "___ Title page, line 5, by inserting after the
19 word "students," the following: "a requirement that
20 schools and school districts provide media service
21 programs and articulated sequential elementary-
22 secondary guidance programs,"."
23 3. By renumbering as necessary.

ROBERT DVORSKY
MARY A. LUNDBY

S-3547

1 Amend the amendment, S-3477, to House File 698, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 42 the
5 following:

6 "c. Any written record made by the department or
7 an employee of the department in an investigation or
8 assessment of a report of a child abuse."

9 2. Page 10, by inserting after line 40 the
10 following:

11 "Sec. ___. Section 235A.20, Code 1997, is amended
12 to read as follows:

13 235A.20 CIVIL REMEDY.

14 Any aggrieved person may institute a civil action
15 for damages under chapter 669 or 670 or to restrain
16 the dissemination of child abuse information in
17 violation of this chapter, and any person, agency or
18 other recipient proven to have disseminated or to have
19 requested and received child abuse information in
20 violation of this chapter, or any employee of the
21 department who destroys investigation or assessment
22 data except in accordance with rule as established by
23 the department for retention of child abuse
24 information under section 235A.18 shall be liable for
25 actual damages and exemplary damages for each
26 violation and shall be liable for court costs,
27 expenses, and reasonable attorney's fees incurred by
28 the party bringing the action. In no case shall the
29 award for damages be less than one hundred dollars.

30 Sec. ___. Section 235A.21, subsection 1, Code
31 1997, is amended to read as follows:

32 1. Any person who willfully requests, obtains, or
33 seeks to obtain child abuse information under false
34 pretenses, or who willfully communicates or seeks to
35 communicate child abuse information to any agency or
36 person except in accordance with sections 235A.15 and
37 235A.17, or any person connected with any research
38 authorized pursuant to section 235A.15 who willfully
39 falsifies child abuse information or any records

40 relating thereto to child abuse information, or any
41 employee of the department who destroys investigation
42 or assessment data except in accordance with rule as
43 established by the department for retention of child
44 abuse information under section 235A.18 is guilty of a
45 serious misdemeanor. Any person who knowingly, but
46 without criminal purposes, communicates or seeks to
47 communicate child abuse information except in
48 accordance with sections 235A.15 and 235A.17 shall be
49 guilty of a simple misdemeanor.””
50 3. By renumbering as necessary.

STEVE KING

S—3548

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 32, by inserting after line 14 the
4 following:
5 “In addition to the moneys appropriated in this
6 section, the department shall use moneys appropriated
7 to the department under this Act as necessary to
8 comply with requirements of the state under the
9 consent decree of Conner v. Branstad, No. 4-86-CV-
10 30871 (S.D. Iowa, July 15, 1994).”

ROBERT E. DVORSKY

S—3549

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 51, line 23, by striking the word “shall”
4 and inserting the following: “may”.
5 2. Page 51, line 25, by striking the word “shall”
6 and inserting the following: “may”.

MERLIN E. BARTZ

S—3550

1 Amend House File 514, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 31, through page 2,
4 line 3.
5 2. Page 2, line 29, by inserting after the word
6 “driver” the following: “, if subject to chapter
7 321A.”
8 3. By striking page 4, line 27, through page 6,
9 line 14.
10 4. By striking page 10, line 30, through page 11,

- 11 line 19.
- 12 5. Page 12, by striking line 1.
- 13 6. Page 12, line 4, by striking the words and
- 14 figures "and 13 and 14".
- 15 7. Page 12, by striking lines 7 through 9.
- 16 8. By renumbering and correcting internal
- 17 references as necessary.

MARY NEUHAUSER

S-3551

- 1 Amend House File 331, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 25, the
- 4 following:
- 5 "Sec. ____ Section 808A.2, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 1A. In addition to the criteria
- 8 outlined in subsection 1 for conducting a search, in
- 9 determining the manner in which a search of a student
- 10 protected area is to be conducted, school officials
- 11 shall consider the nature and extent of any privacy
- 12 interest that a student may have in the student
- 13 protected area and whether the student should be
- 14 present at the time that the search is conducted."
- 15 2. By renumbering as necessary.

BILL FINK

S-3552

- 1 Amend House File 612 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 26, line 27, through page 27,
- 4 line 7, and inserting the following: "amended by
- 5 striking the subsection."
- 6 2. Page 27, line 30, by inserting after the word
- 7 "methods." the following: "The department shall
- 8 utilize, to the maximum extent possible, every
- 9 available automated process to collect support
- 10 payments prior to referral of a case to a private
- 11 collection agency."
- 12 3. By inserting after page 31, line 22 the
- 13 following:
- 14 "Sec. ____ NEW SECTION. 252B.6A EXTERNAL
- 15 SERVICES.
- 16 1. Provided that the action is consistent with
- 17 applicable federal law and regulation, an attorney
- 18 licensed in this state shall receive compensation as
- 19 provided in this section for support collected as the
- 20 direct result of a judicial proceeding maintained by

21 the attorney, if all of the following apply to the
22 case:

23 a. The unit is providing services under this
24 chapter.

25 b. The current support obligation is terminated
26 and only arrearages are due under an administrative or
27 court order and there has been no payment under the
28 order for at least the twelve-month period prior to
29 the provision of notice to the unit by the attorney
30 under this section.

31 c. Support is assigned to the state based upon
32 cash assistance paid under chapter 239, or its
33 successor.

34 d. The attorney has provided written notice to the
35 central office of the unit and to the obligee at the
36 last known address of the obligee of the intent to
37 initiate a specified judicial proceeding, at least
38 thirty days prior to initiating the proceeding.

39 e. The attorney has provided documentation to the
40 unit that the attorney is insured against loss caused
41 by the attorney's legal malpractice or acts or
42 omissions of the attorney which result in loss to the
43 state or other person.

44 f. The collection is received by the collection
45 services center within ninety days of provision of the
46 notice to the unit. An attorney may provide
47 subsequent notices to the unit to extend the time for
48 receipt of the collection by subsequent ninety-day
49 periods.

50 2. a. If, prior to February 15, 1998, notice is

Page 2

1 provided pursuant to subsection 1 to initiate a
2 specific judicial proceeding, this section shall not
3 apply to the proceeding unless the unit consents to
4 the proceeding.

5 b. (1) If, on or after February 15, 1998, notice
6 is provided pursuant to subsection 1 to initiate a
7 specific judicial proceeding, this section shall apply
8 to the proceeding only if the case is exempt from
9 application of rules adopted by the department
10 pursuant to subparagraph (2) which limit application
11 of this section.

12 (2) The department shall adopt rules which
13 include, but are not limited to, exemption from
14 application of this section to proceedings based upon,
15 but not limited to, any of the following:

16 (a) A finding of good cause pursuant to section
17 252B.3.

18 (b) The existence of a support obligation due
19 another state based upon public assistance provided by

20 that state.

21 (c) The maintaining of another proceeding by an
22 attorney under this section for which the unit has not
23 received notice that the proceeding has concluded or
24 the ninety-day period during which a collection may be
25 received pertaining to the same case has not yet
26 expired.

27 (d) The initiation of a seek employment action
28 under section 252B.21, and the notice from the
29 attorney indicates that the attorney intends to pursue
30 a contempt action.

31 (e) Any other basis for exemption of a specified
32 proceeding designated by rule which relates to
33 collection and enforcement actions provided by the
34 unit.

35 3. The unit shall issue a response to the attorney
36 providing notice within ten days of receipt of the
37 notice. The response shall advise the attorney
38 whether the case to which the specified judicial
39 proceeding applies meets the requirements of this
40 section.

41 4. For the purposes of this section, a "judicial
42 proceeding" means an action to enforce support filed
43 with a court of competent jurisdiction in which the
44 court issues an order which identifies the amount of
45 the support collection which is a direct result of the
46 court proceeding. "Judicial proceedings" include but
47 are not limited to those pursuant to chapters 598,
48 626, 633, 642, 654, or 684 and also include contempt
49 proceedings if the collection payment is identified in
50 the court order as the result of such a proceeding.

Page 3

1 "Judicial proceedings" do not include enforcement
2 actions which the unit is required to implement under
3 federal law including, but not limited to, income
4 withholding.

5 5. All of the following are applicable to a
6 collection which is the result of a judicial
7 proceeding which meets the requirements of this
8 section:

9 a. All payments made as the result of a judicial
10 proceeding under this section shall be made to the
11 clerk of the district court or to the collection
12 services center and shall not be made to the attorney.
13 Payments received by the clerk of the district court
14 shall be forwarded to the collection services center
15 as provided in section 252B.15.

16 b. The attorney shall be entitled to receive an
17 amount which is equal to twenty-five percent of the
18 support collected as the result of the specified

19 judicial proceeding not to exceed the amount of the
20 nonfederal share of assigned support collected as the
21 result of that proceeding. The amount paid under this
22 paragraph is the full amount of compensation due the
23 attorney for a proceeding under this section and is in
24 lieu of any attorney fees. The court shall not order
25 the obligor to pay additional attorney fees. The
26 amount of compensation calculated by the unit is
27 subject, upon application of the attorney, to judicial
28 review.

29 c. Any support collected shall be disbursed in
30 accordance with federal requirements and any support
31 due the obligee shall be disbursed to the obligee
32 prior to disbursement to the attorney as compensation.

33 d. The collection services center shall disburse
34 compensation due the attorney only from the nonfederal
35 share of assigned collections. The collection
36 services center shall not disburse any compensation
37 for court costs.

38 e. The unit may delay disbursement to the attorney
39 pending the resolution of any timely appeal by the
40 obligor or obligee.

41 f. Negotiation of a partial payment or settlement
42 for support shall not be made without the approval of
43 the unit and the obligee, as applicable.

44 6. The attorney initiating a judicial proceeding
45 under this section shall notify the unit when the
46 judicial proceeding is completed.

47 7. a. An attorney who initiates a judicial
48 proceeding under this section represents the state for
49 the sole and limited purpose of collecting support to
50 the extent provided in this section.

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1 b. The attorney is not an employee of the state
2 and has no right to any benefit or compensation other
3 than as specified in this section.

4 c. The state is not liable or subject to suit for
5 any acts or omissions resulting in any damages as a
6 consequence of the attorney's acts or omissions under
7 this section.

8 d. The attorney shall hold the state harmless from
9 any act or omissions of the attorney which may result
10 in any penalties or sanctions, including those imposed
11 under federal bankruptcy laws, and the state may
12 recover any penalty or sanction imposed by offsetting
13 any compensation due the attorney under this section
14 for collections received as a result of any judicial
15 proceeding initiated under this section.

16 e. The attorney initiating a proceeding under this
17 section does not represent the obligor.

18 8. The unit shall comply with all state and
19 federal laws regarding confidentiality. The unit may
20 release to an attorney who has provided notice under
21 this section, information regarding child support
22 balances due, to the extent provided under such laws.

23 9. This section shall not be interpreted to
24 prohibit the unit from providing services or taking
25 other actions to enforce support as provided under
26 this chapter."

27 4. Page 35, by striking lines 14 through 21 and
28 inserting the following: "subject to a penalty of one
29 hundred dollars per refusal."

30 5. Page 35, by striking lines 23 through 27 and
31 inserting the following: "subpoena, fails to request
32 a conference, and fails to pay a fine imposed under
33 subparagraph (4), the unit may petition the district
34 court to compel the person to comply with this
35 paragraph. If the person objects to imposition of the
36 fine, the person may seek judicial review by the
37 district court."

38 6. Page 41, by inserting after line 11 the
39 following:

40 "Sec. ____ Section 252B:14, subsection 3, Code
41 1997, is amended to read as follows:

42 3. For a support order as to which subsection 2
43 does not apply, support payments made pursuant to the
44 order shall be directed to and disbursed by the clerk
45 of the district court in the county in which the order
46 for support is filed. The clerk of the district court
47 may require the obligor to submit payments by bank
48 draft or money order if the obligor submits an
49 insufficient funds support payment to the clerk of the
50 district court."

Page 5

1 7. Page 46, by striking lines 24 through 26 and
2 inserting the following: "the unpaid difference
3 between the amount under the approved order and the
4 amount under the order of the court on appeal is
5 satisfied."

6 8. By striking page 115, line 21, through page
7 116, line 28.

8 9. Page 119, by striking lines 31 through 33 and
9 inserting the following:

10 "NEW SUBSECTION. 5A. The court may order a
11 postsecondary education subsidy if good cause is
12 shown.

13 a. In determining whether good cause exists for
14 ordering a postsecondary education subsidy, the court
15 shall consider the age of the child, the ability of
16 the child relative to postsecondary education, the

17 child's financial resources, whether the child is
18 self-sustaining, and the financial condition of each
19 parent. If the court determines that good cause is
20 shown for ordering a postsecondary education subsidy,
21 the court shall determine the amount of subsidy as
22 follows:

23 (1) The court shall determine the cost of
24 postsecondary education based upon the cost of
25 attending an in-state public institution for a course
26 of instruction leading to an undergraduate degree and
27 shall include the reasonable costs for only necessary
28 postsecondary education expenses.

29 (2) The court shall then determine the amount, if
30 any, which the child may reasonably be expected to
31 contribute, considering the child's financial
32 resources, including but not limited to the
33 availability of financial aid whether in the form of
34 scholarships, grants, or student loans, and the
35 ability of the child to earn income while attending
36 school.

37 (3) The child's expected contribution shall be
38 deducted from the cost of postsecondary education and
39 the court shall apportion responsibility for the
40 remaining cost of postsecondary education to each
41 parent on a pro rata basis, in accordance with each
42 parent's income.

43 b. A postsecondary education subsidy shall be
44 payable to the child, to the educational institution,
45 or to both, but shall not be payable to the custodial
46 parent.

47 c. A postsecondary education subsidy shall not be
48 awarded if the child has disenfranchised the parent by
49 publicly disowning the parent, refusing to acknowledge
50 the parent, or by acting in a similar manner.

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1 d. Unless otherwise specified by the parties, a
2 postsecondary education subsidy awarded by the court
3 shall be terminated upon the child's completion of the
4 first calendar year of course instruction if the child
5 fails to maintain a cumulative grade point average in
6 the median range or above during that first calendar
7 year."

8 10. Page 120, by striking lines 1 through 16 and
9 inserting the following: "the residence of the minor
10 child to another state, the court shall modify the
11 order to preserve, as nearly as possible, the existing
12 relationship between the nonrelocating parent and the
13 minor child. If modified, the order shall, at a
14 minimum, include a provision for extended".

15 11. Page 125, by inserting after line 15 the

16 following:

17 "The clerk of the district court in the county in
18 which the order for support is filed and to whom
19 support payments are made pursuant to the order may
20 require the person obligated to pay support to submit
21 payments by bank draft or money order if the obligor
22 submits an insufficient funds support payment to the
23 clerk of the district court."

24 12. Page 127, by striking lines 2 through 11.

25 13. By striking page 128, line 22, through page
26 130, line 5 and inserting the following:

27 "Sec. ____ EFFECTIVE DATE. Section 187, being
28 deemed of immediate importance, takes effect upon
29 enactment."

30 14. Page 136, by striking lines 19 through 31 and
31 inserting the following:

32 "Sec. 216. Section 600B.41A, subsections 4 and 6,
33 Code 1997, are amended by striking the subsections and
34 inserting in lieu thereof the following:

35 4. If the court finds that the establishment of
36 paternity is overcome, in accordance with all of the
37 conditions prescribed, the court shall enter an order
38 which provides all of the following:

39 a. That the established father is relieved of any
40 and all future support obligations owed on behalf of
41 the child from the date that the order determining
42 that the established father is not the biological
43 father is filed.

44 b. That any unpaid support due prior to the date
45 the order determining that the established father is
46 not the biological father is filed, is satisfied.

47 6. a. If the court determines that test results
48 conducted in accordance with section 600B.41 or
49 chapter 252F exclude the established father as the
50 biological father, the court may dismiss the action

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1 to overcome paternity and preserve the paternity
2 determination only if all of the following apply:

3 (1) The established father requests that paternity
4 be preserved and that the parent-child relationship,
5 as defined in section 600A.2, be continued.

6 (2) The court finds that it is in the best
7 interest of the child to preserve paternity. In
8 determining the best interest of the child, the court
9 shall consider all of the following:

10 (a) The age of the child.

11 (b) The length of time since the establishment of
12 paternity.

13 (c) The previous relationship between the child
14 and the established father, including but not limited

15 to the duration and frequency of any time periods
16 during which the child and established father resided
17 in the same household or engaged in a parent-child
18 relationship as defined in section 600A.2.

19 (d) The possibility that the child could benefit
20 by establishing the child's actual paternity.

21 (e) Additional factors which the court determines
22 are relevant to the individual situation.

23 (3) The biological father is a party to the action
24 and does not object to termination of the biological
25 father's parental rights, or the established father
26 petitions the court for termination of the biological
27 father's parental rights and the court grants the
28 petition pursuant to chapter 600A.

29 b. If the court dismisses the action to overcome
30 paternity and preserves the paternity determination
31 under this subsection, the court shall enter an order
32 establishing that the parent-child relationship exists
33 between the established father and the child, and
34 including establishment of a support obligation
35 pursuant to section 598.21 and provision of custody
36 and visitation pursuant to section 598.41.

37 Sec. 216A. Section 600B.41A, Code 1997, is amended
38 by adding the following new subsection:

39 NEW SUBSECTION. 6A. a. For any order entered
40 under this section on or before the effective date of
41 this subsection in which the court's determination
42 excludes the established father as the biological
43 father but dismisses the action to overcome paternity
44 and preserves paternity, the established father may
45 petition the court to issue an order which provides
46 all of the following:

47 (1) That the parental rights of the established
48 father are terminated.

49 (2) That the established father is relieved of any
50 and all future support obligations owed on behalf of

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1 the child from the date the order under this
2 subsection is filed.

3 b. The established father may proceed pro se under
4 this subsection. The supreme court shall prescribe
5 standard forms for use under this subsection and shall
6 distribute the forms to the clerks of the district
7 courts.

8 c. If a petition is filed pursuant to this section
9 and notice is served on any parent of the child not
10 filing the petition and any assignee of the support
11 obligation, the court shall grant the petition."

12 15. Page 136, by inserting after line 32, the
13 following:

14 "Sec. 218. Sections 215, 216, and 216A of this
15 Act, being deemed of immediate importance, take effect
16 upon enactment."

17 16. Page 138, by striking lines 34 and 35 and
18 inserting the following: "state shall be filed with
19 the county as directed by the state registrar of the
20 county in which the death occurs, within three days
21 after the death".

22 17. Page 139, line 2, by striking the word
23 "registrar" and inserting the following: "county
24 registrar".

25 18. Page 139, by striking lines 10 through 22 and
26 inserting the following:

27 "~~If the place of death is unknown, a death~~
28 ~~certificate shall be filed in the county in which a~~
29 ~~dead body is found within three days after the body is~~
30 ~~found.~~

31 3. The county in which a dead body is found is the
32 county of death. If death occurs in a moving
33 conveyance, a death certificate shall be filed in the
34 county in which the dead body is first removed from
35 the conveyance is the county of death.

36 ~~If a person dies outside of the county of the~~
37 ~~person's residence, the state registrar shall send a~~
38 ~~copy of the death certificate to the county registrar~~
39 ~~of the county of the decedent's residence. The county~~
40 ~~registrar shall record the death certificate in the~~
41 ~~same records in which death certificates of persons~~
42 ~~who died within the county are recorded."~~

43 19. Page 144, by inserting after line 2 the
44 following:

45 "Sec. ____ **NEW SECTION. 595.3A APPLICATION FORM**
46 **AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE.**

47 In addition to any other information contained in
48 an application form for a marriage license and a
49 marriage license, the application form and license
50 shall contain the following statement in bold print:

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1 "The laws of this state affirm your right to enter
2 into this marriage and at the same time to live within
3 the marriage under the full protection of the laws of
4 this state with regard to violence and abuse. Neither
5 of you is the property of the other. Assault, sexual
6 abuse, and willful injury of a spouse or other family
7 member are violations of the laws of this state and
8 are punishable by the state."

9 20. Page 144, by inserting after line 22 the
10 following:

11 "Sec. ____ Section 614.1, subsection 6, Code 1997,
12 is amended to read as follows:

13 6. JUDGMENTS OF COURTS OF RECORD. Those founded
 14 on a judgment of a court of record, whether of this or
 15 of any other of the United States, or of the federal
 16 courts of the United States, within twenty years
 17 except that a time period limitation shall not apply
 18 to an action to recover a judgment for child support,
 19 spousal support, or a judgment of distribution of
 20 marital assets.

21 Sec. ____ Section 624.23, subsection 1, Code 1997,
 22 is amended to read as follows:

23 1. Judgments in the appellate or district courts
 24 of this state, or in the circuit or district court of
 25 the United States within the state, are liens upon the
 26 real estate owned by the defendant at the time of such
 27 rendition, and also upon all the defendant may
 28 subsequently acquire, for the period of ten years from
 29 the date of the judgment except that a time period
 30 limitation shall not apply to such liens with regard
 31 to judgments for child support, spousal support, or a
 32 judgment of distribution of marital assets."

33 21. Page 144, by inserting after line 33 the
 34 following:

35 "Sec. ____ NEW SECTION. 627.6A EXEMPTIONS FOR
 36 SUPPORT -- PENSIONS AND SIMILAR PAYMENTS.

37 1. Notwithstanding the provisions of section
 38 627.6, a debtor shall not be permitted to claim
 39 exemptions with regard to payment or a portion of
 40 payment under a pension, annuity, individual
 41 retirement account, profit-sharing plan, universal
 42 life insurance policy, or similar plan or contract due
 43 to illness, disability, death, age, or length of
 44 service for child, spousal, or medical support.

45 2. In addition to subsection 1, if another
 46 provision of law otherwise provides that payments,
 47 income, or property are subject to attachment for
 48 child, spousal, or medical support, those provisions
 49 shall supersede section 627.6."

50 22. By renumbering as necessary.

NANCY BOETTGER
 TOM VILSACK
 WILMER RENSINK
 MAGGIE TINSMAN
 ELAINE SZYMONIAK

HOUSE AMENDMENT TO
 SENATE FILE 128

S—3553

1 Amend Senate File 128 as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 7 and 8 and
4 inserting the following: "the occurrence. The health
5 care provider shall make a good faith effort to obtain
6 all of the following information that is available
7 with respect to each".

8 2. Page 1, by striking lines 10 through 28 and
9 inserting the following:

10 "a. The confidential health care provider code as
11 assigned by the department.

12 b. The report tracking number.

13 c. The maternal health services region of the Iowa
14 department of public health, as designated as of July
15 1, 1997, in which the patient resides.

16 d. The race of the patient.

17 e. The age of the patient.

18 f. The marital status of the patient.

19 g. The educational level of the patient.

20 h. The number of previous pregnancies, live
21 births, and spontaneous or induced termination of
22 pregnancies.

23 i. The month and year in which the termination
24 occurred.

25 j. The number of weeks since the patient's last
26 menstrual period and a clinical estimate of
27 gestation."

28 3. Page 3, line 2, by striking the word "avoids"
29 and inserting the following: "prevents".

30 4. Page 4, by inserting after line 5 the
31 following:

32 "___ For the purposes of this section,
33 "spontaneous termination of pregnancy" means the
34 occurrence of an unintended termination of pregnancy
35 at any time during the period from conception to
36 twenty weeks gestation and which is not a spontaneous
37 termination of pregnancy at any time during the period
38 from twenty weeks or greater which is reported to the
39 department as a fetal death under this chapter."

40 5. Page 4, line 8, by striking the word
41 "Violates" and inserting the following: "Knowingly
42 violates".

43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

S-3554

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 15, by striking lines 33 through 35 and
4 inserting the following: "cost-effectiveness study,
5 at no cost to the state."

S—3555

- 1 Amend Senate File 543 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "Sec. ____ Section 294.12, Code 1997, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
- 7 provisions of this section, the plan provisions of a
- 8 pension and annuity retirement system of a school
- 9 district established under this chapter regarding the
- 10 determination and distribution of benefits upon
- 11 termination of the retirement system shall be
- 12 effective if the school district has received a
- 13 favorable determination letter from the federal
- 14 internal revenue service as to the qualified status of
- 15 such retirement system under applicable provisions of
- 16 the Internal Revenue Code."
- 17 2. Title page, line 1, by inserting after the
- 18 word "systems" the following: "by providing for the
- 19 effectiveness of termination provisions of a school
- 20 district retirement system, and".
- 21 3. By renumbering as necessary.

O. GENE MADDOX
ELAINE SZYMONIAK

HOUSE AMENDMENT TO
SENATE FILE 241

S—3556

- 1 Amend Senate File 241, 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 633.3, Code 1997, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 18A. FUNCTIONAL LIMITATIONS --
- 8 means the behavior or condition of a person which
- 9 impairs the person's ability to care for the person's
- 10 personal safety or to attend to or provide for
- 11 necessities for the person.
- 12 Sec. 2. Section 633.3, subsection 22, Code 1997,
- 13 is amended to read as follows:
- 14 22. INCOMPETENT -- includes means the condition of
- 15 any person who has been adjudicated by a court to be
- 16 incapable of managing the person's property, or caring
- 17 for the person's own self, or both to meet at least
- 18 one of the following conditions:
- 19 a. To have a decision-making capacity which is so
- 20 impaired that the person is unable to care for the

21 person's personal safety or to attend to or provide
 22 for necessities for the person such as food, shelter,
 23 clothing, or medical care, without which physical
 24 injury or illness may occur.

25 b. To have a decision-making capacity which is so
 26 impaired that the person is unable to make,
 27 communicate, or carry out important decisions
 28 concerning the person's financial affairs.

29 c. To have a decision-making capacity which is so
 30 impaired that both paragraphs "a" and "b" are
 31 applicable to the person."

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

34 "Sec. ____ NEW SECTION. 633.551A GUARDIANSHIPS
 35 AND CONSERVATORSHIPS -- GENERAL PROVISIONS.

36 1. The determination of incompetency of the
 37 proposed ward or ward and the determination of the
 38 need for the appointment of a guardian or conservator
 39 or of the modification or termination of a
 40 guardianship or conservatorship shall be supported by
 41 clear and convincing evidence.

42 2. The burden of persuasion is on the petitioner
 43 in an initial proceeding to appoint a guardian or
 44 conservator. In a proceeding to modify or terminate a
 45 guardianship or conservatorship, if the guardian or
 46 conservator is the petitioner, the burden of
 47 persuasion remains with the guardian or conservator.
 48 In a proceeding to terminate a guardianship or
 49 conservatorship, if the ward is the petitioner, the
 50 ward shall make a prima facie showing of some

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1 decision-making capacity. Once a prima facie showing
 2 is made, the burden of persuasion is on the guardian
 3 or conservator to show by clear and convincing
 4 evidence that the ward is incompetent.

5 3. In determining whether a guardianship or
 6 conservatorship is to be established, modified, or
 7 terminated, the district court shall consider if a
 8 limited guardianship or conservatorship pursuant to
 9 section 633.635 or 633.637 is appropriate. In making
 10 the determination, the court shall make findings of
 11 fact to support the powers conferred on the guardian
 12 or conservator.

13 4. In proceedings to establish, modify, or
 14 terminate a guardianship or conservatorship, in
 15 determining if the proposed ward or ward is
 16 incompetent as defined in section 633.3, the court
 17 shall consider credible evidence from any source to
 18 the effect of third-party assistance in meeting the
 19 needs of the proposed ward or ward. However, neither

20 party to the action shall have the burden to produce
21 such evidence relating to third-party assistance.

22 Sec. ____ Section 633.552, subsection 2, paragraph
23 a, Code 1997, is amended to read as follows:

24 ~~a. By reason of mental, physical or other~~
25 ~~incapacity is unable to make or carry out important~~
26 ~~decisions concerning the proposed ward's person or~~
27 ~~affairs, other than financial affairs.~~

28 a. Is a person whose decision-making capacity is
29 so impaired that the person is unable to care for the
30 person's personal safety or to attend to or provide
31 for necessities for the person such as food, shelter,
32 clothing, or medical care, without which physical
33 injury or illness might occur.

34 Sec. ____ Section 633.556, Code 1997, is amended
35 to read as follows:

36 633.556 APPOINTMENT OF GUARDIAN.

37 1. If the allegations of the petition as to the
38 status of the proposed ward and the necessity for the
39 appointment of a guardian are proved by clear and
40 convincing evidence, the court may appoint a guardian.

41 2. In all proceedings to appoint a guardian, the
42 court shall consider the functional limitations of the
43 proposed ward and whether a limited guardianship, as
44 authorized in section 633.635, is appropriate.

45 3. Section 633.551A applies to the appointment of
46 a conservator.

47 Sec. ____ Section 633.557, Code 1997, is amended
48 to read as follows:

49 633.557 APPOINTMENT OF GUARDIAN ON VOLUNTARY
50 PETITION.

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1 1. A guardian may also be appointed by the court
2 upon the verified petition of the proposed ward,
3 without further notice, if the proposed ward is other
4 than a minor under the age of fourteen years, provided
5 the court determines that such an appointment will
6 inure to the best interest of the applicant. However,
7 if an involuntary petition is pending, the court shall
8 be governed by section 633.634. The petition shall
9 provide the proposed ward notice of a guardian's
10 powers as provided in section 633.562.

11 2. In all proceedings to appoint a guardian, the
12 court shall consider whether a limited guardianship,
13 as authorized in section 633.635, is appropriate.

14 Sec. ____ Section 633.560, Code 1997, is amended
15 to read as follows:

16 633.560 APPOINTMENT OF GUARDIAN ON A STANDBY
17 BASIS.

18 A petition for the appointment of a guardian on a

19 standby basis may be filed by any person under the
 20 same procedure and requirements as provided in
 21 sections 633.591 to 633.597, for appointment of
 22 standby conservator, insofar as applicable. In all
 23 proceedings to appoint a guardian, the court shall
 24 consider whether a limited guardianship, as authorized
 25 in section 633.635, is appropriate.

26 Sec. ____ Section 633.566, subsection 2, paragraph
 27 a, Code 1997, is amended to read as follows:

28 a. ~~By reason of mental, physical or other~~
 29 ~~incapacity is unable to make or carry out important~~
 30 ~~decisions concerning the proposed ward's financial~~
 31 ~~affairs.~~

32 a. Is a person whose decision-making capacity is
 33 so impaired that the person is unable to make,
 34 communicate, or carry out important decisions
 35 concerning the person's financial affairs.

36 Sec. ____ Section 633.570, Code 1997, is amended
 37 to read as follows:

38 633.570 APPOINTMENT OF CONSERVATOR.

39 1. If the allegations of the petition as to the
 40 status of the proposed ward and the necessity for the
 41 appointment of a conservator are proved by clear and
 42 convincing evidence, the court may appoint a
 43 conservator.

44 2. In all proceedings to appoint a conservator,
 45 the court shall consider the functional limitations of
 46 the person and whether a limited conservatorship, as
 47 authorized in section 633.637, is appropriate.

48 3. Section 633.551A applies to the appointment of
 49 a conservator.

50 Sec. ____ Section 633.572, Code 1997, is amended

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1 to read as follows:

2 633.572 APPOINTMENT OF CONSERVATOR ON VOLUNTARY
 3 PETITION.

4 1. A conservator may also be appointed by the
 5 court upon the verified petition of the proposed ward,
 6 without further notice, if the proposed ward is other
 7 than a minor under the age of fourteen years, provided
 8 the court determines that such an appointment will
 9 inure to the best interest of the applicant. However,
 10 if an involuntary petition is pending, the court shall
 11 be governed by section 633.634. The petition shall
 12 provide the proposed ward notice of a conservator's
 13 powers as provided in section 633.576.

14 2. In all proceedings to appoint a conservator,
 15 the court shall consider whether a limited
 16 conservatorship, as authorized in section 633.637, is
 17 appropriate.

18 Sec. ____ Section 633.596, Code 1997, is amended
19 to read as follows:
20 633.596 TIME OF CONSIDERATIONS -- APPOINTMENT OF
21 CONSERVATOR.

22 At the time such a standby petition is filed under
23 this part, the court, ~~without any notice, may appoint~~
24 ~~the conservator nominated in such petition or may set~~
25 ~~the petition for hearing on such notice as the court~~
26 ~~may prescribe~~ shall consider whether a limited
27 conservatorship, as authorized in section 633.637, is
28 appropriate.

29 Sec. ____ Section 633.635, subsection 1,
30 unnumbered paragraph 1, Code 1997, is amended to read
31 as follows:

32 A Based upon the evidence produced at the hearing,
33 the court may grant a guardian may be granted the
34 following powers and duties which may be exercised
35 without prior court approval:

36 Sec. ____ Section 633.635, subsections 3 and 4,
37 Code 1997, are amended to read as follows:
38 3. The court may take into account all available
39 information concerning the capabilities of the ward
40 and any additional evaluation deemed necessary,
41 including the availability of third-party assistance
42 to meet the needs of the ward or proposed ward, and
43 may direct that the guardian have only a specially
44 limited responsibility for the ward. In that event,
45 the court shall state those areas of responsibility
46 which shall be supervised by the guardian and all
47 others shall be retained by the ward. The court may
48 make a finding that the ward lacks the capacity to
49 contract a valid marriage.

50 4. From time to time, upon a proper showing, the

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1 court may alter modify the respective responsibilities
2 of the guardian and the ward, after notice to the ward
3 and an opportunity to be heard. Any modification that
4 would be more restrictive or burdensome for the ward
5 shall be based on clear and convincing evidence that
6 the ward continues to fall within the categories of
7 section 633.552, subsection 2, paragraph "a" or "b",
8 and that the facts justify a modification of the
9 guardianship. Section 633.551A applies to the
10 modification proceedings. Any modification that would
11 be less restrictive for the ward shall be based upon
12 proof in accordance with the requirements of section
13 633.675.

14 Sec. ____ Section 633.637, Code 1997, is amended
15 to read as follows:

16 633.637 POWERS OF WARD.

17 A ward for whom a conservator has been appointed
 18 shall not have the power to convey, encumber, or
 19 dispose of property in any manner, other than by will
 20 if the ward possesses the requisite testamentary
 21 capacity, unless the court determines that the ward
 22 has a limited ability to handle the ward's own funds.
 23 If the court makes such a finding, it shall specify to
 24 what extent the ward may possess and use the ward's
 25 own funds.

26 Any modification of the powers of the ward that
 27 would be more restrictive of the ward's control over
 28 the ward's financial affairs shall be based upon clear
 29 and convincing evidence and the burden of persuasion
 30 is on the conservator. Any modification that would be
 31 less restrictive of the ward's control over the ward's
 32 financial affairs shall be based upon proof in
 33 accordance with the requirements of section 633.675.

34 Sec. ____ Section 633.675, subsection 3, Code
 35 1997, is amended to read as follows:

36 3. A determination by the court that the ward is
 37 ~~competent and capable of managing the ward's property~~
 38 ~~and affairs, and that the continuance of the~~
 39 ~~guardianship or conservatorship would not be in the~~
 40 ~~ward's best interests no longer a person whose~~
 41 ~~decision-making capacity is so impaired as to bring~~
 42 ~~the ward within the categories of section 633.552,~~
 43 ~~subsection 2, paragraph "a", or section 633.566,~~
 44 ~~subsection 2, paragraph "a". In a proceeding to~~
 45 ~~terminate a guardianship or a conservatorship, the~~
 46 ~~ward shall make a prima facie showing that the ward~~
 47 ~~has some decision-making capacity. Once the ward has~~
 48 ~~made that showing, the guardian or conservator has the~~
 49 ~~burden to prove by clear and convincing evidence that~~
 50 ~~the ward's decision-making capacity is so impaired, as~~

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1 provided in section 633.552, subsection 2, paragraph
 2 "a", or section 633.566, subsection 2, paragraph "a",
 3 that the guardianship or conservatorship should not be
 4 terminated."

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

7 "Sec. ____ **NEW SECTION. 633.800 SHORT TITLE --**
 8 **RULES OF CONSTRUCTION.**

9 1. This division shall be known and may be cited
 10 as the uniform transfer on death security registration
 11 Act.

12 2. The provisions of this division shall be
 13 liberally construed and applied to promote its
 14 underlying purposes and policy and to make uniform the
 15 laws with respect to the subject of its provisions

- 16 among states enacting this uniform Act.
17 3. Unless displaced by the particular provisions
18 of this division, the principles of law and equity
19 supplement the provisions of this division.”
20 4. Title page, line 1, by inserting after the
21 word “Act” the following: “relating to the probate
22 code including guardianships and conservatorships
23 and”.
24 5. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

S—3557

- 1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 13, by striking lines 20 through 22 and
4 inserting the following: “who are eligible for
5 placement in a medical institution.”

WALLY E. HORN

S—3558

- 1 Amend House File 715 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 15, by inserting after line 3, the
4 following:
5 “___The department shall implement a pilot
6 program, and shall seek any medical assistance waiver
7 necessary, to provide reimbursement through the
8 medical assistance program for teleconsultive services
9 provided by health care providers to medical
10 assistance recipients.”

PATTY JUDGE

S—3559

- 1 Amend the amendment, S—3355, to House File 693, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 3 through 38 and
5 inserting the following:
6 “___Page 1, by inserting before line 1 the
7 following:
8 “Section 1. Section 135.11, Code 1997, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 18A. Consult with the office of
11 statewide clinical education programs at the
12 university of Iowa college of medicine and annually
13 submit a report to the general assembly by January 15
14 verifying the number of physicians in active practice

15 in Iowa by county who are engaged in providing
 16 obstetrical care. To the extent data are readily
 17 available, the report shall include information
 18 concerning the number of deliveries per year by
 19 specialty and county, the age of physicians performing
 20 deliveries, and the number of current year graduates
 21 of the university of Iowa college of medicine and the
 22 university of osteopathic medicine and health sciences
 23 entering into residency programs in obstetrics,
 24 gynecology, and family practice. The report may
 25 include additional data relating to access to
 26 obstetrical services that may be available.””

LARRY McKIBBEN
 MARY NEUHAUSER

S—3560

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 48, by inserting after line 7 the
 4 following:
 5 “If an expenditure reduction or other cost-saving
 6 measure is deemed necessary to maintain expenditures
 7 within the amounts appropriated to the department, the
 8 department shall not implement the reduction or other
 9 measure in a manner which reduces service funding or
 10 reduces the drawdown of federal funding.”

JOHNIE HAMMOND
 ROBERT E. DVORSKY

S—3561

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 20, line 4, by striking the word
 4 “October” and inserting the following: “July”.

JOHNIE HAMMOND

S—3562

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 32, by inserting after line 5 the
 4 following:
 5 “___ If 1997 Iowa Acts, Senate File 532, or other
 6 law relating to the imposition of school fees is
 7 enacted and results in an increase in school fees in
 8 excess of the school fee reimbursement amount allowed
 9 for foster care, the department of human services

10 shall consult with the department of education in
11 adopting emergency rules to provide for claims by
12 foster care providers to cover the excess amount.”
13 2. By renumbering as necessary.

JOHNIE HAMMOND
MIKE CONNOLLY

S—3563

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 27, by striking the word “twelve”
4 and inserting the following: “fifteen”.
5 2. Page 2, line 6, by striking the words “twelve-
6 year” and inserting the following: “fifteen-year”.
7 3. Page 2, by inserting after line 23 the
8 following:
9 “c. The fifteen-year limitation in paragraph “a”
10 shall not apply unless, at the time the product was
11 purchased, leased, bailed, or installed, it contained
12 the following disclaimer:
13 Important Notice: Please make note of the day on
14 which this product was purchased, leased, bailed, or
15 installed. Unless expressly warranted otherwise,
16 anyone purchasing or using this product should not
17 anticipate that this product will be free from defects
18 more than fifteen years from the date the product was
19 purchased, leased, bailed, or installed. Furthermore,
20 anyone using this product after that time should be
21 aware that they may not have any legal recourse
22 available to them in the event this product causes an
23 injury or death. It is important that you retain this
24 disclaimer and note the date on which the product was
25 purchased, leased, bailed, or installed as this is the
26 only warning you shall receive regarding your legal
27 rights in the event this product causes death or
28 injury to person or property.”

STEVEN D. HANSEN

S—3564

1 Amend Senate File 542 as follows:
2 1. Page 7, by inserting after line 21 the
3 following:
4 “Sec. ____ Section 422.73, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3. Notwithstanding subsection 2,
7 a claim for refund of individual income tax paid for
8 any tax year beginning on or after January 1, 1985,
9 and before January 1, 1989, is considered timely if

10 filed with the department on or before June 30, 1997,
11 if the taxpayer's claim is the result of the
12 unconstitutional taxation of federal pension benefits
13 based upon the decision in Davis v. Michigan
14 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
15 (1989).

16 A taxpayer entitled to a refund of tax paid under
17 this subsection shall receive an amount equal to one
18 hundred percent of the refund without interest. The
19 claim for refund shall be filed separate from any
20 income tax return and shall not be allowed as a credit
21 for income taxes owed. A claim shall be filed between
22 the effective date of this Act and October 31, 1997.

23 An extension for filing shall not be allowed and
24 claims disallowed on the basis of timeliness shall not
25 be allowed upon appeal to any other state agency
26 notwithstanding any other provision of law.

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

46 The department shall make a reasonable attempt to
47 notify individuals who are entitled to a refund under
48 this subsection."

49 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3565

1 Amend Senate File 530 as follows:

2 1. Page 1, line 6, by striking the words "to be
3 used in providing" and inserting the following: "and
4 reimbursement of wireless service providers' costs for
5 upgrades necessary to provide".

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

8 "Sec. ____ Section 34A.2, subsections 2 and 3,
9 Code 1997, are amended by striking the subsections and
10 inserting in lieu thereof the following:

11 2. "Council" means the E911 communications council
12 established in section 34A.15.

13 Sec. ____ Section 34A.3, subsections 1 and 2, Code
14 1997, are amended to read as follows:

15 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The

16 board of supervisors of each county shall establish a
17 joint 911 service board not later than January 1,
18 1989. Each political subdivision of the state having
19 a public safety agency serving territory within the
20 county is entitled to voting membership on the joint
21 911 service board. Each private safety agency
22 operating within the area is entitled to nonvoting
23 membership on the board. A township which does not
24 operate its own public safety agency, but contracts
25 for the provision of public safety services, is not
26 entitled to membership on the joint 911 service board,
27 but its contractor is entitled to membership according
28 to the contractor's status as a public or private
29 safety agency. The joint 911 service board shall
30 develop an enhanced 911 service plan encompassing at
31 minimum the entire county, unless an exemption is
32 granted by the administrator council permitting a
33 smaller E911 service area. The administrator council
34 may grant a discretionary exemption from the single
35 county minimum service area requirement based upon an
36 E911 joint service board's or other E911 service plan
37 operating authority's presentation of evidence which
38 supports the requested exemption if the administrator
39 council finds that local conditions make adherence to
40 the minimum standard unreasonable or technically
41 infeasible, and that the purposes of this chapter
42 would be furthered by granting an exemption. The
43 minimum size requirement is intended to prevent
44 unnecessary duplication of public safety answering
45 points and minimize other administrative, personnel,
46 and equipment expenses. An E911 service area must
47 encompass a geographically contiguous area. No
48 exemption shall be granted from the contiguous area
49 requirement. The administrator council may order the
50 inclusion of a specific territory in an adjoining E911

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1 service plan area to avoid the creation by exclusion
2 of a territory smaller than a single county not
3 serviced by surrounding E911 service plan areas upon
4 request of the joint 911 service board representing
5 the territory. The E911 service plan operating
6 authority shall submit the plan on or before January

7 1, 1994, to all of the following:

8 a. The division council.

9 b. Public and private safety agencies in the
10 enhanced 911 service area.

11 c. Providers affected by the enhanced 911 service
12 plan.

13 An E911 joint service board that has a state-
14 approved service plan in place prior to July 1, 1993,
15 is exempt from the provisions of this section. The
16 division council shall establish, by July 1, 1994,
17 E911 service plans for those E911 joint service boards
18 which do not have a state-approved service plan in
19 place on or before January 1, 1994.

20 The division council shall prepare a summary of the
21 plans submitted and present the summary to the
22 legislature on or before August 1, 1994.

23 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED
24 CIRCUMSTANCES. The administrator council may extend,
25 in whole or in part, the time for implementation of an
26 enhanced 911 service plan beyond the scheduled plan of
27 implementation, by issuance of a compliance waiver.
28 The waiver shall be based upon a joint 911 service
29 board's presentation of evidence which supports an
30 extension if the administrator council finds that
31 local conditions make implementation financially
32 unreasonable or technically infeasible by the
33 originally scheduled plan of implementation. The
34 compliance waiver shall be for a set period of time,
35 and subject to review and renewal or denial of renewal
36 upon its expiration. The waiver may cover all or a
37 portion of a 911 service plan's enhanced 911 service
38 area to facilitate phased implementation when
39 possible. The granting of a compliance waiver does
40 not create a presumption that the identical or similar
41 waiver will be extended in the future. Consideration
42 of compliance waivers shall be on a case-by-case
43 basis.

44 Sec. ____ Section 34A.6, subsections 1 and 3, Code
45 1997, are amended to read as follows:

46 1. Before a joint E911 service board may request
47 imposition of the surcharge by the administrator
48 council, the board shall submit the following question
49 to voters, as provided in subsection 2, in the
50 proposed E911 service area, and the question shall

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1 receive a favorable vote from a simple majority of
2 persons submitting valid ballots on the following
3 question within the proposed E911 service area:

4 Shall the following public YES
5 measure be adopted? NO

6 Enhanced 911 emergency telephone service shall be
 7 funded, in whole or in part, by a monthly surcharge of
 8 (an amount determined by the local joint E911 service
 9 board of up to one dollar) on each telephone access
 10 line collected as part of each telephone subscriber's
 11 monthly phone bill if provided within (description of
 12 the proposed E911 service area).

13 3. The secretary of state, in consultation with
 14 the ~~administrator of the office of emergency~~
 15 ~~management of the department of public defense~~
 16 council, shall adopt rules for the conduct of joint
 17 E911 service referendums as required by and consistent
 18 with subsections 1 and 2.

19 Sec. ____ Section 34A.7, subsections 1, 4, and 6,
 20 Code 1997, are amended to read as follows:

21 1. LOCAL E911 SERVICE SURCHARGE IMPOSITION.

22 a. To encourage local implementation of E911
 23 service, one source of funding for E911 emergency
 24 telephone communication systems shall come from a
 25 surcharge per month, per access line on each access
 26 line subscriber, except as provided in subsection 5,
 27 equal to the lowest amount of the following:

28 One dollar.

29 An amount less than one dollar, which would fully
 30 pay both recurring and nonrecurring costs of the E911
 31 service system within five years from the date the
 32 maximum surcharge is imposed.

33 The maximum monetary limitation approved by
 34 referendum.

35 The surcharge shall be imposed by order of the
 36 ~~administrator~~ council as follows:

37 (1) The ~~administrator~~ council shall notify a
 38 provider scheduled to provide exchange access line
 39 service to an E911 service area, that implementation
 40 of an E911 service plan has been approved by the joint
 41 911 service board and by the service area referendum,
 42 and that collection of the surcharge is to begin
 43 within one hundred days.

44 (2) The notice shall be provided at least one
 45 hundred days before the surcharge must be billed for
 46 the first time.

47 b. The surcharge shall terminate at the end of
 48 twenty-four months, unless either, or both, of the
 49 following conditions is met:

50 (1) E911 service is initiated for all or a part of

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1 the E911 service area.

2 (2) An extension is granted by the ~~administrator~~
 3 council for good cause.

4 c. The surcharge shall terminate at the end of

5 twenty-four months if the joint E911 service plan has
6 not been approved by the administrator council within
7 eighteen months of the original notice to the provider
8 to impose the surcharge, and shall not be reimposed
9 until a service plan is approved by the administrator
10 council and the administrator council gives providers
11 notice as required by paragraph "a", subparagraphs (1)
12 and (2).

13 4. E911 SERVICE FUND. Each joint E911 service
14 board shall establish and maintain as a separate
15 account an E911 service fund. Any funds remaining in
16 the account at the end of each fiscal year shall not
17 revert to the general funds of the member political
18 subdivisions, except as provided in subsection 5, but
19 shall remain in the E911 service fund. Moneys in an
20 E911 service fund may only be used for nonrecurring
21 and recurring costs of the E911 service plan as
22 approved by the administrator council, as those terms
23 are defined by section 34A.2.

24 6. LIMITATION OF ACTIONS -- PROVIDER NOT LIABLE ON
25 CAUSE OF ACTION RELATED TO PROVISION OF 911 SERVICES.

26 A claim or cause of action does not exist based upon
27 or arising out of an act or omission in connection
28 with a wireline or wireless provider's participation
29 in an E911 service plan or provision of 911 or local
30 exchange access service, unless the act or omission is
31 determined to be willful and wanton negligence.

32 Sec. ____ Section 34A.7, subsection 5, paragraph
33 b, subparagraphs (2) and (3), Code 1997, are amended
34 to read as follows:

35 (2) If money remains in the fund after fully
36 paying for recurring costs incurred in the preceding
37 year, the remainder may be spent to pay for
38 nonrecurring costs, not to exceed actual nonrecurring
39 costs as approved by the administrator council.

40 (3) If money remains in the fund after fully
41 paying obligations under subparagraphs (1) and (2),
42 the remainder may be accumulated in the fund as a
43 carryover operating surplus. If the surplus is
44 greater than twenty-five percent of the approved
45 annual operating budget for the next year, the
46 administrator council shall reduce the surcharge by an
47 amount calculated to result in a surplus of no more
48 than twenty-five percent of the planned annual
49 operating budget. After nonrecurring costs have been
50 paid, if the surcharge is less than the maximum

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1 allowed and the fund surplus is less than twenty-five
2 percent of the approved annual operating budget, the
3 administrator council shall, upon application of the

4 joint E911 service board, increase the surcharge in an
5 amount calculated to result in a surplus of twenty-
6 five percent of the approved annual operating budget.
7 The surcharge may only be adjusted once in a single
8 year, upon one hundred days' prior notice to the
9 provider.

10 Sec. ____ Section 34A.15, subsection 1, unnumbered
11 paragraph 1, Code 1997, is amended to read as follows:
12 An E911 communications council is established. The
13 council consists of the following ~~eleven~~ thirteen
14 members:

15 Sec. ____ Section 34A.15, subsection 1, Code 1997,
16 is amended by adding the following new paragraph:
17 **NEW PARAGRAPH.** k. Two persons appointed by the
18 Iowa wireless industry. One appointee shall represent
19 cellular companies and the other appointee shall
20 represent personal communications services companies."

21 3. Page 1, line 12, by inserting after the word
22 "of" the following: "up to".

23 4. Page 1, line 13, by inserting after the word
24 "state." the following: "The surcharge shall not
25 exceed the statewide average E911 surcharge applied to
26 customers receiving landline telecommunications
27 services. The surcharge shall be imposed uniformly on
28 a statewide basis and simultaneously on all customers
29 as provided by the council."

30 5. Page 1, line 16, by inserting after the word
31 "subscriber" the following: "and shall be stated
32 separately on each subscriber's bill".

33 6. Page 1, line 29, by striking the word "to" and
34 inserting the following: ". In accordance with
35 section 22.7, subsection 6, the amount collected from
36 a wireless service provider and deposited in the fund
37 is confidential. Moneys in the fund shall".

38 7. Page 2, by inserting after line 2 the
39 following:

40 "____. The department of public safety and the
41 joint E911 service boards shall retain any additional
42 funds necessary to reimburse wireless carriers for
43 their costs to deliver E911 services. The department
44 of public safety and the joint E911 service boards
45 shall assure that wireless carriers recover all
46 costs associated with the implementation and operation
47 of E911 services, including but not limited to
48 hardware, software, and transport costs."

49 8. Page 2, line 7, by striking the word "chapter"
50 and inserting the following: "chapter,".

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1 9. Page 2, line 20, by inserting after the word
2 "board" the following: "and begin implementation of

3 an E911 service plan".

4 10. Page 2, line 30, by inserting after the word
5 "use," the following: "personal communications
6 services,".

7 11. Page 2, by inserting after line 30 the
8 following:

9 "Sec. ____ Section 34A.20, subsection 2, Code
10 1997, is amended to read as follows:

11 2. The authority shall cooperate with the
12 ~~department of public defense council~~ in the creation,
13 administration, and funding of the E911 program
14 established in subchapter 1.

15 Sec. ____ STUDY OF E911 SYSTEM. The E911
16 communications council shall conduct a study
17 concerning the issues related to the provision of E911
18 service in this state, the cost recovery mechanism
19 provided in chapter 34A for wireline and wireless
20 providers, and any other appropriate issue related to
21 the E911 system. The council shall provide a written
22 report to the general assembly concerning the
23 council's progress in completing this study by no
24 later than January 15, 1999. The report shall include
25 any recommendations of the council concerning the E911
26 system and the additional time necessary, if any, to
27 complete the study."

28 12. By renumbering, relettering, and correcting
29 internal references as necessary.

RICHARD F. DRAKE
NANCY BOETTGER
STEVE KING
TOM FLYNN

S-3566

1 Amend Senate File 445 as follows:

2 1. Page 1, line 11, by inserting after the word
3 "budget" the following: "in a county with a
4 population between one hundred sixty-five thousand and
5 one hundred seventy thousand, according to the 1990
6 federal decennial census,".

7 2. Page 1, by striking lines 32 through 35.

8 3. Page 2, line 3, by striking the word "Moneys"
9 and inserting the following: "For a county with a
10 population between one hundred sixty-five thousand and
11 one hundred seventy thousand, according to the 1990
12 federal decennial census, moneys".

13 4. Page 2, by striking lines 8 and 9 and
14 inserting the following:

15 "Sec. ____ This Act is repealed effective June 30,
16 1998. The Code editor shall return the language in
17 Code section 29C.17, as amended in this Act, to the

18 language contained in section 29C.17, 1997 Code of
19 Iowa.

20 Sec. ____ APPLICABILITY. This Act applies to
21 emergency management agency budgets certified for the
22 fiscal year beginning on or after July 1, 1997."

23 5. Title page, line 1, by inserting after the
24 word "of" the following: "certain".

25 6. By renumbering as necessary.

MARY LOU FREEMAN

S—3567

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 12, by inserting after the word
4 "later" the following: "provided that when the
5 injury is to the minor's reproductive system the
6 statute tolls until one year after the age of
7 majority".

MARY NEUHAUSER

S—3568

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 12, by inserting after the word
4 "later" the following: "provided that when the
5 claimant does not become aware of the existence of the
6 minor's injuries until after the minor's sixth
7 birthday, a claim shall be commenced within two years
8 after the date on which the claimant knew, or through
9 the use of reasonable diligence should have known, or
10 received notice in writing of the existence of, the
11 injury or death for which damages are sought in the
12 action, but in no event shall any action be brought
13 more than one year after the attainment of majority".

MARY NEUHAUSER

S—3569

1 Amend House File 693 as follows:

2 1. Page 2, by inserting after line 23 the
3 following:

4 "c. This subsection shall not apply to a
5 manufacturer, assembler, designer, supplier of
6 specifications, seller, lessor, or distributor of a
7 product, if the manufacturer, assembler, designer,
8 supplier of specifications, seller, lessor, or
9 distributor of a product knew that the product was

10 defective. For purposes of this subsection, a
11 manufacturer, assembler, designer, supplier of
12 specifications, seller, lessor, or distributor of a
13 product shall be deemed to have known of the defect if
14 either of the following apply:

15 (1) The manufacturer, assembler, designer,
16 supplier of specifications, seller, lessor, or
17 distributor of a product had been held liable in a
18 case in a court of competent jurisdiction where the
19 defective product was at issue.

20 (2) The manufacturer, assembler, designer,
21 supplier of specifications, seller, lessor, or
22 distributor of a product had tested the product and
23 the test indicated that the product was defective.”

24 2. By renumbering as necessary.

MARY A. LUNDBY

S-3570

1 Amend House File 674, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 22, the
4 following:

5 “_. The individual was imprisoned solely on the
6 basis of the conviction that was vacated, dismissed,
7 or reversed and on which no further proceedings can be
8 or will be had.”

9 2. Page 1, by striking lines 23 and 24 and
10 inserting the following:

11 “2. Upon receipt of an order vacating, dismissing,
12 or reversing the conviction and sentence in a case for
13 which no further proceedings can be or will be held
14 against an individual on any facts and circumstances
15 alleged in the proceedings which resulted in the
16 conviction, the district court shall make a
17 determination whether there is clear and convincing
18 evidence to establish either of the”.

19 3. Page 1, line 27, by striking the words “and
20 sentenced” and inserting the following: “, sentenced,
21 and imprisoned”.

22 4. Page 1, line 30, by striking the words “and
23 sentenced” and inserting the following: “, sentenced,
24 and imprisoned”.

25 5. Page 1, by striking lines 32 and 33 and
26 inserting the following:

27 “3. If the district court finds that there is
28 clear and convincing evidence to support either of”.

29 6. Page 1, line 34, by striking the words and
30 figure “1, paragraph “e”” and inserting the following:
31 “2”.

32 7. Page 2, by striking lines 9 through 12, and
33 inserting the following: “of this section, to the
34 individual named in the order.”

- 35 8. Page 2, line 24, by striking the words
 36 "include any of" and inserting the following: "are
 37 limited to".
 38 9. By striking page 2, line 34, through page 3,
 39 line 3, and inserting the following:
 40 "___ An amount of liquidated damages in an amount
 41 equal to fifty dollars per day of wrongful
 42 imprisonment."
 43 10. Page 3, lines 5 and 6, by striking the words
 44 "arrest, prosecution, conviction," and inserting the
 45 following: "conviction".
 46 11. By renumbering as necessary.

JOHNIE HAMMOND

S—3571

- 1 Amend House File 453, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 22, by striking the word "full".
 4 2. Page 1, line 34, by striking the word "full".
 5 3. Page 2, line 3, by striking the word "full".

NEAL SCHUERER

HOUSE AMENDMENT TO
SENATE FILE 442

S—3572

- 1 Amend Senate File 442, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 19 and 20 and
 4 inserting the following:
 5 "~~8. Correctional release~~ Newton correctional
 6 facility."
 7 2. Page 1, line 26, by striking the word
 8 "RIVERVIEW" and inserting the following: "NEWTON".
 9 3. Page 1, line 26, by striking the words "AT
 10 NEWTON".
 11 4. Page 1, line 27, by striking the word
 12 "riverview".
 13 5. Page 1, line 28, by striking the words "for
 14 men".

HOUSE AMENDMENT TO
SENATE FILE 177

S—3573

- 1 Amend Senate File 177, as amended, passed, and
 2 reprinted by the senate, as follows:
 3 1. Page 1, line 18, by striking the word

- 4 "EXHIBITION" and inserting the following: "CARELESS".
 5 2. Page 1, line 19, by striking the word
 6 "exhibition" and inserting the following: "careless".
 7 3. Page 1, line 19, by inserting after the words
 8 "the person" the following: "intentionally".
 9 4. Page 1, line 20, by inserting after the word
 10 "vehicle" the following: "on a public road or
 11 highway".
 12 5. Page 2, by striking lines 19 through 24.
 13 6. Page 2, by inserting after line 24 the
 14 following:
 15 "Sec. ____ NEW SECTION. 321L.2A WHEELCHAIR LIFT
 16 WARNING CONE.
 17 The department shall, upon the request of a person
 18 issued a handicapped parking permit under section
 19 321L.2 who operates a motor vehicle with a wheelchair
 20 lift, provide the person with a traffic cone bearing
 21 the international symbol of accessibility and the
 22 words "wheelchair lift space". The department shall
 23 adopt rules as necessary to implement this section."
 24 7. Page 4, line 7, by inserting after the word
 25 "section" the following: "321.277A,".
 26 8. Title page, line 2, by striking the word
 27 "exhibition" and inserting the following: "careless".
 28 9. Title page, line 3, by striking the words "and
 29 handicapped parking,".
 30 10. By renumbering, relettering, or redesignating
 31 and correcting internal references as necessary.

S-3574

- 1 Amend House File 693 as follows:
 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 "c. The limitation in paragraph "a" shall not
 5 apply if the manufacturer, assembler, designer,
 6 supplier of specifications, seller, lessor, or
 7 distributor of the product violated a statute, rule,
 8 regulation, or standard and that violation was a cause
 9 of the claimant's harm."
 10 2. By renumbering, relettering, or redesignating
 11 as necessary.

STEVEN D. HANSEN

S-3575

- 1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 32, by inserting after line 14 the
 4 following:
 5 "The department may use available moneys

6 appropriated to the department under this Act in
 7 making efforts to comply with the requirements of the
 8 state under the consent decree of Connor v. Branstad,
 9 No. 4-86-CV-30871 (S.D. Iowa, July 15, 1994)."

ROBERT E. DVORSKY

S—3576

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 48, by inserting after line 7 the
 4 following:
 5 "If an expenditure reduction or other cost-saving
 6 measure is deemed necessary to maintain expenditures
 7 within the amount appropriated to the department in
 8 this section, the department shall not implement the
 9 reduction or other measure in a manner which reduces
 10 service funding or reduces the drawdown of federal
 11 funding."

JOHNIE HAMMOND
 ROBERT E. DVORSKY

S—3577

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 27, by striking lines 12 through 16.
 4 2. By renumbering as necessary.

STEVEN HANSEN

S—3578

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 28, line 2, by striking the word "The"
 4 and inserting the following: "If an enactment of the
 5 Seventy-seventh General Assembly, 1997 Session,
 6 creates a surcharge on criminal fines and forfeitures
 7 from which the proceeds are deposited to counties and
 8 which may be used for the costs of county or
 9 multicounty juvenile detention homes, the".

JOHNIE HAMMOND

S—3579

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 19, by striking line 31 and inserting the

4 following:
 5 \$ 18,240,000"
 6 2. Page 20, line 4, by striking the word
 7 "October" and inserting the following: "July".
 8 3. Page 20, line 7, by inserting after the word
 9 "assistance." the following: "Effective October 1,
 10 1997, the department shall increase to 135 percent the
 11 maximum federal poverty level used to determine
 12 eligibility for state child care assistance."

TOM VILSACK

S-3580

1 Amend Senate File 542 as follows:
 2 1. Page 7, by inserting after line 13 the
 3 following:
 4 "DIVISION
 5 Sec. ____ Section 8.59, Code 1997, is amended to
 6 read as follows:
 7 8.59 APPROPRIATIONS FREEZE.
 8 Notwithstanding contrary provisions of the Code,
 9 the amounts appropriated under the applicable sections
 10 of the Code for fiscal years commencing on or after
 11 July 1, 1993, are limited to those amounts expended
 12 under those sections for the fiscal year commencing
 13 July 1, 1992. If an applicable section appropriates
 14 moneys to be distributed to different recipients and
 15 the operation of this section reduces the total amount
 16 to be distributed under the applicable section, the
 17 moneys shall be prorated among the recipients. As
 18 used in this section, "applicable sections" means the
 19 following sections: 53.50, 229.35, 230.8, 230.11,
 20 405A.8, 411.20, ~~425.1, 425.39, 426A.1,~~ 663.44, and
 21 822.5.

22 Sec. ____ Section 425.23, subsection 1, paragraph
 23 a, Code 1997, is amended to read as follows:
 24 a. The tentative credit or reimbursement for a
 25 claimant described in section 425.17, subsection 2,
 26 paragraph "a", and ~~paragraph "b" if no appropriation~~
 27 ~~is made to the fund created in section 425.40~~ shall be
 28 determined in accordance with the following schedule:

			Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
29			
30			
31			
32	If the household		
33	income is:		
34	\$ 0 --	5,99999.....	100%
35	6,000 --	6,99999.....	85
36	7,000 --	7,99999.....	70
37	8,000 --	9,99999.....	50
38	10,000 --	11,99999.....	35

39 12,000 -- 13,9999..... 25
 40 Sec. ____ Section 425.23, subsection 1, paragraph b, Code 1997,
 41 is amended by striking the paragraph and inserting in lieu
 42 thereof the following:
 43 b. The tentative credit or
 44 reimbursement for a claimant described in section 425.17,
 45 subsection 2, paragraph "b", shall
 46 be determined in accordance with the
 47 following schedule:

48		Percent of property taxes
49		due or rent constituting
50		property taxes paid

Page 2

1	If the household	allowed as a credit or
2	income is:	reimbursement:
3	\$ 0 -- 5,99999.....	100%
4	6,000 -- 6,99999.....	85
5	7,000 -- 7,99999.....	70
6	8,000 -- 9,99999.....	50
7	10,000 -- 11,99999.....	35
8	12,000 -- 13,99999.....	25

9 Sec. ____ Section 425.23, subsection 3, paragraph
 10 a, Code 1997, is amended to read as follows:

11 a. A person who is eligible to file a claim for
 12 credit for property taxes due and who has a household
 13 income of six thousand dollars or less and who has an
 14 unpaid special assessment levied against the homestead
 15 may file a claim for a special assessment credit with
 16 the county treasurer. The department shall provide to
 17 the respective treasurers the forms necessary for the
 18 administration of this subsection. The claim shall be
 19 filed not later than September 30 of each year. Upon
 20 the filing of the claim, interest for late payment
 21 shall not accrue against the amount of the unpaid
 22 special assessment due and payable. The claim filed
 23 by the claimant constitutes a claim for credit of an
 24 amount equal to the actual amount due upon the unpaid
 25 special assessment, plus interest, payable during the
 26 fiscal year for which the claim is filed against the
 27 homestead of the claimant. ~~However, where the~~
 28 ~~claimant is an individual described in section 425.17,~~
 29 ~~subsection 2, paragraph "b", and the tentative credit~~
 30 ~~is determined according to the schedule in section~~
 31 ~~425.23, subsection 1, paragraph "b", subparagraph (2),~~
 32 ~~the claim filed constitutes a claim for credit of an~~
 33 ~~amount equal to one-half of the actual amount due and~~
 34 ~~payable during the fiscal year. The treasurer shall~~
 35 ~~certify to the director of revenue and finance not~~
 36 ~~later than October 15 of each year the total amount of~~
 37 ~~dollars due for claims allowed. The amount of~~

38 reimbursement due each county shall be paid by the
39 director of revenue and finance by November 15 of each
40 year, drawn upon warrants payable to the respective
41 treasurer. There is appropriated annually from the
42 general fund of the state to the department of revenue
43 and finance an amount sufficient to carry out the
44 provisions of this subsection. The treasurer shall
45 credit any moneys received from the department against
46 the amount of the unpaid special assessment due and
47 payable on the homestead of the claimant.

48 Sec. ____ Section 425.39, subsection 1, Code 1997,
49 is amended to read as follows:

50 1. The extraordinary property tax credit and

Page 3

1 reimbursement fund is created. There is appropriated
2 annually from the general fund of the state to the
3 department of revenue and finance to be credited to
4 the extraordinary property tax credit and
5 reimbursement fund, from funds not otherwise
6 appropriated, an amount sufficient to implement this
7 division for claimants described in section 425.17,
8 subsection 2, paragraph "a".

9 Sec. ____ Section 425.39, subsection 2, Code 1997,
10 is amended by striking the subsection.

11 Sec. ____ Section 425.40, subsection 1, Code 1997,
12 is amended to read as follows:

13 1. A low-income tax credit and reimbursement fund
14 is created. There is appropriated annually from the
15 general fund of the state to the department of revenue
16 and finance to be credited to the low-income tax
17 credit and reimbursement fund, from funds not
18 otherwise appropriated, an amount sufficient to
19 implement this division for claimants described in
20 section 425.17, subsection 2, paragraph "b".

21 Sec. ____ Section 425.40, subsection 2, Code 1997,
22 is amended by striking the subsection.

23 Sec. ____ This division of this Act applies to
24 reimbursements made for property tax credits and to
25 reimbursements for rent constituting property taxes
26 payable on or after July 1, 1997."

TOM FLYNN
DON GETTINGS
ROBERT E. DVORSKY
PATRICK J. DELUHERY
MIKE CONNOLLY
MARY NEUHAUSER
ROD HALVORSON
EUGENE S. FRAISE
MATT McCOY

TOM VILSACK
PATRICIA HARPER
DENNIS H. BLACK
PATTY JUDGE
STEVEN D. HANSEN
BILL FINK
WALLY E. HORN
JOHNIE HAMMOND

S—3581

- 1 Amend House File 715, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, by striking line 14 and inserting the
- 4 following:
- 5 ".....\$382,312,000"
- 6 2. Page 49, line 33, by striking the figure
- 7 "22.20" and inserting the following: "23.20".
- 8 3. Page 49, line 35, by striking the figure
- 9 "15.88" and inserting the following: "16.88".

ROBERT E. DVORSKY

S—3582

- 1 Amend House File 715, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 46, by striking line 13 and inserting the
- 4 following:
- 5 ".....\$ 260,000"
- 6 2. Page 46, line 19, by striking the word "one"
- 7 and inserting the following: "two".

STEVEN D. HANSEN
DENNIS BLACK
ROD HALVORSON
ROBERT DVORSKY

S—3583

- 1 Amend House File 715, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 32, line 31, through page 33,
- 4 line 1, and inserting the following: "services for
- 5 pregnant or parenting adolescents. Funds may also be
- 6 used for".

ELAINE SZYMONIAK

S—3584

- 1 Amend House File 715, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 1, by striking line 14 and inserting the
4 following:

5 ".....\$ 13,060,000"

6 2. Page 1, line 33, by striking the figure
7 "6,832,592" and inserting the following:
8 "10,832,592".

9 3. Page 1, line 34, by inserting after the word
10 "program." the following: "Of the funds allocated in
11 this subsection, \$4,000,000 is designated to remove
12 1,600 persons from the JOBS program waiting list for
13 education and training assistance."

MARY NEUHAUSER

S—3585

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 57, by inserting after line 22 the
4 following:

5 "Sec. ____ NEW SECTION. 217.13A PHARMACEUTICAL
6 ASSISTANCE PROGRAM ESTABLISHED.

7 1. For the purposes of this section, unless the
8 context otherwise requires:

9 a. "Eligible person" means a person, sixty-five
10 years of age or older with an annual net income of not
11 more than one hundred fifty percent of the federal
12 poverty level, as defined by the most recent poverty
13 income guidelines published by the United States
14 department of health and human services, or a person
15 sixty-five years of age or older, who with the
16 person's spouse has an annual net income of not more
17 than one hundred fifty percent of the federal poverty
18 level, as defined by the most recent poverty income
19 guidelines published by the United States department
20 of health and human services. "Eligible person" does
21 not include a person who is eligible for financial
22 assistance for the purchase of prescription drugs
23 under another local, state, or federal program to the
24 extent that the other program provides financial
25 assistance for the purchase of prescription drugs.

26 b. "Prescription drug" means a prescription drug
27 as defined in section 155A.3.

28 c. "Program" means the pharmaceutical assistance
29 program established in this section.

30 d. "Reasonable cost" means a charge which is equal
31 to the average wholesale cost of the prescription drug
32 and the additional dispensing pharmacy's usual fee,
33 not to exceed the seventy-fifth percentile of usual
34 and customary fees in this state, as determined by the
35 Iowa department of public health.

36 2. A pharmaceutical assistance program is created

37 within the department to provide for subsidization of
38 the prescription drug costs of eligible persons in
39 rural and urban areas throughout the state. The
40 director shall appoint an advisory committee to make
41 recommendations to the council in the creation of the
42 program and in adoption of rules to implement the
43 program. The Iowa pharmaceutical association shall
44 assist the council in the creation and implementation
45 of the program.

46 3. The council shall adopt rules to implement this
47 section. The rules shall provide for all of the
48 following:

49 a. A means to determine the eligibility of a
50 person, including proof of the person's actual and

Page 2

1 anticipated annual net income, evidence of complete or
2 partial payment for the costs of prescription drugs
3 from a provider other than the program, and other
4 provisions consistent with this section.

5 b. Issuance by the department of a participation
6 card upon approval of an application. The annual fee
7 for participation in the program is eighty dollars.
8 An initial application shall be accompanied by proof
9 of the date of birth of the person.

10 c. A prescription copayment of twenty percent of
11 the reasonable cost of the prescription which shall be
12 collected from the person participating in the program
13 by the dispensing pharmacy not to exceed eight hundred
14 dollars in prescription costs for each calendar year.
15 Thereafter, a copayment of forty percent of the
16 reasonable cost of prescriptions in excess of eight
17 hundred dollars for the remainder of any calendar year
18 shall be collected. The balance of the reasonable
19 costs shall be paid by the department to the
20 dispensing pharmacy after submission of a claim to the
21 department.

22 d. A provision that if the cost of the
23 prescription drug exceeds the reasonable cost and the
24 prescription drug is available under a generic name,
25 the eligible person may obtain the trade name drug
26 rather than the generic drug by paying the difference
27 in the amounts of the trade name drug and generic name
28 drug. However, if the prescribing practitioner
29 indicates on the prescription that a substitution of
30 the trade name drug is prohibited, the eligible person
31 is subject only to payment of the copayment amount.

32 e. A reimbursement system which includes on-line
33 point of service claims transmission and adjudication,
34 with utilization review.

35 f. A form of identification for persons to use in

36 proving eligibility. The form of identification shall
37 include a conspicuous notation of the penalties for
38 violation of this section.

39 g. A requirement that prescriptions contain the
40 name, address, and identification number of the
41 eligible person.

42 h. A provision to ensure choice of pharmaceutical
43 services by the eligible person.

44 4. A person who supplies false information to
45 establish eligibility for the program or to obtain
46 reimbursement is guilty of a serious misdemeanor."

47 2. By renumbering as necessary.

PATRICIA HARPER
STEVEN D. HANSEN
ROD HALVORSON

S-3586

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 5 the
4 following:

5 " _____. Of the funds appropriated in this section,
6 the department shall transfer \$400,000 to the
7 community grant fund established in section 232.190 to
8 be used for the purposes designated for use of the
9 fund."

ROBERT E. DVORSKY

S-3587

1 Amend House File 693, as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking page 1, line 15, through page 2,
4 line 23.

5 2. By renumbering as necessary.

TOM VILSACK

S-3588

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 26, line 15, by striking the figure
4 "111,084,000" and inserting the following:
5 "111,234,000".

6 2. Page 50, by striking lines 11 through 17 and
7 inserting the following:

8 " _____. Notwithstanding section 234.38, in the
9 fiscal year beginning July 1, 1997, the foster family

10 basic daily maintenance rates and the maximum adoption
11 subsidy rates shall be based on 75 percent of the
12 United States department of agriculture estimate of
13 the cost to raise a child. The reimbursement rate
14 authorized in this subsection shall be applied by
15 adjusting the reimbursement rates authorized in law
16 for the various age groupings for the fiscal year
17 beginning July 1, 1996."

ROBERT E. DVORSKY

S—3589

1 Amend House File 635, as passed by the House, as
2 follows:

3 1. Page 1, line 4, by inserting after the word
4 "officer" the following: "corrections officer, or
5 corrections official".

6 2. Page 1, line 9, by inserting after the word
7 "officer" the following: "corrections officer, or
8 corrections official".

ROBERT E. DVORSKY

S—3590

1 Amend House File 715, as amended, passed, and
2 reprinted, by the House, as follows:

3 1. Page 32, by inserting after line 5 the
4 following:

5 " _____. If a community mental health center has
6 performed an initial screening of a child and
7 determined the child has a mental health need or other
8 need which may be addressed by children's
9 rehabilitation services under the medical assistance
10 program or another appropriate service administered or
11 funded by the department, the center may refer the
12 child to the department. Upon referral, the
13 department shall perform an assessment to determine
14 whether a service administered or funded by the
15 department is appropriate to address the child's
16 mental health need or other need and the child's
17 eligibility for the service. If a service
18 administered or funded by the department is determined
19 to be appropriate and the child is eligible for the
20 service, the department shall provide the service to
21 the child. If it is determined the services funded or
22 administered by the department are not appropriate for
23 the child or the child is not eligible for the
24 services, the department may refer the child to
25 another source of services or funding. The department
26 shall report to the general assembly in January 1998

27 with findings and recommendations concerning
28 implementation of the provisions of this subsection.”

29 2. Page 55, line 18, by inserting after the word
30 “coordination” the following: “, financing.”

31 3. By renumbering as necessary.

JOHNIE HAMMOND

S—3591

1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting before line 20 the
4 following:

5 “Sec. ____ Section 68B.32, subsection 1, Code
6 1997, is amended to read as follows:

7 1. An Iowa ethics and campaign disclosure board is
8 established as an independent agency. Effective
9 January 1, 1994, the board shall administer this
10 chapter and set standards for, investigate complaints
11 relating to, and monitor the ethics of officials,
12 employees, lobbyists, ~~and~~ candidates for office in the
13 executive branch of state government, and candidates
14 for office in the general assembly. The board shall
15 also administer and set standards for, investigate
16 complaints relating to, and monitor the campaign
17 finance practices of candidates for public office.
18 The board shall consist of six members and shall be
19 balanced as to political affiliation as provided in
20 section 69.16. The members shall be appointed by the
21 governor, subject to confirmation by the senate.”

22 2. Page 7, by inserting before line 11 the
23 following:

24 “Sec. ____ Section 68B.32A, subsection 12, Code
25 1997, is amended to read as follows:

26 12. Establish rules relating to ethical conduct
27 for persons holding a state office in the executive
28 branch of state government, ~~including candidates, and~~
29 for employees of the executive branch of state
30 government, and for candidates for any state office.
31 The board shall also establish regulations governing
32 the conduct of lobbyists of the executive branch of
33 state government, including. The rules which
34 regulations shall include, but are not limited to,
35 rules and regulations governing conflicts of interest,
36 abuse of office or position, misuse of public or
37 campaign property, campaign advertising, use of
38 confidential information, participation in matters in
39 which an official or state employee has a financial
40 interest, and rejection of improper offers.

41 Sec. ____ Section 68B.32B, subsection 1, Code
42 1997, is amended to read as follows:

43 1. Any person may file a complaint alleging that a
 44 candidate, committee, person holding a state office in
 45 the executive branch of state government, employee of
 46 the executive branch of state government, or other
 47 person has committed a violation of chapter 56 or
 48 rules adopted by the board. Any person may file a
 49 complaint alleging that a person holding a state
 50 office in the executive branch of state government, an

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1 employee of the executive branch of state government,
 2 a candidate for state office, or a lobbyist or a
 3 client of a lobbyist of the executive branch of state
 4 government has committed a violation of this chapter
 5 or rules adopted by the board. The board shall
 6 prescribe and provide forms for this purpose. A
 7 complaint must include the name and address of the
 8 complainant, a statement of the facts believed to be
 9 true that form the basis of the complaint, including
 10 the sources of information and approximate dates of
 11 the acts alleged, and a certification by the
 12 complainant under penalty of perjury that the facts
 13 stated to be true are true to the best of the
 14 complainant's knowledge."
 15 3. By renumbering as necessary.

DON GETTINGS

S—3592

1 Amend House File 715, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 32, 32, by striking the figure "1998" and
 4 inserting the following: "1999".

ELAINE SZYMONIAK

S—3593

1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 6, by inserting after the figure
 4 "668.13" the following: ", except for interest due
 5 pursuant to section 85.30 for which the rate shall be
 6 ten percent per year".
 7 2. Page 1, line 27, by striking the word "twelve"
 8 and inserting the following: "fifteen".
 9 3. Page 2, line 6, by striking the word "twelve-
 10 year" and inserting the following: "fifteen-year".
 11 4. Page 2, line 12, by inserting after the word
 12 "cause." the following: "This subsection shall not

- 13 apply to cases governed by section 614.1, subsection
14 11.”
- 15 5. Page 3, line 9, by striking the word “six” and
16 inserting the following: “eight”.
- 17 6. Page 3, line 11, by striking the word “eighth”
18 and inserting the following: “tenth”.
- 19 7. Page 3, line 33, by inserting after the words
20 “physician assistant,” the following: “advanced
21 registered nurse practitioner”.
- 22 8. Page 4, line 10, by inserting after the words
23 “physician assistants,” the following: “advanced
24 registered nurse practitioners”.
- 25 9. Page 4, line 12, by inserting after the words
26 “physician assistants,” the following: “advanced
27 registered nurse practitioners”.
- 28 10. Page 4, line 30, by inserting after the words
29 “physician assistant,” the following: “advanced
30 registered nurse practitioner”.
- 31 11. Page 5, line 10, by inserting after the words
32 “physician assistant,” the following: “advanced
33 registered nurse practitioner”.
- 34 12. Page 5, line 16, by inserting after the words
35 “physician assistant,” the following: “advanced
36 registered nurse practitioner”.
- 37 13. Page 5, line 25, by inserting after the word
38 “counsel” the following: “in a manner consistent with
39 the Iowa rules of civil procedure providing for notice
40 of deposition”.
- 41 14. Page 5, line 26, by inserting after the words
42 “physician assistant,” the following: “advanced
43 registered nurse practitioner”.
- 44 15. Page 5, line 27, by striking the words “may
45 be” and inserting the following: “has the right to
46 be”.
- 47 16. Page 5, line 30, by inserting after the word
48 “assistant,” the following: “advanced registered
49 nurse practitioner”.
- 50 17. Page 6, line 3, by inserting after the word

Page 2

- 1 “assistant,” the following: “advanced registered
2 nurse practitioner”.
- 3 18. Page 6, line 6, by inserting after the word
4 “assistant,” the following: “advanced registered
5 nurse practitioner”.
- 6 19. Page 6, line 7, by inserting after the words
7 “physician assistant,” the following: “advanced
8 registered nurse practitioner”.
- 9 20. Page 6, line 10, by inserting after the words
10 “physician assistant,” the following: “advanced
11 registered nurse practitioner”.

12 21. Page 6, line 17, by inserting after the words
 13 "physician assistant," the following: "advanced
 14 registered nurse practitioner."

15 22. Page 9, by inserting after line 4 the
 16 following:

17 "Sec. 13. Section 668.13, subsection 3, Code 1997,
 18 is amended to read as follows:

19 3. Interest shall be calculated as of the date of
 20 judgment at a rate equal to the coupon issue yield
 21 equivalent, as determined by the United States
 22 secretary of the treasury, of the average accepted
 23 auction price for the last auction of fifty-two week
 24 United States treasury bills settled immediately prior
 25 to the date of the judgment plus two percent. The
 26 state court administrator shall distribute notice
 27 monthly of that rate and any changes to that rate to
 28 all district courts.

29 Sec. ___. If any provision of this Act or the
 30 application thereof to any person is invalid, the
 31 invalidity shall not affect the provisions or
 32 applications of this Act which can be given effect
 33 without the invalid provisions or application, and to
 34 this end the provisions of this Act are severable.

35 Sec. __. EFFECTIVE DATES. Sections 1, 2, 3, 7, 8,
 36 9, 10, 11, 12, and 13 of this Act shall apply to
 37 actions filed after July 1, 1997. Section 4 of this
 38 Act shall apply to actions filed after July 1, 1997,
 39 except that any cause of action having actually
 40 accrued as of the date of enactment of this Act shall
 41 be preserved according to the law applicable to the
 42 statute of limitations in effect at the time of
 43 accrual. Sections 5 and 6 of this Act shall apply to
 44 all causes of action accruing on or after July 1,
 45 1997, and to all causes of action accruing before July
 46 1, 1997, and filed after July 1, 1999."

47 23. Title page, by striking line 5 and inserting
 48 the following: "actions, joint and several liability,
 49 and providing effective dates."

50 24. By renumbering as necessary.

LARRY McKIBBEN
 RICHARD F. DRAKE

S-3594

1 Amend House File 514, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 27 the
 4 following:

5 "Sec. __. Section 321A.1, subsection 10, Code
 6 1997, is amended to read as follows:

7 10. PROOF OF FINANCIAL RESPONSIBILITY. Proof of

8 ability to respond in damages for liability, on
 9 account of accidents occurring subsequent to the
 10 effective date of the proof, arising out of the
 11 ownership, maintenance, or use of a motor vehicle, in
 12 amounts as follows: ~~With respect to accidents~~
 13 ~~occurring on or after January 1, 1981, and prior to~~
 14 ~~January 1, 1983, the amount of fifteen thousand~~
 15 ~~dollars because of bodily injury to or death of one~~
 16 ~~person in any one accident, and, subject to the limit~~
 17 ~~for one person, the amount of thirty thousand dollars~~
 18 ~~because of bodily injury to or death of two or more~~
 19 ~~persons in any one accident, and the amount of ten~~
 20 ~~thousand dollars because of injury to or destruction~~
 21 ~~of property of others in any one accident; and with~~
 22 ~~respect to accidents occurring on or after January 1,~~
 23 ~~1983, the amount of twenty twenty-five thousand~~
 24 ~~dollars because of bodily injury to or death of one~~
 25 ~~person in any one accident, and, subject to the limit~~
 26 ~~for one person, the amount of forty fifty thousand~~
 27 ~~dollars because of bodily injury to or death of two or~~
 28 ~~more persons in any one accident, and the amount of~~
 29 ~~fifteen twenty-five thousand dollars because of injury~~
 30 ~~to or destruction of property of others in any one~~
 31 ~~accident.~~

32 Sec. ____ Section 321A.5, subsection 3, unnumbered
 33 paragraph 1, Code 1997, is amended to read as follows:

34 A policy or bond is not effective under this
 35 section unless issued by an insurance company or
 36 surety company authorized to do business in this
 37 state, except that if the motor vehicle was not
 38 registered in this state, or was a motor vehicle which
 39 was registered elsewhere than in this state at the
 40 effective date of the policy or bond, or the most
 41 recent renewal thereof of the policy or bond, the
 42 policy or bond is not effective under this section
 43 unless the insurance company or surety company if not
 44 authorized to do business in this state executes a
 45 power of attorney authorizing the department to accept
 46 service on its behalf of notice or process in any
 47 action upon the policy or bond arising out of the
 48 accident. ~~However, with respect to accidents~~
 49 ~~occurring on or after January 1, 1981, and before~~
 50 ~~January 1, 1983, every such policy or bond is subject,~~

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1 if the accident has resulted in bodily injury or
 2 death, to a limit, exclusive of interest and costs, of
 3 ~~not less than fifteen thousand dollars because of~~
 4 ~~bodily injury to or death of one person in any one~~
 5 ~~accident and, subject to the limit for one person, to~~
 6 ~~a limit of not less than thirty thousand dollars~~

7 because of bodily injury to or death of two or more
 8 persons in any one accident, and, if the accident has
 9 resulted in injury to or destruction of property, to a
 10 limit of not less than ten thousand dollars because of
 11 injury to or destruction of property of others in any
 12 one accident; and with respect to accidents occurring
 13 on or after January 1, 1983, every such Every policy
 14 or bond is subject, if the accident has resulted in
 15 bodily injury or death, to a limit, exclusive of
 16 interest and costs, of not less than twenty twenty-
 17 five thousand dollars because of bodily injury to or
 18 death of one person in any one accident and, subject
 19 to the limit for one person, to a limit of not less
 20 than forty fifty thousand dollars because of bodily
 21 injury to or death of two or more persons in any one
 22 accident, and, if the accident has resulted in injury
 23 to or destruction of property, to a limit of not less
 24 than fifteen twenty-five thousand dollars because of
 25 injury to or destruction of property of others in any
 26 one accident.

27 Sec. ____ Section 321A.15, subsection 1, Code
 28 1997, is amended to read as follows:

29 1. a. Judgments referred to in this chapter and
 30 rendered upon claims arising from accidents occurring
 31 on or after January 1, 1981, and before January 1,
 32 1983, shall, for the purpose of this chapter only, be
 33 deemed satisfied when the following occur:

34 (1) When fifteen thousand dollars has been
 35 credited upon any judgment or judgments rendered in
 36 excess of that amount because of bodily injury to or
 37 death of one person as the result of any one accident.

38 (2) When, subject to the limit of fifteen thousand
 39 dollars because of bodily injury to or death of one
 40 person, the sum of thirty thousand dollars has been
 41 credited upon any judgment or judgments rendered in
 42 excess of that amount because of bodily injury to or
 43 death of two or more persons as the result of any one
 44 accident.

45 (3) When ten thousand dollars has been credited
 46 upon any judgment or judgments rendered in excess of
 47 that amount because of injury to or destruction of
 48 property of others as a result of any one accident.

49 b. Judgments referred to in this chapter and
 50 rendered upon claims arising from accidents occurring

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1 on or after January 1, 1983, shall, for the purpose of
 2 this chapter only, be are deemed satisfied when the
 3 following occur:

4 (1) a. When twenty twenty-five thousand dolla rs
 5 has been credited upon any judgment or judgments

6 rendered in excess of that amount because of bodily
7 injury to or death of one person as the result of any
8 one accident.

9 (2) b. When, subject to the limit of twenty
10 twenty-five thousand dollars because of bodily injury.
11 to or death of one person, the sum of forty fifty
12 thousand dollars has been credited upon any judgment
13 or judgments rendered in excess of that amount because
14 of bodily injury to or death of two or more persons as
15 the result of any one accident.

16 (3) c. When fifteen twenty-five thousand doll ars
17 has been credited upon any judgment or judgments
18 rendered in excess of that amount because of injury to
19 or destruction of property of others as a result of
20 any one accident.

21 Sec. ____ Section 321A.21, subsection 2, paragraph
22 b, Code 1997, is amended to read as follows:

23 b. Shall insure the person named in the policy and
24 any other person, as insured, using the motor vehicles
25 with the express or implied permission of the named
26 insured, against loss from the liability imposed by
27 law for damages arising out of the ownership,
28 maintenance, or use of the motor vehicles within the
29 United States of America or the Dominion of Canada,
30 subject to limits exclusive of interest and costs,
31 with respect to each such motor vehicle, as follows:
32 ~~With respect to all accidents which occur on or after~~
33 ~~January 1, 1981, and before January 1, 1983, fifteen~~
34 ~~thousand dollars because of bodily injury to or death~~
35 ~~of one person in any one accident and, subject to said~~
36 ~~limit for one person, thirty thousand dollars because~~
37 ~~of bodily injury to or death of two or more persons in~~
38 ~~any one accident, and ten thousand dollars because of~~
39 ~~injury to or destruction of property of others in any~~
40 ~~one accident; and with respect to all accidents which~~
41 ~~occur on or after January 1, 1983, twenty twenty-five~~
42 ~~thousand dollars because of bodily injury to or death~~
43 ~~of one person in any one accident and, subject to said~~
44 ~~limit for one person, forty fifty thousand dollars~~
45 ~~because of bodily injury to or death of two or more~~
46 ~~persons in any one accident, and fifteen twenty-five~~
47 ~~thousand dollars because of injury to or destruction~~
48 ~~of property of others in any one accident."~~

49 2. By renumbering as necessary.

MARY A. LUNDBY

S-3595

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 37, by inserting after line 34 the

4 following:

5 "The department shall develop a plan for
6 implementing a dual diagnosis program at the state
7 mental institute at Mount Pleasant to commence July 1,
8 1998. The department shall submit the plan to the
9 governor and the general assembly on or before January
10 2, 1998."

TOM VILSACK

S—3596

1 Amend House File 715, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 32, line 32, by striking the figure
4 "1998" and inserting the following: "1999".

ELAINE SZYMONIAK

S—3597

1 Amend House File 715, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 48, by inserting after line 7 the
4 following:
5 "If an expenditure reduction or other cost-saving
6 measure is deemed necessary to maintain expenditures
7 within the amount appropriated to the department in
8 this section, the department shall not implement the
9 reduction or other measure in a manner which reduces
10 service funding for disability rehabilitation
11 programs, including but not limited to, statewide
12 supported employment programs or reduces the drawdown
13 of federal funding."

JOHNNIE HAMMOND
ROBERT E. DVORSKY

S—3598

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 10, by inserting after the word
4 "occurred," the following: "and where the alleged
5 act, omission, or occurrence took place more than
6 twenty miles from a city with a population of more
7 than fifteen thousand and in a county with a
8 population of less than fifteen thousand."

ROD HALVORSON

S-3599

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 12, by inserting after the word
4 "later," the following: "A physician and surgeon,
5 osteopath, osteopathic physician and surgeon, dentist,
6 podiatric physician, optometrist, pharmacist,
7 chiropractor, or nurse licensed under chapter 147, or
8 a hospital licensed under chapter 135B shall not
9 assert this paragraph as a defense unless they produce
10 an informed consent waiver which was signed by the
11 patient's parent or legal guardian prior to the
12 treatment in question, which states:
13 I am aware that any claim for damages arising from
14 any injury or the death of my child due to the
15 treatment my child is about to receive must be filed
16 no later than my child's tenth birthday, as my child
17 will be under the age of eight when the treatment is
18 performed. I understand that this means that my
19 family will forever forfeit any right to recover
20 damages arising from this treatment unless a claim is
21 filed prior to the child's tenth birthday, even if
22 such treatment results in injuries that are not
23 discovered until after the child's tenth birthday."

ROD HALVORSON

S-3600

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 12, by inserting after the word
4 "later," the following: "A physician and surgeon,
5 osteopath, osteopathic physician and surgeon, dentist,
6 podiatric physician, optometrist, pharmacist,
7 chiropractor, or nurse licensed under chapter 147, or
8 a hospital licensed under chapter 135B shall not
9 assert this paragraph as a defense unless they produce
10 an informed consent waiver which was signed by the
11 patient's parent or legal guardian prior to the
12 treatment in question, which states:
13 I am aware that any claim for damages arising from
14 any injury or the death of my child due to the
15 treatment my child is about to receive must be filed
16 no later than my child's eighth birthday, as my child
17 will be under the age of six when the treatment is
18 performed. I understand that this means that my
19 family will forever forfeit any right to recover
20 damages arising from this treatment unless a claim is
21 filed prior to the child's eighth birthday, even if

22 such treatment results in injuries that are not
23 discovered until after the child's eighth birthday."

ROD HALVORSON

S-3601

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 8 through 12 and
4 inserting the following:

5 "b. An action founded on injuries to the person or
6 wrongful death against a physician and surgeon,
7 osteopath, osteopathic physician and surgeon,
8 physician assistant, nurse, or advanced registered
9 nurse practitioner licensed under chapter 147 arising
10 out of patient care and brought on behalf of a minor
11 who was under the age of six when the act, omission,
12 or occurrence alleged in the action occurred, shall be
13 commenced no later than the minor's tenth birthday.
14 However, if the claimant did not know or through the
15 use of reasonable diligence could not have been
16 expected to know of the act, omission, or occurrence
17 until after the minor reached the age of six years,
18 then the action may be brought pursuant to paragraph
19 "a" on behalf of the minor and may be commenced within
20 the time periods provided in paragraph "a". The
21 provisions of this paragraph shall not apply if any of
22 the following occur:

23 (1) The physician and surgeon, osteopath,
24 osteopathic physician and surgeon, physician
25 assistant, nurse, or advanced registered nurse
26 practitioner licensed under chapter 147 warrant orally
27 or in written form regarding the success of the
28 delivery of a baby or the care of a minor under the
29 age of six.

30 (2) The physician and surgeon, osteopath,
31 osteopathic physician and surgeon, physician
32 assistant, nurse, or advanced registered nurse
33 practitioner licensed under chapter 147 misrepresent
34 facts regarding the delivery of a baby or the care of
35 a minor under the age of six.

36 (3) The physician and surgeon, osteopath,
37 osteopathic physician and surgeon, physician
38 assistant, nurse, or advanced registered nurse
39 practitioner licensed under chapter 147 fraudulently
40 conceal information relating to the delivery of a baby
41 or the care of a minor under the age of six.

42 (4) A foreign object is unintentionally left in
43 the body causing the injury or death."

MARY NEUHAUSER

S-3602

- 1 Amend House File 693 as follows:
2 1. Page 3, line 12, by inserting after the word
3 "later," the following: "This paragraph shall not
4 apply to an action related to a disease or injury that
5 is latent in symptom manifestation, in which case the
6 action shall be deemed to have accrued when the
7 disease or injury and the cause of the disease or
8 injury have been made known to the minor's parent or
9 legal guardian or at the point the minor's parent or
10 legal guardian should have known of the disease or
11 injury and the cause of such disease or injury."

MARY NEUHAUSER

HOUSE AMENDMENT TO
SENATE FILE 533

S-3603

- 1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, line 30, by striking the word "may"
4 and inserting the following: "shall".
5 2. Page 19, by striking lines 15 through 31.
6 3. Page 28, line 23, by inserting after the word
7 "training" the following: "and equipment needs".
8 4. Page 28, line 23, by striking the word
9 "eligible".
10 5. Page 28, by striking lines 26 through 29.
11 6. By striking page 32, line 23, through page 33,
12 line 21.
13 7. Page 35, line 7, by inserting after the word
14 "training" the following: "and equipment needs".
15 8. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

S-3604

- 1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. NEW SECTION. 519A.15 MEDICAL
6 MALPRACTICE INSURANCE.
7 1. The commissioner shall require that an insurer
8 offering medical malpractice insurance to licensed
9 health care providers in this state offer medical
10 malpractice insurance on both a "claims-made" and
11 "occurrence" basis.
12 2. An insurer which violates this section is

13 subject to fines and penalties applicable to licensed
 14 insurers generally, including revocation of the
 15 insurer's license and of the right to do business in
 16 the state."

JOHNIE HAMMOND

S—3605

1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 12, by inserting after the word
 4 "later" the following: "provided that when the
 5 minor does not have a living parent or guardian or
 6 live with a parent or guardian the statute tolls until
 7 one year after the age of majority".

JOHNIE HAMMOND

S—3606

1 Amend Senate File 445 as follows:
 2 1. Page 1, line 10, by striking the word "The"
 3 and inserting the following: "For agencies funded
 4 under subsection 2, paragraph "a", the".
 5 2. Page 1, line 11, by inserting after the word
 6 "budget" the following: "generated by property
 7 taxes".
 8 3. Page 1, by striking lines 32 through 35.
 9 4. Page 2, by striking lines 3 through 9 and
 10 inserting the following:
 11 "Property tax revenues generated pursuant to
 12 section 29C.17, subsection 2, paragraph "a", shall not
 13 be limited by the provisions of section 444.25B.
 14 Sec. _____. This Act is repealed effective June 30,
 15 1998. The Code editor shall return the language in
 16 Code section 29C.17, as amended in this Act, to the
 17 language contained in section 29C.17, 1997 Code of
 18 Iowa.
 19 Sec. _____. APPLICABILITY. This Act applies to
 20 emergency management agency budgets certified for the
 21 fiscal year beginning July 1, 1997."
 22 5. By renumbering as necessary.

MARY LOU FREEMAN

S—3607

1 Amend House File 693 as follows:
 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 "c. The limitation in paragraph "a" shall not

- 5 apply if the manufacturer, assembler, designer,
 6 supplier of specifications, seller, lessor, or
 7 distributor of the product violated a state or federal
 8 statute, rule, or regulation and that violation was a
 9 cause of the claimant's harm."
 10 2. By renumbering, relettering, or redesignating
 11 as necessary.

STEVEN D. HANSEN

S-3608

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 3, by striking the word
 4 "intentionally".
 5 2. Page 2, line 4, by striking the word
 6 "fraudulently".

WILLIAM D. PALMER

S-3609

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 16, by inserting after the word
 4 "person." the following: "The prohibition also does
 5 not apply to cases in which the communication pertains
 6 to results or circumstances pertaining to the results
 7 of chemical tests of specimens of a person's blood,
 8 breath, or urine which are taken to determine alcohol
 9 concentration or intoxication and are related to the
 10 operation of a motor vehicle by the person who is the
 11 subject of the test."

TOM FLYNN

S-3610

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 12, by inserting after the word
 4 "later" the following: ", provided that when the
 5 claimant does not become aware of the existence of the
 6 minor's injuries until after the minor's eighth
 7 birthday, a claim shall be commenced within two years
 8 after the date on which the claimant knew, or through
 9 the use of reasonable diligence should have known, or
 10 received notice in writing of the existence of, the
 11 injury or death for which damages are sought in the
 12 action, but in no event shall any action be brought
 13 more than one year after the attainment of majority."

MARY NEUHAUSER

S—3611

- 1 Amend House File 693 as follows:
- 2 1. Page 2, by inserting after line 23 the
- 3 following:
- 4 "c. This subsection shall not apply to a
- 5 manufacturer, assembler, designer, supplier of
- 6 specifications, seller, lessor, or distributor of a
- 7 product, if the manufacturer, assembler, designer,
- 8 supplier of specifications, seller, lessor, or
- 9 distributor of a product knew that the product was
- 10 defective. For purposes of this subsection, a
- 11 manufacturer, assembler, designer, supplier of
- 12 specifications, seller, lessor, or distributor of a
- 13 product shall be deemed to have known of the defect if
- 14 either of the following apply:
- 15 (1) The manufacturer, assembler, designer,
- 16 supplier of specifications, seller, lessor, or
- 17 distributor of a product had been held liable in a
- 18 case in a court of competent jurisdiction where the
- 19 defective product was at issue.
- 20 (2) The manufacturer, assembler, designer,
- 21 supplier of specifications, seller, lessor, or
- 22 distributor of a product had tested the product and
- 23 the test indicated that the product was defective."
- 24 2. By renumbering as necessary.

PATRICIA HARPER

S—3612

- 1 Amend the amendment, S—3601, to House File 693, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 11, by striking the word "six"
- 5 and inserting the following: "eight".
- 6 2. Page 1, line 17, by striking the word "six"
- 7 and inserting the following: "eight".
- 8 3. Page 1, line 29, by striking the word "six"
- 9 and inserting the following: "eight".
- 10 4. Page 1, line 33, by inserting after the figure
- 11 "147" the following: "intentionally".
- 12 5. Page 1, line 35, by striking the word "six"
- 13 and inserting the following: "eight".
- 14 6. Page 1, line 41, by striking the word "six"
- 15 and inserting the following: "eight".

MARY NEUHAUSER

S—3613

- 1 Amend House File 693, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 23 the
4 following:
5 "c. The fifteen-year limitation in paragraph "a"
6 shall not apply to any action brought by the state."

JACK RIFE

S-3614

1 Amend Senate File 445 as follows:
2 1. Page 1, line 10, by striking the word "The"
3 and inserting the following: "For agencies funded
4 under subsection 2, paragraph "a", the".
5 2. Page 1, line 11, by inserting after the word
6 "budget" the following: "generated by property
7 taxes".
8 3. Page 1, by striking lines 32 through 35.
9 4. Page 2, by striking lines 3 through 9 and
10 inserting the following:
11 "Property tax dollars generated pursuant to section
12 29C.17, subsection 2, paragraph "a", shall not be
13 limited by the provisions of section 444.25B.
14 Sec. ____ This Act is repealed effective June 30,
15 1999. The Code editor shall return the language in
16 Code section 29C.17, as amended in this Act, to the
17 language contained in section 29C.17, 1997 Code of
18 Iowa.
19 Sec. ____ APPLICABILITY. This Act applies to
20 emergency management agency budgets certified for the
21 fiscal years beginning July 1, 1997, and July 1,
22 1998."
23 5. By renumbering as necessary.

MARY LOU FREEMAN
PATTY JUDGE
ALLEN BORLAUG

S-3615

1 Amend Senate File 549 as follows:
2 1. Page 16, by inserting after line 26 the
3 following:
4 "c. Lang hall planning
5 For purposes of planning the renovation of Lang
6 hall:
7\$ 1,000,000"

PATRICIA HARPER

S-3616

1 Amend Senate File 549 as follows:
2 1. Page 16, line 20, by striking the figure

- 3 "75,257,005" and inserting the following:
 4 "78,094,416".
 5 2. Page 16, line 21, by striking the figure
 6 "1,344.14" and inserting the following: "1,357.14".

PATRICIA HARPER

S—3617

- 1 Amend Senate File 549 as follows:
 2 1. Page 23, by inserting after line 14 the
 3 following:
 4 "Sec. ____ Section 261.2, subsection 4, Code 1997,
 5 is amended to read as follows:
 6 4. Prepare and administer a state plan for a state
 7 supported and administered scholarship program. The
 8 state plan shall provide for scholarships to deserving
 9 students of Iowa, matriculating in Iowa universities,
 10 colleges, community colleges, or schools of
 11 professional nursing. Eligibility of a student for
 12 receipt of a scholarship shall be based upon academic
 13 achievement and completion of advanced level courses
 14 prescribed by the commission. To remain eligible for
 15 a scholarship in subsequent years, a student shall
 16 maintain a grade point average of "3.0" or better."
 17 2. Page 24, line 21, by striking the words and
 18 figures "subsection 1, Code 1997, is" and inserting
 19 the following: "subsections 1 and 2, Code 1997, are".
 20 3. Page 24, by inserting after line 26 the
 21 following:
 22 "2. There is appropriated from the general fund of
 23 the state to the commission for each fiscal year the
 24 sum of ~~four~~ one million eight hundred seventy-four
 25 thousand eight hundred dollars for scholarships."
 26 4. By renumbering as necessary.

PATRICIA HARPER
 BILL FINK
 MARY NEUHAUSER

S—3618

- 1 Amend Senate File 549 as follows:
 2 1. Page 5, by inserting after line 8 the
 3 following:
 4 "The department of education shall require the
 5 board of directors of a school district to submit by
 6 September 1, 1997, on forms provided by the
 7 department, a list of all school fees charged and
 8 collected by the district during fiscal year 1996-1997
 9 and a list of the school fees the district intends to
 10 charge during fiscal year 1997-1998. The department

11 shall compile and evaluate the information submitted
 12 by the districts and submit a report to the general
 13 assembly by October 1, 1997."

TOM VILSACK

S-3619

1 Amend Senate File 549 as follows:

2 1. Page 16, by inserting after line 14 the
 3 following:

4 "As a condition of support for Iowa's participation
 5 in the funding of the world food prize, the brochures,
 6 press releases, publications, and other materials
 7 issued by the prize's sponsoring organization shall
 8 give credit to the financial participation of the
 9 taxpayers of the state of Iowa."

ROD HALVORSON

S-3620

1 Amend Senate File 549 as follows:

2 1. Page 16, by inserting after line 14 the
 3 following:

4 "It is the intent of the general assembly that the
 5 world food prize sponsoring organization be encouraged
 6 to become free of state support. To this end it is
 7 the intent of the general assembly to reduce future
 8 state appropriations for support of the world food
 9 prize by \$50,000 annually as follows: FY 1998-1999,
 10 \$200,000; FY 1999-2000, \$150,000; FY 2000-2001,
 11 \$100,000; FY 2001-2002, \$50,000, and FY 2002-2003 and
 12 succeeding fiscal years, no appropriation."

ROD HALVORSON

S-3621

1 Amend Senate File 549 as follows:

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

4 "Sec. ____ NEW SECTION. 257.13 ADVANCE FOR
 5 INCREASING ENROLLMENT.

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 advance from the state equal to
 10 its regular program district cost per pupil for the
 11 budget year multiplied by the difference between the
 12 actual enrollment for the budget year and the budget
 13 enrollment for the budget year. The advance is

14 miscellaneous income to the district.

15 If a district receives an advance under this
 16 section for a budget year, the department of
 17 management shall determine the amount of the advance
 18 which would have been generated by local property tax
 19 revenues if the actual enrollment for the budget year
 20 had been used in determining district cost for that
 21 budget year. The department of management shall
 22 reduce, but not by more than the amount of the
 23 advance, the district's total state school aids
 24 otherwise available under this chapter for the next
 25 following budget year by the amount so determined, and
 26 shall increase the district's additional property tax
 27 levy for the next following budget year by the amount
 28 necessary to compensate for the reduction in state
 29 aid, so that the local property tax for the next
 30 following year will be increased only by the amount
 31 which it would have been increased in the budget year
 32 if the enrollment calculated in this section could
 33 have been used to establish the levy.

34 There is appropriated each fiscal year from the
 35 general fund of the state to the department of
 36 education the amount required to pay advances
 37 authorized under this section, which shall be paid to
 38 school districts in monthly installments beginning on
 39 December 15 and ending on June 15 of a budget year."

40 2. By renumbering as necessary.

MARY NEUHAUSER
 ROBERT E. DVORSKY

S—3622

1 Amend Senate File 549 as follows:

2 1. Page 24, by inserting after line 32 the
 3 following:

4 "Sec. ____ Section 261.85, unnumbered paragraph 1,
 5 Code 1997, is amended to read as follows:

6 There is appropriated from the general fund of the
 7 state to the commission for each fiscal year the sum
 8 of two three million nine one hundred fifty thousand
 9 dollars for the work-study program."

MARY NEUHAUSER
 BILL FINK
 ROBERT E. DVORSKY

S—3623

1 Amend Senate File 549 as follows:

2 1. Page 24, by inserting after line 20 the
 3 following:

4 "Sec. ____ NEW SECTION. 261.22 IOWA WINS
5 SCHOLARSHIP PROGRAM -- APPROPRIATION.

6 1. Subject to an appropriation of sufficient funds
7 by the general assembly, there is established an Iowa
8 wins scholarship program to be administered by the
9 college student aid commission. A resident of this
10 state who graduated, or within one year will graduate,
11 from an accredited secondary school in this state and
12 who has been admitted to or is attending as a full-
13 time or part-time student an institution of higher
14 education under the state board of regents, a
15 community college, an accredited private institution
16 as defined in section 261.9, subsection 1, or a
17 postsecondary institution that meets the requirements
18 of chapter 261B, is eligible for the following
19 scholarship amounts:

20 a. Up to two thousand dollars if the person ranked
21 in the upper twenty-five percent of their secondary
22 school class at the end of grade twelve.

23 b. Up to one thousand dollars for all other
24 graduates of accredited secondary schools in this
25 state.

26 2. By June 30 of the school year in which a
27 student completes grade twelve, each accredited public
28 and nonpublic secondary school in Iowa shall include
29 in the student's transcript the student's class
30 percentile rank.

31 3. A person who meets the qualifications of
32 subsection 1 may apply to the commission for an Iowa
33 wins scholarship at any time within one year following
34 the person's graduation from an accredited secondary
35 school in this state. However, once approved for a
36 scholarship under this section, the person may receive
37 Iowa wins scholarship moneys for not more than twelve
38 months.

39 4. The amount of an Iowa wins scholarship shall
40 not exceed the total tuition and mandatory fees for
41 attending a postsecondary institution as provided in
42 subsection 1.

43 5. Scholarship moneys may be awarded for full-time
44 or part-time study during the fall, spring, or summer
45 semesters, or the trimester or quarter equivalent.

46 6. The commission shall administer this program
47 and shall do all of the following:

48 a. Provide application forms for distribution to
49 students by Iowa high schools.

50 b. Adopt rules for determining financial need,

Page 2

1 defining residence for the purposes of this section,
2 and for processing and approving applications for

- 3 scholarships.
- 4 c. Make an annual report to the governor and
- 5 general assembly.
- 6 7. Each applicant, in accordance with the rules
- 7 established by the commission, shall do all of the
- 8 following:
- 9 a. Complete and file an application for an Iowa
- 10 wins scholarship.
- 11 b. Report promptly to the commission any necessary
- 12 information requested by the commission.
- 13 8. If a recipient of scholarship moneys issued in
- 14 accordance with this section is dismissed or withdraws
- 15 from the postsecondary institution before completion
- 16 of the term, the award, or the portion of the award
- 17 that conforms with that institution's accepted policy
- 18 of refunds, shall be refunded to the commission.
- 19 9. There is appropriated annually from the general
- 20 fund of the state to the college student aid
- 21 commission an amount sufficient to carry out the
- 22 provisions of this section."
- 23 2. By renumbering as necessary.

STEVEN D. HANSEN
 MARY NEUHAUSER
 BILL FINK
 ROD HALVORSON
 ROBERT DVORSKY

S-3624

- 1 Amend Senate File 549 as follows:
- 2 1. By striking page 8, line 25, through page 9,
- 3 line 7, and inserting the following:
- 4 "..... \$153,661,038
- 5 The funds appropriated in this subsection shall be
- 6 allocated as follows:
- 7 a. Merged Area I \$ 7,375,729
- 8 b. Merged Area II \$ 8,605,018
- 9 c. Merged Area III..... \$ 8,144,035
- 10 d. Merged Area IV..... \$ 3,995,187
- 11 e. Merged Area V \$ 8,297,696
- 12 f. Merged Area VI..... \$ 7,683,052
- 13 g. Merged Area VII \$ 11,063,595
- 14 h. Merged Area IX..... \$ 13,522,171
- 15 i. Merged Area X \$ 20,897,902
- 16 j. Merged Area XI..... \$ 22,434,511
- 17 k. Merged Area XII..... \$ 8,912,340
- 18 l. Merged Area XIII..... \$ 9,066,001
- 19 m. Merged Area XIV \$ 3,995,187
- 20 n. Merged Area XV..... \$ 12,600,205
- 21 o. Merged Area XVI \$ 7,068,409
- 22 Sec. ____ For the fiscal year beginning July 1,

23 1997, and ending June 30, 1998, the tuition charged by
 24 a community college shall be 25 percent less than the
 25 tuition charged by the community college in the fiscal
 26 year beginning July 1, 1996, and ending June 30,
 27 1997.”
 28 2. By renumbering as necessary.

WILLIAM D. PALMER
 ROD HALVORSON

S-3625

1 Amend Senate File 549 as follows:
 2 1. Page 2, line 17, by striking the figure
 3 “650,000” and inserting the following: “1,175,000”.
 4 2. Page 2, by striking lines 18 through 22.
 5 3. By renumbering as necessary.

STEVEN D. HANSEN
 DENNIS H. BLACK
 DON GETTINGS

S-3626

1 Amend Senate File 549 as follows:
 2 1. Page 8, by inserting after line 17 the
 3 following:
 4 “___ IOWA BEHAVIOR INITIATIVE
 5 For support of the Iowa behavior initiative:
 6\$ 100,000
 7 2. By renumbering as necessary.

PATTY JUDGE

S-3627

1 Amend Senate File 549 as follows:
 2 1. Page 21, by inserting after line 2 the
 3 following:
 4 “Sec. 201. Section 257.6, subsection 5, unnumbered
 5 paragraph 1, Code 1997, is amended to read as follows:
 6 Weighted enrollment is the budget enrollment plus
 7 the district’s additional enrollment because of
 8 special education calculated on December 1 of the base
 9 year plus additional pupils added due to the
 10 application of the supplementary weighting pursuant to
 11 sections 257.11 and 257.13.
 12 Sec. 202. NEW SECTION. 257.13 CLASS SIZE
 13 REDUCTION WEIGHTING PROGRAM.
 14 1. There is established a class size reduction
 15 weighting program to provide additional funds for
 16 school districts that develop a class size reduction

17 plan. To be eligible for supplementary weighting as
18 provided in this section, a school district shall
19 submit annually by April 15 of the base year to the
20 department of education a plan which includes, at a
21 minimum, the goals of reducing class size in
22 kindergarten and grades one through three, instituting
23 professional development to assist teachers in
24 teaching challenging curricula more effectively, and
25 engaging parents, teachers, school administrators, and
26 students in the achievement of the shared goal of
27 raising student achievement levels. In addition, the
28 plan shall provide for methods for measuring student
29 achievement and progress.

30 2. A pupil enrolled in a school district that
31 meets the requirements of subsection 1, and who is
32 assigned to a self-contained classroom in which the
33 student-to-teacher ratio is not more than fifteen
34 students to one teacher, or the equivalent in a school
35 that utilizes team teaching methods, and who is
36 receiving at a minimum the grade-appropriate
37 educational program provided in accordance with
38 section 256.11, is assigned a supplementary weighting
39 of two-tenths, which is in addition to any weighting
40 received under section 257.6, if the pupil is enrolled
41 in and attending the following:

42 a. Full-day kindergarten, or a combined
43 kindergarten and grade one program, in the fiscal year
44 beginning July 1, 1997, or in a succeeding fiscal
45 year.

46 b. Full-day kindergarten, or a combined
47 kindergarten and grade one program, or grade one in
48 the fiscal year beginning July 1, 1998, or in a
49 succeeding fiscal year.

50 c. Full-day kindergarten, or a combined

Page 2

1 kindergarten and grade one program, grade one, or
2 grade two in the fiscal year beginning July 1, 1999,
3 or in a succeeding fiscal year.

4 d. Full-day kindergarten, or a combined
5 kindergarten and grade one program, grade one, grade
6 two, or grade three in the fiscal year beginning July
7 1, 2000, or in a succeeding fiscal year.

8 3. A school district shall provide a separate
9 accounting of the pupils eligible for supplemental
10 weighting in accordance with this section, when
11 certifying its actual enrollment to the department of
12 education."

13 2. Page 27, by inserting after line 17 the
14 following:

15 "Sec. 203. Section 298.2, Code 1997, is amended by

16 adding the following new subsection:
 17 NEW SUBSECTION. 6. Notwithstanding subsection 1,
 18 the voter-approved physical plant and equipment levy
 19 in a school district may exceed the sixty-seven cents
 20 per thousand dollars of assessed valuation limit by
 21 twenty-five cents if the levy exceeding sixty-seven
 22 cents per thousand dollars of assessed valuation is
 23 established by a school district that has developed a
 24 class size reduction plan pursuant to section 257.13.
 25 The revenue from the levy above the sixty-seven cent
 26 limit provided for in subsection 1 shall be used for
 27 purposes of facilities related costs associated with
 28 reducing class size in kindergarten and grades one
 29 through three.”

30 3. Page 28, by inserting after line 28 the
 31 following:

32 “Sec. ____ Sections 201, 202, and 203 of this Act,
 33 relating to a class size reduction program, take
 34 effect July 1, 1997, for computations required for the
 35 school year beginning July 1, 1998.”

36 4. Title page, line 1, by inserting after the
 37 word “relating” the following: “to the establishment
 38 of a class size reduction weighting program and
 39 increasing the physical plant and equipment levy for
 40 eligible school districts, and relating”.

MARY NEUHAUSER
 ROBERT E. DVORSKY
 MIKE CONNOLLY
 BILL FINK
 DON GETTINGS
 ROD HALVORSON

S-3628

1 Amend Senate File 549 as follows:

2 1. By striking page 8, line 25, through page 9,
 3 line 7, and inserting the following:

4 “.....\$134,868,849

5 The funds appropriated in this subsection shall be
 6 allocated as follows:

7 a.	Merged Area I	\$ 6,473,705
8 b.	Merged Area II	\$ 7,552,656
9 c.	Merged Area III	\$ 7,148,049
10 d.	Merged Area IV	\$ 3,506,590
11 e.	Merged Area V	\$ 7,282,918
12 f.	Merged Area VI	\$ 6,743,442
13 g.	Merged Area VII	\$ 9,710,557
14 h.	Merged Area IX	\$ 11,868,459
15 i.	Merged Area X	\$ 18,342,163
16 j.	Merged Area XI	\$ 19,690,852
17 k.	Merged Area XII	\$ 7,822,393

18	l.	Merged Area XIII.....	\$ 7,957,262
19	m.	Merged Area XIV.....	\$ 3,506,590
20	n.	Merged Area XV.....	\$ 11,059,246
21	o.	Merged Area XVI.....	\$ 6,203,967

TOM VILSACK
 JOHNIE HAMMOND
 BILL FINK
 DENNIS H. BLACK
 WILLIAM D. PALMER
 ROD HALVORSON
 DON GETTINGS
 MARY NEUHAUSER
 STEVEN D. HANSEN
 PATRICIA HARPER
 ROBERT E. DVORSKY

S-3629

1 Amend Senate File 549 as follows:
 2 1. Page 21, by inserting after line 2 the
 3 following:
 4 "Sec. __. Section 257.31, Code 1997, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 18. a. The committee may grant
 7 transportation assistance aid to a school district
 8 from funds appropriated in this subsection for the
 9 purpose of providing additional funds for a budget
 10 year to school districts whose base year average
 11 transportation cost per pupil exceeds the base year
 12 state average transportation cost per pupil. A
 13 district's average transportation cost per pupil for a
 14 base year shall be determined by dividing the
 15 district's actual cost for all children transported in
 16 all school buses for the base year pursuant to section
 17 285.1, subsection 12, less the amount received for
 18 transporting nonpublic school pupils under section
 19 285.1, by the district's actual enrollment for the
 20 base year, less the shared-time enrollment for the
 21 base year as defined in section 257.6. The state
 22 average transportation cost per pupil shall be
 23 determined by dividing the total actual cost for all
 24 children transported in all districts for the base
 25 year by the total of all districts' actual enrollments
 26 for the base year. To be eligible for transportation
 27 assistance aid, a school district shall annually
 28 certify its actual cost for all children transported
 29 in all school buses for the base year not later than
 30 July 15 of the budget year on forms prescribed by the
 31 committee. The committee shall prioritize the
 32 requests of eligible school districts ranking the
 33 districts by their average transportation cost per

34 pupil as calculated under this paragraph, with
 35 consideration given to sparsity of population and
 36 geographic size of the district. Within the limits of
 37 the funds appropriated in this subsection,
 38 transportation assistance aid shall be paid to
 39 districts in the order of the priority ranking.
 40 Transportation assistance aid for a budget year for a
 41 district is equal to the amount by which the
 42 district's average transportation cost per pupil for
 43 the base year exceeds two hundred percent of the state
 44 average transportation cost per pupil for the base
 45 year multiplied by the district's actual enrollment
 46 for the base year less the shared-time enrollment for
 47 the base year as defined in section 257.6. The
 48 committee shall adopt rules establishing a procedure
 49 for prioritizing requests.
 50 Payment for a school year shall be made by

Page 2

1 September 1 of the budget year.
 2 b. There is appropriated from the general fund of
 3 the state to the department of education for the use
 4 of the school budget review committee, for each fiscal
 5 year, the amount of one million five hundred thousand
 6 dollars, or as much thereof as may be necessary, to
 7 pay the transportation assistance aid to school
 8 districts ranked in the highest priority under this
 9 subsection."
 10 2. By renumbering as necessary.

