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

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SUPPLEMENT
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SENATE BILLS APPROVED AND ITEM VETOED, OR VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action on Senate bills by the Governor and transmitted to the Secretary of State after the close of the 1998 Regular Session:

S.F. 187 – Relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates. Approved 5-19-98.

S.F. 490 – Relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation. Approved 5-19-98.

S.F. 492 – Relating to unemployment compensation benefits concerning proof of whether a person has voluntarily quit employment. Approved 5-5-98.

S.F. 518 – Relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles and state printing. Approved 5-6-98.

S.F. 2038 – Relating to disqualification from voting or registering to vote for reasons of mental incompetence. Approved 5-14-98.

S.F. 2052 – Relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers. Approved 5-6-98.

S.F. 2061 – Relating to property tax statements and to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date. Approved 5-14-98.

S.F. 2161 – Relating to the reporting and partner notification requirements relative to the human immunodeficiency virus. Approved 5-14-98.

S.F. 2188 – Relating to debt collection. Approved 4-23-98.

S.F. 2200, - Relating to the expenses, powers, and duties of county agricultural extension councils. Approved 5-6-98.

S.F. 2225 – Legalizing the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates. Approved 5-14-98.

S.F. 2268 – Relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership,

acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district. Approved 5-6-98.

S.F. 2277 – Providing for exceptions to municipal tort liability for skateboarding and in-line skating. Approved 5-5-98.

S.F. 2280 – Relating to and making appropriations to the Department for the Blind, Iowa State Civil Rights Commission, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Human Rights, the Governor's Alliance on Substance Abuse, and the Commission of Veterans Affairs, and providing effective dates. Item vetoed and approved 5-19-98. See Governor's Item Veto Message.

S.F. 2284 – Relating to rural improvement zones. Approved 5-6-98.

S.F. 2292 – Relating to the sex offender registry and providing for the act's applicability. Approved 5-6-98.

S.F. 2295 – Relating to and making appropriations for agriculture and natural resources and providing an effective date. Item vetoed and approved 5-19-98. See Governor's Item Veto Message.

S.F. 2296 – Appropriating funds to the Department of Economic Development, certain Board of Regents institutions, the Department of Workforce Development, the Public Employment Relations Board, making related statutory changes, and providing an effective date. Item vetoed and approved 5-22-98. See Governor's Item Veto Message.

S.F. 2311 – Relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date. Approved 5-19-98.

S.F. 2313 – Relating to child support, providing penalties, and providing effective dates. Approved 5-6-98.

S.F. 2316 – Relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties. Approved 5-14-98.

S.F. 2320 – Relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the locations of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or to other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age. Vetoes 5-2-98. See Governor's Veto Message.

S.F. 2330 – Relating to the filing of civil litigation by prisoners and providing an effective date. Approved 4-23-98.

S.F. 2332 – Relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date. Approved 5-20-98.

S.F. 2333 – Relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss. Approved 5-5-98.

S.F. 2345 – Relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations. Approved 5-14-98.

S.F. 2359 – Providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date. Approved 5-14-98.

S.F. 2365 – Relating to the imposition of the sales and use tax on infrastructure and electricity associated with providing water. Approved 5-5-98.

S.F. 2366 – Relating to licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions. Item vetoed and approved 5-8-98. See Governor's Item Veto Message.

S.F. 2368 – Relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date. Approved 4-23-98.

S.F. 2374 – Providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties. Approved 4-23-98.

S.F. 2377 – Relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions. Approved 5-18-98.

S.F. 2378 – Relating to real estate titles involving bankruptcy. Approved 4-23-98.

S.F. 2380 – Relating to the election of a local exchange carrier to be price-regulated. Approved 4-23-98.

S.F. 2381 – Making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the Division of Soil Conservation for deposit in the Loess Hills development and conservation fund; Department of Corrections for renovation of the power plant and improvements to the water system at the Iowa Correctional Institution for Women, for the construction of two additional cellblocks at the Fort Dodge Correctional Facility, for a prior fiscal year, and for the construction of a 200-bed facility at the Iowa State Penitentiary at Fort Madison, and for the construction and renovation of community-based correctional facilities; Department of Cultural Affairs for the creation of a historical site preservation grant program; Department of Economic Development for a welcome center at Hamburg, to

be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; Department of Education for infrastructure improvements to the community colleges, for completion of the training facility and site development phase of the National Education Center for Agricultural Safety; Department of General Services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas State Office Building and the Old Historical Building, for renovation of the Lucas State Office Building, for developing a master plan for the Capitol Complex, for planning and design of a parking structure located at the northwest corner of the Capitol Complex, and for Capitol interior restoration; Department of Public Defense for maintenance and repair of National Guard armories and facilities; Department of Public Safety for construction of a new patrol post in District 1; Department of Natural Resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, creation of a lake rehabilitation pilot program, for the bluffslands protection revolving fund, and for the dredging of lakes; Department of Transportation for capital improvements at all ten of the commercial air service airports and for an automated weather observation system; for the Iowa State Fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the State Fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the Capitol Building; and State Board of Regents for capital projects at the Iowa School for the Deaf and the Iowa Braille and Sight Saving School; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the Department of Revenue and Finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the Governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the Department of Cultural Affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund, by reallocating certain funds to design and construct new or replacement buildings at the state training school; and providing effective dates. Item vetoed and approved 5-19-98. See Governor's Item Veto Message.

S.F. 2384 - To provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date. Vetoed 5-20-98. See Governor's Veto Message.

S.F. 2385 - Relating to the mandatory minimum term of incarceration for felony domestic abuse assault. Approved 5-14-98.

S.F. 2398 - Relating to the confinement and treatment of sex offenders. Approved 5-6-98.

S.F. 2404 – Relating to cooperatives organized under Code chapter 501 and providing an effective date. Approved 4-23-98.

S.F. 2405 – Providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district. Vetoes 5-18-98. See Governor's Veto Message.

S.F. 2406 – Creating and relating to an Iowa empowerment board, community empowerment areas, and community empowerment area boards, and providing an effective date. Approved 5-20-98.

S.F. 2410 – 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 effective dates and a retroactive applicability provision. Item vetoed and approved 5-19-98. See Governor's Item Veto Message.

S.F. 2413 – Relating to exemptions from and reductions in solid waste tonnage fees for certain persons and the installation and use of scales by sanitary disposal projects. Approved 5-14-98.

S.F. 2415 – Relating to agricultural finance, providing an appropriation, and providing an effective date. Approved 5-20-98.

S.F. 2416 – Relating to the replacement of property tax on property associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the act's retroactive applicability, providing an effective date, and providing penalties. Approved 5-14-98.

S.F. 2418 – 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, establishing the lowAccess system, providing for the use of the network, making miscellaneous related changes, and providing effective dates. Item vetoed and approved 5-21-98. See Governor's Item Veto Message.

GOVERNOR'S ITEM VETO MESSAGES

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2280, an act relating to and making appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Iowa Department of Public Health, the Department of Human Rights, the Governor's Alliance on Substance Abuse, and the Commission of Veterans Affairs, and providing effective dates.

Senate File 2280 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Section 7, subsection 3, lettered paragraph c, in its entirety, which relates to successor contractors at the Iowa Veterans Home. While apparently intended to apply to employees of contractors at the Iowa Veterans Home, the language applies only to current state employees and not to the employees of contractors. Therefore, the purpose of this section is not achieved.

I am unable to approve Section 8, subsections 2 (a) and 2 (c), and the first subsection 3, in their entirety. These items collectively relate to diverting money away from the Gamblers Treatment Fund and spending the diverted money for non-related purposes. The Gamblers Treatment Fund, then called the Gamblers Assistance Fund, was created by the same statute that permitted gambling in the State of Iowa. Since that time, the Fund has been the only source of state money used to combat the ill effects of gambling for Iowa citizens. The programs identified to receive these diverted funds have merit. However, the problems associated with gambling, including bankruptcies, broken homes, embezzlement and suicide, have become more prevalent and the need for gamblers' treatment grows more pressing all the time. Therefore, I will not set a precedent that impairs its annual funding.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2280 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 19, 1998

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

Dear Mr. Secretary:

I hereby transmit Senate File 2295, an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

Senate File 2295 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the item designated as Section 17, in its entirety. This item redirects salary savings from the turnover of appointed non-elected positions to other purposes. Such a practice is administratively cumbersome and would result in one-time savings being used to finance ongoing expenses.

For the above reason, I hereby respectfully disapprove this 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 2295 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 22, 1998

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

Dear Mr. Secretary:

I hereby transmit Senate File 2296, an act appropriating funds to the Department of Economic Development, certain Board of Regents institutions, the Department of Workforce Development, the Public Employment Relations Board, making related statutory changes, and providing an effective date provision.

Senate File 2296 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 5, unnumbered paragraph 1. The State has assisted 16 local communities support tourism development in their areas by providing financial assistance to build welcome center facilities. These public/private partnerships were designed to assist local communities with the one-time costs of establishing a center. This item would put the state in a position of providing ongoing support for the day to day activities of privately operated welcome centers. Such action, without the authority to implement changes that would

lead to self-sufficiency, is short sighted. I am supporting the study of the public and private welcome center system in the state as required in this section because I strongly support the development of the tourism industry in the State of Iowa. I am hopeful that recommendations from this study will strengthen the state welcome center system and provide the direction necessary to put all privately owned welcome centers on the course to self-sufficiency.

I am unable to approve the item designated as Section 31, in its entirety. Requiring departments to submit budget requests in multiple formats is costly and time consuming. Chapter 8 of the Code of Iowa establishes the framework for construction of the budget document that is submitted to the legislature.

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 2296 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 8, 1998

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

Dear Mr. Secretary:

I hereby transmit Senate File 2366, an act relating to licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Senate File 2366 as amended by House File 2533 comprises this General Assembly's education "reform" package. This legislation was passed in response to the recommendations of the Commission on Educational Excellence for the 21st Century. I used the visionary framework for education reform developed by this Commission as a basis for my recommendations for a five-year plan to move Iowa schools from adequacy to excellence.

I am disappointed with the General Assembly's response to my and the Commission's recommendations. Encompassed in this bill are halting, hesitant, half steps toward education reform. Far too frequently this legislation uses pilot projects and the proffering of more money to existing programs as the basis for education "reform." Iowa's school children instead need dramatic and bold steps to reform our education system.

While I am acutely aware of the limitations of the legislative process, I believe it is wrong to measure the success of this legislation against the political realities of the day. What is right for kids may not always be good politics and may not always be embraced by the interest groups.

What is right for Iowa's kids is a good teacher for every child. What is right for Iowa's kids is access to the highest quality of education that can be provided anywhere in the world. It is against that measure and not the standards of political realities that we will all be measured in our efforts to provide a good education to Iowa's children. And in that regard, this legislation is tentative and incomplete.

I am pleased that this legislature did take some steps to provide for some limited reforms. Raising the minimum salary for teachers to \$23,000 and providing stipends for teachers who receive national certification are certainly steps in the right direction. With this action I am approving those provisions, without the unnecessary limitations that were included in the legislation.

Moreover, as a result of my item vetoes, reasonable steps can be taken toward providing real incentives to those school districts that provide for an extended school year for their children. This is critically important if Iowa's children are to compete with students around the world.

In addition, I commend the legislature for passing necessary educational accountability provisions and actions to help every child become ready to start school at an early age. I am separately approving those initiatives. But the significant reform stopped there.

While the legislature took appropriate action in this legislation to deal with teachers who aren't passing muster, too little was done to provide rewards for teachers who are doing well.

We all know that access to a great teacher is the key to obtaining a great education. We must do more to prepare and reward those teachers who are doing a great job for Iowa's school children.

Specifically, the legislature failed to adopt the groundbreaking teacher merit pay program that I recommended to them. My recommendation would have provided significant financial incentives to up to 6,000 of our best teachers over the next 5 years. The alternative suggested by this legislation is inadequate, unworkable, and falls short of the meaningful change in the method of paying our teachers that is needed to keep our best teachers in the profession.

In addition, I have disapproved those provisions of this legislation that fail to appropriately reform the way we prepare teachers for the classroom. Fundamental redesign of the teacher preparation programs is necessary and the pilot intern and induction programs included in this legislation are clearly off the mark. This legislation fails to provide the opportunity for all Iowa's school children to have access to all-day everyday kindergarten. It is wrong for any of Iowa's school children to be denied early access to opportunity.

The legislature did include several provisions that provide substantial additional money to existing education programs. However, education reform is not about just spending more money. It is about fundamentally changing the way we teach our children.

The Center for Continuous Quality Improvement was recommended to help support best practices, efficiency and effectiveness, to sustain relationships integral to the

improvement of the teaching profession, and to monitor our progress toward excellence. The legislature failed to commit to these continuous quality improvement concepts supported not only by the Commission, but also by corporations and organizations throughout the world.

I cannot approve these additional appropriations without the fundamental reform that must accompany them. As a result, I am disapproving the K-3 block grant, the advanced increased enrollment funding, the 101% guarantee funding, the extension of the 100% guarantee, and the instructional support increase. Taken together, these programs provide an additional \$17.4 million in additional annual general fund spending and an additional \$6.2 million property tax increases. In the future, I am willing to consider these proposed spending increases if they are accompanied by the necessary reforms that will make a difference in the education of our kids. But simply providing these additional funds without that reform is unacceptable.

In addition, I have disapproved the proposed frontier school legislation that is included in Senate File 2366. This new program raises serious questions of educational policy and this method of dealing with our schools. Nevertheless, with some modifications and improvements, I am willing to consider this concept along with the other recommendations for reform recommended by the Commission and not acted upon by this General Assembly.

In short, I have approved those items in Senate File 2366 that are consistent with the recommendations of the Commission on Educational Excellence and provide for fundamental reform. However, those reforms are few and far between in this legislation. I have disapproved the other provisions of this legislation that take only tentative, half steps toward education reform or provide more money without the necessary reforms.

It is critically important that we provide all Iowa school children with the best possible teachers by reforming the teacher preparation system and rewarding teachers for outstanding performance. And we should no longer deny Iowa school children the right to all-day everyday kindergarten. These are reforms that should not wait.

I am willing to consider the items that I have disapproved in this legislation in conjunction with these additional fundamental reforms. Providing the best for Iowa's school children leaves no room for partisan politics. I am prepared to work with the members of the General Assembly yet this year in a cooperative effort to pass these necessary reforms. It is not important to me who gets the credit for those actions. It is not important to me which party is perceived the winner in that legislative effort. All I care about is what is best for the kids of Iowa.

Senate File 2366 is, therefore, approved on this date with the following exceptions, which I hereby disapprove, for the reasons stated above:

The designated portion of Section 1, subsection 1; Section 1, subsection 5, in its entirety; the designated portion of Section 1, subsection 7; Sections 2 and 3, in their entirety; the designated portions of Section 4, subsection 1; the designated portions of Section 4, subsection 2; Section 4, subsection 3, in its entirety; Section 4, subsection 5, in its entirety; Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, in their entirety; Sections 28, 29, 30 and 31, in their entirety; Section 39, in its entirety; Section 42, in its entirety; and Section 44, in its entirety.

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 2366 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2381, an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the Division of Soil Conservation for deposit in the Loess Hills development and conservation fund; Department of Corrections for renovation of the power plant and improvements to the water system at the Iowa Correctional Institution for Women, for the construction of two additional cellblocks at the Fort Dodge Correctional Facility, for a prior fiscal year, and for the construction of a 200-bed facility at the Iowa State Penitentiary at Fort Madison, and for the construction and renovation of community-based correctional facilities; Department of Cultural Affairs for the creation of a historical site preservation grant program; Department of Economic Development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; Department of Education for infrastructure improvements to the community colleges, for completion of the training facility and site development phase of the National Education Center for Agricultural Safety; Department of General Services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas State Office Building and the Old Historical Building, for renovation of the Lucas State Office Building, for developing a master plan for the Capitol Complex, for planning and design of a parking structure located at the northwest corner of the Capitol Complex, and for Capitol interior restoration; Department of Public Defense for maintenance and repair of National Guard armories and facilities; Department of Public Safety for construction of a new patrol post in District 1; Department of Natural Resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, creation of a lake rehabilitation pilot program, for the bluffslands protection revolving fund, and for the dredging of lakes; Department of Transportation for capital improvements at all ten of the commercial air service airports and for an automated weather observation system; for the Iowa State Fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the State Fairgrounds and for county fair infrastructure improvements; judicial department for

capital projects at the Capitol Building; and State Board of Regents for capital projects at the Iowa School for the Deaf and the Iowa Braille and Sight Saving School; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the Department of Revenue and Finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the Governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the Department of Cultural Affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund, by reallocating certain funds to design and construct new or replacement buildings at the state training school; and providing effective dates.

Senate File 2381 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 2, subsection 4. This item appropriates \$1.5 million for improvements at the facilities of the judicial districts. This item was added late in the legislative session without full benefit of discussion and evaluation.

I am unable to approve the item designated as Section 5, subsection 1, in its entirety. This item appropriates \$2.0 million for improvements at the facilities of the community colleges. While I continue to support additional technology funding for community colleges, capital funding should remain a responsibility of the community college district, not the state.

I am unable to approve the item designated as Section 15, in its entirety. This item would require the Department of General Services to establish a system for comparative evaluation and rating of all state vertical infrastructure needs, including the Board of Regents' institutions. I am disappointed the legislature chose not to establish a citizen board as I recommended, and failed to provide adequate staffing and support to allow the state to become more systematic in its approach to prioritizing infrastructure needs. I believe the board and the additional staffing are necessary to developing a comparative evaluation methodology.

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 2381 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 19, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2410, 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 effective dates and a retroactive applicability provision.

Senate File 2410 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 7, subsection 7, in its entirety. This item would implement a home and community based waiver for persons with physical disabilities. Allowing residents in a medical institution access for waiver services without first requiring evidence of the likelihood of long-term care could monopolize limited resources available for the program. I believe we should pursue a waiver for persons with physical disabilities, but direct it towards those with a clear prospect of long term institutionalization. Therefore, I am directing the department to implement a cost-effective waiver for persons with physical disabilities.

I am unable to approve the designated portion of Section 9. This item would allow unspent funds from fiscal year 1999 for the new child health care program to carry forward into fiscal year 2000. It is inappropriate to use one-time funding for on-going expenses.

I am unable to approve the item designated as Section 10, subsection 2, in its entirety. This item would prohibit the expansion of prior authorization for prescription drugs under the Medicaid program without approval of the General Assembly. The recent introduction of the new drug Viagra demonstrates the department's need to move forward quickly with prior authorization in a limited number of instances. The high level of media attention, combined with an absence of clinical criteria for restricting utilization, could create unanticipated cost over-runs in the Medicaid program.

I am unable to approve the designated portion of Section 16. This item appears to extend the application of the terms of the Connors consent decree relating to long term institutional settings to the University of Iowa Hospital School for Children with Disabilities. The University of Iowa Hospitals School for Children with Disabilities is not a long-term residential facility; rather it provides short-term acute care services. It would, therefore, be inappropriate to apply the Connors decree to the University Hospital School.

I am unable to approve the designated portion of Section 28. This item would require the Department of Human Services to reimburse a county when it chooses to offset a reduction in state mental health or mental retardation staff. The department must retain the flexibility to make staffing decisions based upon caseload need.

I am unable to approve the item designated as Section 32, subsection 1, paragraph b, in its entirety. This item would provide a two percent increase for pharmacist services effective January 1, 1999. This item sets precedent in that it applies to pharmacist services rather than dispensing fees, as has been the case in past years. Elsewhere in this bill, Section 10, subsection 4, the General Assembly has directed a study be undertaken to determine the benefits to the state of the provision of pharmaceutical services. It would be inappropriate to explicitly fund pharmacist services until the results of the study are known.

I am unable to approve the item designated as Section 40, in its entirety. This item would require the Department of Human Services to make up from any of its appropriations any shortfall in revenues earmarked for juvenile detention. If the General Assembly believes there may be a shortfall in funding for juvenile detention, it should be addressed in a more straightforward manner through a direct appropriation or an increase in revenue directed to this purpose.

I am unable to approve the item designated as Section 41, in its entirety. This item would allow unspent fiscal year 1999 funds for the Department of Human Services Hospital-Schools to carry forward into fiscal year 2000. It is inappropriate to use one-time funding for on-going expenses.

I am unable to approve the item designated as Section 42, in its entirety. This item would require the department to include penalty provisions for unmet performance expectations in all contracts with a value exceeding \$150,000. The language is drafted so broadly that it could potentially be applied to a physician providing services under Medicaid. I will instead direct the department to implement the intent of this section where appropriate.

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 2410 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 21, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2418, 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, establishing the IowaAccess system, providing for the use of the network, making miscellaneous related changes, and providing effective dates.

Senate File 2418 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, subsection 5, in its entirety. This item relates to an overall level of expenditure by the Iowa Communications Network (ICN) of \$32 million for fiscal year 1999. This \$32 million represented the ICN's best estimate of total demand for services for fiscal year 1999 at the time the budget request was initially formulated. However, the total level of demand cannot be predicted with precision, and therefore designating this expenditure level could adversely affect the ICN's ability to serve the needs of authorized users.

I am unable to approve the item designated as Section 2, subsection 6, in its entirety. This item directs the ICN to establish budget units and accounts as directed jointly by the Department of Management and the Legislative Fiscal Bureau. The ICN will work with the Bureau and the Department to provide financial information needed for decision making and oversight. However, final determination should be an executive branch prerogative.

I am unable to approve the item designated as Section 6, in its entirety. This item would subject the head of the Division of Information Technology Services to Senate confirmation. When the General Assembly acts to create a statutory office of information technology services, as I have recommended, it would be appropriate for the director to be subject to Senate confirmation.

I am unable to approve the designated portion of Section 7, subsection 2m. This item relates to the submission by the ICN of any proposed expenditure of the \$4,000,000 appropriation for optics replacement to the legislative council for review and approval. This action is an unwarranted intrusion on executive branch responsibilities.

I am unable to approve the item designated as Section 7, subsection 3, in its entirety. This item would close out the Reversion Technology Initiatives Account on June 30, 1999. The future of the Technology Initiatives Account is a decision that should be made as a part of the budgeting process during the 1999 legislative session.

I am unable to approve the item designated as Section 9, in its entirety. This item would have the legislative council initiate a progress audit concerning the implementation of century date change programming. The Year 2000 Project Office already has a contract with an outside entity to audit the state's progress in implementing century date programming, and an additional audit is unnecessary.

I am unable to approve the item designated as Section 10, in its entirety. This item relates to the privatization of the IowaAccess system for providing electronic access to government records. The meaning of the term "privatization" is unclear, however there is no question the state must retain the flexibility to contract for services when it lacks a core competency and it is cost-effective to do so. Under a contracting arrangement,

the activities of the contractor remain under the direction and control of the state agency.

I am unable to approve the items designated as Sections 11, 12 and 20, in their entirety. These sections create an Iowa Access advisory committee and spell out its duties and responsibilities. I strongly support the creation of an advisory committee with these duties and responsibilities. However, I cannot accept such a committee when a majority of its appointed members are appointments made by the General Assembly. Instead, through Executive Order Number 66, I am directing the Director of Information Technology Services to appoint an advisory committee with membership, duties and responsibilities, similar to what is contained in this legislation.

I am unable to approve the designated portion of Section 23. This item prohibits the ICN from making any new connections to the network after June 30, 1999, unless construction has commenced before that date. This language goes beyond video connections and may preclude the ICN from providing even the most basic service to its authorized users.

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 2418 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGES

May 20, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

Senate File 2320, an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

This bill was an earnest attempt by members of the General Assembly to place a moratorium on further expansion of gambling in the state of Iowa. While it contains some limitations on gambling, these provisions would not restrict gambling to the

extent of my recommendations. More troubling, modifications made to overcome the objections of the gambling industry may actually facilitate the expansion of gambling.

The most troubling provision was apparently perceived as simply permitting the transfer of a gambling license, but in actuality, could result in the creation of several new land-based casinos in our state. Whether it was intentional or not is irrelevant. The language in Section 3 of the bill could be interpreted to allow the creation of new gambling licenses, and such potential is unacceptable.

Further, this bill would limit the fines on a licensee for underage gambling violations to a maximum fine of \$1,000 for most violations. Currently the Racing & Gaming Commission is issuing fines to licensees from \$5,000 to \$25,000 per instance. This provision sends the wrong message and will limit the Commission's ability to police underage gambling.

In addition, this legislation does very little to limit instant access to additional credit at ATM machines which would still be permitted within gambling facilities.

The bill allows a six-month window during which facilities can install additional slot machines prior to commencing a two-year moratorium. Undoubtedly, any facility intending to expand gambling during the next few years will make that request in the next six months, making the limitation of little value. Likewise, it is unlikely additional riverboat casino licenses will be granted by the Commission in the foreseeable future, regardless of this legislation.

For the above reasons, I hereby respectfully disapprove Senate File 2320.

Sincerely,
TERRY E. BRANSTAD
Governor

May 20, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

Senate File 2384, an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

It is unfortunate that I must veto Senate File 2384. This legislation is only effective in conjunction with Senate File 2281, which the Senate passed overwhelmingly but the House ultimately refused to bring to a final vote.

Senate File 2384 provides that non-indigent persons requesting a payment plan for fines, fees, and costs would be required to pay an installment payment assessment of \$35 before such installment payment plan could be ordered by the Court. A similar provision placing the same assessment on indigent persons seeking a payment plan was part of Senate File 2281.

Senate File 2281 contained many positive reforms of the indigent defense program. It made uniform the processing of fee claims submitted by private attorneys for handling indigent cases. Under Senate File 2281, the state public defender would have established by administrative rule the hourly fee paid to private attorneys and the total case fee ceilings that could have been exceeded by permission of the state public defender.

At the start of the legislative session, I set forth a proposed rate increase in my Budget in Brief. Currently, appointed attorneys in indigent cases receive fee rates of \$45, \$50 or \$55 per hour depending on the severity of the case. The fees I proposed would have brought an innovative new concept to Iowa – one hourly rate for time spent out of court and a higher hourly rate for in-court time. The fees I proposed would have generally been higher than the currently authorized hourly fees.

In addition, Senate File 2281 would have brought statewide uniformity in fee awards in such cases by having all fee claims approved by the state public defender rather than individual judges in every part of the state. The attorney would have the right to seek modified judicial review by the court of the fee approved by the state public defender.

Senate File 2281 would have better defined indigency than does current law and would have ensured that people who can afford to pay an attorney to represent them would not receive an attorney at taxpayer expense. A defendant's assets, as well as income, could be used to determine ability to pay and wages could be garnished to assist in repayment.

Senate File 2281 would also have allowed the court to hold informal proceedings with individuals who are behind in their payments of fines, fees, and costs, without the necessity of a formal contempt proceeding. This would avoid the appointment of new counsel and higher costs to the taxpayers.

Senate File 2281 would have capped the counties' maximum liability for juvenile cases at the current level and provided greater accountability over state funds.

Attorneys in the state want higher remuneration in indigent cases. I have been willing to increase such remuneration but I insist on reforming the system and making it more uniform statewide. I am attempting to balance reasonable fees for the appointed attorney on the one hand with accountability to the taxpayers on the other.

Unfortunately, although the Senate passed Senate File 2281 by an almost unanimous margin, ultimately the legislation died in the House and the reforms and uniform fee award system, along with increased fees, died with it. As a result, the appointed lawyers get no fee increase and Senate File 2384 must be vetoed.

For the above reasons, I hereby respectfully disapprove Senate File 2384.

Sincerely,
TERRY E. BRANSTAD
Governor

May 18, 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

Senate File 2405, an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Under Iowa law, school districts currently have a wide array of options to expand educational programs and facilities including staff and program sharing, whole grade sharing, and reorganization. Each time the legislature has added a new sharing option important principles necessary for statewide implementation are clearly outlined in statute. These principles protect each district entering into the agreement, their constituent communities and the state.

Senate File 2405 fails to address critical implementation issues for schools that, if left to district-by-district administration, may create financial instability and accreditation difficulties for local school districts. Important details such as the funding of the educational program, transportation costs, and the differences between participating districts' bonding capacity and property tax rates and levies, need statutory clarification.

While I am not opposed to this concept, the legislature should address issues critical to implementation of the statute to consistently and uniformly apply the statute.

For the above reasons, I hereby respectfully disapprove Senate File 2405.

Sincerely,
TERRY E. BRANSTAD
Governor

IN MEMORIAM

Senate

Robert R. Dodds July 27, 1924 – January 1, 1998

Leander "Lee" Warren Holt August 30, 1909 – October 29, 1997

Emil J. Husak September 18, 1930 – July 30, 1997

ROBERT R. DODDS

Robert R. Dodds was born on July 27, 1924, in Burlington, Iowa, and passed away on January 1, 1998, at the age of seventy-three. His parents were Horace Dodds and Florence (Hillgartner) Dodds. He married Frances M. Floyd on March 1, 1965, in Monmouth, Illinois. He is survived by his wife Frances; one son, Jeffrey Dodds of Coralville; four daughters, Luana Lambert of Burlington, Tami Bainter of Hannibal, Mo., Lisa Bartruff of Iowa City and Degee Wilhelm of Chicago; 13 grandchildren; a brother, William of New York; and a sister, Jean Schnupper of Middletown.

Mr. Dodds graduated from the Danville High School and attended Burlington Junior College. He owned and operated Bob Dodds Insurance in Danville. He served on boards of Great River Health Systems, Salvation Army, Burlington Bees Baseball, Danville Bank, American Cancer Society, was president of Jaggar Cemetery, served on boards of the Southeastern Community College Foundation and Danville School. He was in the Burlington Police Department Chaplain Corps. Mr. Dodds served his country in the Air Force during World War II and was a member of the American Legion and Danville Lodge.

Mr. Dodds was a prominent eastern Iowa Democrat, and in 1960 he was a delegate to the Democratic National Convention. He was elected to the Iowa House of Representatives in 1956 and served from Des Moines County as a member of the Iowa House from 1956 to 1962. In 1962, he was elected to the Iowa Senate and served from 1962 to 1970.

Following his time in public office, Senator Dodds became active in the ministry. He ministered at Bonaparte Baptist Church for over seventeen years and was founder of Mud Creek Chapel Retreat and built the Little White Chapel in the Woods in rural Danville. He founded the Bottom Line Foundation, which published a weekly evangelistic newsletter. Senator Dodds also worked in jail ministries and served as chaplain for the Burlington Bees baseball team. He had been Midwest League Chaplain Coordinator for many years.

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Robert R. Dodds, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

EUGENE FRAISE, Chair
TOM VILSACK
RICHARD F. DRAKE

Committee

LEANDER "LEE" WARREN HOLT

Leander Warren Holt, was born August 30, 1909, to Peter and Anna Edward Holt in Earlville, Ill. Lee passed away Wednesday, October 29, 1997, at St. Luke Lutheran Home, Spencer, Iowa at the age of eighty-eight years. His early childhood was spent on a farm near Ottosen, Iowa. Lee graduated from Ottosen High School and later from the American Institute of Business in Des Moines. In 1935, he was employed by the Iowa House of Representatives in the 46th General Assembly.

On June 27, 1937, he married Dorothy VanBurskirk in Ottosen. One son, John and two daughters, Sondra and Barbara comprised their family. They were also blessed with eight grandchildren. Lee was a member of the First English Lutheran Church where he served as an officer for 30 years. He also served six years on the board of the Lutheran Home Finding Society in Fort Dodge, Iowa. In 1950, he was appointed as a director for the Iowa Safety Congress.

He was President and chairman of the Board of Directors of St. Luke Lutheran Home from 1963-1993. During that period, The Highlands was studied and built with Lee and Dorothy as the first residents of the facility. Lee served as an honorary board member in the early planning stages for the Assisted Living, Adult Day Care Center now named in his honor. He was president of the Iowa Automobile Dealers in 1968. In 1977 and 1978, he served as chairman of the Board of Fellows of Augustana College in Sioux Falls. In 1978, he received the Northwood Institute award for support of education. He served on an advisory council for Iowa Lakes Community College and also on the state Board of Vocational Education Advisory Council. He served on the Legislative Council for AARP for the state of Iowa. He was a member of the Steering Committee in fundraising for the Spencer Cancer Unit. In 1995, Governor Branstad appointed him to the State Judicial Nominating Commission.

Lee served for a number of years as State Drivers License Examiner and as a member of the Iowa Highway State Patrol. In 1946, he resigned from the Patrol and became associated in the automobile business. In 1964, he purchased the automobile dealership which bore his name, Lee Holt Motors. Time Magazine named him Quality Auto Dealer for Iowa in 1972.

In 1978, Lee was elected to the Iowa House of Representatives and served in the 68th and 69th General Assemblies representing Clay and Palo Alto County. In 1983, he was elected to the Iowa Senate and served in the 70th, 71st, and 72nd General Assemblies. After serving six years in the Senate, he retired from the Legislature.

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Leander Warren Holt, the State has lost an honored citizen known to all who dealt with him as a "True Gentleman" and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JOHN P. KIBBIE, Chair
WILMER RENSINK
MARY LOU FREEMAN

Committee

EMIL J. HUSAK

Emil J. Husak was born to William and Mary Husak on September 18, 1930, in Toledo, Iowa. He had six brothers and two sisters. He passed away on July 30, 1997, at the age of sixty-six.

Emil was a member of the Toledo American Legion Post #72, 40-8, K.D. Lodge, Eagles, Kiwanis, Farm Bureau, Farmers' Union and the St. Patrick's Catholic Church in Tama, Iowa. He served in the Army during the Korean Conflict from 1952 until 1954.

In 1955, Emil married Dorothy Uhlenberg, and together they started a grain and livestock farm approximately one-half mile from where he grew up. He also drove a school bus for the South Tama County Community School District for twelve years.

Emil and Dorothy became the parents of three sons and two daughters: Michael of Marshalltown, Iowa; Dennis of St. Charles, Missouri; Joseph, deceased; Janice Morales of Lake Zurich, Illinois, and Laurie Friedhoff of Urbandale, Iowa. Their family grew with the addition of ten grandchildren.

Senator Husak's political career began in 1970, when he was elected to five two-year terms in the Iowa House, serving in the 64th, 65th, 66th, 67th, 67thEX, and 68th General Assemblies. He was then elected to serve four terms in the Iowa Senate and served in the 69th, 69thEX, 70th, 71st, 72nd, 73rd, 74th, 75th, and 76th General Assemblies until 1996.

During his 26 years as a legislator, his priorities included preservation of the family farm, needs of the elderly, education, veterans' affairs, the environment and economic development. Senator Husak devoted considerable effort toward preserving the integrity of the State Juvenile Home, the Iowa Veterans' Home and the Iowa Braille School. He worked enthusiastically for the Special Olympics, lowering taxes and always listened to the ideas of those in his District. Senator Husak also encouraged each of his children and grandchildren to visit him at the State Capitol during the sessions to view the process at work.

Emil's top priorities were his wife, children, grandchildren, and the family farm. Emil continued to farm, and, also, became involved in wood crafting. Emil's hobbies included hunting, fishing, golfing and family gatherings.

Senator Husak was known for his integrity and was always a hard-working and very capable State Legislator who worked for the benefit of his constituents. He was a moderate democrat who was respected by members of both parties.

His family remembers a loving husband, father, and grandfather who taught them the importance of faith, hard work, commitment, devotion to the family and fun. He lived his life to the fullest and he encouraged all to do the same. "TO THE POWER".

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Emil J. Husak, the State has lost an honored citizen and faithful and useful public servant and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DON E. GETTINGS, Chair
DENNIS H. BLACK
DONALD B. REDFERN

Committee

AMENDMENTS FILED
During The
Seventy-seventh General Assembly
1997 Regular Session

S-5001

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 an individual who
48 has 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 the individual's own drug or alcohol test during the
21 individual's 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

Page 3

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 or
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 individual tested in relation to the test result
7 provided, and samples shall be handled and tracked in
8 a manner such that control and accountability are
9 maintained from initial collection to each stage in
10 handling, testing, and storage, through final
11 disposition.

12 (2) An employee or prospective employee shall be
13 provided an opportunity to provide any information
14 which may be considered relevant to the test,
15 including identification of prescription or
16 nonprescription drugs currently or recently used, or
17 other relevant medical information. Information
18 provided by the employee or prospective employee shall
19 not be disclosed to the employer but shall be
20 delivered to the facility conducting confirmatory
21 testing. To assist an employee or prospective
22 employee in providing the information described in
23 this subparagraph, the employer shall provide an
24 employee or prospective employee with a list of the
25 drugs to be tested.

26 d. Sample collection, storage, and transportation
27 to the place of testing shall be performed so as to
28 reasonably preclude the possibility of sample
29 contamination, adulteration, or misidentification.

30 e. All drug testing, including both initial and
31 confirmatory testing, shall be conducted at a
32 laboratory certified by the United States department
33 of health and human services' substance abuse and
34 mental health services administration or approved
35 under rules adopted by the Iowa department of public
36 health.

37 f. Drug or alcohol testing shall include
38 confirmation of any initial positive test results.
39 For drug testing, confirmation shall be by use of a
40 different chemical process than was used in the
41 initial drug screen. The confirmatory drug test shall
42 be a chromatographic technique such as gas
43 chromatography or mass spectrometry, or another
44 comparably reliable analytical method.

45 g. A medical review officer shall, prior to the
46 results being reported to an employer and the employee
47 or prospective employee tested, review and interpret

48 any confirmed positive test results, including both
49 quantitative and qualitative test results, to ensure
50 that the chain of custody is complete and sufficient

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1 on its face and that any information provided by the
2 individual pursuant to paragraph "c", subparagraph
3 (2), is considered.

4 h. In conducting drug or alcohol testing pursuant
5 to this section, the employer shall ensure that the
6 testing only measure, and the records concerning the
7 testing only show or make use of information
8 regarding, alcohol or drugs in the body.

9 i. If a positive drug or alcohol test for an
10 employee or prospective employee is confirmed by the
11 medical review officer, the medical review officer
12 shall notify the employee or prospective employee in
13 writing of the results of the test, the employee's or
14 prospective employee's right to request and obtain a
15 confirmatory test of the second sample collected
16 pursuant to paragraph "b" at a certified or approved
17 laboratory of the employee's or prospective employee's
18 choice, and the fee established by the employer's
19 written policy to be payable by the employee or
20 prospective employee to the medical review officer for
21 reimbursement of expenses concerning the test. The
22 fee charged an employee or prospective employee shall
23 be an amount, not in excess of one hundred dollars,
24 that represents the costs associated with conducting
25 the second confirmatory test, which shall be
26 consistent with the employer's cost for conducting the
27 initial confirmatory test on an employee's or
28 prospective employee's sample. If the employee or
29 prospective employee requests a second confirmatory
30 test, identifies a certified or approved laboratory to
31 conduct the test, and pays the medical review officer
32 the fee for the test within fifteen days from the date
33 the employee or prospective employee receives written
34 notice of the right to request a test, a second
35 confirmatory test shall be conducted at the laboratory
36 chosen by the employee or prospective employee. The
37 results of the second confirmatory test shall be
38 reported to the medical review officer who reviewed
39 the initial confirmatory test results and the medical
40 review officer shall review the results and issue a
41 report to the employer and the employee or prospective
42 employee tested that the results of the drug or
43 alcohol test were confirmed as positive if the results
44 of the second confirmatory test confirmed the initial
45 confirmatory test as to the presence of a specific
46 drug or alcohol. If the results of the second test do

47 not confirm the results of the initial confirmatory
48 test, the medical review officer shall report to the
49 employer that the result of the drug or alcohol test
50 is negative and not a confirmed positive test result

Page 6

1 for purposes of this section.

2 j. A report of the results of a drug or alcohol
3 test issued to an employer and the individual tested
4 shall only indicate, as to an employee or prospective
5 employee, whether the test results were positive or
6 negative, pursuant to the review and interpretation of
7 a medical review officer as provided in this
8 subsection. An inconclusive test result shall be
9 reported as a negative test result. If the test
10 results are positive, the report shall only indicate
11 whether drugs or alcohol were present, which drugs
12 were present if applicable, information concerning the
13 amount of alcohol present, and a statement from the
14 medical review officer that any information provided
15 by the employee or prospective employee fails to
16 explain the results.

17 6. DRUG OR ALCOHOL TESTING. Employers may conduct
18 drug or alcohol testing as provided in this
19 subsection:

20 a. Employers may conduct drug or alcohol testing
21 of employees for up to two years after completion of
22 drug or alcohol rehabilitation.

23 b. Employers may conduct reasonable suspicion drug
24 or alcohol testing.

25 c. Employers may conduct drug or alcohol testing
26 of prospective employees.

27 d. Employers may conduct drug or alcohol testing
28 as required by federal law or regulation.

29 e. Employers may conduct drug or alcohol testing
30 in investigating accidents in the workplace which
31 result in a personal injury which requires medical
32 treatment away from the workplace or damage to
33 property, including equipment, in an amount reasonably
34 estimated to exceed one thousand dollars at the time
35 of the accident.

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 shall comply with the

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1 following requirements in order to conduct drug or
2 alcohol 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 Iowa department of public health or accredited
48 by 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, in good faith, has
29 established a written policy in accordance with this
30 section and has complied with the requirements of the
31 written policy and this section for testing or taking
32 action based on the results of a confirmed positive
33 drug or alcohol test result, indicating the presence
34 of drugs or alcohol, or the refusal of an employee or
35 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 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, 1999, 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 testing 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. 3. EFFECTIVE DATE. This Act takes effect on
19 January 1, 1999."

TOM VILSACK
MICHAEL E. GRONSTAL

S-5002

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 "1. 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 an individual who
42 has 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 the individual's own drug or alcohol test during the
15 individual's 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.

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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 individual tested in relation to the test result

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1 provided, and samples shall be handled and tracked in
2 a manner such that control and accountability are
3 maintained from initial collection to each stage in
4 handling, testing, and storage, through final
5 disposition.

6 (2) An employee or prospective employee shall be
7 provided an opportunity to provide any information
8 which may be considered relevant to the test,
9 including identification of prescription or
10 nonprescription drugs currently or recently used, or
11 other relevant medical information. Information

12 provided by the employee or prospective employee shall
13 not be disclosed to the employer but shall be
14 delivered to the facility conducting confirmatory
15 testing. To assist an employee or prospective
16 employee in providing the information described in
17 this subparagraph, the employer shall provide an
18 employee or prospective employee with a list of the
19 drugs to be tested.

20 d. Sample collection, storage, and transportation
21 to the place of testing shall be performed so as to
22 reasonably preclude the possibility of sample
23 contamination, adulteration, or misidentification.

24 e. All drug testing, including both initial and
25 confirmatory testing, shall be conducted at a
26 laboratory certified by the United States department
27 of health and human services' substance abuse and
28 mental health services administration or approved
29 under rules adopted by the Iowa department of public
30 health.

31 f. Drug or alcohol testing shall include
32 confirmation of any initial positive test results.
33 For drug testing, confirmation shall be by use of a
34 different chemical process than was used in the
35 initial drug screen. The confirmatory drug test shall
36 be a chromatographic technique such as gas
37 chromatography or mass spectrometry, or another
38 comparably reliable analytical method.

39 g. A medical review officer shall, prior to the
40 results being reported to an employer and the employee
41 or prospective employee tested, review and interpret
42 any confirmed positive test results, including both
43 quantitative and qualitative test results, to ensure
44 that the chain of custody is complete and sufficient
45 on its face and that any information provided by the
46 individual pursuant to paragraph "c", subparagraph
47 (2), is considered.

48 h. In conducting drug or alcohol testing pursuant
49 to this section, the employer shall ensure that the
50 testing only measure, and the records concerning the

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1 testing only show or make use of information
2 regarding, alcohol or drugs in the body.

3 i. If a positive drug or alcohol test for an
4 employee or prospective employee is confirmed by the
5 medical review officer, the medical review officer
6 shall notify the employee or prospective employee in
7 writing of the results of the test, the employee's or
8 prospective employee's right to request and obtain a
9 confirmatory test of the second sample collected
10 pursuant to paragraph "b" at a certified or approved

laboratory of the employee's or prospective employee's choice, and the fee established by the employer's written policy to be payable by the employee or prospective employee to the medical review officer for reimbursement of expenses concerning the test. The fee charged an employee or prospective employee shall be an amount, not in excess of one hundred dollars, that represents the costs associated with conducting the second confirmatory test, which shall be consistent with the employer's cost for conducting the initial confirmatory test on an employee's or prospective employee's sample. If the employee or prospective employee requests a second confirmatory test, identifies a certified or approved laboratory to conduct the test, and pays the medical review officer the fee for the test within fifteen days from the date the employee or prospective employee receives written notice of the right to request a test, a second confirmatory test shall be conducted at the laboratory chosen by the employee or prospective employee. The results of the second confirmatory test shall be reported to the medical review officer who reviewed the initial confirmatory test results and the medical review officer shall review the results and issue a report to the employer and the employee or prospective employee tested that the results of the drug or alcohol test were confirmed as positive if the results of the second confirmatory test confirmed the initial confirmatory test as to the presence of a specific drug or alcohol. If the results of the second test do not confirm the results of the initial confirmatory test, the medical review officer shall report to the employer that the result of the drug or alcohol test is negative and not a confirmed positive test result for purposes of this section.

j. A report of the results of a drug or alcohol test issued to an employer and the individual tested shall only indicate, as to an employee or prospective employee, whether the test results were positive or negative, pursuant to the review and interpretation of

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1 a medical review officer as provided in this
2 subsection. An inconclusive test result shall be
3 reported as a negative test result. If the test
4 results are positive, the report shall only indicate
5 whether drugs or alcohol were present, which drugs
6 were present if applicable, information concerning the
7 amount of alcohol present, and a statement from the
8 medical review officer that any information provided
9 by the employee or prospective employee fails to

10 explain the results.
11 6. DRUG OR ALCOHOL TESTING. Employers may conduct
12 drug or alcohol testing as provided in this
13 subsection:
14 a. Employers may conduct drug or alcohol testing
15 of employees for up to two years after completion of
16 drug or alcohol rehabilitation.
17 b. Employers may conduct reasonable suspicion drug
18 or alcohol testing.
19 c. Employers may conduct drug or alcohol testing
20 of prospective employees.
21 d. Employers may conduct drug or alcohol testing
22 as required by federal law or regulation.
23 e. Employers may conduct drug or alcohol testing
24 in investigating accidents in the workplace which
25 result in a personal injury which requires medical
26 treatment away from the workplace or damage to
27 property, including equipment, in an amount reasonably
28 estimated to exceed one thousand dollars at the time
29 of the accident.
30 7. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.
31 a. Prior to conducting drug or alcohol testing
32 under this section, an employer shall establish,
33 following consultation with representatives of
34 employees, a written policy consistent with the
35 requirements of this section governing such testing.
36 The employer shall comply with this section and the
37 requirements of the written policy to conduct drug or
38 alcohol testing of employees and prospective employees
39 and shall provide the written policy to every employee
40 subject to testing and shall make the policy available
41 for review by employees and prospective employees.
42 b. Employers shall establish an awareness program
43 to inform employees of the dangers of drug and alcohol
44 use in the workplace and shall comply with the
45 following requirements in order to conduct drug or
46 alcohol testing under this section:
47 (1) If an employer has an employee assistance
48 program, the employer must inform the employee of the
49 benefits and services of the employee assistance
50 program. An employer shall post notice of the

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1 employee assistance program in conspicuous places and
2 explore alternative routine and reinforcing means of
3 publicizing such services. In addition, the employer
4 must provide the employee with notice of the policies
5 and procedures regarding access to and utilization of
6 the program.
7 (2) If an employer does not have an employee
8 assistance program, the employer must maintain a

9 resource file of employee assistance services
10 providers, alcohol and other drug abuse programs
11 certified by the Iowa department of public health,
12 mental health providers, and other persons, entities,
13 or organizations available to assist employees with
14 personal or behavioral problems. The employer shall
15 provide all employees information about the existence
16 of the resource file and a summary of the information
17 contained within the resource file. The summary
18 should contain, but need not be limited to, all
19 information necessary to access the services listed in
20 the resource file. In addition, the employer shall
21 post in conspicuous places a listing of multiple
22 employee assistance providers in the area.

23 c. An employee or prospective employee whose drug
24 or alcohol test results are confirmed as positive in
25 accordance with this section shall not, by virtue of
26 those results alone, be considered as a person with a
27 disability for purposes of any state or local law or
28 regulation.

29 d. If the written policy provides for alcohol
30 testing, the employer shall establish in the written
31 policy a standard for alcohol concentration which
32 shall be deemed to violate the policy. The standard
33 for alcohol concentration shall not be less than .04,
34 expressed in terms of grams of alcohol per two hundred
35 ten liters of breath, or its equivalent.

36 e. In order to conduct drug or alcohol testing
37 under this section, an employer shall require all
38 supervisory personnel of the employer to attend a
39 minimum of two hours of initial training and to
40 attend, on an annual basis thereafter, a minimum of
41 one hour of subsequent training. The training shall
42 be based upon standards adopted by the Iowa department
43 of public health and shall include, but is not limited
44 to, information concerning the recognition of evidence
45 of employee alcohol and other drug abuse, the
46 documentation and corroboration of employee alcohol
47 and other drug abuse, and the referral of employees
48 who abuse alcohol or other drugs to the employee
49 assistance program or to the resource file of employee
50 assistance services providers. For purposes of this

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1 paragraph, "supervisory personnel" means persons
2 having authority, in the interest of the employer, to
3 hire, transfer, suspend, lay off, recall, promote,
4 discharge, assign, reward, or discipline other
5 employees, or responsibly to direct them, or to adjust
6 their grievances, or effectively to recommend such
7 action, if in connection with the foregoing the

8 exercise of such authority is not of a merely routine
9 or clerical nature, but requires the use of
10 independent judgment.

11 f. If an employee is under eighteen years of age,
12 in order to conduct drug or alcohol testing under this
13 section, the employer shall, prior to conducting a
14 test, notify the employee's parent or grandparent that
15 a test shall be conducted and the basis for the test.
16 For purposes of this paragraph, "parent" means one
17 parent or a legal guardian or custodian of the
18 employee.

19 g. In order to conduct drug or alcohol testing
20 under this section, an employer shall provide all
21 employees, on an annual basis, an opportunity to
22 participate in an educational program of a minimum of
23 one hour on alcohol and other drug abuse and the
24 effects of such abuse on the workplace. The program
25 shall include, but is not limited to, information on
26 all of the following topics:

27 (1) The explanation of the diseases of addiction
28 to alcohol and other drugs.

29 (2) The effects and dangers of the commonly abused
30 substances in the workplace.

31 (3) The employer's policies and procedures
32 regarding alcohol and other drug use or abuse in the
33 workplace and how employees who wish to obtain
34 substance abuse treatment can obtain such treatment.

35 (4) An explanation of the penalties that may be
36 imposed upon employees for alcohol and other drug
37 violations.

38 8. DISCIPLINARY PROCEDURES.

39 a. Upon receipt for an employee of the first
40 confirmed positive drug or alcohol test result, the
41 employer shall provide the employee with a substance
42 abuse evaluation, and treatment if recommended by the
43 evaluation, with costs apportioned as provided under
44 the employee benefit plan or at employer expense, if
45 an employee benefit plan is not in effect which
46 apportions costs. The employer shall take no
47 disciplinary action against the employee upon receipt
48 of the first confirmed positive drug or alcohol test
49 result if the employee undergoes a substance abuse
50 evaluation, and if the employee successfully completes

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1 substance abuse treatment if treatment is recommended
2 by the evaluation. However, if an employee fails to
3 undergo substance abuse evaluation when required as a
4 result of a drug or alcohol test, or fails to
5 successfully complete substance abuse treatment when
6 recommended by an evaluation, the employee may be

7 disciplined as provided in paragraph "b". The
8 substance abuse evaluation and treatment provided by
9 the employer shall take place under a program approved
10 by the Iowa department of public health or accredited
11 by the joint commission on the accreditation of health
12 care organizations.

13 b. Upon receipt for an employee of a second
14 confirmed positive drug or alcohol test result or upon
15 receipt for a prospective employee of a confirmed
16 positive drug or alcohol test result, upon the failure
17 of an employee to comply with the requirements of
18 paragraph "a", or upon the refusal of an employee or
19 prospective employee to provide a testing sample, an
20 employer may use that test result or test refusal as a
21 valid basis for disciplinary or rehabilitative actions
22 consistent with the employer's written policy, which
23 may include, among other actions, the following:

24 (1) A requirement that the employee enroll in an
25 employer-provided or approved rehabilitation,
26 treatment, or counseling program, which may include
27 additional drug or alcohol testing, participation in
28 and successful completion of which may be a condition
29 of continued employment, and the costs of which may or
30 may not be covered by the employer's health plan or
31 policies.

32 (2) Suspension of the employee, with or without
33 pay, for a designated period of time.

34 (3) Termination of employment.

35 (4) Refusal to hire a prospective employee.

36 (5) Other adverse employment action in conformance
37 with the employer's written policy and procedures,
38 including any relevant collective bargaining agreement
39 provisions.

40 9. EMPLOYER IMMUNITY. A cause of action shall not
41 arise against an employer who, in good faith, has
42 established a written policy in accordance with this
43 section and has complied with the requirements of the
44 written policy and this section for testing or taking
45 action based on the results of a confirmed positive
46 drug or alcohol test result, indicating the presence
47 of drugs or alcohol, or the refusal of an employee or
48 prospective employee to submit to a drug or alcohol
49 test.

50 10. RELEASE OF INFORMATION -- CONFIDENTIALITY --

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1 EXCEPTIONS.

2 a. Except as provided in paragraph "b", all
3 communications received by an employer relevant to
4 employee or prospective employee drug or alcohol test
5 results, or otherwise received through the employer's

6 drug or alcohol testing program, are confidential
7 communications and shall not be used or received in
8 evidence, obtained in discovery, or disclosed in any
9 public or private proceeding, except as provided by
10 this section or in a proceeding related to an action
11 taken by an employer under this section or by an
12 employee under this section.

13 b. An employee, or a prospective employee, who is
14 the subject of a drug or alcohol test conducted under
15 this section pursuant to an employer's written policy
16 and for whom a confirmed positive test result is
17 reported shall receive, at the same time the report is
18 issued to the employer, a copy of the report issued to
19 the employer and shall receive any records relating to
20 the employee's drug or alcohol test, including records
21 of the laboratory where the testing was conducted and
22 any records relating to the results of any relevant
23 review by a medical review officer.

24 11. CIVIL REMEDIES. This section may be enforced
25 through a civil action.

26 a. A person who violates this section or who aids
27 in the violation of this section, is liable to an
28 aggrieved employee or prospective employee for
29 affirmative relief including reinstatement or hiring,
30 with or without back pay, or any other equitable
31 relief as the court deems appropriate including
32 attorney fees and court costs.

33 b. When a person commits, is committing, or
34 proposes to commit, an act in violation of this
35 section, an injunction may be granted through an
36 action in district court to prohibit the person from
37 continuing such acts. The action for injunctive
38 relief may be brought by an aggrieved employee or
39 prospective employee, the county attorney, or the
40 attorney general.

41 In an action brought under this subsection alleging
42 that an employer has required or requested a drug or
43 alcohol test in violation of this section, the
44 employer has the burden of proving that the
45 requirements of this section were met.

46 12. OFFENSES. Samples collected, information
47 provided by an employee or prospective employee
48 pursuant to subsection 5, paragraph "c", subparagraph
49 (2), and the results of drug or alcohol testing shall
50 be used solely for the purpose of conducting drug or

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1 alcohol testing pursuant to this section and shall not
2 be sold, transferred, or disseminated, to any person
3 for any purpose not expressly authorized by this
4 section. A person who violates this subsection

5 commits a simple misdemeanor and, notwithstanding
6 section 903.1, if a monetary fine is imposed, the fine
7 shall be one hundred dollars. Each violation of this
8 subsection constitutes a separate offense.

9 13. REPORTS.

10 a. An employer who conducts a drug test pursuant
11 to this section shall, for each fiscal year beginning
12 on or after July 1, 1999, file an annual report with
13 the division of labor services of the department of
14 workforce development, on forms provided by the
15 division, documenting the number of accidents,
16 including the number of personal injuries and the
17 dollar loss for property damage arising out of the
18 accidents, caused by the use of drugs or alcohol by
19 employees and documenting separately for each category
20 of testing described in subsection 6 the following
21 information:

22 (1) The number of drug or alcohol tests conducted
23 in each category.

24 (2) The results of drug or alcohol tests conducted
25 in each category.

26 b. The division of labor services of the
27 department of workforce development shall compile the
28 information submitted by employers pursuant to this
29 subsection and shall submit an annual report to the
30 general assembly on this information.

31 Sec. 2. EFFECTIVE DATE. This Act takes effect on
32 January 1, 1999."

TOM VILSACK
MICHAEL E. GRONSTAL

S-5003

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 an individual who
42 has 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 the individual's own drug or alcohol test during the
15 individual's 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.

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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 or
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 individual tested in relation to the test result

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1 provided, and samples shall be handled and tracked in
2 a manner such that control and accountability are
3 maintained from initial collection to each stage in
4 handling, testing, and storage, through final
5 disposition.

6 (2) An employee or prospective employee shall be
7 provided an opportunity to provide any information
8 which may be considered relevant to the test,
9 including identification of prescription or
10 nonprescription drugs currently or recently used, or
11 other relevant medical information. Information
12 provided by the employee or prospective employee shall
13 not be disclosed to the employer but shall be
14 delivered to the facility conducting confirmatory

15 testing. To assist an employee or prospective
16 employee in providing the information described in
17 this subparagraph, the employer shall provide an
18 employee or prospective employee with a list of the
19 drugs to be tested.

20 d. Sample collection, storage, and transportation
21 to the place of testing shall be performed so as to
22 reasonably preclude the possibility of sample
23 contamination, adulteration, or misidentification.

24 e. All drug testing, including both initial and
25 confirmatory testing, shall be conducted at a
26 laboratory certified by the United States department
27 of health and human services' substance abuse and
28 mental health services administration or approved
29 under rules adopted by the Iowa department of public
30 health.

31 f. Drug or alcohol testing shall include
32 confirmation of any initial positive test results.
33 For drug testing, confirmation shall be by use of a
34 different chemical process than was used in the
35 initial drug screen. The confirmatory drug test shall
36 be a chromatographic technique such as gas
37 chromatography or mass spectrometry, or another
38 comparably reliable analytical method.

39 g. A medical review officer shall, prior to the
40 results being reported to an employer and the employee
41 or prospective employee tested, review and interpret
42 any confirmed positive test results, including both
43 quantitative and qualitative test results, to ensure
44 that the chain of custody is complete and sufficient
45 on its face and that any information provided by the
46 individual pursuant to paragraph "c", subparagraph
47 (2), is considered.

48 h. In conducting drug or alcohol testing pursuant
49 to this section, the employer shall ensure that the
50 testing only measure, and the records concerning the

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1 testing only show or make use of information
2 regarding, alcohol or drugs in the body.

3 i. If a positive drug or alcohol test for an
4 employee or prospective employee is confirmed by the
5 medical review officer, the medical review officer
6 shall notify the employee or prospective employee in
7 writing of the results of the test, the employee's or
8 prospective employee's right to request and obtain a
9 confirmatory test of the second sample collected
10 pursuant to paragraph "b" at a certified or approved
11 laboratory of the employee's or prospective employee's
12 choice, and the fee established by the employer's
13 written policy to be payable by the employee or

14 prospective employee to the medical review officer for
15 reimbursement of expenses concerning the test. The
16 fee charged an employee or prospective employee shall
17 be an amount, not in excess of one hundred dollars,
18 that represents the costs associated with conducting
19 the second confirmatory test, which shall be
20 consistent with the employer's cost for conducting the
21 initial confirmatory test on an employee's or
22 prospective employee's sample. If the employee or
23 prospective employee requests a second confirmatory
24 test, identifies a certified or approved laboratory to
25 conduct the test, and pays the medical review officer
26 the fee for the test within fifteen days from the date
27 the employee or prospective employee receives written
28 notice of the right to request a test, a second
29 confirmatory test shall be conducted at the laboratory
30 chosen by the employee or prospective employee. The
31 results of the second confirmatory test shall be
32 reported to the medical review officer who reviewed
33 the initial confirmatory test results and the medical
34 review officer shall review the results and issue a
35 report to the employer and the employee or prospective
36 employee tested that the results of the drug or
37 alcohol test were confirmed as positive if the results
38 of the second confirmatory test confirmed the initial
39 confirmatory test as to the presence of a specific
40 drug or alcohol. If the results of the second test do
41 not confirm the results of the initial confirmatory
42 test, the medical review officer shall report to the
43 employer that the result of the drug or alcohol test
44 is negative and not a confirmed positive test result
45 for purposes of this section.
46 j. A report of the results of a drug or alcohol
47 test issued to an employer and the individual tested
48 shall only indicate, as to an employee or prospective
49 employee, whether the test results were positive or
50 negative, pursuant to the review and interpretation of

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1 a medical review officer as provided in this
2 subsection. An inconclusive test result shall be
3 reported as a negative test result. If the test
4 results are positive, the report shall only indicate
5 whether drugs or alcohol were present, which drugs
6 were present if applicable, information concerning the
7 amount of alcohol present, and a statement from the
8 medical review officer that any information provided
9 by the employee or prospective employee fails to
10 explain the results.
11 6. DRUG OR ALCOHOL TESTING. Employers may conduct
12 drug or alcohol testing as provided in this

13 subsection:

14 a. Employers may conduct drug or alcohol testing
15 of employees for up to two years after completion of
16 drug or alcohol rehabilitation.

17 b. Employers may conduct reasonable suspicion drug
18 or alcohol testing.

19 c. Employers may conduct drug or alcohol testing
20 of prospective employees.

21 d. Employers may conduct drug or alcohol testing
22 as required by federal law or regulation.

23 e. Employers may conduct drug or alcohol testing
24 in investigating accidents in the workplace which
25 result in a personal injury which requires medical
26 treatment away from the workplace or damage to
27 property, including equipment, in an amount reasonably
28 estimated to exceed one thousand dollars at the time
29 of the accident.

30 f. Employers shall conduct a drug or alcohol test
31 on an employee if the employee requests, in writing,
32 that a drug or alcohol test be conducted pursuant to
33 this paragraph on the employee and the employee
34 provides the employer with evidence concerning the
35 employee which would be sufficient for an employer to
36 conduct reasonable suspicion drug or alcohol testing.

37 7. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

38 a. Prior to conducting drug or alcohol testing
39 under this section, an employer shall establish,
40 following consultation with representatives of
41 employees, a written policy consistent with the
42 requirements of this section governing such testing.
43 The employer shall comply with this section and the
44 requirements of the written policy to conduct drug or
45 alcohol testing of employees and prospective employees
46 and shall provide the written policy to every employee
47 subject to testing and shall make the policy available
48 for review by employees and prospective employees.

49 b. Employers shall establish an awareness program
50 to inform employees of the dangers of drug and alcohol

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1 use in the workplace and shall comply with the
2 following requirements in order to conduct drug or
3 alcohol testing under this section:

4 (1) If an employer has an employee assistance
5 program, the employer must inform the employee of the
6 benefits and services of the employee assistance
7 program. An employer shall post notice of the
8 employee assistance program in conspicuous places and
9 explore alternative routine and reinforcing means of
10 publicizing such services. In addition, the employer
11 must provide the employee with notice of the policies

12 and procedures regarding access to and utilization of
13 the program.

14 (2) If an employer does not have an employee
15 assistance program, the employer must maintain a
16 resource file of employee assistance services
17 providers, alcohol and other drug abuse programs
18 certified by the Iowa department of public health,
19 mental health providers, and other persons, entities,
20 or organizations available to assist employees with
21 personal or behavioral problems. The employer shall
22 provide all employees information about the existence
23 of the resource file and a summary of the information
24 contained within the resource file. The summary
25 should contain, but need not be limited to, all
26 information necessary to access the services listed in
27 the resource file. In addition, the employer shall
28 post in conspicuous places a listing of multiple
29 employee assistance providers in the area.

30 c. An employee or prospective employee whose drug
31 or alcohol test results are confirmed as positive in
32 accordance with this section shall not, by virtue of
33 those results alone, be considered as a person with a
34 disability for purposes of any state or local law or
35 regulation.

36 d. If the written policy provides for alcohol
37 testing, the employer shall establish in the written
38 policy a standard for alcohol concentration which
39 shall be deemed to violate the policy. The standard
40 for alcohol concentration shall not be less than .04,
41 expressed in terms of grams of alcohol per two hundred
42 ten liters of breath, or its equivalent.

43 e. In order to conduct drug or alcohol testing
44 under this section, an employer shall require all
45 supervisory personnel of the employer to attend a
46 minimum of two hours of initial training and to
47 attend, on an annual basis thereafter, a minimum of
48 one hour of subsequent training. The training shall
49 be based upon standards adopted by the Iowa department
50 of public health and shall include, but is not limited

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1 to, information concerning the recognition of evidence
2 of employee alcohol and other drug abuse, the
3 documentation and corroboration of employee alcohol
4 and other drug abuse, and the referral of employees
5 who abuse alcohol or other drugs to the employee
6 assistance program or to the resource file of employee
7 assistance services providers. For purposes of this
8 paragraph, "supervisory personnel" means persons
9 having authority, in the interest of the employer, to
10 hire, transfer, suspend, lay off, recall, promote,

11 discharge, assign, reward, or discipline other
12 employees, or responsibly to direct them, or to adjust
13 their grievances, or effectively to recommend such
14 action, if in connection with the foregoing the
15 exercise of such authority is not of a merely routine
16 or clerical nature, but requires the use of
17 independent judgment.

18 f. If an employee is under eighteen years of age,
19 in order to conduct drug or alcohol testing under this
20 section, the employer shall, prior to conducting a
21 test, notify the employee's parent or grandparent that
22 a test shall be conducted and the basis for the test.
23 For purposes of this paragraph, "parent" means one
24 parent or a legal guardian or custodian of the
25 employee.

26 8. DISCIPLINARY PROCEDURES.

27 a. Upon receipt for an employee of the first
28 confirmed positive drug or alcohol test result, the
29 employer shall provide the employee with a substance
30 abuse evaluation, and treatment if recommended by the
31 evaluation, with costs apportioned as provided under
32 the employee benefit plan or at employer expense, if
33 an employee benefit plan is not in effect which
34 apportions costs. The employer shall take no
35 disciplinary action against the employee upon receipt
36 of the first confirmed positive drug or alcohol test
37 result if the employee undergoes a substance abuse
38 evaluation, and if the employee successfully completes
39 substance abuse treatment if treatment is recommended
40 by the evaluation. However, if an employee fails to
41 undergo substance abuse evaluation when required as a
42 result of a drug or alcohol test, or fails to
43 successfully complete substance abuse treatment when
44 recommended by an evaluation, the employee may be
45 disciplined as provided in paragraph "b". The
46 substance abuse evaluation and treatment provided by
47 the employer shall take place under a program approved
48 by the Iowa department of public health or accredited
49 by the joint commission on the accreditation of health
50 care organizations.

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1 b. Upon receipt for an employee of a second
2 confirmed positive drug or alcohol test result or upon
3 receipt for a prospective employee of a confirmed
4 positive drug or alcohol test result, upon the failure
5 of an employee to comply with the requirements of
6 paragraph "a", or upon the refusal of an employee or
7 prospective employee to provide a testing sample, an
8 employer may use that test result or test refusal as a
9 valid basis for disciplinary or rehabilitative actions

10 consistent with the employer's written policy, which
11 may include, among other actions, the following:

12 (1) A requirement that the employee enroll in an
13 employer-provided or approved rehabilitation,
14 treatment, or counseling program, which may include
15 additional drug or alcohol testing, participation in
16 and successful completion of which may be a condition
17 of continued employment, and the costs of which may or
18 may not be covered by the employer's health plan or
19 policies.

20 (2) Suspension of the employee, with or without
21 pay, for a designated period of time.

22 (3) Termination of employment.

23 (4) Refusal to hire a prospective employee.

24 (5) Other adverse employment action in conformance
25 with the employer's written policy and procedures,
26 including any relevant collective bargaining agreement
27 provisions.

28 9. EMPLOYER IMMUNITY. A cause of action shall not
29 arise against an employer who, in good faith, has
30 established a written policy in accordance with this
31 section and has complied with the requirements of the
32 written policy and this section for testing or taking
33 action based on the results of a confirmed positive
34 drug or alcohol test result, indicating the presence
35 of drugs or alcohol, or the refusal of an employee or
36 prospective employee to submit to a drug or alcohol
37 test.

38 10. RELEASE OF INFORMATION -- CONFIDENTIALITY --
39 EXCEPTIONS.

40 a. Except as provided in paragraph "b", all
41 communications received by an employer relevant to
42 employee or prospective employee drug or alcohol test
43 results, or otherwise received through the employer's
44 drug or alcohol testing program, are confidential
45 communications and shall not be used or received in
46 evidence, obtained in discovery, or disclosed in any
47 public or private proceeding, except as provided by
48 this section or in a proceeding related to an action
49 taken by an employer under this section or by an
50 employee under this section.

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1 b. An employee, or a prospective employee, who is
2 the subject of a drug or alcohol test conducted under
3 this section pursuant to an employer's written policy
4 and for whom a confirmed positive test result is
5 reported shall receive, at the same time the report is
6 issued to the employer, a copy of the report issued to
7 the employer and shall receive any records relating to
8 the employee's drug or alcohol test, including records

9 of the laboratory where the testing was conducted and
10 any records relating to the results of any relevant
11 review by a medical review officer.

12 11. CIVIL REMEDIES. This section may be enforced
13 through a civil action.

14 a. A person who violates this section or who aids
15 in the violation of this section, is liable to an
16 aggrieved employee or prospective employee for
17 affirmative relief including reinstatement or hiring,
18 with or without back pay, or any other equitable
19 relief as the court deems appropriate including
20 attorney fees and court costs.

21 b. When a person commits, is committing, or
22 proposes to commit, an act in violation of this
23 section, an injunction may be granted through an
24 action in district court to prohibit the person from
25 continuing such acts. The action for injunctive
26 relief may be brought by an aggrieved employee or
27 prospective employee, the county attorney, or the
28 attorney general.

29 In an action brought under this subsection alleging
30 that an employer has required or requested a drug or
31 alcohol test in violation of this section, the
32 employer has the burden of proving that the
33 requirements of this section were met.

34 12. OFFENSES. Samples collected, information
35 provided by an employee or prospective employee
36 pursuant to subsection 5, paragraph "c", subparagraph
37 (2), and the results of drug or alcohol testing shall
38 be used solely for the purpose of conducting drug or
39 alcohol testing pursuant to this section and shall not
40 be sold, transferred, or disseminated, to any person
41 for any purpose not expressly authorized by this
42 section. A person who violates this subsection
43 commits a simple misdemeanor and, notwithstanding
44 section 903.1, if a monetary fine is imposed, the fine
45 shall be one hundred dollars. Each violation of this
46 subsection constitutes a separate offense.

47 13. REPORTS.

48 a. An employer who conducts a drug test pursuant
49 to this section shall, for each fiscal year beginning
50 on or after July 1, 1999, file an annual report with

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1 the division of labor services of the department of
2 workforce development, on forms provided by the
3 division, documenting the number of accidents,
4 including the number of personal injuries and the
5 dollar loss for property damage arising out of the
6 accidents, caused by the use of drugs or alcohol by
7 employees and documenting separately for each category

8 of testing described in subsection 6 the following
9 information:
10 (1) The number of drug or alcohol tests conducted
11 in each category.
12 (2) The results of drug or alcohol tests conducted
13 in each category.
14 b. The division of labor services of the
15 department of workforce development shall compile the
16 information submitted by employers pursuant to this
17 subsection and shall submit an annual report to the
18 general assembly on this information.
19 Sec. 2. EFFECTIVE DATE. This Act takes effect on
20 January 1, 1999."

TOM VILSACK
MICHAEL E. GRONSTAL

S-5004

1 Amend the amendment, S-3851, to House File 299, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 1 through 16 and
5 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 the individual's own drug or alcohol test during the
15 individual's 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 or
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 individual tested in relation to the test result

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1 provided, and samples shall be handled and tracked in
2 a manner such that control and accountability are
3 maintained from initial collection to each stage in
4 handling, testing, and storage, through final
5 disposition.
6 (2) An employee or prospective employee shall be
7 provided an opportunity to provide any information
8 which may be considered relevant to the test,
9 including identification of prescription or
10 nonprescription drugs currently or recently used, or
11 other relevant medical information. Information
12 provided by the employee or prospective employee shall
13 not be disclosed to the employer but shall be
14 delivered to the facility conducting confirmatory
15 testing. To assist an employee or prospective
16 employee in providing the information described in
17 this subparagraph, the employer shall provide an
18 employee or prospective employee with a list of the
19 drugs to be tested.
20 d. Sample collection, storage, and transportation
21 to the place of testing shall be performed so as to
22 reasonably preclude the possibility of sample
23 contamination, adulteration, or misidentification.
24 e. All drug testing, including both initial and
25 confirmatory testing, shall be conducted at a
26 laboratory certified by the United States department
27 of health and human services' substance abuse and
28 mental health services administration or approved
29 under rules adopted by the Iowa department of public
30 health.

31 f. Drug or alcohol testing shall include
32 confirmation of any initial positive test results.
33 For drug testing, confirmation shall be by use of a
34 different chemical process than was used in the
35 initial drug screen. The confirmatory drug test shall
36 be a chromatographic technique such as gas
37 chromatography or mass spectrometry, or another
38 comparably reliable analytical method.
39 g. A medical review officer shall, prior to the
40 results being reported to an employer and the employee
41 or prospective employee tested, review and interpret
42 any confirmed positive test results, including both
43 quantitative and qualitative test results, to ensure
44 that the chain of custody is complete and sufficient
45 on its face and that any information provided by the
46 individual pursuant to paragraph "c", subparagraph
47 (2), is considered.
48 h. In conducting drug or alcohol testing pursuant
49 to this section, the employer shall ensure that the
50 testing only measure, and the records concerning the

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1 testing only show or make use of information
2 regarding, alcohol or drugs in the body.
3 i. If a positive drug or alcohol test for an
4 employee or prospective employee is confirmed by the
5 medical review officer, the medical review officer
6 shall notify the employee or prospective employee in
7 writing of the results of the test, the employee's or
8 prospective employee's right to request and obtain a
9 confirmatory test of the second sample collected
10 pursuant to paragraph "b" at a certified or approved
11 laboratory of the employee's or prospective employee's
12 choice, and the fee established by the employer's
13 written policy to be payable by the employee or
14 prospective employee to the medical review officer for
15 reimbursement of expenses concerning the test. The
16 fee charged an employee or prospective employee shall
17 be an amount, not in excess of one hundred dollars,
18 that represents the costs associated with conducting
19 the second confirmatory test, which shall be
20 consistent with the employer's cost for conducting the
21 initial confirmatory test on an employee's or
22 prospective employee's sample. If the employee or
23 prospective employee requests a second confirmatory
24 test, identifies a certified or approved laboratory to
25 conduct the test, and pays the medical review officer
26 the fee for the test within fifteen days from the date
27 the employee or prospective employee receives written
28 notice of the right to request a test, a second
29 confirmatory test shall be conducted at the laboratory

30 chosen by the employee or prospective employee. The
31 results of the second confirmatory test shall be
32 reported to the medical review officer who reviewed
33 the initial confirmatory test results and the medical
34 review officer shall review the results and issue a
35 report to the employer and the employee or prospective
36 employee tested that the results of the drug or
37 alcohol test were confirmed as positive if the results
38 of the second confirmatory test confirmed the initial
39 confirmatory test as to the presence of a specific
40 drug or alcohol. If the results of the second test do
41 not confirm the results of the initial confirmatory
42 test, the medical review officer shall report to the
43 employer that the result of the drug or alcohol test
44 is negative and not a confirmed positive test result
45 for purposes of this section.
46 j. A report of the results of a drug or alcohol
47 test issued to an employer and the individual tested
48 shall only indicate, as to an employee or prospective
49 employee, whether the test results were positive or
50 negative, pursuant to the review and interpretation of

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1 a medical review officer as provided in this
2 subsection. An inconclusive test result shall be
3 reported as a negative test result. If the test
4 results are positive, the report shall only indicate
5 whether drugs or alcohol were present, which drugs
6 were present if applicable, information concerning the
7 amount of alcohol present, and a statement from the
8 medical review officer that any information provided
9 by the employee or prospective employee fails to
10 explain the results.
11 6. DRUG OR ALCOHOL TESTING. Employers may conduct
12 drug or alcohol testing as provided in this
13 subsection:
14 a. Employers may conduct drug or alcohol testing
15 of employees for up to two years after completion of
16 drug or alcohol rehabilitation.
17 b. Employers may conduct reasonable suspicion drug
18 or alcohol testing.
19 c. Employers may conduct drug or alcohol testing
20 of prospective employees.
21 d. Employers may conduct drug or alcohol testing
22 as required by federal law or regulation.
23 e. Employers may conduct drug or alcohol testing
24 in investigating accidents in the workplace which
25 result in a personal injury which requires medical
26 treatment away from the workplace or damage to
27 property, including equipment, in an amount reasonably
28 estimated to exceed one thousand dollars at the time

29 of the accident.

30 7. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

31 a. Prior to conducting drug or alcohol testing
32 under this section, an employer shall establish,
33 following consultation with representatives of
34 employees, a written policy consistent with the
35 requirements of this section governing such testing.
36 The employer shall comply with this section and the
37 requirements of the written policy to conduct drug or
38 alcohol testing of employees and prospective employees
39 and shall provide the written policy to every employee
40 subject to testing and shall make the policy available
41 for review by employees and prospective employees.
42 b. Employers shall establish an awareness program
43 to inform employees of the dangers of drug and alcohol
44 use in the workplace and shall comply with the
45 following requirements in order to conduct drug or
46 alcohol testing under this section:

47 (1) If an employer has an employee assistance
48 program, the employer must inform the employee of the
49 benefits and services of the employee assistance
50 program. An employer shall post notice of the

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1 employee assistance program in conspicuous places and
2 explore alternative routine and reinforcing means of
3 publicizing such services. In addition, the employer
4 must provide the employee with notice of the policies
5 and procedures regarding access to and utilization of
6 the program.