TOM FLYNN

S-3630

1 Amend House File 702, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by striking lines 23 and 24 and
 4 inserting the following:
 5 "1. Up to three counties or combinations of
 6 counties may participate in a funding decategorization
 7 planning process as provided in this section. Upon
 8 the request of a participating county, the department
 9 of human services and the".
 10 2. Page 6, line 28, by inserting before the word
 11 "county" the following: "participating".
 12 3. Page 10, line 4, by inserting before the word
 13 "expenditure" the following: "gross expenditure
 14 amount reported in the".

JOHNIE HAMMOND

S—3631

- 1 Amend the House amendment, S—3466, to Senate File
- 2 503, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 28, through page 2,
- 5 line 48.
- 6 2. Page 8, by striking lines 28 through 30.
- 7 3. Page 8, line 31, by striking the figure "5"
- 8 and inserting the following: "3".
- 9 4. Page 8, line 32, by striking the word
- 10 "establishments" and inserting the following: "of
- 11 minors".
- 12 5. By renumbering as necessary.

JACK RIFE
JOHN P. KIBBIE
MARY A. LUNDBY
MARY NEUHAUSER

S—3632

- 1 Amend House File 613, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 15, by striking the words "sixty-
- 4 five" and inserting the following: "sixty-eight".
- 5 2. Page 2, lines 23 and 24, by striking the words
- 6 "three one" and inserting the following: "three".
- 7 3. Page 2, line 33, by striking the words "under
- 8 a single management".
- 9 4. Page 3, by striking lines 5 through 11.
- 10 5. Page 3, line 13, by inserting after the word
- 11 "sales" the following: "for establishments holding a
- 12 class "C" liquor license issued pursuant to section
- 13 123.30".
- 14 6. Page 3, line 29, by striking the word "fifty"
- 15 and inserting the following: "fifty one hundred".
- 16 7. Page 4, line 4, by inserting after the word
- 17 "treasurer." the following: "In order to qualify as
- 18 an eligible borrower, all owners of the business or
- 19 borrowers must not have a combined net worth,
- 20 excluding the value of land classified as
- 21 agricultural, exceeding five hundred thousand dollars
- 22 as defined in rules adopted by the treasurer of state
- 23 pursuant to chapter 17A. Loans shall not be made to a
- 24 business which has been in existence for more than
- 25 three years."
- 26 8. Page 4, line 23, by striking the words "one
- 27 hundred percent" and inserting the following: "fifty-
- 28 one percent or more".
- 29 9. Page 5, line 19, by striking the words "under
- 30 a single management".

- 31 10. Page 5, by striking lines 26 through 33.
 32 11. Page 5, line 35, by inserting after the word
 33 "sales" the following: "for establishments holding a
 34 class "C" liquor license issued pursuant to section
 35 123.30".
 36 12. By renumbering as necessary.

NEAL SCHUERER
 TOM FLYNN

S-3633

- 1 Amend Senate File 546 as follows:
 2 1. Page 19, by inserting after line 7 the
 3 following:
 4 "Sec. ____ Section 445.60, Code 1997, is amended
 5 to read as follows:
 6 445.60 REFUNDING ERRONEOUS TAX.
 7 The board of supervisors shall direct the county
 8 treasurer to refund to the taxpayer any tax or portion
 9 of a tax found to have been erroneously or illegally
 10 paid, with all interest, fees, and costs actually
 11 paid. A refund shall not be ordered or made unless a
 12 claim for refund is presented to the board within ~~one~~
 13 year five years of the date the tax was due, or if
 14 appealed to the board of review, the state board of
 15 tax review, or district court, within ~~one year~~ five
 16 years of the final decision."

WILLIAM D. PALMER

S-3634

- 1 Amend Senate File 549 as follows:
 2 1. Page 8, by inserting after line 17 the
 3 following:
 4 "The funds appropriated under this subsection shall
 5 be divided equally among the 15 area education
 6 agencies."
 7 2. Page 20, line 19, by inserting after the word
 8 "contrary," the following: "of".
 9 3. Page 20, line 25, by inserting before the word
 10 "shall" the following: "50 percent".
 11 4. Page 20, line 30, by inserting after the word
 12 "program" the following: ", and the remaining 50
 13 percent is appropriated to the department of education
 14 for equal allocation to the 15 area education agencies
 15 to assist school districts in developing reading
 16 recovery programs".
 17 5. Page 28, by inserting after line 6 the
 18 following:
 19 "The funds appropriated under this subsection for

20 allocation to area education agencies shall be divided
 21 equally among the 15 area education agencies."

MIKE CONNOLLY
 BILL FINK

S-3635

1 Amend Senate File 549 as follows:
 2 1. Page 1, by striking lines 13 through 18.
 3 2. Page 3, line 24, by striking the figure "8.50"
 4 and inserting the following: "9.50".
 5 3. Page 9, line 24, by inserting after the word
 6 "years" the following: ", effective July 1, 1998".
 7 4. Page 17, by inserting after line 25 the
 8 following:
 9 "Sec. 201. Notwithstanding section 8.33, funds
 10 appropriated in 1996 Iowa Acts, chapter 1215, section
 11 12, subsection 2, paragraph "n", remaining
 12 unencumbered or unobligated on June 30, 1997, shall
 13 not revert to the general fund of the state but shall
 14 be available for expenditure for the purposes listed
 15 in section 11, subsection 2, paragraph "n", of this
 16 Act."
 17 5. Page 20, line 30, by inserting after the word
 18 "program." the following: "The institution shall work
 19 with the department of education to coordinate the
 20 support system for delivery of the reading recovery
 21 program to school districts."
 22 6. Page 26, by striking line 14 and inserting the
 23 following: "limited to an amount equal to the
 24 resident tuition rate established for institutions of
 25 higher learning under the control of the state board
 26 of regents or the resident tuition rate of the".
 27 7. Page 26, line 16, by inserting after the word
 28 "attending" the following: ", whichever is less".
 29 8. Page 28, by inserting after line 25, the
 30 following:
 31 "___ Section 201 of this Act, relating to the
 32 nonreversion of funds appropriated for the national
 33 advanced driving simulator, being deemed of immediate
 34 importance, takes effect upon enactment."
 35 9. By renumbering as necessary.

DERYL McLAREN
 JOHN P. KIBBIE

S-3636

1 Amend Senate File 546 as follows:
 2 1. Page 2, line 21, by striking the words "eight

3 million eight" and inserting the following: "eighteen
4 million seven".

STEVEN D. HANSEN
MARY NEUHAUSER
STEVE KING

S-3637

1 Amend the House amendment, S-3603, to Senate File
2 533, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 " _____. By striking page 11, line 35, through page
7 12, line 7 and inserting the following:

8 "13. The department of corrections, to the extent
9 permissible by law, shall implement, as soon as
10 possible but in no event later than July 1, 1997, a
11 program to limit the availability of television to
12 inmates in correctional facilities under the control
13 of the department to channels representing networks or
14 stations for which under normal circumstances a fee is
15 not required."

16 2. Page 1, by inserting after line 14 the
17 following:

18 " _____. Page 36, by inserting after line 2 the
19 following:

20 " _____. Section 5, subsection 13, relating to the
21 availability of television to inmates in correctional
22 facilities, being deemed of immediate importance,
23 takes effect upon enactment."

O. GENE MADDOX
EUGENE S. FRAISE
BILL FINK
JEFF ANGELO
ANDY McKEAN
ROBERT E. DVORSKY

S-3638

1 Amend Senate File 549 as follows:

2 1. Page 26, by inserting after line 35 the
3 following:

4 "Sec. _____. Section 262.34, Code 1997, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. Any bids solicited and
7 approved by the state board of regents or by
8 institutions under the control of the state board of
9 regents shall require compliance with the standards
10 set forth in the codes, regulations, or procedures

11 required for construction, electrical, and plumbing
 12 projects by the city or county in which the project is
 13 located. Apprentices retained for a project must be
 14 registered with a state or federally approved
 15 apprenticeship training school.”
 16 2. By renumbering as necessary.

STEVEN D. HANSEN

S—3639

1 Amend Senate File 549 as follows:
 2 1. Page 15, line 20, by striking the figure
 3 “169,658,402” and inserting the following:
 4 “169,908,402”.
 5 2. Page 16, by striking line 13 and inserting the
 6 following:
 7 “f. Agricultural forgivable loan program
 8 For purposes of providing agricultural forgivable
 9 loans under the program established in section
 10 261.113.”
 11 3. Page 26, by inserting after line 22 the
 12 following:
 13 “Sec. . **NEW SECTION. 261.113 AGRICULTURAL**
 14 **FORGIVABLE LOAN PROGRAM.**
 15 1. There is established an agricultural forgivable
 16 loan program to be administered by the college student
 17 aid commission. An individual is eligible for the
 18 forgivable loan program if the individual meets all of
 19 the following conditions:
 20 a. Is a resident of rural Iowa who graduated from
 21 a high school in Iowa and is enrolled in the Iowa
 22 state university of science and technology.
 23 b. Completes and files an application for an
 24 agricultural forgivable loan. The individual shall be
 25 responsible for the submission of the parents’
 26 confidential statement for processing to both the
 27 commission and the institution in which the applicant
 28 is enrolling.
 29 c. Reports promptly to the commission any
 30 information requested.
 31 d. Files a new application and parents’
 32 confidential statement annually on the basis of which
 33 the applicant’s eligibility for a renewed agricultural
 34 forgivable loan will be evaluated and determined.
 35 2. Forgivable loans to eligible students shall not
 36 become due until after the student graduates or leaves
 37 school. If the person remains an Iowa resident and is
 38 employed in an agriculturally related enterprise, as
 39 determined by Iowa state university of science and
 40 technology, for five years immediately following
 41 graduation, the person is not responsible for payment

42 of the principal amount of the loan and shall not pay
 43 interest on the loan. If the commission determines
 44 that the person does not meet the criteria for
 45 forgiveness of the principal and interest payments,
 46 the commission shall establish a plan for repayment of
 47 the principal and interest over a ten-year period. If
 48 a person required to make the repayment does not make
 49 the required payments, the commission shall provide
 50 for payment collection.

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1 3. There is created an agricultural forgivable
 2 loan repayment fund for deposit of payments made by
 3 forgivable loan recipients who do not fulfill the
 4 conditions of the forgivable loan program.
 5 Notwithstanding section 8.33, moneys deposited in the
 6 agricultural forgivable loan repayment fund shall not
 7 revert to any fund at the end of any fiscal year but
 8 shall remain in the agricultural forgivable loan
 9 repayment fund and be continuously available to make
 10 additional loans under the program.

11 Sec. . NEW SECTION. 261.114 AGRICULTURAL
 12 FORGIVABLE LOAN ADMINISTRATION.

13 1. The college student aid commission shall
 14 administer the agricultural forgivable loan program.
 15 The loan amount is limited to an amount equal to the
 16 resident tuition rate at the Iowa state university of
 17 science and technology. The amount of an agricultural
 18 forgivable loan shall not exceed the amount of the
 19 student's established financial need.

20 2. The interest rate for the forgivable loan shall
 21 be equal to the interest rate collected by an eligible
 22 lender under the Iowa guaranteed student loan program
 23 for the year in which the forgivable loan is made."
 24

4. By renumbering as necessary.

ROD HALVORSON
 PATTY JUDGE

S-3640

1 Amend Senate File 549 as follows:

2 1. Page 16, by inserting after line 14 the
 3 following:

4 " . America's agricultural heritage partnership
 5 (AAHP)

6 For purposes of creating an extension position for
 7 agricultural heritage development and education:

8\$ 100,000"

9 2. Page 16, by inserting after line 26 the
 10 following:

11 "___ America's agricultural heritage partnership
 12 (AAHP)
 13 For purposes of creating and supporting a
 14 fellowship program providing direct technical
 15 assistance to between 20 to 30 AAHP partners:
 16\$ 100,000'
 17 3. By relettering as necessary.

JOHN W. JENSEN
 PATRICIA HARPER

S-3641

1 Amend Senate File 549 as follows:
 2 1. Page 2, by striking lines 18 through 22.
 3 2. By renumbering as necessary.

STEVEN D. HANSEN

S-3642

1 Amend Senate File 547 as follows:
 2 1. By striking page 10, line 28, through page 11,
 3 line 27, and inserting the following:
 4 "Sec. ___ Section 400.10, Code 1997, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:
 7 400.10 PREFERENCES.
 8 1. In all examinations and appointments under this
 9 chapter, other than promotions and appointment of
 10 chief of the police department or chief of the fire
 11 department:
 12 a. An applicant who is a veteran as defined in
 13 section 35.1 shall have five points added to the
 14 applicant's grade or score attained in the qualifying
 15 examination for appointment to a position.
 16 b. An applicant who is a veteran discharged under
 17 honorable conditions from the military or naval forces
 18 of the United States in any war in which the United
 19 States has been engaged, including the Korean Conflict
 20 at any time between June 25, 1950, and January 31,
 21 1955, both dates inclusive, the Vietnam Conflict
 22 beginning August 5, 1964, and ending May 7, 1975, both
 23 dates inclusive, and the Persian Gulf Conflict
 24 beginning August 2, 1990, and ending on the date
 25 specified by the president or the Congress of the
 26 United States as the date of permanent cessation of
 27 hostilities, both dates inclusive, and who are
 28 citizens and residents of this state, shall have ten
 29 points added to the applicant's grade or score
 30 attained in qualifying examinations for appointment to
 31 a position. For the purposes of this paragraph, World

32 War II shall be from December 7, 1941, to December 31,
33 1946, both dates inclusive.

34 c. If an applicant qualifies as a veteran as
35 provided in paragraph "a" or "b" and has a service-
36 connected disability or is receiving compensation,
37 disability benefits, or pension under laws
38 administered by the veterans administration, five
39 additional points shall be added to the applicant's
40 grade or score awarded pursuant to paragraph "a" or
41 "b". An honorably discharged veteran who has been
42 awarded the Purple Heart for disabilities incurred in
43 action shall be considered to have a service-connected
44 disability.

45 2. However, the points awarded pursuant to
46 subsection 1 shall be added only upon passing the
47 examination and shall not be the determining factor in
48 passing the qualifying examination."

ROD HALVORSON

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 698

S-3643

1 Amend the Senate amendment, H-1796, to House File
2 698, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 15 the
5 following:

6 " ___. Page 2, line 34, by inserting after the
7 word "abuse" the following: "and any other child
8 abuse information".

9 ___. Page 3, line 4, by inserting after the word
10 "perpetrator" the following: "and the report data and
11 disposition data".

12 2. Page 1, line 22, by striking the word "injury"
13 and inserting the following: "welfare".

14 3. Page 1, by striking lines 32 through 34 and
15 inserting the following:

16 " ___. Page 5, by striking line 16 and inserting
17 the following:

18 "4. If report data and disposition data are placed
19 in the central".

20 4. Page 1, line 37, by striking the figure "4"
21 and inserting the following: "5":

22 5. Page 7, line 28, by striking the figure "3."
23 and inserting the following: "4 5."

24 6. Page 7, by inserting after line 32 the
25 following:

26 " ___. Page 11, line 29, by striking the figure

27 "4" and inserting the following: "6".
28 7. Page 9, by inserting after line 1 the
29 following:
30 "___". Page 15, line 15, by striking the figure
31 "5" and inserting the following: "4".
32 8. Page 11, line 3, by inserting before the word
33 "destroys" the following: "knowingly".
34 9. Page 11, line 23, by inserting before the word
35 "destroys" the following: "knowingly".
36 10. Page 12, by inserting after line 13 the
37 following:
38 "___". Page 17, line 8, by striking the figure "4"
39 and inserting the following: "3".
40 11. Page 16, by inserting after line 5 the
41 following:
42 "Sec. ___. Section 235A.20, Code 1997, as amended
43 by this Act, is amended to read as follows:
44 235A.20 CIVIL REMEDY.
45 Any aggrieved person may institute a civil action
46 for damages under chapter 669 or 670 or to restrain
47 the dissemination of child abuse information in
48 violation of this chapter, and any person, agency or
49 other recipient proven to have disseminated or to have
50 requested and received child abuse information in

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1 violation of this chapter, or any employee of the
2 department who knowingly destroys ~~investigation or~~
3 assessment data except in accordance with rule as
4 established by the department for retention of child
5 abuse information under section 235A.18 shall be
6 liable for actual damages and exemplary damages for
7 each violation and shall be liable for court costs,
8 expenses, and reasonable attorney's fees incurred by
9 the party bringing the action. In no case shall the
10 award for damages be less than one hundred dollars.
11 Sec. ___. Section 235A.21, subsection 1, Code
12 1997, as amended by this Act, is amended to read as
13 follows:
14 1. Any person who willfully requests, obtains, or
15 seeks to obtain child abuse information under false
16 pretenses, or who willfully communicates or seeks to
17 communicate child abuse information to any agency or
18 person except in accordance with sections 235A.15 and
19 235A.17, or any person connected with any research
20 authorized pursuant to section 235A.15 who willfully
21 falsifies child abuse information or any records
22 relating to child abuse information, or any employee
23 of the department who knowingly destroys ~~investigation~~
24 ~~or~~ assessment data except in accordance with rule as

25 established by the department for retention of child
 26 abuse information under section 235A.18 is guilty of a
 27 serious misdemeanor. Any person who knowingly, but
 28 without criminal purposes, communicates or seeks to
 29 communicate child abuse information except in
 30 accordance with sections 235A.15 and 235A.17 shall be
 31 guilty of a simple misdemeanor.””
 32 12. By renumbering, relettering, redesignating,
 33 and correcting internal designations and references as
 34 necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 405

S-3644

1 Amend the Senate amendment, H-1584, to House File
 2 405, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 9 the
 5 following:
 6 “ ___ Page 2, by inserting after line 33 the
 7 following:
 8 “However, property having a value of not more than
 9 five thousand dollars, other than real property, may
 10 be disposed of by any procedure which is adopted by
 11 the board and each sale shall be published by at least
 12 one insertion each week for two consecutive weeks in a
 13 newspaper having general circulation in the
 14 district.””

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 335

S-3645

1 Amend the Senate amendment, H-1647, to House File
 2 335, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 3, by striking lines 24 and 25 and
 5 inserting the following: “examiner, or emergency
 6 medical service assumes”.

S-3646

1 Amend Senate File 549 as follows:
 2 1. By striking page 21, line 3, through page 22,
 3 line 11.

- 4 2. Page 28, by striking lines 29 through 32.
5 3. By renumbering as necessary.

O. GENE MADDOX
ELAINE SZYMONIAK

S—3647

- 1 Amend Senate File 540 as follows:
2 1. Page 1, by striking lines 28 through 33 and
3 inserting the following: "payable to such employee or
4 dependent hereunder. However, any person who has some
5 physical defect which increases the risk of injury,
6 may, subject to the approval of the industrial
7 commissioner, enter into a written agreement with the
8 employee's employer waiving compensation for injuries
9 which may occur directly or indirectly because of such
10 physical".
11 2. Page 1, line 34, by striking the word "defect"
12 and inserting the following: "defect".
13 3. Page 2, line 1, by inserting after the figure
14 "85-64" the following: "In addition, a person
15 shall not be denied employment by an employer for the
16 reason that the person has some physical defect or
17 disability which may increase the person's risk of
18 injury or may affect the amount of compensation which
19 may be payable to such person under this chapter. An
20 employer who violates this section shall be guilty of
21 a simple misdemeanor".

WILLIAM PALMER

S—3648

- 1 Amend Senate File 540 as follows:
2 1. Page 2, line 15, by inserting after the figure
3 "2." the following: "However, if the prior injury was
4 related to the employee's military service, the
5 provisions of this subsection requiring a ten percent
6 or more functional impairment for that injury shall
7 not apply."

DICK L. DEARDEN
JOHN P. KIBBIE

S—3649

- 1 Amend Senate File 540 as follows:
2 1. Page 2, line 7, by striking the word "ten" and
3 inserting the following: "five".

DICK L. DEARDEN

S-3650

- 1 Amend the amendment, S-3619, to Senate File 549, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the words "press
- 4 releases,".
- 5 2. Page 1, line 7, by striking the word "shall"
- 6 and inserting the following: "may".

MATT McCOY
DERRYL McLAREN

S-3651

- 1 Amend Senate File 540 as follows:
- 2 1. Page 2, by inserting after line 26 the
- 3 following:
- 4 "3. If an employee who has previously lost, or
- 5 lost the use of, one hand, one arm, one foot, one leg,
- 6 or one eye becomes permanently disabled by a
- 7 compensable injury resulting in the loss or loss of
- 8 use of another such member or organ, and the
- 9 combination of the losses results in the employee
- 10 being permanently and totally disabled, the provisions
- 11 of this section requiring a ten percent or more
- 12 functional impairment for the first loss and a
- 13 difference in the number of weeks as calculated by
- 14 subsection 2 of fifty or more weeks shall not apply."
- 15 2. By renumbering as necessary.

WILLIAM D. PALMER

S-3652

- 1 Amend the amendment, S-3457, to House File 636, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 8 through 27.
- 5 2. Page 1, line 35, by inserting after the word
- 6 "voters." the following: "This prohibition does not
- 7 apply to section 53.17."
- 8 3. By renumbering as necessary.

ALLEN BORLAUG

S-3653

- 1 Amend Senate File 549 as follows:
- 2 1, Page 8, by inserting after line 17 the
- 3 following:
- 4 "The funds appropriated under this subsection shall
- 5 be divided equally among the 15 area education

6 agencies.”

7 2. Page 28, by inserting after line 6 the
8 following:

9 “The funds appropriated under this subsection for
10 allocation to area education agencies shall be divided
11 equally among the 15 area education agencies.”

MIKE CONNOLLY
BILL FINK

S—3654

1 Amend Senate File 549 as follows:

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

4 “Sec. ____ NEW SECTION. 256.57 ENRICH IOWA
5 PROGRAM -- INTENT -- FUNDING.

6 1. The general assembly finds and declares that
7 the public library is at the heart of each community,
8 an integral component in this state’s education
9 system, and an invaluable source of wisdom and
10 knowledge for this state’s lifelong learners. It is
11 therefore in the interest of the citizens of Iowa that
12 a comprehensive initiative be undertaken to reduce
13 inequities in library services throughout the state
14 and provide public libraries with the funds necessary
15 to meet the present and future needs of this state’s
16 citizens.

17 2. There is appropriated from the general fund of
18 the state to the department of education for each
19 fiscal year the sum of three million dollars, which
20 shall be allocated to the division of libraries and
21 information services for the following purposes and in
22 the following amounts:

23 a. Of the funds allocated each year, the division
24 shall distribute one million eight hundred thousand
25 dollars to eligible public libraries that comply with
26 the standards set forth in the in service to Iowa:
27 public library measures of quality publication adopted
28 by the commission of libraries. The amount
29 distributed to each eligible public library shall be
30 based upon the following:

31 (1) The level at which the eligible public library
32 complies with the in service to Iowa publication
33 adopted by the commission of libraries.

34 (2) The number of people residing within an
35 eligible library’s geographic area and for whom the
36 library was established.

37 (3) The amount of funding the eligible public
38 library received in the previous fiscal year for
39 service to rural residents and to contracting
40 communities.

41 Moneys received by a public library under this
42 paragraph shall supplement, not supplant, local
43 funding.
44 b. For purposes of technology development,
45 coordination of technology, and resource sharing by
46 the state and regional libraries, resulting in
47 equitable access to library resources, the sum of six
48 hundred fifty thousand dollars to be used by the
49 division of libraries and information services.
50 Moneys allocated under this subsection shall also be

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1 used to extend the availability of statewide on-line
2 databases using the Internet and information
3 resources. Moneys allocated to the division in this
4 paragraph may be distributed to regional libraries.
5 c. For purposes of establishing a grant program
6 administered by the division, the sum of four hundred
7 fifty thousand dollars. The division shall award
8 grants on a competitive basis to eligible public
9 libraries that submit to the division plans for
10 innovative technologies and services, cooperative
11 alliances between libraries, or for physical library
12 facilities enhancement. An application submitted
13 shall also contain a commitment of at least a dollar-
14 for-dollar match of the grant assistance. The
15 division shall appoint an advisory committee for
16 purposes of recommending priorities and criteria for
17 the awarding of grants under this paragraph. The
18 advisory committee shall submit its report and
19 recommendations annually to the state librarian and
20 the commission of libraries by August 15.
21 d. For purposes of administering the enrich Iowa
22 program, and assisting eligible public libraries to
23 obtain funding under the program, the sum of one
24 hundred thousand dollars.
25 3. For purposes of this section, "eligible public
26 library" means a public library that meets at least
27 all of the following requirements:
28 a. Submits to the division of libraries and
29 information services all of the following:
30 (1) The report provided for under section 256.51,
31 subsection 1, paragraph "h".
32 (2) An application and report form for
33 accreditation that provides evidence of the library's
34 compliance with at least one level of the standards
35 established in accordance with section 256.51,
36 subsection 1, paragraph "k".
37 (3) Any other application or report the division
38 deems necessary for the implementation of this
39 program.

40 b. Participates in the library resource and
 41 information sharing programs established by the state
 42 library.
 43 4. By January 15 of each year, the division shall
 44 submit a program evaluation report to the general
 45 assembly and the governor detailing the uses and the
 46 impacts of funds appropriated under this section.
 47 5. Notwithstanding section 8.33, unencumbered or
 48 unobligated funds remaining on June 30 of the fiscal
 49 year for which the funds were appropriated shall not
 50 revert but shall be available for expenditure for the

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1 following fiscal year for purposes of this section.”
 2 2. By renumbering as necessary.

BILL FINK
 ROD HALVORSON
 ROBERT E. DVORSKY
 PATTY JUDGE

S—3655

1 Amend Senate File 549 as follows:
 2 1. By striking page 8, line 28, through page 9,
 3 line 7, and inserting the following:
 4 “a. Merged Area I \$ 6,228,633
 5 b. Merged Area II \$ 7,344,541
 6 c. Merged Area III \$ 6,935,185
 7 d. Merged Area IV \$ 3,378,776
 8 e. Merged Area V \$ 7,067,292
 9 f. Merged Area VI \$ 6,549,261
 10 g. Merged Area VII \$ 9,342,352
 11 h. Merged Area IX \$ 11,454,733
 12 i. Merged Area X \$ 17,779,441
 13 j. Merged Area XI \$ 18,994,626
 14 k. Merged Area XII \$ 7,544,590
 15 l. Merged Area XIII \$ 7,716,527
 16 m. Merged Area XIV \$ 3,422,631
 17 n. Merged Area XV \$ 10,675,807
 18 o. Merged Area XVI \$ 5,982,094”.

DERRYL McLAREN
 JOHN KIBBIE

S—3656

1 Amend Senate File 549 as follows:
 2 1. Page 12, line 10, by inserting after the word
 3 “inmates,” the following: “the potential application

4 of telemedicine in providing health care services to
5 inmates, and the feasibility of establishing a
6 corrections infirmary,".

ROBERT E. DVORSKY

S-3657

1 Amend Senate File 540 as follows:
2 1. Page 5, line 10, by striking the word "may"
3 and inserting the following: "shall".

DICK DEARDEN

S-3658

1 Amend Senate File 530 as follows:
2 1. Page 2, line 5, by inserting after the word
3 "boards" the following: ", on a per capita basis,".
4 2. Page 2, line 15, by inserting after the word
5 "receipts" the following: "consistent with this
6 subparagraph".

MICHAEL E. GRONSTAL
MATT McCOY
STEVEN D. HANSEN

S-3659

1 Amend the amendment, S-3565, to Senate File 530, as
2 follows:
3 1. Page 5, by inserting after line 48 the
4 following:
5 "___ Page 2, line 5, by inserting after the word
6 "boards" the following: ", on a per capita basis,"."
7 2. Page 5, by inserting after line 50 the
8 following:
9 "___ Page 2, line 15, by inserting after the
10 word "receipts" the following: "consistent with this
11 subparagraph"."

MICHAEL E. GRONSTAL
MATT McCOY
STEVEN D. HANSEN

S-3660

1 Amend Senate File 448 as follows:
2 1. Page 1, by inserting after line 8 the
3 following:

4 "This section does not prohibit the governing body
5 of a city or county from adopting an ordinance
6 providing for elections on matters under the
7 jurisdiction of the governing body.

8 Sec. ____ Section 43.6, subsection 1, Code 1997,
9 is amended to read as follows:

10 1. When a vacancy occurs in the office of senator
11 in the Congress of the United States, ~~lieutenant~~
12 ~~governor~~, secretary of state, auditor of state,
13 treasurer of state, secretary of agriculture, or
14 attorney general and section 69.13 requires that the
15 vacancy be filled for the balance of the unexpired
16 term at a general election, candidates for the office
17 shall be nominated in the preceding primary election
18 if the vacancy occurs eighty-nine or more days before
19 the date of that primary election. If the vacancy
20 occurs less than one hundred four days before the date
21 of that primary election, the state commissioner shall
22 accept nomination papers for that office only until
23 five o'clock p.m. on the seventy-fourth day before
24 the primary election, the provisions of section 43.11
25 notwithstanding. If the vacancy occurs later than
26 eighty-nine days before the date of that primary
27 election, but not less than eighty-nine days before
28 the date of the general election, the nominations
29 shall be made in the manner prescribed by this chapter
30 for filling vacancies in nominations for offices to be
31 voted for at the general election."

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

34 "Sec. ____ Section 43.79, Code 1997, is amended to
35 read as follows:

36 43.79 DEATH OF CANDIDATE AFTER TIME FOR
37 WITHDRAWAL.

38 The death of a candidate nominated as provided by
39 law for any office to be filled at a general election,
40 during the period beginning on the eighty-eighth day
41 before the general election, in the case of any
42 candidate whose nomination papers were filed with the
43 state commissioner, or beginning on the seventy-third
44 day before the general election, in the case of any
45 candidate whose nomination papers were filed with the
46 commissioner, and ending on the last day before the
47 general election shall not operate to remove the
48 deceased candidate's name from the general election
49 ballot. If the deceased candidate was seeking the
50 office of senator or representative in the Congress of

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1 the United States, governor, ~~lieutenant governor~~,
2 attorney general, senator or representative in the

3 general assembly or county supervisor, section 49.58
4 shall control. If the deceased candidate was seeking
5 any other office, and as a result of the candidate's
6 death a vacancy is subsequently found to exist, the
7 vacancy shall be filled as provided by chapter 69."

8 3. Page 4, line 2, by inserting after the word
9 "filing." the following: "This section does not apply
10 to the deadline for voter registration under section
11 48A.9, subsection 2."

12 4. Page 22, by inserting before line 1 the
13 following:

14 "Sec. ____ Section 49.58, unnumbered paragraph 1,
15 Code 1997, is amended to read as follows:

16 If any candidate nominated by a political party, as
17 defined in section 43.2, for the office of senator or
18 representative in the Congress of the United States,
19 governor, ~~lieutenant governor~~, attorney general, or
20 senator or representative in the general assembly dies
21 during the period beginning on the eighty-eighth day
22 and ending on the last day before the general
23 election, or if any candidate so nominated for the
24 office of county supervisor dies during the period
25 beginning on the seventy-third day and ending on the
26 last day before the general election, the vote cast at
27 the general election for that office shall not be
28 canvassed as would otherwise be required by chapter
29 50. Instead, a special election shall be held on the
30 first Tuesday after the second Monday in December, for
31 the purpose of electing a person to fill that office."

32 5. Page 28, by inserting after line 13 the
33 following:

34 "Sec. ____ NEW SECTION. 50.50 ADMINISTRATIVE
35 RECOUNTS.

36 The commissioner who was responsible for conducting
37 an election may request an administrative recount when
38 the commissioner suspects that voting equipment used
39 in the election malfunctioned or that programming
40 errors may have affected the outcome of the election.

41 An administrative recount shall be conducted by the
42 board of the special precinct established by section
43 53.23. Bond shall not be required for an
44 administrative recount. The state commissioner may
45 adopt rules for administrative recounts.

46 If the recount board finds that there is an error
47 in the programming of any voting equipment which may
48 have affected the outcome of the election for any
49 office or public measure on the ballot, the recount
50 board shall describe the errors in its report to the

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1 commissioner. The commissioner shall notify the board
2 of supervisors. The supervisors shall determine
3 whether to order an administrative recount for any or
4 all of the offices and public measures on the ballot.”

5 6. Page 32, by inserting after line 3 the
6 following:

7 “Sec. ____ Section 53.11, Code 1997, is amended by
8 adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. A petition requesting a
10 satellite absentee voting station must be filed by the
11 following deadlines:

12 1. For a primary or general election, no later
13 than five p.m. on the forty-seventh day before the
14 election.

15 2. For the regular city election, no later than
16 five p.m. on the thirtieth day before the election.

17 3. For the regular school election, no later than
18 five p.m. on the thirtieth day before the election.

19 4. For a special election, no later than thirty-
20 two days before the special election.

21 Sec. ____ Section 53.11, unnumbered paragraph 2,
22 Code 1997, is amended to read as follows:

23 Satellite absentee voting stations shall be
24 established throughout the cities and county at the
25 direction of the commissioner or upon receipt of a
26 petition signed by not less than one hundred eligible
27 electors requesting that a satellite absentee voting
28 station be established at a location to be described
29 on the petition. ~~A petition requesting a satellite
30 absentee voting station must be filed no later than
31 five p.m. on the eleventh day before the election.~~ A
32 satellite absentee voting station established by
33 petition must be open at least one day ~~from eight a.m.
34 until five p.m.~~ for a minimum of six hours. A
35 satellite absentee voting station established at the
36 direction of the commissioner or by petition may
37 remain open until five p.m. on the day before the
38 election.”

39 7. Page 32, by inserting after line 17 the
40 following:

41 “Sec. ____ Section 53.23, subsection 3, Code 1997,
42 is amended to read as follows:

43 3. The commissioner shall set the convening time
44 for the board, allowing a reasonable amount of time to
45 complete counting all absentee ballots by ten p.m. on
46 election day. The commissioner may direct the board
47 to meet on the day ~~prior to~~ before the election solely
48 for the purpose of reviewing the absentee voters’
49 affidavits appearing on the sealed ballot envelopes
50 if, If, in the commissioner’s judgment this procedure

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1 is necessary due to the number of absentee ballots
2 received, the members of the board may open the sealed
3 ballot envelopes and remove the secrecy envelope
4 containing the ballot, but under no circumstances
5 shall a sealed ballot secrecy envelope be opened
6 before the board convenes on election day. If the
7 ballot envelopes are opened before election day, two
8 observers appointed by each of the two political
9 parties referred to in section 49.13, subsection 2,
10 shall witness the proceedings.

11 If the board finds any ballot not enclosed in a
12 secrecy envelope, the two special precinct election
13 officials, one from each of the two political parties
14 referred to in section 49.13, subsection 2, shall
15 place the ballot in a secrecy envelope and seal the
16 envelope. No one shall examine the ballot. Each of
17 the special precinct election officials shall sign the
18 secrecy envelope."

19 8. Page 34, by inserting after line 19 the
20 following:

21 "Sec. ____ Section 69.13, unnumbered paragraph 1,
22 Code 1997, is amended to read as follows:

23 If a vacancy occurs in the office of senator in the
24 Congress of the United States, lieutenant-governor,
25 secretary of state, auditor of state, treasurer of
26 state, secretary of agriculture, or attorney general
27 eighty-nine or more days before a general election,
28 and the unexpired term in which the vacancy exists has
29 more than seventy days to run after the date of that
30 general election, the vacancy shall be filled for the
31 balance of the unexpired term at that general election
32 and the person elected to fill the vacancy shall
33 assume office as soon as a certificate of election has
34 been issued and the person has qualified."

35 9. Page 37, by inserting after line 10 the
36 following:

37 "Sec. ____ Section 347.11, Code 1997, is amended
38 to read as follows:

39 347.11 ORGANIZATION -- MEETINGS -- QUORUM.

40 Said trustees shall, ~~within ten days after their~~
41 ~~appointment or election,~~ qualify by taking the usual
42 oath of office as provided in chapter 63, but no bond
43 shall be required of them, except as hereafter
44 provided, and organize by the election of one of their
45 number as chairperson and one as secretary, and one as
46 treasurer. The secretary and treasurer shall each
47 file with the chairperson of the board a surety bond
48 in such penal sum as the board of trustees may require
49 and with sureties to be approved by the board for the
50 use and benefit of the county public hospital. The

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1 reasonable cost of such bonds shall be paid from
2 operating funds of the hospital. The secretary shall
3 report to the county auditor and treasurer the names
4 of the chairperson, secretary and treasurer of the
5 board of hospital trustees as soon as practicable
6 after the qualification of each. Said board shall
7 meet at least once each month. Four members of said
8 board shall constitute a quorum for the transaction of
9 business. The secretary shall keep a complete record
10 of its proceedings.

11 Sec. ____ Section 347A.1, unnumbered paragraph 2,
12 Code 1997, is amended to read as follows:

13 The trustees shall hold office until the next
14 succeeding election, at which time their successors
15 shall be elected, two for a term of two years, two for
16 a term of four years and one for a term of six years,
17 and thereafter their successors shall be elected for
18 regular terms of six years each. Vacancies in the
19 board of trustees may be filled in the same manner as
20 original appointments, to hold office until the
21 vacancies are filled pursuant to section 69.12. The
22 trustees, ~~within ten days after their appointment or~~
23 ~~election,~~ shall qualify by taking the usual oath of
24 office as provided in chapter 63, but no bond shall be
25 required of them. The trustees shall receive no
26 compensation but shall be reimbursed for all expenses
27 incurred by them with the approval of the board of
28 trustees in the performance of their duties. The
29 board first appointed shall organize promptly
30 following its appointment, and shall serve until
31 successors are elected and qualified; thereafter no
32 later than December 1 of each year the board shall
33 reorganize by the appointment of a chairperson,
34 secretary, and treasurer. The secretary and treasurer
35 shall each file with the chairperson of the board a
36 surety bond in the amount the board of trustees
37 requires, with sureties to be approved by the board of
38 trustees, for the use and benefit of the county
39 hospital. The reasonable cost of the bonds shall be
40 paid from the operating funds of the hospital. The
41 secretary shall report to the county auditor and the
42 county treasurer the names of the chairperson,
43 secretary, and treasurer of the board as soon as
44 practicable after the appointment of each."

45 10. Page 39, by inserting after line 31 the
46 following:

47 "Sec. ____ HOSPITAL BOARDS OF TRUSTEES. Any
48 action taken prior to July 1, 1997, by the board of
49 trustees of a county hospital appointed or elected
50 pursuant to section 347.11 or 347A.1, is valid, legal,

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- 1 and binding if the action is challenged solely on the
- 2 basis that a member or members of the board failed to
- 3 take the oath of office within the time period
- 4 provided in section 347.11 or 347A.1."
- 5 11. By renumbering as necessary.

MARY LUNDBY

HOUSE AMENDMENT TO
SENATE FILE 184

S-3661

- 1 Amend Senate File 184, as amended, passed, and
- 2 reprinted by the Senatè, as follows:
- 3 1. Page 1, by striking lines 21 and 22 and
- 4 inserting the following:
- 5 "a. The name, and date of birth, and social
- 6 security number of the person ~~whose property or other~~
- 7 interests are who is the subject to of the lien
- 8 claim."
- 9 2. Page 1, line 28, by inserting after the words
- 10 "The name and" the following: "office".
- 11 3. Page 1, line 29, by inserting before the word
- 12 "address" the following: "office".
- 13 4. Page 1, by inserting after line 35, the
- 14 following:
- 15 "_. If the sheriff wishes to have the amount of
- 16 the claim for charges owed included within the amount
- 17 of restitution determined to be owed by the person, a
- 18 request that the amount owed be included within the
- 19 order for payment of restitution by the person."
- 20 5. Page 2, line 3, by striking the words "enter a
- 21 judgment" and inserting the following: "approve the
- 22 claim".
- 23 6. Page 2, line 4, by striking the words "in any
- 24 personal or real property an" and inserting the
- 25 following: "in any personal or real property".
- 26 7. Page 2, by striking line 5, and inserting the
- 27 following: "for the amount owed by".
- 28 8. Page 2, line 6, by inserting after the word
- 29 "prisoner" the following: "as".
- 30 9. Page 2, line 10, by striking the words
- 31 "enforce the judgment" and inserting the following:
- 32 "choose to enforce the claim".
- 33 10. Page 2, by inserting after line 10 the
- 34 following: "Once approved by the court, the claim for
- 35 the amount owed by the person shall have the force and
- 36 effect of a judgment for purposes of enforcement by
- 37 the sheriff. However, irrespective of whether the

38 judgment lien for the amount of the claim has been
39 perfected, the claim shall not have priority over
40 competing claims for child support obligations owed by
41 the person.

42 Sec. __. Section 910.1, subsection 4, Code 1997,
43 is amended to read as follows:

44 4. "Restitution" means payment of pecuniary
45 damages to a victim in an amount and in the manner
46 provided by the offender's plan of restitution.
47 "Restitution" also includes fines, penalties, and
48 surcharges, the contribution of funds to a local
49 anticrime organization which provided assistance to
50 law enforcement in an offender's case, the payment of

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1 crime victim compensation program reimbursements,
2 court costs including correctional fees approved
3 pursuant to section 356.7, court-appointed attorney's
4 fees, or the expense of a public defender, and the
5 performance of a public service by an offender in an
6 amount set by the court when the offender cannot
7 reasonably pay all or part of the court costs
8 including correctional fees approved pursuant to
9 section 356.7, court-appointed attorney's fees, or the
10 expense of a public defender.

11 Sec. __. Section 910.2, Code 1997, is amended to
12 read as follows:

13 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
14 ORDERED BY SENTENCING COURT.

15 In all criminal cases in which there is a plea of
16 guilty, verdict of guilty, or special verdict upon
17 which a judgment of conviction is rendered, the
18 sentencing court shall order that restitution be made
19 by each offender to the victims of the offender's
20 criminal activities, to the clerk of court for fines,
21 penalties, surcharges, and, to the extent that the
22 offender is reasonably able to pay, for crime victim
23 assistance reimbursement, court costs including
24 correctional fees approved pursuant to section 356.7,
25 court-appointed attorney's fees, or the expense of a
26 public defender when applicable, or contribution to a
27 local anticrime organization. However, victims shall
28 be paid in full before fines, penalties, and
29 surcharges, crime victim compensation program
30 reimbursement, court costs including correctional fees
31 approved pursuant to section 356.7, court-appointed
32 attorney's fees, the expenses of a public defender, or
33 contribution to a local anticrime organization are
34 paid. In structuring a plan of restitution, the court
35 shall provide for payments in the following order of
36 priority: victim, fines, penalties, and surcharges,

37 crime victim compensation program reimbursement, court
38 costs including correctional fees approved pursuant to
39 section 356.7, court-appointed attorney's fees, or the
40 expense of a public defender, and contribution to a
41 local anticrime organization.
42 When the offender is not reasonably able to pay all
43 or a part of the crime victim compensation program
44 reimbursement, court costs including correctional fees
45 approved pursuant to section 356.7, court-appointed
46 attorney's fees, the expense of a public defender, or
47 contribution to a local anticrime organization, the
48 court may require the offender in lieu of that portion
49 of the crime victim compensation program
50 reimbursement, court costs including correctional fees

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1 approved pursuant to section 356.7, court-appointed
2 attorney's fees, expense of a public defender, or
3 contribution to a local anticrime organization for
4 which the offender is not reasonably able to pay, to
5 perform a needed public service for a governmental
6 agency or for a private nonprofit agency which
7 provides a service to the youth, elderly, or poor of
8 the community. When community service is ordered, the
9 court shall set a specific number of hours of service
10 to be performed by the offender which, for payment of
11 court-appointed attorney's fees or expenses of a
12 public defender, shall be approximately equivalent in
13 value to those costs. The judicial district
14 department of correctional services shall provide for
15 the assignment of the offender to a public agency or
16 private nonprofit agency to perform the required
17 service.

18 Sec. ____ Section 910.3, Code 1997, is amended to
19 read as follows:

20 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

21 The county attorney shall prepare a statement of
22 pecuniary damages to victims of the defendant and, if
23 applicable, any award by the crime victim compensation
24 program and shall provide the statement to the
25 presentence investigator or submit the statement to
26 the court at the time of sentencing. The clerk of
27 court shall prepare a statement of court-appointed
28 attorney's fees, the expense of a public defender, and
29 court costs including correctional fees claimed by a
30 sheriff pursuant to section 356.7, which shall be
31 provided to the presentence investigator or submitted
32 to the court at the time of sentencing. If these
33 statements are provided to the presentence
34 investigator, they shall become a part of the
35 presentence report. If pecuniary damage amounts are

36 not available at the time of sentencing, the county
 37 attorney shall provide a statement of pecuniary
 38 damages incurred up to that time to the clerk of
 39 court. The statement shall be provided no later than
 40 thirty days after sentencing. If a defendant believes
 41 no person suffered pecuniary damages, the defendant
 42 shall so state. If the defendant has any mental or
 43 physical impairment which would limit or prohibit the
 44 performance of a public service, the defendant shall
 45 so state. The court may order a mental or physical
 46 examination, or both, of the defendant to determine a
 47 proper course of action. At the time of sentencing or
 48 at a later date to be determined by the court, the
 49 court shall set out the amount of restitution
 50 including the amount of public service to be performed

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1 as restitution and the persons to whom restitution
 2 must be paid. If the full amount of restitution
 3 cannot be determined at the time of sentencing, the
 4 court shall issue a temporary order determining a
 5 reasonable amount for restitution identified up to
 6 that time. At a later date as determined by the
 7 court, the court shall issue a permanent, supplemental
 8 order, setting the full amount of restitution. The
 9 court shall enter further supplemental orders, if
 10 necessary. These court orders shall be known as the
 11 plan of restitution.

12 Sec. __. EFFECTIVE DATE. This Act, being deemed
 13 of immediate importance, takes effect upon enactment."

14 11. Title page, line 4, by inserting after the
 15 word "execution" the following: ", and providing for
 16 an effective date".

17 12. By numbering and renumbering as necessary.

S—3662

1 Amend the House amendment, S—3529, to Senate File
 2 515, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, line 46, by inserting after the figure
 5 "123.47" the following: "which is committed by a
 6 child".

O. GENE MADDOX

S—3663

1 Amend Senate File 549 as follows:

2 1. Page 3, line 29, by striking the figure
 3 "2,840,905" and inserting the following: "2,790,905".

- 4 2. Page 7, line 1, by striking the figure
 5 "7,276,694" and inserting the following: "7,226,694".
 6 3. Page 16, line 20, by striking the figure
 7 "75,257,005" and inserting the following:
 8 "75,357,005".
 9 4. Page 20, by striking lines 27 and 28 and
 10 inserting the following: "distribute the moneys by
 11 July 1, 1997, to the state university of Iowa for the
 12 fiscal year".
 13 5. Page 20, by inserting after line 30 the
 14 following:
 15 "Sec. ____ INTEREST FOR IOWA SCHOOLS FUND
 16 TRANSFERS. The first in the nation in education
 17 foundation may expend for administrative costs during
 18 the fiscal year beginning July 1, 1997, up to 25
 19 percent of the moneys transferred to the foundation
 20 under section 257B.1A."
 21 6. By striking page 21, line 3, through page 22,
 22 line 11.
 23 7. Page 28, by striking lines 29 through 32.
 24 8. By renumbering as necessary.

PATRICIA HARPER
 ROBERT E. DVORSKY
 DERRYL McLAREN
 DONALD B. REDFERN

S-3664

- 1 Amend the House amendment, S-3603, to Senate File
 2 533, 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 4, by striking lines 29 through 32 and
 7 inserting the following:
 8 "In addition to the moneys appropriated in this
 9 subsection and notwithstanding contrary provisions of
 10 section 904.508A, there is appropriated from the
 11 inmate telephone rebate fund created in section
 12 904.508A an additional \$450,000."

ROBERT E. DVORSKY
 EUGENE S. FRAISE
 TOM VILSACK
 MICHAEL E. GRONSTAL
 MARY NEUHAUSER
 DICK L. DEARDEN
 STEVEN D. HANSEN
 DENNIS H. BLACK
 PATTY JUDGE

S—3665

1 Amend the House amendment, S—3603, to Senate File
2 533, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "____. Page 11, by striking lines 32 through 34
7 and inserting the following: "correctional farms
8 under the control of the department at the same or
9 greater level of participation and involvement as
10 existed as of January 1, 1997, and shall further
11 attempt to provide meaningful job opportunities at the
12 farms for inmates."

EUGENE S. FRAISE
ROBERT E. DVORSKY
ANDY MCKEAN
O. GENE MADDOX

S—3666

1 Amend House File 540, as passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 27 the
4 following:

5 "Sec. 101. Section 97A.8, subsection 1, paragraph
6 i, Code 1997, is amended to read as follows:
7 i. (1) Notwithstanding paragraph "g" or other
8 provisions of this chapter, beginning January 1, 1995,
9 for federal income tax purposes, and beginning January
10 1, 1998, for state income tax purposes, member
11 contributions required under paragraph "f" or "h"
12 which are picked up by the department shall be
13 considered employer contributions for federal and
14 state income tax purposes, and the department shall
15 pick up the member contributions to be made under
16 paragraph "f" or "h" by its employees. The department
17 shall pick up these contributions by reducing the
18 salary of each of its employees covered by this
19 chapter by the amount which each employee is required
20 to contribute under paragraph "f" or "h" and shall
21 certify the amount picked up in lieu of the member
22 contributions to the department of revenue and
23 finance. The department of revenue and finance shall
24 forward the amount of the contributions picked up to
25 the board of trustees for recording and deposit in the
26 pension accumulation fund.

27 (2) Member contributions picked up by the
28 department under subparagraph (1) shall be treated as
29 employer contributions for federal and state income
30 tax purposes only and for all other purposes of this

31 chapter and the laws of this state shall be treated as
32 employee contributions and deemed part of the
33 employee's earnable compensation or salary.
34 Sec. 201. Section 97B.11A, Code 1997, is amended
35 to read as follows:

36 97B.11A PICKUP OF EMPLOYEE CONTRIBUTIONS.

37 1. Notwithstanding section 97B.11 or other
38 provisions of this chapter, beginning January 1, 1995,
39 for federal income tax purposes, and beginning January
40 1, 1998, for state income tax purposes, member
41 contributions required under section 97B.11 which are
42 picked up by the employer shall be considered employer
43 contributions for federal and state income tax
44 purposes, and each employer shall pick up the member
45 contributions to be made under section 97B.11 by its
46 employees. Each employer shall pick up these
47 contributions by reducing the salary of each of its
48 employees covered by this chapter by the amount which
49 each employee is required to contribute under section
50 97B.11 and shall pay the amount picked up in lieu of

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1 the member contributions as provided in section
2 97B.14.

3 2. Member contributions picked up by each employer
4 under subsection 1 shall be treated as employer
5 contributions for federal and state income tax
6 purposes only and for all other purposes of this
7 chapter and the laws of this state shall be treated as
8 employee contributions and deemed part of the
9 employee's wages or salary.

10 Sec. 301. Section 294.10A, Code 1997, is amended
11 to read as follows:

12 294.10A PICKUP OF TEACHER ASSESSMENTS.

13 1. Notwithstanding section 294.9 or other
14 provisions of this chapter, for federal income tax
15 purposes beginning January 1 following the submission
16 by a board of trustees of an application to the
17 federal internal revenue service requesting
18 qualification of a plan in accordance with the
19 requirements of the Internal Revenue Code, as defined
20 in section 422.3, and for state income tax purposes
21 beginning January 1, 1998, or January 1 following an
22 application for qualification, whichever is later,
23 teacher assessments required under section 294.9 which
24 are picked up by an employing school district shall be
25 considered employer contributions for federal and
26 state income tax purposes, and each employing school
27 district establishing a pension and annuity retirement
28 system pursuant to this chapter shall pick up the
29 teacher assessments to be made under section 294.9 by

30 its employees commencing ~~on the January 1 following an~~
 31 ~~application for qualification~~ applicable date under
 32 this subsection. Each employing school district shall
 33 pick up these teacher assessments by reducing the
 34 salary of each of the teachers covered by this chapter
 35 by the amount which each teacher is required to
 36 contribute through assessments under section 294.9 and
 37 shall pay to the board of trustees the amount picked
 38 up in lieu of the teacher assessments for recording
 39 and deposit in the fund..

40 2. Teacher assessments picked up by each employing
 41 school district under subsection 1 shall be treated as
 42 employer contributions for federal and state income
 43 tax purposes only and for all other purposes of this
 44 chapter ~~and the laws of this state~~ shall be treated as
 45 teacher assessments and deemed part of the teacher's
 46 wages or salary.

47 Sec. 401. Section 411.8, subsection 1, paragraph
 48 i, Code 1997, is amended to read as follows:

49 i. (1) Notwithstanding paragraph "g" or other
 50 provisions of this chapter, beginning January 1, 1995,

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1 for federal income tax purposes, and beginning January
 2 1, 1998, for state income tax purposes, member
 3 contributions required under paragraph "f" or "h"
 4 which are picked up by the city shall be considered
 5 employer contributions for federal and state income
 6 tax purposes, and each city shall pick up the member
 7 contributions to be made under paragraph "f" or "h" by
 8 its employees. Each city shall pick up these
 9 contributions by reducing the salary of each of its
 10 employees covered by this chapter by the amount which
 11 each employee is required to contribute under
 12 paragraph "f" or "h" and shall pay the amount picked
 13 up in lieu of the member contributions to the board of
 14 trustees for recording and deposit in the fund.

15 (2) Member contributions picked up by each city
 16 under subparagraph (1) shall be treated as employer
 17 contributions for federal and state income tax
 18 purposes only and for all other purposes of this
 19 chapter ~~and the laws of this state~~ shall be treated as
 20 employee contributions and deemed part of the
 21 employee's earnable compensation or salary.

22 Sec. 501. Section 422.7, subsections 29 through
 23 31, Code 1997, are amended by striking the
 24 subsections."

25 2. Page 5, by inserting after line 17 the
 26 following:

27 "Sec. 601. EFFECTIVE AND APPLICABILITY DATES.

28 Sections 101, 201, 301, 401, and 501 of this Act take
 29 effect January 1, 1998, and apply to tax years
 30 beginning on or after January 1, 1998.”
 31 3. Title page, line 1, by inserting after the
 32 word “to” the following: “public retirement systems
 33 and employer contributions.”
 34 4. Title page, line 2, by inserting after the
 35 word “employees” the following: “, and providing
 36 applicability and effective dates”.
 37 5. By renumbering and correcting internal
 38 references as necessary.

JOHN P. KIBBIE
 JOHNIE HAMMOND
 MARY A. LUNDBY
 MARY LOU FREEMAN
 PATRICK J. DELUHERY

S-3667

1 Amend House File 540 as follows:
 2 1. Page 5, by inserting after line 17 the
 3 following:
 4 “Sec. ____ STATE DEFERRED COMPENSATION PROGRAM.
 5 The department of personnel shall, to the extent
 6 permitted by law, allow state employees having entered
 7 the state deferred compensation program on or after
 8 July 1, 1994, to transfer moneys deferred thereunder
 9 into a mutual fund offered pursuant to section
 10 509A.12. This option shall continue until one year
 11 after the date upon which the option of utilizing a
 12 mutual fund in connection with a deferred compensation
 13 program becomes available.”

MIKE CONNOLLY

S-3668

1 Amend House File 540 as follows:
 2 1. Page 5, by inserting after line 17 the
 3 following:
 4 “Sec. ____ STATE DEFERRED COMPENSATION PROGRAM.
 5 The department of personnel shall make available to
 6 eligible public employees the option of utilizing
 7 mutual funds in connection with a deferred
 8 compensation program established pursuant to section
 9 509A.12 by September 1, 1997.”

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 597

S-3669

1 Amend the Senate amendment, H-1693, to House File
2 597, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 17 through 21 and
5 inserting the following: "does attend. For a child
6 who has completed educational requirements through the
7 sixth grade, the means may include but are not limited
8 to the use of an attendance cooperation process which
9 substantially conforms with the provisions of section
10 299.12. If the parent."

11 2. Page 1, by striking lines 27 through 33 and
12 inserting the following:
13 "___ This section is not applicable to a child
14 who is receiving competent private instruction in
15 accordance with the requirements of chapter 299A. If
16 a child is not in compliance with the attendance
17 requirements established under section 299.1, and has
18 not completed educational requirements through the
19 sixth grade, and the school has used every means
20 available to assure the child does attend, the school
21 truancy officer shall contact the child's parent,
22 guardian, or legal or actual custodian to participate
23 in an attendance cooperation meeting. The parties to
24 the attendance cooperation meeting may include the
25 child".

26 3. Page 1, lines 39 and 40, by striking the words
27 "attendance team participation" and inserting the
28 following: "participation in the attendance
29 cooperation meeting".

30 4. Page 1, line 43, by striking the words
31 "attendance team" and inserting the following:
32 "attendance cooperation meeting".

33 5. Page 1, lines 48 and 49, by striking the words
34 "making the attendance team participation contacts"
35 and inserting the following: "contacting the
36 participants in the attendance cooperation meeting".

37 6. Page 2, line 3, by striking the words
38 "attendance team" and inserting the following:
39 "attendance cooperation meeting".

40 7. Page 2, by striking lines 4 and 5 and
41 inserting the following:

42 "___ The purpose of the attendance".

43 8. Page 2, line 11, by striking the words
44 "attendance team" and inserting the following:
45 "parties".

46 9. Page 2, line 12, by striking the word

47 "believes" and inserting the following: "believe".
 48 10. Page 2, line 20, by striking the words "an
 49 attendance team determines" and inserting the
 50 following: "the parties to an attendance cooperation

Page 2

1 meeting determine".
 2 11. Page 2, line 22, by striking the words
 3 "attendance team" and inserting the following:
 4 "parties".
 5 12. Page 2, by striking lines 24 through 27 and
 6 inserting the following: "monitor shall be a designee
 7 of the public school board or governing body of the
 8 accredited nonpublic school, or a designee of the
 9 department of human services, if the department made
 10 the contacts for the attendance cooperation meeting.
 11 The monitor may be a volunteer if the volunteer is
 12 approved by all parties to the agreement and receives
 13 a written authorization for access to confidential
 14 information and for performing monitor activities from
 15 the child's parent, guardian, or custodian. A monitor
 16 shall contact".
 17 13. Page 2, line 36, by striking the word "may"
 18 and inserting the following: "shall".
 19 14. Page 2, line 42, by striking the word "may"
 20 and inserting the following: "shall".
 21 15. By renumbering as necessary.

S-3670

1 Amend House File 702, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, by inserting after line 20 the
 4 following:
 5 "Sec. 100. Section 331.439, Code 1997, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 8. A county's management plans
 8 submitted under this section shall allow for the
 9 service needs of all ages of persons for whom
 10 expenditures may be made from the county's services
 11 fund.
 12 Sec. ____ EFFECTIVE DATE AND APPLICABILITY
 13 PROVISION. Section 100 of this division of this Act,
 14 being deemed of immediate importance, takes effect
 15 upon enactment. The requirements of section 100 shall
 16 first apply to county mental health, mental
 17 retardation, and developmental disabilities services
 18 plans submitted under section 331.439 applicable to
 19 the fiscal year beginning July 1, 1997. If a county's
 20 management plan for that fiscal year was submitted
 21 prior to the effective date of section 100 and is not

22 in compliance with the provisions of section 100 of
 23 this Act, the county shall submit an amendment to the
 24 management plan as necessary for compliance. The
 25 amendment shall be submitted within 60 days of the
 26 effective date of section 100 and is subject to the
 27 approval provisions of section 331.439."

28 2. Title page, line 8, by inserting after the
 29 word "retardation" the following: "and including an
 30 effective date and an applicability provision".

MAGGIE TINSMAN
 MARY A. LUNDBY
 PATRICIA HARPER
 MERLIN E. BARTZ
 RICHARD F. DRAKE
 ELAINE SZYMONIAK
 NANCY BOETTGER
 WALLY E. HORN

S—3671

1 Amend the House amendment, S—3603, to Senate File
 2 533, 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 24, by inserting after line 26 the
 7 following:

8 "In addition to the moneys appropriated in this
 9 subsection and notwithstanding contrary provisions of
 10 section 904.508A, there is appropriated to the Iowa
 11 law enforcement academy from the inmate telephone
 12 rebate fund created in section 904.508A an additional
 13 \$90,000 to be used for the purposes provided in this
 14 subsection.""

DENNIS H. BLACK

S—3672

1 Amend Senate File 542 as follows:

2 1. Page 1, line 2, by striking the word "ECLIPSE"
 3 and inserting the following: "CLASSIC HORSE".

4 2. Page 1, by striking lines 8 through 10 and
 5 inserting the following:

6 "For purchase of a trophy for each outstanding
 7 Iowa-bred thoroughbred horse, quarter horse, and
 8 standardbred horse, to be known as the Iowa classic
 9 award, as determined by the department of agriculture
 10 and land stewardship:

11\$

12 The Iowa classic award for the outstanding Iowa-

13 bred thoroughbred horse, quarter horse, and
 14 standardbred horse shall be presented by the governor
 15 or the governor's designee during the Iowa classic day
 16 at Prairie Meadows racetrack."

17 3. Page 7, by striking lines 17 through 21 and
 18 inserting the following:

19 "NEW SUBSECTION. 5. For each fiscal year
 20 beginning July 1, 1998, there is appropriated from the
 21 general fund of the state to the department of
 22 agriculture and land stewardship the amount of one
 23 thousand five hundred dollars to be used for purchase
 24 of a trophy for each outstanding Iowa-bred
 25 thoroughbred horse, quarter horse, and standardbred
 26 horse, to be known as the Iowa classic award, as
 27 determined by the department of agriculture and land
 28 stewardship. The presentation of the Iowa classic
 29 award shall be made by the governor or the governor's
 30 designee during the Iowa classic day at Prairie
 31 Meadows racetrack."

DENNIS H. BLACK
 ALLEN BORLAUG
 JACK RIFE

S-3673

1 Amend the House amendment, S-3553, to Senate File
 2 128, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 8 through 27.

5 2. Page 1, by inserting after line 29 the
 6 following:

7 "____. Page 3, line 14, by inserting after the
 8 word "compromised." the following: "'Aggregate form"
 9 also means that any compilation of the information
 10 shall not be based on an area which is smaller than a
 11 region of the department of human services.'"

12 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3674

1 Amend the House amendment, S-3553, to Senate File
 2 128, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 8 through 27.

5 2. Page 1, by inserting after line 29 the
 6 following:

7 "____. Page 3, line 14, by inserting after the
 8 word "compromised." the following: "'Aggregate form"
 9 also means that any compilation of the information

- 10 shall not be based on an area which is smaller than a
 11 maternal health services region of the Iowa department
 12 of public health.””
 13 3. By renumbering as necessary.

MERLIN E. BARTZ

S—3675

- 1 Amend Senate File 542 as follows:
 2 1. Page 7, by striking lines 22 and 23 and
 3 inserting the following:
 4 “Sec. ____ EFFECTIVE DATES. Division I, relating
 5 to supplemental appropriations from the general fund
 6 of the state, division II, relating to lottery fund
 7 appropriations, and this division of this Act, being
 8 deemed of immediate importance, take effect upon
 9 enactment.
 10 DIVISION ____
 11 Sec. ____ Section 8.22A, subsection 5, paragraph
 12 a, Code 1997, is amended to read as follows:
 13 a. The amount of lottery revenues for the
 14 following fiscal year to be available for disbursement
 15 transferred from the lottery fund to the general fund
 16 of the state following the deductions made pursuant to
 17 section 99E.10, subsection 1.
 18 Sec. ____ Section 99E.10, subsection 1, unnumbered
 19 paragraph 3, Code 1997, is amended to read as follows:
 20 ~~The committing the lottery to environment,~~
 21 ~~agriculture, and natural resources fund, also to be~~
 22 ~~known as the CLEAN fund, is created in the office of~~
 23 ~~the treasurer of state. Lottery revenue remaining~~
 24 ~~after expenses are determined shall be transferred to~~
 25 ~~the CLEAN general fund of the state~~ on a monthly
 26 basis. Revenues generated during the last month of
 27 the fiscal year which are transferred to the CLEAN
 28 general fund of the state during the following fiscal
 29 year shall be considered revenues transferred during
 30 the previous fiscal year ~~for purposes of the~~
 31 ~~allotments made to and appropriations made from the~~
 32 ~~separate accounts in the CLEAN fund for that previous~~
 33 ~~fiscal year.~~ However, upon the request of the
 34 director and subject to approval by the treasurer of
 35 state, an amount sufficient to cover the foreseeable
 36 administrative expenses of the lottery for a period of
 37 twenty-one days may be retained from the lottery
 38 revenue. Prior to the monthly transfer to the CLEAN
 39 general fund of the state, the director may direct
 40 that lottery revenue shall be deposited in the lottery
 41 fund and in interest-bearing accounts designated by

42 the treasurer of state in the financial institutions
 43 of this state or invested in the manner provided in
 44 section 12B.10. Interest or earnings paid on the
 45 deposits or investments is considered lottery revenue
 46 and shall be transferred to the CLEAN general fund of
 47 the state in the same manner as other lottery revenue.
 48 ~~Money in the CLEAN fund shall be deposited in~~
 49 ~~interest-bearing accounts in financial institutions in~~
 50 ~~this state or invested in the manner provided in~~

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1 ~~section 12B.10. The interest or earnings on the~~
 2 ~~deposits or investments shall be considered part of~~
 3 ~~the CLEAN fund and shall be retained in the fund~~
 4 ~~unless appropriated by the general assembly.~~

5 Sec. ___, Section 99E.10, subsection 2, Code 1997,
 6 is amended to read as follows:

7 2. The director of management shall not include
 8 lottery revenues in the director's fiscal year revenue
 9 estimates. ~~Moneys in the CLEAN fund shall not be~~
 10 ~~considered a part of the Iowa economic emergency fund.~~

11 Sec. ___, Section 99E.20, subsection 2, Code 1997,
 12 is amended to read as follows:

13 2. A lottery fund is created in the office of the
 14 treasurer of state. The fund consists of all revenues
 15 received from the sale of lottery tickets or shares
 16 and all other moneys lawfully credited or transferred
 17 to the fund. The commissioner shall certify monthly
 18 that portion of the fund that is transferred to the
 19 CLEAN general fund of the state under section 99E.10
 20 and shall cause that portion to be transferred to the
 21 CLEAN general fund of the state. The commissioner
 22 shall certify before the twentieth of each month that
 23 portion of the lottery fund resulting from the
 24 previous month's sales to be transferred to the CLEAN
 25 general fund of the state.

26 Sec. ___, Section 99E.34, Code 1997, is repealed."

27 2. By renumbering as necessary.

DERRYL McLAREN

S-3676

- 1 Amend Senate File 542 as follows:
 2 1. Page 7, line 4, by striking the figure
 3 "252,000" and inserting the following: "229,317".

DERRYL McLAREN
 TOM FLYNN

HOUSE AMENDMENT TO
SENATE FILE 281

S-3677

- 1 Amend Senate File 281, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 7 through 34.
- 4 2. Page 2, by inserting after line 12 the
- 5 following:
- 6 "Sec. ____ Section 602.8107, subsection 5,
- 7 unnumbered paragraph 1, Code 1997, is amended to read
- 8 as follows:
- 9 If a county attorney does not file the notice and
- 10 list of cases required in section 331.756, subsection
- 11 5, the judicial department may assign obligations
- 12 cases to the centralized collection unit of the
- 13 department of revenue and finance or its designee to
- 14 collect delinquent debts owed to the clerk of the
- 15 district court."
- 16 3. By renumbering as necessary.

S-3678

- 1 Amend Senate File 541 as follows:
- 2 1. Page 3, by striking lines 27 through 29 and
- 3 inserting the following: "The rules shall apply
- 4 requirements to each level for provider qualifications
- 5 and training."
- 6 2. Page 5, by striking lines 21 through 24.
- 7 3. By renumbering as necessary.

JEFF ANGELO

S-3679

- 1 Amend House File 557, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. 101. Section 70A.20, unnumbered paragraph 1,
- 6 Code 1997, is amended to read as follows:
- 7 A state employees disability insurance program is
- 8 created, which shall be administered by the director
- 9 of the department of personnel and which shall provide
- 10 disability benefits in an amount and for the employees
- 11 as provided in this section. The monthly disability
- 12 benefits shall provide twenty percent of monthly
- 13 earnings if employed less than one year, forty percent
- 14 of monthly earnings if employed one year or more but
- 15 less than two years, and sixty percent of monthly
- 16 earnings thereafter, reduced by primary and family

17 social security determined at the time social security
 18 disability payments commence, railroad retirement
 19 disability income, workers' compensation if
 20 applicable, and any other state-sponsored sickness or
 21 disability benefits payable. However, the amount of
 22 benefits payable under the Iowa public employees'
 23 retirement system pursuant to chapter 97B shall not
 24 reduce the benefits payable pursuant to this section.
 25 Subsequent social security or railroad retirement
 26 increases shall not be used to further reduce the
 27 insurance benefits payable. As used in this section,
 28 "primary and family social security" shall not include
 29 social security benefits awarded to an adult child
 30 with a disability of the state employee with a
 31 disability who does not reside with the state employee
 32 with a disability if the social security benefits were
 33 awarded to the adult child with a disability prior to
 34 the approval of the state employee's benefits under
 35 this section and shall not include benefits awarded to
 36 a dependent of the state employee with a disability if
 37 the state employee is quadriplegic, regardless of
 38 whether the United States social security
 39 administration records the benefits to the social
 40 security number of the adult child with a disability,
 41 the state employee with a disability, or any other
 42 family member, and such social security benefits shall
 43 not reduce the benefits payable pursuant to this
 44 section. As used in this section, unless the context
 45 otherwise requires, "adult" means a person who is
 46 eighteen years of age or older. State employees shall
 47 receive credit for the time they were continuously
 48 employed prior to and on July 1, 1974. The following
 49 provisions apply to the employees disability insurance
 50 program:"

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1 2. Page 5, by inserting after line 24 the
 2 following:
 3 "Sec. 102. NEW SECTION. 509.3A GROUP DISABILITY
 4 POLICIES -- RESTRICTION ON REDUCTION IN BENEFITS.
 5 If the total monthly amount of loss of time
 6 benefits promised for the same loss under all valid
 7 loss of time disability insurance coverage upon the
 8 insured, whether payable on a weekly or monthly basis,
 9 exceeds the monthly earnings of the insured at the
 10 time disability commenced or the insured's average
 11 monthly earnings for the period of two years
 12 immediately preceding a disability for which claim is
 13 made, whichever is the greater, the insurer is liable
 14 only for such proportionate amount of such benefits
 15 under this policy as the amount of such monthly

16 earnings or such average monthly earnings of the
 17 insured bears to the total amount of monthly benefits
 18 for the same loss under all such coverage upon the
 19 insured at the time such disability commences and for
 20 the return of such part of the premiums paid during
 21 such two years as shall exceed the pro rata amount of
 22 the premiums for the benefits actually paid under this
 23 section. This section shall not reduce the total
 24 monthly amount of benefits payable under all such
 25 coverage upon the insured below the sum of two hundred
 26 dollars or the sum of the monthly benefits specified
 27 in such coverages, whichever is the lesser, nor shall
 28 it operate to reduce benefits other than those payable
 29 for loss of time. For purposes of this paragraph and
 30 with respect to benefits paid for total disability as
 31 a result of quadriplegia, disability benefits paid to
 32 a dependent of an insured pursuant to the federal
 33 Social Security Act, 42 U.S.C. § 423 et seq., as a
 34 result of such disability shall not be considered for
 35 determining the total monthly amount of loss of time
 36 benefits promised for the same loss under all valid
 37 loss of time coverage or for determining the liability
 38 of any insurer for benefits to be paid under such
 39 policy."

40 3. Page 6, by inserting after line 19 the
 41 following:

42 "Sec. 103. Section 514A.3, subsection 2, paragraph
 43 f, unnumbered paragraph 2, Code 1997, is amended to
 44 read as follows:

45 Relation of earnings to insurance: If the total
 46 monthly amount of loss of time benefits promised for
 47 the same loss under all valid loss of time coverage
 48 upon the insured, whether payable on a weekly or
 49 monthly basis, shall exceed the monthly earnings of
 50 the insured at the time disability commenced or the

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1 insured's average monthly earnings for the period of
 2 two years immediately preceding a disability for which
 3 claim is made, whichever is the greater, the insurer
 4 will be is liable only for such proportionate amount
 5 of such benefits under this policy as the amount of
 6 such monthly earnings or such average monthly earnings
 7 of the insured bears to the total amount of monthly
 8 benefits for the same loss under all such coverage
 9 upon the insured at the time such disability commences
 10 and for the return of such part of the premiums paid
 11 during such two years as shall exceed the pro rata
 12 amount of the premiums for the benefits actually paid
 13 hereunder under this section; but this shall not

14 operate to reduce the total monthly amount of benefits
15 payable under all such coverage upon the insured below
16 the sum of two hundred dollars or the sum of the
17 monthly benefits specified in such coverages,
18 whichever is the lesser, nor shall it operate to
19 reduce benefits other than those payable for loss of
20 time. For purposes of this paragraph and with respect
21 to benefits paid for total disability as a result of
22 quadriplegia, disability benefits paid to a dependent
23 of an insured pursuant to the federal Social Security
24 Act, 42 U.S.C. § 423 et seq., as a result of such
25 disability shall not be considered for determining the
26 total monthly amount of loss of time benefits promised
27 for the same loss under all valid loss of time
28 coverage or for determining the liability of any
29 insurer for benefits to be paid under such policy."

30 4. Page 12, by inserting after line 14 the
31 following:

32 "Sec. ____ APPLICABILITY. Sections 101, 102, and
33 103 of this Act shall apply to all individuals
34 receiving disability benefits on July 1, 1998, whether
35 or not the date on which an individual became eligible
36 to receive, or began receiving, benefits was prior to
37 July 1, 1998. Sections 101, 102, and 103 of this Act
38 shall not establish a right or cause of action in
39 favor of an individual receiving disability benefits
40 for any additional benefits for a period prior to July
41 1, 1997, as a result of this Act."

42 5. By renumbering as necessary.

O. GENE MADDIX

S-3680

1 Amend the House amendment, S-3553, to Senate File
2 128, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 8 through 27 and
5 inserting the following:

6 " ____ Page 1, by striking line 12."

7 2. Page 1, by inserting after line 29 the
8 following:

9 " ____ Page 3, line 14, by inserting after the
10 word "compromised." the following: "Aggregate form"
11 also means that any compilation of the information
12 shall not be based on an area which is smaller than a
13 maternal health services region of the Iowa department
14 of public health."

15 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3681

- 1 Amend House File 613, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 15, by striking the words "sixty-
- 4 five" and inserting the following: "sixty-eight".
- 5 2. Page 2, lines 23 and 24, by striking the words
- 6 "three one" and inserting the following: "three".
- 7 3. Page 2, line 33, by striking the words "under
- 8 a single management".
- 9 4. Page 3, by striking lines 5 through 11.
- 10 5. Page 3, line 13, by inserting after the word
- 11 "sales" the following: "for establishments holding a
- 12 class "C" liquor license issued pursuant to section
- 13 123.30".
- 14 6. Page 3, by striking lines 29 through 31 and
- 15 inserting the following: "shall be fifty thousand
- 16 dollars."
- 17 7. Page 4, line 23, by striking the words "one
- 18 hundred percent" and inserting the following: "fifty-
- 19 one percent or more".
- 20 8. Page 5, line 19, by striking the words "under
- 21 a single management".
- 22 9. Page 5, by striking lines 26 through 33.
- 23 10. Page 5, line 35, by inserting after the word
- 24 "sales" the following: "for establishments holding a
- 25 class "C" liquor license issued pursuant to section
- 26 123.30".
- 27 11. By renumbering as necessary.

NEAL SCHUERER
TOM FLYNN

S-3682

- 1 Amend House File 557, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. 101. Section 70A.20, unnumbered paragraph 1,
- 6 Code 1997, is amended to read as follows:
- 7 A state employees disability insurance program is
- 8 created, which shall be administered by the director
- 9 of the department of personnel and which shall provide
- 10 disability benefits in an amount and for the employees
- 11 as provided in this section. The monthly disability
- 12 benefits shall provide twenty percent of monthly
- 13 earnings if employed less than one year, forty percent
- 14 of monthly earnings if employed one year or more but
- 15 less than two years, and sixty percent of monthly
- 16 earnings thereafter, reduced by primary and family
- 17 social security determined at the time social security

18 disability payments commence, railroad retirement
 19 disability income, workers' compensation if
 20 applicable, and any other state-sponsored sickness or
 21 disability benefits payable. However, the amount of
 22 benefits payable under the Iowa public employees'
 23 retirement system pursuant to chapter 97B shall not
 24 reduce the benefits payable pursuant to this section.
 25 Subsequent social security or railroad retirement
 26 increases shall not be used to further reduce the
 27 insurance benefits payable. As used in this section,
 28 "primary and family social security" shall not include
 29 social security benefits awarded to an adult child
 30 with a disability of the state employee with a
 31 disability who does not reside with the state employee
 32 with a disability if the social security benefits were
 33 awarded to the adult child with a disability prior to
 34 the approval of the state employee's benefits under
 35 this section and shall not include benefits awarded to
 36 a dependent of the state employee with a disability if
 37 the state employee is quadriplegic, regardless of
 38 whether the United States social security
 39 administration records the benefits to the social
 40 security number of the adult child with a disability,
 41 the state employee with a disability, or any other
 42 family member, and such social security benefits shall
 43 not reduce the benefits payable pursuant to this
 44 section. As used in this section, unless the context
 45 otherwise requires, "adult" means a person who is
 46 eighteen years of age or older. State employees shall
 47 receive credit for the time they were continuously
 48 employed prior to and on July 1, 1974. The following
 49 provisions apply to the employees disability insurance
 50 program."

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1 2. Page 5, by inserting after line 24 the.
 2 following:
 3 "Sec. 102. NEW SECTION. 509.3A GROUP DISABILITY
 4 POLICIES -- RESTRICTION ON REDUCTION IN BENEFITS.
 5 If the total monthly amount of loss of time
 6 benefits promised for the same loss under all valid
 7 loss of time disability insurance coverage upon the
 8 insured, whether payable on a weekly or monthly basis,
 9 exceeds the monthly earnings of the insured at the
 10 time disability commenced or the insured's average
 11 monthly earnings for the period of two years
 12 immediately preceding a disability for which claim is
 13 made, whichever is the greater, the insurer is liable
 14 only for such proportionate amount of such benefits
 15 under this policy as the amount of such monthly
 16 earnings or such average monthly earnings of the

17 insured bears to the total amount of monthly benefits
18 for the same loss under all such coverage upon the
19 insured at the time such disability commences and for
20 the return of such part of the premiums paid during
21 such two years as shall exceed the pro rata amount of
22 the premiums for the benefits actually paid under this
23 section. This section shall not reduce the total
24 monthly amount of benefits payable under all such
25 coverage upon the insured below the sum of two hundred
26 dollars or the sum of the monthly benefits specified
27 in such coverages, whichever is the lesser, nor shall
28 it operate to reduce benefits other than those payable
29 for loss of time. For purposes of this paragraph and
30 with respect to benefits paid for total disability as
31 a result of quadriplegia, disability benefits paid to
32 a dependent of an insured pursuant to the federal
33 Social Security Act, 42 U.S.C. § 423 et seq., as a
34 result of such disability shall not be considered for
35 determining the total monthly amount of loss of time
36 benefits promised for the same loss under all valid
37 loss of time coverage or for determining the liability
38 of any insurer for benefits to be paid under such
39 policy."

40 3. Page 6, by inserting after line 19 the
41 following:

42 "Sec. 103. Section 514A.3, subsection 2, paragraph
43 f, unnumbered paragraph 2, Code 1997, is amended to
44 read as follows:

45 Relation of earnings to insurance: If the total
46 monthly amount of loss of time benefits promised for
47 the same loss under all valid loss of time coverage
48 upon the insured, whether payable on a weekly or
49 monthly basis, shall exceed the monthly earnings of
50 the insured at the time disability commenced or the

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1 insured's average monthly earnings for the period of
2 two years immediately preceding a disability for which
3 claim is made, whichever is the greater, the insurer
4 will be is liable only for such proportionate amount
5 of such benefits under this policy as the amount of
6 such monthly earnings or such average monthly earnings
7 of the insured bears to the total amount of monthly
8 benefits for the same loss under all such coverage
9 upon the insured at the time such disability commences
10 and for the return of such part of the premiums paid
11 during such two years as shall exceed the pro rata
12 amount of the premiums for the benefits actually paid
13 hereunder under this section; but this shall not
14 operate to reduce the total monthly amount of benefits
15 payable under all such coverage upon the insured below

16 the sum of two hundred dollars or the sum of the
 17 monthly benefits specified in such coverages,
 18 whichever is the lesser, nor shall it operate to
 19 reduce benefits other than those payable for loss of
 20 time. For purposes of this paragraph and with respect
 21 to benefits paid for total disability as a result of
 22 quadriplegia, disability benefits paid to a dependent
 23 of an insured pursuant to the federal Social Security
 24 Act, 42 U.S.C. § 423 et seq., as a result of such
 25 disability shall not be considered for determining the
 26 total monthly amount of loss of time benefits promised
 27 for the same loss under all valid loss of time
 28 coverage or for determining the liability of any
 29 insurer for benefits to be paid under such policy."

30 4. Page 12, by inserting after line 14 the
 31 following:

32 "Sec. ____ APPLICABILITY. Sections 101, 102, and
 33 103 of this Act shall apply to all individuals
 34 receiving disability benefits on July 1, 1997, whether
 35 or not the date on which an individual became eligible
 36 to receive, or began receiving, benefits was prior to
 37 July 1, 1997. Sections 101, 102, and 103 of this Act
 38 shall not establish a right or cause of action in
 39 favor of an individual receiving disability benefits
 40 for any additional benefits for a period prior to July
 41 1, 1997, as a result of this Act."

42 5. By renumbering as necessary.

O. GENE MADDOX

S-3683

1 Amend the House amendment, S-3553, to Senate File
 2 128, as amended, passed, and reprinted by the Senate,
 3 as follows:

- 4 1. Page 1, by striking lines 16 through 27.
- 5 2. By renumbering as necessary.

PATRICIA HARPER

HOUSE AMENDMENT TO
 SENATE FILE 246

S-3684

1 Amend Senate File 246, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 5, by inserting after the word
 4 "snowmobile" the following: "acquired on or after
 5 January 1, 1998".
- 6 2. Page 1, line 5, by striking the words "or all-

- 7 terrain vehicle".
- 8 3. Page 1, line 6, by striking the words "or all-
- 9 terrain vehicle".
- 10 4. Page 1, line 9, by striking the words "or all-
- 11 terrain vehicle".
- 12 5. Page 1, line 10, by striking the words "or
- 13 all-terrain vehicle".
- 14 6. Page 1, line 14, by striking the words "or
- 15 all-terrain vehicle".
- 16 7. Page 1, line 25, by striking the words "or
- 17 all-terrain vehicle".
- 18 8. Page 1, line 28, by striking the words "or
- 19 all-terrain vehicle".
- 20 9. Page 1, lines 32 and 33, by striking the words
- 21 "or all-terrain vehicle".
- 22 10. Page 2, line 2, by striking the words "or
- 23 all-terrain vehicle".
- 24 11. Page 2, lines 4 and 5, by striking the words
- 25 "or all-terrain vehicle".
- 26 12. Page 2, line 8, by striking the words "or
- 27 all-terrain vehicle".
- 28 13. Page 2, line 14, by striking the words "or
- 29 all-terrain vehicle".
- 30 14. Page 2, lines 16 and 17, by striking the
- 31 words "or all-terrain vehicle".
- 32 15. Page 2, lines 18 and 19, by striking the
- 33 words "or all-terrain vehicle".
- 34 16. Page 2, line 26, by striking the words "or
- 35 all-terrain vehicle".
- 36 17. Page 2, line 30, by striking the words "or
- 37 all-terrain vehicle".
- 38 18. Page 2, line 34, by striking the words "or
- 39 all-terrain vehicle".
- 40 19. Page 3, lines 3 and 4, by striking the words
- 41 "and all-terrain vehicles".
- 42 20. Page 3, line 34, by striking the words "OR
- 43 ALL-TERRAIN VEHICLE".
- 44 21. Page 3, line 35, by striking the words "or
- 45 all-terrain vehicle".
- 46 22. Page 4, line 4, by striking the words "or
- 47 all-terrain vehicle".
- 48 23. Page 4, lines 9 and 10, by striking the words
- 49 "or all-terrain vehicle".
- 50 24. Page 4, line 16, by striking the words "or

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- 1 all-terrain vehicle".
- 2 25. By renumbering, relettering, or redesignating
- 3 and correcting internal references as necessary.

S-3685

1 Amend House File 540, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 17 the
4 following:

5 "Sec. ____ NEW SECTION. 19A.12B DEFERRED
6 COMPENSATION PLAN.

7 The department shall make available to eligible
8 state employees by September 1, 1997 the option of
9 utilizing mutual funds as an investment alternative to
10 the state's deferred compensation plan established
11 under section 509A.12. The department shall make
12 participation in the state's deferred compensation
13 plan available to other public entities for their
14 employees. Participating employees shall, to the
15 extent permitted by law, be allowed to transfer moneys
16 deferred under the plan to a mutual fund offered
17 pursuant to section 509A.12."

18 2. By striking page 4, line 35 through page 5,
19 line 1 and inserting the following: "deferred
20 compensation program. A governing body, county board
21 of supervisors or other public entity, to the extent
22 allowed by law, may establish a deferred
23 compensation".

MIKE CONNOLLY

S-3686

1 Amend House File 266, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 321.19, subsection 1,
6 unnumbered paragraph 2, Code 1997, is amended to read
7 as follows:

8 The department shall furnish, on application, free
9 of charge, distinguishing plates for vehicles thus
10 exempted, which plates except plates on Iowa highway
11 safety patrol vehicles shall bear the word "official"
12 and the department shall keep a separate record.
13 Registration plates issued for Iowa highway safety
14 patrol vehicles, except unmarked patrol vehicles,
15 shall bear two red stars on a yellow background, one
16 before and one following the registration number on
17 the plate, which registration number shall be the
18 officer's badge number. Registration plates issued
19 for a county sheriff's patrol vehicles shall display
20 one seven-pointed gold star followed by the letter "S"
21 and the call number of the vehicle. However, the
22 director of general services or the director of

23 transportation may order the issuance of regular
24 registration plates for any exempted vehicle used by
25 peace officers in the enforcement of the law, persons
26 enforcing chapter 124 and other laws relating to
27 controlled substances, persons in the department of
28 justice, the alcoholic beverages division of the
29 department of commerce, and the department of
30 inspections and appeals; and the department of revenue
31 and finance, who are regularly assigned to conduct
32 investigations which cannot reasonably be conducted
33 with a vehicle displaying "official" state
34 registration plates, and persons in the lottery
35 division of the department of revenue and finance
36 whose regularly assigned duties relating to security
37 or the carrying of lottery tickets cannot reasonably
38 be conducted with a vehicle displaying "official"
39 registration plates. For purposes of sale of exempted
40 vehicles, the exempted governmental body, upon the
41 sale of the exempted vehicle, may issue for in-transit
42 purposes a pasteboard card bearing the words "Vehicle
43 in Transit", the name of the official body from which
44 the vehicle was purchased, together with the date of
45 the purchase plainly marked in at least one-inch
46 letters, and other information required by the
47 department. The in-transit card is valid for use only
48 within forty-eight hours after the purchase date as
49 indicated on the bill of sale which shall be carried
50 by the driver.

Page 2

1 Sec. 2. Section 331.427, subsection 1, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 Except as otherwise provided by state law, county
4 revenues from taxes and other sources for general
5 county services shall be credited to the general fund
6 of the county, including revenues received under
7 sections 101A.3, 101A.7, 123.36, 123.143, 142B.6,
8 176A.8, 321.105, 321.152, 321G.7, 331.554, subsection
9 6, 341A.20, 364.3, 368.21, ~~422.65~~, 422A.2, 428A.8,
10 430A.3, 433.15, 434.19, 445.57, 453A.35, 458A.21,
11 483A.12, 533.24, 556B.1, 567.10, 583.6, 602.8108,
12 904.908, and 906.17, and chapter 405A, and the
13 following:

14 Sec. 3. NEW SECTION. 405A.10 FRANCHISE TAX
15 REVENUE ALLOCATION.

16 For the fiscal year beginning July 1, 1997, and
17 each subsequent fiscal year, there is appropriated
18 from the general fund of the state to the department
19 of revenue and finance the sum of eight million eight
20 hundred thousand dollars which shall be paid quarterly
21 on warrants by the director as allocated pursuant to

22 section 422.65.

23 Sec. 4. Section 421.4, Code 1997, is amended to

24 read as follows:

25 421.4 DEPUTIES.

26 The director may appoint deputy directors and may
27 designate one or more of the deputies as acting
28 director. A deputy designated to serve in the absence
29 of the director has all of the powers possessed by the
30 director. The director may employ certified public
31 accountants, engineering and technical assistants, and
32 other employees, or independent contractors necessary
33 to protect the interests of the state and any
34 political subdivision.

35 Sec. 5. Section 421.17, subsection 21, paragraph
36 b, subparagraph (3), Code 1997, is amended to read as
37 follows:

38 (3) The child support recovery unit, the foster
39 care recovery unit, and the investigations division of
40 the department of inspections and appeals shall, at
41 least annually, submit to the department of revenue
42 and finance for setoff the debts described in this
43 subsection, ~~which are at least fifty dollars~~
44 constituting a minimum amount determined by rule of
45 the department of revenue and finance, on a date to be
46 specified by the department of human services and the
47 department of inspections and appeals by rule.

48 Sec. 6. Section 421.17, Code 1997, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 22A. To develop, modify, or

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1 contract with vendors to create or administer systems
2 or programs which identify nonfilers of returns or
3 nonpayers of taxes administered by the department.
4 Fees for services, reimbursements, or other
5 remuneration paid under contract may be funded from
6 the amount of tax, penalty, interest, or fees actually
7 collected and shall be paid only after the amount is
8 collected. An amount is appropriated from the amount
9 of tax, penalty, interest, and fees actually
10 collected, not to exceed the amount collected, which
11 are sufficient to pay for services, reimbursement, or
12 other remuneration pursuant to this subsection.
13 Vendors entering into a contract with the department
14 pursuant to this subsection are subject to the
15 requirements and penalties of the confidentiality laws
16 of this state regarding tax information.

17 Sec. 7. Section 421.17, subsection 23, paragraphs
18 c, d, and g, Code 1997, are amended to read as
19 follows:

20 c. The college student aid commission shall, at

21 least annually, submit to the department of revenue
22 and finance for setoff the guaranteed student loan
23 defaults, ~~which are at least fifty dollars~~
24 constituting a minimum amount set by rule of the
25 department of revenue and finance, on a date or dates
26 to be specified by the college student aid commission
27 by rule.

28 d. Upon submission of a claim, the department of
29 revenue and finance shall notify the college student
30 aid commission whether the defaulter is entitled to a
31 refund or rebate of ~~at least fifty dollars~~ the minimum
32 amount set by rule of the department and if so
33 entitled shall notify the commission of the amount of
34 the refund or rebate and of the defaulter's address on
35 the income tax return. Section 422.72, subsection 1,
36 does not apply to this paragraph.

37 g. The department of revenue and finance shall,
38 after notice has been sent to the defaulter by the
39 college student aid commission, set off the amount of
40 the default against the defaulter's income tax refund
41 or rebate if ~~both the amount of the default and the~~
42 ~~refund or rebate are at least fifty dollars~~
43 constituting a minimum amount set by rule of the
44 department. The department shall refund any balance
45 of the income tax refund or rebate to the defaulter.
46 The department of revenue and finance shall
47 periodically transfer the amount set off to the
48 college student aid commission. If the defaulter
49 gives written notice of intent to contest the claim,
50 the commission shall hold the refund or rebate until

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1 final disposition of the contested claim pursuant to
2 chapter 17A or by court judgment. The commission
3 shall notify the defaulter in writing upon completion
4 of setoff.

5 Sec. 8. Section 421.17, subsection 25, paragraph
6 c, Code 1997, is amended to read as follows:

7 c. The clerk of the district court, on the first
8 day of February and August of each calendar year,
9 shall submit to the department for setoff the debts
10 described in this subsection, ~~which are at least fifty~~
11 ~~dollars constituting a minimum amount set by rule of~~
12 the department.

13 Sec. 9. Section 421.17, subsection 29, paragraphs
14 a and e, Code 1997, are amended to read as follows:

15 a. For purposes of this subsection unless the
16 context requires otherwise:

17 (1) "State agency" means a board, commission,
18 department, including the department of revenue and
19 finance, or other administrative office or unit of the

20 state of Iowa or any other state entity reported in
21 the Iowa comprehensive annual financial report. The
22 term "state agency" does not include the general
23 assembly, the governor, or any political subdivision
24 of the state, or its offices and units.

25 (2) "Department" means the department of revenue
26 and finance and any other state agency that maintains
27 a separate accounting system and elects to establish a
28 debt collection setoff procedure for collection of
29 debts owed to the state or its agencies.

30 (3) The term "person" does not include a state
31 agency.

32 e. Before setoff, the amount of a person's claim
33 on a state agency and the amount of a person's
34 liability to a state agency shall ~~be at least fifty~~
35 dollars constitute a minimum amount set by rule of the
36 department.

37 Sec. 10. NEW SECTION. 421.61 UNCONSTITUTIONALLY
38 WITHHELD TAX BENEFITS.

39 If a provision in the Code grants a tax benefit to
40 taxpayers that is unconstitutionally withheld from
41 other taxpayers as expressed in an Iowa attorney
42 general's opinion based upon decisions of the Iowa
43 supreme court, United States supreme court, or other
44 courts of competent jurisdiction, the tax benefit
45 shall also be granted to the adversely affected
46 taxpayers as if the unconstitutional provision did not
47 exist.

48 Sec. 11. Section 422.5, subsection 1, paragraph j,
49 subparagraph (2), unnumbered paragraph 1, Code 1997,
50 is amended to read as follows:

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1 The tax imposed upon the taxable income of a
2 resident shareholder in a value-added corporation
3 which has in effect for the tax year an election under
4 subchapter S of the Internal Revenue Code and carries
5 on business within and without the state may be
6 computed by reducing the amount determined pursuant to
7 paragraphs "a" through "i" by the amounts of
8 nonrefundable credits under this division and by
9 multiplying this resulting amount by a fraction of
10 which the resident's net income allocated to Iowa, as
11 determined in section 422.8, subsection 2, paragraph
12 "b", is the numerator and the resident's total net
13 income computed under section 422.7 is the
14 denominator. If a resident shareholder has elected to
15 take advantage of this subparagraph, and for the next
16 tax year elects not to take advantage of this
17 subparagraph, the resident shareholder shall not
18 relect to take advantage of this subparagraph for the

19 three tax years immediately following the first tax
20 year for which the shareholder elected not to take
21 advantage of this subparagraph, unless the director
22 consents to the reelection. This paragraph

23 subparagraph also applies to individuals who are
24 residents of Iowa for less than the entire tax year.

25 Sec. 12. Section 422.20, subsection 3, unnumbered
26 paragraph 1, Code 1997, is amended to read as follows:

27 Unless otherwise expressly permitted by section
28 421.17, subsections 21, 22, 22A, 23, 25, 29, and 32,
29 sections 252B.9, 421.19, 421.28, 422.72, and 452A.63,
30 and this section, a tax return, return information, or
31 investigative or audit information shall not be
32 divulged to any person or entity, other than the
33 taxpayer, the department, or internal revenue service
34 for use in a matter unrelated to tax administration.

35 Sec. 13. Section 422.32, subsection 4, Code 1997,
36 is amended to read as follows:

37 4. "Corporation" includes joint stock companies,
38 and associations organized for pecuniary profit, and
39 publicly-traded partnerships and limited liability
40 companies taxed as corporations under the Internal
41 Revenue Code.

42 Sec. 14. Section 422.43, Code 1997, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 12. A tax of five percent is
45 imposed upon the gross receipts from the sales of
46 prepaid telephone calling cards and prepaid
47 authorization numbers. For the purpose of this
48 division, the sales of prepaid telephone calling cards
49 and prepaid authorization numbers are sales of
50 tangible personal property.

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1 Sec. 15. Section 422.45, subsection 7, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 A private nonprofit educational institution in this
4 state, nonprofit private museum in this state, tax-
5 certifying or tax-levying body or governmental
6 subdivision of the state, including the state board of
7 regents, state department of human services, state
8 department of transportation, a municipally owned
9 solid waste facility which sells all or part of its
10 processed waste as fuel to a municipally owned public
11 utility, and all divisions, boards, commissions,
12 agencies, or instrumentalities of state, federal,
13 county, or municipal government which do not have
14 earnings going to the benefit of an equity investor or
15 stockholder, may make application to the department
16 for the refund of the sales, services, or use tax upon
17 the gross receipts of all sales of goods, wares, or

18 merchandise, or from services rendered, furnished, or
19 performed, to a contractor, used in the fulfillment of
20 a written contract with the state of Iowa, any
21 political subdivision of the state, or a division,
22 board, commission, agency, or instrumentality of the
23 state or a political subdivision, a private nonprofit
24 educational institution in this state, or a nonprofit
25 private museum in this state if the property becomes
26 an integral part of the project under contract and at
27 the completion of the project becomes public property,
28 is devoted to educational uses, or becomes a nonprofit
29 private museum; except goods, wares, or merchandise,
30 or services rendered, furnished, or performed used in
31 the performance of any contract in connection with the
32 operation of any municipal utility engaged in selling
33 gas, electricity, or heat to the general public or in
34 connection with the operation of a municipal pay
35 television system; and except goods, wares, and
36 merchandise used in the performance of a contract for
37 a "project" under chapter 419 as defined in that
38 chapter other than goods, wares, or merchandise used
39 in the performance of a contract for a "project" under
40 chapter 419 for which a bond issue was approved by a
41 municipality prior to July 1, 1968, or for which the
42 goods, wares, or merchandise becomes an integral part
43 of the project under contract and at the completion of
44 the project becomes public property or is devoted to
45 educational uses.

46 Sec. 16. Section 422.45, subsection 18, Code 1997,
47 is amended to read as follows:

48 18. Gross receipts from the sale of tangible
49 personal property, except vehicles subject to
50 registration, to a person regularly engaged in the

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1 business of leasing if the period of the lease is for
2 more than ~~one year~~ five months, or in the consumer
3 rental purchase business if the property is to be
4 utilized in a transaction involving a consumer rental
5 purchase agreement as defined in section 537.3604,
6 subsection 8, and the leasing or consumer rental of
7 the property is subject to taxation under this
8 division. If tangible personal property exempt under
9 this subsection is made use of for any purpose other
10 than leasing, renting, or consumer rental purchase,
11 the person claiming the exemption under this
12 subsection is liable for the tax that would have been
13 due except for this subsection. The tax shall be
14 computed upon the original purchase price. The
15 aggregate of the tax paid on the leasing, renting, or
16 rental purchase of such tangible personal property,

17 not to exceed the amount of the sales tax owed, shall
18 be credited against the tax. This sales tax is in
19 addition to any sales or use tax that may be imposed
20 as a result of the disposal of such tangible personal
21 property.

22 Sec. 17. Section 422.45, Code 1997, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 52. The gross receipts from
25 charges for access to or use of internet computer
26 services and from charges for access to or use of
27 other contracted on-line computer services if access
28 or use is by way of a local or in-state long distance
29 telephone number and if the predominate on-line
30 computer service offered is two-way transmission and
31 receipt of information from one site to another.

32 This subsection is repealed July 1, 1998.

33 Sec. 18. Section 422.53, Code 1997, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 8. a. Except as provided in
36 paragraph "b", purchasers, users, and consumers of
37 tangible personal property or enumerated services
38 taxed pursuant to this division, chapter 423, or
39 chapter 422B, may be authorized, pursuant to rules
40 adopted by the director, to remit tax owed directly to
41 the department instead of the tax being collected and
42 paid by the seller. To qualify for a direct pay tax
43 permit, the purchaser, user, or consumer must accrue a
44 tax liability of more than four thousand dollars in
45 tax under this division and chapter 423, in a
46 semimonthly period and make deposits and file returns
47 pursuant to section 422.52. This authority shall not
48 be granted or exercised except upon application to the
49 director and then only after issuance by the director
50 of a direct pay tax permit.

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1 b. The granting of a direct pay tax permit is not
2 authorized for any of the following:

3 (1) Taxes imposed on the sales, furnishing, or
4 service of gas, electricity, water, heat, pay
5 television service, and communication service.

6 (2) Taxes imposed under sections 423.7 and 423.7A
7 and chapter 422C.

8 Sec. 19. Section 422.65, Code 1997, is amended to
9 read as follows:

10 422.65 ALLOCATION OF REVENUE.

11 All moneys received from the franchise tax shall be
12 deposited in the state general fund. ~~Commencing with~~
13 ~~the fiscal year beginning July 1, 1993, there is~~
14 ~~appropriated for each fiscal year from the franchise~~
15 ~~tax money received and deposited in the state general~~

16 fund the sum of eight million eight hundred thousand
 17 dollars which shall be paid quarterly on warrants by
 18 the director, after certification by the director,
 19 Franchise tax moneys appropriated in section 405A.10
 20 are allocated as follows:

21 1. Sixty percent to the general fund of the city
 22 from which the tax is collected.
 23 2. Forty percent to the county from which the tax
 24 is collected.

25 If the financial institution maintains one or more
 26 offices for the transaction of business, other than
 27 its principal office, a portion of its franchise tax
 28 shall be allocated to each office, based upon a
 29 reasonable measure of the business activity of each
 30 office. The director shall prescribe, for each type
 31 of financial institution, a method of measuring the
 32 business activity of each office. Financial
 33 institutions shall furnish all necessary information
 34 for this purpose at the request of the director.

35 ~~Quarterly, the director shall certify to the~~
 36 ~~treasurer of state the amounts to be paid to each city~~
 37 ~~and county from the state general fund. All moneys~~
 38 ~~received from the franchise tax are appropriated~~
 39 ~~according to the provisions of this section.~~

40 Sec. 20. Section 422.72, subsection 3, unnumbered
 41 paragraph 1, Code 1997, is amended to read as follows:

42 Unless otherwise expressly permitted by section
 43 421.17, subsections 21, 22, 22A, 23, 25, 29, and 32,
 44 sections 252B.9, 421.19, 421.28, 422.20, and 452A.63,
 45 and this section, a tax return, return information, or
 46 investigative or audit information shall not be
 47 divulged to any person or entity, other than the
 48 taxpayer, the department, or internal revenue service
 49 for use in a matter unrelated to tax administration.

50 Sec. 21. Section 422.72. Code 1997, is amended by

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1 adding the following new subsection:

2 NEW SUBSECTION. 7. Notwithstanding subsection 3,
 3 the director shall provide state tax returns and
 4 return information in response to a subpoena issued by
 5 the court pursuant to rule of criminal procedure 5
 6 commanding the appearance before the attorney general
 7 or an assistant attorney general if the subpoena is
 8 accompanied by affidavits from such person and from a
 9 sworn peace officer member of the department of public
 10 safety affirming that the information is necessary for
 11 the investigation of a felony violation of chapter 124
 12 or chapter 706B. The affidavits accompanying the
 13 subpoenas and the information provided by the director
 14 shall remain a confidential record which may be

15 disseminated only to a prosecutor or peace officer
16 involved in the investigation, or to the taxpayer who
17 filed the information and to the court in connection
18 with the filing of criminal charges or institution of
19 a forfeiture action. A person who knowingly files a
20 false affidavit with the director to secure
21 information or who divulges information received under
22 this subsection in a manner prohibited by this
23 subsection commits a serious misdemeanor.
24 Sec. 22. Section 423.1, subsection 8, Code 1997,
25 is amended to read as follows:

26 8. "Retailer maintaining a place of business in
27 this state" or any like term includes any retailer
28 having or maintaining within this state, directly or
29 by a subsidiary, an office, distribution house, sales
30 house, warehouse, or other place of business, or any
31 agent representative operating within this state under
32 the authority of the retailer or its subsidiary,
33 irrespective of whether ~~such~~ that place of business or
34 agent representative is located here permanently or
35 temporarily, or whether the retailer or subsidiary is
36 admitted to do business within this state pursuant to
37 chapter 490.

38 Sec. 23. Section 423.25, Code 1997, is amended to
39 read as follows:

40 423.25 TAXATION IN ANOTHER STATE.

41 If any person who causes tangible personal property
42 to be brought into this state or who uses in this
43 state services enumerated in section 422.43 has
44 already paid a tax in another state in respect to the
45 sale or use of the property or the performance of the
46 service, or an occupation tax in respect to the
47 property or service, in an amount less than the tax
48 imposed by this title, the provisions of this title
49 shall apply, but at a rate measured by the difference
50 only between the rate fixed in this title and the rate

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1 by which the previous tax on the sale or use, or the
2 occupation tax, was computed. If the tax imposed and
3 paid in the other state is equal to or more than the
4 tax imposed by this title, then a tax is not due in
5 this state on the personal property or service.

6 Sec. 24. Section 425.7, subsection 3, Code 1997,
7 is amended to read as follows:

8 3. If the director of revenue and finance
9 determines that a claim for homestead credit has been
10 allowed by the board of supervisors which is not
11 justifiable under the law and not substantiated by
12 proper facts, the director may, at any time within
13 thirty-six months from July 1 of the year in which the

14 claim is allowed, set aside the allowance. Notice of
 15 the disallowance shall be given to the county auditor
 16 of the county in which the claim has been improperly
 17 granted and a written notice of the disallowance shall
 18 also be addressed to the claimant at the claimant's
 19 last known address. The claimant or board of
 20 supervisors may appeal to the state board of tax
 21 review pursuant to section 421.1, subsection 4. The
 22 claimant or the board of supervisors may seek judicial
 23 review of the action of the ~~director of revenue and~~
 24 finance state board of tax review in accordance with
 25 the Iowa administrative procedure Act chapter 17A.
 26 If a claim is disallowed by the director of revenue
 27 and finance and not appealed to the state board of tax
 28 review or appealed to and upheld by the state board of
 29 tax review and a petition for judicial review is not
 30 filed with respect to the disallowance, any amounts of
 31 credits allowed and paid from the homestead credit
 32 fund including the penalty, if any, become a lien upon
 33 the property on which credit was originally granted,
 34 if still in the hands of the claimant, and not in the
 35 hands of a bona fide purchaser, and any amount so
 36 erroneously paid including the penalty, if any, shall
 37 be collected by the county treasurer in the same
 38 manner as other taxes and the collections shall be
 39 returned to the department of revenue and finance and
 40 credited to the homestead credit fund. The director
 41 of revenue and finance may institute legal proceedings
 42 against a homestead credit claimant for the collection
 43 of payments made on disallowed credits and the
 44 penalty, if any. If a homestead credit is disallowed
 45 and the claimant failed to give written notice to the
 46 assessor as required by section 425.2 when the
 47 property ceased to be used as a homestead by the
 48 claimant, a civil penalty equal to fifty percent of
 49 the amount of the disallowed credit is assessed
 50 against the claimant.

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1 Sec. 25. Section 426A.6, Code 1997, is amended to
 2 read as follows:

3 426A.6 SETTING ASIDE ALLOWANCE.

4 If the director of revenue and finance determines
 5 that a claim for military service tax exemption has
 6 been allowed by a board of supervisors which is not
 7 justifiable under the law and not substantiated by
 8 proper facts, the director may, at any time within
 9 thirty-six months from July 1 of the year in which the
 10 claim is allowed, set aside the allowance. Notice of
 11 the disallowance shall be given to the county auditor
 12 of the county in which the claim has been improperly

13 granted and a written notice of the disallowance shall
14 also be addressed to the claimant at the claimant's
15 last known address. The claimant or the board of
16 supervisors may appeal to the state board of tax
17 review pursuant to section 421.1, subsection 4. The
18 claimant or the board of supervisors may seek judicial
19 review of the action of the ~~director of revenue and~~
20 ~~finance~~ state board of tax review in accordance with
21 chapter 17A. If a claim is disallowed by the director
22 of revenue and finance and not appealed to the state
23 board of tax review or appealed to and upheld by the
24 state board of tax review and a petition for judicial
25 review is not filed with respect to the disallowance,
26 the credits allowed and paid from the general fund of
27 the state become a lien upon the property on which the
28 credit was originally granted, if still in the hands
29 of the claimant and not in the hands of a bona fide
30 purchaser, the amount so erroneously paid shall be
31 collected by the county treasurer in the same manner
32 as other taxes, and the collections shall be returned
33 to the department of revenue and finance and credited
34 to the general fund of the state. The director of
35 revenue and finance may institute legal proceedings
36 against a military service tax exemption claimant for
37 the collection of payments made on disallowed
38 exemptions.

39 Sec. 26. Section 426B.1, subsection 1, Code 1997,
40 is amended to read as follows:

41 1. A property tax relief fund is created in the
42 state treasury under the authority of the department
43 of ~~revenue and finance~~ human services. The fund shall
44 be separate from the general fund of the state and
45 shall not be considered part of the general fund of
46 the state except in determining the cash position of
47 the state for payment of state obligations. The
48 moneys in the fund are not subject to the provisions
49 of section 8.33 and shall not be transferred, used,
50 obligated, appropriated, or otherwise encumbered

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1 except as provided in this chapter. Moneys in the
2 fund may be used for cash flow purposes, provided that
3 any moneys so allocated are returned to the fund by
4 the end of each fiscal year. However, the fund shall
5 be considered a special account for the purposes of
6 section 8.53, relating to elimination of any GAAP
7 deficit. For the purposes of this chapter, unless the
8 context otherwise requires, "property tax relief fund"
9 means the property tax relief fund created in this
10 section.

11 Sec. 27. Section 426B.4, Code 1997, is amended to

12 read as follows:

13 426B.4 RULES.

14 The council on human services shall consult with
15 the state-county management committee created in
16 section 331.438 and the director of ~~revenue and~~
17 ~~finance~~ human services in prescribing forms and
18 adopting rules pursuant to chapter 17A to administer
19 this chapter.

20 Sec. 28. Section 427.1, subsection 16, Code 1997,
21 is amended to read as follows:

22 16. REVOKING EXEMPTION. Any taxpayer or any
23 taxing district may make application to the director
24 of revenue and finance for revocation for any
25 exemption, based upon alleged violations of this
26 chapter. The director of revenue and finance may also
27 on the director's own motion set aside any exemption
28 which has been granted upon property for which
29 exemption is claimed under this chapter. The director
30 of revenue and finance shall give notice by mail to
31 the taxpayer or taxing district applicant and to the
32 societies or organizations claiming an exemption upon
33 property, exemption of which is questioned before or
34 by the director of revenue and finance, and shall hold
35 a hearing prior to issuing any order for revocation.
36 An order made by the director of revenue and finance
37 revoking or modifying an exemption is subject to
38 judicial review in accordance with ~~chapter 17A~~, the
39 Iowa administrative procedure Act. Notwithstanding
40 the terms of that Act, petitions for judicial review
41 may be filed in the district court having jurisdiction
42 in the county in which the property is located, and
43 must be filed within thirty days after any order
44 revoking an exemption is made by the director of
45 revenue and finance.

46 Sec. 29. Section 427B.19, subsection 3, unnumbered
47 paragraph 1, Code 1997, is amended to read as follows:

48 On or before July 1, 1996, and on or before July
49 September 1 of each ~~succeeding~~ fiscal year through
50 June 30, 2006, the county auditor shall prepare a

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1 statement, based upon the report received pursuant to
2 subsections 1 and 2, listing for each taxing district
3 in the county:

4 Sec. 30. Section 427B.19, subsection 4, Code 1997,
5 is amended to read as follows:

6 4. The county auditor shall certify and forward
7 one copy of the statement to the department of revenue
8 and finance not later than July September 1 of each
9 year.

10 Sec. 31. Section 427B.19A, subsection 2, Code

11 1997, is amended to read as follows:

12 2. If an amount appropriated for a fiscal year is
13 insufficient to pay all claims, the director shall
14 prorate the disbursements from the fund to the county
15 treasurers and shall notify the county auditors of the
16 pro rata percentage on or before ~~August 1~~ September
17 30.

18 Sec. 32. Section 428.4, unnumbered paragraph 3,
19 Code 1997, is amended to read as follows:

20 Any buildings erected, improvements made, or
21 buildings or improvements removed in a year after the
22 assessment of the class of real estate to which they
23 belong, shall be valued, listed, and assessed and
24 reported by the assessor to the county auditor after
25 approval of the valuations by the local board of
26 review, and ~~said~~ the auditor shall thereupon enter the
27 taxable value of such building or taxable improvement
28 on the tax list as a part of real estate to be taxed.

29 If such buildings or improvements are erected or made
30 by any person other than the owner of the land, they
31 shall be listed and assessed to the owner of the
32 buildings or improvements as real estate.

33 Sec. 33. Section 440.1, Code 1997, is amended to
34 read as follows:

35 440.1 ASSESSMENT OF OMITTED PROPERTY.

36 When the director of revenue and finance is vested
37 with the power and duty to assess property and ~~said~~ an
38 assessment has, for any reason, been omitted, the
39 director shall proceed to assess ~~said~~ the property for
40 each of the omitted years, ~~not exceeding five years~~
41 ~~last past. The omitted assessment shall only apply to~~
42 the assessment year in which the omitted assessment is
43 made and the four prior assessment years. Chapter 429
44 shall apply to assessments of omitted property.

45 Sec. 34. Section 441.8, unnumbered paragraphs 6
46 and 7, Code 1997, are amended to read as follows:

47 Upon receiving credit equal to one hundred fifty
48 hours of classroom instruction during the assessor's
49 current term of office of which at least ninety of the
50 one hundred fifty hours are from courses requiring an

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1 examination upon conclusion of the course, the
2 director of revenue and finance shall certify to the
3 assessor's conference board that the assessor is
4 eligible to be reappointed to the position. For
5 assessors ~~whose present terms of office expire before~~
6 ~~six years from January 1, 1970, or who are persons~~
7 appointed to complete an unexpired term, the number of
8 credits required to be certified as eligible for
9 reappointment shall be prorated according to the

10 amount of time remaining in the present term of the
 11 assessor. If the person was an assessor in another
 12 jurisdiction, the assessor may carry forward any
 13 credit hours received in the previous position in
 14 excess of the number that would be necessary to be
 15 considered current in that position.

16 Within each six-year period following January 1,
 17 1980 or the appointment of a deputy assessor appointed
 18 after January 1, 1979, the deputy assessor shall
 19 comply with this section except that upon the
 20 successful completion of ninety hours of classroom
 21 instruction of which at least sixty of the ninety
 22 hours are from courses requiring an examination upon
 23 conclusion of the course, the deputy assessor shall be
 24 certified by the director of revenue and finance as
 25 being eligible to remain in the position. If a deputy
 26 assessor fails to comply with this section, the deputy
 27 assessor shall be removed from the position until
 28 successful completion of the required hours of credit.
 29 If a deputy is appointed to the office of assessor,
 30 the hours of credit obtained as deputy pursuant to
 31 this section shall be credited to that individual as
 32 assessor and for the individual to be reappointed at
 33 the expiration of the term as assessor, that
 34 individual must obtain the credits which are necessary
 35 to total the number of hours for reappointment.

36 Sec. 35. Section 441.11, Code 1997, is amended to
 37 read as follows:

38 **441.11 INCUMBENT DEPUTY ASSESSORS.**

39 The director of revenue and finance shall grant a
 40 restricted certificate to any deputy assessor holding
 41 office as of January 1, 1976. A deputy assessor
 42 possessing such a certificate shall be considered
 43 eligible to remain in the deputy's present position
 44 provided continuing education requirements are met.
 45 To become eligible for another deputy assessor
 46 position, a deputy assessor presently holding office
 47 is required to obtain certification as provided for in
 48 section 441.5 and 441.10. The number of credit hours
 49 required for certification as eligible for appointment
 50 as a deputy in a jurisdiction other than where the

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1 deputy is currently serving shall be prorated
 2 according to the completed portion of the deputy's
 3 six-year continuing education period.

4 Sec. 36. Section 444.26, Code 1997, is amended to
 5 read as follows:

6 **444.26 PROPERTY TAX LEVY LIMITATIONS NOT AFFECTED.**

7 Sections 444.25, 444.25A, and 444.25B shall not be
 8 construed as removing or otherwise affecting the

9 property tax limitations otherwise provided by law for
 10 any tax levy of the political subdivision, except
 11 that, upon an appeal from the political subdivision,
 12 the state appeal board may approve a tax levy
 13 consistent with the provisions of section 24.48 or
 14 331.426.

15 Sec. 37. Section 444.27, subsection 1, Code 1997,
 16 is amended to read as follows:

17 1. ~~For purposes of section 444.25, sections 24.48~~
 18 ~~and 331.426 are void for the fiscal years beginning~~
 19 ~~July 1, 1993, and July 1, 1994.~~ For purposes of
 20 section 444.25A, sections 24.48 and 331.426 are void
 21 for the fiscal years beginning July 1, 1995, and July
 22 1, 1996.

23 Sec. 38. Section 445.32, Code 1997, is amended to
 24 read as follows:

25 445.32 LIENS ON BUILDINGS OR IMPROVEMENTS.

26 If a building or improvement is erected or made by
 27 a person other than the owner of the land on which the
 28 building or improvement is located, as provided for in
 29 section 428.4, the taxes on the building or
 30 improvement are and remain a lien on the building or
 31 improvement from the date of levy until paid. If the
 32 taxes on the building or improvement become
 33 delinquent, as provided in section 445.37, the county
 34 treasurer shall collect the tax as provided in
 35 sections 445.3 and 445.4. This section does not apply
 36 to special assessments, or rates or charges.

37 Sec. 39. Section 452A.65, unnumbered paragraph 1,
 38 Code 1997, is amended to read as follows:

39 In addition to the tax or additional tax, the
 40 taxpayer shall pay a penalty as provided in section
 41 421.27. The taxpayer shall also pay interest on the
 42 tax or additional tax at the rate in effect under
 43 section 421.7 counting each fraction of a month as an
 44 entire month, computed from the date the return was
 45 required to be filed. If the amount of the tax as
 46 determined by the appropriate state agency is less
 47 than the amount paid, the excess shall be refunded
 48 with interest, the interest to begin to accrue on the
 49 first day of the ~~third~~ second calendar month following
 50 the date of payment or the date the return was due to

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1 be filed or was filed, whichever is the latest, at the
 2 rate in effect under section 421.7 counting each
 3 fraction of a month as an entire month under the rules
 4 prescribed by the appropriate state agency. ~~In lieu~~
 5 ~~of a refund allowed under this section, the licensee~~
 6 ~~may request that the department allow the refund to be~~
 7 ~~held as a credit for the licensee.~~ Claims for refund

8 filed under sections 452A.17 and 452A.21 shall accrue
9 interest beginning with the first day of the second
10 calendar month following the date the refund claim is
11 received by the department.