7 (2) If an employer does not have an employee
8 assistance program, the employer must maintain a
9 resource file of employee assistance services
10 providers, alcohol and other drug abuse programs
11 certified by the Iowa department of public health,
12 mental health providers, and other persons, entities,
13 or organizations available to assist employees with
14 personal or behavioral problems. The employer shall
15 provide all employees information about the existence
16 of the resource file and a summary of the information
17 contained within the resource file. The summary
18 should contain, but need not be limited to, all
19 information necessary to access the services listed in
20 the resource file. In addition, the employer shall
21 post in conspicuous places a listing of multiple
22 employee assistance providers in the area.

23 c. An employee or prospective employee whose drug
24 or alcohol test results are confirmed as positive in
25 accordance with this section shall not, by virtue of
26 those results alone, be considered as a person with a
27 disability for purposes of any state or local law or

28 regulation.

29 d. If the written policy provides for alcohol
30 testing, the employer shall establish in the written
31 policy a standard for alcohol concentration which
32 shall be deemed to violate the policy. The standard
33 for alcohol concentration shall not be less than .04,
34 expressed in terms of grams of alcohol per two hundred
35 ten liters of breath, or its equivalent.

36 e. In order to conduct drug or alcohol testing
37 under this section, an employer shall require all
38 supervisory personnel of the employer to attend a
39 minimum of two hours of initial training and to
40 attend, on an annual basis thereafter, a minimum of
41 one hour of subsequent training. The training shall
42 be based upon standards adopted by the Iowa department
43 of public health and shall include, but is not limited
44 to, information concerning the recognition of evidence
45 of employee alcohol and other drug abuse, the
46 documentation and corroboration of employee alcohol
47 and other drug abuse, and the referral of employees
48 who abuse alcohol or other drugs to the employee
49 assistance program or to the resource file of employee
50 assistance services providers. For purposes of this

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1 paragraph, "supervisory personnel" means persons
2 having authority, in the interest of the employer, to
3 hire, transfer, suspend, lay off, recall, promote,
4 discharge, assign, reward, or discipline other
5 employees, or responsibly to direct them, or to adjust
6 their grievances, or effectively to recommend such
7 action, if in connection with the foregoing the
8 exercise of such authority is not of a merely routine
9 or clerical nature, but requires the use of
10 independent judgment.

11 f. If an employee is under eighteen years of age,
12 in order to conduct drug or alcohol testing under this
13 section, the employer shall, prior to conducting a
14 test, notify the employee's parent or grandparent that
15 a test shall be conducted and the basis for the test.
16 For purposes of this paragraph, "parent" means one
17 parent or a legal guardian or custodian of the
18 employee.

19 8. DISCIPLINARY PROCEDURES.

20 a. Upon receipt for an employee of the first
21 confirmed positive drug or alcohol test result, the
22 employer shall provide the employee with a substance
23 abuse evaluation, and treatment if recommended by the
24 evaluation, with costs apportioned as provided under
25 the employee benefit plan or at employer expense, if
26 an employee benefit plan is not in effect which

27 apportions costs. The employer shall take no
28 disciplinary action against the employee upon receipt
29 of the first confirmed positive drug or alcohol test
30 result if the employee undergoes a substance abuse
31 evaluation, and if the employee successfully completes
32 substance abuse treatment if treatment is recommended
33 by the evaluation. However, if an employee fails to
34 undergo substance abuse evaluation when required as a
35 result of a drug or alcohol test, or fails to
36 successfully complete substance abuse treatment when
37 recommended by an evaluation, the employee may be
38 disciplined as provided in paragraph "b". The
39 substance abuse evaluation and treatment provided by
40 the employer shall take place under a program approved
41 by the Iowa department of public health or accredited
42 by the joint commission on the accreditation of health
43 care organizations.

44 b. Upon receipt for an employee of a second
45 confirmed positive drug or alcohol test result or upon
46 receipt for a prospective employee of a confirmed
47 positive drug or alcohol test result, upon the failure
48 of an employee to comply with the requirements of
49 paragraph "a", or upon the refusal of an employee or
50 prospective employee to provide a testing sample, an

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1 employer may use that test result or test refusal as a
2 valid basis for disciplinary or rehabilitative actions
3 consistent with the employer's written policy, which
4 may include, among other actions, the following:
5 (1) A requirement that the employee enroll in an
6 employer-provided or approved rehabilitation,
7 treatment, or counseling program, which may include
8 additional drug or alcohol testing, participation in
9 and successful completion of which may be a condition
10 of continued employment, and the costs of which may or
11 may not be covered by the employer's health plan or
12 policies.

13 (2) Suspension of the employee, with or without
14 pay, for a designated period of time.

15 (3) Termination of employment.

16 (4) Refusal to hire a prospective employee.

17 (5) Other adverse employment action in conformance
18 with the employer's written policy and procedures,
19 including any relevant collective bargaining agreement
20 provisions.

21 9. EMPLOYER IMMUNITY. A cause of action shall not
22 arise against an employer who, in good faith, has
23 established a written policy in accordance with this
24 section and has complied with the requirements of the
25 written policy and this section for testing or taking

26 action based on the results of a confirmed positive
27 drug or alcohol test result, indicating the presence
28 of drugs or alcohol, or the refusal of an employee or
29 prospective employee to submit to a drug or alcohol
30 test.

31 10. RELEASE OF INFORMATION -- CONFIDENTIALITY --
32 EXCEPTIONS.

33 a. Except as provided in paragraph "b", all
34 communications received by an employer relevant to
35 employee or prospective employee drug or alcohol test
36 results, or otherwise received through the employer's
37 drug or alcohol testing program, are confidential
38 communications and shall not be used or received in
39 evidence, obtained in discovery, or disclosed in any
40 public or private proceeding, except as provided by
41 this section or in a proceeding related to an action
42 taken by an employer under this section or by an
43 employee under this section.

44 b. An employee, or a prospective employee, who is
45 the subject of a drug or alcohol test conducted under
46 this section pursuant to an employer's written policy
47 and for whom a confirmed positive test result is
48 reported shall receive, at the same time the report is
49 issued to the employer, a copy of the report issued to
50 the employer and shall receive any records relating to

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1 the employee's drug or alcohol test, including records
2 of the laboratory where the testing was conducted and
3 any records relating to the results of any relevant
4 review by a medical review officer.

5 11. CIVIL REMEDIES. This section may be enforced
6 through a civil action.

7 a. A person who violates this section or who aids
8 in the violation of this section, is liable to an
9 aggrieved employee or prospective employee for
10 affirmative relief including reinstatement or hiring,
11 with or without back pay, or any other equitable
12 relief as the court deems appropriate including
13 attorney fees and court costs.

14 b. When a person commits, is committing, or
15 proposes to commit, an act in violation of this
16 section, an injunction may be granted through an
17 action in district court to prohibit the person from
18 continuing such acts. The action for injunctive
19 relief may be brought by an aggrieved employee or
20 prospective employee, the county attorney, or the
21 attorney general.

22 In an action brought under this subsection alleging
23 that an employer has required or requested a drug or
24 alcohol test in violation of this section, the

25 employer has the burden of proving that the
26 requirements of this section were met.
27 12. OFFENSES. Samples collected, information
28 provided by an employee or prospective employee
29 pursuant to subsection 5, paragraph "c", subparagraph
30 (2), and the results of drug or alcohol testing shall
31 be used solely for the purpose of conducting drug or
32 alcohol testing pursuant to this section and shall not
33 be sold, transferred, or disseminated, to any person
34 for any purpose not expressly authorized by this
35 section. A person who violates this subsection
36 commits a simple misdemeanor and, notwithstanding
37 section 903.1, if a monetary fine is imposed, the fine
38 shall be one hundred dollars. Each violation of this
39 subsection constitutes a separate offense.

40 13. REPORTS.

41 a. An employer who conducts a drug test pursuant
42 to this section shall, for each fiscal year beginning
43 on or after July 1, 1999, file an annual report with
44 the division of labor services of the department of
45 workforce development, on forms provided by the
46 division, documenting the number of accidents,
47 including the number of personal injuries and the
48 dollar loss for property damage arising out of the
49 accidents, caused by the use of drugs or alcohol by
50 employees and documenting separately for each category

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1 of testing described in subsection 6 the following
2 information:
3 (1) The number of drug or alcohol tests conducted
4 in each category.
5 (2) The results of drug or alcohol tests conducted
6 in each category.
7 (3) The cumulative direct costs of drug or alcohol
8 tests in each category.
9 (4) The cost of substance abuse evaluation and
10 treatment for employees in each category.
11 b. The division of labor services of the
12 department of workforce development shall compile the
13 information submitted by employers pursuant to this
14 subsection and shall submit an annual report to the
15 general assembly on this information.
16 Sec. 2. EFFECTIVE DATE. This Act takes effect on
17 January 1, 1999."

TOM VILSACK
MICHAEL E. GRONSTAL

S-5005

- 1 Amend Senate File 2022 as follows:
2 1. Page 1, by striking line 3 and inserting the
3 following:
4 "3. The If the state transportation commission
5 receives and files a letter from the director of
6 transportation certifying that federal funding is not
7 forthcoming due to the failure of the United States
8 Congress to pass and the president of the United
9 States to approve legislation providing long-term
10 federal transportation funding to the state of Iowa,
11 the commission may authorize the".

MATT McCOY

S-5006

- 1 Amend the House amendment, S-3850, to Senate
2 Concurrent Resolution 1 as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 ". Page 8, by inserting after line 15 the
6 following:
7 "Confidential Secretary II to Leader, Speaker
8 or Chief Clerk..... Grade 32".
9 ". Page 10, by inserting after line 30 the
10 following:
11 "Confidential Secretary II to Leader, President,
12 or Secretary of the Senate..... Grade 32"."

STEWART IVERSON, JR.
MICHAEL E. GRONSTAL

S-5007

- 1 Amend Senate File 2026 as follows:
2 1. Page 1, by striking lines 13 and 14 and
3 inserting the following: "livestock breeding
4 industries of the state, or ~~an agency,~~
5 ~~instrumentality, or political subdivision of the state~~
6 ~~city, may".~~
7 2. Page 1, line 22, by striking the words
8 "~~political subdivision of this state~~" and inserting
9 the following: "county".
10 3. Page 1, lines 26 and 27, by striking the words
11 "POLITICAL SUBDIVISIONS" and inserting the following:
12 "COUNTIES".
13 4. Page 1, lines 28 and 29, by striking the words
14 "~~political subdivision of this state~~" and inserting
15 the following: "county".

- 16 5. Page 1, line 33, by striking the words
17 "political subdivision" and inserting the following:
18 "county".
19 6. Page 2, line 4, by striking the words
20 "political subdivision of this state" and inserting
21 the following: "county".

MICHAEL W. CONNOLLY

S-5008

- 1 Amend House File 8, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 9, by striking the figure "1997"
4 and inserting the following: "1998".
5 2. Page 1, line 14, by striking the figure "1997"
6 and inserting the following: "1998".
7 3. Page 1, line 16, by inserting after the word
8 "mandate" the following: "as identified pursuant to
9 section 25B.5, subsections 1 and 2".
10 4. Page 1, line 23, by inserting after the figure
11 "411" the following: "or any requirement pertaining
12 to the enforcement of the Iowa criminal code under
13 chapters 701 to 728".

SHELDON RITTMER

S-5009

- 1 Amend House File 8, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 23, by inserting after the figure
4 "411" the following: "or to the enforcement of
5 chapter 321J or the Iowa Criminal Code pursuant to
6 chapters 701 to 728".

ROD HALVORSON

S-5010

- 1 Amend House File 8, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 28 the
4 following:
5 " _____. If the governing body of a political
6 subdivision decides not to implement or enforce an
7 unfunded state mandate pursuant to section 25B.5A, the
8 governing body shall adopt a resolution specifying
9 that the unfunded state mandate will not be

10 implemented or enforced and file the resolution with
11 the secretary of state."

ROD HALVORSON

S-5011

1 Amend Senate File 2052 as follows:

2 1. Page 1, line 3, by striking the word "Twenty"
3 and inserting the following: "Twenty-one".

4 2. Page 2, by inserting after line 7 the
5 following:

6 "Sec. . EXECUTIVE DIRECTOR -- CONGRESSIONAL
7 PERSUASION. The executive director of the
8 agricultural development authority as established
9 pursuant to chapter 175 shall use every effort
10 practical to persuade members of the Congress of the
11 United States regarding the following:

12 1. The need to change provisions in federal law,
13 including the federal Internal Revenue Code, 26 U.S.C.
14 } 141 et seq., in order to allow a person to qualify
15 for assistance under the beginning farmer loan program
16 pursuant to section 175.12, to finance the acquisition
17 of agricultural land, improvements, and depreciable
18 property from a family member, if the purchase price
19 paid for the land, improvements, or depreciable
20 property is not less than seventy-five percent of its
21 appraised value.

22 2. The need to increase the state of Iowa's
23 ceiling to the issuers of private activity bonds
24 within the state in order to maximize the economic
25 benefit to the citizens of the state from the issuance
26 of private activity bonds pursuant to the federal
27 Internal Revenue Code, 26 U.S.C. } 146.

28 Sec. __. COOPERATION BETWEEN THE AGRICULTURAL
29 DEVELOPMENT AUTHORITY AND THE IOWA FINANCE AUTHORITY.
30 To the extent authorized by the Iowa finance
31 authority, the agricultural development authority may
32 use any percentage of the state ceiling allocated to
33 the Iowa finance authority pursuant to section 7C.4A
34 for purposes of supporting the agricultural
35 development authority in financing the beginning
36 farmer loan program pursuant to section 175.12 through
37 the issuance of qualified small issue bonds. The Iowa
38 finance authority and the agricultural development
39 authority shall cooperate to every extent practical in
40 order to carry out this section without impeding the
41 purposes of the Iowa finance authority.

42 Sec. __. ADDITIONAL POSITION AUTHORIZED. In
43 addition to any full-time equivalent positions
44 otherwise authorized by the general assembly for the

45 fiscal year beginning July 1, 1998, and ending June
46 30, 1999, the agricultural development authority, as
47 established in section 175.3, is authorized, one full-
48 time equivalent position for the fiscal year."
49 2. Title page, by striking line 1, and inserting
50 the following: "An Act relating to programs involving

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1 government finance, by providing for the issuance of
2 private".
3 3. Title page, line 4, by striking the words
4 "authority, and political subdivisions." and inserting
5 the following: "authority and political subdivisions,
6 and providing program assistance to beginning
7 farmers."

MERLIN E. BARTZ
PATTY JUDGE
WILMER RENSINK

S-5012

1 Amend Senate File 2023 as follows:
2 1. Page 1, by striking lines 7 and 8, and
3 inserting the following: "special plates in the
4 surviving spouse's name ~~and upon payment of the annual~~
5 ~~registration fee. The surviving spouse is not~~
6 ~~required to pay the annual registration fee otherwise~~
7 ~~provided for in this subsection.~~ If the surviving
8 spouse".

STEVEN D. HANSEN

S-5013

1 Amend Senate File 2094 as follows:
2 1. Page 1, by striking line 5 and inserting the
3 following: "~~1998~~ 1999, is three and one-half percent.
4 The state percent".

BILL FINK
DENNIS BLACK
MIKE CONNOLLY
DICK L. DEARDEN
PATRICK J. DELUHERY
ROBERT E. DVORSKY
TOM FLYNN
EUGENE S. FRAISE
DON GETTINGS
MICHAEL E. GRONSTAL

ROD HALVORSON
STEVEN D. HANSEN
PATRICIA HARPER
WALLY E. HORN
PATTY JUDGE
JOHN P. KIBBIE
MATT McCOY
MARY NEUHAUSER
WILLIAM D. PALMER
ELAINE SZYMONIAK
TOM VILSACK

S-5014

- 1 Amend Senate File 540 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 "Code" the following: "Supplement".
- 4 2. By striking page 3, line 23, through page 4,
- 5 line 17.
- 6 3. By renumbering as necessary.

COMMITTEE ON BUSINESS AND LABOR
JACK RIFE, Chairperson

S-5015

- 1 Amend Senate File 2094 as follows:
- 2 1. Page 1, by striking line 5 and inserting the
- 3 following: "~~1998~~ 1999, is ~~three and one-half~~ four
- 4 percent. The state percent".

MIKE CONNOLLY
DENNIS BLACK
DICK L. DEARDEN
PATRICK J. DELUHERY
BILL FINK
ROBERT E. DVORSKY
TOM FLYNN
EUGENE S. FRAISE
DON GETTINGS
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ROD HALVORSON
STEVEN D. HANSEN
PATRICIA HARPER
WALLY E. HORN
PATTY JUDGE
JOHN P. KIBBIE
MARY NEUHAUSER
WILLIAM D. PALMER
ELAINE SZYMONIAK
TOM VILSACK

S-5016

1 Amend Senate File 2094 as follows:

2 1. Page 1, by striking lines 9 through 12 and
3 inserting the following: "governor's budget under
4 section 8.21. ~~The establishment of the state percent~~
5 ~~of growth for a budget year shall be the only subject~~
6 ~~matter of the bill which enacts the state percent of~~
7 ~~growth for a budget year."~~

8 2. Page 1, by inserting after line 12 the
9 following:

10 "Sec. 2. Section 280.4, subsection 3, Code 1997,
11 is 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 Sec. 3. Section 280.4, Code 1997, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 4. There shall be appropriated
33 from the general fund of the state to the school
34 budget review committee \$300,000 annually, to
35 establish an additional limited English proficient
36 grant program for school districts containing pupils
37 identified as limited English proficient. Grant award
38 criteria and application procedures shall be
39 established by rule. Awards shall be made by the
40 school budget review committee to districts with the
41 greatest concentration of limited English proficient
42 students or with the largest number of limited English
43 proficient students with, in the determination of the
44 committee, unmet needs."

45 3. Page 1, by striking line 13 and inserting the
46 following:

47 "Sec. 4. APPLICABILITY DATE. Section 1 of this
48 Act is applicable for".

49 4. Title page, line 2, by inserting after the
50 word "program," the following: "providing additional

Page 2

- 1 funding for limited English proficient students,".

PATRICIA HARPER
STEVEN D. HANSEN
ELAINE SZYMONIAK
ROBERT E. DVORSKY

S-5017

- 1 Amend Senate File 2094 as follows:

2 1. Page 1, by striking lines 9 through 12 and
3 inserting the following: "governor's budget under
4 section 8.21. ~~The establishment of the state percent~~
5 ~~of growth for a budget year shall be the only subject~~
6 ~~matter of the bill which enacts the state percent of~~
7 ~~growth for a budget year."~~

8 2. Page 1, by inserting after line 12 the
9 following:

10 "Sec. ____ Section 257.1, subsection 2, unnumbered
11 paragraph 2, Code 1997, is amended to read as follows:

12 For the budget year commencing July 1, ~~1996~~ 1999,
13 and for each succeeding budget year the regular
14 program foundation base per pupil is eighty-seven and
15 five-tenths percent of the regular program state cost
16 per pupil, ~~except that~~ and the regular program
17 foundation base per pupil for the portion of weighted
18 enrollment that is additional enrollment because of
19 special education is ~~seventy-nine~~ eighty-seven and
20 five-tenths percent of the regular program state cost
21 per pupil. For the budget year commencing July 1,
22 ~~1991~~ 1999, and for each succeeding budget year the
23 special education support services foundation base is
24 ~~seventy-nine~~ eighty-seven and five-tenths percent of
25 the special education support services state cost per
26 pupil. The combined foundation base is the sum of the
27 regular program foundation base and the special
28 education support services foundation base."

29 3. Title page, line 2, by inserting after the
30 word "growth" the following: "and the foundation base
31 for special education".

32 4. By renumbering as necessary.

JOHN P. KIBBIE
DENNIS H. BLACK
MIKE CONNOLLY
DICK L. DEARDEN
PATRICK J. DELUHERY
ROBERT DVORSKY
BILL FINK

TOM FLYNN
EUGENE FRAISE
DON E. GETTINGS
MICHAEL E. GRONSTAL
ROD HALVORSON
STEVEN D. HANSEN
PATRICIA HARPER
WALLY HORN
PATTY JUDGE
MARY NEUHAUSER
WILLIAM D. PALMER
ELAINE SZYMONIAK
TOM VILSACK

S-5018

- 1 Amend Senate File 2094 as follows:
- 2 1. Page 1, line 5, by striking the figure "1998"
- 3 and inserting the following: "1998, is four percent.
- 4 The state percent of growth for the budget year
- 5 beginning July 1."
- 6 2. Page 1, line 15, by striking the words and
- 7 figures "year beginning July 1, 1999" and inserting
- 8 the following: "years beginning July 1, 1998, and
- 9 July 1, 1999".
- 10 3. Page 1, by inserting after line 15 the
- 11 following:
- 12 "Sec. 3. EFFECTIVE DATE. This Act, being deemed
- 13 of immediate importance, takes effect upon enactment."
- 14 4. Title page, by striking line 3 and inserting
- 15 the following: "and providing applicability and
- 16 effective dates."

ROD HALVORSON
ROBERT E. DVORSKY
PATTY JUDGE
MICHAEL E. GRONSTAL
ELAINE SZYMONIAK
PATRICIA HARPER

S-5019

- 1 Amend Senate File 2042 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 6A.4, Code 1997, is amended to
- 5 read as follows:
- 6 6A.4 RIGHT CONFERRED.
- 7 1. The right to take private property for public
- 8 use is hereby conferred:

9 1- a. COUNTIES. Upon all counties for public
10 purposes which are reasonable and necessary as an
11 incident to the powers and duties conferred upon
12 counties.

13 2- b. OWNERS OF LAND WITHOUT A WAY TO THE LAND.
14 Upon the owner or lessee of lands, which have no
15 public or private way to the lands, for the purpose of
16 providing a public way, not exceeding forty feet in
17 width, which will connect with an existing public
18 road. The condemned public way shall be located on a
19 division, subdivision or "forty" line, or immediately
20 adjacent thereto, and along the line which is the
21 nearest feasible route to an existing public road, or
22 along a route established for a period of ten years or
23 more by an easement of record or by use and travel to
24 and from the property by the owner and the general
25 public. The public way shall not interfere with
26 buildings, orchards, or cemeteries. When passing
27 through enclosed lands, the public way shall be fenced
28 on both sides by the condemner upon request of the
29 owner of the condemned land. The condemner or the
30 condemner's assignee, shall provide easement for
31 access to the owner of property severed by the
32 condemnation. The public way shall be maintained by
33 the condemner or the condemner's assignee, and shall
34 not be considered any part of the primary or secondary
35 road systems.

36 A public way condemned under this subsection shall
37 not be considered an existing public road in
38 subsequent condemnations to provide a public way for
39 access to an existing public road.

40 3- c. OWNERS OF MINERAL LANDS. Upon all owners,
41 lessees, or possessors of land, for a railway right of
42 way thereto not exceeding one hundred feet in width
43 and located wherever necessary or practical, when such
44 lands have no railway thereto and contain coal, stone,
45 gravel, lead, or other minerals and such railway is
46 necessary in order to reach and operate any mine,
47 quarry, or gravel bed on said land and transport the
48 products thereof to market. Such right of way shall
49 not interfere with buildings, orchards, or cemeteries,
50 and when passing through enclosed lands, fences shall

Page 2

1 be built and maintained on both sides thereof by the
2 party condemning the land and by that party's
3 assignees. The jury, in the assessment of damages,
4 shall consider the fact that a railway is to be
5 constructed thereon.

6 4- d. CEMETERY ASSOCIATIONS. Upon any private
7 cemetery or cemetery association which is incorporated

8 under the laws of this state relating to corporations
 9 not for pecuniary profit, and having its cemetery
 10 located outside the limits of a city, for the purpose
 11 of acquiring necessary grounds for cemetery use or
 12 reasonable additions thereto. The right granted in
 13 this subsection shall not be exercised until the board
 14 of supervisors, of the county in which the land sought
 15 to be condemned is located, has, on written
 16 application and hearing, on such reasonable notice to
 17 all interested parties as it may fix, found that the
 18 land, describing it, sought to be condemned, is
 19 necessary for cemetery purposes. The association
 20 shall pay all costs attending such hearing.

21 ~~5. e.~~ SUBDISTRICTS OF SOIL AND WATER CONSERVATION
 22 DISTRICTS. Upon a subdistrict of a soil and water
 23 conservation district for land or rights or interests
 24 in the land as reasonable and necessary to carry out
 25 the purposes of the subdistrict.

26 ~~6. f.~~ CITIES. Upon all cities for public purposes
 27 which are reasonable and necessary as an incident to
 28 the powers and duties conferred upon cities.

29 2. "Public use" or "public purposes" does not
 30 include condemnation of private property by the state
 31 or a city or county or by an agency of the state or an
 32 agency of a city or county on behalf of a private,
 33 for-profit entity."

JACK RIFE

S-5020

1 Amend Senate File 2082 as follows:
 2 1. Page 1, by striking lines 7 and 8 and
 3 inserting the following: "tamper with anhydrous
 4 equipment. Tampering occurs when a person who is not
 5 authorized by the owner of anhydrous ammonia equipment
 6 uses the equipment in violation of a provision of this
 7 chapter, including a rule adopted by the secretary."

H. KAY HEDGE

S-5021

1 Amend Senate File 2073 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 707.8A PARTIAL-BIRTH
 5 ABORTION PROHIBITED -- EXCEPTIONS -- PENALTY.
 6 1. As used in this section, unless the context
 7 otherwise requires:
 8 a. "Abortion" means abortion as defined in section
 9 146.1.

- 10 b. "Fetus" means a human fetus that has achieved
11 viability as defined in section 702.20.
- 12 c. "Intact dilation and extraction procedure"
13 means a procedure in which a fetus in utero is
14 manipulated to breech position, a partial breech
15 delivery is performed leaving the head of the fetus in
16 utero, and then the head of the fetus is punctured,
17 collapsed, or compressed and delivery of the fetus is
18 completed. "Intact dilation and extraction procedure"
19 does not include the vacuum aspiration, suction
20 aspiration, dilation and curettage, suction curettage,
21 induction, or dilation and evacuation procedures.
- 22 d. "Partial-birth abortion" means an abortion
23 which is performed using the intact dilation and
24 extraction procedure on a fetus.
- 25 2. A person shall not knowingly perform or attempt
26 to perform a partial-birth abortion. This prohibition
27 shall not apply to a partial-birth abortion that is
28 necessary to preserve the life or health of the woman
29 upon whom the partial-birth abortion is performed.
- 30 3. This section shall not be construed to create a
31 right to an abortion.
- 32 4. a. The woman on whom a partial-birth abortion
33 is performed may bring an action against a person
34 violating subsection 2 to obtain appropriate relief,
35 unless the pregnancy resulted from the plaintiff's
36 criminal conduct or the plaintiff consented to the
37 partial-birth abortion.
- 38 b. In an action brought under this subsection,
39 appropriate relief may include any of the following:
- 40 (1) Statutory damages which are equal to three
41 times the cost of the partial-birth abortion.
- 42 (2) Compensatory damages for all injuries,
43 psychological and physical, resulting from violation
44 of subsection 2.
- 45 5. A person who violates subsection 2 is guilty of
46 a class "C" felony.
- 47 6. A woman upon whom a partial-birth abortion is
48 performed shall not be prosecuted for violation of
49 subsection 2 or for conspiracy to violate subsection
50 2.

Page 2

- 1 7. a. A licensed physician subject to the
2 authority of the state board of medical examiners who
3 is accused of a violation of subsection 2 may seek a
4 hearing before the board on whether the physician's
5 conduct was necessary to preserve the life or health
6 of the woman upon whom the partial-birth abortion was
7 performed.
- 8 b. The board's findings concerning the physician's

9 conduct are admissible at the criminal trial of the
10 physician. Upon a motion of a physician, the court
11 shall delay the beginning of the trial for not more
12 than thirty days to permit the hearing before the
13 board of medical examiners to take place."

MARY NEUHAUSER

S-5022

1 Amend Senate File 2073 as follows:

2 1. Page 1, line 17, by inserting before the word
3 "necessary" the following: "medically necessary to
4 preserve the physical health or future fertility of
5 the woman or that is".

6 2. Page 1, line 18, by striking the word "mother"
7 and inserting the following: "woman".

8 3. Page 1, line 22, striking the word "mother"
9 and inserting the following: "woman".

10 4. Page 1, by striking line 23 and inserting the
11 following: "performed, the husband of the woman if
12 the woman is married, or if the woman is less".

13 5. Page 1, by striking line 25 and inserting the
14 following: "partial-birth abortion, a parent of the
15 woman,".

16 6. Page 2, line 3, by striking the word "mother"
17 and inserting the following: "woman".

18 7. Page 2, line 9, by inserting before the word
19 "necessary" and inserting the following: "medically
20 necessary to preserve the physical health or future
21 fertility of the woman or was".

22 8. Page 2, line 10, by striking the word "mother"
23 and inserting the following: "woman".

ROBERT E. DVORSKY

S-5023

1 Amend Senate File 2073 as follows:

2 1. Page 1, by striking lines 7 through 14 and
3 inserting the following:

4 "c. "Intact dilation and extraction procedure"
5 means a procedure in which a fetus in utero is
6 manipulated to breech position, a partial breech
7 delivery is performed leaving the head of the fetus in
8 utero, and then the head of the fetus is punctured,
9 collapsed, or compressed and delivery of the fetus is
10 completed. "Intact dilation and extraction procedure"
11 does not include the vacuum aspiration, suction
12 aspiration, dilation and curettage, suction curettage,
13 induction, or dilation and evacuation procedures.

14 d. "Partial-birth abortion" means an abortion

15 which is performed using the intact dilation and
16 extraction procedure on a fetus."

BILL FINK

S-5024

- 1 Amend Senate File 2073 as follows:
- 2 1. Page 1, line 17, by inserting after the words
- 3 "necessary to" the following: "preserve the health of
- 4 the mother or to".
- 5 2. Page 2, line 9, by inserting after the word
- 6 "to" the following: "preserve the health of the
- 7 mother or to".

PATRICIA HARPER

S-5025

- 1 Amend Senate File 2073 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "a" the following: "viable".
- 4 2. Page 1, line 8, by striking the word "living".
- 5 3. Page 1, line 10, by striking the word
- 6 "living".
- 7 4. Page 1, by striking line 12 and inserting the
- 8 following: "the vagina a fetus or a substantial
- 9 portion of a".

ELAINE SZYMONIAK

S-5026

- 1 Amend Senate File 380 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "b. Notwithstanding paragraph "a", a person may
- 5 engage in the practice of hypnotherapy without being
- 6 licensed as a health care or mental health care
- 7 professional if all of the following apply:
- 8 (1) The individual does not represent to the
- 9 public that the individual is licensed as a health
- 10 care or mental health care professional by the state.
- 11 (2) The individual has completed, by July 1, 2000,
- 12 a minimum of one hundred hours of classroom training
- 13 in hypnotherapy from a program or course of
- 14 instruction recognized by the national guild of
- 15 hypnotists which advocates a code of ethics and
- 16 standards of practice, or similar code, for its
- 17 students. Individuals receiving classroom training in
- 18 satisfaction of this requirement between the effective
- 19 date of this Act and July 1, 2000, may maintain an

- 20 existing hypnotherapy practice, provided the
21 provisions of subparagraphs (1) and (3) are met.
22 (3) The scope of the individual's hypnotherapy
23 practice is confined to issues of vocational
24 functioning or general self-improvement, or the
25 alteration of minor matters of habit or behavior that
26 are germane to those endeavors."
27 2. Page 1, line 26, by striking the word
28 "paragraph" and inserting the following:
29 "paragraphs".
30 3. Page 1, line 27, by inserting after the word
31 "'a'" the following: "and 'b'".
32 4. By renumbering as necessary.

ELAINE SZYMONIAK
O. GENE MADDOX

S-5027

- 1 Amend House Concurrent Resolution 15, as passed by
2 the House, as follows:
3 1. By striking page 2, line 1, through page 3,
4 line 3, and inserting the following: "SENATE
5 CONCURRING, That the Legislative Council may appoint a
6 working committee to conduct a comprehensive study of,
7 and make recommendations regarding, the school finance
8 formula. The study may include a review of other
9 sources of kindergarten through grade twelve public
10 school funding. The working committee shall be
11 composed of ten members, representing both political
12 parties and both houses of the General Assembly. Five
13 members shall be members of the Senate, three of whom
14 shall be appointed by the Majority Leader of the
15 Senate and two of whom shall be appointed by the
16 Minority Leader of the Senate. The additional five
17 members shall be members of the House of
18 Representatives, appointed by the Speaker of the
19 House, three of whom shall be of the majority party
20 and two of whom shall be of the minority party. The
21 temporary co-chairpersons of the committee shall be
22 the chairpersons of the Senate and House Committees on
23 Education.
24 The committee shall be staffed by the Legislative
25 Service Bureau and the Legislative Fiscal Bureau. The
26 committee may begin its deliberations during the 1998
27 Session of the General Assembly, and, if the committee
28 is established, shall issue a report of
29 recommendations to the General Assembly by January 1,
30 1999. The Legislative Council may expend from moneys
31 appropriated in section 2.12 up to \$150,000, or so

32 much thereof as is necessary, to fund the expenses of
33 the committee."

COMMITTEE ON EDUCATION
DONALD B. REDFERN, Chairperson

S-5028

1 Amend Senate File 2039 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 260C.39, unnumbered paragraph
5 3, Code Supplement 1997, is amended to read as
6 follows:

7 The terms of employment of personnel, for the
8 academic year following the effective date of the
9 agreement to combine the merged areas shall not be
10 affected by the combination of the merged areas,
11 except in accordance with the procedures under
12 sections 279.15 to ~~279.18~~ 279.17 and section 279.24,
13 to the extent those procedures are applicable, or
14 under the terms of the base bargaining agreement. The
15 authority and responsibility to offer new contracts or
16 to continue, modify, or terminate existing contracts
17 pursuant to any applicable procedures under chapter
18 279, shall be transferred to the acting, and then to
19 the new, board of the combined merged area upon
20 certification of a favorable vote to each of the
21 merged areas affected by the agreement. The
22 collective bargaining agreement of the merged area
23 receiving the greatest amount of general state aid
24 shall serve as the base agreement for the combined
25 merged area and the employees of the merged areas
26 which combined to form the new combined merged area
27 shall automatically be accreted to the bargaining unit
28 from that former merged area for purposes of
29 negotiating the contracts for the following years
30 without further action by the public employment
31 relations board. If only one collective bargaining
32 agreement is in effect among the merged areas which
33 are combining under this section, then that agreement
34 shall serve as the base agreement, and the employees
35 of the merged areas which are combining to form the
36 new combined merged area shall automatically be
37 accreted to the bargaining unit of that former merged
38 area for purposes of negotiating the contracts for the
39 following years without further action by the public
40 employment relations board. The board of the combined
41 merged area, using the base agreement as its existing
42 contract, shall bargain with the combined employees of
43 the merged areas that have agreed to combine for the
44 academic year beginning with the effective date of the

45 agreement to combine merged areas. The bargaining
46 shall be completed by March 15 prior to the academic
47 year in which the agreement to combine merged areas
48 becomes effective or within one hundred eighty days
49 after the organization of the acting board of the new
50 combined merged area, whichever is later. If a

Page 2

1 bargaining agreement was already concluded in the
2 former merged area which has the collective bargaining
3 agreement that is serving as the base agreement for
4 the new combined merged area, between the former
5 merged area board and the employees of the former
6 merged area, that agreement is void, unless the
7 agreement contained multiyear provisions affecting
8 academic years subsequent to the effective date of the
9 agreement to form a combined merged area. If the base
10 collective bargaining agreement contains multiyear
11 provisions, the duration and effect of the agreement
12 shall be controlled by the terms of the agreement.
13 The provisions of the base agreement shall apply to
14 the offering of new contracts, or the continuation,
15 modification, or termination of existing contracts
16 between the acting or new board of the combined merged
17 area and the combined employees of the new combined
18 merged area.

19 Sec. 2. Section 275.33, subsection 1, Code 1997,
20 is amended to read as follows:

21 1. The terms of employment of superintendents,
22 principals, and teachers, for the school year
23 following the effective date of the formation of the
24 new district shall not be affected by the formation of
25 the new district, except in accordance with the
26 provisions of sections 279.15 to ~~279.18~~ 279.17 and
27 279.24 and the authority and responsibility to offer
28 new contracts or to continue, modify, or terminate
29 existing contracts pursuant to sections 279.12,
30 279.13, 279.15 to 279.21, 279.23, and 279.24 for the
31 school year beginning with the effective date of the
32 reorganization shall be transferred from the boards of
33 the existing districts to the board of the new
34 district on the third Tuesday of January prior to the
35 school year the reorganization is effective.

36 Sec. 3. Section 279.15, Code 1997, is amended to
37 read as follows:

38 279.15 NOTICE OF TERMINATION -- REQUEST FOR
39 HEARING.

40 1. The superintendent or the superintendent's
41 designee shall notify the teacher not later than April
42 30 March 15 that the superintendent will recommend in
43 writing recommends to the board at a regular or

44 special meeting of the board, held not later than May
45 15, that the teacher's continuing contract be
46 terminated effective at the end of the current school
47 year. However, if the district is subject to
48 reorganization under chapter 275, the notification
49 shall not occur until after the first organizational
50 meeting of the board of the newly formed district.

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1 2. Notification of recommendation of termination
2 of a teacher's contract shall be in writing, signed by
3 the superintendent and the presiding officer of the
4 board, and shall be personally delivered to the
5 teacher, ~~or mailed by certified mail~~. The
6 notification shall be complete when received by the
7 teacher. The notification and the recommendation to
8 terminate shall contain a short and plain statement of
9 the reasons, which shall be for just cause, why the
10 recommendation is being made. ~~The notification shall~~
11 ~~be given at or before the time the recommendation is~~
12 ~~given to the board.~~

13 3. As a part of the termination proceedings, the
14 teacher's complete personnel file of employment by
15 that board shall be available to the teacher, which
16 file shall contain a record of all periodic
17 evaluations between the teacher and appropriate
18 supervisors.

19 4. Within five days of the receipt of the written
20 notice that the superintendent ~~is recommending~~
21 recommends termination of the contract, the teacher
22 may request, in writing to the secretary of the board,
23 a private hearing with the board an adjudicator
24 selected in accordance with section 279.17. The
25 private hearing shall not be subject to chapter 21 and
26 shall be held no sooner than ~~ten~~ twenty days and no
27 later than ~~twenty~~ thirty days following the receipt of
28 the request unless the parties otherwise agree. The
29 secretary of the board shall notify the teacher in
30 writing of the date, time, and location of the private
31 hearing, and at least ~~five~~ ten days before the hearing
32 shall also furnish to the teacher any documentation
33 which may be presented ~~to~~ by the superintendent and
34 the board at the private hearing and a list of persons
35 who may address the board adjudicator in support of
36 the superintendent's recommendation at the private
37 hearing. At least three days before the hearing, the
38 teacher shall provide any documentation the teacher
39 expects to present at the private hearing, along with
40 the names of any persons who may address the board on
41 behalf of the teacher. This exchange of information
42 shall be at the time specified unless otherwise

43 agreed.

44 Sec. 4. Section 279.16, Code 1997, is amended to
45 read as follows:

46 279.16 PRIVATE HEARING -- DECISION -- RECORD.

47 1. The participants at the private hearing shall
48 be ~~at least a majority of the interested~~ members of
49 the board, ~~their legal representatives~~, if any, the
50 superintendent, the superintendent's designated

Page 4

1 representatives, if any, the teacher's immediate
2 supervisor, the teacher, the teacher's
3 representatives, if any, and the witnesses for the
4 parties. The evidence at the private hearing shall be
5 limited to the specific reasons stated in the
6 superintendent's notice of recommendation of
7 termination. No participant in the hearing shall be
8 liable for any damages to any person if any statement
9 at the hearing is determined to be erroneous as long
10 as the statement was made in good faith. The
11 superintendent shall present evidence and argument on
12 all issues involved and the teacher may cross-examine,
13 respond and present evidence and argument in the
14 teacher's behalf relevant to all issues involved.
15 Evidence may be by stipulation of the parties and
16 informal settlement may be made by stipulation,
17 consent, or default or by any other method agreed upon
18 by the parties in writing. The board shall employ a
19 certified shorthand reporter to keep a record of the
20 private hearing. ~~The proceedings or any~~ Any part
21 ~~thereof of the proceedings~~ shall be transcribed at the
22 request of either party with the expense of
23 transcription charged to the ~~requesting party~~ school
24 district.

25 2. ~~The presiding officer of the board~~ adjudicator
26 may administer oaths in the same manner and with like
27 effect and under the same penalties as in the case of
28 magistrates exercising criminal or civil jurisdiction.
29 The board adjudicator shall cause subpoenas to be
30 issued for ~~such~~ witnesses and the production of ~~such~~
31 any books and papers as ~~either~~ the board or the
32 teacher may designate. The subpoenas shall be signed
33 by the ~~presiding officer of the board~~ adjudicator.

34 3. In case a witness is duly subpoenaed and
35 refuses to attend, or in case a witness appears and
36 refuses to testify or to produce required books or
37 papers, the board adjudicator shall, in writing,
38 report such refusal to the district court of the
39 county in which the administrative office of the
40 school district is located, and the court shall
41 proceed with the person or witness as though the

42 refusal had occurred in a proceeding legally pending
43 before the court.

44 ~~The board shall not be bound by common law or~~
45 ~~statutory rules of evidence or by technical or formal~~
46 ~~rules of procedure, but it shall hold the hearing in~~
47 ~~such manner as is best suited to ascertain and~~
48 ~~conserve the substantial rights of the parties.~~
49 ~~Process and procedure under sections 279.13 to 279.19~~
50 ~~shall be as summary as reasonably may be.~~

Page 5

1 4. At the conclusion of the private hearing, the
2 superintendent and the teacher may file written briefs
3 and arguments with the board adjudicator within three
4 days or such other time as may be agreed upon.

5 5. If the teacher fails to timely request a
6 private hearing or does not appear at the private
7 hearing, the board may proceed and make a
8 determination upon the superintendent's
9 recommendation. If the teacher fails to timely file a
10 request for a private hearing, the determination shall
11 be not later than ~~May 31~~ April 15. If the teacher
12 fails to appear at the private hearing, the
13 determination shall be not later than five days after
14 the scheduled date for the private hearing. The board
15 shall convene in open session and by roll call vote
16 determine the termination or continuance of the
17 teacher's contract.

18 6. ~~Within five days after the private hearing, the~~
19 ~~board shall, in executive session, meet to make a~~
20 ~~final decision upon the recommendation and the~~
21 ~~evidence as herein provided.~~ The board adjudicator
22 shall also consider any written brief and arguments
23 submitted by the superintendent and the teacher.

24 7. The record for a private hearing shall include
25 the following:

26 1. a. All pleadings, motions and intermediate
27 rulings.

28 2. b. All evidence received or considered and all
29 other submissions.

30 3. c. A statement of all matters officially
31 noticed.

32 4. d. All questions and offers of proof,
33 objections and rulings thereon.

34 5. e. All findings and exceptions.

35 6. f. Any decision, opinion, or conclusion by the
36 board.

37 7. g. Findings of fact shall be based solely on
38 the evidence in the record and on matters officially
39 noticed in the record.

40 8. The decision of the board adjudicator shall be

41 in writing and shall include findings of fact and
42 conclusions of law, separately stated. Findings of
43 fact, if set forth in statutory language, shall be
44 accompanied by a concise and explicit statement of the
45 underlying facts and supporting the findings. Each
46 conclusion of law shall be supported by cited
47 authority or by reasoned opinion.

48 ~~9. When the board has reached a decision, opinion,~~
49 ~~or conclusion, it shall convene in open meeting and by~~
50 ~~roll call vote determine the continuance or~~

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1 ~~discontinuance of the teacher's contract. The record~~
2 ~~of the private conference and findings of fact and~~
3 ~~exceptions shall be exempt from the provisions of~~
4 ~~chapter 22. The secretary of the board adjudicator~~
5 ~~shall make a decision within thirty days and shall~~
6 ~~upon reaching a decision, immediately mail notice of~~
7 ~~the board's action decision to the teacher, the~~
8 ~~superintendent, and the secretary of the board. The~~
9 ~~adjudicator's decision is final and binding unless it~~
10 ~~can be shown that the adjudicator exceeded the~~
11 ~~adjudicator's authority.~~

12 10. The record of the private hearing and findings
13 of fact and exceptions shall be exempt from the
14 provisions of chapter 22.

15 Sec. 5. Section 279.17, Code 1997, is amended to
16 read as follows:

17 279.17 APPEAL BY TEACHER TO SELECTION AND
18 AUTHORITY OF ADJUDICATOR.

19 If the teacher is no longer a probationary teacher,
20 the teacher may, within ten days, appeal the
21 determination of the board to an adjudicator by filing
22 a notice of appeal with the secretary of the board.
23 The notice of appeal shall contain a concise statement
24 of the action which is the subject of the appeal, the
25 particular board action appealed from, the grounds on
26 which relief is sought and the relief sought.

27 1. Within five days following receipt by the
28 secretary of the notice of appeal a teacher's request
29 for a private hearing by an adjudicator as provided in
30 section 279.15, the board or the board's legal
31 representative, if any, and the teacher or the
32 teacher's representative, if any, may select an
33 adjudicator who resides within the boundaries of the
34 merged area in which the school district is located.
35 If an adjudicator cannot be mutually agreed upon
36 within the five-day period, the secretary shall notify
37 the chairperson of the public employment relations
38 board by transmitting the notice of appeal request for
39 a private hearing, and the chairperson of the public

40 employment relations board shall within five days
41 provide a list of five adjudicators to the parties.
42 Within three days from receipt of the list of
43 adjudicators, the parties shall select an adjudicator
44 by alternately removing a name from the list until
45 only one name remains. The person whose name remains
46 shall be the adjudicator. The parties shall determine
47 by lot which party shall remove the first name from
48 the list submitted by the chairperson of the public
49 employment relations board. The secretary of the
50 board shall inform the chairperson of the public

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1 employee relations board of the name of the
2 adjudicator selected.
3 ~~If the teacher does not timely request an appeal to~~
4 ~~an adjudicator the decision, opinion, or conclusion of~~
5 ~~the board shall become final and binding.~~
6 ~~Within thirty days after filing the notice of~~
7 ~~appeal, or within further time allowed by the~~
8 ~~adjudicator, the board shall transmit to the~~
9 ~~adjudicator the original or a certified copy of the~~
10 ~~entire record of the private hearing which may be the~~
11 ~~subject of the petition. By stipulation of the~~
12 ~~parties to review the proceedings, the record of the~~
13 ~~case may be shortened. The adjudicator may require or~~
14 ~~permit subsequent corrections or additions to the~~
15 ~~shortened record.~~
16 ~~The record certified and filed by the board shall~~
17 ~~be the record upon which the appeal shall be heard and~~
18 ~~no additional evidence shall be heard by the~~
19 ~~adjudicator. In such appeal to the adjudicator,~~
20 ~~especially when considering the credibility of~~
21 ~~witnesses, the adjudicator shall give weight to the~~
22 ~~fact findings of the board; but shall not be bound by~~
23 ~~them.~~
24 ~~Before the date set for hearing a petition for~~
25 ~~review of board action, which shall be within ten days~~
26 ~~after receipt of the record unless otherwise agreed or~~
27 ~~unless the adjudicator orders additional evidence be~~
28 ~~taken before the board, application may be made to the~~
29 ~~adjudicator for leave to present evidence in addition~~
30 ~~to that found in the record of the case. If it is~~
31 ~~shown to the adjudicator that the additional evidence~~
32 ~~is material and that there were good reasons for~~
33 ~~failure to present it in the private hearing before~~
34 ~~the board, the adjudicator may order that the~~
35 ~~additional evidence be taken before the board upon~~
36 ~~conditions determined by the adjudicator. The board~~
37 ~~may modify its findings and decision in the case by~~
38 ~~reason of the additional evidence and shall file that~~

39 evidence and any modifications, new findings, or
 40 decisions, with the adjudicator and mail copies of the
 41 new findings or decisions to the teacher.
 42 2. The adjudicator may affirm board action or
 43 remand to the board for further proceedings. The
 44 adjudicator shall reverse, modify, the
 45 superintendent's recommendation to terminate the
 46 teacher's contract or grant any appropriate relief
 47 from the board action require the board to continue
 48 the teacher's contract if substantial rights of the
 49 teacher have been prejudiced because the board action
 50 is the adjudicator determines that termination of the

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1 contract would be any of the following:
 2 1. a. In A violation of a board rule or policy or
 3 contract; or,
 4 2. b. Unsupported by a preponderance of the
 5 competent evidence in the record made before the board
 6 adjudicator when that record is viewed as a whole; or,
 7 3. c. Unreasonable, arbitrary or capricious or
 8 characterized by an abuse of discretion or a clearly
 9 unwarranted exercise of discretion.
 10 The adjudicator shall, within fifteen days after
 11 the hearing, make a decision and shall give a copy of
 12 the decision to the teacher and the secretary of the
 13 board. The decision of the adjudicator shall become
 14 the final and binding decision of the board unless
 15 either party within ten days notifies the secretary of
 16 the board that the decision is rejected. The board
 17 may reject the decision by majority vote, by roll
 18 call, in open meeting and entered into the minutes of
 19 the meeting. The board shall immediately notify the
 20 teacher of its decision by certified mail. The
 21 teacher may reject the adjudicator's decision by
 22 notifying the board's secretary in writing within ten
 23 days of the filing of such decision.
 24 3. All costs of the adjudicator shall be shared
 25 equally by the teacher and the board.
 26 Sec. 6. Section 279.18, Code 1997, is repealed."

ELAINE SZYMONIAK

S-5029

1 Amend Senate File 2174 as follows:
 2 1. Page 2, line 10, by striking the figure "2,"
 3 and inserting the following: "3,".

KITTY REHBERG

S-5030

- 1 Amend Senate File 2113 as follows:
- 2 1. Page 4, by inserting after line 19 the
- 3 following:
- 4 "Sec. ____ CODE EDITOR DIRECTIONS. The Code
- 5 editor shall correct any remaining references in the
- 6 Code or in Acts enacted by the Seventy-seventh General
- 7 Assembly to reflect the terminology change made in
- 8 this Act from motor vehicle license to driver's
- 9 license."
- 10 2. By renumbering as necessary.

LARRY McKIBBEN

S-5031

- 1 Amend Senate File 2136 as follows:
- 2 1. Page 5, by striking lines 20 through 22.
- 3 2. By renumbering as necessary.

MARY NEUHAUSER
ANDY McKEAN

S-5032

- 1 Amend House File 714, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 34 and 35 and
- 4 inserting the following: "The inspection fee for each
- 5 nonaccredited hospital".
- 6 2. Page 2, by striking lines 2 through 10.

H. KAY HEDGE

S-5033

- 1 Amend Senate File 2136 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 19A.3, subsection 13, Code
- 5 Supplement 1997, is amended to read as follows:
- 6 13. Members of the Iowa highway-safety state
- 7 patrol and other peace officers employed by the
- 8 department of public safety. The commissioner of
- 9 public safety shall adopt rules not inconsistent with
- 10 the objectives of this chapter for the persons
- 11 described in this subsection.
- 12 Sec. 2. Section 29A.79, unnumbered paragraph 2,
- 13 Code 1997, is amended to read as follows:
- 14 The Iowa national guard shall be requested to

15 provide the emergency helicopter ambulance service
16 from its available staffed helicopters when the plan
17 is implemented on order of the governor at the request
18 of the Iowa ~~highway safety~~ state patrol, or the
19 administrative heads of the hospitals located in Iowa,
20 unless the Iowa national guard does not have a staffed
21 helicopter available or is in active service under the
22 armed forces of the United States.

23 Sec. 3. Section 80.4, Code 1997, is amended to
24 read as follows:

25 80.4 ~~HIGHWAY~~ IOWA STATE PATROL.

26 The Iowa ~~highway safety~~ state patrol is established
27 in the department of public safety. The patrol shall
28 be under the direction of the commissioner of public
29 safety.

30 Sec. 4. Section 80.6, Code 1997, is amended to
31 read as follows:

32 80.6 IMPERSONATING OFFICER -- UNIFORM.

33 Any person who impersonates a member of the Iowa
34 ~~safety state~~ state patrol or other officer or employee of
35 the department, or wears a uniform likely to be
36 confused with the official uniform of any such
37 officer, with intent to deceive anyone, shall be
38 guilty of a simple misdemeanor.

39 Sec. 5. Section 80.8, unnumbered paragraphs 2 and
40 3, Code 1997, are amended to read as follows:

41 The commissioner may delegate to the members of the
42 Iowa ~~highway safety~~ state patrol such additional
43 duties in the enforcement of this chapter as the
44 commissioner may deem proper and incidental to the
45 duties now imposed upon them by law.

46 The salaries of all members and employees of the
47 department and the expenses of the department shall be
48 provided for by the legislative appropriation
49 therefor. The compensation of the members of the
50 ~~highway~~ Iowa state patrol shall be fixed according to

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1 grades as to rank and length of service by the
2 commissioner with the approval of the governor. The
3 members of the ~~highway~~ Iowa state patrol shall be paid
4 additional compensation in accordance with the
5 following formula: When members of the ~~highway~~ Iowa
6 state patrol have served for a period of five years
7 their compensation then being paid shall be increased
8 by the sum of twenty-five dollars per month beginning
9 with the month succeeding the foregoing described
10 five-year period; when members thereof have served for
11 a period of ten years their compensation then being
12 paid shall be increased by the sum of twenty-five
13 dollars per month beginning with the month succeeding

14 the foregoing described ten-year period, such sums
15 being in addition to the increase provided herein to
16 be paid after five years of service; when members
17 thereof have served for a period of fifteen years
18 their compensation then being paid shall be increased
19 by the sum of twenty-five dollars per month beginning
20 with the month succeeding the foregoing described
21 fifteen-year period, such sums being in addition to
22 the increases previously provided for herein; when
23 members thereof have served for a period of twenty
24 years their compensation then being paid shall be
25 increased by the sum of twenty-five dollars per month
26 beginning with the month succeeding the foregoing
27 described twenty-year period, such sums being in
28 addition to the increases previously provided for
29 herein. While on active duty each member shall also
30 receive a flat daily sum as fixed by the commissioner
31 with the approval of the governor for meals while away
32 from the office to which the member has been assigned
33 and within the member's district.

34 Sec. 6. Section 80.9, subsection 2, paragraph h,
35 Code 1997, is amended to read as follows:

36 h. To maintain a vehicle theft unit in the Iowa
37 ~~highway safety state~~ patrol to investigate and assist
38 in the examination and identification of stolen,
39 altered, or forfeited vehicles.

40 Sec. 7. Section 80.15, Code 1997, is amended to
41 read as follows:

42 80.15 EXAMINATION -- OATH -- PROBATION --
43 DISCIPLINE -- DISMISSAL.

44 An applicant for membership in the department of
45 public safety, except clerical workers and special
46 agents appointed under section 80.7, shall not be
47 appointed as a member until the applicant has passed a
48 satisfactory physical and mental examination. In
49 addition, the applicant must be a citizen of the
50 United States and be not less than twenty-two years of

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1 age. The mental examination shall be conducted under
2 the direction or supervision of the commissioner of
3 public safety and may be oral or written or both.
4 Each applicant shall take an oath on becoming a member
5 of the force, to uphold the laws and Constitution of
6 the United States and of the state of Iowa. During
7 the period of twelve months after appointment, any
8 member of the department of public safety, except
9 members of the present Iowa ~~highway safety state~~
10 patrol who have served more than six months, is
11 subject to dismissal at the will of the commissioner.
12 After the twelve months' service, a member of the

13 department, who was appointed after having passed the
14 examinations, is not subject to dismissal, suspension,
15 disciplinary demotion, or other disciplinary action
16 resulting in the loss of pay unless charges have been
17 filed with the department of inspections and appeals
18 and a hearing held by the employment appeal board
19 created by section 10A.601, if requested by the
20 member, at which the member has an opportunity to
21 present a defense to the charges. The decision of the
22 appeal board is final, *subject to the right of*
23 judicial review in accordance with the terms of the
24 Iowa administrative procedure Act. However, these
25 procedures as to dismissal, suspension, demotion, or
26 other discipline do not apply to a member who is
27 covered by a collective bargaining agreement which
28 provides otherwise nor to the demotion of a division
29 head to the rank which the division head held at the
30 time of appointment as division head, if any. A
31 division head who is demoted has the right to return
32 to the rank which the division head held at the time
33 of appointment as division head, if any. All rules,
34 except employment provisions negotiated pursuant to
35 chapter 20, regarding the enlistment, appointment, and
36 employment affecting the personnel of the department
37 shall be established by the commissioner in
38 consultation with the director of the department of
39 personnel, subject to approval by the governor.
40 Sec. 8. Section 80.17, subsection 4, Code 1997, is
41 amended to read as follows:
42 4. Division of ~~highway safety and uniformed force~~
43 ~~the Iowa state patrol~~.
44 Sec. 9. Section 85.61, subsection 11, unnumbered
45 paragraph 1, Code Supplement 1997, is amended to read
46 as follows:
47 "Worker" or "employee" means a person who has
48 entered into the employment of, or works under
49 contract of service, express or implied, or
50 apprenticeship, for an employer; an executive officer

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1 elected or appointed and empowered under and in
2 accordance with the charter and bylaws of a
3 corporation, including a person holding an official
4 position, or standing in a representative capacity of
5 the employer; an official elected or appointed by the
6 state, or a county, school district, area education
7 agency, municipal corporation, or city under any form
8 of government; a member of the Iowa ~~highway safety~~
9 ~~state patrol~~; a conservation officer; and a
10 proprietor, limited liability company member, or
11 partner who elects to be covered pursuant to section

12 85.1A, except as specified in this chapter.

13 Sec. 10. Section 97A.1, subsection 13, Code 1997,
14 is amended to read as follows:

15 13. "Peace officer" or "peace officers" shall mean
16 all members of the divisions of ~~highway safety and~~
17 ~~uniformed force~~ the Iowa state patrol and criminal
18 investigation and bureau of identification in the
19 department of public safety, except clerical workers,
20 including but not limited to gaming enforcement
21 officers employed by the division of criminal
22 investigation for excursion boat gambling enforcement
23 activities, who have passed a satisfactory physical
24 and mental examination and have been duly appointed as
25 members of the state department of public safety in
26 accordance with section 80.15, and the division of
27 drug law enforcement, and arson investigators and fire
28 prevention inspector peace officers in the department
29 of public safety, except clerical workers, employees
30 of the division of capitol police, except clerical
31 workers, and the division of beer and liquor law
32 enforcement of the department of public safety, except
33 clerical workers.

34 Sec. 11. Section 97A.4, unnumbered paragraph 2,
35 Code 1997, is amended to read as follows:

36 Any member of the system who has been employed
37 continuously prior to the passage of this chapter in
38 the division of ~~highway safety, uniformed force, and~~
39 ~~radio communications~~ the Iowa state patrol or the
40 division of criminal investigation and bureau of
41 identification in the department of public safety, or
42 as a member of the Iowa ~~highway safety state patrol~~,
43 or as a peace officer or a member of the uniformed
44 force in any department or division whose functions
45 were transferred to, merged, or consolidated in the
46 department of public safety at the time such
47 department was created, shall receive credit for such
48 service in determining retirement and disability
49 benefits provided for in this chapter. Arson
50 investigators who have contributed to this system

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1 prior to July 1, 1978 shall receive credit for such
2 service in determining retirement and disability
3 benefits.

4 Sec. 12. Section 97A.6, subsection 8, paragraph b,
5 Code 1997, is amended to read as follows:

6 b. In lieu of the payment specified in paragraph
7 "a," a beneficiary meeting the qualifications of
8 paragraph "c" may elect to receive a monthly pension
9 equal to one-twelfth of forty percent of the average
10 final compensation of the member, but not less than an

11 amount equal to twenty percent of the monthly earnable
12 compensation paid to an active member having the rank
13 of senior patrol officer of the Iowa highway safety
14 state patrol if the member was in service at the time
15 of death. For a member not in service at the time of
16 death, the pension shall be reduced as provided in
17 subsection 1, paragraph "b".

18 For a member not in service at the time of death,
19 the pension shall be paid commencing when the member
20 would have attained the age of fifty-five except that
21 if there is a child of the member, the pension shall
22 be paid commencing with the member's death until the
23 children reach the age of eighteen, or twenty-two if
24 applicable. The pension shall resume commencing when
25 the member would have attained the age of fifty-five.

26 For a member in service at the time of death, the
27 pension shall be paid commencing with the member's
28 death. In addition to the pension, there shall also
29 be paid for each child of a member, a monthly pension
30 equal to six percent of the monthly earnable
31 compensation payable to an active member having the
32 rank of senior patrol officer of the Iowa highway
33 safety state patrol.

34 For the purpose of this chapter, a senior patrol
35 officer is a person who has completed ten years of
36 service in the Iowa highway safety state patrol.
37 Notwithstanding section 97A.6, subsection 8, Code
38 1985, effective July 1, 1990, for a member's surviving
39 spouse who, prior to July 1, 1986, elected to receive
40 pension benefits under this paragraph, the monthly
41 pension benefit shall be equal to the higher of one-
42 twelfth of forty percent of the average final
43 compensation of the member, or the amount the
44 surviving spouse was receiving on July 1, 1990.

45 Sec. 13. Section 97A.6, subsection 9, paragraph c,
46 Code 1997, is amended to read as follows:

47 c. In addition to the benefits for the surviving
48 spouse enumerated in this subsection, there shall also
49 be paid for each child of a member a monthly pension
50 equal to six percent of the monthly earnable

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1 compensation payable to an active member having the
2 rank of senior patrol officer of the Iowa highway
3 safety state patrol.

4 Sec. 14. Section 97A.6, subsection 12, paragraph

5 a, Code 1997, is amended to read as follows:

6 a. To the member's surviving spouse, equal to one-
7 half the amount received by the deceased beneficiary,
8 but in no instance less than an amount equal to
9 twenty-five percent of the monthly earnable

10 compensation paid to an active member having the rank
11 of senior patrol officer of the Iowa ~~highway safety~~
12 state patrol, and in addition a monthly pension equal
13 to the monthly pension payable under subsection 9,
14 paragraph "c", of this section for each child under
15 eighteen years of age or twenty-two years of age if
16 applicable; or

17 Sec. 15. Section 97A.6, subsection 14, paragraph
18 a, unnumbered paragraph 4, Code 1997, is amended to
19 read as follows:

20 As of the first of July of each year, the monthly
21 pension payable to each surviving child under the
22 provisions of subsections 8, 9 and 12 of this section
23 shall be adjusted to equal six percent of the monthly
24 earnable compensation payable on that July 1 to an
25 active member having the rank of senior patrol officer
26 of the Iowa ~~highway safety~~ state patrol.

27 Sec. 16. Section 101A.10, Code 1997, is amended to
28 read as follows:

29 101A.10 PERSONS AND AGENCIES EXEMPT.

30 This chapter shall not apply to the transportation
31 and use of explosive materials by the regular military
32 or naval forces of the United States, the duly
33 organized militia of this state, representatives of
34 the state fire marshal, the Iowa ~~highway safety~~ state
35 patrol, division of criminal investigation and bureau
36 of identification, local police departments, sheriffs
37 departments, and fire departments acting in their
38 official capacity; nor shall this chapter apply to the
39 transportation and use of explosive materials by any
40 peace officer to enforce provisions of this chapter
41 when the peace officer is acting pursuant to such
42 authority, however, other agencies of the state or any
43 of its political subdivisions desiring to purchase,
44 possess, transport, or use explosive materials for
45 construction or other purposes shall be required to
46 obtain user's permits.

47 Sec. 17. Section 172B.1, subsection 1, Code 1997,
48 is amended to read as follows:

49 1. "Law enforcement officer" means a an Iowa state
50 ~~highway safety~~ patrol officer, a sheriff, or other

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1 peace officer so designated by this state or by a
2 county or municipality.

3 Sec. 18. Section 307.12, subsection 13, Code 1997,
4 is amended to read as follows:

5 13. Adopt, after consultation with the department
6 of natural resources and the department of public
7 safety, rules relating to enforcement of the rules
8 regarding transportation of hazardous wastes adopted

9 by the department of natural resources. The
10 department and the division of the highway-safety Iowa
11 state patrol of the department of public safety shall
12 carry out the enforcement of the rules.

13 Sec. 19. Section 321.2, unnumbered paragraph 2,
14 Code 1997, is amended to read as follows:

15 The division of the highway-safety Iowa state
16 patrol of the department of public safety shall
17 enforce the provisions of this chapter relating to
18 traffic on the public highways of the state, including
19 those relating to the safe and legal operation of
20 passenger cars, motorcycles, motor trucks and buses,
21 and to see that proper safety rules are observed.

22 Sec. 20. Section 321.19, subsection 1, unnumbered
23 paragraph 2, Code Supplement 1997, is amended to read
24 as follows:

25 The department shall furnish, on application, free
26 of charge, distinguishing plates for vehicles thus
27 exempted, which plates except plates on Iowa highway
28 safety state patrol vehicles shall bear the word
29 "official" and the department shall keep a separate
30 record. Registration plates issued for Iowa highway
31 safety state patrol vehicles, except unmarked patrol
32 vehicles, shall bear two red stars on a yellow
33 background, one before and one following the
34 registration number on the plate, which registration
35 number shall be the officer's badge number.
36 Registration plates issued for a county sheriff's
37 patrol vehicles shall display one seven-pointed gold
38 star followed by the letter "S" and the call number of
39 the vehicle. However, the director of general
40 services or the director of transportation may order
41 the issuance of regular registration plates for any
42 exempted vehicle used by peace officers in the
43 enforcement of the law, persons enforcing chapter 124
44 and other laws relating to controlled substances,
45 persons in the department of justice, the alcoholic
46 beverages division of the department of commerce, the
47 department of inspections and appeals, and the
48 department of revenue and finance, who are regularly
49 assigned to conduct investigations which cannot
50 reasonably be conducted with a vehicle displaying

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1 "official" state registration plates, and persons in
2 the lottery division of the department of revenue and
3 finance whose regularly assigned duties relating to
4 security or the carrying of lottery tickets cannot
5 reasonably be conducted with a vehicle displaying
6 "official" registration plates. For purposes of sale
7 of exempted vehicles, the exempted governmental body,

8 upon the sale of the exempted vehicle, may issue for
9 in-transit purposes a pasteboard card bearing the
10 words "Vehicle in Transit", the name of the official
11 body from which the vehicle was purchased, together
12 with the date of the purchase plainly marked in at
13 least one-inch letters, and other information required
14 by the department. The in-transit card is valid for
15 use only within forty-eight hours after the purchase
16 date as indicated on the bill of sale which shall be
17 carried by the driver.

18 Sec. 21. Section 321.89, subsection 1, paragraph
19 c, Code 1997, is amended to read as follows:

20 c. "Police authority" means the Iowa highway
21 safety state patrol, any law enforcement agency of a
22 county or city, or any special security officer
23 employed by the state board of regents under section
24 262.13.

25 Sec. 22. Section 321.266, subsections 1 and 4,
26 Code Supplement 1997, are amended to read as follows:

27 1. The driver of a vehicle involved in an accident
28 resulting in injury to or death of any person shall
29 immediately by the quickest means of communication
30 give notice of such accident to the sheriff of the
31 county in which said accident occurred, or the nearest
32 office of the Iowa highway safety state patrol, or to
33 any other peace officer as near as practicable to the
34 place where the accident occurred.

35 4. Notwithstanding section 455B.386, a carrier
36 transporting hazardous material upon a public highway
37 in this state, in the case of an accident involving
38 the transportation of the hazardous material, shall
39 immediately notify the police radio broadcasting
40 system established pursuant to section 693.1 or shall
41 notify a peace officer of the county or city in which
42 the accident occurs. When a local law enforcement
43 agency is informed of the accident, the agency shall
44 notify the Iowa highway safety state patrol and the
45 state department of transportation office of motor
46 vehicle enforcement. A person who violates a
47 provision of this subsection is guilty of a serious
48 misdemeanor.

49 Sec. 23. Section 321.380, Code 1997, is amended to
50 read as follows:

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1 321.380 ENFORCEMENT.

2 It shall be the duty of all peace officers and of
3 the highway safety Iowa state patrol to enforce the
4 provisions of sections 321.372 to 321.379.

5 Sec. 24. Section 321.457, subsection 3, Code 1997,
6 is amended to read as follows:

7 3. Fire fighting apparatus and vehicles operated
8 during daylight hours when transporting poles, pipe,
9 machinery, or other objects of a structural nature
10 which cannot be readily disassembled when required for
11 emergency repair of public service facilities or
12 properties are not subject to the limitations on
13 overall length of vehicles and combinations of
14 vehicles imposed under this section. However, for
15 operation during nighttime hours, these vehicles and
16 the load being transported shall be equipped with a
17 sufficient number of clearance lamps on both sides and
18 marker lamps at the extreme ends of the projecting
19 load to clearly mark the dimensions of the load. A
20 member of the Iowa state highway safety patrol shall
21 also be notified prior to the operation of the
22 vehicle."

23 2. Page 1, by inserting after line 7 the
24 following:

25 "Sec. ____ Section 321J.1, subsection 7, paragraph
26 a, Code 1997, is amended to read as follows:

27 a. A member of the highway Iowa state patrol.

28 Sec. ____ Section 331.907, subsection 1, Code
29 1997, is amended to read as follows:

30 1. The annual compensation of the auditor,
31 treasurer, recorder, sheriff, county attorney, and
32 supervisors shall be determined as provided in this
33 section. The county compensation board annually shall
34 review the compensation paid to comparable officers in
35 other counties of this state, other states, private
36 enterprise, and the federal government. In setting
37 the salary of the county sheriff, the county
38 compensation board shall consider setting the
39 sheriff's salary so that it is comparable to salaries
40 paid to professional law enforcement administrators
41 and command officers of the Iowa highway safety state
42 patrol, the division of criminal investigation of the
43 department of public safety, and city police agencies
44 in this state. The county compensation board shall
45 prepare a compensation schedule for the elective
46 county officers for the succeeding fiscal year. A
47 recommended compensation schedule requires a majority
48 vote of the membership of the county compensation
49 board.

50 Sec. ____ Section 452A.76, unnumbered paragraph 1,

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1 Code 1997, is amended to read as follows:

2 Authority to enforce division III is given to the
3 state department of transportation. Employees of the
4 department of transportation designated enforcement
5 employees have the power of peace officers in the

6 performance of their duties; however, they shall not
7 be considered members of the Iowa ~~highway safety~~ state
8 patrol. The department of transportation shall
9 furnish enforcement employees with necessary equipment
10 and supplies in the same manner as provided in section
11 80.18, including uniforms which are distinguishable in
12 color and design from those of the Iowa ~~highway safety~~
13 state patrol. Enforcement employees shall be
14 furnished and shall conspicuously display badges of
15 authority."

16 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-5034

- 1 Amend Senate File 347 as follows:
2 1. Page 1, by striking lines 12 and 13 and
3 inserting the following: "An automobile shall not be
4 construed to be a public nuisance under this section."

COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT
MERLIN E. BARTZ, Chairperson

S-5035

- 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 a
14 controlled substance and included in schedule I, II,
15 III, IV, or V under the federal Controlled Substances
16 Act, 21 U.S.C. } 801 et seq.
17 c. "Employee" means a person in the service of an
18 employer in this state and includes the employer, and
19 any chief executive officer, president, vice
20 president, supervisor, manager, and officer of the
21 employer who is actively involved in the day-to-day
22 operations of the business.
23 d. "Employer" means a person, firm, company,
24 corporation, labor organization, or employment agency,
25 which has one or more full-time employees employed in

26 the same business, or in or about the same
27 establishment, under any contract of hire, express or
28 implied, oral or written, in this state. "Employer"
29 does not include the state, a political subdivision of
30 the state, including a city, county, or school
31 district, the United States, the United States postal
32 service, or a Native-American tribe.

33 e. "Good faith" means reasonable reliance on
34 facts, or that which is held out to be factual,
35 without the intent to be deceived, and without
36 reckless, malicious, or negligent disregard for the
37 truth.

38 f. "Medical review officer" means a licensed
39 physician, osteopathic physician, chiropractor, nurse
40 practitioner, or physician assistant authorized to
41 practice in any state of the United States, who is
42 responsible for receiving laboratory results generated
43 by an employer's drug or alcohol testing program, and
44 who has knowledge of substance abuse disorders and has
45 appropriate medical training to interpret and evaluate
46 an individual's confirmed positive test result
47 together with the individual's medical history and any
48 other relevant biomedical information.

49 g. "Prospective employee" means a person who has
50 made application, whether written or oral, to an

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1 employer to become an employee.

2 h. "Reasonable suspicion drug or alcohol testing"
3 means drug or alcohol testing based upon evidence that
4 an employee is using or has used alcohol or other
5 drugs in violation of the employer's written policy
6 drawn from specific objective and articulable facts
7 and reasonable inferences drawn from those facts in
8 light of experience. For purposes of this paragraph,
9 facts and inferences may be based upon, but not
10 limited to, any of the following:

11 (1) Observable phenomena while at work such as
12 direct observation of alcohol or drug use or abuse or
13 of the physical symptoms or manifestations of being
14 impaired due to alcohol or other drug use.

15 (2) Abnormal conduct or erratic behavior while at
16 work or a significant deterioration in work
17 performance.

18 (3) A report of alcohol or other drug use provided
19 by a reliable and credible source.

20 (4) Evidence that an individual has tampered with
21 any drug or alcohol test during the individual's
22 employment with the current employer.

23 (5) Evidence that an employee has caused an
24 accident while at work.

25 (6) Evidence that an employee has manufactured,
26 sold, distributed, solicited, possessed, used, or
27 transferred drugs while working or while on the
28 employer's premises or while operating the employer's
29 vehicle, machinery, or equipment.
30 i. "Safety-sensitive position" means a job wherein
31 an accident could cause loss of human life, serious
32 bodily injury, or significant property or
33 environmental damage, including a job with duties that
34 include immediate supervision of a person in a job
35 that meets the requirement of this paragraph.
36 j. "Sample" means such sample from the human body
37 capable of revealing the presence of alcohol or other
38 drugs, or their metabolites.
39 k. "Unannounced drug or alcohol testing" means
40 testing for the purposes of detecting drugs or alcohol
41 which is conducted on a periodic basis, without
42 advance notice of the test, and without individualized
43 suspicion. The selection of employees to be tested
44 shall be made by a computer-based random number
45 generator that is matched with employees' social
46 security numbers, payroll identification numbers, or
47 other comparable identifying numbers in which each
48 member of the employee population subject to testing
49 has an equal chance of selection for initial testing.
50 The random selection process shall be conducted

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1 through a computer program that records each selection
2 attempt by date, time, and employee number.
3 2. APPLICABILITY. This section does not apply to
4 drug or alcohol tests conducted on employees required
5 to be tested pursuant to federal statutes, federal
6 regulations, or orders issued pursuant to federal law.
7 In addition, an employer, through its written policy,
8 may exclude from the pools of employees subject to
9 unannounced drug or alcohol testing pursuant to
10 subsection 8, paragraph "a", employee populations
11 required to be tested as described in this subsection.
12 3. TESTING OPTIONAL. This section does not
13 require or create a legal duty on an employer to
14 conduct drug or alcohol testing and the requirements
15 of this section shall not be construed to encourage,
16 discourage, restrict, limit, prohibit, or require such
17 testing. A cause of action shall not arise in favor
18 of any person against an employer or agent of an
19 employer based on the failure of the employer to
20 establish a program or policy on substance abuse
21 prevention or to implement any component of testing as
22 permitted by this section.
23 4. TESTING AS CONDITION OF EMPLOYMENT --

24 REQUIREMENTS. To the extent provided in subsection 8,
25 an employer may test employees and prospective
26 employees for the presence of drugs or alcohol as a
27 condition of continued employment or hiring. An
28 employer shall adhere to the requirements of this
29 section concerning the conduct of such testing and the
30 use and disposition of the results of such testing.

31 5. COLLECTION OF SAMPLES. In conducting drug or
32 alcohol testing, an employer may require the
33 collection of samples from its employees and
34 prospective employees, and may require presentation of
35 reliable individual identification from the person
36 being tested to the person collecting the samples.
37 Collection of a sample shall be in conformance with
38 the requirements of this section. The employer may
39 designate the type of sample to be used for this
40 testing.

41 6. SCHEDULING OF TESTS.

42 a. Drug or alcohol testing of employees conducted
43 by an employer shall normally occur during, or
44 immediately before or after, a regular work period.
45 The time required for such testing by an employer
46 shall be deemed work time for the purposes of
47 compensation and benefits for employees.

48 b. An employer shall pay all actual costs for drug
49 or alcohol testing of employees and prospective
50 employees required by the employer.

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1 c. An employer shall provide transportation or pay
2 reasonable transportation costs to employees if drug
3 or alcohol sample collection is conducted at a
4 location other than the employee's normal work site.

5 7. TESTING PROCEDURES. All sample collection and
6 testing for drugs or alcohol under this section shall
7 be performed in accordance with the following
8 conditions:

9 a. The collection of samples shall be performed
10 under sanitary conditions and with regard for the
11 privacy of the individual from whom the specimen is
12 being obtained and in a manner reasonably calculated
13 to preclude contamination or substitution of the
14 specimen.

15 b. Sample collection for testing of current
16 employees shall be performed so that the specimen is
17 split into two components at the time of collection in
18 the presence of the individual from whom the sample or
19 specimen is collected. The second portion of the
20 specimen or sample shall be of sufficient quantity to
21 permit a second, independent confirmatory test as
22 provided in paragraph "i". If the specimen is urine,

23 the sample shall be split such that the primary sample
24 contains at least thirty milliliters and the secondary
25 sample contains at least fifteen milliliters. Both
26 portions of the sample shall be forwarded to the
27 laboratory conducting the initial confirmatory
28 testing. In addition to any requirements for storage
29 of the initial sample that may be imposed upon the
30 laboratory as a condition for certification or
31 approval, the laboratory shall store the second
32 portion of any sample until receipt of a confirmed
33 negative test result or for a period of at least
34 forty-five calendar days following the completion of
35 the initial confirmatory testing, if the first portion
36 yielded a confirmed positive test result.

37 c. Sample collections shall be documented, and the
38 procedure for documentation shall include the
39 following:

40 (1) Samples shall be labeled so as to reasonably
41 preclude the possibility of misidentification of the
42 person tested in relation to the test result provided,
43 and samples shall be handled and tracked in a manner
44 such that control and accountability are maintained
45 from initial collection to each stage in handling,
46 testing, and storage, through final disposition.

47 (2) An employee or prospective employee shall be
48 provided an opportunity to provide any information
49 which may be considered relevant to the test,
50 including identification of prescription or

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1 nonprescription drugs currently or recently used, or
2 other relevant medical information. To assist an
3 employee or prospective employee in providing the
4 information described in this subparagraph, the
5 employer shall provide an employee or prospective
6 employee with a list of the drugs to be tested.

7 d. Sample collection, storage, and transportation
8 to the place of testing shall be performed so as to
9 reasonably preclude the possibility of sample
10 contamination, adulteration, or misidentification.

11 e. All confirmatory drug testing shall be
12 conducted at a laboratory certified by the United
13 States department of health and human services'
14 substance abuse and mental health services
15 administration or approved under rules adopted by the
16 Iowa department of public health.

17 f. Drug or alcohol testing shall include
18 confirmation of any initial positive test results.
19 For drug or alcohol testing, confirmation shall be by
20 use of a different chemical process than was used in
21 the initial screen for drugs or alcohol. The

22 confirmatory drug or alcohol test shall be a
23 chromatographic technique such as gas chromatography
24 or mass spectrometry, or another comparably reliable
25 analytical method. An employer may take adverse
26 employment action, including refusal to hire a
27 prospective employee, based on a confirmed positive
28 drug or alcohol test.

29 g. A medical review officer shall, prior to the
30 results being reported to an employer, review and
31 interpret any confirmed positive test results,
32 including both quantitative and qualitative test
33 results, to ensure that the chain of custody is
34 complete and sufficient on its face and that any
35 information provided by the individual pursuant to
36 paragraph "c", subparagraph (2), is considered.

37 h. In conducting drug or alcohol testing pursuant
38 to this section, the employer shall ensure to the
39 extent feasible that the testing only measure, and the
40 records concerning the testing only show or make use
41 of information regarding, alcohol or drugs in the
42 body.

43 i. (1) If a confirmed positive drug or alcohol
44 test for a current employee is reported to the
45 employer by the medical review officer, the employer
46 shall notify the employee in writing by certified
47 mail, return receipt requested, of the results of the
48 test, the employee's right to request and obtain a
49 confirmatory test of the second sample collected
50 pursuant to paragraph "b" at an approved laboratory of

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1 the employee's choice, and the fee payable by the
2 employee to the employer for reimbursement of expenses
3 concerning the test. The fee charged an employee
4 shall be an amount that represents the costs
5 associated with conducting the second confirmatory
6 test, which shall be consistent with the employer's
7 cost for conducting the initial confirmatory test on
8 an employee's sample. If the employee, in person or
9 by certified mail, return receipt requested, requests
10 a second confirmatory test, identifies an approved
11 laboratory to conduct the test, and pays the employer
12 the fee for the test within seven days from the date
13 the employer mails by certified mail, return receipt
14 requested, the written notice to the employee of the
15 employee's right to request a test, a second
16 confirmatory test shall be conducted at the laboratory
17 chosen by the employee. The results of the second
18 confirmatory test shall be reported to the medical
19 review officer who reviewed the initial confirmatory
20 test results and the medical review officer shall

21 review the results and issue a report to the employer
22 on whether the results of the second confirmatory test
23 confirmed the initial confirmatory test as to the
24 presence of a specific drug or alcohol. If the
25 results of the second test do not confirm the results
26 of the initial confirmatory test, the employer shall
27 reimburse the employee for the fee paid by the
28 employee for the second test and the initial
29 confirmatory test shall not be considered a confirmed
30 positive drug or alcohol test for purposes of taking
31 disciplinary action pursuant to subsection 10.
32 (2) If a confirmed positive drug or alcohol test
33 for a prospective employee is reported to the employer
34 by the medical review officer, the employer shall
35 notify the prospective employee in writing of the
36 results of the test, of the name and address of the
37 medical review officer who made the report, and of the
38 prospective employee's right to request records under
39 subsection 13.
40 j. A laboratory conducting testing under this
41 section shall dispose of all samples for which a
42 negative test result was reported to an employer
43 within five working days after issuance of the
44 negative test result report.
45 k. Except as necessary to conduct drug or alcohol
46 testing pursuant to this section, a laboratory or
47 other medical facility shall only report to an
48 employer or outside entity information relating to the
49 results of a drug or alcohol test conducted pursuant
50 to this section concerning the determination of

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1 whether the tested individual has engaged in conduct
2 prohibited by the employer's written policy with
3 regard to alcohol or drug use.
4 l. Notwithstanding the provisions of this
5 subsection, an employer may rely and take action upon
6 the results of any blood test for drugs or alcohol
7 made on any employee involved in an accident at work
8 if the test is administered by or at the direction of
9 the person providing treatment or care to the employee
10 without request or suggestion by the employer that a
11 test be conducted, and the employer has lawfully
12 obtained the results of the test. For purposes of
13 this paragraph, an employer shall not be deemed to
14 have requested or required a test in conjunction with
15 the provision of medical treatment following a
16 workplace accident by providing information concerning
17 the circumstance of the accident.
18 8. DRUG OR ALCOHOL TESTING. Employers may conduct
19 drug or alcohol testing as provided in this

20 subsection:

21 a. Employers may conduct unannounced drug or
22 alcohol testing of employees who are selected from any
23 of the following pools of employees:

24 (1) The entire employee population at a particular
25 work site of the employer except for employees who are
26 not scheduled to be at work at the time the testing is
27 conducted because of the status of the employees or
28 who have been excused from work pursuant to the
29 employer's work policy prior to the time the testing
30 is announced to employees.

31 (2) The entire full-time active employee
32 population at a particular work site.

33 (3) All employees at a particular work site who
34 are in a pool of employees in a safety-sensitive
35 position and who are scheduled to be at work at the
36 time testing is conducted, other than employees who
37 are not scheduled to be at work at the time the
38 testing is to be conducted or who have been excused
39 from work pursuant to the employer's work policy prior
40 to the time the testing is announced to employees.

41 b. Employers may conduct drug or alcohol testing
42 of employees during, and after completion of, drug or
43 alcohol rehabilitation.

44 c. Employers may conduct reasonable suspicion drug
45 or alcohol testing.

46 d. Employers may conduct drug or alcohol testing
47 of prospective employees.

48 e. Employers may conduct drug or alcohol testing
49 as required by federal law or regulation.

50 f. Employers may conduct drug or alcohol testing

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1 in investigating accidents in the workplace.

2 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

3 a. Drug or alcohol testing or retesting by an
4 employer shall be carried out within the terms of a
5 written policy which has been provided to every
6 employee subject to testing, and is available for
7 review by employees and prospective employees.

8 b. Employers shall establish an awareness program
9 to inform employees of the dangers of drug and alcohol
10 use in the workplace and comply with the following
11 requirements in order to conduct drug or alcohol
12 testing under this section:

13 (1) If an employer has an employee assistance
14 program, the employer must inform the employee of the
15 benefits and services of the employee assistance
16 program. An employer shall post notice of the
17 employee assistance program in conspicuous places and
18 explore alternative routine and reinforcing means of

19 publicizing such services. In addition, the employer
20 must provide the employee with notice of the policies
21 and procedures regarding access to and utilization of
22 the program.

23 (2) If an employer does not have an employee
24 assistance program, the employer must maintain a
25 resource file of employee assistance services
26 providers, alcohol and other drug abuse programs
27 certified by the Iowa department of public health,
28 mental health providers, and other persons, entities,
29 or organizations available to assist employees with
30 personal or behavioral problems. The employer shall
31 provide all employees information about the existence
32 of the resource file and a summary of the information
33 contained within the resource file. The summary
34 should contain, but need not be limited to, all
35 information necessary to access the services listed in
36 the resource file. In addition, the employer shall
37 post in conspicuous places a listing of multiple
38 employee assistance providers in the area.

39 c. An employee or prospective employee whose drug
40 or alcohol test results are confirmed as positive in
41 accordance with this section shall not, by virtue of
42 those results alone, be considered as a person with a
43 disability for purposes of any state or local law or
44 regulation.

45 d. If the written policy provides for alcohol
46 testing, the employer shall establish in the written
47 policy a standard for alcohol concentration which
48 shall be deemed to violate the policy. The standard
49 for alcohol concentration shall not be less than .02,
50 expressed in terms of grams of alcohol per two hundred

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1 ten liters of breath, or its equivalent.

2 e. An employee of an employer who is designated by
3 the employer as being in a safety-sensitive position
4 shall be placed in only one pool of safety-sensitive
5 employees subject to drug or alcohol testing pursuant
6 to subsection 8, paragraph "a", subparagraph (3). An
7 employer may have more than one pool of safety-
8 sensitive employees subject to drug or alcohol testing
9 pursuant to subsection 8, paragraph "a", subparagraph
10 (3), but shall not include an employee in more than
11 one safety-sensitive pool.

12 f. Upon receipt of a confirmed positive alcohol
13 test or a confirmed positive drug test relating to the
14 abuse of lawfully prescribed drugs currently or
15 recently used by an employee, and if the employer has
16 at least fifty employees, and if the employee has been
17 employed by the employer on a full-time basis for

18 twelve consecutive months and rehabilitation is agreed
19 upon by both the employer and the employee, and if the
20 employee has not previously undergone rehabilitation
21 with the same employer pursuant to this section, the
22 written policy shall provide for the apportionment of
23 the costs of rehabilitation as provided by this
24 paragraph.

25 (1) If the employer has an employee benefit plan,
26 the costs of rehabilitation shall be apportioned as
27 provided under the employee benefit plan.

28 (2) If no employee benefit plan exists and the
29 employee has coverage for any portion of the costs of
30 rehabilitation under any health care plan of the
31 employee, the costs of rehabilitation shall be
32 apportioned as provided by the health care plan with
33 any costs not covered by the plan apportioned equally
34 between the employee and the employer. However, the
35 employer shall not be required to pay more than two
36 thousand dollars toward the costs not covered by the
37 employee's health care plan.

38 (3) If no employee benefit plan exists and the
39 employee does not have coverage for any portion of the
40 costs of rehabilitation under any health care plan of
41 the employee, the costs of rehabilitation shall be
42 apportioned equally between the employee and the
43 employer. However, the employer shall not be required
44 to pay more than two thousand dollars towards the cost
45 of rehabilitation under this subparagraph.

46 g. In order to conduct drug or alcohol testing
47 under this section, an employer shall require
48 supervisory personnel of the employer involved with
49 drug or alcohol testing under this section to attend a
50 minimum of two hours of initial training and to

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1 attend, on an annual basis thereafter, a minimum of
2 one hour of subsequent training. The training shall
3 include, but is not limited to, information concerning
4 the recognition of evidence of employee alcohol and
5 other drug abuse, the documentation and corroboration
6 of employee alcohol and other drug abuse, and the
7 referral of employees who abuse alcohol or other drugs
8 to the employee assistance program or to the resource
9 file of employee assistance services providers.

10 10. DISCIPLINARY PROCEDURES.

11 a. Upon receipt of a confirmed positive drug or
12 alcohol test result which indicates a violation of the
13 employer's written policy, or upon the refusal of an
14 employee or prospective employee to provide a testing
15 sample, an employer may use that test result or test
16 refusal as a valid basis for disciplinary or

17 rehabilitative actions consistent with the employer's
18 written policy, which may include, among other
19 actions, the following:

20 (1) A requirement that the employee enroll in an
21 employer-provided or approved rehabilitation,
22 treatment, or counseling program, which may include
23 additional drug or alcohol testing, participation in
24 and successful completion of which may be a condition
25 of continued employment, and the costs of which may or
26 may not be covered by the employer's health plan or
27 policies.

28 (2) Suspension of the employee, with or without
29 pay, for a designated period of time.

30 (3) Termination of employment.

31 (4) Refusal to hire a prospective employee.

32 (5) Other adverse employment action in conformance
33 with the employer's written policy and procedures,
34 including any relevant collective bargaining agreement
35 provisions.

36 b. Following a drug or alcohol test, but prior to
37 receipt of the final results of the drug or alcohol
38 test, an employer may suspend a current employee, with
39 or without pay, pending the outcome of the test. An
40 employee who has been suspended shall be reinstated by
41 the employer, with back pay, and interest on such
42 amount at eighteen percent per annum compounded
43 annually, if applicable, if the result of the test is
44 not a confirmed positive drug or alcohol test which
45 indicates a violation of the employer's written
46 policy.

47 11. EMPLOYER IMMUNITY. A cause of action shall
48 not arise against an employer who has established a
49 policy and initiated a testing program in accordance
50 with the testing and policy safeguards provided for

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1 under this section, for any of the following:

2 a. Testing or taking action based on the results
3 of a positive drug or alcohol test result, indicating
4 the presence of drugs or alcohol, in good faith, or on
5 the refusal of an employee or prospective employee to
6 submit to a drug or alcohol test.

7 b. Failure to test for drugs or alcohol, or
8 failure to test for a specific drug or controlled
9 substance.

10 c. Failure to test for, or if tested for, failure
11 to detect, any specific drug or other controlled
12 substance.

13 d. Termination or suspension of any substance
14 abuse prevention or testing program or policy.

15 e. Any action taken related to a false negative

16 drug or alcohol test result.

17 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
18 RESULTS.

19 a. Except as otherwise provided in paragraph "b",
20 a cause of action shall not arise against an employer
21 who has established a program of drug or alcohol
22 testing in accordance with this section, unless all of
23 the following conditions exist:

24 (1) The employer's action was based on a false
25 positive test result.

26 (2) The employer knew or clearly should have known
27 that the test result was in error and ignored the
28 correct test result because of reckless, malicious, or
29 negligent disregard for the truth, or the willful
30 intent to deceive or to be deceived.

31 b. A cause of action for defamation, libel,
32 slander, or damage to reputation shall not arise
33 against an employer establishing a program of drug or
34 alcohol testing in accordance with this section unless
35 all of the following apply:

36 (1) The employer discloses the test results to a
37 person other than the employer, an authorized
38 employee, agent, or representative of the employer,
39 the tested employee or the tested applicant for
40 employment, an authorized substance abuse treatment
41 program or employee assistance program, or an
42 authorized agent or representative of the tested
43 employee or applicant.

44 (2) The test results disclosed incorrectly
45 indicate the presence of alcohol or drugs.

46 (3) The employer negligently discloses the
47 results.

48 c. In any cause of action based upon a false
49 positive test result, all of the following conditions
50 apply:

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1 (1) The results of a drug or alcohol test
2 conducted in compliance with this section are presumed
3 to be valid.

4 (2) An employer shall not be liable for monetary
5 damages if the employer's reliance on the false
6 positive test result was reasonable and in good faith.

7 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.

8 a. All communications received by an employer
9 relevant to employee or prospective employee drug or
10 alcohol test results, or otherwise received through
11 the employer's drug or alcohol testing program, are
12 confidential communications and shall not be used or
13 received in evidence, obtained in discovery, or
14 disclosed in any public or private proceeding, except

15 as otherwise provided or authorized by 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 7, paragraph "i", subparagraph
32 (2).
33 c. Except as provided by this section and as
34 necessary to conduct drug or alcohol testing under
35 this section and to file a report pursuant to
36 subsection 16, a laboratory and a medical review
37 officer conducting drug or alcohol testing under this
38 section shall not use or disclose to any person any
39 personally identifiable information regarding such
40 testing, including the names of individuals tested,
41 even if unaccompanied by the results of the test.
42 d. An employer may use and disclose information
43 concerning the results of a drug or alcohol test
44 conducted pursuant to this section under any of the
45 following circumstances:
46 (1) In an arbitration proceeding pursuant to a
47 collective bargaining agreement, or an administrative
48 agency proceeding or judicial proceeding under
49 workers' compensation laws or unemployment
50 compensation laws or under common or statutory laws

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1 where action taken by the employer based on the test
2 is relevant or is challenged.
3 (2) To any federal agency or other unit of the
4 federal government as required under federal law,
5 regulation or order, or in accordance with compliance
6 requirements of a federal government contract.
7 (3) To any agency of this state authorized to
8 license individuals if the employee tested is licensed
9 by that agency and the rules of that agency require
10 such disclosure.
11 (4) To a union representing the employee if such
12 disclosure would be required by federal labor laws.
13 (5) To a substance abuse evaluation or treatment

14 facility or professional for the purpose of evaluation
15 or treatment of the employee.

16 However, positive test results from an employer
17 drug or alcohol testing program shall not be used as
18 evidence in any criminal action against the employee
19 or prospective employee tested.

20 14. CIVIL PENALTIES. Any laboratory or other
21 medical facility which discloses information in
22 violation of the provisions of subsection 7, paragraph
23 "k", or any employer who, through the selection
24 process described in subsection 1, paragraph "k",
25 improperly targets or exempts employees subject to
26 unannounced drug or alcohol testing, shall be subject
27 to a civil penalty of one thousand dollars for each
28 violation. The attorney general or the attorney
29 general's designee may maintain a civil action to
30 enforce this subsection. Any civil penalty recovered
31 shall be deposited in the general fund of the state.

32 15. CIVIL REMEDIES. This section may be enforced
33 through a civil action.

34 a. A person who violates this section or who aids
35 in the violation of this section, is liable to an
36 aggrieved employee or prospective employee for
37 affirmative relief including reinstatement or hiring,
38 with or without back pay, or any other equitable
39 relief as the court deems appropriate including
40 attorney fees and court costs.

41 b. When a person commits, is committing, or
42 proposes to commit, an act in violation of this
43 section, an injunction may be granted through an
44 action in district court to prohibit the person from
45 continuing such acts. The action for injunctive
46 relief may be brought by an aggrieved employee or
47 prospective employee, the county attorney, or the
48 attorney general.

49 In an action brought under this subsection alleging
50 that an employer has required or requested a drug or

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1 alcohol test in violation of this section, the
2 employer has the burden of proving that the
3 requirements of this section were met.

4 16. REPORTS. A laboratory doing business for an
5 employer who conducts drug or alcohol tests pursuant
6 to this section shall file an annual report with the
7 Iowa department of public health by March 1 of each
8 year concerning the number of drug tests conducted on
9 employees who work in this state pursuant to this
10 section, the number of positive and negative results
11 of the tests, during the previous calendar year. In
12 addition, the laboratory shall include in its annual

13 report the specific basis for each test as authorized
14 in subsection 8, the type of drug or drugs which were
15 found in the positive tests, and all significant
16 available demographic factors relating to the positive
17 test pool.
18 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
19 immediate importance, takes effect upon enactment."

STEVE KING

S-5036

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 a
19 controlled substance and included in schedule I, II,
20 III, IV, or V under the federal Controlled Substances
21 Act, 21 U.S.C. } 801 et seq.
22 c. "Employee" means a person in the service of an
23 employer in this state and includes the employer, and
24 any chief executive officer, president, vice
25 president, supervisor, manager, and officer of the
26 employer who is actively involved in the day-to-day
27 operations of the business.
28 d. "Employer" means a person, firm, company,
29 corporation, labor organization, or employment agency,
30 which has one or more full-time employees employed in
31 the same business, or in or about the same
32 establishment, under any contract of hire, express or
33 implied, oral or written, in this state. "Employer"
34 does not include the state, a political subdivision of
35 the state, including a city, county, or school
36 district, the United States, the United States postal
37 service, or a Native-American tribe.
38 e. "Good faith" means reasonable reliance on
39 facts, or that which is held out to be factual,
40 without the intent to be deceived, and without

41 reckless, malicious, or negligent disregard for the
42 truth.
43 f. "Medical review officer" means a licensed
44 physician, osteopathic physician, chiropractor, nurse
45 practitioner, or physician assistant authorized to
46 practice in any state of the United States, who is
47 responsible for receiving laboratory results generated
48 by an employer's drug or alcohol testing program, and
49 who has knowledge of substance abuse disorders and has
50 appropriate medical training to interpret and evaluate

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1 an individual's confirmed positive test result
2 together with the individual's medical history and any
3 other relevant biomedical information.
4 g. "Prospective employee" means a person who has
5 made application, whether written or oral, to an
6 employer to become an employee.
7 h. "Reasonable suspicion drug or alcohol testing"
8 means drug or alcohol testing based upon evidence that
9 an employee is using or has used alcohol or other
10 drugs in violation of the employer's written policy
11 drawn from specific objective and articulable facts
12 and reasonable inferences drawn from those facts in
13 light of experience. For purposes of this paragraph,
14 facts and inferences may be based upon, but not
15 limited to, any of the following:
16 (1) Observable phenomena while at work such as
17 direct observation of alcohol or drug use or abuse or
18 of the physical symptoms or manifestations of being
19 impaired due to alcohol or other drug use.
20 (2) Abnormal conduct or erratic behavior while at
21 work or a significant deterioration in work
22 performance.
23 (3) A report of alcohol or other drug use provided
24 by a reliable and credible source.
25 (4) Evidence that an individual has tampered with
26 any drug or alcohol test during the individual's
27 employment with the current employer.
28 (5) Evidence that an employee has caused an
29 accident while at work.
30 (6) Evidence that an employee has manufactured,
31 sold, distributed, solicited, possessed, used, or
32 transferred drugs while working or while on the
33 employer's premises or while operating the employer's
34 vehicle, machinery, or equipment.
35 i. "Safety-sensitive position" means a job wherein
36 an accident could cause loss of human life, serious
37 bodily injury, or significant property or
38 environmental damage, including a job with duties that
39 include immediate supervision of a person in a job

40 that meets the requirement of this paragraph.
41 j. "Sample" means such sample from the human body
42 capable of revealing the presence of alcohol or other
43 drugs, or their metabolites.
44 k. "Unannounced drug or alcohol testing" means
45 testing for the purposes of detecting drugs or alcohol
46 which is conducted on a periodic basis, without
47 advance notice of the test, and without individualized
48 suspicion. The selection of employees to be tested
49 shall be made by a computer-based random number
50 generator that is matched with employees' social

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1 security numbers, payroll identification numbers, or
2 other comparable identifying numbers in which each
3 member of the employee population subject to testing
4 has an equal chance of selection for initial testing.
5 The random selection process shall be conducted
6 through a computer program that records each selection
7 attempt by date, time, and employee number.

8 2. APPLICABILITY. This section does not apply to
9 drug or alcohol tests conducted on employees required
10 to be tested pursuant to federal statutes, federal
11 regulations, or orders issued pursuant to federal law.
12 In addition, an employer, through its written policy,
13 may exclude from the pools of employees subject to
14 unannounced drug or alcohol testing pursuant to
15 subsection 8, paragraph "a", employee populations
16 required to be tested as described in this subsection.

17 3. TESTING OPTIONAL. This section does not
18 require or create a legal duty on an employer to
19 conduct drug or alcohol testing and the requirements
20 of this section shall not be construed to encourage,
21 discourage, restrict, limit, prohibit, or require such
22 testing. A cause of action shall not arise in favor
23 of any person against an employer or agent of an
24 employer based on the failure of the employer to
25 establish a program or policy on substance abuse
26 prevention or to implement any component of testing as
27 permitted by this section.

28 4. TESTING AS CONDITION OF EMPLOYMENT --
29 REQUIREMENTS. To the extent provided in subsection 8,
30 an employer may test employees and prospective
31 employees for the presence of drugs or alcohol as a
32 condition of continued employment or hiring. An
33 employer shall adhere to the requirements of this
34 section concerning the conduct of such testing and the
35 use and disposition of the results of such testing.

36 5. COLLECTION OF SAMPLES. In conducting drug or
37 alcohol testing, an employer may require the
38 collection of samples from its employees and

39 prospective employees, and may require presentation of
40 reliable individual identification from the person
41 being tested to the person collecting the samples.
42 Collection of a sample shall be in conformance with
43 the requirements of this section. The employer may
44 designate the type of sample to be used for this
45 testing.

46 6. SCHEDULING OF TESTS.

47 a. Drug or alcohol testing of employees conducted
48 by an employer shall normally occur during, or
49 immediately before or after, a regular work period.
50 The time required for such testing by an employer

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1 shall be deemed work time for the purposes of
2 compensation and benefits for employees.

3 b. An employer shall pay all actual costs for drug
4 or alcohol testing of employees and prospective
5 employees required by the employer.

6 c. An employer shall provide transportation or pay
7 reasonable transportation costs to employees if drug
8 or alcohol sample collection is conducted at a
9 location other than the employee's normal work site.

10 7. TESTING PROCEDURES. All sample collection and
11 testing for drugs or alcohol under this section shall
12 be performed in accordance with the following
13 conditions:

14 a. The collection of samples shall be performed
15 under sanitary conditions and with regard for the
16 privacy of the individual from whom the specimen is
17 being obtained and in a manner reasonably calculated
18 to preclude contamination or substitution of the
19 specimen.

20 b. Sample collection for testing of current
21 employees shall be performed so that the specimen is
22 split into two components at the time of collection in
23 the presence of the individual from whom the sample or
24 specimen is collected. The second portion of the
25 specimen or sample shall be of sufficient quantity to
26 permit a second, independent confirmatory test as
27 provided in paragraph "i". If the specimen is urine,
28 the sample shall be split such that the primary sample
29 contains at least thirty milliliters and the secondary
30 sample contains at least fifteen milliliters. Both
31 portions of the sample shall be forwarded to the
32 laboratory conducting the initial confirmatory
33 testing. In addition to any requirements for storage
34 of the initial sample that may be imposed upon the
35 laboratory as a condition for certification or
36 approval, the laboratory shall store the second
37 portion of any sample until receipt of a confirmed

38 negative test result or for a period of at least
39 forty-five calendar days following the completion of
40 the initial confirmatory testing, if the first portion
41 yielded a confirmed positive test result.

42 c. Sample collections shall be documented, and the
43 procedure for documentation shall include the
44 following:

45 (1) Samples shall be labeled so as to reasonably
46 preclude the possibility of misidentification of the
47 person tested in relation to the test result provided,
48 and samples shall be handled and tracked in a manner
49 such that control and accountability are maintained
50 from initial collection to each stage in handling,

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1 testing, and storage, through final disposition.

2 (2) An employee or prospective employee shall be
3 provided an opportunity to provide any information
4 which may be considered relevant to the test,
5 including identification of prescription or
6 nonprescription drugs currently or recently used, or
7 other relevant medical information. To assist an
8 employee or prospective employee in providing the
9 information described in this subparagraph, the
10 employer shall provide an employee or prospective
11 employee with a list of the drugs to be tested.

12 d. Sample collection, storage, and transportation
13 to the place of testing shall be performed so as to
14 reasonably preclude the possibility of sample
15 contamination, adulteration, or misidentification.

16 e. All confirmatory drug testing shall be
17 conducted at a laboratory certified by the United
18 States department of health and human services'
19 substance abuse and mental health services
20 administration or approved under rules adopted by the
21 Iowa department of public health.

22 f. Drug or alcohol testing shall include
23 confirmation of any initial positive test results.
24 For drug or alcohol testing, confirmation shall be by
25 use of a different chemical process than was used in
26 the initial screen for drugs or alcohol. The
27 confirmatory drug or alcohol test shall be a
28 chromatographic technique such as gas chromatography
29 or mass spectrometry, or another comparably reliable
30 analytical method. An employer may take adverse
31 employment action, including refusal to hire a
32 prospective employee, based on a confirmed positive
33 drug or alcohol test.

34 g. A medical review officer shall, prior to the
35 results being reported to an employer, review and
36 interpret any confirmed positive test results,

37 including both quantitative and qualitative test
38 results, to ensure that the chain of custody is
39 complete and sufficient on its face and that any
40 information provided by the individual pursuant to
41 paragraph "c", subparagraph (2), is considered.
42 h. In conducting drug or alcohol testing pursuant
43 to this section, the employer shall ensure to the
44 extent feasible that the testing only measure, and the
45 records concerning the testing only show or make use
46 of information regarding, alcohol or drugs in the
47 body.
48 i. (1) If a confirmed positive drug or alcohol
49 test for a current employee is reported to the
50 employer by the medical review officer, the employer

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1 shall notify the employee in writing by certified
2 mail, return receipt requested, of the results of the
3 test, the employee's right to request and obtain a
4 confirmatory test of the second sample collected
5 pursuant to paragraph "b" at an approved laboratory of
6 the employee's choice, and the fee payable by the
7 employee to the employer for reimbursement of expenses
8 concerning the test. The fee charged an employee
9 shall be an amount that represents the costs
10 associated with conducting the second confirmatory
11 test, which shall be consistent with the employer's
12 cost for conducting the initial confirmatory test on
13 an employee's sample. If the employee, in person or
14 by certified mail, return receipt requested, requests
15 a second confirmatory test, identifies an approved
16 laboratory to conduct the test, and pays the employer
17 the fee for the test within seven days from the date
18 the employer mails by certified mail, return receipt
19 requested, the written notice to the employee of the
20 employee's right to request a test, a second
21 confirmatory test shall be conducted at the laboratory
22 chosen by the employee. The results of the second
23 confirmatory test shall be reported to the medical
24 review officer who reviewed the initial confirmatory
25 test results and the medical review officer shall
26 review the results and issue a report to the employer
27 on whether the results of the second confirmatory test
28 confirmed the initial confirmatory test as to the
29 presence of a specific drug or alcohol. If the
30 results of the second test do not confirm the results
31 of the initial confirmatory test, the employer shall
32 reimburse the employee for the fee paid by the
33 employee for the second test and the initial
34 confirmatory test shall not be considered a confirmed
35 positive drug or alcohol test for purposes of taking

36 disciplinary action pursuant to subsection 10.
37 (2) If a confirmed positive drug or alcohol test
38 for a prospective employee is reported to the employer
39 by the medical review officer, the employer shall
40 notify the prospective employee in writing of the
41 results of the test, of the name and address of the
42 medical review officer who made the report, and of the
43 prospective employee's right to request records under
44 subsection 13.
45 j. A laboratory conducting testing under this
46 section shall dispose of all samples for which a
47 negative test result was reported to an employer
48 within five working days after issuance of the
49 negative test result report.
50 k. Except as necessary to conduct drug or alcohol

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1 testing pursuant to this section, a laboratory or
2 other medical facility shall only report to an
3 employer or outside entity information relating to the
4 results of a drug or alcohol test conducted pursuant
5 to this section concerning the determination of
6 whether the tested individual has engaged in conduct
7 prohibited by the employer's written policy with
8 regard to alcohol or drug use.
9 l. Notwithstanding the provisions of this
10 subsection, an employer may rely and take action upon
11 the results of any blood test for drugs or alcohol
12 made on any employee involved in an accident at work
13 if the test is administered by or at the direction of
14 the person providing treatment or care to the employee
15 without request or suggestion by the employer that a
16 test be conducted, and the employer has lawfully
17 obtained the results of the test. For purposes of
18 this paragraph, an employer shall not be deemed to
19 have requested or required a test in conjunction with
20 the provision of medical treatment following a
21 workplace accident by providing information concerning
22 the circumstance of the accident.
23 8. DRUG OR ALCOHOL TESTING. Employers may conduct
24 drug or alcohol testing as provided in this
25 subsection:
26 a. Employers may conduct unannounced drug or
27 alcohol testing of employees who are selected from any
28 of the following pools of employees:
29 (1) The entire employee population at a particular
30 work site of the employer except for employees who are
31 not scheduled to be at work at the time the testing is
32 conducted because of the status of the employees or
33 who have been excused from work pursuant to the
34 employer's work policy prior to the time the testing

35 is announced to employees.

36 (2) The entire full-time active employee
37 population at a particular work site.

38 (3) All employees at a particular work site who
39 are in a pool of employees in a safety-sensitive
40 position and who are scheduled to be at work at the
41 time testing is conducted, other than employees who
42 are not scheduled to be at work at the time the
43 testing is to be conducted or who have been excused
44 from work pursuant to the employer's work policy prior
45 to the time the testing is announced to employees.

46 b. Employers may conduct drug or alcohol testing
47 of employees during, and after completion of, drug or
48 alcohol rehabilitation.

49 c. Employers may conduct reasonable suspicion drug
50 or alcohol testing.

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1 d. Employers may conduct drug or alcohol testing
2 of prospective employees.

3 e. Employers may conduct drug or alcohol testing
4 as required by federal law or regulation.

5 f. Employers may conduct drug or alcohol testing
6 in investigating accidents in the workplace.

7 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

8 a. Drug or alcohol testing or retesting by an
9 employer shall be carried out within the terms of a
10 written policy which has been provided to every
11 employee subject to testing, and is available for
12 review by employees and prospective employees.

13 b. Employers shall establish an awareness program
14 to inform employees of the dangers of drug and alcohol
15 use in the workplace and comply with the following
16 requirements in order to conduct drug or alcohol
17 testing under this section:

18 (1) If an employer has an employee assistance
19 program, the employer must inform the employee of the
20 benefits and services of the employee assistance
21 program. An employer shall post notice of the
22 employee assistance program in conspicuous places and
23 explore alternative routine and reinforcing means of
24 publicizing such services. In addition, the employer
25 must provide the employee with notice of the policies
26 and procedures regarding access to and utilization of
27 the program.

28 (2) If an employer does not have an employee
29 assistance program, the employer must maintain a
30 resource file of employee assistance services
31 providers, alcohol and other drug abuse programs
32 certified by the Iowa department of public health,
33 mental health providers, and other persons, entities,

34 or organizations available to assist employees with
35 personal or behavioral problems. The employer shall
36 provide all employees information about the existence
37 of the resource file and a summary of the information
38 contained within the resource file. The summary
39 should contain, but need not be limited to, all
40 information necessary to access the services listed in
41 the resource file. In addition, the employer shall
42 post in conspicuous places a listing of multiple
43 employee assistance providers in the area.

44 c. An employee or prospective employee whose drug
45 or alcohol test results are confirmed as positive in
46 accordance with this section shall not, by virtue of
47 those results alone, be considered as a person with a
48 disability for purposes of any state or local law or
49 regulation.

50 d. If the written policy provides for alcohol

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1 testing, the employer shall establish in the written
2 policy a standard for alcohol concentration which
3 shall be deemed to violate the policy. The standard
4 for alcohol concentration shall not be less than .02,
5 expressed in terms of grams of alcohol per two hundred
6 ten liters of breath, or its equivalent.

7 e. An employee of an employer who is designated by
8 the employer as being in a safety-sensitive position
9 shall be placed in only one pool of safety-sensitive
10 employees subject to drug or alcohol testing pursuant
11 to subsection 8, paragraph "a", subparagraph (3). An
12 employer may have more than one pool of safety-
13 sensitive employees subject to drug or alcohol testing
14 pursuant to subsection 8, paragraph "a", subparagraph
15 (3), but shall not include an employee in more than
16 one safety-sensitive pool.

17 f. Upon receipt of a confirmed positive alcohol
18 test or a confirmed positive drug test relating to the
19 abuse of lawfully prescribed drugs currently or
20 recently used by an employee, and if the employer has
21 at least fifty employees, and if the employee has been
22 employed by the employer on a full-time basis for
23 twelve consecutive months and rehabilitation is agreed
24 upon by both the employer and the employee, and if the
25 employee has not previously undergone rehabilitation
26 with the same employer pursuant to this section, the
27 written policy shall provide for the apportionment of
28 the costs of rehabilitation as provided by this
29 paragraph.

30 (1) If the employer has an employee benefit plan,
31 the costs of rehabilitation shall be apportioned as
32 provided under the employee benefit plan.

33 (2) If no employee benefit plan exists and the
34 employee has coverage for any portion of the costs of
35 rehabilitation under any health care plan of the
36 employee, the costs of rehabilitation shall be
37 apportioned as provided by the health care plan with
38 any costs not covered by the plan apportioned equally
39 between the employee and the employer. However, the
40 employer shall not be required to pay more than two
41 thousand dollars toward the costs not covered by the
42 employee's health care plan.

43 (3) If no employee benefit plan exists and the
44 employee does not have coverage for any portion of the
45 costs of rehabilitation under any health care plan of
46 the employee, the costs of rehabilitation shall be
47 apportioned equally between the employee and the
48 employer. However, the employer shall not be required
49 to pay more than two thousand dollars towards the cost
50 of rehabilitation under this subparagraph.

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1 g. In order to conduct drug or alcohol testing
2 under this section, an employer shall require
3 supervisory personnel of the employer involved with
4 drug or alcohol testing under this section to attend a
5 minimum of two hours of initial training and to
6 attend, on an annual basis thereafter, a minimum of
7 one hour of subsequent training. The training shall
8 include, but is not limited to, information concerning
9 the recognition of evidence of employee alcohol and
10 other drug abuse, the documentation and corroboration
11 of employee alcohol and other drug abuse, and the
12 referral of employees who abuse alcohol or other drugs
13 to the employee assistance program or to the resource
14 file of employee assistance services providers.

15 10. DISCIPLINARY PROCEDURES.

16 a. Upon receipt of a confirmed positive drug or
17 alcohol test result which indicates a violation of the
18 employer's written policy, or upon the refusal of an
19 employee or prospective employee to provide a testing
20 sample, an employer may use that test result or test
21 refusal as a valid basis for disciplinary or
22 rehabilitative actions consistent with the employer's
23 written policy, which may include, among other
24 actions, the following:

25 (1) A requirement that the employee enroll in an
26 employer-provided or approved rehabilitation,
27 treatment, or counseling program, which may include
28 additional drug or alcohol testing, participation in
29 and successful completion of which may be a condition
30 of continued employment, and the costs of which may or
31 may not be covered by the employer's health plan or

32 policies.

33 (2) Suspension of the employee, with or without
34 pay, for a designated period of time.

35 (3) Termination of employment.

36 (4) Refusal to hire a prospective employee.

37 (5) Other adverse employment action in conformance
38 with the employer's written policy and procedures,
39 including any relevant collective bargaining agreement
40 provisions.

41 b. Following a drug or alcohol test, but prior to
42 receipt of the final results of the drug or alcohol
43 test, an employer may suspend a current employee, with
44 or without pay, pending the outcome of the test. An
45 employee who has been suspended shall be reinstated by
46 the employer, with back pay, and interest on such
47 amount at eighteen percent per annum compounded
48 annually, if applicable, if the result of the test is
49 not a confirmed positive drug or alcohol test which
50 indicates a violation of the employer's written

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1 policy.

2 11. EMPLOYER IMMUNITY. A cause of action shall
3 not arise against an employer who has established a
4 policy and initiated a testing program in accordance
5 with the testing and policy safeguards provided for
6 under this section, for any of the following:

7 a. Testing or taking action based on the results
8 of a positive drug or alcohol test result, indicating
9 the presence of drugs or alcohol, in good faith, or on
10 the refusal of an employee or prospective employee to
11 submit to a drug or alcohol test.

12 b. Failure to test for drugs or alcohol, or
13 failure to test for a specific drug or controlled
14 substance.

15 c. Failure to test for, or if tested for, failure
16 to detect, any specific drug or other controlled
17 substance.

18 d. Termination or suspension of any substance
19 abuse prevention or testing program or policy.

20 e. Any action taken related to a false negative
21 drug or alcohol test result.

22 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
23 RESULTS.

24 a. Except as otherwise provided in paragraph "b",
25 a cause of action shall not arise against an employer
26 who has established a program of drug or alcohol
27 testing in accordance with this section, unless all of
28 the following conditions exist:

29 (1) The employer's action was based on a false
30 positive test result.

31 (2) The employer knew or clearly should have known
32 that the test result was in error and ignored the
33 correct test result because of reckless, malicious, or
34 negligent disregard for the truth, or the willful
35 intent to deceive or to be deceived.

36 b. A cause of action for defamation, libel,
37 slander, or damage to reputation shall not arise
38 against an employer establishing a program of drug or
39 alcohol testing in accordance with this section unless
40 all of the following apply:

41 (1) The employer discloses the test results to a
42 person other than the employer, an authorized
43 employee, agent, or representative of the employer,
44 the tested employee or the tested applicant for
45 employment, an authorized substance abuse treatment
46 program or employee assistance program, or an
47 authorized agent or representative of the tested
48 employee or applicant.

49 (2) The test results disclosed incorrectly
50 indicate the presence of alcohol or drugs.

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1 (3) The employer negligently discloses the
2 results.

3 c. In any cause of action based upon a false
4 positive test result, all of the following conditions
5 apply:

6 (1) The results of a drug or alcohol test
7 conducted in compliance with this section are presumed
8 to be valid.

9 (2) An employer shall not be liable for monetary
10 damages if the employer's reliance on the false
11 positive test result was reasonable and in good faith.

12 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.

13 a. All communications received by an employer
14 relevant to employee or prospective employee drug or
15 alcohol test results, or otherwise received through
16 the employer's drug or alcohol testing program, are
17 confidential communications and shall not be used or
18 received in evidence, obtained in discovery, or
19 disclosed in any public or private proceeding, except
20 as otherwise provided or authorized by this section.

21 b. An employee, or a prospective employee, who is
22 the subject of a drug or alcohol test conducted under
23 this section pursuant to an employer's written policy
24 and for whom a confirmed positive test result is
25 reported shall, upon written request, have access to
26 any records relating to the employee's drug or alcohol
27 test, including records of the laboratory where the
28 testing was conducted and any records relating to the
29 results of any relevant certification or review by a

30 medical review officer. However, a prospective
31 employee shall be entitled to records under this
32 paragraph only if the prospective employee requests
33 the records within fifteen calendar days from the date
34 the employer provided the prospective employee written
35 notice of the results of a drug or alcohol test as
36 provided in subsection 7, paragraph "i", subparagraph
37 (2).

38 c. Except as provided by this section and as
39 necessary to conduct drug or alcohol testing under
40 this section and to file a report pursuant to
41 subsection 16, a laboratory and a medical review
42 officer conducting drug or alcohol testing under this
43 section shall not use or disclose to any person any
44 personally identifiable information regarding such
45 testing, including the names of individuals tested,
46 even if unaccompanied by the results of the test.

47 d. An employer may use and disclose information
48 concerning the results of a drug or alcohol test
49 conducted pursuant to this section under any of the
50 following circumstances:

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1 (1) In an arbitration proceeding pursuant to a
2 collective bargaining agreement, or an administrative
3 agency proceeding or judicial proceeding under
4 workers' compensation laws or unemployment
5 compensation laws or under common or statutory laws
6 where action taken by the employer based on the test
7 is relevant or is challenged.

8 (2) To any federal agency or other unit of the
9 federal government as required under federal law,
10 regulation or order, or in accordance with compliance
11 requirements of a federal government contract.

12 (3) To any agency of this state authorized to
13 license individuals if the employee tested is licensed
14 by that agency and the rules of that agency require
15 such disclosure.

16 (4) To a union representing the employee if such
17 disclosure would be required by federal labor laws.

18 (5) To a substance abuse evaluation or treatment
19 facility or professional for the purpose of evaluation
20 or treatment of the employee.

21 However, positive test results from an employer
22 drug or alcohol testing program shall not be used as
23 evidence in any criminal action against the employee
24 or prospective employee tested.

25 14. CIVIL PENALTIES. Any laboratory or other
26 medical facility which discloses information in
27 violation of the provisions of subsection 7, paragraph
28 "k", or any employer who, through the selection

29 process described in subsection 1, paragraph "k",
30 improperly targets or exempts employees subject to
31 unannounced drug or alcohol testing, shall be subject
32 to a civil penalty of one thousand dollars for each
33 violation. The attorney general or the attorney
34 general's designee may maintain a civil action to
35 enforce this subsection. Any civil penalty recovered
36 shall be deposited in the general fund of the state.
37 15. CIVIL REMEDIES. This section may be enforced
38 through a civil action.
39 a. A person who violates this section or who aids
40 in the violation of this section, is liable to an
41 aggrieved employee or prospective employee for
42 affirmative relief including reinstatement or hiring,
43 with or without back pay, or any other equitable
44 relief as the court deems appropriate including
45 attorney fees and court costs.
46 b. When a person commits, is committing, or
47 proposes to commit, an act in violation of this
48 section, an injunction may be granted through an
49 action in district court to prohibit the person from
50 continuing such acts. The action for injunctive

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1 relief may be brought by an aggrieved employee or
2 prospective employee, the county attorney, or the
3 attorney general.
4 In an action brought under this subsection alleging
5 that an employer has required or requested a drug or
6 alcohol test in violation of this section, the
7 employer has the burden of proving that the
8 requirements of this section were met.
9 16. REPORTS. A laboratory doing business for an
10 employer who conducts drug or alcohol tests pursuant
11 to this section shall file an annual report with the
12 Iowa department of public health by March 1 of each
13 year concerning the number of drug tests conducted on
14 employees who work in this state pursuant to this
15 section, the number of positive and negative results
16 of the tests, during the previous calendar year. In
17 addition, the laboratory shall include in its annual
18 report the specific basis for each test as authorized
19 in subsection 8, the type of drug or drugs which were
20 found in the positive tests, and all significant
21 available demographic factors relating to the positive
22 test pool.
23 Sec. 2. EFFECTIVE DATE. This Act takes effect on
24 the thirtieth day following enactment."

STEVE KING

S-5037

1 Amend the amendment, S-5035, 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 14,
5 line 19 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 a
19 controlled substance and included in schedule I, II,
20 III, IV, or V under the federal Controlled Substances
21 Act, 21 U.S.C. § 801 et seq.

22 c. "Employee" means a person in the service of an
23 employer in this state and includes the employer, and
24 any chief executive officer, president, vice
25 president, supervisor, manager, and officer of the
26 employer who is actively involved in the day-to-day
27 operations of the business.

28 d. "Employer" means a person, firm, company,
29 corporation, labor organization, or employment agency,
30 which has one or more full-time employees employed in
31 the same business, or in or about the same
32 establishment, under any contract of hire, express or
33 implied, oral or written, in this state. "Employer"
34 does not include the state, a political subdivision of
35 the state, including a city, county, or school
36 district, the United States, the United States postal
37 service, or a Native-American tribe.

38 e. "Good faith" means reasonable reliance on
39 facts, or that which is held out to be factual,
40 without the intent to be deceived, and without
41 reckless, malicious, or negligent disregard for the
42 truth.

43 f. "Medical review officer" means a licensed
44 physician, osteopathic physician, chiropractor, nurse
45 practitioner, or physician assistant authorized to
46 practice in any state of the United States, who is
47 responsible for receiving laboratory results generated
48 by an employer's drug or alcohol testing program, and
49 who has knowledge of substance abuse disorders and has
50 appropriate medical training to interpret and evaluate

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1 an individual's confirmed positive test result
2 together with the individual's medical history and any
3 other relevant biomedical information.
4 g. "Prospective employee" means a person who has
5 made application, whether written or oral, to an
6 employer to become an employee.
7 h. "Reasonable suspicion drug or alcohol testing"
8 means drug or alcohol testing based upon evidence that
9 an employee is using or has used alcohol or other
10 drugs in violation of the employer's written policy
11 drawn from specific objective and articulable facts
12 and reasonable inferences drawn from those facts in
13 light of experience. For purposes of this paragraph,
14 facts and inferences may be based upon, but not
15 limited to, any of the following:
16 (1) Observable phenomena while at work such as
17 direct observation of alcohol or drug use or abuse or
18 of the physical symptoms or manifestations of being
19 impaired due to alcohol or other drug use.
20 (2) Abnormal conduct or erratic behavior while at
21 work or a significant deterioration in work
22 performance.
23 (3) A report of alcohol or other drug use provided
24 by a reliable and credible source.
25 (4) Evidence that an individual has tampered with
26 any drug or alcohol test during the individual's
27 employment with the current employer.
28 (5) Evidence that an employee has caused an
29 accident while at work.
30 (6) Evidence that an employee has manufactured,
31 sold, distributed, solicited, possessed, used, or
32 transferred drugs while working or while on the
33 employer's premises or while operating the employer's
34 vehicle, machinery, or equipment.
35 i. "Safety-sensitive position" means a job wherein
36 an accident could cause loss of human life, serious
37 bodily injury, or significant property or
38 environmental damage, including a job with duties that
39 include immediate supervision of a person in a job
40 that meets the requirement of this paragraph.
41 j. "Sample" means such sample from the human body
42 capable of revealing the presence of alcohol or other
43 drugs, or their metabolites.
44 k. "Unannounced drug or alcohol testing" means
45 testing for the purposes of detecting drugs or alcohol
46 which is conducted on a periodic basis, without
47 advance notice of the test, and without individualized
48 suspicion. The selection of employees to be tested
49 shall be made by a computer-based random number

50 generator that is matched with employees' social

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1 security numbers, payroll identification numbers, or
2 other comparable identifying numbers in which each
3 member of the employee population subject to testing
4 has an equal chance of selection for initial testing.
5 The random selection process shall be conducted
6 through a computer program that records each selection
7 attempt by date, time, and employee number.

8 2. APPLICABILITY. This section does not apply to
9 drug or alcohol tests conducted on employees required
10 to be tested pursuant to federal statutes, federal
11 regulations, or orders issued pursuant to federal law.
12 In addition, an employer, through its written policy,
13 may exclude from the pools of employees subject to
14 unannounced drug or alcohol testing pursuant to
15 subsection 8, paragraph "a", employee populations
16 required to be tested as described in this subsection.

17 3. TESTING OPTIONAL. This section does not
18 require or create a legal duty on an employer to
19 conduct drug or alcohol testing and the requirements
20 of this section shall not be construed to encourage,
21 discourage, restrict, limit, prohibit, or require such
22 testing. A cause of action shall not arise in favor
23 of any person against an employer or agent of an
24 employer based on the failure of the employer to
25 establish a program or policy on substance abuse
26 prevention or to implement any component of testing as
27 permitted by this section.

28 4. TESTING AS CONDITION OF EMPLOYMENT --
29 REQUIREMENTS. To the extent provided in subsection 8,
30 an employer may test employees and prospective
31 employees for the presence of drugs or alcohol as a
32 condition of continued employment or hiring. An
33 employer shall adhere to the requirements of this
34 section concerning the conduct of such testing and the
35 use and disposition of the results of such testing.

36 5. COLLECTION OF SAMPLES. In conducting drug or
37 alcohol testing, an employer may require the
38 collection of samples from its employees and
39 prospective employees, and may require presentation of
40 reliable individual identification from the person
41 being tested to the person collecting the samples.
42 Collection of a sample shall be in conformance with
43 the requirements of this section. The employer may
44 designate the type of sample to be used for this
45 testing.

46 6. SCHEDULING OF TESTS.

47 a. Drug or alcohol testing of employees conducted
48 by an employer shall normally occur during, or

49 immediately before or after, a regular work period.
50 The time required for such testing by an employer

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1 shall be deemed work time for the purposes of
2 compensation and benefits for employees.
3 b. An employer shall pay all actual costs for drug
4 or alcohol testing of employees and prospective
5 employees required by the employer.
6 c. An employer shall provide transportation or pay
7 reasonable transportation costs to employees if drug
8 or alcohol sample collection is conducted at a
9 location other than the employee's normal work site.
10 7. TESTING PROCEDURES. All sample collection and
11 testing for drugs or alcohol under this section shall
12 be performed in accordance with the following
13 conditions:
14 a. The collection of samples shall be performed
15 under sanitary conditions and with regard for the
16 privacy of the individual from whom the specimen is
17 being obtained and in a manner reasonably calculated
18 to preclude contamination or substitution of the
19 specimen.
20 b. Sample collection for testing of current
21 employees shall be performed so that the specimen is
22 split into two components at the time of collection in
23 the presence of the individual from whom the sample or
24 specimen is collected. The second portion of the
25 specimen or sample shall be of sufficient quantity to
26 permit a second, independent confirmatory test as
27 provided in paragraph "i". If the specimen is urine,
28 the sample shall be split such that the primary sample
29 contains at least thirty milliliters and the secondary
30 sample contains at least fifteen milliliters. Both
31 portions of the sample shall be forwarded to the
32 laboratory conducting the initial confirmatory
33 testing. In addition to any requirements for storage
34 of the initial sample that may be imposed upon the
35 laboratory as a condition for certification or
36 approval, the laboratory shall store the second
37 portion of any sample until receipt of a confirmed
38 negative test result or for a period of at least
39 forty-five calendar days following the completion of
40 the initial confirmatory testing, if the first portion
41 yielded a confirmed positive test result.
42 c. Sample collections shall be documented, and the
43 procedure for documentation shall include the
44 following:
45 (1) Samples shall be labeled so as to reasonably
46 preclude the possibility of misidentification of the
47 person tested in relation to the test result provided,

48 and samples shall be handled and tracked in a manner
49 such that control and accountability are maintained
50 from initial collection to each stage in handling,

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1 testing, and storage, through final disposition.
2 (2) An employee or prospective employee shall be
3 provided an opportunity to provide any information
4 which may be considered relevant to the test,
5 including identification of prescription or
6 nonprescription drugs currently or recently used, or
7 other relevant medical information. To assist an
8 employee or prospective employee in providing the
9 information described in this subparagraph, the
10 employer shall provide an employee or prospective
11 employee with a list of the drugs to be tested.
12 d. Sample collection, storage, and transportation
13 to the place of testing shall be performed so as to
14 reasonably preclude the possibility of sample
15 contamination, adulteration, or misidentification.
16 e. All confirmatory drug testing shall be
17 conducted at a laboratory certified by the United
18 States department of health and human services'
19 substance abuse and mental health services
20 administration or approved under rules adopted by the
21 Iowa department of public health.
22 f. Drug or alcohol testing shall include
23 confirmation of any initial positive test results.
24 For drug or alcohol testing, confirmation shall be by
25 use of a different chemical process than was used in
26 the initial screen for drugs or alcohol. The
27 confirmatory drug or alcohol test shall be a
28 chromatographic technique such as gas chromatography
29 or mass spectrometry, or another comparably reliable
30 analytical method. An employer may take adverse
31 employment action, including refusal to hire a
32 prospective employee, based on a confirmed positive
33 drug or alcohol test.
34 g. A medical review officer shall, prior to the
35 results being reported to an employer, review and
36 interpret any confirmed positive test results,
37 including both quantitative and qualitative test
38 results, to ensure that the chain of custody is
39 complete and sufficient on its face and that any
40 information provided by the individual pursuant to
41 paragraph "c", subparagraph (2), is considered.
42 h. In conducting drug or alcohol testing pursuant
43 to this section, the employer shall ensure to the
44 extent feasible that the testing only measure, and the
45 records concerning the testing only show or make use
46 of information regarding, alcohol or drugs in the

47 body.
48 i. (1) If a confirmed positive drug or alcohol
49 test for a current employee is reported to the
50 employer by the medical review officer, the employer

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1 shall notify the employee in writing by certified
2 mail, return receipt requested, of the results of the
3 test, the employee's right to request and obtain a
4 confirmatory test of the second sample collected
5 pursuant to paragraph "b" at an approved laboratory of
6 the employee's choice, and the fee payable by the
7 employee to the employer for reimbursement of expenses
8 concerning the test. The fee charged an employee
9 shall be an amount that represents the costs
10 associated with conducting the second confirmatory
11 test, which shall be consistent with the employer's
12 cost for conducting the initial confirmatory test on
13 an employee's sample. If the employee, in person or
14 by certified mail, return receipt requested, requests
15 a second confirmatory test, identifies an approved
16 laboratory to conduct the test, and pays the employer
17 the fee for the test within seven days from the date
18 the employer mails by certified mail, return receipt
19 requested, the written notice to the employee of the
20 employee's right to request a test, a second
21 confirmatory test shall be conducted at the laboratory
22 chosen by the employee. The results of the second
23 confirmatory test shall be reported to the medical
24 review officer who reviewed the initial confirmatory
25 test results and the medical review officer shall
26 review the results and issue a report to the employer
27 on whether the results of the second confirmatory test
28 confirmed the initial confirmatory test as to the
29 presence of a specific drug or alcohol. If the
30 results of the second test do not confirm the results
31 of the initial confirmatory test, the employer shall
32 reimburse the employee for the fee paid by the
33 employee for the second test and the initial
34 confirmatory test shall not be considered a confirmed
35 positive drug or alcohol test for purposes of taking
36 disciplinary action pursuant to subsection 10.
37 (2) If a confirmed positive drug or alcohol test
38 for a prospective employee is reported to the employer
39 by the medical review officer, the employer shall
40 notify the prospective employee in writing of the
41 results of the test, of the name and address of the
42 medical review officer who made the report, and of the
43 prospective employee's right to request records under
44 subsection 13.
45 j. A laboratory conducting testing under this

46 section shall dispose of all samples for which a
47 negative test result was reported to an employer
48 within five working days after issuance of the
49 negative test result report.
50 k. Except as necessary to conduct drug or alcohol

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1 testing pursuant to this section, a laboratory or
2 other medical facility shall only report to an
3 employer or outside entity information relating to the
4 results of a drug or alcohol test conducted pursuant
5 to this section concerning the determination of
6 whether the tested individual has engaged in conduct
7 prohibited by the employer's written policy with
8 regard to alcohol or drug use.

9 l. Notwithstanding the provisions of this
10 subsection, an employer may rely and take action upon
11 the results of any blood test for drugs or alcohol
12 made on any employee involved in an accident at work
13 if the test is administered by or at the direction of
14 the person providing treatment or care to the employee
15 without request or suggestion by the employer that a
16 test be conducted, and the employer has lawfully
17 obtained the results of the test. For purposes of
18 this paragraph, an employer shall not be deemed to
19 have requested or required a test in conjunction with
20 the provision of medical treatment following a
21 workplace accident by providing information concerning
22 the circumstance of the accident.

23 8. DRUG OR ALCOHOL TESTING. Employers may conduct
24 drug or alcohol testing as provided in this
25 subsection:

26 a. Employers may conduct unannounced drug or
27 alcohol testing of employees who are selected from any
28 of the following pools of employees:

29 (1) The entire employee population at a particular
30 work site of the employer except for employees who are
31 not scheduled to be at work at the time the testing is
32 conducted because of the status of the employees or
33 who have been excused from work pursuant to the
34 employer's work policy prior to the time the testing
35 is announced to employees.

36 (2) The entire full-time active employee
37 population at a particular work site.

38 (3) All employees at a particular work site who
39 are in a pool of employees in a safety-sensitive
40 position and who are scheduled to be at work at the
41 time testing is conducted, other than employees who
42 are not scheduled to be at work at the time the
43 testing is to be conducted or who have been excused
44 from work pursuant to the employer's work policy prior

- 45 to the time the testing is announced to employees.
46 b. Employers may conduct drug or alcohol testing
47 of employees during, and after completion of, drug or
48 alcohol rehabilitation.
49 c. Employers may conduct reasonable suspicion drug
50 or alcohol testing.

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- 1 d. Employers may conduct drug or alcohol testing
2 of prospective employees.
3 e. Employers may conduct drug or alcohol testing
4 as required by federal law or regulation.
5 f. Employers may conduct drug or alcohol testing
6 in investigating accidents in the workplace.
7 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.
8 a. Drug or alcohol testing or retesting by an
9 employer shall be carried out within the terms of a
10 written policy which has been provided to every
11 employee subject to testing, and is available for
12 review by employees and prospective employees.
13 b. Employers shall establish an awareness program
14 to inform employees of the dangers of drug and alcohol
15 use in the workplace and comply with the following
16 requirements in order to conduct drug or alcohol
17 testing under this section:
18 (1) If an employer has an employee assistance
19 program, the employer must inform the employee of the
20 benefits and services of the employee assistance
21 program. An employer shall post notice of the
22 employee assistance program in conspicuous places and
23 explore alternative routine and reinforcing means of
24 publicizing such services. In addition, the employer
25 must provide the employee with notice of the policies
26 and procedures regarding access to and utilization of
27 the program.
28 (2) If an employer does not have an employee
29 assistance program, the employer must maintain a
30 resource file of employee assistance services
31 providers, alcohol and other drug abuse programs
32 certified by the Iowa department of public health,
33 mental health providers, and other persons, entities,
34 or organizations available to assist employees with
35 personal or behavioral problems. The employer shall
36 provide all employees information about the existence
37 of the resource file and a summary of the information
38 contained within the resource file. The summary
39 should contain, but need not be limited to, all
40 information necessary to access the services listed in
41 the resource file. In addition, the employer shall
42 post in conspicuous places a listing of multiple
43 employee assistance providers in the area.

- 44 c. An employee or prospective employee whose drug
45 or alcohol test results are confirmed as positive in
46 accordance with this section shall not, by virtue of
47 those results alone, be considered as a person with a
48 disability for purposes of any state or local law or
49 regulation.
50 d. If the written policy provides for alcohol

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- 1 testing, the employer shall establish in the written
2 policy a standard for alcohol concentration which
3 shall be deemed to violate the policy. The standard
4 for alcohol concentration shall not be less than .02,
5 expressed in terms of grams of alcohol per two hundred
6 ten liters of breath, or its equivalent.
7 e. An employee of an employer who is designated by
8 the employer as being in a safety-sensitive position
9 shall be placed in only one pool of safety-sensitive
10 employees subject to drug or alcohol testing pursuant
11 to subsection 8, paragraph "a", subparagraph (3). An
12 employer may have more than one pool of safety-
13 sensitive employees subject to drug or alcohol testing
14 pursuant to subsection 8, paragraph "a", subparagraph
15 (3), but shall not include an employee in more than
16 one safety-sensitive pool.
17 f. Upon receipt of a confirmed positive alcohol
18 test or a confirmed positive drug test relating to the
19 abuse of lawfully prescribed drugs currently or
20 recently used by an employee, and if the employer has
21 at least fifty employees, and if the employee has been
22 employed by the employer on a full-time basis for
23 twelve consecutive months and rehabilitation is agreed
24 upon by both the employer and the employee, and if the
25 employee has not previously undergone rehabilitation
26 with the same employer pursuant to this section, the
27 written policy shall provide for the apportionment of
28 the costs of rehabilitation as provided by this
29 paragraph.
30 (1) If the employer has an employee benefit plan,
31 the costs of rehabilitation shall be apportioned as
32 provided under the employee benefit plan.
33 (2) If no employee benefit plan exists and the
34 employee has coverage for any portion of the costs of
35 rehabilitation under any health care plan of the
36 employee, the costs of rehabilitation shall be
37 apportioned as provided by the health care plan with
38 any costs not covered by the plan apportioned equally
39 between the employee and the employer. However, the
40 employer shall not be required to pay more than two
41 thousand dollars toward the costs not covered by the
42 employee's health care plan.

43 (3) If no employee benefit plan exists and the
44 employee does not have coverage for any portion of the
45 costs of rehabilitation under any health care plan of
46 the employee, the costs of rehabilitation shall be
47 apportioned equally between the employee and the
48 employer. However, the employer shall not be required
49 to pay more than two thousand dollars towards the cost
50 of rehabilitation under this subparagraph.

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1 g. In order to conduct drug or alcohol testing
2 under this section, an employer shall require
3 supervisory personnel of the employer involved with
4 drug or alcohol testing under this section to attend a
5 minimum of two hours of initial training and to
6 attend, on an annual basis thereafter, a minimum of
7 one hour of subsequent training. The training shall
8 include, but is not limited to, information concerning
9 the recognition of evidence of employee alcohol and
10 other drug abuse, the documentation and corroboration
11 of employee alcohol and other drug abuse, and the
12 referral of employees who abuse alcohol or other drugs
13 to the employee assistance program or to the resource
14 file of employee assistance services providers.

15 10. DISCIPLINARY PROCEDURES.

16 a. Upon receipt of a confirmed positive drug or
17 alcohol test result which indicates a violation of the
18 employer's written policy, or upon the refusal of an
19 employee or prospective employee to provide a testing
20 sample, an employer may use that test result or test
21 refusal as a valid basis for disciplinary or
22 rehabilitative actions consistent with the employer's
23 written policy, which may include, among other
24 actions, the following:

25 (1) A requirement that the employee enroll in an
26 employer-provided or approved rehabilitation,
27 treatment, or counseling program, which may include
28 additional drug or alcohol testing, participation in
29 and successful completion of which may be a condition
30 of continued employment, and the costs of which may or
31 may not be covered by the employer's health plan or
32 policies.

33 (2) Suspension of the employee, with or without
34 pay, for a designated period of time.

35 (3) Termination of employment.

36 (4) Refusal to hire a prospective employee.

37 (5) Other adverse employment action in conformance
38 with the employer's written policy and procedures,
39 including any relevant collective bargaining agreement
40 provisions.

41 b. Following a drug or alcohol test, but prior to

42 receipt of the final results of the drug or alcohol
43 test, an employer may suspend a current employee, with
44 or without pay, pending the outcome of the test. An
45 employee who has been suspended shall be reinstated by
46 the employer, with back pay, and interest on such
47 amount at eighteen percent per annum compounded
48 annually, if applicable, if the result of the test is
49 not a confirmed positive drug or alcohol test which
50 indicates a violation of the employer's written

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1 policy.

2 11. EMPLOYER IMMUNITY. A cause of action shall
3 not arise against an employer who has established a
4 policy and initiated a testing program in accordance
5 with the testing and policy safeguards provided for
6 under this section, for any of the following:

7 a. Testing or taking action based on the results
8 of a positive drug or alcohol test result, indicating
9 the presence of drugs or alcohol, in good faith, or on
10 the refusal of an employee or prospective employee to
11 submit to a drug or alcohol test.

12 b. Failure to test for drugs or alcohol, or
13 failure to test for a specific drug or controlled
14 substance.

15 c. Failure to test for, or if tested for, failure
16 to detect, any specific drug or other controlled
17 substance.

18 d. Termination or suspension of any substance
19 abuse prevention or testing program or policy.

20 e. Any action taken related to a false negative
21 drug or alcohol test result.

22 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
23 RESULTS.

24 a. Except as otherwise provided in paragraph "b",
25 a cause of action shall not arise against an employer
26 who has established a program of drug or alcohol
27 testing in accordance with this section, unless all of
28 the following conditions exist:

29 (1) The employer's action was based on a false
30 positive test result.

31 (2) The employer knew or clearly should have known
32 that the test result was in error and ignored the
33 correct test result because of reckless, malicious, or
34 negligent disregard for the truth, or the willful
35 intent to deceive or to be deceived.

36 b. A cause of action for defamation, libel,
37 slander, or damage to reputation shall not arise
38 against an employer establishing a program of drug or
39 alcohol testing in accordance with this section unless
40 all of the following apply:

- 41 (1) The employer discloses the test results to a
42 person other than the employer, an authorized
43 employee, agent, or representative of the employer,
44 the tested employee or the tested applicant for
45 employment, an authorized substance abuse treatment
46 program or employee assistance program, or an
47 authorized agent or representative of the tested
48 employee or applicant.
49 (2) The test results disclosed incorrectly
50 indicate the presence of alcohol or drugs.

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- 1 (3) The employer negligently discloses the
2 results.
3 c. In any cause of action based upon a false
4 positive test result, all of the following conditions
5 apply:
6 (1) The results of a drug or alcohol test
7 conducted in compliance with this section are presumed
8 to be valid.
9 (2) An employer shall not be liable for monetary
10 damages if the employer's reliance on the false
11 positive test result was reasonable and in good faith.
12 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.
13 a. All communications received by an employer
14 relevant to employee or prospective employee drug or
15 alcohol test results, or otherwise received through
16 the employer's drug or alcohol testing program, are
17 confidential communications and shall not be used or
18 received in evidence, obtained in discovery, or
19 disclosed in any public or private proceeding, except
20 as otherwise provided or authorized by this section.
21 b. An employee, or a prospective employee, who is
22 the subject of a drug or alcohol test conducted under
23 this section pursuant to an employer's written policy
24 and for whom a confirmed positive test result is
25 reported shall, upon written request, have access to
26 any records relating to the employee's drug or alcohol
27 test, including records of the laboratory where the
28 testing was conducted and any records relating to the
29 results of any relevant certification or review by a
30 medical review officer. However, a prospective
31 employee shall be entitled to records under this
32 paragraph only if the prospective employee requests
33 the records within fifteen calendar days from the date
34 the employer provided the prospective employee written
35 notice of the results of a drug or alcohol test as
36 provided in subsection 7, paragraph "i", subparagraph
37 (2).
38 c. Except as provided by this section and as
39 necessary to conduct drug or alcohol testing under

40 this section and to file a report pursuant to
41 subsection 16, a laboratory and a medical review
42 officer conducting drug or alcohol testing under this
43 section shall not use or disclose to any person any
44 personally identifiable information regarding such
45 testing, including the names of individuals tested,
46 even if unaccompanied by the results of the test.
47 d. An employer may use and disclose information
48 concerning the results of a drug or alcohol test
49 conducted pursuant to this section under any of the
50 following circumstances:

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1 (1) In an arbitration proceeding pursuant to a
2 collective bargaining agreement, or an administrative
3 agency proceeding or judicial proceeding under
4 workers' compensation laws or unemployment
5 compensation laws or under common or statutory laws
6 where action taken by the employer based on the test
7 is relevant or is challenged.

8 (2) To any federal agency or other unit of the
9 federal government as required under federal law,
10 regulation or order, or in accordance with compliance
11 requirements of a federal government contract.

12 (3) To any agency of this state authorized to
13 license individuals if the employee tested is licensed
14 by that agency and the rules of that agency require
15 such disclosure.

16 (4) To a union representing the employee if such
17 disclosure would be required by federal labor laws.

18 (5) To a substance abuse evaluation or treatment
19 facility or professional for the purpose of evaluation
20 or treatment of the employee.

21 However, positive test results from an employer
22 drug or alcohol testing program shall not be used as
23 evidence in any criminal action against the employee
24 or prospective employee tested.

25 14. CIVIL PENALTIES. Any laboratory or other
26 medical facility which discloses information in
27 violation of the provisions of subsection 7, paragraph
28 "k", or any employer who, through the selection
29 process described in subsection 1, paragraph "k",
30 improperly targets or exempts employees subject to
31 unannounced drug or alcohol testing, shall be subject
32 to a civil penalty of one thousand dollars for each
33 violation. The attorney general or the attorney
34 general's designee may maintain a civil action to
35 enforce this subsection. Any civil penalty recovered
36 shall be deposited in the general fund of the state.

37 15. CIVIL REMEDIES. This section may be enforced
38 through a civil action.

39 a. A person who violates this section or who aids
40 in the violation of this section, is liable to an
41 aggrieved employee or prospective employee for
42 affirmative relief including reinstatement or hiring,
43 with or without back pay, or any other equitable
44 relief as the court deems appropriate including
45 attorney fees and court costs.
46 b. When a person commits, is committing, or
47 proposes to commit, an act in violation of this
48 section, an injunction may be granted through an
49 action in district court to prohibit the person from
50 continuing such acts. The action for injunctive

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1 relief may be brought by an aggrieved employee or
2 prospective employee, the county attorney, or the
3 attorney general.
4 In an action brought under this subsection alleging
5 that an employer has required or requested a drug or
6 alcohol test in violation of this section, the
7 employer has the burden of proving that the
8 requirements of this section were met.
9 16. REPORTS. A laboratory doing business for an
10 employer who conducts drug or alcohol tests pursuant
11 to this section shall file an annual report with the
12 Iowa department of public health by March 1 of each
13 year concerning the number of drug tests conducted on
14 employees who work in this state pursuant to this
15 section, the number of positive and negative results
16 of the tests, during the previous calendar year. In
17 addition, the laboratory shall include in its annual
18 report the specific basis for each test as authorized
19 in subsection 8, the type of drug or drugs which were
20 found in the positive tests, and all significant
21 available demographic factors relating to the positive
22 test pool.
23 Sec. 2. EFFECTIVE DATE. This Act takes effect on
24 the forty-fifth day following enactment."

STEVE KING

S-5038

1 Amend the amendment, S-5035, 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 14,
5 line 19 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 a
19 controlled substance and included in schedule I, II,
20 III, IV, or V under the federal Controlled Substances
21 Act, 21 U.S.C. } 801 et seq.

22 c. "Employee" means a person in the service of an
23 employer in this state and includes the employer, and
24 any chief executive officer, president, vice
25 president, supervisor, manager, and officer of the
26 employer who is actively involved in the day-to-day
27 operations of the business.

28 d. "Employer" means a person, firm, company,
29 corporation, labor organization, or employment agency,
30 which has one or more full-time employees employed in
31 the same business, or in or about the same
32 establishment, under any contract of hire, express or
33 implied, oral or written, in this state. "Employer"
34 does not include the state, a political subdivision of
35 the state, including a city, county, or school
36 district, the United States, the United States postal
37 service, or a Native-American tribe.

38 e. "Good faith" means reasonable reliance on
39 facts, or that which is held out to be factual,
40 without the intent to be deceived, and without
41 recklessness, malicious, or negligent disregard for the
42 truth.

43 f. "Medical review officer" means a licensed
44 physician, osteopathic physician, chiropractor, nurse
45 practitioner, or physician assistant authorized to
46 practice in any state of the United States, who is
47 responsible for receiving laboratory results generated
48 by an employer's drug or alcohol testing program, and
49 who has knowledge of substance abuse disorders and has
50 appropriate medical training to interpret and evaluate

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1 an individual's confirmed positive test result
2 together with the individual's medical history and any
3 other relevant biomedical information.

4 g. "Prospective employee" means a person who has
5 made application, whether written or oral, to an
6 employer to become an employee.

7 h. "Reasonable suspicion drug or alcohol testing"

8 means drug or alcohol testing based upon evidence that
9 an employee is using or has used alcohol or other
10 drugs in violation of the employer's written policy
11 drawn from specific objective and articulable facts
12 and reasonable inferences drawn from those facts in
13 light of experience. For purposes of this paragraph,
14 facts and inferences may be based upon, but not
15 limited to, any of the following:

16 (1) Observable phenomena while at work such as
17 direct observation of alcohol or drug use or abuse or
18 of the physical symptoms or manifestations of being
19 impaired due to alcohol or other drug use.

20 (2) Abnormal conduct or erratic behavior while at
21 work or a significant deterioration in work
22 performance.

23 (3) A report of alcohol or other drug use provided
24 by a reliable and credible source.

25 (4) Evidence that an individual has tampered with
26 any drug or alcohol test during the individual's
27 employment with the current employer.

28 (5) Evidence that an employee has caused an
29 accident while at work.

30 (6) Evidence that an employee has manufactured,
31 sold, distributed, solicited, possessed, used, or
32 transferred drugs while working or while on the
33 employer's premises or while operating the employer's
34 vehicle, machinery, or equipment.

35 i. "Safety-sensitive position" means a job wherein
36 an accident could cause loss of human life, serious
37 bodily injury, or significant property or
38 environmental damage, including a job with duties that
39 include immediate supervision of a person in a job
40 that meets the requirement of this paragraph.

41 j. "Sample" means such sample from the human body
42 capable of revealing the presence of alcohol or other
43 drugs, or their metabolites.

44 k. "Unannounced drug or alcohol testing" means
45 testing for the purposes of detecting drugs or alcohol
46 which is conducted on a periodic basis, without
47 advance notice of the test, and without individualized
48 suspicion. The selection of employees to be tested
49 shall be made by a computer-based random number
50 generator that is matched with employees' social

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1 security numbers, payroll identification numbers, or
2 other comparable identifying numbers in which each
3 member of the employee population subject to testing
4 has an equal chance of selection for initial testing.
5 The random selection process shall be conducted
6 through a computer program that records each selection

7 attempt by date, time, and employee number.

8 2. APPLICABILITY. This section does not apply to
9 drug or alcohol tests conducted on employees required
10 to be tested pursuant to federal statutes, federal
11 regulations, or orders issued pursuant to federal law.
12 In addition, an employer, through its written policy,
13 may exclude from the pools of employees subject to
14 unannounced drug or alcohol testing pursuant to
15 subsection 8, paragraph "a", employee populations
16 required to be tested as described in this subsection.

17 3. TESTING OPTIONAL. This section does not
18 require or create a legal duty on an employer to
19 conduct drug or alcohol testing and the requirements
20 of this section shall not be construed to encourage,
21 discourage, restrict, limit, prohibit, or require such
22 testing. A cause of action shall not arise in favor
23 of any person against an employer or agent of an
24 employer based on the failure of the employer to
25 establish a program or policy on substance abuse
26 prevention or to implement any component of testing as
27 permitted by this section.

28 4. TESTING AS CONDITION OF EMPLOYMENT --
29 REQUIREMENTS. To the extent provided in subsection 8,
30 an employer may test employees and prospective
31 employees for the presence of drugs or alcohol as a
32 condition of continued employment or hiring. An
33 employer shall adhere to the requirements of this
34 section concerning the conduct of such testing and the
35 use and disposition of the results of such testing.

36 5. COLLECTION OF SAMPLES. In conducting drug or
37 alcohol testing, an employer may require the
38 collection of samples from its employees and
39 prospective employees, and may require presentation of
40 reliable individual identification from the person
41 being tested to the person collecting the samples.
42 Collection of a sample shall be in conformance with
43 the requirements of this section. The employer may
44 designate the type of sample to be used for this
45 testing.

46 6. SCHEDULING OF TESTS.

47 a. Drug or alcohol testing of employees conducted
48 by an employer shall normally occur during, or
49 immediately before or after, a regular work period.
50 The time required for such testing by an employer

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1 shall be deemed work time for the purposes of
2 compensation and benefits for employees.

3 b. An employer shall pay all actual costs for drug
4 or alcohol testing of employees and prospective
5 employees required by the employer.

6 c. An employer shall provide transportation or pay
7 reasonable transportation costs to employees if drug
8 or alcohol sample collection is conducted at a
9 location other than the employee's normal work site.
10 7. TESTING PROCEDURES. All sample collection and
11 testing for drugs or alcohol under this section shall
12 be performed in accordance with the following
13 conditions:
14 a. The collection of samples shall be performed
15 under sanitary conditions and with regard for the
16 privacy of the individual from whom the specimen is
17 being obtained and in a manner reasonably calculated
18 to preclude contamination or substitution of the
19 specimen.
20 b. Sample collection for testing of current
21 employees shall be performed so that the specimen is
22 split into two components at the time of collection in
23 the presence of the individual from whom the sample or
24 specimen is collected. The second portion of the
25 specimen or sample shall be of sufficient quantity to
26 permit a second, independent confirmatory test as
27 provided in paragraph "i". If the specimen is urine,
28 the sample shall be split such that the primary sample
29 contains at least thirty milliliters and the secondary
30 sample contains at least fifteen milliliters. Both
31 portions of the sample shall be forwarded to the
32 laboratory conducting the initial confirmatory
33 testing. In addition to any requirements for storage
34 of the initial sample that may be imposed upon the
35 laboratory as a condition for certification or
36 approval, the laboratory shall store the second
37 portion of any sample until receipt of a confirmed
38 negative test result or for a period of at least
39 forty-five calendar days following the completion of
40 the initial confirmatory testing, if the first portion
41 yielded a confirmed positive test result.
42 c. Sample collections shall be documented, and the
43 procedure for documentation shall include the
44 following:
45 (1) Samples shall be labeled so as to reasonably
46 preclude the possibility of misidentification of the
47 person tested in relation to the test result provided,
48 and samples shall be handled and tracked in a manner
49 such that control and accountability are maintained
50 from initial collection to each stage in handling,

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1 testing, and storage, through final disposition.
2 (2) An employee or prospective employee shall be
3 provided an opportunity to provide any information
4 which may be considered relevant to the test,

5 including identification of prescription or
6 nonprescription drugs currently or recently used, or
7 other relevant medical information. To assist an
8 employee or prospective employee in providing the
9 information described in this subparagraph, the
10 employer shall provide an employee or prospective
11 employee with a list of the drugs to be tested.