12 Sec. 40. Section 99D.14, subsection 6, Code 1997,
13 as amended by 1997 Iowa Acts, House File 212, section
14 2, is amended to read as follows:

15 6. Real property used in the operation of a
16 racetrack or racetrack enclosure which is exempt from
17 property taxation under another provision of the law,
18 including being exempt because it is owned by a city,
19 county, state, or charitable or nonprofit entity, may
20 be subject to real property taxation by any taxing
21 district in which the real property used in the
22 operation of the racetrack or racetrack enclosure is
23 located. To subject such real property to taxation,
24 the taxing authority of the taxing district shall pass
25 a resolution imposing the tax and, if the resolution
26 is passed prior to September 1, 1997, shall notify the
27 county local assessor, director of revenue and
28 finance, and the owner of record of the real property
29 by September 1, 1997, preceding the fiscal year in
30 which the real property taxes are due and payable.
31 The assessed value shall be determined and notice of
32 the assessed value shall be provided to the county
33 auditor by the department of revenue and finance local
34 assessor by October 15, 1997, and the owner may
35 protest the assessed value to the state local board of
36 tax review by December 1, 1997. For resolutions
37 passed on or after September 1, 1997, the taxing
38 authority shall notify the local assessor and owner of
39 record prior to the next assessment year and the
40 valuation and appeal shall be done in the manner and
41 time as for other valuations. Property taxes due as a
42 result of this subsection shall be paid to the county
43 treasurer in the manner and time as other property
44 taxes. The county treasurer shall remit the tax
45 revenue to those taxing authorities imposing the
46 property tax under this subsection. Real property
47 subject to tax as provided in this subsection shall
48 continue to be taxed until such time as the taxing
49 authority of the taxing district repeals the
50 resolution subjecting the property to taxation.

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1 Notwithstanding section 99D.7, the department of
2 revenue and finance shall adopt rules to implement
3 this subsection.

4 Sec. 41. Sections 236.15A, 427A.13, 440.2, 440.3,
5 440.4, 444.25, and 444.28, Code 1997, are repealed.

6 Sec. 42. Sections 11 and 13 of this Act which

7 amend sections 422.5 and 422.32 apply retroactively to
8 January 1, 1997, for tax years beginning on or after
9 that date.

10 Sec. 43. Section 16 of this Act, amending section
11 422.45, subsection 18, being deemed of immediate
12 importance, takes effect upon enactment.

13 Sec. 44. Sections 6, 12, and 20 of this Act,
14 enacting section 421.17, subsection 22A and amending
15 section 422.20 and section 422.72, subsection 3, and
16 relating to contractual agreements by the department
17 of revenue and finance, being deemed of immediate
18 importance, take effect upon enactment.

19 Sec. 45. Section 17 of this Act, enacting section
20 422.45, subsection 52, being deemed of immediate
21 importance, takes effect upon enactment.

22 Sec. 46. Section 18 of this Act, enacting section
23 422.53, subsection 8, takes effect January 1, 1998."

24 2. Title page, by striking lines 1 through 7 and
25 inserting the following: "An Act relating to the
26 administration of state individual income, corporate,
27 franchise, motor fuel, and other taxes; collection of
28 taxes and use of collection receipts; property taxes;
29 property tax credits and replacement claims; sales,
30 services, and use taxes and the imposition thereof on
31 sales of prepaid telephone calling cards and prepaid
32 authorization numbers; tax refund setoffs; and other
33 duties of the department and director of revenue and
34 finance; providing a penalty; and including effective
35 and retroactive applicability date provisions."

COMMITTEE ON WAYS AND MEANS
JOANN DOUGLAS, Chairperson

S—3687

1 Amend the House amendment, S—3553, to Senate File
2 128 as amended, passed, and reprinted by the Senate,

3 as follows:

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

6 "___ Page 1, by inserting after line 9 the
7 following:

8 "___ The age of the male person responsible for
9 the pregnancy."

JOHNIE HAMMOND

S—3688

1 Amend the House amendment, S—3553, to Senate File
2 128 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, line 1, by inserting after the word
 7 "PREGNANCY" the following: "AND VASECTOMIES".
 8 ___ Page 1, line 5, by inserting after the word
 9 "pregnancy" the following: "or who performs a
 10 vasectomy".
 11 ___ Page 1, line 6, by inserting after the word
 12 "termination" the following: "or vasectomy".
 13 2. Page 1, by inserting after line 7 the
 14 following:
 15 "___ Page 1, line 9, by inserting after the word
 16 "termination" the following: "or vasectomy, as
 17 applicable".
 18 3. Page 1, line 20, by inserting after the word
 19 "pregnancies" the following: "or the number of
 20 previous vasectomies".
 21 4. Page 1, line 23, by inserting after the word
 22 "termination" the following: "or vasectomy".
 23 5. Page 1, by inserting after line 27 the
 24 following:
 25 "___ Page 1, line 33, by inserting after the
 26 word "pregnancy" the following: "or vasectomy".
 27 ___ Page 1, line 35, by inserting after the word
 28 "pregnancy" the following: "or who performs a
 29 vasectomy".
 30 ___ Page 2, line 2, by inserting after the word
 31 "induced" the following: "or in which a vasectomy is
 32 performed".
 33 ___ Page 2, line 27, by inserting after the word
 34 "termination" the following: "or vasectomy".
 35 6. Page 1, by inserting after line 29 the
 36 following:
 37 "___ Page 3, line 6, by inserting after the word
 38 "pregnancies" the following: "or vasectomies".
 39 ___ Page 3, line 21, by inserting after the word
 40 "termination" the following: "or vasectomy".
 41 7. Page 1, by inserting after line 42 the
 42 following:
 43 "___ Title page, line 2, by inserting after the
 44 word "pregnancy" the following: "and vasectomies".
 45 8. By renumbering as necessary.

ROBERT E. DVORSKY

S-3689 .

- 1 Amend the House amendment, S-3573, to Senate File
 2 177, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 11 and
 5 inserting the following:

- 6 " ____ . Page 1, by striking lines 18 through 27."
7 2. Page 1, by striking lines 26 and 27 and
8 inserting the following:
9 " ____ . Title page, line 2, by striking the words
10 "exhibition driving,"."
11 3. By renumbering as necessary.

MERLIN E. BARTZ

S—3690

- 1 Amend Senate File 542 as follows:
2 1. Page 7, by inserting before line 22 the
3 following:
4 "Sec. ____ . Section 99F.6, subsection 4, paragraph
5 a, Code 1997, is amended to read as follows:
6 a. Before a license is granted, the division of
7 criminal investigation of the department of public
8 safety shall conduct a thorough background
9 investigation of the applicant for a license to
10 operate a gambling game operation on an excursion
11 gambling boat. The applicant shall provide
12 information on a form as required by the division of
13 criminal investigation. A qualified sponsoring
14 organization licensed to operate gambling games under
15 this chapter shall distribute the receipts of all
16 gambling games, less reasonable expenses, charges,
17 taxes, fees, and deductions allowed under this
18 chapter, as winnings to players or participants or
19 shall distribute the receipts for educational, civic,
20 public, charitable, patriotic, or religious uses as
21 defined in section 99B.7, subsection 3, paragraph "b".
22 However, if a licensee who is also licensed to conduct
23 pari-mutuel wagering at a horse racetrack has unpaid
24 debt from the pari-mutuel racetrack operations, the
25 first receipts of the gambling games operated within
26 the racetrack enclosure less reasonable operating
27 expenses, taxes, and fees allowed under this chapter
28 shall be first used to pay the annual indebtedness.
29 The commission shall authorize, subject to the debt
30 payments for horse racetracks and the provisions of
31 paragraph "b" for dog racetracks, a licensee who is
32 also licensed to conduct pari-mutuel dog or horse
33 racing to use receipts from gambling games within the
34 racetrack enclosure to supplement purses for races
35 particularly for Iowa-bred horses pursuant to an
36 agreement which shall be negotiated between the
37 licensee and representatives of the dog or horse
38 owners. For a licensee who is also licensed to
39 conduct pari-mutuel horse racing, the supplement to
40 the horse race purses shall be an amount equal to
41 fifteen percent of the annual adjusted gross receipts

42 received from gambling games and, of the total sum
 43 allocated to supplement horse race purses, twenty
 44 percent shall be used to supplement the purses of
 45 low-bred horses. A qualified sponsoring organization
 46 shall not make a contribution to a candidate,
 47 political committee, candidate's committee, state
 48 statutory political committee, county statutory
 49 political committee, national political party, or
 50 fund-raising event as these terms are defined in

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1 section 56.2. The membership of the board of
 2 directors of a qualified sponsoring organization shall
 3 represent a broad interest of the communities."
 4 2. By renumbering as necessary.

JACK RIFE

S-3691

1 Amend Senate File 542 as follows:

2 1. Page 7, by inserting before line 24 the
 3 following:

4 "DIVISION ____

5 Sec. 100. NEW SECTION. 236.15B INCOME TAX
 6 CHECKOFF FOR DOMESTIC ABUSE SERVICES.

7 A person who files an individual or a joint income
 8 tax return with the department of revenue and finance
 9 under section 422.13 may designate any amount to be
 10 paid to the general fund of the state and used for the
 11 purposes of providing emergency shelter services,
 12 support services, and other services to victims of
 13 domestic abuse or sexual assault. If the refund due
 14 on the return or the payment remitted with the return
 15 is insufficient to pay the additional amount
 16 designated by the taxpayer to be used for the purposes
 17 of providing services to victims of domestic abuse or
 18 sexual assault, the amount designated shall be reduced
 19 to the remaining amount of refund or the remaining
 20 amount remitted with the return.

21 It is the intent of the general assembly that the
 22 funds generated from the checkoff be appropriated and
 23 used for the purposes of providing services to victims
 24 of domestic abuse or sexual assault.

25 The director of revenue and finance shall draft the
 26 income tax form to allow the designation of
 27 contributions to be used for the purposes of providing
 28 services to victims of domestic abuse or sexual
 29 assault on the tax return.

30 The department of revenue and finance on or before
 31 January 31 of the calendar year following the calendar

32 year in which the tax returns were filed shall certify
 33 the total amount designated on the tax return forms
 34 due in the preceding calendar year and shall report
 35 the amount to the treasurer of state.
 36 The department of revenue and finance shall consult
 37 the crime victim assistance board concerning the
 38 adoption of rules to implement this section. However,
 39 before a checkoff pursuant to this section shall be
 40 permitted, all liabilities on the books of the
 41 department of revenue and finance and accounts
 42 identified as owing under section 421.17 and the
 43 political contribution allowed under section 56.18
 44 shall be satisfied.
 45 Sec. 200. Section 236.15A, Code 1997, is repealed.
 46 Sec. ____ APPROPRIATION. There is appropriated
 47 from the general fund of the state to the department
 48 of justice for the fiscal year beginning July 1, 1996,
 49 and ending June 30, 1997, the following amount, or so
 50 much thereof as is necessary, to be used for the

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1 purpose designated:
 2 To fund domestic abuse and sexual assault grants
 3 administered by the crime victim assistance division
 4 of the department of justice for the purposes of
 5 providing emergency shelter services, support
 6 services, and other services to victims of domestic
 7 abuse or sexual assault:
 8\$ 75,000
 9 Notwithstanding section 8.33, moneys appropriated
 10 in this section shall not revert but shall remain
 11 available for the purposes designated until the close
 12 of the fiscal year ending June 30, 1999.
 13 Sec. ____ RETROACTIVE APPLICABILITY. Section 100
 14 of this division of this Act applies retroactively to
 15 January 1, 1997, for tax years beginning on or after
 16 that date. Section 200 of this division of this Act
 17 applies retroactively to January 1, 1996, for tax
 18 years beginning on or after that date."

ROBERT E. DVORSKY

S-3692

1 Amend Senate File 543 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec. 101. Section 97B.41, subsection 10,
 5 unnumbered paragraph 1, Code 1997, is amended to read
 6 as follows:
 7 "First month of entitlement" means the first month

8 for which a member is qualified to receive retirement
 9 benefits under this chapter. Effective January 1,
 10 1995 1993, a member who meets all of the following
 11 requirements is qualified to receive retirement
 12 benefits under this chapter:"

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

15 "Sec. 101. EFFECTIVE DATE -- RETROACTIVE
 16 APPLICABILITY. Section 101 of this Act, being deemed
 17 of immediate importance, takes effect upon enactment
 18 and is retroactively applicable to January 1, 1993,
 19 and is applicable on and after that date."

20 3. Title page, line 1, by inserting after the
 21 word "for" the following: "the definition of a
 22 member's first month of entitlement to retirement
 23 benefits and providing effective and retroactive
 24 applicability dates,".

25 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-3693

1 Amend Senate File 542 as follows:

2 1. Page 6, by striking line 31 and inserting the
 3 following: "to a nonprofit agency headquartered in a
 4 city of this state with a population of less than
 5 190,000,".

JACK RIFE

S-3694

1 Amend Senate File 542 as follows:

2 1. Page 7, by striking lines 22 and 23 and
 3 inserting the following:
 4 "Sec. ___. EFFECTIVE DATES. Division I, relating
 5 to supplemental appropriations from the general fund
 6 of the state, division II, relating to lottery fund
 7 appropriations, and this division of this Act, being
 8 deemed of immediate importance, take effect upon
 9 enactment.

10 DIVISION ___

11 Sec. ___. Section 8.22A, subsection 5, paragraph
 12 a, Code 1997, is amended to read as follows:
 13 a. The amount of lottery revenues for the
 14 following fiscal year to be ~~available for disbursement~~
 15 transferred from the lottery fund to the general fund
 16 of the state following the deductions made pursuant to
 17 section 99E.10, subsection 1.

18 Sec. ___. Section 99E.10, subsection 1, unnumbered
 19 paragraph 3, Code 1997, is amended to read as follows:

20 The committing the lottery to environment,
21 agriculture, and natural resources fund, also to be
22 known as the CLEAN fund, is created in the office of
23 the treasurer of state. Lottery revenue remaining
24 after expenses are determined shall be transferred to
25 the CLEAN general fund of the state on a monthly
26 basis. Revenues generated during the last month of
27 the fiscal year which are transferred to the CLEAN
28 general fund of the state during the following fiscal
29 year shall be considered revenues transferred during
30 the previous fiscal year for purposes of the
31 allotments made to and appropriations made from the
32 separate accounts in the CLEAN fund for that previous
33 fiscal year. However, upon the request of the
34 director and subject to approval by the treasurer of
35 state, an amount sufficient to cover the foreseeable
36 administrative expenses of the lottery for a period of
37 twenty-one days may be retained from the lottery
38 revenue. Prior to the monthly transfer to the CLEAN
39 general fund of the state, the director may direct
40 that lottery revenue shall be deposited in the lottery
41 fund and in interest-bearing accounts designated by
42 the treasurer of state in the financial institutions
43 of this state or invested in the manner provided in
44 section 12B.10. Interest or earnings paid on the
45 deposits or investments is considered lottery revenue
46 and shall be transferred to the CLEAN general fund of
47 the state in the same manner as other lottery revenue.
48 Money in the CLEAN fund shall be deposited in
49 interest-bearing accounts in financial institutions in
50 this state or invested in the manner provided in

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1 ~~section 12B.10. The interest or earnings on the~~
2 ~~deposits or investments shall be considered part of~~
3 ~~the CLEAN fund and shall be retained in the fund~~
4 ~~unless appropriated by the general assembly.~~
5 Sec. ____ Section 99E.10, subsection 2, Code 1997,
6 is amended to read as follows:
7 2. The director of management shall not include
8 lottery revenues in the director's fiscal year revenue
9 estimates. ~~Moneys in the CLEAN fund shall not be~~
10 ~~considered a part of the Iowa economic emergency fund.~~
11 Sec. ____ Section 99E.20, subsection 2, Code 1997,
12 is amended to read as follows:
13 2. A lottery fund is created in the office of the
14 treasurer of state. The fund consists of all revenues
15 received from the sale of lottery tickets or shares
16 and all other moneys lawfully credited or transferred
17 to the fund. The commissioner shall certify monthly

18 that portion of the fund that is transferred to the
 19 CLEAN general fund of the state under section 99E.10
 20 and shall cause that portion to be transferred to the
 21 CLEAN general fund of the state. The commissioner
 22 shall certify before the twentieth of each month that
 23 portion of the lottery fund resulting from the
 24 previous month's sales to be transferred to the CLEAN
 25 general fund of the state.
 26 Sec. ____ Section 99E.34, Code 1997, is repealed."
 27 2. By renumbering as necessary.

DERRYL McLAREN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 707

S-3695

1 Amend the Senate amendment, H-1692, to House File
 2 707, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, by striking lines 2 through 14 and
 5 inserting the following: "~~motor vehicle, except that~~
 6 a conviction or revocation under section 321J.2".
 7 2. By striking page 2, line 49 through page 3,
 8 line 5, and inserting the following:
 9 "(1) Imprisonment in the county jail for not less
 10 than forty-eight hours, to be served as ordered by the
 11 court, less credit for any time the person was
 12 confined in a jail or detention facility following
 13 ~~arrest, and assessed. However,~~".
 14 3. Page 3, by inserting after line 10 the
 15 following: "However, in the discretion of the court,
 16 if no personal or property injury has resulted from
 17 the defendant's actions, up to five hundred dollars of
 18 the fine may be waived."
 19 4. Page 3, by striking lines 38 through 40 and
 20 inserting the following:
 21 " ____ Page 3, by inserting before line 4 the
 22 following:
 23 "(5) If the offense under chapter 321J results in
 24 bodily injury to a person other than the defendant."
 25 5. Page 4, lines 15 and 16, by striking the words
 26 "~~previous versions of~~".
 27 6. Page 4, by striking lines 23 through 25.
 28 7. Page 5, by striking lines 14 through 17.
 29 8. By striking page 6, line 50, through page 7,
 30 line 1, and inserting the following: "321J.2, or the
 31 entry of a deferred judgment concerning a violation of
 32 section 321J.2, the court or juvenile".
 33 9. Page 8, by inserting before line 25 the

34 following:

35 "___ Page 29, by striking lines 15 through 18
36 and inserting the following: "321J.9, or 321J.12
37 under chapter 321J, and any of the following apply."

38 10. Page 8, by striking lines 25 and 26 and
39 inserting the following:

40 "___ Page 29, by inserting before line 33 the
41 following:

42 "(5) If the offense under chapter 321J results in
43 bodily injury to a person other than the defendant."

44 11. Page 8, by inserting before line 27 the
45 following:

46 "___ Page 29, by inserting before line 33 the
47 following:

48 "Sec. ___ Section 907.3, subsection 1, Code 1997,
49 is amended by adding the following new paragraph:
50 NEW PARAGRAPH. j. The offense is a violation of

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1 section 707.6A, subsection 1; or a violation of
2 section 707.6A, subsection 3, involving operation of a
3 motor vehicle while intoxicated."

4 12. Page 8, by striking lines 27 through 29, and
5 inserting the following:

6 "___ Page 30, by striking lines 21 through 23,
7 and inserting the following:

8 "c. Section 321J.2, subsection 1, if"

9 13. Page 8, by inserting before line 30 the
10 following:

11 "___ Page 31, by inserting before line 4 the
12 following:

13 "(5) If the offense under chapter 321J results in
14 bodily injury to a person other than the defendant.

15 d. Section 707.6A, subsection 1; or section
16 707.6A, subsection 3, involving operation of a motor
17 vehicle while intoxicated."

18 14. Page 8, by striking lines 30 through 32 and
19 inserting the following:

20 "___ Page 31, by striking lines 31 through 33
21 and inserting the following: "321J.2, subsection 1,
22 if any of the following"

23 15. Page 8, by inserting before line 33 the
24 following:

25 "___ Page 32, by inserting before line 14 the
26 following:

27 "(5) If the offense under chapter 321J results in
28 bodily injury to a person other than the defendant.
29 d. A sentence imposed pursuant to section 707.6A,
30 subsection 1; or section 707.6A, subsection 3,
31 involving operation of a motor vehicle while
32 intoxicated."

33 16. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

S-3696

1 Amend the Committee amendment, S-3686, to House

2 File 266, as passed by the House, as follows:

3 1. Page 5, by inserting after line 41 the

4 following:

5 "Sec. ____ Section 422.42, subsections 1 and 14,

6 Code 1997, are amended to read as follows:

7 1. "Agricultural production" includes the

8 production of flowering, ornamental, or vegetable

9 production from aquaculture. "Agricultural products"

10 include flowering, ornamental, or vegetable plants and

11 those products of aquaculture.

12

13 14. "Retail sale" or "sale at retail" means the

14 sale to a consumer or to any person for any purpose,

15 other than for processing, for resale of tangible

16 personal property or taxable services, or for resale

17 of tangible personal property in connection with

18 taxable services; and includes the sale of gas,

19 electricity, water, and communication service to

20 retail consumers or users; but does not include

21 agricultural breeding livestock and domesticated fowl;

22 and does not include commercial fertilizer,

23 agricultural limestone, herbicide, pesticide,

24 insecticide, food, medication, or agricultural drain

25 tile, including installation of agricultural drain

26 tile, any of which are to be used in disease control,

27 weed control, insect control, or health promotion of

28 plants or livestock produced as part of agricultural

29 production for market; and does not include

30 electricity, steam, or any taxable service when

31 purchased and used in the processing of tangible

32 personal property intended to be sold ultimately at

33 retail. When used by a manufacturer of food products,

34 carbon dioxide in a liquid, solid, or gaseous form,

35 electricity, steam, and other taxable services are

36 sold for processing when used to produce marketable

37 food products for human consumption, including but not

38 limited to, treatment of material to change its form,

39 context, or condition, in order to produce the food

40 product, maintenance of quality or integrity of the

41 food product, changing or maintenance of temperature

42 levels necessary to avoid spoilage or to hold the food

43 product in marketable condition, maintenance of

44 environmental conditions necessary for the safe or

45 efficient use of machinery and material used to

46 produce the food product, sanitation and quality

47 control activities, formation of packaging, placement

48 into shipping containers, and movement of the material
49 or food product until shipment from the building of
50 manufacture. Tangible personal property is sold for

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1 processing within the meaning of this subsection only
2 when it is intended that the property will, by means
3 of fabrication, compounding, manufacturing, or
4 germination become an integral part of other tangible
5 personal property intended to be sold ultimately at
6 retail; or will be consumed as fuel in creating heat,
7 power, or steam for processing including grain drying,
8 or for providing heat or cooling for livestock
9 buildings or for greenhouses or buildings or parts of
10 buildings dedicated to the production of flowering,
11 ornamental, or vegetable plants intended for sale in
12 the ordinary course of business, or for use in
13 cultivation of agricultural products by aquaculture,
14 or for generating electric current, or in implements
15 of husbandry engaged in agricultural production; or
16 the property is a chemical, solvent, sorbent, or
17 reagent, which is directly used and is consumed,
18 dissipated, or depleted, in processing personal
19 property which is intended to be sold ultimately at
20 retail or consumed in the maintenance or repair of
21 fabric or clothing, and which may not become a
22 component or integral part of the finished product.
23 The distribution to the public of free newspapers or
24 shoppers guides is a retail sale for purposes of the
25 processing exemption."

26 2. Page 7, by inserting after line 21 the
27 following:

28 "Sec. ____ Section 422.45, subsection 39,
29 paragraphs a and c, Code 1997, are amended to read as
30 follows:

31 a. The implement, machinery, or equipment is
32 directly and primarily used in livestock or dairy
33 production, use in aquaculture production, or in the
34 production of flowering, ornamental, or vegetable
35 plants.

36 c. The replacement part is essential to any repair
37 or reconstruction necessary to the farm machinery's or
38 equipment's exempt use in livestock or dairy
39 production, use in aquaculture production, or in the
40 production of flowering, ornamental, or vegetable
41 plants."

42 3. Page 7, by inserting after line 32 the
43 following:

44 "Sec. ____ Section 422.47, subsection 4, paragraph
45 f, Code 1997, is amended to read as follows:

46 f. In this section, "fuel" includes gas,

47 electricity, water, heat, steam, and any other
 48 tangible personal property consumed in creating heat,
 49 power, or steam. In this section, "fuel consumed in
 50 processing" means fuel used or disposed of for

Page 3

1 processing including grain drying, for providing heat
 2 or cooling for livestock buildings or for greenhouses
 3 or buildings or parts of buildings dedicated to the
 4 production of flowering, ornamental, or vegetable
 5 plants intended for sale in the ordinary course of
 6 business, for use in aquaculture production, or for
 7 generating electric current, or in implements of
 8 husbandry engaged in agricultural production. In this
 9 subsection, "fuel exemption certificate" means an
 10 exemption certificate given by the purchaser under
 11 penalty of perjury to assist retailers in properly
 12 accounting for nontaxable sales of fuel consumed in
 13 processing. In this subsection, "substantial change"
 14 means a change in the use or disposition of tangible
 15 personal property and services by the purchaser such
 16 that the purchaser pays less than ninety percent of
 17 the purchaser's actual sales tax liability. A change
 18 includes a misstatement of facts in an application
 19 made pursuant to paragraph "c" or in a fuel exemption
 20 certificate."

ROBERT E. DVORSKY

S-3697

1 Amend Senate File 544 as follows:
 2 1. Page 1, line 2, by striking the word "twenty"
 3 and inserting the following: "eleven thousand five
 4 hundred residents but more than ten".
 5 2. Page 1, line 3, by striking the word
 6 "residents" and inserting the following: "five
 7 hundred residents, based upon the 1990 certified
 8 federal census,".

H. KAY HEDGE

S-3698

1 Amend the House amendment, S-3603, to Senate File
 2 533, 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 8, by inserting after line 32 the
 7 following:

8 "4. The department of corrections shall issue a
 9 request for proposals for the construction of a
 10 supermaximum security correctional facility at a
 11 location determined by the department, which would
 12 only be constructed if the proposal is accepted. The
 13 department of corrections shall include specifications
 14 concerning the number of correctional beds in the
 15 request for proposals and issue the request for
 16 proposals in such a manner that responses are due and
 17 shall be included in a report submitted by the
 18 department to the general assembly on or before
 19 January 12, 1998. The department of corrections shall
 20 not accept a proposal received in accordance with this
 21 subsection without specific authorization through the
 22 enactment of legislation to fund the proposal."

EUGENE S. FRAISE
 STEVEN D. HANSEN
 ROBERT E. DVORSKY
 DENNIS H. BLACK
 PATTY JUDGE
 JOHN P. KIBBIE
 DON GETTINGS

S-3699

1 Amend Senate File 541 as follows:
 2 1. Page 2, line 8, by striking the words "two
 3 years" and inserting the following: "twenty-four
 4 months of age".
 5 2. Page 2, line 9, by striking the words "two
 6 years" and inserting the following: "twenty-four
 7 months".
 8 3. Page 2, line 14, by striking the words "two
 9 years" and inserting the following: "twenty-four
 10 months".
 11 4. Page 3, line 9, by striking the words "two
 12 years" and inserting the following: "twenty-four
 13 months".
 14 5. Page 7, line 14, by striking the word "four"
 15 and inserting the following: "six".
 16 6. Page 8, by inserting after line 2 the
 17 following:
 18 "Sec. __. EMERGENCY RULES. The department of
 19 human services may adopt administrative rules under
 20 section 17A.4, subsection 2, and section 17A.5,
 21 subsection 2, paragraph "b", to implement the
 22 provisions of this Act and the rules shall become
 23 effective immediately upon filing, unless the
 24 effective date is delayed by the administrative rules
 25 review committee, notwithstanding section 17A.4,
 26 subsection 5, and section 17A.8, subsection 9, or a

27 later effective date is specified in the rules. Any
 28 rules adopted in accordance with this section shall
 29 not take effect before the rules are reviewed by the
 30 administrative rules review committee. Any rules
 31 adopted in accordance with the provisions of this
 32 section shall also be published as a notice of
 33 intended action as provided in section 17A.4.”
 34 7. By renumbering as necessary.

MERLIN E. BARTZ

S-3700

1 Amend Senate File 548 as follows:
 2 1. Page 1, line 34, by striking the word
 3 “milligrams” and inserting the following: “~~milligrams~~
 4 milliliters”.

COMMITTEE ON STATE GOVERNMENT
 SHELDON RITTMER, Chairperson

S-3701

1 Amend the House amendment, S-3529, to Senate File
 2 515, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by inserting after line 27 the
 5 following:
 6 “___ Page 13, by striking line 13 and inserting
 7 the following:
 8 “a. The child is at least 12 years of age but is
 9 no older than 15 years of age.””

MARY NEUHAUSER

S-3702

1 Amend the committee amendment, S-3686, to House
 2 File 266, as passed by the House, as follows:
 3 1. Page 15, by inserting after line 36 the
 4 following:
 5 “Sec. ___ Section 445.60, Code 1997, is amended
 6 to read as follows:
 7 445.60 REFUNDING ERRONEOUS TAX.
 8 The board of supervisors shall direct the county
 9 treasurer to refund to the taxpayer any tax or portion
 10 of a tax found to have been erroneously or illegally
 11 paid, with all interest, fees, and costs actually
 12 paid. A refund shall not be ordered or made unless a
 13 claim for refund is presented to the board within one
 14 year five years of the date the tax was due, or if
 15 appealed to the board of review, the state board of

16 tax review, or district court, within ~~one year~~ five
17 years of the final decision."

WILLIAM D. PALMER

S—3703

1 Amend the House amendment, S—3553, to Senate File
2 128, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 27 the
5 following:

6 "____. Page 1, by inserting before line 29 the
7 following:

8 "1A. In addition to the reporting requirements of
9 subsection 1, a woman who experiences a spontaneous
10 termination of pregnancy who is not under the care of
11 a health care provider at the time that the
12 spontaneous termination occurs, shall report the
13 spontaneous termination to the department within
14 thirty days of the occurrence."

TOM VILSACK

S—3704

1 Amend the committee amendment, S—3686, to House
2 File 266, as passed by the House, as follows:

3 1. Page 12, by inserting after line 45 the
4 following:

5 "Sec. ____ Section 427B.17, Code 1997, is amended
6 by adding the following new subsection:

7 **NEW SUBSECTION.** 7. For purposes of this section,
8 electronic and digital equipment and fiber optic cable
9 of a competitive long distance telephone company
10 assessed as provided in section 476.1D, subsection 10,
11 and first assessed for taxation in this state on or
12 after January 1, 1997, shall be included in the
13 definition of "computer" as defined in section 427A.1,
14 subsection 1, paragraph "j", subparagraph (1)."

MARY A. LUNDBY
STEVE KING
WALLY E. HORN
STEVEN HANSEN

S—3705

1 Amend Senate File 367 as follows:

2 1. Page 2, line 5, by striking the words "--
3 DISCLOSURE NOT MANDATED".

4 2. Page 2, by striking lines 10 and 11 and

- 5 inserting the following: "material adverse fact, but
6 is information required to be disclosed under section
7 558A.4, if the event which stigmatized the real estate
8 occurred during the period of ownership of the current
9 owner."
10 3. Page 2, line 21, by striking the word
11 "allegedly".
12 4. Page 2, by inserting after line 29 the
13 following:
14 "Sec. ____ Section 2 of this Act takes effect
15 January 1, 1998."
16 5. By renumbering as necessary.

MERLIN E. BARTZ

S-3706

- 1 Amend the House amendment, S-3603, Senate File 533,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 " ____ Page 12, by inserting before line 8 the
7 following:
8 "14. It is the intent of the general assembly that
9 the department of corrections shall implement a
10 restorative justice plan in each correctional facility
11 under the control of the department by July 1, 1998."
12 2. By renumbering as necessary.

ROBERT E. DVORSKY
JOHNIE HAMMOND
STEVEN D. HANSEN

S-3707

- 1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 22, by inserting after line 17 the
4 following:
5 "Sec. ____ EFFECTIVE DATE. 1997 Iowa Acts, House
6 File 453, if enacted, being deemed of immediate
7 importance, takes effect upon enactment of this Act."
8 2. By renumbering as necessary.

PATRICIA HARPER

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 612

S-3708

- 1 Amend the Senate amendment, H-1795, to House File
2 612 as amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 5, by striking lines 6 and 7.
- 5 2. Page 5, by striking lines 41 and 42 and
- 6 inserting the following: "parent. The amount paid by
- 7 each parent shall not exceed thirty-three and one-
- 8 third percent of the total cost of postsecondary
- 9 education."
- 10 3. Page 5, line 48, by striking the word
- 11 "disenfranchised" and inserting the following:
- 12 "repudiated".
- 13 4. Page 6, line 1, by inserting after the word
- 14 "d." the following: "The child shall forward, to each
- 15 parent, reports of grades awarded at the completion of
- 16 each academic session, within ten days of receipt of
- 17 the reports."
- 18 5. Page 6, line 10, by inserting after the word
- 19 "state" the following: "or to a location which is one
- 20 hundred fifty miles or more from the residence of the
- 21 minor child at the time that custody is awarded".
- 22 6. Page 6, by striking lines 25 through 29 and
- 23 inserting the following:
- 24 " ____ Page 130, line 3, by inserting after the
- 25 figure "181," the following: "187,""
- 26 7. Page 9, by striking lines 21 through 32.
- 27 8. By renumbering as necessary.

S-3709

1 Amend Senate File 129 as follows:

- 2 1. Page 2, by inserting before line 1 the
- 3 following:
- 4 "Sec. 101. Section 97A.8, subsection 1, paragraph
- 5 i, Code 1997, is amended to read as follows:
- 6 i. (1) Notwithstanding paragraph "g" or other
- 7 provisions of this chapter, beginning January 1, 1995,
- 8 for federal income tax purposes, and beginning January
- 9 1, 1998, for state income tax purposes, member
- 10 contributions required under paragraph "f" or "h"
- 11 which are picked up by the department shall be
- 12 considered employer contributions for federal and
- 13 state income tax purposes, and the department shall
- 14 pick up the member contributions to be made under
- 15 paragraph "f" or "h" by its employees. The department
- 16 shall pick up these contributions by reducing the
- 17 salary of each of its employees covered by this
- 18 chapter by the amount which each employee is required
- 19 to contribute under paragraph "f" or "h" and shall
- 20 certify the amount picked up in lieu of the member
- 21 contributions to the department of revenue and
- 22 finance. The department of revenue and finance shall
- 23 forward the amount of the contributions picked up to
- 24 the board of trustees for recording and deposit in the

25 pension accumulation fund.

26 (2) Member contributions picked up by the
27 department under subparagraph (1) shall be treated as
28 employer contributions for federal and state income
29 tax purposes only and for all other purposes of this
30 chapter ~~and the laws of this state~~ shall be treated as
31 employee contributions and deemed part of the
32 employee's earnable compensation or salary.

33 Sec. 201. Section 97B.11A, Code 1997, is amended
34 to read as follows:

35 97B.11A PICKUP OF EMPLOYEE CONTRIBUTIONS.

36 1. Notwithstanding section 97B.11 or other
37 provisions of this chapter, beginning January 1, 1995,
38 for federal income tax purposes, and beginning January
39 1, 1998, for state income tax purposes, member
40 contributions required under section 97B.11 which are
41 picked up by the employer shall be considered employer
42 contributions for federal and state income tax
43 purposes, and each employer shall pick up the member
44 contributions to be made under section 97B.11 by its
45 employees. Each employer shall pick up these
46 contributions by reducing the salary of each of its
47 employees covered by this chapter by the amount which
48 each employee is required to contribute under section
49 97B.11 and shall pay the amount picked up in lieu of
50 the member contributions as provided in section

Page 2

1 97B.14.

2 2. Member contributions picked up by each employer
3 under subsection 1 shall be treated as employer
4 contributions for federal and state income tax
5 purposes only and for all other purposes of this
6 chapter ~~and the laws of this state~~ shall be treated as
7 employee contributions and deemed part of the
8 employee's wages or salary.

9 Sec. 301. Section 294.10A, Code 1997, is amended
10 to read as follows:

11 294.10A PICKUP OF TEACHER ASSESSMENTS.

12 1. Notwithstanding section 294.9 or other
13 provisions of this chapter, for federal income tax
14 purposes beginning January 1 following the submission
15 by a board of trustees of an application to the
16 federal internal revenue service requesting
17 qualification of a plan in accordance with the
18 requirements of the Internal Revenue Code, as defined
19 in section 422.3, and for state income tax purposes
20 beginning January 1, 1998, or January 1 following an
21 application for qualification, whichever is later,
22 teacher assessments required under section 294.9 which
23 are picked up by an employing school district shall be

24 considered employer contributions for federal and
 25 state income tax purposes, and each employing school
 26 district establishing a pension and annuity retirement
 27 system pursuant to this chapter shall pick up the
 28 teacher assessments to be made under section 294.9 by
 29 its employees commencing on the January 1 following an
 30 application for qualification applicable date under
 31 this subsection. Each employing school district shall
 32 pick up these teacher assessments by reducing the
 33 salary of each of the teachers covered by this chapter
 34 by the amount which each teacher is required to
 35 contribute through assessments under section 294.9 and
 36 shall pay to the board of trustees the amount picked
 37 up in lieu of the teacher assessments for recording
 38 and deposit in the fund.

39 2. Teacher assessments picked up by each employing
 40 school district under subsection 1 shall be treated as
 41 employer contributions for federal and state income
 42 tax purposes only and for all other purposes of this
 43 chapter ~~and the laws of this state~~ shall be treated as
 44 teacher assessments and deemed part of the teacher's
 45 wages or salary.

46 Sec. 401. Section 411.8, subsection 1, paragraph
 47 i, Code 1997, is amended to read as follows:

48 i. (1) Notwithstanding paragraph "g" or other
 49 provisions of this chapter, beginning January 1, 1995,
 50 for federal income tax purposes, and beginning January

Page 3

1 1, 1998, for state income tax purposes, member
 2 contributions required under paragraph "f" or "h"
 3 which are picked up by the city shall be considered
 4 employer contributions for federal and state income
 5 tax purposes, and each city shall pick up the member
 6 contributions to be made under paragraph "f" or "h" by
 7 its employees. Each city shall pick up these
 8 contributions by reducing the salary of each of its
 9 employees covered by this chapter by the amount which
 10 each employee is required to contribute under
 11 paragraph "f" or "h" and shall pay the amount picked
 12 up in lieu of the member contributions to the board of
 13 trustees for recording and deposit in the fund.

14 (2) Member contributions picked up by each city
 15 under subparagraph (1) shall be treated as employer
 16 contributions for federal and state income tax
 17 purposes only and for all other purposes of this
 18 chapter ~~and the laws of this state~~ shall be treated as
 19 employee contributions and deemed part of the
 20 employee's earnable compensation or salary."

21 2. Page 2, by inserting after line 14 the .
 22 following:

- 23 "Sec. 501. Section 422.7, subsections 29 through
 24 31, Code 1997, are amended by striking the
 25 subsections."
 26 3. Page 3, by striking lines 25 through 28 and
 27 inserting the following:
 28 "Sec. 601. EFFECTIVE AND APPLICABILITY DATES.
 29 Sections 101, 201, 301, 401, and 501 of this Act take
 30 effect January 1, 1998, and apply to tax years
 31 beginning on or after January 1, 1998. Sections 1, 2,
 32 3, 4, 5, 6, and 7, being deemed of immediate
 33 importance, take effect upon enactment and apply
 34 retroactively to January 1, 1996, for tax years
 35 beginning on or after that date."
 36 4. Title page, line 2, by inserting after the
 37 word "Code" the following: "modifying the taxation of
 38 contributions to public retirement systems."
 39 5. By renumbering as necessary.

JOHN P. KIBBIE
 JOHNNIE HAMMOND
 PATRICK J. DELUHERY
 MARY A. LUNDBY
 MARY LOU FREEMAN
 MIKE CONNOLLY

S-3710

- 1 Amend the amendment, S-3527, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting before line 3 the
 5 following:
 6 " ____ Page 5, line 16, by striking the figure
 7 "100,000" and inserting the following: "120,000"."

MARY A. LUNDBY

S-3711

- 1 Amend the amendment, S-3527, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 6 the
 5 following:
 6 " ____ Page 9, by inserting after line 2 the
 7 following:
 8 "Sec. ____ NONREVERSION. Notwithstanding section
 9 8.33, unobligated moneys remaining on June 30, 1997,
 10 from moneys appropriated to the department of general
 11 services in 1996 Iowa Acts, chapter 1219, section 44,
 12 shall not revert to the general fund of the state but

13 shall be available for expenditure for the following
 14 fiscal year for the purposes for which appropriated.””

MARY A. LUNDBY

S—3712

1 Amend the House amendment, S—3527, to Senate File
 2 529, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 17 through 19 and
 5 inserting the following:
 6 “___ Page 19, by striking lines 3 through 6 and
 7 inserting the following:
 8 “It is the intent of the general assembly that
 9 lottery advertising promote or educate the public on
 10 benefits of the lottery to Iowa, that the advertising
 11 not focus solely on winning, and that the advertising
 12 not be targeted toward minors.
 13 It is further the intent of the general assembly
 14 that none”.”

MARY A. LUNDBY

S—3713

1 Amend the House Amendment S—3466, to Senate File
 2 503, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 1, line 28, through page 2,
 5 line 48, and inserting the following:
 6 “Sec. ___ NEW SECTION. 728.5A ADMITTING MINORS
 7 TO PREMISES WHICH PERMIT CERTAIN NUDE PERFORMANCES OR
 8 ACTIVITIES.
 9 1. An owner, manager, or person who exercises
 10 direct control over a place of business required to
 11 obtain a sales tax permit commits a serious
 12 misdemeanor if the person admits or allows a minor to
 13 enter the business premises and any of the following
 14 circumstances apply:
 15 a. The person allows or permits the actual or
 16 simulated public performance of any sex act upon the
 17 premises of or in the place of business.
 18 b. The person allows or permits the exposure of
 19 the genitals or buttocks or female breast of any
 20 person who acts as a waiter or waitress at the place
 21 of business.
 22 c. The person allows or permits the exposure of
 23 the genitals or female breast nipple of any person who
 24 acts as an entertainer, whether or not the owner of
 25 the place of business in which the activity is
 26 performed employs or pays any compensation to the

27 person for the performance of the activity.
 28 d. The person allows or permits any person to
 29 remain in or upon the premises of the place of
 30 business if the person exposes to public view the
 31 person's genitals, pubic hair, or anus.
 32 e. The person advertises that any of the
 33 activities described in paragraphs "a" through "d" are
 34 allowed or permitted in the place of business.
 35 2. An owner, manager, or person who exercises
 36 direct control over a place of business required to
 37 obtain a sales tax permit commits a serious
 38 misdemeanor if the person allows or permits a minor to
 39 engage in or otherwise perform in a live act intended
 40 to arouse or satisfy the sexual desires or appeal to
 41 the prurient interests of patrons. However, if the
 42 person allows or permits a minor to participate in any
 43 act included in paragraphs "a" through "d", the person
 44 commits an aggravated misdemeanor.
 45 3. This section shall not apply to a theater,
 46 concert hall, art center, museum, or similar
 47 establishment which is primarily devoted to the arts
 48 or theatrical performances and in which any of the
 49 circumstances contained in this section were permitted
 50 or allowed as part of an art exhibit or performance."

Page 2

- 1 2. Page 8, by striking lines 28 through 30.
- 2 3. By renumbering as necessary.

BILL FINK
 JOHNIE HAMMOND
 MARY NEUHAUSER
 PATRICIA HARPER
 JOHN P. KIBBIE

S-3714

- 1 Amend the House amendment, S-3466, to Senate File
- 2 503, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 28, through page 2,
- 5 line 48, and inserting the following:
- 6 "Sec. ____ NEW SECTION. 728.5A PHYSICAL CONTACT
- 7 IN CERTAIN NUDE PERFORMANCES OR ACTIVITIES.
- 8 1. An owner, manager, or person who exercises
- 9 direct control over a place of business required to
- 10 obtain a sales tax permit commits a serious
- 11 misdemeanor if the person allows a patron of the
- 12 business and an employee or performer to physically
- 13 touch or fondle one another at the place of business
- 14 under any of the following circumstances:

15 a. The employee or performer is engaged in the
16 actual or simulated public performance of any sex act
17 upon the premises of or in the place of business.

18 b. The employee or performer exposes the person's
19 genitals or buttocks or female breast while the
20 employee or performer acts as a waiter or waitress at
21 the place of business.

22 c. The employee or performer exposes the person's
23 genitals or female breast nipple while acting as an
24 entertainer, whether or not the owner of the place of
25 business in which the activity is performed employs or
26 pays any compensation to the employee or performer for
27 the performance of the activity.

28 d. The owner, manager, or person who exercises
29 direct control over the place of business allows or
30 permits any employee or performer to remain in or upon
31 the premises of the place of business if the person
32 exposes to public view the person's genitals, pubic
33 hair, or anus.

34 2. An owner, manager, or person who exercises
35 direct control over a place of business required to
36 obtain a sales tax permit commits an aggravated
37 misdemeanor if the person allows or permits a minor to
38 engage in or otherwise perform in a live act intended
39 to arouse or satisfy the sexual desires or appeal to
40 the prurient interests of patrons and allows a patron
41 and the minor to physically touch or fondle one
42 another.

43 3. This section shall not apply to a theater,
44 concert hall, art center, museum, or similar
45 establishment which is primarily devoted to the arts
46 or theatrical performances and in which any of the
47 circumstances contained in this section were permitted
48 or allowed as part of an art exhibit or performance."

49 2. Page 8, by striking lines 28 through 30.

50 3. By renumbering as necessary.

BILL FINK

S—3715

1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 9, line 7, through page 13,
4 line 14.

JERRY BEHN

S—3716

1 Amend Senate File 390 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. From July 1, 1997, until December 31,

5 1997, both of the following shall occur:

6 1. Under section 455B.310, subsection 2,
7 unnumbered paragraph 1, Code 1997, one dollar and five
8 cents of the tonnage fee imposed shall be retained by
9 a city, county, or public or private agency, instead
10 of the ninety-five cents currently retained. The
11 additional ten cents retained pursuant to this section
12 shall be used in accordance with section 455B.310,
13 subsection 2, paragraph "b". The reduction in tonnage
14 fees pursuant to this section shall be taken from that
15 portion of the tonnage fees which would have been
16 allocated for funding alternatives to landfills
17 pursuant to section 455E.11, subsection 2, paragraph
18 "a", subparagraph (1).

19 2. Under section 455D.3, subsection 3, paragraph
20 "a", unnumbered paragraph 2, Code 1997, if the
21 department determines that a planning area has met or
22 exceeded the twenty-five percent goal, a planning area
23 shall retain twenty-five cents of the tonnage fee
24 imposed pursuant to section 455B.310, subsection 2, in
25 addition to the current fifty cents subtracted. Moneys
26 subtracted under section 455D.3, subsection 3,
27 paragraph "a", unnumbered paragraph 2, Code 1997, and
28 retained pursuant to this subsection, shall be used
29 for implementing waste reduction and recycling
30 requirements of comprehensive plans filed under
31 section 455B.306. The reduction in tonnage fees
32 pursuant to this section shall be taken from that
33 portion of the tonnage fees which would have been
34 allocated for funding alternatives to landfills
35 pursuant to section 455E.11, subsection 2, paragraph
36 "a", subparagraph (1).

37 Sec. 2. The legislative council is requested to
38 establish an interim committee to meet three times to
39 conduct a comprehensive review of the goals,
40 regulation, reporting, and status of statewide efforts
41 to reduce and recycle solid waste. The review shall
42 include, but not be limited to, an evaluation of the
43 effectiveness of statewide goals for waste stream
44 reduction, incentives, and penalties used to encourage
45 planning areas to meet the waste stream reduction
46 goals, recycling programs, tonnage fees, and programs
47 funded by tonnage fees. The committee shall submit a
48 report of its findings and recommendations to the
49 general assembly by December 15, 1997."

PATTY JUDGE
MERLIN E. BARTZ

S—3717

- 1 Amend the House amendment, S—3573, to Senate File
- 2 177, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 11 the
- 5 following:
- 6 “___ Page 1, line 21, by striking the words
- 7 “engine noise,”.”
- 8 2. By renumbering as necessary.

ANDY McKEAN
 WALLY E. HORN
 MERLIN E. BARTZ

S—3718

- 1 Amend the Senate amendment, S—3357, to House File
- 2 625, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 “___ By striking page 4, line 17 through page 6,
- 7 line 4.
- 8 ___ By striking page 7, line 16 through page 8,
- 9 line 7.
- 10 ___ Page 16, by striking lines 4 through 22.”
- 11 2. Page 1, by inserting after line 15 the
- 12 following:
- 13 “___ Page 22, by striking lines 5 through 10.”
- 14 3. By renumbering as necessary.

MARY A. LUNDBY

S—3719

- 1 Amend the amendment, S—3527, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 16 the
- 5 following:
- 6 “___ Page 12, by inserting after line 14 the
- 7 following:
- 8 “Sec. ___ Section 99F.6, subsection 4, paragraph
- 9 a, Code 1997, is amended to read as follows:
- 10 a. Before a license is granted, the division of
- 11 criminal investigation of the department of public
- 12 safety shall conduct a thorough background
- 13 investigation of the applicant for a license to
- 14 operate a gambling game operation on an excursion
- 15 gambling boat. The applicant shall provide

16 information on a form as required by the division of
17 criminal investigation. A qualified sponsoring
18 organization licensed to operate gambling games under
19 this chapter shall distribute the receipts of all
20 gambling games, less reasonable expenses, charges,
21 taxes, fees, and deductions allowed under this
22 chapter, as winnings to players or participants or
23 shall distribute the receipts for educational, civic,
24 public, charitable, patriotic, or religious uses as
25 defined in section 99B.7, subsection 3, paragraph "b".
26 However, if a licensee who is also licensed to conduct
27 pari-mutuel wagering at a horse racetrack has unpaid
28 debt from the pari-mutuel racetrack operations, the
29 first receipts of the gambling games operated within
30 the racetrack enclosure less reasonable operating
31 expenses, taxes, and fees allowed under this chapter
32 shall be first used to pay the annual indebtedness.
33 The commission shall authorize, subject to the debt
34 payments for horse racetracks and the provisions of
35 paragraph "b" for dog racetracks, a licensee who is
36 also licensed to conduct pari-mutuel dog or horse
37 racing to use receipts from gambling games within the
38 racetrack enclosure to supplement purses for races
39 particularly for Iowa-bred horses pursuant to an
40 agreement which shall be negotiated between the
41 licensee and representatives of the dog or horse
42 owners. For a licensee who is also licensed to
43 conduct pari-mutuel horse racing, the supplement to
44 the horse race purses shall be an amount equal to
45 fifteen percent of the annual adjusted gross receipts
46 received from gambling games and, of the total sum
47 allocated to supplement horse race purses, twenty
48 percent shall be used to supplement the purses of
49 Iowa-bred horses and one hundred thousand dollars
50 shall be appropriated from the supplement to Iowa

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1 state university for the fiscal year beginning July 1,
2 1997, for horse racing research. A qualified
3 sponsoring organization shall not make a contribution
4 to a candidate, political committee, candidate's
5 committee, state statutory political committee, county
6 statutory political committee, national political
7 party, or fund-raising event as these terms are
8 defined in section 56.2. The membership of the board
9 of directors of a qualified sponsoring organization
10 shall represent a broad interest of the communities."

S—3720

- 1 Amend the Committee amendment, S—3686, to House
 2 File 266, as passed by the House, as follows:
 3 1. Page 15, by inserting after line 36 the
 4 following:
 5 "Sec. 201. Section 452A.17, subsection 1,
 6 paragraph a, Code 1997, is amended by adding the
 7 following new subparagraph:
 8 NEW SUBPARAGRAPH. (9) Undyed special fuel used in
 9 watercraft.
 10 Sec. 202. Section 452A.17, subsection 1, paragraph
 11 b, subparagraphs (4) and (5), Code 1997, are amended
 12 to read as follows:
 13 (4) The claim shall state the gallonage of motor
 14 fuel or undyed special fuel that was used or will be
 15 used by the claimant other than in ~~watercraft or~~
 16 aircraft or to propel motor vehicles, the manner in
 17 which the motor fuel or undyed special fuel was used
 18 or will be used, and the equipment in which it was
 19 used or will be used.
 20 (5) The claim shall state whether the claimant
 21 used fuel for ~~watercraft or~~ aircraft or to propel
 22 motor vehicles from the same tanks or receptacles in
 23 which the claimant kept the motor fuel or undyed
 24 special fuel on which the refund is claimed."
 25 2. Page 17, by inserting after line 23 the
 26 following:
 27 "Sec. ____ Sections 201 and 202 of this Act,
 28 amending section 452A.17, subsection 1, being deemed
 29 of immediate importance, take effect upon enactment
 30 and apply retroactively to July 1, 1996."

DONALD B. REDFERN

S—3721

- 1 Amend Senate File 544 as follows:
 2 1. Page 2, line 33, by striking the word "three"
 3 and inserting the following: "five".
 4 2. Page 3, by striking line 1 and inserting the
 5 following: "election, two trustees shall be elected
 6 for one year, two for".
 7 3. Page 3, line 35, by inserting after the word
 8 "certificates." the following: "However, certificates
 9 shall not be issued after January 1, 2007, except to
 10 refund other certificates as provided in subsection
 11 3."
 12 4. Page 6, by striking lines 2 through 14.

O. GENE MADDOX

S-3722

1 Amend the amendment, S-3464, to House File 697, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 3, through page 2,
5 line 14, and inserting the following:

6 " ____ Page 3, by striking lines 2 through 32, and
7 inserting the following:

8 "2. a. A contribution shall be deposited in the
9 account maintained by the committee within thirty days
10 of initial receipt of the contribution by the
11 candidate or the committee. An individual who
12 receives contributions for a committee without the
13 prior authorization of the chairperson of the
14 committee or the candidate shall be responsible for
15 either for rendering the contributions to the
16 treasurer ~~within fifteen days of the date of receipt~~
17 ~~of the contributions, who shall deposit the~~
18 contribution in the account maintained by the
19 committee, or for depositing the contributions in the
20 account maintained by the committee within seven days
21 of the date of receipt of the contributions, but the
22 contribution must be deposited within the thirty-day
23 period.

24 b. A person who receives contributions for a
25 committee shall, ~~not later than fifteen days from the~~
26 ~~date of receipt of the contributions or on demand of~~
27 ~~the treasurer,~~ render to the treasurer the
28 contributions and an account of the total of all
29 contributions, including the name and address of each
30 person making a contribution in excess of ten dollars,
31 the amount of the contributions, and the date on which
32 the contributions were received. ~~The treasurer shall~~
33 ~~deposit all contributions within seven days of receipt~~
34 ~~by the treasurer in an account maintained by the~~
35 ~~committee.~~

36 c. All funds of a committee shall be segregated
37 from any other funds held by officers, members, or
38 associates of the committee or the committee's
39 candidate. However, if a candidate's committee
40 receives contributions only from the candidate, or if
41 a permanent organization temporarily engages in
42 activity which qualifies it as a political committee
43 and all expenditures of the organization are made from
44 existing general operating funds and funds are not
45 solicited or received for this purpose from sources
46 other than operating funds, then that committee is not
47 required to maintain a separate account in a financial
48 institution.

49 d. The funds of a committee are not attachable for
50 the personal debt of the committee's candidate or an

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1 officer, member, or associate of the committee.”
2 “ ___ Page 4, by striking lines 14 through 25 and
3 inserting the following:
4 “Sec. ___ Section 56.6, subsection 3, paragraph
5 b, unnumbered paragraph 1, Code 1997, is amended to
6 read as follows:
7 The name and mailing address of each person who has
8 made one or more contributions of money to the
9 committee including the proceeds from any fund-raising
10 events ~~except those reportable under paragraph “f” of~~
11 ~~this subsection~~, when the aggregate amount in a
12 calendar year exceeds the amount specified in the
13 following schedule:
14 Sec. ___ Section 56.6, subsection 3, paragraph d,
15 Code 1997, is amended to read as follows:
16 d. The name and mailing address of each person who
17 has made one or more in-kind contributions to the
18 committee when the aggregate market value of the in-
19 kind contribution in a calendar year exceeds the
20 amount specified in ~~subsection 3, paragraph “b”, of~~
21 ~~this section~~. In-kind contributions shall be
22 designated on a separate schedule from schedules
23 showing contributions of money and shall identify the
24 nature of the contribution and provide its estimated
25 fair market value. Items donated for sale at fund-
26 raising events shall be reported separately from other
27 in-kind contributions on the schedule reporting in-
28 kind contributions, and shall include only the name
29 and mailing address of the person donating the item, a
30 description of the item, and the price for which the
31 item is sold at the fund-raiser. The total price
32 received for such items shall be reported as a
33 contribution under paragraph “b”, and shall not be
34 included in the total estimated fair market value of
35 other in-kind contributions under this paragraph.
36 Sec. ___ Section 56.6, subsection 3, paragraph f,
37 Code 1997, is amended by striking the paragraph.
38 Sec. ___ Section 56.6, subsection 3, paragraph i,
39 Code 1997, is amended to read as follows:
40 i. If a person listed under paragraph “b”, “d”, or
41 “e”, ~~or “f”~~ as making a contribution or loan to or
42 purchase from a candidate’s committee is related to
43 the candidate within the third degree of consanguinity
44 or affinity, the existence of that person’s family
45 relationship shall be indicated on the report.””
46 2. By renumbering, relettering, or correcting
47 internal references as necessary.

STEVE KING
ROD HALVORSON

S-3723

1 Amend the committee amendment, S-3686, to House
 2 File 266, as passed by the House, as follows:
 3 1. Page 16, by inserting after line 11 the
 4 following:
 5 "Sec. ____ Section 633.699, subsection 7, Code
 6 1997, is amended to read as follows:
 7 7. To make any required division, allocation, or
 8 distribution in whole or in part in money, securities,
 9 or other property, and in undivided interests therein
 10 pro rata, nonpro rata, or in combination of these
 11 methods, and to continue to hold any remaining
 12 undivided interest in trust.
 13 Sec. ____ Section 633.703A, subsection 1,
 14 unnumbered paragraph 1, Code 1997, is amended to read
 15 as follows:
 16 In order to allow a trust to qualify as a marital
 17 deduction trust for federal estate tax purposes, as a
 18 qualified subchapter S trust for federal income tax
 19 purposes, as separate trusts for federal generation-
 20 skipping tax purposes, or for any other federal or
 21 state income, estate, excise, or inheritance tax
 22 benefit or to facilitate the administration of a trust
 23 or trusts, the governing instrument of a trust may be
 24 amended as follows to permit the trust to be divided
 25 in cash or in kind, including in undivided interests,
 26 by pro rata or nonpro rata division, or in any
 27 combination thereof, into one or more separate trusts
 28 or be consolidated with one or more other trusts into
 29 a single trust."
 30 2. By renumbering as necessary.

DONALD B. REDFERN

S-3724

1 Amend Senate File 551 as follows:
 2 1. Page 1, by striking line 33 and inserting the
 3 following:
 4 "(1) Judicial magistrate -- bar admitted attorney
 5\$ 29,000
 6 (2) Judicial magistrate -- nonattorney
 7\$ 25,000"

MICHAEL E. GRONSTAL

S-3725

1 Amend House File 636, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 28, by inserting after line 22 the

4 following:

5 "Sec. ____ Section 49.104, Code 1997, 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 E. DVORSKY,
MARY NEUHAUSER

S-3726

1 Amend Senate File 530 as follows:

2 1. Page 2, line 15, by inserting after the word

3 "receipts." the following: "The equitable

4 distribution of the surcharge shall be based upon the

5 utilization of the system for each E911 service area

6 and the use of the system by the Iowa department of

7 public safety, as measured by the number of calls for

8 each jurisdiction."

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
SENATE FILE 79

S-3727

1 Amend Senate File 79, 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 99D.24, Code 1997, is amended

6 by adding the following new subsection:

7 NEW SUBSECTION. 7. A licensee shall not knowingly

8 allow a financial institution or vendor to loan money

9 on its premises on the basis of a credit card or

10 similar instrument through an electronic or mechanical

11 device, including, but not limited to, a satellite

12 terminal as defined in section 572.2 for the purpose

13 of permitting that person to wager on any race. The

14 use of a check or a debit card with overdraft

15 protection is not prohibited by this subsection. The

16 acceptance and cashing of checks by a licensee is not

17 prohibited and the use of ATM and debit cards at on-

18 site premises is not prohibited by this subsection."

19 2. Page 1, line 4, by inserting after the figure

20 "1997," the following: "for an excursion gambling

21 boat operation on the Mississippi or Missouri river,

22 or on or before December 31, 1997, for an excursion

23 gambling boat operation on a lake or water reservoir
24 approved by a county electorate before the effective
25 date of this Act.”.

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

28 “Sec. ____ Section 99F.7, subsection 1, Code 1997,
29 is amended to read as follows:

30 1. If the commission is satisfied that this
31 chapter and its rules adopted under this chapter
32 applicable to licensees have been or will be complied
33 with, the commission shall issue a license for a
34 period of not more than three years to an applicant to
35 own a gambling game operation and to an applicant to
36 operate an excursion gambling boat. The commission
37 shall decide which of the gambling games authorized
38 under this chapter it will permit. The Except as
39 otherwise provided in section 1 of this Act, the
40 commission shall decide the number, location, and type
41 of excursion gambling boats licensed under this
42 chapter for operation only on the Mississippi and
43 Missouri rivers, lakes, and reservoirs of this state.
44 The license shall set forth the name of the licensee,
45 the type of license granted, the place where the
46 excursion gambling boats will operate and dock, and
47 the time and number of days during the excursion
48 season and the off season when gambling may be
49 conducted by the licensee. The commission shall not
50 allow a licensee to conduct gambling games on an

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1 excursion gambling boat while docked during the off
2 season if the licensee does not operate gambling
3 excursions for a minimum number of days during the
4 excursion season. The commission may delay the
5 commencement of the excursion season at the request of
6 a licensee.”

7 4. Page 1, by inserting before line 11 the
8 following:

9 “Sec. ____ Section 99F.15, Code 1997, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 7. A licensee shall not knowingly
12 allow a financial institution or vendor to loan money
13 on its premises on the basis of a credit card or
14 similar instrument through an electronic or mechanical
15 device, including, but not limited to, a satellite
16 terminal as defined in section 572.2 for the purpose
17 of permitting that person to wager on any game of
18 chance. The use of a check or a debit card with
19 overdraft protection is not prohibited by this
20 subsection. The acceptance and cashing of checks by a
21 licensee is not prohibited and the use of ATM and

22 debit cards at on-site premises is not prohibited by
23 this subsection."

24 5. Page 1, line 11, by striking the word "This"
25 and inserting the following: "Section 1 of this".

26 6. Title page, line 2, by inserting after the
27 word "games" the following: ", the use of credit for
28 gambling."

29 7. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

S-3728

1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 19, the
4 following:

5 "Sec. ____ Section 56.42, subsection 2, Code 1997,
6 is amended to read as follows:

7 2. a. If an unexpended balance of campaign funds
8 remains in the committee's account when a candidate's
9 committee dissolves, the unexpended balance shall be
10 transferred pursuant to subsection 1.

11 b. If an unexpended balance of campaign funds
12 remains in the account of a candidate's committee for
13 at least seven years after the candidate's last day of
14 service in a public office, the unexpended balance
15 shall be transferred pursuant to subsection 1,
16 paragraph "b".

17 2. By renumbering as necessary.

MIKE CONNOLLY

S-3729

1 Amend House File 697, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 20 the
4 following:

5 "Sec. ____ NEW SECTION. 56.14A FALSE INFORMATION
6 IN POLITICAL MATERIAL.

7 1. A person shall not be a sponsor of any
8 published material on behalf of or in opposition to
9 any candidate or ballot issue that contains any
10 assertion, representation, or statement of fact,
11 including, but not limited to, information concerning
12 a candidate's prior public record, which the sponsor
13 knows to be untrue, deceptive, or misleading.

14 2. For purposes of this section, "published
15 material" means statements or graphic representations
16 made through any public medium which includes, but is
17 not limited to, any of the following:

18 a. Electronic media such as live or prerecorded

- 19 radio or television broadcasts, broadcasts or
 20 transmissions through other publicly available
 21 electronic communications, and video or audio tape
 22 recordings which are publicly distributed.
 23 b. Print media, such as newspapers, pamphlets,
 24 folders, display cards, signs, posters, or billboard
 25 advertisements.
 26 c. Any other methods or mediums designed for
 27 publicly advertising or publishing information.
 28 3. For purposes of this section, "sponsor" means a
 29 person who pays for or approves published material and
 30 shall include a candidate or committee which knows and
 31 approves of an independent expenditure made by another
 32 person under section 56.13."
 33 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3730

- 1 Amend Senate File 530 as follows:
 2 1. Page 2, by inserting after line 15 the
 3 following:
 4 "In determining the equitable portion of the
 5 receipts to be received by a joint E911 service board
 6 or the Iowa department of public safety, the E911
 7 communications council shall consider factors
 8 including, but not limited to, all of the following:
 9 (a) Demonstrated need.
 10 (b) Documented volume of wireless E911 calls.
 11 (c) The public safety of the citizens of this
 12 state.
 13 The E911 communications council shall submit an
 14 annual report by January 15 of each year advising the
 15 general assembly or the status of enhanced 911
 16 implementation and operations, including both wireline
 17 and wireless services, and the distribution of
 18 surcharge receipts."

RICHARD F. DRAKE
NANCY BOETTGER
STEVE KING

S-3731

- 1 Amend House File 697, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by inserting after line 23, the
 4 following:
 5 "Sec. 201. CAMPAIGN FINANCE COMMISSION. The
 6 campaign finance commission is established to study
 7 the laws relating to the financing of elections for

8 office and to recommend reforms in these laws,
9 according to the following:

10 1. Appointment. The commission shall be composed
11 of seven members, bipartisan and gender-balanced in
12 accordance with sections 69.16 and 69.16A, and
13 appointed as follows:

14 a. Three members shall be the state chairs of each
15 of the political parties, as defined in section 43.2,
16 or their designees.

17 b. Four members shall be jointly appointed by the
18 majority and minority leaders of the house and senate.
19 These members shall be appointed from nonpartisan
20 organizations which have researched, studied, and
21 advocated the issue of political campaign finance
22 reform for fifteen years or more, or who are specially
23 qualified to serve on the commission because of
24 training or experience.

25 c. The commission shall elect a chair and vice-
26 chair at its first meetings.

27 2. Terms. The members of the commission shall
28 serve for the life of the commission.

29 3. Vacancies. A vacancy in the commission shall
30 be filled in the manner in which the original
31 appointment was made.

32 **Sec. 202. POWERS AND DUTIES OF THE COMMISSION.**

33 1. Hearings. The commission may hold hearings
34 which shall be open and announced in advance to the
35 public, take testimony, and receive evidence as the
36 commission considers appropriate. Activities of the
37 commission shall be held in accordance with chapter
38 21.

39 The commission shall hold at least one hearing in
40 each congressional district within the state
41 specifically to obtain public input on the issue of
42 campaign finance reform.

43 2. Quorum. Four members of the commission shall
44 constitute a quorum, but a lesser number may hold
45 hearings.

46 3. Report. Not later than December 15, 1997, the
47 commission shall submit to the general assembly a
48 report of the activities of the commission, together
49 with a draft of legislation recommended by the
50 commission to reform the laws regarding the financing

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1 of political campaigns for consideration by the
2 general assembly in 1998 according to the provisions
3 of this Act.

4 4. Matters to be considered. In holding hearings
5 and preparing the report required under subsection 3,
6 the commission shall consider all issues related to

7 campaign finance reform, including, but not limited to
8 expenditure limits, expenditure and contribution
9 disclosure, contribution limits by individuals and
10 committees, soft money, independent expenditures, and
11 negative campaigning. The commission may secure
12 directly from any department or agency such
13 information as the commission considers necessary, and
14 the department or agency shall promptly furnish such
15 information to the commission.

16 5. Staffing. Assistance shall be provided to the
17 commission by the central nonpartisan legislative
18 staff bureaus. The commission may utilize the
19 services of the legislative service bureau in
20 formulating a draft of legislation. The attorney
21 general's office and the ethics and campaign
22 disclosure board shall serve as consultants, and
23 advise the commission as necessary.

24 Sec. 203. FAST-TRACK PROCEDURE.

25 1. The legislation drafted by the commission shall
26 be filed with each chamber on the first day of the
27 1998 legislative session, and immediately assigned to
28 the committee on state government in each chamber.

29 2. Each committee on state government shall have
30 no more than one week from the first day of the
31 legislative session to review the legislation. If
32 approved by the committee, the legislation shall
33 immediately be placed on the calendar for
34 consideration by the full chamber. The legislation
35 must be approved or rejected by both chambers within
36 thirty days of the first day of the 1998 legislative
37 session.

38 3. No amendment to the draft legislation shall be
39 in order in either chamber of the general assembly,
40 either in committee or on the floor. No motion to
41 suspend the application of these rules shall be in
42 order in either chamber of the general assembly,
43 either in committee or on the floor.

44 4. All time periods under this section shall be
45 calculated according to calendar days. Weekends and
46 days when the general assembly is not in session shall
47 be included in any calculation.

48 Sec. 204. TERMINATION. The commission shall cease
49 to exist one month after the submission of its report
50 under section 202 of this Act."

Page 3

1 2. By renumbering and correcting internal
2 references as necessary.

JOHN P. KIBBIE

S—3732

- 1 Amend the House amendment, S—3529, to Senate File
- 2 515, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 10 through 16.

O. GENE MADDOX

S—3733

- 1 Amend House File 635, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. ___. Section 724.2, Code 1997, is amended by
- 6 adding the following new subsections:
- 7 NEW SUBSECTION. 8. A resident of this state, who
- 8 possesses an offensive weapon which is a curio or
- 9 relic firearm under the federal Firearms Act, 18
- 10 U.S.C. ch. 44, solely for use in the official
- 11 functions of a historical reenactment organization of
- 12 which the person is a member, if the offensive weapon
- 13 has been permanently rendered unfit for the firing of
- 14 live ammunition. The offensive weapon may, however,
- 15 be adapted for the firing of blank ammunition.
- 16 NEW SUBSECTION. 9. A nonresident, who possesses
- 17 an offensive weapon which is a curio or relic firearm
- 18 under the federal Firearms Act, 18 U.S.C. ch. 44,
- 19 solely for use in official functions in this state of
- 20 a historical reenactment organization of which the
- 21 person is a member, if the offensive weapon is legally
- 22 possessed by the person in the person's state of
- 23 residence and the offensive weapon is at all times
- 24 while in this state rendered incapable of firing live
- 25 ammunition. A nonresident who possesses an offensive
- 26 weapon under this subsection while in this state shall
- 27 not have in the person's possession live ammunition.
- 28 The offensive weapon may, however, be adapted for the
- 29 firing of blank ammunition."
- 30 2. Title page, line 1, by striking the words "to
- 31 consider" and inserting the following: "relating to
- 32 weapons and munitions by considering".
- 33 3. Title page, line 2, by inserting after the
- 34 word "force" the following: "and relating to the
- 35 possession of curio or relic firearms by members of
- 36 certain organizations".
- 37 4. By renumbering as necessary.

STEWART IVERSON, JR.
BILL FINK

S-3734

- 1 Amend House File 697 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting after line 20 the
- 4 following:
- 5 "Sec. ____ **NEW SECTION. 56.14A NEW ADVERTISING**
- 6 **BEFORE ELECTION -- RESTRICTIONS.**
- 7 A candidate or a candidate's committee shall not,
- 8 within the five-day period which immediately precedes
- 9 the election in which the candidate is seeking office,
- 10 publish, distribute, or cause to be published or
- 11 distributed, published material designed to promote or
- 12 defeat the election of the candidate or the
- 13 candidate's opponent unless the material was
- 14 previously published or distributed during the period
- 15 of time which preceded that five-day period. For
- 16 purposes of this subsection, "published material"
- 17 includes "published material" as defined under section
- 18 56.14 and paid political announcements broadcast
- 19 through electronic media including, but not limited
- 20 to, radio, television, or computer networks."
- 21 2. Title page, line 3, by inserting after the
- 22 word "for" the following: "campaign advertising and".
- 23 3. By renumbering as necessary.

JOHN P. KIBBIE

S-3735

- 1 Amend the House amendment, S-3727, to Senate File
- 2 79, as passed by the Senate as follows:
- 3 1. Page 1, line 12, by striking the figure
- 4 "572.2" and inserting the following: "527.2".
- 5 2. Page 2, line 16, by striking the figure
- 6 "572.2" and inserting the following: "527.2".

DERRYL McLAREN

S-3736

- 1 Amend House File 724, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 19, by striking the words "is a
- 4 designated urban" and inserting the following: "meets
- 5 the requirements for eligibility for an urban or
- 6 rural".
- 7 2. Page 1, lines 22 and 23, by striking the words
- 8 "within a designated urban" and inserting the
- 9 following: "meeting the requirements for eligibility
- 10 for an urban or rural".
- 11 3. Page 2, line 33, by striking the word "one-

12 time”.

13 4. Page 2, line 34, by striking the word “is” and
14 inserting the following: “will be”.

15 5. Page 4, line 34, by striking the words “a
16 designated urban” and inserting the following: “an
17 area meeting the requirements for eligibility for an
18 urban or rural”.

19 6. Page 5, line 9, by inserting after the word
20 “requirements” the following: “, including
21 requirements related to compensation and benefits.”.

22 7. Page 7, line 11, by inserting after the words
23 “of the” the following: “value added to the”.

24 8. Page 7, line 13, by inserting after the word
25 “business.” the following: “The amount of value added
26 for purposes of this subsection shall be the amount of
27 the increase in assessed valuation of the property
28 following the location or expansion of the business in
29 the enterprise zone.”

30 9. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

COMMITTEE ON WAYS AND MEANS
JOANN DOUGLAS, Chairperson

S—3737

1 Amend the House amendment, S—3122, to Senate File
2 129 as passed by the Senate as follows:

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

5 “___ Page 2, by inserting before line 1 the
6 following:

7 “Sec. 101. Section 97A.8, subsection 1, paragraph
8 i, Code 1997, is amended to read as follows:

9 i. (1) Notwithstanding paragraph “g” or other
10 provisions of this chapter, beginning January 1, 1995,
11 for federal income tax purposes, and beginning January
12 1, 1998, for state income tax purposes, member
13 contributions required under paragraph “f” or “h”
14 which are picked up by the department shall be
15 considered employer contributions for federal and
16 state income tax purposes, and the department shall
17 pick up the member contributions to be made under
18 paragraph “f” or “h” by its employees. The department
19 shall pick up these contributions by reducing the
20 salary of each of its employees covered by this
21 chapter by the amount which each employee is required
22 to contribute under paragraph “f” or “h” and shall
23 certify the amount picked up in lieu of the member
24 contributions to the department of revenue and
25 finance. The department of revenue and finance shall
26 forward the amount of the contributions picked up to

27 the board of trustees for recording and deposit in the
28 pension accumulation fund.

29 (2) Member contributions picked up by the
30 department under subparagraph (1) shall be treated as
31 employer contributions for federal and state income
32 tax purposes only and for all other purposes of this
33 chapter ~~and the laws of this state~~ shall be treated as
34 employee contributions and deemed part of the
35 employee's earnable compensation or salary.

36 Sec. 201. Section 97B.11A, Code 1997, is amended
37 to read as follows:

38 97B.11A PICKUP OF EMPLOYEE CONTRIBUTIONS.

39 1. Notwithstanding section 97B.11 or other
40 provisions of this chapter, beginning January 1, 1995,
41 for federal income tax purposes, and beginning January
42 1, 1998, for state income tax purposes, member
43 contributions required under section 97B.11 which are
44 picked up by the employer shall be considered employer
45 contributions for federal and state income tax
46 purposes, and each employer shall pick up the member
47 contributions to be made under section 97B.11 by its
48 employees. Each employer shall pick up these
49 contributions by reducing the salary of each of its
50 employees covered by this chapter by the amount which

Page 2

1 each employee is required to contribute under section
2 97B.11 and shall pay the amount picked up in lieu of
3 the member contributions as provided in section
4 97B.14.

5 2. Member contributions picked up by each employer
6 under subsection 1 shall be treated as employer
7 contributions for federal and state income tax
8 purposes only and for all other purposes of this
9 chapter ~~and the laws of this state~~ shall be treated as
10 employee contributions and deemed part of the
11 employee's wages or salary.

12 Sec. 301. Section 294.10A, Code 1997, is amended
13 to read as follows:

14 294.10A PICKUP OF TEACHER ASSESSMENTS.

15 1. Notwithstanding section 294.9 or other
16 provisions of this chapter, for federal income tax
17 purposes beginning January 1 following the submission
18 by a board of trustees of an application to the
19 federal internal revenue service requesting
20 qualification of a plan in accordance with the
21 requirements of the Internal Revenue Code, as defined
22 in section 422.3, and for state income tax purposes
23 beginning January 1, 1998, or January 1 following an
24 application for qualification, whichever is later,
25 teacher assessments required under section 294.9 which

26 are picked up by an employing school district shall be
 27 considered employer contributions for federal and
 28 state income tax purposes, and each employing school
 29 district establishing a pension and annuity retirement
 30 system pursuant to this chapter shall pick up the
 31 teacher assessments to be made under section 294.9 by
 32 its employees commencing on the January 1 following an
 33 application for qualification applicable date under
 34 this subsection. Each employing school district shall
 35 pick up these teacher assessments by reducing the
 36 salary of each of the teachers covered by this chapter
 37 by the amount which each teacher is required to
 38 contribute through assessments under section 294.9 and
 39 shall pay to the board of trustees the amount picked
 40 up in lieu of the teacher assessments for recording
 41 and deposit in the fund.

42 2. Teacher assessments picked up by each employing
 43 school district under subsection 1 shall be treated as
 44 employer contributions for federal and state income
 45 tax purposes only and for all other purposes of this
 46 chapter and the laws of this state shall be treated as
 47 teacher assessments and deemed part of the teacher's
 48 wages or salary.

49 Sec. 401. Section 411.8, subsection 1, paragraph
 50 i. Code 1997, is amended to read as follows:

Page 3

1 i. (1) Notwithstanding paragraph "g" or other
 2 provisions of this chapter, beginning January 1, 1995,
 3 for federal income tax purposes, and beginning January
 4 1, 1998, for state income tax purposes, member
 5 contributions required under paragraph "f" or "h"
 6 which are picked up by the city shall be considered
 7 employer contributions for federal and state income
 8 tax purposes, and each city shall pick up the member
 9 contributions to be made under paragraph "f" or "h" by
 10 its employees. Each city shall pick up these
 11 contributions by reducing the salary of each of its
 12 employees covered by this chapter by the amount which
 13 each employee is required to contribute under
 14 paragraph "f" or "h" and shall pay the amount picked
 15 up in lieu of the member contributions to the board of
 16 trustees for recording and deposit in the fund.

17 (2) Member contributions picked up by each city
 18 under subparagraph (1) shall be treated as employer
 19 contributions for federal and state income tax
 20 purposes only and for all other purposes of this
 21 chapter and the laws of this state shall be treated as
 22 employee contributions and deemed part of the
 23 employee's earnable compensation or salary."

24 2. Page 2, by inserting after line 14 the

25 following:

26 "Sec. 501. Section 422.7, subsections 29 through
27 31, Code 1997, are amended by striking the
28 subsections."

29 3. Page 3, by striking lines 25 through 28 and
30 inserting the following:

31 "Sec. 601. EFFECTIVE AND APPLICABILITY DATES.

32 Sections 101, 201, 301, 401, and 501 of this Act take

33 effect January 1, 1998, and apply to tax years

34 beginning on or after January 1, 1998. Sections 1, 2,

35 3, 4, 5, 6, and 7, being deemed of immediate

36 importance, take effect upon enactment and apply

37 retroactively to January 1, 1996, for tax years

38 beginning on or after that date.""

39 2. Page 1, by inserting after line 11 the

40 following:

41 " ___. Title page, line 2, by inserting after the

42 word "Code" the following: "modifying the taxation of

43 contributions to public retirement systems,"."

44 5. By renumbering as necessary.

JOHN P. KIBBIE
JOHNIE HAMMOND
PATRICK J. DELUHERY
MARY A. LUNDBY
MARY LOU FREEMAN
MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 473

S-3738

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

3 1. Page 5, by striking lines 19 through 29 and
4 inserting the following: "ensure compliance with this
5 section, as required by the county board of
6 supervisors in the county in which the agricultural
7 drainage well is located."

8 2. Page 5, line 31, by striking the words "and
9 drainage districts".

10 3. Page 5, line 33, by striking the words "or
11 drainage district".

12 4. Page 6, by striking lines 22 through 29 and
13 inserting the following: "agricultural drainage
14 well."

15 5. Page 6, by striking lines 33 and 34 and
16 inserting the following: "section 159.29 to each
17 county board of supervisors in which".

18 6. Page 7, by striking lines 5 through 16 and
19 inserting the following: "The department shall

20 provide the notice in cooperation with the county
21 board of supervisors in the county where the
22 agricultural drainage well is located.”

23 7. Page 7, line 28, by inserting after the figure
24 “1.” the following: “a.”

25 8. Page 8, line 6, by striking the figure “2.”
26 and inserting the following: “b.”

27 9. Page 8, by inserting after line 7 the
28 following:

29 “2. Moneys collected from the assessment of civil
30 penalties and interest on civil penalties as provided
31 for in this section shall be deposited in the manure
32 storage indemnity fund as created in section 204.2.”

33 10. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

S—3739

1 Amend the House amendment, S—3727, to Senate File
2 79, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 9, by striking the words “on its
5 premises” and inserting the following: “at the
6 licensee’s racetrack enclosure”.

7 2. Page 2, line 13, by striking the words “its
8 premises” and inserting the following: “the
9 licensee’s excursion gambling boat”.

MICHAEL E. GRONSTAL

S—3740

1 Amend Senate File 552 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “DIVISION I
5 DEPARTMENT OF CULTURAL AFFAIRS

6 Section 1. There is appropriated from the rebuild
7 Iowa infrastructure fund to the department of cultural
8 affairs for the fiscal year beginning July 1, 1997,
9 and ending June 30, 1998, the following amounts, or so
10 much thereof as is necessary, to be used for the
11 purposes designated:

12 1. For the completion of undeveloped exhibit space
13 at the new historical building:

14\$ 500,000

15 2. For allocation to an Iowa project that has
16 received a national endowment for the humanities award
17 for the museum and discovery center:

18\$ 500,000

19 Allocation of moneys pursuant to this subsection
20 shall be contingent upon a matching contribution of

21 private moneys at a rate of two dollars of private
 22 moneys for each dollar of state appropriated moneys.
 23 3. For a feasibility study by the city of
 24 Burlington regarding the construction of a replica of
 25 the first territorial capitol of Iowa:
 26 \$ 25,000
 27 Notwithstanding section 8.33, the unencumbered or
 28 unobligated moneys remaining on June 30 of the fiscal
 29 year from moneys appropriated in this section may be
 30 expended during the following fiscal year for the same
 31 purpose.

32 DEPARTMENT OF GENERAL SERVICES

33 Sec. 2. There is appropriated from the rebuild
 34 Iowa infrastructure fund to the department of general
 35 services for the fiscal year beginning July 1, 1997,
 36 and ending June 30, 1998, the following amounts, or so
 37 much thereof as is necessary, to be used for the
 38 purposes designated:
 39 1. For major maintenance needs including health,
 40 life, and fire safety, for compliance with the federal
 41 Americans with Disabilities Act for state-owned
 42 buildings and facilities:
 43 \$ 9,000,000
 44 2. For critical and deferred maintenance at
 45 Terrace Hill:
 46 \$ 100,000
 47 As a condition of receiving this appropriation made
 48 in this subsection, private matching funds must be
 49 contributed on a dollar-for-dollar basis.
 50 3. For relocation of offices and other transition

Page 2

1 costs associated with renovation of the Lucas state
 2 office building and the old historical building:
 3 \$ 1,300,000
 4 4. To fund the state share of the capitol gateway
 5 east development project in conjunction with the city
 6 of Des Moines:
 7 \$ 50,000
 8 5. For the installation of storm drainage,
 9 grading, new asphalt, new lighting, and striping of
 10 capitol complex parking lots 4 and 5 in accordance
 11 with capitol complex renovation plans, provided that
 12 not more than \$450,000 shall be used for lot 4 and not
 13 more than \$105,000 shall be used for lot 5, and
 14 provided that existing capitol complex construction
 15 plans do not conflict with the parking lot
 16 improvements:
 17 \$ 555,000
 18 6. For filling cracks, resurfacing, new
 19 handicapped parking signs which comply with the

20 provisions of chapter 321L, as amended by 1997 Iowa
 21 Acts, House File 688, and striping capitol complex
 22 parking lots 13 and 15 in accordance with capitol
 23 complex renovation plans, provided that not more than
 24 \$100,750 shall be used for lot 13 and not more than
 25 \$75,000 shall be used for lot 15, and provided that
 26 existing capitol complex construction plans do not
 27 conflict with the parking lot improvements:

28\$ 175,750

29 7. For the design and construction of new or
 30 replacement buildings at the state training school by
 31 allocating not more than \$1,600,000 for design and
 32 construction of a living unit, allocating not more
 33 than \$800,000 for design and construction of a
 34 multipurpose building, and allocating not more than
 35 \$200,000 for the design of a new school building:

36\$ 2,600,000

37 8. For renovation of an existing cottage to
 38 provide additional beds for females at the Toledo
 39 juvenile home:

40\$ 350,000

41 9. For conducting a survey of the condition of
 42 state-owned property:

43\$ 500,000

44 The department shall report on the progress of the
 45 vertical infrastructure survey and provide an
 46 accounting of how the appropriation in subsection 1
 47 was spent to the joint transportation, infrastructure
 48 and capitals appropriations subcommittee not later
 49 than February 1, 1998.

50 Notwithstanding section 8.33, unencumbered or

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1 unobligated funds remaining on June 30, 2002, from the
 2 funds appropriated in this section, shall revert to
 3 the rebuild Iowa infrastructure fund on August 31,
 4 2002.

5 Sec. 3. 1996 Iowa Acts, chapter 1218, section 13,
 6 is amended to read as follows:

7 SEC. 13.

8 1. There is appropriated from the rebuild Iowa
 9 infrastructure fund of the state to the department of
 10 general services for the fiscal period beginning July
 11 1, 1996, and ending June 30, 1999 1998, the following
 12 amounts, or so much thereof as is necessary, to be
 13 used for the projects in the amounts and for the
 14 fiscal years as designated in subsection 2:

15 a. For the fiscal year beginning July 1, 1996, and
 16 ending June 30, 1997:

17\$ 20,700,000

18 b. For the fiscal year beginning July 1, 1997, and

19	ending June 30, 1998:	
20	.....	\$ 14,600,000
21		<u>14,540,000</u>
22	e. For the fiscal year beginning July 1, 1998, and	
23	ending June 30, 1999:	
24	.....	\$ 3,900,000
25	2. a. For exterior state capitol building	
26	restoration:	
27	(1) For the fiscal year beginning July 1, 1996,	
28	and ending June 30, 1997:	
29	.....	\$ 9,300,000
30	(2) For the fiscal year beginning July 1, 1997,	
31	and ending June 30, 1998:	
32	.....	\$ 7,600,000
33		<u>4,400,000</u>
34	b. For interior state capitol building	
35	restoration:	
36	(1) For the fiscal year beginning July 1, 1996,	
37	and ending June 30, 1997:	
38	.....	\$ 2,800,000
39	(2) For the fiscal year beginning July 1, 1998	
40	<u>1997</u> , and ending June 30, <u>1999</u> <u>1998</u> :	
41	.....	\$ 2,300,000
42		<u>3,140,000</u>
43	c. For renovation of the old historical building:	
44	(1) For the fiscal year beginning July 1, 1996,	
45	and ending June 30, 1997:	
46	.....	\$ 5,400,000
47	(2) For the fiscal year beginning July 1, 1997,	
48	and ending June 30, 1998:	
49	\$ 4,100,000
50	d. For renovation of the Lucas tunnel, <u>provided</u>	

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1	<u>that existing capitol complex construction plans do</u>	
2	<u>not conflict with the renovation:</u>	
3	(1) For the fiscal year beginning July 1, 1996,	
4	and ending June 30, 1997:	
5	.....	\$ 100,000
6	(2) For the fiscal year beginning July 1, 1997,	
7	and ending June 30, 1998:	
8	.....	\$ 400,000
9	e. For renovation of the Lucas state office	
10	building:	
11	(1) For the fiscal year beginning July 1, 1996,	
12	and ending June 30, 1997:	
13	.....	\$ 3,100,000
14	(2) For the fiscal year beginning July 1, 1997,	
15	and ending June 30, 1998:	
16	.....	\$ 2,500,000
17	Notwithstanding section 8.33, unencumbered or	

18 unobligated funds remaining on June 30, ~~2001~~ 2002,
19 from the funds appropriated in this section shall
20 revert to the rebuild Iowa infrastructure fund of the
21 state on August 31, ~~2001~~ 2002.

22 Sec. 4. There is appropriated from the rebuild
23 Iowa infrastructure fund to the department of general
24 services for the fiscal year beginning July 1, 1998,
25 and ending June 30, 1999, the following amounts, or so
26 much thereof as is necessary, to be used for the
27 purposes designated:

28 1. For exterior state capitol building
29 restoration:
30\$ 4,400,000

31 2. For interior state capitol building
32 restoration:
33\$ 4,200,000

34 3. For conducting a survey of the condition of
35 state-owned property:
36\$ 500,000

37 4. For the design and construction of new or
38 replacement buildings at the state training school by
39 allocating not more than \$2,300,000 to complete
40 construction of the new school building and allocating
41 not more than \$400,000 for the design of the new
42 gymnasium building:
43\$ 2,700,000

44 Notwithstanding section 8.33, unencumbered or
45 unobligated funds remaining on June 30, 2003, from the
46 funds appropriated in this section, shall revert to
47 the rebuild Iowa infrastructure fund on August 31,
48 2003.

49 Sec. 5. There is appropriated from the rebuild
50 Iowa infrastructure fund to the department of general

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1 services for the fiscal year beginning July 1, 1999,
2 and ending June 30, 2000, the following amount, or so
3 much thereof as is necessary, to be used for the
4 purpose designated:

5 For construction of a new gymnasium building at the
6 state training school:
7\$ 4,000,000

8 Sec. 6. The department of general services, after
9 consulting with the appropriate committee designated
10 by the legislative council, shall contract with a
11 private person with experience in evaluating the
12 renovation and repair needs of vertical infrastructure
13 as defined in section 8.57, subsection 5, paragraph
14 "c", to conduct the survey of the condition of state-
15 owned property.

17 Sec. 7. There is appropriated from the rebuild
 18 Iowa infrastructure fund to the department of economic
 19 development for the fiscal year beginning July 1,
 20 1997, and ending June 30, 1998, the following amounts,
 21 or so much thereof as is necessary, to be used for the
 22 purposes designated:

- 23 1. For a welcome center at living history farms:
 24\$ 500,000
- 25 2. For the main street investments loan program:
 26\$ 200,000

27 Notwithstanding section 8.33, the unencumbered or
 28 unobligated moneys remaining on June 30 of the fiscal
 29 year from the moneys appropriated in this section may
 30 be expended during the following fiscal year for the
 31 same purpose.

32 Sec. 8. 1996 Iowa Acts, chapter 1218, section 55,
 33 unnumbered paragraph 1, is amended to read as follows:

34 There is appropriated from the rebuild Iowa
 35 infrastructure fund of the state, notwithstanding
 36 section 8.57, subsection 5, paragraph "c," to the Iowa
 37 department of economic development for the fiscal
 38 years beginning July 1, 1996, and ending June 30,
 39 1998, the following amounts, or so much thereof as is
 40 necessary, to be deposited in the physical
 41 infrastructure assistance fund created in section
 42 15E.175 and used only in accordance with subsection 3,
 43 provided that the department, to the best of its
 44 abilities, expend the funds on projects which meet the
 45 definition of vertical infrastructure:

46 Sec. 9. 1996 Iowa Acts, chapter 1218, section 55,
 47 subsection 2, is amended to read as follows:

- 48 2. For the fiscal year beginning July 1, 1997, and
 49 ending June 30, 1998, the following amount:
 50\$ 6,100,000

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4,130,000

DEPARTMENT OF PUBLIC DEFENSE

3 Sec. 10. There is appropriated from the rebuild
 4 Iowa infrastructure fund to the department of public
 5 defense for the fiscal year beginning July 1, 1997,
 6 and ending June 30, 1998, the following amount, or so
 7 much thereof as is necessary, to be used for the
 8 purpose designated:

- 9 For maintenance and repair of national guard
 10 armories and facilities:
 11\$ 400,000

12 Notwithstanding section 8.33, the unencumbered or
 13 unobligated moneys remaining on June 30 of the fiscal
 14 year from the moneys appropriated in this section may
 15 be expended during the following fiscal year for the

16 same purpose.

17 DEPARTMENT OF NATURAL RESOURCES

18 Sec. 11. There is appropriated from the marine
19 fuel tax receipts deposited in the general fund of the
20 state to the department of natural resources for the
21 fiscal year beginning July 1, 1997, and ending June
22 30, 1998, the following amount, or so much thereof as
23 is necessary, to be used for the purpose designated:

24 For the purpose of funding capital projects funded
25 from marine fuel tax receipts for the purposes
26 specified in section 452A.79:

27\$ 1,800,000

28 Notwithstanding section 8.33, unencumbered or
29 unobligated funds remaining on June 30, 1998, from the
30 funds appropriated in this section, shall revert to
31 the general fund of the state on August 31, 1998.

32 STATE DEPARTMENT OF TRANSPORTATION

33 Sec. 12. There is appropriated from the rebuild
34 Iowa infrastructure fund to the state department of
35 transportation for the fiscal year beginning July 1,
36 1997, and ending June 30, 1998, the following amount,
37 or so much thereof as is necessary, to be used for the
38 purpose designated:

39 For allocating \$75,000 for the Nishna Valley trail
40 project at Anita state park, for allocating \$1,000,000
41 to be used for funding Iowa's portion of the American
42 discovery trail, and for acquiring, constructing, and
43 improving recreational trails within the state:

44\$ 2,000,000

45 DEPARTMENT OF REVENUE AND FINANCE

46 Sec. 13. Notwithstanding section 8.57, subsection
47 5, paragraph "c", there is appropriated from the
48 rebuild Iowa infrastructure fund to the department of
49 revenue and finance for the fiscal year beginning July
50 1, 1997, and ending June 30, 1998, the following

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1 amount, or so much thereof as is necessary, to be used
2 for the purpose designated:

3 For upgrades to the Iowa financial accounting
4 system, provided that none of the moneys appropriated
5 in this section shall be used for personnel expenses
6 not associated with the installation of the upgrades
7 to the system or for training expenses:

8\$ 1,875,000

9 DEPARTMENT OF PUBLIC SAFETY

10 Sec. 14. Notwithstanding section 8.57, subsection
11 5, paragraph "c", there is appropriated from the
12 rebuild Iowa infrastructure fund to the department of
13 public safety for the fiscal period beginning July 1,
14 1997, and ending June 30, 2000, the following amount,

15 or so much thereof as is necessary, to be used for the
 16 conversion of the department of public safety's radio
 17 system from analog to digital technology, provided
 18 that none of the moneys appropriated in this section
 19 shall be used for personnel expenses not associated
 20 with the installation of the radio system or for
 21 training expenses:

22	1. For the fiscal year beginning July 1, 1997, and	
23	24 ending June 30, 1998:	
24	.....	\$ 1,897,786
25	2. For the fiscal year beginning July 1, 1998, and	
26	27 ending June 30, 1999:	
27	.....	\$ 2,074,663
28	3. For the fiscal year beginning July 1, 1999, and	
29	30 ending June 30, 2000:	
30	.....	\$ 2,339,200

31 The department of public safety shall notify local
 32 law enforcement agencies and fire departments of the
 33 department's intent to purchase new radio equipment
 34 and shall allow any local law enforcement agency or
 35 fire department, which wishes to purchase with its own
 36 funds on the same purchase order, to participate in
 37 the joint purchase in order to purchase new radio
 38 equipment for the local law enforcement agency or fire
 39 department.

40 Notwithstanding section 8.33, unencumbered or
 41 unobligated moneys remaining on June 30, 2001, shall
 42 revert on August 31, 2001.

43 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

44 Sec. 15. There is appropriated from the rebuild
 45 Iowa infrastructure fund, notwithstanding section
 46 8.57, subsection 5, paragraph "c", to the department
 47 of agriculture and land stewardship for the fiscal
 48 period beginning July 1, 1997, and ending June 30,
 49 1999, the following amounts, or so much thereof as is
 50 necessary, to be used for deposit in the alternative

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1 drainage system assistance fund created in section
 2 159.29A, if enacted by 1997 Iowa Acts, Senate File
 3 473, for purposes of supporting the alternative
 4 drainage system assistance program administered by the
 5 soil conservation division of the department of
 6 agriculture and land stewardship as provided in
 7 section 159.29B, if enacted by 1997 Iowa Acts, Senate
 8 File 473:

9	1. For the fiscal year beginning July 1, 1997, and	
10	11 ending June 30, 1998:	
11	.....	\$ 1,000,000
12	2. For the fiscal year beginning July 1, 1998, and	
13	13 ending June 30, 1999:	

14	.....	\$ 1,000,000
15	DEPARTMENT OF WORKFORCE DEVELOPMENT	
16	Sec. 16. Notwithstanding section 8.57, subsection	
17	5, paragraph "c", there is appropriated from the	
18	rebuild Iowa infrastructure fund to the department of	
19	workforce development for the fiscal period beginning	
20	July 1, 1997, and ending June 30, 1999, the following	
21	amounts, or so much thereof as is necessary, to be	
22	used for the integrated information system provided	
23	that none of the moneys appropriated in this section	
24	shall be used for personnel expenses not associated	
25	with the installation of the system or for training	
26	expenses:	
27	1. For the fiscal year beginning July 1, 1997, and	
28	ending June 30, 1998:	
29	.....	\$ 700,000
30	2. For the fiscal year beginning July 1, 1998, and	
31	ending June 30, 1999:	
32	.....	\$ 300,000
33	DEPARTMENT OF HUMAN SERVICES	
34	Sec. 17. Notwithstanding section 8.57, subsection	
35	5, paragraph "c", there is appropriated from the	
36	rebuild Iowa infrastructure fund to the department of	
37	human services for the fiscal period beginning July 1,	
38	1997, and ending June 30, 1999, the following amounts,	
39	or so much thereof as is necessary, to be used for	
40	implementing child support systems changes	
41	necessitated by changes in federal welfare reform	
42	legislation, provided that none of the moneys	
43	appropriated in this section shall be used for	
44	personnel expenses associated with the implementatíon	
45	of the systems changes or for training expenses:	
46	1. For the fiscal year beginning July 1, 1997, and	
47	ending June 30, 1998:	
48	\$ 1,648,903
49	2. For the fiscal year beginning July 1, 1998, and	
50	ending June 30, 1999:	

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1	\$ 1,392,000
2	COMMISSION OF VETERANS AFFAIRS	
3	Sec. 18. There is appropriated from the rebuild	
4	Iowa infrastructure fund to the commission of veterans	
5	affairs for the fiscal period beginning July 1, 1997,	
6	and ending June 30, 1999, the following amounts, or so	
7	much thereof as is necessary, to be used for expansion	
8	of the food preparation area and dining room:	
9	1. For the fiscal year beginning July 1, 1997, and	
10	ending June 30, 1998:	
11	.....	\$ 1,400,000
12	2. For the fiscal year beginning July 1, 1998, and	

13 ending June 30, 1999:

14\$ 1,900,000

15 Notwithstanding section 8.33, the unencumbered or
 16 unobligated moneys remaining on June 30 of the fiscal
 17 year from the moneys appropriated in this section may
 18 be expended during the following fiscal year for the
 19 same purpose.

20 LOESS HILLS DEVELOPMENT AND CONSERVATION AUTHORITY

21 Sec. 19. There is appropriated from the rebuild
 22 Iowa infrastructure fund, notwithstanding section
 23 8.57, subsection 5, paragraph "c", to the Loess Hills
 24 development and conservation authority for the fiscal
 25 year beginning July 1, 1997, and ending June 30, 1998,
 26 the following amount, or so much thereof as is
 27 necessary, to be used for the purpose designated:
 28 For deposit in the Loess Hills development and
 29 conservation fund created in section 161D.2 for the
 30 purposes specified in section 161D.1:

31\$ 742,500

32 IOWA STATE FAIR FOUNDATION

33 Sec. 20. There is appropriated from the rebuild
 34 Iowa infrastructure fund of the state to the Iowa
 35 state fair foundation for the fiscal year beginning
 36 July 1, 1997, and ending June 30, 1998, the following
 37 amount, or so much thereof as is necessary, to be used
 38 for the purpose designated:

39 For renovation, restoration, and improvement
 40 projects on the state fairgrounds and for distributing
 41 in accordance with chapter 174, \$1,060,000 to
 42 qualified fairs which belong to the association of
 43 Iowa fairs:

44\$ 5,460,000

45 Notwithstanding section 8.33, the unencumbered or
 46 unobligated moneys remaining on June 30 of the fiscal
 47 year from the moneys appropriated in this section may
 48 be expended during the following fiscal year for the
 49 same purpose.

50 Sec. 21. Effective July 1, 1997, the departments

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1 of general services, workforce development, human
 2 services, and public safety, and the commission on
 3 veterans affairs are authorized to enter into
 4 contracts for the full cost of carrying out the
 5 projects for which appropriations are made in this
 6 division of this Act. The state shall not be
 7 obligated for costs associated with contracts
 8 identified in this section in excess of funds
 9 appropriated by the general assembly.

12 Sec. 22.

13 1. There is appropriated from the rebuild Iowa
14 infrastructure fund of the state to the state board of
15 regents for the fiscal period beginning July 1, 1997,
16 and ending June 30, 2001, the following amounts, or so
17 much thereof as is necessary, to be used for the
18 projects designated in subsection 2:

19 a. For the fiscal year beginning July 1, 1997, and	
20 ending June 30, 1998:	
21	\$ 19,500,000
22 b. For the fiscal year beginning July 1, 1998, and	
23 ending June 30, 1999:	
24	\$ 19,500,000
25 c. For the fiscal year beginning July 1, 1999, and	
26 ending June 30, 2000:	
27	\$ 19,500,000
28 d. For the fiscal year beginning July 1, 2000, and	
29 ending June 30, 2001:	
30	\$ 11,785,000

31 The state board of regents shall determine the
32 amounts to be allocated to each project for each
33 fiscal year of the fiscal period beginning July 1,
34 1997, and ending June 30, 2001, based upon project
35 needs. However, the total appropriated funds for a
36 project for all fiscal years of that fiscal period
37 shall not exceed the amount listed in subsection 2 for
38 that project.

39 2. The state board of regents is authorized to
40 undertake, plan, construct, equip, and otherwise carry
41 out the following projects at the institutions under
42 the jurisdiction of the board in the following
43 appropriated amounts:

44 a. For construction of the livestock infectious	
45 disease isolation facility at Iowa state university of	
46 science and technology:	
47	\$ 9,270,000
48 b. For construction and renovation of the medical	
49 education and biomedical research facilities at the	
50 university of Iowa:	

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1	\$ 27,000,000
2 c. For renovation of Lang hall at the university	
3 of northern Iowa:	
4	\$ 12,900,000
5 d. For Phase II construction of the engineering	
6 teaching and research complex at Iowa state university	
7 of science and technology:	
8	\$ 20,900,000
9 e. For improvements to the lakeside laboratory	
10 complex:	

11\$ 140,000

12 f. Conditioned upon the state board of regents
 13 allocating funding for building maintenance at the
 14 Iowa school for the deaf for the fiscal year beginning
 15 July 1, 1997, and ending June 30, 1998, in an amount
 16 equal to or greater than the amount of funding
 17 allocated for that purpose in the previous fiscal
 18 year, the following amount, to be used for a visual
 19 alert system and to address fire safety deficiencies
 20 at the Iowa school for the deaf:

21\$ 110,000

22 g. Conditioned upon the state board of regents
 23 allocating funding for building maintenance at the
 24 Iowa braille and sight saving school for the fiscal
 25 year beginning July 1, 1997, and ending June 30, 1998,
 26 in an amount equal to or greater than the amount of
 27 funding allocated for that purpose in the previous
 28 fiscal year, the following amount, to be used for
 29 deferred maintenance at the Iowa braille and sight
 30 saving school:

31\$ 95,000

32 3. Effective July 1, 1997, the state board of
 33 regents is authorized to enter into contracts for the
 34 full cost of carrying out the projects listed in
 35 subsection 2, for which appropriations are made in
 36 subsection 1, for the fiscal years beginning July 1,
 37 1997, July 1, 1998, July 1, 1999, and July 1, 2000.
 38 The state shall not be obligated for costs
 39 associated with contracts identified in this section
 40 in excess of funds appropriated by the general
 41 assembly.

42 4. a. Notwithstanding section 8.33, funds
 43 appropriated in subsection 1, paragraph "a", for the
 44 fiscal year beginning July 1, 1997, which remain
 45 unexpended as of June 30, 1998, shall be available for
 46 expenditure through June 30, 2002.

47 b. Notwithstanding section 8.33, funds
 48 appropriated in subsection 1, paragraph "b", for the
 49 fiscal year beginning July 1, 1998, which remain
 50 unexpended as of June 30, 1999, shall be available for

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1 expenditure through June 30, 2003.

2 c. Notwithstanding section 8.33, funds
 3 appropriated in subsection 1, paragraph "c", for the
 4 fiscal year beginning July 1, 1999, which remain
 5 unexpended as of June 30, 2000, shall be available for
 6 expenditure through June 30, 2004.

7 d. Notwithstanding section 8.33, funds
 8 appropriated in subsection 1, paragraph "d", for the
 9 fiscal year beginning July 1, 2000, which remain

10 unexpended as of June 30, 2001, shall be available for
11 expenditure through June 30, 2005.

12 The board of regents shall not submit a request to
13 the governor or general assembly for funding from the
14 rebuild Iowa infrastructure fund or other funds for
15 capital projects, including funding for planning for
16 capital projects, until fiscal year 2001, except for
17 project or planning funding requested for the Iowa
18 school for the deaf or the Iowa braille and sight
19 saving school.

20 DIVISION III

21 COMMUNITY COLLEGE VOCATIONAL-TECHNICAL 22 TECHNOLOGY IMPROVEMENT PROGRAM

23 Sec. 23. NEW SECTION. 260A.1 COMMUNITY COLLEGE
24 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT
25 APPROPRIATION.

26 1. Notwithstanding section 8.57, subsection 5,
27 paragraph "c", there is appropriated from the rebuild
28 Iowa infrastructure fund created in section 8.57, to
29 the department of education for each fiscal year of
30 the fiscal period beginning July 1, 1997, and ending
31 June 30, 2001, the sum of two million five hundred
32 thousand dollars for the community college vocational-
33 technical technology improvement program.

34 2. Moneys appropriated in subsection 1 shall be
35 allocated by the department of education to each
36 community college in the proportion that the
37 allocation to that community college in 1996 Iowa
38 Acts, chapter 1215, section 6, subsection 15, bears to
39 the total appropriation made in 1996 Iowa Acts,
40 chapter 1215, section 6, subsection 15, to all
41 community colleges.

42 3. For each year in which an appropriation is made
43 to the community college vocational-technical
44 technology improvement program, the department of
45 education shall notify the department of revenue and
46 finance of the amount to be paid to each community
47 college based upon the allocation criteria set forth
48 for the appropriation pursuant to subsection 2.
49 Allocations to each community college under this
50 section shall be made in one payment on or about

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1 October 15 and one payment on or about February 15 of
2 the fiscal year in which the appropriation is made,
3 taking into consideration the relative budget and cash
4 position of the state resources.

5 4. Moneys received by a community college under
6 this section shall not be commingled with general
7 state financial aid, including financial aid to merged
8 areas in lieu of personal property tax replacement

9 payments under section 427A.13, to merged areas as
 10 defined in section 260C.2, and including moneys
 11 received for vocational education programs in
 12 accordance with chapters 258 and 260C. Payments made
 13 to a community college shall be accounted for by the
 14 community college separately from other state aid
 15 payments. Each community college shall maintain a
 16 separate listing within its budget accounting for
 17 payments received and expenditures made pursuant to
 18 this section and section 260A.3.

19 5. Moneys received under this section shall
 20 supplement, not supplant, the moneys each community
 21 college budgets for technology. A community college
 22 shall not be eligible for funds under this section
 23 unless the community college, without including moneys
 24 received under this section, maintains the same
 25 average amount of expenditure for technology per year
 26 as the community college maintains during the fiscal
 27 period beginning July 1, 1994, and ending June 30,
 28 1997.

29 6. Moneys received under this section shall not be
 30 used for payment of any collective bargaining
 31 agreement or arbitrator's decision negotiated or
 32 awarded under chapter 20.

33 Sec. 24. NEW SECTION. 260A.2 COMMUNITY COLLEGE
 34 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT PLANS.

35 Prior to receiving moneys under this chapter, the
 36 board of directors of a community college shall adopt
 37 a technology plan that supports community college
 38 vocational-technical technology improvement efforts,
 39 authorizes a needs assessment of business and industry
 40 in the district, and includes an evaluation component,
 41 and shall provide to the department of education
 42 adequate assurance that funds received under this
 43 chapter will be used in accordance with the technology
 44 plan. The plan shall be developed by licensed
 45 professional staff of the community college, including
 46 both faculty members and school administrators, the
 47 private sector, trade and professional organizations,
 48 and other interested parties, and shall, at a minimum,
 49 focus on the attainment of the vocational-technical
 50 skills and achievement goals of the student. The plan

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1 shall consider the community college's
 2 interconnectivity with the Iowa communications
 3 network, and shall demonstrate how, over a four-year
 4 period, the board will utilize technology to improve
 5 vocational-technical student achievement. The
 6 technology plan shall be kept on file at the community
 7 college. Progress made under the plan shall be

8 reported annually to the department of education in a
 9 manner prescribed by the department of education.
 10 Sec. 25. NEW SECTION. 260A.3 COMMUNITY COLLEGE
 11 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT
 12 EXPENDITURES.

13 A community college shall expend funds received
 14 pursuant to section 260A.1 for the acquisition, lease,
 15 lease-purchase, installation, and maintenance of
 16 instructional technology equipment used in vocational-
 17 technical programs, including hardware and software,
 18 materials and supplies related to instructional
 19 technology, and faculty development and training
 20 related to instructional technology, and shall
 21 establish priorities for the use of the funds.
 22 However, funds received by a community college
 23 pursuant to section 260A.1 shall not be expended to
 24 add a full-time equivalent position or otherwise
 25 increase staffing.

26 Sec. 26. NEW SECTION. 260A.4 FUTURE REPEAL.

27 This chapter is repealed effective July 1, 2001.

28 **DIVISION IV**

29 **MISCELLANEOUS STATUTORY CHANGES**

30 Sec. 27. NEW SECTION. 7E.5A BUILDINGS AND
 31 INFRASTRUCTURE -- MAINTENANCE FUNDING.

32 1. For each new vertical infrastructure project
 33 undertaken on or after July 1, 1997, the department in
 34 control of the vertical infrastructure shall identify
 35 and recommend to the general assembly funding
 36 sufficient to meet the projected maintenance, repair,
 37 and replacement needs of the vertical infrastructure.

38 2. As used in this section, "vertical
 39 infrastructure" means the same as defined in section
 40 8.57, subsection 5, paragraph "c".

41 Sec. 28. NEW SECTION. 15E.176 MAIN STREET
 42 INVESTMENTS LOAN PROGRAM.

43 The department shall adopt rules to implement a
 44 main street investments loan program to increase the
 45 availability of lower cost funds to stimulate building
 46 restorations or rehabilitations of historic buildings
 47 within the central business district of a city which
 48 is a certified local government, or in the Iowa main
 49 street program or the rural main street program. The
 50 rules shall include the following conditions:

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1 1. Investment loans shall be limited to projects
 2 for a building restoration or rehabilitation located
 3 in the central business district whose boundaries are
 4 the same as the main street or rural main street or
 5 central business district of a city which is a
 6 certified local government project area.

7 2. Eligible borrowers are limited to the property
8 owner, contract purchaser of record, or long-term
9 lessee.

10 3. Loan applications under this program shall be
11 for the restoration or rehabilitation of buildings
12 which are eligible or nominated or listed on the
13 national register of historic places. Public
14 buildings are excluded.

15 4. The maximum loan amount under the main street
16 investments loan program is fifty thousand dollars per
17 project.

18 Sec. 29. NEW SECTION. 15.177 APPLICATION
19 PROCESS.

20 Applicants shall be certified as eligible for
21 assistance prior to submitting applications to the
22 department for loans under the main street investment
23 loan program. Administrative rules pursuant to
24 chapter 17A shall be adopted by the department in
25 consultation with the department of cultural affairs
26 to require applicants to do the following:

27 1. Show evidence of preliminary design assistance.

28 2. Show evidence of preliminary design review
29 approval from the local design review committee.

30 3. Submit project plans and specifications
31 prepared by a design professional with historic
32 preservation experience.

33 Sec. 30. NEW SECTION. 18.24 COORDINATION OF
34 VERTICAL INFRASTRUCTURE DATABASES.

35 1. The director shall establish by administrative
36 rule, and as part of a survey conducted regarding the
37 condition of state-owned property, a uniform system
38 for evaluating and rating vertical infrastructure
39 needs in the state so that the vertical infrastructure
40 needs of each state entity and proposed vertical
41 infrastructure projects, including the state board of
42 regents, can be compared. The director shall consult
43 with state entities which already have databases
44 regarding their vertical infrastructure needs and
45 shall seek input from individuals or organizations
46 with expertise in public vertical infrastructure
47 assessment in drafting proposed rules.

48 2. As used in this section, "vertical
49 infrastructure" has the same meaning as in section
50 8.57, subsection 5, paragraph "c".

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1 Sec. 31. Section 174.1, subsection 1, Code 1997,
2 is amended to read as follows:

3 1. "Fair" shall mean a bona-fide exhibition of
4 agricultural, dairy, and kindred products, livestock,
5 and farm implements an annual gathering of people that

6 incorporates agricultural exhibits, shows, or
 7 competition which has the following activities:
 8 a. Extension, 4-H, or future farmers of America
 9 programs.

10 b. Commercial and educational exhibits.

11 c. Competition in the fine or home craft arts.

12 Sec. 32. Section 174.9, unnumbered paragraph 1,
 13 Code 1997, is amended to read as follows:

14 Each eligible society which is a member of the
 15 association of Iowa fairs and which conducts a county
 16 fair shall be entitled to receive aid from the state
 17 as provided in this chapter. In order to be eligible
 18 for state aid, a society must file with the treasurer
 19 of state Iowa state fair foundation, as established in
 20 section 173.22, on or before November 1 of each year,
 21 a statement which shall show:

22 Sec. 33. Section 174.9, subsection 4, Code 1997,
 23 is amended to read as follows:

24 4. A copy of the published financial statement
 25 published as required by law, together with proof of
 26 such publication and a certified statement showing an
 27 itemized list of premiums awarded, and such other
 28 information as the treasurer of state Iowa state fair
 29 foundation may require.

30 Sec. 34. Section 174.10, Code 1997, is amended to
 31 read as follows:

32 174.10 APPROPRIATION -- AVAILABILITY.

33 1. ~~Each county shall receive an equal share of any~~
 34 ~~moneys appropriated to support one or more societies~~
 35 ~~conducting one or more county fairs in that county, if~~
 36 ~~the society or societies are eligible for the state~~
 37 ~~aid. Moneys Any moneys appropriated for county or~~
 38 ~~local fairs shall be paid directly to each eligible~~
 39 ~~society which conducts a fair which qualifies for~~
 40 ~~funding.~~

41 2. The association of Iowa fairs shall provide the
 42 ~~treasurer of state Iowa state fair foundation~~ with a
 43 list of each society in a county which is a member of
 44 the association and conducts a fair in that county as
 45 provided in this chapter. If a county has more than
 46 one fair, the association shall list the name of each
 47 society conducting a fair in that county for three or
 48 more years. ~~The treasurer of state Iowa state fair~~
 49 ~~foundation shall not authorize payment of state aid to~~
 50 ~~a society, unless the society complies with section~~

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1 174.9 and the name of the society appears on the
 2 association's list.

3 3. ~~If a county has more than one fair eligible for~~
 4 ~~state aid, the The amount of state aid for that county~~

5 ~~each fair which is eligible for state aid shall be~~
 6 ~~divided equally among the eligible societies in that~~
 7 ~~county equal.~~

8 4. If no society in a county qualifies to receive
 9 state aid, that county's share shall be divided
 10 equally among the counties with societies eligible for
 11 state aid, as provided in this section.

12 5. ~~If an official county fair is designated by~~
 13 ~~election, the total amount of state aid for that~~
 14 ~~county shall be paid to that society determined to be~~
 15 ~~conducting the official county fair.~~ The board of
 16 supervisors, upon receiving a petition seeking to
 17 designate an official county fair which meets the
 18 requirements of section 331.306, shall submit to the
 19 registered voters of the county at the next general
 20 election following submission of the petition or at a
 21 special election if requested by the petitioners at no
 22 cost to the county, the question of which fair shall
 23 be designated as the official county fair. Notice of
 24 the election shall be given as provided in section
 25 49.53. The fair receiving a majority of the votes
 26 cast on the question shall be designated the official
 27 county fair.

28 Sec. 35. Section 174.12, unnumbered paragraph 1,
 29 Code 1997, is amended to read as follows:

30 The department of revenue and finance shall issue a
 31 warrant to a society for the amount due in state aid,
 32 less five hundred dollars, as provided in this
 33 chapter. The treasurer of state Iowa state fair
 34 foundation must certify to the department that the
 35 society is eligible under this chapter to receive the
 36 amount due provided in section 174.10. The department
 37 shall issue a warrant to the society for the remaining
 38 five hundred dollars, if all of the following apply:

39 Sec. 36. Section 452A.79, unnumbered paragraph 2,
 40 Code 1997, is amended to read as follows:

41 All moneys derived from the excise tax on the sale
 42 of motor fuel used in watercraft shall be deposited in
 43 the general fund of the state. Moneys deposited to
 44 the general fund under this section and section
 45 452A.84 are subject to the requirements of section
 46 8.60 and are subject to appropriation by the general
 47 assembly to the department of natural resources for
 48 use in its recreational boating program, which may
 49 include but is not limited to as follows:

50 Sec. 37. Section 452A.79, subsection 1, Code 1997,

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1 is amended to read as follows:

2 1. Dredging and renovation of natural or state-
 3 maintained lakes of this state.

4 Sec. 38. NEW SECTION. 461A.3A RESTORE THE
5 OUTDOORS PROGRAM.

6 1. The department shall establish a restore the
7 outdoors program. The purpose of the program is to
8 provide funding for projects involving existing
9 vertical infrastructure as defined in section 8.57,
10 subsection 5, paragraph "c", or the construction of
11 new vertical infrastructure if the new construction is
12 required due to increased demand for facilities at the
13 park or if it is not cost-effective to repair or
14 renovate the existing vertical infrastructure.

15 Projects shall be limited to existing state parks and
16 other public facilities managed by the department.

17 2. There is appropriated from the rebuild Iowa
18 infrastructure fund for each fiscal year of the fiscal
19 period beginning July 1, 1997, and ending June 30,
20 2001, the sum of three million dollars to the
21 department for use in the restore the outdoors
22 program. Notwithstanding section 8.33, unencumbered
23 or unobligated moneys remaining at the end of a fiscal
24 year shall not revert but shall remain available for
25 expenditure during the following fiscal year for
26 purposes of the restore the outdoors program.

27 The department shall provide in its annual budget
28 documentations to the governor and general assembly a
29 report on the use of moneys under the program since
30 the last report and the projected use of future
31 moneys."

32 2. Title page, by striking lines 1 through 16 and
33 inserting the following: "An Act making
34 appropriations from the rebuild Iowa infrastructure
35 fund to the departments of cultural affairs, general
36 services, economic development, public defense,
37 natural resources, human services, revenue and
38 finance, public safety, education, transportation,
39 workforce development, and agriculture and land
40 stewardship, and to the commission of veterans
41 affairs, Loess Hills development and conservation
42 authority, state fair foundation, and state board of
43 regents, making an appropriation of marine fuel tax
44 receipts from the general fund of the state, and
45 making statutory changes relating to the
46 appropriations."

MARY LOU FREEMAN

S—3741

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 14, by inserting after the word
4 "more" the following: "but less than one hundred

5 ninety thousand".

6 2. Page 1, line 26, by inserting after the word
7 "more" the following: "but less than one hundred
8 ninety thousand".

9 3. Page 1, line 31, by inserting after the word
10 "more" the following: "but less than one hundred
11 ninety thousand".