12 d. Sample collection, storage, and transportation
13 to the place of testing shall be performed so as to
14 reasonably preclude the possibility of sample
15 contamination, adulteration, or misidentification.

16 e. All confirmatory drug testing shall be
17 conducted at a laboratory certified by the United
18 States department of health and human services'
19 substance abuse and mental health services
20 administration or approved under rules adopted by the
21 Iowa department of public health.

22 f. Drug or alcohol testing shall include
23 confirmation of any initial positive test results.
24 For drug or alcohol testing, confirmation shall be by
25 use of a different chemical process than was used in
26 the initial screen for drugs or alcohol. The
27 confirmatory drug or alcohol test shall be a
28 chromatographic technique such as gas chromatography
29 or mass spectrometry, or another comparably reliable
30 analytical method. An employer may take adverse
31 employment action, including refusal to hire a
32 prospective employee, based on a confirmed positive
33 drug or alcohol test.

34 g. A medical review officer shall, prior to the
35 results being reported to an employer, review and
36 interpret any confirmed positive test results,
37 including both quantitative and qualitative test
38 results, to ensure that the chain of custody is
39 complete and sufficient on its face and that any
40 information provided by the individual pursuant to
41 paragraph "c", subparagraph (2), is considered.

42 h. In conducting drug or alcohol testing pursuant
43 to this section, the employer shall ensure to the
44 extent feasible that the testing only measure, and the
45 records concerning the testing only show or make use
46 of information regarding, alcohol or drugs in the
47 body.

48 i. (1) If a confirmed positive drug or alcohol
49 test for a current employee is reported to the
50 employer by the medical review officer, the employer

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1 shall notify the employee in writing by certified
2 mail, return receipt requested, of the results of the
3 test, the employee's right to request and obtain a

4 confirmatory test of the second sample collected
5 pursuant to paragraph "b" at an approved laboratory of
6 the employee's choice, and the fee payable by the
7 employee to the employer for reimbursement of expenses
8 concerning the test. The fee charged an employee
9 shall be an amount that represents the costs
10 associated with conducting the second confirmatory
11 test, which shall be consistent with the employer's
12 cost for conducting the initial confirmatory test on
13 an employee's sample. If the employee, in person or
14 by certified mail, return receipt requested, requests
15 a second confirmatory test, identifies an approved
16 laboratory to conduct the test, and pays the employer
17 the fee for the test within seven days from the date
18 the employer mails by certified mail, return receipt
19 requested, the written notice to the employee of the
20 employee's right to request a test, a second
21 confirmatory test shall be conducted at the laboratory
22 chosen by the employee. The results of the second
23 confirmatory test shall be reported to the medical
24 review officer who reviewed the initial confirmatory
25 test results and the medical review officer shall
26 review the results and issue a report to the employer
27 on whether the results of the second confirmatory test
28 confirmed the initial confirmatory test as to the
29 presence of a specific drug or alcohol. If the
30 results of the second test do not confirm the results
31 of the initial confirmatory test, the employer shall
32 reimburse the employee for the fee paid by the
33 employee for the second test and the initial
34 confirmatory test shall not be considered a confirmed
35 positive drug or alcohol test for purposes of taking
36 disciplinary action pursuant to subsection 10.
37 (2) If a confirmed positive drug or alcohol test
38 for a prospective employee is reported to the employer
39 by the medical review officer, the employer shall
40 notify the prospective employee in writing of the
41 results of the test, of the name and address of the
42 medical review officer who made the report, and of the
43 prospective employee's right to request records under
44 subsection 13.
45 j. A laboratory conducting testing under this
46 section shall dispose of all samples for which a
47 negative test result was reported to an employer
48 within five working days after issuance of the
49 negative test result report.
50 k. Except as necessary to conduct drug or alcohol

3 employer or outside entity information relating to the
4 results of a drug or alcohol test conducted pursuant
5 to this section concerning the determination of
6 whether the tested individual has engaged in conduct
7 prohibited by the employer's written policy with
8 regard to alcohol or drug use.

9 1. Notwithstanding the provisions of this
10 subsection, an employer may rely and take action upon
11 the results of any blood test for drugs or alcohol
12 made on any employee involved in an accident at work
13 if the test is administered by or at the direction of
14 the person providing treatment or care to the employee
15 without request or suggestion by the employer that a
16 test be conducted, and the employer has lawfully
17 obtained the results of the test. For purposes of
18 this paragraph, an employer shall not be deemed to
19 have requested or required a test in conjunction with
20 the provision of medical treatment following a
21 workplace accident by providing information concerning
22 the circumstance of the accident.

23 8. DRUG OR ALCOHOL TESTING. Employers may conduct
24 drug or alcohol testing as provided in this
25 subsection:

26 a. Employers may conduct unannounced drug or
27 alcohol testing of employees who are selected from any
28 of the following pools of employees:

29 (1) The entire employee population at a particular
30 work site of the employer except for employees who are
31 not scheduled to be at work at the time the testing is
32 conducted because of the status of the employees or
33 who have been excused from work pursuant to the
34 employer's work policy prior to the time the testing
35 is announced to employees.

36 (2) The entire full-time active employee
37 population at a particular work site.

38 (3) All employees at a particular work site who
39 are in a pool of employees in a safety-sensitive
40 position and who are scheduled to be at work at the
41 time testing is conducted, other than employees who
42 are not scheduled to be at work at the time the
43 testing is to be conducted or who have been excused
44 from work pursuant to the employer's work policy prior
45 to the time the testing is announced to employees.

46 b. Employers may conduct drug or alcohol testing
47 of employees during, and after completion of, drug or
48 alcohol rehabilitation.

49 c. Employers may conduct reasonable suspicion drug
50 or alcohol testing.

2 of prospective employees.

3 e. Employers may conduct drug or alcohol testing
4 as required by federal law or regulation.

5 f. Employers may conduct drug or alcohol testing
6 in investigating accidents in the workplace.

7 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

8 a. Drug or alcohol testing or retesting by an
9 employer shall be carried out within the terms of a
10 written policy which has been provided to every
11 employee subject to testing, and is available for
12 review by employees and prospective employees.

13 b. Employers shall establish an awareness program
14 to inform employees of the dangers of drug and alcohol
15 use in the workplace and comply with the following
16 requirements in order to conduct drug or alcohol
17 testing under this section:

18 (1) If an employer has an employee assistance
19 program, the employer must inform the employee of the
20 benefits and services of the employee assistance
21 program. An employer shall post notice of the
22 employee assistance program in conspicuous places and
23 explore alternative routine and reinforcing means of
24 publicizing such services. In addition, the employer
25 must provide the employee with notice of the policies
26 and procedures regarding access to and utilization of
27 the program.

28 (2) If an employer does not have an employee
29 assistance program, the employer must maintain a
30 resource file of employee assistance services
31 providers, alcohol and other drug abuse programs
32 certified by the Iowa department of public health,
33 mental health providers, and other persons, entities,
34 or organizations available to assist employees with
35 personal or behavioral problems. The employer shall
36 provide all employees information about the existence
37 of the resource file and a summary of the information
38 contained within the resource file. The summary
39 should contain, but need not be limited to, all
40 information necessary to access the services listed in
41 the resource file. In addition, the employer shall
42 post in conspicuous places a listing of multiple
43 employee assistance providers in the area.

44 c. An employee or prospective employee whose drug
45 or alcohol test results are confirmed as positive in
46 accordance with this section shall not, by virtue of
47 those results alone, be considered as a person with a
48 disability for purposes of any state or local law or
49 regulation.

50 d. If the written policy provides for alcohol

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1 testing, the employer shall establish in the written
2 policy a standard for alcohol concentration which
3 shall be deemed to violate the policy. The standard
4 for alcohol concentration shall not be less than .02,
5 expressed in terms of grams of alcohol per two hundred
6 ten liters of breath, or its equivalent.

7 e. An employee of an employer who is designated by
8 the employer as being in a safety-sensitive position
9 shall be placed in only one pool of safety-sensitive
10 employees subject to drug or alcohol testing pursuant
11 to subsection 8, paragraph "a", subparagraph (3). An
12 employer may have more than one pool of safety-
13 sensitive employees subject to drug or alcohol testing
14 pursuant to subsection 8, paragraph "a", subparagraph
15 (3), but shall not include an employee in more than
16 one safety-sensitive pool.

17 f. Upon receipt of a confirmed positive alcohol
18 test or a confirmed positive drug test relating to the
19 abuse of lawfully prescribed drugs currently or
20 recently used by an employee, and if the employer has
21 at least fifty employees, and if the employee has been
22 employed by the employer on a full-time basis for
23 twelve consecutive months and rehabilitation is agreed
24 upon by both the employer and the employee, and if the
25 employee has not previously undergone rehabilitation
26 with the same employer pursuant to this section, the
27 written policy shall provide for the apportionment of
28 the costs of rehabilitation as provided by this
29 paragraph.

30 (1) If the employer has an employee benefit plan,
31 the costs of rehabilitation shall be apportioned as
32 provided under the employee benefit plan.

33 (2) If no employee benefit plan exists and the
34 employee has coverage for any portion of the costs of
35 rehabilitation under any health care plan of the
36 employee, the costs of rehabilitation shall be
37 apportioned as provided by the health care plan with
38 any costs not covered by the plan apportioned equally
39 between the employee and the employer. However, the
40 employer shall not be required to pay more than two
41 thousand dollars toward the costs not covered by the
42 employee's health care plan.

43 (3) If no employee benefit plan exists and the
44 employee does not have coverage for any portion of the
45 costs of rehabilitation under any health care plan of
46 the employee, the costs of rehabilitation shall be
47 apportioned equally between the employee and the
48 employer. However, the employer shall not be required
49 to pay more than two thousand dollars towards the cost
50 of rehabilitation under this subparagraph.

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1 g. In order to conduct drug or alcohol testing
2 under this section, an employer shall require
3 supervisory personnel of the employer involved with
4 drug or alcohol testing under this section to attend a
5 minimum of two hours of initial training and to
6 attend, on an annual basis thereafter, a minimum of
7 one hour of subsequent training. The training shall
8 include, but is not limited to, information concerning
9 the recognition of evidence of employee alcohol and
10 other drug abuse, the documentation and corroboration
11 of employee alcohol and other drug abuse, and the
12 referral of employees who abuse alcohol or other drugs
13 to the employee assistance program or to the resource
14 file of employee assistance services providers.

15 10. DISCIPLINARY PROCEDURES.

16 a. Upon receipt of a confirmed positive drug or
17 alcohol test result which indicates a violation of the
18 employer's written policy, or upon the refusal of an
19 employee or prospective employee to provide a testing
20 sample, an employer may use that test result or test
21 refusal as a valid basis for disciplinary or
22 rehabilitative actions consistent with the employer's
23 written policy, which may include, among other
24 actions, the following:

25 (1) A requirement that the employee enroll in an
26 employer-provided or approved rehabilitation,
27 treatment, or counseling program, which may include
28 additional drug or alcohol testing, participation in
29 and successful completion of which may be a condition
30 of continued employment, and the costs of which may or
31 may not be covered by the employer's health plan or
32 policies.

33 (2) Suspension of the employee, with or without
34 pay, for a designated period of time.

35 (3) Termination of employment.

36 (4) Refusal to hire a prospective employee.

37 (5) Other adverse employment action in conformance
38 with the employer's written policy and procedures,
39 including any relevant collective bargaining agreement
40 provisions.

41 b. Following a drug or alcohol test, but prior to
42 receipt of the final results of the drug or alcohol
43 test, an employer may suspend a current employee, with
44 or without pay, pending the outcome of the test. An
45 employee who has been suspended shall be reinstated by
46 the employer, with back pay, and interest on such
47 amount at eighteen percent per annum compounded
48 annually, if applicable, if the result of the test is

49 not a confirmed positive drug or alcohol test which
50 indicates a violation of the employer's written

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1 policy.

2 11. EMPLOYER IMMUNITY. A cause of action shall
3 not arise against an employer who has established a
4 policy and initiated a testing program in accordance
5 with the testing and policy safeguards provided for
6 under this section, for any of the following:

7 a. Testing or taking action based on the results
8 of a positive drug or alcohol test result, indicating
9 the presence of drugs or alcohol, in good faith, or on
10 the refusal of an employee or prospective employee to
11 submit to a drug or alcohol test.

12 b. Failure to test for drugs or alcohol, or
13 failure to test for a specific drug or controlled
14 substance.

15 c. Failure to test for, or if tested for, failure
16 to detect, any specific drug or other controlled
17 substance.

18 d. Termination or suspension of any substance
19 abuse prevention or testing program or policy.

20 e. Any action taken related to a false negative
21 drug or alcohol test result.

22 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
23 RESULTS.

24 a. Except as otherwise provided in paragraph "b",
25 a cause of action shall not arise against an employer
26 who has established a program of drug or alcohol
27 testing in accordance with this section, unless all of
28 the following conditions exist:

29 (1) The employer's action was based on a false
30 positive test result.

31 (2) The employer knew or clearly should have known
32 that the test result was in error and ignored the
33 correct test result because of reckless, malicious, or
34 negligent disregard for the truth, or the willful
35 intent to deceive or to be deceived.

36 b. A cause of action for defamation, libel,
37 slander, or damage to reputation shall not arise
38 against an employer establishing a program of drug or
39 alcohol testing in accordance with this section unless
40 all of the following apply:

41 (1) The employer discloses the test results to a
42 person other than the employer, an authorized
43 employee, agent, or representative of the employer,
44 the tested employee or the tested applicant for
45 employment, an authorized substance abuse treatment
46 program or employee assistance program, or an
47 authorized agent or representative of the tested

48 employee or applicant.
49 (2) The test results disclosed incorrectly
50 indicate the presence of alcohol or drugs.

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1 (3) The employer negligently discloses the
2 results.
3 c. In any cause of action based upon a false
4 positive test result, all of the following conditions
5 apply:
6 (1) The results of a drug or alcohol test
7 conducted in compliance with this section are presumed
8 to be valid.
9 (2) An employer shall not be liable for monetary
10 damages if the employer's reliance on the false
11 positive test result was reasonable and in good faith.
12 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.
13 a. All communications received by an employer
14 relevant to employee or prospective employee drug or
15 alcohol test results, or otherwise received through
16 the employer's drug or alcohol testing program, are
17 confidential communications and shall not be used or
18 received in evidence, obtained in discovery, or
19 disclosed in any public or private proceeding, except
20 as otherwise provided or authorized by this section.
21 b. An employee, or a prospective employee, who is
22 the subject of a drug or alcohol test conducted under
23 this section pursuant to an employer's written policy
24 and for whom a confirmed positive test result is
25 reported shall, upon written request, have access to
26 any records relating to the employee's drug or alcohol
27 test, including records of the laboratory where the
28 testing was conducted and any records relating to the
29 results of any relevant certification or review by a
30 medical review officer. However, a prospective
31 employee shall be entitled to records under this
32 paragraph only if the prospective employee requests
33 the records within fifteen calendar days from the date
34 the employer provided the prospective employee written
35 notice of the results of a drug or alcohol test as
36 provided in subsection 7, paragraph "i", subparagraph
37 (2).
38 c. Except as provided by this section and as
39 necessary to conduct drug or alcohol testing under
40 this section, a laboratory and a medical review
41 officer conducting drug or alcohol testing under this
42 section shall not use or disclose to any person any
43 personally identifiable information regarding such
44 testing, including the names of individuals tested,
45 even if unaccompanied by the results of the test.
46 d. An employer may use and disclose information

47 concerning the results of a drug or alcohol test
48 conducted pursuant to this section under any of the
49 following circumstances:

50 (1) In an arbitration proceeding pursuant to a

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1 collective bargaining agreement, or an administrative
2 agency proceeding or judicial proceeding under
3 workers' compensation laws or unemployment
4 compensation laws or under common or statutory laws
5 where action taken by the employer based on the test
6 is relevant or is challenged.

7 (2) To any federal agency or other unit of the
8 federal government as required under federal law,
9 regulation or order, or in accordance with compliance
10 requirements of a federal government contract.

11 (3) To any agency of this state authorized to
12 license individuals if the employee tested is licensed
13 by that agency and the rules of that agency require
14 such disclosure.

15 (4) To a union representing the employee if such
16 disclosure would be required by federal labor laws.

17 (5) To a substance abuse evaluation or treatment
18 facility or professional for the purpose of evaluation
19 or treatment of the employee.

20 However, positive test results from an employer
21 drug or alcohol testing program shall not be used as
22 evidence in any criminal action against the employee
23 or prospective employee tested.

24 14. CIVIL PENALTIES. Any laboratory or other
25 medical facility which discloses information in
26 violation of the provisions of subsection 7, paragraph
27 "k", or any employer who, through the selection
28 process described in subsection 1, paragraph "k",
29 improperly targets or exempts employees subject to
30 unannounced drug or alcohol testing, shall be subject
31 to a civil penalty of one thousand dollars for each
32 violation. The attorney general or the attorney
33 general's designee may maintain a civil action to
34 enforce this subsection. Any civil penalty recovered
35 shall be deposited in the general fund of the state.

36 15. CIVIL REMEDIES. This section may be enforced
37 through a civil action.

38 a. A person who violates this section or who aids
39 in the violation of this section, is liable to an
40 aggrieved employee or prospective employee for
41 affirmative relief including reinstatement or hiring,
42 with or without back pay, or any other equitable
43 relief as the court deems appropriate including
44 attorney fees and court costs.

45 b. When a person commits, is committing, or

46 proposes to commit, an act in violation of this
47 section, an injunction may be granted through an
48 action in district court to prohibit the person from
49 continuing such acts. The action for injunctive
50 relief may be brought by an aggrieved employee or

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1 prospective employee, the county attorney, or the
2 attorney general.
3 In an action brought under this subsection alleging
4 that an employer has required or requested a drug or
5 alcohol test in violation of this section, the
6 employer has the burden of proving that the
7 requirements of this section were met.
8 Sec. 2. EFFECTIVE DATE. This Act takes effect on
9 the forty-fifth day following enactment."

STEVE KING

S-5039

1 Amend House File 599, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 2, by inserting after the word
4 "Code" the following: "Supplement".

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-5040

1 Amend Senate File 2192 as follows:
2 1. Page 1, line 33, by inserting after the word
3 "sale." the following: "However, if a vehicle has a
4 salvage certificate of title, a damage disclosure
5 statement is not required under this section."

EUGENE S. FRAISE
JOHN P. KIBBIE
DON GETTINGS
TOM FLYNN
JOHN W. JENSEN

S-5041

1 Amend Senate File 2014 as follows:
2 1. Page 1, by inserting after line 21 the
3 following:
4 "3. In addition to the provisions of subsection 1,
5 when an action for contempt of an order or decree
6 providing for visitation is brought against a party on

7 the grounds that the party has willfully disobeyed the
8 provisions for visitation, and the court determines
9 that the party is in contempt of the order or decree,
10 the costs of the proceeding, including reasonable
11 attorney's fees, shall be taxed against that party."
12 2. Title page, line 2, by inserting after the
13 word "support" the following: "or violation of a
14 visitation order".

NANCY BOETTGER
STEVE KING
ROD HALVORSON

S-5042

1 Amend the amendment, S-5035, 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 14,
5 line 19 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 a
19 controlled substance and included in schedule I, II,
20 III, IV, or V under the federal Controlled Substances
21 Act, 21 U.S.C. } 801 et seq.
22 c. "Employee" means a person in the service of an
23 employer in this state and includes the employer, and
24 any chief executive officer, president, vice
25 president, supervisor, manager, and officer of the
26 employer who is actively involved in the day-to-day
27 operations of the business.
28 d. "Employer" means a person, firm, company,
29 corporation, labor organization, or employment agency,
30 which has one or more full-time employees employed in
31 the same business, or in or about the same
32 establishment, under any contract of hire, express or
33 implied, oral or written, in this state. "Employer"
34 does not include the state, a political subdivision of
35 the state, including a city, county, or school
36 district, the United States, the United States postal
37 service, or a Native-American tribe.

- 38 e. "Good faith" means reasonable reliance on
39 facts, or that which is held out to be factual,
40 without the intent to be deceived, and without
41 reckless, malicious, or negligent disregard for the
42 truth.
- 43 f. "Medical review officer" means a licensed
44 physician, osteopathic physician, chiropractor, nurse
45 practitioner, or physician assistant authorized to
46 practice in any state of the United States, who is
47 responsible for receiving laboratory results generated
48 by an employer's drug or alcohol testing program, and
49 who has knowledge of substance abuse disorders and has
50 appropriate medical training to interpret and evaluate

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- 1 an individual's confirmed positive test result
2 together with the individual's medical history and any
3 other relevant biomedical information.
- 4 g. "Prospective employee" means a person who has
5 made application, whether written or oral, to an
6 employer to become an employee.
- 7 h. "Reasonable suspicion drug or alcohol testing"
8 means drug or alcohol testing based upon evidence that
9 an employee is using or has used alcohol or other
10 drugs in violation of the employer's written policy
11 drawn from specific objective and articulable facts
12 and reasonable inferences drawn from those facts in
13 light of experience. For purposes of this paragraph,
14 facts and inferences may be based upon, but not
15 limited to, any of the following:
- 16 (1) Observable phenomena while at work such as
17 direct observation of alcohol or drug use or abuse or
18 of the physical symptoms or manifestations of being
19 impaired due to alcohol or other drug use.
- 20 (2) Abnormal conduct or erratic behavior while at
21 work or a significant deterioration in work
22 performance.
- 23 (3) A report of alcohol or other drug use provided
24 by a reliable and credible source.
- 25 (4) Evidence that an individual has tampered with
26 any drug or alcohol test during the individual's
27 employment with the current employer.
- 28 (5) Evidence that an employee has caused an
29 accident while at work which resulted in an injury to
30 an employee which is required to be reported pursuant
31 to chapter 88, or a comparable injury to a person who
32 is not an employee, or resulted in damage to property,
33 including to equipment, in an amount reasonably
34 estimated at the time of the accident to exceed one
35 thousand dollars.
- 36 (6) Evidence that an employee has manufactured,

37 sold, distributed, solicited, possessed, used, or
38 transferred drugs while working or while on the
39 employer's premises or while operating the employer's
40 vehicle, machinery, or equipment.
41 i. "Safety-sensitive position" means a job wherein
42 an accident could cause loss of human life, serious
43 bodily injury, or significant property or
44 environmental damage, including a job with duties that
45 include immediate supervision of a person in a job
46 that meets the requirement of this paragraph.
47 j. "Sample" means such sample from the human body
48 capable of revealing the presence of alcohol or other
49 drugs, or their metabolites. However, sample does not
50 mean blood except as authorized pursuant to subsection

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1 7, paragraph "l".
2 k. "Unannounced drug or alcohol testing" means
3 testing for the purposes of detecting drugs or alcohol
4 which is conducted on a periodic basis, without
5 advance notice of the test to employees subject to
6 testing prior to the day of testing, and without
7 individualized suspicion. The selection of employees
8 to be tested from the pool of employees subject to
9 testing shall be done based on a neutral and objective
10 selection process by an entity independent from the
11 employer and shall be made by a computer-based random
12 number generator that is matched with employees'
13 social security numbers, payroll identification
14 numbers, or other comparable identifying numbers in
15 which each member of the employee population subject
16 to testing has an equal chance of selection for
17 initial testing, regardless of whether the employee
18 has been selected or tested previously. The random
19 selection process shall be conducted through a
20 computer program that records each selection attempt
21 by date, time, and employee number.
22 2. APPLICABILITY. This section does not apply to
23 drug or alcohol tests conducted on employees required
24 to be tested pursuant to federal statutes, federal
25 regulations, or orders issued pursuant to federal law.
26 In addition, an employer, through its written policy,
27 may exclude from the pools of employees subject to
28 unannounced drug or alcohol testing pursuant to
29 subsection 8, paragraph "a", employee populations
30 required to be tested as described in this subsection.
31 3. TESTING OPTIONAL. This section does not
32 require an employer to conduct drug or alcohol testing
33 and the requirements of this section shall not be
34 construed to encourage, discourage, restrict, limit,
35 prohibit, or require such testing. In addition, an

36 employer may implement and require drug or alcohol
37 testing at some but not all of the work sites of the
38 employer and the requirements of this section shall
39 only apply to the employer and employees who are at
40 the work sites where drug or alcohol testing pursuant
41 to this section has been implemented.

42 4. TESTING AS CONDITION OF EMPLOYMENT --

43 REQUIREMENTS. To the extent provided in subsection 8,
44 an employer may test employees and prospective
45 employees for the presence of drugs or alcohol as a
46 condition of continued employment or hiring. An
47 employer shall adhere to the requirements of this
48 section concerning the conduct of such testing and the
49 use and disposition of the results of such testing.

50 5. COLLECTION OF SAMPLES. In conducting drug or

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1 alcohol testing, an employer may require the
2 collection of samples from its employees and
3 prospective employees, and may require presentation of
4 reliable individual identification from the person
5 being tested to the person collecting the samples.
6 Collection of a sample shall be in conformance with
7 the requirements of this section. The employer may
8 designate the type of sample to be used for this
9 testing.

10 6. SCHEDULING OF TESTS.

11 a. Drug or alcohol testing of employees conducted
12 by an employer shall normally occur during, or
13 immediately before or after, a regular work period.
14 The time required for such testing by an employer
15 shall be deemed work time for the purposes of
16 compensation and benefits for employees.

17 b. An employer shall pay all actual costs for drug
18 or alcohol testing of employees and prospective
19 employees required by the employer.

20 c. An employer shall provide transportation or pay
21 reasonable transportation costs to employees if drug
22 or alcohol sample collection is conducted at a
23 location other than the employee's normal work site.

24 7. TESTING PROCEDURES. All sample collection and
25 testing for drugs or alcohol under this section shall
26 be performed in accordance with the following
27 conditions:

28 a. The collection of samples shall be performed
29 under sanitary conditions and with regard for the
30 privacy of the individual from whom the specimen is
31 being obtained and in a manner reasonably calculated
32 to preclude contamination or substitution of the
33 specimen.

34 b. Sample collection for testing of current

35 employees shall be performed so that the specimen is
36 split into two components at the time of collection in
37 the presence of the individual from whom the sample or
38 specimen is collected. The second portion of the
39 specimen or sample shall be of sufficient quantity to
40 permit a second, independent confirmatory test as
41 provided in paragraph "i". If the specimen is urine,
42 the sample shall be split such that the primary sample
43 contains at least thirty milliliters and the secondary
44 sample contains at least fifteen milliliters. Both
45 portions of the sample shall be forwarded to the
46 laboratory conducting the initial confirmatory
47 testing. In addition to any requirements for storage
48 of the initial sample that may be imposed upon the
49 laboratory as a condition for certification or
50 approval, the laboratory shall store the second

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1 portion of any sample until receipt of a confirmed
2 negative test result or for a period of at least
3 forty-five calendar days following the completion of
4 the initial confirmatory testing, if the first portion
5 yielded a confirmed positive test result.
6 c. Sample collections shall be documented, and the
7 procedure for documentation shall include the
8 following:
9 (1) Samples shall be labeled so as to reasonably
10 preclude the possibility of misidentification of the
11 person tested in relation to the test result provided,
12 and samples shall be handled and tracked in a manner
13 such that control and accountability are maintained
14 from initial collection to each stage in handling,
15 testing, and storage, through final disposition.
16 (2) An employee or prospective employee shall be
17 provided an opportunity to provide any information
18 which may be considered relevant to the test,
19 including identification of prescription or
20 nonprescription drugs currently or recently used, or
21 other relevant medical information. To assist an
22 employee or prospective employee in providing the
23 information described in this subparagraph, the
24 employer shall provide an employee or prospective
25 employee with a list of the drugs to be tested.
26 d. Sample collection, storage, and transportation
27 to the place of testing shall be performed so as to
28 reasonably preclude the possibility of sample
29 contamination, adulteration, or misidentification.
30 e. All confirmatory drug testing shall be
31 conducted at a laboratory certified by the United
32 States department of health and human services'
33 substance abuse and mental health services

34 administration or approved under rules adopted by the
35 Iowa department of public health.
36 f. Drug or alcohol testing shall include
37 confirmation of any initial positive test results.
38 For drug or alcohol testing, confirmation shall be by
39 use of a different chemical process than was used in
40 the initial screen for drugs or alcohol. The
41 confirmatory drug or alcohol test shall be a
42 chromatographic technique such as gas chromatography
43 or mass spectrometry, or another comparably reliable
44 analytical method. An employer may take adverse
45 employment action, including refusal to hire a
46 prospective employee, based on a confirmed positive
47 drug or alcohol test.
48 g. A medical review officer shall, prior to the
49 results being reported to an employer, review and
50 interpret any confirmed positive test results,

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1 including both quantitative and qualitative test
2 results, to ensure that the chain of custody is
3 complete and sufficient on its face and that any
4 information provided by the individual pursuant to
5 paragraph "c", subparagraph (2), is considered.
6 h. In conducting drug or alcohol testing pursuant
7 to this section, the laboratory, the medical review
8 officer, and the employer shall ensure, to the extent
9 feasible, that the testing only measure, and the
10 records concerning the testing only show or make use
11 of information regarding, alcohol or drugs in the
12 body.
13 i. (1) If a confirmed positive drug or alcohol
14 test for a current employee is reported to the
15 employer by the medical review officer, the employer
16 shall notify the employee in writing by certified
17 mail, return receipt requested, of the results of the
18 test, the employee's right to request and obtain a
19 confirmatory test of the second sample collected
20 pursuant to paragraph "b" at an approved laboratory of
21 the employee's choice, and the fee payable by the
22 employee to the employer for reimbursement of expenses
23 concerning the test. The fee charged an employee
24 shall be an amount that represents the costs
25 associated with conducting the second confirmatory
26 test, which shall be consistent with the employer's
27 cost for conducting the initial confirmatory test on
28 an employee's sample. If the employee, in person or
29 by certified mail, return receipt requested, requests
30 a second confirmatory test, identifies an approved
31 laboratory to conduct the test, and pays the employer
32 the fee for the test within seven days from the date

33 the employer mails by certified mail, return receipt
34 requested, the written notice to the employee of the
35 employee's right to request a test, a second
36 confirmatory test shall be conducted at the laboratory
37 chosen by the employee. The results of the second
38 confirmatory test shall be reported to the medical
39 review officer who reviewed the initial confirmatory
40 test results and the medical review officer shall
41 review the results and issue a report to the employer
42 on whether the results of the second confirmatory test
43 confirmed the initial confirmatory test as to the
44 presence of a specific drug or alcohol. If the
45 results of the second test do not confirm the results
46 of the initial confirmatory test, the employer shall
47 reimburse the employee for the fee paid by the
48 employee for the second test and the initial
49 confirmatory test shall not be considered a confirmed
50 positive drug or alcohol test for purposes of taking

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1 disciplinary action pursuant to subsection 10.
2 (2) If a confirmed positive drug or alcohol test
3 for a prospective employee is reported to the employer
4 by the medical review officer, the employer shall
5 notify the prospective employee in writing of the
6 results of the test, of the name and address of the
7 medical review officer who made the report, and of the
8 prospective employee's right to request records under
9 subsection 13.

10 j. A laboratory conducting testing under this
11 section shall dispose of all samples for which a
12 negative test result was reported to an employer
13 within five working days after issuance of the
14 negative test result report.

15 k. Except as necessary to conduct drug or alcohol
16 testing pursuant to this section and to submit the
17 report required by subsection 16, a laboratory or
18 other medical facility shall only report to an
19 employer or outside entity information relating to the
20 results of a drug or alcohol test conducted pursuant
21 to this section concerning the determination of
22 whether the tested individual has engaged in conduct
23 prohibited by the employer's written policy with
24 regard to alcohol or drug use.

25 l. The requirements of this subsection concerning
26 sample collection and testing shall not apply if the
27 results of a blood test conducted on an employee
28 involved in an accident at work which indicates the
29 presence of drugs or alcohol were lawfully obtained by
30 an employer from the hospital or other medical
31 facility which had treated the employee following the

32 workplace accident.

33 8. DRUG OR ALCOHOL TESTING. Employers may conduct
34 drug or alcohol testing as provided in this
35 subsection:

36 a. Employers may conduct unannounced drug or
37 alcohol testing of employees who are selected from any
38 of the following pools of employees:

39 (1) The entire employee population at a particular
40 work site of the employer except for employees who are
41 not scheduled to be at work at the time the testing is
42 conducted because of the status of the employees or
43 who have been excused from work pursuant to the
44 employer's work policy prior to the time the testing
45 is announced to employees.

46 (2) The entire full-time active employee
47 population at a particular work site.

48 (3) All employees at a particular work site who
49 are in a pool of employees in a safety-sensitive
50 position and who are scheduled to be at work at the

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1 time testing is conducted, other than employees who
2 are not scheduled to be at work at the time the
3 testing is to be conducted or who have been excused
4 from work pursuant to the employer's work policy prior
5 to the time the testing is announced to employees.

6 b. Employers may conduct drug or alcohol testing
7 of employees during, and after completion of, drug or
8 alcohol rehabilitation.

9 c. Employers may conduct reasonable suspicion drug
10 or alcohol testing.

11 d. Employers may conduct drug or alcohol testing
12 of prospective employees.

13 e. Employers may conduct drug or alcohol testing
14 as required by federal law or regulation or by law
15 enforcement.

16 f. Employers may conduct drug or alcohol testing
17 in investigating accidents in the workplace in which
18 the accident resulted in an injury to an employee
19 which is required to be reported pursuant to chapter
20 88, or a comparable injury to a person who is not an
21 employee, or resulted in damage to property, including
22 to equipment, in an amount reasonably estimated at the
23 time of the accident to exceed one thousand dollars.

24 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

25 a. Drug or alcohol testing or retesting by an
26 employer shall be carried out within the terms of a
27 written policy which has been provided to every
28 employee subject to testing, and is available for
29 review by employees and prospective employees.

30 b. The employer's written policy shall provide

31 uniform requirements for what disciplinary or
32 rehabilitative actions an employer shall take against
33 an employee or prospective employee upon receipt of a
34 confirmed positive drug or alcohol test result or upon
35 the refusal of the employee or prospective employee to
36 provide a testing sample. The policy shall provide
37 that any action taken against an employee or
38 prospective employee shall be based only on the
39 results of the drug or alcohol test. The written
40 policy shall also provide that if rehabilitation is
41 required pursuant to paragraph "g", the employer shall
42 not take adverse employment action against the
43 employee so long as the employee complies with the
44 requirements of rehabilitation and successfully
45 completes rehabilitation.
46 c. Employers shall establish an awareness program
47 to inform employees of the dangers of drug and alcohol
48 use in the workplace and comply with the following
49 requirements in order to conduct drug or alcohol
50 testing under this section:

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1 (1) If an employer has an employee assistance
2 program, the employer must inform the employee of the
3 benefits and services of the employee assistance
4 program. An employer shall post notice of the
5 employee assistance program in conspicuous places and
6 explore alternative routine and reinforcing means of
7 publicizing such services. In addition, the employer
8 must provide the employee with notice of the policies
9 and procedures regarding access to and utilization of
10 the program.

11 (2) If an employer does not have an employee
12 assistance program, the employer must maintain a
13 resource file of employee assistance services
14 providers, alcohol and other drug abuse programs
15 certified by the Iowa department of public health,
16 mental health providers, and other persons, entities,
17 or organizations available to assist employees with
18 personal or behavioral problems. The employer shall
19 provide all employees information about the existence
20 of the resource file and a summary of the information
21 contained within the resource file. The summary
22 should contain, but need not be limited to, all
23 information necessary to access the services listed in
24 the resource file. In addition, the employer shall
25 post in conspicuous places a listing of multiple
26 employee assistance providers in the area.

27 d. An employee or prospective employee whose drug
28 or alcohol test results are confirmed as positive in
29 accordance with this section shall not, by virtue of

30 those results alone, be considered as a person with a
31 disability for purposes of any state or local law or
32 regulation.

33 e. If the written policy provides for alcohol
34 testing, the employer shall establish in the written
35 policy a standard for alcohol concentration which
36 shall be deemed to violate the policy. The standard
37 for alcohol concentration shall not be less than .04,
38 expressed in terms of grams of alcohol per two hundred
39 ten liters of breath, or its equivalent.

40 f. An employee of an employer who is designated by
41 the employer as being in a safety-sensitive position
42 shall be placed in only one pool of safety-sensitive
43 employees subject to drug or alcohol testing pursuant
44 to subsection 8, paragraph "a", subparagraph (3). An
45 employer may have more than one pool of safety-
46 sensitive employees subject to drug or alcohol testing
47 pursuant to subsection 8, paragraph "a", subparagraph
48 (3), but shall not include an employee in more than
49 one safety-sensitive pool.

50 g. Upon receipt of a confirmed positive drug test

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1 relating to the abuse of lawfully prescribed drugs
2 currently or recently used by an employee, or upon
3 receipt of a confirmed positive alcohol test which
4 indicates an alcohol concentration greater than the
5 concentration level established by the employer
6 pursuant to this section but less than the
7 concentration level in section 321J.2 for operating
8 while under the influence of alcohol, and if the
9 employer has at least fifty employees, and if the
10 employee has been employed by the employer for at
11 least twelve of the preceding eighteen months, and if
12 rehabilitation is agreed upon by the employee, and if
13 the employee has not previously violated the
14 employer's substance abuse prevention policy pursuant
15 to this section, the written policy shall provide for
16 the rehabilitation of the employee pursuant to
17 subsection 10, paragraph "a", subparagraph (1), and
18 the apportionment of the costs of rehabilitation as
19 provided by this paragraph.

20 (1) If the employer has an employee benefit plan,
21 the costs of rehabilitation shall be apportioned as
22 provided under the employee benefit plan.

23 (2) If no employee benefit plan exists and the
24 employee has coverage for any portion of the costs of
25 rehabilitation under any health care plan of the
26 employee, the costs of rehabilitation shall be
27 apportioned as provided by the health care plan with
28 any costs not covered by the plan apportioned equally

29 between the employee and the employer. However, the
30 employer shall not be required to pay more than two
31 thousand dollars toward the costs not covered by the
32 employee's health care plan.

33 (3) If no employee benefit plan exists and the
34 employee does not have coverage for any portion of the
35 costs of rehabilitation under any health care plan of
36 the employee, the costs of rehabilitation shall be
37 apportioned equally between the employee and the
38 employer. However, the employer shall not be required
39 to pay more than two thousand dollars towards the cost
40 of rehabilitation under this subparagraph.

41 Rehabilitation required pursuant to this paragraph
42 shall not prevent an employer from taking any other
43 adverse employment action against the employee during
44 the rehabilitation if the employee fails to comply
45 with any requirements of the rehabilitation, including
46 any action by the employee to invalidate a test sample
47 provided by the employee pursuant to the
48 rehabilitation.

49 h. In order to conduct drug or alcohol testing
50 under this section, an employer shall require

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1 supervisory personnel of the employer involved with
2 drug or alcohol testing under this section to attend a
3 minimum of two hours of initial training and to
4 attend, on an annual basis thereafter, a minimum of
5 one hour of subsequent training. The training shall
6 include, but is not limited to, information concerning
7 the recognition of evidence of employee alcohol and
8 other drug abuse, the documentation and corroboration
9 of employee alcohol and other drug abuse, and the
10 referral of employees who abuse alcohol or other drugs
11 to the employee assistance program or to the resource
12 file of employee assistance services providers.

13 10. DISCIPLINARY PROCEDURES.

14 a. Upon receipt of a confirmed positive drug or
15 alcohol test result which indicates a violation of the
16 employer's written policy, or upon the refusal of an
17 employee or prospective employee to provide a testing
18 sample, an employer may use that test result or test
19 refusal as a valid basis for disciplinary or
20 rehabilitative actions pursuant to the requirements of
21 the employer's written policy and the requirements of
22 this section, which may include, among other actions,
23 the following:

24 (1) A requirement that the employee enroll in an
25 employer-provided or approved rehabilitation,
26 treatment, or counseling program, which may include
27 additional drug or alcohol testing, participation in

28 and successful completion of which may be a condition
29 of continued employment, and the costs of which may or
30 may not be covered by the employer's health plan or
31 policies.

32 (2) Suspension of the employee, with or without
33 pay, for a designated period of time.

34 (3) Termination of employment.

35 (4) Refusal to hire a prospective employee.

36 (5) Other adverse employment action in conformance
37 with the employer's written policy and procedures,
38 including any relevant collective bargaining agreement
39 provisions.

40 b. Following a drug or alcohol test, but prior to
41 receipt of the final results of the drug or alcohol
42 test, an employer may suspend a current employee, with
43 or without pay, pending the outcome of the test. An
44 employee who has been suspended shall be reinstated by
45 the employer, with back pay, and interest on such
46 amount at eighteen percent per annum compounded
47 annually, if applicable, if the result of the test is
48 not a confirmed positive drug or alcohol test which
49 indicates a violation of the employer's written
50 policy.

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1 11. EMPLOYER IMMUNITY. A cause of action shall
2 not arise against an employer who has established a
3 policy and initiated a testing program in accordance
4 with the testing and policy safeguards provided for
5 under this section, for any of the following:

6 a. Testing or taking action based on the results
7 of a positive drug or alcohol test result, indicating
8 the presence of drugs or alcohol, in good faith, or on
9 the refusal of an employee or prospective employee to
10 submit to a drug or alcohol test.

11 b. Failure to test for drugs or alcohol, or
12 failure to test for a specific drug or controlled
13 substance.

14 c. Failure to test for, or if tested for, failure
15 to detect, any specific drug or other controlled
16 substance.

17 d. Termination or suspension of any substance
18 abuse prevention or testing program or policy.

19 e. Any action taken related to a false negative
20 drug or alcohol test result.

21 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
22 RESULTS.

23 a. Except as otherwise provided in paragraph "b",
24 a cause of action shall not arise against an employer
25 who has established a program of drug or alcohol
26 testing in accordance with this section, unless all of

27 the following conditions exist:
28 (1) The employer's action was based on a false
29 positive test result.
30 (2) The employer knew or clearly should have known
31 that the test result was in error and ignored the
32 correct test result because of reckless, malicious, or
33 negligent disregard for the truth, or the willful
34 intent to deceive or to be deceived.
35 b. A cause of action for defamation, libel,
36 slander, or damage to reputation shall not arise
37 against an employer establishing a program of drug or
38 alcohol testing in accordance with this section unless
39 all of the following apply:
40 (1) The employer discloses the test results to a
41 person other than the employer, an authorized
42 employee, agent, or representative of the employer,
43 the tested employee or the tested applicant for
44 employment, an authorized substance abuse treatment
45 program or employee assistance program, or an
46 authorized agent or representative of the tested
47 employee or applicant.
48 (2) The test results disclosed incorrectly
49 indicate the presence of alcohol or drugs.
50 (3) The employer negligently discloses the

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1 results.
2 c. In any cause of action based upon a false
3 positive test result, all of the following conditions
4 apply:
5 (1) The results of a drug or alcohol test
6 conducted in compliance with this section are presumed
7 to be valid.
8 (2) An employer shall not be liable for monetary
9 damages if the employer's reliance on the false
10 positive test result was reasonable and in good faith.
11 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.
12 a. All communications received by an employer
13 relevant to employee or prospective employee drug or
14 alcohol test results, or otherwise received through
15 the employer's drug or alcohol testing program, are
16 confidential communications and shall not be used or
17 received in evidence, obtained in discovery, or
18 disclosed in any public or private proceeding, except
19 as otherwise provided or authorized by this section.
20 b. An employee, or a prospective employee, who is
21 the subject of a drug or alcohol test conducted under
22 this section pursuant to an employer's written policy
23 and for whom a confirmed positive test result is
24 reported shall, upon written request, have access to
25 any records relating to the employee's drug or alcohol

26 test, including records of the laboratory where the
27 testing was conducted and any records relating to the
28 results of any relevant certification or review by a
29 medical review officer. However, a prospective
30 employee shall be entitled to records under this
31 paragraph only if the prospective employee requests
32 the records within fifteen calendar days from the date
33 the employer provided the prospective employee written
34 notice of the results of a drug or alcohol test as
35 provided in subsection 7, paragraph "i", subparagraph
36 (2).

37 c. Except as provided by this section and as
38 necessary to conduct drug or alcohol testing under
39 this section and to file a report pursuant to
40 subsection 16, a laboratory and a medical review
41 officer conducting drug or alcohol testing under this
42 section shall not use or disclose to any person any
43 personally identifiable information regarding such
44 testing, including the names of individuals tested,
45 even if unaccompanied by the results of the test.
46 d. An employer may use and disclose information
47 concerning the results of a drug or alcohol test
48 conducted pursuant to this section under any of the
49 following circumstances:

50 (1) In an arbitration proceeding pursuant to a

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1 collective bargaining agreement, or an administrative
2 agency proceeding or judicial proceeding under
3 workers' compensation laws or unemployment
4 compensation laws or under common or statutory laws
5 where action taken by the employer based on the test
6 is relevant or is challenged.

7 (2) To any federal agency or other unit of the
8 federal government as required under federal law,
9 regulation or order, or in accordance with compliance
10 requirements of a federal government contract.

11 (3) To any agency of this state authorized to
12 license individuals if the employee tested is licensed
13 by that agency and the rules of that agency require
14 such disclosure.

15 (4) To a union representing the employee if such
16 disclosure would be required by federal labor laws.

17 (5) To a substance abuse evaluation or treatment
18 facility or professional for the purpose of evaluation
19 or treatment of the employee.

20 However, positive test results from an employer
21 drug or alcohol testing program shall not be used as
22 evidence in any criminal action against the employee
23 or prospective employee tested.

24 14. CIVIL PENALTIES -- JURISDICTION.

25 a. Any laboratory or medical review officer which
26 discloses information in violation of the provisions
27 of subsection 7, paragraph "h" or "k", or any employer
28 who, through the selection process described in
29 subsection 1, paragraph "k", improperly targets or
30 exempts employees subject to unannounced drug or
31 alcohol testing, shall be subject to a civil penalty
32 of one thousand dollars for each violation. The
33 attorney general or the attorney general's designee
34 may maintain a civil action to enforce this
35 subsection. Any civil penalty recovered shall be
36 deposited in the general fund of the state.

37 b. A laboratory or medical review officer involved
38 in the conducting of a drug or alcohol test pursuant
39 to this section shall be deemed to have the necessary
40 contact with this state for the purpose of subjecting
41 the laboratory or medical review officer to the
42 jurisdiction of the courts of this state.

43 15. CIVIL REMEDIES. This section may be enforced
44 through a civil action.

45 a. A person who violates this section or who aids
46 in the violation of this section, is liable to an
47 aggrieved employee or prospective employee for
48 affirmative relief including reinstatement or hiring,
49 with or without back pay, or any other equitable
50 relief as the court deems appropriate including

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1 attorney fees and court costs.

2 b. When a person commits, is committing, or
3 proposes to commit, an act in violation of this
4 section, an injunction may be granted through an
5 action in district court to prohibit the person from
6 continuing such acts. The action for injunctive
7 relief may be brought by an aggrieved employee or
8 prospective employee, the county attorney, or the
9 attorney general.

10 In an action brought under this subsection alleging
11 that an employer has required or requested a drug or
12 alcohol test in violation of this section, the
13 employer has the burden of proving that the
14 requirements of this section were met.

15 16. REPORTS. A laboratory doing business for an
16 employer who conducts drug or alcohol tests pursuant
17 to this section shall file an annual report with the
18 Iowa department of public health by March 1 of each
19 year concerning the number of drug or alcohol tests
20 conducted on employees who work in this state pursuant
21 to this section, the number of positive and negative
22 results of the tests, during the previous calendar
23 year. In addition, the laboratory shall include in

23 year. In addition, the laboratory shall include in
24 its annual report the specific basis for each test as
25 authorized in subsection 8, the type of drug or drugs
26 which were found in the positive drug tests, and all
27 significant available demographic factors relating to
28 the positive test pool.
29 Sec. 2. EFFECTIVE DATE. This Act takes effect on
30 the thirtieth day following enactment.""

STEVE KING
DERRYL McLAREN

S-5043

1 Amend the amendment, S-3851, to House File 299, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 1 through 16 and
5 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 a
19 controlled substance and included in schedule I, II,
20 III, IV, or V under the federal Controlled Substances
21 Act, 21 U.S.C. § 801 et seq.
22 c. "Employee" means a person in the service of an
23 employer in this state and includes the employer, and
24 any chief executive officer, president, vice
25 president, supervisor, manager, and officer of the
26 employer who is actively involved in the day-to-day
27 operations of the business.
28 d. "Employer" means a person, firm, company,
29 corporation, labor organization, or employment agency,
30 which has one or more full-time employees employed in
31 the same business, or in or about the same
32 establishment, under any contract of hire, express or
33 implied, oral or written, in this state. "Employer"
34 does not include the state, a political subdivision of
35 the state, including a city, county, or school
36 district, the United States, the United States postal
37 service, or a Native-American tribe.
38 e. "Good faith" means reasonable reliance on

39 facts, or that which is held out to be factual,
40 without the intent to be deceived, and without
41 reckless, malicious, or negligent disregard for the
42 truth.
43 f. "Medical review officer" means a licensed
44 physician, osteopathic physician, chiropractor, nurse
45 practitioner, or physician assistant authorized to
46 practice in any state of the United States, who is
47 responsible for receiving laboratory results generated
48 by an employer's drug or alcohol testing program, and
49 who has knowledge of substance abuse disorders and has
50 appropriate medical training to interpret and evaluate

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1 an individual's confirmed positive test result
2 together with the individual's medical history and any
3 other relevant biomedical information.
4 g. "Prospective employee" means a person who has
5 made application, whether written or oral, to an
6 employer to become an employee.
7 h. "Reasonable suspicion drug or alcohol testing"
8 means drug or alcohol testing based upon evidence that
9 an employee is using or has used alcohol or other
10 drugs in violation of the employer's written policy
11 drawn from specific objective and articulable facts
12 and reasonable inferences drawn from those facts in
13 light of experience. For purposes of this paragraph,
14 facts and inferences may be based upon, but not
15 limited to, any of the following:
16 (1) Observable phenomena while at work such as
17 direct observation of alcohol or drug use or abuse or
18 of the physical symptoms or manifestations of being
19 impaired due to alcohol or other drug use.
20 (2) Abnormal conduct or erratic behavior while at
21 work or a significant deterioration in work
22 performance.
23 (3) A report of alcohol or other drug use provided
24 by a reliable and credible source.
25 (4) Evidence that an individual has tampered with
26 any drug or alcohol test during the individual's
27 employment with the current employer.
28 (5) Evidence that an employee has caused an
29 accident while at work which resulted in an injury to
30 an employee which is required to be reported pursuant
31 to chapter 88, or a comparable injury to a person who
32 is not an employee, or resulted in damage to property,
33 including to equipment, in an amount reasonably
34 estimated at the time of the accident to exceed one
35 thousand dollars.
36 (6) Evidence that an employee has manufactured,
37 sold, distributed, solicited, possessed, used, or

38 transferred drugs while working or while on the
39 employer's premises or while operating the employer's
40 vehicle, machinery, or equipment.
41 i. "Safety-sensitive position" means a job wherein
42 an accident could cause loss of human life, serious
43 bodily injury, or significant property or
44 environmental damage, including a job with duties that
45 include immediate supervision of a person in a job
46 that meets the requirement of this paragraph.
47 j. "Sample" means such sample from the human body
48 capable of revealing the presence of alcohol or other
49 drugs, or their metabolites. However, sample does not
50 mean blood except as authorized pursuant to subsection

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1 7, paragraph "l".
2 k. "Unannounced drug or alcohol testing" means
3 testing for the purposes of detecting drugs or alcohol
4 which is conducted on a periodic basis, without
5 advance notice of the test to employees subject to
6 testing prior to the day of testing, and without
7 individualized suspicion. The selection of employees
8 to be tested from the pool of employees subject to
9 testing shall be done based on a neutral and objective
10 selection process by an entity independent from the
11 employer and shall be made by a computer-based random
12 number generator that is matched with employees'
13 social security numbers, payroll identification
14 numbers, or other comparable identifying numbers in
15 which each member of the employee population subject
16 to testing has an equal chance of selection for
17 initial testing, regardless of whether the employee
18 has been selected or tested previously. The random
19 selection process shall be conducted through a
20 computer program that records each selection attempt
21 by date, time, and employee number.
22 2. APPLICABILITY. This section does not apply to
23 drug or alcohol tests conducted on employees required
24 to be tested pursuant to federal statutes, federal
25 regulations, or orders issued pursuant to federal law.
26 In addition, an employer, through its written policy,
27 may exclude from the pools of employees subject to
28 unannounced drug or alcohol testing pursuant to
29 subsection 8, paragraph "a", employee populations
30 required to be tested as described in this subsection.
31 3. TESTING OPTIONAL. This section does not
32 require an employer to conduct drug or alcohol testing
33 and the requirements of this section shall not be
34 construed to encourage, discourage, restrict, limit,
35 prohibit, or require such testing. In addition, an
36 employer may implement and require drug or alcohol

37 testing at some but not all of the work sites of the
38 employer and the requirements of this section shall
39 only apply to the employer and employees who are at
40 the work sites where drug or alcohol testing pursuant
41 to this section has been implemented.

42 4. TESTING AS CONDITION OF EMPLOYMENT --
43 REQUIREMENTS. To the extent provided in subsection 8,
44 an employer may test employees and prospective
45 employees for the presence of drugs or alcohol as a
46 condition of continued employment or hiring. An
47 employer shall adhere to the requirements of this
48 section concerning the conduct of such testing and the
49 use and disposition of the results of such testing.
50 5. COLLECTION OF SAMPLES. In conducting drug or

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1 alcohol testing, an employer may require the
2 collection of samples from its employees and
3 prospective employees, and may require presentation of
4 reliable individual identification from the person
5 being tested to the person collecting the samples.
6 Collection of a sample shall be in conformance with
7 the requirements of this section. The employer may
8 designate the type of sample to be used for this
9 testing.

10 6. SCHEDULING OF TESTS.

11 a. Drug or alcohol testing of employees conducted
12 by an employer shall normally occur during, or
13 immediately before or after, a regular work period.
14 The time required for such testing by an employer
15 shall be deemed work time for the purposes of
16 compensation and benefits for employees.

17 b. An employer shall pay all actual costs for drug
18 or alcohol testing of employees and prospective
19 employees required by the employer.

20 c. An employer shall provide transportation or pay
21 reasonable transportation costs to employees if drug
22 or alcohol sample collection is conducted at a
23 location other than the employee's normal work site.

24 7. TESTING PROCEDURES. All sample collection and
25 testing for drugs or alcohol under this section shall
26 be performed in accordance with the following
27 conditions:

28 a. The collection of samples shall be performed
29 under sanitary conditions and with regard for the
30 privacy of the individual from whom the specimen is
31 being obtained and in a manner reasonably calculated
32 to preclude contamination or substitution of the
33 specimen.

34 b. Sample collection for testing of current
35 employees shall be performed so that the specimen is

36 split into two components at the time of collection in
37 the presence of the individual from whom the sample or
38 specimen is collected. The second portion of the
39 specimen or sample shall be of sufficient quantity to
40 permit a second, independent confirmatory test as
41 provided in paragraph "i". If the specimen is urine,
42 the sample shall be split such that the primary sample
43 contains at least thirty milliliters and the secondary
44 sample contains at least fifteen milliliters. Both
45 portions of the sample shall be forwarded to the
46 laboratory conducting the initial confirmatory
47 testing. In addition to any requirements for storage
48 of the initial sample that may be imposed upon the
49 laboratory as a condition for certification or
50 approval, the laboratory shall store the second

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1 portion of any sample until receipt of a confirmed
2 negative test result or for a period of at least
3 forty-five calendar days following the completion of
4 the initial confirmatory testing, if the first portion
5 yielded a confirmed positive test result.
6 c. Sample collections shall be documented, and the
7 procedure for documentation shall include the
8 following:
9 (1) Samples shall be labeled so as to reasonably
10 preclude the possibility of misidentification of the
11 person tested in relation to the test result provided,
12 and samples shall be handled and tracked in a manner
13 such that control and accountability are maintained
14 from initial collection to each stage in handling,
15 testing, and storage, through final disposition.
16 (2) An employee or prospective employee shall be
17 provided an opportunity to provide any information
18 which may be considered relevant to the test,
19 including identification of prescription or
20 nonprescription drugs currently or recently used, or
21 other relevant medical information. To assist an
22 employee or prospective employee in providing the
23 information described in this subparagraph, the
24 employer shall provide an employee or prospective
25 employee with a list of the drugs to be tested.
26 d. Sample collection, storage, and transportation
27 to the place of testing shall be performed so as to
28 reasonably preclude the possibility of sample
29 contamination, adulteration, or misidentification.
30 e. All confirmatory drug testing shall be
31 conducted at a laboratory certified by the United
32 States department of health and human services'
33 substance abuse and mental health services
34 administration or approved under rules adopted by the

35 Iowa department of public health.
36 f. Drug or alcohol testing shall include
37 confirmation of any initial positive test results.
38 For drug or alcohol testing, confirmation shall be by
39 use of a different chemical process than was used in
40 the initial screen for drugs or alcohol. The
41 confirmatory drug or alcohol test shall be a
42 chromatographic technique such as gas chromatography
43 or mass spectrometry, or another comparably reliable
44 analytical method. An employer may take adverse
45 employment action, including refusal to hire a
46 prospective employee, based on a confirmed positive
47 drug or alcohol test.
48 g. A medical review officer shall, prior to the
49 results being reported to an employer, review and
50 interpret any confirmed positive test results,

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1 including both quantitative and qualitative test
2 results, to ensure that the chain of custody is
3 complete and sufficient on its face and that any
4 information provided by the individual pursuant to
5 paragraph "c", subparagraph (2), is considered.
6 h. In conducting drug or alcohol testing pursuant
7 to this section, the laboratory, the medical review
8 officer, and the employer shall ensure, to the extent
9 feasible, that the testing only measure, and the
10 records concerning the testing only show or make use
11 of information regarding, alcohol or drugs in the
12 body.
13 i. (1) If a confirmed positive drug or alcohol
14 test for a current employee is reported to the
15 employer by the medical review officer, the employer
16 shall notify the employee in writing by certified
17 mail, return receipt requested, of the results of the
18 test, the employee's right to request and obtain a
19 confirmatory test of the second sample collected
20 pursuant to paragraph "b" at an approved laboratory of
21 the employee's choice, and the fee payable by the
22 employee to the employer for reimbursement of expenses
23 concerning the test. The fee charged an employee
24 shall be an amount that represents the costs
25 associated with conducting the second confirmatory
26 test, which shall be consistent with the employer's
27 cost for conducting the initial confirmatory test on
28 an employee's sample. If the employee, in person or
29 by certified mail, return receipt requested, requests
30 a second confirmatory test, identifies an approved
31 laboratory to conduct the test, and pays the employer
32 the fee for the test within seven days from the date
33 the employer mails by certified mail, return receipt

34 requested, the written notice to the employee of the
35 employee's right to request a test, a second
36 confirmatory test shall be conducted at the laboratory
37 chosen by the employee. The results of the second
38 confirmatory test shall be reported to the medical
39 review officer who reviewed the initial confirmatory
40 test results and the medical review officer shall
41 review the results and issue a report to the employer
42 on whether the results of the second confirmatory test
43 confirmed the initial confirmatory test as to the
44 presence of a specific drug or alcohol. If the
45 results of the second test do not confirm the results
46 of the initial confirmatory test, the employer shall
47 reimburse the employee for the fee paid by the
48 employee for the second test and the initial
49 confirmatory test shall not be considered a confirmed
50 positive drug or alcohol test for purposes of taking

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1 disciplinary action pursuant to subsection 10.
2 (2) If a confirmed positive drug or alcohol test
3 for a prospective employee is reported to the employer
4 by the medical review officer, the employer shall
5 notify the prospective employee in writing of the
6 results of the test, of the name and address of the
7 medical review officer who made the report, and of the
8 prospective employee's right to request records under
9 subsection 13.

10 j. A laboratory conducting testing under this
11 section shall dispose of all samples for which a
12 negative test result was reported to an employer
13 within five working days after issuance of the
14 negative test result report.

15 k. Except as necessary to conduct drug or alcohol
16 testing pursuant to this section and to submit the
17 report required by subsection 16, a laboratory or
18 other medical facility shall only report to an
19 employer or outside entity information relating to the
20 results of a drug or alcohol test conducted pursuant
21 to this section concerning the determination of
22 whether the tested individual has engaged in conduct
23 prohibited by the employer's written policy with
24 regard to alcohol or drug use.

25 l. The requirements of this subsection concerning
26 sample collection and testing shall not apply if the
27 results of a blood test conducted on an employee
28 involved in an accident at work which indicates the
29 presence of drugs or alcohol were lawfully obtained by
30 an employer from the hospital or other medical
31 facility which had treated the employee following the
32 workplace accident.

33 8. DRUG OR ALCOHOL TESTING. Employers may conduct
34 drug or alcohol testing as provided in this
35 subsection:

36 a. Employers may conduct unannounced drug or
37 alcohol testing of employees who are selected from any
38 of the following pools of employees:

39 (1) The entire employee population at a particular
40 work site of the employer except for employees who are
41 not scheduled to be at work at the time the testing is
42 conducted because of the status of the employees or
43 who have been excused from work pursuant to the
44 employer's work policy prior to the time the testing
45 is announced to employees.

46 (2) The entire full-time active employee
47 population at a particular work site.

48 (3) All employees at a particular work site who
49 are in a pool of employees in a safety-sensitive
50 position and who are scheduled to be at work at the

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1 time testing is conducted, other than employees who
2 are not scheduled to be at work at the time the
3 testing is to be conducted or who have been excused
4 from work pursuant to the employer's work policy prior
5 to the time the testing is announced to employees.

6 b. Employers may conduct drug or alcohol testing
7 of employees during, and after completion of, drug or
8 alcohol rehabilitation.

9 c. Employers may conduct reasonable suspicion drug
10 or alcohol testing.

11 d. Employers may conduct drug or alcohol testing
12 of prospective employees.

13 e. Employers may conduct drug or alcohol testing
14 as required by federal law or regulation or by law
15 enforcement.

16 f. Employers may conduct drug or alcohol testing
17 in investigating accidents in the workplace in which
18 the accident resulted in an injury to an employee
19 which is required to be reported pursuant to chapter
20 88, or a comparable injury to a person who is not an
21 employee, or resulted in damage to property, including
22 to equipment, in an amount reasonably estimated at the
23 time of the accident to exceed one thousand dollars.

24 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

25 a. Drug or alcohol testing or retesting by an
26 employer shall be carried out within the terms of a
27 written policy which has been provided to every
28 employee subject to testing, and is available for
29 review by employees and prospective employees.

30 b. The employer's written policy shall provide
31 uniform requirements for what disciplinary or

32 rehabilitative actions an employer shall take against
33 an employee or prospective employee upon receipt of a
34 confirmed positive drug or alcohol test result or upon
35 the refusal of the employee or prospective employee to
36 provide a testing sample. The policy shall provide
37 that any action taken against an employee or
38 prospective employee shall be based only on the
39 results of the drug or alcohol test. The written
40 policy shall also provide that if rehabilitation is
41 required pursuant to paragraph "g", the employer shall
42 not take adverse employment action against the
43 employee so long as the employee complies with the
44 requirements of rehabilitation and successfully
45 completes rehabilitation.
46 c. Employers shall establish an awareness program
47 to inform employees of the dangers of drug and alcohol
48 use in the workplace and comply with the following
49 requirements in order to conduct drug or alcohol
50 testing under this section:

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1 (1) If an employer has an employee assistance
2 program, the employer must inform the employee of the
3 benefits and services of the employee assistance
4 program. An employer shall post notice of the
5 employee assistance program in conspicuous places and
6 explore alternative routine and reinforcing means of
7 publicizing such services. In addition, the employer
8 must provide the employee with notice of the policies
9 and procedures regarding access to and utilization of
10 the program.

11 (2) If an employer does not have an employee
12 assistance program, the employer must maintain a
13 resource file of employee assistance services
14 providers, alcohol and other drug abuse programs
15 certified by the Iowa department of public health,
16 mental health providers, and other persons, entities,
17 or organizations available to assist employees with
18 personal or behavioral problems. The employer shall
19 provide all employees information about the existence
20 of the resource file and a summary of the information
21 contained within the resource file. The summary
22 should contain, but need not be limited to, all
23 information necessary to access the services listed in
24 the resource file. In addition, the employer shall
25 post in conspicuous places a listing of multiple
26 employee assistance providers in the area.

27 d. An employee or prospective employee whose drug
28 or alcohol test results are confirmed as positive in
29 accordance with this section shall not, by virtue of
30 those results alone, be considered as a person with a

- 31 disability for purposes of any state or local law or
32 regulation.
- 33 e. If the written policy provides for alcohol
34 testing, the employer shall establish in the written
35 policy a standard for alcohol concentration which
36 shall be deemed to violate the policy. The standard
37 for alcohol concentration shall not be less than .04,
38 expressed in terms of grams of alcohol per two hundred
39 ten liters of breath, or its equivalent.
- 40 f. An employee of an employer who is designated by
41 the employer as being in a safety-sensitive position
42 shall be placed in only one pool of safety-sensitive
43 employees subject to drug or alcohol testing pursuant
44 to subsection 8, paragraph "a", subparagraph (3). An
45 employer may have more than one pool of safety-
46 sensitive employees subject to drug or alcohol testing
47 pursuant to subsection 8, paragraph "a", subparagraph
48 (3), but shall not include an employee in more than
49 one safety-sensitive pool.
- 50 g. Upon receipt of a confirmed positive drug test

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- 1 relating to the abuse of lawfully prescribed drugs
2 currently or recently used by an employee, or upon
3 receipt of a confirmed positive alcohol test which
4 indicates an alcohol concentration greater than the
5 concentration level established by the employer
6 pursuant to this section but less than the
7 concentration level in section 321J.2 for operating
8 while under the influence of alcohol, and if the
9 employer has at least fifty employees, and if the
10 employee has been employed by the employer for at
11 least twelve of the preceding eighteen months, and if
12 rehabilitation is agreed upon by the employee, and if
13 the employee has not previously violated the
14 employer's substance abuse prevention policy pursuant
15 to this section, the written policy shall provide for
16 the rehabilitation of the employee pursuant to
17 subsection 10, paragraph "a", subparagraph (1), and
18 the apportionment of the costs of rehabilitation as
19 provided by this paragraph.
- 20 (1) If the employer has an employee benefit plan,
21 the costs of rehabilitation shall be apportioned as
22 provided under the employee benefit plan.
- 23 (2) If no employee benefit plan exists and the
24 employee has coverage for any portion of the costs of
25 rehabilitation under any health care plan of the
26 employee, the costs of rehabilitation shall be
27 apportioned as provided by the health care plan with
28 any costs not covered by the plan apportioned equally
29 between the employee and the employer. However, the

30 employer shall not be required to pay more than two
31 thousand dollars toward the costs not covered by the
32 employee's health care plan.

33 (3) If no employee benefit plan exists and the
34 employee does not have coverage for any portion of the
35 costs of rehabilitation under any health care plan of
36 the employee, the costs of rehabilitation shall be
37 apportioned equally between the employee and the
38 employer. However, the employer shall not be required
39 to pay more than two thousand dollars towards the cost
40 of rehabilitation under this subparagraph.

41 Rehabilitation required pursuant to this paragraph
42 shall not prevent an employer from taking any other
43 adverse employment action against the employee during
44 the rehabilitation if the employee fails to comply
45 with any requirements of the rehabilitation, including
46 any action by the employee to invalidate a test sample
47 provided by the employee pursuant to the
48 rehabilitation.

49 h. In order to conduct drug or alcohol testing
50 under this section, an employer shall require

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1 supervisory personnel of the employer involved with
2 drug or alcohol testing under this section to attend a
3 minimum of two hours of initial training and to
4 attend, on an annual basis thereafter, a minimum of
5 one hour of subsequent training. The training shall
6 include, but is not limited to, information concerning
7 the recognition of evidence of employee alcohol and
8 other drug abuse, the documentation and corroboration
9 of employee alcohol and other drug abuse, and the
10 referral of employees who abuse alcohol or other drugs
11 to the employee assistance program or to the resource
12 file of employee assistance services providers.

13 10. DISCIPLINARY PROCEDURES.

14 a. Upon receipt of a confirmed positive drug or
15 alcohol test result which indicates a violation of the
16 employer's written policy, or upon the refusal of an
17 employee or prospective employee to provide a testing
18 sample, an employer may use that test result or test
19 refusal as a valid basis for disciplinary or
20 rehabilitative actions pursuant to the requirements of
21 the employer's written policy and the requirements of
22 this section, which may include, among other actions,
23 the following:

24 (1) A requirement that the employee enroll in an
25 employer-provided or approved rehabilitation,
26 treatment, or counseling program, which may include
27 additional drug or alcohol testing, participation in
28 and successful completion of which may be a condition

29 of continued employment, and the costs of which may or
30 may not be covered by the employer's health plan or
31 policies.

32 (2) Suspension of the employee, with or without
33 pay, for a designated period of time.

34 (3) Termination of employment.

35 (4) Refusal to hire a prospective employee.

36 (5) Other adverse employment action in conformance
37 with the employer's written policy and procedures,
38 including any relevant collective bargaining agreement
39 provisions.

40 b. Following a drug or alcohol test, but prior to
41 receipt of the final results of the drug or alcohol
42 test, an employer may suspend a current employee, with
43 or without pay, pending the outcome of the test. An
44 employee who has been suspended shall be reinstated by
45 the employer, with back pay, and interest on such
46 amount at eighteen percent per annum compounded
47 annually, if applicable, if the result of the test is
48 not a confirmed positive drug or alcohol test which
49 indicates a violation of the employer's written
50 policy.

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1 11. EMPLOYER IMMUNITY. A cause of action shall
2 not arise against an employer who has established a
3 policy and initiated a testing program in accordance
4 with the testing and policy safeguards provided for
5 under this section, for any of the following:

6 a. Testing or taking action based on the results
7 of a positive drug or alcohol test result, indicating
8 the presence of drugs or alcohol, in good faith, or on
9 the refusal of an employee or prospective employee to
10 submit to a drug or alcohol test.

11 b. Failure to test for drugs or alcohol, or
12 failure to test for a specific drug or controlled
13 substance.

14 c. Failure to test for, or if tested for, failure
15 to detect, any specific drug or other controlled
16 substance.

17 d. Termination or suspension of any substance
18 abuse prevention or testing program or policy.

19 e. Any action taken related to a false negative
20 drug or alcohol test result.

21 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
22 RESULTS.

23 a. Except as otherwise provided in paragraph "b",
24 a cause of action shall not arise against an employer
25 who has established a program of drug or alcohol
26 testing in accordance with this section, unless all of
27 the following conditions exist:

28 (1) The employer's action was based on a false
29 positive test result.
30 (2) The employer knew or clearly should have known
31 that the test result was in error and ignored the
32 correct test result because of reckless, malicious, or
33 negligent disregard for the truth, or the willful
34 intent to deceive or to be deceived.
35 b. A cause of action for defamation, libel,
36 slander, or damage to reputation shall not arise
37 against an employer establishing a program of drug or
38 alcohol testing in accordance with this section unless
39 all of the following apply:
40 (1) The employer discloses the test results to a
41 person other than the employer, an authorized
42 employee, agent, or representative of the employer,
43 the tested employee or the tested applicant for
44 employment, an authorized substance abuse treatment
45 program or employee assistance program, or an
46 authorized agent or representative of the tested
47 employee or applicant.
48 (2) The test results disclosed incorrectly
49 indicate the presence of alcohol or drugs.
50 (3) The employer negligently discloses the

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1 results.
2 c. In any cause of action based upon a false
3 positive test result, all of the following conditions
4 apply:
5 (1) The results of a drug or alcohol test
6 conducted in compliance with this section are presumed
7 to be valid.
8 (2) An employer shall not be liable for monetary
9 damages if the employer's reliance on the false
10 positive test result was reasonable and in good faith.
11 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.
12 a. All communications received by an employer
13 relevant to employee or prospective employee drug or
14 alcohol test results, or otherwise received through
15 the employer's drug or alcohol testing program, are
16 confidential communications and shall not be used or
17 received in evidence, obtained in discovery, or
18 disclosed in any public or private proceeding, except
19 as otherwise provided or authorized by this section.
20 b. An employee, or a prospective employee, who is
21 the subject of a drug or alcohol test conducted under
22 this section pursuant to an employer's written policy
23 and for whom a confirmed positive test result is
24 reported shall, upon written request, have access to
25 any records relating to the employee's drug or alcohol
26 test, including records of the laboratory where the

27 testing was conducted and any records relating to the
28 results of any relevant certification or review by a
29 medical review officer. However, a prospective
30 employee shall be entitled to records under this
31 paragraph only if the prospective employee requests
32 the records within fifteen calendar days from the date
33 the employer provided the prospective employee written
34 notice of the results of a drug or alcohol test as
35 provided in subsection 7, paragraph "i", subparagraph
36 (2).

37 c. Except as provided by this section and as
38 necessary to conduct drug or alcohol testing under
39 this section and to file a report pursuant to
40 subsection 16, a laboratory and a medical review
41 officer conducting drug or alcohol testing under this
42 section shall not use or disclose to any person any
43 personally identifiable information regarding such
44 testing, including the names of individuals tested,
45 even if unaccompanied by the results of the test.

46 d. An employer may use and disclose information
47 concerning the results of a drug or alcohol test
48 conducted pursuant to this section under any of the
49 following circumstances:

50 (1) In an arbitration proceeding pursuant to a

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1 collective bargaining agreement, or an administrative
2 agency proceeding or judicial proceeding under
3 workers' compensation laws or unemployment
4 compensation laws or under common or statutory laws
5 where action taken by the employer based on the test
6 is relevant or is challenged.

7 (2) To any federal agency or other unit of the
8 federal government as required under federal law,
9 regulation or order, or in accordance with compliance
10 requirements of a federal government contract.

11 (3) To any agency of this state authorized to
12 license individuals if the employee tested is licensed
13 by that agency and the rules of that agency require
14 such disclosure.

15 (4) To a union representing the employee if such
16 disclosure would be required by federal labor laws.

17 (5) To a substance abuse evaluation or treatment
18 facility or professional for the purpose of evaluation
19 or treatment of the employee.

20 However, positive test results from an employer
21 drug or alcohol testing program shall not be used as
22 evidence in any criminal action against the employee
23 or prospective employee tested.

24 14. CIVIL PENALTIES -- JURISDICTION.

25 a. Any laboratory or medical review officer which

discloses information in violation of the provisions of subsection 7, paragraph "h" or "k", or any employer who, through the selection process described in subsection 1, paragraph "k", improperly targets or exempts employees subject to unannounced drug or alcohol testing, shall be subject to a civil penalty of one thousand dollars for each violation. The attorney general or the attorney general's designee may maintain a civil action to enforce this subsection. Any civil penalty recovered shall be deposited in the general fund of the state.

b. A laboratory or medical review officer involved in the conducting of a drug or alcohol test pursuant to this section shall be deemed to have the necessary contact with this state for the purpose of subjecting the laboratory or medical review officer to the jurisdiction of the courts of this state.

15. CIVIL REMEDIES. This section may be enforced through a civil action.

a. A person who violates this section or who aids in the violation of this section, is liable to an aggrieved employee or prospective employee for affirmative relief including reinstatement or hiring, with or without back pay, or any other equitable relief as the court deems appropriate including

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attorney fees and court costs.

b. When a person commits, is committing, or proposes to commit, an act in violation of this section, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or prospective employee, the county attorney, or the attorney general.

In an action brought under this subsection alleging that an employer has required or requested a drug or alcohol test in violation of this section, the employer has the burden of proving that the requirements of this section were met.

16. REPORTS. A laboratory doing business for an employer who conducts drug or alcohol tests pursuant to this section shall file an annual report with the Iowa department of public health by March 1 of each year concerning the number of drug or alcohol tests conducted on employees who work in this state pursuant to this section, the number of positive and negative results of the tests, during the previous calendar year. In addition, the laboratory shall include in its annual report the specific basis for each test as

25 authorized in subsection 8, the type of drug or drugs
26 which were found in the positive drug tests, and all
27 significant available demographic factors relating to
28 the positive test pool.
29 Sec. 2. EFFECTIVE DATE. This Act takes effect on
30 the thirtieth day following enactment."

STEVE KING
DERRYL McLAREN

S-5044

1 Amend the amendment, S-3851, to House File 299, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 1 through 16 and
5 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 a
19 controlled substance and included in schedule I, II,
20 III, IV, or V under the federal Controlled Substances
21 Act, 21 U.S.C. } 801 et seq.
22 c. "Employee" means a person in the service of an
23 employer in this state and includes the employer, and
24 any chief executive officer, president, vice
25 president, supervisor, manager, and officer of the
26 employer who is actively involved in the day-to-day
27 operations of the business.
28 d. "Employer" means a person, firm, company,
29 corporation, labor organization, or employment agency,
30 which has one or more full-time employees employed in
31 the same business, or in or about the same
32 establishment, under any contract of hire, express or
33 implied, oral or written, in this state. "Employer"
34 does not include the state, a political subdivision of
35 the state, including a city, county, or school
36 district, the United States, the United States postal
37 service, or a Native-American tribe.
38 e. "Good faith" means reasonable reliance on
39 facts, or that which is held out to be factual,
40 without the intent to be deceived, and without

41 reckless, malicious, or negligent disregard for the
42 truth.
43 f. "Medical review officer" means a licensed
44 physician, osteopathic physician, chiropractor, nurse
45 practitioner, or physician assistant authorized to
46 practice in any state of the United States, who is
47 responsible for receiving laboratory results generated
48 by an employer's drug or alcohol testing program, and
49 who has knowledge of substance abuse disorders and has
50 appropriate medical training to interpret and evaluate

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1 an individual's confirmed positive test result
2 together with the individual's medical history and any
3 other relevant biomedical information.
4 g. "Prospective employee" means a person who has
5 made application, whether written or oral, to an
6 employer to become an employee.
7 h. "Reasonable suspicion drug or alcohol testing"
8 means drug or alcohol testing based upon evidence that
9 an employee is using or has used alcohol or other
10 drugs in violation of the employer's written policy
11 drawn from specific objective and articulable facts
12 and reasonable inferences drawn from those facts in
13 light of experience. For purposes of this paragraph,
14 facts and inferences may be based upon, but not
15 limited to, any of the following:
16 (1) Observable phenomena while at work such as
17 direct observation of alcohol or drug use or abuse or
18 of the physical symptoms or manifestations of being
19 impaired due to alcohol or other drug use.
20 (2) Abnormal conduct or erratic behavior while at
21 work or a significant deterioration in work
22 performance.
23 (3) A report of alcohol or other drug use provided
24 by a reliable and credible source.
25 (4) Evidence that an individual has tampered with
26 any drug or alcohol test during the individual's
27 employment with the current employer.
28 (5) Evidence that an employee has caused an
29 accident while at work which resulted in an injury to
30 a person for which injury, if suffered by an employee,
31 a record or report could be required under chapter 88,
32 or resulted in damage to property, including to
33 equipment, in an amount reasonably estimated at the
34 time of the accident to exceed one thousand dollars.
35 (6) Evidence that an employee has manufactured,
36 sold, distributed, solicited, possessed, used, or
37 transferred drugs while working or while on the
38 employer's premises or while operating the employer's
39 vehicle, machinery, or equipment.

40 i. "Safety-sensitive position" means a job wherein
41 an accident could cause loss of human life, serious
42 bodily injury, or significant property or
43 environmental damage, including a job with duties that
44 include immediate supervision of a person in a job
45 that meets the requirement of this paragraph.
46 j. "Sample" means such sample from the human body
47 capable of revealing the presence of alcohol or other
48 drugs, or their metabolites. However, sample does not
49 mean blood except as authorized pursuant to subsection
50 7, paragraph "l".

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1 k. "Unannounced drug or alcohol testing" means
2 testing for the purposes of detecting drugs or alcohol
3 which is conducted on a periodic basis, without
4 advance notice of the test to employees, other than
5 employees whose duties include responsibility for
6 administration of the employer's drug or alcohol
7 testing program, subject to testing prior to the day
8 of testing, and without individualized suspicion. The
9 selection of employees to be tested from the pool of
10 employees subject to testing shall be done based on a
11 neutral and objective selection process by an entity
12 independent from the employer and shall be made by a
13 computer-based random number generator that is matched
14 with employees' social security numbers, payroll
15 identification numbers, or other comparable
16 identifying numbers in which each member of the
17 employee population subject to testing has an equal
18 chance of selection for initial testing, regardless of
19 whether the employee has been selected or tested
20 previously. The random selection process shall be
21 conducted through a computer program that records each
22 selection attempt by date, time, and employee number.
23 2. APPLICABILITY. This section does not apply to
24 drug or alcohol tests conducted on employees required
25 to be tested pursuant to federal statutes, federal
26 regulations, or orders issued pursuant to federal law.
27 In addition, an employer, through its written policy,
28 may exclude from the pools of employees subject to
29 unannounced drug or alcohol testing pursuant to
30 subsection 8, paragraph "a", employee populations
31 required to be tested as described in this subsection.
32 3. TESTING OPTIONAL. This section does not
33 require or create a legal duty on an employer to
34 conduct drug or alcohol testing and the requirements
35 of this section shall not be construed to encourage,
36 discourage, restrict, limit, prohibit, or require such
37 testing. In addition, an employer may implement and
38 require drug or alcohol testing at some but not all of

39 the work sites of the employer and the requirements of
40 this section shall only apply to the employer and
41 employees who are at the work sites where drug or
42 alcohol testing pursuant to this section has been
43 implemented. A cause of action shall not arise in
44 favor of any person against an employer or agent of an
45 employer based on the failure of the employer to
46 establish a program or policy on substance abuse
47 prevention or to implement any component of testing as
48 permitted by this section.
49 4. TESTING AS CONDITION OF EMPLOYMENT --
50 REQUIREMENTS. To the extent provided in subsection 8,

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1 an employer may test employees and prospective
2 employees for the presence of drugs or alcohol as a
3 condition of continued employment or hiring. An
4 employer shall adhere to the requirements of this
5 section concerning the conduct of such testing and the
6 use and disposition of the results of such testing.
7 5. COLLECTION OF SAMPLES. In conducting drug or
8 alcohol testing, an employer may require the
9 collection of samples from its employees and
10 prospective employees, and may require presentation of
11 reliable individual identification from the person
12 being tested to the person collecting the samples.
13 Collection of a sample shall be in conformance with
14 the requirements of this section. The employer may
15 designate the type of sample to be used for this
16 testing.
17 6. SCHEDULING OF TESTS.
18 a. Drug or alcohol testing of employees conducted
19 by an employer shall normally occur during, or
20 immediately before or after, a regular work period.
21 The time required for such testing by an employer
22 shall be deemed work time for the purposes of
23 compensation and benefits for employees.
24 b. An employer shall pay all actual costs for drug
25 or alcohol testing of employees and prospective
26 employees required by the employer.
27 c. An employer shall provide transportation or pay
28 reasonable transportation costs to employees if drug
29 or alcohol sample collection is conducted at a
30 location other than the employee's normal work site.
31 7. TESTING PROCEDURES. All sample collection and
32 testing for drugs or alcohol under this section shall
33 be performed in accordance with the following
34 conditions:
35 a. The collection of samples shall be performed
36 under sanitary conditions and with regard for the
37 privacy of the individual from whom the specimen is

38 being obtained and in a manner reasonably calculated
39 to preclude contamination or substitution of the
40 specimen.
41 b. Sample collection for testing of current
42 employees shall be performed so that the specimen is
43 split into two components at the time of collection in
44 the presence of the individual from whom the sample or
45 specimen is collected. The second portion of the
46 specimen or sample shall be of sufficient quantity to
47 permit a second, independent confirmatory test as
48 provided in paragraph "i". If the specimen is urine,
49 the sample shall be split such that the primary sample
50 contains at least thirty milliliters and the secondary

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1 sample contains at least fifteen milliliters. Both
2 portions of the sample shall be forwarded to the
3 laboratory conducting the initial confirmatory
4 testing. In addition to any requirements for storage
5 of the initial sample that may be imposed upon the
6 laboratory as a condition for certification or
7 approval, the laboratory shall store the second
8 portion of any sample until receipt of a confirmed
9 negative test result or for a period of at least
10 forty-five calendar days following the completion of
11 the initial confirmatory testing, if the first portion
12 yielded a confirmed positive test result.

13 c. Sample collections shall be documented, and the
14 procedure for documentation shall include the
15 following:

16 (1) Samples shall be labeled so as to reasonably
17 preclude the possibility of misidentification of the
18 person tested in relation to the test result provided,
19 and samples shall be handled and tracked in a manner
20 such that control and accountability are maintained
21 from initial collection to each stage in handling,
22 testing, and storage, through final disposition.

23 (2) An employee or prospective employee shall be
24 provided an opportunity to provide any information
25 which may be considered relevant to the test,
26 including identification of prescription or
27 nonprescription drugs currently or recently used, or
28 other relevant medical information. To assist an
29 employee or prospective employee in providing the
30 information described in this subparagraph, the
31 employer shall provide an employee or prospective
32 employee with a list of the drugs to be tested.

33 d. Sample collection, storage, and transportation
34 to the place of testing shall be performed so as to
35 reasonably preclude the possibility of sample
36 contamination, adulteration, or misidentification.

37 e. All confirmatory drug testing shall be
38 conducted at a laboratory certified by the United
39 States department of health and human services'
40 substance abuse and mental health services
41 administration or approved under rules adopted by the
42 Iowa department of public health.
43 f. Drug or alcohol testing shall include
44 confirmation of any initial positive test results.
45 For drug or alcohol testing, confirmation shall be by
46 use of a different chemical process than was used in
47 the initial screen for drugs or alcohol. The
48 confirmatory drug or alcohol test shall be a
49 chromatographic technique such as gas chromatography
50 or mass spectrometry, or another comparably reliable

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1 analytical method. An employer may take adverse
2 employment action, including refusal to hire a
3 prospective employee, based on a confirmed positive
4 drug or alcohol test.

5 g. A medical review officer shall, prior to the
6 results being reported to an employer, review and
7 interpret any confirmed positive test results,
8 including both quantitative and qualitative test
9 results, to ensure that the chain of custody is
10 complete and sufficient on its face and that any
11 information provided by the individual pursuant to
12 paragraph "c", subparagraph (2), is considered.

13 h. In conducting drug or alcohol testing pursuant
14 to this section, the laboratory, the medical review
15 officer, and the employer shall ensure, to the extent
16 feasible, that the testing only measure, and the
17 records concerning the testing only show or make use
18 of information regarding, alcohol or drugs in the
19 body.

20 i. (1) If a confirmed positive drug or alcohol
21 test for a current employee is reported to the
22 employer by the medical review officer, the employer
23 shall notify the employee in writing by certified
24 mail, return receipt requested, of the results of the
25 test, the employee's right to request and obtain a
26 confirmatory test of the second sample collected
27 pursuant to paragraph "b" at an approved laboratory of
28 the employee's choice, and the fee payable by the
29 employee to the employer for reimbursement of expenses
30 concerning the test. The fee charged an employee
31 shall be an amount that represents the costs
32 associated with conducting the second confirmatory
33 test, which shall be consistent with the employer's
34 cost for conducting the initial confirmatory test on
35 an employee's sample. If the employee, in person or

36 by certified mail, return receipt requested, requests
37 a second confirmatory test, identifies an approved
38 laboratory to conduct the test, and pays the employer
39 the fee for the test within seven days from the date
40 the employer mails by certified mail, return receipt
41 requested, the written notice to the employee of the
42 employee's right to request a test, a second
43 confirmatory test shall be conducted at the laboratory
44 chosen by the employee. The results of the second
45 confirmatory test shall be reported to the medical
46 review officer who reviewed the initial confirmatory
47 test results and the medical review officer shall
48 review the results and issue a report to the employer
49 on whether the results of the second confirmatory test
50 confirmed the initial confirmatory test as to the

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1 presence of a specific drug or alcohol. If the
2 results of the second test do not confirm the results
3 of the initial confirmatory test, the employer shall
4 reimburse the employee for the fee paid by the
5 employee for the second test and the initial
6 confirmatory test shall not be considered a confirmed
7 positive drug or alcohol test for purposes of taking
8 disciplinary action pursuant to subsection 10.
9 (2) If a confirmed positive drug or alcohol test
10 for a prospective employee is reported to the employer
11 by the medical review officer, the employer shall
12 notify the prospective employee in writing of the
13 results of the test, of the name and address of the
14 medical review officer who made the report, and of the
15 prospective employee's right to request records under
16 subsection 13.
17 j. A laboratory conducting testing under this
18 section shall dispose of all samples for which a
19 negative test result was reported to an employer
20 within five working days after issuance of the
21 negative test result report.
22 k. Except as necessary to conduct drug or alcohol
23 testing pursuant to this section and to submit the
24 report required by subsection 16, a laboratory or
25 other medical facility shall only report to an
26 employer or outside entity information relating to the
27 results of a drug or alcohol test conducted pursuant
28 to this section concerning the determination of
29 whether the tested individual has engaged in conduct
30 prohibited by the employer's written policy with
31 regard to alcohol or drug use.
32 l. Notwithstanding the provisions of this
33 subsection, an employer may rely and take action upon
34 the results of any blood test for drugs or alcohol

35 made on any employee involved in an accident at work
36 if the test is administered by or at the direction of
37 the person providing treatment or care to the employee
38 without request or suggestion by the employer that a
39 test be conducted, and the employer has lawfully
40 obtained the results of the test. For purposes of
41 this paragraph, an employer shall not be deemed to
42 have requested or required a test in conjunction with
43 the provision of medical treatment following a
44 workplace accident by providing information concerning
45 the circumstance of the accident.

46 8. DRUG OR ALCOHOL TESTING. Employers may conduct
47 drug or alcohol testing as provided in this
48 subsection:

49 a. Employers may conduct unannounced drug or
50 alcohol testing of employees who are selected from any

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1 of the following pools of employees:

2 (1) The entire employee population at a particular
3 work site of the employer except for employees who are
4 not scheduled to be at work at the time the testing is
5 conducted because of the status of the employees or
6 who have been excused from work pursuant to the
7 employer's work policy prior to the time the testing
8 is announced to employees.

9 (2) The entire full-time active employee
10 population at a particular work site except for
11 employees who are not scheduled to be at work at the
12 time the testing is to be conducted because of the
13 status of the employee, or who have been excused from
14 work pursuant to the employer's working policy.

15 (3) All employees at a particular work site who
16 are in a pool of employees in a safety-sensitive
17 position and who are scheduled to be at work at the
18 time testing is conducted, other than employees who
19 are not scheduled to be at work at the time the
20 testing is to be conducted or who have been excused
21 from work pursuant to the employer's work policy prior
22 to the time the testing is announced to employees.

23 b. Employers may conduct drug or alcohol testing
24 of employees during, and after completion of, drug or
25 alcohol rehabilitation.

26 c. Employers may conduct reasonable suspicion drug
27 or alcohol testing.

28 d. Employers may conduct drug or alcohol testing
29 of prospective employees.

30 e. Employers may conduct drug or alcohol testing
31 as required by federal law or regulation or by law
32 enforcement.

33 f. Employers may conduct drug or alcohol testing

34 in investigating accidents in the workplace in which
35 the accident resulted in an injury to a person for
36 which injury, if suffered by an employee, a record or
37 report could be required under chapter 88, or resulted
38 in damage to property, including to equipment, in an
39 amount reasonably estimated at the time of the
40 accident to exceed one thousand dollars.

41 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.

42 a. Drug or alcohol testing or retesting by an
43 employer shall be carried out within the terms of a
44 written policy which has been provided to every
45 employee subject to testing, and is available for
46 review by employees and prospective employees.

47 b. The employer's written policy shall provide
48 uniform requirements for what disciplinary or
49 rehabilitative actions an employer shall take against
50 an employee or prospective employee upon receipt of a

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1 confirmed positive drug or alcohol test result or upon
2 the refusal of the employee or prospective employee to
3 provide a testing sample. The policy shall provide
4 that any action taken against an employee or
5 prospective employee shall be based only on the
6 results of the drug or alcohol test. The written
7 policy shall also provide that if rehabilitation is
8 required pursuant to paragraph "g", the employer shall
9 not take adverse employment action against the
10 employee so long as the employee complies with the
11 requirements of rehabilitation and successfully
12 completes rehabilitation.

13 c. Employers shall establish an awareness program
14 to inform employees of the dangers of drug and alcohol
15 use in the workplace and comply with the following
16 requirements in order to conduct drug or alcohol
17 testing under this section:

18 (1) If an employer has an employee assistance
19 program, the employer must inform the employee of the
20 benefits and services of the employee assistance
21 program. An employer shall post notice of the
22 employee assistance program in conspicuous places and
23 explore alternative routine and reinforcing means of
24 publicizing such services. In addition, the employer
25 must provide the employee with notice of the policies
26 and procedures regarding access to and utilization of
27 the program.

28 (2) If an employer does not have an employee
29 assistance program, the employer must maintain a
30 resource file of employee assistance services
31 providers, alcohol and other drug abuse programs
32 certified by the Iowa department of public health,

33 mental health providers, and other persons, entities,
34 or organizations available to assist employees with
35 personal or behavioral problems. The employer shall
36 provide all employees information about the existence
37 of the resource file and a summary of the information
38 contained within the resource file. The summary
39 should contain, but need not be limited to, all
40 information necessary to access the services listed in
41 the resource file. In addition, the employer shall
42 post in conspicuous places a listing of multiple
43 employee assistance providers in the area.

44 d. An employee or prospective employee whose drug
45 or alcohol test results are confirmed as positive in
46 accordance with this section shall not, by virtue of
47 those results alone, be considered as a person with a
48 disability for purposes of any state or local law or
49 regulation.

50 e. If the written policy provides for alcohol

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1 testing, the employer shall establish in the written
2 policy a standard for alcohol concentration which
3 shall be deemed to violate the policy. The standard
4 for alcohol concentration shall not be less than .04,
5 expressed in terms of grams of alcohol per two hundred
6 ten liters of breath, or its equivalent.

7 f. An employee of an employer who is designated by
8 the employer as being in a safety-sensitive position
9 shall be placed in only one pool of safety-sensitive
10 employees subject to drug or alcohol testing pursuant
11 to subsection 8, paragraph "a", subparagraph (3). An
12 employer may have more than one pool of safety-
13 sensitive employees subject to drug or alcohol testing
14 pursuant to subsection 8, paragraph "a", subparagraph
15 (3), but shall not include an employee in more than
16 one safety-sensitive pool.

17 g. Upon receipt of a confirmed positive alcohol
18 test which indicates an alcohol concentration greater
19 than the concentration level established by the
20 employer pursuant to this section but less than the
21 concentration level in section 321J.2 for operating
22 while under the influence of alcohol, and if the
23 employer has at least fifty employees, and if the
24 employee has been employed by the employer for at
25 least twelve of the preceding eighteen months, and if
26 rehabilitation is agreed upon by the employee, and if
27 the employee has not previously violated the
28 employer's substance abuse prevention policy pursuant
29 to this section, the written policy shall provide for
30 the rehabilitation of the employee pursuant to
31 subsection 10, paragraph "a", subparagraph (1), and

32 the apportionment of the costs of rehabilitation as
33 provided by this paragraph.

34 (1) If the employer has an employee benefit plan,
35 the costs of rehabilitation shall be apportioned as
36 provided under the employee benefit plan.

37 (2) If no employee benefit plan exists and the
38 employee has coverage for any portion of the costs of
39 rehabilitation under any health care plan of the
40 employee, the costs of rehabilitation shall be
41 apportioned as provided by the health care plan with
42 any costs not covered by the plan apportioned equally
43 between the employee and the employer. However, the
44 employer shall not be required to pay more than two
45 thousand dollars toward the costs not covered by the
46 employee's health care plan.

47 (3) If no employee benefit plan exists and the
48 employee does not have coverage for any portion of the
49 costs of rehabilitation under any health care plan of
50 the employee, the costs of rehabilitation shall be

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1 apportioned equally between the employee and the
2 employer. However, the employer shall not be required
3 to pay more than two thousand dollars towards the cost
4 of rehabilitation under this subparagraph.

5 Rehabilitation required pursuant to this paragraph
6 shall not preclude an employer from taking any adverse
7 employment action against the employee during the
8 rehabilitation based on the employee's failure to
9 comply with any requirements of the rehabilitation,
10 including any action by the employee to invalidate a
11 test sample provided by the employee pursuant to the
12 rehabilitation.

13 h. In order to conduct drug or alcohol testing
14 under this section, an employer shall require
15 supervisory personnel of the employer involved with
16 drug or alcohol testing under this section to attend a
17 minimum of two hours of initial training and to
18 attend, on an annual basis thereafter, a minimum of
19 one hour of subsequent training. The training shall
20 include, but is not limited to, information concerning
21 the recognition of evidence of employee alcohol and
22 other drug abuse, the documentation and corroboration
23 of employee alcohol and other drug abuse, and the
24 referral of employees who abuse alcohol or other drugs
25 to the employee assistance program or to the resource
26 file of employee assistance services providers.

27 10. DISCIPLINARY PROCEDURES.

28 a. Upon receipt of a confirmed positive drug or
29 alcohol test result which indicates a violation of the
30 employer's written policy, or upon the refusal of an

31 employee or prospective employee to provide a testing
32 sample, an employer may use that test result or test
33 refusal as a valid basis for disciplinary or
34 rehabilitative actions pursuant to the requirements of
35 the employer's written policy and the requirements of
36 this section, which may include, among other actions,
37 the following:

38 (1) A requirement that the employee enroll in an
39 employer-provided or approved rehabilitation,
40 treatment, or counseling program, which may include
41 additional drug or alcohol testing, participation in
42 and successful completion of which may be a condition
43 of continued employment, and the costs of which may or
44 may not be covered by the employer's health plan or
45 policies.

46 (2) Suspension of the employee, with or without
47 pay, for a designated period of time.

48 (3) Termination of employment.

49 (4) Refusal to hire a prospective employee.

50 (5) Other adverse employment action in conformance

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1 with the employer's written policy and procedures,
2 including any relevant collective bargaining agreement
3 provisions.

4 b. Following a drug or alcohol test, but prior to
5 receipt of the final results of the drug or alcohol
6 test, an employer may suspend a current employee, with
7 or without pay, pending the outcome of the test. An
8 employee who has been suspended shall be reinstated by
9 the employer, with back pay, and interest on such
10 amount at eighteen percent per annum compounded
11 annually, if applicable, if the result of the test is
12 not a confirmed positive drug or alcohol test which
13 indicates a violation of the employer's written
14 policy.

15 11. EMPLOYER IMMUNITY. A cause of action shall
16 not arise against an employer who has established a
17 policy and initiated a testing program in accordance
18 with the testing and policy safeguards provided for
19 under this section, for any of the following:

20 a. Testing or taking action based on the results
21 of a positive drug or alcohol test result, indicating
22 the presence of drugs or alcohol, in good faith, or on
23 the refusal of an employee or prospective employee to
24 submit to a drug or alcohol test.

25 b. Failure to test for drugs or alcohol, or
26 failure to test for a specific drug or controlled
27 substance.

28 c. Failure to test for, or if tested for, failure
29 to detect, any specific drug or other controlled

30 substance.

31 d. Termination or suspension of any substance
32 abuse prevention or testing program or policy.

33 e. Any action taken related to a false negative
34 drug or alcohol test result.

35 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
36 RESULTS.

37 a. Except as otherwise provided in paragraph "b",
38 a cause of action shall not arise against an employer
39 who has established a program of drug or alcohol
40 testing in accordance with this section, unless all of
41 the following conditions exist:

42 (1) The employer's action was based on a false
43 positive test result.

44 (2) The employer knew or clearly should have known
45 that the test result was in error and ignored the
46 correct test result because of reckless, malicious, or
47 negligent disregard for the truth, or the willful
48 intent to deceive or to be deceived.

49 b. A cause of action for defamation, libel,
50 slander, or damage to reputation shall not arise

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1 against an employer establishing a program of drug or
2 alcohol testing in accordance with this section unless
3 all of the following apply:

4 (1) The employer discloses the test results to a
5 person other than the employer, an authorized
6 employee, agent, or representative of the employer,
7 the tested employee or the tested applicant for
8 employment, an authorized substance abuse treatment
9 program or employee assistance program, or an
10 authorized agent or representative of the tested
11 employee or applicant.

12 (2) The test results disclosed incorrectly
13 indicate the presence of alcohol or drugs.

14 (3) The employer negligently discloses the
15 results.

16 c. In any cause of action based upon a false
17 positive test result, all of the following conditions
18 apply:

19 (1) The results of a drug or alcohol test
20 conducted in compliance with this section are presumed
21 to be valid.

22 (2) An employer shall not be liable for monetary
23 damages if the employer's reliance on the false
24 positive test result was reasonable and in good faith.

25 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.

26 a. All communications received by an employer
27 relevant to employee or prospective employee drug or
28 alcohol test results, or otherwise received through

29 the employer's drug or alcohol testing program, are
30 confidential communications and shall not be used or
31 received in evidence, obtained in discovery, or
32 disclosed in any public or private proceeding, except
33 as otherwise provided or authorized by this section.
34 b. An employee, or a prospective employee, who is
35 the subject of a drug or alcohol test conducted under
36 this section pursuant to an employer's written policy
37 and for whom a confirmed positive test result is
38 reported shall, upon written request, have access to
39 any records relating to the employee's drug or alcohol
40 test, including records of the laboratory where the
41 testing was conducted and any records relating to the
42 results of any relevant certification or review by a
43 medical review officer. However, a prospective
44 employee shall be entitled to records under this
45 paragraph only if the prospective employee requests
46 the records within fifteen calendar days from the date
47 the employer provided the prospective employee written
48 notice of the results of a drug or alcohol test as
49 provided in subsection 7, paragraph "i", subparagraph
50 (2).

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1 c. Except as provided by this section and as
2 necessary to conduct drug or alcohol testing under
3 this section and to file a report pursuant to
4 subsection 16, a laboratory and a medical review
5 officer conducting drug or alcohol testing under this
6 section shall not use or disclose to any person any
7 personally identifiable information regarding such
8 testing, including the names of individuals tested,
9 even if unaccompanied by the results of the test.
10 d. An employer may use and disclose information
11 concerning the results of a drug or alcohol test
12 conducted pursuant to this section under any of the
13 following circumstances:
14 (1) In an arbitration proceeding pursuant to a
15 collective bargaining agreement, or an administrative
16 agency proceeding or judicial proceeding under
17 workers' compensation laws or unemployment
18 compensation laws or under common or statutory laws
19 where action taken by the employer based on the test
20 is relevant or is challenged.
21 (2) To any federal agency or other unit of the
22 federal government as required under federal law,
23 regulation or order, or in accordance with compliance
24 requirements of a federal government contract.
25 (3) To any agency of this state authorized to
26 license individuals if the employee tested is licensed
27 by that agency and the rules of that agency require

28 such disclosure.

29 (4) To a union representing the employee if such
30 disclosure would be required by federal labor laws.

31 (5) To a substance abuse evaluation or treatment
32 facility or professional for the purpose of evaluation
33 or treatment of the employee.

34 However, positive test results from an employer
35 drug or alcohol testing program shall not be used as
36 evidence in any criminal action against the employee
37 or prospective employee tested.

38 14. CIVIL PENALTIES -- JURISDICTION.

39 a. Any laboratory or medical review officer which
40 discloses information in violation of the provisions
41 of subsection 7, paragraph "h" or "k", or any employer
42 who, through the selection process described in
43 subsection 1, paragraph "k", improperly targets or
44 exempts employees subject to unannounced drug or
45 alcohol testing, shall be subject to a civil penalty
46 of one thousand dollars for each violation. The
47 attorney general or the attorney general's designee
48 may maintain a civil action to enforce this
49 subsection. Any civil penalty recovered shall be
50 deposited in the general fund of the state.

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1 b. A laboratory or medical review officer involved
2 in the conducting of a drug or alcohol test pursuant
3 to this section shall be deemed to have the necessary
4 contact with this state for the purpose of subjecting
5 the laboratory or medical review officer to the
6 jurisdiction of the courts of this state.

7 15. CIVIL REMEDIES. This section may be enforced
8 through a civil action.

9 a. A person who violates this section or who aids
10 in the violation of this section, is liable to an
11 aggrieved employee or prospective employee for
12 affirmative relief including reinstatement or hiring,
13 with or without back pay, or any other equitable
14 relief as the court deems appropriate including
15 attorney fees and court costs.

16 b. When a person commits, is committing, or
17 proposes to commit, an act in violation of this
18 section, an injunction may be granted through an
19 action in district court to prohibit the person from
20 continuing such acts. The action for injunctive
21 relief may be brought by an aggrieved employee or
22 prospective employee, the county attorney, or the
23 attorney general.

24 In an action brought under this subsection alleging
25 that an employer has required or requested a drug or
26 alcohol test in violation of this section, the

27 employer has the burden of proving that the
28 requirements of this section were met.
29 16. REPORTS. A laboratory doing business for an
30 employer who conducts drug or alcohol tests pursuant
31 to this section shall file an annual report with the
32 Iowa department of public health by March 1 of each
33 year concerning the number of drug or alcohol tests
34 conducted on employees who work in this state pursuant
35 to this section, the number of positive and negative
36 results of the tests, during the previous calendar
37 year. In addition, the laboratory shall include in
38 its annual report the specific basis for each test as
39 authorized in subsection 8, the type of drug or drugs
40 which were found in the positive drug tests, and all
41 significant available demographic factors relating to
42 the positive test pool.
43 Sec. 2. EFFECTIVE DATE. This Act takes effect on
44 the thirtieth day following enactment.""

STEVE KING
DERRYL McLAREN

S-5045

1 Amend the amendment, S-5035, 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 14,
5 line 19 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 a
19 controlled substance and included in schedule I, II,
20 III, IV, or V under the federal Controlled Substances
21 Act, 21 U.S.C. § 801 et seq.
22 c. "Employee" means a person in the service of an
23 employer in this state and includes the employer, and
24 any chief executive officer, president, vice
25 president, supervisor, manager, and officer of the
26 employer who is actively involved in the day-to-day
27 operations of the business.
28 d. "Employer" means a person, firm, company,
29 corporation, labor organization, or employment agency,

30 which has one or more full-time employees employed in
31 the same business, or in or about the same
32 establishment, under any contract of hire, express or
33 implied, oral or written, in this state. "Employer"
34 does not include the state, a political subdivision of
35 the state, including a city, county, or school
36 district, the United States, the United States postal
37 service, or a Native-American tribe.

38 e. "Good faith" means reasonable reliance on
39 facts, or that which is held out to be factual,
40 without the intent to be deceived, and without
41 reckless, malicious, or negligent disregard for the
42 truth.

43 f. "Medical review officer" means a licensed
44 physician, osteopathic physician, chiropractor, nurse
45 practitioner, or physician assistant authorized to
46 practice in any state of the United States, who is
47 responsible for receiving laboratory results generated
48 by an employer's drug or alcohol testing program, and
49 who has knowledge of substance abuse disorders and has
50 appropriate medical training to interpret and evaluate

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1 an individual's confirmed positive test result
2 together with the individual's medical history and any
3 other relevant biomedical information.

4 g. "Prospective employee" means a person who has
5 made application, whether written or oral, to an
6 employer to become an employee.

7 h. "Reasonable suspicion drug or alcohol testing"
8 means drug or alcohol testing based upon evidence that
9 an employee is using or has used alcohol or other
10 drugs in violation of the employer's written policy
11 drawn from specific objective and articulable facts
12 and reasonable inferences drawn from those facts in
13 light of experience. For purposes of this paragraph,
14 facts and inferences may be based upon, but not
15 limited to, any of the following:

16 (1) Observable phenomena while at work such as
17 direct observation of alcohol or drug use or abuse or
18 of the physical symptoms or manifestations of being
19 impaired due to alcohol or other drug use.

20 (2) Abnormal conduct or erratic behavior while at
21 work or a significant deterioration in work
22 performance.

23 (3) A report of alcohol or other drug use provided
24 by a reliable and credible source.

25 (4) Evidence that an individual has tampered with
26 any drug or alcohol test during the individual's
27 employment with the current employer.

28 (5) Evidence that an employee has caused an

29 accident while at work which resulted in an injury to
30 a person for which injury, if suffered by an employee,
31 a record or report could be required under chapter 88,
32 or resulted in damage to property, including to
33 equipment, in an amount reasonably estimated at the
34 time of the accident to exceed one thousand dollars.

35 (6) Evidence that an employee has manufactured,
36 sold, distributed, solicited, possessed, used, or
37 transferred drugs while working or while on the
38 employer's premises or while operating the employer's
39 vehicle, machinery, or equipment.

40 i. "Safety-sensitive position" means a job wherein
41 an accident could cause loss of human life, serious
42 bodily injury, or significant property or
43 environmental damage, including a job with duties that
44 include immediate supervision of a person in a job
45 that meets the requirement of this paragraph.

46 j. "Sample" means such sample from the human body
47 capable of revealing the presence of alcohol or other
48 drugs, or their metabolites. However, sample does not
49 mean blood except as authorized pursuant to subsection
50 7, paragraph "l".

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1 k. "Unannounced drug or alcohol testing" means
2 testing for the purposes of detecting drugs or alcohol
3 which is conducted on a periodic basis, without
4 advance notice of the test to employees, other than
5 employees whose duties include responsibility for
6 administration of the employer's drug or alcohol
7 testing program, subject to testing prior to the day
8 of testing, and without individualized suspicion. The
9 selection of employees to be tested from the pool of
10 employees subject to testing shall be done based on a
11 neutral and objective selection process by an entity
12 independent from the employer and shall be made by a
13 computer-based random number generator that is matched
14 with employees' social security numbers, payroll
15 identification numbers, or other comparable
16 identifying numbers in which each member of the
17 employee population subject to testing has an equal
18 chance of selection for initial testing, regardless of
19 whether the employee has been selected or tested
20 previously. The random selection process shall be
21 conducted through a computer program that records each
22 selection attempt by date, time, and employee number.

23 2. APPLICABILITY. This section does not apply to
24 drug or alcohol tests conducted on employees required
25 to be tested pursuant to federal statutes, federal
26 regulations, or orders issued pursuant to federal law.
27 In addition, an employer, through its written policy,

28 may exclude from the pools of employees subject to
29 unannounced drug or alcohol testing pursuant to
30 subsection 8, paragraph "a", employee populations
31 required to be tested as described in this subsection.

32 3. TESTING OPTIONAL. This section does not
33 require or create a legal duty on an employer to
34 conduct drug or alcohol testing and the requirements
35 of this section shall not be construed to encourage,
36 discourage, restrict, limit, prohibit, or require such
37 testing. In addition, an employer may implement and
38 require drug or alcohol testing at some but not all of
39 the work sites of the employer and the requirements of
40 this section shall only apply to the employer and
41 employees who are at the work sites where drug or
42 alcohol testing pursuant to this section has been
43 implemented. A cause of action shall not arise in
44 favor of any person against an employer or agent of an
45 employer based on the failure of the employer to
46 establish a program or policy on substance abuse
47 prevention or to implement any component of testing as
48 permitted by this section.

49 4. TESTING AS CONDITION OF EMPLOYMENT --
50 REQUIREMENTS. To the extent provided in subsection 8,

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1 an employer may test employees and prospective
2 employees for the presence of drugs or alcohol as a
3 condition of continued employment or hiring. An
4 employer shall adhere to the requirements of this
5 section concerning the conduct of such testing and the
6 use and disposition of the results of such testing.

7 5. COLLECTION OF SAMPLES. In conducting drug or
8 alcohol testing, an employer may require the
9 collection of samples from its employees and
10 prospective employees, and may require presentation of
11 reliable individual identification from the person
12 being tested to the person collecting the samples.
13 Collection of a sample shall be in conformance with
14 the requirements of this section. The employer may
15 designate the type of sample to be used for this
16 testing.

17 6. SCHEDULING OF TESTS.

18 a. Drug or alcohol testing of employees conducted
19 by an employer shall normally occur during, or
20 immediately before or after, a regular work period.
21 The time required for such testing by an employer
22 shall be deemed work time for the purposes of
23 compensation and benefits for employees.

24 b. An employer shall pay all actual costs for drug
25 or alcohol testing of employees and prospective
26 employees required by the employer.

27 c. An employer shall provide transportation or pay
28 reasonable transportation costs to employees if drug
29 or alcohol sample collection is conducted at a
30 location other than the employee's normal work site.
31 7. TESTING PROCEDURES. All sample collection and
32 testing for drugs or alcohol under this section shall
33 be performed in accordance with the following
34 conditions:
35 a. The collection of samples shall be performed
36 under sanitary conditions and with regard for the
37 privacy of the individual from whom the specimen is
38 being obtained and in a manner reasonably calculated
39 to preclude contamination or substitution of the
40 specimen.
41 b. Sample collection for testing of current
42 employees shall be performed so that the specimen is
43 split into two components at the time of collection in
44 the presence of the individual from whom the sample or
45 specimen is collected. The second portion of the
46 specimen or sample shall be of sufficient quantity to
47 permit a second, independent confirmatory test as
48 provided in paragraph "i". If the specimen is urine,
49 the sample shall be split such that the primary sample
50 contains at least thirty milliliters and the secondary

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1 sample contains at least fifteen milliliters. Both
2 portions of the sample shall be forwarded to the
3 laboratory conducting the initial confirmatory
4 testing. In addition to any requirements for storage
5 of the initial sample that may be imposed upon the
6 laboratory as a condition for certification or
7 approval, the laboratory shall store the second
8 portion of any sample until receipt of a confirmed
9 negative test result or for a period of at least
10 forty-five calendar days following the completion of
11 the initial confirmatory testing, if the first portion
12 yielded a confirmed positive test result.
13 c. Sample collections shall be documented, and the
14 procedure for documentation shall include the
15 following:
16 (1) Samples shall be labeled so as to reasonably
17 preclude the possibility of misidentification of the
18 person tested in relation to the test result provided,
19 and samples shall be handled and tracked in a manner
20 such that control and accountability are maintained
21 from initial collection to each stage in handling,
22 testing, and storage, through final disposition.
23 (2) An employee or prospective employee shall be
24 provided an opportunity to provide any information
25 which may be considered relevant to the test,

26 including identification of prescription or
27 nonprescription drugs currently or recently used, or
28 other relevant medical information. To assist an
29 employee or prospective employee in providing the
30 information described in this subparagraph, the
31 employer shall provide an employee or prospective
32 employee with a list of the drugs to be tested.

33 d. Sample collection, storage, and transportation
34 to the place of testing shall be performed so as to
35 reasonably preclude the possibility of sample
36 contamination, adulteration, or misidentification.

37 e. All confirmatory drug testing shall be
38 conducted at a laboratory certified by the United
39 States department of health and human services'
40 substance abuse and mental health services
41 administration or approved under rules adopted by the
42 Iowa department of public health.

43 f. Drug or alcohol testing shall include
44 confirmation of any initial positive test results.
45 For drug or alcohol testing, confirmation shall be by
46 use of a different chemical process than was used in
47 the initial screen for drugs or alcohol. The
48 confirmatory drug or alcohol test shall be a
49 chromatographic technique such as gas chromatography
50 or mass spectrometry, or another comparably reliable

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1 analytical method. An employer may take adverse
2 employment action, including refusal to hire a
3 prospective employee, based on a confirmed positive
4 drug or alcohol test.

5 g. A medical review officer shall, prior to the
6 results being reported to an employer, review and
7 interpret any confirmed positive test results,
8 including both quantitative and qualitative test
9 results, to ensure that the chain of custody is
10 complete and sufficient on its face and that any
11 information provided by the individual pursuant to
12 paragraph "c", subparagraph (2), is considered.

13 h. In conducting drug or alcohol testing pursuant
14 to this section, the laboratory, the medical review
15 officer, and the employer shall ensure, to the extent
16 feasible, that the testing only measure, and the
17 records concerning the testing only show or make use
18 of information regarding, alcohol or drugs in the
19 body.

20 i. (1) If a confirmed positive drug or alcohol
21 test for a current employee is reported to the
22 employer by the medical review officer, the employer
23 shall notify the employee in writing by certified
24 mail, return receipt requested, of the results of the

25 test, the employee's right to request and obtain a
26 confirmatory test of the second sample collected
27 pursuant to paragraph "b" at an approved laboratory of
28 the employee's choice, and the fee payable by the
29 employee to the employer for reimbursement of expenses
30 concerning the test. The fee charged an employee
31 shall be an amount that represents the costs
32 associated with conducting the second confirmatory
33 test, which shall be consistent with the employer's
34 cost for conducting the initial confirmatory test on
35 an employee's sample. If the employee, in person or
36 by certified mail, return receipt requested, requests
37 a second confirmatory test, identifies an approved
38 laboratory to conduct the test, and pays the employer
39 the fee for the test within seven days from the date
40 the employer mails by certified mail, return receipt
41 requested, the written notice to the employee of the
42 employee's right to request a test, a second
43 confirmatory test shall be conducted at the laboratory
44 chosen by the employee. The results of the second
45 confirmatory test shall be reported to the medical
46 review officer who reviewed the initial confirmatory
47 test results and the medical review officer shall
48 review the results and issue a report to the employer
49 on whether the results of the second confirmatory test
50 confirmed the initial confirmatory test as to the

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1 presence of a specific drug or alcohol. If the
2 results of the second test do not confirm the results
3 of the initial confirmatory test, the employer shall
4 reimburse the employee for the fee paid by the
5 employee for the second test and the initial
6 confirmatory test shall not be considered a confirmed
7 positive drug or alcohol test for purposes of taking
8 disciplinary action pursuant to subsection 10.
9 (2) If a confirmed positive drug or alcohol test
10 for a prospective employee is reported to the employer
11 by the medical review officer, the employer shall
12 notify the prospective employee in writing of the
13 results of the test, of the name and address of the
14 medical review officer who made the report, and of the
15 prospective employee's right to request records under
16 subsection 13.
17 j. A laboratory conducting testing under this
18 section shall dispose of all samples for which a
19 negative test result was reported to an employer
20 within five working days after issuance of the
21 negative test result report.
22 k. Except as necessary to conduct drug or alcohol
23 testing pursuant to this section and to submit the

24 report required by subsection 16, a laboratory or
25 other medical facility shall only report to an
26 employer or outside entity information relating to the
27 results of a drug or alcohol test conducted pursuant
28 to this section concerning the determination of
29 whether the tested individual has engaged in conduct
30 prohibited by the employer's written policy with
31 regard to alcohol or drug use.

32 1. Notwithstanding the provisions of this
33 subsection, an employer may rely and take action upon
34 the results of any blood test for drugs or alcohol
35 made on any employee involved in an accident at work
36 if the test is administered by or at the direction of
37 the person providing treatment or care to the employee
38 without request or suggestion by the employer that a
39 test be conducted, and the employer has lawfully
40 obtained the results of the test. For purposes of
41 this paragraph, an employer shall not be deemed to
42 have requested or required a test in conjunction with
43 the provision of medical treatment following a
44 workplace accident by providing information concerning
45 the circumstance of the accident.
46 8. DRUG OR ALCOHOL TESTING. Employers may conduct
47 drug or alcohol testing as provided in this
48 subsection:
49 a. Employers may conduct unannounced drug or
50 alcohol testing of employees who are selected from any

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1 of the following pools of employees:
2 (1) The entire employee population at a particular
3 work site of the employer except for employees who are
4 not scheduled to be at work at the time the testing is
5 conducted because of the status of the employees or
6 who have been excused from work pursuant to the
7 employer's work policy prior to the time the testing
8 is announced to employees.
9 (2) The entire full-time active employee
10 population at a particular work site except for
11 employees who are not scheduled to be at work at the
12 time the testing is to be conducted because of the
13 status of the employee, or who have been excused from
14 work pursuant to the employer's work policy.
15 (3) All employees at a particular work site who
16 are in a pool of employees in a safety-sensitive
17 position and who are scheduled to be at work at the
18 time testing is conducted, other than employees who
19 are not scheduled to be at work at the time the
20 testing is to be conducted or who have been excused
21 from work pursuant to the employer's work policy prior
22 to the time the testing is announced to employees.

23 b. Employers may conduct drug or alcohol testing
24 of employees during, and after completion of, drug or
25 alcohol rehabilitation.
26 c. Employers may conduct reasonable suspicion drug
27 or alcohol testing.
28 d. Employers may conduct drug or alcohol testing
29 of prospective employees.
30 e. Employers may conduct drug or alcohol testing
31 as required by federal law or regulation or by law
32 enforcement.
33 f. Employers may conduct drug or alcohol testing
34 in investigating accidents in the workplace in which
35 the accident resulted in an injury to a person for
36 which injury, if suffered by an employee, a record or
37 report could be required under chapter 88, or resulted
38 in damage to property, including to equipment, in an
39 amount reasonably estimated at the time of the
40 accident to exceed one thousand dollars.
41 9. WRITTEN POLICY AND OTHER TESTING REQUIREMENTS.
42 a. Drug or alcohol testing or retesting by an
43 employer shall be carried out within the terms of a
44 written policy which has been provided to every
45 employee subject to testing, and is available for
46 review by employees and prospective employees.
47 b. The employer's written policy shall provide
48 uniform requirements for what disciplinary or
49 rehabilitative actions an employer shall take against
50 an employee or prospective employee upon receipt of a

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1 confirmed positive drug or alcohol test result or upon
2 the refusal of the employee or prospective employee to
3 provide a testing sample. The policy shall provide
4 that any action taken against an employee or
5 prospective employee shall be based only on the
6 results of the drug or alcohol test. The written
7 policy shall also provide that if rehabilitation is
8 required pursuant to paragraph "g", the employer shall
9 not take adverse employment action against the
10 employee so long as the employee complies with the
11 requirements of rehabilitation and successfully
12 completes rehabilitation.
13 c. Employers shall establish an awareness program
14 to inform employees of the dangers of drug and alcohol
15 use in the workplace and comply with the following
16 requirements in order to conduct drug or alcohol
17 testing under this section:
18 (1) If an employer has an employee assistance
19 program, the employer must inform the employee of the
20 benefits and services of the employee assistance
21 program. An employer shall post notice of the

22 employee assistance program in conspicuous places and
23 explore alternative routine and reinforcing means of
24 publicizing such services. In addition, the employer
25 must provide the employee with notice of the policies
26 and procedures regarding access to and utilization of
27 the program.

28 (2) If an employer does not have an employee
29 assistance program, the employer must maintain a
30 resource file of employee assistance services
31 providers, alcohol and other drug abuse programs
32 certified by the Iowa department of public health,
33 mental health providers, and other persons, entities,
34 or organizations available to assist employees with
35 personal or behavioral problems. The employer shall
36 provide all employees information about the existence
37 of the resource file and a summary of the information
38 contained within the resource file. The summary
39 should contain, but need not be limited to, all
40 information necessary to access the services listed in
41 the resource file. In addition, the employer shall
42 post in conspicuous places a listing of multiple
43 employee assistance providers in the area.

44 d. An employee or prospective employee whose drug
45 or alcohol test results are confirmed as positive in
46 accordance with this section shall not, by virtue of
47 those results alone, be considered as a person with a
48 disability for purposes of any state or local law or
49 regulation.

50 e. If the written policy provides for alcohol

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1 testing, the employer shall establish in the written
2 policy a standard for alcohol concentration which
3 shall be deemed to violate the policy. The standard
4 for alcohol concentration shall not be less than .04,
5 expressed in terms of grams of alcohol per two hundred
6 ten liters of breath, or its equivalent.

7 f. An employee of an employer who is designated by
8 the employer as being in a safety-sensitive position
9 shall be placed in only one pool of safety-sensitive
10 employees subject to drug or alcohol testing pursuant
11 to subsection 8, paragraph "a", subparagraph (3). An
12 employer may have more than one pool of safety-
13 sensitive employees subject to drug or alcohol testing
14 pursuant to subsection 8, paragraph "a", subparagraph
15 (3), but shall not include an employee in more than
16 one safety-sensitive pool.

17 g. Upon receipt of a confirmed positive alcohol
18 test which indicates an alcohol concentration greater
19 than the concentration level established by the
20 employer pursuant to this section but less than the

21 concentration level in section 321J.2 for operating
22 while under the influence of alcohol, and if the
23 employer has at least fifty employees, and if the
24 employee has been employed by the employer for at
25 least twelve of the preceding eighteen months, and if
26 rehabilitation is agreed upon by the employee, and if
27 the employee has not previously violated the
28 employer's substance abuse prevention policy pursuant
29 to this section, the written policy shall provide for
30 the rehabilitation of the employee pursuant to
31 subsection 10, paragraph "a", subparagraph (1), and
32 the apportionment of the costs of rehabilitation as
33 provided by this paragraph.

34 (1) If the employer has an employee benefit plan,
35 the costs of rehabilitation shall be apportioned as
36 provided under the employee benefit plan.

37 (2) If no employee benefit plan exists and the
38 employee has coverage for any portion of the costs of
39 rehabilitation under any health care plan of the
40 employee, the costs of rehabilitation shall be
41 apportioned as provided by the health care plan with
42 any costs not covered by the plan apportioned equally
43 between the employee and the employer. However, the
44 employer shall not be required to pay more than two
45 thousand dollars toward the costs not covered by the
46 employee's health care plan.

47 (3) If no employee benefit plan exists and the
48 employee does not have coverage for any portion of the
49 costs of rehabilitation under any health care plan of
50 the employee, the costs of rehabilitation shall be

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1 apportioned equally between the employee and the
2 employer. However, the employer shall not be required
3 to pay more than two thousand dollars towards the cost
4 of rehabilitation under this subparagraph.

5 Rehabilitation required pursuant to this paragraph
6 shall not preclude an employer from taking any adverse
7 employment action against the employee during the
8 rehabilitation based on the employee's failure to
9 comply with any requirements of the rehabilitation,
10 including any action by the employee to invalidate a
11 test sample provided by the employee pursuant to the
12 rehabilitation.

13 h. In order to conduct drug or alcohol testing
14 under this section, an employer shall require
15 supervisory personnel of the employer involved with
16 drug or alcohol testing under this section to attend a
17 minimum of two hours of initial training and to
18 attend, on an annual basis thereafter, a minimum of
19 one hour of subsequent training. The training shall

20 include, but is not limited to, information concerning
21 the recognition of evidence of employee alcohol and
22 other drug abuse, the documentation and corroboration
23 of employee alcohol and other drug abuse, and the
24 referral of employees who abuse alcohol or other drugs
25 to the employee assistance program or to the resource
26 file of employee assistance services providers.

27 10. DISCIPLINARY PROCEDURES.

28 a. Upon receipt of a confirmed positive drug or
29 alcohol test result which indicates a violation of the
30 employer's written policy, or upon the refusal of an
31 employee or prospective employee to provide a testing
32 sample, an employer may use that test result or test
33 refusal as a valid basis for disciplinary or
34 rehabilitative actions pursuant to the requirements of
35 the employer's written policy and the requirements of
36 this section, which may include, among other actions,
37 the following:

38 (1) A requirement that the employee enroll in an
39 employer-provided or approved rehabilitation,
40 treatment, or counseling program, which may include
41 additional drug or alcohol testing, participation in
42 and successful completion of which may be a condition
43 of continued employment, and the costs of which may or
44 may not be covered by the employer's health plan or
45 policies.

46 (2) Suspension of the employee, with or without
47 pay, for a designated period of time.

48 (3) Termination of employment.

49 (4) Refusal to hire a prospective employee.

50 (5) Other adverse employment action in conformance

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1 with the employer's written policy and procedures,
2 including any relevant collective bargaining agreement
3 provisions.

4 b. Following a drug or alcohol test, but prior to
5 receipt of the final results of the drug or alcohol
6 test, an employer may suspend a current employee, with
7 or without pay, pending the outcome of the test. An
8 employee who has been suspended shall be reinstated by
9 the employer, with back pay, and interest on such
10 amount at eighteen percent per annum compounded
11 annually, if applicable, if the result of the test is
12 not a confirmed positive drug or alcohol test which
13 indicates a violation of the employer's written
14 policy.

15 11. EMPLOYER IMMUNITY. A cause of action shall
16 not arise against an employer who has established a
17 policy and initiated a testing program in accordance
18 with the testing and policy safeguards provided for

19 under this section, for any of the following:
20 a. Testing or taking action based on the results
21 of a positive drug or alcohol test result, indicating
22 the presence of drugs or alcohol, in good faith, or on
23 the refusal of an employee or prospective employee to
24 submit to a drug or alcohol test.
25 b. Failure to test for drugs or alcohol, or
26 failure to test for a specific drug or controlled
27 substance.
28 c. Failure to test for, or if tested for, failure
29 to detect, any specific drug or other controlled
30 substance.
31 d. Termination or suspension of any substance
32 abuse prevention or testing program or policy.
33 e. Any action taken related to a false negative
34 drug or alcohol test result.
35 12. EMPLOYER LIABILITY -- FALSE POSITIVE TEST
36 RESULTS.
37 a. Except as otherwise provided in paragraph "b",
38 a cause of action shall not arise against an employer
39 who has established a program of drug or alcohol
40 testing in accordance with this section, unless all of
41 the following conditions exist:
42 (1) The employer's action was based on a false
43 positive test result.
44 (2) The employer knew or clearly should have known
45 that the test result was in error and ignored the
46 correct test result because of reckless, malicious, or
47 negligent disregard for the truth, or the willful
48 intent to deceive or to be deceived.
49 b. A cause of action for defamation, libel,
50 slander, or damage to reputation shall not arise

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1 against an employer establishing a program of drug or
2 alcohol testing in accordance with this section unless
3 all of the following apply:
4 (1) The employer discloses the test results to a
5 person other than the employer, an authorized
6 employee, agent, or representative of the employer,
7 the tested employee or the tested applicant for
8 employment, an authorized substance abuse treatment
9 program or employee assistance program, or an
10 authorized agent or representative of the tested
11 employee or applicant.
12 (2) The test results disclosed incorrectly
13 indicate the presence of alcohol or drugs.
14 (3) The employer negligently discloses the
15 results.
16 c. In any cause of action based upon a false
17 positive test result, all of the following conditions

18 apply:

19 (1) The results of a drug or alcohol test
20 conducted in compliance with this section are presumed
21 to be valid.

22 (2) An employer shall not be liable for monetary
23 damages if the employer's reliance on the false
24 positive test result was reasonable and in good faith.

25 13. CONFIDENTIALITY OF RESULTS -- EXCEPTION.

26 a. All communications received by an employer
27 relevant to employee or prospective employee drug or
28 alcohol test results, or otherwise received through
29 the employer's drug or alcohol testing program, are
30 confidential communications and shall not be used or
31 received in evidence, obtained in discovery, or
32 disclosed in any public or private proceeding, except
33 as otherwise provided or authorized by this section.

34 b. An employee, or a prospective employee, who is
35 the subject of a drug or alcohol test conducted under
36 this section pursuant to an employer's written policy
37 and for whom a confirmed positive test result is
38 reported shall, upon written request, have access to
39 any records relating to the employee's drug or alcohol
40 test, including records of the laboratory where the
41 testing was conducted and any records relating to the
42 results of any relevant certification or review by a
43 medical review officer. However, a prospective
44 employee shall be entitled to records under this
45 paragraph only if the prospective employee requests
46 the records within fifteen calendar days from the date
47 the employer provided the prospective employee written
48 notice of the results of a drug or alcohol test as
49 provided in subsection 7, paragraph "i", subparagraph
50 (2).

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1 c. Except as provided by this section and as
2 necessary to conduct drug or alcohol testing under
3 this section and to file a report pursuant to
4 subsection 16, a laboratory and a medical review
5 officer conducting drug or alcohol testing under this
6 section shall not use or disclose to any person any
7 personally identifiable information regarding such
8 testing, including the names of individuals tested,
9 even if unaccompanied by the results of the test.

10 d. An employer may use and disclose information
11 concerning the results of a drug or alcohol test
12 conducted pursuant to this section under any of the
13 following circumstances:

14 (1) In an arbitration proceeding pursuant to a
15 collective bargaining agreement, or an administrative
16 agency proceeding or judicial proceeding under

17 workers' compensation laws or unemployment
18 compensation laws or under common or statutory laws
19 where action taken by the employer based on the test
20 is relevant or is challenged.

21 (2) To any federal agency or other unit of the
22 federal government as required under federal law,
23 regulation or order, or in accordance with compliance
24 requirements of a federal government contract.

25 (3) To any agency of this state authorized to
26 license individuals if the employee tested is licensed
27 by that agency and the rules of that agency require
28 such disclosure.

29 (4) To a union representing the employee if such
30 disclosure would be required by federal labor laws.

31 (5) To a substance abuse evaluation or treatment
32 facility or professional for the purpose of evaluation
33 or treatment of the employee.

34 However, positive test results from an employer
35 drug or alcohol testing program shall not be used as
36 evidence in any criminal action against the employee
37 or prospective employee tested.

38 14. CIVIL PENALTIES -- JURISDICTION.

39 a. Any laboratory or medical review officer which
40 discloses information in violation of the provisions
41 of subsection 7, paragraph "h" or "k", or any employer
42 who, through the selection process described in
43 subsection 1, paragraph "k", improperly targets or
44 exempts employees subject to unannounced drug or
45 alcohol testing, shall be subject to a civil penalty
46 of one thousand dollars for each violation. The
47 attorney general or the attorney general's designee
48 may maintain a civil action to enforce this
49 subsection. Any civil penalty recovered shall be
50 deposited in the general fund of the state.

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1 b. A laboratory or medical review officer involved
2 in the conducting of a drug or alcohol test pursuant
3 to this section shall be deemed to have the necessary
4 contact with this state for the purpose of subjecting
5 the laboratory or medical review officer to the
6 jurisdiction of the courts of this state.

7 15. CIVIL REMEDIES. This section may be enforced
8 through a civil action.

9 a. A person who violates this section or who aids
10 in the violation of this section, is liable to an
11 aggrieved employee or prospective employee for
12 affirmative relief including reinstatement or hiring,
13 with or without back pay, or any other equitable
14 relief as the court deems appropriate including
15 attorney fees and court costs.

16 b. When a person commits, is committing, or
 17 proposes to commit, an act in violation of this
 18 section, an injunction may be granted through an
 19 action in district court to prohibit the person from
 20 continuing such acts. The action for injunctive
 21 relief may be brought by an aggrieved employee or
 22 prospective employee, the county attorney, or the
 23 attorney general.

24 In an action brought under this subsection alleging
 25 that an employer has required or requested a drug or
 26 alcohol test in violation of this section, the
 27 employer has the burden of proving that the
 28 requirements of this section were met.

29 16. REPORTS. A laboratory doing business for an
 30 employer who conducts drug or alcohol tests pursuant
 31 to this section shall file an annual report with the
 32 Iowa department of public health by March 1 of each
 33 year concerning the number of drug or alcohol tests
 34 conducted on employees who work in this state pursuant
 35 to this section, the number of positive and negative
 36 results of the tests, during the previous calendar
 37 year. In addition, the laboratory shall include in
 38 its annual report the specific basis for each test as
 39 authorized in subsection 8, the type of drug or drugs
 40 which were found in the positive drug tests, and all
 41 significant available demographic factors relating to
 42 the positive test pool.

43 Sec. 2. EFFECTIVE DATE. This Act takes effect on
 44 the thirtieth day following enactment.""

STEVE KING
 DERRYL McLAREN

S-5046

1 Amend Senate File 355 as follows:

2 1. Page 1, line 4, by inserting after the words
 3 "otherwise acquired" the following: "and equipment
 4 purchased".

5 2. Page 1, lines 5 through 7, by striking the
 6 figure and words "504A, revenues obtained by the
 7 district from the sale of water, and the revenue bonds
 8 or interest for the revenue bonds issued by the
 9 district" and inserting the following: "504A".

LARRY McKIBBEN

S-5047

1 Amend the amendment, S-5035, to House File 299, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 9, by inserting after line 11 the
5 following:
6 "In addition, an employer shall place no more than
7 twenty-five percent of the employee population subject
8 to drug or alcohol testing pursuant to subsection 8,
9 paragraph "a", in a pool of employees as described in
10 subsection 8, paragraph "a", subparagraphs (1) through
11 (3), during any calendar year."

TOM FLYNN

S-5048

1 Amend Senate File 2120 as follows:
2 1. Page 1, by inserting after line 26 the
3 following:
4 "Sec. ____ Section 452A.3, subsections 1 and 2,
5 Code 1997, are amended to read as follows:
6 1. For the privilege of operating motor vehicles
7 in this state, an excise tax of twenty cents per
8 gallon is imposed upon the use of all motor fuel used
9 for any purpose except aviation gasoline and except
10 motor fuel containing at least ten percent alcohol
11 distilled from cereal grains grown in the United
12 States for the period ending June 30, 2000, and except
13 as otherwise provided in this division. For the
14 privilege of operating aircraft in this state an
15 excise tax of eight cents per gallon is imposed on the
16 use of all aviation gasoline.
17 2. ~~For the privilege of operating motor vehicles~~
18 ~~in this state, an excise tax of nineteen cents per~~
19 ~~gallon until June 30, 2000, is imposed upon the use of~~
20 ~~motor fuel containing at least ten percent alcohol~~
21 ~~distilled from cereal grains grown in the United~~
22 ~~States and used for any purpose except as otherwise~~
23 ~~provided in this division."~~
24 2. By renumbering as necessary.

ROD HALVORSON

S-5049

1 Amend Senate File 2109 as follows:
2 1. Page 1, by striking line 11 and inserting the
3 following: "as the term is defined in section 435.1."

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

S-5050

- 1 Amend Senate File 2267 as follows:
- 2 1. Page 1, line 6, by striking the word "or" and
- 3 inserting the following: "of a federal or state
- 4 agency or political subdivision, a".
- 5 2. Page 1, line 11, by striking the word
- 6 "However," and inserting the following: "However, In
- 7 addition, an officer or employee of".
- 8 3. Page 1, by striking lines 15 through 18 and
- 9 inserting the following: "if the officer or employee
- 10 of the law enforcement agency believes that the
- 11 release of the information is necessary to prevent an
- 12 unlawful act in the performance of the officer's or
- 13 employee's duties. A person seeking the information
- 14 shall state in writing the nature of the unlawful act
- 15 that the person is attempting to prevent."
- 16 4. Title page, by striking lines 2 and 3 and
- 17 inserting the following: "transportation to
- 18 governmental employees."

RICHARD F. DRAKE

S-5051

- 1 Amend Senate File 2037 as follows:
- 2 1. Page 1, by striking lines 23 through 27.

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-5052

- 1 Amend House File 2162, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 29, by striking lines 14 through 24.
- 4 2. By renumbering and changing internal
- 5 references as necessary.

ANDY McKEAN

S-5053

- 1 Amend Senate File 2080 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 455D.13, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 3. A sanitary landfill shall not
- 7 accept waste oil filters for final disposal beginning

8 July 1, 2000."

9 2. By renumbering as necessary.

MARY LOU FREEMAN
BILL FINK

S-5054

1 Amend House File 599, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 20, by striking the words "the
4 dispositional order" and inserting the following:
5 "that portion of the dispositional order which
6 pertains to participation in the treatment program
7 shall continue and".

O. GENE MADDOX

S-5055

1 Amend Senate File 2292 as follows:

2 1. Page 8, line 5, by inserting after the word
3 "who" the following: "are convicted of a criminal
4 offense against a minor, sexual exploitation, an other
5 relevant offense, or a sexually violent offense on or
6 after the effective date of this Act and who".
7 2. Page 9, line 15, by inserting after the words
8 "human services;" the following: "juveniles who are
9 not incarcerated but who are placed under the
10 supervision of juvenile court services;".

JEFF ANGELO

S-5056

1 Amend Senate File 2038 as follows:

2 1. Page 2, line 3, by striking the word "Notify"
3 and inserting the following: "Notify Monthly notify".
4 2. Page 2, line 5, by inserting after the word
5 "felony" the following: "during the preceding
6 calendar month".
7 3. Page 2, line 7, by inserting after the word
8 "vote" the following: "at any time during the
9 preceding calendar month".

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-5057

1 Amend Senate File 2257 as follows:

2 1. Page 10, by striking lines 14 through 19 and
3 inserting the following: "of forty feet.

- 4 When determining the overall length of a single
5 truck the following shall be excluded:
6 (1) Cargo extending not more than three feet
7 beyond the front bumper and not more than four feet
8 beyond the rear bumper when transporting motor
9 vehicles, boats, and chassis.
10 (2) An unladen cargo carrying device extending no
11 greater than twenty-four inches from the rear of the
12 bed of the truck.
13 (3) A cargo carrying device with load."

ALLEN BORLAUG

S-5058

- 1 Amend Senate File 2274 as follows:
2 1. Page 3, line 2, by inserting after the word
3 "percent" the following: "of the inmate's gross
4 payroll earnings amount".
5 2. Page 3, line 4, by striking the word "An" and
6 inserting the following: "An Based on the inmate's
7 gross payroll earnings amount, an".
8 3. Page 3, line 10, by inserting after the word
9 "balance" the following: "of the inmate's gross
10 payroll earnings amount".

JEFF ANGELO

S-5059

- 1 Amend House File 721, as passed by the House, as
2 follows:
3 1. Page 1, line 2, by striking the word "CREDIT",
4 and inserting the following: "CREDITS".
5 2. Page 1, by striking line 3 and inserting the
6 following:
7 "1. An eligible business may claim an insurance
8 premium tax".
9 3. Page 1, by inserting after line 20 the
10 following:
11 "2. An eligible business which has entered into an
12 agreement under chapter 260E and which has increased
13 its base employment level by at least ten percent
14 within the time set in the agreement or, in the case
15 of a business without a base employment level, adds
16 new jobs within the time set in the agreement is
17 entitled to a new jobs insurance premium tax credit
18 for the tax year selected by the business. In
19 determining if the business has increased its base
20 employment level by ten percent or added new jobs,
21 only the new jobs directly resulting from the project
22 covered by the agreement and the new jobs directly

23 related to those new jobs shall be counted. The
24 amount of the credit is equal to the product of six
25 percent of the taxable wages upon which an employer is
26 required to contribute to the state unemployment
27 compensation fund, as defined in section 96.19,
28 subsection 37, times the number of new jobs existing
29 in the tax year that directly result from the project
30 covered by the agreement or new jobs that directly
31 result from those new jobs. The tax year chosen by
32 the business shall either begin or end during the
33 period beginning with the date by which the project is
34 to be completed under the agreement. Any credit in
35 excess of the tax liability for the tax year may be
36 credited to the tax liability for the following seven
37 years or until depleted, whichever occurs earlier.
38 For purposes of this subsection, "agreement", "new
39 job", and "project" mean the same as defined in
40 section 260E.2 and "base employment level" means the
41 number of full-time jobs a business employs at the
42 site which is covered by an agreement under chapter
43 260E on the date of that agreement."

COMMITTEE ON WAYS AND MEANS
JOANN DOUGLAS, Chairperson

S-5060

1 Amend Senate File 2065 as follows:
2 1. Page 2, line 8, by inserting after the word
3 "misdemeanor." the following: "A violation of this
4 section is also an unlawful practice under section
5 714.16."

TOM FLYNN

S-5061

1 Amend Senate File 2316 as follows:
2 1. Page 2, line 5, by inserting after the word
3 "states" the following: "the dates that coverage
4 starts and ends and".

TOM FLYNN

S-5062

1 Amend Senate File 2280 as follows:
2 1. Page 16, by inserting after line 3 the
3 following:
4 "4A. SOUTHEAST ASIAN AFFAIRS DIVISION
5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-

7 time equivalent positions:

8 \$ 60,000

9 FTEs .50

10 The funds appropriated in this subsection shall be
11 used by the department to establish, beginning January
12 1, 1999, a division of southeast Asian affairs
13 pursuant to sections 216A.150 through 216A.157, if
14 enacted.

15 2. Page 20, by inserting after line 7 the
16 following:

17 "Sec. 100. NEW SECTION. 216A.150 DEFINITIONS.

18 For purposes of this subchapter, unless the context
19 otherwise requires:

20 1. "Administrator" means the administrator of the
21 division of southeast Asian affairs of the department
22 of human rights.

23 2. "Commission" means the commission of southeast
24 Asian affairs.

25 3. "Division" means the division of southeast
26 Asian affairs of the department of human rights.

27 Sec. 101. NEW SECTION. 216A.151 COMMISSION OF
28 SOUTHEAST ASIAN AFFAIRS -- TERMS -- COMPENSATION.

29 The commission of southeast Asian affairs consists
30 of nine members, appointed by the governor.
31 Commission members shall be appointed in compliance
32 with sections 69.16 and 69.16A and with consideration
33 given to geographic residence and density of southeast
34 Asian population represented by each member. The
35 members of the commission shall be appointed during
36 the month of June and shall serve for terms of two
37 years commencing July 1 of each odd-numbered year.
38 Members appointed shall continue to serve until their
39 respective successors are appointed. Vacancies in the
40 membership of the commission shall be filled by the
41 original appointing authority and in the manner of the
42 original appointments. Members shall receive actual
43 expenses incurred while serving in their official
44 capacity. Members may also be eligible to receive
45 compensation as provided in section 7E.6.

46 Sec. 102. NEW SECTION. 216A.152 ORGANIZATION.

47 The commission shall select from its membership a
48 chairperson and other officers as it deems necessary
49 and shall meet not less than six times a year. A
50 majority of the members of the commission shall

Page 2

1 constitute a quorum.

2 Sec. 103. NEW SECTION. 216A.153 COMMISSION
3 EMPLOYEES.

4 The commission may employ personnel who shall be
5 qualified to assume the responsibilities of their

6 several offices. The administrator shall be the
7 administrative officer of the commission and shall
8 serve the commission by gathering and disseminating
9 information, forwarding proposals and evaluations to
10 the governor, the general assembly, and state
11 agencies, carrying out public education programs,
12 conducting hearings and conferences, and performing
13 other duties necessary for the proper operation of the
14 commission. The administrator shall carry out
15 programs and policies as determined by the commission.

16 Sec. 104. NEW SECTION. 216A.154 DUTIES.

17 The commission shall:

- 18 1. Coordinate, assist, and cooperate with the
19 efforts of state departments and agencies to serve the
20 needs of southeastern Asian persons in the fields of
21 education, employment, health, housing, welfare, and
22 recreation.
- 23 2. Develop, coordinate, and assist other public
24 organizations which serve southeastern Asian persons.
- 25 3. Evaluate existing programs and proposed
26 legislation affecting southeastern Asian persons, and
27 propose new programs.
- 28 4. Stimulate public awareness of the problems of
29 southeastern Asian persons by conducting a program of
30 public education and encouraging the governor and the
31 general assembly to develop programs to deal with
32 these problems.
- 33 5. Conduct training programs for southeastern
34 Asian persons to enable them to assume leadership
35 positions on the community level.
- 36 6. Conduct a survey of the southeastern Asian
37 people in Iowa in order to ascertain their needs.
- 38 7. Work to establish a southeastern Asian
39 information center in the state of Iowa.
- 40 8. Pursuant to section 216A.2, be responsible for
41 budgetary and personnel decisions for the commission
42 and division.
- 43 9. Maintain information on the qualifications of
44 southeastern Asian language interpreters and maintain
45 and provide a list of those deemed qualified to Iowa
46 courts or administrative agencies, as requested.
- 47 Sec. 105. NEW SECTION. 216A.155 POWERS.
- 48 The commission shall have all powers necessary to
49 carry out the functions and duties specified in this
50 subchapter, including, but not limited to, the power

Page 3

- 1 to establish advisory committees on special studies,
- 2 to solicit and accept gifts and grants, adopt rules
- 3 according to chapter 17A for the commission and
- 4 division, and to contract with public and private

5 groups to conduct its business. All departments,
6 divisions, agencies, and offices of the state shall
7 make available upon request of the commission
8 information which is pertinent to the subject matter
9 of the study and which is not by law confidential.
10 Sec. 106. NEW SECTION. 216A.156 REPORT.
11 The commission shall make a detailed report of its
12 activities, studies, findings, conclusions, and
13 recommendations to the general assembly not later than
14 February 15 of each odd-numbered year."
15 3. Page 22, by inserting after line 30 the
16 following:
17 "3. Sections 100 through 106 of this Act, enacting
18 sections 216A.150 through 216A.156, take effect
19 January 1, 1999."

TOM VILSACK

S-5063

1 Amend the amendment, S-5050, to Senate File 2267 as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 "subdivision" the following: "in the performance of
5 the employee's official duties".

RICHARD F. DRAKE

S-5064

1 Amend Senate File 2344 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. NEW SECTION. 161C.7 WATERSHED
5 PROGRAM.
6 The division shall develop and implement a
7 watershed program to address, examine, and provide
8 possible suggestions for issues involving soil
9 conservation, water quality protection, and flood
10 control objectives in all watersheds in the state.
11 The information resulting from this program shall be
12 used by soil and water conservation districts to
13 develop and implement water quality and watershed
14 projects in the state."
15 2. Page 2, line 18, by striking the figure
16 "300,000" and inserting the following: "1,000,000".
17 3. Page 2, by inserting after line 23 the
18 following:
19 "Sec. ____ APPROPRIATION. There is appropriated
20 from the general fund of the state to the department
21 of agriculture and land stewardship for the fiscal
22 year beginning July 1, 1998, and ending June 30, 1999,

23 the following amount, or so much thereof as is
 24 necessary, to be used for the purposes designated:
 25 For the watershed program, including salaries,
 26 support, maintenance, miscellaneous purposes, and for
 27 not more than the following full-time equivalent
 28 positions:
 29 \$ 400,000
 30 FTEs 2.00
 31 Notwithstanding section 8.33, moneys appropriated
 32 in this section which remain unexpended or unobligated
 33 on June 30, 1999, shall not revert to the general fund
 34 of the state but shall remain available for the
 35 purposes designated for the fiscal year beginning July
 36 1, 1999."
 37 4. Title page, ~~line~~ 1, by inserting after the
 38 word "monitoring" the following: ", watershed
 39 monitoring".
 40 5. By renumbering as necessary.

PATTY JUDGE

S-5065

1 Amend Senate File 2257 as follows:
 2 1. Page 11, by inserting after line 30 the
 3 following:
 4 "Sec. ____ Section 805.8, subsection 2, paragraph
 5 k, Code Supplement 1997, is amended to read as
 6 follows:
 7 k. For violations by operators of school buses and
 8 emergency vehicles, and for violations by other motor
 9 vehicle operators when in vicinity, under sections
 10 321.231, 321.324, and 321.372, subsections 1 and 2,
 11 the scheduled fine is twenty-five dollars. For
 12 violations of section 321.372, subsection 3, the
 13 scheduled fine is one hundred dollars.
 14 For violations by operators of school buses under
 15 section 321.285, the scheduled fine is twenty-five
 16 dollars. However, excessive speed by a school bus in
 17 excess of ten miles over the limit is not a scheduled
 18 violation."
 19 2. By renumbering as necessary.

ROBERT E. DVORSKY
 ALLEN BORLAUG

S-5066

1 Amend Senate File 2280 as follows:
 2 1. Page 18, by inserting after line 27 the
 3 following:

- 5 shall not consider employees of a state institution or
- 6 facility to be new employees for purposes of employee
- 7 wages, health insurance, or retirement benefits, and
- 8 shall maintain employee wages, health insurance, and
- 9 retirement benefits at levels comparable to similar
- 10 employees at other state institutions and facilities."
- 11 2. By renumbering as necessary.

TOM FLYNN

S-5067

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 10, line 7, by striking the figure
- 3 "11,683,924" and inserting the following:
- 4 "12,033,924".
- 5 2. Page 10, line 26, by striking the figure
- 6 "2,511,871" and inserting the following: "2,861,871".

TOM FLYNN

S-5068

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 10, line 7, by striking the figure
- 3 "11,683,924" and inserting the following:
- 4 "12,113,260".
- 5 2. Page 10, line 28, by striking the figure
- 6 "8,586,716" and inserting the following: "9,016,052".

TOM FLYNN

S-5069

- 1 Amend Senate File 2256 as follows:
- 2 1. Page 2, by striking lines 3 through 12 and
- 3 inserting the following:
- 4 "Sec. 101. Section 483A.8, Code 1997, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 4. The commission may provide, by
- 7 rule, for the issuance of an additional antlerless
- 8 deer license to a person who has been issued an
- 9 antlerless deer license. The rules shall specify the
- 10 number of additional antlerless deer licenses which
- 11 may be issued, and the season and zone in which the
- 12 license is valid. The fee for an additional
- 13 antlerless deer license shall be five dollars for
- 14 residents. If the commission provides for antlerless
- 15 deer licenses for nonresidents, the fee shall be
- 16 twenty-five dollars.
- 17 Sec. ____ EFFECTIVE DATE. Section 101 of this

18 Act, being deemed of immediate importance, takes
19 effect upon enactment."

PATTY JUDGE

S-5070

1 Amend Senate File 2068 as follows:
2 1. Page 1, line 32, by inserting before the word
3 "The" the following: "Cities may provide the
4 hospital, nursing, and medical attention required by
5 this section through the purchase of insurance, by
6 self-insuring the obligation, or through payment of
7 moneys into a local government risk pool established
8 for the purpose of covering the costs associated with
9 the requirements of this section."
10 2. Page 1, line 32, by inserting after the word
11 "of" the following: "providing".
12 3. Page 1, line 33, by inserting after the word
13 "attention" the following: "required by this
14 section".

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-5071

1 Amend Senate File 2026 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 99D.8, unnumbered paragraph 1,
5 Code 1997, is amended to read as follows:
6 A qualifying organization, as defined in section
7 513(d)(2)(C) of the Internal Revenue Code, as defined
8 in section 422.3, exempt from federal income taxation
9 under sections 501(c)(3), 501(c)(4), or 501(c)(5) of
10 the Internal Revenue Code or a nonprofit corporation
11 organized under the laws of this state, whether or not
12 it is exempt from federal income taxation, which is
13 organized to promote those purposes enumerated in
14 section 99B.7, subsection 3, paragraph "b", or which
15 regularly conducts an agricultural and educational
16 fair or exposition for the promotion of the horse,
17 dog, or other livestock breeding industries of the
18 state, or an agency, instrumentality, or political
19 subdivision of the state, may apply to the commission
20 for a license to conduct horse or dog racing. The
21 application shall be filed with the administrator of
22 the commission at least sixty days before the first
23 day of the horse race or dog race meeting which the
24 organization proposes to conduct, shall specify the
25 day or days when and the exact location where it

26 proposes to conduct racing, and shall be in a form and
27 contain information as the commission prescribes. A
28 county shall not own or lease a pari-mutuel horse
29 racetrack and shall not own or lease any facility in
30 which slot machines are licensed to operate.

31 Sec. 2. NEW SECTION. 99F.4C DIVESTITURE.

32 1. If, on the effective date of this Act, a county
33 owns or has a leasehold interest in any real estate or
34 other property which is used in the operation of slot
35 machines licensed pursuant to this chapter or of a
36 pari-mutuel horse racetrack licensed pursuant to
37 chapter 99D, the county shall divest itself not later
38 than July 1, 1999, of any interest in the real estate
39 or other property which is used in the operation of
40 slot machines or pari-mutuel horse racing.

41 2. A county which owns or has a leasehold interest
42 in real property as provided in subsection 1 shall
43 divest itself of the real property by sale at a fair
44 market price to a corporation organized pursuant to
45 chapter 490 with the following restrictions and
46 requirements:

47 a. All shares of the corporation shall be sold to
48 residents of this state.

49 b. All officers and directors of the corporation
50 shall be residents of this state.

Page 2

1 c. The transfer of all shares shall be subject to
2 the approval of the corporation and the transfer shall
3 be to the corporation or to other residents of this
4 state."

5 2. Title page, lines 2 and 3 by striking the
6 words "political subdivisions of the state" and
7 inserting the following: "a county".

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-5072

1 Amend Senate File 2257 as follows:

2 1. Page 9, by inserting after line 28 the
3 following:

4 "Sec. ____ Section 321.210, subsection 2,
5 paragraph d, Code Supplement 1997, is amended to read
6 as follows:

7 d. The first two speeding violations within any
8 twelve-month period of ~~ten~~ five miles per hour or less
9 over the legal speed limit in speed zones having a
10 legal speed limit ~~between thirty-four equal to or~~
11 greater than thirty-five miles per hour ~~and fifty-six~~

12 but not greater than fifty-five miles per hour."