JACK RIFE

HOUSE AMENDMENT TO
SENATE FILE 83

S-3742

1 Amend Senate File 83, as passed by the Senate, as
2 follows:

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

5 "This section applies to property donated on or
6 after July 1, 1992, for purposes of property taxes or
7 special assessments due and payable in fiscal years
8 beginning on or after July 1, 1997.

9 Nothing in this section allows or requires the
10 imposition and collection of property taxes or special
11 assessments on donated property payable in any fiscal
12 year during the period beginning July 1, 1992, and
13 ending June 30, 1997, and nothing in this section
14 requires the payment of refunds of property taxes or
15 special assessments paid on donated property in any
16 fiscal year during the period beginning July 1, 1992,
17 and ending June 30, 1997."

S-3743

1 Amend the Committee amendment, S-3686, to House
2 File 266, as passed by the House, as follows:

3 1. Page 12, by inserting after line 45 the
4 following:

5 "Sec. ____ Section 427.5, unnumbered paragraphs 1
6 and 2, Code 1997, are amended to read as follows:

7 A person named in section 427.3, who is a resident
8 of and domiciled in the state of Iowa, shall receive a
9 reduction equal to the exemption, to be made from any
10 property owned by the person or owned by a family farm
11 corporation of which the person is a shareholder and
12 who occupies the property and so designated by
13 proceeding as provided in the section. To be eligible
14 to receive the exemption the person claiming it shall
15 have recorded in the office of the county recorder of
16 the county in which is located the property designated
17 for the exemption, evidence of property ownership by

18 that person or the family farm corporation of which
 19 the person is a shareholder and the military
 20 certificate of satisfactory service, order
 21 transferring to inactive status, reserve, retirement,
 22 order of separation from service, honorable discharge
 23 or a copy of any of these documents of the person
 24 claiming or through whom is claimed the exemption.
 25 The person shall file with the appropriate assessor
 26 on forms obtained from the assessor the claim for
 27 exemption for the year for which the person is first
 28 claiming the exemption. The claim shall be filed not
 29 later than July 1 of the year for which the person is
 30 claiming the exemption. The claim shall set out the
 31 fact that the person is a resident of and domiciled in
 32 the state of Iowa, and a person within the terms of
 33 section 427.3, and shall give the volume and page on
 34 which the certificate of satisfactory service, order
 35 of separation, retirement, furlough to reserve,
 36 inactive status, or honorable discharge or certified
 37 copy thereof is recorded in the office of the county
 38 recorder, and may include the designation of the
 39 property from which the exemption is to be made, and
 40 shall further state that the claimant is the equitable
 41 or legal-owner of the property designated or if the
 42 property is owned by a family farm corporation, that
 43 the person is a shareholder of that corporation and
 44 that the person occupies the property."

WILLIAM D. PALMER

S-3744

1 Amend House File 733, 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 "DIVISION I

6 DEPARTMENT OF CULTURAL AFFAIRS

7 Section 1. There is appropriated from the rebuild
 8 Iowa infrastructure fund to the department of cultural
 9 affairs for the fiscal year beginning July 1, 1997,
 10 and ending June 30, 1998, the following amounts, or so
 11 much thereof as is necessary, to be used for the
 12 purposes designated:

13 1. For the completion of undeveloped exhibit space
 14 at the new historical building:

15\$ 500,000

16 2. For allocation to an Iowa project that has
 17 received a national endowment for the humanities award
 18 for the museum and discovery center:

19\$ 500,000

20 Allocation of moneys pursuant to this subsection

21 shall be contingent upon a matching contribution of
 22 private moneys at a rate of two dollars of private
 23 moneys for each dollar of state appropriated moneys.
 24 Notwithstanding section 8.33, the unencumbered or
 25 unobligated moneys remaining on June 30 of the fiscal
 26 year from moneys appropriated in this section may be
 27 expended during the following fiscal year for the same
 28 purpose.

29 DEPARTMENT OF GENERAL SERVICES

30 Sec. 2. There is appropriated from the rebuild
 31 Iowa infrastructure fund to the department of general
 32 services for the fiscal year beginning July 1, 1997,
 33 and ending June 30, 1998, the following amounts, or so
 34 much thereof as is necessary, to be used for the
 35 purposes designated:

36 1. For major maintenance needs including health,
 37 life, and fire safety, for compliance with the federal
 38 Americans with Disabilities Act for state-owned
 39 buildings and facilities:
 40\$ 7,000,000

41 2. For critical and deferred maintenance at
 42 Terrace Hill:
 43\$ 100,000

44 As a condition of receiving this appropriation made
 45 in this subsection, private matching funds must be
 46 contributed on a dollar-for-dollar basis.

47 3. For relocation of offices and other transition
 48 costs associated with renovation of the Lucas state
 49 office building and the old historical building:
 50\$ 1,300,000

Page 2

1 4. For relocating the state library:
 2\$ 1,000,000

3 5. To fund the state share of the capitol gateway
 4 east development project in conjunction with the city
 5 of Des Moines:
 6\$.50,000

7 6. For the installation of storm drainage,
 8 grading, new asphalt, new lighting, and striping of
 9 capitol complex parking lots 4 and 5 in accordance
 10 with capitol complex renovation plans, provided that
 11 not more than \$450,000 shall be used for lot 4 and not
 12 more than \$105,000 shall be used for lot 5, and
 13 provided that existing capitol complex construction
 14 plans do not conflict with the parking lot
 15 improvements:
 16 \$555,000

17 7. For filling cracks, resurfacing, new
 18 handicapped parking signs which comply with the
 19 provisions of chapter 321L, as amended by 1997 Iowa

20 Acts, House File 688, and striping capitol complex
 21 parking lots 13 and 15 in accordance with capitol
 22 complex renovation plans, provided that not more than
 23 \$100,750 shall be used for lot 13 and not more than
 24 \$75,000 shall be used for lot 15, and provided that
 25 existing capitol complex construction plans do not
 26 conflict with the parking lot improvements:
 27 \$ 175,750

28 8. For the design and construction of new or
 29 replacement buildings at the state training school by
 30 allocating not more than \$1,600,000 for design and
 31 construction of a living unit, allocating not more
 32 than \$800,000 for design and construction of a
 33 multipurpose building, and allocating not more than
 34 \$200,000 for the design of a new school building:
 35 \$ 2,600,000

36 9. For renovation of an existing cottage to
 37 provide additional beds for females at the Toledo
 38 juvenile home:
 39 \$ 350,000

40 10. For conducting a survey of the condition of
 41 state-owned property:
 42 \$ 500,000

43 The department shall report on the progress of the
 44 vertical infrastructure survey and provide an
 45 accounting of how the appropriation in subsection 1
 46 was spent to the joint transportation, infrastructure
 47 and capitals appropriations subcommittee not later
 48 than February 1, 1998.

49 Notwithstanding section 8.33, unencumbered or
 50 unobligated funds remaining on June 30, 2002, from the

Page 3

1 funds appropriated in this section, shall revert to
 2 the rebuild Iowa infrastructure fund on August 31,
 3 2002.

4 Sec. 3. 1996 Iowa Acts, chapter 1218, section 13,
 5 is amended to read as follows:
 6 SEC. 13.

7 1. There is appropriated from the rebuild Iowa
 8 infrastructure fund of the state to the department of
 9 general services for the fiscal period beginning July
 10 1, 1996, and ending June 30, 1999 1998, the following
 11 amounts, or so much thereof as is necessary, to be
 12 used for the projects in the amounts and for the
 13 fiscal years as designated in subsection 2:

14 a. For the fiscal year beginning July 1, 1996, and
 15 ending June 30, 1997:
 16 \$ 20,700,000

17 b. For the fiscal year beginning July 1, 1997, and
 18 ending June 30, 1998:

19	.....	\$ 14,600,000
20		<u>14,540,000</u>
21	e. For the fiscal year beginning July 1, 1998, and	
22	ending June 30, 1999:	
23	.....	\$ 3,900,000
24	2. a. For exterior state capitol building	
25	restoration:	
26	(1) For the fiscal year beginning July 1, 1996,	
27	and ending June 30, 1997:	
28	.....	\$ 9,300,000
29	(2) For the fiscal year beginning July 1, 1997,	
30	and ending June 30, 1998:	
31	.....	\$ 7,600,000
32		<u>4,400,000</u>
33	b. For interior state capitol building	
34	restoration:	
35	(1) For the fiscal year beginning July 1, 1996,	
36	and ending June 30, 1997:	
37	.....	\$ 2,800,000
38	(2) For the fiscal year beginning July 1, 1998	
39	<u>1997, and ending June 30, 1999 1998:</u>	
40	.....	\$ 2,300,000
41		<u>3,140,000</u>
42	c. For renovation of the old historical building:	
43	(1) For the fiscal year beginning July 1, 1996,	
44	and ending June 30, 1997:	
45	.....	\$ 5,400,000
46	(2) For the fiscal year beginning July 1, 1997,	
47	and ending June 30, 1998, <u>provided that not more than</u>	
48	<u>\$1,800,000 may be allocated for construction of a</u>	
49	<u>tunnel between the old historical building and the</u>	
50	<u>capitol and provided that the remaining \$2,300,000</u>	

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1	<u>shall only be obligated or expended on or after July</u>	
2	<u>1, 1998:</u>	
3	\$ 4,100,000
4	d. For renovation of the Lucas tunnel, <u>provided</u>	
5	<u>that existing capitol complex construction plans do</u>	
6	<u>not conflict with the renovation:</u>	
7	(1) For the fiscal year beginning July 1, 1996,	
8	and ending June 30, 1997:	
9	.....	\$ 100,000
10	(2) For the fiscal year beginning July 1, 1997,	
11	and ending June 30, 1998:	
12	.....	\$ 400,000
13	e. For renovation of the Lucas state office	
14	building:	
15	(1) For the fiscal year beginning July 1, 1996,	
16	and ending June 30, 1997:	
17	.....	\$ 3,100,000

18 (2) For the fiscal year beginning July 1, 1997,
 19 and ending June 30, 1998:

20	\$ 2,500,000
21 Notwithstanding section 8.33, unencumbered or	
22 unobligated funds remaining on June 30, 2001 <u>2002</u> ,	
23 from the funds appropriated in this section shall	
24 revert to the rebuild Iowa infrastructure fund of the	
25 state on August 31, 2001 <u>2002</u> .	
26 Sec. 4. There is appropriated from the rebuild	
27 Iowa infrastructure fund to the department of general	
28 services for the fiscal year beginning July 1, 1998,	
29 and ending June 30, 1999, the following amounts, or so	
30 much thereof as is necessary, to be used for the	
31 purposes designated:	
32 1. For exterior state capitol building	
33 restoration:	
34	\$ 4,400,000
35 2. For interior state capitol building	
36 restoration:	
37	\$ 4,200,000
38 3. For conducting a survey of the condition of	
39 state-owned property:	
40	\$ 500,000
41 4. For the design and construction of new or	
42 replacement buildings at the state training school by	
43 allocating not more than \$2,300,000 to complete	
44 construction of the new school building and allocating	
45 not more than \$400,000 for the design of the new	
46 gymnasium building:	
47	\$ 2,700,000
48 5. For repair of capitol complex parking lots in	
49 accordance with capitol complex renovation plans:	
50	\$ 1,500,000

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1 6. For relocating the state library:	
2	\$ 4,000,000
3 Notwithstanding section 8.33, unencumbered or	
4 unobligated funds remaining on June 30, 2003, from the	
5 funds appropriated in this section, shall revert to	
6 the rebuild Iowa infrastructure fund on August 31,	
7 2003.	
8 Sec. 5. There is appropriated from the rebuild	
9 Iowa infrastructure fund to the department of general	
10 services for the fiscal year beginning July 1, 1999,	
11 and ending June 30, 2000, the following amount, or so	
12 much thereof as is necessary, to be used for the	
13 purpose designated:	
14 For construction of a new gymnasium building at the	
15 state training school:	
16	\$ 4,000,000

17 Sec. 6. The department of general services, after
 18 consulting with the appropriate committee designated
 19 by the legislative council, shall contract with a
 20 private person with experience in evaluating the
 21 renovation and repair needs of vertical infrastructure
 22 as defined in section 8.57, subsection 5, paragraph
 23 "c", to conduct the survey of the condition of state-
 24 owned property.

25 DEPARTMENT OF ECONOMIC DEVELOPMENT

26 Sec. 7. There is appropriated from the rebuild
 27 Iowa infrastructure fund to the department of economic
 28 development for the fiscal period beginning July 1,
 29 1997, and ending June 30, 1998 1999, the following
 30 amounts, or so much thereof as is necessary, to be
 31 used for the purposes designated:

32 1. For the fiscal year beginning July 1, 1997, and
 33 ending June 30, 1998:

34 a. For a welcome center at living history farms:		
35	\$	500,000
36 b. For the historical site preservation grant		
37 program:		
38	\$	500,000
39 c. For construction of a China-Des Moines trade		
40 and cultural center:		
41	\$	150,000
42 d. For the main street investments loan program,		
43 notwithstanding section 8.57, subsection 5, paragraph		
44 "c":		
45	\$	200,000
46 2. For the fiscal year beginning July 1, 1998, and		
47 ending June 30, 1999, for the historical site		
48 preservation grant program:		
49	\$	2,500,000
50 Notwithstanding section 8.33, the unencumbered or		

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1 unobligated moneys remaining on June 30 of the fiscal
 2 year from the moneys appropriated in this section may
 3 be expended during the following fiscal year for the
 4 same purpose.

5 Sec. 8. 1996 Iowa Acts, chapter 1218, section 55,
 6 unnumbered paragraph 1, is amended to read as follows:

7 There is appropriated from the rebuild Iowa
 8 infrastructure fund of the state, notwithstanding
 9 section 8.57, subsection 5, paragraph "c", to the Iowa
 10 department of economic development for the fiscal
 11 years beginning July 1, 1996, and ending June 30,
 12 1998, the following amounts, or so much thereof as is
 13 necessary, to be deposited in the physical
 14 infrastructure assistance fund created in section
 15 15E.175 and used only in accordance with subsection 3,

16 provided that the department, to the best of its
 17 abilities, expend the funds on projects which meet the
 18 definition of vertical infrastructure:

19 Sec. 9. 1996 Iowa Acts, chapter 1218, section 55,
 20 subsection 2, is amended to read as follows:

21 2. For the fiscal year beginning July 1, 1997, and
 22 ending June 30, 1998, the following amount:

23 \$ 6,100,000
 24 4,130,000

25 DEPARTMENT OF PUBLIC DEFENSE

26 Sec. 10. There is appropriated from the rebuild
 27 Iowa infrastructure fund to the department of public
 28 defense for the fiscal year beginning July 1, 1997,
 29 and ending June 30, 1998, the following amount, or so
 30 much thereof as is necessary, to be used for the
 31 purpose designated:

32 For maintenance and repair of national guard
 33 armories and facilities:

34 \$ 400,000

35 Notwithstanding section 8.33, the unencumbered or
 36 unobligated moneys remaining on June 30 of the fiscal
 37 year from the moneys appropriated in this section may
 38 be expended during the following fiscal year for the
 39 same purpose.

40 DEPARTMENT OF NATURAL RESOURCES

41 Sec. 11. There is appropriated from the marine
 42 fuel tax receipts deposited in the general fund of the
 43 state to the department of natural resources for the
 44 fiscal year beginning July 1, 1997, and ending June
 45 30, 1998, the following amount, or so much thereof as
 46 is necessary, to be used for the purpose designated:
 47 For the purpose of funding capital projects funded
 48 from marine fuel tax receipts for the purposes
 49 specified in section 452A.79:

50 \$ 1,800,000

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1 Notwithstanding section 8.33, unencumbered or
 2 unobligated funds remaining on June 30, 1998, from the
 3 funds appropriated in this section, shall revert to
 4 the general fund of the state on August 31, 1998.

5 STATE DEPARTMENT OF TRANSPORTATION

6 Sec. 12. There is appropriated from the rebuild
 7 Iowa infrastructure fund to the state department of
 8 transportation for the fiscal year beginning July 1,
 9 1997, and ending June 30, 1998, the following amounts,
 10 or so much thereof as is necessary, to be used for the
 11 purposes designated:

12 1. For allocating \$75,000 for the Nishna Valley
 13 trail project at Anita state park and for acquiring,
 14 constructing, and improving recreational trails within

15 the state:

16\$ 1,000,000

17 2. For funding, on a matching basis, recreational
 18 trail projects which complete connections between
 19 existing recreational trails and parks in governmental
 20 subdivisions, and to complete segments contained
 21 within the state recreational trails system:

22\$ 1,000,000

23 Projects funded in subsection 2 shall be matched by
 24 one dollar of private or other funds for each three
 25 dollars of state funds.

26 The department may, upon proper documentation from
 27 the governmental subdivision, pay the state's share of
 28 a project directly to the contractor undertaking the
 29 project.

30 Notwithstanding section 8.33, unencumbered or
 31 unobligated funds remaining on June 30 of the fiscal
 32 year from funds appropriated in this section shall not
 33 revert to the rebuild Iowa infrastructure fund but
 34 shall remain available for expenditure for the same
 35 purpose during the following fiscal year.

36 Sec. 13. There is appropriated from the rebuild
 37 Iowa infrastructure fund to the state department of
 38 transportation for the fiscal year beginning July 1,
 39 1998, and ending June 30, 1999, the following amounts,
 40 or so much thereof as is necessary, to be used for the
 41 purposes designated:

42 1. For acquiring, constructing, and improving
 43 recreational trails within the state:
 44\$ 1,000,000

45 2. For funding, on a matching basis, recreational
 46 trail projects which complete connections between
 47 existing recreational trails and parks in governmental
 48 subdivisions, and to complete segments contained
 49 within the state recreational trails system:

50\$ 1,000,000

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1 Projects funded in subsection 2 shall be matched by
 2 one dollar of private or other funds for each three
 3 dollars of state funds.

4 The department may, upon proper documentation from
 5 the governmental subdivision, pay the state's share of
 6 a project directly to the contractor undertaking the
 7 project.

8 Notwithstanding section 8.33, unencumbered or
 9 unobligated funds remaining on June 30 of the fiscal
 10 year from funds appropriated in this section shall not
 11 revert to the rebuild Iowa infrastructure fund but
 12 shall remain available for expenditure for the same
 13 purpose during the following fiscal year.

14 DEPARTMENT OF REVENUE AND FINANCE

15 Sec. 14. Notwithstanding section 8.57, subsection
16 5, paragraph "c", there is appropriated from the
17 rebuild Iowa infrastructure fund to the department of
18 revenue and finance for the fiscal year beginning July
19 1, 1997, and ending June 30, 1998, the following
20 amount, or so much thereof as is necessary, to be used
21 for the purpose designated:

22 For upgrades to the Iowa financial accounting
23 system, provided that none of the moneys appropriated
24 in this section shall be used for personnel expenses
25 not associated with the installation of the upgrades
26 to the system or for training expenses:

27 \$ 1,875,000

28 DEPARTMENT OF PUBLIC SAFETY

29 Sec. 15. Notwithstanding section 8.57, subsection
30 5, paragraph "c", there is appropriated from the
31 rebuild Iowa infrastructure fund to the department of
32 public safety for the fiscal period beginning July 1,
33 1997, and ending June 30, 2000, the following amount,
34 or so much thereof as is necessary, to be used for the
35 conversion of the department of public safety's radio
36 system from analog to digital technology, provided
37 that none of the moneys appropriated in this section
38 shall be used for personnel expenses not associated
39 with the installation of the radio system or for
40 training expenses:

41 1. For the fiscal year beginning July 1, 1997, and
42 ending June 30, 1998:

43 \$ 1,897,786

44 2. For the fiscal year beginning July 1, 1998, and
45 ending June 30, 1999:

46 \$ 2,074,663

47 3. For the fiscal year beginning July 1, 1999, and
48 ending June 30, 2000:

49 \$ 2,339,200

50 The department of public safety shall notify local

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1 law enforcement agencies and fire departments of the
2 department's intent to purchase new radio equipment
3 and shall allow any local law enforcement agency or
4 fire department, which wishes to purchase with its own
5 funds on the same purchase order, to participate in
6 the joint purchase in order to purchase new radio
7 equipment for the local law enforcement agency or fire
8 department.

9 Notwithstanding section 8.33, unencumbered or
10 unobligated moneys remaining on June 30, 2001, shall
11 revert on August 31, 2001.

12 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

13 Sec. 16. There is appropriated from the rebuild.
 14 Iowa infrastructure fund, notwithstanding section
 15 8.57, subsection 5, paragraph "c", to the department
 16 of agriculture and land stewardship for the fiscal
 17 period beginning July 1, 1997, and ending June 30,
 18 1999, the following amounts, or so much thereof as is
 19 necessary, to be used for deposit in the alternative
 20 drainage system assistance fund created in section
 21 159.29A, if enacted by 1997 Iowa Acts, Senate File
 22 473, for purposes of supporting the alternative
 23 drainage system assistance program administered by the
 24 soil conservation division of the department of
 25 agriculture and land stewardship as provided in
 26 section 159.29B, if enacted by 1997 Iowa Acts, Senate
 27 File 473:

- 28 1. For the fiscal year beginning July 1, 1997, and
- 29 ending June 30, 1998:
- 30\$ 1,500,000
- 31 2. For the fiscal year beginning July 1, 1998, and
- 32 ending June 30, 1999:
- 33\$ 1,500,000

34 DEPARTMENT OF WORKFORCE DEVELOPMENT

35 Sec. 17. Notwithstanding section 8.57, subsection
 36 5, paragraph "c", there is appropriated from the
 37 rebuild Iowa infrastructure fund to the department of
 38 workforce development for the fiscal period beginning
 39 July 1, 1997, and ending June 30, 1999, the following
 40 amounts, or so much thereof as is necessary, to be
 41 used for the integrated information system provided
 42 that none of the moneys appropriated in this section
 43 shall be used for personnel expenses not associated
 44 with the installation of the system or for training
 45 expenses:

- 46 1. For the fiscal year beginning July 1, 1997, and
- 47 ending June 30, 1998:
- 48\$ 700,000
- 49 2. For the fiscal year beginning July 1, 1998, and
- 50 ending June 30, 1999:

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- 1\$ 300,000
- 2 DEPARTMENT OF HUMAN SERVICES

3 Sec. 18. Notwithstanding section 8.57, subsection
 4 5, paragraph "c", there is appropriated from the
 5 rebuild Iowa infrastructure fund to the department of
 6 human services for the fiscal year beginning July 1,
 7 1997, and ending June 30, 1998, the following amounts,
 8 or so much thereof as is necessary, to be used for the
 9 purpose designated:

- 10 For implementing child support systems changes
- 11 necessitated by changes in federal welfare reform

12 legislation, provided that none of the moneys
 13 appropriated in this section shall be used for
 14 personnel expenses associated with the implementation
 15 of the systems changes or for training expenses:

16\$ 1,000,000

17 JUDICIAL DEPARTMENT

18 Sec. 19. There is appropriated from the rebuild
 19 Iowa infrastructure fund to the judicial department
 20 for the fiscal period beginning July 1, 1997, and
 21 ending June 30, 1999, the following amounts, or so
 22 much thereof as is necessary, to be used for the
 23 purposes designated:

24 1. For the fiscal year beginning July 1, 1997, and
 25 ending June 30, 1998, for planning for the relocation,
 26 of judicial department offices out of the capitol:

27\$ 150,000

28 2. For the fiscal year beginning July 1, 1998, and
 29 ending June 30, 1999, contingent on the decision being
 30 made to relocate the judicial department's offices out
 31 of the capitol:

32\$ 2,000,000

33 Notwithstanding section 8.33, moneys appropriated
 34 under subsection 2 remaining unobligated or unexpended
 35 at the end of the fiscal year, shall not revert until
 36 August 31, 2001.

37 COMMISSION OF VETERANS AFFAIRS

38 Sec. 20. There is appropriated from the rebuild
 39 Iowa infrastructure fund to the commission of veterans
 40 affairs for the fiscal period beginning July 1, 1997,
 41 and ending June 30, 1999, the following amounts, or so
 42 much thereof as is necessary, to be used for the
 43 purposes designated:

44 1. For the fiscal year beginning July 1, 1997, and
 45 ending June 30, 1998, for expansion of the food
 46 preparation area and dining room at the veteran's
 47 home:

48\$ 1,400,000

49 2. For the fiscal year beginning July 1, 1998, and
 50 ending June 30, 1999, for expansion of the food

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1 preparation area and dining room and major maintenance
 2 at the veteran's home, provided that not more than
 3 \$850,000 shall be allocated for major maintenance
 4 projects:

5\$ 2,750,000

6 Notwithstanding section 8.33, the unencumbered or
 7 unobligated moneys remaining on June 30 of the fiscal
 8 year from the moneys appropriated in this section may
 9 be expended during the following fiscal year for the
 10 same purpose.

11 LOESS HILLS DEVELOPMENT AND CONSERVATION AUTHORITY

12 Sec. 21. There is appropriated from the rebuild
13 Iowa infrastructure fund, notwithstanding section
14 8.57, subsection 5, paragraph "c", to the Loess Hills
15 development and conservation authority for the fiscal
16 year beginning July 1, 1997, and ending June 30, 1998,
17 the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:
19 For deposit in the Loess Hills development and
20 conservation fund created in section 161D.2 for the
21 purposes specified in section 161D.1:

22\$ 742,500

23 IOWA STATE FAIR FOUNDATION

24 Sec. 22. There is appropriated from the rebuild
25 Iowa infrastructure fund of the state to the Iowa
26 state fair foundation for the fiscal period beginning
27 July 1, 1997, and ending June 30, 1999, the following
28 amount, or so much thereof as is necessary, to be used
29 for renovation, restoration, and improvement projects
30 on the state fairgrounds and for distributing in
31 accordance with chapter 174, \$1,060,000 each fiscal
32 year to qualified fairs which belong to the
33 association of Iowa fairs:

34 For the fiscal year beginning July 1, 1997, and
35 ending June 30, 1998:

36\$ 5,460,000

37 For the fiscal year beginning July 1, 1998, and
38 ending July 1, 1999:

39\$ 5,460,000

40 Notwithstanding section 8.33, the unencumbered or
41 unobligated moneys remaining on June 30 of the fiscal
42 year from the moneys appropriated in this section may
43 be expended during the following fiscal year for the
44 same purpose.

45 Sec. 23. Effective July 1, 1997, the departments
46 of general services, workforce development, human
47 services, and public safety, and the commission on
48 veterans affairs are authorized to enter into
49 contracts for the full cost of carrying out the
50 projects for which appropriations are made in this

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1 division of this Act. The state shall not be
2 obligated for costs associated with contracts
3 identified in this section in excess of funds
4 appropriated by the general assembly.

5 DIVISION II

6 STATE BOARD OF REGENTS

7 Sec. 24.

8 1. There is appropriated from the rebuild Iowa
9 infrastructure fund of the state to the state board of

10 regents for the fiscal period beginning July 1, 1997,
11 and ending June 30, 2001, the following amounts, or so
12 much thereof as is necessary, to be used for the
13 projects designated in subsection 2:

- 14 a. For the fiscal year beginning July 1, 1997, and
15 ending June 30, 1998:
16 \$ 19,500,000
- 17 b. For the fiscal year beginning July 1, 1998, and
18 ending June 30, 1999:
19 \$ 19,500,000
- 20 c. For the fiscal year beginning July 1, 1999, and
21 ending June 30, 2000:
22 \$ 19,500,000
- 23 d. For the fiscal year beginning July 1, 2000, and
24 ending June 30, 2001:
25 \$ 11,915,000

26 The state board of regents shall determine the
27 amounts to be allocated to each project for each
28 fiscal year of the fiscal period beginning July 1,
29 1997, and ending June 30, 2001, based upon project
30 needs. However, the total appropriated funds for a
31 project for all fiscal years of that fiscal period
32 shall not exceed the amount listed in subsection 2 for
33 that project.

34 2. The state board of regents is authorized to
35 undertake, plan, construct, equip, and otherwise carry
36 out the following projects at the institutions under
37 the jurisdiction of the board in the following
38 appropriated amounts:

- 39 a. For construction of the livestock infectious
40 disease isolation facility at Iowa state university of
41 science and technology:
42 \$ 9,270,000
- 43 b. For construction and renovation of the medical
44 education and biomedical research facilities at the
45 university of Iowa:
46 \$ 27,000,000
- 47 c. For renovation of Lang hall at the university
48 of northern Iowa:
49 \$ 12,900,000
- 50 d. For Phase II construction of the engineering

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- 1 teaching and research complex at Iowa state university
2 of science and technology:
3 \$ 20,900,000
- 4 e. For improvements to the lakeside laboratory
5 complex:
6 \$ 140,000
- 7 f. Conditioned upon the state board of regents
8 allocating funding for building maintenance at the

9 Iowa school for the deaf for the fiscal year beginning
 10 July 1, 1997, and ending June 30, 1998, in an amount
 11 equal to or greater than the amount of funding
 12 allocated for that purpose in the previous fiscal
 13 year, the following amount, to be used for a visual
 14 alert system and to address fire safety deficiencies
 15 at the Iowa school for the deaf:
 16\$ 110,000

17 g. Conditioned upon the state board of regents
 18 allocating funding for building maintenance at the
 19 Iowa braille and sight saving school for the fiscal
 20 year beginning July 1, 1997, and ending June 30, 1998,
 21 in an amount equal to or greater than the amount of
 22 funding allocated for that purpose in the previous
 23 fiscal year, the following amount, to be used for
 24 deferred maintenance at the Iowa braille and sight
 25 saving school:
 26\$ 95,000

27 3. Effective July 1, 1997, the state board of
 28 regents is authorized to enter into contracts for the
 29 full cost of carrying out the projects listed in
 30 subsection 2, for which appropriations are made in
 31 subsection 1, for the fiscal years beginning July 1,
 32 1997, July 1, 1998, July 1, 1999, and July 1, 2000.
 33 The state shall not be obligated for costs
 34 associated with contracts identified in this section
 35 in excess of funds appropriated by the general
 36 assembly.

37 4. a. Notwithstanding section 8.33, funds
 38 appropriated in subsection 1, paragraph "a", for the
 39 fiscal year beginning July 1, 1997, which remain
 40 unexpended as of June 30, 1998, shall be available for
 41 expenditure through June 30, 2002.

42 b. Notwithstanding section 8.33, funds
 43 appropriated in subsection 1, paragraph "b", for the
 44 fiscal year beginning July 1, 1998, which remain
 45 unexpended as of June 30, 1999, shall be available for
 46 expenditure through June 30, 2003.

47 c. Notwithstanding section 8.33, funds
 48 appropriated in subsection 1, paragraph "c", for the
 49 fiscal year beginning July 1, 1999, which remain
 50 unexpended as of June 30, 2000, shall be available for

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1 expenditure through June 30, 2004.
 2 d. Notwithstanding section 8.33, funds
 3 appropriated in subsection 1, paragraph "d", for the
 4 fiscal year beginning July 1, 2000, which remain
 5 unexpended as of June 30, 2001, shall be available for
 6 expenditure through June 30, 2005.
 7 The board of regents shall not submit a request to

8 the governor or general assembly for funding from the
 9 rebuild Iowa infrastructure fund or other funds for
 10 capital projects, including funding for planning for
 11 capital projects, until fiscal year 2001, except for
 12 project or planning funding requested for the Iowa
 13 school for the deaf or the Iowa braille and sight
 14 saving school.

15 DIVISION III

16 COMMUNITY COLLEGE VOCATIONAL-TECHNICAL 17 TECHNOLOGY IMPROVEMENT PROGRAM

18 Sec. 25. NEW SECTION. 260A.1 COMMUNITY COLLEGE 19 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT 20 APPROPRIATION.

21 1. Notwithstanding section 8.57, subsection 5,
 22 paragraph "c", there is appropriated from the rebuild
 23 Iowa infrastructure fund created in section 8.57, to
 24 the department of education for each fiscal year of
 25 the fiscal period beginning July 1, 1997, and ending
 26 June 30, 2001, the sum of three million dollars for
 27 the community college vocational-technical technology
 28 improvement program.

29 2. Moneys appropriated in subsection 1 shall be
 30 allocated by the department of education to each
 31 community college in the proportion that the
 32 allocation to that community college in 1996 Iowa
 33 Acts, chapter 1215, section 6, subsection 15, bears to
 34 the total appropriation made in 1996 Iowa Acts,
 35 chapter 1215, section 6, subsection 15, to all
 36 community colleges.

37 3. For each year in which an appropriation is made
 38 to the community college vocational-technical
 39 technology improvement program, the department of
 40 education shall notify the department of revenue and
 41 finance of the amount to be paid to each community
 42 college based upon the allocation criteria set forth
 43 for the appropriation pursuant to subsection 2.
 44 Allocations to each community college under this
 45 section shall be made in one payment on or about
 46 October 15 and one payment on or about February 15 of
 47 the fiscal year in which the appropriation is made,
 48 taking into consideration the relative budget and cash
 49 position of the state resources.

50 4. Moneys received by a community college under

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1 this section shall not be commingled with general
 2 state financial aid, including financial aid to merged
 3 areas in lieu of personal property tax replacement
 4 payments under section 427A.13, to merged areas as
 5 defined in section 260C.2, and including moneys
 6 received for vocational education programs in

7 accordance with chapters 258 and 260C. Payments made
8 to a community college shall be accounted for by the
9 community college separately from other state aid
10 payments. Each community college shall maintain a
11 separate listing within its budget accounting for
12 payments received and expenditures made pursuant to
13 this section and section 260A.3.

14 5. Moneys received under this section shall
15 supplement, not supplant, the moneys each community
16 college budgets for technology. A community college
17 may also use moneys received under this section for
18 projects, as defined in section 8.57, subsection 5,
19 paragraph "c", related to the acquisition or
20 installation of technology. A community college shall
21 not be eligible for funds under this section unless
22 the community college, without including moneys
23 received under this section, maintains the same
24 average amount of expenditure for technology per year
25 as the community college maintains during the fiscal
26 period beginning July 1, 1994, and ending June 30,
27 1997.

28 6. Moneys received under this section shall not be
29 used for payment of any collective bargaining
30 agreement or arbitrator's decision negotiated or
31 awarded under chapter 20.

32 Sec. 26. NEW SECTION. 260A.2 COMMUNITY COLLEGE
33 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT PLANS.

34 Prior to receiving moneys under this chapter, the
35 board of directors of a community college shall adopt
36 a technology plan that supports community college
37 vocational-technical technology improvement efforts,
38 authorizes a needs assessment of business and industry
39 in the district, and includes an evaluation component,
40 and shall provide to the department of education
41 adequate assurance that funds received under this
42 chapter will be used in accordance with the technology
43 plan. The plan shall be developed by licensed
44 professional staff of the community college, including
45 both faculty members and school administrators, the
46 private sector, trade and professional organizations,
47 and other interested parties, and shall, at a minimum,
48 focus on the attainment of the vocational-technical
49 skills and achievement goals of the student. The plan
50 shall consider the community college's

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1 interconnectivity with the Iowa communications
2 network, and shall demonstrate how, over a four-year
3 period, the board will utilize technology to improve
4 vocational-technical student achievement. The
5 technology plan shall be kept on file at the community

6 college. Progress made under the plan shall be
7 reported annually to the department of education in a
8 manner prescribed by the department of education.

9 Sec. 27. NEW SECTION. 260A.3 COMMUNITY COLLEGE
10 VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT
11 EXPENDITURES.

12 A community college shall expend funds received
13 pursuant to section 260A.1 for the acquisition, lease,
14 lease-purchase, installation, and maintenance of
15 instructional technology equipment used in vocational-
16 technical programs, including hardware and software,
17 materials and supplies related to instructional
18 technology, faculty development and training related
19 to instructional technology, and projects, as defined
20 in section 8.57, subsection 5, paragraph "c", related
21 to the acquisition or installation of technology
22 funded through this chapter, and shall establish
23 priorities for the use of the funds. However, funds
24 received by a community college pursuant to section
25 260A.1 shall not be expended to add a full-time
26 equivalent position or otherwise increase staffing.

27 Sec. 28. NEW SECTION. 260A.4 FUTURE REPEAL.

28 This chapter is repealed effective July 1, 2001.

29- DIVISION IV

30 MISCELLANEOUS STATUTORY CHANGES

31 Sec. 29. NEW SECTION. 7E.5A BUILDINGS AND
32 INFRASTRUCTURE -- MAINTENANCE FUNDING.

33 1. For each new vertical infrastructure project
34 undertaken on or after July 1, 1997, the department in
35 control of the vertical infrastructure shall identify
36 and recommend to the general assembly funding
37 sufficient to meet the projected maintenance, repair,
38 and replacement needs of the vertical infrastructure.

39 2. As used in this section, "vertical
40 infrastructure" means the same as defined in section
41 8.57, subsection 5, paragraph "c".

42 Sec. 30. NEW SECTION. 15E.176 MAIN STREET
43 INVESTMENTS LOAN PROGRAM.

44 The department shall adopt rules to implement a
45 main street investments loan program to increase the
46 availability of lower cost funds to stimulate building
47 restorations or rehabilitations of historic buildings
48 within the central business district of a city which
49 is a certified local government, or in the Iowa main
50 street program or the rural main street program. The

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1 rules shall include the following conditions:

- 2 1. Investment loans shall be limited to projects
- 3 for a building restoration or rehabilitation located
- 4 in the central business district whose boundaries are

5 the same as the main street or rural main street or
6 central business district of a city which is a
7 certified local government project area.

8 2. Eligible borrowers are limited to the property
9 owner, contract purchaser of record, or long-term
10 lessee.

11 3. Loan applications under this program shall be
12 for the restoration or rehabilitation of buildings
13 which are eligible or nominated or listed on the
14 national register of historic places. Public
15 buildings are excluded.

16 4. The maximum loan amount under the main street
17 investments loan program is fifty thousand dollars per
18 project.

19 Sec. 31. NEW SECTION. 15.177 APPLICATION
20 PROCESS.

21 Applicants shall be certified as eligible for
22 assistance prior to submitting applications to the
23 department for loans under the main street investment
24 loan program. Administrative rules pursuant to
25 chapter 17A shall be adopted by the department in
26 consultation with the department of cultural affairs
27 to require applicants to do the following:

28 1. Show evidence of preliminary design assistance.

29 2. Show evidence of preliminary design review
30 approval from the local design review committee.

31 3. Submit project plans and specifications
32 prepared by a design professional with historic
33 preservation experience.

34 Sec. 32. NEW SECTION. 18.24 COORDINATION OF
35 VERTICAL INFRASTRUCTURE DATABASES.

36 1. The director shall establish by administrative
37 rule, and as part of a survey conducted regarding the
38 condition of state-owned property, a uniform system
39 for evaluating and rating vertical infrastructure
40 needs in the state so that the vertical infrastructure
41 needs of each state entity and proposed vertical
42 infrastructure projects, including the state board of
43 regents, can be compared. The director shall consult
44 with state entities which already have databases
45 regarding their vertical infrastructure needs and
46 shall seek input from individuals or organizations
47 with expertise in public vertical infrastructure
48 assessment in drafting proposed rules.

49 2. As used in this section, "vertical
50 infrastructure" has the same meaning as in section

Page 18

1 8.57, subsection 5, paragraph "c".

2 Sec. 33. Section 174.1, subsection 1, Code 1997,

3 is amended to read as follows:

4 1. "Fair" shall mean a bona fide exhibition of
 5 agricultural, dairy, and kindred products, livestock,
 6 and farm implements an annual gathering of people that
 7 incorporates agricultural exhibits, shows, or
 8 competition which has the following activities:

9 a. Extension, 4-H, or future farmers of America
 10 programs.

11 b. Commercial and educational exhibits.

12 c. Competition in the fine or home craft arts.

13 Sec. 34. Section 174.9, unnumbered paragraph 1,
 14 Code 1997, is amended to read as follows:

15 Each eligible society which is a member of the
 16 association of Iowa fairs and which conducts a county
 17 fair shall be entitled to receive aid from the state
 18 as provided in this chapter. In order to be eligible
 19 for state aid, a society must file with the treasurer
 20 of state Iowa state fair foundation, as established in
 21 section 173.22, on or before November 1 of each year,
 22 a statement which shall show:

23 Sec. 35. Section 174.9, subsection 4, Code 1997,
 24 is amended to read as follows:

25 4. A copy of the published financial statement
 26 published as required by law, together with proof of
 27 such publication and a certified statement showing an
 28 itemized list of premiums awarded, and such other
 29 information as the treasurer of state Iowa state fair
 30 foundation may require.

31 Sec. 36. Section 174.10, Code 1997, is amended to
 32 read as follows:

33 174.10 APPROPRIATION -- AVAILABILITY.

34 1. ~~Each county shall receive an equal share of any~~
 35 ~~moneys appropriated to support one or more societies~~
 36 ~~conducting one or more county fairs in that county, if~~
 37 ~~the society or societies are eligible for the state~~
 38 ~~aid. Moneys Any moneys appropriated for county or~~
 39 ~~local fairs shall be paid directly to each eligible~~
 40 ~~society which conducts a fair which qualifies for~~
 41 ~~funding.~~

42 2. The association of Iowa fairs shall provide the
 43 ~~treasurer of state Iowa state fair foundation~~ with a
 44 list of each society in a county which is a member of
 45 the association and conducts a fair in that county as
 46 provided in this chapter. If a county has more than
 47 one fair, the association shall list the name of each
 48 society conducting a fair in that county for three or
 49 more years. The ~~treasurer of state Iowa state fair~~
 50 ~~foundation~~ shall not authorize payment of state aid to

3 association's list.

4 3. If a county has more than one fair eligible for
5 state aid, the ~~The~~ amount of state aid for that county
6 each fair which is eligible for state aid shall be
7 divided equally among the eligible societies in that
8 county equal.

9 4. If no society in a county qualifies to receive
10 state aid, that county's share shall be divided
11 equally among the counties with societies eligible for
12 state aid, as provided in this section.

13 5. If an official county fair is designated by
14 election, the total amount of state aid for that
15 county shall be paid to that society determined to be
16 conducting the official county fair. The board of
17 supervisors, upon receiving a petition seeking to
18 designate an official county fair which meets the
19 requirements of section 331.306, shall submit to the
20 registered voters of the county at the next general
21 election following submission of the petition or at a
22 special election if requested by the petitioners at no
23 cost to the county, the question of which fair shall
24 be designated as the official county fair. Notice of
25 the election shall be given as provided in section
26 49.53. The fair receiving a majority of the votes
27 cast on the question shall be designated the official
28 county fair.

29 Sec. 37. Section 174.12, unnumbered paragraph 1,
30 Code 1997, is amended to read as follows:

31 The department of revenue and finance shall issue a
32 warrant to a society for the amount due in state aid,
33 less five hundred dollars, as provided in this
34 chapter. The treasurer of state Iowa state fair
35 foundation must certify to the department that the
36 society is eligible under this chapter to receive the
37 amount due provided in section 174.10. The department
38 shall issue a warrant to the society for the remaining
39 five hundred dollars, if all of the following apply:

40 Sec. 38. NEW SECTION. 461A.3A RESTORE THE
41 OUTDOORS PROGRAM.

42 1. The department shall establish a restore the
43 outdoors program. The purpose of the program is to
44 provide funding for projects involving existing
45 vertical infrastructure as defined in section 8.57,
46 subsection 5, paragraph "c", or the construction of
47 new vertical infrastructure if the new construction is
48 required due to increased demand for facilities at the
49 park or if it is not cost-effective to repair or
50 renovate the existing vertical infrastructure.

Page 20

1 Projects shall be limited to existing state parks and
2 other public facilities managed by the department.

3 2. There is appropriated from the rebuild Iowa
 4 infrastructure fund for each fiscal year of the fiscal
 5 period beginning July 1, 1997, and ending June 30,
 6 2001, the sum of four million dollars to the
 7 department for use in the restore the outdoors program
 8 of which, one million dollars shall be used to fund
 9 projects in parks of governmental subdivisions which
 10 are connected by a recreational trail to a state park
 11 or the state recreational trail system.
 12 Notwithstanding section 8.33, unencumbered or
 13 unobligated moneys remaining at the end of a fiscal
 14 year shall not revert but shall remain available for
 15 expenditure during the following fiscal year for
 16 purposes of the restore the outdoors program.
 17 The department shall provide in its annual budget
 18 documentations to the governor and general assembly a
 19 report on the use of moneys under the program since
 20 the last report and the projected use of future
 21 moneys."

DERRYL McLAREN
 MARY LOU FREEMAN
 STEVE KING
 JOHN W. JENSEN

HOUSE AMENDMENT TO
 SENATE FILE 531

S—3745

1 Amend Senate File 531, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 33 the
 4 following:
 5 "Sec. ____ Section 298.3, Code 1997, is amended by
 6 adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Revenue from the regular
 8 and voter-approved physical plant and equipment levies
 9 shall not be expended for school district employee
 10 salaries or travel expenses, supplies, printing costs
 11 or media services, or for any other purpose not
 12 expressly authorized in this section."

HOUSE AMENDMENT TO
 SENATE FILE 526

S—3746

1 Amend Senate File 526, as passed by the Senate, as
 2 follows:
 3 1. Page 3, by inserting after line 19 the
 4 following:

5 "3. It is the intent of the general assembly to
6 provide communities with the discretion and authority
7 to redesign existing local programs and services
8 targeted at and assisting families expecting babies
9 and families with children who are newborn through
10 five years of age. The Iowa department of public
11 health, department of human services, department of
12 education, and other state agencies and programs, as
13 appropriate, shall provide technical assistance and
14 support to communities desiring to redesign their
15 local programs and shall facilitate the consolidation
16 of existing state funding appropriated and made
17 available to the community for family support
18 services. Funds which are consolidated in accordance
19 with this subsection shall be used to support the
20 redesigned service delivery system. In redesigning
21 services, communities are encouraged to implement a
22 single uniform family risk assessment mechanism and
23 shall demonstrate the potential for improved outcomes
24 for children and families. Requests by local
25 communities for the redesigning of services shall be
26 submitted to and subject to joint approval of the Iowa
27 department of public health, department of human
28 services, and department of education based on the
29 innovation zones principles established in section
30 8A.2."

S-3747

1 Amend the committee amendment, S-3686, to House
2 File 266, as passed by the House, as follows:

3 1. Page 15, by inserting after line 36 the
4 following:

5 "Sec. ____ Section 445.60, Code 1997, is amended
6 to read as follows:

7 445.60 REFUNDING ERRONEOUS TAX.

8 The board of supervisors shall direct the county
9 treasurer to refund to the taxpayer any tax or portion
10 of a tax found to have been erroneously or illegally
11 paid, with all interest, fees, and costs actually
12 paid. A refund shall not be ordered or made unless a
13 claim for refund is presented to the board within one
14 year five years of the date the tax was due, or if
15 appealed to the board of review, the state board of
16 tax review, or district court, within one year five
17 years of the final decision. For purposes of this
18 section, the payment of tax on property assessed to
19 the wrong person is an erroneous payment of tax."

WILLIAM D. PALMER

S—3748

- 1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 40, by striking the figure
 5 "7,000,000" and inserting the following: "6,000,000".
 6 2. Page 14, line 26, by striking the word "three"
 7 and inserting the following: "four".

MIKE CONNOLLY
 JOHN P. KIBBIE

S—3749

- 1 Amend House File 726, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 2, line 16, through page 3,
 4 line 20.

WILLIAM D. PALMER

S—3750

- 1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 6, by inserting after line 40 the
 5 following:
 6 "Sec. ____ Notwithstanding section 8.57,
 7 subsection 5, paragraph "c", there is appropriated
 8 from the rebuild Iowa infrastructure fund to the
 9 department of natural resources for the fiscal year
 10 beginning July 1, 1997, and ending June 30, 1998, the
 11 following amount, or so much thereof as is necessary,
 12 to be used for the purpose designated:
 13 For the blufflands protection program:
 14\$ 500,000"
 15 2. Page 18, by inserting after line 1 the
 16 following:
 17 "Sec. ____ NEW SECTION. 161A.80 BLUFFLANDS
 18 PROTECTION PROGRAM -- REVOLVING FUND.
 19 1. As used in this section, unless the context
 20 otherwise requires:
 21 a. "Bluffland" means a cliff, headland, or hill
 22 with a broad steep face along the channel or
 23 floodplain of a river and its tributaries.
 24 b. "Conservation organization" means a nonprofit
 25 corporation incorporated in Iowa or an entity
 26 organized and operated primarily to enhance and
 27 protect natural resources in this state.
 28 2. A blufflands protection revolving fund is

29 created in the state treasury. The proceeds of the
30 revolving fund are appropriated to make loans to
31 conservation organizations which agree to purchase
32 conservation easements on blufflands in this state or
33 to purchase blufflands in this state for resale with
34 restrictive covenants attached to the property. The
35 administrative director of the division of soil
36 conservation shall administer the revolving fund.
37 Notwithstanding section 12C.7, interest or earnings on
38 investments made pursuant to this section or as
39 provided in section 12B.10 shall be credited to the
40 blufflands protection revolving fund. Notwithstanding
41 section 8.33, unobligated or unencumbered funds
42 credited to the blufflands protection revolving fund
43 shall not revert at the close of a fiscal year.
44 However, the maximum balance in the blufflands
45 protection fund shall not exceed two million five
46 hundred thousand dollars. Any funds in excess of two
47 million five hundred thousand dollars shall be
48 credited to the rebuild Iowa infrastructure fund.
49 3. The administrative director of the division
50 shall establish a blufflands protection program to

Page 2

1 demonstrate creative land protection techniques and
2 encourage private landowners to protect the natural
3 beauty of the blufflands in this state. The
4 commissioners of each soil and water conservation
5 district which includes blufflands shall cooperate
6 with and assist the director in administering the
7 blufflands protection program within their respective
8 districts. The director shall provide, by rule, for a
9 uniform application form, the content of the form,
10 provisions for a loan agreement model conservation
11 easement and restrictive covenant requirements for
12 blufflands, and minimum qualifications of conservation
13 organizations which are eligible to participate in the
14 blufflands protection program. The administrative
15 director shall specify the eligible purposes for which
16 a loan authorized under this section can be expended
17 including, but not limited to, the purchase of
18 blufflands, the acquisition of conservation easements
19 on blufflands, the establishment of landowner
20 associations, payment for loss of land value due to
21 restrictive covenants, and payment for legal costs.
22 The payment of administrative costs is not an eligible
23 purpose.
24 4. An applicant for a loan from the blufflands
25 protection revolving fund shall apply to the soil and
26 water conservation district of the county in which the

27 bluffland is located. The application shall be on
28 forms prepared by the division and shall include the
29 information required by rule of the division. Each
30 conservation organization which applies for a loan
31 under this section shall demonstrate its financial
32 capability to qualify for a loan to the commissioners
33 and its commitment to natural resource protection and
34 appropriate development. The application shall be
35 reviewed and feasibility of the proposed project shall
36 be investigated by the commissioners of the district
37 and its report and recommendation shall be sent to the
38 administrative director and the committee for
39 approval.

40 5. Except as otherwise provided in this
41 subsection, each loan made under this section shall be
42 for a period not to exceed five years, shall bear no
43 interest for the first year, and shall be repayable to
44 the bluffslands protection revolving fund. After the
45 first year and for each subsequent year that the
46 principal remains unpaid, interest shall be charged
47 against any unpaid balance of the loan. The interest
48 rate shall be set at the prevailing market rate for
49 similar real estate in the county as determined by the
50 director. All interest payments shall be credited to

Page 3

1 the bluffslands protection revolving fund. Each loan
2 shall be repaid as provided in the loan agreement.
3 However, interest on the principal of a loan shall be
4 due and payable thirty days after the conclusion of
5 the second year and each subsequent year that the
6 principal or a part of the principal remains unpaid.
7 A loan may be extended annually beyond the original
8 five years with the approval of the district
9 commissioners and the administrative director.

10 6. The administrative director may:
11 a. Contract, sue and be sued, and adopt
12 administrative rules pursuant to chapter 17A and
13 approved by the committee, necessary to carry out this
14 section, but the administrative director, the
15 committee, or the district commissioners shall not
16 directly or indirectly pledge the credit of the state
17 of Iowa.

18 b. Authorize payment from the bluffslands
19 protection revolving fund from moneys appropriated to
20 the fund and from any income received by investments
21 of any money in the fund for costs, commissions,
22 attorney fees, and other reasonable expenses related
23 to and necessary for the making and protecting of
24 direct loans under this section, and for recovery of

25 moneys loaned or the management of property acquired
26 in connection with the loans.”
27 3. By renumbering as necessary.

MIKE CONNOLLY
TOM FLYNN

S-3751

1 Amend the committee amendment, S-3686, to House
2 File 266, as passed by the House, as follows:
3 1. Page 1, by striking lines 5 through 50.
4 2. Page 2, line 1, by striking the word and
5 figure “Sec. 2.” and inserting the following:
6 “Section 1.”

PATTY JUDGE

S-3752

1. Amend House File 726, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 “Section 1. Section 422.120, subsection 1,
6 paragraph b, Code 1997, is amended by striking the
7 paragraph and inserting in lieu thereof the following:
8 b. (1) The credit shall be available to an
9 individual or corporate taxpayer if the taxpayer’s
10 federal taxable income is not more than ninety-nine
11 thousand six hundred dollars for the tax year. In the
12 case of married taxpayers, their combined federal
13 taxable income shall be used to determine if they
14 qualify for the credit.
15 (2) For each subsequent tax year, the maximum
16 taxable income amount specified in subparagraph (1)
17 shall be multiplied by the cumulative index factor for
18 that tax year. “Cumulative index factor” means the
19 product of the annual index factor for the 1997
20 calendar year and all annual index factors for
21 subsequent calendar years. The cumulative index
22 factor applies to all tax years beginning on or after
23 January 1 of the calendar year for which the latest
24 annual index factor has been determined.
25 (3) The annual index factor for the 1997 calendar
26 year is one hundred percent. For each subsequent
27 calendar year, the annual index factor equals the
28 annual inflation factor for that calendar year as
29 computed in section 422.4 for purposes of the
30 individual income tax.”

COMMITTEE ON WAYS AND MEANS
JOANN DOUGLAS, Chairperson

S—3753

1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 9, by inserting after line 33 the
 5 following:
 6 "As a condition of receiving the appropriations in
 7 this section, the department shall allocate seventy-
 8 five percent of the estimated or actual cost of
 9 improvements as defined by section 468.3, not to
 10 exceed five hundred thousand dollars each fiscal year,
 11 for a single drainage improvement project, which will
 12 provide alternative drainage outlets to allow for the
 13 closing of thirty or more agricultural drainage wells,
 14 constructed by a drainage district established under
 15 section 468.22 on or after July 1, 1987, and prior to
 16 July 1, 1997, for which a construction contract for
 17 the project is successfully let prior to March 1,
 18 1998."

MARY LOU FREEMAN

S—3754

1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 5, by striking lines 47 and 48 and
 5 inserting the following: "ending June 30, 1999:
 6 a. For the historical site preservation grant
 7 program."
 8 2. Page 5, by inserting after line 49 the
 9 following:
 10 "b. For a welcome center at Okoboji:
 11\$ 200,000"

JOHN P. KIBBIE

S—3755

1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 6, by inserting after line 40 the
 5 following:
 6 "Sec. ____ There is appropriated from the rebuild
 7 Iowa infrastructure fund to the department of natural
 8 resources for the fiscal year beginning July 1, 1997,
 9 and ending June 30, 1998, the following amount, or so
 10 much thereof as is necessary, to be used for the
 11 purpose designated:

- 12 For continuing natural lake preservation efforts:
 13\$ 100,000
 14 The department shall award the amount appropriated
 15 in this section to a city as defined in section 362.2.
 16 The award shall be on a matching basis with the city
 17 providing one dollar of funds for each dollar provided
 18 by the department. The county in which the city is
 19 located may work in conjunction with the city to
 20 provide the matching funds. The award and matching
 21 funds shall be used for the continuation of natural
 22 lake preservation efforts, if the city or county has
 23 previously received state funding for that purpose.
 24 The city, or the city and county, must have dedicated
 25 at least \$100,000 of local funds in order to qualify
 26 for the award and the city must be located in a county
 27 having a population of less than 12,000.”
 28 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3756

- 1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 10, by striking lines 2 through 16.
 5 2. Page 11, lines 46 and 47, by striking the
 6 words “human services,”
 7 3. Page 20, by inserting after line 21 the
 8 following:
 9 “ —. Title page, line 4, by striking the words
 10 “human services,”.”
 11 4. By renumbering as necessary.

DERRYL McLAREN

S-3757

- 1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 5, by striking lines 34 and 35.
 5 2. Page 14, line 26, by inserting after the word
 6 “million” the following: “five hundred thousand”.
 7 3. By renumbering as necessary.

STEVEN D. HANSEN

S-3758

- 1 Amend the committee amendment, S—3686, to House
 2 File 266, as passed by the House, as follows:

3 1. Page 9, by inserting after line 23 the
4 following:

5 "Sec. 401. Section 422.73, Code 1997, is amended
6 by adding the following new subsection:

7 **NEW SUBSECTION. 3.** Notwithstanding subsection 2,
8 a claim for refund of individual income tax paid for
9 any tax year beginning on or after January 1, 1985,
10 and before January 1, 1989, is considered timely if
11 filed with the department on or before October 31,
12 1997, if the taxpayer's claim is the result of the
13 unconstitutional taxation of federal pension benefits
14 based upon the decision in *Davis v. Michigan*
15 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
16 (1989).

17 A taxpayer entitled to a refund of tax paid under
18 this subsection shall receive an amount equal to one
19 hundred percent of the refund without interest. The
20 claim for refund shall be filed separate from any
21 income tax return and shall not be allowed as a credit
22 for income taxes owed. A claim shall be filed between
23 the effective date of this Act and October 31, 1997.
24 An extension for filing shall not be allowed and
25 claims disallowed on the basis of timeliness shall not
26 be allowed upon appeal to any other state agency
27 notwithstanding any other provision of law.

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

47 The department shall make a reasonable attempt to
48 notify individuals who are entitled to a refund under
49 this subsection."

50 2. Page 17, by inserting after line 21 the

Page 2

1 following:

2 "Sec. ____ EFFECTIVE DATE. Section 401 of this

3 Act, being deemed of immediate importance, takes
4 effect upon enactment."

PATTY JUDGE

S-3759

1 Amend the amendment, S-3744, to House File 733, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, by striking lines 17 through 21 and
5 inserting the following:
6 "2. For funding, on a matching basis, recreational
7 trail projects, with priority given to completion of
8 trail connections and sections between existing trails
9 and parks within the established state recreational
10 trails system."
11 2. Page 7, by striking lines 45 through 49 and
12 inserting the following:
13 "2. For funding, on a matching basis, recreational
14 trail projects, with priority given to completion of
15 trail connections and sections between existing trails
16 and parks within the established state recreational
17 trails system."

DENNIS H. BLACK
DERRYL McLAREN

S-3760

1 Amend the amendment, S-3744, to House File 733, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 19 the
5 following:
6 "3. For a feasibility study by the city of
7 Burlington regarding the construction of a replica of
8 the first territorial capitol of Iowa:
9\$ 25,000"

EUGENE S. FRAISE
ROBERT E. DVORSKY
WALLY E. HORN

S-3761

1 Amend the amendment, S-3464, to House File 697, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting before line 38 the
5 following:
6 " —. Page 9, by striking lines 4 and 5 and

- 7 inserting the following:
 8 "1. Beginning in 1994, no later than January 31
 9 and July 31 of each year, unless no payments are made,
 10 a A lobbyist's".
 11 ____ Page 9, by striking lines 10 and 11 and
 12 inserting the following: "lobbying purposes during
 13 ~~the preceding six calendar months. The reports shall~~
 14 be filed on or before April 30, July 31, October 31,
 15 and January 31, for the preceding calendar quarter.
 16 Reports by lobbyists' clients shall be filed with
 17 the".
 18 2. By renumbering as necessary.

ROD HALVORSON

S-3762

- 1 Amend House File 697, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by striking lines 4 and 5 and
 4 inserting the following:
 5 "1. Beginning in 1994, no later than January 31
 6 and July 31 of each year, unless no payments are made,
 7 a A lobbyist's".
 8 2. Page 9, by striking lines 10 and 11 and
 9 inserting the following: "lobbying purposes during
 10 ~~the preceding six calendar months. The reports shall~~
 11 be filed on or before April 30, July 31, October 31,
 12 and January 31, for the preceding calendar quarter.
 13 Reports by lobbyists' clients shall be filed with
 14 the".
 15 3. By renumbering as necessary.

ROD HALVORSON

S-3763

- 1 Amend the amendment, S-3728, to House File 697, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting before line 17 the
 5 following:
 6 "____. Page 9, by inserting after line 23 the
 7 following:
 8 "Sec. ____ RETROACTIVE APPLICABILITY. The portion
 9 of this Act that amends Code section 56.42, subsection
 10 2, paragraph "b", is retroactively applicable to all
 11 candidate's committees, and is applicable six months
 12 after enactment. The ethics and campaign disclosure
 13 board shall notify, prior to the effective date of
 14 that provision, all candidate's committees to which
 15 the provision would require the transfer of funds

16 because the candidate has been out of public office
 17 for seven or more years.””
 18 2. By renumbering as necessary.

MIKE CONNOLLY

S-3764

1 Amend the amendment, S-3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking lines 30 and 31 and
 5 inserting the following: “allocating not more”.
 6 2. Page 2, line 33, by striking the word
 7 “building,” and inserting the following: “building”.
 8 3. Page 2, line 35, by striking the figure
 9 “2,600,000” and inserting the following: “1,000,000”.
 10 4. Page 2, by inserting after line 48 the
 11 following:
 12 “The juvenile justice issues oversight task force,
 13 if enacted by 1997 Iowa Acts, House File 715, shall
 14 also review the priorities for new or replacement
 15 buildings at the state training school and the Toledo
 16 juvenile home for children. The task force shall also
 17 evaluate the need for redesigned programming for girls
 18 in the system.”
 19 5. Page 5, by striking lines 8 through 16.
 20 6. By renumbering as necessary.

JOHNIE HAMMOND
 MAGGIE TINSMAN
 ELAINE SZYMONIAK
 NANCY BOETTGER

S-3765

1 Amend the amendment, S-3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 16, by inserting after line 28 the
 5 following:
 6
 7 “DIVISION
 8 SCHOOL VERTICAL INFRASTRUCTURE
 9 Sec. ____ Section 8.22A, subsection 5, paragraph
 10 a, Code 1997, is amended to read as follows:
 11 a. The amount of lottery revenues for the
 12 following fiscal year to be ~~available for disbursement~~
 13 transferred from the lottery fund to the rebuild Iowa
 14 infrastructure fund following the deductions made
 15 pursuant to section 99E.10, subsection 1.
 16 Sec. ____ Section 99E.10, subsection 1, unnumbered
 paragraph 3, Code 1997, is amended to read as follows:

17 The committing the lottery to environment,
 18 agriculture, and natural resources fund, also to be
 19 known as the CLEAN fund, is created in the office of
 20 the treasurer of state. Lottery revenue remaining
 21 after expenses are determined shall be transferred to
 22 the CLEAN rebuild Iowa infrastructure fund on a
 23 monthly basis. Revenues generated during the last
 24 month of the fiscal year which are transferred to the
 25 CLEAN rebuild Iowa infrastructure fund during the
 26 following fiscal year shall be considered revenues
 27 transferred during the previous fiscal year for
 28 purposes of the allotments made to and appropriations
 29 made from the separate accounts in the CLEAN fund for
 30 that previous fiscal year. However, upon the request
 31 of the director and subject to approval by the
 32 treasurer of state, an amount sufficient to cover the
 33 foreseeable administrative expenses of the lottery for
 34 a period of twenty-one days may be retained from the
 35 lottery revenue. Prior to the monthly transfer to the
 36 CLEAN rebuild Iowa infrastructure fund, the director
 37 may direct that lottery revenue shall be deposited in
 38 the lottery fund and in interest-bearing accounts
 39 designated by the treasurer of state in the financial
 40 institutions of this state or invested in the manner
 41 provided in section 12B.10. Interest or earnings paid
 42 on the deposits or investments is considered lottery
 43 revenue and shall be transferred to the CLEAN rebuild
 44 Iowa infrastructure fund in the same manner as other
 45 lottery revenue. Money in the CLEAN fund shall be
 46 deposited in interest-bearing accounts in financial
 47 institutions in this state or invested in the manner
 48 provided in section 12B.10. The interest or earnings
 49 on the deposits or investments shall be considered
 50 part of the CLEAN fund and shall be retained in the

Page 2

1 fund unless appropriated by the general assembly.
 2 Sec. __. Section 99E.10, subsection 2, Code 1997,
 3 is amended to read as follows:
 4 2. The director of management shall not include
 5 lottery revenues in the director's fiscal year revenue
 6 estimates. Moneys in the CLEAN fund shall not be
 7 considered a part of the Iowa economic emergency fund.
 8 Sec. __. Section 99E.20, subsection 2, Code 1997,
 9 is amended to read as follows:
 10 2. A lottery fund is created in the office of the
 11 treasurer of state. The fund consists of all revenues
 12 received from the sale of lottery tickets or shares
 13 and all other moneys lawfully credited or transferred
 14 to the fund. The commissioner shall certify monthly
 15 that portion of the fund that is transferred to the

16 CLEAN rebuild Iowa infrastructure fund under section
17 99E.10 and shall cause that portion to be transferred
18 to the CLEAN rebuild Iowa infrastructure fund of the
19 state. The commissioner shall certify before the
20 twentieth of each month that portion of the lottery
21 fund resulting from the previous month's sales to be
22 transferred to the CLEAN rebuild Iowa infrastructure
23 fund.

24 Sec. ____ NEW SECTION. 257D.1 TITLE.

25 This chapter may be cited as the "Support
26 Construction and Habilitation of Our Local Schools
27 Act".

28 Sec. ____ NEW SECTION. 257D.2 SUPPORT

29 CONSTRUCTION AND HABILITATION OF OUR LOCAL SCHOOLS
30 FUND.

31 1. a. A support construction and habilitation of
32 our local schools (SCHOOLS) fund is created within the
33 state treasury under the control of the department of
34 education. For the fiscal year beginning July 1,
35 1997, and each subsequent fiscal year there shall be
36 appropriated from the rebuild Iowa infrastructure fund
37 to the SCHOOLS fund all moneys transferred to the
38 rebuild Iowa infrastructure fund pursuant to sections
39 99E.10 and 99E.20. In addition to moneys appropriated
40 from the rebuild Iowa infrastructure fund, the SCHOOLS
41 fund shall include any other moneys available to and
42 obtained or accepted by the department from the
43 federal government or private sources for placement in
44 the SCHOOLS fund. The assets of the SCHOOLS fund
45 shall be used by the department as provided in
46 subsection 2.

47 b. Payments of interest, recaptures of grants, or
48 repayments of moneys granted shall be deposited in the
49 fund. Section 8.33 does not apply to any moneys in
50 the fund.

Page 3

1 c. The fund is subject to an annual audit by the
2 auditor of state. Moneys in the fund, which may be
3 subject to warrants written by the director of revenue
4 and finance, shall be drawn upon the written
5 requisition of the director of the department of
6 education or an authorized representative of the
7 director.

8 d. As used in this chapter, "vertical
9 infrastructure" has the same meaning as in section
10 8.57, subsection 5, except that "vertical
11 infrastructure" shall not include recreational trails.
12 A matching grant shall only be awarded for specific
13 vertical infrastructure projects certified to the
14 department in the application.

15 2. Moneys in the SCHOOLS fund shall be distributed
 16 to school districts based on the actual enrollment of
 17 students in the district as certified pursuant to
 18 section 257.6."

19 2. Page 20, by inserting after line 21 the
 20 following:

21 "Sec. ____ Section 99E.34, Code 1997, is
 22 repealed."

23 3. By renumbering as necessary.

MIKE CONNOLLY
 BILL FINK
 EUGENE FRAISE
 WILLIAM PALMER
 ROD HALVORSON
 ROBERT DVORSKY
 MARY NEUHAUSER
 JOHNE HAMMOND
 PATRICIA HARPER
 TOM FLYNN
 WALLY E. HORN
 MATT McCOY
 DENNIS BLACK
 DICK DEARDEN
 TOM VILSACK
 PATTY JUDGE
 PATRICK DELUHERY

S—3766

1 Amend the amendment, S—3744, to House File 733, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, line 40, by striking the figure
 5 "7,000,000" and inserting the following: "6,000,000".

6 2. Page 1, by striking lines 41 through 46.

7 3. Page 2, by striking lines 3 through 27.

8 4. Page 2, by striking lines 40 through 42.

9 5. Page 2, lines 43 and 44, by striking the words
 10 "report on the progress of the vertical infrastructure
 11 survey and".

12 6. Page 4, by striking lines 10 through 12 and
 13 inserting the following:

14 "~~(2) For the fiscal year beginning July 1, 1997,~~
 15 ~~and ending June 30, 1998:~~

16 _____ \$ 400,000

17 7. Page 6, line 24, by striking the figure
 18 "4,130,000" and inserting the following: "3,000,000".

19 8. Page 8, by striking lines 14 through 27.

20 9. Page 9, line 38, by striking the word "period"
 21 and inserting the following: "year".

22 10. Page 9, line 39, by striking the word "1997"

23 and inserting the following: "1998".

24 11. Page 9, by striking lines 41 through 50 and
25 inserting the following: "used for the purpose
26 designated:

27 For the integrated information system provided that
28 none of the moneys appropriated in this section shall
29 be used for personnel expenses not associated with the
30 installation of the system or for training expenses:"

31 12. Page 10, by inserting after line 36 the
32 following:

33 "DEPARTMENT OF EDUCATION

34 Sec. ____ There is appropriated from the rebuild
35 Iowa infrastructure fund to the department of
36 education for the fiscal year beginning July 1, 1997,
37 and ending June 30, 1998, the following amount, or so
38 much thereof as is available, to be used for the
39 purpose designated:

40 For deposit in the support construction and
41 habilitation of our local schools fund created in
42 section 257D.2."

43 \$ 10,000,000"

44 13. Page 16, by inserting after line 28 the
45 following:

46 "Sec. ____ NEW SECTION. 257D.1 TITLE.

47 This chapter may be cited as the "Support
48 Construction and Habilitation of Our Local Schools
49 Act".

50 Sec. ____ NEW SECTION. 257D.2 SUPPORT

Page 2

1 CONSTRUCTION AND HABILITATION OF OUR LOCAL SCHOOLS
2 FUND.

3 1. a. A support construction and habilitation of
4 our local schools (SCHOOLS) fund is created within the
5 state treasury under the control of the department of
6 education. The SCHOOLS fund shall consist of any
7 moneys appropriated by the general assembly and any
8 other moneys available to and obtained or accepted by
9 the department from the federal government or private
10 sources for placement in the SCHOOLS fund. The assets
11 of the SCHOOLS fund shall be used by the department as
12 provided in subsection 2.

13 b. Payments of interest, recaptures of grants, or
14 repayments of moneys granted shall be deposited in the
15 fund. Section 8.33 does not apply to any moneys in
16 the fund.

17 c. The fund is subject to an annual audit by the
18 auditor of state. Moneys in the fund, which may be
19 subject to warrants written by the director of revenue
20 and finance, shall be drawn upon the written
21 requisition of the director of the department of

22 education or an authorized representative of the
23 director.

24 d. As used in this chapter, "vertical
25 infrastructure" has the same meaning as in section
26 8.57, subsection 5, except that "vertical
27 infrastructure" shall not include recreational trails.
28 A matching grant shall only be awarded for specific
29 vertical infrastructure projects certified to the
30 department in the application.

31 2. Moneys in the SCHOOLS fund shall be distributed
32 to school districts based on the actual enrollment of
33 students in the district as certified pursuant to
34 section 257.6."

35 14. By renumbering as necessary.

MIKE CONNOLLY
TOM VILSACK
ROBERT DVORSKY
MICHAEL E. GRONSTAL
WALLY E. HORN
PATTY JUDGE
ROD HALVORSON
PATRICIA HARPER
TOM FLYNN
MARY NEUHAUSER
JOHNNIE HAMMOND
MATT McCOY
STEVEN D. HANSEN
BILL FINK
WILLIAM PALMER
EUGENE FRAISE

S—3767

1 Amend House File 730, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "___ There is appropriated from the rebuild Iowa
6 infrastructure fund created in section 8.57,
7 subsection 5, to the Iowa communications network fund
8 under the control of the Iowa telecommunications and
9 technology commission for the fiscal year beginning
10 July 1, 1998, and ending June 30, 1999, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purpose designated:

13 For the connection of Part III authorized users as
14 determined by the commission and communicated to the
15 general assembly:

16
17 2. Page 3, line 10, by striking the word "For"
18 and inserting the following: "a. For".

\$ 17,704,000

19 3. Page 3, line 12, by inserting after the figure
20 "8D" the following: ", excluding the purposes
21 provided for in paragraph "b".

22 4. Page 3, line 13, by striking the figure
23 "3,010,000" and inserting the following: "2,510,000".

24 5. Page 3, by inserting after line 14 the
25 following:

26 "b. For expansion of the Iowa communications
27 network backbone and for the replacement of obsolete
28 equipment:

29\$ 500,000"

30 6. Page 6, by inserting after line 12 the
31 following:

32 " ___. Notwithstanding section 8.57, subsection 5,
33 paragraph "c", there is appropriated from the rebuild
34 Iowa infrastructure fund created in section 8.57,
35 subsection 5, to the department of general services
36 for the fiscal year beginning July 1, 1998, and ending
37 June 30, 1999, the following amount, or so much
38 thereof as is necessary, to be used for the purpose
39 designated:

40 For purposes of implementing reengineering projects
41 with an emphasis on technology:

42\$ 1,000,000

43 The projects identified for funding from the
44 appropriation in this subsection shall be undertaken
45 in consultation with the department of management."

46 7. Page 12, by inserting after line 15 the
47 following:

48 "Sec. ___. Section 29C.20, subsection 1, Code
49 1997, is amended to read as follows:

50 1. A contingent fund is created in the state

Page 2

1 treasury for the use of the executive council which
2 may be expended for the purpose of paying the expenses
3 of suppressing an insurrection or riot, actual or
4 threatened, when state aid has been rendered by order
5 of the governor, and for repairing, rebuilding, or
6 restoring state property injured, destroyed, or lost
7 by fire, storm, theft, or unavoidable cause, and for
8 repairing, rebuilding, or restoring state property
9 which is fiberoptic cable and which is injured or
10 destroyed by a wild animal, and for aid to any
11 governmental subdivision in an area declared by the
12 governor to be a disaster area due to natural
13 disasters or to expenditures necessitated by the
14 governmental subdivision toward averting or lessening
15 the impact of the potential disaster, where the effect
16 of the disaster or action on the governmental
17 subdivision is the immediate financial inability to

18 meet the continuing requirements of local government.
 19 Upon application by a governmental subdivision in such
 20 an area, accompanied by a showing of obligations and
 21 expenditures necessitated by an actual or potential
 22 disaster in a form and with further information the
 23 executive council requires, the aid may be made in the
 24 discretion of the executive council and, if made,
 25 shall be in the nature of a loan up to a limit of
 26 seventy-five percent of the showing of obligations and
 27 expenditures. The loan, without interest, shall be
 28 repaid by the maximum annual emergency levy authorized
 29 by section 24.6, or by the appropriate levy authorized
 30 for a governmental subdivision not covered by section
 31 24.6. The aggregate total of loans shall not exceed
 32 one million dollars during a fiscal year. A loan
 33 shall not be for an obligation or expenditure
 34 occurring more than two years previous to the
 35 application.

36 When a state department or agency requests that
 37 moneys from the contingent fund be expended to repair,
 38 rebuild, or restore state property injured, destroyed,
 39 or lost by fire, storm, theft, or unavoidable cause,
 40 or to repair, rebuild, or restore state property which
 41 is fiberoptic cable and which is injured or destroyed
 42 by a wild animal, the executive council shall consider
 43 the original source of the funds for acquisition of
 44 the property before authorizing the expenditure. If
 45 the original source was other than the general fund of
 46 the state, the department or agency shall be directed
 47 to utilize moneys from the original source if
 48 possible. The executive council shall not authorize
 49 the repairing, rebuilding, or restoring of the
 50 property from the disaster aid contingent fund if it

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- 1 determines that moneys from the original source are
- 2 available to finance the project."
- 3 8. By renumbering, relettering, or redesignating
- 4 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
 DERRYL McLAREN, Chairperson

S—3768

- 1 Amend House File 722, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 1, by inserting after the word
- 4 "funds," the following: "In selecting funds for
- 5 investment, the board shall seek to maximize benefits
- 6 which inure to seed and venture capital opportunities

7 in Iowa."

8 2. Page 3, line 11, by inserting after the word
9 "policies," the following: "and".

10 3. Page 3, line 18, by striking the words "cash
11 invested in" and inserting the following: "net losses
12 incurred by".

13 4. Page 3, line 19, by inserting after the word
14 "board." the following: "The aggregate amount of tax
15 credits issued under this section shall not exceed
16 fifty million dollars."

17 5. Page 3, line 25, by inserting after the word
18 "trust." the following: "A taxpayer shall not claim
19 tax credits under this section which exceed the total
20 amount invested by the taxpayer in the Iowa capital
21 investment board."

22 6. Page 3, line 29, by striking the words
23 "carried back to" and inserting the following: "used
24 before".

25 7. Page 3, lines 31 and 32, by striking the words
26 "not be refunded" and inserting the following: "be
27 refundable".

28 8. Page 3, line 33, by striking the word "a." and
29 inserting the following: "2."

30 9. Page 4, by striking lines 7 through 14.

31 10. Page 4, line 15, by striking the figure "2."
32 and inserting the following: "3."

33 11. Page 4, line 17, by striking the word
34 "transfer,".

35 12. By renumbering, relettering, and
36 redesignating as necessary.

COMMITTEE ON WAYS AND MEANS
JOANN DOUGLAS, Chairperson

S-3769

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 13, by striking the word "twenty-
4 five" and inserting the following: "twenty-four".

5 2. Page 1, line 26, by striking the word "twenty-
6 five" and inserting the following: "twenty-four".

7 3. Page 1, line 31, by striking the word "twenty-
8 five" and inserting the following: "twenty-four".

JOANN DOUGLAS
DON GETTINGS
SHELDON RITTMER

S-3770

1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. By striking page 1, line 1, through page 4,
4 line 27.
- 5 2. Page 7, by striking lines 12 through 31.
- 6 3. By striking page 8, line 13, through page 13,
7 line 14.
- 8 4. Page 14, by striking lines 11 and 12.
- 9 5. By striking page 15, line 22, through page 16,
10 line 31.
- 11 6. Page 18, by striking lines 18 and 19.
- 12 7. Page 19, line 6, by striking the figures
13 "8.24, 8.25."
- 14 8. Page 21, by inserting after line 6 the
15 following:
- 16 "Sec. ____ Section 99F.6, subsection 4, paragraph
17 a, Code 1997, is amended to read as follows:
- 18 a. Before a license is granted, the division of
19 criminal investigation of the department of public
20 safety shall conduct a thorough background
21 investigation of the applicant for a license to
22 operate a gambling game operation on an excursion
23 gambling boat. The applicant shall provide
24 information on a form as required by the division of
25 criminal investigation. A qualified sponsoring
26 organization licensed to operate gambling games under
27 this chapter shall distribute the receipts of all
28 gambling games, less reasonable expenses, charges,
29 taxes, fees, and deductions allowed under this
30 chapter, as winnings to players or participants or
31 shall distribute the receipts for educational, civic,
32 public, charitable, patriotic, or religious uses as
33 defined in section 99B.7, subsection 3, paragraph "b".
34 However, if a licensee who is also licensed to conduct
35 pari-mutuel wagering at a horse racetrack has unpaid
36 debt from the pari-mutuel racetrack operations, the
37 first receipts of the gambling games operated within
38 the racetrack enclosure less reasonable operating
39 expenses, taxes, and fees allowed under this chapter
40 shall be first used to pay the annual indebtedness.
41 The commission shall authorize, subject to the debt
42 payments for horse racetracks and the provisions of
43 paragraph "b" for dog racetracks, a licensee who is
44 also licensed to conduct pari-mutuel dog or horse
45 racing to use receipts from gambling games within the
46 racetrack enclosure to supplement purses for races
47 particularly for Iowa-bred horses pursuant to an
48 agreement which shall be negotiated between the
49 licensee and representatives of the dog or horse
50 owners. For a licensee who is also licensed to

Page 2

1 conduct pari-mutuel horse racing, the supplement to
2 the horse race purses shall be an amount equal to

3 fifteen percent of the annual adjusted gross receipts
 4 received from gambling games and, of the total sum
 5 allocated to supplement horse race purses, twenty
 6 percent shall be used to supplement the purses of
 7 Iowa-bred horses. A qualified sponsoring organization
 8 shall not make a contribution to a candidate,
 9 political committee, candidate's committee, state
 10 statutory political committee, county statutory
 11 political committee, national political party, or
 12 fund-raising event as these terms are defined in
 13 section 56.2. The membership of the board of
 14 directors of a qualified sponsoring organization shall
 15 represent a broad interest of the communities."

16 9. Page 21, by inserting after line 6 the
 17 following:

18 "Sec. ____ Notwithstanding section 546.2,
 19 subsection 2, the governor may reappoint the
 20 commissioner of insurance to be the director of the
 21 department of commerce for a second year beginning
 22 July 1, 1997."

23 - 10. Page 21, by inserting after line 6 the
 24 following:

25 "Sec. 100. FEDERAL WELFARE REFORM COMPLIANCE --
 26 CHILD SUPPORT ENFORCEMENT. For the fiscal year
 27 beginning July 1, 1996, and ending June 30, 1997,
 28 after \$36,370,000 of child support revenue has been
 29 collected by the department of human services and
 30 deposited in the family investment program account
 31 established in section 239B.11, notwithstanding
 32 section 8.33, not more than \$1,000,000 of the
 33 remaining child support revenue collected and
 34 deposited in the account which remains unobligated or
 35 unexpended at the close of the fiscal year ending June
 36 30, 1996, shall not revert to the general fund of the
 37 state, but shall remain available and is appropriated
 38 to the department for use in the succeeding fiscal
 39 year for the purpose of implementing child support
 40 enforcement changes necessitated by federal welfare
 41 reform legislation."

42 11. Page 21, by striking lines 7 through 17 and
 43 inserting the following:

44 "Sec. ____ NEW SECTION. 12C.26 TOBACCO
 45 SETTLEMENT MONEYS.

46 After payment of litigation costs, the state
 47 portion of any moneys paid to the state by tobacco
 48 companies in settlement of the state's lawsuit for
 49 recovery of public expenditures associated with
 50 tobacco use shall be deposited in the general fund of

Page 3

1 the state."

2 12. Page 21, by inserting before line 18 the

3 following:

4 "Sec. ____ Section 144.32, unnumbered paragraph 1,
5 Code 1997, as amended by 1997 Iowa Acts, House File
6 335, if enacted, is amended by striking the unnumbered
7 paragraph and inserting in lieu thereof the following:

8 If a person other than a funeral director, medical
9 examiner, emergency medical service, or an employee of
10 a funeral establishment under the guidance of a
11 funeral director assumed custody of a dead body or
12 fetus, the person shall secure a burial-transit
13 permit. To be valid, the burial-transit permit must
14 be issued by the county medical examiner, a funeral
15 director, or the county registrar of the county where
16 the certificate of death or fetal death was filed.
17 The permit shall be obtained prior to the removal of
18 the body or fetus from the place of death and the
19 permit shall accompany the body or fetus to the place
20 of final disposition."

21 13. Page 21, by inserting before line 18 the
22 following:

23 "Sec. ____ EFFECTIVE DATE. Section 100 of this
24 division of this Act, relating to federal welfare
25 reform compliance, being deemed of immediate
26 importance, takes effect upon enactment."

27 14. Page 21, by striking lines 20 through 35.

28 15. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S—3771

1 Amend House File 299, 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 730.5, Code 1997, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 730.5 PRIVATE SECTOR DRUG-FREE WORKPLACES.

9 1. DEFINITIONS. As used in this section, unless
10 the context otherwise requires:

11 a. "Alcohol" means ethanol, isopropanol, or
12 methanol.

13 b. "Drug" means a substance considered unlawful
14 under the federal Controlled Substances Act, 21 U.S.C.
15 § 801 et seq.

16 c. "Employee" means a person in the service of an
17 employer and includes the employer, and any chief
18 executive officer, president, vice president,
19 supervisor, manager, and officer of the employer.

20 d. "Employer" means a person, firm, company,

21 corporation, labor organization, or employment agency,
22 which has one or more full-time employees employed in
23 the same business, or in or about the same
24 establishment, under any contract of hire, express or
25 implied, oral or written, in this state. "Employer"
26 does not include the state, a political subdivision of
27 the state, including a city, county, or school
28 district, the United States, the United States postal
29 service, or a Native-American tribe.

30 e. "Good faith" means reasonable reliance on
31 facts, or that which is held out to be factual,
32 without the intent to be deceived, and without
33 reckless, malicious, or negligent disregard for the
34 truth.

35 f. "Medical review officer" means a licensed
36 physician, osteopathic physician, chiropractor, nurse
37 practitioner, or physician's assistant authorized to
38 practice in any state of the United States, who is
39 responsible for receiving laboratory results generated
40 by an employer's drug testing program, and who has
41 knowledge of substance abuse disorders and has
42 appropriate medical training to interpret and evaluate
43 an individual's confirmed positive test result
44 together with the individual's medical history and any
45 other relevant biomedical information.

46 g. "Prospective employee" means a person who has
47 made application, whether written or oral, to an
48 employer to become an employee.

49 h. "Reasonable suspicion drug or alcohol testing"
50 means drug or alcohol testing based upon evidence that

Page 2

1 an employee is using or has used alcohol or other
2 drugs in violation of the employer's written policy
3 drawn from specific objective and articulable facts
4 and reasonable inferences drawn from those facts in
5 light of experience. For purposes of this paragraph,
6 facts and inferences may be based upon, but not
7 limited to, any of the following:
8 (1) Observable phenomena while at work such as
9 direct observation of alcohol or other drug use or
10 abuse or of the physical symptoms or manifestations of
11 being impaired due to alcohol or other drug use.
12 (2) Abnormal conduct or erratic behavior while at
13 work or a significant deterioration in work
14 performance.
15 (3) A report of alcohol or other drug use provided
16 by a reliable and credible source.
17 (4) Evidence that an individual has tampered with
18 any drug or alcohol test during the individual's
19 employment with the current employer.

20 (5) Evidence that an employee has caused an
21 accident while at work.

22 (6) Evidence that an employee has manufactured,
23 sold, distributed, solicited, possessed, used, or
24 transferred drugs while working or while on the
25 employer's premises or while operating the employer's
26 vehicle, machinery, or equipment.

27 i. "Safety-sensitive position" means a job wherein
28 an accident could cause loss of human life, serious
29 bodily injury, or significant property or
30 environmental damage, including a job with duties that
31 include immediate supervision of a person in a job
32 that meets the requirement of this paragraph.

33 j. "Sample" means such sample from the human body
34 capable of revealing the presence of alcohol or other
35 drugs, or their metabolites.

36 k. "Unannounced drug or alcohol testing" means
37 testing for the purposes of detecting drugs or alcohol
38 which is conducted on a periodic basis, without
39 advance notice of the test, and without individualized
40 suspicion. The selection of employees to be tested
41 shall be done by an entity independent from the
42 employer and shall be made by a computer-based random
43 number generator that is matched with employees'
44 social security numbers, payroll identification
45 numbers, or other comparable identifying numbers in
46 which each member of the employee population subject
47 to testing has an equal chance of selection for
48 initial testing. The random selection process shall
49 be conducted through a computer program that records
50 each selection attempt by date, time, and employee

Page 3

1 number.

2 2. TESTING OPTIONAL. This section does not
3 require an employer to conduct drug or alcohol testing
4 and the requirements of this section shall not be
5 construed to encourage, discourage, restrict, limit,
6 prohibit, or require such testing.

7 3. TESTING AS CONDITION OF EMPLOYMENT --
8 REQUIREMENTS. To the extent provided in subsection 7,
9 an employer may test employees and prospective
10 employees for the presence of drugs or alcohol as a
11 condition of continued employment or hiring. An
12 employer shall adhere to the requirements of this
13 section concerning the conduct of such testing and the
14 use and disposition of the results of such testing.

15 4. COLLECTION OF SAMPLES. In conducting drug or
16 alcohol testing, an employer may require the
17 collection of samples from its employees and
18 prospective employees, and may require presentation of

19 reliable individual identification from the person
20 being tested to the person collecting the samples.
21 Collection of a sample shall be in conformance with
22 the requirements of this section. The employer may
23 designate the type of sample to be used for this
24 testing.

25 5. SCHEDULING OF TESTS.

26 a. Drug or alcohol testing of employees conducted
27 by an employer shall normally occur during, or
28 immediately before or after, a regular work period.
29 The time required for such testing by an employer
30 shall be deemed work time for the purposes of
31 compensation and benefits for employees.

32 b. An employer shall pay all actual costs for drug
33 or alcohol testing of employees and prospective
34 employees required by the employer.

35 c. An employer shall provide transportation or pay
36 reasonable transportation costs to employees if drug
37 or alcohol sample collection is conducted at a
38 location other than the employee's normal work site.

39 6. TESTING PROCEDURES. All sample collection and
40 testing for drugs or alcohol under this section shall
41 be performed in accordance with the following
42 conditions:

43 a. The collection of samples shall be performed
44 under sanitary conditions and with regard for the
45 privacy of the individual from whom the specimen is
46 being obtained and in a manner reasonably calculated
47 to preclude contamination or substitution of the
48 specimen.

49 b. Sample collection for testing of current
50 employees shall be performed so that the specimen is

Page 4

1 split into two components at the time of collection in
2 the presence of the individual from whom the sample or
3 specimen is collected. The second portion of the
4 specimen or sample shall be of sufficient quantity to
5 permit a second, independent confirmatory test as
6 provided in paragraph "i". If the specimen is urine,
7 the sample shall be split such that the primary sample
8 contains at least thirty milliliters and the secondary
9 sample contains at least fifteen milliliters. Both
10 portions of the sample shall be forwarded to the
11 laboratory conducting the initial confirmatory
12 testing. In addition to any requirements for storage
13 of the initial sample that may be imposed upon the
14 laboratory as a condition for certification of
15 approval, the laboratory shall store the second
16 portion of any sample until receipt of a confirmed
17 negative test result or for a period of at least

18 forty-five calendar days following the completion of
19 the initial confirmatory testing, if the first portion
20 yielded a confirmed positive test result.

21 c. Sample collections shall be documented, and the
22 procedure for documentation shall include the
23 following:

24 (1) Samples shall be labeled so as to reasonably
25 preclude the possibility of misidentification of the
26 person tested in relation to the test result provided,
27 and samples shall be handled and tracked in a manner
28 such that control and accountability are maintained
29 from initial collection to each stage in handling,
30 testing, and storage, through final disposition.

31 (2) An employee or prospective employee shall be
32 provided an opportunity to provide any information
33 which may be considered relevant to the test,
34 including identification of prescription or
35 nonprescription drugs currently or recently used, or
36 other relevant medical information. To assist an
37 employee or prospective employee in providing the
38 information described in this subparagraph, the
39 employer shall provide an employee or prospective
40 employee with a list of the drugs to be tested.

41 d. Sample collection, storage, and transportation
42 to the place of testing shall be performed so as to
43 reasonably preclude the possibility of sample
44 contamination, adulteration, or misidentification.

45 e. All drug testing shall be conducted at a
46 laboratory certified by the United States department
47 of health and human services' substance abuse and
48 mental health services administration or approved
49 under rules adopted by the Iowa department of public
50 health.

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1 f. Drug or alcohol testing shall include
2 confirmation of any initial positive test results.
3 For drug or alcohol testing, confirmation shall be by
4 use of a different chemical process than was used in
5 the initial screen for drugs or alcohol. The
6 confirmatory drug or alcohol test shall be a
7 chromatographic technique such as gas chromatography
8 or mass spectrometry, or another comparably reliable
9 analytical method. An employer may take adverse
10 employment action, including refusal to hire a
11 prospective employee, based on a confirmed positive
12 drug or alcohol test.

13 g. A medical review officer shall, prior to the
14 results being reported to an employer; review and
15 interpret any confirmed positive test results,
16 including both quantitative and qualitative test

17 results, to ensure that the chain of custody is
18 complete and sufficient on its face and that any
19 information provided by the individual pursuant to
20 paragraph "c", subparagraph (2), is considered.

21 h. In conducting drug or alcohol testing pursuant
22 to this section, the employer shall ensure to the
23 extent feasible that the testing only measure, and the
24 records concerning the testing only show or make use
25 of information regarding, alcohol or drugs in the
26 body.

27 i. (1) If a confirmed positive drug or alcohol
28 test for a current employee is reported to the
29 employer by the medical review officer, the employer
30 shall notify the employee in writing of the results of
31 the test, the employee's right to request and obtain a
32 confirmatory test of the second sample collected
33 pursuant to paragraph "b" at an approved laboratory of
34 the employee's choice, and the fee payable by the
35 employee to the employer for reimbursement of expenses
36 concerning the test. The fee charged an employee
37 shall be an amount that represents the costs
38 associated with conducting the second confirmatory
39 test, which shall be consistent with the employer's
40 cost for conducting the initial confirmatory test on
41 an employee's sample. If the employee requests a
42 second confirmatory test, identifies an approved
43 laboratory to conduct the test, and pays the employer
44 the fee for the test within five days from the date
45 the employee receives written notice of the right to
46 request a test, a second confirmatory test shall be
47 conducted at the laboratory chosen by the employee.
48 The results of the second confirmatory test shall be
49 reported to the medical review officer who reviewed
50 the initial confirmatory test results and the medical

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1 review officer shall review the results and issue a
2 report to the employer on whether the results of the
3 second confirmatory test confirmed the initial
4 confirmatory test as to the presence of a specific
5 drug or alcohol. If the results of the second test do
6 not confirm the results of the initial confirmatory
7 test, the employer shall reimburse the employee for
8 the fee paid by the employee for the second test and
9 the initial confirmatory test shall not be considered
10 a confirmed positive drug or alcohol test for purposes
11 of taking disciplinary action pursuant to subsection
12 9.

13 (2) If a confirmed positive drug or alcohol test
14 for a prospective employee is reported to the employer
15 by the medical review officer, the employer shall

16 notify the prospective employee in writing of the
17 results of the test, of the name and address of the
18 medical review officer who made the report, and of the
19 prospective employee's right to request records under
20 subsection 12.

21 j. A laboratory conducting testing under this
22 section shall dispose of all samples for which a
23 negative test result was reported to an employer
24 within five working days after issuance of the
25 negative test result report.

26 7. DRUG OR ALCOHOL TESTING. Employers may conduct
27 drug or alcohol testing as provided in this
28 subsection:

29 a. Employers may conduct unannounced drug or
30 alcohol testing of the employee population not subject
31 to testing pursuant to paragraph "b".

32 b. Employers may conduct unannounced drug or
33 alcohol testing of employees in a pool of employees
34 who are in a safety-sensitive position.

35 c. Employers may conduct drug or alcohol testing
36 of employees during, and after completion of, drug or
37 alcohol rehabilitation.

38 d. Employers may conduct reasonable suspicion drug
39 or alcohol testing.

40 e. Employers may conduct drug or alcohol testing
41 of prospective employees.

42 f. Employers may conduct drug or alcohol testing
43 as required by federal law or regulation.

44 g. Employers may conduct drug or alcohol testing
45 in investigating accidents in the workplace.

46 8. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

47 a. Drug or alcohol testing or retesting by an
48 employer shall be carried out within the terms of a
49 written policy which has been provided to every
50 employee subject to testing, and is available for

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1 review by employees and prospective employees.

2 b. Employers shall establish an awareness program
3 to inform employees of the dangers of drug and alcohol
4 use in the workplace and comply with the following
5 requirements in order to conduct drug or alcohol
6 testing under this section:

7 (1) If an employer has an employee assistance
8 program, the employer must inform the employee of the
9 benefits and services of the employee assistance
10 program. An employer shall post notice of the
11 employee assistance program in conspicuous places and
12 explore alternative routine and reinforcing means of
13 publicizing such services. In addition, the employer
14 must provide the employee with notice of the policies

15 and procedures regarding access to and utilization of
16 the program.

17 (2) If an employer does not have an employee
18 assistance program, the employer must maintain a
19 resource file of employee assistance services
20 providers, alcohol and other drug abuse programs
21 certified by the Iowa department of public health,
22 mental health providers, and other persons, entities,
23 or organizations available to assist employees with
24 personal or behavioral problems. The employer shall
25 provide all employees information about the existence
26 of the resource file and a summary of the information
27 contained within the resource file. The summary
28 should contain, but need not be limited to, all
29 information necessary to access the services listed in
30 the resource file. In addition, the employer shall
31 post in conspicuous places a listing of multiple
32 employee assistance providers in the area.

33 c. An employee or prospective employee whose drug
34 or alcohol test results are confirmed as positive in
35 accordance with this section shall not, by virtue of
36 those results alone, be considered as a person with a
37 disability for purposes of any state or local law or
38 regulation.

39 d. If the written policy provides for alcohol
40 testing, the employer shall establish in the written
41 policy a standard for alcohol concentration which
42 shall be deemed to violate the policy. The standard
43 for alcohol concentration shall not be less than .02,
44 expressed in terms of grams of alcohol per two hundred
45 ten liters of breath, or its equivalent.

46 e. All employees of an employer who are designated
47 by the employer as being in a safety-sensitive
48 position shall be placed in a pool of safety-sensitive
49 employees subject to drug or alcohol testing pursuant
50 to subsection 7, paragraph "b". An employer shall

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1 have no more than one pool of safety-sensitive
2 employees subject to drug or alcohol testing pursuant
3 to subsection 7, paragraph "b".

4 f. Upon receipt of a confirmed positive alcohol
5 test or a confirmed positive drug test relating to the
6 abuse of lawfully prescribed drugs currently or
7 recently used by an employee, and if the employer has
8 at least fifty employees, and if the employee has been
9 employed by the employer on a full-time basis for
10 twelve consecutive months and rehabilitation is agreed
11 upon by both the employer and the employee, and if the
12 employee has not previously undergone rehabilitation
13 with the same employer pursuant to this section, the

14 written policy shall provide for the apportionment of
15 the costs of rehabilitation as provided by this
16 paragraph.

17 (1) If the employer has an employee benefit plan,
18 the costs of rehabilitation shall be apportioned as
19 provided under the employee benefit plan.

20 (2) If no employee benefit plan exists and the
21 employee has coverage for any portion of the costs of
22 rehabilitation under any health care plan of the
23 employee, the costs of rehabilitation shall be
24 apportioned as provided by the health care plan.

25 (3) If no employee benefit plan exists and the
26 employee does not have coverage for any portion of the
27 costs of rehabilitation under any health care plan of
28 the employee, the costs of rehabilitation shall be
29 apportioned equally between the employee and the
30 employer. However, the employer shall not be required
31 to pay more than two thousand dollars towards the cost
32 of rehabilitation under this subparagraph.

33 g. In order to conduct drug or alcohol testing
34 under this section, an employer shall require
35 supervisory personnel of the employer involved with
36 drug or alcohol testing under this section to attend a
37 minimum of two hours of initial training and to
38 attend, on an annual basis thereafter, a minimum of
39 one hour of subsequent training. The training shall
40 include, but is not limited to, information concerning
41 the recognition of evidence of employee alcohol and
42 other drug abuse, the documentation and corroboration
43 of employee alcohol and other drug abuse, and the
44 referral of employees who abuse alcohol or other drugs
45 to the employee assistance program or to the resource
46 file of employee assistance services providers.

47 9. DISCIPLINARY PROCEDURES.

48 a. Upon receipt of a confirmed positive drug or
49 alcohol test result which indicates a violation of the
50 employer's written policy, or upon the refusal of an

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1 employee or prospective employee to provide a testing
2 sample, an employer may use that test result or test
3 refusal as a valid basis for disciplinary or
4 rehabilitative actions consistent with the employer's
5 written policy, which may include, among other
6 actions, the following:

7 (1) A requirement that the employee enroll in an
8 employer-provided or approved rehabilitation,
9 treatment, or counseling program, which may include
10 additional drug or alcohol testing, participation in
11 and successful completion of which may be a condition

12 of continued employment, and the costs of which may or
 13 may not be covered by the employer's health plan or
 14 policies.

15 (2) Suspension of the employee, with or without
 16 pay, for a designated period of time.

17 (3) Termination of employment.

18 (4) Refusal to hire a prospective employee.

19 (5) Other adverse employment action in conformance
 20 with the employer's written policy and procedures,
 21 including any relevant collective bargaining agreement
 22 provisions.

23 b. Following a drug or alcohol test, but prior to
 24 receipt of the final results of the drug or alcohol
 25 test, an employer may suspend a current employee, with
 26 or without pay, pending the outcome of the test. An
 27 employee who has been suspended shall be reinstated by
 28 the employer, with back pay, and interest on such
 29 amount at eighteen percent per annum compounded
 30 annually, if applicable, if the result of the test is
 31 not a confirmed positive drug or alcohol test which
 32 indicates a violation of the employer's written
 33 policy.

34 10. EMPLOYER IMMUNITY. A cause of action shall
 35 not arise against an employer who has established a
 36 policy and initiated a testing program in accordance
 37 with the testing and policy safeguards provided for
 38 under this section, for any of the following:

39 a. Testing or taking action based on the results
 40 of a positive drug or alcohol test result, indicating
 41 the presence of drugs or alcohol, in good faith, or
 42 the refusal of an employee or prospective employee to
 43 submit to a drug or alcohol test.

44 b. Failure to test for drugs or alcohol, or
 45 failure to test for a specific drug or controlled
 46 substance.

47 c. Failure to test for, or if tested for, failure
 48 to detect, any specific drug or other controlled
 49 substance.

50 d. Termination or suspension of any substance

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1 abuse prevention or testing program or policy.

2 e. Any action taken related to a false negative
 3 drug or alcohol test result.

4 11. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
 5 RESULTS.

6 a. Except as otherwise provided in paragraph "b",
 7 a cause of action shall not arise against an employer
 8 who has established a program of drug or alcohol

9 testing in accordance with this section, unless all of
10 the following conditions exist:

11 (1) The employer's action was based on a false
12 positive test result.

13 (2) The employer knew or clearly should have known
14 that the test result was in error and ignored the
15 correct test result because of reckless, malicious, or
16 negligent disregard for the truth, or the willful
17 intent to deceive or to be deceived.

18 b. A cause of action for defamation, libel,
19 slander, or damage to reputation shall not arise
20 against an employer establishing a program of drug or
21 alcohol testing in accordance with this section unless
22 all of the following apply:

23 (1) The employer discloses the test results to a
24 person other than the employer, an authorized
25 employee, agent, or representative of the employer,
26 the tested employee or the tested applicant for
27 employment, an authorized substance abuse treatment
28 program or employee assistance program, or an
29 authorized agent or representative of the tested
30 employee or applicant.

31 (2) The test results disclosed incorrectly
32 indicate the presence of alcohol or drugs.

33 (3) The employer negligently discloses the
34 results.

35 c. In any cause of action based upon a false
36 positive test result, all of the following conditions
37 apply:

38 (1) The results of a drug or alcohol test
39 conducted in compliance with this section are presumed
40 to be valid.

41 (2) An employer shall not be liable for monetary
42 damages if the employer's reliance on the false
43 positive test result was reasonable and in good faith.

44 12. CONFIDENTIALITY OF RESULTS - EXCEPTION.

45 a. Except as provided in paragraph "b", all
46 communications received by an employer relevant to
47 employee or prospective employee drug or alcohol test
48 results, or otherwise received through the employer's
49 drug or alcohol testing program, are confidential
50 communications and shall not be used or received in

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1 evidence, obtained in discovery, or disclosed in any
2 public or private proceeding, except as provided by
3 this section or in a proceeding related to an action
4 taken by an employer under this section or by an
5 employee under this section.

6 b. An employee, or a prospective employee, who is
7 the subject of a drug or alcohol test conducted under
8 this section pursuant to an employer's written policy
9 and for whom a confirmed positive test result is
10 reported shall, upon written request, have access to
11 any records relating to the employee's drug or alcohol
12 test, including records of the laboratory where the
13 testing was conducted and any records relating to the
14 results of any relevant certification or review by a
15 medical review officer. However, a prospective
16 employee shall be entitled to records under this
17 paragraph only if the prospective employee requests
18 the records within fifteen calendar days from the date
19 the employer provided the prospective employee written
20 notice of the results of a drug or alcohol test as
21 provided in subsection 6, paragraph "1", subparagraph
22 (2).

23 c. Except as provided by this subsection and as
24 necessary to conduct drug or alcohol testing under
25 this section, a laboratory and a medical review
26 officer conducting drug or alcohol testing under this
27 section shall not use or disclose to any person any
28 personally identifiable information regarding such
29 testing, including the names of individuals tested,
30 even if unaccompanied by the results of the test.
31 13. CIVIL REMEDIES. This section may be enforced
32 through a civil action.

33 a. A person who violates this section or who aids
34 in the violation of this section, is liable to an
35 aggrieved employee or prospective employee for
36 affirmative relief including reinstatement or hiring,
37 with or without back pay, or any other equitable
38 relief as the court deems appropriate including
39 attorney fees and court costs.

40 b. When a person commits, is committing, or
41 proposes to commit, an act in violation of this
42 section, an injunction may be granted through an
43 action in district court to prohibit the person from
44 continuing such acts. The action for injunctive
45 relief may be brought by an aggrieved employee or
46 prospective employee, the county attorney, or the
47 attorney general.

48 In an action brought under this subsection alleging
49 that an employer has required or requested a drug or
50 alcohol test in violation of this section, the

3 Sec. 2. EFFECTIVE DATE. This Act takes effect on
4 the thirtieth day following enactment.”

STEVE KING

S—3772

1 Amend the amendment, S—3771, to House File 299, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 1, through page 12,
5 line 4 and inserting the following:
6 “Amend House File 299, as amended, passed, and
7 reprinted by the House, as follows:
8 ____ By striking everything after the enacting
9 clause and inserting the following:
10 “Section 1. Section 730.5, Code 1997, is amended
11 by striking the section and inserting in lieu thereof
12 the following:
13 730.5 PRIVATE SECTOR DRUG-FREE WORKPLACES.
14 1. DEFINITIONS. As used in this section, unless
15 the context otherwise requires:
16 a. “Alcohol” means ethanol, isopropanol, or
17 methanol.
18 b. “Drug” means a substance considered unlawful
19 under the federal Controlled Substances Act, 21 U.S.C.
20 § 801 et seq.
21 c. “Employee” means a person in the service of an
22 employer and includes the employer, and any chief
23 executive officer, president, vice president,
24 supervisor, manager, and officer of the employer.
25 d. “Employer” means a person, firm, company,
26 corporation, labor organization, or employment agency,
27 which has one or more full-time employees employed in
28 the same business, or in or about the same
29 establishment, under any contract of hire, express or
30 implied, oral or written, in this state. “Employer”
31 does not include the state, a political subdivision of
32 the state, including a city, county, or school
33 district, the United States, the United States postal
34 service, or a Native-American tribe.
35 e. “Good faith” means reasonable reliance on
36 facts, or that which is held out to be factual,
37 without the intent to be deceived, and without
38 reckless, malicious, or negligent disregard for the
39 truth.
40 f. “Medical review officer” means a licensed
41 physician, osteopathic physician, chiropractor, nurse
42 practitioner, or physician’s assistant authorized to
43 practice in any state of the United States, who is
44 responsible for receiving laboratory results generated
45 by an employer’s drug testing program, and who has

46 knowledge of substance abuse disorders and has
47 appropriate medical training to interpret and evaluate
48 an individual's confirmed positive test result
49 together with the individual's medical history and any
50 other relevant biomedical information.

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1 g. "Prospective employee" means a person who has
2 made application, whether written or oral, to an
3 employer to become an employee.

4 h. "Reasonable suspicion drug or alcohol testing"
5 means drug or alcohol testing based upon evidence that
6 an employee is using or has used alcohol or other
7 drugs in violation of the employer's written policy
8 drawn from specific objective and articulable facts
9 and reasonable inferences drawn from those facts in
10 light of experience. For purposes of this paragraph,
11 facts and inferences may be based upon, but not
12 limited to, any of the following:

13 (1) Observable phenomena while at work such as
14 direct observation of alcohol or other drug use or
15 abuse or of the physical symptoms or manifestations of
16 being impaired due to alcohol or other drug use.

17 (2) Abnormal conduct or erratic behavior while at
18 work or a significant deterioration in work
19 performance.

20 (3) A report of alcohol or other drug use provided
21 by a reliable and credible source.

22 (4) Evidence that an individual has tampered with
23 any drug or alcohol test during the individual's
24 employment with the current employer.

25 (5) Evidence that an employee has caused an
26 accident while at work.

27 (6) Evidence that an employee has manufactured,
28 sold, distributed, solicited, possessed, used, or
29 transferred drugs while working or while on the
30 employer's premises or while operating the employer's
31 vehicle, machinery, or equipment.

32 i. "Safety-sensitive position" means a job wherein
33 an accident could cause loss of human life, serious
34 bodily injury, or significant property or
35 environmental damage, including a job with duties that
36 include immediate supervision of a person in a job
37 that meets the requirement of this paragraph.

38 j. "Sample" means such sample from the human body
39 capable of revealing the presence of alcohol or other
40 drugs, or their metabolites.

41 k. "Unannounced drug or alcohol testing" means
42 testing for the purposes of detecting drugs or alcohol
43 which is conducted on a periodic basis, without
44 advance notice of the test, and without individualized

45 suspicion. The selection of employees to be tested
46 shall be done by an entity independent from the
47 employer and shall be made by a computer-based random
48 number generator that is matched with employees'
49 social security numbers, payroll identification
50 numbers, or other comparable identifying numbers in

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1 which each member of the employee population subject
2 to testing has an equal chance of selection for
3 initial testing. The random selection process shall
4 be conducted through a computer program that records
5 each selection attempt by date, time, and employee
6 number.

7 2. TESTING OPTIONAL. This section does not
8 require an employer to conduct drug or alcohol testing
9 and the requirements of this section shall not be
10 construed to encourage, discourage, restrict, limit,
11 prohibit, or require such testing.

12 3. TESTING AS CONDITION OF EMPLOYMENT --
13 REQUIREMENTS. To the extent provided in subsection 7,
14 an employer may test employees and prospective
15 employees for the presence of drugs or alcohol as a
16 condition of continued employment or hiring. An
17 employer shall adhere to the requirements of this
18 section concerning the conduct of such testing and the
19 use and disposition of the results of such testing.

20 4. COLLECTION OF SAMPLES. In conducting drug or
21 alcohol testing; an employer may require the
22 collection of samples from its employees and
23 prospective employees, and may require presentation of
24 reliable individual identification from the person
25 being tested to the person collecting the samples.
26 Collection of a sample shall be in conformance with
27 the requirements of this section. The employer may
28 designate the type of sample to be used for this
29 testing.

30 5. SCHEDULING OF TESTS.

31 a. Drug or alcohol testing of employees conducted
32 by an employer shall normally occur during, or
33 immediately before or after, a regular work period.
34 The time required for such testing by an employer
35 shall be deemed work time for the purposes of
36 compensation and benefits for employees.

37 b. An employer shall pay all actual costs for drug
38 or alcohol testing of employees and prospective
39 employees required by the employer.

40 c. An employer shall provide transportation or pay
41 reasonable transportation costs to employees if drug
42 or alcohol sample collection is conducted at a
43 location other than the employee's normal work site.

44 6. TESTING PROCEDURES. All sample collection and
45 testing for drugs or alcohol under this section shall
46 be performed in accordance with the following
47 conditions:

48 a. The collection of samples shall be performed
49 under sanitary conditions and with regard for the
50 privacy of the individual from whom the specimen is

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1 being obtained and in a manner reasonably calculated
2 to preclude contamination or substitution of the
3 specimen.

4 b. Sample collection for testing of current
5 employees shall be performed so that the specimen is
6 split into two components at the time of collection in
7 the presence of the individual from whom the sample or
8 specimen is collected. The second portion of the
9 specimen or sample shall be of sufficient quantity to
10 permit a second, independent confirmatory test as
11 provided in paragraph "i". If the specimen is urine,
12 the sample shall be split such that the primary sample
13 contains at least thirty milliliters and the secondary
14 sample contains at least fifteen milliliters. Both
15 portions of the sample shall be forwarded to the
16 laboratory conducting the initial confirmatory
17 testing. In addition to any requirements for storage
18 of the initial sample that may be imposed upon the
19 laboratory as a condition for certification of
20 approval, the laboratory shall store the second
21 portion of any sample until receipt of a confirmed
22 negative test result or for a period of at least
23 forty-five calendar days following the completion of
24 the initial confirmatory testing, if the first portion
25 yielded a confirmed positive test result.

26 c. Sample collections shall be documented, and the
27 procedure for documentation shall include the
28 following:

29 (1) Samples shall be labeled so as to reasonably
30 preclude the possibility of misidentification of the
31 person tested in relation to the test result provided,
32 and samples shall be handled and tracked in a manner
33 such that control and accountability are maintained
34 from initial collection to each stage in handling,
35 testing, and storage, through final disposition.

36 (2) An employee or prospective employee shall be
37 provided an opportunity to provide any information
38 which may be considered relevant to the test,
39 including identification of prescription or
40 nonprescription drugs currently or recently used, or
41 other relevant medical information. To assist an
42 employee or prospective employee in providing the

43 information described in this subparagraph, the
44 employer shall provide an employee or prospective
45 employee with a list of the drugs to be tested.
46 d. Sample collection, storage, and transportation
47 to the place of testing shall be performed so as to
48 reasonably preclude the possibility of sample
49 contamination, adulteration, or misidentification.
50 e. All drug testing shall be conducted at a

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1 laboratory certified by the United States department
2 of health and human services' substance abuse and
3 mental health services administration or approved
4 under rules adopted by the Iowa department of public
5 health.

6 f. Drug or alcohol testing shall include
7 confirmation of any initial positive test results.
8 For drug or alcohol testing, confirmation shall be by
9 use of a different chemical process than was used in
10 the initial screen for drugs or alcohol. The
11 confirmatory drug or alcohol test shall be a
12 chromatographic technique such as gas chromatography
13 or mass spectrometry, or another comparably reliable
14 analytical method. An employer may take adverse
15 employment action, including refusal to hire a
16 prospective employee, based on a confirmed positive
17 drug or alcohol test.

18 g. A medical review officer shall, prior to the
19 results being reported to an employer, review and
20 interpret any confirmed positive test results,
21 including both quantitative and qualitative test
22 results, to ensure that the chain of custody is
23 complete and sufficient on its face and that any
24 information provided by the individual pursuant to
25 paragraph "c", subparagraph (2), is considered.
26 h. In conducting drug or alcohol testing pursuant
27 to this section, the employer shall ensure to the
28 extent feasible that the testing only measure, and the
29 records concerning the testing only show or make use
30 of information regarding, alcohol or drugs in the
31 body.

32 i. (1) If a confirmed positive drug or alcohol
33 test for a current employee is reported to the
34 employer by the medical review officer, the employer
35 shall notify the employee in writing of the results of
36 the test, the employee's right to request and obtain a
37 confirmatory test of the second sample collected
38 pursuant to paragraph "b" at an approved laboratory of
39 the employee's choice, and the fee payable by the
40 employee to the employer for reimbursement of expenses
41 concerning the test. The fee charged an employee

42 shall be an amount that represents the costs
43 associated with conducting the second confirmatory
44 test, which shall be consistent with the employer's
45 cost for conducting the initial confirmatory test on
46 an employee's sample. If the employee requests a
47 second confirmatory test, identifies an approved
48 laboratory to conduct the test, and pays the employer
49 the fee for the test within five days from the date
50 the employee receives written notice of the right to

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1 request a test, a second confirmatory test shall be
2 conducted at the laboratory chosen by the employee.
3 The results of the second confirmatory test shall be
4 reported to the medical review officer who reviewed
5 the initial confirmatory test results and the medical
6 review officer shall review the results and issue a
7 report to the employer on whether the results of the
8 second confirmatory test confirmed the initial
9 confirmatory test as to the presence of a specific
10 drug or alcohol. If the results of the second test do
11 not confirm the results of the initial confirmatory
12 test, the employer shall reimburse the employee for
13 the fee paid by the employee for the second test and
14 the initial confirmatory test shall not be considered
15 a confirmed positive drug or alcohol test for purposes
16 of taking disciplinary action pursuant to subsection
17 9.

18 (2) If a confirmed positive drug or alcohol test
19 for a prospective employee is reported to the employer
20 by the medical review officer, the employer shall
21 notify the prospective employee in writing of the
22 results of the test, of the name and address of the
23 medical review officer who made the report, and of the
24 prospective employee's right to request records under
25 subsection 12.

26 j. A laboratory conducting testing under this
27 section shall dispose of all samples for which a
28 negative test result was reported to an employer
29 within five working days after issuance of the
30 negative test result report.

31 7. DRUG OR ALCOHOL TESTING. Employers may conduct
32 drug or alcohol testing as provided in this
33 subsection:

34 a. Employers may conduct unannounced drug or
35 alcohol testing of the employee population not subject
36 to testing pursuant to paragraph "b".

37 b. Employers may conduct unannounced drug or
38 alcohol testing of employees in a pool of employees
39 who are in a safety-sensitive position.

40 c. Employers may conduct drug or alcohol testing

- 41 of employees during, and after completion of, drug or
42 alcohol rehabilitation.
- 43 d. Employers may conduct reasonable suspicion drug
44 or alcohol testing.
- 45 e. Employers may conduct drug or alcohol testing
46 of prospective employees.
- 47 f. Employers may conduct drug or alcohol testing
48 as required by federal law or regulation.
- 49 g. Employers may conduct drug or alcohol testing
50 in investigating accidents in the workplace.

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1 8. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

- 2 a. Drug or alcohol testing or retesting by an
3 employer shall be carried out within the terms of a
4 written policy which has been provided to every
5 employee subject to testing, and is available for
6 review by employees and prospective employees.
- 7 b. Employers shall establish an awareness program
8 to inform employees of the dangers of drug and alcohol
9 use in the workplace and comply with the following
10 requirements in order to conduct drug or alcohol
11 testing under this section:
- 12 (1) If an employer has an employee assistance
13 program, the employer must inform the employee of the
14 benefits and services of the employee assistance
15 program. An employer shall post notice of the
16 employee assistance program in conspicuous places and
17 explore alternative routine and reinforcing means of
18 publicizing such services. In addition, the employer
19 must provide the employee with notice of the policies
20 and procedures regarding access to and utilization of
21 the program.
- 22 (2) If an employer does not have an employee
23 assistance program, the employer must maintain a
24 resource file of employee assistance services
25 providers, alcohol and other drug abuse programs
26 certified by the Iowa department of public health,
27 mental health providers, and other persons, entities,
28 or organizations available to assist employees with
29 personal or behavioral problems. The employer shall
30 provide all employees information about the existence
31 of the resource file and a summary of the information
32 contained within the resource file. The summary
33 should contain, but need not be limited to, all
34 information necessary to access the services listed in
35 the resource file. In addition, the employer shall
36 post in conspicuous places a listing of multiple
37 employee assistance providers in the area.
- 38 c. An employee or prospective employee whose drug
39 or alcohol test results are confirmed as positive in

40 accordance with this section shall not, by virtue of
41 those results alone, be considered as a person with a
42 disability for purposes of any state or local law or
43 regulation.

44 d. If the written policy provides for alcohol
45 testing, the employer shall establish in the written
46 policy a standard for alcohol concentration which
47 shall be deemed to violate the policy. The standard
48 for alcohol concentration shall not be less than .02,
49 expressed in terms of grams of alcohol per two hundred
50 ten liters of breath, or its equivalent.

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1 e. All employees of an employer who are designated
2 by the employer as being in a safety-sensitive
3 position shall be placed in a pool of safety-sensitive
4 employees subject to drug or alcohol testing pursuant
5 to subsection 7, paragraph "b". An employer shall
6 have no more than one pool of safety-sensitive
7 employees subject to drug or alcohol testing pursuant
8 to subsection 7, paragraph "b".

9 f. Upon receipt of a confirmed positive alcohol
10 test or a confirmed positive drug test relating to the
11 abuse of lawfully prescribed drugs currently or
12 recently used by an employee, and if the employer has
13 at least fifty employees, and if the employee has been
14 employed by the employer on a full-time basis for
15 twelve consecutive months and rehabilitation is agreed
16 upon by both the employer and the employee, and if the
17 employee has not previously undergone rehabilitation
18 with the same employer pursuant to this section, the
19 written policy shall provide for the apportionment of
20 the costs of rehabilitation as provided by this
21 paragraph.