13 2. Page 9, by inserting after line 30 the
14 following:

15 "Sec. ____ Section 321.285, subsections 4, 5, and
16 6, Code 1997, are amended to read as follows:

17 4. Notwithstanding any other speed restrictions,
18 the speed limit for all vehicular traffic shall be
19 ~~fifty-five~~ sixty miles per hour.

20 5. a. Reasonable and proper, but not greater than
21 fifty-five miles per hour at any time ~~between sunrise~~
22 ~~and sunset, and not greater than fifty miles per hour~~
23 ~~at any time between sunset and sunrise, on secondary~~
24 ~~roads unless such roads are surfaced with concrete or~~
25 ~~asphalt or a combination of both, in which case the~~
26 ~~speed limits shall be the same as provided in~~
27 ~~subsection 4 of this section.~~

28 b. Reasonable and proper, but not greater than
29 fifty miles per hour at any time on secondary roads
30 which are not surfaced with concrete or asphalt or a
31 combination of both.

32 c. When the board of supervisors of any county
33 shall determine upon the basis of an engineering and
34 traffic investigation that the speed limit on any
35 secondary road is greater than is reasonable and
36 proper under the conditions found to exist at any
37 intersection or other place or upon any part of a
38 secondary road, the board shall determine and declare
39 a reasonable and proper speed limit at the
40 intersection or other part of the secondary road. The
41 speed limits as determined by the board of supervisors
42 shall be effective when appropriate signs giving
43 notice of the speed limits are erected by the board of
44 supervisors at the intersection or other place or part
45 of the highway.

46 6. Notwithstanding any other speed restrictions,
47 the speed limit ~~for all vehicular traffic on fully~~
48 ~~controlled access, on~~ divided, multilaned highways
49 including the national system of interstate highways
50 and highways which are part of the commercial and

Page 2

1 industrial network is sixty-five ~~seventy~~ miles per
2 hour for all vehicular traffic except commercial
3 vehicles and sixty-five miles per hour for commercial
4 vehicles. The department may establish a speed limit
5 of sixty-five miles per hour on certain divided,
6 multilaned highways. However, the department or
7 cities with the approval of the department may
8 establish a lower speed limit upon such highways
9 located within the corporate limits of a city. For
10 the purposes of this subsection, a fully-controlled-

11 access highway is a highway that gives preference to
12 through traffic by providing access connections with
13 selected public roads only and by prohibiting
14 crossings at grade or direct private driveway
15 connections. A minimum speed may be established by
16 the department on the highways referred to in this
17 subsection if warranted by engineering and traffic
18 investigations.

19 It is further provided that any kind of vehicle,
20 implement, or conveyance incapable of attaining and
21 maintaining a speed of forty miles per hour shall be
22 prohibited from using the interstate system."

23 3. Page 11, by inserting after line 30 the
24 following:

25 "Sec. ____ Section 516B.3, subsection 1, Code
26 1997, is amended to read as follows:

27 1. The commissioner shall require that insurance
28 companies transacting business in this state not
29 consider speeding violations occurring on or after
30 July 1, 1986, but before May 12, 1987, which are for
31 speeding violations for ten miles per hour or less
32 over the legal speed limit in speed zones that have a
33 legal speed limit greater than thirty-five miles per
34 hour, or speeding violations occurring on or after May
35 12, 1987, which are for speeding violations for ten
36 miles per hour or less over the legal speed limit in
37 speed zones that have a legal speed limit equal to or
38 greater than thirty-five miles per hour but not
39 greater than fifty-five miles per hour, or speeding
40 violations occurring on or after July 1, 1997, which
41 are for speeding violations for five miles per hour or
42 less over the legal speed limit in speed zones that
43 have a legal speed limit equal to or greater than
44 thirty-five miles per hour but not greater than fifty-
45 five miles per hour for the purpose of establishing
46 rates for motor vehicle insurance charged by the
47 insurer and shall require that insurance companies not
48 cancel or refuse to renew any such policy for such
49 violations. In any twelve-month period, this section
50 applies only to the first two such violations which

Page 3

1 occur."

2 4. By renumbering as necessary.

ROD HALVORSON

S-5073

1 Amend Senate File 2259 as follows:

2 1. Page 1, line 28, by inserting after the word

- 3 "informant" the following: "or the credibility of the
4 information given by the informant".

LARRY McKIBBEN

S-5074

- 1 Amend Senate File 2366 as follows:
2 1. Page 4, line 1, by striking the words "one or
3 more secondary schools" and inserting the following:
4 "a secondary school".
5 2. Page 4, line 8, by striking the words "schools
6 in the district" and inserting the following: "school
7 for which the application was made, and the teachers
8 employed to teach mathematics in the middle and
9 elementary schools within the secondary school
10 attendance area".
11 3. Page 14, line 20, by striking the words
12 "education and" and inserting the following:
13 "education,".
14 4. Page 14, line 21, by inserting after the word
15 "examiners" the following: ", institutions of higher
16 learning under the control of the state board of
17 regents, and as practicable, any other institutions
18 offering practitioner preparation programs approved by
19 the state board of education".
20 5. Page 19, line 18, by striking the word "two"
21 and inserting the following: "one".
22 6. Page 19, line 20, by striking the word "one"
23 and inserting the following: "two".

DONALD B. REDFERN

S-5075

- 1 Amend Senate File 2366 as follows:
2 1. Page 5, line 14, by striking the word "two"
3 and inserting the following: "ten".
4 2. Page 6, line 13, by striking the words "two
5 hundred fifty" and inserting the following: "six
6 hundred twenty-five".

MARY NEUHAUSER

S-5076

- 1 Amend Senate File 2366 as follows:
2 1. Page 23, line 34, by striking the word
3 "twenty-one" and inserting the following: "twenty-
4 three".
5 2. Page 24, line 7, by striking the word "twenty-
6 one" and inserting the following: "twenty-three".

- 7 3. Page 24, line 10, by striking the word
8 "twenty-one" and inserting the following: "twenty-
9 three".
10 4. Page 24, line 18, by striking the word
11 "twenty-one" and inserting the following: "twenty-
12 three".
13 5. Page 25, lines 16 and 17, by striking the
14 words "eighty-one million ~~one~~ four hundred seventy-six
15 thousand eighty-five six hundred sixty-six dollars"
16 and inserting the following: "eighty-three million
17 ~~one~~ three hundred eighty-one thousand ~~eighty-five~~
18 three hundred thirty-six dollars".

MIKE CONNOLLY
ROBERT E. DVORSKY
BILL FINK

S-5077

- 1 Amend Senate File 2366 as follows:
2 1. By striking page 13, line 17, through page 14,
3 line 13, and inserting the following:
4 "Sec. ____ Section 257.20, subsection 2,
5 paragraphs a and b, Code 1997, are amended by striking
6 the paragraphs."
7 2. By renumbering as necessary.

JOHN P. KIBBIE
DENNIS H. BLACK
ROD HALVORSON
TOM FLYNN
PATTY JUDGE
PATRICIA HARPER
ELAINE SZYMONIAK
MARY NEUHAUSER
ROBERT E. DVORSKY
DICK L. DEARDEN
WALLY E. HORN
EUGENE S. FRAISE
BILL FINK
PATRICIA HARPER

S-5078

- 1 Amend Senate File 2366 as follows:
2 1. Page 13, by inserting after line 16 the
3 following:
4 "Sec. ____ Section 257.1, subsection 2, unnumbered
5 paragraph 2, Code 1997, is amended to read as follows:
6 For the budget year commencing July 1, 1996, and
7 for each succeeding budget year the regular program
8 foundation base per pupil is eighty-seven and five-

9 tenths percent of the regular program state cost per
10 pupil, except that the regular program foundation base
11 per pupil for the portion of weighted enrollment that
12 is additional enrollment because of special education
13 is ~~seventy-nine~~ eighty-seven and five tenths percent
14 of the regular program state cost per pupil. For the
15 budget year commencing July 1, 1991, and for each
16 succeeding budget year the special education support
17 services foundation base is ~~seventy-nine~~ eighty-seven
18 and five-tenths percent of the special education
19 support services state cost per pupil. The combined
20 foundation base is the sum of the regular program
21 foundation base and the special education support
22 services foundation base."
23 2. By renumbering as necessary.

PATTY JUDGE
DENNIS H. BLACK
TOM FLYNN
STEVEN D. HANSEN
WALLY E. HORN
WILLIAM D. PALMER
BILL FINK
MARY NEUHAUSER
ROD HALVORSON
JOHN P. KIBBIE
ELAINE SZYMONIAK
EUGENE S. FRAISE
ROBERT E. DVORSKY

S-5079

1 Amend Senate File 2366 as follows:
2 1. Page 14, by inserting after line 13 the
3 following:
4 "Sec. ____ Section 257A.5, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 9. Develop a mathematics
7 instructional practices research pilot program for use
8 by public school districts to support and encourage an
9 enthusiastic force of collaborative mathematics
10 teachers who are well-prepared in content and pedagogy
11 and knowledgeable in research in the best practices
12 available for teaching mathematics. The program shall
13 be developed using current foundation funds, although
14 the foundation is encouraged to seek additional
15 private funding sources for the program. The
16 foundation shall design the program to encompass all
17 of the mathematics teachers employed by various sized
18 districts, including large, medium, and small-sized
19 school districts. For purposes of this section, a
20 large school district is a district with an actual

21 enrollment of five thousand or more pupils; a medium-
22 sized school district is a district with an actual
23 enrollment that is greater than one thousand one
24 hundred ninety-nine pupils, but less than five
25 thousand pupils; and a small school district is a
26 district with an actual enrollment of one thousand one
27 hundred ninety-nine or fewer pupils."
28 2. By renumbering, relettering, and redesignating
29 as necessary.

MARY NEUHAUSER

S-5080

- 1 Amend Senate File 2366 as follows:
- 2 1. By striking page 16, line 20, through page 17,
- 3 line 33.
- 4 2. By renumbering as necessary.

BILL FINK

S-5081

- 1 Amend Senate File 2366 as follows:
- 2 1. Page 1, by striking line 6 and inserting the
- 3 following:
- 4 "1. For extended school year".
- 5 2. Page 1, line 8, by striking the figure
- 6 "500,000" and inserting the following: "2,000,000".
- 7 3. Page 1, by striking lines 31 and 32 and
- 8 inserting the following:
- 9 "Sec. ____ NEW SECTION. 256.22 EXTENDED SCHOOL
- 10 YEAR GRANT PROGRAM."
- 11 4. Page 1, lines 34 and 35, by striking the words
- 12 "frontier school and extended year school planning"
- 13 and inserting the following: "extended school year".
- 14 5. Page 2, line 4, by striking the words "a
- 15 frontier school or to".
- 16 6. Page 2, line 7, by striking the word
- 17 "planning".
- 18 7. Page 2, line 9, by striking the words "a
- 19 frontier school planning" and inserting the following:
- 20 "an extended school year".
- 21 8. Page 2, by striking lines 14 through 29 and
- 22 inserting the following: "section to examine or
- 23 implement any of the following:
- 24 a. Measures to increase time for various student
- 25 learning opportunities or for teacher planning and
- 26 professional development.
- 27 b. Organizational efforts to use existing time
- 28 more efficiently and effectively.
- 29 c. Efforts to increase schedule flexibility.

- 30 d. Multi-age student grouping."
31 9. Page 3, by striking lines 1 through 10.
32 10. Page 3, line 14, by striking the word
33 "planning".
34 11. By renumbering as necessary.

MIKE CONNOLLY
ELAINE SZYMONIAK

S-5082

- 1 Amend Senate File 2366 as follows:
2 1. Page 20, by inserting after line 19 the
3 following:
4 "Sec. ____ Section 279.51, subsection 1,
5 unnumbered paragraph 1, Code Supplement 1997, is
6 amended to read as follows:
7 There is appropriated from the general fund of the
8 state to the department of education for the fiscal
9 year beginning July 1, 1997, and each succeeding
10 fiscal year, the sum of ~~fifteen~~ twenty-seven million
11 one hundred seventy thousand dollars.
12 Sec. ____ Section 279.51, subsection 1, paragraph
13 b, Code Supplement 1997, is amended to read as
14 follows:
15 b. For the fiscal year beginning July 1, 1997, and
16 for each succeeding fiscal year, ~~eight~~ twenty million
17 three hundred twenty thousand dollars of the funds
18 appropriated shall be allocated to the child
19 development coordinating council established in
20 chapter 256A for the purposes set out in subsection 2
21 of this section and section 256A.3."
22 2. By renumbering as necessary.

TOM VILSACK
ROD HALVORSON
ROBERT E. DVORSKY
PATTY JUDGE
PATRICK J. DELUHERY
BILL FINK
PATRICIA HARPER
MICHAEL E. GRONSTAL
MIKE CONNOLLY

S-5083

- 1 Amend Senate File 2366 as follows:
2 1. Page 4, line 29, by inserting after the word
3 "of" the following: "two hundred".

PATRICIA HARPER

S-5084

- 1 Amend Senate File 2366 as follows:
2 1. Page 17, by inserting after line 33 the
3 following:
4 "Sec. ____ Section 273.11, subsection 2, paragraph
5 c, Code 1997, is amended to read as follows:
6 c. Support for curriculum development,
7 instruction, and assessment for reading, language
8 arts, social studies, math, and science, using
9 research-based methodologies."
10 2. By renumbering as necessary.

JOHNIE HAMMOND
ROBERT E. DVORSKY
MARY NEUHAUSER
BILL FINK

S-5085

- 1 Amend Senate File 2366 follows:
2 1. Page 16, by inserting after line 25 the
3 following:
4 "Sec. ____ **NEW SECTION. 272.9B PERMANENT**
5 **PROFESSIONAL TEACHER LICENSURE.**
6 The board of educational examiners shall adopt
7 rules relating to the awarding of a permanent
8 professional license for teachers who have met all of
9 the following requirements:
10 1. Hold a master's degree or a professional degree
11 beyond the baccalaureate degree, from an accredited
12 college or university with an approved practitioner
13 preparation program, in the subject to be taught.
14 2. Have five years of successful teaching
15 experience in the area to be taught, certified in
16 writing to the board by the superintendent of the
17 school district, or by the authorities in charge of an
18 accredited nonpublic school, in which the teacher is
19 employed."
20 2. By renumbering, relettering, or redesignating
21 as necessary.

BILL FINK

S-5086

- 1 Amend Senate File 2366 as follows:
2 1. Page 1, by inserting after line 30 the
3 following:
4 "5. For competitive alternative education options
5 grants to school districts pursuant to section
6 279.51A, if enacted:

7 \$ 4,000,000"

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

10 "Sec. . NEW SECTION. 260C.81 AUTHORITY.

11 The board of directors of a community college is
12 authorized to establish and operate an areawide
13 alternative education options school for the purpose
14 of instructing middle school and secondary school
15 students who are at-risk, have behavioral disorders,
16 or who are disruptive in their regular classrooms, in
17 a setting as conducive as possible to the education of
18 those students.

19 Sec. . NEW SECTION. 260C.82 BUILDINGS AND
20 FACILITIES.

21 Existing buildings and facilities, together with
22 any necessary additions to or alterations to those
23 buildings and facilities, and any new structures and
24 facilities, as the board of directors of a community
25 college shall determine to be suitable and authorize
26 for purposes of establishing and implementing an
27 alternative education options school, shall be set
28 aside as the area on the respective community college
29 campus constituting the alternative options education
30 school for purposes of this chapter.

31 Sec. . NEW SECTION. 260C.83 FINANCING.

32 An alternative options education school at each
33 community college where so established shall
34 constitute a self-liquidating improvement unit to the
35 extent funds are not appropriated by the general
36 assembly and shall qualify for and may be financed in
37 the same manner as provided for residence halls and
38 dormitories under the provisions of sections 260C.56
39 through 260C.70.

40 Sec. . NEW SECTION. 260C.84 PURPOSES.

41 For the purposes of this chapter, the board of
42 directors of a community college and the board of
43 directors of any school district in the state of Iowa
44 may enter into a contract for an alternative education
45 options school to furnish instruction to the students
46 of the school district for tuition and other
47 compensation to be paid by the school district. A
48 contract shall be in writing and may extend for any
49 stipulated period not to exceed fifteen years. During
50 the agreed period, a contract shall be obligatory on

Page 2

1 both the school district and the community college.

2 Sec. . NEW SECTION. 260C.85 ALLOCATIONS TO
3 DEBT RETIREMENT FUND.

4 The board of directors of a community college may,
5 from funds appropriated or otherwise available for the

6 operation of the community college at which the
7 alternative education options school is located,
8 allocate an annual payment to the debt retirement fund
9 for the buildings, areas, and facilities used by the
10 community college for the alternative education
11 options school until the improvement is fully paid.
12 The board of directors of the community college may
13 pledge the annual allotment together with the tuition
14 received from school districts and all other income
15 received from the operation of the alternative
16 education options school as security for the mortgage,
17 bonds, or other debt by which the alternative
18 education options school is financed as authorized.
19 Sec. . NEW SECTION. 260C.86 STATE AID
20 APPLICABLE.

21 If the board of directors of a community college
22 has established an alternative education options
23 school, the community college shall receive state aid
24 pursuant to chapters 256B and 257 for each student
25 enrolled in the alternative education options school
26 in the same amount as the public school district in
27 which the student resides would receive aid for that
28 student. If the board of a school district terminates
29 a contract with the community college for attendance
30 of pupils in an alternative education options school,
31 the school district shall inform the department of
32 management of the number of these pupils who are
33 enrolled in the district on the third Friday of the
34 following September. The department of management
35 shall pay to the school district, from funds
36 appropriated in section 257.16, an amount equal to the
37 amount of state aid paid for each pupil in that school
38 district for that school year in payments made as
39 provided in section 257.16.

40 Sec. . NEW SECTION. 260C.87 DEBT LIMIT
41 PROVISION NOT APPLICABLE.

42 The obligations of any school district on any
43 contract between it and a community college entered
44 into pursuant to this chapter shall be payable only
45 out of current receipts from taxes, tuition, or other
46 income available each year, and shall not constitute a
47 debt for the purposes of any statutory or
48 constitutional provision limiting the obligations the
49 school district may incur.

50 Sec. . NEW SECTION. 261.55 BEHAVIORAL

Page 3

1 DISORDERS TEACHER SHORTAGE LOAN PROGRAM.
2 1. A behavioral disorders teacher shortage loan
3 payment program is established to be administered by
4 the commission as provided in this section. The

5 purpose of the loan program is to assist individuals
6 possessing a baccalaureate degree or higher to obtain
7 a teaching endorsement in behavioral disorders, or if
8 the individual is licensed to teach under chapter 272,
9 to obtain or upgrade the license with a behavioral
10 disorders endorsement. The endorsement shall be an
11 authorization to teach children with behavioral
12 disorders who are enrolled in kindergarten through
13 grade six or grades seven through twelve.
14 2. The commission shall adopt rules under chapter
15 17A, in consultation with the state board of
16 educational examiners, to administer the program. The
17 rules shall provide that loans not be granted to
18 teachers for the purpose of improving their knowledge
19 of subject content or teaching skills in order to
20 teach courses in subject matter areas for which they
21 possess approval granted by the state board of
22 educational examiners.

23 3. The annual amount of a loan to a qualified
24 student shall be the amount of the student's financial
25 need for that period, but shall not exceed the
26 resident tuition rate established for institutions of
27 higher learning under the control of the state board
28 of regents. A loan received under this section shall
29 be used only to pay for coursework offered by
30 practitioner preparation programs approved by the
31 board of educational examiners and meeting the
32 requirements for achievement of a behavioral disorders
33 endorsement for kindergarten through grade six or
34 grades seven through twelve as established by the
35 state board of educational examiners. Loans for part-
36 time students shall be granted for not more than five
37 years.

38 4. The commission shall set a final date for
39 submission of applications each year and shall review
40 the applications and inform the recipients within a
41 reasonable time after the deadline.

42 5. There is appropriated from the general fund of
43 the state to the college student aid commission for
44 the fiscal year beginning July 1, 1998, and for each
45 succeeding year, the sum of two hundred thousand
46 dollars for the behavioral disorders teacher shortage
47 loan program.

48 Sec. NEW SECTION. 261.56 PAYMENT OF
49 BEHAVIORAL DISORDERS TEACHER SHORTAGE LOAN -- FUND.

50 1. Payment of a loan received under the behavioral

1 disorders teacher shortage loan program shall begin
2 one year after the recipient completes the educational
3 program for which tuition and fees were received

4 except as otherwise provided in this section.

5 2. If a recipient submits evidence to the
6 commission that the recipient was employed as a
7 teacher of children with behavioral disorders in
8 kindergarten through grade six or grades seven through
9 twelve in a public school district or nonpublic school
10 in this state or at the Iowa braille and sight saving
11 school or the Iowa school for the deaf during the year
12 succeeding completion of the educational program, the
13 recipient may choose to receive either of the
14 following:

15 a. Cancellation of fifty percent of the amount of
16 the loan.

17 b. A lump sum payment of one thousand dollars.
18 However, a recipient choosing the lump sum payment
19 shall be required to commence payment of the loan
20 immediately.

21 3. If the recipient continues employment as a
22 teacher as provided in subsection 2 during the next
23 succeeding school year and submits evidence to the
24 commission of the continuation of teaching employment,
25 the recipient may choose to receive either of the
26 following:

27 a. Cancellation of the remaining fifty percent of
28 the total amount of the loan, or the loan amount
29 remaining, whichever is less.

30 b. A lump sum payment of one thousand dollars.
31 However, a recipient selecting the lump sum payment
32 shall be required to commence or continue payment of
33 the loan immediately.

34 4. There is created a behavioral disorders teacher
35 shortage loan payment fund for deposit of payments
36 made by recipients. Payments made by recipients of
37 the loans shall be used to supplement moneys
38 appropriated to the guaranteed loan payment program.
39 Any funds remaining on June 30 of a fiscal year shall
40 be transferred from the fund created in this section
41 to the general fund of the state.

42 5. The interest rate collected on a behavioral
43 disorders teacher shortage loan shall be equal to the
44 interest rate being collected by an eligible lender
45 under the guaranteed loan payment program.

46 6. The commission shall prescribe by rule the
47 terms of repayment."

48 3. Page 20, by inserting after line 19 the
49 following:

50 "Sec. . NEW SECTION. 279.51A ALTERNATIVE

3 established to be administered by the department of
4 education. The department shall award moneys for
5 purposes of this section on a competitive grant basis
6 and for diversity geographically and by population.
7 The department of education shall develop grant
8 criteria, guidelines, and a process to be used in
9 selecting grant recipients.

10 2. To be eligible for an alternative education
11 options grant, a school district shall develop a
12 proposal that includes, but is not limited to, the
13 following:

14 a. Data supporting a statement of the dimensions
15 of the at-risk problems in the district.

16 b. A survey of existing programs used by the
17 district to address the needs of the district's at-
18 risk student population, including, but not limited
19 to, students with behavioral disorders or who are
20 disruptive in class.

21 c. A plan for use of competency-based outcome
22 methods and measures of program effectiveness.

23 d. Proposals for screening and assessment
24 mechanisms for identifying students who are at risk,
25 are disruptive, or otherwise exhibit behavioral
26 disorders.

27 e. Identification of the methods the district will
28 use to encourage at-risk students and their parents or
29 guardians to utilize an alternative education setting.

30 f. Proposals for intensive staff development
31 efforts to empower teachers and encourage innovative
32 behavior.

33 g. The estimated costs of the proposal.

34 3. In developing a proposal, a school district is
35 encouraged to consult with area education agencies and
36 community colleges and to cooperate with the juvenile
37 courts, the department of economic development, the
38 department of workforce development, the department of
39 human services, and the new Iowa schools development
40 corporation.

41 4. An alternative education options program is a
42 comprehensive school transformation program under
43 section 294A.14.

44 5. A school district desiring to receive grant
45 moneys under the program may submit a proposal to the
46 department for approval by December 1. The department
47 shall review each proposal and award grants for
48 approved plans by February 15.

49 6. Notwithstanding section 8.33, unencumbered or
50 unobligated funds remaining on June 30 of the fiscal

2 this section shall not revert but shall be available
3 for expenditure for the following fiscal year for the
4 purposes of this section."

5 4. Page 23, by inserting after line 27 the
6 following:

7 "Sec. . Section 282.18, Code Supplement 1997,
8 is amended by adding the following new subsection:
9 **NEW SUBSECTION.** 19. If a request under this
10 section is for transfer to an alternative education
11 options school, as described in chapter 260C, the
12 student who is the subject of the request shall not be
13 included in the basic enrollment of the student's
14 district of residence, and the alternative education
15 options school shall report the enrollment of the
16 student directly to the department of education. The
17 community college operating the alternative education
18 options school and the board of directors of the
19 school district in the community in which the
20 alternative education options school is located shall
21 develop a student transfer policy designed to protect
22 and promote the quality, integrity, and viability of
23 the education programs conducted at the alternative
24 education options school and the school district. An
25 alternative education options school may deny a
26 request for transfer under the policy. A denial of a
27 request to transfer under this paragraph is not
28 subject to appeal under section 290.1."

29 5. By renumbering as necessary.

TOM VILSACK
JOHN P. KIBBIE
ROBERT E. DVORSKY
PATTY JUDGE
BILL FINK
PATRICK J. DELUHERY
MICHAEL E. GRONSTAL
PATRICIA HARPER

S-5087

1 Amend Senate File 2366 as follows:

2 1. Page 1, by inserting after line 30 the
3 following:

4 "Sec. . Section 256.11, Code 1997, is amended
5 by adding the following new subsection:

6 **NEW SUBSECTION.** 9. Unless a waiver has been
7 obtained under section 256.11A, each school or school
8 district shall have the following:

9 a. A media center in each attendance center which
10 shall be accessible to students throughout the school
11 day.

12 b. A qualified school media specialist who shall

13 meet the licensing standards prescribed by the board
14 of educational examiners and shall be responsible for
15 supervision of the media centers.

16 c. An articulated sequential elementary-secondary
17 guidance program for grades kindergarten through
18 twelve. The guidance counselor shall meet the
19 licensing standards prescribed by the board of
20 educational examiners.

21 In determining the requirements of this subsection
22 for nonpublic schools, the department shall evaluate
23 the schools on a school system basis rather than on an
24 individual school basis.

25 Sec. . Section 256.11A, subsections 1 and 2,
26 Code 1997, are amended to read as follows:

27 1. Schools and school districts ~~unable to meet the~~
28 ~~standard adopted by the state board requiring each~~
29 ~~school or school district operating a kindergarten~~
30 ~~through grade twelve program to provide an articulated~~
31 ~~sequential elementary-secondary guidance program may,~~
32 not later than August 1, ~~1995~~ 1998, for the school
33 year beginning July 1, ~~1995~~ 1998, file a written
34 request to the department of education that the
35 department waive the requirement, ~~for~~ established in
36 section 256.11, subsection 9, that a school or school
37 district operating a kindergarten through grade twelve
38 program, provide an articulated sequential elementary-
39 secondary guidance program. The procedures specified
40 in subsection 3 apply to the request. Not later than
41 August 1, ~~1996~~ 1999, for the school year beginning
42 July 1, ~~1996~~ 1999, the board of directors of a school
43 district or the authorities in charge of a nonpublic
44 school may request a one-year extension of the waiver.
45 2. Not later than August 1, ~~1995~~ 1998, for the
46 school year beginning July 1, ~~1995~~ 1998, the board of
47 directors of a school district, or authorities in
48 charge of a nonpublic school, may file a written
49 request with the department of education that the
50 department waive the ~~rule adopted by the state board~~

Page 2

1 ~~to establish and operate requirement for a media~~
2 ~~services specialist and a media services program to~~
3 ~~support the total curriculum for that district or~~
4 ~~school center, established under section 256.11,~~
5 subsection 9, paragraphs "a" and "b". The procedures
6 specified in subsection 3 apply to the request. Not
7 later than August 1, ~~1996~~ 1999, for the school year
8 beginning July 1, ~~1996~~ 1999, the board of directors of
9 a school district or the authorities in charge of a
10 nonpublic school may request an additional one-year

- 11 extension of the waiver."
12 2. By renumbering as necessary.

MIKE CONNOLLY
ROBERT E. DVORSKY
PATTY JUDGE

S-5088

- 1 Amend Senate File 2366 as follows:
2 1. Page 1, by inserting after line 30 the
3 following:
4 "Sec. . COLLEGE STUDENT AID COMMISSION. There
5 is appropriated from the general fund of the state to
6 the college student aid commission for the fiscal year
7 beginning July 1, 1998, and ending June 30, 1999, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:
10 For teacher loan payments pursuant to section
11 261.111:
12 \$ 500,000"
13 2. Page 14, by inserting before line 14 the
14 following:
15 "Sec. . NEW SECTION. 261.111 TEACHER SHORTAGE
16 LOAN PAYMENT PROGRAM.
17 1. A teacher shortage loan payment program is
18 established to be administered by the college student
19 aid commission as provided in this section. The
20 purpose of the loan payment program is to attract
21 Iowa's youth and adults to consider a career in
22 teaching, to increase the diversity of the state's
23 teaching profession, and to increase the number of
24 qualified teachers in areas of the state experiencing
25 a shortage of teachers. An individual is eligible for
26 the program if the individual meets all of the
27 following conditions:
28 a. Is a resident of this state who is enrolled at
29 an institution of higher learning under the control of
30 the state board of regents or an accredited private
31 institution as defined in section 261.9.
32 b. Is enrolled in one or more of the subject areas
33 determined by the department of education and
34 recognized by the United States department of
35 education as experiencing a shortage of teachers.
36 c. Has filed a loan application with the
37 commission.
38 d. Meets the requirements for a teacher shortage
39 loan established in this chapter and by administrative
40 rule.
41 2. A teacher shortage loan shall be awarded for
42 not more than the equivalent of two years and may be
43 awarded to an eligible individual under this section

44 if the student agrees to teach for two years in an
45 area in this state that the department of education
46 has determined, and the United States department of
47 education recognizes, is experiencing a shortage of
48 teachers. A loan issued in accordance with this
49 section, and the interest that accrues on the loan,
50 shall not become due and payable until one year after

Page 2

1 the individual graduates. If a recipient submits
2 evidence to the commission that the recipient was
3 employed as a teacher in a teacher shortage area for a
4 school year in accordance with this section, fifty
5 percent of the principal amount of the loan and any
6 interest accruing on fifty percent of the principal
7 amount of the loan are canceled. If the recipient
8 continues employment as a teacher in a teacher
9 shortage area as provided in this section during the
10 next succeeding school year and submits evidence to
11 the commission of the continuation of teaching
12 employment, the recipient is not required to commence
13 repayment during that school year and at the end of
14 that school year the remaining fifty percent of the
15 principal amount of the loan, and any interest
16 accruing on the principal amount of the loan, are
17 canceled.

18 3. The interest rate on the loan shall be equal to
19 the interest rate collected by an eligible lender
20 under the Iowa guaranteed student loan program for the
21 year in which the loan is made.

22 4. The commission shall prescribe by rule the
23 terms of repayment. The commission shall set a final
24 date for submission of applications each year and
25 shall review the applications and inform the
26 recipients within a reasonable time after the
27 deadline.

28 5. The maximum loan a student is eligible to
29 receive annually is an amount equal to the annual
30 resident undergraduate tuition rate established for
31 institutions of higher learning under the control of
32 the state board of regents. Eligible students may
33 receive both a tuition grant and a teacher shortage
34 loan.

35 6. A teacher shortage loan payment fund is
36 established in the office of the treasurer of state
37 for deposit of payments made by loan recipients who do
38 not fulfill the cancellation conditions of the loan
39 program. Payments made by recipients on the loans
40 shall be used to supplement moneys appropriated to the
41 teacher shortage loan payment program.

42 Notwithstanding section 8.33, moneys deposited in the

43 teacher shortage loan payment fund shall not revert to
44 the general fund of the state at the end of any fiscal
45 year, but shall remain in the teacher shortage loan
46 payment fund and be continuously available to make
47 additional loans under the program."
48 3. By renumbering as necessary.

TOM VILSACK
JOHN P. KIBBIE
PATRICK J. DELUHERY

S-5089

1 Amend Senate File 2366 as follows:
2 1. Page 13, by inserting after line 16 the
3 following:
4 "Sec. 100. Section 257.6, subsection 5, Code 1997,
5 is amended to read as follows:
6 5. WEIGHTED ENROLLMENT. Weighted enrollment is
7 the budget enrollment plus the district's additional
8 enrollment because of special education calculated on
9 December 1 of the base year plus additional pupils
10 added due to the application of the supplementary
11 weighting pursuant to sections 257.11 and 257.13.
12 Weighted enrollment for special education support
13 services costs is equal to the weighted enrollment
14 minus the additional pupils added due to the
15 application of the supplementary weighting.
16 Sec. 101. NEW SECTION. 257.13 CLASS SIZE
17 REDUCTION WEIGHTING PROGRAM.
18 1. There is established a class size reduction
19 weighting program to provide additional funds for
20 school districts that develop a class size reduction
21 plan. To be eligible for supplementary weighting as
22 provided in this section, a school district shall
23 submit annually by April 15 of the base year to the
24 department of education a plan which includes, at a
25 minimum, the goals of reducing class size in
26 kindergarten and grades one through three, instituting
27 professional development to assist teachers in
28 teaching challenging curricula more effectively, and
29 engaging parents, teachers, school administrators, and
30 students in the achievement of the shared goal of
31 raising student achievement levels. In addition, the
32 plan shall provide for methods for measuring student
33 achievement and progress.
34 2. A pupil enrolled in a school district that
35 meets the requirements of subsection 1, and who is
36 assigned to a self-contained classroom in which the
37 student-to-teacher ratio is not more than fifteen
38 students to one teacher, or the equivalent in a school
39 that utilizes team teaching methods, and who is

40 receiving at a minimum the grade-appropriate
41 educational program provided in accordance with
42 section 256.11, is assigned a supplementary weighting
43 of two-tenths, which is in addition to any weighting
44 received under section 257.6, if the pupil is enrolled
45 in and attending the following:
46 a. Full-day kindergarten, or a combined
47 kindergarten and grade one program, in the fiscal year
48 beginning July 1, 1998, or in a succeeding fiscal
49 year.
50 b. Full-day kindergarten, a combined kindergarten

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1 and grade one program, or grade one in the fiscal year
2 beginning July 1, 1999, or in a succeeding fiscal
3 year.
4 c. Full-day kindergarten, a combined kindergarten
5 and grade one program, grade one, or grade two in the
6 fiscal year beginning July 1, 2000, or in a succeeding
7 fiscal year.
8 d. Full-day kindergarten, a combined kindergarten
9 and grade one program, grade one, grade two, or grade
10 three in the fiscal year beginning July 1, 2001, or in
11 a succeeding fiscal year.
12 3. A school district shall provide a separate
13 accounting of the pupils eligible for supplemental
14 weighting in accordance with this section, when
15 certifying its actual enrollment to the department of
16 education."

17 2. Page 25, by inserting after line 33 the
18 following:

19 "Sec. 102. Section 298.2, subsection 2, Code
20 Supplement 1997, is amended to read as follows:

21 2. If the electors of a school district have
22 authorized a voter-approved physical plant and
23 equipment levy not exceeding sixty-seven cents per
24 thousand dollars of assessed valuation in the district
25 prior to July 1, 1997, the levy shall continue for the
26 period authorized under the voter-approved levy, and
27 the maximum levy that can be authorized by the
28 electors under the voter-approved levy on or after
29 July 1, 1997, ~~under this section,~~ is an additional
30 sixty-seven cents in accordance with subsection 1, or
31 an additional ninety-two cents in accordance with
32 subsections 1 and 7, for a period to coincide with the
33 period for which the initial physical plant and
34 equipment levy in the district was approved.

35 Sec. 103. Section 298.2, Code Supplement 1997, is
36 amended by adding the following new subsection:
37 NEW SUBSECTION. 7. Notwithstanding subsection 1,
38 the voter-approved physical plant and equipment levy

39 in a school district may exceed the one dollar and
40 thirty-four cents per thousand dollars of assessed
41 valuation limit by twenty-five cents if the levy
42 exceeding one dollar and thirty-four cents per
43 thousand dollars of assessed valuation is established
44 by a school district that has developed a class size
45 reduction plan pursuant to section 257.13. The
46 revenue from the levy of twenty-five cents above the
47 limits provided for in subsections 1 and 2 shall be
48 used for purposes of facilities-related costs
49 associated with reducing class size in kindergarten
50 and grades one through three."

Page 3

- 1 3. Page 26, by inserting after line 24 the
- 2 following:
- 3 "Sec. ____ Sections 100, 101, 102, and 103 of this
- 4 Act, relating to class size reduction, take effect
- 5 July 1, 1998, for computations required for the school
- 6 year beginning July 1, 1999."
- 7 4. By renumbering, relettering, and redesignating
- 8 as necessary.

TOM VILSACK
DENNIS H. BLACK
BILL FINK
ROBERT E. DVORSKY
MIKE CONNOLLY
TOM FLYNN
ROD HALVORSON
PATRICK J. DELUHERY
PATTY JUDGE
MARY NEUHAUSER
EUGENE S. FRAISE
JOHNIE HAMMOND
MICHAEL E. GRONSTAL
PATRICIA HARPER

S-5090

- 1 Amend Senate File 2366 as follows:
- 2 1. Page 6, line 32, by striking the words "nine
- 3 million" and inserting the following: "thirteen
- 4 million three hundred twenty thousand".

ROBERT E. DVORSKY
DENNIS H. BLACK
ROD HALVORSON
PATRICK J. DELUHERY
MIKE CONNOLLY
WALLY E. HORN

DON GETTINGS
WILLIAM D. PALMER
STEVEN D. HANSEN
ELAINE SZYMONIAK
PATRICK J. DELUHERY
PATTY JUDGE
MARY NEUHAUSER
EUGENE S. FRAISE
JOHNIE HAMMOND
BILL FINK
PATRICIA HARPER
MICHAEL E. GRONSTAL

S-5091

1 Amend Senate File 2366 as follows:

2 1. Page 13, by inserting after line 16 the
3 following:

4 "Sec. 101. NEW SECTION. 257.13 ON-TIME FUNDING
5 FOR NEW STUDENTS.

6 1. If a district's actual enrollment for the
7 budget year, determined under section 257.6, is
8 greater than its budget enrollment for the budget
9 year, the district may submit a request to the school
10 budget review committee for on-time funding for new
11 students. The school budget review committee shall
12 consider the relative increase in enrollment on a
13 district-by-district basis, in determining whether to
14 approve the request, and shall determine the amount of
15 additional funding to be provided if the request is
16 granted. An application for on-time funding must be
17 received by the department of education by October 1.
18 Written notice of the committee's decision shall be
19 given through the department of education to the
20 school board for a district.

21 2. If the school budget review committee approves
22 a request for on-time funding for new students, the
23 funding shall be in an amount equal to the product of
24 the state cost per pupil for the budget year
25 multiplied by the difference between the actual
26 enrollment for the budget year and the budget
27 enrollment for the budget year. The additional
28 funding received under this section is miscellaneous
29 income to the district.

30 3. There is appropriated each fiscal year from the
31 general fund of the state to the department of
32 education an amount sufficient to pay additional
33 funding authorized under this section, which shall be
34 paid to school districts in a one lump-sum payment
35 within thirty days of notification by the school
36 budget review committee of approval for on-time
37 funding for new students for a budget year.

38 4. If the board of directors of a school district
39 determines that a need exists for additional funds
40 exceeding the amount provided in this section, a
41 request for supplemental aid based upon increased
42 enrollment may be submitted to the school budget
43 review committee as provided in section 257.31.
44 5. A school district which is receiving a budget
45 adjustment for a budget year pursuant to section
46 257.14 shall receive on-time funding for new students
47 reduced by the amount of the budget adjustment for
48 that budget year."
49 2. Page 26, by inserting after line 19 the
50 following:

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1 "Sec. . EFFECTIVE DATE. Section 101 of this
2 Act, being deemed of immediate importance, takes
3 effect upon enactment for the purpose of computations
4 required for payment of state aid to school districts
5 for budget years beginning on or after July 1, 1998.
6 Section 101 of this Act remains in effect until the
7 repeal of chapter 257 on July 1, 2001."
8 3. By renumbering as necessary.

ROBERT E. DVORSKY
MARY NEUHAUSER

S-5092

1 Amend Senate File 2366 as follows:
2 1. By striking page 17, line 34, through page 18,
3 line 17.
4 2. Page 26, by striking lines 15 through 19.
5 3. By renumbering as necessary.

MIKE CONNOLLY
ROBERT E. DVORSKY
BILL FINK

S-5093

1 Amend Senate File 2366 as follows:
2 1. Page 1, line 11, by striking the figure
3 "180,000" and inserting the following: "720,000".
4 2. Page 1, line 14, by striking the figure "100"
5 and inserting the following: "200".
6 3. By striking page 10, line 28, through page 11,
7 line 4.
8 4. Page 11, line 5, by striking the words
9 "district committee" and inserting the following:
10 "school district or a collaboration of school

11 districts".

12 5. Page 11, by striking lines 16 through 23 and
13 inserting the following: "and the process for
14 measuring the results of the program.

15 ____ The school district or the collaboration of
16 school districts shall submit the plan".

17 6. Page 11, line 29, by striking the words
18 "district committee" and inserting the following:
19 "school district, or the collaboration of school
20 districts,".

21 7. Page 12, line 13, by striking the words "five
22 hundred" and inserting the following: "one thousand".

23 8. By renumbering, relettering, or redesignating
24 as necessary.

BILL FINK

S-5094

1 Amend Senate File 2366 as follows:

2 1. Page 6, by inserting after line 15 the
3 following:

4 "Sec. . Section 256B.8, unnumbered paragraph 1,
5 Code 1997, is amended to read as follows:

6 It is not incumbent upon the school districts to
7 keep a child requiring special education in regular
8 instruction when the child cannot sufficiently profit
9 from the work of the regular classroom, nor to keep a
10 child requiring special education in the special class
11 or instruction for children requiring special
12 education when it is determined by the diagnostic
13 educational team that the child can no longer benefit
14 from the instruction or needs more specialized
15 instruction available in special schools. However,
16 ~~the school district shall count the child requiring~~
17 ~~special education in the enrollment as provided in~~
18 ~~sections 256B.9, 257.6, and 273.9 and shall ensure~~
19 ~~that appropriate educational provisions are made for~~
20 ~~the child requiring special education.~~

21 Sec. . Section 256B.9, subsection 1, Code 1997,
22 is amended by striking the subsection and inserting in
23 lieu thereof the following:

24 1. In order to provide funds for the excess costs
25 of instruction of children requiring special
26 education, above the costs of instruction of pupils in
27 a regular curriculum, a special education state cost
28 per pupil and special education district costs per
29 pupil shall be established pursuant to sections 257.9
30 and 257.10.

31 Sec. . Section 256B.9, subsection 2, Code 1997,
32 is amended by striking the subsection and inserting in
33 lieu thereof the following:

34 2. On December 1, 1998, and no later than December
35 1 every two years thereafter, for the school year
36 commencing the following July 1, the director of the
37 department of education shall report to the school
38 budget review committee the average cost of providing
39 instruction for children requiring special education,
40 the numbers of special education students provided
41 special education instruction from each school
42 district, and an estimate of the expenditures needed
43 to provide the appropriate special education services
44 throughout the state. This information shall be
45 considered by the department in conducting the review
46 of the total district cost per pupil range pursuant to
47 section 257.13. In addition, the school budget review
48 committee may adjust a school district's total
49 district cost per pupil, as defined in section 257.10,
50 when determined warranted by the committee upon the

Page 2

1 request of a district pursuant to section 257.31.
2 Sec. . Section 256B.9, subsection 3, Code 1997,
3 is amended by striking the subsection.
4 Sec. . Section 256B.9, subsection 4, Code 1997,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:
7 4. A school district with one or more students
8 provided special education services during a school
9 year for which the expenditures totaled more than
10 seven times the total district cost per pupil, as
11 defined in section 257.10, may petition the school
12 budget review committee for reimbursement under
13 section 257.31.
14 Sec. . Section 256B.9, subsection 5, Code 1997,
15 is amended to read as follows:
16 5. The division of special education shall audit
17 the reports required in section 273.5 to determine
18 that all children in the area who have been identified
19 as requiring special education have received the
20 appropriate special education instructional and
21 support services, and to verify the proper
22 identification of pupils in the area who will require
23 special education instructional services during the
24 school year in which the report is filed. The
25 ~~division shall certify to the director of the~~
26 ~~department of management the correct total enrollment~~
27 ~~of each school district in the state, determined by~~
28 ~~applying the appropriate pupil-weighting index to each~~
29 ~~child requiring special education, as certified by the~~
30 ~~directors of special education in each area.~~
31 Sec. . Section 256B.9, subsection 8, Code 1997,
32 is amended to read as follows:

33 8. Commencing with the school year beginning July
34 1, ~~1976~~ 1998, a school district may expend an amount
35 not to exceed two-sevenths of an amount equal to the
36 district cost of a school district for the costs of
37 regular classroom instruction of a child certified
38 ~~under the special education weighting plan in~~
39 ~~subsection 1, paragraph "b", as a pupil with~~
40 ~~disabilities who is enrolled in a special class, but~~
41 ~~who receives part of the pupil's instruction in a~~
42 ~~regular classroom. Unencumbered funds generated for~~
43 ~~special education instructional programs for the~~
44 ~~school year beginning July 1, 1975, and for the school~~
45 ~~year beginning July 1, 1976, shall not be expended for~~
46 ~~such purpose."~~

47 2. Page 13, by inserting after line 16 the
48 following:

49 "Sec. . Section 257.1, subsection 2, unnumbered
50 paragraph 2, Code 1997, is amended to read as follows:

Page 3

1 For the budget year commencing July 1, ~~1997~~ 1998,
2 and for each succeeding budget year the regular
3 program foundation base per pupil is eighty-seven and
4 five-tenths percent of the regular program state cost
5 per pupil, ~~except that the regular program and the~~
6 ~~foundation base per pupil for the portion of weighted~~
7 ~~enrollment that is additional enrollment because of~~
8 ~~special education state cost per pupil is seventy-nine~~
9 ~~percent of the regular program special education state~~
10 ~~cost per pupil. For the budget year commencing July~~
11 ~~1, 1994~~ 1998, and for each succeeding budget year, the
12 special education support services foundation base is
13 seventy-nine percent of the special education support
14 services state cost per pupil. The combined
15 foundation base is the sum of the regular program
16 foundation base, the special education foundation
17 base, and the special education support services
18 foundation base.

19 Sec. . Section 257.2, Code 1997, is amended by
20 adding the following new subsections:

21 NEW SUBSECTION. 13. "Total district cost per
22 pupil" means the sum of the regular program district
23 cost per pupil and the special education district cost
24 per pupil, determined pursuant to section 257.10.
25 NEW SUBSECTION. 14. "Total state cost per pupil"
26 means the sum of the regular state cost per pupil and
27 the special education state cost per pupil, determined
28 pursuant to section 257.9.

29 Sec. . Section 257.4, subsection 1, Code 1997,
30 is amended to read as follows:

31 1. COMPUTATION OF TAX. A school district shall

32 cause an additional property tax to be levied each
33 year. The rate of the additional property tax levy in
34 a school district shall be determined by the
35 department of management and shall be calculated to
36 raise the difference between the combined district
37 cost for the budget year and the sum of the products
38 of the regular program foundation base per pupil times
39 the weighted enrollment in the district, the special
40 education foundation base per pupil times the budget
41 enrollment in the district, and the special education
42 support services foundation base per pupil times the
43 ~~special education support services weighted enrollment~~
44 served in the district.

45 Sec. . Section 257.6, subsection 5, Code 1997,
46 is amended to read as follows:

47 5. WEIGHTED ENROLLMENT. Weighted enrollment is
48 the budget enrollment ~~plus the district's additional~~
49 ~~enrollment because of special education calculated on~~
50 ~~December 1 of the base year~~ plus additional pupils

Page 4

1 added due to the application of the supplementary
2 weighting.
3 ~~Weighted enrollment for special education support~~
4 ~~services costs is equal to the weighted enrollment~~
5 ~~minus the additional pupils added due to the~~
6 ~~application of the supplementary weighting.~~

7 Sec. . Section 257.8, subsection 2, Code 1997,
8 is amended to read as follows:

9 2. ALLOWABLE GROWTH CALCULATION. The department
10 of management shall calculate the regular program
11 allowable growth for a budget year by multiplying the
12 state percent of growth for the budget year by the
13 regular program state cost per pupil for the base
14 year, shall calculate the special education allowable
15 growth for a budget year by multiplying the state
16 percent of growth for the budget year by the special
17 education state cost per pupil for the base year, and
18 shall calculate the special education support services
19 allowable growth for the budget year by multiplying
20 the state percent of growth for the budget year by the
21 special education support services state cost per
22 pupil for the base year.

23 Sec. . Section 257.9, Code 1997, is amended by
24 adding the following new subsection:

25 **NEW SUBSECTION. 2A. SPECIAL EDUCATION STATE COST**
26 **PER PUPIL FOR 1998-1999.**

27 For the budget year beginning July 1, 1998, the
28 special education state cost per pupil for a budget
29 year is equal to the sum of the following:

30 a. The statewide special education expenditures

31 for the budget year beginning July 1, 1997, divided by
32 the statewide budget enrollment used for the budget
33 year beginning July 1, 1997.

34 b. A special education allowable growth amount
35 that is equal to the state percent of growth for the
36 budget year multiplied by the quotient obtained in
37 paragraph "a".

38 c. The statewide special education deficits for
39 the budget year beginning July 1, 1996, divided by the
40 statewide budget enrollment for the budget year
41 beginning July 1, 1997.

42 The statewide special education expenditures for
43 the budget year beginning July 1, 1997, shall be
44 calculated by multiplying the district cost per pupil
45 for the budget year beginning July 1, 1997, for each
46 district by its additional enrollment because of
47 special education for that budget year and adding
48 together the products.

49 Sec. . Section 257.9, Code 1997, is amended by
50 adding the following new subsection:

Page 5

1 NEW SUBSECTION. 2B. SPECIAL EDUCATION STATE COST
2 PER PUPIL FOR 1999-2000 AND SUCCEEDING YEARS. For the
3 budget year beginning July 1, 1999, and succeeding
4 budget years, the special education state cost per
5 pupil is the special education state cost per pupil
6 for the base year plus the special education allowable
7 growth for the budget year.

8 Sec. . Section 257.9, Code 1997, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 2C. TOTAL STATE COST PER PUPIL.

11 The total state cost per pupil for a budget year is
12 the sum of the regular program state cost per pupil
13 and the special education state cost per pupil.

14 Sec. . Section 257.9, subsection 4, Code 1997,
15 is amended to read as follows:

16 4. SPECIAL EDUCATION SUPPORT SERVICES STATE COST
17 PER PUPIL FOR 1992-1993 AND SUCCEEDING YEARS THROUGH

18 1997-1998. For the budget year beginning July 1,
19 1992, and ~~succeeding each~~ budget year ~~thereafter~~
20 until June 30, 1998, the special education support

21 services state cost per pupil for the budget year is
22 the special education support services state cost per
23 pupil for the base year plus the special education
24 support services allowable growth for the budget year.

25 Sec. . Section 257.9, Code 1997, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 4A. SPECIAL EDUCATION SUPPORT
28 SERVICES STATE COST PER PUPIL FOR 1998-1999. For the
29 budget year beginning July 1, 1998, the special

30 education support services state cost per pupil is
31 equal to the total of the approved budgets of the area
32 education agencies for special education support
33 services for the budget year beginning July 1, 1998,
34 approved by the state board of education under section
35 273.3, subsection 12, divided by the enrollment served
36 for the budget year beginning July 1, 1998.
37 Sec. . Section 257.9, Code 1997, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 4B. SPECIAL EDUCATION SUPPORT
40 SERVICES STATE COST PER PUPIL FOR 1999-2000 AND
41 SUCCEEDING YEARS. For the budget year beginning July
42 1, 1999, and succeeding budget years, the special
43 education support services state cost per pupil is the
44 special education support services state cost per
45 pupil for the base year plus the special education
46 support services allowable growth for the budget year.
47 Sec. . Section 257.9, subsection 5, Code 1997,
48 is amended to read as follows:
49 5. COMBINED STATE COST PER PUPIL. The combined
50 state cost per pupil for a budget year is the sum of

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1 the ~~regular program total~~ state cost per pupil and the
2 special education support services state cost per
3 pupil.
4 Sec. . Section 257.10, Code 1997, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 2A. SPECIAL EDUCATION DISTRICT
7 COST PER PUPIL FOR 1998-1999. For the budget year
8 beginning July 1, 1998, the special education district
9 cost per pupil for a budget year is equal to the sum
10 of the following:
11 a. The district special education expenditures for
12 the budget year beginning July 1, 1997, divided by the
13 district budget enrollment for the budget year
14 beginning July 1, 1997.
15 b. The special education allowable growth amount
16 calculated under section 257.9, subsection 2A.
17 c. The district's special education deficit, if
18 any, for the budget year beginning July 1, 1996,
19 divided by the district budget enrollment for the
20 budget year beginning July 1, 1997.
21 The district special education expenditures for the
22 budget year beginning July 1, 1997, shall be
23 calculated by multiplying the district cost per pupil
24 of the district for the budget year beginning July 1,
25 1997, by the district's additional enrollment because
26 of special education for that budget year.
27 Sec. . Section 257.10, Code 1997, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 2B. SPECIAL EDUCATION DISTRICT
30 COST PER PUPIL FOR 1999-2000 AND SUCCEEDING YEARS.

31 For the budget year beginning July 1, 1999, and
32 succeeding budget years, the special education
33 district cost per pupil for each school district for a
34 budget year is the special education district cost per
35 pupil for the base year plus the allowable growth for
36 the budget year.

37 Sec. . Section 257.10, Code 1997, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 2C. TOTAL DISTRICT COST PER
40 PUPIL. The total district cost per pupil is the sum
41 of the regular program district cost per pupil, and
42 the special education district cost per pupil.

43 Sec. . Section 257.10, subsection 4, Code 1997,
44 is amended to read as follows:

45 4. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT
46 COST PER PUPIL FOR 1992-1993 AND SUCCEEDING YEARS
47 THROUGH 1997-1998. For the budget year beginning July
48 1, 1992, and succeeding each budget years year
49 thereafter until June 30, 1998, the special education
50 support services district cost per pupil for the

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1 budget year is the special education support services
2 district cost per pupil for the base year plus the
3 special education support services allowable growth
4 for the budget year.

5 Notwithstanding the special education support
6 services district cost per pupil for the budget year
7 beginning July 1, 1991, calculated under subsection 3,
8 for area education agencies that have fewer than three
9 and five-tenths public school pupils per square mile,
10 the special education support services district cost
11 per pupil for the budget year beginning July 1, 1991,
12 is one hundred forty-seven dollars.

13 Sec. . Section 257.10, Code 1997, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 4A. SPECIAL EDUCATION SUPPORT
16 SERVICES DISTRICT COST PER PUPIL FOR 1998-1999. For
17 the budget year beginning July 1, 1998, the special
18 education support services district cost per pupil is
19 equal to the approved budget of each area education
20 agency for special education support services for that
21 year in the area divided by the enrollment served in
22 the area for that year.

23 Sec. . Section 257.10, Code 1997, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 4B. SPECIAL EDUCATION SUPPORT
26 SERVICES DISTRICT COST PER PUPIL FOR 1999-2000 AND
27 SUCCEEDING YEARS. For the budget year beginning July

28 1, 1999, and succeeding budget years, the special
29 education support services district cost per pupil is
30 the special education support services district cost
31 per pupil for the base year plus the special education
32 support services allowable growth for the budget year.

33 Sec. . Section 257.10, subsection 5, Code 1997,
34 is amended to read as follows:

35 5. COMBINED DISTRICT COST PER PUPIL. The combined
36 district cost per pupil for a school district is the
37 sum of the ~~regular program~~ total district cost per
38 pupil and the special education support services
39 district cost per pupil. Combined district cost per
40 pupil does not include ~~additional allowable growth~~
41 ~~added for school districts that have a negative~~
42 ~~balance of funds raised for special education~~
43 ~~instruction programs~~; additional allowable growth
44 granted by the school budget review committee for a
45 single school year, or additional allowable growth
46 added for programs for dropout prevention and for
47 programs for gifted and talented children.

48 Sec. . Section 257.10, Code 1997, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 6A. SPECIAL EDUCATION DISTRICT

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1 COST. Special education district cost for a school
2 district for a budget year is equal to the special
3 education district cost per pupil for a budget year
4 multiplied by the budget enrollment for the budget
5 year.

6 Sec. . Section 257.10, subsection 7, Code 1997,
7 is amended to read as follows:

8 7. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT

9 COST. Special education support services district
10 cost for a school district for a budget year is equal
11 to the special education support services district
12 cost per pupil for the budget year multiplied by the
13 special education support services ~~weighted~~ enrollment
14 ~~for served in~~ the district for the budget year. If
15 the special education support services district cost
16 for a school district for a budget year is less than
17 the special education support services district cost
18 for that district for the base year, the department of
19 management shall adjust the special education support
20 services district cost for that district for the
21 budget year to equal the special education support
22 services district cost for the base year.

23 Sec. . Section 257.10, subsection 8, unnumbered
24 paragraph 1, Code 1997, is amended to read as follows:

25 Combined district cost is the sum of the ~~regular~~
26 program total district cost ~~per pupil multiplied by~~

27 the weighted enrollment and the special education
28 support services district cost, plus the additional
29 district cost allocated to the district to fund media
30 services and educational services provided through the
31 area education agency.

32 Sec. . NEW SECTION. 257.13 EQUALIZING TOTAL
33 DISTRICT COST PER PUPIL.

34 1. Total district cost per pupil in each district
35 shall fall within an acceptable range, the lower limit
36 of which is the total state cost per pupil, and the
37 upper limit of which is the total district cost per
38 pupil of the district with the highest total district
39 cost per pupil.

40 2. For the budget year beginning July 1, 1998, the
41 department of management shall increase the total
42 district cost per pupil of each school district whose
43 total district cost per pupil is below the total state
44 cost per pupil, by one percent of the total state cost
45 per pupil not to exceed the state cost per pupil. For
46 each succeeding year the total district cost per pupil
47 shall be increased one percent until the total
48 district cost per pupil reaches the total state cost
49 per pupil.

50 3. When all districts with a total district cost

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1 per pupil falling below the total state cost per pupil
2 have reached the total state cost per pupil, the upper
3 limit of the acceptable range is subject to review and
4 recommendation by the director of the department.

5 Sec. . Section 257.14, Code 1997, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 4. For the budget year commencing
8 July 1, 1998, and each succeeding budget year, if the
9 department of management determines that the special
10 education district cost of a school district for a
11 budget year is less than the total of the special
12 education district cost plus any adjustment added
13 under this section for the base year for that school
14 district, the department of management shall provide a
15 budget adjustment for that district for that budget
16 year that is equal to the difference.

17 Sec. . Section 257.19, unnumbered paragraph 1,
18 Code 1997, is amended to read as follows:

19 The additional funding for the instructional
20 support program for a budget year is limited to an
21 amount not exceeding ten percent of the total of
22 regular program district cost for the budget year and
23 moneys received under section 257.14 as a budget
24 adjustment for the budget year. Moneys received by a
25 district for the instructional support program are

26 miscellaneous income and may be used for any general
27 fund purpose. However, moneys received by a district
28 for the instructional support program shall not be
29 used as, or in a manner which has the effect of,
30 supplanting funds authorized to be received under
31 sections 257.41, 257.46, 298.2, and 298.4, ~~or to cover~~
32 ~~any deficiencies in funding for special education~~
33 ~~instructional services resulting from the application~~
34 ~~of the special education weighting plan under section~~
35 ~~256B.9."~~

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

38 "Sec. . Section 257.31, subsection 14, Code
39 1997, is amended by striking the subsection.

40 Sec. . Section 257.31, subsection 5, Code 1997,
41 is amended by adding the following new paragraph:
42 NEW PARAGRAPH. m. An unusual increase or decrease
43 in identification of pupils requiring special
44 education.

45 Sec. . Section 257.31, Code 1997, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 18. The committee may grant
48 supplemental aid to a school district for the excess
49 costs of special education instructional services for
50 a pupil for which the special education instructional

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1 services costs totaled more than seven times the
2 district's total district cost per pupil. The
3 supplemental aid is equal to the difference between
4 the cost of the special education instructional
5 services for the pupil for a year and seven times the
6 district's total district cost per pupil for that
7 year. There is appropriated from the general fund of
8 the state to the department of education for the use
9 of the school budget review an amount sufficient to
10 pay the supplemental aid under this subsection.
11 Supplemental aid granted to a district shall be added
12 to the district's state aid payments made under
13 section 257.16."

14 4. Page 26, by inserting after line 19 the
15 following:

16 "Sec. . EFFECTIVE DATE. The provisions of this
17 Act amending sections 256B.8, 256B.9, 257.1, 257.2,
18 257.4, 257.6, 257.8 through 257.10, 257.13, 257.14,
19 257.19, and 257.31, being deemed of immediate
20 importance, shall take effect immediately upon
21 enactment for purposes of budget calculations for the

22 budget year beginning July 1, 1998."

23 5. By renumbering as necessary.

JOHNIE HAMMOND
DENNIS H. BLACK
PATRICK J. DELUHERY
ROD HALVORSON
JOHN P. KIBBIE
ROBERT E. DVORSKY
MARY NEUHAUSER
PATTY JUDGE

S-5095

1 Amend Senate File 2366 as follows:

2 1. Page 1, by inserting after line 30 the

3 following:

4 "Sec. ____ NEW SECTION. 256.17 TEACHER
5 INTERNSHIP PROGRAM.

6 1. The state board of education shall establish
7 and implement a program approval process by July 1,
8 1999, for a teacher internship program. An internship
9 program shall, at a minimum, include the following:

10 a. A one-year teaching experience conducted in a
11 collaborating school district.

12 b. Application of best practices in diverse
13 settings and diverse student needs under the
14 mentorship of selected district teachers and
15 postsecondary personnel.

16 c. Seminars and special projects designed to meet
17 an intern's needs.

18 d. Support by master teachers.

19 e. Opportunity to complete coursework toward a
20 master's degree.

21 2. A school district shall be paid a state subsidy
22 in the amount of four thousand dollars for each intern
23 enrolled in an approved internship program, which may
24 in part be used to pay the cost of providing district
25 teachers as mentors. Not more than five percent of
26 the total district subsidy for an internship program
27 may be used for indirect costs.

28 3. A teacher internship fund is established in the
29 office of the treasurer of state to be administered by
30 the department. Moneys appropriated by the general
31 assembly for deposit in the fund shall be paid to
32 school districts pursuant to the requirements of this
33 section and shall be expended only to pay for the
34 costs of the program pursuant to this section,
35 including the costs of the employer's share of federal
36 social security and Iowa public employees' retirement
37 system contributions, or a pension and annuity
38 retirement system established under chapter 294, for

39 such amounts paid by the districts.
40 4. There is appropriated from the general fund of
41 the state to the department of education for the
42 fiscal year beginning July 1, 1998, and each
43 succeeding fiscal year, the sum of one million five
44 hundred thousand dollars for purposes of the teacher
45 internship program."
46 2. Page 16, by inserting after line 25 the
47 following:
48 "Sec. ____ Section 272.2, Code 1997, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 16. In addition to the licensing

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1 authority under subsection 1, establish a license for
2 practitioners who have completed an approved teacher
3 internship program as established pursuant to section
4 256.17."
5 2. By renumbering, relettering, and redesignating
6 as necessary.

MIKE CONNOLLY
PATRICK J. DELUHERY

S-5096

1 Amend Senate File 2366 as follows:
2 1. Page 13, by inserting after line 16 the
3 following:
4 "Sec. ____ Section 257.1, subsection 2, unnumbered
5 paragraph 2, Code 1997, is amended to read as follows:
6 For the budget year commencing July 1, ~~1996~~ 1998,
7 and for each succeeding budget year the regular
8 program foundation base per pupil is eighty-seven and
9 five-tenths percent of the regular program state cost
10 per pupil, except that the regular program foundation
11 base per pupil for the portion of weighted enrollment
12 that is additional enrollment because of special
13 education is ~~seventy-nine~~ eighty-seven and five tenths
14 percent of the regular program state cost per pupil.
15 For the budget year commencing July 1, ~~1991~~ 1998, and
16 for each succeeding budget year the special education
17 support services foundation base is ~~seventy-nine~~
18 eighty-seven and five-tenths percent of the special
19 education support services state cost per pupil. The
20 combined foundation base is the sum of the regular
21 program foundation base and the special education

- 22 support services foundation base."
23 2. By renumbering as necessary.

PATTY JUDGE

S-5097

- 1 Amend Senate File 2366 as follows:
2 1. By striking page 23, line 28, through page 25,
3 line 28, and inserting the following:
4 "Sec. . Section 294A.5, Code 1997, is amended
5 to read as follows:
6 294A.5 MINIMUM SALARY SUPPLEMENT -- REGULAR,
7 INDUCTION, AND INTERNSHIP COMPENSATION.
8 1. a. For the school year beginning July 1, 1987
9 1998, and succeeding school years, the minimum annual
10 salary paid to a full-time teacher as regular
11 compensation shall be eighteen ~~twenty-three~~ thousand
12 dollars.
13 b. For the school year beginning July 1, 1999, and
14 succeeding school years, the minimum annual salary
15 paid as regular compensation to a full-time teacher,
16 who has completed an approved teacher induction
17 program in accordance with section 256.17, shall be
18 twenty-five thousand dollars.
19 c. For the school year beginning July 1, 2000, and
20 succeeding school years, the minimum annual salary
21 paid as regular compensation to a full-time teacher,
22 who has completed an approved teacher internship
23 program in accordance with section 256.17A, shall be
24 twenty-seven thousand dollars.
25 2. The minimum salary supplement shall be the sum
26 of the following, as applicable:
27 a. For the school year beginning July 1, 1987
28 1998, for phase I, each school district and area
29 education agency shall certify to the department of
30 education by the third Friday in September the names
31 of all teachers employed by the district or area
32 education agency whose regular compensation is less
33 than eighteen ~~twenty-three~~ thousand dollars per year
34 for that year and the amounts needed as minimum salary
35 supplements. The minimum salary supplement for each
36 eligible teacher is the total of the difference
37 between eighteen ~~twenty-three~~ thousand dollars and the
38 teacher's regular compensation plus the amount
39 required to pay the employer's share of the federal
40 social security and Iowa public employees' retirement
41 system, or a pension and annuity retirement system
42 established under chapter 294, payments on the
43 additional salary moneys. However, for purposes of
44 this paragraph, a teacher's regular compensation for
45 the school year beginning July 1, 1998, shall not be

46 lower than twenty-three thousand dollars.
47 b. The total minimum salary supplement paid to a
48 school district under phase I for the school year
49 beginning July 1, 1997.
50 c. For the school year beginning July 1, 1999, and

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1 each succeeding year, each school district and area
2 education agency shall certify to the department of
3 education by the third Friday in September the names
4 of all teachers, employed by the district or area
5 education agency, who have completed an approved
6 teacher induction program in accordance with section
7 256.17, whose regular compensation is less than
8 twenty-five thousand dollars per year for that year
9 and the amounts needed as minimum salary supplements.
10 The minimum salary supplement for each eligible
11 teacher is the difference between twenty-five thousand
12 dollars and the regular compensation of the eligible
13 teacher minus the product of the number of years the
14 eligible teacher has taught and five hundred dollars.
15 The minimum salary supplement as provided in this
16 paragraph shall not be less than zero. The minimum
17 salary supplement paid to a school district under this
18 paragraph shall include an additional amount required
19 to pay the employer's share of the federal social
20 security and Iowa public employees' retirement system,
21 or a pension and annuity retirement system established
22 under chapter 294, payments on the salary supplement
23 moneys. However, for purposes of computing the
24 minimum salary supplement under this paragraph, a
25 teacher's regular compensation, for the school year
26 beginning July 1, 1999, if the teacher has completed
27 an approved teacher internship program, shall be
28 deemed not to be lower than twenty-three thousand
29 dollars.
30 d. For the school year beginning July 1, 1999, and
31 each succeeding year, each school district and area
32 education agency shall certify to the department of
33 education by the third Friday in September the names
34 of all teachers, employed by the district or area
35 education agency, who have completed an approved
36 teacher internship program in accordance with section
37 256.17A, whose regular compensation is less than
38 twenty-seven thousand dollars per year for that year
39 and the amounts needed as minimum salary supplements.
40 The minimum salary supplement for each eligible
41 teacher is the difference between twenty-seven
42 thousand dollars and the regular compensation of an
43 eligible teacher minus the product of the number of
44 years the eligible teacher has taught and five hundred

45 dollars. The minimum salary supplement as provided in
46 this paragraph shall not be less than zero. The
47 minimum salary supplement paid to a school district
48 under this paragraph shall include an additional
49 amount required to pay the employer's share of federal
50 social security and Iowa public employees' retirement

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1 system, or a pension and annuity retirement system
2 established under chapter 294, payments on the salary
3 supplement moneys. However, for purposes of computing
4 the minimum salary supplement under this paragraph, a
5 teacher's regular compensation, for the school year
6 beginning July 1, 1999, if the teacher has completed
7 an approved teacher internship program, shall be
8 deemed not to be lower than twenty-three thousand
9 dollars.

10 3. The board of directors shall report the
11 salaries of teachers employed on less than a full-time
12 equivalent basis, and whether or not the teacher has
13 completed an approved teacher induction or internship
14 program, and the amount of minimum salary supplement
15 shall be prorated.

16 Sec. . Section 294A.6, unnumbered paragraph 1,
17 Code 1997, is amended to read as follows:

18 1. For the school year beginning July 1, 1987
19 1998, the department of education shall notify the
20 department of revenue and finance of the total minimum
21 salary supplement, as described in sections 294A.5,
22 subsection 2, paragraphs "a" and "b", to be paid to
23 each school district and area education agency under
24 phase I and the department of revenue and finance
25 shall make the payments. For school years after the
26 school year beginning July 1, 1987 1998, if a school
27 district or area education agency reduces the number
28 of its full-time equivalent teachers below the number
29 employed during the school year beginning July 1, 1987
30 1998, the department of revenue and finance shall
31 reduce the total minimum salary supplement payable to
32 that school district or area education agency so that
33 the amount paid is equal to the ratio of the number of
34 full-time equivalent teachers employed in the school
35 district or area education agency for that school year
36 divided by the number of full-time equivalent teachers
37 employed in the school district or area education
38 agency for the school year beginning July 1, 1987
39 1998, and multiplying that fraction by the total
40 minimum salary supplement paid to that school district
41 or area education agency for the school year beginning
42 July 1, 1987 1998.

43 2. For the school year beginning July 1, 1999, and

44 each succeeding year, the department of education
45 shall notify the department of revenue and finance of
46 the total minimum salary supplement, as described in
47 section 294A.5, subsection 2, paragraphs "c" and "d",
48 to be paid to each school district and area education
49 agency under phase I and the department of revenue and
50 finance shall make the payments. If, after the school

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1 year ending June 30, 1999, a school district or area
2 education agency reduces the number of its full-time
3 equivalent teachers below the number employed during
4 the previous school year, the department of revenue
5 and finance shall reduce the total minimum salary
6 supplement payable to that school district or area
7 education agency so that the amount paid is equal to
8 the ratio of the number of full-time equivalent
9 teachers employed in the school district or area
10 education agency for that school year divided by the
11 number of full-time equivalent teachers employed in
12 the school district or area education agency during
13 the previous school year, and multiplying that
14 fraction by the total minimum salary supplement paid
15 to that school district or area education agency for
16 the previous school year.

17 Sec. . Section 294A.25, subsection 1, Code
18 Supplement 1997, is amended to read as follows:
19 1. For the fiscal year beginning July 1, 1990
20 1998, and for each succeeding year, there is
21 appropriated from the general fund of the state to the
22 department of education the amount of ~~ninety-two~~
23 ~~eighty-two million one~~ nine hundred ~~ninety-one~~
24 thousand ~~eighty-five~~ three hundred thirty-six dollars
25 to be used to improve teacher salaries. ~~For each~~
26 ~~fiscal year in the fiscal period commencing July 1,~~
27 ~~1991, and ending June 30, 1993, there is appropriated~~
28 ~~an amount equal to the amount appropriated for the~~
29 ~~fiscal year beginning July 1, 1990, plus an amount~~
30 ~~sufficient to pay the costs of the additional funding~~
31 ~~provided for school districts and area education~~
32 ~~agencies under sections 294A.9 and 294A.14. For each~~
33 ~~fiscal year beginning on or after July 1, 1995, there~~
34 ~~is appropriated the sum which was appropriated for the~~
35 ~~previous fiscal year, including supplemental payments.~~
36 The moneys shall be distributed as provided in this
37 section."

38 2. By renumbering as necessary.

PATRICIA HARPER
BILL FINK
MIKE CONNOLLY

S-5098

1 Amend Senate File 2366 as follows:

2 1. Page 25, by inserting after line 33 the
3 following:

4 "Sec. . **NEW SECTION. 297A.1 SCHOOL**
5 **INFRASTRUCTURE FUND -- APPROPRIATION.**

6 1. There is appropriated from the general fund of
7 the state to the department of education for the
8 fiscal year beginning July 1, 1998, and ending June
9 30, 1999, the sum of one hundred million dollars to
10 establish, maintain, and administer a school
11 infrastructure fund.

12 2. Moneys appropriated in subsection 1 shall be
13 allocated to school districts throughout the state on
14 a per pupil basis. The amount of moneys allocated to
15 school districts shall be in the proportion that the
16 basic enrollment of a district bears to the sum of the
17 basic enrollments of all school districts in the state
18 for the budget year.

19 3. The department of management shall allocate to
20 each school district the amount calculated pursuant to
21 subsection 2 in one payment on or about October 15,
22 based upon the actual enrollment certified to the
23 department of education for each school district and
24 forwarded to the department of management, taking into
25 consideration the relative budget and cash position of
26 the state resources. By October 1, prior to the
27 receipt of funds, school districts shall submit to the
28 department of education a school infrastructure
29 progress report. The report shall provide adequate
30 assurance that the school district has developed or is
31 developing a school infrastructure plan containing an
32 analysis of school district infrastructure needs,
33 priorities, and an estimated timetable for completion
34 of infrastructure projects or allocation of funds
35 previously received by the school district pursuant to
36 subsection 2.

37 4. Moneys received under this section shall not be
38 commingled with state aid payments made under section
39 257.16 to a school district, and shall be accounted
40 for by the school district separately from state aid
41 payments. Payments made to school districts pursuant
42 to this section are miscellaneous income for purposes
43 of chapter 257 or are considered encumbered. Each
44 school district shall maintain a separate listing
45 within its budget for payments received and
46 expenditures made pursuant to this section. Moneys
47 received under this section shall not be used for
48 payment of any collective bargaining agreement or
49 arbitrator's decision negotiated or awarded under
50 chapter 20.

Page 2

1 5. For purposes of this chapter, a "school
2 district" shall mean a school district as defined in
3 section 257.2.

4 Sec. . NEW SECTION. 297A.2 SCHOOL
5 INFRASTRUCTURE EXPENDITURES.

6 1. School districts shall expend funds received
7 pursuant to section 297A.1 for school infrastructure
8 needs. For purposes of this chapter, "school
9 infrastructure" includes the following:

10 a. Activities for which a school district is
11 authorized to contract indebtedness and issue general
12 obligation bonds under section 296.1, except those
13 activities related to a teacher's or superintendent's
14 home or homes. These activities include the
15 construction, reconstruction, repair, purchasing, or
16 remodeling of schoolhouses, stadiums, gyms,
17 fieldhouses, and bus garages.

18 b. Procurement of school house construction sites
19 and the making of site improvements.

20 c. Payment or retirement of outstanding bonds
21 previously issued for school infrastructure purposes,
22 as defined in this subsection, if it is determined by
23 the department of education that the school district
24 has undertaken a serious effort to meet its school
25 infrastructure needs. In making this determination,
26 the department shall consider the relative size and
27 property tax base of the school district, and the
28 information provided to the department in the school
29 district's infrastructure progress report pursuant to
30 section 297A.1.

31 d. Maintenance of schoolhouses and school district
32 property.

33 e. School improvement technology programs pursuant
34 to chapter 295, utilized for a school district.

35 2. Funds received by a school district pursuant to
36 this chapter shall not be expended to add a full-time
37 equivalent position or otherwise increase staffing."

38 2. By renumbering, relettering, and redesignating
39 as necessary.

STEVEN D. HANSEN
ROD HALVORSON
JOHNIE HAMMOND
TOM FLYNN
ROBERT E. DVORSKY
BILL FINK
ELAINE SZYMONIAK
MIKE CONNOLLY
MICHAEL E. GRONSTAL
EUGENE S. FRAISE

PATRICK J. DELUHERY
PATTY JUDGE
MARY NEUHAUSER
DENNIS H. BLACK
WALLY E. HORN
ROBERT E. DVORSKY
PATRICIA HARPER

S-5099

- 1 Amend Senate File 2366 as follows:
- 2 1. Page 16, line 15, by striking the figure
- 3 "2000" and inserting the following: "1999".
- 4 2. Page 16, line 16, by striking the figure
- 5 "2002" and inserting the following: "2001".

DONALD B. REDFERN

S-5100

- 1 Amend Senate File 2257 as follows:
- 2 1. Page 10, by striking lines 30 through 33 and
- 3 inserting the following: "state. A motor vehicle
- 4 temporary restricted license shall not be issued
- 5 unless an ignition interlock device has been installed
- 6 pursuant to section 321J.4 and the civil penalty has
- 7 been paid. A driver's license or nonresident
- 8 operating privilege shall not be reinstated until
- 9 unless proof of deinstallation of an ignition
- 10 interlock device installed pursuant to section 321J.4
- 11 has been submitted to the department and the civil
- 12 penalty has been paid."

ALLEN BORLAUG

S-5101

- 1 Amend Senate File 2221 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "3. In addition to the provisions of subsection 1,
- 5 when an action for contempt of an order or decree
- 6 providing for visitation is brought against a party on
- 7 the grounds that the party has willfully disobeyed the
- 8 provisions for visitation, and the court determines
- 9 that the party is in contempt of the order or decree,
- 10 the costs of the proceeding, including reasonable
- 11 attorney's fees, shall be taxed against that party."
- 12 2. Title page, line 2, by inserting after the

13 word "support" the following: "or violation of a
14 visitation order".

NANCY BOETTGER
STEVE KING
ROD HALVORSON

S-5102

1 Amend Senate File 2296 as follows:
2 1. Page 18, by inserting after line 6 the
3 following:
4 "Sec. ____ The department of economic development
5 shall submit a report to the general assembly as
6 provided in section 7A.11 by January 1, 1999, which
7 includes all of the following:
8 1. A survey of all business, industry, and
9 agriculture-related international trade activities in
10 this state. The survey shall include the types of
11 businesses and the products involved in international
12 trade and the estimated costs and revenues resulting
13 from such trade.
14 2. A list of specific targets and targeted
15 opportunities for business, industry, and agriculture
16 related to international trade activities in this
17 state. These targets shall include the types of
18 businesses and the products that are currently
19 involved in international trade, as well as the types
20 of businesses and the products that could potentially
21 become involved in international trade in the future."
22 2. By renumbering as necessary.

ALLEN BORLAUG
DERRYL McLAREN

S-5103

1 Amend Senate File 2243 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "interest," the following: "This subsection does not
4 apply to a credit transaction subject to section
5 537.2601."

NEAL SCHUERER

S-5104

1 Amend Senate File 2188 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 537.7103, subsection 4,
5 paragraph b, Code Supplement 1997, is amended to read

6 as follows:

7 b. The failure to disclose in the initial written
8 communication with the debtor and, in addition, if the
9 initial communication with the debtor is oral, in that
10 initial oral communication, that the debt collector is
11 attempting to collect a debt and that information
12 obtained will be used for that purpose, and the
13 failure to disclose in subsequent communications that
14 the communication is from a debt collector, except
15 that this paragraph does not apply to a either of the
16 following:

17 (1) A formal pleading made in connection with a
18 legal action.

19 (2) Communications issued directly by a state bank
20 as defined in section 524.103, a state bank chartered
21 under the laws of any other state, a national banking
22 association, a trust company, a federally chartered
23 savings and loan association or savings bank, an out-
24 of-state chartered savings and loan association or
25 savings bank, a financial institution chartered by the
26 federal home loan bank board, an association
27 incorporated or authorized to do business under
28 chapter 534, or a state or federally chartered credit
29 union, provided the communication does not deceptively
30 conceal its origin or its purpose."

31 2. Title page, line 1, by striking the words
32 "collection by excluding a financial" and inserting
33 the following: "collection."

34 3. Title page, by striking lines 2 and 3.

TOM FLYNN

S-5105

1 Amend Senate File 2366 as follows:

2 1. By striking page 4, line 31, through page 6,
3 line 15 and inserting the following:

4 "Sec. ____ NEW SECTION. 256.44 TALENTED AND
5 GIFTED GRANT PROGRAM -- APPROPRIATION -- DISTRIBUTION.

6 1. There is appropriated from the general fund of
7 the state to the department of education for the
8 fiscal year beginning July 1, 1998, and for each
9 succeeding fiscal year, the sum of five hundred fifty
10 thousand dollars for the talented and gifted grant
11 program.

12 2. The department shall establish a talented and
13 gifted grant program to provide for the awarding of
14 grant moneys, appropriated pursuant to subsection 1,
15 to public school districts for purposes of increasing
16 the numbers or reach of programs for children who are
17 talented and gifted as defined in section 257.44.

18 3. For each fiscal year for which moneys are

19 appropriated in subsection 1, the amount of moneys
20 allocated to individual school districts shall be in
21 the proportion that the basic enrollment of the
22 district bears to the sum of the basic enrollments of
23 all school districts in the state for the budget year.
24 The Iowa braille and sight saving school, the state
25 school for the deaf, and the Price laboratory school
26 at the university of northern Iowa shall annually
27 certify their basic enrollments to the department of
28 education by October 1.

29 4. For each year for which an appropriation is
30 made to the talented and gifted grant program, the
31 department of education shall notify the department of
32 revenue and finance of the amount to be paid to each
33 school district based upon the distribution formula
34 set forth for the appropriation made pursuant to this
35 section. The allocation to each school district under
36 this section shall be made in one payment on or about
37 October 15 of the fiscal year for which the
38 appropriation is made, taking into consideration the
39 relative budget and cash position of the state
40 resources.

41 5. 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 school district separately from state aid
45 payments.

46 6. Payments made to school districts under this
47 section are miscellaneous income for purposes of
48 chapter 257 and are considered encumbered. Each
49 school district shall maintain a separate listing
50 within their budgets for payments received and

Page 2

1 expenditures made pursuant to this section.

2 7. Moneys received under this section shall not be
3 used for payment of any collective bargaining
4 agreement or arbitrator's decision negotiated or
5 awarded under chapter 20.

6 8. For purposes of this chapter, "school district"
7 means a public school district, the Iowa braille and
8 sight saving school, the state school for the deaf,
9 and the Price laboratory school at the university of
10 northern Iowa.

11 9. The department shall make recommendations for,
12 and the state board shall adopt, rules relating to
13 talented and gifted grant program goals and program
14 administration."

15 2. By striking page 18, line 18, through page 19,
16 line 21.

- 17 3. By renumbering, relettering, and redesignating
18 as necessary.

MARY LOU FREEMAN

S-5106

- 1 Amend Senate File 2277 as follows:
2 1. Page 1, by striking lines 22 through 30 and
3 inserting the following: "available to the public
4 does not assume responsibility for or incur
5 liability".

COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT
MERLIN E. BARTZ, Chairperson

S-5107

- 1 Amend Senate File 2295 as follows:
2 1. Page 3, line 18, by striking the figure
3 "1,028,161" and inserting the following: "997,161".
4 2. Page 4, line 5, by striking the figure
5 "671,854" and inserting the following: "702,854".
6 3. Page 12, by striking line 12.

DERRYL McLAREN
H. KAY HEDGE
DENNIS H. BLACK

S-5108

- 1 Amend the amendment, S-5105, to Senate File 2366 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 "1. Page 6, by inserting after line 15 the
6 following:".
7 2. Page 1, line 9 by striking the words "five
8 hundred fifty" and inserting the following: "three
9 hundred".

MICHAEL E. GRONSTAL

S-5109

- 1 Amend Senate File 2366 as follows:
2 1. By striking page 4, line 31, through page 6,
3 line 15 and inserting the following:
4 "Sec. ____ NEW SECTION. 256.44 TALENTED AND
5 GIFTED GRANT PROGRAM -- APPROPRIATION -- DISTRIBUTION.
6 1. There is appropriated from the general fund of

7 the state to the department of education for the
8 fiscal year beginning July 1, 1998, and for each
9 succeeding fiscal year, the sum of three hundred
10 thousand dollars for a talented and gifted grant
11 program for kindergarten through grade three.
12 2. The department shall establish a talented and
13 gifted grant program to provide for the awarding of
14 grant moneys, appropriated pursuant to subsection 1,
15 to public school districts for purposes of increasing
16 the numbers or reach of programs for children enrolled
17 in kindergarten through grade three who are talented
18 and gifted as defined in section 257.44.

19 3. For each fiscal year for which moneys are
20 appropriated in subsection 1, the amount of moneys
21 allocated to individual school districts shall be in
22 the proportion that the basic enrollment of the
23 district bears to the sum of the basic enrollments of
24 all school districts in the state for the budget year.
25 The Iowa braille and sight saving school, the state
26 school for the deaf, and the Price laboratory school
27 at the university of northern Iowa shall annually
28 certify their basic enrollments to the department of
29 education by October 1.

30 4. For each year for which an appropriation is
31 made to the talented and gifted grant program, the
32 department of education shall notify the department of
33 revenue and finance of the amount to be paid to each
34 school district based upon the distribution formula
35 set forth for the appropriation made pursuant to this
36 section. The allocation to each school district under
37 this section shall be made in one payment on or about
38 October 15 of the fiscal year for which the
39 appropriation is made, taking into consideration the
40 relative budget and cash position of the state
41 resources.

42 5. Moneys received under this section shall not be
43 commingled with state aid payments made under section
44 257.16 to a school district and shall be accounted for
45 by the school district separately from state aid
46 payments.

47 6. Payments made to school districts under this
48 section are miscellaneous income for purposes of
49 chapter 257 and are considered encumbered. Each
50 school district shall maintain a separate listing

Page 2

1 within their budgets for payments received and
2 expenditures made pursuant to this section.
3 7. Moneys received under this section shall not be
4 used for payment of any collective bargaining
5 agreement or arbitrator's decision negotiated or

6 awarded under chapter 20.

7 8. For purposes of this chapter, "school district"
8 means a public school district, the Iowa braille and
9 sight saving school, the state school for the deaf,
10 and the Price laboratory school at the university of
11 northern Iowa.

12 9. Moneys received under this section shall
13 supplement, not supplant, moneys in school district
14 budgets for talented and gifted programs for students
15 enrolled in kindergarten through grade three.

16 10. Each school district shall submit an
17 assessment of their kindergarten through grade three
18 talented and gifted program results by July 1 of the
19 fiscal year succeeding the year in which the school
20 district received moneys under this section. The
21 department shall annually report the statewide results
22 of the program to the chairpersons and the ranking
23 members of the house and senate standing education
24 committees by January 1.

25 11. School districts shall expend funds received
26 pursuant to this section to support talented and
27 gifted programs for children enrolled in kindergarten
28 through grade three, including, but not limited to;
29 training for regular classroom teachers in improved
30 instructional strategies that better support talented
31 and gifted students."

32 2. By striking page 18, line 18, through page 19,
33 line 21.

34 3. By renumbering, relettering, and redesignating
35 as necessary.

MARY LOU FREEMAN

S-5110

1 Amend the amendment, S-5109, to Senate File 2366 as
2 follows:

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

5 "1. Page 6, by inserting after line 15 the
6 following:"

MICHAEL E. GRONSTAL
MARY LOU FREEMAN

S-5111

1 Amend Senate File 2042 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 6B.14, unnumbered paragraph 1,
5 Code 1997, is amended to read as follows:

6 The commissioners shall, at the time fixed in the
7 aforesaid notices, view the land sought to be
8 condemned and assess the damages which the owner will
9 sustain by reason of the appropriation; and they shall
10 file their written report with the sheriff. At the
11 request of the condemner or the condemnee, the
12 commission shall divide the damages into parts to
13 indicate the value of any dwelling, the value of the
14 land and improvements other than a dwelling, and the
15 value of any additional damages. If the land is being
16 condemned for economic development purposes, the
17 commissioners, in assessing the damages, shall value
18 the land according to the use of the land intended by
19 the condemner. The appraisalment and return may be in
20 parcels larger than forty acres belonging to one
21 person and lying in one tract, unless the agent or
22 attorney of the applicant, or the commissioners, have
23 actual knowledge that the tract does not belong wholly
24 to the person in whose name it appears of record; and
25 in case of such knowledge, the appraisalment shall be
26 made of the different portions as they are known to be
27 owned."
28 2. Title page, line 1, by striking the word
29 "prohibiting" and inserting the following:
30 "restricting".

ROD HALVORSON

S-5112

1 Amend Senate File 2256 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 481A.93, Code 1997, is amended
5 to read as follows:
6 481A.93 HUNTING BY ARTIFICIAL LIGHT.
7 1. A person shall not throw or cast the rays of a
8 spotlight, headlight, or other artificial light on a
9 highway, or in a field, woodland, or forest for the
10 purpose of spotting, locating, or taking or attempting
11 to take or hunt a bird or animal, except raccoons or
12 other fur-bearing animals when treed with the aid of
13 dogs, while having in possession or control, either
14 singly or as one of a group of persons, any firearm,
15 bow, or other implement or device whereby a bird or
16 animal could be killed or taken.
17 2. This section does not apply to deer being taken
18 by or under the control of a local governmental body

- 19 within its corporate limits pursuant to an approved
20 special deer population control plan."

MERLIN E. BARTZ
ROBERT E. DVORSKY

S-5113

- 1 Amend Senate File 2257 as follows:
2 1. Page 9, by striking lines 15 and 16 and
3 inserting the following:
4 "NEW SUBSECTION. 1A. The publication title of a
5 newspaper on a delivery receptacle attached to a
6 mailbox or mailbox support."

RICHARD F. DRAKE

S-5114

- 1 Amend Senate File 2274, as follows:
2 1. Page 2, line 26, by striking the word "a." and
3 inserting the following: "a-"
4 2. By striking page 2, line 27, through page 3,
5 line 31, and inserting the following: "in the
6 following order of priority:
7 The inmate's employer shall provide each employed
8 inmate with the withholding statement required under
9 section 422.16, and any other employment information
10 necessary for the receipt of the remainder of an
11 inmate's payroll earnings.
12 a. From the inmate's gross payroll earnings, the
13 following amounts shall be deducted:
14 (1) An amount the inmate may be legally obligated
15 to pay for the support of the inmate's dependents, the
16 amount of which shall be paid to the dependents
17 through the department of human services collection
18 services center. Twenty percent, to be deposited in
19 the inmate's general account.
20 (2) Restitution as ordered by the court pursuant
21 to chapter 910. All required tax deductions, to be
22 collected by the inmate's employer.
23 (3) Five percent of the balance, to ~Ube deducted
24 for the victim compensation fund created in section
25 912.14.
26 (4) From the balance, after deduction of the
27 amounts under subparagraphs (1), (2), and (3), an
28 amount which the inmate may be legally obligated to
29 pay for the support of the inmate's dependents, which
30 shall be paid through the department of human services
31 collection services center.
32 (5) Any balance remaining after the deductions

33 made under subparagraphs (1) through (4) shall be
34 deposited in a special account for reimbursement to
35 the department of corrections for the costs of the
36 inmate's incarceration.
37 b. From the twenty percent of gross wages deducted
38 under paragraph "a", subparagraph (1), the department
39 shall deduct the following:
40 (1) Restitution as ordered by the court under
41 chapter 910.
42 (4) (2) An amount that the inmate is legally
43 obligated to pay for any other financial obligation.
44 (5) An amount determined to be the cost to the
45 department of corrections for providing for the
46 incarceration of the inmate.
47 b. Of the balance remaining after deductions and
48 payments required pursuant to paragraph "a", the
49 department shall deposit in the Iowa state industries
50 revolving fund created in section 904.813, an amount

Page 2

1 equal to the costs incurred by the fund related to the
2 inmate's employment pursuant to this section.
3 c. Any balance remaining after the deductions and
4 payments required by this subsection under paragraphs
5 "a" and "b" shall be credited to remain".

JEFF ANGELO

S-5115

1 Amend Senate File 2295 as follows:
2 1. Page 7, line 24, by inserting before the word
3 "used" the following: "exclusively".

TOM VILSACK

S-5116

1 Amend Senate File 2295 as follows:
2 1. Page 15, by inserting after line 11 the
3 following:
4 "Sec. ____ SURFACE WATER AND GROUNDWATER
5 MONITORING. There is appropriated from the general
6 fund of the state to the department of natural
7 resources for the fiscal year beginning July 1, 1998,
8 and ending June 30, 1999, the following amount, or so
9 much thereof as is necessary, to be used for the
10 purposes designated:
11 For the surface water and groundwater monitoring
12 programs, including salaries, support, maintenance,
13 miscellaneous purposes, and for not more than the

14 following full-time equivalent positions:
15 \$ 1,000,000
16 FTEs 2.00
17 Notwithstanding section 8.33, moneys appropriated
18 in this section which remain unexpended or unobligated
19 on June 30, 1999, shall not revert to the general fund
20 of the state but shall remain available for the
21 purposes designated for the fiscal year beginning July
22 1, 1999."
23 2. Page 16, by inserting after line 28 the
24 following:
25 "Sec. ____ NEW SECTION. 455B.282 SURFACE WATER
26 AND GROUNDWATER MONITORING.
27 1. The commission shall establish and administer a
28 long-term surface water monitoring program which
29 includes, at a minimum, all of the following elements:
30 a. A significant number of fixed monitoring sites
31 selected to include a full array of geographical
32 conditions and watershed sizes.
33 b. Inclusion of lakes, reservoirs, ponds, and
34 wetlands in regular surface water monitoring.
35 c. High frequency of sampling at a significant
36 number of fixed station sites to provide information
37 on contaminant concentration and movement.
38 d. Analysis of samples for common pesticides at
39 all fixed station sites and analysis of pesticide
40 metabolites at all fixed station sites located at
41 large river monitoring sites.
42 e. Implementation of watershed-based rotational
43 monitoring where a portion of the watersheds are
44 intensively monitored on a cyclical basis of one out
45 of every five years.
46 f. Incorporation of biological monitoring into the
47 monitoring for all sites.
48 g. Problem assessment and research.
49 2. The commission shall establish and administer a
50 long-term groundwater monitoring program which

Page 2

1 includes, at a minimum, the following elements:
2 a. Fixed station, long-term monitoring to collect
3 baseline data for trend analysis in six major
4 aquifers. Water levels at the aquifer sites shall be
5 monitored and each site shall be regularly sampled for
6 inorganics, common herbicides, and selected volatile
7 organic compounds.
8 b. An ambient rotational groundwater quality
9 monitoring program conducted in cooperation with the
10 United States geological survey and the university of
11 Iowa hygienic laboratory.
12 c. Identification of groundwater quality issues

- 13 and conducting of research needed to address the
14 issues. The issues shall initially include, but not
15 be limited to, all of the following:
16 (1) Identification of storage and handling of
17 hazardous materials and facilities.
18 (2) The relative contribution of point and
19 nonpoint sources of groundwater contamination.
20 (3) Organic chemicals in unsaturated zones.
21 (4) The effects of large withdrawals on aquifers.
22 (5) Identification of recharge zones for all
23 aquifers."

TOM VILSACK

S-5117

- 1 Amend Senate File 2401 as follows:
2 1. Page 1, by striking lines 1 through 11.
3 2. By renumbering as necessary.

MARY LOU FREEMAN

S-5118

- 1 Amend Senate File 2341 as follows:
2 1. Page 1, by striking lines 11 and 12 and
3 inserting the following: "required of a child born on
4 or after July 1, 1994, prior to enrollment in school
5 in kindergarten or in any grade."

JOHN REDWINE

S-5119

- 1 Amend Senate File 2374 as follows:
2 1. Page 2, by striking lines 30 through 33.
3 2. Page 2, line 34, by striking the word "c." and
4 inserting the following: "b."
5 3. Page 8, by inserting before line 13 the
6 following:
7 "c. The person is a bail enforcement agent from a
8 state that does not license such businesses who has
9 registered with the chief law enforcement officer
10 under section 80A.3A."

GENE MADDOX

S-5120

- 1 Amend Senate File 2295 as follows:
2 1. Page 4, line 21, by striking the figure

3 "6,469,850" and inserting the following: "7,469,850".

PATTY JUDGE

S-5121

1 Amend Senate File 2397 as follows:

2 1. Page 4, by inserting after line 33 the
3 following:

4 "Sec. ____ NEW SECTION. 515A.15B APPLICANTS
5 UNABLE TO PROCURE INSURANCE THROUGH ORDINARY METHODS.

6 An agreement among licensed insurers to offer
7 workers' compensation insurance for applicants unable
8 to procure workers' compensation insurance through
9 ordinary methods shall be administered by a rating
10 organization licensed under this chapter."

11 2. Page 5, by inserting after line 14 the
12 following:

13 "Sec. ____ NEW SECTION. 516A.5 TOLLING OF
14 STATUTE.

15 Commencement of an action by an insured under a
16 provision included in an automobile liability or motor
17 vehicle liability insurance policy pursuant to section
18 516A.1 tolls the statute of limitations for purposes
19 of the insurer's subrogated cause of action against a
20 party, as defined in section 668.2. Section 668.8 is
21 also applicable to an action commenced as described in
22 this section."

23 3. Title page, line 3, by inserting after the
24 word "coverage," the following: "the ability of
25 certain insurers to bring an action in certain
26 instances,".

27 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5122

1 Amend Senate File 2295 as follows:

2 1. Page 15, by inserting after line 29 the
3 following:

4 "Sec. ____ WATERSHED PROGRAM. There is
5 appropriated from the general fund of the state to the
6 department of agriculture and land stewardship for the
7 fiscal year beginning July 1, 1998, and ending June
8 30, 1999, the following amount, or so much thereof as
9 is necessary, to be used for the purposes designated:
10 For the watershed program, including salaries,
11 support, maintenance, miscellaneous purposes, and for
12 not more than the following full-time equivalent
13 positions:

- 14 \$ 400,000
15 FTEs 2.00
16 Notwithstanding section 8.33, moneys appropriated
17 in this section which remain unexpended or unobligated
18 on June 30, 1999, shall not revert to the general fund
19 of the state but shall remain available for the
20 purposes designated for the fiscal year beginning July
21 1, 1999."
22 2. Page 16, by inserting after line 28 the
23 following:
24 "Sec. ____ NEW SECTION. 161C.7 WATERSHED
25 PROGRAM.
26 The division shall develop and implement a
27 watershed program to address, examine, and provide
28 possible suggestions for issues involving soil
29 conservation, water quality protection, and flood
30 control objectives in all watersheds in the state.
31 The information resulting from this program shall be
32 used by soil and water conservation districts to
33 develop and implement water quality and watershed
34 projects in the state."
35 3. By renumbering as necessary.

PATTY JUDGE

S-5123

- 1 Amend Senate File 2295 as follows:
2 1. Page 11, line 34, by striking the figure
3 "9,000,000" and inserting the following:
4 "12,000,000".

BILL FINK
ROBERT E. DVORSKY
ROD HALVORSON
MIKE CONNOLLY
TOM FLYNN
PATTY JUDGE

S-5124

- 1 Amend Senate File 2295 as follows:
2 1. Page 3, line 18, by striking the figure
3 "1,028,161" and inserting the following: "997,161".
4 2. Page 3, line 31, by inserting after the word
5 "foods." the following: "However, if Senate File 2332
6 or other legislation providing for the production,
7 handling, processing, and sale of organic agricultural
8 products as provided in Senate File 2332, is not
9 enacted by the Seventy-seventh General Assembly, 1998
10 Session, the full-time equivalent positions authorized
11 and the amount appropriated under this subparagraph

- 12 shall be reduced by 1.00 FTE and \$68,011."
13 3. Page 4, line 21, by striking the figure
14 "6,469,850" and inserting the following: "6,500,850".
15 4. Page 8, line 34, by inserting after the figure
16 "22." the following: "However, the identity of the
17 site shall be provided to the department of natural
18 resources, which shall keep the identity
19 confidential."
20 5. Page 12, by striking line 12.
21 6. Page 15, by inserting after line 29 the
22 following:
23 "Sec. 100. Of the amount appropriated to Iowa
24 state university for supporting odor control
25 applications for animal feeding operations, as
26 provided in 1997 Iowa Acts, chapter 213, section 12,
27 subsection 1, any amount which is unencumbered or
28 unobligated on June 30, 1998, shall be transferred to
29 the livestock disease research fund established
30 pursuant to section 267.8 for use by the Iowa state
31 university college of veterinary medicine upon
32 recommendation of the livestock health advisory
33 council in a manner consistent with the provisions of
34 chapter 267."
35 7. Page 17, by striking line 27 and inserting the
36 following:
37 "Sec. ____ EFFECTIVE DATES.
38 1. 1997 Iowa Acts, chapter 213, section 21,".
39 8. Page 17, by inserting after line 29 the
40 following:
41 "2. Section 100 of this Act takes effect upon
42 enactment."
43 9. Title page, line 2, by inserting after the
44 word "resources" the following: "and providing an
45 effective date".
46 10. By renumbering as necessary.

DERRYL McLAREN
H. KAY HEDGE

S-5125

- 1 Amend Senate File 2295 as follows:
2 1. Page 13, line 4, by striking the figure
3 "50,000" and inserting the following: "100,000".

JOHN P. KIBBIE
PATTY JUDGE

S-5126

- 1 Amend Senate File 2295 as follows:

- 2 1. Page 7, line 24, by inserting before the word
3 "used" the following: "primarily".

TOM VILSACK

S-5127

- 1 Amend Senate File 2295 as follows:
2 1. Page 13, by inserting after line 23 the
3 following:
4 "Sec. ____ LIVESTOCK MARKETING. There is
5 appropriated from the general fund of the state to the
6 department of agriculture and land stewardship for the
7 fiscal year beginning July 1, 1998, and ending June
8 30, 1999, the following amount, or so much thereof as
9 is necessary, to be used for the purpose designated:
10 For supporting the regulation of livestock
11 marketing practices as provided in chapter 172C, as
12 enacted in this Act:
13 \$ 50,000"
14 2. Page 16, by inserting after line 28 the
15 following:
16 "Sec. . NEW SECTION. 172C.1 DEFINITIONS.
17 1. "Livestock" means live cattle, swine, or sheep.
18 2. "Packer" means a person who is engaged in the
19 business of slaughtering livestock or receiving,
20 purchasing, or soliciting livestock for slaughtering,
21 the meat products of which are directly or indirectly
22 to be offered for resale or for public consumption.
23 As used in this chapter, "packer" includes an agent of
24 the packer engaged in buying or soliciting livestock
25 for slaughter on behalf of a packer. "Packer" does
26 not include any of the following:
27 a. A cold storage plant regulated under chapter
28 171.
29 b. A frozen food locker plant regulated under
30 chapter 172.
31 c. A livestock market as defined in section
32 455B.161.
33 Sec. . NEW SECTION. 172C.2 PRICE
34 DISCRIMINATION -- PROHIBITION.
35 1. Except as provided in subsection 2, a packer
36 purchasing or soliciting livestock for slaughter in
37 this state shall not discriminate in prices paid or
38 offered to be paid to sellers of that livestock.
39 2. This section shall not apply to any of the
40 following:
41 a. A person exempted from the license and
42 financial responsibility provisions of chapter 172A
43 pursuant to section 172A.6.
44 b. The sale and purchase of livestock if all of

45 the following requirements are met:
46 (1) The price differential is based on one of the
47 following:
48 (a) The quality of the livestock, if the packer
49 purchases or solicits the livestock based upon a
50 payment method specifying prices paid for criteria

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1 relating to carcass merit.
2 (b) Actual and quantifiable costs related to
3 transporting and acquiring the livestock by the
4 packer.
5 (c) An agreement for the delivery of livestock at
6 a specified date or time.
7 (2) After making a differential payment to a
8 seller, the packer publishes information relating to
9 the differential pricing, including the payment method
10 for carcass merit, transportation and acquisition
11 pricing, and an offer to enter into an agreement for
12 the delivery of livestock at a specified date or time
13 according to the same terms and conditions offered to
14 other sellers.
15 3. A packer shall provide all sellers with the
16 same terms and conditions offered to a seller who
17 receives a differential price based on any of the
18 criteria described in subsection 2, paragraph "c",
19 subparagraph (1).
20 4. The packer shall, at the beginning of each day
21 in which livestock are purchased, post in a
22 conspicuous place at the point of delivery, all prices
23 for livestock to be paid that day.
24 5. An agreement made by a packer in violation of
25 this section is voidable.
26 6. A packer acting in violation of this section is
27 guilty of a fraudulent practice as provided in chapter
28 714.
29 7. The attorney general shall enforce this
30 section. The department shall refer any violations of
31 this chapter to the attorney general. The attorney
32 general or any person injured by a violation of this
33 section may bring an action in district court to
34 restrain a packer from violating this section. A
35 seller who receives a discriminatory price or who is
36 offered only a discriminatory price for livestock
37 based upon a violation of this section by a packer,
38 has a civil cause of action against the packer and, if
39 successful, shall be awarded treble damages.
40 Sec. . NEW SECTION. 172C.3 REPORTING
41 REQUIREMENTS.
42 1. A packer shall make available for publication
43 and to a board of trade approved by the department, a

44 daily report setting forth information regarding
 45 prices paid for livestock, under each contract in
 46 force, in which the packer and an Iowa resident are
 47 parties for the purchase of the livestock by the
 48 packer, and which sets a date for delivery more than
 49 twenty days after the making of the contract.
 50 2. The reports shall be completed on forms

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1 prepared by the department for comparison with cash
 2 market prices for livestock according to procedures
 3 required by the department. However, a report shall
 4 not include information regarding the identity of a
 5 seller.
 6 3. The failure of a packer to report as required
 7 by this section is punishable by a civil penalty not
 8 to exceed one thousand dollars for each day that a
 9 timely or truthful report is not published. The
 10 department shall refer to the attorney general any
 11 packer or packer's agent who the department believes
 12 is in violation of this section. The attorney general
 13 may, upon referral from the department, file an action
 14 in district court to enforce this section."

PATTY JUDGE
 JOHN P. KIBBIE

S-5128

1 Amend Senate File 2295 as follows:
 2 1. Page 4, by inserting after line 5 the
 3 following:
 4 "____. For support of the state-federal animal
 5 health laboratory:
 6 \$ 100,000"
 7 2. By renumbering as necessary.

PATTY JUDGE

S-5129

1 Amend Senate File 2224 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 "Sec. ____ 1996 Iowa Acts, chapter 1131, section
 5 5, is amended to read as follows:
 6 DOMESTIC ABUSE TREATMENT PILOT PROGRAM.
 7 Notwithstanding section 708.2A, a court, located in a
 8 county which has been designated by the supreme court
 9 as a county establishing an alternative batterers'
 10 treatment pilot program, shall sentence a person who

11 pleads guilty to or is convicted of domestic abuse
12 assault under section 708.2A to either a batterers'
13 treatment program under section 708.2B or the
14 alternative batterers' pilot program established in
15 the county.
16 The judicial district in which the county is
17 located shall report to the general assembly not later
18 than January 15 of each year regarding the alternative
19 batterers' pilot program. The judicial district shall
20 submit a ~~final~~ an intermediate report not later than
21 August 1, 1998, regarding the progress of the pilot
22 program.
23 This section is repealed effective June 30, 1998,
24 ~~except that the date for submission of the 2000. The~~
25 judicial district shall submit a final report shall
26 remain regarding the alternative batterers' pilot
27 program to the general assembly not later than August
28 1, ~~1998~~ 2000."
29 2. Title page, line 4, by striking the word
30 "and".
31 3. Title page, line 6, by inserting after the
32 word "services" the following: ", and extending the
33 pilot project for an alternative batterers' treatment
34 program"

NANCY BOETTGER

S-5130

1 Amend Senate File 2398, as follows:
2 1. Page 1, line 28, by inserting after the word
3 "life." the following: "In determining whether a
4 conviction is a first or second conviction under this
5 subsection, a prior conviction for a criminal offense
6 committed in another jurisdiction which would
7 constitute a violation of section 709.3, subsection 2,
8 if committed in this state, shall be considered a
9 conviction under this subsection."
10 2. Page 2, line 9, by inserting after the word
11 "release." the following: "In determining whether a
12 conviction is a first or second conviction under this
13 section, a prior conviction for a criminal offense
14 committed in another jurisdiction which would
15 constitute a violation of section 709.3, subsection 2,
16 if committed in this state, shall be considered a
17 conviction under this section."

JEFF ANGELO
EUGENE S. FRAISE

S-5131

1 Amend Senate File 2274 as follows:
2 1. Page 1, by striking lines 1 through 20 and
3 inserting the following:
4 "Section 1. Section 8.62, subsection 2, Code 1997,
5 is amended to read as follows:
6 2. Notwithstanding the provisions of section 8.33
7 or any other provision of law to the contrary, if on
8 June 30 of a fiscal year, a balance of an operational
9 appropriation remains unexpended or unencumbered, not
10 more than fifty percent of the balance may be
11 encumbered by the agency to which the appropriation
12 was made and used as provided in this section and the
13 remaining balance shall be deposited in the cash
14 reserve fund created in section 8.56. Moneys
15 encumbered under this section shall only be used by
16 the agency during the succeeding fiscal year for
17 employee training, ~~and for~~ technology enhancement, or
18 purchases of goods and services from Iowa prison
19 industries. Unused moneys encumbered under this
20 section shall be deposited in the cash reserve fund on
21 June 30 of the succeeding fiscal year."

JEFF ANGELO

S-5132

1 Amend Senate Concurrent Resolution 105 as follows:
2 1. By striking page 1, line 16, through page 4,
3 line 20, and inserting the following:
4 "WHEREAS, the tobacco industry produces products
5 that annually kill over 400,000 persons in the United
6 States and, despite substantial, ongoing and
7 successful local, state and national public health
8 efforts, tobacco products remain the principal
9 avoidable cause of death in the United States; and
10 WHEREAS, Iowa should lead the nation in enacting
11 strong and effective measures to provide freedom from
12 environmental tobacco smoke, curb youth access to
13 tobacco products, and otherwise protect citizens'
14 health from harm caused by tobacco products; and
15 WHEREAS, the tobacco industry has lied to the
16 public and policy makers about the information the
17 industry possesses, quashed relevant scientific data
18 about the damaging health effects of tobacco, and
19 improperly utilized industry attorneys to claim such
20 information as privileged; and
21 WHEREAS, for decades, the tobacco industry has
22 targeted industry advertising and promotional
23 campaigns toward minors, despite the fact that it is
24 illegal in Iowa and every other state in the nation to

25 sell tobacco products to minors; and
26 WHEREAS, mounting medical assistance claims
27 attributable to tobacco-related illnesses prompted 40
28 states, including Iowa, to seek legal recovery from
29 the tobacco industry; and
30 WHEREAS, to consolidate legal efforts, the
31 attorneys general who represent the plaintiff states
32 entered into negotiations with the defendant cigarette
33 manufacturers in an effort to reach a unified
34 settlement to compensate states for medical assistance
35 costs, and on June 20, 1997, the major cigarette
36 manufacturers and some state attorneys general
37 announced that they had reached a settlement that
38 would require congressional approval; and
39 WHEREAS, the state of Iowa currently has a lawsuit
40 pending against the tobacco companies which would be
41 preempted by the proposed settlement; and
42 WHEREAS, the proposed settlement would provide
43 compensation to the states and would provide for
44 promulgation of regulations to be enforced by the
45 federal food and drug administration, in cooperation
46 with state action; and
47 WHEREAS, the most significant and effective
48 deterrent to tobacco industry misconduct is to hold
49 tobacco companies fully accountable for the injury,
50 misery, and death caused by use of industry products;

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1 NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
3 REPRESENTATIVES CONCURRING, That the president of the
4 United States and the Congress of the United States
5 are urged to accept national tobacco control
6 legislation that would protect Iowa's ability to
7 protect the public health from tobacco products,
8 including legislation that protects Iowa youth; and
9 BE IT FURTHER RESOLVED, That in order to evaluate
10 the effectiveness of any tobacco control measures, all
11 documents that bear on public health or tobacco
12 industry misconduct, including those claimed to be
13 privileged, shall be disclosed, including information
14 regarding nicotine and additives, environmental
15 tobacco smoke, fire-safe cigarettes, and public
16 relations and marketing campaigns; and
17 BE IT FURTHER RESOLVED, That to reduce the harm
18 from tobacco, tobacco control legislation shall
19 include full federal food and drug administration and
20 state authority to regulate tobacco products without
21 any procedural hurdles or substantive burdens,
22 incentives to reduce tobacco use by minors, penalties
23 against the industry if reduced youth smoking targets

24 are not met, a ban on advertising aimed at children,
25 antitobacco educational campaigns, tough restrictions
26 on youth access to tobacco products, a nationwide
27 tobacco cessation effort, efforts to reduce tobacco
28 use internationally, and funds for enforcement; and".

JOHNIE HAMMOND

S-5133

1 Amend Senate File 2328 as follows:
2 1. Title page, by striking lines 1 through 3, and
3 inserting the following: "An Act relating to the
4 inclusion of dentists and certain other medical
5 specialists in the volunteer health care provider
6 program."

MAGGIE TINSMAN

S-5134

1 Amend Senate File 2295 as follows:
2 1. Page 3, line 19 by striking the figure "86.10"
3 and inserting the following: "85.10".

DERRYL McLAREN
H. KAY HEDGE

S-5135

1 Amend Senate File 2295 as follows:
2 1. Page 2, line 29, by striking the figure
3 "4,057,274" and inserting the following: "4,107,274".
4 2. Page 3, by inserting after line 8 the
5 following:
6 "(3) Of the amount appropriated in paragraph "a",
7 \$50,000 shall be used to support the regulation of
8 livestock marketing practices as provided in this
9 subparagraph.
10 (a) As used in this section:
11 (i) "Livestock" means live cattle, swine, or
12 sheep.
13 (ii) "Packer" means a person who is engaged in the
14 business of slaughtering livestock or receiving,
15 purchasing, or soliciting livestock for slaughtering,
16 the meat products of which are directly or indirectly
17 to be offered for resale or for public consumption.
18 As used in this subparagraph, "packer" includes an
19 agent of the packer engaged in buying or soliciting
20 livestock for slaughter on behalf of a packer.
21 "Packer" does not include a cold storage plant
22 regulated under chapter 171; a frozen food locker

23 plant regulated under chapter 172; or a livestock
24 market as defined in section 455B.161.
25 (b) Except as otherwise provided in this
26 subparagraph subdivision, a packer purchasing or
27 soliciting livestock for slaughter in this state shall
28 not discriminate in prices paid or offered to be paid
29 to sellers of that livestock. However, this
30 subparagraph subdivision shall not apply to a person
31 exempted from the license and financial responsibility
32 provisions of chapter 172A pursuant to section 172A.6.
33 This subparagraph subdivision shall also not apply to
34 the sale and purchase of livestock if all of the
35 following requirements are met:
36 (i) The price differential is based on the quality
37 of the livestock, if the packer purchases or solicits
38 the livestock based upon a payment method specifying
39 prices paid for criteria relating to carcass merit;
40 actual and quantifiable costs related to transporting
41 and acquiring the livestock by the packer; or an
42 agreement for the delivery of livestock at a specified
43 date or time.
44 (ii) After making a differential payment to a
45 seller, the packer publishes information relating to
46 the differential pricing, including the payment method
47 for carcass merit, transportation and acquisition
48 pricing, and an offer to enter into an agreement for
49 the delivery of livestock at a specified date or time
50 according to the same terms and conditions offered to

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1 other sellers.
2 (c) A packer shall provide all sellers with the
3 same terms and conditions offered to a seller who
4 receives a differential price based on any of the
5 criteria described in subparagraph subdivision (b).
6 (d) A packer shall, at the beginning of each day
7 in which livestock are purchased, post in a
8 conspicuous place at the point of delivery, all prices
9 for livestock to be paid that day.
10 (e) An agreement made by a packer in violation of
11 this subparagraph is voidable.
12 (f) A packer acting in violation of this
13 subparagraph is guilty of a fraudulent practice as
14 provided in chapter 714.
15 (g) The attorney general shall enforce the
16 provisions of this subparagraph and the department
17 shall refer any violations of these provisions to the
18 attorney general. The attorney general or any person
19 injured by a violation of these provisions may bring
20 an action in district court to restrain a packer from
21 violating these provisions. A seller who receives a

22 discriminatory price or who is offered only a
23 discriminatory price for livestock based upon a
24 violation of these provisions by a packer has a civil
25 cause of action against the packer and, if successful,
26 shall be awarded treble damages.
27 (h) A packer shall make available for publication
28 and to a board of trade approved by the department, a
29 daily report setting forth information regarding
30 prices paid for livestock, under each contract in
31 force, in which the packer and an Iowa resident are
32 parties for the purchase of the livestock by the
33 packer, and which sets a date for delivery more than
34 twenty days after the making of the contract.
35 (i) The reports shall be completed on forms
36 prepared by the department for comparison with cash
37 market prices for livestock according to procedures
38 required by the department. The report shall not
39 include information regarding the identity of a
40 seller.
41 (ii) A failure of a packer to report as required
42 by this subparagraph is punishable by a civil penalty
43 not to exceed one thousand dollars for each day that a
44 timely or truthful report is not published. The
45 department shall refer to the attorney general any
46 packer or packer's agent whom the department believes
47 is in violation of the provisions of this
48 subparagraph. The attorney general may, upon referral
49 from the department, file an action in district court
50 to enforce these provisions."

PATTY JUDGE
JOHN P. KIBBIE
TOM VILSACK

S-5136

1 Amend Senate File 2331, as follows:
2 1. Page 1, line 29, by inserting after the word
3 "programming," the following: "Not later than twenty
4 days prior to entering into any agreement to utilize
5 mental health institution staff and resources, other
6 than the use of a building or facility, for purposes
7 of providing habilitative and treatment services, as
8 well as other special needs programming, the directors
9 of the departments of corrections and human services
10 shall each notify the chairpersons and ranking members
11 of the joint appropriations subcommittees that last
12 handled the appropriation for their respective
13 departments of the pending agreement. Use of a
14 building or facility shall require approval of the
15 general assembly if the general assembly is in session
16 or, if the general assembly is not in session, the

17 legislative council may grant temporary authority,
18 which shall be subject to final approval of the
19 general assembly during the next succeeding
20 legislative session."

JEFF ANGELO
TOM VILSACK

S-5137

- 1 Amend Senate File 2210 as follows:
- 2 1. Title page, line 2, by striking the word
- 3 "removing" and inserting the following: "obtaining".
- 4 2. Title page, line 2, by inserting after the
- 5 word "effects" the following: "from the dwelling".

MIKE CONNOLLY

S-5138

- 1 Amend Senate File 2391 as follows:
- 2 1. By striking page 1, line 31, through page 3,
- 3 line 16.
- 4 2. Title page, lines 3 and 4, by striking the
- 5 following: "permitting licensed substance abuse
- 6 agencies to offer a drinking drivers course,".
- 7 3. By renumbering as necessary.

JOHN P. KIBBIE
MARY LOU FREEMAN

S-5139

- 1 Amend Senate File 2396 as follows:
- 2 1. Page 1, by striking lines 4 through 12 and
- 3 inserting the following: "procedure that causes an
- 4 abortion, unless such abortion is medically necessary.
- 5 For purposes of this subsection, an abortion is
- 6 medically necessary if it is performed under one of
- 7 the following conditions:
- 8 a. The attending physician certifies that
- 9 continuing the pregnancy would endanger the life of
- 10 the pregnant woman.
- 11 b. The attending physician certifies that the
- 12 fetus is physically deformed, mentally deficient, or
- 13 afflicted with a congenital illness.
- 14 c. The pregnancy is the result of a rape which is
- 15 reported within forty-five days of the incident to a
- 16 law enforcement agency or public or private health
- 17 agency which may include a family physician.
- 18 d. The pregnancy is the result of incest which is

19 reported within one hundred fifty days of the incident
20 to a law enforcement agency or public or private
21 health agency which may include a family physician.
22 e. The abortion is a spontaneous abortion,
23 commonly known as a miscarriage, wherein not all of
24 the products of conception are expelled."

ELAINE SZYMONIAK

S-5140

1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following:
4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ten thousand five hundred residents, based upon
7 the 1990 certified federal census, and with a private
8 lake development, shall designate".

H. KAY HEDGE

S-5141

1 Amend Senate File 2037 as follows:
2 1. Page 1, by striking lines 1 through 5 and
3 inserting the following:
4 "Sec. ____ Section 173.1, Code 1997, is amended to
5 read as follows:
6 173.1 STATE FAIR AUTHORITY.
7 The Iowa state fair authority is established as a
8 public instrumentality of the state. The authority is
9 not an agency of state government. However, the
10 authority is considered a state agency and its
11 employees state employees for the purposes of chapters
12 17A, 20, 91B, 97B, 509A, and 669. The authority is
13 established to conduct an annual state fair and
14 exposition on the Iowa state fairgrounds and to
15 conduct other interim events consistent with its
16 rules. The powers of the authority are vested in the
17 Iowa state fair board. ~~The Iowa state fair board~~
18 ~~consists of the following:~~
19 ~~1. The governor of the state, the secretary of~~
20 ~~agriculture, and the president of the Iowa state~~
21 ~~university of science and technology or their~~
22 ~~qualified representatives.~~
23 ~~2. Two directors from each congressional district~~
24 ~~to be elected at a convention as provided in section~~
25 ~~173.2.~~
26 ~~3. A president and vice president to be elected by~~
27 ~~the state fair board from the elected directors.~~
28 4. A treasurer to be elected by the board who

29 ~~shall serve as a nonvoting member.~~

30 ~~5. A secretary to be elected by the board who~~

31 ~~shall serve as a nonvoting member.~~

32 Sec. ____ NEW SECTION. 173.1A MEMBERSHIP.

33 The Iowa state fair board consists of eleven

34 members who shall be selected from the citizens of the

35 state at large solely with regard to their

36 qualifications and fitness to discharge the duties of

37 the office. Not more than six members shall be of the

38 same political party. However, two members shall be

39 selected from each congressional district. Ten

40 members shall be nominated for consideration by the

41 governor at a convention as provided in section 173.2.

42 The secretary shall serve as the eleventh member.

43 Sec. ____ NEW SECTION. 173.1B APPOINTMENT --

44 TERM OF OFFICE.

45 The members of the Iowa state fair board shall be

46 appointed by the governor subject to confirmation by

47 the senate. The term of each member of the board

48 shall be for six years. The terms of three members of

49 the board shall begin and expire in each odd-numbered

50 year as provided in section 69.19.

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1 Sec. ____ NEW SECTION. 173.1C REMOVAL.

2 The governor, with the approval of a majority of

3 the senate during a session of the general assembly,

4 may remove any member of the Iowa state fair board for

5 malfeasance in office, or for any cause which would

6 render the member ineligible for appointment or

7 incapable or unfit to discharge the duties of office,

8 and the member's removal, when so made, shall be

9 final.

10 Sec. ____ NEW SECTION. 173.1D SUSPENSION.

11 When the general assembly is not in session, the

12 governor may suspend any member disqualified for the

13 reasons set forth in section 173.1C and shall appoint

14 another person to fill the vacancy thus created,

15 subject to the approval of the senate when next in

16 session."

17 2. Page 1, line 10, by striking the word

18 "ELECTION" and inserting the following: "NOMINATION".

19 3. Page 1, line 18, by striking the word

20 "elected" and inserting the following: "nominated to

21 the governor for appointment".

22 4. Page 1, line 28, by striking the word and

23 figure "subsection 2" and inserting the following:

24 "subsections 1 and 2".

25 5. Page 1, line 28, by striking the word "is" and

26 inserting the following: "are".

27 6. Page 1, by inserting after line 29 the

28 following:

29 ~~"1. The convention shall establish staggered terms~~
30 ~~of office for the elected directors. Notwithstanding~~
31 ~~section 173.6, the convention may establish terms of~~
32 ~~office for initial elected directors for more or less~~
33 ~~than two years."~~

34 7. Page 1, line 30, by striking the figure "2."

35 and inserting the following: "2."

36 8. Page 1, line 30, by striking the word "elect"

37 and inserting the following: "elect nominate".

38 9. Page 1, line 35, by striking the words and

39 figure "unnumbered paragraph 2,".

40 10. Page 2, by inserting after line 1 the

41 following:

42 "173.6 TERMS OF OFFICE.

43 The term of the president and vice president of the

44 board shall be one year. A person shall not hold the

45 office of president for more than three consecutive

46 years, plus any portion of a year in which the person

47 was first elected by the board appointed to fill a

48 vacancy."

49 11. Page 2, by striking lines 2 and 3 and

50 inserting the following: "A member of the board who

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1 is a director, elected as provided in section 173.1,

2 shall serve a term of two years."

3 12. Page 2, line 7, by striking the word

4 "elected" and inserting the following: "elected

5 appointed".

6 13. Page 2, by inserting after line 12 the

7 following:

8 "Sec. ____ Section 173.7, Code 1997, is amended to

9 read as follows:

10 "173.7 VACANCIES.

11 If, after the adjournment of the convention, a

12 vacancy occurs in the office of any member of the

13 board elected by the convention the board governor

14 shall fill the vacancy by election. The elected

15 member shall qualify at once and serve until noon of

16 the day following the adjournment of the next

17 convention. If, by that time, the member elected by

18 the board will not have completed the full term for

19 which the member's predecessor was elected, the

20 convention shall elect a member to serve for the

21 unexpired portion of the term. The member elected by

22 the convention shall qualify at the same time as other

23 members elected by the convention.

24 Sec. ____ Section 173.8, Code 1997, is amended to

25 read as follows:

26 173.8 COMPENSATION AND EXPENSES.

27 A member of the Iowa state fair board elected at
28 the annual convention shall be paid a per diem as
29 specified in section 7E.6 and shall be reimbursed for
30 actual and necessary expenses incurred while engaged
31 in official duties. All per diem and expense moneys
32 paid to a member shall be paid from funds of the state
33 fair board.

34 Sec. ____ Section 173.9, unnumbered paragraph 1,
35 Code 1997, is amended to read as follows:

36 The board governor shall appoint a secretary who
37 shall serve at the pleasure of the board governor.

38 The secretary shall do all of the following:

39 Sec. ____ Section 173.9, subsection 5, Code 1997,
40 is amended to read as follows:

41 5. Perform other duties as the board governor
42 directs.

43 Sec. ____ Section 173.10, Code 1997, is amended to
44 read as follows:

45 173.10 SALARY OF SECRETARY.

46 The secretary shall receive the salary fixed by the
47 board governor."

48 14. Title page, line 2, by striking the word
49 "election" and inserting the following:
50 "appointment".

MIKE CONNOLLY

S-5142

1 Amend Senate File 2383 as follows:

- 2 1. Page 1, by striking lines 33 and 34 and
3 inserting the following: "ride pursuant to section
4 88A.16, subsection 2, is subject to a civil penalty of
5 one hundred dollars."
- 6 2. Page 4, line 29, by striking the words "or
7 imprisonment".

MARY A. LUNDBY

S-5143

1 Amend Senate File 2406 as follows:

- 2 1. Page 2, by inserting after line 19 the
3 following:
4 "r. Others as determined by the community board."
- 5 2. Page 7, by inserting after line 31 the
6 following:
7 "Sec. ____ INITIAL COMMUNITY EMPOWERMENT AREAS AND
8 BOARDS.
9 1. The chairperson of each county board of
10 supervisors shall convene the persons listed in this
11 section to meet for purposes of designating a

12 community empowerment area or areas and creating a
13 community empowerment board or boards. The
14 chairpersons of the boards of supervisors in
15 contiguous counties may elect to hold a joint meeting
16 for a multicounty area. The persons shall be convened
17 as soon after the effective date of this Act as is
18 practical. All of the following shall be invited to
19 the meeting for each county:

20 a. The chairperson of the county board of
21 supervisors of the county or a county supervisor
22 designated by the chairperson.

23 b. Not more than two school board members
24 designated by the school boards of the school district
25 or districts in the county.

26 c. Not more than two mayors designated by the city
27 councils of the cities in the county.

28 d. The administrator of the department of human
29 services' local office in the county.

30 e. The administrator of public health service in
31 the county.

32 2. The county office of the Iowa cooperative
33 extension service in agriculture and home economics
34 shall provide a training session for the meeting. The
35 training session shall be held within 45 days of the
36 effective date of this Act. The persons invited to
37 the meeting may designate an initial community
38 empowerment area or areas and identify the initial
39 community empowerment board for a designated community
40 empowerment area. Subsequent to designation of the
41 initial board, the ongoing membership shall be
42 determined by the board itself in accordance with
43 applicable law and any requirements adopted by the
44 Iowa empowerment board.

45 3. A community empowerment area designated and
46 board identified in accordance with this section shall
47 be designated and created on or before July 1, 1998,
48 or within 45 days of the effective date of this Act,
49 whichever is later. A community empowerment area
50 designated or board created after July 1, 1998, or

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1 within 45 days of the effective date of this Act,
2 whichever is later, shall be designated or created in
3 accordance with the requirements developed for these
4 purposes by the Iowa empowerment board."
5 3. By renumbering as necessary.

NANCY BOETTGER
JOHNIE HAMMOND
MAGGIE TINSMAN
JEFF ANGELO

S-5144

1 Amend Senate File 2281, as follows:

2 1. Page 2, line 12, by striking the word "delete"
3 and inserting the following: "deny".

4 2. Page 2, line 15, by inserting after the word
5 "action," the following: "Notwithstanding section
6 17A.19, subsection 2, proceedings for judicial review
7 of the actions of the state public defender may be
8 brought in the district court of the county in which
9 the original case was brought."

10 3. Page 2, line 22, by striking the words "a
11 basis" and inserting the following: "the sole basis".

12 4. Page 2, line 25, by inserting after the word
13 "action," the following: "Notwithstanding section
14 17A.19, subsection 2, proceedings for judicial review
15 of the actions of the state public defender may be
16 brought in the district court of the county in which
17 the original case was brought."

18 5. Page 3, by inserting after line 4, the
19 following:

20 "Sec. ____ Section 13B.9, subsection 1, paragraph
21 b, Code 1997, is amended to read as follows:

22 b. Represent an indigent party, without fee and
23 upon an order of the court, in child in need of
24 assistance, family in need of assistance, delinquency,
25 and termination of parental rights proceedings
26 pursuant to chapter 232 in a county served by a public
27 defender. The local public defender shall counsel and
28 represent an indigent party in all proceedings
29 pursuant to chapter 232 in a county served by a public
30 defender and prosecute before or after judgment any
31 appeals or other remedies which the local public
32 defender considers to be in the interest of justice
33 unless other counsel is appointed to the case. ~~The~~
34 ~~state public defender shall be reimbursed by the~~
35 ~~counties for services rendered by employees of the~~
36 ~~local public defenders' offices under this subsection,~~
37 ~~pursuant to section 232.141."~~

38 6. Page 3, by inserting after line 6, the
39 following:

40 "Sec. ____ Section 13B.9, subsection 3, Code 1997,
41 is amended by striking the subsection."

42 7. Page 3, by inserting after line 8, the
43 following:

44 "Sec. ____ Section 124.407, unnumbered paragraphs
45 2 and 7, Code 1997, are amended by striking the
46 unnumbered paragraphs."

47 8. Page 3, by inserting after line 35, the
48 following:

49 "Sec. ____ Section 232.141, subsections 2 and 3,

50 Code Supplement 1997, are amended to read as follows:

Page 2

1 2. Upon certification of the court, all of the
2 following expenses are a charge upon the county in
3 which the proceedings are held, to the extent provided
4 in subsection 3:

5 a. The fees and mileage of witnesses and the
6 expenses of officers serving notices and subpoenas
7 incurred by an attorney appointed by the court to
8 serve as counsel or guardian ad litem.

9 b. Reasonable compensation for an attorney
10 appointed by the court to serve as counsel or guardian
11 ad litem.

12 3. Costs incurred under subsection 2 shall be paid
13 as follows:

14 a. A For each fiscal year, a county shall be
15 required to pay liable for the fiscal year beginning
16 July 1, 1989, an amount equal to the county's base
17 cost for witness and mileage fees and attorney fees
18 established pursuant to section 232.141, subsection 8,
19 paragraph "d", Code 1989, for the fiscal year
20 beginning July 1, 1988, plus an amount equal to the
21 percentage rate of change in the consumer price index
22 as tabulated by the federal bureau of labor statistics
23 for the current year times the county's base cost A
24 county's base cost shall be the amount a county was
25 required to pay pursuant to section 232.141,
26 subsection 3, Code 1997, for the fiscal year beginning
27 July 1, 1997, and ending June 20, 1998, in accordance
28 with the schedule contained in this Act. The payment
29 of the county's base cost shall be made through an
30 offset of the county allocation as provided in section
31 405A.4.

32 b. A county's base cost for a fiscal year plus the
33 percentage rate of change amount as computed in
34 paragraph "a" is the county's base cost for the
35 succeeding fiscal year. The amount to be paid in the
36 succeeding year by the county shall be computed as
37 provided in paragraph "a".

38 e. b. Costs incurred under subsection 2, which are
39 not paid by the county under paragraphs "a" and "b"
40 shall be reimbursed paid by the state. Reimbursement
41 Payment for the costs of compensation of an attorney
42 appointed by the court to serve as counsel or guardian
43 ad litem shall be made as provided in section 815.7.
44 A county person eligible for payment by the state
45 shall apply for reimbursement to the department of
46 inspections and appeals which shall prescribe rules

- 47 ~~and forms to implement this subsection payment as~~
48 ~~provided in section 815.10."~~
49 9. Page 6, line 12, by striking the word
50 "reasonable" and inserting the following:

Page 3

- 1 "reasonable".
2 10. Page 9, line 30, by inserting after the words
3 "of any" the following: "court order following a
4 dispositive".
5 11. Page 10, line 28, by striking the word
6 "receive" and inserting the following: "be given".
7 12. Page 11, line 5, by striking the words "for
8 use in" and inserting the following: "that may be
9 used for".
10 13. By numbering and renumbering as necessary.

O. GENE MADDOX

S-5145

- 1 Amend Senate File 2398 as follows:
2 1. Page 4, line 15, by inserting after the word
3 "rehabilitate" the following: "juvenile and adult".

ROBERT E. DVORSKY

S-5146

- 1 Amend Senate File 2346 as follows:
2 1. Page 2, lines 3 and 4, by striking the words
3 "~~a preponderance of the competent substantial~~" and
4 inserting the following: "a preponderance of the
5 competent".

ELAINE SZYMONIAK
MARY NEUHAUSER

S-5147

- 1 Amend Senate File 2398 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. NEW SECTION. 229A.1 LEGISLATIVE
5 FINDINGS.
6 The general assembly finds that a small but
7 extremely dangerous group of sexually violent
8 predators exists which is made up of persons who do
9 not have a mental disease or defect that renders them
10 appropriate for involuntary treatment pursuant to the
11 treatment provisions for mentally ill persons under

12 chapter 229, since that chapter is intended to provide
13 short-term treatment to persons with serious mental
14 disorders and then return them to the community. In
15 contrast to persons appropriate for civil commitment
16 under chapter 229, sexually violent predators
17 generally have antisocial personality features that
18 are unamenable to existing mental illness treatment
19 modalities and that render them likely to engage in
20 sexually violent behavior. The general assembly finds
21 that sexually violent predators' likelihood of
22 engaging in repeat acts of predatory sexual violence
23 is high and that the existing involuntary commitment
24 procedure under chapter 229 is inadequate to address
25 the risk these sexually violent predators pose to
26 society.

27 The general assembly further finds that the
28 prognosis for rehabilitating sexually violent
29 predators in a prison setting is poor, because the
30 treatment needs of this population are very long-term,
31 and the treatment modalities for this population are
32 very different from the traditional treatment
33 modalities available in a prison setting or for
34 persons appropriate for commitment under chapter 229.
35 Therefore, the general assembly finds that a civil
36 commitment procedure for the long-term care and
37 treatment of the sexually violent predator is
38 necessary.

39 Sec. . NEW SECTION. 229A.2 DEFINITIONS.

40 As used in this chapter:

- 41 1. "Agency with jurisdiction" means an agency
42 which releases a person serving a sentence or term of
43 confinement based upon a lawful order or authority,
44 and includes but is not limited to the department of
45 corrections, the department of human services, a
46 judicial district department of correctional services,
47 and the Iowa board of parole.
48 2. "Mental abnormality" means a congenital or
49 acquired condition affecting the emotional or
50 volitional capacity of a person and predisposing that

Page 2

- 1 person to commit sexually violent offenses to a degree
2 which would constitute a menace to the health and
3 safety of others.
4 3. "Predatory" means acts directed toward a person
5 with whom a relationship has been established or
6 promoted for the primary purpose of victimization.
7 4. "Sexually motivated" means that one of the
8 purposes for commission of a crime is the purpose of
9 sexual gratification of the perpetrator of the crime.
10 5. "Sexually violent offense" means:

- 11 a. A violation of any provision of chapter 709.
12 b. A violation of any of the following if the
13 offense involves sexual abuse, attempted sexual abuse,
14 or intent to commit sexual abuse:
15 (1) Murder as defined in section 707.1.
16 (2) Kidnapping as defined in section 710.1.
17 (3) Burglary as defined in section 713.1.
18 (4) Child endangerment under section 726.6,
19 subsection 1, paragraph "e".
20 c. Sexual exploitation of a minor in violation of
21 section 728.12, subsection 1.
22 d. Pandering involving a minor in violation of
23 section 725.3, subsection 2.
24 e. An offense involving an attempt or conspiracy
25 to commit any offense referred to in this subsection.
26 f. An offense under prior law of this state or an
27 offense committed in another jurisdiction which would
28 constitute an equivalent offense under paragraphs "a"
29 through "e".
30 g. Any act which, either at the time of sentencing
31 for the offense or subsequently during civil
32 commitment proceedings pursuant to this chapter, has
33 been determined beyond a reasonable doubt to have been
34 sexually motivated.
- 35 6. "Sexually violent predator" means a person who
36 has been convicted of or charged with a sexually
37 violent offense and who suffers from a mental
38 abnormality which makes the person likely to engage in
39 predatory acts constituting sexually violent offenses,
40 if not confined in a secure facility.
- 41 Sec. . NEW SECTION. 229A.3 NOTICE OF
42 DISCHARGE OF SEXUALLY VIOLENT PREDATOR -- IMMUNITY
43 FROM LIABILITY -- MULTIDISCIPLINARY TEAM --
44 PROSECUTOR'S REVIEW COMMITTEE -- ASSESSMENT OF PERSON.
- 45 1. When it appears that a person may meet the
46 definition of a sexually violent predator, the agency
47 with jurisdiction shall give written notice to the
48 attorney general and the multidisciplinary team
49 established in subsection 4, no later than ninety days
50 prior to any of the following events:

Page 3

- 1 a. The anticipated discharge of a person who has
2 been convicted of a sexually violent offense from
3 total confinement, except that in the case of a person
4 who is returned to prison for no more than ninety days
5 as a result of revocation of parole, written notice
6 shall be given as soon as practicable following the
7 person's readmission to prison.
8 b. The discharge of a person who has been charged
9 with a sexually violent offense and who has been

10 determined to be incompetent to stand trial pursuant
11 to chapter 812.

12 c. The discharge of a person who has been found
13 not guilty by reason of insanity of a sexually violent
14 offense.

15 d. The discharge of a person who has been found
16 not guilty of a sexually violent offense referred to
17 under section 229A.2, subsection 5, paragraph "b", or
18 of an attempt or conspiracy to commit an offense under
19 that paragraph, where the court or jury who found the
20 person not guilty answers the special allegation in
21 section 229A.14 in the affirmative.

22 2. If notice is required under subsection 1, the
23 agency with jurisdiction shall inform the attorney
24 general and the multidisciplinary team established in
25 subsection 4, of both of the following:

26 a. The person's name, identifying factors,
27 anticipated future residence, and offense history.

28 b. Documentation of any institutional evaluation
29 and any treatment received.

30 3. The agency with jurisdiction, its employees,
31 officials, members of the multidisciplinary team
32 established in subsection 4, members of the
33 prosecutor's review committee appointed as provided in
34 subsection 5, and individuals contracting, appointed,
35 or volunteering to perform services under this section
36 shall be immune from liability for any good-faith
37 conduct under this section.

38 4. The director of the department of corrections
39 shall establish a multidisciplinary team which may
40 include individuals from other state agencies to
41 review available records of each person referred to
42 such team pursuant to subsection 1. The team, within
43 thirty days of receiving notice, shall assess whether
44 or not the person meets the definition of a sexually
45 violent predator. The team shall notify the attorney
46 general of its assessment.

47 5. The attorney general shall appoint a
48 prosecutor's review committee to review the records of
49 each person referred to the attorney general pursuant
50 to subsection 1. The prosecutor's review committee

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1 shall assist the attorney general in the determination
2 of whether or not the person meets the definition of a
3 sexually violent predator. The assessment of the
4 multidisciplinary team shall be made available to the
5 attorney general and the prosecutor's review
6 committee.

7 Sec. . NEW SECTION. 229A.4 PETITION, TIME,
8 CONTENTS.

9 If it appears that a person presently confined may
10 be a sexually violent predator and the prosecutor's
11 review committee has determined that the person meets
12 the definition of a sexually violent predator, the
13 attorney general may file a petition, within seventy-
14 five days of the date the attorney general received
15 the written notice by the agency of jurisdiction
16 pursuant to section 229A.3, alleging that the person
17 is a sexually violent predator and stating sufficient
18 facts to support such an allegation.

19 Sec. NEW SECTION. 229A.5 PERSON TAKEN INTO
20 CUSTODY, DETERMINATION OF PROBABLE CAUSE, HEARING,
21 EVALUATION.

22 1. Upon filing of a petition under section 229A.4,
23 the court shall make a preliminary determination as to
24 whether probable cause exists to believe that the
25 person named in the petition is a sexually violent
26 predator. Upon a preliminary finding of probable
27 cause, the court shall direct that the person named in
28 the petition be taken into custody and that the person
29 be served with a copy of the petition and any
30 supporting documentation and notice of the procedures
31 required by this chapter.

32 2. Within seventy-two hours after being taken into
33 custody, a hearing shall be held to determine whether
34 probable cause exists to believe the detained person
35 is a sexually violent predator. At the probable cause
36 hearing, the detained person shall have the following
37 rights:

- 38 a. To be provided with prior notice of date, time,
39 and location of the probable cause hearing.
- 40 b. To respond to the preliminary finding of
41 probable cause.
- 42 c. To appear in person at the hearing.
- 43 d. To be represented by counsel.
- 44 e. To present evidence on the respondent's own
45 behalf.
- 46 f. To cross-examine witnesses who testify against
47 the respondent.
- 48 g. To view and copy all petitions and reports in
49 the possession of the court.
- 50 3. At the hearing, the state may rely upon the

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- 1 petition filed under subsection 1 but may also
- 2 supplement the petition with additional documentary
- 3 evidence or live testimony.
- 4 4. At the conclusion of the hearing, the court
- 5 shall enter an order which does both of the following:
- 6 a. Verifies the respondent's identity.
- 7 b. Determines whether probable cause exists to

8 believe that the respondent is a sexually violent
9 predator.

10 5. If the court determines that probable cause
11 does exist, the court shall direct that the respondent
12 be transferred to an appropriate secure facility,
13 including, but not limited to, a county jail, for an
14 evaluation as to whether the respondent is a sexually
15 violent predator. The evaluation shall be conducted
16 by a person deemed to be professionally qualified to
17 conduct such an examination.

18 Sec. . NEW SECTION. 229A.6 COUNSEL AND
19 EXPERTS, INDIGENT PERSONS.

20 1. A respondent to a petition alleging the person
21 to be a sexually violent predator shall be entitled to
22 the assistance of counsel upon the filing of the
23 petition under section 299A.4 and, if the respondent
24 is indigent, the court shall appoint counsel to assist
25 the respondent.

26 2. If a respondent is subjected to an examination
27 under this chapter, the respondent may retain experts
28 or professional persons to perform an independent
29 examination on the respondent's behalf. If the
30 respondent wishes to be examined by a qualified expert
31 or professional person of the respondent's own choice,
32 the examiner of the respondent's choice shall be given
33 reasonable access to the respondent for the purpose of
34 the examination, as well as access to all relevant
35 medical and psychological records and reports. If the
36 respondent is indigent, the court, upon the
37 respondent's request, shall determine whether the
38 services are necessary and the reasonable compensation
39 for the services. If the court determines that the
40 services are necessary and the requested compensation
41 for the services is reasonable, the court shall assist
42 the respondent in obtaining an expert or professional
43 person to perform an examination or participate in the
44 trial on the respondent's behalf. The court shall
45 approve payment for such services upon the filing of a
46 certified claim for compensation supported by a
47 written statement specifying the time expended,
48 services rendered, expenses incurred on behalf of the
49 respondent, and compensation received in the same case
50 or for the same services from any other source.

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1 Sec. . NEW SECTION. 229A.7 TRIAL,
2 DETERMINATION, COMMITMENT PROCEDURE, INTERAGENCY
3 AGREEMENTS, MISTRIALS.

4 1. Within sixty days after the completion of any
5 hearing held pursuant to section 229A.5, the court
6 shall conduct a trial to determine whether the

7 respondent is a sexually violent predator. The trial
8 may be continued upon the request of either party and
9 a showing of good cause, or by the court on its own
10 motion in the due administration of justice, and when
11 the respondent will not be substantially prejudiced.
12 The respondent, the attorney general, or the judge
13 shall have the right to demand that the trial be
14 before a jury. Such demand for the trial to be before
15 a jury shall be filed, in writing, at least four days
16 prior to trial. The number and selection of jurors
17 shall be determined as provided in chapter 607A. If
18 no demand is made, the trial shall be before the
19 court.

20 2. At trial, the court or jury shall determine
21 whether, beyond a reasonable doubt, the respondent is
22 a sexually violent predator. If the determination
23 that the respondent is a sexually violent predator is
24 made by a jury, the determination shall be by
25 unanimous verdict of such jury.

26 If the court or jury determines that the respondent
27 is a sexually violent predator, the respondent shall
28 be committed to the custody of the director of the
29 department of human services for control, care, and
30 treatment until such time as the person's mental
31 abnormality has so changed that the person is safe to
32 be at large. The determination may be appealed.

33 3. The control, care, and treatment of a person
34 determined to be a sexually violent predator shall be
35 provided at a facility operated by the department of
36 human services. At all times, persons committed for
37 control, care, and treatment by the department of
38 human services pursuant to this chapter shall be kept
39 in a secure facility and those patients shall be
40 segregated at all times from any other patient under
41 the supervision of the department of human services.
42 A person committed pursuant to this chapter to the
43 custody of the department of human services may be
44 kept in a facility or building separate from any other
45 patient under the supervision of the department of
46 human services. The department of human services may
47 enter into an interagency agreement with the
48 department of corrections for the confinement of
49 patients who have been determined to be sexually
50 violent predators. Patients who are in the

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1 confinement of the director of the department of
2 corrections pursuant to an interagency agreement shall
3 be housed and managed separately from criminal
4 offenders in the custody of the director of the
5 department of corrections, and except for occasional

6 instances of supervised incidental contact, shall be
7 segregated from those offenders.

8 4. If the court or jury is not satisfied beyond a
9 reasonable doubt that the respondent is a sexually
10 violent predator, the court shall direct the
11 respondent's release. Upon a mistrial, the court
12 shall direct that the respondent be held at an
13 appropriate secure facility, including, but not
14 limited to, a county jail, until another trial is
15 conducted. Any subsequent trial following a mistrial
16 shall be held within ninety days of the previous
17 trial, unless such subsequent trial is continued as
18 provided in subsection 1.

19 5. If a person charged with a sexually violent
20 offense has been found incompetent to stand trial or
21 has been found not guilty of a sexually violent
22 offense by reason of insanity, and the person is about
23 to be discharged pursuant to section 812.5, if a
24 petition has been filed seeking the person's
25 commitment under this chapter, the court shall first
26 hear evidence and determine whether the person did
27 commit the act or acts charged. At the hearing on
28 this issue, the rules of evidence applicable in
29 criminal cases shall apply, and all constitutional
30 rights available to defendants at criminal trials,
31 other than the right not to be tried while
32 incompetent, shall apply. After hearing evidence on
33 this issue, the court shall make specific findings on
34 whether the person did commit the act or acts charged,
35 the extent to which the person's incompetence or
36 insanity affected the outcome of the hearing,
37 including its effect on the person's ability to
38 consult with and assist counsel and to testify on the
39 person's own behalf, the extent to which the evidence
40 could be reconstructed without the assistance of the
41 person, and the strength of the prosecution's case.
42 If after the conclusion of the hearing on this issue,
43 the court finds, beyond a reasonable doubt, that the
44 person did commit the act or acts charged, the court
45 shall enter a final order, appealable by the person,
46 on that issue, and may proceed to consider whether the
47 person should be committed pursuant to this chapter.
48 Sec. . NEW SECTION. 229A.8 ANNUAL
49 EXAMINATIONS, DISCHARGE PETITIONS BY PERSONS
50 COMMITTED.

1 1. Each person committed under this chapter shall
2 have a current examination of the person's mental
3 abnormality made once every year. The person may
4 retain, or if the person is indigent and so requests,

5 the court may appoint a qualified expert or
6 professional person to examine such person, and such
7 expert or professional person shall be given access to
8 all records concerning the person.

9 2. The annual report shall be provided to the
10 court that committed the person under this chapter.
11 The court shall conduct an annual review and probable
12 cause hearing on the status of the committed person.

13 3. Nothing contained in this chapter shall
14 prohibit the person from otherwise petitioning the
15 court for discharge at the probable cause hearing.
16 The director of human services shall provide the
17 committed person with an annual written notice of the
18 person's right to petition the court for discharge
19 over the director's objection. The notice shall
20 contain a waiver of rights. The director shall
21 forward the notice and waiver form to the court with
22 the annual report.

23 4. The committed person shall have a right to have
24 an attorney represent the person at the probable cause
25 hearing but the person is not entitled to be present
26 at the hearing. If the court at the hearing
27 determines that probable cause exists to believe that
28 the person's mental abnormality has so changed that
29 the person is safe to be at large and will not engage
30 in predatory acts or sexually violent offenses if
31 discharged, then the court shall set a final hearing
32 on the issue.

33 5. At the final hearing, the committed person
34 shall be entitled to be present and is entitled to the
35 benefit of all constitutional protections that were
36 afforded the person at the original commitment
37 proceeding. The attorney general shall represent the
38 state and shall have a right to a jury trial and to
39 have the committed person evaluated by experts chosen
40 by the state. The committed person shall also have
41 the right to have experts evaluate the person on the
42 person's behalf. The court shall appoint an expert if
43 the person is indigent and requests an appointment.
44 The burden of proof at the hearing shall be upon the
45 state to prove beyond a reasonable doubt that the
46 committed person's mental abnormality or personality
47 disorder remains such that the person is not safe to
48 be at large and if discharged is likely to engage in
49 acts of sexual violence.

50 Sec. NEW SECTION. 229A.9 DETENTION AND

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1 COMMITMENT TO CONFORM TO CONSTITUTIONAL REQUIREMENTS.
2 The involuntary detention or commitment of persons
3 under this chapter shall conform to constitutional

4 requirements for care and treatment.

5 Sec. . NEW SECTION. 229A.10 PETITION FOR
6 DISCHARGE -- PROCEDURE.

7 If the director of human services determines that
8 the person's mental abnormality has so changed that
9 the person is not likely to commit predatory acts or
10 sexually violent offenses if discharged, the director
11 shall authorize the person to petition the court for
12 discharge. The petition shall be served upon the
13 court and the attorney general. The court, upon
14 receipt of the petition for discharge, shall order a
15 hearing within thirty days. The attorney general
16 shall represent the state, and shall have the right to
17 have the petitioner examined by an expert or
18 professional person of the attorney general's choice.
19 The hearing shall be before a jury if demanded by
20 either the petitioner or the attorney general. The
21 burden of proof shall be upon the attorney general to
22 show beyond a reasonable doubt that the petitioner's
23 mental abnormality or personality disorder remains
24 such that the petitioner is not safe to be at large
25 and that if discharged is likely to commit predatory
26 acts or sexually violent offenses.

27 Sec. . NEW SECTION. 229A.11 SUBSEQUENT
28 DISCHARGE PETITIONS, LIMITATIONS.

29 Nothing in this chapter shall prohibit a person
30 from filing a petition for discharge pursuant to this
31 chapter. However, if a person has previously filed a
32 petition for discharge without the authorization of
33 the director of human services, and the court
34 determines either upon review of the petition or
35 following a hearing that the petition was frivolous or
36 that the petitioner's condition had not so changed
37 that the person was safe to be at large, then the
38 court shall summarily deny the subsequent petition
39 unless the petition contains facts upon which a court
40 could find the condition of the petitioner had so
41 changed that a hearing was warranted. Upon receipt of
42 a first or subsequent petition from a committed person
43 without the director's authorization, the court shall
44 endeavor whenever possible to review the petition and
45 determine if the petition is based upon frivolous
46 grounds. If the court determines that a petition is
47 frivolous, the court shall deny the petition without a
48 hearing.

49 Sec. . NEW SECTION. 229A.12 DIRECTOR OF HUMAN
50 SERVICES -- RESPONSIBILITY FOR COSTS -- DUTIES --

Page 10

1 REIMBURSEMENT.

2 The director of human services shall be responsible

3 for all costs relating to the evaluation and treatment
4 of persons committed to the director's custody under
5 any provision of this chapter. Reimbursement may be
6 obtained by the director from the patient and any
7 person legally liable or bound by contract for the
8 support of the patient for the cost of care and
9 treatment provided.

10 Sec. . NEW SECTION. 229A.13 NOTICE TO VICTIMS
11 OF DISCHARGE OF PERSONS COMMITTED.

12 In addition to any other information required to be
13 released under this chapter, prior to the discharge of
14 a person committed under this chapter, the director of
15 human services shall give written notice of the
16 person's discharge to any living victim of the
17 person's activities or crime whose address is known to
18 the director or, if the victim is deceased, to the
19 victim's family, if the family's address is known.
20 Failure to notify shall not be a reason for
21 postponement of discharge. Nothing in this section
22 shall create a cause of action against the state or an
23 employee of the state acting within the scope of the
24 employee's employment as a result of the failure to
25 notify pursuant to this action.

26 Sec. . NEW SECTION. 229A.14 SPECIAL
27 ALLEGATION OF SEXUAL MOTIVATION -- PROCEDURE --
28 WITHDRAWAL OR DISMISSAL.

29 1. Except as otherwise provided in subsection 4,
30 the county attorney shall file a special allegation of
31 sexual motivation within ten days after arraignment,
32 when sufficient admissible evidence exists, which,
33 when considered with the most plausible, reasonably
34 foreseeable defense that could be raised under the
35 evidence, would justify a finding of sexual motivation
36 by a reasonable and objective fact finder.

37 2. In a criminal case in which a special
38 allegation of sexual motivation has been filed, the
39 state shall prove beyond a reasonable doubt that the
40 crime was sexually motivated. The court shall make a
41 finding of fact of whether or not a sexual motivation
42 was present at the time of the commission of the
43 crime, or if a jury trial is had, the jury shall
44 return a special verdict as to whether or not the
45 crime was sexually motivated.

46 3. The county attorney shall not withdraw the
47 special allegation of sexual motivation without
48 approval of the court through an order of dismissal of
49 the special allegation. The court shall not dismiss
50 the special allegation unless it finds that such an

2 charging decision or unless evidentiary problems exist
3 which make proving the special allegation doubtful.

4 4. This section shall not apply to criminal cases
5 alleging a violation of chapter 709 or a case in which
6 the commission of a sex act is an element of the
7 offense charged.

8 Sec. . NEW SECTION. 229A.15 SEVERABILITY.

9 If any provision of this chapter or the application
10 thereof to any person or circumstances is held
11 invalid, the invalidity shall not affect other
12 provisions or applications of the chapter which can be
13 given effect without the invalid provisions or
14 application and, to this end, the provisions of this
15 chapter are severable.