22 (1) If the employer has an employee benefit plan,
23 the costs of rehabilitation shall be apportioned as
24 provided under the employee benefit plan.

25 (2) If no employee benefit plan exists and the
26 employee has coverage for any portion of the costs of
27 rehabilitation under any health care plan of the
28 employee, the costs of rehabilitation shall be
29 apportioned as provided by the health care plan with
30 any costs not covered by the plan apportioned equally
31 between the employee and the employer. However, the
32 employer shall not be required to pay more than two
33 thousand dollars toward the costs not covered by the
34 employee's health care plan.

35 (3) If no employee benefit plan exists and the
36 employee does not have coverage for any portion of the
37 costs of rehabilitation under any health care plan of
38 the employee, the costs of rehabilitation shall be

39 apportioned equally between the employee and the
40 employer. However, the employer shall not be required
41 to pay more than two thousand dollars towards the cost
42 of rehabilitation under this subparagraph.

43 g. In order to conduct drug or alcohol testing
44 under this section, an employer shall require
45 supervisory personnel of the employer involved with
46 drug or alcohol testing under this section to attend a
47 minimum of two hours of initial training and to
48 attend, on an annual basis thereafter, a minimum of
49 one hour of subsequent training. The training shall
50 include, but is not limited to, information concerning

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1 the recognition of evidence of employee alcohol and
2 other drug abuse, the documentation and corroboration
3 of employee alcohol and other drug abuse, and the
4 referral of employees who abuse alcohol or other drugs
5 to the employee assistance program or to the resource
6 file of employee assistance services providers.

7 9. DISCIPLINARY PROCEDURES.

8 a. Upon receipt of a confirmed positive drug or
9 alcohol test result which indicates a violation of the
10 employer's written policy, or upon the refusal of an
11 employee or prospective employee to provide a testing
12 sample, an employer may use that test result or test
13 refusal as a valid basis for disciplinary or
14 rehabilitative actions consistent with the employer's
15 written policy, which may include, among other
16 actions, the following:

17 (1) A requirement that the employee enroll in an
18 employer-provided or approved rehabilitation,
19 treatment, or counseling program, which may include
20 additional drug or alcohol testing, participation in
21 and successful completion of which may be a condition
22 of continued employment, and the costs of which may or
23 may not be covered by the employer's health plan or
24 policies.

25 (2) Suspension of the employee, with or without
26 pay, for a designated period of time.

27 (3) Termination of employment.

28 (4) Refusal to hire a prospective employee.

29 (5) Other adverse employment action in conformance
30 with the employer's written policy and procedures,
31 including any relevant collective bargaining agreement
32 provisions.

33 b. Following a drug or alcohol test, but prior to
34 receipt of the final results of the drug or alcohol
35 test, an employer may suspend a current employee, with
36 or without pay, pending the outcome of the test. An
37 employee who has been suspended shall be reinstated by

38 the employer, with back pay, and interest on such
39 amount at eighteen percent per annum compounded
40 annually, if applicable, if the result of the test is
41 not a confirmed positive drug or alcohol test which
42 indicates a violation of the employer's written
43 policy.

44 10. EMPLOYER IMMUNITY. A cause of action shall
45 not arise against an employer who has established a
46 policy and initiated a testing program in accordance
47 with the testing and policy safeguards provided for
48 under this section, for any of the following:
49 a. Testing or taking action based on the results
50 of a positive drug or alcohol test result, indicating

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1 the presence of drugs or alcohol, in good faith, or
2 the refusal of an employee or prospective employee to
3 submit to a drug or alcohol test.

4 b. Failure to test for drugs or alcohol, or
5 failure to test for a specific drug or controlled
6 substance.

7 c. Failure to test for, or if tested for, failure
8 to detect, any specific drug or other controlled
9 substance.

10 d. Termination or suspension of any substance
11 abuse prevention or testing program or policy.

12 e. Any action taken related to a false negative
13 drug or alcohol test result.

14 11. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
15 RESULTS.

16 a. Except as otherwise provided in paragraph "b",
17 a cause of action shall not arise against an employer
18 who has established a program of drug or alcohol
19 testing in accordance with this section, unless all of
20 the following conditions exist:

21 (1) The employer's action was based on a false
22 positive test result.

23 (2) The employer knew or clearly should have known
24 that the test result was in error and ignored the
25 correct test result because of reckless, malicious, or
26 negligent disregard for the truth, or the willful
27 intent to deceive or to be deceived.

28 b. A cause of action for defamation, libel,
29 slander, or damage to reputation shall not arise
30 against an employer establishing a program of drug or
31 alcohol testing in accordance with this section unless
32 all of the following apply:

33 (1) The employer discloses the test results to a
34 person other than the employer, an authorized
35 employee, agent, or representative of the employer,
36 the tested employee or the tested applicant for

37 employment, an authorized substance abuse treatment
38 program or employee assistance program, or an
39 authorized agent or representative of the tested
40 employee or applicant.

41 (2) The test results disclosed incorrectly
42 indicate the presence of alcohol or drugs.

43 (3) The employer negligently discloses the
44 results.

45 c. In any cause of action based upon a false
46 positive test result, all of the following conditions
47 apply:

48 (1) The results of a drug or alcohol test
49 conducted in compliance with this section are presumed
50 to be valid.

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1 (2) An employer shall not be liable for monetary
2 damages if the employer's reliance on the false
3 positive test result was reasonable and in good faith.

4 12. CONFIDENTIALITY OF RESULTS - EXCEPTION.

5 a. Except as provided in paragraph "b", all
6 communications received by an employer relevant to
7 employee or prospective employee drug or alcohol test
8 results, or otherwise received through the employer's
9 drug or alcohol testing program, are confidential
10 communications and shall not be used or received in
11 evidence, obtained in discovery, or disclosed in any
12 public or private proceeding, except as provided by
13 this section or in a proceeding related to an action
14 taken by an employer under this section or by an
15 employee under this section.

16 b. An employee, or a prospective employee, who is
17 the subject of a drug or alcohol test conducted under
18 this section pursuant to an employer's written policy
19 and for whom a confirmed positive test result is
20 reported shall, upon written request, have access to
21 any records relating to the employee's drug or alcohol
22 test, including records of the laboratory where the
23 testing was conducted and any records relating to the
24 results of any relevant certification or review by a
25 medical review officer. However, a prospective
26 employee shall be entitled to records under this
27 paragraph only if the prospective employee requests
28 the records within fifteen calendar days from the date
29 the employer provided the prospective employee written
30 notice of the results of a drug or alcohol test as
31 provided in subsection 6, paragraph "1", subparagraph
32 (2).

33 c. Except as provided by this subsection and as
34 necessary to conduct drug or alcohol testing under
35 this section, a laboratory and a medical review

36 officer conducting drug or alcohol testing under this
37 section shall not use or disclose to any person any
38 personally identifiable information regarding such
39 testing, including the names of individuals tested,
40 even if unaccompanied by the results of the test.
41 13. CIVIL REMEDIES. This section may be enforced
42 through a civil action.

43 a. A person who violates this section or who aids
44 in the violation of this section, is liable to an
45 aggrieved employee or prospective employee for
46 affirmative relief including reinstatement or hiring,
47 with or without back pay, or any other equitable
48 relief as the court deems appropriate including
49 attorney fees and court costs.

50 b. When a person commits, is committing, or

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1 proposes to commit, an act in violation of this
2 section, an injunction may be granted through an
3 action in district court to prohibit the person from
4 continuing such acts. The action for injunctive
5 relief may be brought by an aggrieved employee or
6 prospective employee, the county attorney, or the
7 attorney general.

8 In an action brought under this subsection alleging
9 that an employer has required or requested a drug or
10 alcohol test in violation of this section, the
11 employer has the burden of proving that the
12 requirements of this section were met.

13 Sec. 2. EFFECTIVE DATE. This Act takes effect on
14 the thirtieth day following enactment.”

STEVE KING

S-3773

1 Amend the amendment, S-3771, to House File 299, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking everything after the amending
5 clause and inserting the following:

6 “ —. By striking everything after the enacting
7 clause and inserting the following:

8 “Section 1. Section 730.5, Code 1997, is amended
9 by striking the section and inserting in lieu thereof
10 the following:

11 730.5 DRUG-FREE WORKPLACES.

12 1. DEFINITIONS. As used in this section, unless
13 the context otherwise requires:

14 a. “Alcohol” means ethanol, isopropanol, or
15 methanol.

16 b. "Drug" means a substance considered unlawful
17 under the federal Controlled Substances Act, 21 U.S.C.
18 § 801 et seq.

19 c. "Employee" means a person in the service of an
20 employer.

21 d. "Employer" means a person which has one or more
22 employees employed in the same business, or in or
23 about the same establishment, in this state.

24 e. "Good faith" means reasonable reliance on
25 facts.

26 f. "Medical review officer" means a physician
27 licensed to practice medicine and surgery or
28 osteopathic medicine and surgery in any state of the
29 United States, responsible for receiving laboratory
30 results generated by an employer's drug testing
31 program, who is independent from the employer and is
32 agreed upon by representatives of the employer and the
33 employees, and who has knowledge of substance abuse
34 disorders and has appropriate medical training to
35 interpret and evaluate an individual's confirmed
36 positive test result together with the individual's
37 medical history and any other relevant biomedical
38 information.

39 g. "Prospective employee" means a person who has
40 made application, whether written or oral, to an
41 employer to become an employee and who has received a
42 bona fide offer of employment from the employer.

43 h. "Reasonable suspicion drug or alcohol testing"
44 means drug or alcohol testing based upon evidence
45 which would cause a reasonable person to conclude that
46 an employee is using or has used alcohol or other
47 drugs and which use impairs the employee's performance
48 while on the job in violation of the employer's
49 written policy. For purposes of this paragraph,
50 evidence may include, but is not limited to, any of

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1 the following:

2 (1) Observable phenomena while at work such as
3 direct observation of alcohol or other drug use or
4 abuse or of the physical symptoms or manifestations of
5 being impaired due to alcohol or other drug use.

6 (2) Abnormal conduct or erratic behavior while at
7 work or a significant deterioration in work
8 performance.

9 (3) A report of alcohol or other drug use while at
10 work provided by a reliable and credible source.

11 (4) Evidence that an individual has tampered with
12 their own drug or alcohol test during the individual's
13 employment with the current employer.

14 (5) Evidence that an employee has caused an

15 accident while at work which resulted in a personal
16 injury which required medical treatment away from the
17 workplace or damage to property, including equipment,
18 in an amount reasonably estimated to exceed one
19 thousand dollars at the time of the accident.

20 (6) Evidence that an employee has possessed or
21 used drugs while working or while on the employer's
22 premises or while operating the employer's vehicle,
23 machinery, or equipment.

24 i. "Sample" means such sample of blood or urine
25 from the human body capable of revealing the presence
26 of alcohol or other drugs, or their metabolites.

27 2. TESTING AS CONDITION OF EMPLOYMENT --
28 REQUIREMENTS. To the extent provided in subsection 6,
29 an employer may test employees and prospective
30 employees for the presence of drugs or alcohol as a
31 condition of continued employment or hiring. An
32 employer shall adhere to the requirements of this
33 section concerning the conduct of such testing and the
34 use and disposition of the results of such testing.

35 3. COLLECTION OF SAMPLES. In conducting drug or
36 alcohol testing, an employer may require the
37 collection of samples from its employees and
38 prospective employees, and may require presentation of
39 reliable individual identification from the person
40 being tested to the person collecting the samples.
41 Collection of a sample shall be in conformance with
42 the requirements of this section. If the employer
43 requests that a urine sample be provided in conducting
44 drug or alcohol testing under this section, the
45 employer shall provide the employee or prospective
46 employee with an opportunity to have a blood sample
47 drawn instead of providing a urine sample.

48 4. SCHEDULING OF TESTS.

49 a. Drug or alcohol testing of employees conducted
50 by an employer shall normally occur during, or

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1 immediately before or after, a regular work period.
2 The time required for such testing by an employer
3 shall be deemed work time for the purposes of
4 compensation and benefits for employees.

5 b. An employer shall pay all actual costs for drug
6 or alcohol testing of employees and prospective
7 employees required by the employer.

8 c. An employer shall provide transportation or pay
9 reasonable transportation costs to employees for all
10 drug or alcohol testing under this section.

11 5. TESTING PROCEDURES. All sample collection and
12 testing for drugs or alcohol under this section shall
13 be performed in accordance with the following

14 conditions:

15 a. The collection of samples shall be performed
16 under sanitary conditions and with regard for the
17 privacy of the individual from whom the specimen is
18 being obtained and in a manner reasonably calculated
19 to preclude contamination or substitution of the
20 specimen.

21 b. Sample collection for testing of current
22 employees shall be performed so that the specimen is
23 split into two components at the time of collection in
24 the presence of the individual from whom the sample or
25 specimen is collected. The second portion of the
26 specimen or sample shall be of sufficient quantity to
27 permit a second, independent confirmatory test as
28 provided in paragraph "i". If the specimen is urine,
29 the sample shall be split such that the primary sample
30 contains at least thirty milliliters and the secondary
31 sample contains at least fifteen milliliters. Both
32 portions of the sample shall be forwarded to the
33 laboratory conducting the initial confirmatory
34 testing. In addition to any requirements for storage
35 of the initial sample that may be imposed upon the
36 laboratory as a condition for certification of
37 approval, the laboratory shall store the second
38 portion of any sample until receipt of a confirmed
39 negative test result or for a period of at least
40 forty-five calendar days following the completion of
41 the initial confirmatory testing, if the first portion
42 yielded a confirmed positive test result.

43 c. Sample collections shall be documented, and the
44 procedure for documentation shall include the
45 following:

46 (1) Samples shall be labeled so as to reasonably
47 preclude the possibility of misidentification of the
48 person tested in relation to the test result provided,
49 and samples shall be handled and tracked in a manner
50 such that control and accountability are maintained

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1 from initial collection to each stage in handling,
2 testing, and storage, through final disposition.
3 (2) An employee or prospective employee shall be
4 provided an opportunity to provide any information
5 which may be considered relevant to the test,
6 including identification of prescription or
7 nonprescription drugs currently or recently used, or
8 other relevant medical information. Information
9 provided by the employee or prospective employee shall
10 not be disclosed to the employer but shall be
11 delivered to the facility conducting confirmatory
12 testing. To assist an employee or prospective

13 employee in providing the information described in
14 this subparagraph, the employer shall provide an
15 employee or prospective employee with a list of the
16 drugs to be tested.

17 d. Sample collection, storage, and transportation
18 to the place of testing shall be performed so as to
19 reasonably preclude the possibility of sample
20 contamination, adulteration, or misidentification.

21 e. All drug testing, including both initial and
22 confirmatory testing, shall be conducted at a
23 laboratory certified by the United States department
24 of health and human services' substance abuse and
25 mental health services administration or approved
26 under rules adopted by the Iowa department of public
27 health.

28 f. Drug or alcohol testing shall include
29 confirmation of any initial positive test results.
30 For drug testing, confirmation shall be by use of a
31 different chemical process than was used in the
32 initial drug screen. The confirmatory drug test shall
33 be a chromatographic technique such as gas
34 chromatography or mass spectrometry, or another
35 comparably reliable analytical method.

36 g. A medical review officer shall, prior to the
37 results being reported to an employer and the employee
38 or prospective employee tested, review and interpret
39 any confirmed positive test results, including both
40 quantitative and qualitative test results, to ensure
41 that the chain of custody is complete and sufficient
42 on its face and that any information provided by the
43 individual pursuant to paragraph "c", subparagraph
44 (2), is considered.

45 h. In conducting drug or alcohol testing pursuant
46 to this section, the employer shall ensure that the
47 testing only measure, and the records concerning the
48 testing only show or make use of information
49 regarding, alcohol or drugs in the body.

50 i. If a positive drug or alcohol test for an

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1 employee or prospective employee is confirmed by the
2 medical review officer, the medical review officer
3 shall notify the employee or prospective employee in
4 writing of the results of the test, the employee's or
5 prospective employee's right to request and obtain a
6 confirmatory test of the second sample collected
7 pursuant to paragraph "b" at an approved laboratory of
8 the employee's or prospective employee's choice, and
9 the fee established by the employer's written policy
10 to be payable by the employee or prospective employee
11 to the medical review officer for reimbursement of

12 expenses concerning the test. The fee charged an
13 employee or prospective employee shall be an amount,
14 not in excess of one hundred dollars, that represents
15 the costs associated with conducting the second
16 confirmatory test, which shall be consistent with the
17 employer's cost for conducting the initial
18 confirmatory test on an employee's or prospective
19 employee's sample. If the employee or prospective
20 employee requests a second confirmatory test,
21 identifies an approved laboratory to conduct the test,
22 and pays the medical review officer the fee for the
23 test within fifteen days from the date the employee or
24 prospective employee receives written notice of the
25 right to request a test, a second confirmatory test
26 shall be conducted at the laboratory chosen by the
27 employee or prospective employee. The results of the
28 second confirmatory test shall be reported to the
29 medical review officer who reviewed the initial
30 confirmatory test results and the medical review
31 officer shall review the results and issue a report to
32 the employer and the employee or prospective employee
33 tested that the results of the drug or alcohol test
34 were confirmed as positive if the results of the
35 second confirmatory test confirmed the initial
36 confirmatory test as to the presence of a specific
37 drug or alcohol. If the results of the second test do
38 not confirm the results of the initial confirmatory
39 test, the medical review officer shall report to the
40 employer that the result of the drug or alcohol test
41 is negative and not a confirmed positive test result
42 for purposes of this section.

43 j. A report of the results of a drug or alcohol
44 test issued to an employer and the individual tested
45 shall only indicate, as to an employee or prospective
46 employee, whether the test results were positive or
47 negative, pursuant to the review and interpretation of
48 a medical review officer as provided in this
49 subsection. An inconclusive test result shall be
50 reported as a negative test result. If the test

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1 results are positive, the report shall only indicate
2 whether drugs or alcohol were present, which drugs
3 were present if applicable, information concerning the
4 amount of alcohol present, and a statement from the
5 medical review officer that any information provided
6 by the employee or prospective employee fails to
7 explain the results.

8 6. DRUG OR ALCOHOL TESTING. Employers may conduct
9 drug or alcohol testing as provided in this
10 subsection:

- 11 a. Employers may conduct drug or alcohol testing
12 of employees for up to two years after completion of
13 drug or alcohol rehabilitation.
- 14 b. Employers may conduct reasonable suspicion drug
15 or alcohol testing.
- 16 c. Employers may conduct drug or alcohol testing
17 of prospective employees.
- 18 d. Employers may conduct drug or alcohol testing
19 as required by federal law or regulation.
- 20 e. Employers may conduct drug or alcohol testing
21 in investigating accidents in the workplace which
22 result in a personal injury which requires medical
23 treatment away from the workplace or damage to
24 property, including equipment, in an amount reasonably
25 estimated to exceed one thousand dollars at the time
26 of the accident.

27 7. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

- 28 a. Prior to conducting drug or alcohol testing
29 under this section, an employer shall establish,
30 following consultation with representatives of
31 employees, a written policy consistent with the
32 requirements of this section governing such testing.
33 The employer shall comply with this section and the
34 requirements of the written policy to conduct drug or
35 alcohol testing of employees and prospective employees
36 and shall provide the written policy to every employee
37 subject to testing and shall make the policy available
38 for review by employees and prospective employees.
- 39 b. Employers shall establish an awareness program
40 to inform employees of the dangers of drug and alcohol
41 use in the workplace and comply with the following
42 requirements in order to conduct drug or alcohol
43 testing under this section:
- 44 (1) If an employer has an employee assistance
45 program, the employer must inform the employee of the
46 benefits and services of the employee assistance
47 program. An employer shall post notice of the
48 employee assistance program in conspicuous places and
49 explore alternative routine and reinforcing means of
50 publicizing such services. In addition, the employer

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- 1 must provide the employee with notice of the policies
2 and procedures regarding access to and utilization of
3 the program.
- 4 (2) If an employer does not have an employee
5 assistance program, the employer must maintain a
6 resource file of employee assistance services
7 providers, alcohol and other drug abuse programs
8 certified by the Iowa department of public health,
9 mental health providers, and other persons, entities,

10 or organizations available to assist employees with
11 personal or behavioral problems. The employer shall
12 provide all employees information about the existence
13 of the resource file and a summary of the information
14 contained within the resource file. The summary
15 should contain, but need not be limited to, all
16 information necessary to access the services listed in
17 the resource file. In addition, the employer shall
18 post in conspicuous places a listing of multiple
19 employee assistance providers in the area.

20 c. An employee or prospective employee whose drug
21 or alcohol test results are confirmed as positive in
22 accordance with this section shall not, by virtue of
23 those results alone, be considered as a person with a
24 disability for purposes of any state or local law or
25 regulation.

26 d. If the written policy provides for alcohol
27 testing, the employer shall establish in the written
28 policy a standard for alcohol concentration which
29 shall be deemed to violate the policy. The standard
30 for alcohol concentration shall not be less than .04,
31 expressed in terms of grams of alcohol per two hundred
32 ten liters of breath, or its equivalent.

33 e. In order to conduct drug or alcohol testing
34 under this section, an employer shall require all
35 supervisory personnel of the employer to attend a
36 minimum of two hours of initial training and to
37 attend, on an annual basis thereafter, a minimum of
38 one hour of subsequent training. The training shall
39 be based upon standards adopted by the Iowa department
40 of public health and shall include, but is not limited
41 to, information concerning the recognition of evidence
42 of employee alcohol and other drug abuse, the
43 documentation and corroboration of employee alcohol
44 and other drug abuse, and the referral of employees
45 who abuse alcohol or other drugs to the employee
46 assistance program or to the resource file of employee
47 assistance services providers. For purposes of this
48 paragraph, "supervisory personnel" means persons
49 having authority, in the interest of the employer, to
50 hire, transfer, suspend, lay off, recall, promote,

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1 discharge, assign, reward, or discipline other
2 employees, or responsibly to direct them, or to adjust
3 their grievances, or effectively to recommend such
4 action, if in connection with the foregoing the
5 exercise of such authority is not of a merely routine
6 or clerical nature, but requires the use of
7 independent judgment.

8 f. If an employee is under eighteen years of age,

9 in order to conduct drug or alcohol testing under this
10 section, the employer shall, prior to conducting a
11 test, notify the employee's parent or grandparent that
12 a test shall be conducted and the basis for the test.
13 For purposes of this paragraph, "parent" means one
14 parent or a legal guardian or custodian of the
15 employee.

16 8. DISCIPLINARY PROCEDURES.

17 a. Upon receipt for an employee of the first
18 confirmed positive drug or alcohol test result, the
19 employer shall provide the employee with a substance
20 abuse evaluation, and treatment if recommended by the
21 evaluation, with costs apportioned as provided under
22 the employee benefit plan or at employer expense, if
23 an employee benefit plan is not in effect which
24 apportions costs. The employer shall take no
25 disciplinary action against the employee upon receipt
26 of the first confirmed positive drug or alcohol test
27 result if the employee undergoes a substance abuse
28 evaluation, and if the employee successfully completes
29 substance abuse treatment if treatment is recommended
30 by the evaluation. However, if an employee fails to
31 undergo substance abuse evaluation when required as a
32 result of a drug or alcohol test, or fails to
33 successfully complete substance abuse treatment when
34 recommended by an evaluation, the employee may be
35 disciplined as provided in paragraph "b". The
36 substance abuse evaluation and treatment provided by
37 the employer shall take place under a program approved
38 by the department of public health or accredited by
39 the joint commission on the accreditation of health
40 care organizations.

41 b. Upon receipt for an employee of a second
42 confirmed positive drug or alcohol test result or upon
43 receipt for a prospective employee of a confirmed
44 positive drug or alcohol test result, upon the failure
45 of an employee to comply with the requirements of
46 paragraph "a", or upon the refusal of an employee or
47 prospective employee to provide a testing sample, an
48 employer may use that test result or test refusal as a
49 valid basis for disciplinary or rehabilitative actions
50 consistent with the employer's written policy, which

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1 may include, among other actions, the following:
2 (1) A requirement that the employee enroll in an
3 employer-provided or approved rehabilitation,
4 treatment, or counseling program, which may include
5 additional drug or alcohol testing, participation in
6 and successful completion of which may be a condition
7 of continued employment, and the costs of which may or

8 may not be covered by the employer's health plan or
9 policies.

10 (2) Suspension of the employee, with or without
11 pay, for a designated period of time.

12 (3) Termination of employment.

13 (4) Refusal to hire a prospective employee.

14 (5) Other adverse employment action in conformance
15 with the employer's written policy and procedures,
16 including any relevant collective bargaining agreement
17 provisions.

18 9. EMPLOYER IMMUNITY. A cause of action shall not
19 arise against an employer who has established a
20 written policy in accordance with this section and has
21 complied with the requirements of the written policy
22 and this section for testing or taking action based on
23 the results of a confirmed positive drug or alcohol
24 test result, indicating the presence of drugs or
25 alcohol, in good faith, or the refusal of an employee
26 or prospective employee to submit to a drug or alcohol
27 test.

28 10. RELEASE OF INFORMATION -- CONFIDENTIALITY --
29 EXCEPTIONS.

30 a. Except as provided in paragraph "b", all
31 communications received by an employer relevant to
32 employee or prospective employee drug or alcohol test
33 results, or otherwise received through the employer's
34 drug or alcohol testing program, are confidential
35 communications and shall not be used or received in
36 evidence, obtained in discovery, or disclosed in any
37 public or private proceeding, except as provided by
38 this section or in a proceeding related to an action
39 taken by an employer under this section or by an
40 employee under this section.

41 b. An employee, or a prospective employee, who is
42 the subject of a drug or alcohol test conducted under
43 this section pursuant to an employer's written policy
44 and for whom a confirmed positive test result is
45 reported shall receive, at the same time the report is
46 issued to the employer, a copy of the report issued to
47 the employer and shall receive any records relating to
48 the employee's drug or alcohol test, including records
49 of the laboratory where the testing was conducted and
50 any records relating to the results of any relevant

Page 10

1 certification or review by a medical review officer.

2 11. CIVIL REMEDIES. This section may be enforced
3 through a civil action.

4 a. A person who violates this section or who aids
5 in the violation of this section, is liable to an
6 aggrieved employee or prospective employee for

7 affirmative relief including reinstatement or hiring,
8 with or without back pay, or any other equitable
9 relief as the court deems appropriate including
10 attorney fees and court costs.

11 b. When a person commits, is committing, or
12 proposes to commit, an act in violation of this
13 section, an injunction may be granted through an
14 action in district court to prohibit the person from
15 continuing such acts. The action for injunctive
16 relief may be brought by an aggrieved employee or
17 prospective employee, the county attorney, or the
18 attorney general.

19 In an action brought under this subsection alleging
20 that an employer has required or requested a drug or
21 alcohol test in violation of this section, the
22 employer has the burden of proving that the
23 requirements of this section were met.

24 12. OFFENSES. Samples collected, information
25 provided by an employee or prospective employee
26 pursuant to subsection 5, paragraph "c", subparagraph
27 (2), and the results of drug or alcohol testing shall
28 be used solely for the purpose of conducting drug or
29 alcohol testing pursuant to this section and shall not
30 be sold, transferred, or disseminated, to any person
31 for any purpose not expressly authorized by this
32 section. A person who violates this subsection
33 commits a simple misdemeanor and, notwithstanding
34 section 903.1, if a monetary fine is imposed, the fine
35 shall be one hundred dollars. Each violation of this
36 subsection constitutes a separate offense.

37 13. REPORTS.

38 a. An employer who conducts a drug test pursuant
39 to this section shall, for each fiscal year beginning
40 on or after July 1, 1998, file an annual report with
41 the division of labor services of the department of
42 workforce development, on forms provided by the
43 division, documenting the number of accidents,
44 including the number of personal injuries and the
45 dollar loss for property damage arising out of the
46 accidents, caused by the use of drugs or alcohol by
47 employees and documenting separately for each category
48 of test described in subsection 6 the following
49 information:

50 (1) The number of drug or alcohol tests conducted

Page 11

1 in each category.

2 (2) The results of drug or alcohol tests conducted
3 in each category.

4 b. The division of labor services of the
5 department of workforce development shall compile the

6 information submitted by employers pursuant to this
7 subsection and shall submit an annual report to the
8 general assembly on this information.
9 Sec. 2. EFFECTIVE DATE. This Act takes effect on
10 January 1, 1998.”

TOM VILSACK

S—3774

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 13, by striking the word “twenty-
4 five” and inserting the following: “twenty-four”.
5 2. Page 1, line 26, by striking the word “twenty-
6 five” and inserting the following: “twenty-four”.
7 3. Page 1, line 31, by striking the word “twenty-
8 five” and inserting the following: “twenty-four”.
9 4. Page 4, by inserting after line 15 the
10 following:
11 “e. The area is a blighted area, as defined in
12 section 403.17.”

JOANN DOUGLAS
DON GETTINGS
SHELDON RITTMER

S—3775

1 Amend the amendment, S—3685, to House File 540, as
2 passed by the House, as follows:
3 1. Page 1, line 11, by striking the words “The
4 department shall make”.
5 2. Page 1, by striking lines 12 and 13.
6 3. Page 1, line 14, by striking the word
7 “employees.”

SHELDON RITTMER

S—3776

1 Amend House File 730, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by inserting after line 32 the
4 following:
5 “Sec. ____ ADDITIONAL CONNECTIONS. The general
6 assembly finds that multidisciplinary cultural
7 institutions, including museums and cultural
8 organizations, offer an opportunity to provide unique
9 educational programming to students and residents
10 throughout the state. Access to the network shall be

11 offered pursuant to this section to twelve
 12 multidisciplinary cultural institutions. A
 13 multidisciplinary cultural institution offered access
 14 to the network pursuant to this section is responsible
 15 for the costs associated with providing a classroom at
 16 the institution, including any equipment necessary for
 17 providing such connection.

18 Two sites per year shall be selected by the
 19 department of cultural affairs. The selection of
 20 sites shall be made by the department based on the
 21 relative scoring of 1997 grants submitted by those
 22 institutions for the cultural enrichment grant program
 23 which is based on independent review of the following
 24 criteria: programming, fiscal and managerial
 25 practices, community outreach, long-range and
 26 cooperative planning, fundraising efforts, and
 27 cultural impact.

28 Sites eligible for selection include living history
 29 farms in Urbandale; Blank park zoo in Des Moines; the
 30 state historical society of Iowa in Des Moines;
 31 Dubuque county historical society in Dubuque; Grout
 32 museum of history and science in Waterloo; Vesterheim,
 33 Norwegian-American museum in Decorah; Des Moines
 34 botanical center in Des Moines; Waterloo recreation
 35 and arts commission in Waterloo; civic center of
 36 greater Des Moines in Des Moines; Putnam museum of
 37 history and natural science in Davenport; family
 38 museum of arts and science in Bettendorf; and Sioux
 39 City public museum in Sioux City.

40 The state historical society of Iowa shall be
 41 included in the first year as one of the sites
 42 selected."

43 2. By renumbering as necessary.

MIKE CONNOLLY

S-3777

1 Amend House File 724, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 14, by inserting after the word
 4 "more" the following: ", as shown by the 1990
 5 certified federal census,".

6 2. Page 1, line 26, by inserting after the word
 7 "more" the following: ", as shown by the 1990
 8 certified federal census,".

9 3. Page 1, line 31, by inserting after the word
 10 "more" the following: ", as shown by the 1990
 11 certified federal census,".

JOANN DOUGLAS

S-3778

- 1 Amend House File 724, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 5, by inserting after the word
- 4 "from" the following: "two hundred fifty thousand
- 5 dollars of".

SHELDON RITTMER

S-3779

- 1 Amend Senate File 485 as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following:
- 4 "___ . When used in this section, "child" means
- 5 only the surviving child of a public safety employee
- 6 or volunteer killed in the line of duty, or a child
- 7 legally adopted by the public safety employee or
- 8 volunteer prior to the death, in the line of duty, of
- 9 the public safety employee or volunteer. "Child" is
- 10 limited to an individual who is under the age of
- 11 eighteen years, an individual who is under the age of
- 12 twenty-two and is a full-time student, or an
- 13 individual who is disabled under the definitions used
- 14 in section 402 of the Social Security Act if the
- 15 individual became disabled prior to the death of a
- 16 parent who is a public safety employee or volunteer
- 17 killed in the line of duty."
- 18 2. By renumbering as necessary.

JOHNIE HAMMOND
DERRYL McLAREN

S-3780

- 1 Amend House File 724, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by inserting after line 17 the
- 4 following:
- 5 "Sec. ___ . 1997 Iowa Acts, House File 655, section
- 6 1, subsection 2, paragraph a, unnumbered paragraph 1,
- 7 is amended to read as follows:
- 8 For salaries, support, maintenance, miscellaneous
- 9 purposes, for not more than the following full-time
- 10 equivalent positions, for allocating \$495,000 to
- 11 support activities in conjunction with the Iowa
- 12 manufacturing technology center, \$150,000 to the
- 13 graphic arts center, and \$100,000 to the university of
- 14 northern Iowa for operation of industrial technology-
- 15 programs at the ag based industrial lubrication
- 16 center:

17\$ 3,916,397
 183,996,897
 19FTEs 17.76
 2019.26
 21 2. Title page, line 5, by inserting after the
 22 word "zone" the following: "and increasing an
 23 appropriation".

JOANN DOUGLAS

S-3781

1 Amend House File 724, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 3, line 27, through page 4,
 4 line 5.
 5 2. Page 4, by striking lines 18 and 19 and
 6 inserting the following: "subsection 1 upon request
 7 by the county."

TOM VILSACK

HOUSE AMENDMENT TO
SENATE FILE 549

S-3782

1 Amend Senate File 549, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 13 through 17.
 4 2. Page 2, line 11, by striking the figure
 5 "650,000" and inserting the following: "625,000".
 6 3. Page 2, by inserting after line 11 the
 7 following:
 8 "____. CHIROPRACTIC GRADUATE STUDENT FORGIVABLE
 9 LOAN PROGRAM
 10 For purposes of providing forgivable loans under
 11 the program established in section 261.71:
 12\$ 70,000"
 13 4. Page 2, by striking lines 12 through 16 and
 14 inserting the following:
 15 "Sec. ____ Notwithstanding section 261.21, for the
 16 fiscal year beginning July 1, 1997, and ending June
 17 30, 1998, a national guard member who has not earned
 18 college credit hours in an amount necessary to be
 19 considered a junior or senior shall be given highest
 20 priority for tuition aid under the national guard
 21 tuition aid program."
 22 5. Page 3, line 17, by striking the figure
 23 "1,132,167" and inserting the following: "1,212,167".
 24 6. Page 3, by inserting after line 24 the
 25 following:

26 "The department of cultural affairs shall begin to
27 plan and coordinate with local and state agencies,
28 other states, and the federal national parks service,
29 and shall prepare to administer activities and
30 programs leading up to and through the celebration of
31 the Lewis and Clark bicentennial of 2003 through 2006.
32 The department shall determine the need for the
33 establishment of a Lewis and Clark bicentennial
34 commission, and shall submit the department's
35 recommendations in a report to the general assembly by
36 January 1, 1998."

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

39 "The department of cultural affairs shall
40 collaborate with the tourism division of the
41 department of economic development to promote
42 attendance at the state historical building and at
43 this state's historic sites."

44 8. Page 4, line 28, by striking the figure
45 "5,488,602" and inserting the following: "5,168,602".

46 9. Page 4, line 29, by striking the figure
47 "95.95" and inserting the following: "90.45"

48 10. Page 5, by inserting after line 2 the
49 following:

50 "The director of the department of education shall

Page 2

1 convene a study committee during the 1997 legislative
2 interim consisting of the co-chairpersons of the joint
3 appropriations subcommittee on education; two members
4 of the governing board of the first in the nation in
5 education foundation, who shall be appointed by the
6 chairperson of the governing board; and the director
7 of the department of education. The study committee
8 shall do the following:

9 1. Study how to maintain the autonomy of the
10 foundation.

11 2. Develop strategies that allow the foundation's
12 funds to be invested in such a way as to increase the
13 interest earned.

14 3. Explore ways to enhance the research and
15 dissemination functions of the foundation.

16 4. Determine methods for reporting foundation
17 activities that impact Iowa education. The study
18 committee shall report its findings and
19 recommendations in a report to the general assembly by
20 October 1, 1997.

21 The department of education shall require the board
22 of directors of a school district to submit by
23 September 1, 1997, on forms provided by the
24 department, a list of all school fees charged and

25 collected by the district during fiscal year 1996-1997
26 and a list of the school fees the district intends to
27 charge during fiscal year 1997-1998. The department
28 shall compile and evaluate the information submitted
29 by the districts and submit a report to the general
30 assembly by October 1, 1997."

31 11. Page 5, line 19, by striking the figure
32 "4,379,622" and inserting the following: "4,349,622".

33 12. Page 5, by inserting after line 30 the
34 following:

35 "Except where prohibited under federal law, the
36 division of vocational rehabilitation services of the
37 department of education shall accept client
38 assessments, or assessments of potential clients,
39 performed by other agencies in order to reduce
40 duplication of effort."

41 13. Page 6, line 21, by striking the figure
42 "2,793,352" and inserting the following: "2,674,725".

43 14. Page 6, by inserting after line 22 the
44 following: "Reimbursement of the institutions of
45 higher learning under the state board of regents for
46 participation in the access plus program during the
47 fiscal year beginning July 1, 1997, and ending June
48 30, 1998, shall not exceed the total amount of
49 reimbursement paid to the regents institutions of
50 higher learning for participation in the access plus

Page 3

1 program during the fiscal year beginning July 1, 1996,
2 and ending June 30, 1997."

3 15. Page 6, line 30, by striking the figure
4 "7,226,694" and inserting the following: "7,276,694".

5 16. Page 7, line 32, by striking the figure
6 "107,900" and inserting the following: "127,900".

7 17. Page 8, by striking lines 2 through 7.

8 18. Page 8, by striking lines 12 and 13 and
9 inserting the following:

10 "The department of education shall make the funds
11 appropriated to the department for purposes of the
12 reading recovery program as provided in this Act
13 available to reimburse a school district for costs
14 incurred by the district in incorporating the reading
15 recovery program into the curriculum of the district,
16 for training a teacher in reading recovery techniques,
17 and other expenses related to the district's costs of
18 implementing the reading recovery program. Funds
19 appropriated to the department for purposes of the
20 reading recovery program shall not be used for the
21 administrative costs of the department.

22 Each area education agency shall, by June 30, 1998,
23 employ at least one person knowledgeable in reading

24 recovery techniques to assist school districts in
 25 incorporating the reading recovery program into school
 26 district curricula.”

27 19. Page 8, by inserting before line 14 the
 28 following:

29 “___, REHABILITATING COMPUTERS FOR SCHOOLS AND
 30 LIBRARIES

31\$ 50,000

32 ___ LOCAL ARTS COMPREHENSIVE EDUCATIONAL
 33 STRATEGIES PROGRAM (LACES)

34\$ 50,000

35 Sec. __. 1. The department shall establish a
 36 steering committee whose voting members shall include
 37 the director of the department of education, a
 38 representative from the Iowa association of community
 39 college trustees, a representative from the Iowa
 40 association of community college presidents, and two
 41 persons representing the general public appointed by
 42 the state board of education. Nonvoting, ex officio
 43 members of the steering committee shall include a
 44 representative from the legislative fiscal bureau and
 45 the legislative service bureau. The steering
 46 committee shall select a chairperson from among the
 47 members appointed by the state board of education.

48 2. The steering committee shall define the charge
 49 of the study. However, the study shall include, but
 50 is not limited to, all of the following:

Page 4

1 a. A review of the existing community college
 2 governance structure including relationships between
 3 the community colleges, the Iowa association of
 4 community college trustees, the Iowa association of
 5 community college presidents, the state board of
 6 education, the department of education, local school
 7 districts, and other postsecondary institutions in
 8 this state.

9 b. An analysis of the strengths and weaknesses of
 10 the current governance structure.

11 c. Proposals for at least three governance
 12 structures, one of which shall include only minimal,
 13 but necessary, changes in the current governance
 14 structure. However, proposals shall be based upon the
 15 assumption that the board of directors for each
 16 community college shall remain unchanged due to
 17 property tax and local representation concerns. Each
 18 proposal shall include an analysis of the advantages
 19 and disadvantages of each alternative governance
 20 structure.

21 3. The steering committee shall contract with a
 22 person to conduct the study of the community college

23 governance structure.

24 4. The steering committee shall submit its
 25 findings and recommendations to the general assembly
 26 by December 31, 1997.”

27 20. By striking page 8, line 21, through page 9,
 28 line 3, and inserting the following:

29 “ \$130,807,051

30 The funds appropriated in this subsection shall be
 31 allocated as follows:

32	a.	Merged Area I	\$ 6,247,286
33	b.	Merged Area II	\$ 7,366,536
34	c.	Merged Area III.....	\$ 6,955,954
35	d.	Merged Area IV.....	\$ 3,388,894
36	e.	Merged Area V	\$ 7,088,457
37	f.	Merged Area VI.....	\$ 6,568,875
38	g.	Merged Area VII.....	\$ 9,370,330
39	h.	Merged Area IX	\$ 11,489,037
40	i.	Merged Area X	\$ 17,832,686
41	j.	Merged Area XI.....	\$ 19,051,510
42	k.	Merged Area XII.....	\$ 7,567,184
43	l.	Merged Area XIII	\$ 7,739,636
44	m.	Merged Area XIV	\$ 3,432,881
45	n.	Merged Area XV.....	\$ 10,707,778
46	o.	Merged Area XVI	\$ 6,000,007”

47 21. Page 9, by striking lines 18 through 28 and
 48 inserting the following:

49 “Sec. ____ The general assembly finds and declares
 50 that the new Iowa schools development corporation was

Page 5

1 designed to be a broad-based coalition of public and
 2 private educational entities to enhance school
 3 improvement in this state.

4 Sec. ____ LIBRARY COOPERATION PLAN OF ACTION TASK

5 FORCE. The department of education shall coordinate a
 6 library cooperation plan of action task force. The
 7 task force shall consist of the following members:

8 1. The director of an accredited program of
 9 library science at an institution of higher learning
 10 under the control of the state board of regents. The
 11 director shall be the chairperson of the task force.

12 2. The director of the department of education or
 13 the director's designee.

14 3. The state librarian.

15 4. A member of the state board of regents who
 16 shall be appointed by the chairperson of the state
 17 board of regents.

18 5. A representative from the Iowa association of
 19 independent colleges and universities.

20 6. A representative from the Iowa hospital
 21 association.

22 7. Three representatives from the Iowa library
 23 association, one of which shall represent a library
 24 that serves a population of fifty thousand or more;
 25 one of which shall represent a library that serves a
 26 population that is greater than two thousand five
 27 hundred but less than fifty thousand; and one of which
 28 shall represent a library that serves a population of
 29 two thousand five hundred or less.

30 8. A librarian employed by a school district who
 31 shall be appointed by the director of the department
 32 of education.

33 The task force shall design an action plan with the
 34 intent of promoting cooperation between all libraries,
 35 public and private, within the state. The task force
 36 shall utilize information gathered for the 1996 Iowa
 37 joint use library guide. The task force is encouraged
 38 to be creative in terms of funding and redesigning the
 39 current system of public and private libraries,
 40 including, but not limited to, a study of the
 41 feasibility of colocating school district libraries
 42 and public libraries and potential pilot projects.
 43 Every effort shall be made to develop a plan for
 44 cooperation at the existing level of state funding for
 45 libraries. The task force shall also examine library
 46 cooperation efforts within the state and in other
 47 states. The task force shall make recommendations to
 48 the general assembly by December 1, 1997."

49 22. Page 10, line 4, by striking the figure
 50 "1,165,525" and inserting the following: "1,090,525".

Page 6

1 23. Page 10, line 5, by striking the figure
 2 "15.63" and inserting the following: "14.63".

3 24. Page 15, line 18, by striking the figure
 4 "169,658,402" and inserting the following:
 5 "169,596,402".

6 25. Page 16; by striking lines 11 through 17.

7 26. Page 16, by inserting after line 17 the
 8 following:

9 "___ Institute for public leadership

10\$ 40,000"

11 27. Page 16, line 23, by striking the figure
 12 "75,357,005" and inserting the following:
 13 "75,423,005".

14 28. Page 16, line 34, by striking the figure
 15 "6,985,267" and inserting the following: "6,935,267".

16 29. Page 17, line 5, by striking the figure
 17 "3,900,000" and inserting the following: "3,864,065".

18 30. Page 21, line 4, by striking the words "The
 19 institution" and inserting the following: "The
 20 university of Iowa".

21 31. Page 21, by inserting after line 18 the
22 following:

23 "Sec. ____ ADDITIONAL FUNDING FOR PROGRAMS FOR AT-
24 RISK CHILDREN. In addition to the funds appropriated
25 in section 279.51, subsection 1, there is appropriated
26 from the general fund of the state to the department
27 of education for the fiscal year beginning July 1,
28 1997, and ending June 30, 1998, the amount of \$250,000
29 to be allocated to the child development coordinating
30 council established in chapter 256A for the purposes
31 set out in section 279.51, subsection 2, and section
32 256A.3.

33 Sec. ____ Section 19A.3, subsection 24, unnumbered
34 paragraph 2, Code 1997, is amended to read as follows:

35 The director of the department of personnel shall
36 negotiate ~~agreements~~ an agreement with the director of
37 the department for the blind ~~and with the director of~~
38 ~~the department of education~~ concerning the
39 applicability of the merit system to the professional
40 employees of ~~their respective agencies~~ the department
41 for the blind.

42 Sec. ____ Section 256.10, Code 1997, is amended to
43 read as follows:

44 256.10 EMPLOYMENT OF PROFESSIONAL STAFF.

45 The salary of the director shall be fixed by the
46 governor within a range established by the general
47 assembly. Appointments to the professional staff of
48 the department shall be without reference to political
49 party affiliation, religious affiliation, sex, or
50 marital status, but shall be based solely upon

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1 fitness, ability, and proper qualifications for the
2 particular position. The professional staff shall
3 serve at the discretion of the director. A member of
4 the professional staff shall not be dismissed for
5 cause without at least ninety days' notice, ~~except in~~
6 ~~cases of conviction of a felony or cases involving~~
7 ~~moral turpitude~~ appropriate due process procedures
8 including a hearing. In cases of procedure for
9 ~~dismissal, the accused has the same right to notice~~
10 ~~and hearing as teachers in the public school systems~~
11 ~~as provided in section 279.27 to the extent that it is~~
12 ~~applicable."~~

13 32. Page 21, by inserting before line 19 the
14 following:

15 "Sec. ____ Section 257B.1A, Code 1997, is amended
16 by striking the section and inserting in lieu thereof
17 the following:

18 257B.1A INTEREST FOR IOWA SCHOOLS FUND -- TRANSFER
19 OF INTEREST.

20 1. The interest for Iowa schools fund is
21 established in the office of the treasurer of state.
22 The department of revenue and finance shall deposit
23 interest earned on the permanent school fund in the
24 interest for Iowa schools fund. Of the interest
25 deposited in the interest for Iowa schools fund each
26 year, fifty percent shall be transferred to the first
27 in the nation in education foundation as established
28 in section 257A.1 and fifty percent shall be
29 transferred to the international center for gifted and
30 talented education endowment fund established in
31 section 263.8A. The department of revenue and finance
32 shall transfer interest as provided in this section on
33 a quarterly basis. As a condition of receiving funds
34 under this section, the foundation and the center
35 shall maintain and continue to increase the balances
36 of their private foundations. In addition, the
37 foundation and the center shall each certify to the
38 department of revenue and finance and the general
39 assembly, by January 1 of each year, the cumulative
40 total value of contributions received during the
41 preceding calendar year.

42 2. If the general assembly appropriates funds to
43 the international center endowment fund in the amount
44 of not less than eight hundred seventy-five thousand
45 dollars prior to July 1, 1998, the center's interest
46 allocation shall decrease to twenty-five percent. If
47 the general assembly appropriates funds to the
48 international center endowment fund in an amount of
49 not less than one million five hundred fifty thousand
50 dollars, the center shall no longer receive an

Page 8

1 interest allocation.

2 3. The foundation and the center shall use for
3 administrative costs not more than twenty-five percent
4 of any moneys received annually pursuant to this
5 section."

6 33. Page 21, by striking lines 19 through 35.

7 34. Page 22, by inserting before line 1 the

8 following:

9 "Sec. 201. Section 260C.14, Code 1997, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 2A. Cause to be printed on all
12 statements of account for payment of tuition and fees
13 issued by the community college the portion of the
14 average cost of an Iowa resident student's education
15 at that community college that is paid by
16 appropriations from the general fund of the state.
17 The information, rounded to the nearest one-tenth of
18 one percent and the nearest whole dollar, shall be

19 included in the following statement:

20 "Tuition pays for approximately ____% of the
21 average cost for a resident Iowa student at this
22 community college. The State of Iowa pays
23 approximately \$____ of the average cost for a full-
24 time state resident student at this community
25 college."

26 35. By striking page 23, line 34, through page
27 25, line 31.

28 36. Page 26, by inserting after line 9 the
29 following:

30 "Sec. 202. Section 262.9, Code 1997, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 30. Cause to be printed on all
33 statements of account for payment of tuition and fees,
34 issued by each institution of higher learning under
35 the control of the board the portion of the average
36 cost of an Iowa resident student's education at the
37 institution issuing the statement that is paid by
38 appropriations from the general fund of the state.
39 The information, rounded to the nearest one-tenth of
40 one percent and the nearest whole dollar, shall be
41 included in the following statement:

42 "Tuition pays for approximately ____% of the
43 average cost for a resident Iowa student at this
44 institution of higher learning. The State of Iowa
45 pays approximately \$____ of the average cost for a
46 full-time state resident student at this institution
47 of higher learning."

48 37. Page 26, by inserting before line 10 the
49 following:

50 "Sec. ____ Section 294A.25, subsection 4, Code

Page 9

1 1997, is amended by striking the subsection.

2 Sec. ____ Section 294A.25, Code 1997, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. 4A. For the fiscal year beginning
5 July 1, 1997, and ending June 30, 1998, the amount of
6 fifty thousand dollars to be paid to the department of
7 education for participation in a state and national
8 project, the national assessment of education
9 progress, to determine the academic achievement of
10 Iowa students in math, reading, science, United States
11 history, or geography."

12 38. Page 26, by striking lines 10 and 11 and
13 inserting the following:

14 "Sec. ____ Section 294A.25, subsection 7, Code
15 1997, is amended to read as follows:"

16 39. Page 26, by striking lines 18 through 26 and
17 inserting the following:

18 "Sec. __. Section 294A.25, subsection 8, Code
 19 1997, is amended by striking the subsection and
 20 inserting in lieu thereof the following:
 21 8. For the fiscal year beginning July 1, 1997, and
 22 ending June 30, 1998, to the department of education
 23 from phase III moneys the amount of one million two
 24 hundred fifty thousand dollars for school
 25 transformation design and implementation projects. Of
 26 the funds distributed pursuant to this subsection, up
 27 to one million two hundred fifty thousand dollars
 28 shall be transferred to the new Iowa schools
 29 development corporation if the corporation provides a
 30 one dollar match for every five dollars of state
 31 financial assistance. The match may consist of cash
 32 and in-kind support but shall not consist of receipts
 33 from local school districts. The corporation shall
 34 use the state financial assistance to aid local school
 35 districts for school transformation design and
 36 implementation projects. The department shall
 37 distribute funds on a quarterly basis if the
 38 corporation certifies quarterly to the department the
 39 in-kind and cash contributions received. However, the
 40 department shall distribute the first quarter funds on
 41 July 1, 1997, based upon the corporation's current in-
 42 kind match. The corporation shall submit an annual
 43 financial report to the department of education and
 44 the general assembly by January 1, 1998."

45 40. Page 26, by inserting before line 27 the
 46 following:

47 "Sec. __. Section 303.3, subsection 3, Code 1997,
 48 is amended by striking the subsection and inserting in
 49 lieu thereof the following:

50 3. Notwithstanding section 8.33, moneys committed

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1 to grantees under this section that remain
 2 unencumbered or unobligated on June 30 of the fiscal
 3 year for which the funds were appropriated shall not
 4 revert but shall be available for expenditure for the
 5 following fiscal year for the purposes of subsection
 6 2."

7 41. Page 27, line 13, by striking the words "area
 8 education agencies" and inserting the following:
 9 "school districts".

10 42. Page 27, by striking lines 16 through 18.

11 43. Page 27, by inserting after line 23 the
 12 following:

13 "Sec. __. Chapter 303C, Code 1997, is repealed."

14 44. Page 28, by inserting after line 9 the
 15 following:

16 "Sec. ____ The section of this Act that amends
 17 section 257B.1A applies to interest earned on or after
 18 July 1, 1997.
 19 Sec. ____ EFFECTIVE DATE. Sections 201 and 202 of
 20 this Act, relating to statements of account, being
 21 deemed of immediate importance, take effect upon
 22 enactment and apply to statements of account issued
 23 after January 1, 1998."
 24 45. By renumbering, relettering, or redesignating
 25 and correcting internal references as necessary.

S-3783

1 Amend House File 724, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 18, by inserting after the word
 4 "census" the following: "or designating other
 5 geographic units approved by the department of
 6 economic development".
 7 2. Page 1, line 27, by inserting after the word
 8 "tracts" the following: "or approved geographic
 9 units".
 10 3. Page 1, line 28, by inserting after the word
 11 "tracts" the following: "or approved geographic
 12 units".

ROD HALVORSON

S-3784

1 Amend House File 724, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 18, by striking the word "ninety"
 4 and inserting the following: "ninety-five".
 5 2. Page 2, line 19, by striking the word "lesser"
 6 and inserting the following: "greater".

MATT McCOY

S-3785

1 Amend House File 724, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 18, by striking the word "ninety"
 4 and inserting the following: "one hundred".
 5 2. Page 2, by striking lines 19 and 20 and
 6 inserting the following: "percent of the average
 7 county wage as determined by the department. However,
 the".

MATT McCOY

S—3786

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 7 the
4 following:
5 “___ Notwithstanding any other provision of this
6 division, if an enterprise zone is located in the city
7 of Des Moines, the boundaries of the zone shall not
8 extend any further north than Army Post road, any
9 further west than southwest 42nd street, and further
10 east than Fleur drive, and any further south than the
11 Polk county and Warren county line.”

MATT McCOY

S—3787

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 15, by inserting after the word
4 “business” the following: “will not operate a meat
5 packing facility or related facility in the zone”.

MATT McCOY

S—3788

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 4, by inserting after the word
4 “city” the following: “or a county, which does not
5 qualify under subsection 1,”.

ANDY McKEAN

S—3789

1 Amend the amendment, S—3771, to House File 299, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 1, through page 12,
5 line 4 and inserting the following:
6 “Amend House File 299, as amended, passed, and
7 reprinted by the House, as follows:
8 ___ By striking everything after the enacting
9 clause and inserting the following:
10 “Section 1. Section 730.5, Code 1997, is amended
11 by striking the section and inserting in lieu thereof
12 the following:
13 730.5 PRIVATE SECTOR DRUG-FREE WORKPLACES.
14 1. DEFINITIONS. As used in this section, unless

15 the context otherwise requires:

16 a. "Alcohol" means ethanol, isopropanol, or
17 methanol.

18 b. "Drug" means a substance considered unlawful
19 under the federal Controlled Substances Act, 21 U.S.C.
20 § 801 et seq.

21 c. "Employee" means a person in the service of an
22 employer and includes the employer, and any chief
23 executive officer, president, vice president,
24 supervisor, manager, and officer of the employer.

25 d. "Employer" means a person, firm, company,
26 corporation, labor organization, or employment agency,
27 which has one or more full-time employees employed in
28 the same business, or in or about the same
29 establishment, under any contract of hire, express or
30 implied, oral or written, in this state. "Employer"
31 does not include the state, a political subdivision of
32 the state, including a city, county, or school
33 district, the United States, the United States postal
34 service, or a Native-American tribe.

35 e. "Good faith" means reasonable reliance on
36 facts, or that which is held out to be factual,
37 without the intent to be deceived, and without
38 reckless, malicious, or negligent disregard for the
39 truth.

40 f. "Medical review officer" means a licensed
41 physician, osteopathic physician, chiropractor, nurse
42 practitioner, or physician's assistant authorized to
43 practice in any state of the United States, who is
44 responsible for receiving laboratory results generated
45 by an employer's drug testing program, and who has
46 knowledge of substance abuse disorders and has
47 appropriate medical training to interpret and evaluate
48 an individual's confirmed positive test result
49 together with the individual's medical history and any
50 other relevant biomedical information.

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1 g. "Prospective employee" means a person who has
2 made application, whether written or oral, to an
3 employer to become an employee.

4 h. "Reasonable suspicion drug or alcohol testing"
5 means drug or alcohol testing based upon evidence that
6 an employee is using or has used alcohol or other
7 drugs in violation of the employer's written policy
8 drawn from specific objective and articulable facts
9 and reasonable inferences drawn from those facts in
10 light of experience. For purposes of this paragraph,
11 facts and inferences may be based upon, but not
12 limited to, any of the following:

13 (1) Observable phenomena while at work such as

14 direct observation of alcohol or other drug use or
15 abuse or of the physical symptoms or manifestations of
16 being impaired due to alcohol or other drug use.

17 (2) Abnormal conduct or erratic behavior while at
18 work or a significant deterioration in work
19 performance.

20 (3) A report of alcohol or other drug use provided
21 by a reliable and credible source.

22 (4) Evidence that an individual has tampered with
23 any drug or alcohol test during the individual's
24 employment with the current employer.

25 (5) Evidence that an employee has caused an
26 accident while at work.

27 (6) Evidence that an employee has manufactured,
28 sold, distributed, solicited, possessed, used, or
29 transferred drugs while working or while on the
30 employer's premises or while operating the employer's
31 vehicle, machinery, or equipment.

32 i. "Safety-sensitive position" means a job wherein
33 an accident could cause loss of human life, serious
34 bodily injury, or significant property or
35 environmental damage, including a job with duties that
36 include immediate supervision of a person in a job
37 that meets the requirement of this paragraph.

38 j. "Sample" means such sample from the human body
39 capable of revealing the presence of alcohol or other
40 drugs, or their metabolites.

41 k. "Unannounced drug or alcohol testing" means
42 testing for the purposes of detecting drugs or alcohol
43 which is conducted on a periodic basis, without
44 advance notice of the test, and without individualized
45 suspicion. The selection of employees to be tested
46 shall be done by an entity independent from the
47 employer and shall be made by a computer-based random
48 number generator that is matched with employees'
49 social security numbers, payroll identification
50 numbers, or other comparable identifying numbers in

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1 which each member of the employee population subject
2 to testing has an equal chance of selection for
3 initial testing. The random selection process shall
4 be conducted through a computer program that records
5 each selection attempt by date, time, and employee
6 number.

7 2. TESTING OPTIONAL. This section does not
8 require an employer to conduct drug or alcohol testing
9 and the requirements of this section shall not be
10 construed to encourage, discourage, restrict, limit,
11 prohibit, or require such testing.

12 3. TESTING AS CONDITION OF EMPLOYMENT --

13 REQUIREMENTS. To the extent provided in subsection 7,
14 an employer may test employees and prospective
15 employees for the presence of drugs or alcohol as a
16 condition of continued employment or hiring. An
17 employer shall adhere to the requirements of this
18 section concerning the conduct of such testing and the
19 use and disposition of the results of such testing.

20 4. COLLECTION OF SAMPLES. In conducting drug or
21 alcohol testing, an employer may require the
22 collection of samples from its employees and
23 prospective employees, and may require presentation of
24 reliable individual identification from the person
25 being tested to the person collecting the samples.
26 Collection of a sample shall be in conformance with
27 the requirements of this section. The employer may
28 designate the type of sample to be used for this
29 testing.

30 5. SCHEDULING OF TESTS.

31 a. Drug or alcohol testing of employees conducted
32 by an employer shall normally occur during, or
33 immediately before or after, a regular work period.
34 The time required for such testing by an employer
35 shall be deemed work time for the purposes of
36 compensation and benefits for employees.

37 b. An employer shall pay all actual costs for drug
38 or alcohol testing of employees and prospective
39 employees required by the employer.

40 c. An employer shall provide transportation or pay
41 reasonable transportation costs to employees if drug
42 or alcohol sample collection is conducted at a
43 location other than the employee's normal work site.

44 6. TESTING PROCEDURES. All sample collection and
45 testing for drugs or alcohol under this section shall
46 be performed in accordance with the following
47 conditions:

48 a. The collection of samples shall be performed
49 under sanitary conditions and with regard for the
50 privacy of the individual from whom the specimen is

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1 being obtained and in a manner reasonably calculated
2 to preclude contamination or substitution of the
3 specimen.

4 b. Sample collection for testing of current
5 employees shall be performed so that the specimen is
6 split into two components at the time of collection in
7 the presence of the individual from whom the sample or
8 specimen is collected. The second portion of the
9 specimen or sample shall be of sufficient quantity to
10 permit a second, independent confirmatory test as
11 provided in paragraph "i". If the specimen is urine,

12 the sample shall be split such that the primary sample
13 contains at least thirty milliliters and the secondary
14 sample contains at least fifteen milliliters. Both
15 portions of the sample shall be forwarded to the
16 laboratory conducting the initial confirmatory
17 testing. In addition to any requirements for storage
18 of the initial sample that may be imposed upon the
19 laboratory as a condition for certification of
20 approval, the laboratory shall store the second
21 portion of any sample until receipt of a confirmed
22 negative test result or for a period of at least
23 forty-five calendar days following the completion of
24 the initial confirmatory testing, if the first portion
25 yielded a confirmed positive test result.

26 .c. Sample collections shall be documented, and the
27 procedure for documentation shall include the
28 following:

29 (1) Samples shall be labeled so as to reasonably
30 preclude the possibility of misidentification of the
31 person tested in relation to the test result provided,
32 and samples shall be handled and tracked in a manner
33 such that control and accountability are maintained
34 from initial collection to each stage in handling,
35 testing, and storage, through final disposition.

36 (2) An employee or prospective employee shall be
37 provided an opportunity to provide any information
38 which may be considered relevant to the test,
39 including identification of prescription or
40 nonprescription drugs currently or recently used, or
41 other relevant medical information. To assist an
42 employee or prospective employee in providing the
43 information described in this subparagraph, the
44 employer shall provide an employee or prospective
45 employee with a list of the drugs to be tested.

46 d. Sample collection, storage, and transportation
47 to the place of testing shall be performed so as to
48 reasonably preclude the possibility of sample
49 contamination, adulteration, or misidentification.

50 e. All drug testing shall be conducted at a

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1 laboratory certified by the United States department
2 of health and human services' substance abuse and
3 mental health services administration or approved
4 under rules adopted by the Iowa department of public
5 health.

6 f. Drug or alcohol testing shall include
7 confirmation of any initial positive test results.
8 For drug or alcohol testing, confirmation shall be by
9 use of a different chemical process than was used in
10 the initial screen for drugs or alcohol. The

11 confirmatory drug or alcohol test shall be a
12 chromatographic technique such as gas chromatography
13 or mass spectrometry, or another comparably reliable
14 analytical method. An employer may take adverse
15 employment action, including refusal to hire a
16 prospective employee, based on a confirmed positive
17 drug or alcohol test.

18 g. A medical review officer shall, prior to the
19 results being reported to an employer, review and
20 interpret any confirmed positive test results,
21 including both quantitative and qualitative test
22 results, to ensure that the chain of custody is
23 complete and sufficient on its face and that any
24 information provided by the individual pursuant to
25 paragraph "c", subparagraph (2), is considered.

26 h. In conducting drug or alcohol testing pursuant
27 to this section, the employer shall ensure to the
28 extent feasible that the testing only measure, and the
29 records concerning the testing only show or make use
30 of information regarding, alcohol or drugs in the
31 body.

32 i. (1) If a confirmed positive drug or alcohol
33 test for a current employee is reported to the
34 employer by the medical review officer, the employer
35 shall notify the employee in writing of the results of
36 the test, the employee's right to request and obtain a
37 confirmatory test of the second sample collected
38 pursuant to paragraph "b" at an approved laboratory of
39 the employee's choice, and the fee payable by the
40 employee to the employer for reimbursement of expenses
41 concerning the test. The fee charged an employee
42 shall be an amount that represents the costs
43 associated with conducting the second confirmatory
44 test, which shall be consistent with the employer's
45 cost for conducting the initial confirmatory test on
46 an employee's sample. If the employee requests a
47 second confirmatory test, identifies an approved
48 laboratory to conduct the test, and pays the employer
49 the fee for the test within five days from the date
50 the employee receives written notice of the right to

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1 request a test, a second confirmatory test shall be
2 conducted at the laboratory chosen by the employee.
3 The results of the second confirmatory test shall be
4 reported to the medical review officer who reviewed
5 the initial confirmatory test results and the medical
6 review officer shall review the results and issue a
7 report to the employer on whether the results of the
8 second confirmatory test confirmed the initial
9 confirmatory test as to the presence of a specific

10 drug or alcohol. If the results of the second test do
11 not confirm the results of the initial confirmatory
12 test; the employer shall reimburse the employee for
13 the fee paid by the employee for the second test and
14 the initial confirmatory test shall not be considered
15 a confirmed positive drug or alcohol test for purposes
16 of taking disciplinary action pursuant to subsection
17 9.

18 (2) If a confirmed positive drug or alcohol test
19 for a prospective employee is reported to the employer
20 by the medical review officer, the employer shall
21 notify the prospective employee in writing of the
22 results of the test, of the name and address of the
23 medical review officer who made the report, and of the
24 prospective employee's right to request records under
25 subsection 12.

26 j. A laboratory conducting testing under this
27 section shall dispose of all samples for which a
28 negative test result was reported to an employer
29 within five working days after issuance of the
30 negative test result report.

31 7. DRUG OR ALCOHOL TESTING. Employers may conduct
32 drug or alcohol testing as provided in this
33 subsection:

34 a. Employers may conduct unannounced drug or
35 alcohol testing of the employee population not subject
36 to testing pursuant to paragraph "b".

37 b. Employers may conduct unannounced drug or
38 alcohol testing of employees in a pool of employees
39 who are in a safety-sensitive position.

40 c. Employers may conduct drug or alcohol testing
41 of employees during, and after completion of, drug or
42 alcohol rehabilitation.

43 d. Employers may conduct reasonable suspicion drug
44 or alcohol testing.

45 e. Employers may conduct drug or alcohol testing
46 of prospective employees.

47 f. Employers may conduct drug or alcohol testing
48 as required by federal law or regulation.

49 g. Employers may conduct drug or alcohol testing
50 in investigating accidents in the workplace.

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1 8. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

2 a. Drug or alcohol testing or retesting by an
3 employer shall be carried out within the terms of a
4 written policy which has been provided to every
5 employee subject to testing, and is available for
6 review by employees and prospective employees.

7 b. Employers shall establish an awareness program
8 to inform employees of the dangers of drug and alcohol

9 use in the workplace and comply with the following
10 requirements in order to conduct drug or alcohol
11 testing under this section:

12 (1) If an employer has an employee assistance
13 program, the employer must inform the employee of the
14 benefits and services of the employee assistance
15 program. An employer shall post notice of the
16 employee assistance program in conspicuous places and
17 explore alternative routine and reinforcing means of
18 publicizing such services. In addition, the employer
19 must provide the employee with notice of the policies
20 and procedures regarding access to and utilization of
21 the program.

22 (2) If an employer does not have an employee
23 assistance program, the employer must maintain a
24 resource file of employee assistance services
25 providers, alcohol and other drug abuse programs
26 certified by the Iowa department of public health,
27 mental health providers, and other persons, entities,
28 or organizations available to assist employees with
29 personal or behavioral problems. The employer shall
30 provide all employees information about the existence
31 of the resource file and a summary of the information
32 contained within the resource file. The summary
33 should contain, but need not be limited to, all
34 information necessary to access the services listed in
35 the resource file. In addition, the employer shall
36 post in conspicuous places a listing of multiple
37 employee assistance providers in the area.

38 c. An employee or prospective employee whose drug
39 or alcohol test results are confirmed as positive in
40 accordance with this section shall not, by virtue of
41 those results alone, be considered as a person with a
42 disability for purposes of any state or local law or
43 regulation.

44 d. If the written policy provides for alcohol
45 testing, the employer shall establish in the written
46 policy a standard for alcohol concentration which
47 shall be deemed to violate the policy. The standard
48 for alcohol concentration shall not be less than .02,
49 expressed in terms of grams of alcohol per two hundred
50 ten liters of breath, or its equivalent.

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1 e. All employees of an employer who are designated
2 by the employer as being in a safety-sensitive
3 position shall be placed in a pool of safety-sensitive
4 employees subject to drug or alcohol testing pursuant
5 to subsection 7, paragraph "b". An employer shall
6 have no more than one pool of safety-sensitive
7 employees subject to drug or alcohol testing pursuant

8 to subsection 7, paragraph "b".

9 f. Upon receipt of a confirmed positive alcohol
10 test or a confirmed positive drug test relating to the
11 abuse of lawfully prescribed drugs currently or
12 recently used by an employee, and if the employer has
13 at least fifty employees, and if the employee has been
14 employed by the employer on a full-time basis for
15 twelve consecutive months and rehabilitation is agreed
16 upon by both the employer and the employee, and if the
17 employee has not previously undergone rehabilitation
18 with the same employer pursuant to this section, the
19 written policy shall provide for the apportionment of
20 the costs of rehabilitation as provided by this
21 paragraph.

22 (1) If the employer has an employee benefit plan,
23 the costs of rehabilitation shall be apportioned as
24 provided under the employee benefit plan.

25 (2) If no employee benefit plan exists and the
26 employee has coverage for any portion of the costs of
27 rehabilitation under any health care plan of the
28 employee, the costs of rehabilitation shall be
29 apportioned as provided by the health care plan with
30 any costs not covered by the plan apportioned equally
31 between the employee and the employer. However, the
32 employer shall not be required to pay more than two
33 thousand dollars toward the costs not covered by the
34 employee's health care plan.

35 (3) If no employee benefit plan exists and the
36 employee does not have coverage for any portion of the
37 costs of rehabilitation under any health care plan of
38 the employee, the costs of rehabilitation shall be
39 apportioned equally between the employee and the
40 employer. However, the employer shall not be required
41 to pay more than two thousand dollars towards the cost
42 of rehabilitation under this subparagraph.

43 g. In order to conduct drug or alcohol testing
44 under this section, an employer shall require
45 supervisory personnel of the employer involved with
46 drug or alcohol testing under this section to attend a
47 minimum of two hours of initial training and to
48 attend, on an annual basis thereafter, a minimum of
49 one hour of subsequent training. The training shall
50 include, but is not limited to, information concerning

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1 the recognition of evidence of employee alcohol and
2 other drug abuse, the documentation and corroboration
3 of employee alcohol and other drug abuse, and the
4 referral of employees who abuse alcohol or other drugs
5 to the employee assistance program or to the resource
6 file of employee assistance services providers.

7 9. DISCIPLINARY PROCEDURES.

8 a. Upon receipt of a confirmed positive drug or
9 alcohol test result which indicates a violation of the
10 employer's written policy, or upon the refusal of an
11 employee or prospective employee to provide a testing
12 sample, an employer may use that test result or test
13 refusal as a valid basis for disciplinary or
14 rehabilitative actions consistent with the employer's
15 written policy, which may include, among other
16 actions, the following:

17 (1) A requirement that the employee enroll in an
18 employer-provided or approved rehabilitation,
19 treatment, or counseling program, which may include
20 additional drug or alcohol testing, participation in
21 and successful completion of which may be a condition
22 of continued employment, and the costs of which may or
23 may not be covered by the employer's health plan or
24 policies.

25 (2) Suspension of the employee, with or without
26 pay, for a designated period of time.

27 (3) Termination of employment.

28 (4) Refusal to hire a prospective employee.

29 (5) Other adverse employment action in conformance
30 with the employer's written policy and procedures,
31 including any relevant collective bargaining agreement
32 provisions.

33 b. Following a drug or alcohol test, but prior to
34 receipt of the final results of the drug or alcohol
35 test, an employer may suspend a current employee, with
36 or without pay, pending the outcome of the test. An
37 employee who has been suspended shall be reinstated by
38 the employer, with back pay, and interest on such
39 amount at eighteen percent per annum compounded
40 annually, if applicable, if the result of the test is
41 not a confirmed positive drug or alcohol test which
42 indicates a violation of the employer's written
43 policy.

44 10. EMPLOYER IMMUNITY. A cause of action shall
45 not arise against an employer who has established a
46 policy and initiated a testing program in accordance
47 with the testing and policy safeguards provided for
48 under this section, for any of the following:

49 a. Testing or taking action based on the results
50 of a positive drug or alcohol test result, indicating

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1 the presence of drugs or alcohol, in good faith, or
2 the refusal of an employee or prospective employee to
3 submit to a drug or alcohol test.

4 b. Failure to test for drugs or alcohol, or
5 failure to test for a specific drug or controlled

6 substance.

7 c. Failure to test for, or if tested for, failure
8 to detect, any specific drug or other controlled
9 substance.

10 d. Termination or suspension of any substance
11 abuse prevention or testing program or policy.

12 e. Any action taken related to a false negative
13 drug or alcohol test result.

14 11. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
15 RESULTS.

16 a. Except as otherwise provided in paragraph "b",
17 a cause of action shall not arise against an employer
18 who has established a program of drug or alcohol
19 testing in accordance with this section, unless all of
20 the following conditions exist:

21 (1) The employer's action was based on a false
22 positive test result.

23 (2) The employer knew or clearly should have known
24 that the test result was in error and ignored the
25 correct test result because of reckless, malicious, or
26 negligent disregard for the truth, or the willful
27 intent to deceive or to be deceived.

28 b. A cause of action for defamation, libel,
29 slander, or damage to reputation shall not arise
30 against an employer establishing a program of drug or
31 alcohol testing in accordance with this section unless
32 all of the following apply:

33 (1) The employer discloses the test results to a
34 person other than the employer, an authorized
35 employee, agent, or representative of the employer,
36 the tested employee or the tested applicant for
37 employment, an authorized substance abuse treatment
38 program or employee assistance program, or an
39 authorized agent or representative of the tested
40 employee or applicant.

41 (2) The test results disclosed incorrectly
42 indicate the presence of alcohol or drugs.

43 (3) The employer negligently discloses the
44 results.

45 c. In any cause of action based upon a false
46 positive test result, all of the following conditions
47 apply:

48 (1) The results of a drug or alcohol test
49 conducted in compliance with this section are presumed
50 to be valid.

Page 11

1 (2) An employer shall not be liable for monetary
2 damages if the employer's reliance on the false
3 positive test result was reasonable and in good faith.

4 12. CONFIDENTIALITY OF RESULTS - EXCEPTION.

5 a. Except as provided in paragraph "b", all
6 communications received by an employer relevant to
7 employee or prospective employee drug or alcohol test
8 results, or otherwise received through the employer's
9 drug or alcohol testing program, are confidential
10 communications and shall not be used or received in
11 evidence, obtained in discovery, or disclosed in any
12 public or private proceeding; except as provided by
13 this section or in a proceeding related to an action
14 taken by an employer under this section or by an
15 employee under this section.

16 b. An employee, or a prospective employee, who is
17 the subject of a drug or alcohol test conducted under
18 this section pursuant to an employer's written policy
19 and for whom a confirmed positive test result is
20 reported shall, upon written request, have access to
21 any records relating to the employee's drug or alcohol
22 test, including records of the laboratory where the
23 testing was conducted and any records relating to the
24 results of any relevant certification or review by a
25 medical review officer. However, a prospective
26 employee shall be entitled to records under this
27 paragraph only if the prospective employee requests
28 the records within fifteen calendar days from the date
29 the employer provided the prospective employee written
30 notice of the results of a drug or alcohol test as
31 provided in subsection 6, paragraph "i", subparagraph
32 (2).

33 c. Except as provided by this subsection and as
34 necessary to conduct drug or alcohol testing under
35 this section, a laboratory and a medical review
36 officer conducting drug or alcohol testing under this
37 section shall not use or disclose to any person any
38 personally identifiable information regarding such
39 testing, including the names of individuals tested,
40 even if unaccompanied by the results of the test.

41 13. CIVIL REMEDIES. This section may be enforced
42 through a civil action.

43 a. A person who violates this section or who aids
44 in the violation of this section, is liable to an
45 aggrieved employee or prospective employee for
46 affirmative relief including reinstatement or hiring,
47 with or without back pay, or any other equitable
48 relief as the court deems appropriate including
49 attorney fees and court costs.

50 b. When a person commits, is committing, or

4 continuing such acts. The action for injunctive
 5 relief may be brought by an aggrieved employee or
 6 prospective employee, the county attorney, or the
 7 attorney general.
 8 In an action brought under this subsection alleging
 9 that an employer has required or requested a drug or
 10 alcohol test in violation of this section, the
 11 employer has the burden of proving that the
 12 requirements of this section were met.
 13 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
 14 immediate importance, takes effect upon enactment.””

STEVE KING

S—3790

1 Amend House File 724, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, line 6, by inserting after the word
 4 “paragraph” the following: “of up to two hundred
 5 fifty thousand dollars of the fair market value, as
 6 established by an appraisal, of the building and
 7 land”.

TOM VILSACK
 SHELDON RITTMER

S—3791

1 Amend the Committee amendment, S—3686, to House
 2 File 266, as passed by the House, as follows:
 3 1. Page 7, by striking lines 22 through 32.
 4 2. Page 17, by striking lines 19 through 21.

DONALD B. REDFERN

S—3792

1 Amend House File 732, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by striking lines 16 through 21 and
 4 inserting the following: “consisting of any moneys
 5 appropriated”.
 6 2. Page 6, by inserting after line 1 the
 7 following:
 8 “Sec. ____ Section 428A.8. Code 1997, is amended
 9 to read as follows:
 10 428A.8 REMITTANCE TO STATE TREASURER -- PORTION
 11 RETAINED IN COUNTY.
 12 1. On or before the tenth day of each month the
 13 county recorder shall determine and pay to the
 14 treasurer of state eighty-two and three-fourths

15 percent of the receipts from the real estate transfer
16 tax collected during the preceding month and the
17 treasurer of state shall deposit ~~ninety-five percent~~
18 ~~of the receipts in the general fund of the state and~~
19 ~~transfer five percent of the receipts to the Iowa~~
20 ~~finance authority for deposit in the housing~~
21 ~~improvement fund created in section 16.100. the~~
22 receipts as follows:

23 a. For the fiscal year beginning July 1, 1997, and
24 ending June 30, 1998, eighty-seven and one-half
25 percent of the receipts shall be deposited in the
26 general fund of the state and twelve and one-half
27 percent of the receipts shall be transferred to the
28 department of economic development to be deposited in
29 the local housing assistance program fund established
30 in section 15.354.

31 b. For the fiscal year beginning July 1, 1998, and
32 ending June 30, 1999, seventy-five percent of the
33 receipts shall be deposited in the general fund of the
34 state and twenty-five percent of the receipts shall be
35 transferred to the department of economic development
36 to be deposited in the local housing assistance
37 program fund established in section 15.354.

38 c. For the fiscal year beginning July 1, 1999, and
39 ending June 30, 2000, sixty-two and one-half percent
40 of the receipts shall be deposited in the general fund
41 of the state and thirty-seven and one-half percent of
42 the receipts shall be transferred to the department of
43 economic development to be deposited in the local
44 housing assistance program fund established in section
45 15.354.

46 d. For the fiscal year beginning July 1, 2000, and
47 ending June 30, 2001, fifty percent of the receipts
48 shall be deposited in the general fund of the state
49 and fifty percent of the receipts shall be transferred
50 to the department of economic development to be

Page 2

1 deposited in the local housing assistance program fund
2 established in section 15.354.

3 e. For the fiscal year beginning July 1, 2001, and
4 ending June 30, 2002, thirty-seven and one-half
5 percent of the receipts shall be deposited in the
6 general fund of the state and sixty-two and one-half
7 percent of the receipts shall be transferred to the
8 department of economic development to be deposited in
9 the local housing assistance program fund established
10 in section 15.354.

11 f. For the fiscal year beginning July 1, 2002, and
12 ending June 30, 2003, twenty-five percent of the
13 receipts shall be deposited in the general fund of the

- 14 state and seventy-five percent of the receipts shall
 15 be transferred to the department of economic
 16 development to be deposited in the local housing
 17 assistance program fund established in section 15.354.
 18 g. For the fiscal year beginning July 1, 2003, and
 19 ending June 30, 2004, twelve and one-half percent of
 20 the receipts shall be deposited in the general fund of
 21 the state and eighty-seven and one-half percent of the
 22 receipts shall be transferred to the department of
 23 economic development to be deposited in the local
 24 housing assistance program fund established in section
 25 15.354.
 26 h. For the fiscal year beginning July 1, 2004, and
 27 each subsequent fiscal year, one hundred percent of
 28 the receipts shall be transferred to the department of
 29 economic development to be deposited in the local
 30 housing assistance program fund established in section
 31 15.354.
 32 2. The county recorder shall deposit the remaining
 33 seventeen and one-fourth percent of the receipts in
 34 the county general fund.
 35 3. The county recorder shall keep records and make
 36 reports with respect to the real estate transfer tax
 37 as the director of revenue and finance prescribes."
 38 3. Title page, lines 1 and 2, by striking the
 39 words "making an appropriation" and inserting the
 40 following: "providing for funding from the real
 41 estate transfer tax".
 42 4. By renumbering as necessary.

TOM VILSACK
 ROBERT E. DVORSKY

S—3793

- 1 Amend House File 724, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by inserting after line 23 the
 4 following:
 5 "3. If a business has received incentives or
 6 assistance under section 15E.186 and fails during the
 7 ten-year period or other specified period to maintain
 8 the requirements of subsection 1, the business shall
 9 repay all of the incentives and assistance that it has
 10 received."

TOM VILSACK

S—3794

- 1 Amend House File 732, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 5, by striking lines 12 through 21.
- 4 2. By renumbering as necessary.

ROBERT E. DVORSKY
TOM VILSACK

S—3795

- 1 Amend the committee amendment, S—3770, to House
- 2 File 731, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 2, line 5, by striking the word "twenty"
- 5 and inserting the following: "twenty-five".

DENNIS H. BLACK
JOANN DOUGLAS

S—3796

- 1 Amend House File 732, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 16 through 22 and
- 4 inserting the following: "consisting of any moneys
- 5 transferred to the fund pursuant to section 428A.8 and
- 6 any other moneys received by the department for
- 7 deposit in the fund."
- 8 2. Page 6, by inserting after line 1 the
- 9 following:
- 10 "Sec. ____ Section 428A.8, unnumbered paragraph 1,
- 11 Code 1997, is amended to read as follows:
- 12 On or before the tenth day of each month the county
- 13 recorder shall determine and pay to the treasurer of
- 14 state eighty-two and three-fourths percent of the
- 15 receipts from the real estate transfer tax collected
- 16 during the preceding month and the treasurer of state
- 17 shall deposit ~~ninety-five~~ sixty-two and one-half
- 18 percent of the receipts in the general fund of the
- 19 state and transfer ~~five~~ thirty-seven and one-half
- 20 percent of the receipts to the ~~Iowa finance authority~~
- 21 department of economic development for deposit in the
- 22 housing improvement local housing assistance program
- 23 fund created in section 46-100 15.354."
- 24 3. By renumbering as necessary.

ROBERT E. DVORSKY
TOM VILSACK

S—3797

- 1 Amend House File 724, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 15 the

4 following:

5 "2A. A county that does not qualify under
6 subsection 1 to designate an area an enterprise zone
7 but which contains any census tract that meets the
8 criteria specified in subsection 2, paragraph "a",
9 "b", and "c" and which has experienced a population
10 loss between 1990 and 1995 and may designate such area
11 as an enterprise zone."

12 2. Page 4, line 18, by inserting after the word
13 and figure "subsection 1" the following: "or 2A".

TOM VILSACK
PATTY JUDGE

S-3798

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 15 the
4 following:

5 "2A. A county that does not qualify under
6 subsection 1 to designate an area an enterprise zone
7 but which contains any census tract that meets the
8 criteria specified in subsection 2, paragraphs "a",
9 "b", and "c" and which has experienced a population
10 loss between 1990 and 1995 may designate such area as
11 an enterprise zone."

12 2. Page 4, line 18, by inserting after the word
13 and figure "subsection 1" the following: "or 2A".

TOM VILSACK
PATTY JUDGE

S-3799

1 Amend House File 724, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 23 the
4 following:

5 "3. If a business has received incentives or
6 assistance under section 15E.186 and fails to maintain
7 the requirements of subsection 1 to be an eligible
8 business, the business is subject to repayment of all
9 or a portion of the incentives and assistance that it
10 has received. The city or county, as applicable,
11 shall have the authority to take action to recover the
12 value of taxes not collected as a result of the
13 exemption provided by the community to the business.
14 The department of revenue and finance shall have the
15 authority to recover the value of state taxes or
16 incentives provided under section 15E.186. The value
17 of state incentives provided under section 15E.186

18 includes applicable interest and penalties. The
 19 department of economic development and the city and
 20 county, as applicable, shall enter into agreement with
 21 the business specifying the method for determining the
 22 amount of incentives or assistance paid which will be
 23 repaid in the event of failure to maintain the
 24 requirements of subsection 1. In addition, a business
 25 that fails to maintain the requirements of subsection
 26 1 shall not receive incentives or assistance for each
 27 year during which the business is not in compliance.”

TOM VILSACK

S-3800

1 Amend the amendment, S-3767, to House File 730, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking line 5 and inserting the
 5 following:

6 “.....FTEs 83.00

7 ____ There is appropriated from the rebuild Iowa”.

8 2. Page 1, by inserting after line 16 the
 9 following:

10 “ ____ Page 3, by striking lines 5 and 6 and
 11 inserting the following: “appropriated from the
 12 general fund of the state to the department of
 13 education for the “”

14 3. Page 1, by striking lines 19 through 21 and
 15 inserting the following:

16 “ ____ Page 3, by striking lines 11 and 12 and
 17 inserting the following: “as provided in this
 18 subsection, and consistent with chapter 8D, excluding
 19 the purposes provided for in paragraph “b”.”

20 4. Page 1, by striking lines 24 through 26 and
 21 inserting the following:

22 “ ____ Page 3, by striking line 14 and inserting
 23 the following:

24 “The department of education shall establish by
 25 rule a procedure for the commission to be reimbursed
 26 for that portion of the cost of providing interactive
 27 video service to nonpublic and public schools for
 28 grades kindergarten through twelve and community
 29 colleges which is not included in the rates charged to
 30 such users for such service. The Iowa
 31 telecommunications and technology commission may
 32 submit recommendations concerning the procedure to the
 33 department.

34 Notwithstanding section 8.33 or 8.39, any balance
 35 remaining from the appropriation in this paragraph
 36 shall not revert to the general fund of the state but
 37 shall be available for expenditure during the

38 subsequent fiscal year for the same purpose, and shall
 39 not be transferred to any other program. The
 40 department shall not be liable for reimbursing any
 41 amounts which are in excess of the appropriation made
 42 in this subsection.

43 b. For expansion of the Iowa communications".
 44 5. By renumbering as necessary.

JACK RIFE

S-3801

1 Amend the committee amendment, S-3686, to House
 2 File 266 as passed by the House, as follows:

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

5 "Section 1. Section 97A.8, subsection 1,
 6 paragraph i, Code 1997, is amended to read as follows:

7 i. (1) Notwithstanding paragraph "g" or other
 8 provisions of this chapter, beginning January 1, 1995,
 9 for federal income tax purposes, and beginning January
 10 1, 1998, for state income tax purposes, member
 11 contributions required under paragraph "f" or "h"
 12 which are picked up by the department shall be
 13 considered employer contributions for federal and
 14 state income tax purposes, and the department shall
 15 pick up the member contributions to be made under
 16 paragraph "f" or "h" by its employees. The department
 17 shall pick up these contributions by reducing the
 18 salary of each of its employees covered by this
 19 chapter by the amount which each employee is required
 20 to contribute under paragraph "f" or "h" and shall
 21 certify the amount picked up in lieu of the member
 22 contributions to the department of revenue and
 23 finance. The department of revenue and finance shall
 24 forward the amount of the contributions picked up to
 25 the board of trustees for recording and deposit in the
 26 pension accumulation fund.

27 (2) Member contributions picked up by the
 28 department under subparagraph (1) shall be treated as
 29 employer contributions for federal and state income
 30 tax purposes only and for all other purposes of this
 31 chapter ~~and the laws of this state~~ shall be treated as
 32 employee contributions and deemed part of the
 33 employee's earnable compensation or salary.

34 Sec. 201. Section 97B.11A, Code 1997, is amended
 35 to read as follows:

36 97B.11A PICKUP OF EMPLOYEE CONTRIBUTIONS.

37 1. Notwithstanding section 97B.11 or other
 38 provisions of this chapter, beginning January 1, 1995,
 39 for federal income tax purposes, and beginning January
 40 1, 1998, for state income tax purposes, member

41 contributions required under section 97B.11 which are
42 picked up by the employer shall be considered employer
43 contributions for federal and state income tax
44 purposes, and each employer shall pick up the member
45 contributions to be made under section 97B.11 by its
46 employees. Each employer shall pick up these
47 contributions by reducing the salary of each of its
48 employees covered by this chapter by the amount which
49 each employee is required to contribute under section
50 97B.11 and shall pay the amount picked up in lieu of

Page 2

1 the member contributions as provided in section
2 97B.14.

3 2. Member contributions picked up by each employer
4 under subsection 1 shall be treated as employer
5 contributions for federal and state income tax
6 purposes only and for all other purposes of this
7 chapter ~~and the laws of this state~~ shall be treated as
8 employee contributions and deemed part of the
9 employee's wages or salary.

10 Sec. 301. Section 294.10A, Code 1997, is amended
11 to read as follows:

12 294.10A PICKUP OF TEACHER ASSESSMENTS.

13 1. Notwithstanding section 294.9 or other
14 provisions of this chapter, for federal income tax
15 purposes beginning January 1 following the submission
16 by a board of trustees of an application to the
17 federal internal revenue service requesting
18 qualification of a plan in accordance with the
19 requirements of the Internal Revenue Code, as defined
20 in section 422.3, and for state income tax purposes
21 beginning January 1, 1998, or January 1 following an
22 application for qualification, whichever is later,
23 teacher assessments required under section 294.9 which
24 are picked up by an employing school district shall be
25 considered employer contributions for federal and
26 state income tax purposes, and each employing school
27 district establishing a pension and annuity retirement
28 system pursuant to this chapter shall pick up the
29 teacher assessments to be made under section 294.9 by
30 its employees commencing on the January 1 following an
31 application for qualification applicable date under
32 this subsection. Each employing school district shall
33 pick up these teacher assessments by reducing the
34 salary of each of the teachers covered by this chapter
35 by the amount which each teacher is required to
36 contribute through assessments under section 294.9 and
37 shall pay to the board of trustees the amount picked

38 up in lieu of the teacher assessments for recording
39 and deposit in the fund.

40 2. Teacher assessments picked up by each employing
41 school district under subsection 1 shall be treated as
42 employer contributions for federal and state income
43 tax purposes only and for all other purposes of this
44 chapter ~~and the laws of this state~~ shall be treated as
45 teacher assessments and deemed part of the teacher's
46 wages or salary."

47 2. Page 1, line 5, by striking the word and
48 figure "'Section 1.'" and inserting the following:
49 "Sec. 2."

50 3. Page 2, by inserting after line 22 the

Page 3

1 following

2 "Sec. 401. Section 411.8, subsection 1, paragraph
3 i, Code 1997, is amended to read as follows:

4 i. (1) Notwithstanding paragraph "g" or other
5 provisions of this chapter, beginning January 1, 1995,
6 for federal income tax purposes, and beginning January
7 1, 1998, for state income tax purposes, member
8 contributions required under paragraph "f" or "h"
9 which are picked up by the city shall be considered
10 employer contributions for federal and state income
11 tax purposes, and each city shall pick up the member
12 contributions to be made under paragraph "f" or "h" by
13 its employees. Each city shall pick up these
14 contributions by reducing the salary of each of its
15 employees covered by this chapter by the amount which
16 each employee is required to contribute under
17 paragraph "f" or "h" and shall pay the amount picked
18 up in lieu of the member contributions to the board of
19 trustees for recording and deposit in the fund.

20 (2) Member contributions picked up by each city
21 under subparagraph (1) shall be treated as employer
22 contributions for federal and state income tax
23 purposes only and for all other purposes of this
24 chapter ~~and the laws of this state~~ shall be treated as
25 employee contributions and deemed part of the
26 employee's earnable compensation or salary."

27 4. Page 5, by inserting after line 24 the
28 following:

29 "Sec. 501. Section 422.7, subsections 29 through
30 31, Code 1997, are amended by striking the
31 subsections."

32 5. Page 17, by inserting after line 5 the
33 following:

34 "Sec. 601. EFFECTIVE AND APPLICABILITY DATES.

35 Sections 1, 201, 301, 401, and 501 of this Act take

- 36 effect January 1, 1998, and apply to tax years
 37 beginning on or after January 1, 1998.”
 38 6. By renumbering as necessary.

JOHN P. KIBBIE
 JOHNIE HAMMOND
 MIKE CONNOLLY

S-3802

- 1 Amend House Concurrent Resolution 22, as amended,
 2 passed, and reprinted by the House, as follows:
 3 1. Page 4, line 14, by inserting after the
 4 “shall” the following: “present a progress”.
 5 2. Page 4, line 16, by inserting after the word
 6 “convening” the following: “and shall present its
 7 final report along with any recommendations to the
 8 General Assembly meeting in 1999 upon its convening”.

COMMITTEE ON WAYS AND MEANS
 JOANN DOUGLAS, Chairperson

S-3803

- 1 Amend the amendment, S-3768, to House File 722, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 7 the
 5 following:
 6 “___ Page 2, line 25, by inserting after the
 7 word “credits” the following: “allowed under section
 8 15E.183”.”
 9 2. Page 1, by inserting after line 9 the
 10 following:
 11 “___ Page 3, by inserting after line 14 the
 12 following:
 13 “8. An investor in the Iowa capital investment
 14 board shall designate at the time of investment
 15 whether a tax credit for all or a portion of the
 16 amounts invested under section 15E.183A is desired,
 17 provided the aggregate limit allowed under section
 18 15E.183A has not been met.””
 19 3. Page 1, line 16, by striking the words “fifty
 20 million” and inserting the following: “thirty-three
 21 million three hundred thousand”.
 22 4. Page 1, by inserting after line 34 the
 23 following:
 24 “___ Page 4, by inserting after line 22 the
 25 following:
 26 “Sec. ___ NEW SECTION. 15E.183A FRONT END TAX
 27 CREDITS.
 28 1. For tax years beginning on or after January 1,

29 1997, there shall be allowed a tax credit against the
 30 taxes imposed in chapter 422, divisions II and III,
 31 for cash invested in the Iowa capital investment
 32 board. The aggregate amount of tax credits issued
 33 under this section shall not exceed sixteen million
 34 seven hundred thousand dollars. An individual may
 35 claim the credit of a partnership, limited liability
 36 company, subchapter S corporation, estate, or trust
 37 electing to have the income taxed directly to the
 38 individual. The amount claimed by the individual
 39 shall be based upon the pro rata share of the
 40 individual's earnings from the partnership, limited
 41 liability company, subchapter S corporation, estate,
 42 or trust. Any tax credit in excess of the taxpayer's
 43 liability for the tax year may be credited to the tax
 44 liability for the following three years or until
 45 depleted, whichever is earlier. A tax credit shall be
 46 refundable.

47 2. The Iowa capital investment board shall furnish
 48 to each person making an investment in the Iowa
 49 capital investment board during the preceding year a
 50 written statement showing the name of the investor,

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1 taxpayer identification number, the total amount of
 2 investment in the Iowa capital investment board made
 3 by such person, the amount for which credit is granted
 4 under this section, and such other information as the
 5 director of revenue and finance may require. The
 6 statement shall be attached to the income tax return
 7 of such person in order to qualify for the tax
 8 credit.”

9 5. By renumbering, relettering, and redesignating
 10 as necessary.

TOM VILSACK

S—3804

1 Amend House File 642, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 30, by inserting after line 5 the
 4 following:

5 “Sec. ____ Section 490A.102, subsections 13, 16,
 6 and 18, Code 1997, are amended to read as follows:

7 13. “Limited liability company” or “domestic
 8 limited liability company” means ~~an entity that is an~~
 9 unincorporated association having ~~two~~ one or more
 10 members, and ~~that is~~ organized under or subject to
 11 this chapter.

12 16. “Member” means a person with a membership

13 interest in a limited liability company under this
14 chapter or, with respect to a foreign limited
15 liability company, under the laws of the state,
16 foreign country, or other foreign jurisdiction under
17 which such company is organized.

18 18. "Operating agreement" means any agreement,
19 written or oral, of the members as to the affairs of a
20 limited liability company and the conduct of its
21 business.

22 Sec. ____ Section 490A.202, subsection 17, Code
23 1997, is amended by striking the subsection and
24 inserting in lieu thereof the following:

25 17. Indemnify and hold harmless a member, manager,
26 or other person against a claim, liability, or other
27 demand, as provided in an operating agreement.

28 Sec. ____ NEW SECTION. 490A.304 CONVERSION OF
29 CERTAIN ENTITIES TO A LIMITED LIABILITY COMPANY.

30 1. As used in this section, the term "other
31 entity" means a corporation, business trust or
32 association, real estate investment trust, common-law
33 trust, or any other unincorporated business, including
34 any partnership, whether general or limited, or a
35 foreign limited liability company.

36 2. Any other entity may convert to a domestic
37 limited liability company by complying with subsection
38 8 and filing in the office of the secretary of state
39 both of the following:

40 a. Articles of conversion to a limited liability
41 company executed by one or more authorized persons.

42 b. Articles of organization executed by one or
43 more authorized persons.

44 3. The articles of conversion to a limited
45 liability company shall state all of the following:

46 a. The date on which, and jurisdiction where, the
47 converting entity was first created, formed,
48 incorporated, or otherwise came into being and, if it
49 has changed, its jurisdiction immediately prior to its
50 conversion to a domestic limited liability company.

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1 b. The name of the converting entity immediately
2 prior to the filing of the articles of conversion to a
3 limited liability company.

4 c. The name of the limited liability company.

5 d. The future effective date or time certain of
6 the conversion to a limited liability company if it is
7 not to be effective upon the filing of the articles of
8 conversion and the articles of organization.

9 4. Upon the filing in the office of the secretary
10 of state of the articles of conversion and the
11 articles of organization or upon the future effective

12 date or time of the articles of conversion and the
13 articles of organization, the converting entity shall
14 be converted into a domestic limited liability company
15 and the limited liability company, from that date or
16 time, is subject to this chapter, except that the
17 existence of the limited liability company is deemed
18 to have commenced on the date the converting entity
19 commenced its existence in the jurisdiction in which
20 the converting entity was first created, formed,
21 incorporated, or otherwise came into being.

22 5. The conversion of an entity into a domestic
23 limited liability company does not affect any
24 obligations or liabilities of the other entity
25 incurred prior to its conversion to a domestic limited
26 liability company, or the personal liability of any
27 person incurred prior to such conversion.

28 6. When a conversion is effective, for all
29 purposes of the laws of this state, all of the rights,
30 privileges, and powers of the converting entity, and
31 all property, real, personal, and mixed, and all debts
32 due to the converting entity, as well as all other
33 things and causes of action belonging to such entity,
34 are vested in the domestic limited liability company
35 and are the property of the domestic limited liability
36 company as they were of the converting entity. The
37 title to any real property vested by deed or otherwise
38 in the converting entity shall not revert or be in any
39 way impaired by reason of this chapter, and all rights
40 of creditors and all liens upon any property of such
41 other entity are preserved unimpaired, and all debts,
42 liabilities, and duties of the converting entity shall
43 attach to the domestic limited liability company, and
44 may be enforced against it to the same extent as if
45 the debts, liabilities, and duties had been incurred
46 or contracted by the domestic limited liability
47 company.

48 7. Unless otherwise agreed, or as required under
49 the laws of a jurisdiction other than this state, the
50 converting entity is not required to wind up its

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1 affairs or pay its liabilities and distribute its
2 assets, and the conversion does not constitute a
3 dissolution of the converting entity.

4 8. Prior to filing the articles of conversion to a
5 limited liability company with the office of the
6 secretary of state, an operating agreement must be
7 approved in the manner provided for by the documents,
8 instrument, agreement, or other writing, as the case
9 may be, governing the internal affairs of the
10 converting entity and the conduct of its business or

11 by applicable law, as appropriate.

12 9. This section shall not be construed to limit
13 the ability to change the law governing, or the
14 domicile of, a converting entity to this state by any
15 other means provided for in an operating agreement or
16 as otherwise permitted by law, including by the
17 amendment of an operating agreement.

18 Sec. ____ NEW SECTION. 490A.305 SERIES OF
19 MEMBERS, MANAGERS, OR MEMBERSHIP INTERESTS.

20 1. An operating agreement may establish or provide
21 for the establishment of designated series of members,
22 managers, or membership interests having separate
23 rights, powers, or duties with respect to specified
24 property or obligations of the limited liability
25 company or profits and losses associated with
26 specified property or obligations, and, to the extent
27 provided in the operating agreement, any such series
28 may have a separate business purpose or investment
29 objective.

30 2. Notwithstanding contrary provisions of this
31 chapter, the debts, liabilities, and obligations
32 incurred, contracted for, or otherwise existing with
33 respect to a particular series shall be enforceable
34 against the assets of that series only, and not
35 against the assets of the limited liability company
36 generally, if all of the following apply:

37 a. The operating agreement creates one or more
38 series.

39 b. Separate and distinct records are maintained
40 for the series and the assets associated with the
41 series are held and accounted for separately from the
42 other assets of the limited liability company, or from
43 any other series of the limited liability company.

44 c. The operating agreement provides for such
45 limitation on liabilities.

46 d. Notice of the limitation on liabilities of a
47 series is set forth in the articles of organization of
48 the limited liability company. Filing of articles of
49 organization containing a notice of the limitation on
50 liabilities of a series in the office of the secretary

Page 4

1 of state constitutes notice of the limitation on
2 liabilities of such series.

3 3. Notwithstanding section 490A.601, or a contrary
4 provision in an operating agreement, a member or
5 manager may agree to be obligated personally for any
6 or all of the debts, obligations or liabilities of one
7 or more series.

8 4. An operating agreement may provide for classes
9 or groups of members or managers associated with a

10 series having such relative rights, powers, and duties
11 as the operating agreement may provide. The operating
12 agreement may provide for the future creation of
13 additional classes or groups of members or managers
14 associated with the series having such relative
15 rights, powers, and duties as may from time to time be
16 established, including rights, powers, and duties
17 senior to existing classes and groups of members or
18 managers associated with the series. An operating
19 agreement may provide for the taking of an action,
20 including the amendment of the operating agreement,
21 without the vote or approval of any member or manager
22 or class or group of members or managers, including
23 all action to create under the provisions of the
24 operating agreement a class or group of the series of
25 membership interests that was not previously
26 outstanding. An operating agreement may provide that
27 any member or class or group of members associated
28 with a series have no voting rights.

29 5. An operating agreement may grant to all or
30 certain identified members or managers or a specified
31 class or group of the members or managers associated
32 with a series the right to vote on any matter
33 separately or with all or any class or group of the
34 members or managers associated with the series.
35 Voting by members or managers associated with a series
36 may be on a per capita, number, financial interest,
37 class, group, or other basis.

38 6. Unless otherwise provided in an operating
39 agreement, the management of a series shall be vested
40 in the members associated with such series in
41 proportion to the then-current percentage or other
42 interest of members in the profits of the series owned
43 by all of the members associated with such series.
44 The decision of members owning more than fifty percent
45 of the series or other interest in the profits shall
46 control. However, if an operating agreement provides
47 for the management of the series, in whole or in part,
48 by a manager, the management of the series, to the
49 extent so provided, is vested in the manager who shall
50 be chosen as provided in the operating agreement. The

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1 manager of the series shall also hold the offices and
2 have the responsibilities accorded to managers as set
3 forth in the operating agreement. A series may have
4 more than one manager. A manager shall cease to be a
5 manager with respect to a series as provided in the
6 operating agreement. Except as otherwise provided in
7 the operating agreement, an event under this chapter
8 or identified in an operating agreement that causes a

9 manager to cease to be a manager with respect to a
10 series, by itself, shall not cause the manager to
11 cease to be a manager of the limited liability company
12 or with respect to any other series of the limited
13 liability company.

14 7. Notwithstanding any other provision of this
15 chapter, except subsections 8 and 11 and unless
16 otherwise provided in an operating agreement, at the
17 time a member associated with a series that has been
18 established pursuant to subsection 1 becomes entitled
19 to receive a distribution with respect to such series,
20 the member has the status of, and is entitled to, all
21 remedies available to a creditor of the series with
22 respect to the distribution. An operating agreement
23 may provide for the establishment of a record date
24 with respect to allocations and distributions with
25 respect to a series.

26 8. Notwithstanding any other provision of this
27 chapter, a limited liability company may make a
28 distribution with respect to a series that has been
29 established pursuant to subsection 1. However, a
30 limited liability company shall not make a
31 distribution with respect to a series that has been
32 established pursuant to subsection 1 to the extent
33 that at the time of the distribution, after giving
34 effect to the distribution, all liabilities of such
35 series, other than liabilities to members on account
36 of their membership interests with respect to such
37 series and liabilities for which the recourse of
38 creditors is limited to specified property of such
39 series, exceed the fair value of the assets associated
40 with such series. However, the fair value of an asset
41 of the series that is subject to a liability for which
42 the recourse of creditors is limited shall be included
43 in the assets associated with such series only to the
44 extent that the fair value of that asset exceeds that
45 liability. A member who receives a distribution in
46 violation of this subsection, and who knew at the time
47 of the distribution that the distribution violated
48 this subsection, is liable for the amount of the
49 distribution. Subject to section 490A.807, which
50 applies to any distribution made with respect to a

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1 series under this subsection, this subsection shall
2 not affect any obligation or liability of a member
3 under an agreement or other applicable law for the
4 amount of a distribution.

5 9. Unless otherwise provided in the operating
6 agreement, a member shall cease to be associated with
7 a series and to have the power to exercise any rights

8 or powers of a member with respect to such series upon
9 the assignment of all of the member's membership
10 interest with respect to such series. Except as
11 otherwise provided in an operating agreement, an event
12 under this chapter or identified in an operating
13 agreement that causes a member to cease to be
14 associated with a series, by itself, shall not cause
15 such member to cease to be associated with any other
16 series or terminate the continued membership of a
17 member in the limited liability company.

18 10. Subject to section 490A.1301, except to the
19 extent otherwise provided in the operating agreement,
20 a series may be terminated and its affairs wound up
21 without causing the dissolution of the limited
22 liability company. The termination of a series
23 established pursuant to subsection 1 shall not affect
24 the limitation on liabilities of such series provided
25 by subsection 2. A series is terminated and its
26 affairs shall be wound up upon the dissolution of the
27 limited liability company under section 490A.1301 or
28 otherwise upon the first to occur of the following:

29 a. At the time specified in the operating
30 agreement.

31 b. Upon the happening of events specified in the
32 operating agreement.

33 c. Unless otherwise provided in the operating
34 agreement, upon the written consent of all members
35 associated with such series.

36 d. The termination of such series under subsection
37 10.

38 11. Notwithstanding section 490A.1303, unless
39 otherwise provided in the operating agreement, any of
40 the following persons may wind up the affairs of the
41 series:

42 a. A manager associated with a series who has not
43 wrongfully terminated the series.

44 b. If there is no manager of a series, the members
45 associated with the series or a person approved by the
46 members associated with the series.

47 c. If there is more than one class or group of
48 members associated with the series, then by each class
49 or group of members associated with the series, in
50 either case, by members who own more than fifty

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1 percent of the then-current percentage or other
2 interest in the profits of the series owned by all of
3 the members associated with the series or by the
4 members of each class or group associated with the
5 series.

6 However, if the series has been established

7 pursuant to subsection 1, the district court of the
8 county in which the limited liability company has its
9 principal place of business, upon cause shown, may
10 wind up the affairs of the series upon application of
11 any member associated with the series or the member's
12 legal representative or assignee, and in connection
13 with such winding up, may appoint a liquidating
14 trustee. The persons winding up the affairs of a
15 series, in the name of the limited liability company
16 and for and on behalf of the limited liability company
17 and such series, may take all actions with respect to
18 the series as are permitted under section 490A.1303.
19 The persons winding up the affairs of a series shall
20 provide for the claims and obligations of the series
21 as provided in section 490A.1304 and distribute the
22 assets of the series as provided in section 490A.1304.
23 Actions taken pursuant to this subsection shall not
24 affect the liability of members and shall not impose
25 liability on a liquidating trustee.

26 12. On application by or for a member or manager
27 associated with a series established pursuant to
28 subsection 1, the district court in the county in
29 which the limited liability company has its principal
30 place of business may enter an order for dissolution
31 of such series if it is not reasonably practicable to
32 carry on the business of the series in conformity with
33 the operating agreement.

34 13. A foreign limited liability company that is
35 registering to do business in this state under this
36 chapter which is governed by an operating agreement
37 that establishes or provides for the establishment of
38 designated series of members, managers, or membership
39 interests having separate rights, powers, or duties
40 with respect to specified property or obligations of
41 the foreign limited liability company, or profits and
42 losses associated with the specified property or
43 obligations, shall indicate that fact on the
44 application for registration as a foreign limited
45 liability company. In addition, the foreign limited
46 liability company shall state on the application
47 whether the debts, liabilities, and obligations
48 incurred, contracted for, or otherwise existing with
49 respect to a particular series, if any, are
50 enforceable against the assets of such series only,

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1 and not against the assets of the foreign limited
2 liability company generally.

3 Sec. . NEW SECTION. 490A.306 ADMISSION OF
4 MEMBERS.

5 1. In connection with the formation of a limited

6 liability company, a person is admitted as a member of
7 the limited liability company upon the later to occur
8 of the following:

9 a. The formation of the limited liability company.

10 b. The time provided in, and upon compliance with,
11 the operating agreement or, if the operating agreement
12 does not so provide, when the person's admission is
13 reflected in the records of the limited liability
14 company.

15 2. After the formation of a limited liability
16 company, a person is admitted as a member of the
17 limited liability company as follows:

18 a. In the case of a person who is not an assignee
19 of a membership interest, including a person acquiring
20 a membership interest directly from the limited
21 liability company and a person to be admitted as a
22 member of the limited liability company without
23 acquiring a membership interest in the limited
24 liability company, at the time provided in and upon
25 compliance with the operating agreement or, if the
26 operating agreement does not so provide, upon the
27 consent of all members and the person's admission
28 being reflected in the records of the limited
29 liability company.

30 b. In the case of an assignee of a membership
31 interest, as provided in section 490A.903 and at the
32 time provided in and upon compliance with the
33 operating agreement, or if the operating agreement
34 does not so provide, when any such person's permitted
35 admission is reflected in the records of the limited
36 liability company.

37 c. Unless otherwise provided in an agreement of
38 merger, in the case of a person acquiring a membership
39 interest in a surviving or resulting limited liability
40 company pursuant to a merger approved pursuant to
41 section 490A.1203, at the time provided in and upon
42 compliance with the operating agreement of the
43 surviving or resulting limited liability company.

44 3. A person may be admitted to a limited liability
45 company as a member of the limited liability company
46 and may receive a membership interest in the limited
47 liability company without making a contribution or
48 being obligated to make a contribution to the limited
49 liability company. Unless otherwise provided in an
50 operating agreement, a person may be admitted to a

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1 limited liability company as a member of the limited
2 liability company without acquiring a membership
3 interest in the limited liability company.

4 Sec. ____ NEW SECTION. 490A.307 CLASSES AND

5 VOTING.

6 1. An operating agreement may provide for classes
 7 or groups of members and the relative rights, powers,
 8 and duties of such members, and may provide for the
 9 future creation of additional classes or groups of
 10 members having such relative rights, powers, and
 11 duties as may from time to time be established,
 12 including rights, powers, and duties senior to
 13 existing classes and groups of members. An operating
 14 agreement may provide for taking action, including the
 15 amendment of the operating agreement, without the vote
 16 or approval of any member or class or group of
 17 members, including an action to create a class or
 18 group of membership interests that was not previously
 19 outstanding. An operating agreement may provide that
 20 any member or class or group of members has no voting
 21 rights.

22 2. An operating agreement may grant to all or
 23 certain identified members or a specified class or
 24 group of the members the right to vote separately or
 25 with all or any class or group of members or managers
 26 on any matter. Voting by members may be on a per
 27 capita, number, financial interest, class, group, or
 28 any other basis.

29 3. An operating agreement which grants a right to
 30 vote may set forth provisions relating to notice of
 31 the time, place, or purpose of any meeting at which
 32 any matter is to be voted on by any members, waiver of
 33 any notice, action by consent without meeting, the
 34 establishment of a record date, quorum requirements,
 35 voting in person or by proxy, or any other matter with
 36 respect to the exercise of any such right to vote.

37 Sec. NEW SECTION. 490A.603 LIABILITY OF
 38 MEMBERS.

39 1. Except as otherwise provided in this chapter or
 40 by written agreement of a member, a member or manager
 41 of a limited liability company is not personally
 42 liable solely by reason of being a member or manager
 43 of the limited liability company under any judgment,
 44 or in any other manner, for any debt, obligation, or
 45 liability of the limited liability company, whether
 46 that liability or obligation arises in contract, tort,
 47 or otherwise.

48 2. A member of a limited liability company is
 49 personally liable under a judgment or for any debt,
 50 obligation, or liability of the limited liability

1 company, whether that liability or obligation arises
 2 in contract, tort, or otherwise, under the same or
 3 similar circumstances and to the same extent as a

4 shareholder of a corporation may be personally liable
5 for any debt, obligation, or liability of the
6 corporation, except that the failure to hold meetings
7 of members or managers or the failure to observe
8 formalities pertaining to the calling or conduct of
9 meetings shall not be considered a factor tending to
10 establish that the members have personal liability for
11 any debt, obligation, or liability of the limited
12 liability company.

13 3. Nothing in this section shall be construed to
14 affect the liability of a member of a limited
15 liability company to third parties for the member's
16 participation in tortious conduct.

17 Sec. ___ Section 490A.702, subsection 4, Code
18 1997, is amended by striking the subsection and
19 inserting in lieu thereof the following:

20 4. Except as provided in subsection 4A, the
21 validity of an act of a limited liability company is
22 not challengeable on the ground that the limited
23 liability company lacks or lacked the power or
24 authority to act.

25 Sec. ___ Section 490A.702, Code 1997, is amended
26 by adding the following new subsections:

27 NEW SUBSECTION. 4A. A limited liability company's
28 power to act may be challenged in the following
29 proceedings:

30 a. In an action by a member against the limited
31 liability company to enjoin an unauthorized act.

32 b. In an action by the limited liability company
33 against an incumbent or former manager, employee, or
34 agent of the limited liability company, either
35 directly, derivatively, or through a receiver,
36 trustee, or other legal representative.

37 c. By the attorney general under section
38 490A.1409.

39 NEW SUBSECTION. 4B. In a member's proceeding
40 under subsection 4A, paragraph "a", to enjoin an
41 unauthorized act, the court may enjoin or set aside
42 the act if equitable and if all affected persons are
43 parties to the proceeding. The court may award
44 damages, other than anticipated profits, for loss
45 suffered by the limited liability company or another
46 party as a result of the unauthorized act being
47 enjoined.

48 Sec. ___ Section 490A.703, Code 1997, is amended
49 by adding the following new subsection:

50 NEW SUBSECTION. 2A. a. A written operating

3 company, or to become an assignee of a limited
4 liability company membership interest or other rights
5 or powers of a member, to the extent that either of
6 the following occurs:

7 (1) If the person, or a representative authorized
8 by the person orally, in writing, or by other action
9 such as payment for a limited liability company
10 interest, executes the operating agreement or any
11 other writing evidencing the intent of such person to
12 become a member or assignee.

13 (2) Without execution of the operating agreement
14 or similar writing, if the person or such authorized
15 representative of the person complies with the
16 conditions for becoming a member or assignee as set
17 forth in the operating agreement or any other writing
18 and requests orally, in writing, or by other action
19 such as payment for a limited liability company
20 interest, that the records of the limited liability
21 company reflect such admission or assignment.

22 b. A written operating agreement or another
23 written agreement or writing is not unenforceable by
24 reason of its not having been signed by a person being
25 admitted as a member or becoming an assignee, or the
26 member's or assignee's representative, as provided in
27 paragraph "a".

28 Sec. . NEW SECTION. 490A.704A RESIGNATION OR
29 WITHDRAWAL OF MEMBER.

30 1. a. This section applies to a limited liability
31 company whose original articles of organization are
32 filed with the secretary of state on or after July 1,
33 1997.

34 b. This section applies to a limited liability
35 company whose original articles of organization are
36 filed with the secretary of state and effective on or
37 prior to June 30, 1997, if such company's operating
38 agreement provides that it is subject to this section.

39 c. If no provision is made in the operating
40 agreement, a limited liability company whose original
41 articles of organization were filed with the secretary
42 of state and effective on or prior to June 30, 1997,
43 is subject to section 490A.704.

44 2. A member may resign or withdraw from a limited
45 liability company only at the time or upon the
46 happening of an event specified in an operating
47 agreement and pursuant to the operating agreement.

48 3. Unless an operating agreement provides
49 otherwise, a member may not resign or withdraw from a
50 limited liability company prior to the dissolution and

3 agreement do not specify the time or the events upon
4 the happening of which a member may resign or
5 withdraw, a member may resign or withdraw from the
6 limited liability company in the event any amendment
7 to the articles of organization or operating agreement
8 that is adopted over the member's written dissent
9 adversely affects the rights or preferences of the
10 dissenting member's membership interest in any of the
11 ways described in paragraphs "a" through "e". A
12 resignation or withdrawal in the event of such dissent
13 and adverse effect is deemed to have occurred as of
14 the effective date of the amendment, if the member
15 gives notice to the limited liability company not more
16 than sixty days after the date of the amendment. In
17 valuing the member's distribution pursuant to this
18 subsection, any depreciation in anticipation of the
19 amendment shall be excluded. An amendment that does
20 any of the following is subject to this subsection:

21 a. Alters or abolishes a member's right to receive
22 a distribution.

23 b. Alters or abolishes a member's right to
24 voluntarily withdraw or resign.

25 c. Alters or abolishes a member's right to vote on
26 any matter, except as the rights may be altered or
27 abolished through the acceptance of contributions or
28 the making of contribution agreements.

29 d. Alters or abolishes a member's preemptive right
30 to make contributions.

31 e. Establishes or changes the conditions for or
32 consequences of expulsion.

33 4. A member withdrawing under this section is not
34 liable for damages for the breach of any agreement not
35 to withdraw.

36 5. An operating agreement may provide that a
37 membership interest may not be assigned prior to the
38 dissolution and winding up of the limited liability
39 company.

40 Sec. . NEW SECTION. 490A.705A CLASSES OF
41 MANAGERS AND VOTING.

42 1. An operating agreement may provide for classes
43 or groups of managers having such relative rights,
44 powers, and duties as the operating agreement may
45 provide, and may make provision for the future
46 creation of additional classes or groups of managers
47 having such relative rights, powers, and duties as may
48 from time to time be established, including rights,
49 powers, and duties senior to existing classes and
50 groups of managers. An operating agreement may

3 of any manager or class or group of managers,
4 including an action to create a class or group of
5 membership interests that was not previously
6 outstanding.

7 2. An operating agreement may grant to all or
8 certain identified managers or a specified class or
9 group of managers the right to vote on any matter,
10 separately or with all or any class or group of
11 managers or members. Voting by managers may be on a
12 per capita, number, financial interest, class, group,
13 or any other basis.

14 3. An operating agreement which grants a right to
15 vote may set forth provisions relating to notice of
16 the time, place, or purpose of any meeting at which
17 any matter is to be voted on by any manager or class
18 or group of managers, waiver of any such notice,
19 action by consent without a meeting, the establishment
20 of a record date, quorum requirements, voting in
21 person or by proxy, or any other matter with respect
22 to the exercise of any such right to vote.

23 Sec. ____ Section 490A.709, subsection 2,
24 unnumbered paragraph 1, Code 1997, is amended to read
25 as follows:

26 Each member has the right for any purpose
27 reasonably related to the member's interest as a
28 member of the limited liability company, upon
29 reasonable request and subject to reasonable standards
30 as may be set forth in an operating agreement, to do
31 any of the following:

32 Sec. ____ NEW SECTION. 490A.710 DELEGATION OF
33 RIGHTS AND POWERS TO MANAGE.

34 Unless otherwise provided in the operating
35 agreement, a member or manager of a limited liability
36 company may delegate to one or more other persons the
37 member's or manager's rights and powers to manage and
38 control the business and affairs of the limited
39 liability company, including to agents and employees
40 of a member or manager of the limited liability
41 company, and to delegate by a management agreement or
42 another agreement with other persons. Unless
43 otherwise provided in the operating agreement, such
44 delegation by a member or manager of a limited
45 liability company shall not cause the member or
46 manager to cease to be a member or manager of the
47 limited liability company.

48 Sec. ____ NEW SECTION. 490A.711 CONTRACTUAL
49 APPRAISAL RIGHTS.

50 An operating agreement or an agreement of merger

3 in a limited liability company are available for any
 4 class or group of members or membership interests in
 5 connection with an amendment of an operating
 6 agreement, a merger in which the limited liability
 7 company is a constituent party to the merger, or the
 8 sale of all or substantially all of the limited
 9 liability company's assets. The district court of the
 10 county in which the limited liability company has its
 11 principal place of business has jurisdiction to hear
 12 and determine any matter relating to such appraisal
 13 rights.

14 Sec. ____ NEW SECTION. 490A.712 CESSATION OF
 15 MEMBERSHIP.

16 A person ceases to be a member of a limited
 17 liability company upon the occurrence of any of the
 18 following events:

- 19 1. The person withdraws or resigns from the
- 20 limited liability company.
- 21 2. The person is removed as a member pursuant to
- 22 the operating agreement.
- 23 3. Unless otherwise provided in the operating
- 24 agreement or with the consent of all other members,
- 25 the person does any of the following:
 - 26 a. Makes an assignment for the benefit of
 - 27 creditors.
 - 28 b. Files a voluntary petition in bankruptcy.
 - 29 c. Is adjudged bankrupt or insolvent or has
 - 30 entered against the person an order for relief in any
 - 31 bankruptcy or insolvency proceeding.
 - 32 d. Files a petition or answer seeking for that
 - 33 person any reorganization, arrangement, composition,
 - 34 readjustment, liquidation, dissolution, or similar
 - 35 relief under any statute or rule.
 - 36 e. Seeks, consents to, or acquiesces in the
 - 37 appointment of a trustee, receiver, or liquidator for
 - 38 the member or for all or any substantial part of the
 - 39 member's properties.
 - 40 f. Files an answer or other pleading admitting or
 - 41 failing to contest the material allegations of a
 - 42 petition filed against the person in any proceeding
 - 43 described in this subsection.
- 44 4. Unless otherwise provided in the operating
- 45 agreement, or with the consent of all other members,
- 46 the continuation of any proceeding against the person
- 47 seeking reorganization, arrangement, composition,
- 48 readjustment, liquidation, dissolution, or similar
- 49 relief under any statute or rule for one hundred
- 50 twenty days after the commencement of such proceeding.

3 substantial part of the member's properties without
4 the member's agreement or acquiescence, which
5 appointment is not vacated or stayed for one hundred
6 twenty days or, if the appointment is stayed, for one
7 hundred twenty days after the expiration of the stay
8 during which period the appointment is not vacated.

9 5. Unless otherwise provided in the operating
10 agreement or with the consent of all other members, in
11 the case of a member who is an individual, the
12 individual's death or adjudication by a court of
13 competent jurisdiction as incompetent to manage the
14 individual's person or property.

15 6. Unless otherwise provided in the operating
16 agreement or with the consent of all other members, in
17 the case of a member who is acting as a member by
18 virtue of being a trustee of a trust, the termination
19 of the trust.

20 7. Unless otherwise provided in the operating
21 agreement or with the consent of all other members, in
22 the case of a member that is a partnership or another
23 limited liability company, the dissolution and
24 commencement of winding up of the partnership or
25 limited liability company.

26 8. Unless otherwise provided in the operating
27 agreement or with the consent of all other members, in
28 the case of a member that is a corporation, the
29 dissolution of the corporation or the revocation of
30 its articles of incorporation.

31 9. Unless otherwise provided in the operating
32 agreement or with the consent of all other members, in
33 the case of a member that is an estate, the
34 distribution by the fiduciary of the estate's entire
35 interest in the limited liability company.

36 Sec. ___ Section 490A.801, Code 1997, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 4. An operating agreement may
39 provide that the interest of any member who fails to
40 make a contribution that the member is obligated to
41 make is subject to specified penalties for, or
42 specified consequences of, such failure. The penalty
43 or consequence may take the form of reducing or
44 eliminating the defaulting member's proportionate
45 interest in a limited liability company, subordinating
46 the member's membership interest to that of a
47 nondefaulting member, a forced sale of the member's
48 membership interest, forfeiture of the member's
49 membership interest, the lending by other members of
50 the amount necessary to meet the member's commitment,

3 sale of the member's membership interest at such value
4 or other penalty or consequence.

5 Sec. ____ NEW SECTION. 490A.809 RIGHT TO
6 DISTRIBUTION.

7 Subject to sections 490A.807 and 490A.1304, and
8 unless otherwise provided in an operating agreement,
9 at the time a member becomes entitled to receive a
10 distribution, the member has the status of, and is
11 entitled to all remedies available to, a creditor of
12 the limited liability company with respect to the
13 distribution. An operating agreement may provide for
14 the establishment of a record date with respect to
15 allocations and distributions by a limited liability
16 company."

17 2. Title page, line 1, by inserting after the
18 word "to" the following: "the organization and
19 operation of certain legal entities, including".

20 3. Title page, line 5; by inserting after the
21 word "partnerships," the following: "and including
22 limited liability companies and the conversion of
23 other entities to limited liability companies, and the
24 rights, duties, obligations, and interests of members
25 and managers with respect to such companies,".

26 4. By renumbering as necessary.

O. GENE MADDOX

S—3805

1 Amend the committee amendment, S—3770, to House
2 File 731, as amended, passed, and reprinted by the
3 House, as follows:

4 1. Page 3, line 1, by inserting after the word
5 "state." the following: "For purposes of this
6 section, "litigation costs" are those costs itemized
7 by the attorney general and submitted to and approved
8 by the general assembly."

MARY A. LUNDBY

S—3806

1 Amend House File 636, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 36, line 2, by inserting after the word
4 "observers" the following: ", one".

5 2. Page 36, line 9, by striking the words "and
6 seal the envelope".

MARY A. LUNDBY

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 662

S-3807

1 Amend the Senate amendment, H-1775, to House File
2 662, 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 before line 1 the
7 following:

8 "Section 1. Section 13B.6, subsection 1, Code
9 1997, is amended to read as follows:

10 1. There is established in the state general fund
11 of the state an account to be known as the state
12 public defender operating account. The state public
13 defender may bill a county for services rendered to
14 the county by the office of the state public defender.
15 Receipts shall be deposited in the operating account
16 established under this ~~section~~ subsection. There is
17 appropriated from the state general fund of the state
18 all amounts deposited in the state public defender
19 operating account for use in maintaining the
20 operations of the office of state public defender.

21 1A. There is established in the general fund of
22 the state an account to be known as the indigent
23 defense assessment fee account. Receipts shall be
24 deposited in the account established under this
25 subsection as required by law. There is appropriated
26 from the general fund of the state all amounts
27 deposited in the indigent defense fee assessment
28 account for payment by the state public defender of
29 any shortfalls which may arise in the state public
30 defender operating account for payment of court-
31 appointed attorney fees."

32 ____ By striking page 1, line 35, through page 2,
33 line 30, and inserting the following:

34 "Sec. ____ Section 602.8106, subsection 1, Code
35 1997, is amended by adding the following new
36 paragraph:

37 NEW PARAGRAPH. g. For the filing of an affidavit
38 of financial status for a determination of indigency
39 and qualification for court-appointed counsel under
40 section 815.9, thirty dollars.

41 Sec. ____ Section 602.8107, subsection 2,
42 paragraph d, Code 1997, is amended to read as follows:

43 d. Court costs, including correctional fees
44 assessed pursuant to sections 356.7 and 904.108,

45 court-appointed attorney fees, or public defender
46 expenses, and assessment fees under section 815.9.
47 Sec. ____ Section 602.8108, subsection 2, Code
48 1997, is amended to read as follows:
49 2. Except as otherwise provided, the clerk of the
50 district court shall report and submit to the state

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1 court administrator, not later than the fifteenth day
2 of each month, the fines and fees received during the
3 preceding calendar month. Except as provided in
4 subsections 4, and 5, and 6, the state court
5 administrator shall deposit the amounts received with
6 the treasurer of state for deposit in the general fund
7 of the state. The state court administrator shall
8 report to the legislative fiscal bureau within thirty
9 days of the beginning of each fiscal quarter the
10 amount received during the previous quarter in the
11 account established under this section.

12 Sec. ____ Section 602.8108, Code 1997, is amended
13 by adding the following new subsection:

14 **NEW SUBSECTION. 6.** The state court administrator
15 shall deposit any amounts received as a result of the
16 imposition of an assessment fee under section 815.9
17 with the treasurer of state for deposit of the
18 receipts in the indigent defense assessment fee
19 account established in section 13B.6.”

20 2. Page 1, by inserting after line 39 the
21 following:

22 “ ____ . By striking page 7, line 33, through page
23 8, line 29, and inserting the following:

24 “Sec. ____ . Section 815.9A, subsections 1, 2, and
25 3, Code 1997, are amended by striking the
26 subsections.”

27 3. By renumbering as necessary.

S—3808

1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 21, by inserting after line 17, the
4 following:

5 “Sec. ____ . 1996 Iowa Acts, chapter 1218, section
6 10, unnumbered paragraph 3, is amended to read as
7 follows:

8 Of the appropriation in this section, \$50,000 shall
9 be used for costs associated with the renovation and
10 repair of the Allison monument located on the state
11 capital complex. ~~An effort shall be made by the~~

12 department of education to match this appropriation
 13 from the citizens and the school children of Iowa as
 14 occurred when the monument was initially built."

MIKE CONNOLLY
 JOHN W. JENSEN

S-3809

1 Amend Senate File 555 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 163.30, subsection 2,
 5 paragraph c, Code 1997, is amended to read as follows:

6 c. "Swine moved" "Move" or "movement" means any
 7 physical to ship, transport, or deliver swine by land,
 8 water, or air, except that "move" or "movement" does
 9 not mean a relocation of,

10 d. "Relocate" or "relocation" means to ship,
 11 transport, or deliver swine by land, water, or air, to
 12 different premises, if the ownership of the swine to
 13 different does not change, the prior and new premises,
 14 except that it does not include movement of swine when
 15 their ownership does not change, and both their prior
 16 and new locations, and the movement between such
 17 locations, are located within the state of Iowa, and
 18 the shipment, transportation, or delivery between the
 19 prior and new premises occurs within the state.

20 Sec. 2. Section 166D.2, subsection 7, unnumbered
 21 paragraph 1, Code 1997, is amended to read as follows:

22 "Certificate of inspection" means a document
 23 approved by the United States department of
 24 agriculture or the department of agriculture and land
 25 stewardship, and issued by a licensed veterinarian
 26 prior to the interstate or intrastate movement of
 27 swine or to the relocation of swine. The certificate
 28 of inspection must state all of the following:

29 Sec. 3. Section 166D.2, subsection 7, unnumbered
 30 paragraph 2, Code 1997, is amended by striking the
 31 unnumbered paragraph.

32 Sec. 4. Section 166D.2, subsection 31, Code 1997,
 33 is amended to read as follows:

34 31. "Move" or "movement" means ~~to ship, transport,~~
 35 ~~or deliver by land, water, or air~~ the same as defined
 36 in section 163.30.

37 Sec. 5. Section 166D.2, Code 1997, is amended by
 38 adding the following new subsections:

39 NEW SUBSECTION. 39A. "Relocate" or "relocation"
 40 means the same as defined in section 163.30.

41 NEW SUBSECTION. 39B. "Relocation record" means a
 42 record as maintained by the owner of swine in a form
 43 and containing information as required by the rules

44 adopted by the department, which indicates a
 45 relocation of swine as provided in section 166D.10.
 46 Sec. 6. Section 166D.2, subsection 45, Code 1997,
 47 is amended to read as follows:
 48 45. "Transportation certificate" means ~~the same a~~
 49 written document evidencing that the movement or
 50 relocation of swine complies with the requirements of

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1 this chapter, and which may be a transportation
 2 certificate as provided in chapter 172B, or another
 3 document approved by the department, including but not
 4 limited to one or more types of forms covering
 5 different circumstances, as prescribed by the
 6 department.

7 Sec. 7. NEW SECTION. 166D.3A DEPARTMENTAL
 8 DETERMINATION OF PSEUDORABIES PREVALENCE.

9 The department shall periodically determine the
 10 prevalence of pseudorabies in each county in a manner
 11 and according to procedures established by rules
 12 adopted by the department.

13 Sec. 8. Section 166D.9, subsection 4, unnumbered
 14 paragraph 1, Code 1997, is amended to read as follows:

15 While the state is classified in either stage I, or
 16 II, or III of the national pseudorabies program
 17 pursuant to federal regulations, the following
 18 requirements must be satisfied:

19 Sec. 9. Section 166D.10, subsection 1, unnumbered
 20 paragraph 1, Code 1997, is amended to read as follows:

21 A person shall not sell, lease, exhibit, or loan,
 22 move, or relocate swine within the state, except to
 23 slaughter, unless the swine are accompanied by a
 24 certificate of inspection provided by the owner
 25 transferring possession in the same manner as provided
 26 for an official health certificate or veterinarian
 27 certificate as provided in section 163.30. The
 28 department may combine the certificate of inspection
 29 with an official health certificate or a veterinarian
 30 inspection certificate. A certificate of inspection
 31 is not required if any of the following apply:

- 32 a. The swine are moved to slaughter.
- 33 b. The swine are relocated, if all of the
 34 following apply:

35 (1) A transportation certificate accompanies the
 36 relocated swine.

37 (2) The swine's owner maintains information
 38 regarding the relocation in relocation records. The
 39 department may adopt rules excusing a person from
 40 maintaining relocation records, if the department
 41 determines that the purposes of the chapter as
 42 provided in section 166D.1 are not furthered by the

43 requirement.

44 (3) A certificate of inspection, or an official
45 health certificate or a veterinarian inspection
46 certificate as provided in section 163.30, has been
47 issued for the swine within thirty days prior to the
48 date of relocation. The department may adopt rules
49 excusing a person from complying with this
50 subparagraph if the department determines that the

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1 purposes of the chapter as provided in section 166D.1
2 are not furthered by the requirement.
3 The department shall adopt rules required to
4 administer this paragraph. A transportation
5 certificate accompanying relocated swine shall cite
6 the relevant relocation record and certificate of
7 inspection, or official health certificate or
8 veterinarian inspection certificate. The department
9 may provide for the examination of the relocation
10 records on the owner's premises during normal business
11 hours, or may require that reports containing relevant
12 information contained in relocation records and
13 certificates of inspection, or official health
14 certificates or veterinarian inspection certificates,
15 be periodically submitted to the department. For
16 purposes of this section, swine production information
17 contained in relocation records is a trade secret as
18 provided in section 22.7, unless otherwise provided by
19 rules adopted by the department. The department shall
20 provide for the disclosure of confidential information
21 only to the extent required for enforcement of this
22 chapter, the detection and prosecution of public
23 offenses, or to comply with a subpoena or court order.
24 c. A person transferring ownership of all or part
25 of a herd, if the herd remains on the same premises,
26 However, the herd must be tested by statistical
27 sampling. If any part of the herd is subsequently
28 moved or relocated, the swine that are moved or
29 relocated must be accompanied by a certificate of
30 inspection, or an official health certificate or
31 veterinarian certificate as provided in section
32 163.30, unless the swine are moved to slaughter.
33 1A. Swine that are moved shall be individually
34 identified as provided in section 163.30, which may
35 include requirements for affixing ear tags to swine.
36 However, a native Iowa feeder pig pigs moved from farm
37 to farm within the state is exempt from the
38 certificate of inspection's shall not be subject to
39 the identification requirements of this subsection, if
40 the owner transferring possession and of the feeder
41 pigs executes a written agreement with the person

42 taking possession ~~state on the certificate of~~
43 ~~inspection that of the feeder swine pigs. The~~
44 ~~agreement shall provide that the feeder pigs will not~~
45 be commingled with other swine for a period of thirty
46 days. The owner transferring possession shall provide
47 a copy of the agreement to the person taking
48 possession of the feeder pigs.
49 As used in this subsection "farm to farm within the
50 state" does not include the movement or relocation of

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1 native Iowa feeder pigs to the possession of a dealer
2 licensed pursuant to section 163.30. Native Iowa
3 feeder pigs that are moved shall be accompanied by a
4 certificate of inspection, or an official health
5 certificate or veterinarian certificate as provided in
6 section 163.30, unless swine are otherwise exempted
7 from this requirement by this section.

8 Sec. 10. Section 166D.10, subsection 1, unnumbered
9 paragraph 2, Code 1997, is amended to read as follows:

10 1B. Swine moved into or within Iowa for breeding
11 purposes must originate from a herd not under
12 quarantine which is one of the following:

13 Sec. 11. Section 166D.10, subsection 4, Code 1997,
14 is amended to read as follows:

15 4. In addition to other applicable requirements of
16 this section, feeder swine ~~shall not be moved into~~
17 from a location outside of this state from another
18 state except to slaughter, unless the feeder swine are
19 vaccinated by a differentiable vaccine within forty-
20 five days of arrival in this state to a location
21 within this state shall be vaccinated, if the feeder
22 swine are moved into a county where the department
23 determines that more than three percent of all herds
24 in the county are infected herds. The feeder swine
25 shall be vaccinated with a differentiable vaccine
26 according to procedures established by rules adopted
27 by the department. However, this subsection shall not
28 require vaccination if the feeder swine originate from
29 a qualified negative herd or a qualified
30 differentiable negative herd.

31 Sec. 12. ADOPTION OF RULES. The department of
32 agriculture and land stewardship shall adopt all rules
33 required to administer this Act not later than January
34 1, 1998.

35 Sec. 13. EFFECTIVE DATES.

36 1. Except as provided in subsection 2, this Act,
37 being deemed of immediate importance, is effective
38 upon enactment.

39 2. The amendment to section 166D.10, subsection 4,
40 Code 1997, takes effect upon the adoption of rules by

41 the department of natural resources required to
 42 administer the section, but not later than January 1,
 43 1998."

COMMITTEE ON AGRICULTURE
 WILMER RENSINK, Chairperson

S—3810

1 Amend House File 722, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 1, by inserting after the word
 4 "funds." the following: "In selecting funds for
 5 investment, the board shall seek to maximize benefits
 6 which inure to seed and venture capital opportunities
 7 in Iowa."
 8 2. Page 3, line 11, by inserting after the word
 9 "policies," the following: "and".
 10 3. Page 3, line 18, by striking the words "cash
 11 invested in" and inserting the following: "net losses
 12 incurred by".
 13 4. Page 3, line 19, by inserting after the word
 14 "board." the following: "The aggregate amount of tax
 15 credits issued under this section shall not exceed
 16 thirty million dollars."
 17 5. Page 3, line 25, by inserting after the word
 18 "trust." the following: "A taxpayer shall not claim
 19 tax credits under this section which exceed the total
 20 amount invested by the taxpayer in the Iowa capital
 21 investment board."
 22 6. By renumbering, relettering, and redesignating
 23 as necessary.

LARRY McKIBBEN
 TOM FLYNN

S—3811

1 Amend the House amendment, S—3782, to Senate File
 2 549, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. By striking page 8, line 50, through page 9,
 5 line 1.
 6 2. Page 9, line 2, by striking the word "Sec."
 7 and inserting the following: ""Sec."
 8 3. By renumbering as necessary.

ROBERT E. DVORSKY
 DENNIS H. BLACK

S—3812

1 Amend the Committee amendment, S—3770, to House.
 2 File 731, as amended, passed, and reprinted by the

3 House, as follows:

4 1. Page 3, line 9, by striking the word "or".

5 2. Page 3, line 11, by inserting after the word

6 "director" the following: ", or an employee of a
7 cremation establishment under the guidance of the
8 establishment director".

9 3. Page 3, line 20; by inserting after the word

10 "disposition." the following: "The board shall
11 establish by rule the type and amount of training
12 required for an employee of a funeral or cremation
13 establishment to assume custody of a dead body or
14 fetus."

ROD HALVORSON

S—3813

1 Amend the amendment, S—3810, to House File 722, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "___ Page 2, line 25, by inserting after the
7 word "credits" the following: "allowed under section
8 15E.183".

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

11 "___ Page 3, by inserting after line 14 the
12 following:

13 "8. An investor in the Iowa capital investment
14 board shall designate at the time of investment
15 whether a tax credit for all or a portion of the
16 amounts invested under section 15E.183A is desired,
17 provided the aggregate limit allowed under section
18 15E.183A has not been met."

19 3. Page 1, line 16, by striking the words
20 "thirty" and inserting the following: "twenty".

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

23 "___ Page 4, by inserting after line 22 the
24 following:

25 "Sec. ___ NEW SECTION. 15E.183A FRONT END TAX
26 CREDITS.

27 1. For tax years beginning on or after January 1,
28 1997, there shall be allowed a tax credit against the
29 taxes imposed in chapter 422, divisions II and III,
30 for cash invested in the Iowa capital investment
31 board. The aggregate amount of tax credits issued
32 under this section shall not exceed ten million
33 dollars. An individual may claim the credit of a
34 partnership, limited liability company, subchapter S
35 corporation, estate, or trust electing to have the

36 income taxed directly to the individual. The amount
 37 claimed by the individual shall be based upon the pro
 38 rata share of the individual's earnings from the
 39 partnership, limited liability company, subchapter S
 40 corporation, estate, or trust. Any tax credit in
 41 excess of the taxpayer's liability for the tax year
 42 may be credited to the tax liability for the following
 43 three years or until depleted, whichever is earlier.
 44 A tax credit shall be refundable.
 45 2. The Iowa capital investment board shall furnish
 46 to each person making an investment in the Iowa
 47 capital investment board during the preceding year a
 48 written statement showing the name of the investor,
 49 taxpayer identification number, the total amount of
 50 investment in the Iowa capital investment board made

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1 by such person, the amount for which credit is granted
 2 under this section, and such other information as the
 3 director of revenue and finance may require. The
 4 statement shall be attached to the income tax return
 5 of such person in order to qualify for the tax
 6 credit.”

7 5. By renumbering, relettering, and redesignating
 8 as necessary.

TOM VILSACK

S-3814

1 Amend House File 642, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 30, by inserting after line 5 the
 4 following:

5 “Sec. ____ Section 490.1109, subsection 3,
 6 paragraph e, as enacted in 1997 Iowa Acts, House File
 7 628, if enacted, is amended to read as follows:

8 e. “Interested shareholder” means any person,
 9 other than the corporation and any direct or indirect
 10 majority-owned subsidiary of the corporation, that is
 11 the owner of ~~fifteen~~ ten percent or more of the
 12 outstanding voting stock of the corporation, or is an
 13 affiliate or associate of the corporation and was the
 14 owner of ~~fifteen~~ ten percent or more of the
 15 outstanding voting stock of the corporation at any
 16 time within the three-year period immediately prior to
 17 the date on which it is sought to be determined
 18 whether such person is an interested shareholder, and
 19 the affiliates and associates of such person.
 20 “Interested shareholder” does not include either of
 21 the following:

22 (1) A person who owns shares in excess of the
 23 fifteen percent limitation and who acquired such
 24 shares as follows:

25 (a) Pursuant to a tender offer commenced prior to
 26 January 1, 1998, or pursuant to an exchange offer
 27 announced prior to January 1, 1998, and commenced
 28 within ninety days after such date, if such person
 29 satisfies either of the following:

30 (i) Continues to own shares in excess of the
 31 fifteen percent limitation or would continue to own
 32 such shares but for action taken by the corporation.
 33 (ii) Is an affiliate or associate of the
 34 corporation and continues, or would continue but for
 35 action taken by the corporation, to be the owner of
 36 fifteen percent or more of the outstanding voting
 37 stock of the corporation at any time within the three-
 38 year period immediately prior to the date on which it
 39 is sought to be determined whether such person is an
 40 interested shareholder.

41 (b) From a person subject to subparagraph
 42 subdivision (a) by gift, devise, or in a transaction
 43 in which no consideration for the shares was
 44 exchanged.

45 (2) A a person whose ownership of shares in excess
 46 of the fifteen ten percent limitation is the result of
 47 action taken solely by the corporation, provided that
 48 such person is an interested shareholder if, after
 49 such action by the corporation, the person acquires
 50 additional shares of voting stock of the corporation,

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1 other than as a result of further corporate action not
 2 caused, directly or indirectly, by such person.

3 For purposes of determining whether a person is an
 4 interested shareholder, the outstanding voting stock
 5 of the corporation does not include any other unissued
 6 stock of the corporation which may be issuable
 7 pursuant to any agreement, arrangement, or
 8 outstanding, or upon exercise of conversion rights,
 9 warrants, or options, or otherwise.

10 Sec. ____ Section 490A.102, subsections 13, 16,
 11 and 18, Code 1997, are amended to read as follows:

12 13. "Limited liability company" or "domestic
 13 limited liability company" means ~~an entity that is an~~
 14 unincorporated association having ~~two~~ one or more
 15 members, and ~~that is organized under or subject to~~
 16 this chapter.

17 16. "Member" means a person with a membership
 18 interest in a limited liability company under this
 19 chapter or, with respect to a foreign limited
 20 liability company, under the laws of the state,

21 foreign country, or other foreign jurisdiction under
22 which such company is organized.

23 18. "Operating agreement" means any agreement,
24 written or oral, of the members as to the affairs of a
25 limited liability company and the conduct of its
26 business.

27 Sec. ____ Section 490A.202, subsection 17, Code
28 1997, is amended by striking the subsection and
29 inserting in lieu thereof the following:

30 17. Indemnify and hold harmless a member, manager,
31 or other person against a claim, liability, or other
32 demand, as provided in an operating agreement.

33 Sec. ____ Section 490A.303, subsection 1,
34 paragraph d, Code 1997, is amended to read as follows:

35 d. The period of its duration, which ~~shall not~~ may
36 be perpetual.

37 Sec. ____ NEW SECTION. 490A.304 CONVERSION OF
38 CERTAIN ENTITIES TO A LIMITED LIABILITY COMPANY.

39 1. As used in this section, the term "other
40 entity" means a corporation, business trust or
41 association, real estate investment trust, common-law
42 trust, or any other unincorporated business, including
43 any partnership, whether general or limited, or a
44 foreign limited liability company.

45 2. Any other entity may convert to a domestic
46 limited liability company by complying with subsection
47 8 and filing in the office of the secretary of state
48 both of the following:

49 a. Articles of conversion to a limited liability
50 company executed by one or more authorized persons.

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1 b. Articles of organization executed by one or
2 more authorized persons.

3 3. The articles of conversion to a limited
4 liability company shall state all of the following:

5 a. The date on which, and jurisdiction where, the
6 converting entity was first created, formed,
7 incorporated, or otherwise came into being and, if it
8 has changed, its jurisdiction immediately prior to its
9 conversion to a domestic limited liability company.

10 b. The name of the converting entity immediately
11 prior to the filing of the articles of conversion to a
12 limited liability company.

13 c. The name of the limited liability company.

14 d. The future effective date or time certain of
15 the conversion to a limited liability company if it is
16 not to be effective upon the filing of the articles of
17 conversion and the articles of organization.

18 4. Upon the filing in the office of the secretary
19 of state of the articles of conversion and the

20 articles of organization or upon the future effective
21 date or time of the articles of conversion and the
22 articles of organization, the converting entity shall
23 be converted into a domestic limited liability company
24 and the limited liability company, from that date or
25 time, is subject to this chapter, except that the
26 existence of the limited liability company is deemed
27 to have commenced on the date the converting entity
28 commenced its existence in the jurisdiction in which
29 the converting entity was first created, formed,
30 incorporated, or otherwise came into being.

31 5. The conversion of an entity into a domestic
32 limited liability company does not affect any
33 obligations or liabilities of the other entity
34 incurred prior to its conversion to a domestic limited
35 liability company, or the personal liability of any
36 person incurred prior to such conversion.

37 6. When a conversion is effective, for all
38 purposes of the laws of this state, all of the rights,
39 privileges, and powers of the converting entity, and
40 all property, real, personal, and mixed, and all debts
41 due to the converting entity, as well as all other
42 things and causes of action belonging to such entity,
43 are vested in the domestic limited liability company
44 and are the property of the domestic limited liability
45 company as they were of the converting entity. The
46 title to any real property vested by deed or otherwise
47 in the converting entity shall not revert or be in any
48 way impaired by reason of this chapter, and all rights
49 of creditors and all liens upon any property of such
50 other entity are preserved unimpaired, and all debts,

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1 liabilities, and duties of the converting entity shall
2 attach to the domestic limited liability company, and
3 may be enforced against it to the same extent as if
4 the debts, liabilities, and duties had been incurred
5 or contracted by the domestic limited liability
6 company.

7 7. Unless otherwise agreed, or as required under
8 the laws of a jurisdiction other than this state, the
9 converting entity is not required to wind up its
10 affairs or pay its liabilities and distribute its
11 assets, and the conversion does not constitute a
12 dissolution of the converting entity.

13 8. Prior to filing the articles of conversion to a
14 limited liability company with the office of the
15 secretary of state, an operating agreement must be
16 approved in the manner provided for by the documents,
17 instrument, agreement, or other writing, as the case
18 may be, governing the internal affairs of the

19 converting entity and the conduct of its business or
20 by applicable law, as appropriate.

21 9. This section shall not be construed to limit
22 the ability to change the law governing, or the
23 domicile of, a converting entity to this state by any
24 other means provided for in an operating agreement or
25 as otherwise permitted by law, including by the
26 amendment of an operating agreement.

27 Sec. ____ NEW SECTION. 490A.305 SERIES OF
28 MEMBERS, MANAGERS, OR MEMBERSHIP INTERESTS.

29 1. An operating agreement may establish or provide
30 for the establishment of designated series of members,
31 managers, or membership interests having separate
32 rights, powers, or duties with respect to specified
33 property or obligations of the limited liability
34 company or profits and losses associated with
35 specified property or obligations, and, to the extent
36 provided in the operating agreement, any such series
37 may have a separate business purpose or investment
38 objective.

39 2. Notwithstanding contrary provisions of this
40 chapter, the debts, liabilities, and obligations
41 incurred, contracted for, or otherwise existing with
42 respect to a particular series shall be enforceable
43 against the assets of that series only, and not
44 against the assets of the limited liability company
45 generally, if all of the following apply:

46 a. The operating agreement creates one or more
47 series.

48 b. Separate and distinct records are maintained
49 for the series and the assets associated with the
50 series are held and accounted for separately from the

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1 other assets of the limited liability company, or from
2 any other series of the limited liability company.

3 c. The operating agreement provides for such
4 limitation on liabilities.

5 d. Notice of the limitation on liabilities of a
6 series is set forth in the articles of organization of
7 the limited liability company. Filing of articles of
8 organization containing a notice of the limitation on
9 liabilities of a series in the office of the secretary
10 of state constitutes notice of the limitation on
11 liabilities of such series.

12 3. Notwithstanding section 490A.601, or a contrary
13 provision in an operating agreement, a member or
14 manager may agree to be obligated personally for any
15 or all of the debts, obligations or liabilities of one
16 or more series.

17 4. An operating agreement may provide for classes

18 or groups of members or managers associated with a
19 series having such relative rights, powers, and duties
20 as the operating agreement may provide. The operating
21 agreement may provide for the future creation of
22 additional classes or groups of members or managers
23 associated with the series having such relative
24 rights, powers, and duties as may from time to time be
25 established, including rights, powers, and duties
26 senior to existing classes and groups of members or
27 managers associated with the series. An operating
28 agreement may provide for the taking of an action,
29 including the amendment of the operating agreement,
30 without the vote or approval of any member or manager
31 or class or group of members or managers, including
32 all action to create under the provisions of the
33 operating agreement a class or group of the series of
34 membership interests that was not previously
35 outstanding. An operating agreement may provide that
36 any member or class or group of members associated
37 with a series have no voting rights.

38 5. An operating agreement may grant to all or
39 certain identified members or managers or a specified
40 class or group of the members or managers associated
41 with a series the right to vote on any matter
42 separately or with all or any class or group of the
43 members or managers associated with the series.
44 Voting by members or managers associated with a series
45 may be on a per capita, number, financial interest,
46 class, group, or other basis.

47 6. Unless otherwise provided in an operating
48 agreement, the management of a series shall be vested
49 in the members associated with such series in
50 proportion to the then-current percentage or other

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1 interest of members in the profits of the series owned
2 by all of the members associated with such series.
3 The decision of members owning more than fifty percent
4 of the series or other interest in the profits shall
5 control. However, if an operating agreement provides
6 for the management of the series, in whole or in part,
7 by a manager, the management of the series, to the
8 extent so provided, is vested in the manager who shall
9 be chosen as provided in the operating agreement. The
10 manager of the series shall also hold the offices and
11 have the responsibilities accorded to managers as set
12 forth in the operating agreement. A series may have
13 more than one manager. A manager shall cease to be a
14 manager with respect to a series as provided in the
15 operating agreement. Except as otherwise provided in
16 the operating agreement, an event under this chapter

17 or identified in an operating agreement that causes a
18 manager to cease to be a manager with respect to a
19 series, by itself, shall not cause the manager to
20 cease to be a manager of the limited liability company
21 or with respect to any other series of the limited
22 liability company.

23 7. Notwithstanding any other provision of this
24 chapter, except subsections 8 and 11, and unless
25 otherwise provided in an operating agreement, at the
26 time a member associated with a series that has been
27 established pursuant to subsection 1 becomes entitled
28 to receive a distribution with respect to such series,
29 the member has the status of, and is entitled to, all
30 remedies available to a creditor of the series with
31 respect to the distribution. An operating agreement
32 may provide for the establishment of a record date
33 with respect to allocations and distributions with
34 respect to a series.

35 8. Notwithstanding any other provision of this
36 chapter, a limited liability company may make a
37 distribution with respect to a series that has been
38 established pursuant to subsection 1. However, a
39 limited liability company shall not make a
40 distribution with respect to a series that has been
41 established pursuant to subsection 1 to the extent
42 that at the time of the distribution, after giving
43 effect to the distribution, all liabilities of such
44 series, other than liabilities to members on account
45 of their membership interests with respect to such
46 series and liabilities for which the recourse of
47 creditors is limited to specified property of such
48 series, exceed the fair value of the assets associated
49 with such series. However, the fair value of an asset
50 of the series that is subject to a liability for which

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1 the recourse of creditors is limited shall be included
2 in the assets associated with such series only to the
3 extent that the fair value of that asset exceeds that
4 liability. A member who receives a distribution in
5 violation of this subsection, and who knew at the time
6 of the distribution that the distribution violated
7 this subsection, is liable for the amount of the
8 distribution. Subject to section 490A.807, which
9 applies to any distribution made with respect to a
10 series under this subsection, this subsection shall
11 not affect any obligation or liability of a member
12 under an agreement or other applicable law for the
13 amount of a distribution.

14 9. Unless otherwise provided in the operating
15 agreement, a member shall cease to be associated with

16 a series and to have the power to exercise any rights
17 or powers of a member with respect to such series upon
18 the assignment of all of the member's membership
19 interest with respect to such series. Except as
20 otherwise provided in an operating agreement, an event
21 under this chapter or identified in an operating
22 agreement that causes a member to cease to be
23 associated with a series, by itself, shall not cause
24 such member to cease to be associated with any other
25 series or terminate the continued membership of a
26 member in the limited liability company.
27 .10. Subject to section 490A.1301, except to the
28 extent otherwise provided in the operating agreement,
29 a series may be terminated and its affairs wound up
30 without causing the dissolution of the limited
31 liability company. The termination of a series
32 established pursuant to subsection 1 shall not affect
33 the limitation on liabilities of such series provided
34 by subsection 2. A series is terminated and its
35 affairs shall be wound up upon the dissolution of the
36 limited liability company under section 490A.1301 or
37 otherwise upon the first to occur of the following:
38 a. At the time specified in the operating
39 agreement.
40 b. Upon the happening of events specified in the
41 operating agreement.
42 c. Unless otherwise provided in the operating
43 agreement, upon the written consent of all members
44 associated with such series.
45 d. The termination of such series under subsection
46 10.
47 11. Notwithstanding section 490A.1303, unless
48 otherwise provided in the operating agreement, any of
49 the following persons may wind up the affairs of the
50 series:

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1 a. A manager associated with a series who has not
2 wrongfully terminated the series.
3 b. If there is no manager of a series, the members
4 associated with the series or a person approved by the
5 members associated with the series.
6 c. If there is more than one class or group of
7 members associated with the series, then by each class
8 or group of members associated with the series, in
9 either case, by members who own more than fifty
10 percent of the then-current percentage or other
11 interest in the profits of the series owned by all of
12 the members associated with the series or by the
13 members of each class or group associated with the
14 series.

15 However, if the series has been established
16 pursuant to subsection 1, the district court of the
17 county in which the limited liability company has its
18 principal place of business, upon cause shown, may
19 wind up the affairs of the series upon application of
20 any member associated with the series or the member's
21 legal representative or assignee, and in connection
22 with such winding up, may appoint a liquidating
23 trustee. The persons winding up the affairs of a
24 series, in the name of the limited liability company
25 and for and on behalf of the limited liability company
26 and such series, may take all actions with respect to
27 the series as are permitted under section 490A.1303.
28 The persons winding up the affairs of a series shall
29 provide for the claims and obligations of the series
30 as provided in section 490A.1304 and distribute the
31 assets of the series as provided in section 490A.1304.
32 Actions taken pursuant to this subsection shall not
33 affect the liability of members and shall not impose
34 liability on a liquidating trustee.

35 12. On application by or for a member or manager
36 associated with a series established pursuant to
37 subsection 1, the district court in the county in
38 which the limited liability company has its principal
39 place of business may enter an order for dissolution
40 of such series if it is not reasonably practicable to
41 carry on the business of the series in conformity with
42 the operating agreement.

43 13. A foreign limited liability company that is
44 registering to do business in this state under this
45 chapter which is governed by an operating agreement
46 that establishes or provides for the establishment of
47 designated series of members, managers, or membership
48 interests having separate rights, powers, or duties
49 with respect to specified property or obligations of
50 the foreign limited liability company, or profits and

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1 losses associated with the specified property or
2 obligations, shall indicate that fact on the
3 application for registration as a foreign limited
4 liability company. In addition, the foreign limited
5 liability company shall state on the application
6 whether the debts, liabilities, and obligations
7 incurred, contracted for, or otherwise existing with
8 respect to a particular series, if any, are
9 enforceable against the assets of such series only,
10 and not against the assets of the foreign limited
11 liability company generally.
12 Sec. . NEW SECTION. 490A.306 ADMISSION OF
13 MEMBERS.

14 1. In connection with the formation of a limited
15 liability company, a person is admitted as a member of
16 the limited liability company upon the later to occur
17 of the following:

18 a. The formation of the limited liability company.

19 b. The time provided in, and upon compliance with,
20 the operating agreement or, if the operating agreement
21 does not so provide, when the person's admission is
22 reflected in the records of the limited liability
23 company.

24 2. After the formation of a limited liability
25 company, a person is admitted as a member of the
26 limited liability company as follows:

27 a. In the case of a person who is not an assignee
28 of a membership interest, including a person acquiring
29 a membership interest directly from the limited
30 liability company and a person to be admitted as a
31 member of the limited liability company without
32 acquiring a membership interest in the limited
33 liability company, at the time provided in and upon
34 compliance with the operating agreement or, if the
35 operating agreement does not so provide, upon the
36 consent of all members and the person's admission
37 being reflected in the records of the limited
38 liability company.

39 b. In the case of an assignee of a membership
40 interest, as provided in section 490A.903 and at the
41 time provided in and upon compliance with the
42 operating agreement, or if the operating agreement
43 does not so provide, when any such person's permitted
44 admission is reflected in the records of the limited
45 liability company.

46 c. Unless otherwise provided in an agreement of
47 merger, in the case of a person acquiring a membership
48 interest in a surviving or resulting limited liability
49 company pursuant to a merger approved pursuant to
50 section 490A.1203, at the time provided in and upon

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1 compliance with the operating agreement of the
2 surviving or resulting limited liability company.

3 3. A person may be admitted to a limited liability
4 company as a member of the limited liability company
5 and may receive a membership interest in the limited
6 liability company without making a contribution or
7 being obligated to make a contribution to the limited
8 liability company. Unless otherwise provided in an
9 operating agreement, a person may be admitted to a
10 limited liability company as a member of the limited
11 liability company without acquiring a membership
12 interest in the limited liability company.

13 Sec. ____ NEW SECTION. 490A.307 CLASSES AND
 14 VOTING.

15 1. An operating agreement may provide for classes
 16 or groups of members and the relative rights, powers,
 17 and duties of such members, and may provide for the
 18 future creation of additional classes or groups of
 19 members having such relative rights, powers, and
 20 duties as may from time to time be established,
 21 including rights, powers, and duties senior to
 22 existing classes and groups of members. An operating
 23 agreement may provide for taking action, including the
 24 amendment of the operating agreement, without the vote
 25 or approval of any member or class or group of
 26 members, including an action to create a class or
 27 group of membership interests that was not previously
 28 outstanding. An operating agreement may provide that
 29 any member or class or group of members has no voting
 30 rights.

31 2. An operating agreement may grant to all or
 32 certain identified members or a specified class or
 33 group of the members the right to vote separately or
 34 with all or any class or group of members or managers
 35 on any matter. Voting by members may be on a per
 36 capita, number, financial interest, class, group, or
 37 any other basis.

38 3. An operating agreement which grants a right to
 39 vote may set forth provisions relating to notice of
 40 the time, place, or purpose of any meeting at which
 41 any matter is to be voted on by any members, waiver of
 42 any notice, action by consent without meeting, the
 43 establishment of a record date, quorum requirements,
 44 voting in person or by proxy, or any other matter with
 45 respect to the exercise of any such right to vote.

46 Sec. ____ NEW SECTION. 490A.603 LIABILITY OF
 47 MEMBERS.

48 1. Except as otherwise provided in this chapter or
 49 by written agreement of a member, a member or manager
 50 of a limited liability company is not personally

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1 liable solely by reason of being a member or manager
 2 of the limited liability company under any judgment,
 3 or in any other manner, for any debt, obligation, or
 4 liability of the limited liability company, whether
 5 that liability or obligation arises in contract, tort,
 6 or otherwise.

7 2. A member of a limited liability company is
 8 personally liable under a judgment or for any debt,
 9 obligation, or liability of the limited liability
 10 company, whether that liability or obligation arises
 11 in contract, tort, or otherwise, under the same or

12 similar circumstances and to the same extent as a
13 shareholder of a corporation may be personally liable
14 for any debt, obligation, or liability of the
15 corporation, except that the failure to hold meetings
16 of members or managers or the failure to observe
17 formalities pertaining to the calling or conduct of
18 meetings shall not be considered a factor tending to
19 establish that the members have personal liability for
20 any debt, obligation, or liability of the limited
21 liability company.

22 3. Nothing in this section shall be construed to
23 affect the liability of a member of a limited
24 liability company to third parties for the member's
25 participation in tortious conduct.

26 Sec. ____ Section 490A.702, subsection 4, Code
27 1997, is amended by striking the subsection and
28 inserting in lieu thereof the following:

29 4. Except as provided in subsection 4A, the
30 validity of an act of a limited liability company is
31 not challengeable on the ground that the limited
32 liability company lacks or lacked the power or
33 authority to act.

34 Sec. ____ Section 490A.702, Code 1997, is amended
35 by adding the following new subsections:

36 **NEW SUBSECTION. 4A.** A limited liability company's
37 power to act may be challenged in the following
38 proceedings:

39 a. In an action by a member against the limited
40 liability company to enjoin an unauthorized act.

41 b. In an action by the limited liability company
42 against an incumbent or former manager, employee, or
43 agent of the limited liability company, either
44 directly, derivatively, or through a receiver,
45 trustee, or other legal representative.

46 c. By the attorney general under section
47 490A.1409.

48 **NEW SUBSECTION. 4B.** In a member's proceeding
49 under subsection 4A, paragraph "a", to enjoin an
50 unauthorized act, the court may enjoin or set aside

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1 the act if equitable and if all affected persons are
2 parties to the proceeding. The court may award
3 damages, other than anticipated profits, for loss
4 suffered by the limited liability company or another
5 party as a result of the unauthorized act being
6 enjoined.

7 Sec. ____ Section 490A.703, Code 1997, is amended
8 by adding the following new subsection:

9 **NEW SUBSECTION. 2A. a.** A written operating
10 agreement or other writing may provide for a person to

11 be admitted as a member of a limited liability
12 company, or to become an assignee of a limited
13 liability company membership interest or other rights
14 or powers of a member, to the extent that either of
15 the following occurs:

16 (1) If the person, or a representative authorized
17 by the person orally, in writing, or by other action
18 such as payment for a limited liability company
19 interest, executes the operating agreement or any
20 other writing evidencing the intent of such person to
21 become a member or assignee.

22 (2) Without execution of the operating agreement
23 or similar writing, if the person or such authorized
24 representative of the person complies with the
25 conditions for becoming a member or assignee as set
26 forth in the operating agreement or any other writing
27 and requests orally, in writing, or by other action
28 such as payment for a limited liability company
29 interest, that the records of the limited liability
30 company reflect such admission or assignment.

31 b. A written operating agreement or another
32 written agreement or writing is not unenforceable by
33 reason of its not having been signed by a person being
34 admitted as a member or becoming an assignee, or the
35 member's or assignee's representative, as provided in
36 paragraph "a".

37 Sec. NEW SECTION. 490A.704A RESIGNATION OR
38 WITHDRAWAL OF MEMBER.

39 1. a. This section applies to a limited liability
40 company whose original articles of organization are
41 filed with the secretary of state on or after July 1,
42 1997.

43 b. This section applies to a limited liability
44 company whose original articles of organization are
45 filed with the secretary of state and effective on or
46 prior to June 30, 1997, if such company's operating
47 agreement provides that it is subject to this section.

48 c. If no provision is made in the operating
49 agreement, a limited liability company whose original
50 articles of organization were filed with the secretary

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1 of state and effective on or prior to June 30, 1997,
2 is subject to section 490A.704.

3 2. A member may resign or withdraw from a limited
4 liability company only at the time or upon the
5 happening of an event specified in an operating
6 agreement and pursuant to the operating agreement.

7 3. Unless an operating agreement provides
8 otherwise, a member may not resign or withdraw from a
9 limited liability company prior to the dissolution and

10 winding up of the limited liability company. However;
 11 if the articles of organization or an operating
 12 agreement do not specify the time or the events upon
 13 the happening of which a member may resign or
 14 withdraw, a member may resign or withdraw from the
 15 limited liability company in the event any amendment
 16 to the articles of organization or operating agreement
 17 that is adopted over the member's written dissent
 18 adversely affects the rights or preferences of the
 19 dissenting member's membership interest in any of the
 20 ways described in paragraphs "a" through "e". A
 21 resignation or withdrawal in the event of such dissent
 22 and adverse effect is deemed to have occurred as of
 23 the effective date of the amendment, if the member
 24 gives notice to the limited liability company not more
 25 than sixty days after the date of the amendment. In
 26 valuing the member's distribution pursuant to this
 27 subsection, any depreciation in anticipation of the
 28 amendment shall be excluded. An amendment that does
 29 any of the following is subject to this subsection:
 30 a. Alters or abolishes a member's right to receive
 31 a distribution.
 32 b. Alters or abolishes a member's right to
 33 voluntarily withdraw or resign.
 34 c. Alters or abolishes a member's right to vote on
 35 any matter, except as the rights may be altered or
 36 abolished through the acceptance of contributions or
 37 the making of contribution agreements.
 38 d. Alters or abolishes a member's preemptive right
 39 to make contributions.
 40 e. Establishes or changes the conditions for or
 41 consequences of expulsion.
 42 4. A member withdrawing under this section is not
 43 liable for damages for the breach of any agreement not
 44 to withdraw.
 45 5. An operating agreement may provide that a
 46 membership interest may be assigned prior to the
 47 dissolution and winding up of the limited liability
 48 company.
 49 Sec. . NEW SECTION. 490A.705A CLASSES OF
 50 MANAGERS AND VOTING.

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1 1. An operating agreement may provide for classes
 2 or groups of managers having such relative rights,
 3 powers, and duties as the operating agreement may
 4 provide, and may make provision for the future
 5 creation of additional classes or groups of managers
 6 having such relative rights, powers, and duties as may
 7 from time to time be established, including rights,
 8 powers, and duties senior to existing classes and

9 groups of managers. An operating agreement may
10 provide for taking action, including the amendment of
11 the operating agreement, without the vote or approval
12 of any manager or class or group of managers,
13 including an action to create a class or group of
14 membership interests that was not previously
15 outstanding.

16 2. An operating agreement may grant to all or
17 certain identified managers or a specified class or
18 group of managers the right to vote on any matter,
19 separately or with all or any class or group of
20 managers or members. Voting by managers may be on a
21 per capita, number, financial interest, class, group,
22 or any other basis.

23 3. An operating agreement which grants a right to
24 vote may set forth provisions relating to notice of
25 the time, place, or purpose of any meeting at which
26 any matter is to be voted on by any manager or class
27 or group of managers, waiver of any such notice,
28 action by consent without a meeting, the establishment
29 of a record date, quorum requirements, voting in
30 person or by proxy, or any other matter with respect
31 to the exercise of any such right to vote.

32 Sec. ____ Section 490A.709, subsection 2,
33 unnumbered paragraph 1, Code 1997, is amended to read,
34 as follows:

35 Each member has the right for any purpose
36 reasonably related to the member's interest as a
37 member of the limited liability company, upon
38 reasonable request and subject to reasonable standards
39 as may be set forth in an operating agreement, to do
40 any of the following:

41 Sec. ____ **NEW SECTION. 490A.710 DELEGATION OF**
42 **RIGHTS AND POWERS TO MANAGE.**

43 Unless otherwise provided in the operating
44 agreement, a member or manager of a limited liability
45 company may delegate to one or more other persons the
46 member's or manager's rights and powers to manage and
47 control the business and affairs of the limited
48 liability company, including to agents and employees
49 of a member or manager of the limited liability
50 company, and to delegate by a management agreement or

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1 another agreement with other persons. Unless
2 otherwise provided in the operating agreement, such
3 delegation by a member or manager of a limited
4 liability company shall not cause the member or
5 manager to cease to be a member or manager of the
6 limited liability company.

7 Sec. ____ **NEW SECTION. 490A.711 CONTRACTUAL**

8 APPRAISAL RIGHTS.

9 An operating agreement or an agreement of merger
10 may provide that contractual appraisal rights with
11 respect to a membership interest or another interest
12 in a limited liability company are available for any
13 class or group of members or membership interests in
14 connection with an amendment of an operating
15 agreement, a merger in which the limited liability
16 company is a constituent party to the merger, or the
17 sale of all or substantially all of the limited
18 liability company's assets. The district court of the
19 county in which the limited liability company has its
20 principal place of business has jurisdiction to hear
21 and determine any matter relating to such appraisal
22 rights.

23 Sec. ____ NEW SECTION. 490A.712 CESSATION OF
24 MEMBERSHIP.

25 A person ceases to be a member of a limited
26 liability company upon the occurrence of any of the
27 following events:

- 28 1. The person withdraws or resigns from the
29 limited liability company.
- 30 2. The person is removed as a member pursuant to
31 the operating agreement.
- 32 3. Unless otherwise provided in the operating
33 agreement or with the consent of all other members,
34 the person does any of the following:
- 35 a. Makes an assignment for the benefit of
36 creditors.
- 37 b. Files a voluntary petition in bankruptcy.
- 38 c. Is adjudged bankrupt or insolvent or has
39 entered against the person an order for relief in any
40 bankruptcy or insolvency proceeding.
- 41 d. Files a petition or answer seeking for that
42 person any reorganization, arrangement, composition,
43 readjustment, liquidation, dissolution, or similar
44 relief under any statute or rule.
- 45 e. Seeks, consents to, or acquiesces in the
46 appointment of a trustee, receiver, or liquidator for
47 the member or for all or any substantial part of the
48 member's properties.
- 49 f. Files an answer or other pleading admitting or
50 failing to contest the material allegations of a

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1 petition filed against the person in any proceeding
2 described in this subsection.

3 4. Unless otherwise provided in the operating
4 agreement, or with the consent of all other members,
5 the continuation of any proceeding against the person
6 seeking reorganization, arrangement, composition,

7 readjustment, liquidation, dissolution, or similar
8 relief under any statute or rule for one hundred
9 twenty days after the commencement of such proceeding,
10 or the appointment of a trustee, receiver, or
11 liquidator for the member or for all or any
12 substantial part of the member's properties without
13 the member's agreement or acquiescence, which
14 appointment is not vacated or stayed for one hundred
15 twenty days or, if the appointment is stayed, for one
16 hundred twenty days after the expiration of the stay
17 during which period the appointment is not vacated.

18 5. Unless otherwise provided in the operating
19 agreement or with the consent of all other members, in
20 the case of a member who is an individual, the
21 individual's death or adjudication by a court of
22 competent jurisdiction as incompetent to manage the
23 individual's person or property.

24 6. Unless otherwise provided in the operating
25 agreement or with the consent of all other members, in
26 the case of a member who is acting as a member by
27 virtue of being a trustee of a trust, the termination
28 of the trust.

29 7. Unless otherwise provided in the operating
30 agreement or with the consent of all other members, in
31 the case of a member that is a partnership or another
32 limited liability company, the dissolution and
33 commencement of winding up of the partnership or
34 limited liability company.

35 8. Unless otherwise provided in the operating
36 agreement or with the consent of all other members, in
37 the case of a member that is a corporation, the
38 dissolution of the corporation or the revocation of
39 its articles of incorporation.

40 9. Unless otherwise provided in the operating
41 agreement or with the consent of all other members, in
42 the case of a member that is an estate, the
43 distribution by the fiduciary of the estate's entire
44 interest in the limited liability company.

45 Sec. ___ Section 490A.801, Code 1997, is amended
46 by adding the following new subsection:
47 NEW SUBSECTION. 4. An operating agreement may
48 provide that the interest of any member who fails to
49 make a contribution that the member is obligated to
50 make is subject to specified penalties for, or

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1 specified consequences of, such failure. The penalty
2 or consequence may take the form of reducing or
3 eliminating the defaulting member's proportionate
4 interest in a limited liability company, subordinating
5 the member's membership interest to that of a

6 nondefaulting member, a forced sale of the member's
7 membership interest, forfeiture of the member's
8 membership interest, the lending by other members of
9 the amount necessary to meet the member's commitment,
10 a fixing of the value of the member's membership
11 interest by appraisal or by formula and redemption, or
12 sale of the member's membership interest at such value
13 or other penalty or consequence.

14 Sec. ____ NEW SECTION. 490A.809 RIGHT TO
15 DISTRIBUTION.

16 Subject to sections 490A.807 and 490A.1304, and
17 unless otherwise provided in an operating agreement,
18 at the time a member becomes entitled to receive a
19 distribution, the member has the status of, and is
20 entitled to all remedies available to, a creditor of
21 the limited liability company with respect to the
22 distribution. An operating agreement may provide for
23 the establishment of a record date with respect to
24 allocations and distributions by a limited liability
25 company.

26 Sec. ____ Section 490A.902, unnumbered paragraph
27 1, Code 1997, is amended to read as follows:

28 Unless otherwise provided in the articles of
29 organization or an operating agreement, a membership
30 interest in a limited liability company is assignable
31 in whole or in part. An assignment of an interest in
32 a limited liability company does not of itself
33 dissolve the limited liability company. An Except as
34 provided in the articles of organization or an
35 operating agreement, an assignment does not entitle
36 the assignee to participate in the management and
37 affairs of the limited liability company or to become
38 or to exercise any rights of a member. Such Except as
39 provided in the articles of organization or an
40 operating agreement, an assignment entitles the
41 assignee to receive, to the extent assigned, only the
42 distribution to which the assignor would be entitled.
43 Except as provided in the articles of organization or
44 an operating agreement, a member ceases to be a member
45 upon assignment of the member's entire membership
46 interest.

47 Sec. ____ Section 490A.1301, subsection 3, Code
48 1997, is amended by striking the subsection."

49 2. Title page, line 1, by inserting after the
50 word "to" the following: "the organization and

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1 operation of certain legal entities, including".
2 3. Title page, line 5, by inserting after the
3 word "partnerships," the following: "and including
4 limited liability companies and the conversion of

5 other entities to limited liability companies, and the
 6 rights, duties, obligations, and interests of members
 7 and managers with respect to such companies.”
 8 4. By renumbering as necessary.

O. GENE MADDOX

S-3815

1 Amend the amendment, S-3809, to Senate File 555, as
 2 follows:

3 1. Page 4, by striking lines 31 through 43, and
 4 inserting the following:

5 “Sec. 101. ADOPTION OF RULES.

6 1. Except as provided in subsection 2, the
 7 department of agriculture and land stewardship shall
 8 adopt all rules required to carry out this Act not
 9 later than October 1, 1997.

10 2. The department of agriculture and land
 11 stewardship shall adopt all rules required to carry
 12 out the amendments to section 166D.10, subsection 4,
 13 Code 1997, as enacted in this Act, not later than
 14 January 1, 1998.

15 Sec. 102. EFFECTIVE DATES.

16 1. Except as provided in subsections 2 and 3, this
 17 Act takes effect on October 1, 1997.

18 2. The amendments to section 166D.10, subsection
 19 4, Code 1997, as enacted in this Act take effect on
 20 January 1, 1998.

21 3. Section 101 of this Act takes effect upon
 22 enactment.”

23 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3816

1 Amend House Concurrent Resolution 22, as amended,
 2 passed, and reprinted by the House, as follows:

3 1. Page 2, line 30, by striking the word “shall”
 4 and inserting the following: “may”.

5 2. Page 3, line 29, by striking the word “force.”
 6 and inserting the following: “force; and”

7 3. By striking page 3, line 30 through page 4,
 8 line 6.

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

11 “BE IT FURTHER RESOLVED, That recommendations
 12 contained in the progress report prepared by the task
 13 force or contained in the final report prepared by the
 14 task force shall be drafted as study bills by the

15 legislative service bureau for consideration by the
16 General Assembly."

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 724

S—3817

- 1 Amend the Senate amendment, H—1945, to House File
- 2 724, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 41 through 43.
- 5 2. By striking page 2, line 43, through page 3,
- 6 line 13.
- 7 3. By renumbering, relettering, or redesignating
- 8 and correcting internal references as necessary.

S—3818

- 1 Amend the amendment, S—3809, to Senate File 555 as
- 2 follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "state," the following: "However, "relocate" or
- 5 "relocation" does not mean the shipment,
- 6 transportation, or delivery of swine by a contract
- 7 feeder as defined in section 9H.1 to a facility or
- 8 location where the contract feeder has contracted with
- 9 a person, who is not an employee of the contract
- 10 feeder, to provide for the care of feeding of the
- 11 swine."

MERLIN E. BARTZ
PATTY JUDGE

S—3819

- 1 Amend House File 731, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 21, by inserting after line 19 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 257.13 ADVANCE FOR
- 6 INCREASING ENROLLMENT.
- 7 1. If a district's actual enrollment for the
- 8 budget year, determined under section 257.6, is
- 9 greater than its budget enrollment for the budget
- 10 year, the district is granted an advance from the
- 11 state equal to its regular program district cost per
- 12 pupil for the budget year multiplied by the difference

13 between the actual enrollment for the budget year and
 14 the budget enrollment for the budget year. The
 15 advance is miscellaneous income to the district.
 16 2. If a district receives an advance under this
 17 section for a budget year, the department of
 18 management shall determine the amount of the advance
 19 which would have been generated by local property tax
 20 revenues if the actual enrollment for the budget year
 21 had been used in determining district cost for that
 22 budget year. The department of management shall
 23 reduce, but not by more than the amount of the
 24 advance, the district's total state school aids
 25 otherwise available under this chapter for the next
 26 following budget year by the amount so determined, and
 27 shall increase the district's additional property tax
 28 levy for the next following budget year by the amount
 29 necessary to compensate for the reduction in state
 30 aid, so that the local property tax for the next
 31 following year will be increased only by the amount
 32 which it would have been increased in the budget year
 33 if the enrollment calculated in this section could
 34 have been used to establish the levy.
 35 3. There is appropriated each fiscal year from the
 36 general fund of the state to the department of
 37 education the amount required to pay advances
 38 authorized under this section, which shall be paid to
 39 school districts in monthly installments beginning on
 40 December 15 and ending on June 15 of a budget year."
 41 2. By renumbering as necessary.

MARY NEUHAUSER
 ROBERT E. DVORSKY
 BILL FINK
 WALLY E. HORN
 MIKE CONNOLLY

S-3820

1 Amend House File 731, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by striking line 34 and inserting the
 4 following: "fourteen seventeen million five hundred
 5 twenty".
 6 2. Page 7, by striking lines 4 and 5 and
 7 inserting the following: "for each succeeding fiscal
 8 year, seven ten million ~~six~~ one hundred seventy
 9 thousand dollars of the funds".

TOM VILSACK
 ROBERT E. DVORSKY
 EUGENE FRAISE
 MICHAEL GRONSTAL

PATTY JUDGE
PATRICK J. DELUHERY
JOHN P. KIBBIE
TOM FLYNN
BILL FINK
PATRICIA HARPER
JOHNIE HAMMOND
ROD HALVORSON
MICHAEL W. CONNOLLY

S—3821

1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 28 the
4 following:
5 "Sec. ____ Section 257.31, Code 1997, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 18. a. The committee may grant
8 transportation assistance aid to a school district
9 from funds appropriated in this subsection for the
10 purpose of providing additional funds for a budget
11 year to school districts whose base year average
12 transportation cost per pupil exceeds the base year
13 state average transportation cost per pupil. A
14 district's average transportation cost per pupil for a
15 base year shall be determined by dividing the
16 district's actual cost for all children transported in
17 all school buses for the base year pursuant to section
18 285.1, subsection 12, less the amount received for
19 transporting nonpublic school pupils under section
20 285.1, by the district's actual enrollment for the
21 base year, less the shared-time enrollment for the
22 base year as defined in section 257.6. The state
23 average transportation cost per pupil shall be
24 determined by dividing the total actual cost for all
25 children transported in all districts for the base
26 year by the total of all districts' actual enrollments
27 for the base year. To be eligible for transportation
28 assistance aid, a school district shall annually
29 certify its actual cost for all children transported
30 in all school buses for the base year not later than
31 July 15 of the budget year on forms prescribed by the
32 committee. The committee shall prioritize the
33 requests of eligible school districts ranking the
34 districts by their average transportation cost per
35 pupil as calculated under this paragraph, with
36 consideration given to sparsity of population and
37 geographic size of the district. Within the limits of
38 the funds appropriated in this subsection,
39 transportation assistance aid shall be paid to
40 districts in the order of the priority ranking.

41 Transportation assistance aid for a budget year for a
 42 district is equal to the amount by which the
 43 district's average transportation cost per pupil for
 44 the base year exceeds two hundred percent of the state
 45 average transportation cost per pupil for the base
 46 year multiplied by the district's actual enrollment
 47 for the base year less the shared-time enrollment for
 48 the base year as defined in section 257.6. The
 49 committee shall adopt rules establishing a procedure
 50 for prioritizing requests.

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1 Payment for a school year shall be made by
 2 September 1 of the budget year.
 3 b. There is appropriated from the general fund of
 4 the state to the department of education for the use
 5 of the school budget review committee, for each fiscal
 6 year, the amount of one million five hundred thousand
 7 dollars, or as much thereof as may be necessary, to
 8 pay the transportation assistance aid to school
 9 districts ranked in the highest priority under this
 10 subsection."
 11 2. By renumbering as necessary.

TOM FLYNN
 JOHN P. KIBBIE
 ROD HALVORSON
 MIKE CONNOLLY
 WALLY E. HORN
 DON GETTINGS
 ELAINE SZYMONIAK
 BILL FINK
 ROBERT E. DVORSKY

S-3822

1 Amend House File 731, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 5, line 3, through page 6,
 4 line 25, and inserting the following:
 5 "Sec. ____ Section 8.22A, subsection 5, paragraph
 6 a, Code 1997, is amended to read as follows:
 7 a. The amount of lottery revenues for the
 8 following fiscal year to be ~~available for disbursement~~
 9 transferred from the lottery fund to the rebuild Iowa
 10 infrastructure fund to be used for school district
 11 vertical infrastructure projects following the
 12 deductions made pursuant to section 99E.10, subsection
 13 1.
 14 Sec. ____ Section 99E.10, subsection 1, unnumbered
 15 paragraph 3, Code 1997, is amended to read as follows:

16 ~~The committing the lottery to environment,~~
 17 ~~agriculture, and natural resources fund, also to be~~
 18 ~~known as the CLEAN fund, is created in the office of~~
 19 ~~the treasurer of state. Lottery revenue remaining~~
 20 ~~after expenses are determined shall be transferred to~~
 21 ~~the CLEAN rebuild Iowa infrastructure fund on a~~
 22 ~~monthly basis. Revenues generated during the last~~
 23 ~~month of the fiscal year which are transferred to the~~
 24 ~~CLEAN rebuild Iowa infrastructure fund during the~~
 25 ~~following fiscal year shall be considered revenues~~
 26 ~~transferred during the previous fiscal year for~~
 27 ~~purposes of the allotments made to and appropriations~~
 28 ~~made from the separate accounts in the CLEAN fund for~~
 29 ~~that previous fiscal year. However, upon the request~~
 30 ~~of the director and subject to approval by the~~
 31 ~~treasurer of state, an amount sufficient to cover the~~
 32 ~~foreseeable administrative expenses of the lottery for~~
 33 ~~a period of twenty-one days may be retained from the~~
 34 ~~lottery revenue. Prior to the monthly transfer to the~~
 35 ~~CLEAN rebuild Iowa infrastructure fund, the director~~
 36 ~~may direct that lottery revenue shall be deposited in~~
 37 ~~the lottery fund and in interest-bearing accounts~~
 38 ~~designated by the treasurer of state in the financial~~
 39 ~~institutions of this state or invested in the manner~~
 40 ~~provided in section 12B.10. Interest or earnings paid~~
 41 ~~on the deposits or investments is considered lottery~~
 42 ~~revenue and shall be transferred to the CLEAN rebuild~~
 43 ~~Iowa infrastructure fund in the same manner as other~~
 44 ~~lottery revenue. Money in the CLEAN fund shall be~~
 45 ~~deposited in interest-bearing accounts in financial~~
 46 ~~institutions in this state or invested in the manner~~
 47 ~~provided in section 12B.10. The interest or earnings~~
 48 ~~on the deposits or investments shall be considered~~
 49 ~~part of the CLEAN fund and shall be retained in the~~
 50 ~~fund unless appropriated by the general assembly.~~

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1 Moneys transferred under this section shall only be
 2 used for school district vertical infrastructure
 3 projects.
 4 Sec. ____ Section 99E.10, subsection 2, Code 1997,
 5 is amended to read as follows:
 6 2. The director of management shall not include
 7 lottery revenues in the director's fiscal year revenue
 8 estimates. ~~Moneys in the CLEAN fund shall not be~~
 9 ~~considered a part of the Iowa economic emergency fund.~~
 10 Sec. ____ Section 99E.20, subsection 2, Code 1997,
 11 is amended to read as follows:
 12 2. A lottery fund is created in the office of the
 13 treasurer of state. The fund consists of all revenues
 14 received from the sale of lottery tickets or shares

15 and all other moneys lawfully credited or transferred
16 to the fund. The commissioner shall certify monthly
17 that portion of the fund that is transferred to the
18 CLEAN rebuild Iowa infrastructure fund under section
19 99E.10 and shall cause that portion to be transferred
20 to the CLEAN rebuild Iowa infrastructure fund of the
21 state. The commissioner shall certify before the
22 twentieth of each month that portion of the lottery
23 fund resulting from the previous month's sales to be
24 transferred to the CLEAN rebuild Iowa infrastructure
25 fund."

26 2. By renumbering as necessary.

ROBERT E. DVORSKY
EUGENE FRAISE
MICHAEL E. GRONSTAL
PATTY JUDGE
PATRICK J. DELUHERY
JOHN P. KIBBIE
TOM FLYNN
BILL FINK
ROD HALVORSON
PATRICIA HARPER
JOHNIE HAMMOND
DENNIS H. BLACK
TOM VILSACK

S-3823

1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 5, line 3, through page 6,
4 line 25, and inserting the following:

5 "Sec. ____ Section 8.22A, subsection 5, paragraph
6 a, Code 1997, is amended to read as follows:

7 a. The amount of lottery revenues for the
8 following fiscal year to be available for disbursement
9 transferred from the lottery fund to the rebuild Iowa
10 infrastructure fund following the deductions made
11 pursuant to section 99E.10, subsection 1.

12 Sec. ____ Section 99E.10, subsection 1, unnumbered
13 paragraph 3, Code 1997, is amended to read as follows:

14 The committing the lottery to environment,
15 agriculture, and natural resources fund, also to be
16 known as the CLEAN fund, is created in the office of
17 the treasurer of state. Lottery revenue remaining
18 after expenses are determined shall be transferred to
19 the CLEAN rebuild Iowa infrastructure fund on a
20 monthly basis. Revenues generated during the last
21 month of the fiscal year which are transferred to the
22 CLEAN rebuild Iowa infrastructure fund during the
23 following fiscal year shall be considered revenues

24 transferred during the previous fiscal year for
 25 purposes of the allotments made to and appropriations
 26 made from the separate accounts in the CLEAN fund for
 27 that previous fiscal year. However, upon the request
 28 of the director and subject to approval by the
 29 treasurer of state, an amount sufficient to cover the
 30 foreseeable administrative expenses of the lottery for
 31 a period of twenty-one days may be retained from the
 32 lottery revenue. Prior to the monthly transfer to the
 33 CLEAN rebuild Iowa infrastructure fund, the director
 34 may direct that lottery revenue shall be deposited in
 35 the lottery fund and in interest-bearing accounts
 36 designated by the treasurer of state in the financial
 37 institutions of this state or invested in the manner
 38 provided in section 12B.10. Interest or earnings paid
 39 on the deposits or investments is considered lottery
 40 revenue and shall be transferred to the CLEAN rebuild
 41 Iowa infrastructure fund in the same manner as other
 42 lottery revenue. ~~Money in the CLEAN fund shall be~~
 43 ~~deposited in interest-bearing accounts in financial~~
 44 ~~institutions in this state or invested in the manner~~
 45 ~~provided in section 12B.10. The interest or earnings~~
 46 ~~on the deposits or investments shall be considered~~
 47 ~~part of the CLEAN fund and shall be retained in the~~
 48 ~~fund unless appropriated by the general assembly.~~
 49 Sec. ____ Section 99E.10, subsection 2, Code 1997,
 50 is amended to read as follows:

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1 2. The director of management shall not include
 2 lottery revenues in the director's fiscal year revenue
 3 estimates. ~~Moneys in the CLEAN fund shall not be~~
 4 ~~considered a part of the Iowa economic emergency fund.~~
 5 Sec. ____ Section 99E.20, subsection 2, Code 1997,
 6 is amended to read as follows:
 7 2. A lottery fund is created in the office of the
 8 treasurer of state. The fund consists of all revenues
 9 received from the sale of lottery tickets or shares
 10 and all other moneys lawfully credited or transferred
 11 to the fund. The commissioner shall certify monthly
 12 that portion of the fund that is transferred to the
 13 CLEAN rebuild Iowa infrastructure fund under section
 14 99E.10 and shall cause that portion to be transferred
 15 to the CLEAN rebuild Iowa infrastructure fund of the
 16 state. The commissioner shall certify before the
 17 twentieth of each month that portion of the lottery
 18 fund resulting from the previous month's sales to be
 19 transferred to the CLEAN rebuild Iowa infrastructure
 20 fund.
 21 Sec. ____ NEW SECTION. 257D.1 TITLE.
 22 This chapter may be cited as the "Support

23 Construction and Habilitation of Our Local Schools
24 Act".
25 Sec. ____ NEW SECTION. 257D.2 SUPPORT
26 CONSTRUCTION AND HABILITATION OF OUR LOCAL SCHOOLS
27 FUND.

28 1. a. A support construction and habilitation of
29 our local schools (SCHOOLS) fund is created within the
30 state treasury under the control of the department of
31 education. For the fiscal year beginning July 1,
32 1997, and each subsequent fiscal year there shall be
33 appropriated from the rebuild Iowa infrastructure fund
34 to the SCHOOLS fund all moneys transferred to the
35 rebuild Iowa infrastructure fund pursuant to sections
36 99E.10 and 99E.20. In addition to moneys appropriated
37 from the rebuild Iowa infrastructure fund, the SCHOOLS
38 fund shall include any other moneys available to and
39 obtained or accepted by the department from the
40 federal government or private sources for placement in
41 the SCHOOLS fund. The assets of the SCHOOLS fund
42 shall be used by the department as provided in
43 subsection 2.

44 b. Payments of interest, recaptures of grants, or
45 repayments of moneys granted shall be deposited in the
46 fund. Section 8.33 does not apply to any moneys in
47 the fund.

48 c. The fund is subject to an annual audit by the
49 auditor of state. Moneys in the fund, which may be
50 subject to warrants written by the director of revenue

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1 and finance, shall be drawn upon the written
2 requisition of the director of the department of
3 education or an authorized representative of the
4 director.

5 d. As used in this chapter, "vertical
6 infrastructure" has the same meaning as in section
7 8.57, subsection 5, except that "vertical
8 infrastructure" shall not include recreational trails.
9 A matching grant shall only be awarded for specific
10 vertical infrastructure projects certified to the
11 department in the application.

12 2. Moneys in the SCHOOLS fund shall be distributed
13 to school districts based on the actual enrollment of
14 students in the district as certified pursuant to
15 section 257.6."

16 2. By renumbering as necessary.

TOM VILSACK
ROBERT E. DVORSKY
EUGENE S. FRAISE
MICHAEL E. GRONSTAL

PATTY JUDGE
 PATRICK J. DELUHERY
 JOHN P. KIBBIE
 TOM FLYNN
 ROD HALVORSON
 BILL FINK
 PATRICIA HARPER
 JOHNIE HAMMOND

S—3824

- 1 Amend the Committee amendment, S—3770, to House
- 2 File 731, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 3, by striking lines 2 through 20.
- 5 2. By renumbering as necessary.

NANCY BOETTGER
 JOANN DOUGLAS

S—3825

- 1 Amend the amendment, S—3770, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 12 and 13, and
- 5 inserting the following:
- 6 "___, Page 19, by striking lines 6 and 7, and
- 7 inserting the following:
- 8 "Sec. ___. Section 310.36, Code 1997, is
- 9 repealed.""
- 10 2. By renumbering as necessary.

MARY A. LUNDBY

S—3826

- 1 Amend House File 731, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 4, line 29, through page 6,
- 4 line 26, and inserting the following:
- 5 "VALUE-ADDED PRODUCTION ASSISTANCE -- LOTTERY TRANSFER
- 6 Sec. ___. NEW SECTION, 15.321 VALUE-ADDED
- 7 PRODUCTION ASSISTANCE.
- 8 There is created in the community economic
- 9 betterment program account an ag-initiative 2000
- 10 subaccount. The ag-initiative 2000 subaccount shall
- 11 only be used to assist Iowa's agriculture producers in
- 12 establishing an equity position or interest in value-
- 13 adding production processes. Prior to providing this
- 14 assistance, the department shall determine all of the
- 15 following:

16 1. That the assistance would enhance economic
17 growth on a regional or statewide basis.

18 2. That the assistance would create and retain in
19 Iowa a greater percentage of the wealth being
20 generated for Iowa's agricultural production.

21 3. That the agricultural producers lack sufficient
22 capital to establish their own equity position or
23 interest without state assistance.

24 4. That any other private or public, whether
25 local, state, or federal, programs for which the
26 requested assistance would be eligible, have been used
27 to the fullest practical extent and need remains.

28 In addition to the above requirements, any assistance
29 provided from the ag-initiative 2000 subaccount must
30 be fully secured by a loan guarantee, letter of
31 credit, contractual commitment, or other security
32 deemed acceptable by the department.

33 Sec. __. NEW SECTION. 15.322 EXISTING PROGRAM
34 ASSISTANCE.

35 Notwithstanding other provisions to the contrary,
36 existing financial assistance programs available
37 through the department are authorized to provide
38 assistance which would enable Iowa's agricultural
39 production and value-adding workers to establish an
40 equity position or interest in the agricultural value-
41 adding processes of the state.

42 Sec. __. Section 15E.111, subsection 1, Code
43 1997, is amended by adding the following new
44 paragraph:

45 NEW PARAGRAPH. c. To undertake feasibility
46 studies related to the development of value-adding
47 processing facilities for commodity crops and
48 livestock produced in Iowa, to assist in organization
49 of innovative ownership, and management entities
50 related to such facilities where such entities are to

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1 involve direct participation by producers or workers,
2 and to provide financial assistance for development of
3 such facilities in cases where the department finds
4 potential for significant benefit to be conferred upon
5 workers, producers, and rural regions of the state.

6 Sec. __. LOTTERY TRANSFER. Notwithstanding the
7 requirement in section 99E.10, subsection 1, to
8 transfer lottery revenue remaining after expenses are
9 deducted, notwithstanding the requirement under
10 section 99E.20, subsection 2, for the commissioner to
11 certify and transfer a portion of the lottery fund to
12 the CLEAN fund, and notwithstanding the appropriations
13 and allocations in section 99E.34, all lottery

14 revenues received during the fiscal year beginning
 15 July 1, 1997, and ending June 30, 1998, after
 16 deductions as provided in section 99E.10, subsection
 17 1, and as appropriated under any Act of the Seventy-
 18 seventh General Assembly, 1997 Session, shall not be
 19 transferred to and deposited into the CLEAN fund but,
 20 the first \$25 million shall be transferred and
 21 credited to the ag-initiative 2000 subaccount created
 22 in section 15.321 and the remaining amount shall be
 23 transferred and credited to the general fund of the
 24 state.”
 25 2. By renumbering as necessary.

STEWART IVERSON, JR.
 DERRYL McLAREN
 WILMER RENSINK
 KITTY REHBERT
 JOHN W. JENSEN
 MARY A. LUNDBY
 EUGENE S. FRAISE
 ROD HALVORSON
 PATTY JUDGE
 JOHN P. KIBBIE
 MARY LOU FREEMAN
 MERLIN E. BARTZ
 JOANN DOUGLAS
 NANCY BOETTGER
 LARRY McKIBBEN
 JEFF ANGELO

S—3827

1 Amend House File 731, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, line 28, by striking the following:
 4 “-- AT-RISK CHILDREN”.
 5 2. Page 6, by inserting after line 28 the
 6 following:
 7 “___ ADVANCE FUNDING FOR AID TO NON-ENGLISH
 8 SPEAKING PUPILS. For any fiscal year beginning on or
 9 after July 1, 1997, there is appropriated from the
 10 general fund of the state to the department of
 11 education for allocation by the school budget review
 12 committee, an amount necessary to be distributed as
 13 supplemental aid to a district that is located within
 14 ten miles of a beef processing plant, if the district
 15 applies to the school budget review committee and has
 16 unusual need for advance funding to provide a program
 17 or other special assistance to non-English speaking
 18 pupils. The supplemental aid distributed under this

19 paragraph shall be miscellaneous income and shall not
20 be included in district cost."

BILL FINK
WILLIAM D. PALMER
MATT McCOY

S-3828

1 Amend House File 731, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 21, by inserting after line 6 the
4 following:

5 "Sec. ____ There is appropriated from the lottery
6 funds transferred to the general fund of the state
7 pursuant to section 6 of this Act to the department of
8 natural resources for the fiscal year beginning July
9 1, 1997, and ending June 30, 1998, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purpose designated:

12 For the blufflands protection program:

13 \$ 500,000

14 Sec. ____ **NEW SECTION. 161A.80 BLUFFLANDS**
15 **PROTECTION PROGRAM -- REVOLVING FUND.**

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

18 a. "Bluffland" means a cliff, headland, or hill
19 with a broad steep face along the channel or
20 floodplain of a river and its tributaries.

21 b. "Conservation organization" means a nonprofit
22 corporation incorporated in Iowa or an entity
23 organized and operated primarily to enhance and
24 protect natural resources in this state.

25 2. A blufflands protection revolving fund is
26 created in the state treasury. The proceeds of the
27 revolving fund are appropriated to make loans to
28 conservation organizations which agree to purchase
29 conservation easements on blufflands in this state or
30 to purchase blufflands in this state for resale with
31 restrictive covenants attached to the property. The
32 administrative director of the division of soil
33 conservation shall administer the revolving fund.
34 Notwithstanding section 12C.7, interest or earnings on
35 investments made pursuant to this section or as
36 provided in section 12B.10 shall be credited to the
37 blufflands protection revolving fund. Notwithstanding
38 section 8.33, unobligated or unencumbered funds
39 credited to the blufflands protection revolving fund
40 shall not revert at the close of a fiscal year.
41 However, the maximum balance in the blufflands
42 protection fund shall not exceed two million five
43 hundred thousand dollars. Any funds in excess of two

44 million five hundred thousand dollars shall be
45 credited to the general fund of the state.
46 3. The administrative director of the division
47 shall establish a blufflands protection program to
48 demonstrate creative land protection techniques and
49 encourage private landowners to protect the natural
50 beauty of the blufflands in this state. The

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1 commissioners of each soil and water conservation
2 district which includes blufflands shall cooperate
3 with and assist the director in administering the
4 blufflands protection program within their respective
5 districts. The director shall provide, by rule, for a
6 uniform application form, the content of the form,
7 provisions for a loan agreement model conservation
8 easement and restrictive covenant requirements for
9 blufflands, and minimum qualifications of conservation
10 organizations which are eligible to participate in the
11 blufflands protection program. The administrative
12 director shall specify the eligible purposes for which
13 a loan authorized under this section can be expended
14 including, but not limited to, the purchase of
15 blufflands, the acquisition of conservation easements
16 on blufflands, the establishment of landowner
17 associations, payment for loss of land value due to
18 restrictive covenants, and payment for legal costs.
19 The payment of administrative costs is not an eligible
20 purpose.

21 4. An applicant for a loan from the blufflands
22 protection revolving fund shall apply to the soil and
23 water conservation district of the county in which the
24 bluffland is located. The application shall be on
25 forms prepared by the division and shall include the
26 information required by rule of the division. Each
27 conservation organization which applies for a loan
28 under this section shall demonstrate its financial
29 capability to qualify for a loan to the commissioners
30 and its commitment to natural resource protection and
31 appropriate development. The application shall be
32 reviewed and feasibility of the proposed project shall
33 be investigated by the commissioners of the district
34 and its report and recommendation shall be sent to the
35 administrative director and the committee for
36 approval.

37 5. Except as otherwise provided in this
38 subsection, each loan made under this section shall be
39 for a period not to exceed five years, shall bear no
40 interest for the first year, and shall be repayable to
41 the blufflands protection revolving fund. After the
42 first year and for each subsequent year that the

43 principal remains unpaid, interest shall be charged
 44 against any unpaid balance of the loan. The interest
 45 rate shall be set at the prevailing market rate for
 46 similar real estate in the county as determined by the
 47 director. All interest payments shall be credited to
 48 the blufflands protection revolving fund. Each loan
 49 shall be repaid as provided in the loan agreement.
 50 However, interest on the principal of a loan shall be

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1 due and payable thirty days after the conclusion of
 2 the second year and each subsequent year that the
 3 principal or a part of the principal remains unpaid.
 4 A loan may be extended annually beyond the original
 5 five years with the approval of the district
 6 commissioners and the administrative director.
 7 .6. The administrative director may:
 8 a. Contract, sue and be sued, and adopt
 9 administrative rules pursuant to chapter 17A and
 10 approved by the committee, necessary to carry out this
 11 section, but the administrative director, the
 12 committee, or the district commissioners shall not
 13 directly or indirectly pledge the credit of the state
 14 of Iowa.
 15 b. Authorize payment from the blufflands
 16 protection revolving fund from moneys appropriated to
 17 the fund and from any income received by investments
 18 of any money in the fund for costs, commissions,
 19 attorney fees, and other reasonable expenses related
 20 to and necessary for the making and protecting of
 21 direct loans under this section, and for recovery of
 22 moneys loaned or the management of property acquired
 23 in connection with the loans."
 24 2. By renumbering as necessary.

MARY A. LUNDBY
 DERRYL McLAREN
 MIKE CONNOLLY

S-3829

1 Amend the amendment, S-3770, to House File 731, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 4 the
 5 following:
 6 "____. By striking page 5, line 3, through page 6,
 7 line 25, and inserting the following:
 8 "Sec. ____ Section 8.22A, subsection 5, paragraph
 9 a, Code 1997, is amended to read as follows:
 10 a. The amount of lottery revenues for the

11 following fiscal year to be available for disbursement
 12 transferred from the lottery fund to the rebuild Iowa
 13 infrastructure fund following the deductions made
 14 pursuant to section 99E.10, subsection 1.

15 Sec. ____ Section 99E.10, subsection 1, unnumbered
 16 paragraph 3, Code 1997, is amended to read as follows:

17 ~~The committing the lottery to environment,~~
 18 ~~agriculture, and natural resources fund, also to be~~
 19 ~~known as the CLEAN fund, is created in the office of~~
 20 ~~the treasurer of state. Lottery revenue remaining~~
 21 ~~after expenses are determined shall be transferred to~~
 22 ~~the CLEAN rebuild Iowa infrastructure fund on a~~
 23 ~~monthly basis. Revenues generated during the last~~
 24 ~~month of the fiscal year which are transferred to the~~
 25 ~~CLEAN rebuild Iowa infrastructure fund during the~~
 26 ~~following fiscal year shall be considered revenues~~
 27 ~~transferred during the previous fiscal year for~~
 28 ~~purposes of the allotments made to and appropriations~~
 29 ~~made from the separate accounts in the CLEAN fund for~~
 30 ~~that previous fiscal year. However, upon the request~~
 31 ~~of the director and subject to approval by the~~
 32 ~~treasurer of state, an amount sufficient to cover the~~
 33 ~~foreseeable administrative expenses of the lottery for~~
 34 ~~a period of twenty-one days may be retained from the~~
 35 ~~lottery revenue. Prior to the monthly transfer to the~~
 36 ~~CLEAN rebuild Iowa infrastructure fund, the director~~
 37 ~~may direct that lottery revenue shall be deposited in~~
 38 ~~the lottery fund and in interest-bearing accounts~~
 39 ~~designated by the treasurer of state in the financial~~
 40 ~~institutions of this state or invested in the manner~~
 41 ~~provided in section 12B.10. Interest or earnings paid~~
 42 ~~on the deposits or investments is considered lottery~~
 43 ~~revenue and shall be transferred to the CLEAN rebuild~~
 44 ~~Iowa infrastructure fund in the same manner as other~~
 45 ~~lottery revenue. Money in the CLEAN fund shall be~~
 46 ~~deposited in interest-bearing accounts in financial~~
 47 ~~institutions in this state or invested in the manner~~
 48 ~~provided in section 12B.10. The interest or earnings~~
 49 ~~on the deposits or investments shall be considered~~
 50 ~~part of the CLEAN fund and shall be retained in the~~

Page 2

1 ~~fund unless appropriated by the general assembly.~~
 2 Sec. ____ Section 99E.10, subsection 2, Code 1997,
 3 is amended to read as follows:

4 2. The director of management shall not include
 5 lottery revenues in the director's fiscal year revenue
 6 estimates. ~~Moneys in the CLEAN fund shall not be~~
 7 ~~considered a part of the Iowa economic emergency fund.~~

8 Sec. ____ Section 99E.20, subsection 2, Code 1997,
 9 is amended to read as follows:

10 2. A lottery fund is created in the office of the
11 treasurer of state. The fund consists of all revenues
12 received from the sale of lottery tickets or shares
13 and all other moneys lawfully credited or transferred
14 to the fund. The commissioner shall certify monthly
15 that portion of the fund that is transferred to the
16 CLEAN rebuild Iowa infrastructure fund under section
17 99E.10 and shall cause that portion to be transferred
18 to the CLEAN rebuild Iowa infrastructure fund of the
19 state. The commissioner shall certify before the
20 twentieth of each month that portion of the lottery
21 fund resulting from the previous month's sales to be
22 transferred to the CLEAN rebuild Iowa infrastructure
23 fund.

24 Sec. ____ NEW SECTION. 257D.1 TITLE.

25 This chapter may be cited as the "Support
26 Construction and Habilitation of Our Local Schools
27 Act".

28 Sec. ____ NEW SECTION. 257D.2 SUPPORT

29 CONSTRUCTION AND HABILITATION OF OUR LOCAL SCHOOLS
30 FUND.

31 1. a. A support construction and habilitation of
32 our local schools (SCHOOLS) fund is created within the
33 state treasury under the control of the department of
34 education. For the fiscal year beginning July 1,
35 1997, and each subsequent fiscal year there shall be
36 appropriated from the rebuild Iowa infrastructure fund
37 to the SCHOOLS fund all moneys transferred to the
38 rebuild Iowa infrastructure fund pursuant to sections
39 99E.10 and 99E.20. In addition to moneys appropriated
40 from the rebuild Iowa infrastructure fund, the SCHOOLS
41 fund shall include any other moneys available to and
42 obtained or accepted by the department from the
43 federal government or private sources for placement in
44 the SCHOOLS fund. The assets of the SCHOOLS fund
45 shall be used by the department as provided in
46 subsection 2.

47 b. Payments of interest, recaptures of grants, or
48 repayments of moneys granted shall be deposited in the
49 fund. Section 8.33 does not apply to any moneys in
50 the fund.

Page 3

1 c. The fund is subject to an annual audit by the
2 auditor of state. Moneys in the fund, which may be
3 subject to warrants written by the director of revenue
4 and finance, shall be drawn upon the written
5 requisition of the director of the department of
6 education or an authorized representative of the
7 director.

8 d. As used in this chapter, "vertical

- 9 infrastructure" has the same meaning as in section
 10 8.57, subsection 5, except that "vertical
 11 infrastructure" shall not include recreational trails.
 12 A matching grant shall only be awarded for specific
 13 vertical infrastructure projects certified to the
 14 department in the application.
 15 2. Moneys in the SCHOOLS fund shall be distributed
 16 to school districts based on the actual enrollment of
 17 students in the district as certified pursuant to
 18 section 257.6.""
 19 2. By renumbering as necessary.

TOM VILSACK
 ROBERT E. DVORSKY
 EUGENE S. FRAISE
 MICHAEL E. GRONSTAL
 ROD HALVORSON

S—3830

- 1 Amend the House amendment, S—3782, to Senate File
 2 549, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, by striking lines 31 and 32.

ELAINE SZYMONIAK

S—3831

- 1 Amend the House amendment, S—3782, to Senate File
 2 549, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, line 23, by striking the figure
 5 "1,212,167" and inserting the following: "1,162,167".
 6 2. Page 1, by striking lines 24 through 36.
 7 3. Page 1, line 40, by striking the word
 8 "collaborate" and inserting the following:
 9 "coordinate activities".
 10 4. Page 1, line 45, by striking the figure
 11 "5,168,602" and inserting the following: "5,469,602".
 12 5. Page 1, by striking lines 46 and 47.
 13 6. Page 2, by striking lines 21 through 30.
 14 7. Page 2, line 42, by striking the figure
 15 "2,674,725" and inserting the following: "2,734,725".
 16 8. Page 2, by striking line 44 and inserting the
 17 following: "following:
 18 The state library shall begin implementing the 1996
 19 Iowa joint use library guide commencing July 1, 1997.
 20 Reimbursement of the institutions of".
 21 9. Page 3, by striking lines 3 through 6.
 22 10. Page 3, by striking lines 10 through 26 and
 23 inserting the following:

24 "Moneys appropriated to or paid to the department
 25 of education for purposes of the reading recovery
 26 program shall be allocated to area education agencies
 27 in the proportion that the number of children who are
 28 eligible for free or reduce price meals under the
 29 federal National School Lunch Act and the federal
 30 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, in
 31 the basic enrollment of grades one through six in the
 32 area served by an agency, bears to the sum of the
 33 number of children who are eligible for free or
 34 reduced price meals under the federal National School
 35 Lunch Act and the federal Child Nutrition Act of 1966,
 36 42 U.S.C. § 1751-1785, in the basic enrollments of
 37 grades one through six in all of the areas served by
 38 area education agencies in the state for the budget
 39 year."

40 11. Page 3, line 34, by striking the figure
 41 "50,000" and inserting the following: "25,000".

42 12. By striking page 3, line 35, through page 4,
 43 line 26.

44 13. By striking page 4, line 29, through page 5,
 45 line 48, and inserting the following:

46 "	\$130,582,051
47 The funds appropriated in this subsection shall be	
48 allocated as follows:	
49 a. Merged Area I	\$ 6,236,541
50 b. Merged Area II	\$ 7,353,865

Page 2

1 c. Merged Area III	\$ 6,943,989
2 d. Merged Area IV	\$ 3,383,065
3 e. Merged Area V	\$ 7,076,264
4 f. Merged Area VI	\$ 6,557,575
5 g. Merged Area VII	\$ 9,354,212
6 h. Merged Area IX	\$ 11,469,275
7 i. Merged Area X	\$ 17,802,012
8 j. Merged Area XI	\$ 19,018,739
9 k. Merged Area XII	\$ 7,554,167
10 l. Merged Area XIII	\$ 7,726,323
11 m. Merged Area XIV	\$ 3,426,976
12 n. Merged Area XV	\$ 10,689,360
13 o. Merged Area XVI	\$ 5,989,688"

14 14. Page 5, line 50, by striking the figure
 15 "1,090,525" and inserting the following: "1,140,525".

16 15. Page 6, by striking lines 1 and 2.

17 16. Page 6, line 5, by striking the figure
 18 "169,596,402" and inserting the following:
 19 "169,721,402".

20 17. Page 6, by striking lines 7 through 13.

21 18. Page 6, by inserting after line 20 the

22 following:

- 23 “___ Page 21, by striking lines 7 through 11.”
 24 19. Page 6, line 28, by striking the figure
 25 “250,000” and inserting the following: “190,000”.
 26 20. Page 8, line 2, by striking the words “and
 27 the center”.
 28 21. By striking page 8, line 50, through page 9,
 29 line 3, and inserting the following:
 30 ““Sec. ___ Section 294A.25, Code 1997, is amended
 31 by adding the following new subsections:”
 32 22. Page 9, by striking lines 11 through 44 and
 33 inserting the following: “history, or geography.
 34 NEW SUBSECTION. 4B. For the fiscal year beginning
 35 July 1, 1997, and ending June 30, 1998, the amount of
 36 fifty thousand dollars to the department of education
 37 for the geography alliance.
 38 NEW SUBSECTION. 7A. For the fiscal year beginning
 39 July 1, 1997, and ending June 30, 1998, the amount of
 40 seventy thousand dollars to the state board of regents
 41 for equal distribution to the Iowa braille and sight
 42 saving school and the Iowa state school for the deaf
 43 from phase III moneys.”
 44 ___ Page 26, by striking lines 12 through 14 and
 45 inserting the following:
 46 “7. Commencing with the fiscal year beginning July
 47 1, 1996 ~~1997~~, the amount of ~~fifty thousand dollars for~~
 48 ~~geography alliance and one~~ two hundred eighty thirty
 49 thousand dollars.”
 50 23. Page 10, by striking lines 7 through 9.

Page 3

- 1 24. Page 10, by striking lines 11 through 13.
 2 25. By renumbering, relettering, and
 3 redesignating as necessary.

DERRYL McLAREN

S—3832

- 1 Amend the House amendment, S—3782, to Senate File
 2 549, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 8, by striking lines 6 through 25.
 5 2. Page 8, by striking lines 28 through 47.
 6 3. Page 10, by striking lines 18 through 23 and
 7 inserting the following: “July 1, 1997.”
 8 4. By renumbering as necessary.

JOHN P. KIBBIE

S-3833

- 1 Amend the amendment, S-3826, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 27 the
- 5 following:
- 6 "___ . That prior to receipt of any assistance the
- 7 recipient shall establish a program to reduce the
- 8 incidence and severity of repetitive motion injuries."
- 9 2. By renumbering as necessary.

TOM VILSACK

S-3834

- 1 Amend the amendment, S-3828, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 31, by inserting after the word
- 5 "development." the following: "If there is a loss of
- 6 value of a blufflands protection project funded under
- 7 this section resulting from restrictive covenants, the
- 8 conservation organization shall be forgiven seventy-
- 9 five percent of the amount of the loss not exceeding
- 10 the amount of the loan. If a loan is used to purchase
- 11 a conservation easement on a blufflands protection
- 12 project, the conservation organization shall be
- 13 forgiven seventy-five percent of the loan."

MIKE CONNOLLY

S-3835

- 1 Amend the House amendment, S-3782, to Senate File
- 2 549, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 3 the
- 5 following:
- 6 "___ . Page 1, line 34, by inserting after the
- 7 figure "261.19A" the following: "or section 261.19 as
- 8 amended by 1997 Iowa Acts, House File 410, if
- 9 enacted".

DERRYL McLAREN

S-3836

- 1 Amend the amendment, S-3826, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 32 the

- 5 following:
 6 "A member of the general assembly is prohibited
 7 from having a financial interest in any packing plant
 8 receiving assistance under the ag-initiative 2000
 9 subaccount. A member in violation of this provision
 10 is guilty of an aggravated misdemeanor."
 11 2. By renumbering as necessary.

MATT McCOY

S—3837

- 1 Amend the amendment, S—3826, to House File 731, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 27 the
 5 following:
 6 " _____. That the recipient of assistance has or will
 7 have met the requirements specified in section 15.329,
 8 subsections 1 and 2."
 9 2. By renumbering as necessary.

MATT McCOY

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 702

S—3838

- 1 Amend the Senate amendment, H—1902, to House File
 2 702, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 11 the
 5 following:
 6 " _____. Page 9, by inserting after line 25 the
 7 following:
 8 "Sec. _____. 1997 Iowa Acts, House File 715, section
 9 22, relating to the mental health and developmental
 10 disabilities community services fund, if enacted, is
 11 amended by adding the following new subsection:
 12 NEW SUBSECTION. 9. The department, following
 13 consultation with the Iowa state association of
 14 counties, may adopt emergency rules as necessary for
 15 the department to negotiate contractual agreements
 16 between providers of mental health, mental
 17 retardation, and developmental disabilities local
 18 purchase services and the department for the benefit
 19 of counties for local purchase services."
 20 2. Page 1, by striking line 15.
 21 3. By renumbering as necessary.

S-3839

- 1 Amend the amendment, S-3826, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 27 the
- 5 following:
- 6 "___: That the packing plant which is an indirect
- 7 recipient of assistance has or will have met the
- 8 requirements specified in section 15.329, subsections
- 9 1 and 2."
- 10 2. By renumbering as necessary.

MATT McCOY

S-3840

- 1 Amend the amendment, S-3831, to the House
- 2 amendment, S-3782, to Senate File 549, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 22 through 39 and
- 5 inserting the following:
- 6 "___ Page 3, by striking lines 8 through 26."
- 7 2. Page 2, by striking line 50 and inserting the
- 8 following:
- 9 "___ Page 10, by striking lines 7 through 10."
- 10 3. By renumbering, relettering, and redesignating
- 11 as necessary.

MIKE CONNOLLY

S-3841

- 1 Amend the amendment, S-3831, to the House
- 2 amendment, S-3782, to Senate File 549, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, line 13, by striking the figure "30"
- 5 and inserting the following: "32".

ELAINE SZYMONIAK

S-3842

- 1 Amend the amendment, S-3831, to the House
- 2 amendment, S-3782, to Senate File 549, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 2, line 20, by striking the figure "13"
- 5 and inserting the following: "10".
- 6 2. By renumbering, relettering, and redesignating
- 7 as necessary.

PATRICIA HARPER

S—3843

- 1 Amend the amendment, S—3831, to the House
- 2 amendment, S—3782, to Senate File 549, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 2, by inserting after line 27 the
- 5 following:
- 6 “___ Page 8, by striking lines 6 through 25.
- 7 ___ Page 8, by striking lines 28 through 47.”
- 8 2. Page 3, by inserting after line 1 the
- 9 following:
- 10 “___ Page 10, by striking lines 18 through 23
- 11 and inserting the following: “July 1, 1997.””
- 12 3. By renumbering, relettering, and redesignating
- 13 as necessary.

JOHN P. KIBBIE

S—3844

- 1 Amend the amendment, S—3826, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 32 the
- 5 following:
- 6 “A member of the Seventy-seventh General Assembly
- 7 is prohibited from receiving a loan from the ag-
- 8 initiative 2000 subaccount. A member in violation of
- 9 this provision is guilty of an aggravated
- 10 misdemeanor.”
- 11 2. By renumbering as necessary.

MARY NEUHAUSER
MATT McCOY

S—3845

- 1 Amend the amendment, S—3826, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 29, by inserting after the word
- 5 “subaccount” the following: “shall be in the form of
- 6 repayable loans and”.

MATT McCOY

S—3846

- 1 Amend the amendment, S—3826, to House File 731, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 32 the

5 following:

6 "If the assistance provided from the ag-initiative
7 2000 subaccount or any other fund for value-added
8 production assistance is in the form of a repayable
9 loan, payments on the loan shall be deposited into the
10 general fund of the state. If such loans are not
11 repaid, in whole or in part, those payments shall be
12 paid from the strategic investment fund to the general
13 fund of the state."

MATT McCOY

S-3847

1 Amend House File 731 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 21, by inserting after line 17 the
4 following:

5 "Sec. 901. Section 422.7, Code 1997, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 35. Subtract, to the extent not
8 otherwise deducted in computing adjusted gross income,
9 the amounts paid by the taxpayer for the purchase of
10 health benefits coverage or insurance, including
11 coverage or insurance for long-term health and nursing
12 care, for the taxpayer, the taxpayer's spouse, or a
13 person who is related to the taxpayer or taxpayer's
14 spouse within the second degree of consanguinity.

15 Sec. 902. Section 422.9, subsection 2, paragraph
16 i, Code 1997, is amended to read as follows:

17 i. If the taxpayer has a deduction for medical
18 care expenses under section 213 of the Internal
19 Revenue Code, the taxpayer shall recompute for the
20 purposes of this subsection the amount of the
21 deduction under section 213 by excluding from medical
22 care, as defined in section 213, the amount subtracted
23 under section 422.7, subsection 32 or 35, to the
24 extent it constitutes medical care as defined in
25 section 213.

26 Sec. ____ Sections 901 and 902 of this Act apply
27 retroactively to January 1, 1997; for tax years
28 beginning on or after that date."

LYLE E. ZIEMAN

HOUSE AMENDMENT TO
SENATE FILE 541

S-3848

1 Amend Senate File 541, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 7, by striking the word "six" and
4 inserting the following: "four".

5 2. Page 3, line 15, by striking the word "may"
6 and inserting the following: "shall".

7 3. Page 7, line 15, by striking the word "six"
8 and inserting the following: "four".

HOUSE AMENDMENT TO
SENATE FILE 553

S—3849

1 Amend Senate File 553, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 8 through 11 and
4 inserting the following: "amount of the tax credit by
5 recomputing the amount of tax under this division by
6 reducing the taxable income of the taxpayer by the
7 taxpayer's pro rata share of the items of income and
8 expense of the financial institution and subtracting
9 the credits allowed under section 422.12. This
10 recomputed tax shall be subtracted from the amount of
11 tax computed under this division after the deduction
12 for".

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 1

S—3850

1 Amend Senate Concurrent Resolution 1, as passed by
2 the Senate, as follows:

3 1. Page 17, by striking lines 6 through 13 and
4 inserting the following:
5 "BE IT FURTHER RESOLVED, That in the event the
6 secretary to the chairperson of the chaplain's
7 committee is the secretary to the president, president
8 pro tempore, speaker, speaker pro tempore, or the
9 majority or minority leader, such secretary shall
10 receive one additional step."

S—3851

1 Amend House File 299, 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 99F.4, subsection 21, Code
6 1997, is amended to read as follows:

7 21. Drug testing, as permitted by ~~section 730.5~~
8 law, shall be required periodically, not less than

9 every sixty days, of persons employed as captains,
 10 pilots, or physical operators of excursion gambling
 11 boats under the provisions of this chapter.
 12 Sec. 2. Section 730.5, Code 1997, is repealed.”
 13 2. Title page, by striking lines 1 through 3 and
 14 inserting the following: “An Act repealing statutory
 15 provisions governing the conduct of drug or alcohol
 16 testing of employees and applicants for employment.”

STEVE KING

HOUSE AMENDMENT TO
 SENATE FILE 472

S-3852

1 Amend Senate File 472, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 “___ As used in this section, “construction”
 6 means the same as defined by rules adopted by the
 7 department applicable to the construction of animal
 8 feeding operation structures as provided in this
 9 part.”
 10 2. Page 1, line 7, by striking the word “an”.
 11 3. Page 1, by striking lines 8 through 12 and
 12 inserting the following: “a controlling interest and
 13 the action is commenced in district court by the
 14 attorney general.”
 15 4. Page 1, by striking lines 22 through 24 and
 16 inserting the following: “operation structure, if any
 17 of the following apply:
 18 a. The person has an unexpired permit for the
 19 construction or expansion of the animal feeding
 20 operation structure.
 21 b. The person is not required to obtain a permit
 22 for the construction or expansion of the animal
 23 feeding operation structure.”
 24 5. Page 1, line 25, by striking the words “the
 25 structure’s construction or expansion.”
 26 6. Page 1, by inserting after line 25 the
 27 following:
 28 “Sec. ___ EFFECTIVE DATE. This Act, being deemed
 29 of immediate importance, takes effect upon enactment.”
 30 7. Title page, line 3, by inserting after the
 31 word “structure” the following: “, and providing an
 32 effective date”.
 33 8. By renumbering, relettering, or redesignating
 34 and correcting internal references as necessary.

S-3853

1 Amend House File 734, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 4, by inserting after the word
4 "privilege" the following: "for a conviction".

5 2. Page 1, line 6, by inserting after the word
6 "dollars." the following: "However, for persons age
7 nineteen or under, the civil penalty assessed shall be
8 fifty dollars."

9 3. Page 1, line 17, by inserting after the word
10 "dollars." the following: "However, for persons age
11 nineteen or under, the civil penalty assessed shall be
12 fifty dollars."

13 4. Page 2, by inserting after line 4 the
14 following:

15 "Sec. ____ Section 904.112, Code 1997, is amended
16 to read as follows:

17 904.112 INSTITUTIONAL RECEIPTS.

18 All institutional Institutional receipts of the
19 department of corrections shall be deposited in the
20 general fund of the state except for reimbursements as
21 follows:

22 1. Reimbursement for services provided to another
23 institution or state agency, rentals charged to
24 employees or other persons for room, apartment, or
25 housing, and charges for meals.

26 2. Receipts which are specifically required to be
27 otherwise expended or deposited under this chapter.

28 Sec. ____ Section 904.311A, Code 1997, is amended
29 to read as follows:

30 904.311A PRISON RECYCLING FUND.

31 ~~The Iowa prison~~ A recycling fund for each prison
32 institution is created and established as a separate
33 and distinct fund in the state treasury. All moneys
34 remitted to the department for the recycling
35 operations ~~in each fiscal year commencing with the~~
36 ~~fiscal year beginning July 1, 1994, of a prison~~
37 institution shall be deposited in the fund established
38 for that institution. Notwithstanding section 12C.7,
39 subsection 2, interest or earnings on moneys deposited
40 in the each fund shall be credited to the that fund.
41 Notwithstanding section 8.33, moneys in the each fund
42 shall not revert to the general fund of the state at
43 the close of a fiscal year but shall remain in the
44 that fund and be used as directed in this section in
45 the succeeding fiscal year. The treasurer of state
46 shall act as custodian of the each fund and disburse
47 moneys from the each fund as directed by the
48 department for the purpose of payment of operating
49 expenses for recycling."

50 5. Page 6, line 16, by striking the word

Page 2

- 1 "APPROPRIATION" and inserting the following:
- 2 "DEPOSIT".
- 3 6. Page 6, line 21, by striking the words
- 4 "appropriated to" and inserting the following:
- 5 "deposited with".
- 6 7. Title page, line 4, by striking the word
- 7 "appropriation" and inserting the following:
- 8 "deposit".
- 9 8. Title page, line 4, by striking the words "the
- 10 penalties" and inserting the following: "penalties
- 11 and fees".
- 12 9. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
JOANN DOUGLAS, Chairperson

S-3854

- 1 Amend Senate Concurrent Resolution 15 as follows:
- 2 1. Page 1, by striking lines 5 through 16 and
- 3 inserting the following:
- 4 "WHEREAS, currently 242 people in this state are
- 5 awaiting organ transplants including heart, lung,
- 6 liver, kidney, and kidney-pancreas transplants; and
- 7 WHEREAS, the number of organ donors in this state
- 8 was only 55 in 1996; and
- 9 WHEREAS, referrals from hospitals to organ
- 10 procurement organizations are a necessary and
- 11 important part of the anatomical gift process; and
- 12 WHEREAS, referrals from hospitals to organ
- 13 procurement organizations increased only slightly from
- 14 1995 to 1996; and
- 15 WHEREAS, the need for organ transplants continues
- 16 to increase at a faster rate than organ donations, NOW
- 17 THEREFORE,".

MARY NEUHAUSER

S-3855

- 1 Amend the amendment, S-3771, to House File 299, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 1, line 1, through page 12,
- 5 line 4 and inserting the following:
- 6 "Amend House File 299, as amended, passed, and
- 7 reprinted by the House, as follows:
- 8 "____. By striking everything after the enacting
- 9 clause and inserting the following:
- 10 "Section 1. Section 730.5, Code 1997, is amended

11 by striking the section and inserting in lieu thereof
12 the following:

13 730.5 DRUG-FREE WORKPLACES.

14 1. DEFINITIONS. As used in this section, unless
15 the context otherwise requires:

16 a. "Alcohol" means ethanol, isopropanol, or
17 methanol.

18 b. "Drug" means a substance considered unlawful
19 under the federal Controlled Substances Act, 21 U.S.C.
20 § 801 et seq.

21 c. "Employee" means a person in the service of an
22 employer.

23 d. "Employer" means a person which has one or more
24 employees employed in the same business, or in or
25 about the same establishment, in this state.

26 e. "Good faith" means reasonable reliance on
27 facts.

28 f. "Medical review officer" means a physician
29 licensed to practice medicine and surgery or
30 osteopathic medicine and surgery in any state of the
31 United States, responsible for receiving laboratory
32 results generated by an employer's drug testing
33 program, who is independent from the employer and is
34 agreed upon by representatives of the employer and the
35 employees, and who has knowledge of substance abuse
36 disorders and has appropriate medical training to
37 interpret and evaluate an individual's confirmed
38 positive test result together with the individual's
39 medical history and any other relevant biomedical
40 information.

41 g. "Prospective employee" means a person who has
42 made application, whether written or oral, to an
43 employer to become an employee and who has received a
44 bona fide offer of employment from the employer.

45 h. "Reasonable suspicion drug or alcohol testing"
46 means drug or alcohol testing based upon evidence
47 which would cause a reasonable person to conclude that
48 an employee is using or has used alcohol or other
49 drugs and which use impairs the employee's performance
50 while on the job in violation of the employer's

Page 2

1 written policy. For purposes of this paragraph,
2 evidence may include, but is not limited to, any of
3 the following:

4 (1) Observable phenomena while at work such as
5 direct observation of alcohol or other drug use or
6 abuse or of the physical symptoms or manifestations of
7 being impaired due to alcohol or other drug use.

8 (2) Abnormal conduct or erratic behavior while at
9 work or a significant deterioration in work

10 performance.

11 (3) A report of alcohol or other drug use while at
12 work provided by a reliable and credible source.

13 (4) Evidence that an individual has tampered with
14 their own drug or alcohol test during the individual's
15 employment with the current employer.

16 (5) Evidence that an employee has caused an
17 accident while at work which resulted in a personal
18 injury which required medical treatment away from the
19 workplace or damage to property, including equipment,
20 in an amount reasonably estimated to exceed one
21 thousand dollars at the time of the accident.

22 (6) Evidence that an employee has possessed or
23 used drugs while working or while on the employer's
24 premises or while operating the employer's vehicle,
25 machinery, or equipment.

26 i. "Sample" means such sample of blood or urine
27 from the human body capable of revealing the presence
28 of alcohol or other drugs, or their metabolites.

29 2. TESTING AS CONDITION OF EMPLOYMENT --
30 REQUIREMENTS. To the extent provided in subsection 6,
31 an employer may test employees and prospective
32 employees for the presence of drugs or alcohol as a
33 condition of continued employment or hiring. An
34 employer shall adhere to the requirements of this
35 section concerning the conduct of such testing and the
36 use and disposition of the results of such testing.

37 3. COLLECTION OF SAMPLES. In conducting drug or
38 alcohol testing, an employer may require the
39 collection of samples from its employees and
40 prospective employees, and may require presentation of
41 reliable individual identification from the person
42 being tested to the person collecting the samples.
43 Collection of a sample shall be in conformance with
44 the requirements of this section. If the employer
45 requests that a urine sample be provided in conducting
46 drug or alcohol testing under this section, the
47 employer shall provide the employee or prospective
48 employee with an opportunity to have a blood sample
49 drawn instead of providing a urine sample.

50 4. SCHEDULING OF TESTS.

Page 3

1 a. Drug or alcohol testing of employees conducted
2 by an employer shall normally occur during, or
3 immediately before or after, a regular work period.
4 The time required for such testing by an employer,
5 shall be deemed work time for the purposes of
6 compensation and benefits for employees.

7 b. An employer shall pay all actual costs for drug
8 or alcohol testing of employees and prospective

9 employees required by the employer.

10 c. An employer shall provide transportation or pay
11 reasonable transportation costs to employees for all
12 drug or alcohol testing under this section.

13 5. TESTING PROCEDURES. All sample collection and
14 testing for drugs or alcohol under this section shall
15 be performed in accordance with the following
16 conditions:

17 a. The collection of samples shall be performed
18 under sanitary conditions and with regard for the
19 privacy of the individual from whom the specimen is
20 being obtained and in a manner reasonably calculated
21 to preclude contamination or substitution of the
22 specimen.

23 b. Sample collection for testing of current
24 employees shall be performed so that the specimen is
25 split into two components at the time of collection in
26 the presence of the individual from whom the sample or
27 specimen is collected. The second portion of the
28 specimen or sample shall be of sufficient quantity to
29 permit a second, independent confirmatory test as
30 provided in paragraph "i". If the specimen is urine,
31 the sample shall be split such that the primary sample
32 contains at least thirty milliliters and the secondary
33 sample contains at least fifteen milliliters. Both
34 portions of the sample shall be forwarded to the
35 laboratory conducting the initial confirmatory
36 testing. In addition to any requirements for storage
37 of the initial sample that may be imposed upon the
38 laboratory as a condition for certification of
39 approval, the laboratory shall store the second
40 portion of any sample until receipt of a confirmed
41 negative test result or for a period of at least
42 forty-five calendar days following the completion of
43 the initial confirmatory testing, if the first portion
44 yielded a confirmed positive test result.

45 c. Sample collections shall be documented, and the
46 procedure for documentation shall include the
47 following:

48 (1) Samples shall be labeled so as to reasonably
49 preclude the possibility of misidentification of the
50 person tested in relation to the test result provided,

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1 and samples shall be handled and tracked in a manner
2 such that control and accountability are maintained
3 from initial collection to each stage in handling,
4 testing, and storage, through final disposition.

5 (2) An employee or prospective employee shall be
6 provided an opportunity to provide any information
7 which may be considered relevant to the test,

8 including identification of prescription or
9 nonprescription drugs currently or recently used, or
10 other relevant medical information. Information
11 provided by the employee or prospective employee shall
12 not be disclosed to the employer but shall be
13 delivered to the facility conducting confirmatory
14 testing. To assist an employee or prospective
15 employee in providing the information described in
16 this subparagraph, the employer shall provide an
17 employee or prospective employee with a list of the
18 drugs to be tested.

19 d. Sample collection, storage, and transportation
20 to the place of testing shall be performed so as to
21 reasonably preclude the possibility of sample
22 contamination, adulteration, or misidentification.

23 e. All drug testing, including both initial and
24 confirmatory testing, shall be conducted at a
25 laboratory certified by the United States department
26 of health and human services' substance abuse and
27 mental health services administration or approved
28 under rules adopted by the Iowa department of public
29 health.

30 f. Drug or alcohol testing shall include
31 confirmation of any initial positive test results.
32 For drug testing, confirmation shall be by use of a
33 different chemical process than was used in the
34 initial drug screen. The confirmatory drug test shall
35 be a chromatographic technique such as gas
36 chromatography or mass spectrometry, or another
37 comparably reliable analytical method.

38 g. A medical review officer shall, prior to the
39 results being reported to an employer and the employee
40 or prospective employee tested, review and interpret
41 any confirmed positive test results, including both
42 quantitative and qualitative test results, to ensure
43 that the chain of custody is complete and sufficient
44 on its face and that any information provided by the
45 individual pursuant to paragraph "c", subparagraph
46 (2), is considered.

47 h. In conducting drug or alcohol testing pursuant
48 to this section, the employer shall ensure that the
49 testing only measure, and the records concerning the
50 testing only show or make use of information.

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1 regarding, alcohol or drugs in the body.

2 i. If a positive drug or alcohol test for an
3 employee or prospective employee is confirmed by the
4 medical review officer, the medical review officer
5 shall notify the employee or prospective employee in
6 writing of the results of the test, the employee's or

7 prospective employee's right to request and obtain a
8 confirmatory test of the second sample collected
9 pursuant to paragraph "b" at an approved laboratory of
10 the employee's or prospective employee's choice, and
11 the fee established by the employer's written policy
12 to be payable by the employee or prospective employee
13 to the medical review officer for reimbursement of
14 expenses concerning the test. The fee charged an
15 employee or prospective employee shall be an amount,
16 not in excess of one hundred dollars, that represents
17 the costs associated with conducting the second
18 confirmatory test, which shall be consistent with the
19 employer's cost for conducting the initial
20 confirmatory test on an employee's or prospective
21 employee's sample. If the employee or prospective
22 employee requests a second confirmatory test,
23 identifies an approved laboratory to conduct the test,
24 and pays the medical review officer the fee for the
25 test within fifteen days from the date the employee or
26 prospective employee receives written notice of the
27 right to request a test, a second confirmatory test
28 shall be conducted at the laboratory chosen by the
29 employee or prospective employee. The results of the
30 second confirmatory test shall be reported to the
31 medical review officer who reviewed the initial
32 confirmatory test results and the medical review
33 officer shall review the results and issue a report to
34 the employer and the employee or prospective employee
35 tested that the results of the drug or alcohol test
36 were confirmed as positive if the results of the
37 second confirmatory test confirmed the initial
38 confirmatory test as to the presence of a specific
39 drug or alcohol. If the results of the second test do
40 not confirm the results of the initial confirmatory
41 test, the medical review officer shall report to the
42 employer that the result of the drug or alcohol test
43 is negative and not a confirmed positive test result
44 for purposes of this section.

45 j. A report of the results of a drug or alcohol
46 test issued to an employer and the individual tested
47 shall only indicate, as to an employee or prospective
48 employee, whether the test results were positive or
49 negative, pursuant to the review and interpretation of
50 a medical review officer as provided in this

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1 subsection. An inconclusive test result shall be
2 reported as a negative test result. If the test
3 results are positive, the report shall only indicate
4 whether drugs or alcohol were present, which drugs
5 were present if applicable, information concerning the

6 amount of alcohol present, and a statement from the
7 medical review officer that any information provided
8 by the employee or prospective employee fails to
9 explain the results.

10 6. DRUG OR ALCOHOL TESTING. Employers may conduct
11 drug or alcohol testing as provided in this
12 subsection:

13 a. Employers may conduct drug or alcohol testing
14 of employees for up to two years after completion of
15 drug or alcohol rehabilitation.

16 b. Employers may conduct reasonable suspicion drug
17 or alcohol testing.

18 c. Employers may conduct drug or alcohol testing
19 of prospective employees.

20 d. Employers may conduct drug or alcohol testing
21 as required by federal law or regulation.

22 e. Employers may conduct drug or alcohol testing
23 in investigating accidents in the workplace which
24 result in a personal injury which requires medical
25 treatment away from the workplace or damage to
26 property, including equipment, in an amount reasonably
27 estimated to exceed one thousand dollars at the time
28 of the accident.

29 7. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

30 a. Prior to conducting drug or alcohol testing
31 under this section, an employer shall establish,
32 following consultation with representatives of
33 employees, a written policy consistent with the
34 requirements of this section governing such testing.
35 The employer shall comply with this section and the
36 requirements of the written policy to conduct drug or
37 alcohol testing of employees and prospective employees
38 and shall provide the written policy to every employee
39 subject to testing and shall make the policy available
40 for review by employees and prospective employees.

41 b. Employers shall establish an awareness program
42 to inform employees of the dangers of drug and alcohol
43 use in the workplace and comply with the following
44 requirements in order to conduct drug or alcohol
45 testing under this section:

46 (1) If an employer has an employee assistance
47 program, the employer must inform the employee of the
48 benefits and services of the employee assistance
49 program. An employer shall post notice of the
50 employee assistance program in conspicuous places and

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1 explore alternative routine and reinforcing means of
2 publicizing such services. In addition, the employer
3 must provide the employee with notice of the policies
4 and procedures regarding access to and utilization of

5 the program.

6 (2) If an employer does not have an employee
7 assistance program, the employer must maintain a
8 resource file of employee assistance services
9 providers, alcohol and other drug abuse programs
10 certified by the Iowa department of public health,
11 mental health providers, and other persons, entities,
12 or organizations available to assist employees with
13 personal or behavioral problems. The employer shall
14 provide all employees information about the existence
15 of the resource file and a summary of the information
16 contained within the resource file. The summary
17 should contain, but need not be limited to, all
18 information necessary to access the services listed in
19 the resource file. In addition, the employer shall
20 post in conspicuous places a listing of multiple
21 employee assistance providers in the area.

22 c. An employee or prospective employee whose drug
23 or alcohol test results are confirmed as positive in
24 accordance with this section shall not, by virtue of
25 those results alone, be considered as a person with a
26 disability for purposes of any state or local law or
27 regulation.

28 d. If the written policy provides for alcohol
29 testing, the employer shall establish in the written
30 policy a standard for alcohol concentration which
31 shall be deemed to violate the policy. The standard
32 for alcohol concentration shall not be less than .04,
33 expressed in terms of grams of alcohol per two hundred
34 ten liters of breath, or its equivalent.

35 e. In order to conduct drug or alcohol testing
36 under this section, an employer shall require all
37 supervisory personnel of the employer to attend a
38 minimum of two hours of initial training and to
39 attend, on an annual basis thereafter, a minimum of
40 one hour of subsequent training. The training shall
41 be based upon standards adopted by the Iowa department
42 of public health and shall include, but is not limited
43 to, information concerning the recognition of evidence
44 of employee alcohol and other drug abuse, the
45 documentation and corroboration of employee alcohol
46 and other drug abuse, and the referral of employees
47 who abuse alcohol or other drugs to the employee
48 assistance program or to the resource file of employee
49 assistance services providers. For purposes of this
50 paragraph, "supervisory personnel" means persons

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1 having authority, in the interest of the employer, to
2 hire, transfer, suspend, lay off, recall, promote,
3 discharge, assign, reward, or discipline other

4 employees, or responsibly to direct them, or to adjust
5 their grievances, or effectively to recommend such
6 action, if in connection with the foregoing the
7 exercise of such authority is not of a merely routine
8 or clerical nature, but requires the use of
9 independent judgment.

10 f. If an employee is under eighteen years of age,
11 in order to conduct drug or alcohol testing under this
12 section, the employer shall, prior to conducting a
13 test, notify the employee's parent or grandparent that
14 a test shall be conducted and the basis for the test.
15 For purposes of this paragraph, "parent" means one
16 parent or a legal guardian or custodian of the
17 employee.

18 g. In order to conduct drug or alcohol testing
19 under this section, an employer shall provide all
20 employees, on an annual basis, an opportunity to
21 participate in an educational program of a minimum of
22 one hour on alcohol and other drug abuse and the
23 effects of such abuse on the workplace. The program
24 shall include, but is not limited to, information on
25 all of the following topics:

26 (1) The explanation of the diseases of addiction
27 to alcohol and other drugs.

28 (2) The effects and dangers of the commonly abused
29 substances in the workplace.

30 (3) The employer's policies and procedures
31 regarding alcohol and other drug use or abuse in the
32 workplace and how employees who wish to obtain
33 substance abuse treatment can obtain such treatment.

34 (4) An explanation of the penalties that may be
35 imposed upon employees for alcohol and other drug
36 violations.

37 8. DISCIPLINARY PROCEDURES.

38 a. Upon receipt for an employee of the first
39 confirmed positive drug or alcohol test result, the
40 employer shall provide the employee with a substance
41 abuse evaluation, and treatment if recommended by the
42 evaluation, with costs apportioned as provided under
43 the employee benefit plan or at employer expense, if
44 an employee benefit plan is not in effect which
45 apportion costs. The employer shall take no
46 disciplinary action against the employee upon receipt
47 of the first confirmed positive drug or alcohol test
48 result if the employee undergoes a substance abuse
49 evaluation, and if the employee successfully completes
50 substance abuse treatment if treatment is recommended

3 result of a drug or alcohol test, or fails to
4 successfully complete substance abuse treatment when
5 recommended by an evaluation, the employee may be
6 disciplined as provided in paragraph "b". The
7 substance abuse evaluation and treatment provided by
8 the employer shall take place under a program approved
9 by the department of public health or accredited by
10 the joint commission on the accreditation of health
11 care organizations.

12 b. Upon receipt for an employee of a second
13 confirmed positive drug or alcohol test result or upon
14 receipt for a prospective employee of a confirmed
15 positive drug or alcohol test result, upon the failure
16 of an employee to comply with the requirements of
17 paragraph "a", or upon the refusal of an employee or
18 prospective employee to provide a testing sample, an
19 employer may use that test result or test refusal as a
20 valid basis for disciplinary or rehabilitative actions
21 consistent with the employer's written policy, which
22 may include, among other actions, the following:

23 (1) A requirement that the employee enroll in an
24 employer-provided or approved rehabilitation,
25 treatment, or counseling program, which may include
26 additional drug or alcohol testing, participation in
27 and successful completion of which may be a condition
28 of continued employment, and the costs of which may or
29 may not be covered by the employer's health plan or
30 policies.

31 (2) Suspension of the employee, with or without
32 pay, for a designated period of time.

33 (3) Termination of employment.

34 (4) Refusal to hire a prospective employee.

35 (5) Other adverse employment action in conformance
36 with the employer's written policy and procedures,
37 including any relevant collective bargaining agreement
38 provisions.

39 9. EMPLOYER IMMUNITY. A cause of action shall not
40 arise against an employer who has established a
41 written policy in accordance with this section and has
42 complied with the requirements of the written policy
43 and this section for testing or taking action based on
44 the results of a confirmed positive drug or alcohol
45 test result, indicating the presence of drugs or
46 alcohol, in good faith, or the refusal of an employee
47 or prospective employee to submit to a drug or alcohol
48 test.

49 10. RELEASE OF INFORMATION -- CONFIDENTIALITY --
50 EXCEPTIONS.

3 employee or prospective employee drug or alcohol test
4 results, or otherwise received through the employer's
5 drug or alcohol testing program, are confidential
6 communications and shall not be used or received in
7 evidence, obtained in discovery, or disclosed in any
8 public or private proceeding, except as provided by
9 this section or in a proceeding related to an action
10 taken by an employer under this section or by an
11 employee under this section.

12 b. An employee, or a prospective employee, who is
13 the subject of a drug or alcohol test conducted under
14 this section pursuant to an employer's written policy
15 and for whom a confirmed positive test result is
16 reported shall receive, at the same time the report is
17 issued to the employer, a copy of the report issued to
18 the employer and shall receive any records relating to
19 the employee's drug or alcohol test, including records
20 of the laboratory where the testing was conducted and
21 any records relating to the results of any relevant
22 certification or review by a medical review officer.

23 11. CIVIL REMEDIES. This section may be enforced
24 through a civil action.

25 a. A person who violates this section or who aids
26 in the violation of this section, is liable to an
27 aggrieved employee or prospective employee for
28 affirmative relief including reinstatement or hiring,
29 with or without back pay, or any other equitable
30 relief as the court deems appropriate including
31 attorney fees and court costs.

32 b. When a person commits, is committing, or
33 proposes to commit, an act in violation of this
34 section, an injunction may be granted through an
35 action in district court to prohibit the person from
36 continuing such acts. The action for injunctive
37 relief may be brought by an aggrieved employee or
38 prospective employee, the county attorney, or the
39 attorney general.

40 In an action brought under this subsection alleging
41 that an employer has required or requested a drug or
42 alcohol test in violation of this section, the
43 employer has the burden of proving that the
44 requirements of this section were met.

45 12. OFFENSES. Samples collected, information
46 provided by an employee or prospective employee
47 pursuant to subsection 5, paragraph "c", subparagraph
48 (2), and the results of drug or alcohol testing shall
49 be used solely for the purpose of conducting drug or
50 alcohol testing pursuant to this section and shall not

3 section. A person who violates this subsection
 4 commits a simple misdemeanor and, notwithstanding
 5 section 903.1, if a monetary fine is imposed, the fine
 6 shall be one hundred dollars. Each violation of this
 7 subsection constitutes a separate offense.

8 13. REPORTS.

9 a. An employer who conducts a drug test pursuant
 10 to this section shall, for each fiscal year beginning
 11 on or after July 1, 1998, file an annual report with
 12 the division of labor services of the department of
 13 workforce development, on forms provided by the
 14 division, documenting the number of accidents,
 15 including the number of personal injuries and the
 16 dollar loss for property damage arising out of the
 17 accidents, caused by the use of drugs or alcohol by
 18 employees and documenting separately for each category
 19 of test described in subsection 6 the following
 20 information:

21 (1) The number of drug or alcohol tests conducted
 22 in each category.

23 (2) The results of drug or alcohol tests conducted
 24 in each category.

25 b. The division of labor services of the
 26 department of workforce development shall compile the
 27 information submitted by employers pursuant to this
 28 subsection and shall submit an annual report to the
 29 general assembly on this information.

30 Sec. 2. EFFECTIVE DATE. This Act takes effect on
 31 January 1, 1998."

TOM VILSACK

S—3856

1 Amend the amendment, S—3771, to House File 299, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 1, line 1, through page 12,
 5 line 4 and inserting the following:

6 "Amend House File 299, as amended, passed, and
 7 reprinted by the House, as follows:

8 _____. By striking everything after the enacting
 9 clause and inserting the following:

10 "Section 1. Section 730.5, Code 1997, is amended
 11 by striking the section and inserting in lieu thereof
 12 the following:

13 730.5 DRUG-FREE WORKPLACES.

14 1. DEFINITIONS. As used in this section, unless
 15 the context otherwise requires:

16 a. "Alcohol" means ethanol, isopropanol, or
 17 methanol.

18 b. "Drug" means a substance considered unlawful

19 under the federal Controlled Substances Act, 21 U.S.C.

20 § 801 et seq.

21 c. "Employee" means a person in the service of an
22 employer.

23 d. "Employer" means a person which has one or more
24 employees employed in the same business, or in or
25 about the same establishment, in this state.

26 e. "Good faith" means reasonable reliance on
27 facts.

28 f. "Medical review officer" means a physician
29 licensed to practice medicine and surgery or
30 osteopathic medicine and surgery in any state of the
31 United States, responsible for receiving laboratory
32 results generated by an employer's drug testing
33 program, who is independent from the employer and is
34 agreed upon by representatives of the employer and the
35 employees, and who has knowledge of substance abuse
36 disorders and has appropriate medical training to
37 interpret and evaluate an individual's confirmed
38 positive test result together with the individual's
39 medical history and any other relevant biomedical
40 information.

41 g. "Prospective employee" means a person who has
42 made application, whether written or oral, to an
43 employer to become an employee and who has received a
44 bona fide offer of employment from the employer.

45 h. "Reasonable suspicion drug or alcohol testing"
46 means drug or alcohol testing based upon evidence
47 which would cause a reasonable person to conclude that
48 an employee is using or has used alcohol or other
49 drugs and which use impairs the employee's performance
50 while on the job in violation of the employer's

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1. written policy. For purposes of this paragraph,
2 evidence may include, but is not limited to, any of
3 the following:

4 (1) Observable phenomena while at work such as
5 direct observation of alcohol or other drug use or
6 abuse or of the physical symptoms or manifestations of
7 being impaired due to alcohol or other drug use.

8 (2) Abnormal conduct or erratic behavior while at
9 work or a significant deterioration in work
10 performance.

11 (3) A report of alcohol or other drug use while at
12 work provided by a reliable and credible source.

13 (4) Evidence that an individual has tampered with
14 their own drug or alcohol test during the individual's
15 employment with the current employer.

16 (5) Evidence that an employee has caused an
17 accident while at work which resulted in a personal

18 injury which required medical treatment away from the
19 workplace or damage to property, including equipment,
20 in an amount reasonably estimated to exceed one
21 thousand dollars at the time of the accident.

22 (6) Evidence that an employee has possessed or
23 used drugs while working or while on the employer's
24 premises or while operating the employer's vehicle,
25 machinery, or equipment.

26 i. "Sample" means such sample of blood or urine
27 from the human body capable of revealing the presence
28 of alcohol or other drugs, or their metabolites.

29 2. TESTING AS CONDITION OF EMPLOYMENT --

30 REQUIREMENTS. To the extent provided in subsection 6,
31 an employer may test employees and prospective
32 employees for the presence of drugs or alcohol as a
33 condition of continued employment or hiring. An
34 employer shall adhere to the requirements of this
35 section concerning the conduct of such testing and the
36 use and disposition of the results of such testing.

37 3. COLLECTION OF SAMPLES. In conducting drug or
38 alcohol testing, an employer may require the
39 collection of samples from its employees and
40 prospective employees, and may require presentation of
41 reliable individual identification from the person
42 being tested to the person collecting the samples.

43 Collection of a sample shall be in conformance with
44 the requirements of this section. If the employer
45 requests that a urine sample be provided in conducting
46 drug or alcohol testing under this section, the
47 employer shall provide the employee or prospective
48 employee with an opportunity to have a blood sample
49 drawn instead of providing a urine sample.

50 4. SCHEDULING OF TESTS.

Page 3

1 a. Drug or alcohol testing of employees conducted
2 by an employer shall normally occur during, or
3 immediately before or after, a regular work period.
4 The time required for such testing by an employer
5 shall be deemed work time for the purposes of
6 compensation and benefits for employees.

7 b. An employer shall pay all actual costs for drug
8 or alcohol testing of employees and prospective
9 employees required by the employer.

10 c. An employer shall provide transportation or pay
11 reasonable transportation costs to employees for all
12 drug or alcohol testing under this section.

13 5. TESTING PROCEDURES. All sample collection and
14 testing for drugs or alcohol under this section shall
15 be performed in accordance with the following
16 conditions:

17 a. The collection of samples shall be performed
18 under sanitary conditions and with regard for the
19 privacy of the individual from whom the specimen is
20 being obtained and in a manner reasonably calculated
21 to preclude contamination or substitution of the
22 specimen.

23 b. Sample collection for testing of current
24 employees shall be performed so that the specimen is
25 split into two components at the time of collection in
26 the presence of the individual from whom the sample or
27 specimen is collected. The second portion of the
28 specimen or sample shall be of sufficient quantity to
29 permit a second, independent confirmatory test as
30 provided in paragraph "f". If the specimen is urine,
31 the sample shall be split such that the primary sample
32 contains at least thirty milliliters and the secondary
33 sample contains at least fifteen milliliters. Both
34 portions of the sample shall be forwarded to the
35 laboratory conducting the initial confirmatory
36 testing. In addition to any requirements for storage
37 of the initial sample that may be imposed upon the
38 laboratory as a condition for certification of
39 approval, the laboratory shall store the second
40 portion of any sample until receipt of a confirmed
41 negative test result or for a period of at least
42 forty-five calendar days following the completion of
43 the initial confirmatory testing, if the first portion
44 yielded a confirmed positive test result.

45 c. Sample collections shall be documented, and the
46 procedure for documentation shall include the
47 following:

48 (1) Samples shall be labeled so as to reasonably
49 preclude the possibility of misidentification of the
50 person tested in relation to the test result provided,

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1 and samples shall be handled and tracked in a manner
2 such that control and accountability are maintained
3 from initial collection to each stage in handling,
4 testing, and storage, through final disposition.

5 (2) An employee or prospective employee shall be
6 provided an opportunity to provide any information
7 which may be considered relevant to the test,
8 including identification of prescription or
9 nonprescription drugs currently or recently used, or
10 other relevant medical information. Information
11 provided by the employee or prospective employee shall
12 not be disclosed to the employer but shall be
13 delivered to the facility conducting confirmatory
14 testing. To assist an employee or prospective
15 employee in providing the information described in

16 this subparagraph, the employer shall provide an
17 employee or prospective employee with a list of the
18 drugs to be tested.

19 d. Sample collection, storage, and transportation
20 to the place of testing shall be performed so as to
21 reasonably preclude the possibility of sample
22 contamination, adulteration, or misidentification.

23 e. All drug testing, including both initial and
24 confirmatory testing, shall be conducted at a
25 laboratory certified by the United States department
26 of health and human services' substance abuse and
27 mental health services administration or approved
28 under rules adopted by the Iowa department of public
29 health.

30 f. Drug or alcohol testing shall include
31 confirmation of any initial positive test results.
32 For drug testing, confirmation shall be by use of a
33 different chemical process than was used in the
34 initial drug screen. The confirmatory drug test shall
35 be a chromatographic technique such as gas
36 chromatography or mass spectrometry, or another
37 comparably reliable analytical method.

38 g. A medical review officer shall, prior to the
39 results being reported to an employer and the employee
40 or prospective employee tested, review and interpret
41 any confirmed positive test results, including both
42 quantitative and qualitative test results, to ensure
43 that the chain of custody is complete and sufficient
44 on its face and that any information provided by the
45 individual pursuant to paragraph "c", subparagraph
46 (2), is considered.

47 h. In conducting drug or alcohol testing pursuant
48 to this section, the employer shall ensure that the
49 testing only measure, and the records concerning the
50 testing only show or make use of information

Page 5

1 regarding, alcohol or drugs in the body.

2 i. If a positive drug or alcohol test for an
3 employee or prospective employee is confirmed by the
4 medical review officer, the medical review officer
5 shall notify the employee or prospective employee in
6 writing of the results of the test, the employee's or
7 prospective employee's right to request and obtain a
8 confirmatory test of the second sample collected
9 pursuant to paragraph "b" at an approved laboratory of
10 the employee's or prospective employee's choice, and,
11 the fee established by the employer's written policy
12 to be payable by the employee or prospective employee
13 to the medical review officer for reimbursement of
14 expenses concerning the test. The fee charged an

15 employee or prospective employee shall be an amount,
16 not in excess of one hundred dollars, that represents
17 the costs associated with conducting the second
18 confirmatory test, which shall be consistent with the
19 employer's cost for conducting the initial
20 confirmatory test on an employee's or prospective
21 employee's sample. If the employee or prospective
22 employee requests a second confirmatory test,
23 identifies an approved laboratory to conduct the test,
24 and pays the medical review officer the fee for the
25 test within fifteen days from the date the employee or
26 prospective employee receives written notice of the
27 right to request a test, a second confirmatory test
28 shall be conducted at the laboratory chosen by the
29 employee or prospective employee. The results of the
30 second confirmatory test shall be reported to the
31 medical review officer who reviewed the initial
32 confirmatory test results and the medical review
33 officer shall review the results and issue a report to
34 the employer and the employee or prospective employee
35 tested that the results of the drug or alcohol test
36 were confirmed as positive if the results of the
37 second confirmatory test confirmed the initial
38 confirmatory test as to the presence of a specific
39 drug or alcohol. If the results of the second test do
40 not confirm the results of the initial confirmatory
41 test, the medical review officer shall report to the
42 employer that the result of the drug or alcohol test
43 is negative and not a confirmed positive test result
44 for purposes of this section.

45 j. A report of the results of a drug or alcohol
46 test issued to an employer and the individual tested
47 shall only indicate, as to an employee or prospective
48 employee, whether the test results were positive or
49 negative, pursuant to the review and interpretation of
50 a medical review officer as provided in this

Page 6.

1 subsection. An inconclusive test result shall be
2 reported as a negative test result. If the test
3 results are positive, the report shall only indicate
4 whether drugs or alcohol were present, which drugs
5 were present if applicable, information concerning the
6 amount of alcohol present, and a statement from the
7 medical review officer that any information provided
8 by the employee or prospective employee fails to
9 explain the results.

10 6. DRUG OR ALCOHOL TESTING. Employers may conduct
11 drug or alcohol testing as provided in this
12 subsection:

13 a. Employers may conduct drug or alcohol testing

14 of employees for up to two years after completion of
15 drug or alcohol rehabilitation.

16 b. Employers may conduct reasonable suspicion drug
17 or alcohol testing.

18 c. Employers may conduct drug or alcohol testing
19 of prospective employees.

20 d. Employers may conduct drug or alcohol testing
21 as required by federal law or regulation.

22 e. Employers may conduct drug or alcohol testing
23 in investigating accidents in the workplace which
24 result in a personal injury which requires medical
25 treatment away from the workplace or damage to
26 property, including equipment, in an amount reasonably
27 estimated to exceed one thousand dollars at the time
28 of the accident.

29 f. Employers shall conduct a drug or alcohol test
30 on an employee if the employee requests, in writing,
31 that a drug or alcohol test be conducted pursuant to
32 this paragraph on the employee and the employee
33 provides the employer with evidence concerning the
34 employee which would be sufficient for an employer to
35 conduct reasonable suspicion drug or alcohol testing.

36 **7. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.**

37 a. Prior to conducting drug or alcohol testing
38 under this section, an employer shall establish,
39 following consultation with representatives of
40 employees, a written policy consistent with the
41 requirements of this section governing such testing.
42 The employer shall comply with this section and the
43 requirements of the written policy to conduct drug or
44 alcohol testing of employees and prospective employees
45 and shall provide the written policy to every employee
46 subject to testing and shall make the policy available
47 for review by employees and prospective employees.

48 b. Employers shall establish an awareness program
49 to inform employees of the dangers of drug and alcohol
50 use in the workplace and comply with the following

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1 requirements in order to conduct drug or alcohol
2 testing under this section:

3 (1) If an employer has an employee assistance
4 program, the employer must inform the employee of the
5 benefits and services of the employee assistance
6 program. An employer shall post notice of the
7 employee assistance program in conspicuous places and
8 explore alternative routine and reinforcing means of
9 publicizing such services. In addition, the employer
10 must provide the employee with notice of the policies
11 and procedures regarding access to and utilization of
12 the program.

13 (2) If an employer does not have an employee
14 assistance program, the employer must maintain a
15 resource file of employee assistance services
16 providers, alcohol and other drug abuse programs
17 certified by the Iowa department of public health,
18 mental health providers, and other persons, entities,
19 or organizations available to assist employees with
20 personal or behavioral problems. The employer shall
21 provide all employees information about the existence
22 of the resource file and a summary of the information
23 contained within the resource file. The summary
24 should contain, but need not be limited to, all
25 information necessary to access the services listed in
26 the resource file. In addition, the employer shall
27 post in conspicuous places a listing of multiple
28 employee assistance providers in the area.

29 c. An employee or prospective employee whose drug
30 or alcohol test results are confirmed as positive in
31 accordance with this section shall not, by virtue of
32 those results alone, be considered as a person with a
33 disability for purposes of any state or local law or
34 regulation.

35 d. If the written policy provides for alcohol
36 testing, the employer shall establish in the written
37 policy a standard for alcohol concentration which
38 shall be deemed to violate the policy. The standard
39 for alcohol concentration shall not be less than .04,
40 expressed in terms of grams of alcohol per two hundred
41 ten liters of breath, or its equivalent.

42 e. In order to conduct drug or alcohol testing
43 under this section, an employer shall require all
44 supervisory personnel of the employer to attend a
45 minimum of two hours of initial training and to
46 attend, on an annual basis thereafter, a minimum of
47 one hour of subsequent training. The training shall
48 be based upon standards adopted by the Iowa department
49 of public health and shall include, but is not limited
50 to, information concerning the recognition of evidence

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1 of employee alcohol and other drug abuse, the
2 documentation and corroboration of employee alcohol
3 and other drug abuse, and the referral of employees
4 who abuse alcohol or other drugs to the employee
5 assistance program or to the resource file of employee
6 assistance services providers. For purposes of this
7 paragraph, "supervisory personnel" means persons
8 having authority, in the interest of the employer, to
9 hire, transfer, suspend, lay off, recall, promote,
10 discharge, assign, reward, or discipline other
11 employees, or responsibly to direct them, or to adjust

12 their grievances, or effectively to recommend such
13 action, if in connection with the foregoing the
14 exercise of such authority is not of a merely routine
15 or clerical nature, but requires the use of
16 independent judgment.

17 f. If an employee is under eighteen years of age,
18 in order to conduct drug or alcohol testing under this
19 section, the employer shall, prior to conducting a
20 test, notify the employee's parent or grandparent that
21 a test shall be conducted and the basis for the test.
22 For purposes of this paragraph, "parent" means one
23 parent or a legal guardian or custodian of the
24 employee.

25 8. DISCIPLINARY PROCEDURES.

26 a. Upon receipt for an employee of the first
27 confirmed positive drug or alcohol test result, the
28 employer shall provide the employee with a substance
29 abuse evaluation, and treatment if recommended by the
30 evaluation, with costs apportioned as provided under
31 the employee benefit plan or at employer expense, if
32 an employee benefit plan is not in effect which
33 apportions costs. The employer shall take no
34 disciplinary action against the employee upon receipt
35 of the first confirmed positive drug or alcohol test
36 result if the employee undergoes a substance abuse
37 evaluation, and if the employee successfully completes
38 substance abuse treatment if treatment is recommended
39 by the evaluation. However, if an employee fails to
40 undergo substance abuse evaluation when required as a
41 result of a drug or alcohol test, or fails to
42 successfully complete substance abuse treatment when
43 recommended by an evaluation, the employee may be
44 disciplined as provided in paragraph "b". The
45 substance abuse evaluation and treatment provided by
46 the employer shall take place under a program approved
47 by the department of public health or accredited by
48 the joint commission on the accreditation of health
49 care organizations.

50 b. Upon receipt for an employee of a second

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1 confirmed positive drug or alcohol test result or upon
2 receipt for a prospective employee of a confirmed
3 positive drug or alcohol test result, upon the failure
4 of an employee to comply with the requirements of
5 paragraph "a", or upon the refusal of an employee or
6 prospective employee to provide a testing sample, an
7 employer may use that test result or test refusal as a
8 valid basis for disciplinary or rehabilitative actions
9 consistent with the employer's written policy, which
10 may include, among other actions, the following:

11 (1) A requirement that the employee enroll in an
12 employer-provided or approved rehabilitation,
13 treatment, or counseling program, which may include
14 additional drug or alcohol testing, participation in
15 and successful completion of which may be a condition
16 of continued employment, and the costs of which may or
17 may not be covered by the employer's health plan or
18 policies.

19 (2) Suspension of the employee, with or without
20 pay, for a designated period of time.

21 (3) Termination of employment.

22 (4) Refusal to hire a prospective employee.

23 (5) Other adverse employment action in conformance
24 with the employer's written policy and procedures,
25 including any relevant collective bargaining agreement
26 provisions.

27 9. EMPLOYER IMMUNITY. A cause of action shall not
28 arise against an employer who has established a
29 written policy in accordance with this section and has
30 complied with the requirements of the written policy
31 and this section for testing or taking action based on
32 the results of a confirmed positive drug or alcohol
33 test result, indicating the presence of drugs or
34 alcohol, in good faith, or the refusal of an employee
35 or prospective employee to submit to a drug or alcohol
36 test.

37 10. RELEASE OF INFORMATION -- CONFIDENTIALITY --
38 EXCEPTIONS.

39 a. Except as provided in paragraph "b", all
40 communications received by an employer relevant to
41 employee or prospective employee drug or alcohol test
42 results, or otherwise received through the employer's
43 drug or alcohol testing program, are confidential
44 communications and shall not be used or received in
45 evidence, obtained in discovery, or disclosed in any
46 public or private proceeding, except as provided by
47 this section or in a proceeding related to an action
48 taken by an employer under this section or by an
49 employee under this section.

50 b. An employee, or a prospective employee, who is

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1 the subject of a drug or alcohol test conducted under
2 this section pursuant to an employer's written policy
3 and for whom a confirmed positive test result is
4 reported shall receive, at the same time the report is
5 issued to the employer, a copy of the report issued to
6 the employer and shall receive any records relating to
7 the employee's drug or alcohol test, including records
8 of the laboratory where the testing was conducted and
9 any records relating to the results of any relevant

10 certification or review by a medical review officer.

11 11. CIVIL REMEDIES. This section may be enforced
12 through a civil action.

13 a. A person who violates this section or who aids
14 in the violation of this section, is liable to an
15 aggrieved employee or prospective employee for
16 affirmative relief including reinstatement or hiring,
17 with or without back pay, or any other equitable
18 relief as the court deems appropriate including
19 attorney fees and court costs.

20 b. When a person commits, is committing, or
21 proposes to commit, an act in violation of this
22 section, an injunction may be granted through an
23 action in district court to prohibit the person from
24 continuing such acts. The action for injunctive
25 relief may be brought by an aggrieved employee or
26 prospective employee, the county attorney, or the
27 attorney general.

28 In an action brought under this subsection alleging
29 that an employer has required or requested a drug or
30 alcohol test in violation of this section, the
31 employer has the burden of proving that the
32 requirements of this section were met.

33 12. OFFENSES. Samples collected, information
34 provided by an employee or prospective employee
35 pursuant to subsection 5, paragraph "c", subparagraph
36 (2), and the results of drug or alcohol testing shall
37 be used solely for the purpose of conducting drug or
38 alcohol testing pursuant to this section and shall not
39 be sold, transferred, or disseminated, to any person
40 for any purpose not expressly authorized by this
41 section. A person who violates this subsection
42 commits a simple misdemeanor and, notwithstanding
43 section 903.1, if a monetary fine is imposed, the fine
44 shall be one hundred dollars. Each violation of this
45 subsection constitutes a separate offense.

46 13. REPORTS.

47 a. An employer who conducts a drug test pursuant
48 to this section shall, for each fiscal year beginning
49 on or after July 1, 1998, file an annual report with
50 the division of labor services of the department of

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1 workforce development, on forms provided by the
2 division, documenting the number of accidents,
3 including the number of personal injuries and the
4 dollar loss for property damage arising out of the
5 accidents, caused by the use of drugs or alcohol by
6 employees and documenting separately for each category
7 of test described in subsection 6 the following
8 information:

- 9 (1) The number of drug or alcohol tests conducted
10 in each category.
- 11 (2) The results of drug or alcohol tests conducted
12 in each category.
- 13 b. The division of labor services of the
14 department of workforce development shall compile the
15 information submitted by employers pursuant to this
16 subsection and shall submit an annual report to the
17 general assembly on this information.
- 18 Sec. 2. EFFECTIVE DATE. This Act takes effect on
19 January 1, 1998.”

TOM VILSACK

S—3857

- 1 Amend the amendment, S—3771, to House File 299, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. By striking page 1, line 1, through page 12,
5 line 4 and inserting the following:
- 6 “Amend House File 299, as amended, passed, and
7 reprinted by the House, as follows:
- 8 ____ By striking everything after the enacting
9 clause and inserting the following:
- 10 “Section 1. Section 15A.1, subsection 3, Code
11 1997, is amended by adding the following new
12 paragraph:
- 13 NEW PARAGRAPH. c. The business has established a
14 written policy to conduct drug or alcohol testing
15 pursuant to section 730.5.
- 16 Sec. 2. Section 730.5, Code 1997, is amended by
17 striking the section and inserting in lieu thereof the
18 following:
- 19 730.5 DRUG-FREE WORKPLACES.
- 20 1. DEFINITIONS. As used in this section, unless
21 the context otherwise requires:
- 22 a. “Alcohol” means ethanol, isopropanol, or
23 methanol.
- 24 b. “Drug” means a substance considered unlawful
25 under the federal Controlled Substances Act, 21 U.S.C.
26 § 801 et seq.
- 27 c. “Employee” means a person in the service of an
28 employer.
- 29 d. “Employer” means a person which has one or more
30 employees employed in the same business, or in or
31 about the same establishment, in this state.
- 32 e. “Good faith” means reasonable reliance on
33 facts.
- 34 f. “Medical review officer” means a physician
35 licensed to practice medicine and surgery or
36 osteopathic medicine and surgery in any state of the

37 United States, responsible for receiving laboratory
38 results generated by an employer's drug testing
39 program, who is independent from the employer and is
40 agreed upon by representatives of the employer and the
41 employees, and who has knowledge of substance abuse
42 disorders and has appropriate medical training to
43 interpret and evaluate an individual's confirmed
44 positive test result together with the individual's
45 medical history and any other relevant biomedical
46 information.
47 g. "Prospective employee" means a person who has
48 made application, whether written or oral, to an
49 employer to become an employee and who has received a
50 bona fide offer of employment from the employer.

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1 h. "Reasonable suspicion drug or alcohol testing"
2 means drug or alcohol testing based upon evidence
3 which would cause a reasonable person to conclude that
4 an employee is using or has used alcohol or other
5 drugs and which use impairs the employee's performance
6 while on the job in violation of the employer's
7 written policy. For purposes of this paragraph,
8 evidence may include, but is not limited to, any of
9 the following:

10 (1) Observable phenomena while at work such as
11 direct observation of alcohol or other drug use or
12 abuse or of the physical symptoms or manifestations of
13 being impaired due to alcohol or other drug use.

14 (2) Abnormal conduct or erratic behavior while at
15 work or a significant deterioration in work
16 performance.

17 (3) A report of alcohol or other drug use while at
18 work provided by a reliable and credible source.

19 (4) Evidence that an individual has tampered with
20 their own drug or alcohol test during the individual's
21 employment with the current employer.

22 (5) Evidence that an employee has caused an
23 accident while at work which resulted in a personal
24 injury which required medical treatment away from the
25 workplace or damage to property, including equipment,
26 in an amount reasonably estimated to exceed one
27 thousand dollars at the time of the accident.

28 (6) Evidence that an employee has possessed or
29 used drugs while working or while on the employer's
30 premises or while operating the employer's vehicle,
31 machinery, or equipment.

32 i. "Sample" means such sample of blood or urine
33 from the human body capable of revealing the presence
34 of alcohol or other drugs, or their metabolites.

35 2. TESTING AS CONDITION OF EMPLOYMENT --

36 REQUIREMENTS. To the extent provided in subsection 6,
37 an employer may test employees and prospective
38 employees for the presence of drugs or alcohol as a
39 condition of continued employment or hiring. An
40 employer shall adhere to the requirements of this
41 section concerning the conduct of such testing and the
42 use and disposition of the results of such testing.
43 3. COLLECTION OF SAMPLES. In conducting drug or
44 alcohol testing, an employer may require the
45 collection of samples from its employees and
46 prospective employees, and may require presentation of
47 reliable individual identification from the person
48 being tested to the person collecting the samples.
49 Collection of a sample shall be in conformance with
50 the requirements of this section. If the employer

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1 requests that a urine sample be provided in conducting
2 drug or alcohol testing under this section, the
3 employer shall provide the employee or prospective
4 employee with an opportunity to have a blood sample
5 drawn instead of providing a urine sample.

6 4. SCHEDULING OF TESTS.

7 a. Drug or alcohol testing of employees conducted
8 by an employer shall normally occur during, or
9 immediately before or after, a regular work period.
10 The time required for such testing by an employer
11 shall be deemed work time for the purposes of
12 compensation and benefits for employees.

13 b. An employer shall pay all actual costs for drug
14 or alcohol testing of employees and prospective
15 employees required by the employer.

16 c. An employer shall provide transportation or pay
17 reasonable transportation costs to employees for all
18 drug or alcohol testing under this section.

19 5. TESTING PROCEDURES. All sample collection and
20 testing for drugs or alcohol under this section shall
21 be performed in accordance with the following
22 conditions:

23 a. The collection of samples shall be performed
24 under sanitary conditions and with regard for the
25 privacy of the individual from whom the specimen is
26 being obtained and in a manner reasonably calculated
27 to preclude contamination or substitution of the
28 specimen.

29 b. Sample collection for testing of current
30 employees shall be performed so that the specimen is
31 split into two components at the time of collection in
32 the presence of the individual from whom the sample or
33 specimen is collected. The second portion of the
34 specimen or sample shall be of sufficient quantity to

35 permit a second, independent confirmatory test as
36 provided in paragraph "i". If the specimen is urine,
37 the sample shall be split such that the primary sample
38 contains at least thirty milliliters and the secondary
39 sample contains at least fifteen milliliters. Both
40 portions of the sample shall be forwarded to the
41 laboratory conducting the initial confirmatory
42 testing. In addition to any requirements for storage
43 of the initial sample that may be imposed upon the
44 laboratory as a condition for certification of
45 approval, the laboratory shall store the second
46 portion of any sample until receipt of a confirmed
47 negative test result or for a period of at least
48 forty-five calendar days following the completion of
49 the initial confirmatory testing, if the first portion
50 yielded a confirmed positive test result.

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- 1 c. Sample collections shall be documented, and the
2 procedure for documentation shall include the
3 following:
 - 4 (1) Samples shall be labeled so as to reasonably
5 preclude the possibility of misidentification of the
6 person tested in relation to the test result provided,
7 and samples shall be handled and tracked in a manner
8 such that control and accountability are maintained
9 from initial collection to each stage in handling,
10 testing, and storage, through final disposition.
 - 11 (2) An employee or prospective employee shall be
12 provided an opportunity to provide any information
13 which may be considered relevant to the test,
14 including identification of prescription or
15 nonprescription drugs currently or recently used, or
16 other relevant medical information. Information
17 provided by the employee or prospective employee shall
18 not be disclosed to the employer but shall be
19 delivered to the facility conducting confirmatory
20 testing. To assist an employee or prospective
21 employee in providing the information described in
22 this subparagraph, the employer shall provide an
23 employee or prospective employee with a list of the
24 drugs to be tested.
- 25 d. Sample collection, storage, and transportation
26 to the place of testing shall be performed so as to
27 reasonably preclude the possibility of sample
28 contamination, adulteration, or misidentification.
- 29 e. All drug testing, including both initial and
30 confirmatory testing, shall be conducted at a
31 laboratory certified by the United States department
32 of health and human services' substance abuse and
33 mental health services administration or approved

34 under rules adopted by the Iowa department of public
35 health.

36 f. Drug or alcohol testing shall include
37 confirmation of any initial positive test results.
38 For drug testing, confirmation shall be by use of a
39 different chemical process than was used in the
40 initial drug screen. The confirmatory drug test shall
41 be a chromatographic technique such as gas
42 chromatography or mass spectrometry, or another
43 comparably reliable analytical method.

44 g. A medical review officer shall, prior to the
45 results being reported to an employer and the employee
46 or prospective employee tested, review and interpret
47 any confirmed positive test results, including both
48 quantitative and qualitative test results, to ensure
49 that the chain of custody is complete and sufficient
50 on its face and that any information provided by the

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1 individual pursuant to paragraph "c", subparagraph
2 (2), is considered.

3 h. In conducting drug or alcohol testing pursuant
4 to this section, the employer shall ensure that the
5 testing only measure, and the records concerning the
6 testing only show or make use of information
7 regarding, alcohol or drugs in the body.

8 i. If a positive drug or alcohol test for an
9 employee or prospective employee is confirmed by the
10 medical review officer, the medical review officer
11 shall notify the employee or prospective employee in
12 writing of the results of the test, the employee's or
13 prospective employee's right to request and obtain a
14 confirmatory test of the second sample collected
15 pursuant to paragraph "b" at an approved laboratory of
16 the employee's or prospective employee's choice, and
17 the fee established by the employer's written policy
18 to be payable by the employee or prospective employee
19 to the medical review officer for reimbursement of
20 expenses concerning the test. The fee charged an
21 employee or prospective employee shall be an amount,
22 not in excess of one hundred dollars, that represents
23 the costs associated with conducting the second
24 confirmatory test, which shall be consistent with the
25 employer's cost for conducting the initial
26 confirmatory test on an employee's or prospective
27 employee's sample. If the employee or prospective
28 employee requests a second confirmatory test,
29 identifies an approved laboratory to conduct the test,
30 and pays the medical review officer the fee for the
31 test within fifteen days from the date the employee or
32 prospective employee receives written notice of the

33 right to request a test, a second confirmatory test
34 shall be conducted at the laboratory chosen by the
35 employee or prospective employee. The results of the
36 second confirmatory test shall be reported to the
37 medical review officer who reviewed the initial
38 confirmatory test results and the medical review
39 officer shall review the results and issue a report to
40 the employer and the employee or prospective employee
41 tested that the results of the drug or alcohol test
42 were confirmed as positive if the results of the
43 second confirmatory test confirmed the initial
44 confirmatory test as to the presence of a specific
45 drug or alcohol. If the results of the second test do
46 not confirm the results of the initial confirmatory
47 test, the medical review officer shall report to the
48 employer that the result of the drug or alcohol test
49 is negative and not a confirmed positive test result
50 for purposes of this section.

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1 j. A report of the results of a drug or alcohol
2 test issued to an employer and the individual tested
3 shall only indicate, as to an employee or prospective
4 employee, whether the test results were positive or
5 negative, pursuant to the review and interpretation of
6 a medical review officer as provided in this
7 subsection. An inconclusive test result shall be
8 reported as a negative test result. If the test
9 results are positive, the report shall only indicate
10 whether drugs or alcohol were present, which drugs
11 were present if applicable, information concerning the
12 amount of alcohol present, and a statement from the
13 medical review officer that any information provided
14 by the employee or prospective employee fails to
15 explain the results.

16 6. DRUG OR ALCOHOL TESTING. Employers may conduct
17 drug or alcohol testing as provided in this
18 subsection:

19 a. Employers may conduct drug or alcohol testing
20 of employees for up to two years after completion of
21 drug or alcohol rehabilitation.

22 b. Employers may conduct reasonable suspicion drug
23 or alcohol testing.

24 c. Employers may conduct drug or alcohol testing
25 of prospective employees.

26 d. Employers may conduct drug or alcohol testing
27 as required by federal law or regulation.

28 e. Employers may conduct drug or alcohol testing
29 in investigating accidents in the workplace which
30 result in a personal injury which requires medical
31 treatment away from the workplace or damage to

32 property, including equipment, in an amount reasonably
33 estimated to exceed one thousand dollars at the time
34 of the accident.

35 7. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

36 a. Prior to conducting drug or alcohol testing
37 under this section, an employer shall establish,
38 following consultation with representatives of
39 employees, a written policy consistent with the
40 requirements of this section governing such testing.
41 The employer shall comply with this section and the
42 requirements of the written policy to conduct drug or
43 alcohol testing of employees and prospective employees
44 and shall provide the written policy to every employee
45 subject to testing and shall make the policy available
46 for review by employees and prospective employees.

47 b. Employers shall establish an awareness program
48 to inform employees of the dangers of drug and alcohol
49 use in the workplace and comply with the following
50 requirements in order to conduct drug or alcohol

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1 testing under this section:

2 (1) If an employer has an employee assistance
3 program, the employer must inform the employee of the
4 benefits and services of the employee assistance
5 program. An employer shall post notice of the
6 employee assistance program in conspicuous places and
7 explore alternative routine and reinforcing means of
8 publicizing such services. In addition, the employer
9 must provide the employee with notice of the policies
10 and procedures regarding access to and utilization of
11 the program.

12 (2) If an employer does not have an employee
13 assistance program, the employer must maintain a
14 resource file of employee assistance services
15 providers, alcohol and other drug abuse programs
16 certified by the Iowa department of public health,
17 mental health providers, and other persons, entities,
18 or organizations available to assist employees with
19 personal or behavioral problems. The employer shall
20 provide all employees information about the existence
21 of the resource file and a summary of the information
22 contained within the resource file. The summary
23 should contain, but need not be limited to, all
24 information necessary to access the services listed in
25 the resource file. In addition, the employer shall
26 post in conspicuous places a listing of multiple
27 employee assistance providers in the area.

28 c. An employee or prospective employee whose drug
29 or alcohol test results are confirmed as positive in
30 accordance with this section shall not, by virtue of

31 those results alone, be considered as a person with a
32 disability for purposes of any state or local law or
33 regulation.

34 d. If the written policy provides for alcohol
35 testing, the employer shall establish in the written
36 policy a standard for alcohol concentration which
37 shall be deemed to violate the policy. The standard
38 for alcohol concentration shall not be less than .04,
39 expressed in terms of grams of alcohol per two hundred
40 ten liters of breath, or its equivalent.

41 e. In order to conduct drug or alcohol testing
42 under this section, an employer shall require all
43 supervisory personnel of the employer to attend a
44 minimum of two hours of initial training and to
45 attend, on an annual basis thereafter, a minimum of
46 one hour of subsequent training. The training shall
47 be based upon standards adopted by the Iowa department
48 of public health and shall include, but is not limited
49 to, information concerning the recognition of evidence
50 of employee alcohol and other drug abuse, the

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1 documentation and corroboration of employee alcohol
2 and other drug abuse, and the referral of employees
3 who abuse alcohol or other drugs to the employee
4 assistance program or to the resource file of employee
5 assistance services providers. For purposes of this
6 paragraph, "supervisory personnel" means persons
7 having authority, in the interest of the employer, to
8 hire, transfer, suspend, lay off, recall, promote,
9 discharge, assign, reward, or discipline other
10 employees, or responsibly to direct them, or to adjust
11 their grievances, or effectively to recommend such
12 action, if in connection with the foregoing the
13 exercise of such authority is not of a merely routine
14 or clerical nature, but requires the use of
15 independent judgment.

16 f. If an employee is under eighteen years of age,
17 in order to conduct drug or alcohol testing under this
18 section, the employer shall, prior to conducting a
19 test, notify the employee's parent or grandparent that
20 a test shall be conducted and the basis for the test.
21 For purposes of this paragraph, "parent" means one
22 parent or a legal guardian or custodian of the
23 employee.

24 8. DISCIPLINARY PROCEDURES.

25 a. Upon receipt for an employee of the first
26 confirmed positive drug or alcohol test result, the
27 employer shall provide the employee with a substance
28 abuse evaluation, and treatment if recommended by the
29 evaluation, with costs apportioned as provided under

30 the employee benefit plan or at employer expense, if
31 an employee benefit plan is not in effect which
32 apports costs. The employer shall take no
33 disciplinary action against the employee upon receipt
34 of the first confirmed positive drug or alcohol test
35 result if the employee undergoes a substance abuse
36 evaluation, and if the employee successfully completes
37 substance abuse treatment if treatment is recommended
38 by the evaluation. However, if an employee fails to
39 undergo substance abuse evaluation when required as a
40 result of a drug or alcohol test, or fails to
41 successfully complete substance abuse treatment when
42 recommended by an evaluation, the employee may be
43 disciplined as provided in paragraph "b". The
44 substance abuse evaluation and treatment provided by
45 the employer shall take place under a program approved
46 by the department of public health or accredited by
47 the joint commission on the accreditation of health
48 care organizations.

49 b. Upon receipt for an employee of a second
50 confirmed positive drug or alcohol test result or upon

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1 receipt for a prospective employee of a confirmed
2 positive drug or alcohol test result, upon the failure
3 of an employee to comply with the requirements of
4 paragraph "a", or upon the refusal of an employee or
5 prospective employee to provide a testing sample, an
6 employer may use that test result or test refusal as a
7 valid basis for disciplinary or rehabilitative actions
8 consistent with the employer's written policy, which
9 may include, among other actions, the following:

10 (1) A requirement that the employee enroll in an
11 employer-provided or approved rehabilitation,
12 treatment, or counseling program, which may include
13 additional drug or alcohol testing, participation in
14 and successful completion of which may be a condition
15 of continued employment, and the costs of which may or
16 may not be covered by the employer's health plan or
17 policies.

18 (2) Suspension of the employee, with or without
19 pay, for a designated period of time.

20 (3) Termination of employment.

21 (4) Refusal to hire a prospective employee.

22 (5) Other adverse employment action in conformance
23 with the employer's written policy and procedures,
24 including any relevant collective bargaining agreement
25 provisions.

26 9. EMPLOYER IMMUNITY. A cause of action shall not
27 arise against an employer who has established a
28 written policy in accordance with this section and has

29 complied with the requirements of the written policy
30 and this section for testing or taking action based on
31 the results of a confirmed positive drug or alcohol
32 test result, indicating the presence of drugs or
33 alcohol, in good faith, or the refusal of an employee
34 or prospective employee to submit to a drug or alcohol
35 test.

36 10. RELEASE OF INFORMATION -- CONFIDENTIALITY --
37 EXCEPTIONS.

38 a. Except as provided in paragraph "b", all
39 communications received by an employer relevant to
40 employee or prospective employee drug or alcohol test
41 results, or otherwise received through the employer's
42 drug or alcohol testing program, are confidential
43 communications and shall not be used or received in
44 evidence, obtained in discovery, or disclosed in any
45 public or private proceeding, except as provided by
46 this section or in a proceeding related to an action
47 taken by an employer under this section or by an
48 employee under this section.

49 b. An employee, or a prospective employee, who is
50 the subject of a drug or alcohol test conducted under

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1 this section pursuant to an employer's written policy
2 and for whom a confirmed positive test result is
3 reported shall receive, at the same time the report is
4 issued to the employer, a copy of the report issued to
5 the employer and shall receive any records relating to
6 the employee's drug or alcohol test, including records
7 of the laboratory where the testing was conducted and
8 any records relating to the results of any relevant
9 certification or review by a medical review officer.

10 11. CIVIL REMEDIES. This section may be enforced
11 through a civil action.

12 a. A person who violates this section or who aids
13 in the violation of this section, is liable to an
14 aggrieved employee or prospective employee for
15 affirmative relief including reinstatement or hiring,
16 with or without back pay, or any other equitable
17 relief as the court deems appropriate including
18 attorney fees and court costs.

19 b. When a person commits, is committing, or
20 proposes to commit, an act in violation of this
21 section, an injunction may be granted through an
22 action in district court to prohibit the person from
23 continuing such acts. The action for injunctive
24 relief may be brought by an aggrieved employee or
25 prospective employee, the county attorney, or the
26 attorney general.

27 In an action brought under this subsection alleging
28 that an employer has required or requested a drug or

29 alcohol test in violation of this section, the
 30 employer has the burden of proving that the
 31 requirements of this section were met.
 32 12. OFFENSES. Samples collected, information
 33 provided by an employee or prospective employee
 34 pursuant to subsection 5, paragraph "c", subparagraph
 35 (2), and the results of drug or alcohol testing shall
 36 be used solely for the purpose of conducting drug or
 37 alcohol testing pursuant to this section and shall not
 38 be sold, transferred, or disseminated, to any person
 39 for any purpose not expressly authorized by this
 40 section. A person who violates this subsection
 41 commits a simple misdemeanor and, notwithstanding
 42 section 903.1, if a monetary fine is imposed, the fine
 43 shall be one hundred dollars. Each violation of this
 44 subsection constitutes a separate offense.

45 13. REPORTS.

46 a. An employer who conducts a drug test pursuant
 47 to this section shall, for each fiscal year beginning
 48 on or after July 1, 1998, file an annual report with
 49 the division of labor services of the department of
 50 workforce development, on forms provided by the

Page 11

1 division, documenting the number of accidents,
 2 including the number of personal injuries and the
 3 dollar loss for property damage arising out of the
 4 accidents, caused by the use of drugs or alcohol by
 5 employees and documenting separately for each category
 6 of test described in subsection 6 the following
 7 information:

8 (1) The number of drug or alcohol tests conducted
 9 in each category.

10 (2) The results of drug or alcohol tests conducted
 11 in each category.

12 b. The division of labor services of the
 13 department of workforce development shall compile the
 14 information submitted by employers pursuant to this
 15 subsection and shall submit an annual report to the
 16 general assembly on this information.

17 Sec. 3. EFFECTIVE DATE. This Act takes effect on
 18 January 1, 1998."

TOM VILSACK

HOUSE AMENDMENT TO
 SENATE FILE 542

S-3858

1 Amend Senate File 542, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 2 through 20.
 4 2. Page 2, line 9, by striking the figure
 5 "2,500,000" and inserting the following: "2,000,000".
 6 3. Page 2, line 22, by striking the figure
 7 "2,500,000" and inserting the following: "3,000,000".
 8 4. Page 7, by striking lines 11 through 14.
 9 5. Page 7, line 21, by striking the figure
 10 "300,000" and inserting the following: "200,000".
 11 Notwithstanding section 144C.8, subsection 1, the
 12 implementation of phase I of the system may be delayed
 13 until July 1, 1998. The funds appropriated in this
 14 subsection shall be distributed to the system for the
 15 collection of data necessary to implement section
 16 144C.8, subsection 1, and the data collected shall be
 17 verified for accuracy. It is the intent of the
 18 general assembly that no additional appropriation will
 19 be made for purposes of the community health
 20 management information system.
 21 _____. To the department of human services for
 22 administration of a telemedicine services pilot
 23 project under the medical assistance program:
 24\$ 60,000
 25 The department shall utilize the moneys
 26 appropriated in this subsection for administration of
 27 a telemedicine pilot project and for medical
 28 assistance payment for teleconsultive services to
 29 eligible providers who are participating in a
 30 federally funded telemedicine program. The department
 31 shall evaluate the pilot project and report on savings
 32 realized through the use of teleconsultive services
 33 under the medical assistance program. The department
 34 shall adopt emergency rules under section 17A.4,
 35 subsection 2, and section 17A.5, subsection 2,
 36 paragraph "b", to implement the provisions of this
 37 subsection and the rules shall become effective
 38 immediately upon filing unless the effective date is
 39 delayed by the administrative rules review committee,
 40 notwithstanding section 17A.4, subsection 5, and
 41 section 17A.8, subsection 9, or a later date is
 42 specified in the rules. Any rules adopted in
 43 accordance with this subsection shall not take effect
 44 before the rules are reviewed by the administrative
 45 rules review committee. Any rules adopted in
 46 accordance with this section shall also be published
 47 as a notice of intended action as provided in section
 48 17A.4.
 49 _____. To the Iowa department of public health for
 50 implementation of the provisions of 1997 Iowa Acts,

Page 2

1 Senate File 128:
 2\$ 40,000

3 ____ To the department of human services to be
 4 used for implementation of child support enforcement
 5 changes necessitated by federal welfare reform
 6 legislation, provided that none of the moneys shall be
 7 used to fill new full-time equivalent positions:
 8\$ 300,000"

9 6. Page 7, by striking lines 22 through 30.
 10 7. Page 8, by inserting after line 2 the
 11 following:
 12 "____. To the department of natural resources for
 13 allocation to the United States department of
 14 agriculture, animal and plant health inspection
 15 service, to be used for animal damage control in this
 16 state:
 17\$ 50,000"

18 8. Page 8, by inserting before line 3 the
 19 following:
 20 "____. To the department of education to develop an
 21 initiative to improve access to education through
 22 distance learning in postsecondary institutions:
 23\$ 50,000"

24 9. Page 8, by inserting after line 7 the
 25 following:
 26 "Sec. ____ FISCAL YEAR 1997-1998 LOTTERY TRANSFER.
 27 Notwithstanding the requirement in section 99E.10,
 28 subsection 1, to transfer lottery revenue remaining
 29 after expenses are deducted, notwithstanding the
 30 requirement under section 99E.20, subsection 2, for
 31 the commissioner to certify and transfer a portion of
 32 the lottery fund to the CLEAN fund, and
 33 notwithstanding the appropriations and allocations in
 34 section 99E.34, all lottery revenues received during
 35 the fiscal year beginning July 1, 1997, and ending
 36 June 30, 1998, after deductions as provided in section
 37 99E.10, subsection 1, and as appropriated under any
 38 Act of the Seventy-seventh General Assembly, 1997
 39 Session, shall not be transferred to and deposited
 40 into the CLEAN fund but shall be transferred and
 41 credited to the general fund of the state."

42 10. Page 8, by striking lines 8 through 21.
 43 11. Page 10, by inserting after line 10 the
 44 following:

"DIVISION

45 Sec. ____ VALUE-ADDED PRODUCTION ASSISTANCE.

46 1. It is the intent of the general assembly to
 47 support the creation of an ag-initiative 2000
 48 subaccount in the community economic betterment
 49 program account as provided in and for the purposes
 50

1 stated in the Senate amendment, H-1975, to House File
 2 731. As evidence of this support, the general

3 assembly directs the department of economic
 4 development to use resources under existing financial
 5 assistance programs to support the organization of
 6 innovative ownership and management entities involving
 7 valued-added agricultural processes. The department
 8 shall explore all capital assistance opportunities and
 9 may consider proposals from and negotiate with
 10 potential entities.

11 2. The legislative council shall create a four-
 12 member task force consisting of one senator of each
 13 party and one representative of each party designated
 14 by their respective leadership which shall assist the
 15 department of economic development and the office of
 16 the governor in any negotiations.

17 3. Proposals developed in conjunction with the
 18 department, the governor, and the task force for
 19 providing capital incentives or capital assistance
 20 presently not available shall be presented to the
 21 general assembly for its approval.

22 4. The department of economic development shall
 23 report to the task force and the office of the
 24 governor on its activities pursuant to this section."

25 12. Page 10, by inserting after line 10 the
 26 following:

27 "DIVISION

28 Sec. ____ Section 279.51, subsection 1, unnumbered
 29 paragraph 1, Code 1997, is amended to read as follows:

30 There is appropriated from the general fund of the
 31 state to the department of education for the fiscal
 32 year beginning July 1, ~~1996~~ 1997, and each succeeding
 33 fiscal year, the sum of ~~fourteen~~ fifteen million ~~five~~
 34 one hundred twenty ~~seventy~~ thousand dollars.

35 Sec. ____ Section 279.51, subsection 1, paragraph
 36 b, Code 1997, is amended to read as follows:

37 b. For the fiscal year beginning July 1, ~~1996~~
 38 1997, and for each succeeding fiscal year, ~~seven~~ eight
 39 million ~~six~~ three hundred seventy ~~twenty~~ thousand
 40 dollars of the funds appropriated shall be allocated
 41 to the child development coordinating council
 42 established in chapter 256A for the purposes set out
 43 in subsection 2 of this section and section 256A.3.

44 DIVISION

45 Sec. ____ NEW SECTION. 12C.26 TOBACCO SETTLEMENT
 46 FUND.

47 A tobacco settlement fund is created in the office
 48 of the treasurer of state. After payment of
 49 litigation costs, the state portion of any moneys paid
 50 to the state by tobacco companies in settlement of the

3 tobacco settlement fund. Moneys deposited in the fund
4 shall be used only as provided in appropriations from
5 the fund to the department of human services for the
6 medical assistance program and to the Iowa department
7 of public health for programs to reduce smoking by
8 teenage youth. For purposes of this section,
9 "litigation costs" are those costs itemized by the
10 attorney general and submitted to and approved by the
11 general assembly.

12 Sec. ____ 1997 Iowa Acts, House File 715, section
13 9, subsection 3, unnumbered paragraph 1, if enacted,
14 is amended to read as follows:

15 For the purposes of this subsection, the term
16 "poverty level" means the poverty level defined by the
17 poverty income guidelines published by the United
18 States department of health and human services.
19 Effective October July 1, 1997, the department shall
20 increase to 125 percent the maximum federal poverty
21 level used to determine eligibility for state child
22 care assistance. Based upon the availability of the
23 funding provided in subsection 2 the department shall
24 establish waiting lists for state child care
25 assistance in descending order of prioritization as
26 follows:

27 Sec. ____ 1997 Iowa Acts, Senate File 131, section
28 1, amending section 239.14, if enacted, is repealed.

29 Sec. ____ 1997 Iowa Acts, Senate File 131, section
30 2, amending section 239.17, if enacted, is repealed.

31 DIVISION

32 Sec. ____ BUDGETING FOR RESULTS.

33 1. For the purposes of this section, unless the
34 context otherwise requires, the term "budgeting for
35 results" for a department or establishment as defined
36 in chapter 8 means the budgeting process which
37 includes steps for identifying and measuring desired
38 results by use of results-oriented performance
39 measures. Under budgeting for results the performance
40 measures are developed by a department or
41 establishment in collaboration with the department of
42 management and the legislative fiscal bureau for a
43 program administered by the department or
44 establishment.

45 2. If a new program commences on or after July 1,
46 1997, under a department or establishment or the
47 source of funding for a program administered by a
48 department or establishment is changed by law from the
49 source of funding used in the previous fiscal year,
50 the program may be included in budgeting for results

3 3. It is the intent of the general assembly to
4 consider requiring that all programs administered by
5 departments and establishments will be included in
6 budgeting for results.

7 4. The departments and establishments utilizing
8 budgeting for results, shall collect data as
9 determined by the department of management in
10 collaboration with the legislative fiscal bureau, for
11 use in evaluating the programs included in budgeting
12 for results. The data shall measure the effectiveness
13 of a program in achieving the stated desired results.
14 Analysis of the data and evaluations of the
15 effectiveness of a program in achieving the desired
16 results shall be submitted by the departments and
17 establishments to the governor and general assembly
18 for use in making budgetary and policy decisions.

19 DIVISION ____

20 Sec. ____ NEW SECTION. 692.2A CRIMINAL HISTORY
21 DATA CHECK PREPAYMENT FUND.

22 1. A criminal history data check prepayment fund
23 is created in the state treasury under the control of
24 the department for the purpose of allowing any nonlaw
25 enforcement agency or person to deposit moneys as an
26 advance on fees required to conduct criminal history
27 data checks as provided in section 692.2.

28 2. The department shall adopt rules governing the
29 fund, including the crediting of deposits made to the
30 fund. Prepaid fees deposited in the fund are
31 appropriated to the department for use as provided in
32 section 692.2.

33 3. Interest or earnings on moneys deposited in the
34 fund shall not be credited to the fund or to the
35 agency or person who deposited the money but shall be
36 deposited in the general fund of the state as provided
37 in section 12C.7. Notwithstanding section 8.33, moneys
38 remaining in the criminal history data check
39 prepayment fund at the end of a fiscal year shall not
40 revert to the general fund of the state.

41 Sec. ____ DIRECTOR OF DEPARTMENT OF COMMERCE.
42 Notwithstanding section 546.2, subsection 2, the
43 governor may reappoint the commissioner of insurance
44 to be the director of the department of commerce for a
45 second year beginning July 1, 1997.

46 Sec. ____ 1996 Iowa Acts, chapter 1218, section
47 10, unnumbered paragraph 3, is amended to read as
48 follows:

49 Of the appropriation in this section, \$50,000 shall
50 be used for costs associated with the renovation and

3 department of education to match this appropriation
4 from the citizens and the school children of Iowa as
5 occurred when the monument was initially built.

6 Sec. ___. HOUSE FILE 453 -- EFFECTIVE DATE. 1997
7 Iowa Acts, House File 453, if enacted, being deemed of
8 immediate importance, takes effect upon enactment of
9 this Act.

10 Sec. 100. FEDERAL WELFARE REFORM COMPLIANCE --
11 CHILD SUPPORT ENFORCEMENT. For the fiscal year
12 beginning July 1, 1996, and ending June 30, 1997,
13 after \$36,370,000 of child support revenue has been
14 collected by the department of human services and
15 deposited in the family investment program account
16 established in section 239B.11, notwithstanding
17 section 8.33, not more than \$1,000,000 of the
18 remaining child support revenue collected and
19 deposited in the account which remains unobligated or
20 unexpended at the close of the fiscal year ending June
21 30, 1996, shall not revert to the general fund of the
22 state, but shall remain available and is appropriated
23 to the department for use in the succeeding fiscal
24 year for the purpose of implementing child support
25 enforcement changes necessitated by federal welfare
26 reform legislation.

27 Sec. ___. EFFECTIVE DATE. Section 100 of this
28 division of this Act, relating to federal welfare
29 reform compliance, being deemed of immediate
30 importance, takes effect upon enactment.

31 DIVISION ___"

32 13. Title page, line 1, by inserting before the
33 word "appropriations" the following: "and other".

34 14. Title page, by striking lines 2 and 3, and
35 inserting the following: "fiscal year beginning July
36 1, 1996, and subsequent fiscal years, reestablishing a
37 domestic abuse services income tax checkoff, including
38 retroactive applicability provisions, and providing
39 effective dates."

40 15. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.



**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

Filed During The

SEVENTY-SEVENTH GENERAL ASSEMBLY

1997 Regular Session

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 391

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 391, 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 of the state, road use tax fund, and primary road fund, providing for the nonreversion of certain moneys, establishing a toll-free road and weather reporting system, eliminating the motor vehicle use tax as the funding source for the value-added agricultural products and processes financial assistance program and the renewable fuels and coproducts fund, and providing for the designation of access Iowa highways, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1701.
2. That the House amendment, S-3453, to Senate File 391, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"___ Page 8, by inserting after line 21 the following:

"Sec. ___ 1996 Iowa Acts, chapter 1218, section 51, subsection 3, is amended by striking the subsection and inserting in lieu thereof the following:

3. PRESENTATIONS AND REPEAL. The state transportation commission shall make a presentation to the joint appropriations subcommittee on transportation, infrastructure, and capitals not later than February 1, 1998, regarding the effect that complying with subsection 2 will have on the commission's compliance with section 313.2A. The department of economic development shall also make a presentation to the joint appropriations subcommittee on transportation, infrastructure, and capitals, not later than February 1, 1998, regarding the economic development impact of implementing subsection 2.

This section is repealed effective July 1, 2000."

On the Part of the Senate:

RICHARD F. DRAKE, Chairperson
MIKE CONNOLLY
MARY LOU FREEMAN
ROD HALVORSON
STEVE KING

On the Part of the House:

BARRY BRAUNS, Chairperson
HENRY RAYHONS
STEVEN WARNSTADT

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 529

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 529, a bill for An Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1897.

2. That the House amendment, S-3527, to Senate File 529, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 6.

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

"___, Page 9, by inserting after line 2 the following:

"Sec. ___. NONREVERSION. Notwithstanding section 8.33, unobligated moneys remaining on June 30, 1997, from moneys appropriated to the department of general services in 1996 Iowa Acts, chapter 1219, section 44, shall not revert to the general fund of the state but shall be available for expenditure for the following fiscal year for the purposes for which appropriated."

3. Page 1, by striking lines 23 and 24 and inserting the following: "from winning tickets back on the equipment. However, such lottery equipment may be leased or purchased if the credits from winning tickets are printed out on a receipt".

4. Page 1, by striking lines 26 through 31.

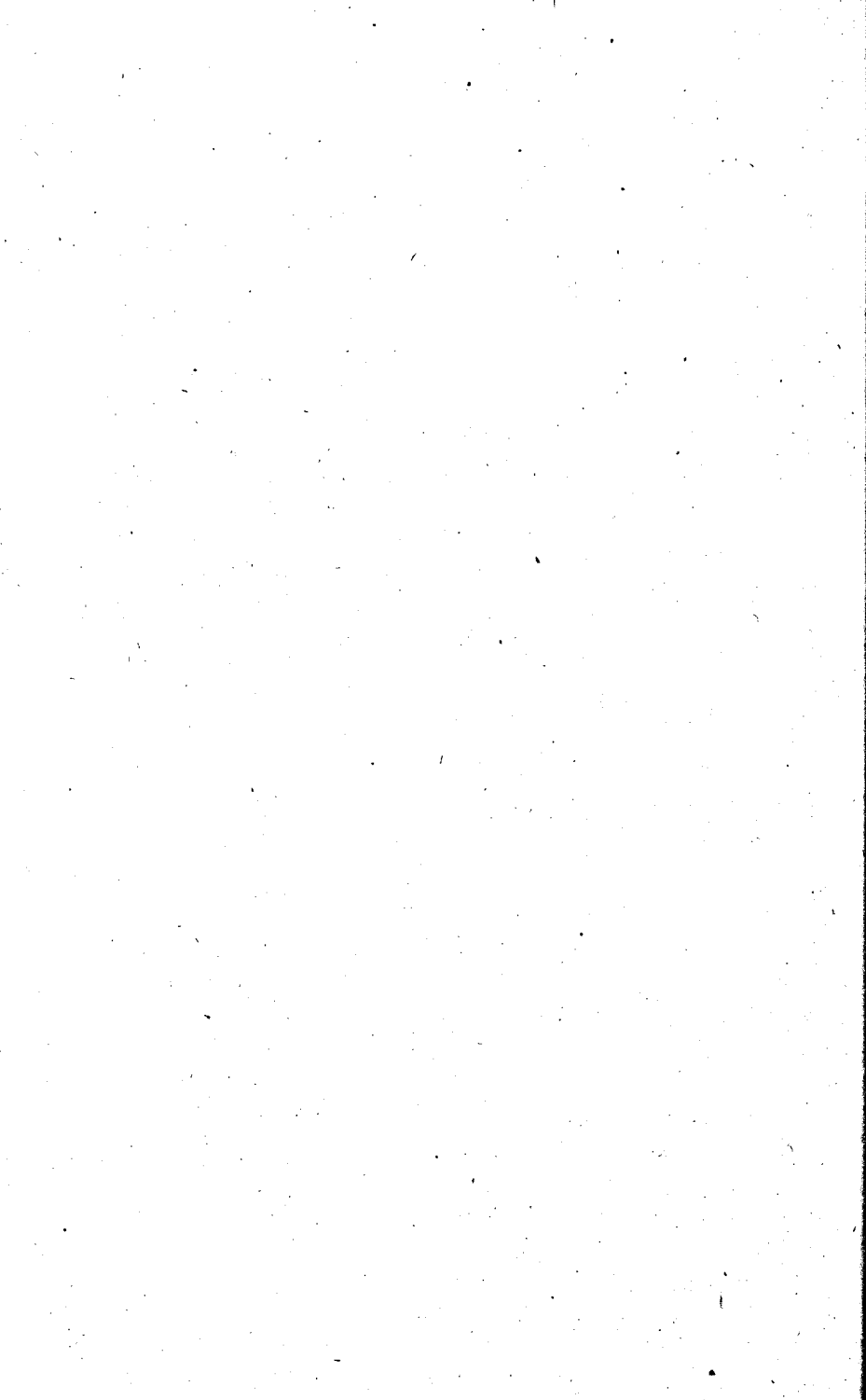
5. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

MARY LUNDBY, Chairperson
MERLIN E. BARTZ
JAMES BLACK

On the Part of the House:

BOB BRUNKHORST, Chairperson
DANNY HOLMES
RALPH KLEMME



**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
previously printed during the**

SEVENTY-SEVENTH GENERAL ASSEMBLY

1997 Regular Session

1 SENATE RESOLUTION NO. 1

2 by: committee on Rules and Administration
 3 A senate resolution relating to permanent rules of the
 4 senate for the seventy-seventh general assembly.

5 BE IT RESOLVED BY THE SENATE, That the permanent
 6 rules of the senate for the ~~seventy-sixth~~ seventy-
 7 seventh general assembly be as follows:

8 RULES OF THE SENATE

9 Rule 1

10 Quorum

11 A constitutional majority shall constitute a quorum
 12 of the senate. Any senator may insist a quorum be
 13 present.

14 Rule 2

15 Adoption and Amendment of Rules

16 Whenever the senate is operating under temporary
 17 rules, the rules may be amended or repealed, or
 18 permanent rules may be adopted, by a constitutional
 19 majority of the senators. After adoption of permanent
 20 rules of the senate during any general assembly, the
 21 rules may be amended or repealed by a constitutional
 22 majority of the senators voting on a simple
 23 resolution.

24 Rule 3

25 Rules of Parliamentary Procedure

26 In cases not covered by senate rules or joint
 27 rules, Mason's Manual of Legislative Procedure shall
 28 govern.

29 Rule 4

30 Sessions of the General Assembly

Page 2

1 The election of officers, organization, hiring and
 2 compensation of employees, and committees of the
 3 senate shall carry over from the first to the second
 4 regular sessions and to any extraordinary sessions of
 5 the same general assembly.

6 All bills and resolutions introduced in the first
 7 regular session of a general assembly which are not
 8 withdrawn, lost, or indefinitely postponed shall carry
 9 over into the second regular session and to any
 10 extraordinary session of the same general assembly.

11 Appointments received from the governor for senate
 12 confirmation during any session of a general assembly
 13 shall be acted upon prior to adjournment of that
 14 session as provided by section 2.32 of the Code.

15 Except as provided by this rule, upon the adjournment
 16 of the first regular session and any extraordinary
 17 session, each bill or resolution shall be
 18 automatically referred back to the committee to which
 19 it was originally assigned. The secretary of the

20 senate shall publish in the Journal a list of the
 21 bills returned to committee under this rule. Within
 22 seven days after the first committee meeting after the
 23 convening of the second regular session, committees
 24 shall either authorize the chair to refer such bills
 25 and resolutions to a subcommittee for consideration,
 26 indefinitely postpone further consideration of such
 27 bills, or report them out to the floor and place them
 28 on the calendar. If the subcommittee is different
 29 than that appointed during the first session, the The
 30 committee chair shall report to the senate the bill or

Page 3

1 resolution number and the names of the subcommittee
 2 members.

3 Bills and resolutions which have been voted upon on
 4 final passage by either house in any session shall
 5 remain on the calendar in the same status as at the
 6 end of the session at any subsequent regular or
 7 extraordinary session.

8 Rule 5

9 Regular Order of Daily Business

10 The following order shall govern, subject to any
 11 special order:

- 12 1. Correction of the journal.
- 13 2. Senators to be excused.
- 14 3. Communications to the Senate.
- 15 4. Introduction of bills and resolutions.
- 16 5. Points of personal privilege.
- 17 6. Consideration of senate calendar.

18 Rule 6

19 Senate Calendar

- 20 1. Each legislative day the secretary of the
 21 senate shall prepare a listing of bills to be known as
 22 the "Senate Calendar".
- 23 2. The senate calendar may contain a listing under
 24 the category "Special Order" which shall be placed at
 25 the head of the calendar. Bills in such category
 26 shall be those which are specifically set for debate
 27 by the majority leader with the consent of the senate
 28 on a certain date and time. Bills shall be listed by
 29 the secretary in the order they are set for debate.
- 30 3. The senate calendar shall include separate

Page 4

1 listings for any bills and resolutions in the
 2 following categories:

- 3 a. Conference Committee Report
- 4 b. Bills in Conference Committee
- 5 c. House Amendment to Senate Amendment to House

6 File

7 d. House Refuses to Concur in Senate Amendment to

8 House File

9 e. Senate Files Amended by the House

10 f. Unfinished Business

11 g. Motions to Reconsider

12 h. Administrative Rules Nullification Resolutions

13 i. Veto Messages from the Governor

14 4. The secretary shall list bills and resolutions

15 in the above categories in the order they are

16 received. Upon their first publication in the

17 calendar, bills and resolutions in the above

18 categories may be called up for debate at any time by

19 the majority leader. Motions to reconsider shall be

20 called up as provided by Rule 24.

21 5. The senate calendar shall include a listing of

22 senate appropriations committee bills and bills

23 reported out by the senate appropriations committee.

24 The list shall be known as the "Appropriations

25 Calendar". The secretary shall list the bills in the

26 order they are received. Upon their first publication

27 in the calendar, bills on the appropriations calendar

28 may be called up for debate at any time by the

29 majority leader provided they are eligible under Rule

30 8.

Page 5

1 6. The senate calendar shall include a listing of

2 bills which pertain to the levy, assessment or

3 collection of taxes sponsored by or initially assigned

4 to and reported out by the senate ways and means

5 committee. The list shall be known as the "Ways and

6 Means Calendar". The secretary shall list the bills

7 in the order they are received. Upon their first

8 publication in the calendar, bills on the ways and

9 means calendar may be called up for debate at any time

10 by the majority leader provided they are eligible

11 under Rule 8.

12 7. The senate calendar shall include a list of

13 bills and resolutions, known as the "Regular

14 Calendar", which shall consist of bills and

15 resolutions reported out by a senate committee. The

16 bills and resolutions reported out each day shall be

17 placed in the order of their file numbers and

18 following those reported out on previous days.

19 Priority shall be given to senate over house bills and

20 resolutions and to joint resolutions over bills. Upon

21 their first publication in the calendar, bills on the

22 regular calendar may be called up for debate at any

23 time by the majority leader, provided they are

24 eligible under Rule 8.

25 A bill reported out of committee which is
26 subsequently referred to the ways and means or
27 appropriations committee and then reported out of that
28 committee, shall be returned to the regular calendar
29 and retain its original place thereon.

30 8. The senate calendar shall include a listing of

Page 6

1 the governor's appointees to state boards,
2 commissions, and other offices requiring senate
3 confirmation. This listing shall be known as the
4 "Confirmation Calendar". Names on the confirmation
5 calendar may be called up for confirmation at any time
6 by the majority leader provided they are eligible
7 under rule 59.

8 9. The majority leader, or in the absence of the
9 majority leader the assistant majority leaders, may
10 select from among the bills on the previous
11 legislative day's Senate calendar and from the bills
12 selected create a new listing which shall be known as
13 the "Debate Calendar". The debate calendar shall list
14 bills as the majority leader expects to take them up
15 during the following week. A bill or resolution on
16 the debate calendar may be debated only when eligible
17 under Rule 8.

18 10. The majority leader, or in the absence of the
19 majority leader the assistant majority leaders, may
20 create a list of bills or resolutions about which no
21 controversy is believed to exist which shall be known
22 as the "Proposed Noncontroversial Calendar". Bills or
23 resolutions included on this listing may be debated at
24 any time upon being called up for debate by the
25 majority leader. Any bill or resolution which
26 appeared on the previous day's Senate calendar may be
27 placed by any senator on the proposed noncontroversial
28 calendar, which shall be published. Any bill or
29 resolution on the proposed noncontroversial calendar
30 shall be stricken from the list if any senator files a

Page 7

1 written objection with the secretary of the senate on
2 the first or second legislative day after it appears
3 on the proposed noncontroversial calendar. Any bill
4 stricken from the proposed noncontroversial calendar
5 shall be returned to its former place on the Senate
6 calendar. The secretary shall prepare the
7 noncontroversial calendar which shall consist of all
8 bills or resolutions on the proposed noncontroversial
9 calendar to which no objection was received.

10 11. If the senate shall not be in session on a day

11 assigned in paragraphs nine and ten for action upon a
12 calendar, such assigned action shall occur on the next
13 succeeding legislative day.

14 12. On any bill called up for debate from any
15 calendar, debate may continue from day to day until it
16 is adopted, fails, or is postponed or deferred. If
17 further debate is postponed or deferred without a time
18 to continue being set, except for bills on the debate
19 calendar, the bill shall be listed as unfinished
20 business. Bills which are returned to the committee
21 of first referral or to a different committee after
22 being considered by the senate and classified as
23 unfinished business shall be returned to the
24 unfinished business calendar by that committee when
25 the bill is reported out of committee. The unfinished
26 business date on the calendar shall be the date on
27 which the bill was returned to committee. Bills on
28 the debate calendar upon which further debate is
29 postponed or deferred without a time to continue being
30 set shall return to the regular calendar.

Page 8

1 Rule 7
2 Steering Committee

3 The senate may authorize the appointment of a
4 steering committee. The majority leader shall appoint
5 the majority party members to the steering committee.
6 The minority leader shall appoint the minority party
7 members to the steering committee. The function of
8 the steering committee shall be to create its own
9 calendar from the bills and resolutions on the regular
10 calendar. Bills and resolutions on the steering
11 committee calendar shall have priority over bills and
12 resolutions on all other calendars, except the
13 appropriations calendar.

14 Rule 8
15 When Eligible for Consideration

16 Bills, resolutions, and appointments shall be
17 eligible for consideration by the senate as follows:
18 1. An appointment by the governor which requires
19 senate confirmation shall be eligible on the
20 legislative day after it is first printed in the
21 senate calendar as provided by Rule 59.
22 2. A house or individually sponsored bill or
23 resolution reported out by a committee shall be
24 eligible on the legislative day after it is first
25 printed in the senate calendar.
26 3. A committee bill or resolution sponsored by the
27 appropriations committee shall be eligible on the
28 legislative day after it is first printed in the

29 senate calendar.

30 4. Any committee bill or resolution, other than a

Page 9

1 bill or resolution sponsored by the appropriations
2 committee, shall be eligible on the third legislative
3 day it is printed in the senate calendar.

4 5. A bill that has been reported out to the senate
5 calendar, referred to a different committee and
6 reported out by that committee is eligible for
7 consideration by the senate on the day it would have
8 been eligible under subsection 2, 3, or 4, whichever
9 is applicable, as if the bill had been printed in the
10 calendar after having been reported out by the first
11 committee.

12 6. Any bill or resolution placed on the steering
13 committee calendar is eligible for consideration on
14 the day of its placement on that calendar.

15 When a bill or resolution on the calendar is not
16 yet eligible, the date when it will become eligible
17 shall be printed in the calendar.

18 Rule 9

19 Debate and Decorum

20 Before addressing the senate, the senator shall
21 request recognition by depressing the "speak" device
22 and, when recognized, rise and respectfully address
23 the chair.

24 The senator shall confine all remarks to the
25 question under debate and shall avoid discussing
26 personalities or implication of improper motives. No
27 questions except by the senator recognized shall be
28 entertained after a senator is recognized to give
29 final remarks.

30 Rule 10

Page 10

1 Point of Personal Privilege

2 A point of personal privilege shall only be
3 recognized when there is no motion pending or other
4 business being considered by the senate. Senators
5 speaking on a point of personal privilege shall be
6 limited to ten minutes.

7 Rule 11

8 Introduction and Presentation of Guests

9 Only former members of the senate and former and
10 present members of Congress shall be presented to the
11 senate, except that the president of the senate may
12 present a visitor whose presence is of special
13 significance to the senate. The presence of school
14 groups accompanied by school officials shall be

15 announced by the president of the senate and shall be
 16 recorded in the journal upon written request of a
 17 member of the senate.

18 **Rule 12**

19 **Form and Withdrawal of Motions, Amendments and Signatures**

20 Motions need not be in writing unless required by
 21 the president or by the senate. No motion requires a
 22 second. Any amendment, motion (including a motion to
 23 reconsider), or resolution may be withdrawn by the
 24 mover if it has not been amended by the senate and if
 25 no amendment is pending. All amendments to bills,
 26 resolutions, and reports shall be in writing and filed
 27 before being acted upon by the senate.

28 No amendment, resolution, bill, or conference
 29 committee report shall be considered by the senate
 30 without a copy of the amendment, resolution, bill, or

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1 conference committee report being on the desks of the
 2 entire membership of the senate prior to
 3 consideration.

4 All amendments, reports, petitions or other
 5 documents requiring a signature shall have the name
 6 typed under the place for the signature. Once a
 7 signature is affixed and the document containing the
 8 signature filed with the recording clerk in the well,
 9 that signature shall not be removed.

10 When an amendment to a main amendment is filed that
 11 would negate the effect of the main amendment and
 12 thereby leave the bill unchanged, the presiding
 13 officer shall have the authority to declare the
 14 amendment to the main amendment out of order, subject
 15 to an appeal to the full senate.

16 When a house amendment to a senate file is before
 17 the senate, an amendment to the house amendment shall
 18 be considered an amendment in the first degree.

19 Regardless of its origin, an amendment in the third
 20 degree shall be ruled out of order.

21 When a ruling on germaneness is issued by the
 22 presiding officer, it shall be accompanied by an
 23 explanation of the ruling.

24 **Rule 13**

25 **Order and Precedence of Motions and Amendments**

26 When a question is under debate, no motion shall be
 27 received but to adjourn, to recess, questions of
 28 privilege, to lay on the table, for the previous
 29 question, to postpone to a day certain, to refer, to
 30 amend, to postpone indefinitely, to defer, or

Page 12

1 incidental motions. A substitute is not in order
 2 unless it is in the form of a motion to substitute.

3 Such motions shall have precedence in the order in
 4 which they are named. No motion to postpone to a day
 5 certain, to refer, or postpone indefinitely, being
 6 decided, shall be again allowed on the same day with
 7 regard to the same question. A motion to strike out
 8 the enacting clause of a bill shall have precedence
 9 over all amendments and, if carried, shall be
 10 considered equivalent to the rejection of the bill.
 11 A motion to strike everything after the enacting
 12 clause has precedence over a committee amendment and
 13 all other amendments except one to strike the enacting
 14 clause. A committee amendment has precedence over all
 15 other amendments except as provided in this rule.
 16 A motion to rerefer a bill to committee may specify
 17 when the committee shall report the bill to the
 18 senate. If the motion is adopted in such form, the
 19 committee must report the bill by the date specified
 20 with or without recommendation or the bill shall
 21 automatically be returned to the calendar. When the
 22 bill is returned to the calendar, it shall occupy the
 23 same position it occupied at the time the bill was
 24 rereferred to the committee. If the committee to
 25 which the bill is rereferred submits an amendment in
 26 its report, that committee amendment shall take
 27 precedence over other amendments except if that
 28 committee amendment is in conflict with amendments
 29 previously adopted, the committee amendment shall not
 30 be considered until consideration of motions to

Page 13

1 reconsider the previously adopted amendments result in
 2 removing the conflict. A committee may not file an
 3 amendment to a bill ~~after the bill has been voted out~~
 4 of that committee unless the bill is in the
 5 committee's possession.

6 Rule 14

7 MOTIONS BEFORE THE SENATE

8 Motions before the senate shall be displayed on the
 9 electronic voting system display boards.

10 Rule 15

11 Nondebatable Motions

12 The following motions are not debatable:

13 Adjourn

14 Recess

15 Call of the Senate

16 Lay on Table or Take from Table

17 Previous Question

18 Reconsider vote by which bill was placed on last reading.

19 A Motion to Reconsider and Lay the Motion to Reconsider
 20 on the Table (Double-barreled Motion).

21 Rule 16

22 Division of the Question
 23 Any senator may call for a division of a question,
 24 which shall be divided if it includes propositions so
 25 distinct that if one is taken away, a substantive
 26 proposition shall remain in a technically proper form
 27 for the decision of the senate. A motion to strike
 28 out and insert is indivisible; but a motion to strike
 29 out, if lost, shall not preclude amendments to the
 30 matter attempted to be stricken or a motion to strike

Page 14

1 out and insert.

2

Rule 17

3

The Previous Question

4 The previous question shall be in this form:
 5 "Shall debate be closed on the pending question?" A
 6 motion for the previous question may be adopted by a
 7 majority of the senators present and voting. Its
 8 effect shall be to put an end to debate and bring the
 9 senate to a direct vote upon the pending question.
 10 However, any senator who has not previously spoken on
 11 the pending question and who, after the main question
 12 is taken up and before the motion for the previous
 13 question has been made, requested recognition by
 14 depressing the "speak" device may speak no longer than
 15 five minutes on the pending question. If action on
 16 the pending question continues into another
 17 legislative day or is deferred, the previous question
 18 shall apply and the request to be recognized shall be
 19 honored.

20 When an amendment is proposed to an amendment, the
 21 senator proposing the amendment shall have five
 22 minutes to close debate on the amendment.

23 The senator handling the measure under
 24 consideration shall have ten minutes to close debate
 25 on the main question.

26

Rule 18

27

Call of the Senate

28 Ten senators may file in writing a call of the
 29 senate on any single item of legislative business. A
 30 call of the senate requires the presence of every

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1 senator and is in order at any time prior to the vote
 2 being announced by the president. The sergeant-at-
 3 arms shall return promptly all absent senators.
 4 Debate on the item may continue while absent senators
 5 are returning, but no vote on the item is in order on
 6 it until all have returned. Adoption of a motion to
 7 recess or adjourn to a specific time will not lift the

8 call. The call may be lifted, or a senator may be
9 excused from the call without lifting the call, by a
10 vote of a constitutional majority of the senators.
11 Those senators excused prior to the filing of the call
12 are excused from the call.

13 Rule 19

14 Committee of the Whole

15 The senate may resolve itself into a committee of
16 the whole senate when it wishes to permit more free
17 and informal discussion. Persons other than senators
18 may appear and present information.

19 Any senator may move "that the senate now resolve
20 itself into a committee of the whole to consider" a
21 stated subject.

22 The president of the senate shall be chair of the
23 committee of the whole unless otherwise ordered by the
24 senate.

25 The procedure in committee of the whole is subject
26 to the rules of the senate. The previous question and
27 the motion to reconsider shall be in order.

28 The committee of the whole cannot take any final
29 action and its power is limited to recommendation to
30 the senate. The proceedings of the committee of the

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1 whole, including any roll call vote, shall be printed
2 in the journal.

3 Any senator may at any time, except while voting or
4 while a senator has the floor, move that "the
5 committee rise" which is equivalent to a motion to
6 adjourn.

7 After adoption of the motion to rise, the chair may
8 report to the senate in the same manner as other
9 committee reports are given.

10 Rule 20

11 Last Reading and Passage of Bills

12 When a motion to place a bill on its last reading
13 is lost, the same motion shall be in order at any
14 later time. After the last reading of a bill, no
15 amendment shall be received. The vote on final
16 passage shall be taken immediately without debate.

17 Rule 21

18 Engrossment of Bills

19 An engrossment is a proofreading and verification
20 in order to be certain that a bill before the senate
21 is identical with the original bill as introduced with
22 all amendments which have been adopted correctly
23 inserted.

24 In an engrossed bill, all obvious typographical,
25 spelling or other clerical errors are corrected and
26 section or paragraph numbers and internal references

27 are changed as required to conform the original bill
28 to any amendments which have been adopted. All such
29 corrections or changes shall be reported in the
30 journal by the secretary of the senate. The engrossed

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1 bill shall be placed in the bill file with the
2 original bill and amendments.

3 Rule 22

4 Manner of Voting

5 On voice vote, the question shall be distinctly put
6 in this form: "Those in favor of (the question) say
7 "aye"." "Those opposed to (the question) say "no"."
8 A non-record or record roll call vote may be
9 requested by any senator or ordered by the president
10 any time before the results are announced. A non-
11 record roll call shall be requested by asking for a
12 "division". A record roll call shall be requested by
13 asking for a "roll call". Upon request for a non-
14 record or record roll call vote, the president shall
15 announce that such a non-record or record roll call
16 vote has been requested and shall state the question
17 to be put to the senate. The president then shall
18 direct the secretary of the senate to receive the
19 votes.

20 Senators present may cast their votes, either by
21 operating the voting mechanism located at their
22 assigned desk or by signaling the president if they
23 are unable to vote at their assigned desk. The
24 president shall enter the votes of senators signaling
25 their votes.

26 After sufficient time has elapsed for all senators
27 present to record their votes, the president shall
28 direct the secretary of the senate to close the voting
29 system. The president shall still enter the senators'
30 votes at any time prior to directing the secretary of

Page 18

1 the senate to lock the voting system. The president
2 shall then immediately announce the vote.

3 During a non-record or record roll call vote, both
4 individual votes and vote totals shall be indicated
5 openly on the display boards. On non-record roll
6 calls, only vote totals shall be printed in the
7 journal.

8 In the event the electronic voting system is not in
9 operating order, the president shall direct the
10 secretary of the senate to take the non-record or
11 record roll call by calling the names of the senators
12 in alphabetical order.

13 Rule 23
 14 Duty of Voting
 15 Every senator present when a question is put shall
 16 vote "aye", "no" or "present" unless previously
 17 excused by the senate. Upon demand being made by any
 18 senator, the secretary of the senate shall call in
 19 alphabetical order the names of the senators not
 20 voting or voting "present". Those senators called
 21 shall vote "aye" or "no" unless the senator states a
 22 personal interest in the question or concludes that he
 23 or she should not vote under the senate code of
 24 ethics.

25 Rule 24
 26 Reconsideration
 27 When a main motion ~~or main question~~ has been
 28 decided by the senate, any senator having voted on the
 29 prevailing side may move to reconsider the vote on the
 30 same or next legislative day. Motions to reconsider a

Page 19

1 ~~the vote by which on~~ a bill or joint resolution was
 2 ~~adopted on final passage~~ shall be in writing and filed
 3 with the secretary of the senate. A
 4 Notwithstanding any time limitations applicable to
 5 motions to reconsider main motions, a motion to
 6 reconsider ~~the vote on~~ an amendment to a main motion
 7 or main question may be made at any time before final
 8 disposition of the motion to be amended. Such motion
 9 shall be in writing and filed with the secretary of
 10 the senate. A motion to reconsider an amendment to a
 11 main motion ~~or main question~~ shall be taken up for
 12 consideration only prior to the disposition of the
 13 main ~~question~~ motion or upon reconsideration of the
 14 main ~~question~~ motion. A
 15 A constitutional majority by a record roll call is
 16 necessary to reconsider a bill or joint resolution.
 17 During three legislative days from the date the motion
 18 to reconsider a bill or resolution is filed, only the
 19 mover may call it up. Thereafter, any senator may
 20 call up the motion. If a date for adjournment has
 21 been set by resolution of the senate, any senator may
 22 call up a motion to reconsider at any time within
 23 three days prior to the date set for adjournment.
 24 If the motion to reconsider a bill or resolution
 25 prevails, motions to reconsider amendments thereto
 26 shall be in order and shall be disposed of without
 27 delay.
 28 A motion that any action taken by the senate be
 29 reconsidered and the motion to reconsider be laid upon
 30 the table shall be a single and indivisible motion,

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1 known as the double-barreled motion, which, if
 2 carried, shall have the effect of preventing
 3 reconsideration unless a motion to take from the table
 4 prevails. A constitutional majority is necessary for
 5 the double-barreled motion to prevail on a bill or
 6 joint resolution. The double-barreled motion can only
 7 be made from the floor after the vote is announced and
 8 the member who moved the final reading shall have
 9 priority in making it.

10 A motion to reconsider and lay on the table shall
 11 have priority over a motion to reconsider if they are
 12 both filed on the same legislative day.

13 In the event that a motion to reconsider is pending
 14 at the end of the first session or any extraordinary
 15 session of any general assembly, or the general
 16 assembly adjourns sine die, and the motion has not
 17 been voted upon by the senate, it shall be determined
 18 to have failed.

19 Rule 25

20 Suspension of Rules and Taking from Table

21 No standing rule or rules incorporated by reference
 22 under Rule 3 or order of the senate shall be rescinded
 23 or suspended, nor shall any matter, tabled upon
 24 motion, be taken up, except by an affirmative vote of
 25 a constitutional majority of the senate.

26 INTRODUCTION AND FORM OF BILLS

27 Rule 26

28 Time and Method of Introducing Bills and Amendments

29 All bills to be introduced in the senate shall be
 30 typed in proper form by the legislative service bureau

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1 and shall be filed with the recording clerk.
 2 All amendments shall be typed in proper form and
 3 filed with the recording clerk not later than 4:30
 4 p.m., or adjournment, whichever is later, in order to
 5 be listed in the following day's clip sheet.

6 An "impact amendment" is an amendment which
 7 reasonably could have an annual effect of at least one
 8 hundred thousand dollars or a combined total effect
 9 within five years after enactment of five hundred
 10 thousand dollars or more on the aggregate revenues,
 11 expenditures or fiscal liability of the state or its
 12 subdivisions.

13 An impact amendment to a bill which has been on the
 14 special order calendar for at least three full
 15 legislative days prior to its consideration shall not
 16 be taken up by the senate unless:

17 1) a fiscal note is attached, and the amendment is

18 filed at least one legislative day prior to the date
19 set for consideration of the bill; or

20 2) the amendment is an appropriation or other
21 measure where the total effect is stated in dollar
22 amounts.

23 Rule 27

24 Limit on Introduction of Bills

25 No bill or joint resolution, except bills and joint
26 resolutions cosponsored by the majority and minority
27 floor leaders, shall be introduced in the senate after
28 4:00 p.m. on Friday of the seventh sixth week of the
29 first regular session of a general assembly unless a
30 written request for drafting the bill has been filed

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1 with the legislative service bureau before that time.
2 After adjournment of the first regular session, bills
3 may be prefiled at any time before the convening of
4 the second regular session. No bill shall be
5 introduced after 4:00 p.m. on Friday of the second
6 week of the second regular session of a general
7 assembly unless a written request for drafting the
8 bill has been filed with the legislative service
9 bureau before that time. However, standing committees
10 may introduce bills and joint resolutions at any time.
11 A bill which relates to departmental rules sponsored
12 by the administrative rules review committee and
13 approved by a majority of the members of the committee
14 in each house may be introduced at any time and must
15 be referred to a standing committee which must take
16 action on the bill within three weeks. Senate and
17 concurrent resolutions may be introduced at any time.

18 No bill, joint resolution, concurrent resolution or
19 senate resolution shall be introduced at any
20 extraordinary session unless sponsored by a standing
21 committee, the majority and minority floor leaders, or
22 the committee of the whole.

23 Rule 28

24 Introduction, Reading and Form of Bills and Resolutions

25 Every senate bill and resolution shall be
26 introduced by one or more senators or by any standing
27 committee of the senate and shall at once be given its
28 first reading.

29 If the senate is in session when a bill or
30 resolution is introduced, the first reading shall

Page 23

1 consist of reading its file number, the title and
2 sponsor of the bill. If the senate is not in session
3 but a journal is published for the day, the first

4 reading shall consist of a journal entry of the bill's
5 file number, title, sponsor and the notation <Read
6 first time under Rule 28.>

7 Any bill or resolution approved for introduction by
8 a standing committee during an interim period between
9 sessions of one General Assembly shall be introduced
10 without further action by the committee at the next
11 succeeding regular session of the same General
12 Assembly and placed immediately upon the regular
13 calendar.

14 Every bill and resolution referred to committee
15 shall have received two readings before its passage.

16 The subject of every bill shall be expressed in its
17 title.

18 Rule 29

19 Explanations

20 No bill, except appropriation committee bills and
21 simple or concurrent resolutions, shall be introduced -
22 unless a concise and accurate explanation is attached.
23 The chief sponsor or a committee to which the bill has
24 been referred may add a revised explanation at any
25 time before the last reading, and it shall be included
26 in the daily clip sheet.

27 Rule 30

28 Resolutions

29 A "senate resolution" is a resolution acted upon
30 only by the senate which expresses sentiment or is

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1 used for the appointment of special committees within
2 the senate. A senate resolution requires the
3 affirmative vote of a majority of the senators present
4 and voting. A senate resolution shall be filed with
5 the secretary of the senate. A senate resolution
6 shall be printed in the bound journal after its
7 adoption and in the daily journal upon written request
8 to the secretary of the senate by the sponsor of the
9 resolution.

10 Rule 31

11 Nullification Resolutions

12 A nullification resolution may be introduced by a
13 standing committee, the administrative rules review
14 committee, or any member of the senate. A
15 nullification resolution introduced by the
16 administrative rules review committee or a member of
17 the senate shall be referred to the same standing
18 committee it would be referred to if it was a bill.
19 Any nullification resolution may be referred to the
20 administrative rules review committee by a majority
21 vote of the standing committee which introduced it or
22 to which it was referred. The administrative rules

23 review committee may seek an agreement with the
24 affected administrative agency wherein the agency
25 agrees to voluntarily rescind or modify a rule or
26 rules relating to the subject matter of the
27 nullification resolution. An agreement to voluntarily
28 rescind or modify an administrative agency rule shall
29 be in writing and signed by the chief administrative
30 officer of the administrative agency and a majority of

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1 the administrative rules review committee members of
2 each house and shall be placed on file in the offices
3 of the chief clerk of the house, the secretary of the
4 senate and the secretary of state. If an agreement is
5 not reached, or the nullification resolution is not
6 approved by a majority of the administrative rules
7 review committee members of each house, within two
8 weeks of the date the resolution is referred to the
9 committee, the resolution shall be placed on the
10 calendar. If the nullification resolution is approved
11 by the administrative rules review committee it shall
12 be placed on the calendar. A nullification resolution
13 is subject to a motion to withdraw the nullification
14 resolution as provided in rule 42.
15 A nullification resolution is debatable, but cannot
16 be amended on the floor of the senate.

Rule 32

Resolutions, Applicable Rules

18 All rules applicable to bills shall apply to
19 resolutions, except as otherwise provided in the
20 resolutions, except as otherwise provided in the
21 rules.

Rule 33

Study Bills

24 1. A study bill is any matter which a senator
25 wishes to have considered by a standing committee or
26 appropriations subcommittee for introduction as a
27 committee bill or resolution. The term "study bill"
28 includes "proposed bills" provided for in Rule 37 and
29 departmental requests prefiled in the manner specified
30 in section 2.16 of the Code.

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1 2. A study bill shall bear the name of the member
2 who wishes to have the bill considered. A study bill
3 submitted proposed by a state agency shall bear the
4 name of the agency. A committee chair may submit a
5 study bill in the name of that committee.
6 3. Upon first receiving a study bill from a
7 senator, a committee chairperson shall submit three
8 copies to the secretary of the senate. Study bills

9 received in the secretary of the senate's office
 10 before 3:00 p.m. shall be filed, numbered, and
 11 reported in the journal for that day. Study bills
 12 received in the secretary of the senate's office after
 13 3:00 p.m. shall be filed, numbered, and reported in
 14 the journal for the subsequent day. The secretary
 15 shall number such bills in consecutive order. The
 16 secretary shall maintain a record of all study bills
 17 and their assigned number. Committee records shall
 18 refer to study bills by the number assigned by the
 19 secretary.

20 4. The secretary shall file a report in the
 21 journal of each study bill received. The report shall
 22 show the study bill number, its title or subject
 23 matter and the committee which is considering it. If
 24 a study bill is referred to a subcommittee, then the
 25 committee chairperson shall report in the journal the
 26 names of the subcommittee members to which it is
 27 assigned.

28 5. If a committee bill or resolution is introduced
 29 which was not previously the subject of a study bill
 30 in the sponsoring committee, the majority leader may

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1 re-refer the bill back to the committee:

2 6. A study bill not prepared by the legislative
 3 service bureau may be submitted to a standing
 4 committee, but shall not be considered by the full
 5 committee unless reviewed and typed in proper form by
 6 the legislative service bureau.

7 COMMITTEES AND COMMITMENT

8 Rule 34

9 Committee Appointments

10 Committee appointments shall be made by the
 11 majority leader for majority party members, after
 12 consultation with the president, and by the minority
 13 leader for minority party members, after consultation
 14 with the president. No senator shall serve on more
 15 than five standing committees. The majority leader,
 16 after consultation with the president, shall designate
 17 the chairperson and vice-chairperson of each standing
 18 committee. The minority leader, after consultation
 19 with the president, shall designate the ranking member
 20 of each standing committee from the minority
 21 membership of that committee.

22 Rule 35

23 Standing Committees

24 The names of the standing committees of the senate
 25 shall be:

26 Agriculture
 27 Appropriations

- 28 Business and labor relations
- 29 Commerce
- 30 ~~Communications and information policy~~

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- 1 Education
- 2 ~~Environment and energy utilities~~
- 3 Human resources
- 4 Judiciary
- 5 Local government
- 6 Natural resources & Environment
- 7 Rules and administration
- 8 Small business, economic development, and tourism
- 9 State government
- 10 Transportation
- 11 Ways and means

12 Rule 36

13 Committee on Rules and Administration

14 The committee on rules and administration shall
 15 recommend rules and rule changes to the senate, shall
 16 hire senate employees, shall recommend salary scales
 17 for all senate employees, and shall oversee senate
 18 budget and administration matters.

19 The committee on rules and administration will
 20 select, for senate approval, an individual to serve as
 21 secretary of the senate.

22 Upon authorization being given by the committee on
 23 rules and administration, the minority party members
 24 of the committee will select, for senate approval, an
 25 individual to serve as assistant parliamentarian.

26 The committee shall have the following standing
 27 subcommittees:

- 28 1. Joint Rules
- 29 2. Senate Rules
- 30 3. Administrative Services

Page 29

- 1 4. Caucus Services.
- 2 The majority leader shall serve as chair of the
- 3 rules and administration committee and as chair of the
- 4 standing subcommittee on caucus services. The
- 5 president of the senate shall serve as vice-chair of
- 6 the rules and administration committee, and as chair
- 7 of the subcommittee on administrative services.

8 Rule 37

9 Appropriations Committee

10 The appropriations committee shall receive bills
 11 committed to it and shall assign each to one of the
 12 appropriations subcommittees.

13 ~~There shall be ten~~ The appropriations

- 14 subcommittees which shall be named:
- 15 Administration & Regulation
- 16 Agriculture and Natural Resources
- 17 Claims
- 18 Economic Development
- 19 Education
- 20 Health and Human Rights
- 21 Human Services
- 22 Justice System
- 23 Regulation Oversight & Communications
- 24 Transportation and Safety, Infrastructure &
- 25 Capitals
- 26 The appropriations subcommittees shall receive
- 27 bills assigned to them or may originate proposed bills
- 28 within the subcommittee's jurisdiction as defined by
- 29 the appropriations committee for consideration by the
- 30 appropriations committee. Each subcommittee may

Page 30

- 1 submit amendments to bills together with the
- 2 subcommittee's recommended action to the
- 3 appropriations committee.
- 4 If a bill or proposed bill is submitted to the
- 5 appropriations committee by an appropriations
- 6 subcommittee the appropriations committee may:
- 7 1. report the bill or approve the proposed bill
- 8 for introduction by the appropriations committee;
- 9 2. report the bill with any appropriations
- 10 committee-approved amendments incorporated;
- 11 3. draft a new bill for sponsorship by the
- 12 appropriations committee and report it; or
- 13 4. re-refer it together with the appropriations
- 14 committee's objections to the appropriations
- 15 subcommittee from which it was originally referred or
- 16 which originated the draft bill.
- 17 The appropriations committee and subcommittees may
- 18 meet jointly with the appropriations committee of the
- 19 house of representatives.

20 Rule 38

21 First Reading and Commitment

- 22 Upon the first reading of an individual bill or
- 23 resolution, or a house committee bill or resolution,
- 24 the president shall refer the bill or resolution to an
- 25 appropriate standing committee unless otherwise
- 26 ordered by the senate. If the bill or resolution is a
- 27 senate committee bill or resolution, the president
- 28 shall place it on the calendar after its first
- 29 reading. If the subject of the bill or resolution is
- 30 not germane to the title of the committee presenting

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1 it, the president ~~or~~ of the senate may refer it to a
2 committee deemed appropriate.

3 All bills carrying an appropriation for any purpose
4 or involving the expenditure of state funds shall be
5 referred to the committee on appropriations.

6 All bills pertaining to the levy, assessment or
7 collection of taxes or fees shall be referred to the
8 committee on ways and means.

9 Any bill which provides for a new state board,
10 commission, agency or department or makes separate or
11 autonomous an existing state board, commission, agency
12 or department, shall be referred to the committee on
13 state government. This rule shall also apply when
14 such a provision is added to a bill or resolution by
15 amendment adopted by the senate. If the bill or
16 resolution is so referred after being sponsored or
17 reported out by another committee, and if the
18 committee on state government does not report out the
19 bill or resolution within ten legislative days after
20 referral, the bill or resolution shall automatically
21 be restored to the calendar with the same priority it
22 had immediately before referral.

Rule 39

Rules for Standing Committees

23 The following rules shall govern all standing
24 committees of the senate. Any committee may adopt
25 additional rules which are consistent with these
26 rules:

27 1. A majority of the members shall constitute a
28 quorum.

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1 2. The chair of a committee shall refer each bill
2 and resolution to a subcommittee within seven days
3 after the bill or resolution has been referred to the
4 committee. The chair may appoint subcommittees for
5 study of bills and resolutions without calling a
6 meeting of the committee, but the subcommittee must be
7 announced at the next meeting of the committee. No
8 bill or resolution shall be reported out of a
9 committee until the next meeting after the
10 subcommittee is announced, except that the chair of
11 the appropriations committee may make the announcement
12 of the assignment to a subcommittee by placing a
13 notice in the journal. Any bill so assigned by the
14 appropriations committee chair shall be eligible for
15 consideration by the committee upon report of the
16 subcommittee but not sooner than three legislative
17 days following the publication of the announcement in

18 the journal.

19 When a bill or resolution has been assigned to a
20 subcommittee, the chair shall report to the senate the
21 bill or resolution number and the names of the
22 subcommittee members and such reports shall be
23 reported in the journal. Subcommittee assignments
24 shall be reported to the journal daily. Reports filed
25 before 3:00 p.m. shall be printed in the journal for
26 that day; reports filed after 3:00 p.m. shall be
27 printed in the journal for the subsequent day.
28 Where standing subcommittees of any committee have
29 been named, the names of the members and the title of
30 the subcommittee shall be published once and

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1 thereafter publication of assignments may be made by
2 indicating the title of the subcommittee.

3 3. No bill or resolution shall be considered by a
4 committee until it has been referred to a subcommittee
5 and the subcommittee has made its report unless
6 otherwise ordered by a majority of the members.

7 4. The rules adopted by a committee, including
8 subsections 2, 3, 9, 10, 11, and 12 of this rule, may
9 be suspended by an affirmative vote of a majority of
10 the members of the committee.

11 5. The affirmative vote of a majority of the
12 members of a committee is needed to sponsor a
13 committee bill or resolution or to report a bill or
14 resolution out for passage.

15 6. The vote on all bills and resolutions shall be
16 by roll call unless a short-form vote is unanimously
17 agreed to by the committee. A record shall be kept by
18 the secretary.

19 7. No committee, except a conference committee or
20 the steering committee, is authorized to meet when the
21 senate is in session.

22 8. A subcommittee shall not report a bill to the
23 committee unless the bill has been typed into proper
24 form by the legislative service bureau.

25 9. A bill or resolution shall not be voted upon
26 the same day a public hearing called under subsection
27 10 is held on that bill or resolution. ~~The presence~~
28 ~~or participation of a member of the legislature,~~
29 ~~official of the state, state department head, member~~
30 ~~of the press, legislative staff member assigned to the~~

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1 ~~committee, or a person invited by the committee is not~~
2 ~~considered a public hearing.~~

3 10. Public hearings may be called at the

4 discretion of the chair. The chair shall call a
5 public hearing upon the written request of one-half
6 the membership of the committee. The chair shall set
7 the time and place of the public hearing.

8 11. A subcommittee chair must notify the committee
9 chair not later than one legislative day prior to
10 bringing the bill or resolution before the committee.
11 The committee cannot vote on a bill or resolution for
12 at least one full day following the receipt of the
13 subcommittee report by the chairperson.

14 12. A motion proposing action on a bill or
15 resolution that has been defeated by a committee shall
16 not be voted upon again at the same session meeting of
17 the committee.

18 13. Committee meetings shall be open.

19 Rule 40

20 Voting in Committee

21 All committee meetings shall be open at all times.
22 Voting by secret ballot is prohibited. Roll call
23 votes shall be taken in each committee when final
24 action on any bill or resolution is voted, unless a
25 short-form vote is unanimously agreed to by the
26 committee. A roll call vote also shall be taken in
27 each committee at the request of a member upon any
28 amendment or motion. All results shall be entered in
29 the minutes which shall be public records. Records of
30 these votes shall be made available by the chair or

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1 the committee secretary at any time. This rule also
2 applies to the steering committee and appropriations
3 subcommittees.

4 The committee shall not authorize the introduction
5 of a committee bill or resolution until the members
6 have received final copies of the bill or resolution
7 with amendments or changes incorporated, and typed
8 into proper form by the legislative service bureau.
9 The committee may, by unanimous consent, dispense with
10 this requirement when only nonsubstantive amendments
11 or changes are necessary to correct the bill or
12 resolution, or when a study bill or individually
13 sponsored bill is voted out as a committee bill with
14 no change in the text of the bill or the title.

15 The legislative service bureau shall file a report
16 with the committee members detailing the amendments or
17 changes and this report shall become a part of the
18 committee report.

19 Rule 41

20 Announcement of Committee Meetings

21 It shall be in order for the chair of any committee
22 to announce to the senate the time and place of

23 committee meetings. The announcement shall include a
24 proposed agenda for the meeting. The sergeant-at-arms
25 shall post at the rear of the chamber the daily
26 schedule of committee meetings.

27 Rule 42

28 Withdrawal of Bills and Resolutions from Committee

29 The secretary of the senate shall note on each bill
30 and resolution the date of its reference to committee.

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1 No bill or resolution shall be withdrawn from any
2 committee within fifteen legislative days after the
3 bill or resolution has been referred to the committee
4 and thereafter only upon written petition for the
5 withdrawal of such bill or resolution signed by a
6 constitutional majority of the senators, except as
7 provided in Rule 37 38. Only senators may circulate
8 such a petition.

9 Rule 43

10 Committee Reports

11 All committees shall file a report with the
12 secretary of the senate of committee meetings. Such
13 reports shall contain the following information:

- 14 a. The time the meeting convened;
- 15 b. Those senators who were present and absent at
16 the time the meeting convened, as well as the time any
17 senator, who was not present at the time the meeting
18 convened, arrives for the meeting;
- 19 c. The vote on any bill or resolution reported out
20 of the committee for floor action;
- 21 d. The title of the bill;
- 22 e. The file number of the bill or resolution (if
23 known);
- 24 f. Whether the committee recommends that the bill
25 or resolution be passed, amended and passed,
26 indefinitely postponed, or considered without
27 committee recommendation;
- 28 g. An indication of other bills or matters
29 discussed;
- 30 h. Such other matters as the committee chair shall

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- 1 direct; and
- 2 i. The time the meeting adjourned.
- 3 No committee report shall be read, but all
4 committee reports shall be printed by the secretary in
5 the journal. Upon printing, all committee reports
6 shall then stand approved unless the senate directs
7 otherwise.

8 Rule 44

9 Bills or Resolutions Recommended for Indefinite Postponement

10 ~~When a question is postponed indefinitely, it shall~~
 11 ~~not be again acted upon during that session of the~~
 12 ~~general assembly. However, no No senate bill or~~
 13 ~~resolution recommended for indefinite postponement~~
 14 ~~shall be considered in the absence of the chief~~
 15 ~~sponsor or, if a house bill or resolution, in the~~
 16 ~~absence of the senator representing the district in~~
 17 ~~which the sponsor resides. When a question is~~
 18 postponed indefinitely, it shall not be again acted
 19 upon during that session of the general assembly.

20 GENERAL RULES

21 Rule 45

22 Admission to Senate Chamber

23 The persons who shall have access to the senate
 24 chamber, and the times access shall be available, and
 25 the rules governing their activities in the chamber
 26 shall be as prescribed by the rules and administration
 27 committee pursuant to a written policy adopted by the
 28 committee and filed with the secretary of the senate.

29 Rule 45A

30 Smoking Restricted

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1 In addition to a written policy on smoking
 2 restrictions adopted by the committee on rules and
 3 administration, smoking may be prohibited in room R15A
 4 by the committee or subcommittee chair when a
 5 committee or an appropriations subcommittee is meeting
 6 in room R15.

7 Rule 46

8 Legislative Interns and Aides

9 Legislative interns for senators shall be allowed
 10 on the floor of the senate in accordance with Rule 45;
 11 provided that each intern first has obtained a name
 12 badge from the secretary of the senate. The secretary
 13 of the senate shall issue an appropriate badge to all
 14 interns for senators.

15 In addition, those persons designated as "aides to
 16 senators" shall be allowed on the floor of the senate.
 17 The secretary of the senate shall issue an appropriate
 18 badge for such individuals.

19 Rule 47

20 Clearing of Lobby and Gallery

21 In case of disturbance or disorderly conduct in the
 22 lobby or gallery, the presiding officer may order it
 23 cleared.

24 Rule 48

25 Presentation of Petitions

26 Each petition shall contain a brief statement of
 27 its subject matter and the name of the senator

28 presenting it. Petitions shall be filed with the
 29 secretary of the senate and shall be noted in the
 30 journal.

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1 Rule 49

2 Distribution of Printed Material

3 No general distribution of printed material in the
 4 senate shall be allowed unless authorized by the
 5 secretary of the senate or by a senator.

6 Rule 50

7 Concerning the Printing of Papers

8 Any paper, other than that contemplated by Section
 9 10, Article III of the Constitution of the State of
 10 Iowa, presented to the senate may, with the consent of
 11 a constitutional majority, be printed in the journal.

12 Rule 51

13 Reprinting of Documents

14 When any bill has been substantially amended by the
 15 senate, the secretary of the senate shall order the
 16 bill reprinted on paper of a different color. All
 17 adopted amendments inserting new material shall be
 18 distinguishable.

19 The secretary of the senate may order the printing
 20 of a reasonable number of additional copies of bills,
 21 resolutions, amendments or journals.

22 OFFICERS AND EMPLOYEES

23 Rule 52

24 Duties of the President

25 The senate shall elect, from its membership, a
 26 president. The president shall call the senate to
 27 order at the hour to which the senate is adjourned.
 28 Unless otherwise ordered by the senate, the president
 29 shall proceed with the regular order of daily
 30 business. The president shall preserve order and

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1 decorum and decide all questions of order and
 2 corrections to the journal, subject to an appeal to
 3 the senate. The president shall direct voting as
 4 provided in rule 22. When a ruling on germaneness is
 5 issued by the presiding officer, it shall be
 6 accompanied by an explanation of the ruling. The
 7 president of the senate shall be the chair of the
 8 committee of the whole unless otherwise ordered by the
 9 senate, under rule 19.

10 Upon the first reading of an individual bill or
 11 resolution, or a house committee bill or resolution,
 12 the president shall refer the bill or resolution to
 13 the appropriate standing committee unless otherwise

14 ordered by the senate. If the bill or resolution is a
15 senate committee bill or resolution, the president
16 shall place it on the calendar after its first
17 reading. If the subject of the bill or resolution is
18 not germane to the title of the committee presenting
19 it, the president of the senate may refer it to the
20 appropriate committee.

21 The president shall sign legislative enactments
22 upon their enrolling as provided under Joint Rule 14.

23 The president of the senate shall serve as a member
24 of the legislative council and the senate rules and
25 administration committee. The president shall serve
26 on the rules and administration committee as chair of
27 the standing subcommittee designated to supervise the
28 secretary of the senate and other employees of the
29 administrative services division of the senate.

30 Rule 53

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1 The President Pro Tempore

2 The senate shall elect, from its membership, a
3 president pro tempore. When the president is absent,
4 the president pro tempore shall preside, except when
5 the chair is filled by temporary appointment by the
6 president or the majority leader.

7 The president pro tempore, when presiding, shall
8 perform duties as prescribed in rule 52, paragraphs 1
9 and 2.

10 The president pro tempore shall serve as a member
11 of the legislative council and as a member of the
12 senate committee on rules and administration.

13 Rule 54

14 Secretary of the Senate

15 The secretary of the senate shall be an officer of
16 the senate and shall:

17 1. Serve as chief administrative officer of the
18 senate.

19 2. Have charge of the secretary's desk.

20 3. Be responsible for the custody and safekeeping
21 of all bills, resolutions, and amendments filed,
22 except while they are in the custody of a committee.

23 4. Have charge of the daily journal.

24 5. Have control of all rooms assigned for the use
25 of the senate.

26 6. Keep a detailed record of senate action on all
27 bills and resolutions.

28 7. Insert adopted amendments into bills before
29 transmittal to the house of representatives and prior
30 to final enrollment.

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- 1 8. Prescribe the duties of and supervise all
 2 senate employees.
 3 9. Authorize all expenditures of funds within the
 4 senate budget.
 5 The secretary of the senate shall also act as
 6 senate parliamentarian and shall:
 7 1. Advise the presiding officer of the senate
 8 about parliamentary procedures during deliberations of
 9 the senate.
 10 2. Perform other duties as prescribed by the
 11 committee on rules and administration.
 12 3. Process the handling of amendments when filed
 13 and during the floor consideration of bills.

Rule 55

Legal Counsel

- 14 The legal counsel shall be a contractual employee
 15 of the senate and shall:
 16 1. Serve as attorney and counselor for the senate.
 17 2. At the request of the majority and minority
 18 leaders, research any legal issue in which the senate
 19 has an interest. However, the legal counsel shall not
 20 issue nor venture any opinions on unresolved questions
 21 of law unless permitted by both the majority and
 22 minority leaders.
 23

Rule 56

Sergeant-at-Arms

- 24 The sergeant-at-arms shall be an employee of the
 25 senate and shall:
 26 1. Wear the appropriate badge of his or her
 27 office.
 28

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- 1 2. Attend the senate during its sessions.
 2 3. Aid in the enforcement of order under the
 3 direction of the president of the senate and the
 4 secretary of the senate.
 5 4. Execute the commands of the senate.
 6 5. See that no unauthorized person disturbs the
 7 contents of the senators' desks.
 8 6. Supervise the doorkeepers, the assistant
 9 sergeant-at-arms, and pages.
 10 7. Announce all delegations from the governor or
 11 house.
 12 8. Supervise the seating of visitors and press
 13 representatives.

Rule 57

Senate Secretaries

- 14 Every senator shall be permitted to employ for each
 15 session of a general assembly a personally selected
 16
 17

18 secretary.

19 Rule 58

20 Use of Electronic Voting System

21 Any officer or employee of the senate, other than a
22 duly elected member of the senate, who operates the
23 electronic voting machine mechanism located at the
24 desk of said member of the senate shall be subject to
25 immediate termination from employment. The provisions
26 of this paragraph only shall apply during the taking
27 of a roll call vote or division utilizing the
28 electronic voting system.

29 CONFIRMATION OF APPOINTMENTS

30 Rule 59

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1 Appointments

2 The secretary of the senate shall:

- 3 a. send, to each appointee submitted by the
4 governor for senate confirmation, a copy of a senate
5 questionnaire as approved by the rules and
6 administration committee;
- 7 b. receive completed questionnaires from
8 appointees and forward copies of the completed
9 questionnaires to appropriate committee members;
- 10 c. maintain "Confirmation Calendar" categories on
11 the senate calendar as directed under this rule,
12 senate rule 6, and by the committee on rules and
13 administration. No appointee shall be listed as
14 eligible on the confirmation calendar until the
15 secretary has received the appointee's completed
16 senate questionnaire.

17 As soon as possible after the convening of a
18 session, and again within one week following March 15,
19 the secretary of the senate shall publish in the
20 senate journal the names of all nominees submitted for
21 confirmation. The secretary of the senate shall
22 maintain a file of all appointments received from the
23 governor for confirmation. The file shall contain a
24 description of the duties and the compensation for
25 each nominee. The file shall show the date an
26 appointment was received from the governor, the date
27 the appointment was published in the journal, whether
28 the nominee has been introduced, whether a committee
29 report has been filed, when the senate questionnaire
30 was sent to the appointee, and shall include a copy of

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1 the appointee's completed senate questionnaire, upon
2 receipt.

3 INVESTIGATING COMMITTEES. All appointments

4 received from the governor shall be referred to the
5 rules and administration committee by the secretary of
6 the senate on the same day they are published in the
7 senate journal. The rules and administration
8 committee shall establish an en bloc confirmation
9 calendar which must be filed with the secretary of the
10 senate. Within three (3) legislative days after
11 receiving an appointment, the committee shall either
12 place a nominee on the en bloc confirmation calendar
13 or assign the nominee to an appropriate standing
14 committee for further investigation, publishing notice
15 of such assignment in the senate journal for the next
16 legislative day. If the rules and administration
17 committee fails to take action on a nominee within the
18 three days, the nominee shall automatically be placed
19 on the en bloc confirmation calendar.

20 Within the three (3) legislative days after an
21 appointment has been referred to the rules and
22 administration committee, any ten senators may require
23 that the nominee be assigned to an appropriate
24 standing committee by filing a written, signed request
25 therefor with the chairperson of the rules and
26 administration committee. The committee chair shall
27 refer the appointment to a subcommittee within one (1)
28 legislative day after a standing committee receives an
29 appointment for further investigation, publishing
30 notice of such assignment in the senate journal for

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1 the next legislative day. Within ten (10) legislative
2 days after a standing committee receives an
3 appointment for further investigation the subcommittee
4 shall file its report with the standing committee.

5 Within fourteen (14) legislative days after a
6 standing committee receives an appointment for further
7 investigation, the committee shall conduct an
8 investigation of the nominee and file its report
9 thereon with the secretary of the senate, who shall
10 then place the nominee on the en bloc calendar or
11 individual confirmation calendar as directed by the
12 committee. The failure of a committee to file its
13 report within the prescribed time means that the
14 nominee is to be automatically placed, without
15 recommendation, upon the individual confirmation
16 calendar.

17 Any senator within five (5) legislative days
18 following a nominee's name being published in the
19 journal may request that said nominee be introduced to
20 the full senate by filing a written request with the
21 secretary of the senate. In any event, all nominees
22 who are referred by the rules and administration

23 ~~committee to a standing committee shall be introduced~~
24 ~~to the full senate prior to a vote on confirmation of~~
25 ~~the nominee. Any individual nominated to head a~~
26 ~~department or agency of state government, whose~~
27 ~~appointment is subject to senate confirmation, must be~~
28 ~~introduced to the full senate prior to a vote on~~
29 ~~confirmation of the nominee. Additionally, any five~~
30 ~~(5) senators may request that any nominee be~~

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1 introduced to the senate by filing a written request
2 with the secretary of the senate within ten (10)
3 legislative days of the nominee's name appearing in
4 the journal. Any individual nominated to a position
5 requiring senate confirmation may request to be
6 introduced to the full senate by notifying the
7 secretary of the senate at least one (1) legislative
8 day in advance of their appearance. If an individual
9 is nominated both to fill a vacancy for an unexpired
10 term and is also nominated for reappointment to that
11 position during the same session, a single
12 introduction is sufficient for eligibility for
13 confirmation to both terms.

14 HEARINGS. Any member of a committee investigating
15 an appointment may, within five (5) legislative days
16 after the committee receives the appointment, obtain
17 a hearing with the nominee by filing a written request
18 with the secretary of the senate who shall forward it
19 to the chair of the standing committee and the chair
20 of the subcommittee. Notice of the hearing shall be
21 published in the journal at least two (2) legislative
22 days prior to the hearing. At the hearing, which
23 shall be before the subcommittee, the nominee may be
24 questioned as to his or her qualifications to fulfill
25 the office to which nominated and further questioned
26 as to his or her viewpoints on issues facing the
27 office to which nominated. Any senator may at the
28 discretion of the chair of the subcommittee be
29 permitted to submit oral questions. The public may, at
30 the discretion of the investigating committee, be

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1 permitted to submit oral or written statements as to
2 the qualifications of the nominee.

3 Also, within five (5) legislative days after the
4 subcommittee receives an appointment for
5 investigation, any senator may submit written
6 questions to be answered by the nominee prior to
7 consideration of the nominee's confirmation by the
8 senate.

9 INFORMATIONAL MEETINGS. After a nominee has been
10 placed on the calendar and prior to the vote on
11 confirmation, any senator may request an informational
12 meeting on the nomination which shall be held before
13 the subcommittee.

14 VOTING ON CONFIRMATIONS. Upon the motion of the
15 majority leader or his or her designee, the nominees
16 on the en bloc confirmation calendar shall be
17 confirmed en bloc by the affirmative vote of two-
18 thirds of the members elected to the senate. The
19 journal shall reflect a single roll call accompanied
20 by a statement of the names of those individuals
21 subject to the en bloc confirmation vote.

22 Prior to an en bloc vote, any senator may request,
23 either in writing or from the floor, an individual
24 vote on any nominee on the en bloc confirmation
25 calendar. The senate shall vote separately on the
26 nominee.

27 Nominees on the individual confirmation calendar
28 shall be confirmed by a two-thirds vote; however, the
29 senate shall take a separate roll call on each
30 nominee, unless by unanimous consent, it determines to

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1 take one vote on all nominees under consideration. In
2 any case, the journal shall reflect a single roll call
3 vote for each nominee.

4 If an individual is nominated both to fill a
5 vacancy for an unexpired term and is also nominated
6 for reappointment to that position, and such
7 appointment and reappointment appear on the senate
8 calendar as eligible at the same time, a single vote
9 is sufficient for confirmation to both terms.

10 Rule 60 11 Time of Committee Passage and Consideration of Bills

12 1. This rule does not apply to concurrent or
13 simple resolutions, joint resolutions nullifying
14 administrative rules, senate confirmations, or bills
15 passed by both houses in different forms. Subsection
16 2 of this rule does not apply to appropriations bills,
17 ways and means bills, legalizing acts, administrative
18 rules review committee bills, bills cosponsored by the
19 majority and minority floor leaders of the senate,
20 bills in conference committee, and companion bills
21 sponsored by the majority floor leaders of both houses
22 after consultation with the respective minority floor
23 leaders. For the purposes of this rule, a joint
24 resolution is considered as a bill. To be considered
25 an appropriations or ways and means bill for the
26 purposes of this rule, the appropriations committee or
27 the ways and means committee must either be the

28 sponsor of the bill or the committee of first referral
 29 in the senate.
 30 2. To be placed on the calendar in the senate a

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1 senate bill must be first reported out of the
 2 committee of first referral by Friday of the ~~10th~~ 9th
 3 week of the first session and the ~~8th~~ 7th week of the
 4 second session. A house bill must be first reported
 5 out of the committee of first referral by Friday of
 6 the ~~13th~~ 12th week of the first session and the ~~11th~~
 7 10th week of the second session to be placed on the
 8 senate calendar.
 9 3. During the ~~11th~~ 10th week of the first session
 10 and the ~~9th~~ 8th week of the second session, the senate
 11 shall consider only bills originating in the senate
 12 and unfinished business. During the ~~14th~~ 13th week of
 13 the first session and the ~~12th~~ 11th week of the second
 14 session, the senate shall consider only bills
 15 originating in the house and unfinished business.
 16 Beginning with the ~~15th~~ 14th week of the first session
 17 and the ~~13th~~ 12th week of the second session, the
 18 senate shall consider only bills passed by both
 19 houses, bills exempt from subsection 2 and unfinished
 20 business.
 21 4. A motion to reconsider filed and not disposed
 22 of on an action taken on a bill or resolution which is
 23 subject to a deadline under this rule may be called up
 24 at any time before or after the day of the deadline by
 25 the person filing the motion or after the deadline by
 26 the majority floor leader, notwithstanding any other
 27 rule to the contrary.
 28 BE IT FURTHER RESOLVED, That should a system of
 29 deadlines for the time of committee passage and
 30 consideration of bills be adopted by joint action of

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1 the senate and house at any time during the ~~seventy-~~
 2 ~~sixth~~ seventy-seventh general assembly, those
 3 provisions shall supersede the provisions of this rule
 4 60.

1 SENATE RESOLUTION NO. 2

2 by: committee on Ethics

3 (Successor to SSB 93)

4 A Resolution to provide for the Senate Code of Ethics.

5 BE IT RESOLVED BY THE SENATE, That the Senate Code
 6 of Ethics for the ~~Seventy-sixth~~ Seventy-seventh
 7 General Assembly shall be as follows:

8 SENATE CODE OF ETHICS

9 PREAMBLE. Every legislator owes a duty to uphold
10 the integrity and honor of the general assembly, to
11 encourage respect for the law and for the general
12 assembly and the members thereof, and to observe the
13 legislative code of ethics.

14 In doing so, members of the senate have a duty to
15 conduct themselves so as to reflect credit on the
16 general assembly, and to inspire the confidence,
17 respect, and trust of the public, and to strive to
18 avoid both unethical and illegal conduct and the
19 appearance of unethical and illegal conduct.

20 Recognizing that service in the Iowa general
21 assembly is a part-time endeavor and that members of
22 the general assembly are honorable individuals who are
23 active in the affairs of their localities and
24 elsewhere and that it is necessary that they maintain
25 a livelihood and source of income apart from their
26 legislative compensation, the following rules are
27 adopted pursuant to section 68B.31, to assist the
28 members in the conduct of their legislative affairs.

29 1. ECONOMIC INTEREST OF SENATOR. Taking into
30 account that legislative service is part-time, a

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1 senator shall not accept economic or investment
2 opportunity, under circumstances where the senator
3 knows, or should know, that there is a reasonable
4 possibility that the opportunity is being afforded the
5 senator with intent to influence the senator's conduct
6 in the performance of official duties.

7 2. DIVESTITURE. Where a senator learns that an
8 economic or investment opportunity previously accepted
9 was offered with the intent of influencing the
10 senator's conduct in the performance of official
11 duties, the senator shall take steps to divest that
12 senator of that investment or economic opportunity,
13 and shall report the facts of the situation to the
14 senate ethics committee.

15 3. CHARGES FOR SERVICES. A senator shall not
16 charge to or accept from a person, corporation,
17 partnership, or association known to have a
18 legislative interest a price, fee, compensation, or
19 other consideration for the sale or lease of any
20 property or the furnishing of services which is in
21 excess of that which the senator would charge another.

22 4. USE OF CONFIDENTIAL INFORMATION. A senator in
23 order to further the senator's own economic or other
24 interests, or those of any other person, shall not
25 disclose or use confidential information acquired in
26 the course of official duties.

27 5. HONORARIA. A senator shall not accept an
28 honorarium from a restricted donor for a speech,
29 writing for publication, or other similar activity,
30 except as otherwise provided in section 68B.23.

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1 6. EMPLOYMENT. A senator shall not accept
2 employment, either directly or indirectly, from a
3 political action committee. A senator may accept
4 employment from a political party, but shall disclose
5 the employment relationship in writing to the
6 secretary of the senate within ten days after the
7 beginning of each legislative session. If a senator
8 accepts employment from a political party during a
9 legislative session, the senator shall disclose the
10 employment relationship within ten days after
11 acceptance of the employment.

12 For the purpose of this rule, a political action
13 committee means a committee, but not a candidate's
14 committee, which accepts contributions, makes
15 expenditures, or incurs indebtedness in the aggregate
16 of more than ~~two~~ five hundred ~~fifty~~ dollars in any one
17 calendar year for the purpose of supporting or
18 opposing a candidate for public office or ballot issue
19 or influencing legislative action, or an association,
20 lodge, society, cooperative, union, fraternity,
21 sorority, educational institution, civic organization,
22 labor organization, religious organization, or
23 professional organization which makes contributions in
24 the aggregate of more than ~~two~~ five hundred ~~fifty~~
25 dollars in any one calendar year for the purpose of
26 supporting or opposing a candidate for public office
27 or ballot issue or influencing legislative action.

28 7. ECONOMIC INTERESTS OF LOBBYIST. With the
29 exception of exercising unfettered discretion in
30 supporting or refusing to support proposed

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1 legislation, a senator shall not take action intended
2 to affect the economic interests of a lobbyist or
3 citizen supporting or opposing proposed legislation.
4 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
5 senator may appear before a governmental agency or
6 board in any representation case, except that the
7 senator shall not act as a lobbyist. Whenever a
8 senator appears before a governmental agency or board,
9 the senator shall carefully avoid all conduct which
10 might in any way lead members of the general public to
11 conclude that the senator is using the senator's
12 official position to further the senator's

13 professional success or personal financial interest.

14 9. CONFLICTS OF INTERESTS. In order to permit the

15 general assembly to function effectively, a senator

16 will sometimes be required to vote on bills and

17 participate in committee work which will affect the

18 senator's employment and other monetary interests. In

19 making a decision relative to the senator's activity

20 on given bills or committee work which are subject to

21 the code, the following factors shall be considered:

22 a. Whether a substantial threat to the senator's

23 independence of judgment has been created by the

24 conflict situation.

25 b. The effect of the senator's participation on

26 public confidence in the integrity of the legislature.

27 c. The need for the senator's particular

28 contribution, such as special knowledge of the subject

29 matter, to the effective functioning of the

30 legislature.

Page 5

1 A senator with a conflict of interest may

2 participate in floor debate if prior to debate the

3 senator indicates the conflict of interest.

4 10. GIFTS. Except as otherwise provided in,

5 section 68B.22, a senator, or that person's immediate

6 family member, shall not, directly or indirectly,

7 accept or receive any gift or series of gifts from a

8 restricted donor.

9 11. DISCLOSURE REQUIRED. Each senator shall file

10 with the secretary of the senate within ten days after

11 the adoption of the code of ethics by the senate, and

12 within ten days after the convening of the second

13 session of the general assembly, a statement under

14 section 68B.35 on forms provided by the secretary of

15 the senate setting forth the following information:

16 The nature of each business in which the senator is

17 engaged and the nature of the business of each company

18 in which the senator has a financial interest. A

19 senator shall not be required to file a report or be

20 assumed to have a financial interest if the annual

21 income derived from the investment in stocks, bonds,

22 bills, notes, mortgages, or other securities offered

23 for sale through recognized financial brokers is less

24 than one thousand dollars.

25 Disclosures required under this rule shall be as of

26 the date filed unless provided to the contrary, and

27 shall be amended to include interests and changes

28 encompassed by this rule that occur while the general

29 assembly is in session. All filings under this rule

30 shall be open to public inspection in the office of

Page 6

1 the secretary of the senate at all reasonable times.
2 The secretary of the senate shall inform the ethics
3 committee of the statements which are filed and shall
4 report to the ethics committee the names of any
5 senators who appear not to have filed complete
6 statements. The chairperson of the ethics committee
7 shall request in writing that a senator who has failed
8 to complete the report or appears to have filed an
9 incomplete report do so within five days, and, upon
10 the failure of the senator to comply, the ethics
11 committee shall require the senator to appear before
12 the committee.

13 12. STATUTORY VIOLATIONS. Members of the general
14 assembly are urged to familiarize themselves with
15 chapters 68B, 721, and 722.

16 13. CHARGE ACCOUNTS. Senators shall not charge
17 any amount or item to any charge account to be paid
18 for by any lobbyist or any client the lobbyist
19 represents.

20 14. TRAVEL EXPENSES. A senator shall not charge
21 to the state of Iowa amounts for travel and expenses
22 unless the senator actually has incurred those mileage
23 and expense costs. Senators shall not file the
24 vouchers for weekly mileage reimbursement required by
25 section 2.10, subsection 1, unless the travel was
26 actually incurred at commensurate expense to the
27 senator.

28 15. COMPLAINTS. Complaints or charges against any
29 senator or any lobbyist shall be in writing, made
30 under oath, and filed with the secretary of the senate

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1 or the chairperson of the ethics committee. If filed
2 with the secretary of the senate, the secretary shall
3 immediately advise the chairperson of the ethics
4 committee of the receipt of the complaint.

5 Complaint forms shall be available from the
6 secretary of the senate, or the chairperson of the
7 ethics committee, but a complaint shall not be
8 rejected for failure to use an approved form if the
9 complaint substantially complies with senate
10 requirements.

11 A complainant may submit exhibits and affidavits
12 attached to the complaint.

13 16. FILING OF COMPLAINTS.

14 a. Persons entitled. Complaints may be filed by
15 any person believing that a senator or lobbyist has
16 violated the senate ethics code, the senate rules
17 governing lobbyists, or chapter 68B of the Iowa Code.

18 A violation of the criminal law may be considered to
 19 be a violation of this code of ethics if the violation
 20 constitutes a serious misdemeanor or greater, or a
 21 repetitive and flagrant violation of the law.

22 b. Committee complaint. The ethics committee may,
 23 upon its own motion, initiate a complaint,
 24 investigation, or disciplinary action.

25 c. Timeliness of filing. A complaint will be
 26 considered to be timely filed if it is filed within
 27 three years of the occurrence of the alleged violation
 28 of the ethics code.

29 17. PERMANENT RECORD. The secretary of the senate
 30 shall maintain a permanent record of all complaints

Page 8

1 filed, evidence received by the committee, and any
 2 transcripts or other recordings made of committee
 3 proceedings, including a separate card file containing
 4 the date filed, name and address of the complainant,
 5 name and address of the respondent, a brief statement
 6 of the charges made, and ultimate disposition of the
 7 complaint. The secretary shall keep each such
 8 complaint confidential until public disclosure is made
 9 by the ethics committee.

10 18. PREHEARING PROCEDURE.

11 a. Defective complaint. Upon receipt of a
 12 complaint, the chairperson and ranking member of the
 13 ethics committee shall determine whether the complaint
 14 substantially complies with the requirements of this
 15 code of ethics and section 68B.31, subsection 6. If
 16 the complaint does not substantially comply with the
 17 requirements for formal sufficiency under the code of
 18 ethics, the complaint may be returned to the
 19 complainant with a statement that the complaint is not
 20 in compliance with the code and a copy of the code.
 21 If the complainant fails to amend the complaint to
 22 comply with the code within a reasonable time, the
 23 chair and ranking member may dismiss the complaint
 24 with prejudice for failure to prosecute.

25 b. Service of complaint on respondent. Upon
 26 receipt of any complaint substantially complying with
 27 the requirements of this code of ethics, the
 28 chairperson of the ethics committee shall cause a copy
 29 of the complaint and any supporting information to be
 30 delivered promptly to the respondent, requesting a

Page 9

1 written response to be filed within ten days. The
 2 response may do any of the following:
 3 (1) Admit or deny the allegation or allegations.

4 (2) Object that the allegation fails to allege a
5 violation of chapter 68B or the code of ethics.

6 (3) Object to the jurisdiction of the committee.

7 (4) Request a more specific statement of the
8 allegation or allegations.

9 c. Objection to member. In addition to the items
10 which may be included in a response pursuant to
11 paragraph "b", the response may also include an
12 objection to the participation of any member of the
13 committee in the consideration of the allegation or
14 allegations on the grounds that the member cannot
15 render an impartial and unbiased decision.

16 d. Extension of time. At the request of the
17 respondent and upon a showing of good cause, the
18 committee, or the chairperson and ranking member, may
19 extend the time for response, not to exceed ten
20 additional days.

21 e. Confidentiality. If a complaint is not
22 otherwise made public, the members of the committee
23 shall treat the complaint and all supporting
24 information as confidential until the written response
25 is received from the respondent.

26 f. Communications with ethics committee. After a
27 complaint has been filed or an investigation has been
28 initiated, a party to the complaint or investigation
29 shall not communicate, or cause another to
30 communicate, as to the merits of the complaint or

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1 investigation with a member of the committee, except
2 under the following circumstances:

3 (1) During the course of any meetings or other
4 official proceedings of the committee regarding the
5 complaint or investigation.

6 (2) In writing, if a copy of the writing is
7 delivered to the adverse party or the designated
8 representative for the adverse party.

9 (3) Orally, if adequate prior notice of the
10 communication is given to the adverse party or the
11 designated representative for the adverse party.

12 (4) As otherwise authorized by statute, the senate
13 code of ethics, the senate rules governing lobbyists,
14 or vote of the committee.

15 f. g. Scheduling hearing. Upon receipt of the
16 response, the committee shall schedule a public
17 meeting to review the complaint and available
18 information, and shall:

19 (1) Notify the complainant that no further action
20 will be taken, unless further substantiating
21 information is produced, or

22 (2) Dismiss the complaint for failure to meet the

23 statutory and code of ethics requirements for valid
24 complaints, or
25 (3) Request that the chief justice of the supreme
26 court appoint an independent special counsel to
27 conduct an investigation of the complaint and
28 supporting information, to make a determination of
29 probable cause, and to report the findings to the
30 committee, which shall be received within a reasonable

Page 11

1 time, ~~or~~,

2 ~~g. h.~~ Public hearing. If independent special
3 counsel is appointed, upon receipt of the report of
4 independent special counsel's findings, the committee
5 shall schedule a public meeting to review the report
6 and shall do either of the following:

7 (1) Cause the complaint to be scheduled for a
8 public hearing.

9 (2) Dismiss the complaint based upon a
10 determination by independent special counsel and the
11 committee that insufficient evidence exists to support
12 a finding of probable cause.

13 19. HEARING PROCEDURE.

14 a. Notice of hearing. If the committee causes a
15 complaint to be scheduled for a public hearing, notice
16 of the hearing date and time shall be given to the
17 complainant and respondent in writing, and of the
18 respondent's right to appear in person, be represented
19 by legal counsel, present statements and evidence, and
20 examine and cross-examine witnesses. The committee
21 shall not be bound by formal rules of evidence, but
22 shall receive relevant evidence, subject to
23 limitations on repetitiveness. Any evidence taken
24 shall be under oath.

25 b. Subpoena power. The committee may require, by
26 subpoena or otherwise, the attendance and testimony of
27 witnesses and the production of such books, records,
28 correspondence, memoranda, papers, documents, and any
29 other things it deems necessary to the conduct of the
30 inquiry.

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1 c. Ex post facto. An investigation shall not be
2 undertaken by the committee of a violation of a law,
3 rule, or standard of conduct that is not in effect at
4 the time of violation.

5 d. Disqualification of member. Members of the
6 committee may disqualify themselves from participating
7 in any investigation of the conduct of another person
8 upon submission of a written statement that the member

9 cannot render an impartial and unbiased decision in a
10 case. A member may also be disqualified by a
11 unanimous-vote of the remaining eligible members of
12 the committee.

13 A member of the committee is ineligible to
14 participate in committee meetings, as a member of the
15 committee, in any proceeding relating to the member's
16 own official conduct.

17 If a member of the committee is disqualified or
18 ineligible to act, the majority or minority leader who
19 appointed the member shall appoint a replacement
20 member to serve as a member of the committee during
21 the period of disqualification or ineligibility.

22 e. Hearing. At the hearing, the chairperson shall
23 open the hearing by stating the charges, the purpose
24 of the hearing, and its scope. The burden of proof
25 rests upon the complainant to establish the facts as
26 alleged, by clear and convincing evidence. However,
27 questioning of witnesses shall be conducted by the
28 members of the committee, by independent special
29 counsel, or by a senator. The chairperson shall also
30 permit questioning by legal counsel representing the

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1 complainant or respondent.

2 The chairperson or other member of the committee
3 presiding at a hearing shall rule upon procedural
4 questions or any question of admissibility of evidence
5 presented to the committee. Rulings may be reversed
6 by a majority vote of the committee members present.

7 The committee may continue the hearing to a future
8 date if necessary for appropriate reasons or purposes.

9 f. Committee action. Upon receipt of all relevant
10 evidence and arguments, the committee shall consider
11 the same and recommend to the senate:

12 (1) That the complaint be dismissed, or

13 (2) That the senator or lobbyist be censured or
14 reprimanded, and recommend the appropriate form of
15 censure or reprimand, or

16 (3) Any other appropriate sanction, including
17 suspension or expulsion from membership in the senate,
18 or suspension of lobbying privileges.

19 g. Disposition resolution. By appropriate
20 resolution, the senate may amend, adopt, or reject the
21 report of the ethics committee, including the
22 committee's recommendations regarding disciplinary
23 action.

24 20. COMMITTEE AUTHORIZED TO MEET. The senate
25 ethics committee is authorized to meet at the
26 discretion of the chairperson to conduct hearings and
27 other business that properly may come before it. If

28 the committee submits a report seeking senate action
 29 against a senator or lobbyist after the second regular
 30 session of a general assembly has adjourned sine die,

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1 the report shall be submitted to and considered by the
 2 subsequent general assembly. However, the report may
 3 be submitted to and considered during any special
 4 session which may take place after the second regular
 5 session of a general assembly has adjourned sine die,
 6 but before the convening of the next general assembly.
 7 21. COMPLAINT FILING FORM. The following form
 8 shall be used to file a complaint under these rules:

9 THE SENATE

10 Ethics Complaint Form

11 Re: _____ (Senator/Lobbyist),
 12 of _____, Iowa.
 13 I, _____ (Complainant), residing
 14 at _____, in the City of _____,
 15 State of _____, hereby complain that
 16 _____ (Senator/Lobbyist), whose
 17 address is _____,

18 has violated the Senate Code of Ethics or Senate

19 Rules Governing Lobbyists in that:

20 (Explain the basis for the complaint here. Use addi-
 21 tional pages, if necessary).

22 Under penalty of perjury, I certify that the above
 23 complaint is true and correct as I verily believe.

24 _____
 25 Signature of Complainant

26 SUBSCRIBED AND AFFIRMED to before me this _____
 27 day of _____, 19_____.

28 _____
 29 Notary Public in and for the
 30 State of _____

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1 22. COMPLAINT NOTICE FORM. The following form
 2 shall be used for notice of a complaint under these
 3 rules:

4 STATE OF IOWA

5 THE SENATE

6 COMMITTEE ON ETHICS)
 7 IOWA STATE SENATE)
 8)
 9 On The Complaint Of) NOTICE OF COMPLAINT
 10)
 11 _____)
 12)
 13 And Involving)

14)
15 _____)
16)
17 TO _____

18 Senator or Lobbyist named above:

19 You are hereby notified that there is now on file
20 with the Secretary of the Senate, State Capitol, Des
21 Moines, Iowa, a complaint which alleges that you have
22 committed a violation of the Senate's Code of Ethics
23 or Senate Rules Governing Lobbyists.

24 A copy of the complaint and the Senate rules for
25 processing the same are attached hereto and made a
26 part of this notice.

27 You are further notified and requested to file your
28 written answer to the complaint within ten days of the
29 date upon which the notice was caused to be delivered
30 to you, _____, 19___. Your answer is

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1 to be filed with the Secretary of the Senate, State
2 Capitol, Des Moines, Iowa.

3 Dated this _____ day of _____, 19__.

4 _____
5 Chair, Senate Ethics Committee,
6 or Secretary of the Senate

7 23. HEARING NOTICE FORM. The following form shall
8 be used for notice of a hearing under these rules:

9 STATE OF IOWA
10 THE SENATE

11 COMMITTEE ON ETHICS)

12 IOWA STATE SENATE)

13)

14 On The Complaint Of) NOTICE OF HEARING

15)

16 _____)

17)

18 And Involving)

19)

20 _____)

21)

22 TO _____

23 Senator or Lobbyist named above:

24 You are hereby notified that there is now on file
25 with the Secretary of the Senate, State Capitol, Des
26 Moines, Iowa, a complaint which alleges that you have
27 committed a violation of the Senate's Code of Ethics
28 or Senate Rules Governing Lobbyists.

29 A copy of the complaint and the Senate rules for
30 processing the same are attached hereto and made a

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1 part of this notice.
 2 You are further notified that, after preliminary
 3 review, the committee has caused a public hearing to
 4 be scheduled on
 5 (date) _____, 19 ____, at (hour) _____
 6 (a.m.) (p.m.), in Room ____, State Capitol, Des Moines,
 7 Iowa.
 8 At the hearing, you will have the right to appear
 9 in person, be represented by legal counsel at your own
 10 expense, present statements and evidence, and examine
 11 and cross-examine witnesses. The committee shall not
 12 be bound by formal rules of evidence, but shall
 13 receive relevant evidence, subject to limitations on
 14 repetitiveness. Any evidence taken shall be under
 15 oath.
 16 The committee may continue the hearing to a future
 17 date if necessary for appropriate reasons or purposes.
 18 You are further notified that the committee will
 19 receive such evidence and take such action as
 20 warranted by the evidence.

21 Dated this ____ day of _____, 19__.

22 _____
 23 Chair, Senate Ethics Committee,
 24 or Secretary of the Senate

25 24. PERSONAL FINANCIAL DISCLOSURE FORM. The
 26 following form shall be used for disclosure of
 27 economic interests under these rules and section
 28 68B.35:

29 STATEMENT OF ECONOMIC INTERESTS

30 Name: _____

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1 (Last) (First) (Middle Initial)

2 Address: _____

3 (Street Address, Apt.# - P.O. Box)

4 _____

5 (City) (State) (Zip)

6 Phone:(Home) ____-____-____ (Business) ____-____-____

7 *****

8 a. Please list each business, occupation, or
 9 profession in which you are engaged. In listing the
 10 business, occupation, or profession, it is not
 11 necessary that your employer or the name of the
 12 business be listed, although all businesses,
 13 occupations, or professions must be listed, regardless
 14 of the amount of income derived or time spent
 15 participating in the activity. (Examples of types of
 16 businesses, occupations, or professions that may be
 17 listed: teacher, lawyer, legislator, real estate

- 18 agent, insurance adjuster, salesperson....)
- 19 (1) _____
- 20 (2) _____
- 21 (3) _____
- 22 (4) _____
- 23 (5) _____

24 b. Please list the nature of each of the
 25 businesses, occupations, or professions which you
 26 listed in paragraph "a", above, unless the nature of
 27 the business, occupation, or profession is already
 28 apparent from the information indicated above. The
 29 descriptions in this paragraph should correspond by
 30 number to the numbers for each of the businesses,

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1 occupations, or professions listed in paragraph "a".
 2 (Examples: If you indicated, for example, that you
 3 were a salesperson in subparagraph (1) of paragraph
 4 "a", you should list in subparagraph (1) of this
 5 paragraph the types of goods or services sold in this
 6 item. If you indicated that you were a teacher in
 7 subparagraph (2) of paragraph "a", you should indicate
 8 in subparagraph (2) of this paragraph the type of
 9 school or institution in which you provide instruction
 10 or whether the instruction is provided on a private
 11 basis. If you indicated that you were a lawyer in
 12 subparagraph (3) of paragraph "a", you should indicate
 13 your areas of practice and whether you are in private,
 14 corporate, or government practice in subparagraph (3)
 15 of this paragraph. If you indicated in subparagraph
 16 (4) of paragraph "a" that you were a consultant, in
 17 subparagraph (4) of this paragraph you should indicate
 18 the kind of services provided and types of clients
 19 served.)

- 20 (1) _____
- 21 (2) _____
- 22 (3) _____
- 23 (4) _____
- 24 (5) _____

25 c. Please list each source, by general
 26 description, from which you receive, or which
 27 generates, more than one thousand dollars in gross
 28 annual income in the categories listed below. For
 29 purposes of this item, a source produces gross annual
 30 income if the revenue produced by the source is

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1 subject to federal or state income taxes. In
 2 completing this item, it is not necessary to list the
 3 name of the company, business, financial institution,

4 corporation, partnership, or other entity which
5 constitutes the source of the income and the amount or
6 value of the holding should not be listed.

7 (1) Securities (Here for example, you need not
8 state that you own X number of shares of any specific
9 company by brand or corporate name, or that the stock
10 is of a certain value, but may instead state that you
11 possess stock in a company and indicate the nature of
12 the company's business.):

13 _____
14 _____
15 _____
16 _____
17 _____

18 (2) Instruments of Financial Institutions (You
19 need not indicate, for example, in which institutions
20 you hold certificates of deposit that produce annual
21 income over the one thousand dollar threshold, but
22 simply listing the nature of the institution will
23 suffice, e.g., bank, credit union, or savings and loan
24 association.):

25 _____
26 _____
27 _____
28 _____
29 _____

30 (3) Trusts (The name of the particular trust need

Page 21

1 not be listed. However, if the income is received
2 from a charitable trust/foundation, such as the Pugh
3 Charitable Trust, in the form of a grant, the fact
4 that the trust is a charitable trust should be noted
5 here.):

6 _____
7 _____
8 _____
9 _____
10 _____

11 (4) Real Estate (When listing real estate, it is
12 not necessary to list the location of the property,
13 but the general nature of the real estate interest
14 should be indicated, e.g. residential leasehold
15 interest or farm leasehold interest.):

16 _____
17 _____
18 _____
19 _____
20 _____

21 (5) Retirement Systems (When listing retirement
22 benefits, it is not necessary to list the name of the

23 particular pension system or company, but rather the
 24 type of benefit should be listed, e.g., health
 25 benefits, life insurance benefits, private pension, or
 26 government pension.):

27 _____
 28 _____
 29 _____
 30 _____

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1 _____
 2 (6) Other Income Categories Specified in State or
 3 Federal Income Tax Regulations (List description of
 4 other sources of income producing over one thousand
 5 dollars in annual income not previously reported
 6 above, but which must be reported for income tax
 7 purposes.):
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 (Signature of filer) (Date)

1 SENATE RESOLUTION NO. 3

2 by: committee on Ethics

3 (Successor to SSB 92)

4 A Resolution to provide the senate rules governing
 5 lobbyists.

6 BE IT RESOLVED BY THE SENATE, That the senate rules
 7 governing lobbyists for the ~~seventy-sixth~~ seventy-
 8 seventh general assembly shall be as follows:

9 SENATE RULES GOVERNING LOBBYISTS

10 1. DEFINITIONS. As used in these rules "gift",
 11 "honoraria" or "honorarium", "lobbyist", "client", and
 12 "immediate family member" have the meaning provided in
 13 chapter 68B. As used in these rules the term
 14 "political action committee" means a committee, but
 15 not a candidate's committee, which accepts
 16 contributions, makes expenditures, or incurs
 17 indebtedness in the aggregate of more than ~~two~~ five
 18 hundred fifty dollars in any one calendar year for the
 19 purpose of supporting or opposing a candidate for
 20 public office or ballot issue or influencing
 21 legislative action, or an association, lodge, society,
 22 cooperative, union, fraternity, sorority, educational
 23 institution, civic organization, labor organization,
 24 religious organization, or professional or other

25 organization which makes contributions in the
26 aggregate of more than ~~two~~ five hundred fifty dollars
27 in any one calendar year for the purpose of supporting
28 or opposing a candidate for public office or ballot
29 issue or influencing legislative action.
30 2. APPLICABILITY. These rules are only applicable

Page 2

1 to lobbying activities involving the Iowa general
2 assembly.
3 3. REGISTRATION REQUIRED. All lobbyists shall, on
4 or before the day their lobbying activity begins,
5 register with the secretary of the senate by filing a
6 lobbyist's registration statement listing the items
7 required under section 68B.36. In addition, the
8 lobbyist shall file with the secretary of the senate a
9 statement of the general subjects of legislation in
10 which the lobbyist is or may be interested, the
11 numbers of the bills and resolutions (if known) which
12 will be lobbied, and whether the lobbyist intends to
13 lobby for or against each bill (if known).
14 Any change in or addition to the foregoing
15 information shall be registered with the secretary of
16 the senate within ten days after the change or
17 addition is known to the lobbyist.
18 Registration expires upon the commencement of the
19 next regular session of the general assembly, except
20 that the secretary of the senate may adopt and
21 implement a reasonable pre-registration procedure in
22 advance of each regular session during which persons
23 may register for that session and the following
24 legislative interim.
25 4. CANCELLATION OF REGISTRATION. If a lobbyist's
26 service on behalf of a particular employer, client, or
27 cause is concluded prior to the end of the calendar
28 year, the lobbyist may cancel the registration on
29 appropriate forms supplied by the secretary of the
30 senate. Upon cancellation of registration, a lobbyist

Page 3

1 is prohibited from engaging in any lobbying activity
2 on behalf of that particular employer, client, or
3 cause until reregistering and complying with these
4 rules. A lobbyist's registration is valid for only
5 one session of a general assembly.
6 5. LOBBYIST AND CLIENT REPORTING. Each lobbyist
7 registered with the senate and each lobbyist's client
8 shall file the reports required under sections 68B.37
9 and 68B.38 with the secretary of the senate.
10 For purposes of this rule, and the reports required

11 under sections 68B.37 and 68B.38, "services enumerated
12 under section 68B.2, subsection 13, paragraph "a" and
13 "lobbying purposes" include, but are not limited to,
14 the following:

15 a. Time spent by the lobbyist at the state capitol
16 building commencing with the first day of a
17 legislative session and ending with the day of final
18 adjournment of each legislative session as indicated
19 by the journals of the house and senate.

20 b. Time spent by the lobbyist attending meetings
21 or hearings which results in the lobbyist
22 communicating with members of the general assembly or
23 legislative employees about current or proposed
24 legislation.

25 c. Time spent by the lobbyist researching and
26 drafting proposed legislation with the intent to
27 submit the legislation to a member of the general
28 assembly or a legislative employee.

29 d. Time spent by the lobbyist actually
30 communicating with members of the general assembly and

Page 4

1 legislative employees about current or proposed
2 legislation.

3 6. GOVERNMENT OFFICIALS. All federal, state, and
4 local officials or employees representing their
5 departments, commissions, boards, or agencies shall
6 present to the secretary of the senate a letter of
7 authorization from their department or agency heads
8 prior to the commencement of their lobbying. The
9 lobbyist registration statement of these officials and
10 employees shall not be deemed complete until the
11 letter of authorization is attached. Federal, state,
12 and local officials who wish to lobby in opposition to
13 their departments, commissions, boards, or agencies
14 must indicate such on their lobbyist registration
15 statements.

16 7. CHARGE ACCOUNTS AND LOANS. Lobbyists and the
17 organizations they represent shall not allow any
18 senators to charge any amounts or items to any charge
19 account to be paid for by those lobbyists or by the
20 organizations they represent. A lobbyist shall not
21 make a loan to a senator unless the loan is made in
22 the ordinary course of business, the lobbyist is in
23 the business of making loans, and the terms and
24 conditions of the loan are the same or substantially
25 similar to the finance charges and loan terms that are
26 available to members of the general public.

27 8. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, an

- 28 employer of a lobbyist, or a political action
 29 committee shall not offer economic or investment
 30 opportunity or promise of employment to any senator

Page 5

1 with intent to influence the senator's conduct in the
 2 performance of official duties.
 3 A lobbyist shall not take action intended to
 4 negatively affect the economic interests of a senator.
 5 For purposes of this rule, supporting or opposing a
 6 candidate for office or supporting or opposing a bill,
 7 amendment, or resolution shall not be considered to be
 8 action intended to negatively affect the economic
 9 interests of a senator.

10 9. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or
 11 employer of a lobbyist, shall not pay for membership
 12 in or contributions to clubs or organizations on
 13 behalf of a senator.

14 10. ACCESS TO SENATE FLOOR. Lobbyists shall not
 15 be permitted on the floor of the senate while the
 16 senate is in session. Elected state officials, except
 17 the governor, lieutenant governor, and the members of
 18 the house of representatives, shall not be permitted
 19 on the floor of the senate while the senate is in
 20 session to encourage the passage, defeat, or
 21 modification of legislation.

22 11. EFFECTIVE PERIOD. These rules governing
 23 lobbyists shall be in effect throughout the calendar
 24 year, whether or not the general assembly is in
 25 session.

26 12. GIFTS. A lobbyist or the client of a lobbyist
 27 shall not, directly or indirectly, offer or make a
 28 gift or a series of gifts to a senator, except as
 29 otherwise provided in section 68B.22.

30 13. HONORARIA. A lobbyist or client of a lobbyist

Page 6

1 shall not give an honorarium to a member or employee
 2 of the senate, except as otherwise provided in section
 3 68B.23.

4 14. COMPLAINTS. Rules 15 through 23 of the senate
 5 code of ethics apply to complaints and procedures
 6 regarding violations of these rules.

1 SENATE RESOLUTION NO. 4
 2 by: committee on Rules and Administration
 3 A Resolution relating to gubernatorial appointments
 4 requiring senate confirmation.
 5 WHEREAS, section 2.32, subsection 7, requires the

6 Governor to provide the secretary of the senate with a
7 list of all gubernatorial appointments requiring
8 senate confirmation during this session by February 1;
9 and

10 WHEREAS, this information has been submitted and is
11 on file in the office of the secretary of the senate;
12 and

13 WHEREAS, that subsection also requires that the
14 senate by resolution approve the list or request
15 corrections by February 15; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the following
17 list of 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 3 terms commencing 5-1-97 and ending 4-30-2000

22 African-Americans, Commission on the Status of

23 1 term commencing 4-11-96 and ending 4-30-98

24 Agricultural Development Authority

25 1 vacancy for a term ending 4-30-2000

26 Alcoholic Beverages Commission

27 1 term commencing 5-1-97 and ending 4-30-2002

28 Architectural Examining Board

29 2 terms commencing 5-1-97 and ending 4-30-2000

30 Athletic Trainer Advisory Board

Page 2

1 1 term commencing 5-1-97 and ending 4-30-2000

2 Banking, Superintendent of

3 1 term commencing 5-1-97 and ending 4-30-2001

4 Barber Examiners, Board of

5 2 terms commencing 5-1-97 and ending 4-30-2000

6 Behavioral Science Examiners, Board of

7 1 vacancy for a term ending 4-30-97

8 3 terms commencing 5-1-97 and ending 4-30-2000

9 Blind, Commission for the

10 1 term commencing 5-1-97 and ending 4-30-2000

11 Chiropractic Examiners, Board of

12 3 terms commencing 5-1-97 and ending 4-30-2000

13 City Development Board

14 2 terms commencing 5-1-97 and ending 4-30-2003

15 Civil Rights Commission, Iowa State

16 1 vacancy for a term ending 4-30-99

17 4 terms commencing 5-1-97 and ending 4-30-2000

18 Community Action Agencies, Commission on

19 3 terms commencing 5-1-97 and ending 4-30-2000

20 Community Health Management Information System

21 Governing Board

22 1 vacancy for a term ending 4-30-99

23 4 terms commencing 5-1-97 and ending 4-30-2000

24 Corrections, Board of

- 25 2 terms commencing 5-1-97 and ending 4-30-2001
- 26 Corrections, Director of the Department of
- 27 1 term served at the pleasure of the Governor
- 28 Cosmetology Arts and Sciences Examiners, Board of
- 29 2 terms commencing 5-1-97 and ending 4-30-2000
- 30 County Finance Committee

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- 1 2 terms commencing 5-1-97 and ending 4-30-2001
- 2 Credit Union Review Board
- 3 3 terms commencing 5-1-97 and ending 4-30-2000
- 4 Credit Unions, Superintendent of
- 5 1 term served at the pleasure of the Governor
- 6 Criminal and Juvenile Justice Planning Advisory Council
- 7 3 vacancies for terms ending 4-30-98
- 8 Criminal and Juvenile Justice Planning, Administrator
- 9 of the Division of
- 10 1 term served at the pleasure of the Governor
- 11 Deaf, Commission on the
- 12 1 term commencing 5-1-97 and ending 4-30-2000
- 13 Deaf Services, Administrator of the Division of
- 14 1 vacancy for a term ending 4-30-98
- 15 Dental Examiners, Board of
- 16 1 term commencing 8-2-96 and ending 4-30-97
- 17 3 terms commencing 5-1-97 and ending 4-30-2000
- 18 Dietetic Examiners, Board of
- 19 3 terms commencing 5-1-97 and ending 4-30-2000
- 20 Drug Abuse Prevention and Education Advisory Council
- 21 2 terms commencing 5-1-97 and ending 4-30-2001
- 22 Drug Enforcement and Abuse Prevention Coordinator
- 23 1 term served at the pleasure of the Governor
- 24 Economic Development Board, Iowa
- 25 4 terms commencing 5-1-97 and ending 4-30-2001
- 26 Education, State Board of
- 27 1 vacancy for a term ending 4-30-2002
- 28 Educational Examiners, Board of
- 29 6 terms commencing 5-1-97 and ending 4-30-2001
- 30 Elder Affairs, Commission of

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- 1 3 terms commencing 5-1-97 and ending 4-30-2001
- 2 Emergency Response Commission, Iowa
- 3 1 term commencing 5-1-97 and ending 4-30-2000
- 4 Engineering and Land Surveying Examining Board
- 5 2 terms commencing 5-1-97 and ending 4-30-2000
- 6 Environmental Protection Commission
- 7 1 term commencing 8-2-96 and ending 4-30-99
- 8 1 term commencing 8-19-96 and ending 4-30-99
- 9 5 terms commencing 5-1-97 and ending 4-30-2001
- 10 Ethics and Campaign Disclosure Board, Iowa

- 11 1 vacancy for a term ending 4-30-99
- 12 2 terms commencing 5-1-97 and ending 4-30-2003
- 13 Finance Authority, Iowa
- 14 3 terms commencing 5-1-97 and ending 4-30-2003
- 15 First in the Nation in Education Foundation
- 16 Governing Board
- 17 2 terms commencing 5-1-97 and ending 4-30-2003
- 18 Foster Care Review Board, State Citizen
- 19 4 terms commencing 5-1-97 and ending 4-30-2001
- 20 Health Facilities Council
- 21 1 term commencing 5-1-97 and ending 4-30-2003
- 22 Hearing Aid Dealers, Board of Examiners for the
- 23 Licensing and Regulation of
- 24 1 term commencing 5-1-97 and ending 4-30-2000
- 25 Higher Education Loan Authority, Iowa
- 26 1 term commencing 5-1-97 and ending 4-30-2003
- 27 Human Investment, Iowa Council on
- 28 3 terms commencing 5-1-97 and ending 4-30-2000
- 29 Human Services, Council on
- 30 1 vacancy for a term ending 4-30-99

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- 1 2 terms commencing 5-1-97 and ending 4-30-2003
- 2 Human Services, Director of the Department of
- 3 1 term served at the pleasure of the Governor
- 4 Industrial Commissioner
- 5 1 term commencing 5-1-97 and ending 4-30-2003
- 6 Inspections and Appeals, Director of the Department of
- 7 1 term served at the pleasure of the Governor
- 8 IPERS, Investment Board of the
- 9 1 term commencing 7-1-96 and ending 4-30-2001
- 10 1 term commencing 5-1-97 and ending 4-30-2003
- 11 Judicial Nominating Commission, State
- 12 2 terms commencing 5-1-97 and ending 4-30-2003
- 13 Judicial Qualifications, Commission on
- 14 1 term commencing 12-17-96 and ending 4-30-97
- 15 2 terms commencing 5-1-97 and ending 4-30-2003
- 16 Landscape Architectural Examining Board
- 17 2 terms commencing 5-1-97 and ending 4-30-2000
- 18 Latino Affairs, Administrator of the Division of
- 19 1 term served at the pleasure of the Governor
- 20 Law Enforcement Academy Council, Iowa
- 21 2 terms commencing 5-1-97 and ending 4-30-2001
- 22 Medical Examiners, Board of
- 23 1 term commencing 8-2-96 and ending 4-30-99
- 24 3 terms commencing 5-1-97 and ending 4-30-2000
- 25 Mental Health and Developmental Disabilities Commission
- 26 6 terms commencing 5-1-97 and ending 4-30-2000
- 27 Mortuary Science Examiners, Board of

- 28 1 term commencing 7-10-96 and ending 4-30-98
- 29 1 term commencing 7-10-96 and ending 4-30-99
- 30 2 terms commencing 5-1-97 and ending 4-30-2000

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- 1 Narcotics Enforcement Advisory Council
- 2 3 terms commencing 5-1-97 and ending 4-30-2001
- 3 Natural Resource Commission
- 4 2 terms commencing 5-1-97 and ending 4-30-2003
- 5 Nursing Examiners, Board of
- 6 1 term commencing 5-1-97 and ending 4-30-2000
- 7 Nursing Home Administrators, State Board of
- 8 Examiners for
- 9 5 terms commencing 5-1-97 and ending 4-30-2000
- 10 Optometry Examiners, Board of
- 11 3 terms commencing 5-1-97 and ending 4-30-2000
- 12 Parole, Board of
- 13 2 terms commencing 5-1-97 and ending 4-30-2001
- 14 Personnel Commission
- 15 1 term commencing 5-1-97 and ending 4-30-2003
- 16 Petroleum Underground Storage Tank Fund Board, Iowa
- 17 Comprehensive
- 18 1 term commencing 5-1-97 and ending 4-30-2001
- 19 Pharmacy Examiners, Board of
- 20 2 terms commencing 5-1-97 and ending 4-30-2000
- 21 Physical and Occupational Therapy Examiners,
- 22 Board of
- 23 2 terms commencing 5-1-97 and ending 4-30-2000
- 24 Physician Assistant Examiners, Board of
- 25 1 vacancy for a term ending 4-30-97
- 26 3 terms commencing 5-1-97 and ending 4-30-2000
- 27 Podiatry Examiners, Board of
- 28 2 terms commencing 5-1-97 and ending 4-30-2000
- 29 Prevention of Disabilities Policy Council
- 30 3 terms commencing 5-1-97 and ending 4-30-2000

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- 1 Professional Licensing and Regulation, Administrator of
- 2 1 term commencing 1-13-97 and ending 4-30-98
- 3 Psychology Examiners, Board of
- 4 2 terms commencing 5-1-97 and ending 4-30-2000
- 5 Public Defender, State
- 6 1 term served at the pleasure of the Governor
- 7 Public Employment Relations Board
- 8 1 term commencing 1-28-97 and ending 4-30-2000
- 9 Racing and Gaming Commission, State
- 10 2 terms commencing 5-1-97 and ending 4-30-2000
- 11 Real Estate Appraiser Examining Board
- 12 1 vacancy for a term ending 4-30-97
- 13 1 vacancy for a term ending 4-30-98

- 14 2 terms commencing 5-1-97 and ending 4-30-2000
- 15 Real Estate Commission
- 16 2 terms commencing 5-1-97 and ending 4-30-2000
- 17 Regents, State Board of
- 18 1 term commencing 7-19-96 and ending 4-30-99
- 19 3 terms commencing 5-1-97 and ending 4-30-2003
- 20 Renewable Fuels and Coproducts Advisory Committee
- 21 1 term commencing 3-28-96 and ending 4-30-99
- 22 3 terms commencing 5-1-97 and ending 4-30-2000
- 23 Respiratory Care Examiners, Board of
- 24 1 vacancy for a term ending 4-30-98
- 25 2 vacancies for terms ending 4-30-99
- 26 2 vacancies for terms ending 4-30-2000
- 27 School Budget Review Committee
- 28 1 term commencing 5-1-97 and ending 4-30-2001
- 29 Seed Capital Corporation, Iowa
- 30 1 term commencing 10-9-96 and ending 4-30-97

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- 1 3 terms served at the pleasure of the Governor
- 2 Small Business Advisory Council
- 3 1 vacancy for a term ending 4-30-97
- 4 3 terms commencing 5-1-97 and ending 4-30-2001
- 5 Social Work Examiners, Board of
- 6 1 term commencing 5-1-97 and ending 4-30-2000
- 7 Soil Conservation Committee, State
- 8 3 terms commencing 5-1-97 and ending 4-30-2003
- 9 Speech Pathology and Audiology Examiners, Board of
- 10 3 terms commencing 5-1-97 and ending 4-30-2000
- 11 Tax Review, State Board of
- 12 1 term commencing 10-25-96 and ending 4-30-98
- 13 1 term commencing 5-1-97 and ending 4-30-2003
- 14 Telecommunications and Technology Commission, Iowa
- 15 1 term commencing 7-1-96 and ending 4-30-99
- 16 1 term commencing 7-1-96 and ending 4-30-2001
- 17 Title Guaranty Division Board
- 18 1 term commencing 5-1-97 and ending 4-30-2003
- 19 Transportation Commission, State
- 20 2 terms commencing 5-1-97 and ending 4-30-2001
- 21 Transportation, Director of
- 22 1 term served at the pleasure of the Governor
- 23 Utilities Board
- 24 1 term commencing 5-1-97 and ending 4-30-2003
- 25 Utilities Board, Chair of
- 26 1 term commencing 5-1-97 and ending 4-30-99
- 27 Veterans Affairs, Commission of
- 28 1 vacancy ending 4-30-2000
- 29 Veterinary Medicine, Iowa Board of
- 30 2 terms commencing 5-1-97 and ending 4-30-2000

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- 1 Wallace Technology Transfer Foundation of Iowa
- 2 1 vacancy for a term ending 4-30-97
- 3 3 terms commencing 5-1-97 and ending 4-30-2000
- 4 Workforce Development Board, Iowa
- 5 4 terms commencing 10-25-96 and ending 4-30-98
- 6 5 terms commencing 10-25-96 and ending 4-30-2000
- 7 Workforce Development, Director of
- 8 1 term served at the pleasure of the Governor

1 SENATE RESOLUTION NO. 8

2 by: Bartz

3 A Senate Resolution recognizing Sergeant Scott Harlan
4 Siefken and his family and requesting federal
5 assistance.

6 WHEREAS, the honorable Sergeant Scott Harlan
7 Siefken served his country for over seven years in
8 both the United States Navy and in the Iowa Army
9 National Guard; and

10 WHEREAS, Sergeant Siefken's duties included active
11 duty in Operation Desert Storm from September 27,
12 1990, until April 13, 1991, as a member of the 1133rd
13 Transportation Company of the Iowa Army National
14 Guard; and

15 WHEREAS, Sergeant Siefken was among over 700,000
16 service personnel who served in the Persian Gulf
17 during Operations Desert Shield and Desert Storm; and

18 WHEREAS, as of March 1996, approximately 80,000
19 veterans had officially registered with the federal
20 Department of Veterans Affairs or with the federal
21 Department of Defense as having developed a chronic
22 illness subsequent to the war and an unknown number of
23 additional veterans have sought private medical care;
24 and

25 WHEREAS, these veterans report a core set of
26 symptoms including sleep problems, mood swings, short-
27 term memory loss, chronic fatigue, rashes or skin
28 problems, muscle and joint pain, headaches, nerve
29 problems, respiratory problems, abdominal pain,
30 cardiovascular problems, sensitivity to bright light,

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- 1 blurred vision, diarrhea, and additional symptoms; and
- 2 WHEREAS, based upon the symptoms reported, health
- 3 care officials are unable to easily diagnose a
- 4 distinct illness although the symptoms are often
- 5 collectively referred to as gulf war syndrome; and
- 6 WHEREAS, due to the nature of the symptoms and the
- 7 lack of a comprehensive definition of gulf war

8 syndrome, affected veterans have been diagnosed with a
9 variety of illnesses found in the general population;
10 and

11 WHEREAS, following an initial diagnosis of a
12 medical problem found in the general population, a
13 veteran may not subsequently be considered to be
14 suffering from a service-related illness or with an
15 undiagnosable condition such as gulf war syndrome; and

16 WHEREAS, the federal government's approach to
17 compensation of veterans of the Persian Gulf War for
18 medical problems is to provide compensation for
19 service-related illness or undiagnosable conditions;
20 and

21 WHEREAS, Sergeant Siefken was diagnosed with
22 medical problems existing in the general population
23 thus masking any determination of an undiagnosable
24 illness such as gulf war syndrome and rendering him
25 ineligible for compensation for an undiagnosible
26 illness; and

27 WHEREAS, Sergeant Siefken died in October 1994
28 following a long and painful illness as the result of
29 symptoms which are characteristic of gulf war
30 syndrome; and

Page 3

1 WHEREAS, Sergeant Siefken's wife, Lydia, and two
2 children have been denied disability and survivor's
3 compensation despite repeated efforts to receive such
4 compensation; and

5 WHEREAS, the federal government has made little
6 progress in educating, diagnosing, treating, or
7 compensating the veterans of the Persian Gulf War
8 suffering from medical problems; NOW THEREFORE;

9 BE IT RESOLVED BY THE SENATE, That the state of
10 Iowa recognizes the great sacrifices of veterans of
11 the Persian Gulf War and commends Sergeant Siefken and
12 his fellow veterans on their selfless service to their
13 country; and

14 BE IT FURTHER RESOLVED, That the United States
15 Congress and the President of the United States are
16 requested to accelerate efforts in defining gulf war
17 syndrome and in educating, diagnosing, treating, and
18 compensating affected veterans of the Persian Gulf War
19 and their families.

20 BE IT FURTHER RESOLVED, That the United States
21 Department of Veterans Affairs is requested to review
22 the Siefken family's request for compensation as a
23 request for compensation based upon an undiagnosable
24 illness.

25 BE IT FURTHER RESOLVED, That a copy of this
26 Resolution be sent to the President of the United

27 States, to the Iowa congressional delegation, to the
 28 United States Department of Veterans Affairs, and to
 29 Mrs. Lydia Siefken and her children, in recognition of
 30 Sergeant Siefken's service to his state and country

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1 and of the great sacrifice made by the Seifken family.

1 SENATE RESOLUTION NO. 12

2 by: committee on Rules and Administration

3 A Senate Resolution relating to daily operations of
 4 the Senate.

5 WHEREAS, the legislative authority of this state is
 6 vested in the General Assembly consisting of the
 7 Senate and the House of Representatives; 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, 1997 and ending June 30, 1998, 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 \$2,833,485.

27 2. Interim expenses including members' and staff
 28 compensation and other current expenses in an amount
 29 not to exceed \$320,500.

30 3. Fixed expenses, including permanent employees'

Page 2

1 compensation and equipment in an amount not to exceed
 2 \$2,077,195.

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 \$100,000.
 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 CONCURRENT RESOLUTION NO. 1
 2 by: committee on Rules and Administration
 3 A Concurrent Resolution relating to the compensation
 4 of chaplains, officers and employees of the
 5 ~~seventy-sixth~~ seventy-seventh general assembly.
 6 WHEREAS, section 2.11 of the Code provides that
 7 "The compensation of the chaplains, officers, and
 8 employees of the general assembly shall be fixed by
 9 joint action of the house and senate by resolution at
 10 the opening of each session, or as soon thereafter as
 11 conveniently can be done.", NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

13 That the compensation for the following officers for
 14 the period commencing January 9, 1995 ~~13, 1997~~ and
 15 ending January ~~13, 1997~~ 11, 1999, shall be within the
 16 following ranges:

17 Secretary of the Senate and Chief
 18 Clerk of the House \$44,373 to \$76,580
 19 \$46,847 to \$80,849

20 Within the indicated ranges the exact compensation
 21 shall be set or adjusted for the senate officers by
 22 the senate rules and administration committee and for
 23 the house officers by the house administration and
 24 rules committee. The committees shall report the
 25 exact compensation assigned to each position on the
 26 next legislative day, or, if such action is during the
 27 interim, on the first day the senate or house shall
 28 convene. Any action by the senate or house to
 29 disapprove or amend the report shall be effective the
 30 day after the action.

Page 2

1 BE IT FURTHER RESOLVED, That the compensation of
 2 the employees of the ~~seventy-sixth~~ seventy-seventh
 3 general assembly is set, effective from January 9,
 4 ~~1995 13, 1997~~, until January ~~13, 1997~~ 11, 1999, in
 5 accordance with the following salary schedule:

6 #8	#9	#10	#11	#12
7 \$12,022.40	\$12,625.60	\$13,270.40	\$13,936.00	\$14,643.20
8 5.78	6.07	6.38	6.70	7.04

9 #13	#14	#15	#16	#17
11 \$15,350.40	\$16,161.60	\$17,014.40	\$17,867.20	\$18,678.40
12 7.38	7.77	8.18	8.59	8.98

14 #18	#19	#20	#21	#22
15 \$19,572.80	\$20,488.00	\$21,528.00	\$22,526.40	\$23,628.80
16 9.41	9.85	10.35	10.83	11.36

18 #23	#24	#25	#26	#27
19 \$24,772.80	\$25,916.80	\$27,206.40	\$28,475.20	\$29,848.00
20 11.91	12.46	13.08	13.69	14.35

22 #28	#29	#30	#31	#32
23 \$31,304.00	\$32,801.60	\$34,361.60	\$36,046.40	\$37,731.20
24 15.05	15.77	16.52	17.33	18.14

26 #33	#34	#35	#36	#37
27 \$39,603.20	\$41,454.40	\$43,430.40	\$45,531.20	\$47,736.00
28 19.04	19.93	20.88	21.89	22.95

30 #38	#39	#40	#41	#42
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1	\$50,003.20	\$52,416.00	\$54,974.40	\$57,595.20	\$60,382.40
2	24.04	25.20	26.43	27.69	29.03
3					
4	#8	#9	#10	#11	#12
5	\$12,688.00	\$13,332.80	\$13,998.40	\$14,705.60	\$15,454.40
6	6.10	6.41	6.73	7.07	7.43
7					
8	#13	#14	#15	#16	#17
9	\$16,203.20	\$17,056.00	\$17,971.20	\$18,865.60	\$19,718.40
10	7.79	8.20	8.64	9.07	9.48
11					
12	#18	#19	#20	#21	#22
13	\$20,654.40	\$21,632.00	\$22,734.40	\$23,774.40	\$24,939.20
14	9.93	10.40	10.93	11.43	11.99
15					
16	#23	#24	#25	#26	#27
17	\$26,166.40	\$27,352.00	\$28,724.80	\$30,056.00	\$31,512.00
18	12.58	13.15	13.81	14.45	15.15
19					
20	#28	#29	#30	#31	#32
21	\$33,051.20	\$34,632.00	\$36,296.00	\$38,064.00	\$39,832.00
22	15.89	16.65	17.45	18.30	19.15
23					
24	#33	#34	#35	#36	#37
25	\$41,808.00	\$43,763.20	\$45,864.00	\$48,068.80	\$50,398.40
26	20.10	21.04	22.05	23.11	24.23
27					
28	#38	#39	#40	#41	#42
29	\$52,790.40	\$55,348.80	\$58,032.00	\$60,798.40	\$63,752.00
30	25.38	26.61	27.90	29.23	30.65

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1					
2	#43	#44	#45	#46	#47
3	\$66,747.20	\$70,012.80	\$73,361.60	\$76,856.00	\$80,537.60
4	32.09	33.66	35.27	36.95	38.72

5 In this schedule, each numbered block shall be the
 6 yearly and hourly compensation for the pay grade of
 7 the number heading the block. Within each grade there
 8 shall be six steps numbered "1" through "6". In the
 9 above schedule the steps for all grades are determined
 10 in the following manner. Each numbered block is
 11 counted as the "1" step for that grade. The next
 12 higher block is counted as the "2" step; the next
 13 higher block is the "3" step; the next higher block is
 14 the "4" step; the next higher block is the "5" step;
 15 the next higher block is the "6" step.

16 All employees shall be available to work daily
 17 until completion of the senate's and house of

18 representatives' business. The employee's division
 19 supervisor shall schedule all employees' working hours
 20 to, as far as possible, maintain regular working
 21 hours.

22 All employees, other than those designated "part-
 23 time" shall be compensated for 40 hours of work in a
 24 one-week pay period. Secretaries to senators and
 25 representatives are presumed to have 40 hours of work
 26 each week the legislature is in session and shall be
 27 paid only on that basis. Except for the personnel
 28 designated to the contrary in this resolution,
 29 employees who are required to work in excess of 40
 30 hours in a one-week pay period shall either be

Page 5

1 compensated at a rate of pay equal to one and one-half
 2 times the hourly pay provided in this resolution or
 3 allowed compensatory time off at a rate of one and
 4 one-half hours for each hour of overtime.

5 The following personnel shall not be paid an
 6 overtime premium:

7 Secretary of the Senate
 8 Chief Clerk of the House
 9 Assistant Secretary of the Senate
 10 Assistant Chief Clerk of the House
 11 Senate Legal Counsel
 12 House Legal Counsel
 13 Finance Officer
 14 Senior Finance Officer
 15 Senior Journal Editor
 16 All Administrative Assistants
 17 All Research Analysts
 18 All Research Assistants
 19 All Secretaries to Senators and Representatives
 20 All Caucus Staff Directors
 21 All Senior Caucus Secretaries
 22 Administrative, Executive, and Confidential
 23 Secretaries to President, Speaker, Leader or
 24 Secretary of Senate or Chief Clerk of House
 25 This list may be modified pursuant to the annual
 26 review authorized in this resolution.

27 ~~Beginning with the convening of the Seventy-seventh~~
 28 ~~General Assembly, all caucus secretaries shall not be~~
 29 ~~paid an overtime premium.~~

30 BE IT FURTHER RESOLVED, That part-time employees

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1 shall be compensated at the scheduled hourly rate for
 2 their pay grade and step.

3 BE IT FURTHER RESOLVED, That compensatory time off

4 shall be granted to employees not eligible for the
 5 overtime premium in a uniform manner for all
 6 legislative employees as determined by the legislative
 7 council.

8 BE IT FURTHER RESOLVED, That in the event the
 9 promulgated by the personnel commission pursuant to
 10 salary schedule for employees of the State of Iowa as
 11 section 19A.9, subsection 2, Code ~~1995~~ 1997, is
 12 revised upward at any time during the ~~seventy-sixth~~
 13 seventy-seventh general assembly, such revised
 14 schedule shall simultaneously be adopted for the
 15 compensation of the employees of the ~~seventy-sixth~~
 16 seventy-seventh general assembly assigned a grade by
 17 this resolution. The pay ranges of those positions
 18 specifically listed on page one of this resolution
 19 shall be automatically adjusted to reflect any cost of
 20 living increases granted to those employees not
 21 included in the collective bargaining agreements made
 22 final under chapter 20 of the Code and increases
 23 provided by the legislative council for agency
 24 directors.

25 BE IT FURTHER RESOLVED, That adjustments in the
 26 positions and compensation listed in this resolution
 27 may be made through an annual interim review of all
 28 legislative employees for internal equity and to
 29 assure compliance with appropriate legal standards for
 30 granting of overtime and compensatory time off. Such

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1 review shall be conducted by a legislative committee
 2 made up of members of the service committee of
 3 legislative council and the appropriate salary
 4 subcommittees of the senate and house. Only one such
 5 review may be done in any fiscal year and adjustments
 6 suggested must be approved by the appropriate hiring
 7 body.

8 BE IT FURTHER RESOLVED, That the employees of the
 9 ~~seventy-sixth~~ seventy-seventh general assembly be
 10 placed in the following pay grades:

11 EMPLOYEES OF THE HOUSE

12 Sr. Assistant Chief Clerk of the House	Grade 41
13 Assistant Chief Clerk of the House III	Grade 38
14 Assistant Chief Clerk of the House II	Grade 35
15 Assistant Chief Clerk of the House I	Grade 32
16 Legal Counsel II	Grade 35
17 Legal Counsel I	Grade 32
18 Legal Counsel	Grade 30
19 Sr. Caucus Staff Director	Grade 41
20 Caucus Staff Director	Grade 38
21 Administrative Assistant to Leader	
22 or Speaker	Grade 27

23	Administrative Assistant I to Leader	
24	or Speaker	Grade 29
25	Administrative Assistant II to Leader	
26	or Speaker	Grade 32
27	Administrative Assistant III to Leader,	
28	or Speaker, or Speaker Pro Tempore	Grade 35
29	Sr. Administrative Assistant to	
30	Leader or Speaker	Grade 38

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1	Research Assistant	Grade 24
2	Legislative Research Analyst	Grade 27
3	Legislative Research Analyst I	Grade 29
4	Legislative Research Analyst II	Grade 32
5	Legislative Research Analyst III	Grade 35
6	Sr. Legislative Research Analyst	Grade 38
7	Secretary to Leader or Speaker	Grade 19
8	Caucus Secretary	Grade 21
9	Senior Caucus Secretary	Grade 24
10	Administrative Secretary to Leader,	
11	Speaker, or Chief Clerk	Grade 21
12	Executive Secretary to Leader,	
13	Speaker or Chief Clerk	Grade 24
14	Confidential Secretary to Leader,	
15	Speaker, or Chief Clerk	Grade 27
16	Clerk to Chief Clerk	Grade 16
17	Supervisor of Secretaries	Grade 21
18	Supervisor of Secretaries I	Grade 24
19	Supervisor of Secretaries II	Grade 27
20	Senior Editor	Grade 30
21	Editor II	Grade 25
22	Editor I	Grade 22
23	Assistant Editor	Grade 19
24	Compositor/Desk Top Specialist	Grade 17
25	Sr. Text Processor	Grade 25
26	Text Processor II	Grade 22
27	Text Processor I	Grade 19
28	Senior Finance Officer	Grade 31
29	Finance Officer II	Grade 27
30	Finance Officer I	Grade 24

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1	Assistant Finance Officer	Grade 21
2	Recording Clerk II	Grade 24
3	Recording Clerk I	Grade 21
4	Assistant Legal Counsel	Grade 27
5	Engrossing & Enrolling Processor	Grade 27
6	Assistant to the Legal Counsel	Grade 19
7	Indexer II	Grade 25
8	Indexer I	Grade 22

9	Indexing Assistant	Grade 19
10	Supply Clerk	Grade 16
11	Switchboard Operator.....	Grade 14
12	Legislative Secretary.....	Grade 15
13	Legislative Committee Secretary	Grade 17
14	Bill Clerk	Grade 14
15	Assistant Bill Clerk.....	Grade 12
16	Postmaster.....	Grade 12
17	Sergeant-at-Arms.....	Grade 17
18	Assistant Sergeant-at-Arms	Grade 14
19	Chief Doorkeeper	Grade 12
20	Doorkeepers	Grade 11
21	Pages.....	Minimum Wage
22	BE IT FURTHER RESOLVED , That authorization for the	
23	position of Administrative Assistant III to Speaker	
24	Pro Tempore ends July 1, 1996.	
25	EMPLOYEES OF THE SENATE	
26	Sr. Assistant Secretary of the Senate.....	Grade 41
27	Assistant Secretary of the Senate III	Grade 38
28	Assistant Secretary of the Senate II	Grade 35
29	Assistant Secretary of the Senate I.....	Grade 32
30	Legal Counsel II	Grade 35

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1	Legal Counsel I.....	Grade 32
2	Legal Counsel.....	Grade 30
3	Sr. Caucus Staff Director	Grade 41
4	Caucus Staff Director	Grade 38
5	Administrative Assistant to Leader	
6	or President	Grade 27
7	Administrative Assistant I to Leader	
8	or President	Grade 29
9	Administrative Assistant II to Leader	
10	or President	Grade 32
11	Administrative Assistant III to Leader	
12	or President	Grade 35
13	Sr. Administrative Assistant to	
14	Leader or President.....	Grade 38
15	Research Assistant.....	Grade 24
16	Legislative Research Analyst.....	Grade 27
17	Legislative Research Analyst I.....	Grade 29
18	Legislative Research Analyst II	Grade 32
19	Legislative Research Analyst III	Grade 35
20	Sr. Legislative Research Analyst.....	Grade 38
21	Caucus Secretary	Grade 21
22	Senior Caucus Secretary	Grade 24
23	Secretary to Leader or President.....	Grade 19
24	Administrative Secretary to Leader, President,	
25	President Pro Tempore, or	
26	Secretary of the Senate.....	Grade 21
27	Executive Secretary to Leader, President,	

28	or Secretary of the Senate	Grade 24
29	Confidential Secretary to Leader, President,	
30	or Secretary of the Senate	Grade 27

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1	Supervisor of Secretaries	Grade 21
2	Supervisor of Secretaries I	Grade 24
3	Supervisor of Secretaries II	Grade 27
4	Senior Editor	Grade 30
5	Editor II	Grade 25
6	Editor I	Grade 22
7	Assistant Editor	Grade 19
8	Compositor/Desk Top Specialist	Grade 17
9	Assistant Legal Counsel	Grade 27
10	Assistant to the Legal Counsel	Grade 19
11	Proofreader	Grade 16
12	Senior Finance Officer	Grade 31
13	Finance Officer II	Grade 27
14	Finance Officer I	Grade 24
15	Assistant Finance Officer	Grade 21
16	Recording Clerk II	Grade 24
17	Recording Clerk I	Grade 21
18	Indexer II	Grade 25
19	Indexer I	Grade 22
20	Indexing Assistant	Grade 19
21	Records and Supply Clerk	Grade 18
22	Switchboard Operator	Grade 14
23	Legislative Secretary	Grade 15
24	Legislative Committee Secretary	Grade 17
25	Bill Clerk	Grade 14
26	Assistant Bill Clerk	Grade 12
27	Postmaster	Grade 12
28	Sergeant-at-Arms	Grade 17
29	Assistant Sergeant-at-Arms	Grade 14
30	Chief Doorkeeper	Grade 12

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1	Doorkeepers	Grade 11
2	Pages	Minimum Wage
3	BE IT FURTHER RESOLVED, That authorization for the	
4	position of Administrative Secretary to President Pro	
5	Tempore ends July 1, 1996.	
6	BE IT FURTHER RESOLVED, That there shall be four	
7	classes of appointments as employees of the general	
8	assembly:	
9	A "permanent full-time" or "permanent part-time"	
10	employee is one who is employed the year around and	
11	eligible to receive state benefits.	
12	An "exempt full-time" employee is one who is	

13 employed for the period of the sessions with
14 extensions post-session and pre-session as scheduled.
15 This class is eligible to receive state benefits with
16 the cost of benefits to the state to be paid by the
17 employee when not on the payroll.

18 A "session-only" employee is one who is employed
19 for only a portion of the year, usually the
20 legislative session. This class is not eligible for
21 state benefits, except IPERS, and insurance as
22 provided in section 2.40.

23 A "part-time" employee is one who is employed to
24 work less than 40 hours per week. This class is not
25 eligible for state benefits, except IPERS if eligible.

26 BE IT FURTHER RESOLVED, That the exact
27 classification for individuals in a job series created
28 by this resolution shall be set or changed for senate
29 employees by the senate rules and administration
30 committee and for the house employees by the house

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1 administration and rules committee. The committees
2 shall base the classification upon the following
3 factors:

- 4 1. The extent of formal education required of the
5 position; and,
- 6 2. The extent of the responsibilities to be
7 assigned to the position; and,
- 8 3. The amount of supervision placed over the
9 position; and,
- 10 4. The number of persons the position is assigned
11 to supervise and skill and responsibilities of those
12 positions supervised.

13 The committees shall report the exact
14 classifications assigned to each individual on the
15 next legislative day, or, if such action is during the
16 interim, on the first day the senate or house shall
17 convene. Any action by the senate or house to
18 disapprove a report or a portion of a report shall be
19 effective the day after the action.

20 Recommendations for a pay grade for a new position
21 shall be developed in accordance with the factor
22 scores in the comparable worth report. Beginning in
23 1997 1999, every four years the senate rules and
24 administration committee, the house administration and
25 rules committee, and the legislative council shall
26 review all positions in the legislative branch to
27 assure conformity to comparable worth.

28 BE IT FURTHER RESOLVED, That a senator or
29 representative may employ a secretary who in the
30 judgment of the senator or representative employing'

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1 such person, possesses the necessary skills to perform
2 the duties such senator or representative shall
3 designate, under the administrative direction, as
4 appropriate, of the secretary of the senate or the
5 chief clerk of the house.

6 Each standing committee chairperson, ethics
7 committee chairperson, and each appropriations
8 subcommittee chairperson shall designate a secretary
9 who is competent to perform the following duties:
10 prepare committee minutes, committee reports, type
11 committee correspondence, maintain committee records,
12 and otherwise assist the committee. Such duties shall
13 be performed in accordance with standards which shall
14 be provided by the secretary of the senate and chief
15 clerk of the house. In making the designation,
16 chairpersons shall consider persons for possible
17 designation as the secretary to the committee in the
18 following order:

19 First: The secretary to the chairperson.
20 Second: The secretary to the committee's vice-
21 chairperson.
22 Third: The secretary to any other member of the
23 committee.
24 Fourth: The secretary to any other member in the
25 same house as the committee.

26 BE IT FURTHER RESOLVED, That a Legal Counsel II
27 shall be a person who has graduated from an accredited
28 school of law and is admitted to practice in Iowa as
29 an Attorney and Counselor at Law and possesses either
30 a Masters of Law degree or has at least two years of

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1 legal experience after admission to practice.
2 A Legal Counsel I shall be a person who has
3 graduated from an accredited school of law and is
4 admitted to practice in Iowa as an Attorney and
5 Counselor at Law.

6 BE IT FURTHER RESOLVED, That employees of the
7 general assembly may be eligible for either:
8 a) increases in salary grade or step based on
9 evaluation of their job performance and
10 recommendations of their administrative officers,
11 subject to approval of the senate committee on rules
12 and administration or the house committee on
13 administration and rules, as appropriate, provided,
14 however, that for promotions between classes with a
15 three or more pay grade difference, the employee shall
16 be given a two-step increase in pay or the employee's
17 salary shall be adjusted to the entry level in the

18 grade of the new position, whichever is greater; or
 19 b) mobility within a pay grade at the discretion
 20 of the chief clerk of the house upon recommendation by
 21 the employee's division supervisor on the part of the
 22 house, and the discretion of the employee's division
 23 supervisor on the part of the senate, subject to the
 24 approval of the house committee on administration and
 25 rules or the senate committee on rules and
 26 administration, as appropriate -- in accord with the
 27 following schedule:
 28 (1) Progression from step "1" to "2" for a newly
 29 hired employee -- six months of actual employment.
 30 (2) Progression from step "1" to "2" following

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1 promotion within a job series -- twelve months of
 2 actual employment in that position.
 3 (3) Progression from step "2" to "3", and step "3"
 4 to "4", and step "4" to "5", and step "5" to "6" --
 5 twelve months of actual employment.
 6 BE IT FURTHER RESOLVED, that in addition to the
 7 steps provided in the preceding paragraph, that
 8 secretaries to senators and representatives who were
 9 employees of the senate or house of representatives
 10 during any general assembly prior to January 9, 1989,
 11 and who have received certification for passing a
 12 typing and shorthand performance examination shall be
 13 eligible for two additional steps.
 14 BE IT FURTHER RESOLVED, That in addition to the
 15 steps provided in the preceding paragraph, that
 16 secretaries to senators and representatives shall be
 17 eligible for a maximum of three additional grades
 18 beyond grade 15, in any combination, as provided in
 19 this paragraph:
 20 1. One additional grade for a secretary to a
 21 standing committee chair, ethics committee chair or
 22 appropriations subcommittee chair who is not the
 23 designated committee secretary.
 24 2. One additional grade for a secretary to a vice-
 25 chairperson or ranking member of a standing committee,
 26 ethics committee or appropriations subcommittee.
 27 3. One additional grade for a secretary to the
 28 chairperson of the chaplain's committee.
 29 4. Two additional grades for a secretary to an
 30 assistant floor leader or speaker pro tempore or

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1 president pro tempore.
 2 5. One additional grade for a designated committee
 3 secretary who is also the designated committee

4 secretary for an additional standing committee, ethics,
 5 committee, or appropriations subcommittee.
 6 ~~BE IT FURTHER RESOLVED, That in the event the~~
 7 ~~secretary to the chairperson of the chaplain's~~
 8 ~~committee is the secretary to the president, speaker,~~
 9 ~~or the majority or minority leader, such secretary~~
 10 ~~shall receive one additional step a legislative~~
 11 ~~employee designated to assist the chairperson of the~~
 12 ~~chaplain's committee in the committee's duties shall~~
 13 ~~receive one additional step.~~

14 BE IT FURTHER RESOLVED, That the entrance salary
 15 for employees of the general assembly shall be at step
 16 1 in the grade of the position held. Such employee
 17 may be hired above the entrance step if possessing
 18 outstanding and unusual experience for the position,
 19 provided that the entrance is not beyond step 3. Such
 20 employee who is hired above the entrance step shall be
 21 mobile above that step in the same period of time as
 22 other employees in that same step. An officer or
 23 employee who is moved to another position may be
 24 considered for partial or full credit for their
 25 experience in the former position in determining the
 26 step in the new grade.

27 The entry level for the position of research
 28 analyst shall be Legislative Research Analyst, unless
 29 extraordinary conditions justify increasing that entry
 30 level; however, that entry level may not be increased

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1 beyond Legislative Research Analyst I. A research
 2 analyst must have shown knowledge of legislative rules
 3 and procedures as well as the Code of Iowa to be
 4 considered at any level above a Legislative Research
 5 Analyst.

6 BE IT FURTHER RESOLVED, That a pay increase for
 7 employees of one step within the pay grade for the
 8 position may be made for exceptionally meritorious
 9 service in addition to step increases provided for in
 10 this resolution, at the discretion of the chief clerk
 11 upon recommendation by the employee's division
 12 supervisor on the part of the house, and upon
 13 recommendation by the employee's division supervisor
 14 on the part of the senate, and the approval of the
 15 senate committee on rules and administration or the
 16 house committee on administration and rules.
 17 Exceptionally meritorious service pay increases shall
 18 be governed by the following:

- 19 a. The employee must have served in the position
 20 for at least twelve months;
- 21 b. Written justification, setting forth in detail
 22 the nature of the exceptionally meritorious service

23 rendered, must be submitted to the senate rules and
24 administration committee or house administration and
25 rules committee and approved in advance of granting
26 the pay increase;

27 c. No more than one exceptionally meritorious
28 service pay increase may be granted in any twelve-
29 month period.

30 d. Such meritorious service pay increase shall not

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1 be granted beyond the six-step maximum for that
2 position.

3 **BE IT FURTHER RESOLVED**, That the senate rules and
4 administration committee and the house administration
5 and rules committee shall both hire officers and
6 employees for their respective bodies and fill any
7 vacancies which may occur, to be effective at such
8 time as they shall set. The committee shall report
9 the names of those it has hired for the positions
10 specified in this resolution or the filling of any
11 vacancies on the next legislative day or, if such
12 action is during the interim, on the first day the
13 senate or house shall convene. Any action by the
14 senate or house to amend or disapprove a report or a
15 portion of a report shall be effective the day after
16 the action.

17 The chief clerk of the house shall submit to the
18 house committee on administration and rules and the
19 secretary of the senate shall submit to the senate
20 committee on rules and administration the list of
21 names, or amendments thereto, of employee
22 classifications and recommended pay step for each
23 officer and employee. Such list shall include
24 recommendations for the pay step for all employees.
25 Each respective committee shall approve or amend the
26 list of recommended classifications and pay steps and
27 publish said list in the journal.

28 **BE IT FURTHER RESOLVED**, That permanent employees of
29 the general assembly shall receive vacation
30 allowances, sick leave, health and accident insurance,

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1 life insurance, and disability income insurance as are
2 provided for full-time permanent state employees. The
3 computations shall be maintained by the finance
4 officers in each house and coordinated with the
5 department of revenue and finance.

6 **BE IT FURTHER RESOLVED**, That should any employee
7 have a grievance, the grievance shall be resolved as
8 provided by procedures determined by the senate rules

9 and administration committee for senate employees or
10 the house administration and rules committee for house
11 employees.

12 · BE IT FURTHER RESOLVED, That the general assembly
13 adopt a resolution similar to this resolution which
14 provides for the compensation and benefits of all
15 legislative central staff agency employees for the
16 ~~seventy-sixth~~ seventy-seventh general assembly. The
17 resolution shall be adopted as soon as practicable
18 after the convening of the ~~seventy-sixth~~ seventy-
19 seventh general assembly, and published in the
20 journals of the senate and house.

21 BE IT FURTHER RESOLVED, That the compensation of
22 chaplains officiating at the opening of the daily
23 sessions of the house of representatives and the
24 senate of the ~~seventy-sixth~~ seventy-seventh general
25 assembly be fixed at ten dollars for each house of the
26 general assembly, and that mileage for chaplains be
27 fixed at the rate of ~~twenty-one~~ twenty-four cents per
28 mile to and from the State Capitol.

1 SENATE CONCURRENT RESOLUTION NO. 2

2 by: committee on Agriculture

3 (Successor To SSB 10)

4 (Companion to HCR 3 by Weigel)

5 A Concurrent Resolution to request that the United
6 States Internal Revenue Service and the United States
7 Congress act to allow farmers to use deferred payment
8 contracts without being subject to alternative tax
9 liability.

10 WHEREAS, farmers are forced to face volatile income
11 swings that result from unpredictable and
12 uncontrollable weather and markets; and

13 WHEREAS, a deferred payment contract is a legal
14 instrument allowing farmers to sell a commodity for a
15 fixed price in a tax year for payment in a later tax
16 year; and

17 WHEREAS, United States tax code provisions have
18 allowed farmers to manage their tax burden in order to
19 evenly spread income over a period of years to
20 mitigate against the effects caused by volatile swings
21 of income; and

22 WHEREAS, under the regular income tax the income
23 from deferred payment contracts is allowed to be
24 reported in the tax year the cash is received; and

25 WHEREAS, the federal alternative minimum tax is a
26 separate tax that parallels the regular income tax and
27 applies to ensure that at least a minimum amount of
28 income tax is paid by corporate and high-income
29 noncorporate taxpayers who reap large tax savings by
30 making use of certain tax deductions and exemptions,

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1 such as accelerated depreciation, tax credits, or
2 itemized deductions; and
3 WHEREAS, the Internal Revenue Service is asserting
4 that for alternative minimum tax purposes, deferred
5 payment commodity contracts of farmers who report
6 their income on a cash basis are installment sales and
7 the income from these contracts should be taxed in the
8 year of sale, not when the cash is received by the
9 farmer in the following tax year; and
10 WHEREAS, for a farmer who uses deferred payment
11 contracts this policy may create a substantial tax
12 burden in one tax year from which it is difficult or
13 impossible to recover in subsequent tax years; and
14 WHEREAS, farmers who have entered into deferred
15 sales contracts to lock in high prices of the recent
16 market may be subject to alternative tax liability
17 before any income is received on the sale of their
18 crop; and
19 WHEREAS, this places a potentially crippling
20 penalty on farmers, and especially small farmers, who
21 oftentimes have difficulty maintaining cash on hand;
22 and
23 WHEREAS, the position of the Internal Revenue
24 Service is based on a reading of the Tax Reform Act of
25 1986 which is contrary to the intentions of the United
26 States Congress and four decades of case law and
27 revenue rulings supporting the deferral of income
28 through deferred payment and deferred pricing
29 contracts; NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

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1 REPRESENTATIVES CONCURRING, That the United States
2 Internal Revenue Service immediately reexamine its
3 position regarding deferred payment contracts; and
4 BE IT FURTHER RESOLVED, That the United States
5 Congress provide a permanent solution to this problem
6 by enacting legislation similar to HR 4072 introduced
7 in 1996, in order to clarify the law and
8 unquestionably allow farmers to continue to use
9 deferred payment contracts while recognizing income
10 when they receive payment; and
11 BE IT FURTHER RESOLVED, That copies of this
12 Resolution be sent by the Secretary of the Senate to
13 the President of the United States; the Commissioner
14 of Internal Revenue, United States Internal Revenue
15 Service; the Office of Taxpayer Advocate, United

16 States Internal Revenue Service; the President of the
 17 United States Senate; the Speaker of the United States
 18 House of Representatives; and Iowa's congressional
 19 delegation.

1 SENATE CONCURRENT RESOLUTION NO. 3

2 by: committee on Commerce

3 (Successor to SSB 16)

4 A Concurrent Resolution encouraging the federal
 5 government to investigate the pricing of liquid
 6 propane gas and other heating fuels.

7 WHEREAS, the price of liquid propane gas in Iowa
 8 reached an average of \$1.01 per gallon on December 23,
 9 1996, while other midwest states experienced
 10 significantly lower prices; and

11 WHEREAS, approximately 14 percent of Iowans use
 12 liquid propane gas for heating purposes, and
 13 additional supplies are used by farmers for drying
 14 grain; and

15 WHEREAS, the high price of other heating fuels used
 16 by Iowans remains a concern; and

17 WHEREAS, Iowans are entitled to a pricing structure
 18 free from manipulation and to equitable prices with
 19 respect to liquid propane gas and other heating fuels;

20 NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 22 REPRESENTATIVES CONCURRING, That the federal
 23 administration and Congress are encouraged and
 24 requested to investigate the pricing mechanism for and
 25 the pricing of liquid propane gas and other heating
 26 fuels in Iowa and that Iowans and the citizens of other
 27 states utilizing these prices are paying fair and
 28 reasonable prices, and

29 BE IT FURTHER RESOLVED, That such investigation
 30 also include an inquiry as to why reserves have been

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1 inadequate at a time when the demand for such fuels is
 2 high and an analysis as to how the supply system used
 3 by refineries and suppliers might be improved so that
 4 heating fuel supplies can be transported efficiently
 5 and in a cost-effective manner to meet demand; and
 6 BE IT FURTHER RESOLVED, That upon passage by both
 7 the Senate and the House of Representatives, that
 8 copies of this resolution be delivered to the
 9 President of the United States, the members of Iowa's
 10 congressional delegation, and United States Secretary
 11 of Energy Hazel O'Leary or her successor.

1 SENATE CONCURRENT RESOLUTION NO. 5

2 by: Szymoniak and Redfern

3 (Companion to LSB 2165HH by Grundberg)

4 A Concurrent Resolution designating March 1997 as

5 Iowa Women's History Month.

6 WHEREAS, Iowa women of every race, class, and
7 ethnic background have made historic contributions to
8 the growth and strength of our state and nation in
9 countless recorded and unrecorded ways; and10 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; and14 WHEREAS, Iowa women were particularly important in
15 the establishment of early charitable, philanthropic,
16 and cultural institutions in our state and the nation;
17 and18 WHEREAS, Iowa women were leaders in the
19 abolitionist movement, the emancipation movement, the
20 industrial labor movement, the women's suffrage
21 movement, the civil rights movement, and the peace
22 movement, creating a more fair and just society for
23 all; and24 WHEREAS, despite these many contributions and the
25 contributions of women throughout the world, the role
26 of women is consistently overlooked and undervalued in
27 literature, teaching, and the study of history; NOW

28 THEREFORE,

29 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
30 REPRESENTATIVES CONCURRING, That the General Assembly

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1 designate the month of March 1997 as Iowa Women's

2 History Month, and invite the citizens of Iowa to

3 discover a new world of people and events in history.

4 BE IT FURTHER RESOLVED, That the General Assembly

5 request that the Governor issue a proclamation calling

6 upon the people of Iowa to observe this month with

7 appropriate programs, ceremonies, and activities.

1 SENATE CONCURRENT RESOLUTION NO. 7

2 by: committee on Rules and Administration

3 A Senate Concurrent Resolution to suspend Joint Rule 20,

4 subsection 3, to allow consideration of House File 388.

5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That the provisions of
7 Joint Rule 20, subsection 3, shall not apply to the
8 Senate's consideration of House File 388, Seventy-
9 seventh General Assembly, 1997 Session.

SENATE CONCURRENT RESOLUTION NO. 11

by: Bartz

A Concurrent Resolution requesting the United States government ensure that the Farm Service Agency of the United States Department of Agriculture be supported and structured in a manner that preserves the efficient operation of the agency at the community level.

WHEREAS, the Farm Service Agency of the United States Department of Agriculture provides essential services to agricultural producers in rural communities, including providing loans, providing crop insurance, and administering commodity programs; and

WHEREAS, the Farm Service Agency is one of the most efficient and cost-effective agencies in the federal government which provides services through county offices which with small budgets and a strong commitment to service have assisted communities for more than sixty years; and

WHEREAS, the workload for county offices has steadily increased, especially since the enactment of the federal 1996 Farm Bill and other federal legislation which depends upon the vital role of county offices to deliver services to producers; and

WHEREAS, there has been a continuing effort to reduce budgets and cut staff in county offices as part of an effort to reduce the size and restructure the organization of the United States Department of Agriculture; and

WHEREAS, the United States Department of

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Agriculture proposes to close forty to fifty offices in this state during the next two-year period as part of a process requiring one thousand office closings and a total staff reduction of two thousand eight hundred fifty in the United States; and

WHEREAS, the proposal provides for reducing offices and staff based on geographic factors rather than on an analysis of how to most effectively deliver services and meet the needs of producers; and

WHEREAS, the effect of this proposal will be to frustrate a producer's ability to obtain essential services in a timely and efficient manner, and which will have a negative impact on the economies of rural communities; and

WHEREAS, the President of the United States and the United States Congress have expressed a philosophy supporting the decentralization of the federal government and eliminating waste in centralized bureaucratic enclaves rather than at a level where

20 services are provided by neighbors; and
 21 WHEREAS, Congress has expressed a strong commitment
 22 to the delivery of services by county offices by
 23 initiating a moratorium which currently prevents the
 24 implementation of this devastating proposal; NOW
 25 THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 27 REPRESENTATIVES CONCURRING, That the United States
 28 Department of Agriculture reexamine its proposal to
 29 close Farm Service Agency county offices and that the
 30 Congress of the United States fully support the

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1 delivery of vital services provided by county offices
 2 in a manner that preserves the efficient operation of
 3 the agency at the community level; and
 4 BE IT FURTHER RESOLVED, That a copy of this
 5 resolution be sent by the Secretary of the Senate to
 6 the President of the United States; the Secretary of
 7 Agriculture, United States Department of Agriculture;
 8 the Speaker of the House of Representatives of the
 9 United States; the chairman of the United States
 10 Senate Committee on Agriculture, Nutrition, and
 11 Forestry; the chairman of the United States House of
 12 Representatives Committee on Agriculture; and members
 13 of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO.13

2 by: Dvorsky, Neuhauser, Horn, McKean, Tinsman,
 3 McKibben, Hedge, And Kramer
 4 (Companion to LSB 2425HH by Mascher)

5 A Concurrent Resolution recognizing the 150th anniver-
 6 sary of the founding of the University of Iowa.

7 WHEREAS, Article XI, section 8, of the Constitution
 8 of the State of Iowa permanently establishes the State
 9 University, at Iowa City, in the County of Johnson;
 10 and

11 WHEREAS, the Old Capitol located at the University
 12 of Iowa housed the fifth legislative Assembly of the
 13 Territory of Iowa in 1842 and then became the first
 14 capitol of the State of Iowa in 1846; and

15 WHEREAS, the University of Iowa was founded on
 16 February 25, 1847, only 59 days after Iowa became a
 17 state; and

18 WHEREAS, the University of Iowa has awarded over
 19 250,000 degrees since the university awarded the first
 20 degree to Dexter Smith in 1858; and

21 WHEREAS, in 1855, the University of Iowa offered
 22 admission to men and women on an equal basis; and

23 WHEREAS, in 1868, the University of Iowa School of

24 Law was the first law school in the United States
 25 located west of the Mississippi River; and
 26 WHEREAS, in 1872, the University of Iowa created
 27 the first permanent college-level department of
 28 education in the United States; and
 29 WHEREAS, in 1873, a University of Iowa student,
 30 Mary Hickey Wilkinson, received a law degree from the

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1 University of Iowa School of Law, becoming the first
 2 woman in the United States to earn a law degree; and
 3 WHEREAS, in 1879, a University of Iowa student,
 4 Alexander Clark, Jr., received a law degree from the
 5 University of Iowa School of Law, becoming one of the
 6 first African-Americans in the United States to earn a
 7 law degree; and
 8 WHEREAS, in 1882, the University of Iowa Dental
 9 Department was the first dental department in the
 10 United States located west of the Mississippi River;
 11 and
 12 WHEREAS, in 1901, students at the University of
 13 Iowa began publishing the first daily campus newspaper
 14 west of the Mississippi River; and
 15 WHEREAS, since 1905, 17 students from the
 16 University of Iowa have been named Rhodes Scholars;
 17 and
 18 WHEREAS, in 1919, the University of Iowa
 19 established a separate department of neurology, which
 20 is the oldest continuing program west of the
 21 Mississippi River; and
 22 WHEREAS, in 1927, the University of Iowa became the
 23 first state university to establish a School of
 24 Religion; and
 25 WHEREAS, in 1934, artist Grant Wood joined the
 26 faculty of the Department of Graphic and Plastic Arts,
 27 four years after painting "American Gothic"; and
 28 WHEREAS, in 1936, the Writers' Workshop was
 29 established as the first university-sponsored program
 30 in creative writing in the United States, and boasts

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1 such graduates as Flannery O'Connor, Gail Godwin, John
 2 Irving, and Mona Van Duyn; and
 3 WHEREAS, in 1938, the University of Iowa
 4 established the first hospital pharmacy graduate
 5 program in the United States; and
 6 WHEREAS, in 1939, a University of Iowa student,
 7 Nile C. Kinnick, was awarded the Heisman Trophy in
 8 recognition of his achievements as a football player
 9 for the University of Iowa football team; and

10 WHEREAS, since 1939, University of Iowa graduates
11 have earned 13 Pulitzer Prizes; and

12 WHEREAS, in 1948, the University of Iowa School of
13 Journalism awarded the first degree in mass
14 communication in the United States; and

15 WHEREAS, in 1955, the University of Iowa
16 established the first institute of agricultural
17 medicine and environmental health in the western
18 hemisphere; and

19 WHEREAS, in 1958, University of Iowa physics
20 professor James A. Van Allen discovered belts of
21 radiation surrounding the earth, a phenomenon that
22 eventually would be named the Van Allen Belts; and

23 WHEREAS, generations of students educated at the
24 University of Iowa have made tremendous contributions
25 to the betterment of the state, the country, and the
26 world; and

27 WHEREAS, the University of Iowa has distinguished
28 itself nationally and internationally in many academic
29 fields and endeavors; and

30 WHEREAS, facing a new century, the University of

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1 Iowa has made a renewed commitment to its core values
2 of learning, community, responsibility, integrity, and
3 quality; and

4 WHEREAS, the people of Iowa are invited to
5 celebrate the University of Iowa's Sesquicentennial
6 Year, marking 150 years of teaching, research, and
7 service to the State of Iowa and to the nation; NOW
8 THEREFORE,

9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
10 REPRESENTATIVES CONCURRING, That the Iowa General
11 Assembly recognizes and congratulates the University
12 of Iowa for 150 continuous years of providing
13 exemplary education for its students and providing
14 positive contributions to the quality of life of all
15 Iowans, and encourages the University of Iowa to
16 continue to fulfill the threefold mission of teaching,
17 research, and service.

1 SENATE CONCURRENT RESOLUTION NO. 15

2 by: Neuhauser

3 A Concurrent Resolution requesting an interim committee
4 on anatomical gift referral.

5 WHEREAS, currently 242 people in this state are
6 awaiting organ transplants including heart, lung,
7 liver, kidney, and kidney-pancreas transplants; and

8 WHEREAS, the number of organ donors in this state
9 was only 55 in 1996; and

10 WHEREAS, referrals from hospitals to organ
11 procurement organizations are a necessary and
12 important part of the anatomical gift process; and
13 WHEREAS, referrals from hospitals to organ
14 procurement organizations increased only slightly from
15 1995 to 1996; and
16 WHEREAS, the need for organ transplants continues
17 to increase at a faster rate than organ donations, NOW
18 THEREFORE,
19 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
20 REPRESENTATIVES CONCURRING, That the Legislative
21 Council is requested to establish a legislative
22 committee during the 1997 interim of the General
23 Assembly to review the compliance of hospitals in
24 making referrals to organ procurement organizations
25 and to submit a report of findings and recommendations
26 to the General Assembly to increase referrals in the
27 state.

1 SENATE CONCURRENT RESOLUTION NO. 16
2 by: Deluhery and McCoy
3 A Concurrent Resolution welcoming square dancers
4 from throughout the nation to the city of
5 Davenport for the 36th annual Iowa State Square and
6 Round Dance Convention on March 27 and 28, 1998.
7 WHEREAS, dances were among the gifts brought by
8 immigrants to America; and
9 WHEREAS, as people migrated across America,
10 elements from these dances, were combined to become an
11 art form uniquely American; and
12 WHEREAS, Iowa's early rural settlers began a
13 tradition of square dancing that through the years
14 helped build strong communities and friendships; and
15 WHEREAS, square and round dancers, cloggers, and
16 callers will be traveling to the city of Davenport
17 from points throughout the country and all corners of
18 the state for a festive time of dance and good-
19 fellowship on March 27 and 28, 1998; NOW THEREFORE,
20 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
21 REPRESENTATIVES CONCURRING, That the General Assembly
22 extend a warm welcome to the attendees of the 36th
23 annual Iowa State Square and Round Dance Convention
24 who will be promenading in the city of Davenport on
25 March 27 and 28, 1998.

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Delivered by Chief Justice McGiverin—61-67

Resolution relating to, House Concurrent Resolution 2 – H.J. 10 adopted & msgd.
 - S. J. 16 adopted, 43 msgd. - H.J.-51.

CONDITION OF THE STATE AND BUDGET ADDRESS MESSAGE—

Delivered by Governor Terry E. Branstad—43-52

Resolution relating to, House Concurrent Resolution 1 - H.J. 10 adopted & msgd.-
S.J. 15-16 adopted, 43 msgd. - H.J. 51

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Appointed:

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Senate File 391—1416

House File 612—1408

Reports Received:

Senate File 529—1437

Senate File 391—1555

House File 612—1499

Reports called up and adopted:

Senate File 529—1441 adopted

Senate File 391—1555-1556 adopted

House File 612—1500 adopted

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CONNOLLY, MIKE—Senator Eighteenth District—

Bills introduced—154, 193, 305, 335, 336, 355, 371, 401, 443, 528, 567, 574, 593, 594, 609, 690, 691

Amendments filed—55, 78, 140, 156, 245, 321, 362, 398, 679, 731, 767, 823, 846, 1004, 1010, 1015, 1046, 1069, 1081, 1147, 1183, 1191, 1245, 1263, 1304, 1307, 1321, 1347, 1372, 1406, 1431, 1439, 1443, 1444, 1474, 1476, 1481, 1519, 1529, 1531, 1534, 1536

Amendments offered—55, 151, 152, 265, 398, 474, 764, 938, 993, 1010, 1031, 1081, 1147, 1183, 1300, 1304, 1431, 1439, 1443, 1444, 1476, 1484, 1529, 1531, 1536, 1541, 1559

Amendments withdrawn—78, 321, 398, 1304, 1484

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DEARDEN, DICK L.— Senator Thirty-fifth District—

Bills introduced—107, 193, 337, 454, 528, 593, 691

Amendments filed—55, 334, 383, 516, 679, 731, 735, 746, 747, 748, 767, 802, 809,
814, 823, 1005, 1046, 1092, 1135, 1313, 1314, 1320, 1443

Amendments offered—746, 747, 748, 761, 814, 890, 1064, 1225, 1241, 1313, 1314

Amendments withdrawn—747

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Resolutions offered—954, 1562

DELUHERY, PATRICK J.—Senator Twenty-second District, Assistant Minority
Leader—

Bills introduced—19, 20, 315, 347, 355, 364, 442, 520, 528, 595, 608, 642

Amendments filed—55, 639, 731, 732, 798, 823, 846, 697, 864, 905, 906, 1027,
1046, 1051, 1263, 1321, 1372, 1406, 1443, 1527, 1528

Amendments offered—639, 732, 738, 823, 1154

Called up appointees on Individual Confirmation Calendar—1139, 1174

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Resolutions filed—954, 1562

DOUGLAS, JOANN—Senator Thirty-ninth District—

Bills introduced—19, 41, 317, 348, 380, 462

Amendments filed—156, 524, 579, 658, 864, 881, 888, 905, 906, 1059, 1211, 1448,
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Amendments offered—621, 881, 888, 1211, 1458, 1459, 1496

Amendments withdrawn—1458

Appointed to—1518

Committee appointments—4, 834

Petitions presented—361, 434, 657, 1295

Resolutions filed—954

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DRAKE, RICHARD F.—Senator Twenty-fourth District—

Bills introduced—133, 315, 364, 472

Amendments filed—156, 209, 229, 383, 470, 679, 697, 976, 1200, 1210, 1245,
1264, 1321, 1382

Amendments offered—425, 426, 478, 628, 667, 731, 1061, 1301, 1382

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Conference committee appointments—1416

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Petitions presented—536

Resolutions offered—954

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DVORSKY, ROBERT E.—Senator Twenty-fifth District—

Bills introduced—133, 154, 166, 193, 195, 302, 316, 337, 355, 402, 519, 528, 549,
567, 571, 610, 1167

Amendments filed—59, 98, 156, 322, 334, 715, 731, 732, 760, 780, 798, 822, 823,
828, 836, 940, 1004, 1005, 1015, 1038, 1044, 1054, 1092, 1160, 1169, 1180,
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Amendments offered—165, 322, 330, 446, 750, 760, 762, 940, 1038, 1040, 1046,
1050, 1051, 1052, 1054, 1160, 1194, 1252, 1256, 1305, 1339, 1354, 1357, 1391,
1398, 1464, 1465, 1469, 1488

Amendments withdrawn—780, 1044, 1050, 1052, 1053, 1161, 1202, 1252, 1376, 1543

Appointed to—1517, 1518

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Resolutions offered—954, 1090, 1260

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Bills introduced—195, 355, 482, 503, 534, 569, 574, 592, 609, 611, 612, 619, 620

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Bills introduced—89, 184, 193, 226, 291, 315, 316, 355, 364, 567
 Amendments filed—59, 263, 301, 321, 334, 397, 457, 679, 731, 788, 823, 873,
 1027, 1046, 1135, 1146, 1169, 1175, 1219, 1263, 1308, 1320, 1372, 1374, 1391,
 1443, 1534, 1535, 1536
 Amendments offered—263, 321, 788, 1046, 1146, 1208, 1219, 1308, 1373, 1374
 Amendments withdrawn—1528
 Appointed to—61, 1518
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 Resolutions offered—954, 1260, 1299

FLYNN, TOM— Senator Seventeenth District—

Bills introduced—117, 126, 139, 166, 193, 240, 335, 337, 347, 380, 442, 471, 520,
 527, 528, 567, 610, 659,
 Amendments filed—55, 98, 397, 607, 658, 665, 731, 732, 798, 823, 896, 906, 920,
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 Amendments offered—397, 665, 782, 896, 1036, 1037, 1158, 1269, 1308, 1338
 Amendments withdrawn—1269
 Appointed to—1517
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FRAISE, EUGENE— Senator Fiftieth District, Assistant Minority Leader—

Bills introduced—53, 166, 172, 183, 355, 517, 519, 528, 571
 Amendments filed—56, 98, 156, 249, 334, 383, 470, 732, 827, 828, 836, 976, 1004,
 1005, 1015, 1027, 1046, 1263, 1297, 1320, 1355, 1442, 1443, 1521, 1522, 1528,
 1534, 1535
 Amendments offered—827, 1045, 1049, 1052, 1355, 1356, 1442
 Appointed to—1517
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 Resolutions offered—954

FREEMAN, MARY LOU— Senator Fifth District, Assistant Majority Leader—

Bills introduced—57, 68, 133, 134, 157, 193, 206, 289, 384, 520, 594, 642
 Amendments filed—156, 630, 666, 873, 905, 920, 1005, 1028, 1044, 1144, 1231,
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- Senate Resolution 3 - Senate rules governing lobbyists. S.J. 245, 247, 268, 269 adopted.
- Senate Resolution 4 - Gubernatorial appointments require senate confirmation. S.J. 277, 279, 280 adopted.
- Senate Resolution 12 - Daily operations of the Senate. S.J. 1569, 1570-1571, 1571 adopted.
- Senate Concurrent Resolution 1 - Compensation of chaplains, officers and employees of the seventy-seventh general assembly. S.J. 54, 69, 70 adopted, 76 msgd., 1544 - H.J. 75, 78, 1705-1718 as amended, adopted & msgd.
- House Concurrent Resolution 1 - Joint convention, Tuesday, January 14, 1997, 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget message. H.J. 10 adopted & msgd. - S.J. 15-16 adopted, 43 msgd. - H.J. 51.
- House Concurrent Resolution 2 - Joint convention, Wednesday, January 15, 1997, 10:00 a.m. ; Chief Justice McGivern present his message of the condition of the judicial department. H. J. 10 adopted & msgd., - S.J. 16 adopted, 43 msgd.
- House Concurrent Resolution 7 - Recognize women state legislators. H.J. 224-225, 351 adopted & msgd. - S.J. 314-315, 318, 334, 382, 459, 460 adopted 461 msgd. - H.J. 482.
- House Concurrent Resolution 10 - Biennial memorial session. H.J. 371, 468-469 adopted, 473 msgd. - S.J. 441, 457, 469, 531, 547-548 adopted, 548 msgd. - H.J. 547.
- House Concurrent Resolution 11 - Pioneer Lawmakers. H.J. 371, 413, 469-470, as amended, adopted, 473 msgd. - S.J. 441, 457, 469, 531, 547-548 adopted, 548 msgd. - H.J. 547.
- House Concurrent Resolution 27 - Final adjournment, Tuesday April 29, 1997, First Session of the Seventy-seventh General Assembly. H.J. 1776 adopted - HCR 27 substituted for SCR 17, S.J. 1572, 1574 adopted.

GETTINGS, DONALD E.—Senator Forty-seventh District—

- Bills introduced—53, 402, 528
- Amendments filed—59, 98, 156, 383, 470, 731, 732, 823, 1046, 1180, 1263, 1264, 1302, 1304, 1307, 1355, 1448, 1458, 1534
- Amendments offered—1063, 1560
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 Amendments filed—56, 58, 116, 136, 156, 192, 209, 227, 267, 268, 278, 301, 319,
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 Amendments offered—56, 135, 136, 227, 228, 267, 856, 933, 1006, 1007, 1009,
 1030, 1045, 1066, 1107, 1117, 1172, 1272, 1305, 1306, 1433, 1434, 1460
 Amendments withdrawn—135, 268, 398, 423, 1116, 1117, 1273, 1306, 1559, 1561
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 Bills introduced—19, 107, 193, 316, 355, 454, 504, 519, 528, 550, 567, 571, 593,
 610

- Amendments filed—249, 301, 334, 450, 731, 767, 809, 822, 823, 827, 828, 836, 855, 920, 940, 995, 1009, 1046, 1119, 1158, 1160, 1245, 1251, 1254, 1257, 1259, 1263, 1270, 1273, 1298, 1320, 1347, 1357, 1372, 1373, 1406, 1443, 1474, 1481, 1527, 1528
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- Amendments filed—55, 110, 209, 245, 334, 383, 450, 715, 731, 732, 767, 823, 827, 828, 836, 837, 912, 916, 949, 1004, 1027, 1046, 1051, 1058, 1083, 1092, 1191, 1245, 1251, 1253, 1254, 1263, 1267, 1268, 1302, 1308, 1319, 1320, 1355, 1357, 1371, 1430, 1443
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- HARPER, PATRICIA**—Senator Thirteenth District—
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 Amendments offered—760, 761
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Bills introduced—139, 172, 183, 294, 355, 403, 419, 442, 454, 528, 535, 571
 Amendments filed—55, 98, 249, 269, 383, 397, 457, 697, 714, 715, 731, 732, 809,
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Bills introduced—19, 53, 107, 117, 118, 139, 172, 183, 206, 294, 315, 336, 347,
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 Amendments filed—55, 56, 98, 109, 140, 203, 362, 363, 383, 629, 689, 697, 714,
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MADDOX, O. GENE.—Senator Thirty-eighth District, Assistant Majority Leader—

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 Amendments filed—156, 357, 697, 819, 855, 873, 893, 1005, 1044, 1054, 1113,
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 Amendments filed—55, 639, 905, 933, 1005, 1044, 1072, 1092, 1298, 1320, 1384,
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 Amendments offered—915, 992, 1097, 1199, 1384, 1461
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Bills introduced—118, 193, 206, 289, 302, 316, 355, 471, 472, 518, 519, 528, 549,
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 Amendments filed—55, 266, 334, 362, 450, 452, 453, 502, 639, 697, 731, 798, 823,
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Resolutions relating to:

Senate Concurrent Resolution 2 - Congress & IRS allow farmers to use deferred payment contracts without being subject to alternative tax liability. (Comp. To HCR 3). S.J. 106, 113, 164, 165 adopted, 166 msgd. - H.J. 164, 225.

Senate Concurrent Resolution 3 - Encourage fed. Gov't. to investigate the pricing of liquid propane gas and other heating fuels. S.J. 106, 113, 156, 165 adopted, 166 msgd. - H.J. 164, 225.

House Concurrent Resolution 23 - Congress maintain and renew its commitment to America's corn growers and the nation's ethanol industry, support tax exemption. H.J. 1399-1400 - (SCR 14 Comp.) - 1486-1487 adopted & msgd. - S.J. 1403, 1558 substituted for SCR 14, S.J. 1565 msgd. - H.J. 1749.

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 Senate Concurrent Resolution 7 - Suspend Joint Rule 20, subsection 3, to allow consideration of House File 388 - S.J. 716, 717, 718 adopted, 719 - H.J. 714, 716, adopted & msgd.
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 House Concurrent Resolution 27 - Final adjournment, Tuesday, April 29, 1997, First Session of the Seventy-seventh General Assembly - H.J. 1766 adopted - HCR 27 substituted for SCR 17 - S. J. 1572, 1574, adopted, H.J. 1770.

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Senate Resolution 12, legislative expenses—Daily operations of the Senate. S.J. 1569, 1570-1571, 1571 adopted.

Senate Concurrent Resolution 1 - Compensation of chaplains, officers and employees of the seventy-seventh general assembly. S.J. 54, 69, 70 adopted, 76 msgd., 1544 - H.J. 75; 78, 1705-1718 as amended, adopted & msgd.

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 Senate Concurrent Resolution 15 - Anatomical gift referral, cmte. to study. S. J.
 1342, 1344, 1474, 1568, 1570 adopted - H.J. 1770, 1779

SUBCOMMITTEE APPOINTMENTS—

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Reassigned subcommittee assignments—182, 216, 284, 302, 438, 562, 563, 564, 1345

SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)

Condition of the Judicial Department—60-67

Resolution relating to the Condition of the Iowa Judiciary Message:

House Concurrent Resolution 2 - H.J. 10 adopted & msgd. - S.J. 16 adopted, 43 msgd. - H.J. 51.

SZYMONIAK, ELAINE—Senator Thirty-sixth district—

Bills introduced—52, 107, 118, 193, 286, 291, 315, 337, 355, 442, 454, 472, 518, 550, 593, 642, 691

Amendments filed—55, 209, 319, 328, 334, 470, 639, 697, 735, 821, 823, 826, 837, 873, 920, 1015, 1027, 1118, 1126, 1162, 1169, 1191, 1209, 1232, 1253, 1259, 1308, 1321, 1347, 1443, 1534, 1536

Amendments offered—445, 449, 783, 821, 826, 1098, 1118, 1120, 1162, 1209, 1250, 1253, 1259, 1365, 1541

Amendments withdrawn—322, 823, 1035, 1258, 1543

Appointed to Commission on the Status of women—35

Appointed to—35

Called up appointees on Individual Confirmation Calendar—1021

Committee appointments—176

Introduced Mrs Kim Kee Eun, vice director of the Korea women's center for social research & her interpreter—254

Presented twelve visitors with the United States Information Agency Exchange Program Group—1279

Presented five government group visitors to learn about gov't. through community connections program—1229

Presented Pat McManus, Director of Rock in Prevention, one of America's 20 best substance abuse prevention programs—1322

Resolutions offered—335, 954

TINSMAN, MAGGIE—Senator Twenty-first District, Assistant Majority Leader—

Bills introduced—68, 107, 118, 133, 183, 289, 315, 316, 428, 454, 486, 518, 519, 554, 567, 574

Amendments filed—55, 665, 697, 798, 809, 846, 1027, 1044, 1113, 1232, 1321, 1443
Amendments offered—848, 849, 1065, 1076, 1118, 1389
Committee appointments—4
Investigating committee reports—948
Reports—6
Resolutions offered—954, 1260

TRANSPORTATION, COMMITTEE ON—

Appointees, investigation of—726, 774
Bills introduced—272, 346, 403, 534, 554, 589, 590, 592
Amendments filed—208, 879, 974

VILSACK, TOM—Senator Forty-ninth District—

Bills introduced—193, 289, 316, 355, 519, 571, 593, 691
Amendments filed—55, 109, 249, 334, 383, 502, 532, 630, 638, 679, 688, 696, 697, 731, 735, 767, 818, 823, 827, 828, 829, 830, 836, 837, 856, 862, 897, 906, 1004, 1005, 1010, 1011, 1015, 1034, 1035, 1058, 1082, 1083, 1118, 1126, 1135, 1169, 1180, 1183, 1210, 1220, 1231, 1232, 1250, 1259, 1263, 1264, 1303, 1304, 1320, 1377, 1443, 1454, 1461, 1462, 1464, 1465, 1475, 1479, 1502, 1522, 1534, 1535, 1577
Amendments offered—109, 249, 398, 449, 622, 627, 630, 638, 818, 827, 829, 893, 897, 1010, 1011, 1033, 1034, 1035, 1036, 1041, 1078, 1086, 1126, 1171, 1183, 1210, 1220, 1250, 1259, 1266, 1303, 1304, 1337, 1454, 1461, 1462, 1464, 1478, 1479, 1502, 1522, 1523, 1528
Amendments withdrawn—398, 818, 856, 1036, 1118, 1120, 1377, 1462, 1479
Appointed to Workforce Development Board—35
Appointed to—35
Call of the Senate—1120
Committee appointments—44
Conference committee appointments—1408
Conference committee reports—1499
Resolutions offered—502, 954, 1090

WALLACE TECHNOLOGY TRANSFER FOUNDATION OF IOWA—

Senators appointed to—1518

WAYS AND MEANS, COMMITTEE ON—

Appointees, investigation of—288, 516, 726, 774, 844
Bills introduced—79, 272, 402, 814, 886, 900, 1039, 1108, 1224, 1233, 1404
Amendments filed—393, 720, 1346, 1405, 1438, 1448, 1480, 1564
Committee appointments—795
Referred to—581, 620, 701, 734, 738, 935, 1019, 1055, 1534
Standing committees appointed to—308

WORKFORCE DEVELOPMENT BOARD—

Senators appointed to—35

ZIEMAN, LYLE E.—Senator Sixteenth District—

Bills introduced—99, 100, 118, 316
Amendments filed—798, 975, 1531
Amendments offered—801, 1107

Amendments withdrawn—1531
Committee appointments—9, 834
Resolutions offered—954