16 Sec. . NEW SECTION. 229A.16 RELEASE OF
17 CONFIDENTIAL OR PRIVILEGED INFORMATION AND RECORDS.

18 Notwithstanding anything in chapter 22 to the
19 contrary, relevant information and records which would
20 otherwise be confidential or privileged shall be
21 released to the agency with jurisdiction or the
22 attorney general for the purpose of meeting the notice
23 requirement provided in section 229A.3 and determining
24 whether a person is or continues to be a sexually
25 violent predator.

26 Sec. . NEW SECTION. 229A.17 COURT RECORDS --
27 SEALED AND OPENED BY COURT ORDER.

28 Any psychological reports, drug and alcohol
29 reports, treatment records, reports of any diagnostic
30 center, medical records, or victim impact statements
31 which have been submitted to the court or admitted
32 into evidence under this chapter shall be part of the
33 record but shall be sealed and opened only on order of
34 the court.

35 Sec. . NEW SECTION. 299A.18 SHORT TITLE.

36 This chapter shall be known and may be cited as the
37 "Sexually Violent Predator Act".

38 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5148

1 Amend Senate File 2398, as follows:

2 1. Page 2, by striking lines 23 through 25, and
3 inserting the following: "that the person receive a
4 special sentence committing the person into the
5 custody of the director of the Iowa department of
6 corrections for the rest of the person's life, with
7 eligibility for parole as provided in chapter 906.
8 The special sentence imposed under this subsection
9 shall commence upon".

10 2. By striking page 2, line 32, through page 3,

- 11 line 1, and inserting the following: "rehabilitation
- 12 of the person. Notwithstanding section 906.15, a
- 13 person receiving an additional special sentence
- 14 pursuant to this subsection shall not be discharged
- 15 from parole."

JEFF ANGELO

S-5149

- 1 Amend Senate File 2398 as follows:
- 2 1. Page 2, line 8, by inserting after the word
- 3 "acetate" the following: "or other approved
- 4 pharmaceutical agent".
- 5 2. Page 3, line 25, by inserting after the word
- 6 "acetate" the following: "or other approved
- 7 pharmaceutical agent".
- 8 3. Page 3, line 34, by inserting after the word
- 9 "acetate" the following: "or other approved
- 10 pharmaceutical agent".
- 11 4. Page 4, line 4, by inserting after the word
- 12 "acetate" the following: "or other approved
- 13 pharmaceutical agent".

JEFF ANGELO

S-5150

- 1 Amend Senate File 2372 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "socks," the following: "undergarments".

NANCY BOETTGER

S-5151

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 1, by striking lines 20 through 27, and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 3. In any civil case filed by a
- 5 petitioner who is an inmate or prisoner, the
- 6 respondent shall review the petition and, if
- 7 applicable, file a pre-answer motion asserting, in
- 8 addition to any other defense that must be asserted in
- 9 such a motion under the rules of civil procedure, that
- 10 the action or any portion of the action should be
- 11 dismissed pursuant to this chapter because the action
- 12 or any portion of the action is frivolous or
- 13 malicious, fails to state a claim upon which relief
- 14 can be granted, or is otherwise subject to dismissal

15 under section 610A.2."

16 2. By renumbering as necessary.

ANDY McKEAN

S-5152

1 Amend House File 2340 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 6, by inserting after the word
4 "services" the following: "including dental
5 hygienic services,".

6 2. Page 1, line 22, by inserting after the word
7 "services" the following: "including dental
8 hygienic services,".

9 3. Page 2, line 2, by inserting after the word
10 "services" the following: "including dental
11 hygienic services,".

12 4. Page 2, line 13, by inserting after the word
13 "services" the following: "including dental
14 hygienic services,".

15 5. Page 2, line 15, by inserting after the word
16 "services" the following: "including dental
17 hygienic services,".

18 6. Page 2, line 23, by inserting after the word
19 "dentist" the following: "or dental hygienist,".

20 7. Title page, line 1, by inserting after the
21 word "dentists" the following: "dental
22 hygienists,".

MARY A. LUNDBY

S-5153

1 Amend Senate File 2333 as follows:

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

4 "Sec. 101. APPLICABILITY. This Act applies only
5 to an employee of an employer who is newly hired by
6 the employer on or after July 1, 1998."

7 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5154

1 Amend Senate File 2398 as follows:

2 1. Page 4, by inserting after line 9 the
3 following:

4 "6. A person who is required to undergo
5 medroxyprogesterone acetate treatment, or treatment
6 utilizing another approved pharmaceutical agent,

7 pursuant to this section, shall be required to pay a
8 reasonable fee to pay for the costs of providing the
9 treatment. A requirement that a person pay a fee
10 shall include provision for reduction, deferral, or
11 waiver of payment if the person is financially unable
12 to pay the fee."

JEFF ANGELO
ANDY McKEAN

S-5155

1 Amend Senate File 2201 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 479.29, Code 1997, is amended
5 to read as follows:
6 479.29 CONSTRUCTION STANDARDS LAND RESTORATION.
7 1. The board shall, pursuant to chapter 17A, adopt
8 rules establishing standards ~~for the protection of~~
9 ~~underground improvements during the construction of~~
10 ~~pipelines, to protect soil conservation and drainage~~
11 ~~structures from being permanently damaged by pipeline~~
12 ~~construction and for the restoration of agricultural~~
13 ~~lands during and after pipeline construction. To~~
14 ~~ensure that all interested persons are informed of~~
15 ~~this rulemaking procedure and are afforded a right to~~
16 ~~participate, the board shall schedule an opportunity~~
17 ~~for oral presentations on the proposed rulemaking,~~
18 ~~and, in addition to the requirements of section~~
19 ~~17A.4, the board shall distribute copies of the notice~~
20 ~~of intended action and opportunity for oral~~
21 ~~presentations to each county board of supervisors.~~
22 Any county board of supervisors may, under the
23 provisions of chapter 17A, and subsequent to the
24 rulemaking proceedings, petition under those
25 provisions for additional rulemaking to establish
26 standards ~~to protect soil conservation practices,~~
27 ~~structures and drainage structures for land~~
28 restoration after pipeline construction within that
29 county. Upon the request of the petitioning county
30 the board shall schedule a hearing to consider the
31 merits of the petition. ~~Rules adopted under this~~
32 ~~section shall not apply within the boundaries of a~~
33 ~~city, unless the land is used for agricultural~~
34 ~~purposes. Rules adopted under this section shall not~~
35 apply to land located within city boundaries, unless
36 the land is used for agricultural purposes. Rules
37 adopted under this section shall address, but are not
38 limited to, all of the following subject matters:
39 a. Topsoil separation and replacement.
40 b. Temporary and permanent repair to drain tile.

- 41 c. Removal of rocks and debris from the right-of-
- 42 way.
- 43 d. Restoration of areas of soil compaction.
- 44 e. Restoration of terraces, waterways, and other
- 45 erosion control structures.
- 46 f. Revegetation of untilled land.
- 47 g. Future installation of drain tile or soil
- 48 conservation structures.
- 49 h. Restoration of land slope and contour.
- 50 i. Restoration of areas used for field entrances

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- 1 and temporary roads.
- 2 j. Construction in wet conditions.
- 3 k. Designation of a pipeline company point of
- 4 contact for landowner inquiries or claims.
- 5 2. The county board of supervisors shall cause an
- 6 on-site inspection for compliance with the standards
- 7 adopted under this section to be performed at any
- 8 pipeline construction project in the county. A
- 9 licensed professional engineer familiar with the
- 10 standards adopted under this section and registered
- 11 under chapter 542B shall be in responsible charge of
- 12 the inspection. A county board of supervisors may
- 13 contract for the services of a licensed professional
- 14 engineer for the purposes of the inspection. The
- 15 reasonable costs of the inspection shall be borne by
- 16 the pipeline company.
- 17 3. If the inspector determines that there has been
- 18 a violation of the standards adopted under this
- 19 section, of the land restoration plan, or of an
- 20 independent agreement on land restoration or line
- 21 location executed in accordance with subsection 10,
- 22 the inspector shall give oral notice, followed by
- 23 written notice, to the pipeline company and the
- 24 contractor operating for the pipeline company and
- 25 order corrective action to be taken in compliance with
- 26 the standards. The costs of the corrective action
- 27 shall be borne by the contractor operating for the
- 28 pipeline company.
- 29 ~~4. As a part of the inspection process, the~~
- 30 ~~inspector shall ascertain that the trench excavation~~
- 31 ~~has been filled in a manner to provide that the~~
- 32 ~~topsoil has been replaced on top and rocks and debris~~
- 33 ~~have been removed from the topsoil of the easement~~
- 34 ~~area. An existing topsoil layer extending at least~~
- 35 ~~one foot in width on either side of the pipeline~~
- 36 ~~excavation at a maximum depth of twelve inches shall~~
- 37 ~~be removed separately and shall be stockpiled and~~
- 38 ~~preserved separately during subsequent construction~~
- 39 ~~operations, unless other means for separating the~~

40 topsoil are provided in the easement. The topsoil
41 shall be replaced so the upper portion of the pipeline
42 excavation and the crowned surface shall contain only
43 the topsoil originally removed.
44 ~~5. 4. Adequate inspection of The inspector shall~~
45 ~~adequately inspect~~ underground improvements altered
46 during construction of pipeline. The inspection shall
47 be conducted at the time of the replacement or repair
48 of the underground improvements. ~~An The~~ inspector
49 shall be present on the site at all times at each
50 phase and separate activity of the opening of the

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1 trench, the restoration of underground improvements,
2 and backfilling. The pipeline company and its
3 contractor shall keep all county inspectors
4 continually informed of the work schedule and any
5 schedule changes. If proper notice is given,
6 construction shall not be delayed due to the
7 inspector's failure to be present on the site.
8 ~~6. 5.~~ If the pipeline company or its contractor
9 does not comply with the orders of the inspector for
10 compliance with the standards, with the land
11 restoration plan, or with an independent agreement on
12 land restoration or line location executed in
13 accordance with subsection 10, the county board of
14 supervisors may ~~direct the county attorney to petition~~
15 ~~the district court~~ petition the board for an order
16 requiring corrective action to be taken in compliance
17 with the standards adopted under this section. In
18 addition, the county board of supervisors may file a
19 complaint with the board seeking imposition of civil
20 penalties pursuant to section 479.31.
21 ~~7. 6.~~ The pipeline company shall allow landowners
22 and inspectors to view the proposed center line of the
23 pipeline prior to commencing trenching operations to
24 insure that construction takes place in its proper
25 location.
26 ~~8. 7.~~ An inspector may temporarily halt the
27 construction if the construction is not in compliance
28 with the law and the standards adopted pursuant to
29 law, the land restoration plan, or the terms of the an
30 independent agreement with the pipeline company
31 regarding topsoil removal and replacement, drainage
32 structures, soil moisture conditions or the location
33 of construction line location or land restoration
34 executed in accordance with subsection 10, until the
35 inspector consults with the supervisory personnel of
36 the pipeline company. ~~If the construction is then~~
37 ~~continued over the inspector's objection and is found~~
38 ~~to not be in compliance with the law or agreement and~~

~~39 is found to cause damage, any civil penalty recovered~~
~~40 under section 479.31 as a result of that violation~~
~~41 shall be paid to the landowner.~~
42 9. 8. The board shall instruct inspectors
43 appointed by the board of supervisors regarding the
44 content of the statutes and rules and the inspector's
45 responsibility to require construction conforming with
46 the standards provided by this chapter.
47 10. 9. ~~Any underground drain tile damaged t, or ~ ~~~
48 ~~removed shall be temporarily repaired and maintained~~
49 ~~as necessary to allow for its proper function during~~
50 ~~construction of the pipeline. If temporary repair is~~

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1 ~~not determined to be necessary, the exposed line will~~
2 ~~nonetheless be screened or otherwise protected to~~
3 ~~prevent the entry of any foreign material, small~~
4 ~~animals, etc. into the tile line system. Petitioners~~
5 ~~for a permit for pipeline construction shall file with~~
6 ~~the petition a written land restoration plan showing~~
7 ~~how the requirements of this section, and of rules~~
8 ~~adopted pursuant to this section, will be met. The~~
9 ~~petitioners shall provide copies of the plan to all~~
10 ~~landowners of property that will be disturbed by the~~
11 ~~construction.~~
12 10. This section does not preclude the application
13 of provisions for protecting or restoring property
14 that are different than those prescribed in this
15 section, in rules adopted pursuant to this section, or
16 in the land restoration plan, if the alternative
17 provisions are contained in agreements independently
18 executed by the pipeline company and landowner, and if
19 the alternative provisions are not inconsistent with
20 state law or with rules adopted by the board.
21 Independent agreements on land restoration or line
22 location between the landowner and pipeline company
23 shall be in writing and a copy provided to the county
24 inspector.
25 11. For purposes of this section, "construction"
26 includes the removal of a previously constructed
27 pipeline.
28 12. The requirements of this section shall apply
29 only to pipeline construction projects commenced on or
30 after June 1, 1998.
31 Sec. 2. Section 479.45, Code 1997, is amended to
32 read as follows:
33 479.45 PARTICULAR DAMAGE CLAIMS.
34 1. Compensable losses shall include, but are not
35 limited to, all of the following:
36 a. Loss or reduced yield of crops or forage on the
37 pipeline right-of-way, whether caused directly by

38 construction or from disturbance of usual farm
39 operations.
40 b. Loss or reduced yield of crops or yield from
41 land near the pipeline right-of-way resulting from
42 lack of timely access to the land or other disturbance
43 of usual farm operations, including interference with
44 irrigation.
45 c. Fertilizer, lime, or organic material applied
46 by the landowner to restore land disturbed by
47 construction to full productivity.
48 d. Loss of or damage to trees of commercial or
49 other value that occurs at the time of construction or
50 at the time of any subsequent work by the pipeline

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1 outside of the area cleared during construction.
2 1. e. The cost of moving or relocating livestock,
3 and the loss of gain by or the death or injury of
4 livestock caused by the interruption or relocation of
5 normal feeding of the livestock caused by the
6 construction or repair of a pipeline is a compensable
7 loss and shall be recognized as such by a pipeline
8 company.
9 f. Erosion on lands caused by construction.
10 g. Damage to farm equipment caused by striking a
11 pipeline while engaged in normal farming operations as
12 defined in section 480.1.
13 2. A claim for damage for future crop deficiency
14 within the easement strip shall not be precluded from
15 renegotiation under section 6B.52 on the grounds that
16 it was apparent at the time of settlement unless the
17 settlement expressly releases the pipeline company
18 from claims for damage to the productivity of the
19 soil. The landowner shall notify the company in
20 writing thirty days prior to harvest in each year to
21 assess crop deficiency.
22 Sec. 3. NEW SECTION. 479.48 REVERSION ON NONUSE.
23 1. If a pipeline right-of-way, or any part of a
24 pipeline right-of-way, is wholly abandoned for
25 pipeline purposes by the relocation of the pipeline,
26 is not used or operated for a period of five
27 consecutive years, or if the construction of the
28 pipeline has been commenced and work has ceased and
29 has not in good faith resumed for five years, the
30 right-of-way may revert as provided in this section to
31 the person who, at the time of the abandonment or
32 nonuse, is the owner of the tract from which such
33 right-of-way was taken. For purposes of this section,
34 a pipeline is not considered abandoned or unused if it
35 is transporting product or is being actively
36 maintained with reasonable anticipation of a future

37 use.

38 2. To effect a reversion on nonuse of right-of-
39 way, the owner or holder of purported fee title to
40 such real estate shall serve notice upon the owner of
41 such right-of-way easement and, if filed of record,
42 successors in interest and upon any party in
43 possession of the real estate. The written notice
44 shall accurately describe the real estate and easement
45 in question, set out the facts concerning ownership of
46 the fee, ownership of the right-of-way easement, and
47 the period of abandonment or nonuse, and notify the
48 parties that such reversion shall be complete and
49 final, and that the easement or other right shall be
50 forfeited, unless the parties shall, within one

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1 hundred twenty days after the completed service of
2 notice, file an affidavit with the county recorder of
3 the county in which the real estate is located
4 disputing the facts contained in the notice.

5 3. The notice shall be served in the same manner
6 as an original notice under the Iowa rules of civil
7 procedure, except that when notice is served by
8 publication an affidavit shall not be required before
9 publication. If an affidavit disputing the facts
10 contained in the notice is not filed within one
11 hundred twenty days, the party serving the notice may
12 file for record in the office of the county recorder a
13 copy of the notice with proofs of service attached and
14 endorsed, and when so recorded, the record shall be
15 constructive notice to all persons of the abandonment,
16 reversion, and forfeiture of such right-of-way.

17 4. Upon reversion of the easement, the landowner
18 may require the pipeline company to remove any pipe or
19 pipeline facility remaining on the property.

20 5. If a pipeline right-of-way is abandoned for
21 pipeline use, but the pipe is not removed from the
22 right-of-way, the pipeline company shall remain
23 responsible for the additional costs of subsequent
24 tiling as provided for in section 479.47, shall mark
25 the location of the line in response to a notice of
26 proposed excavation in accordance with chapter 480,
27 and shall remain subject to the damage provisions of
28 this chapter in the event access to or excavation
29 relating to the pipe is required. The landowner shall
30 provide reasonable access to the pipeline in order to
31 carry out the responsibilities of this subsection.

32 Sec. 4. Section 479A.14, Code 1997, is amended to
33 read as follows:

34 479A.14 LAND RESTORATION -- STANDARDS --
35 INSPECTION.

36 1. The board shall adopt rules establishing
37 standards to protect underground improvements during
38 the construction of pipelines, to protect soil
39 conservation and drainage structures from being
40 permanently damaged by pipeline construction, and for
41 the restoration of agricultural lands during and after
42 pipeline construction. To ensure that all interested
43 persons are informed of this rulemaking procedure and
44 are afforded a right to participate, the board shall
45 schedule an opportunity for oral presentations on the
46 proposed rulemaking and, in addition to the
47 requirements of section 17A.4, the board shall
48 distribute copies of the notice of intended action and
49 opportunity for oral presentations to each county
50 board of supervisors. A county board of supervisors

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1 may, under chapter 17A and subsequent to the
2 rulemaking proceedings, petition for additional
3 rulemaking to establish standards to protect soil
4 conservation practices, structures, and drainage
5 structures for land restoration after pipeline
6 construction within that county. Upon the request of
7 the petitioning county, the board shall schedule a
8 hearing to consider the merits of the petition. Rules
9 adopted under this section do not apply within the
10 boundaries of a city, unless the land is used for
11 agricultural purposes. Rules adopted under this
12 section shall not apply to land located within city
13 boundaries, unless the land is used for agricultural
14 purposes. Rules adopted under this section shall
15 address, but are not limited to, all of the following
16 subject matters:
17 a. Topsoil separation and replacement.
18 b. Temporary and permanent repair to drain tile.
19 c. Removal of rocks and debris from the right-of-
20 way.
21 d. Restoration of areas of soil compaction.
22 e. Restoration of terraces, waterways, and other
23 erosion control structures.
24 f. Revegetation of untilled land.
25 g. Future installation of drain tile or soil
26 conservation structures.
27 h. Restoration of land slope and contour.
28 i. Restoration of areas used for field entrances
29 and temporary roads.
30 j. Construction in wet conditions.
31 k. Designation of a pipeline company point of
32 contact for landowner inquiries or claims.
33 2. The county board of supervisors shall cause an
34 on-site inspection for compliance with the standards

35 adopted under this section to be performed at any
36 pipeline construction project in the county. A
37 licensed professional engineer familiar with the
38 standards adopted under this section and registered
39 under chapter 542B shall be placed in charge of the
40 inspection. The reasonable costs of the inspection
41 shall be borne by the pipeline company.
42 3. If the inspector determines that there has been
43 a violation of the standards adopted under this
44 section, of the land restoration plan, or of an
45 independent agreement on land restoration executed in
46 accordance with subsection 10, the inspector shall
47 give oral notice, followed by written notice, to the
48 pipeline company and the contractor operating for the
49 pipeline company, and order corrective action to be
50 taken in compliance with the standards. The costs of

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1 the corrective action shall be borne by the contractor
2 operating for the pipeline company.
3 ~~4. As a part of the inspection process, the~~
4 ~~inspector shall ascertain that the trench excavation~~
5 ~~has been filled in a manner to provide that the~~
6 ~~topsoil has been replaced on top and rocks and debris~~
7 ~~have been removed from the topsoil of the easement~~
8 ~~area. An existing topsoil layer extending at least~~
9 ~~one foot in width on either side of the pipeline~~
10 ~~excavation at a maximum depth of one foot shall be~~
11 ~~removed separately and shall be stockpiled and~~
12 ~~preserved separately during subsequent construction~~
13 ~~operations, unless other means for separating the~~
14 ~~topsoil are provided in the easement. The topsoil~~
15 ~~shall be replaced so the upper portion of the pipeline~~
16 ~~excavation and the crowned surface contain only the~~
17 ~~topsoil originally removed.~~
18 5. 4. Adequate inspection of The inspector shall
19 adequately inspect underground improvements altered
20 during construction of a pipeline. The inspection
21 shall be conducted at the time of the replacement or
22 repair of the underground improvements. An The
23 inspector shall be present on the site at all times at
24 each phase and separate activity of the opening of the
25 trench, the restoration of underground improvements,
26 and backfilling. The pipeline company and its
27 contractor shall keep all county inspectors
28 continually informed of the work schedule and any
29 schedule changes. If proper notice is given,
30 construction shall not be delayed due to the
31 inspector's failure to be present on the site.
32 6. 5. If the pipeline company or its contractor
33 does not comply with the orders of the inspector for

34 compliance with the standards, with the land
35 restoration plan, or with an independent agreement on
36 land restoration executed in accordance with
37 subsection 10, the county board of supervisors may
38 direct the county attorney to petition the district
39 court petition the board for an order requiring
40 corrective action to be taken in compliance with the
41 standards adopted under this section. In addition,
42 the county board of supervisors may file a complaint
43 with the board seeking imposition of civil penalties
44 pursuant to section 479A.16.
45 ~~7. 6.~~ The pipeline company shall allow landowners
46 and inspectors to view the proposed center line of the
47 pipeline before commencing trenching operations to
48 ensure that construction takes place in the proper
49 location.
50 ~~8. 7.~~ An inspector may temporarily halt the

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1 construction if the construction is not in compliance
2 with this chapter and the standards adopted under it
3 this chapter, the land restoration plan approved by
4 the board, or the terms of the an independent
5 agreement with the pipeline company regarding topsoil
6 removal and replacement, drainage structures, soil
7 moisture conditions, or the location of construction,
8 line location or land restoration executed in
9 accordance with subsection 10, until the inspector
10 consults with the supervisory personnel of the
11 pipeline company. If the construction is continued
12 over the inspector's objection and is found not to be
13 in compliance with this chapter, the standards, or the
14 agreement, and is found to cause damage, a civil
15 penalty recovered under section 479A.16 as a result of
16 that violation shall be paid to the landowner.
17 ~~9. 8.~~ The board shall instruct inspectors
18 appointed by the county board of supervisors regarding
19 the content of this chapter and the standards and the
20 inspectors' responsibility to require construction
21 conforming with them.
22 ~~10. 9.~~ An underground drain tile damaged, cut, or
23 removed shall be temporarily repaired and maintained
24 as necessary to allow for its proper function during
25 construction of the pipeline. If temporary repair is
26 determined not to be necessary, the exposed line shall
27 be screened or otherwise protected to prevent the
28 entry of foreign material or small animals into the
29 tile line system. Prior to the initiation of
30 construction, the pipeline company shall file a
31 written land restoration plan with the board
32 describing the methods and procedures by which

33 compliance with this section and the standards adopted
34 under this section will be achieved. The board shall
35 review this plan to insure that the requirements of
36 this section and rules adopted pursuant to this
37 section are met. After board review, the pipeline
38 company shall provide copies of the plan to all
39 landowners of property that will be disturbed by the
40 construction.
41 ~~44- 10.~~ This section does not preclude the
42 application of provisions for protecting or restoring
43 property that are different than those prescribed in
44 this section, in rules adopted pursuant to this
45 section, or in the land restoration plan if the
46 alternative provisions are contained in agreements
47 independently executed by the pipeline company and the
48 landowner, and if the alternative provisions are not
49 inconsistent with state law or with rules adopted by
50 the board. Independent agreements on land restoration

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1 or line location between the landowner and pipeline
2 company shall be in writing and a copy provided to the
3 county inspector.
4 11. For the purposes of this section,
5 "construction" includes the removal of a previously
6 constructed pipeline.
7 12. The requirements of this section shall not
8 apply to pipeline projects that have received a
9 certificate from the federal energy regulatory
10 commission prior to the effective date of this Act.
11 Sec. 5. Section 479A.24, subsections 1 and 2, Code
12 1997, are amended to read as follows:
13 1. Compensable losses shall include, but are not
14 limited to, all of the following:
15 a. Loss or reduced yield of crops or forage on the
16 pipeline right-of-way, whether caused directly by
17 construction or from disturbance of usual farm
18 operations.
19 b. Loss or reduced yield of crops or yield from
20 land near the pipeline right-of-way resulting from
21 lack of timely access to the land or other disturbance
22 of usual farm operations, including interference with
23 irrigation.
24 c. Fertilizer, lime, or organic material applied
25 by the landowner to restore land disturbed by
26 construction to full productivity.
27 d. Loss of or damage to trees of commercial or
28 other value that occurs at the time of construction or
29 at the time of any subsequent work by the pipeline
30 outside of the area cleared during construction.
31 ~~4- e.~~ The cost of moving or relocating livestock,

32 ~~and the loss of gain by, or the death or injury of~~
33 ~~livestock caused by the interruption or relocation of~~
34 ~~normal feeding of the livestock due to the~~
35 ~~construction or repair of a pipeline is a compensable~~
36 ~~loss and shall be so recognized by a pipeline company.~~
37 f. Erosion on lands caused by construction.
38 g. Damage to farm equipment caused by striking a
39 pipeline while engaged in normal farming operations as
40 defined in section 480.1.
41 2. A claim for damage for future crop deficiency
42 within the easement strip shall not be precluded from
43 renegotiation under section 6B.52 on the grounds that
44 it was apparent at the time of settlement unless the
45 settlement expressly releases the pipeline company
46 from claims for damage to the productivity of the
47 soil. The landowner shall notify the company in
48 writing thirty days prior to harvest in each year to
49 assess crop deficiency.
50 Sec. 6. NEW SECTION. 479A.27 REVERSION ON

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1 NONUSE.
2 1. If a pipeline right-of-way, or any part of a
3 pipeline right-of-way, is wholly abandoned for
4 pipeline purposes by the relocation of the pipeline,
5 is not used or operated for a period of five
6 consecutive years, or if the construction of the
7 pipeline has been commenced and work has ceased and
8 has not in good faith resumed for five years, the
9 right-of-way may revert as provided in this section to
10 the person who, at the time of the abandonment or
11 nonuse, is the owner of the tract from which such
12 right-of-way was taken. Abandonment of pipeline
13 facilities requires approval from the federal energy
14 regulatory commission prior to this provision taking
15 effect.
16 2. To effect a reversion on nonuse of right-of-
17 way, the owner or holder of purported fee title to
18 such real estate shall serve notice upon the owner of
19 such right-of-way easement and, if filed of record,
20 successors in interest and upon any party in
21 possession of the real estate. The written notice
22 shall accurately describe the real estate and easement
23 in question, set out the facts concerning ownership of
24 the fee, ownership of the right-of-way easement, and
25 the period of abandonment or nonuse, and notify the
26 parties that such reversion shall be complete and
27 final, and that the easement or other right shall be
28 forfeited, unless the parties shall, within one
29 hundred twenty days after the completed service of
30 notice, file an affidavit with the county recorder of

31 the county in which the real estate is located
32 disputing the facts contained in the notice.
33 3. The notice shall be served in the same manner
34 as an original notice under the Iowa rules of civil
35 procedure, except that when notice is served by
36 publication an affidavit shall not be required before
37 publication. If an affidavit disputing the facts
38 contained in the notice is not filed within one
39 hundred twenty days, the party serving the notice may
40 file for record in the office of the county recorder a
41 copy of the notice with proofs of service attached and
42 endorsed, and when so recorded, the record shall be
43 constructive notice to all persons of the abandonment,
44 reversion, and forfeiture of such right-of-way.
45 4. Upon reversion of the easement, the landowner
46 may require the pipeline company to remove any pipe or
47 pipeline facility remaining on the property to the
48 extent such removal is in accordance with the terms of
49 the abandonment authority from the federal energy
50 regulatory commission.

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1 5. If a pipeline right-of-way is abandoned for
2 pipeline use, but the pipe is not removed from the
3 right-of-way, the pipeline company shall remain
4 responsible for the additional costs of subsequent
5 tiling as provided for in section 479A.26, shall mark
6 the location of the line in response to a notice of
7 proposed excavation in accordance with chapter 480,
8 and shall remain subject to the damage provisions of
9 this chapter in the event access to or excavation
10 relating to the pipe is required. The landowner shall
11 provide reasonable access to the pipeline in order to
12 carry out the responsibilities of this subsection.
13 Sec. 7. Section 479B.20, Code 1997, is amended to
14 read as follows:
15 479B.20 LAND RESTORATION STANDARDS.
16 1. The board, pursuant to chapter 17A, shall adopt
17 rules establishing standards for the protection of
18 underground improvements during the construction of
19 pipelines or underground storage facilities, to
20 protect soil conservation and drainage structures from
21 being permanently damaged by construction of the
22 pipeline or underground storage facility, and for the
23 restoration of agricultural lands during and after
24 pipeline or underground storage facility construction.
25 To ensure that all interested persons are informed of
26 this rulemaking procedure and are afforded a right to
27 participate, the board shall schedule an opportunity
28 for oral presentations on the proposed rulemaking,
29 and, in addition to the requirements of section

30 17A.4, the board shall distribute copies of the notice
31 of intended action and opportunity for oral
32 presentations to each county board of supervisors.
33 Any county board of supervisors may, under the
34 provisions of chapter 17A, and subsequent to the
35 rulemaking proceedings, petition under those
36 provisions for additional rulemaking to establish
37 standards to protect soil conservation practices;
38 ~~structures, and drainage structures for land~~
39 ~~restoration after pipeline construction~~ within that
40 county. Upon the request of the petitioning county,
41 the board shall schedule a hearing to consider the
42 merits of the petition. ~~Rules adopted under this~~
43 ~~section shall not apply within the boundaries of a~~
44 ~~city unless the land is used for agricultural~~
45 ~~purposes. Rules adopted under this section shall not~~
46 ~~apply to land located within city boundaries, unless~~
47 ~~the land is used for agricultural purposes. Rules~~
48 ~~adopted under this section shall address, but are not~~
49 ~~limited to, all of the following subject matters:~~
50 a. Topsoil separation and replacement.

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1 b. Temporary and permanent repair to drain tile.
2 c. Removal of rocks and debris from the right-of-
3 way.
4 d. Restoration of areas of soil compaction.
5 e. Restoration of terraces, waterways, and other
6 erosion control structures.
7 f. Revegetation of untilled land.
8 g. Future installation of drain tile or soil
9 conservation structures.
10 h. Restoration of land slope and contour.
11 i. Restoration of areas used for field entrances
12 and temporary roads.
13 j. Construction in wet conditions.
14 k. Designation of a pipeline company point of
15 contact for landowner inquiries or claims.
16 2. The county board of supervisors shall cause an
17 on-site inspection for compliance with the standards
18 adopted under this section to be performed at any
19 pipeline construction project in the county. A
20 licensed professional engineer familiar with the
21 standards adopted under this section and registered
22 under chapter 542B shall be responsible for the
23 inspection. A county board of supervisors may
24 contract for the services of a licensed professional
25 engineer for the purposes of the inspection. The
26 reasonable costs of the inspection shall be paid by
27 the pipeline company.
28 3. If the inspector determines that there has been

29 a violation of the standards adopted under this
30 section, ~~of the land restoration plan, or of an~~
31 independent agreement on land restoration executed in
32 accordance with subsection 10, the inspector shall
33 give oral notice, followed by written notice, to the
34 pipeline company and the contractor operating for the
35 pipeline company and order corrective action to be
36 taken in compliance with the standards. The costs of
37 the corrective action shall be borne by the contractor
38 operating for the pipeline company.

39 ~~4. As a part of the inspection process, the~~
40 ~~inspector shall ascertain that the trench excavation~~
41 ~~has been filled in a manner to provide that the~~
42 ~~topsoil has been replaced on top and rocks and debris~~
43 ~~have been removed from the topsoil of the easement~~
44 ~~area. An existing topsoil layer extending at least~~
45 ~~one foot in width on either side of the pipeline~~
46 ~~excavation at a maximum depth of twelve inches shall~~
47 ~~be removed separately and shall be stockpiled and~~
48 ~~preserved separately during subsequent construction~~
49 ~~operations, unless other means for separating the~~
50 ~~topsoil are provided in the easement. The topsoil~~

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1 shall be replaced so the upper portion of the pipeline
2 excavation and the crowned surface shall contain only
3 the topsoil originally removed.

4 ~~5. 4. Adequate inspection of~~ The inspector shall
5 adequately inspect underground improvements altered
6 during construction of the pipeline. The inspection
7 shall be conducted at the time of the replacement or
8 repair of the underground improvements. ~~An~~ The
9 inspector shall be present on the site at all times at
10 each phase and separate activity of the opening of the
11 trench, the restoration of underground improvements,
12 and backfilling. The pipeline company and its
13 contractor shall keep all county inspectors
14 continually informed of the work schedule and any
15 schedule changes. If proper notice is given,
16 construction shall not be delayed due to the
17 inspector's failure to be present on the site.

18 ~~6. 5. If the pipeline company or its contractor~~
19 ~~does not comply with the orders of the inspector for~~
20 ~~compliance with the standards, with the land~~
21 ~~restoration plan, or with an independent agreement on~~
22 ~~land restoration executed in accordance with~~
23 ~~subsection 10~~, the county board of supervisors may
24 ~~direct the county attorney to petition the district~~
25 ~~court~~ petition the board for an order requiring
26 corrective action to be taken in compliance with the
27 standards adopted under this section. In addition,

28 the county board of supervisors may file a complaint
29 with the board seeking imposition of civil penalties
30 under section 479B.21.

31 ~~7. 6.~~ The pipeline company shall allow landowners
32 and inspectors to view the proposed center line of the
33 pipeline prior to commencing trenching operations to
34 ensure that construction takes place in its proper
35 location.

36 ~~8. 7.~~ An inspector may temporarily halt the
37 construction if the construction is not in compliance
38 with the law and the standards adopted pursuant to
39 law, the land restoration plan, or the terms of the an
40 independent agreement with the pipeline company
41 regarding ~~topsoil removal and replacement, drainage~~
42 ~~structures, soil moisture conditions, or the location~~
43 ~~of construction line location or land restoration~~
44 ~~executed in accordance with subsection 10,~~ until the
45 inspector consults with the supervisory personnel of
46 the pipeline company. ~~If the construction is then~~
47 ~~continued over the inspector's objection and is found~~
48 ~~not to be in compliance with the law or agreement and~~
49 ~~is found to cause damage, any civil penalty recovered~~
50 ~~under section 479B.21 as a result of that violation~~

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1 ~~shall be paid to the landowner.~~

2 ~~9. 8.~~ The board shall instruct inspectors
3 appointed by the board of supervisors regarding the
4 content of the statutes and rules and the inspector's
5 responsibility to require construction conforming with
6 the standards provided by this chapter.

7 ~~10. 9.~~ Any underground drain tile damaged t, or ~
8 removed shall be temporarily repaired and maintained
9 as necessary to allow for its proper function during
10 construction of the pipeline or underground storage
11 facility. ~~If temporary repair is not determined to be~~
12 ~~necessary, the exposed tile shall nonetheless be~~
13 ~~screened or otherwise protected to prevent the entry~~
14 ~~of any foreign material or small animals into the tile~~
15 ~~line system. Petitioners for a permit for pipeline~~
16 ~~construction shall file with the petition a written~~
17 ~~land restoration plan showing how the requirements of~~
18 ~~this section, and of rules adopted pursuant to this~~
19 ~~section, will be met. The company shall provide~~
20 ~~copies of the plan to all landowners of property that~~
21 ~~will be disturbed by the construction.~~

22 ~~11. 10.~~ This section does not preclude the
23 application of provisions for protecting or restoring
24 property that are different than those prescribed in
25 this section, in rules adopted under this section, or
26 in the land restoration plan, if the alternative

27 provisions are contained in agreements independently
28 executed by the pipeline company and the landowner,
29 and if the alternative provisions are not inconsistent
30 with state law or with rules adopted by the board.
31 Independent agreements on land restoration or line
32 location between the landowner and pipeline company
33 shall be in writing and a copy provided to the county
34 inspector.

35 11. For the purposes of this section,
36 "construction" includes the removal of a previously
37 constructed pipeline.

38 12. The requirements of this section shall apply
39 only to pipeline construction projects commenced on or
40 after June 1, 1998.

41 Sec. 8. Section 479B.29, subsection 1, Code 1997,
42 is amended to read as follows:

43 1. Compensable losses shall include, but are not
44 limited to, all of the following:

45 a. Loss or reduced yield of crops or forage on the
46 pipeline right-of-way, whether caused directly by
47 construction or from disturbance of usual farm
48 operations.

49 b. Loss or reduced yield of crops or yield from
50 land near the pipeline right-of-way resulting from

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1 lack of timely access to the land or other disturbance
2 of usual farm operations, including interference with
3 irrigation.

4 c. Fertilizer, lime, or organic material applied
5 by the landowner to restore land disturbed by
6 construction to full productivity.

7 d. Loss of or damage to trees of commercial or
8 other value that occurs at the time of construction or
9 at the time of any subsequent work by the pipeline
10 outside of the area cleared during construction.

11 ~~4. e. The cost of moving or relocating livestock,~~
12 ~~and the loss of gain by or the death or injury of~~
13 ~~livestock caused by the interruption or relocation of~~
14 ~~normal feeding of the livestock caused by the~~
15 ~~construction or repair of a pipeline or underground~~
16 ~~storage facility is a compensable loss and shall be~~
17 ~~recognized by a pipeline company.~~

18 f. Erosion on lands caused by construction.

19 g. Damage to farm equipment caused by striking a
20 pipeline while engaged in normal farming operations as
21 defined in section 480.1.

22 Sec. 9. NEW SECTION. 479B.32 REVERSION ON
23 NONUSE.

24 1. If a pipeline right-of-way, or any part of the
25 pipeline right-of-way, is wholly abandoned for

26 pipeline purposes by the relocation of the line, is
27 not used or operated for a period of five consecutive
28 years, or if the construction of the pipeline has been
29 commenced and work has ceased and has not in good
30 faith resumed for five years, the right-of-way may
31 revert as provided in this section to the person who,
32 at the time of the abandonment or nonuse, is the owner
33 of the tract from which such right-of-way was taken.
34 For purposes of this section, a pipeline is not
35 considered abandoned or unused if it is transporting
36 product or is being actively maintained with
37 reasonable anticipation of a future use.

38 2. To effect a reversion on nonuse of right-of-
39 way, the owner or holder of purported fee title to
40 such real estate shall serve notice upon the owner of
41 such right-of-way easement and, if filed of record,
42 successors in interest and upon any party in
43 possession of the real estate. The written notice
44 shall accurately describe the real estate and easement
45 in question, set out the facts concerning ownership of
46 the fee, ownership of the right-of-way easement, and
47 the period of abandonment or nonuse, and notify the
48 parties that such reversion shall be complete and
49 final, and that the easement or other right shall be
50 forfeited, unless the parties shall, within one

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1 hundred twenty days after the completed service of
2 notice, file an affidavit with the county recorder of
3 the county in which the real estate is located
4 disputing the facts contained in the notice.

5 3. The notice shall be served in the same manner
6 as an original notice under the Iowa rules of civil
7 procedure, except that when notice is served by
8 publication an affidavit shall not be required before
9 publication. If an affidavit disputing the facts
10 contained in the notice is not filed within one
11 hundred twenty days, the party serving the notice may
12 file for record in the office of the county recorder a
13 copy of the notice with proofs of service attached and
14 endorsed, and when so recorded, the record shall be
15 constructive notice to all persons of the abandonment,
16 reversion, and forfeiture of such right-of-way.

17 4. Upon reversion of the easement, the landowner
18 may require the pipeline company to remove any pipe or
19 pipeline facility remaining on the property.

20 5. If a pipeline right-of-way is abandoned for
21 pipeline use, but the pipe is not removed from the
22 right-of-way, the pipeline company shall remain
23 responsible for the additional costs of subsequent
24 tiling as provided for in section 479B.31, shall mark

25 the location of the line in response to a notice of
26 proposed excavation in accordance with chapter 480,
27 and shall remain subject to the damage provisions of
28 this chapter in the event access to or excavation
29 relating to the pipe is required. The landowner shall
30 provide reasonable access to the pipeline in order to
31 carry out the responsibilities of this subsection.
32 Sec. 10. EFFECTIVE DATE. This Act takes effect on
33 June 1, 1998."
34 2. Title page, lines 1 and 2, by striking the
35 words "security for damages arising from the
36 abandonment of natural gas".
37 3. Title page, line 2, by inserting after the
38 word "pipelines" the following: ", the restoration of
39 agricultural lands, making penalties applicable, and
40 providing an effective date".

KITTY REHBERG

S-5156

1 Amend Senate File 2329 as follows:
2 1. Page 2, by inserting after line 24 the
3 following:
4 "11. Reasonable expenses incurred for
5 participation in a victim-offender reconciliation,
6 mediation, or other restorative justice technique or
7 method, not to exceed two hundred dollars."

JOHNIE HAMMOND

S-5157

1 Amend Senate File 2312 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "time." the following: "Inclusion of additional
4 children pursuant to this paragraph shall be limited
5 to the extent necessary for compliance with the
6 requirements for the amount of space available in the
7 child care home for the number of children present."
8 2. Page 1, by inserting after line 8 the
9 following:
10 "Sec. ____ Section 237A.3A, subsection 10, Code
11 Supplement 1997, is amended by adding the following
12 new paragraph:
13 NEW PARAGRAPH. e. If more than eight children are
14 present at any one time, the provider shall be
15 assisted by a responsible person who is at least
16 fourteen years of age."
17 3. Page 1, lines 11 and 12, by striking the words
18 "A person who serves as an unpaid volunteer in a child
19 day care facility" and inserting the following:

- 20 "Unless a person serving as an unpaid volunteer in a
21 child day care facility is included in the facility's
22 staffing ratio, the person".
23 4. By renumbering as necessary.

TOM FLYNN
KITTY REHBERG

S-5158

- 1 Amend Senate File 2192 as follows:
2 1. Page 1, line 33, by inserting after the word
3 "sale." the following: "However, if the transferor
4 has a salvage certificate of title for the vehicle,
5 the transferor is not required to disclose under this
6 section the total retail cost of repairs to the
7 vehicle during the period of the transferor's
8 ownership of the vehicle."

EUGENE S. FRAISE

S-5159

- 1 Amend Senate File 2282 as follows:
2 1. Page 1, by striking lines 11 through 13.
3 2. Page 1, by striking lines 21 through 25 and
4 inserting the following: "the retailer's equipment
5 shall be paid a fee of fifteen cents by the department
6 for each cash disbursement transaction by the
7 retailer."
8 3. By renumbering as necessary.

NEAL SCHUERER

S-5160

- 1 Amend Senate File 2381 as follows:
2 1. Page 2, by inserting after line 24 the
3 following:
4 " ____ Of the amount appropriated in this section,
5 not more than \$500,000 may be used to fund a state
6 contribution toward the construction and renovation of
7 the national Czech and Slovak museum and library and
8 the Linn county historical museum in Cedar Rapids."
9 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5161

1 Amend Senate File 2381 as follows:

2 1. Page 4, by inserting after line 34 the
3 following:

4 "Of the amount appropriated in this subsection, up
5 to \$190,000 may be used by the department for
6 installation of a fire detection alarm system and for
7 repairs to the entrance at the state historical
8 society's centennial building historical research
9 library in Iowa City."

ROBERT E. DVORSKY

S-5162

1 Amend Senate File 2400 as follows:

2 1. Page 6, by striking lines 3 through 17.
3 2. Page 8, by striking lines 20 through 30.
4 3. By renumbering as necessary.

EUGENE S. FRAISE

S-5163

1 Amend Senate File 2283 as follows:

2 1. By striking page 1, line 33, through page 2,
3 line 7, and inserting the following:
4 "(8) Diabetes outpatient self-management training
5 and education provided by a health professional
6 certified by the national certification board for
7 diabetes educators or a licensed dietitian, nurse,
8 pharmacist, or other licensed health professional who
9 may provide training and education under a program
10 which meets the standards of diabetes self-management
11 education as established by the American diabetes
12 association or the Iowa department of public health."

O. GENE MADDOX

S-5164

1 Amend Senate File 2313 as follows:

2 1. Page 17, by inserting after line 5 the
3 following:
4 "(6) The unit receives notification that an
5 individual has an exemption from cooperation with
6 child support enforcement under a family investment
7 program safety plan which addresses family or domestic
8 violence."
9 2. Page 17, line 6, by striking the figure "6"
10 and inserting the following: "7".

- 11 3. Page 17, line 8, by inserting after the word
12 "order," the following: "safety plan,".
13 4. Page 17, line 9, by striking the figure "5"
14 and inserting the following: "6".

NANCY BOETTGER

S-5165

- 1 Amend Senate File 2381 as follows:
2 1. Page 4, line 14, by inserting after the word
3 "to" the following: "and energy efficiency
4 renovations at".
5 2. Page 4, line 20, by striking the figure
6 "2,000,000" and inserting the following: "3,000,000".
7 3. Page 5, line 11, by striking the figure
8 "4,500,000" and inserting the following: "3,500,000".
9 4. By renumbering as necessary.

JOHN P. KIBBIE

S-5166

- 1 Amend Senate File 2381 as follows:
2 1. Page 1, line 8, by striking the word "amount"
3 and inserting the following: "amounts".
4 2. Page 1, line 9, by striking the word "purpose"
5 and inserting the following: "purposes".
6 3. Page 1, by inserting after line 13 the
7 following:
8 "For the bluffslands protection revolving fund
9 created in section 161A.80, as enacted by this Act,
10 notwithstanding section 8.57, subsection 5, paragraph
11 "c":
12 \$ 500,000"
13 4. Page 8, by striking lines 2 through 5.
14 5. Page 11, by inserting before line 1 the
15 following:
16 "___ The goal of the bluffslands protection
17 program is to purchase development rights to allow
18 landowners to keep farmland in agricultural uses and
19 to protect important agricultural, natural, scenic,
20 and cultural resource sites."
21 6. Page 11, by striking line 9 and inserting the
22 following: "properties or conservation easements or
23 to purchase bluffslands for resale with conservation
24 easements attached to the property. The
25 administrative".
26 7. Page 11, line 22, by inserting after the
27 figure "3." the following: "The administrative
28 director of the division shall establish a bluffslands
29 protection program to demonstrate creative land

30 protection techniques and encourage private landowners
31 to protect the agricultural, natural, scenic, and
32 cultural resources of the blufflands along the
33 Mississippi and Missouri rivers."

34 8. Page 11, line 32, by inserting after the word
35 "expended" the following: "including, but not limited
36 to, the purchase of blufflands, the acquisition of
37 conservation easements on blufflands, payment for loss
38 of land value due to restrictive covenants and legal
39 costs".

40 9. Page 12, line 8, by inserting after the word
41 "development." the following: "If a loan is used to
42 purchase a conservation easement on the blufflands and
43 if there is a loss of value of the blufflands because
44 of the restrictive provision of the conservation
45 easement, the conservation organization shall be
46 forgiven seventy-five percent of the amount of the
47 loss, not exceeding the amount of the loan."

48 10. Page 13, by striking lines 6 through 13.

49 11. Title page 1, line 4, by inserting after the
50 word "the" the following: "blufflands protection

Page 2

1 revolving fund and for the".

2 12. Title page 2, line 15, by striking the words

3 "for the blufflands protection revolving fund,".

4 13. By renumbering as necessary.

TOM FLYNN
MIKE CONNOLLY

S-5167

1 Amend the amendment, S-5069, to Senate File 2256 as
2 follows:

3 1. Page 1, line 13, by striking the word "five"

4 and inserting the following: "ten".

DENNIS H. BLACK

S-5168

1 Amend Senate File 2365 as follows:

2 1. Page 1, by striking lines 3 through 7 and

3 inserting the following:

4 "NEW UNNUMBERED PARAGRAPH. A rural water district
5 organized under chapter 504A shall receive a refund of
6 sales or use taxes upon submitting an application to
7 the department of revenue and finance for such refund
8 of taxes imposed upon the gross receipts of all sales
9 of building materials, supplies, or equipment sold to

10 a contractor or used in the fulfillment of a written
11 contract for the construction of facilities for such
12 rural water district to the same extent as a rural
13 water district organized under this chapter may obtain
14 a refund under section 422.45, subsection 7."
15 2. Title page, by striking lines 1 and 2 and
16 inserting the following: "An Act relating to the
17 imposition of the sales and use tax on building
18 materials, supplies, and equipment sold and used in
19 the construction of facilities of rural water
20 districts."

LARRY McKIBBEN

S-5169

1 Amend Senate File 2371 as follows:
2 1. Page 1, by striking lines 5 through 13.
3 2. Page 1, by striking lines 23 and 24 and
4 inserting the following: "collected from animals at a
5 slaughtering establishment in order to determine if
6 the animals are infected".
7 3. Page 1, line 29, by striking the words
8 "collection point or".
9 4. Page 1, lines 30 and 31, by striking the words
10 "collection point or the".
11 5. Page 1, line 35, by striking the word
12 "concentration".
13 6. Page 2, line 1, by striking the words "point
14 or".
15 7. Page 3, line 10, by striking the words "for
16 the" and inserting the following: "for".
17 8. Page 3, by striking lines 11 through 13 and
18 inserting the following: "making certain that the
19 agreement is executed and for providing a copy of the
20 agreement to the person taking possession."
21 9. Page 4, line 23, by striking the words
22 "pseudorabies eradication" and inserting the
23 following: "pseudorabies eradication feeder pig
24 cooperator herd".
25 10. Page 4, line 26, by striking the words "herd
26 cleanup" and inserting the following: "feeder pig
27 cooperator herd".
28 11. Page 5, by striking lines 24 through 27 and
29 inserting the following: "possession shall provide be
30 responsible for making certain that the agreement is
31 executed and for providing a copy of the agreement to
32 the person taking possession of the feeder pigs."

WILMER RENSINK

S-5170

1 Amend Senate File 2309 as follows:

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

4 "Section 1. Section 39.3, Code 1997, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 10A. "Referendum" means an
7 election called pursuant to section 39.26, by
8 resolution of the governing body of a city or county
9 to approve or disapprove the adoption, repeal, or
10 amendment of an ordinance.

11 Sec. 2. NEW SECTION. 39.26 LOCAL ELECTIONS,
12 REFERENDA, AND INITIATIVES PROHIBITED.

13 1. Local elections, referenda, and initiatives are
14 prohibited except for the following:

15 a. Those offices which are specifically authorized
16 or required by state law to be filled by the voters at
17 an election.

18 b. Those public measures which are specifically
19 authorized or required by state law to be put before
20 the voters as a public measure.

21 c. Referenda which may be called by resolution of
22 the board of supervisors or city council for approval
23 or disapproval of the adoption of a proposed
24 ordinance, or the repeal or amendment of an existing
25 ordinance by the board of supervisors or city council.
26 The resolution must be adopted at the meeting in
27 which the ordinance is finally passed. The resolution
28 shall indicate whether the results of the referendum
29 are to be binding or nonbinding on the governing body
30 submitting the ordinance or amendment to referendum.

31 Notice of the adoption of the resolution shall be
32 published with the summary of the ordinance or
33 amendment as provided in section 331.302, subsection
34 8, or section 380.7, whichever is applicable.

35 2. The provisions of chapters 39 through 53 shall
36 apply to the conduct of elections held pursuant to
37 this section.

38 Sec. 2. Section 331.238, Code 1997, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 4. An alternative form of county
41 government shall not provide for the power of
42 initiative and referendum to be extended to its
43 citizens, except as provided in section 39.26.

44 Sec. 3. Section 372.10, Code 1997, is amended by
45 adding the following new unnumbered paragraph:
46 NEW UNNUMBERED PARAGRAPH. A home rule charter
47 shall not provide for the power of initiative and
48 referendum to be extended to its citizens except as

- 49 provided in section 39.26."
50 2. By renumbering as necessary.

ROD HALVORSON

S-5171

- 1 Amend Senate File 2381 as follows:
2 1. Page 2, line 20, by inserting after the word
3 "pride" the following: "to be located at the old
4 historical building in the city of Des Moines".

PATTY JUDGE

S-5172

- 1 Amend Senate File 2360 as follows:
2 1. By striking page 1, line 22, through page 2,
3 line 15.
4 2. By striking page 10, line 35, through page 11,
5 line 5.
6 3. Page 18, by striking lines 24 through 31.
7 4. By striking page 18, line 32, through page 19,
8 line 3.
9 5. By numbering, renumbering and correcting
10 internal references as necessary.

O. GENE MADDOX

S-5173

- 1 Amend Senate File 2256 as follows:
2 1. Page 1, by striking lines 10 and 11 and
3 inserting the following: "department shall issue
4 depredation permits as necessary to reduce to any
5 landowner who incurs crop and nursery damage of five
6 hundred dollars or more due to wild animals. The".
7 2. Page 1, line 17, by striking the words "one
8 thousand".

ALLEN BORLAUG

S-5174

- 1 Amend Senate File 2358 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. ____ Section 15E.192, subsection 2, Code
5 Supplement 1997, is amended to read as follows:
6 2. A city with a population of twenty-four
7 thousand or more, as shown by the 1990 certified
8 federal census, may create an economic development

9 enterprise zone as authorized in this division,
10 subject to certification by the department of economic
11 development, by designating one or more contiguous
12 census tracts, as determined in the most recent
13 federal census, or designating other geographic units
14 approved by the department of economic development for
15 that purpose. If there is an area in the city which
16 meets the requirements for eligibility for an urban or
17 rural enterprise community under Title XIII of the
18 federal Omnibus Budget Reconciliation Act of 1993,
19 such area shall be designated by the state an economic
20 development enterprise zone. The area meeting the
21 requirements for eligibility for an urban or rural
22 enterprise community shall not be included for the
23 purpose of determining the area limitation pursuant to
24 subsection 3. In creating an enterprise zone, a city
25 ~~with a population of twenty-four thousand or more, as~~
26 ~~shown by the 1990 certified federal census,~~ may
27 designate as part of the area tracts or approved
28 geographic units located in a contiguous city if such
29 tracts or approved geographic units meet the criteria
30 and the city agrees to being included. The city may
31 establish more than one enterprise zone. ~~Reference in~~
32 ~~this division to "city" means a city with a population~~
33 ~~of twenty-four thousand or more, as shown by the 1990~~
34 ~~certified federal census."~~
35 2. By renumbering as necessary.

EUGENE S. FRAISE
TOM FLYNN
DON GETTINGS

S-5175

1 Amend Senate File 2333 as follows:
2 1. Page 1, by inserting after line 15 the
3 following:
4 "1. "Age correction decibel level" means the
5 decibel level determined for an employee based on
6 standards adopted by the industrial commissioner which
7 shall be consistent with tables adopted by the United
8 States occupational safety and health administration
9 that establish, for purposes of measuring hearing
10 loss, age correction values in decibels for persons."
11 2. Page 1, line 24, by striking the words "an
12 average hearing level of twenty-five decibels" and
13 inserting the following: "the age correction decibel
14 level for an employee".
15 3. Page 1, line 25, by striking the words "five
16 hundred,".
17 4. Page 1, line 26, by striking the words "and
18 three" and inserting the following: "three".

- 19 5. Page 1, line 26, by inserting after the word
20 "thousand" the following: ", four thousand, and six
21 thousand".
- 22 6. Page 2, line 29, by striking the words "four
23 frequencies, five hundred," and inserting the
24 following: "five frequencies,".
- 25 7. Page 2, line 30, by striking the words "and
26 three" and inserting the following: "three".
- 27 8. Page 2, line 30, by inserting after the words
28 "three thousand" the following: ", four thousand, and
29 six thousand".
- 30 9. Page 2, line 31, by striking the word "four"
31 and inserting the following: "five".
- 32 10. Page 2, lines 33 and 34, by striking the
33 words "twenty-five decibels or less" and inserting the
34 following: "equal to or less than the age correction
35 decibel level for the employee".
- 36 11. Page 3, line 1, by striking the words
37 "twenty-five decibels" and inserting the following:
38 "the age correction decibel level for the employee"..
- 39 12. Page 3, by striking lines 32 and 33 and
40 inserting the following: "nonemployment sources of
41 loss."
- 42 13. Page 4, line 6, by striking the words
43 "twenty-five decibels ANSI or ISO" and inserting the
44 following: "~~twenty-five decibels ANSI or ISO~~ the age
45 correction decibel level for the employee".
- 46 14. Page 4, line 7, by striking the words "five
47 hundred," and inserting the following: "~~five~~
48 hundred".
- 49 15. Page 4, line 7, by striking the words "and
50 three" and inserting the following: "~~and~~ three".

Page 2

- 1 16. Page 4, line 7, by inserting after the words
2 "three thousand" the following: "four thousand, and
3 six thousand".
- 4 17. Page 4, line 14, by striking the word "four"
5 and inserting the following: "~~four~~ five".
- 6 18. By renumbering and correcting internal
7 references as necessary.

TOM FLYNN
MIKE CONNOLLY
DICK L. DEARDEN
ROBERT E. DVORSKY
PATRICIA HARPER
JOHNIE HAMMOND

S-5176

- 1 Amend Senate File 2369 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "practitioner" the following: "and the labeling
- 4 directions of the pharmacy".
- 5 2. Page 1, line 32, by inserting after the word
- 6 "as" the following: "that person and place of
- 7 business are".
- 8 3. By striking page 2, line 26, through page 3,
- 9 line 12.
- 10 4. Page 4, by striking lines 15 through 18, and
- 11 inserting the following: "urine or blood requested
- 12 under this subsection".
- 13 5. Page 5, line 6, by striking the words
- 14 "according to the following" and inserting the
- 15 following: "as follows".
- 16 6. Page 5, by striking lines 18 through 24, and
- 17 inserting the following: "combination of alcohol and
- 18 another drug, a urine sample shall be collected in
- 19 lieu of a blood sample, if the person is capable of
- 20 giving a urine sample and the sample can be collected
- 21 without the need to physically compel the execution of
- 22 the warrant".
- 23 7. By renumbering or relettering as necessary.

LARRY McKIBBEN

S-5177

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 15, by inserting after line 4 the
- 3 following:
- 4 "14. a. The department shall apply for available
- 5 federal funds for sexual abstinence education programs
- 6 in accordance with the federal Personal Responsibility
- 7 and Work Opportunity Reconciliation Act of 1966, Pub.
- 8 L. No. 104-193, } 912.
- 9 b. It is the intent of the general assembly to
- 10 comply with the United States Congress' intent to
- 11 assist welfare recipients to terminate dependency upon
- 12 government benefits by promoting marriage, reducing
- 13 the incidence of out-of-wedlock pregnancies, and
- 14 encouraging abstinence from sexual activities outside
- 15 of marriage with a focus upon those persons who are
- 16 most likely to bear children out-of-wedlock.
- 17 c. Any sexual abstinence education program awarded
- 18 moneys under the grant program shall meet the
- 19 definition of abstinence education in the federal law.
- 20 Grantees shall be evaluated based upon the extent to

- 21 which the abstinence program successfully communicates
- 22 the goals set forth in the federal law."

NANCY BOETTGER

S-5178

- 1 Amend Senate File 2404 as follows:
- 2 1. Page 4, by striking lines 6 through 11 and
- 3 inserting the following:
- 4 "c. The cooperative does not, either directly or
- 5 indirectly, acquire or otherwise obtain or lease
- 6 agricultural land, if the total agricultural land
- 7 either directly or indirectly owned or leased by the
- 8 cooperative would then exceed six hundred forty
- 9 acres."

H. KAY HEDGE
JOHN P. KIBBIE

S-5179

- 1 Amend Senate File 2381 as follows:
- 2 1. Page 3, lines 5 and 6, by striking the words
- 3 and figures ", notwithstanding section 8.57,
- 4 subsection 5, paragraph "c".
- 5 2. Page 3, by striking lines 8 through 13.
- 6 3. Page 3, line 15 and 16, by striking the words
- 7 and figures ", notwithstanding section 8.57,
- 8 subsection 5, paragraph "c".

DENNIS H. BLACK

S-5180

- 1 Amend Senate File 2381 as follows:
- 2 1. Page 8, by inserting after line 9 the
- 3 following:
- 4 "A diagnostic feasibility study approved by the
- 5 department must be performed on a lake preceding the
- 6 department dredging of such lake. Three-fourths of
- 7 the land in the watershed surrounding the lake must be
- 8 placed in a soil conservation program, approved by the
- 9 local soil conservation commission. The soil loss in
- 10 the watershed surrounding the lake shall not exceed
- 11 five tons of soil loss per acre in a given year for a
- 12 lake to become eligible for dredging."

DENNIS H. BLACK

S-5181

- 1 Amend Senate File 2335 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "3. An officer, employee, contractor, vendor,
- 5 volunteer, or agent of a county who engages in a sex
- 6 act with a prisoner incarcerated in a county jail
- 7 commits an aggravated misdemeanor."

O. GENE MADDOX

S-5182

- 1 Amend Senate File 2384 as follows:
- 2 1. Page 2, by striking lines 17 through 24 and
- 3 inserting the following: "hearing as either a
- 4 contempt or a show cause hearing."
- 5 2. Page 3, by striking lines 25 through 32 and
- 6 inserting the following: "as either a contempt or a
- 7 show cause hearing."

O. GENE MADDOX

S-5183

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 1, by striking lines 26 and 27 and
- 3 inserting the following: "time period may be waived
- 4 by the subject."
- 5 2. Page 1, line 28, by striking the word
- 6 "hearing."

MARY NEUHAUSER

S-5184

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 1, by striking lines 28 through 32 and
- 3 inserting the following: "hearing. The officer
- 4 presiding over the hearing shall issue a decision
- 5 affirming or denying the request in whole or in part
- 6 within sixty calendar days of the hearing date."

MARY NEUHAUSER

S-5185

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 1, line 11, by striking the words "Unless
- 3 the department issues" and inserting the following:
- 4 "The department shall issue".

- 5 2. Page 1, line 13, by striking the words
6 "request, the request" and inserting the following:
7 "request."
8 3. Page 1, by striking lines 14 and 15.

JOHNIE HAMMOND

S-5186

- 1 Amend Senate File 2363 as follows:
2 1. Page 1, line 13, by striking the words "twenty
3 calendar" and inserting the following: "thirty
4 business".

JOHNIE HAMMOND

S-5187

- 1 Amend Senate File 2360 as follows:
2 1. Page 15, by inserting after line 8 the
3 following:
4 "Sec. 101. Section 422.121, Code Supplement 1997,
5 is amended to read as follows:
6 422.121 APPROPRIATION -- LIMITATION.
7 Beginning with the fiscal year beginning July 1,
8 1997, there is appropriated annually from the general
9 fund of the state two million dollars to refund the
10 credits allowed under this division. Notwithstanding
11 section 422.120, for tax years beginning on or after
12 January 1, 1997, the livestock production tax credit
13 shall only be allowed for cow-calf operations. In
14 calculating the tax credit for cow-calf operations for
15 tax years beginning in the 1997 calendar year, bred
16 cows, bred heifers, and breeding bulls in the
17 operations' inventory on December 31 of the tax year
18 which were also in the operations on July 1 of the tax
19 year and stockers and feeders sold during the tax year
20 are to be counted. In calculating the tax credit for
21 cow-calf operations for tax years beginning on or
22 after January 1, 1998, only those bred cows, bred
23 heifers, and breeding bulls in the operations'
24 inventory on December 31 of the tax year which were
25 also in the operations on July 1 of the tax year are
26 to be counted."
27 2. Page 38, by inserting after line 10 the
28 following:
29 "___ Section 101 of this Act, amending section
30 422.121, being deemed of immediate importance, takes
31 effect upon enactment and applies retroactively to
32 January 1, 1997, for tax years beginning on or after
33 that date."
34 3. Title page, line 6, by inserting after the

35 word "taxes" the following: "and the livestock
36 production credit".

O. GENE MADDOX

S-5188

1 Amend Senate File 2383 as follows:
2 1. Page 1, by striking lines 33 and 34 and
3 inserting the following: "ride pursuant to section
4 88A.16, subsection 2, is subject to a civil penalty of
5 one hundred dollars."
6 2. Page 4, line 7, by striking the word "four"
7 and inserting the following: "two".
8 3. Page 4, line 8, by inserting after the word
9 "exit" the following: "most commonly used by riders".
10 4. Page 4, line 29, by striking the words "or
11 imprisonment".

MARY A. LUNDBY

S-5189

1 Amend Senate File 2358 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. ____ Section 15E.192, subsection 2, Code
5 Supplement 1997, is amended to read as follows:
6 2. A city with a population of twenty-four
7 thousand or more, as shown by the 1990 certified
8 federal census, may create an economic development
9 enterprise zone as authorized in this division,
10 subject to certification by the department of economic
11 development, by designating one or more contiguous
12 census tracts, as determined in the most recent
13 federal census, or designating other geographic units
14 approved by the department of economic development for
15 that purpose. If there is an area in the city which
16 meets the requirements for eligibility for an urban or
17 rural enterprise community under Title XIII of the
18 federal Omnibus Budget Reconciliation Act of 1993,
19 such area shall be designated by the state as an
20 economic development enterprise zone. The area
21 meeting the requirements for eligibility for an urban
22 or rural enterprise community shall not be included
23 for the purpose of determining the area limitation
24 pursuant to subsection 3. In creating an enterprise
25 zone, a city with a population of twenty-four thousand
26 or more, as shown by the 1990 certified federal
27 census, may designate as part of the ~~area tracts or~~

28 ~~approved geographic units located in a contiguous city~~
 29 ~~if such tracts or approved geographic units meet the~~
 30 ~~criteria and enterprise zone an area contiguous to the~~
 31 ~~city if the city or county containing the area, as~~
 32 ~~applicable, agrees to being included and the entities~~
 33 ~~enter into an agreement pursuant to chapter 28E if~~
 34 ~~necessary. The city may establish more than one~~
 35 ~~enterprise zone. Reference in this division to "city"~~
 36 ~~means a city with a population of twenty-four thousand~~
 37 ~~or more, as shown by the 1990 certified federal~~
 38 ~~census."~~

39 2. By renumbering as necessary.

ROD HALVORSON

S-5190

1 Amend Senate File 2363 as follows:

2 1. Page 1, by inserting after line 32 the
 3 following:

4 "Sec. ____ CHILD ABUSE RECORDS. There is
 5 appropriated from the general fund of the state to the
 6 department of human services for the fiscal year
 7 beginning July 1, 1998, and ending June 30, 1999, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purpose designated:

10 For processing of requests for correction of child
 11 abuse information and for the holding of associated
 12 hearings in accordance with the provisions of this
 13 Act, including salaries, support, maintenance,
 14 miscellaneous purposes, and for not more than the
 15 following full-time equivalent positions:

16 \$ 216,000
 17 FTEs 5.00"

18 2. Title page, line 2, by inserting after the
 19 word "information" the following: "and making an
 20 appropriation".

21 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-5191

1 Amend Senate File 2381 as follows:

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

4 "Of the amount appropriated in this subsection, up
 5 to \$100,000 shall be awarded to the city of Coralville
 6 for the construction and restoration of city trails,
 7 if the city qualifies for a matching grant."

ROBERT E. DVORSKY

S-5192

- 1 Amend Senate File 2192 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "repair" the following: "per incident".
- 4 2. Page 1, lines 12 and 13 by striking the words
- 5 "~~is three five thousand dollars or more per incident~~"
- 6 and inserting the following: "is three thousand
- 7 dollars or more per incident exceeds the lesser of
- 8 thirty-three percent of the average retail market
- 9 value of the vehicle before it was damaged or five
- 10 thousand dollars".
- 11 3. Page 1, by striking line 26 and inserting the
- 12 following: "~~retail cost of repairs is three thousand~~
- 13 ~~dollars or more retail cost of repairs exceeds the~~
- 14 lesser of thirty-three percent of the average retail
- 15 market value of the vehicle before it was damaged or
- 16 five thousand dollars".
- 17 4. Page 1, lines 28 and 29, by striking the words
- 18 "~~of three five thousand dollars or more per incident~~"
- 19 and inserting the following: "~~of three thousand~~
- 20 ~~dollars or more per incident that required a damage~~
- 21 disclosure statement under this section".
- 22 5. Page 1, by inserting after line 30 the
- 23 following: "For the purposes of this section, the
- 24 average retail market value of a vehicle is defined as
- 25 the average retail value of a motor vehicle including
- 26 any valuation adjustments made for mileage and other
- 27 vehicle options published in a nationally recognized
- 28 publication of motor vehicle retail values which was
- 29 current the date the damage occurred."
- 30 6. Page 2, lines 6 and 7, by striking the words
- 31 "~~of three five thousand dollars or more per incident~~"
- 32 and inserting the following: "~~of three thousand~~
- 33 ~~dollars or more per incident that exceeded the lesser~~
- 34 of thirty-three percent of the average retail market
- 35 value of the vehicle before it became damaged or five
- 36 thousand dollars".
- 37 7. Page 2, lines 10 and 11, by striking the words
- 38 "~~of three five thousand dollars or more~~" and inserting
- 39 the following: "~~of three thousand dollars or more~~
- 40 that exceeded the lesser of thirty-three percent of
- 41 the average retail market value of the vehicle before
- 42 it became damaged or five thousand dollars".

MIKE CONNOLLY

S-5193

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 19, by inserting after line 5 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 licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section
13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this
16 subsection."

17 2. Page 19, by inserting after line 25 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 licensed premises on the basis of a credit card or
25 similar instrument in person or through an electronic
26 or mechanical device including but not limited to a
27 satellite terminal as defined in section 527.2 for the
28 purpose of permitting that person to wager on any game
29 of chance. The use of a check or a debit card with
30 overdraft protection is not prohibited by this
31 subsection."

32 3. By renumbering as necessary.

ANDY McKEAN
NANCY BOETTGER

S-5194

1 Amend Senate File 2280 as follows:

- 2 1. Page 19, by striking lines 6 through 25.
- 3 2. By renumbering as necessary.

ANDY McKEAN
JOHNIE HAMMOND
ROD HALVORSON
NANCY BOETTGER

S-5195

1 Amend Senate File 2320 as follows:

- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 99D.9, subsection 6, Code
- 5 1997, is amended to read as follows:

6 6. A licensee ~~may~~ shall not loan to any person
7 money or any other thing of value or permit a
8 financial institution, vendor, or other person to loan
9 money on the licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section
13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this
16 subsection."

17 2. Page 2, by inserting after line 25 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 licensed premises on the basis of a credit card or
25 similar instrument in person or through an electronic
26 or mechanical device including but not limited to a
27 satellite terminal as defined in section 527.2 for the
28 purpose of permitting that person to wager on any game
29 of chance. The use of a check or a debit card with
30 overdraft protection is not prohibited by this
31 subsection."

32 3. Page 3, by striking lines 3 through 11.

33 4. By renumbering as necessary.

ANDY McKEAN

S-5196

1 Amend Senate File 2353 as follows:

2 1. Page 1, line 24, by striking the words "~~1993~~
3 ~~1997~~" and inserting the following: "1993, or July 1,
4 1997.".

MAGGIE TINSMAN

S-5197

1 Amend Senate File 2296 as follows:

2 1. Page 2, line 5, by inserting after the word
3 "center," the following: "50 cents for every \$1.00
4 raised in private moneys with a maximum of \$30,000 to
5 assist the Iowa wine and beer promotion board pursuant
6 to section 15E.117.".

7 2. Page 2, line 7, by striking the figure
8 "3,942,849" and inserting the following: "3,972,849".

- 9 3. Page 3, line 5, by striking the figure
10 "6,806,774" and inserting the following: "6,776,774".

BILL FINK

S-5198

- 1 Amend Senate File 2296 as follows:
2 1. Page 17, line 1, by inserting after the word
3 "its" the following: "remaining moneys and".
4 2. Page 17, by striking lines 2 through 12 and
5 inserting the following: "liquidating manager. The
6 selection and appointment process for the liquidating
7 manager shall be established by the Iowa seed capital
8 corporation board subject to approval by the attorney
9 general. Liquidation shall be completed by the
10 liquidation manager within a reasonable time provided
11 that appropriate steps are taken to maximize the
12 moneys transferred to the state and minimize the
13 transition effect on the affected companies. The
14 liquidation manager shall be reimbursed for the actual
15 costs associated with the liquidation of the Iowa seed
16 capital corporation assets including, but not limited
17 to, brokerage fees and administrative charges."
18 3. Page 17, line 13, by inserting after the word
19 "Moneys" the following: ", unless otherwise provided
20 by law, shall be".
21 4. Page 17, lines 13 through 15, by striking the
22 words "on or before June 30, 1998, and moneys
23 transferred to the strategic investment fund by the
24 receiver" and inserting the following: "by the
25 liquidating manager".
26 5. Page 17, line 16, by inserting after the word
27 "assets" the following: "and".

ALLEN BORLAUG
DERRYL McLAREN

S-5199

- 1 Amend Senate File 2368 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 364.2, subsection 4, paragraph
5 a, Code 1997, is amended to read as follows:
6 a. A city may grant to any person a franchise to
7 erect, maintain, and operate plants and systems for
8 electric light and power, heating, telephone,
9 telegraph, cable television, district telegraph and
10 alarm, motor bus, trolley bus, street railway or other
11 public transit, waterworks, or gasworks, within the

12 city for a term of not more than twenty-five years.
13 The franchise may be granted, amended, extended, or
14 renewed only by an ordinance, but no exclusive
15 franchise shall be granted, amended, extended, or
16 renewed.

17 Sec. 2. Section 476.6, Code 1997, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 22. A public utility which is
20 assessed management costs by a local government
21 pursuant to chapter 480A is entitled to recover those
22 costs. If the public utility serves customers within
23 the boundaries of the local government imposing the
24 management costs, such costs shall be recovered
25 exclusively from those customers.

26 Sec. 3. NEW SECTION. 480A.1 PURPOSE.

27 The general assembly finds that it is in the public
28 interest to define the right of local governments to
29 charge public utilities for the location and operation
30 of public utility facilities in local government
31 rights-of-way.

32 Sec. 4. NEW SECTION. 480A.2 DEFINITIONS.

33 As used in this chapter, unless the context
34 otherwise requires:

35 1. "Local government" means a county, city,
36 township, school district, or any special-purpose
37 district or authority.

38 2. "Management costs" means the reasonable costs a
39 local government actually incurs in managing public
40 rights-of-way.

41 3. "Public right-of-way" means the area on, below,
42 or above a public roadway, highway, street, bridge,
43 cartway, bicycle lane, or public sidewalk in which the
44 local government has an interest, including other
45 dedicated rights-of-way for travel purposes and
46 utility easements. A public right-of-way does not
47 include the airwaves above a public right-of-way with
48 regard to cellular or other nonwire telecommunications
49 or broadcasts service.

50 4. "Public utility" means a person owning or

Page 2

1 operating a facility used for furnishing natural gas
2 by piped distribution system, electricity,
3 communications services not including cable television
4 systems, or water by piped distribution system, to the
5 public for compensation.

6 Sec. 5. NEW SECTION. 480A.3 FEES.

7 A local government shall not recover any fee from a
8 public utility for the use of its right-of-way, other
9 than a fee for its management costs. A local
10 government may recover from a public utility only

11 those management costs caused by the public utility's
12 activity in the public right-of-way. A fee or other
13 obligation under this section shall be imposed on a
14 competitively neutral basis. When a local
15 government's management costs cannot be attributed to
16 only one entity, those costs shall be allocated among
17 all users of the public rights-of-way, including the
18 local government itself. The allocation shall reflect
19 proportionately the costs incurred by the local
20 government as a result of the various types of uses of
21 the public rights-of-way.

22 This section does not prohibit the collection of a
23 franchise fee as permitted in section 480A.6.

24 Sec. 6. NEW SECTION. 480A.4 IN-KIND SERVICES.

25 A local government, in lieu of a fee imposed under
26 this chapter, shall not require in-kind services by a
27 public utility right-of-way user, or require in-kind
28 services as a condition of the use of the local
29 government's public right-of-way.

30 Sec. 7. NEW SECTION. 480A.5 ARBITRATION.

31 1. A public utility that is denied registration,
32 denied a right-of-way permit, that has its right-of-
33 way permit revoked, or that believes that the fees
34 imposed on such user by the local government do not
35 conform to the requirements of this chapter may
36 request in writing that such denial, revocation, or
37 fee imposition be reviewed by the governing body of
38 the local government. The governing body of the local
39 government shall act within sixty days on a timely
40 written request. A decision by the governing body
41 affirming the denial, revocation, or fee imposition
42 must be in writing and supported by written findings
43 establishing the reasonableness of the decision.

44 2. Upon affirmation by the governing body of the
45 denial, revocation, or fee imposition, the public
46 utility may do either of the following:

47 a. With the consent of the governing body, have
48 the matter finally resolved by binding arbitration.
49 Binding arbitration must be before an arbitrator
50 agreed to by both the local government and the public

Page 3

1 utility. If the parties are unable to agree on an
2 arbitrator, the matter shall be resolved by a three-
3 person arbitration panel made up of one arbitrator
4 selected by the local government, one arbitrator
5 selected by the public utility, and one arbitrator
6 selected by the other two arbitrators. The cost and
7 expense of a single arbitrator shall be borne equally
8 by the local government and the public utility. If a
9 three-person arbitration panel is selected, each party

10 shall bear the expense of its own arbitrator and the
11 parties shall jointly and equally bear the cost and
12 expense of the third arbitrator, and of the
13 arbitration. Each party to the arbitration shall pay
14 its own costs, disbursements, and attorney fees.

15 b. Bring an action in district court to review a
16 decision of the governing body made under this
17 section.

18 Sec. 8. NEW SECTION. 480A.6 FRANCHISE ORDINANCE
19 NOT SUPERSEDED.

20 This chapter does not modify or supersede the
21 rights and obligations of a local government and the
22 public utility established by the terms of any
23 existing or future franchise granted, approved, and
24 accepted pursuant to section 364.2, subsection 4. A
25 city which collects a city franchise fee pursuant to
26 section 364.2, subsection 4, under an existing or
27 future franchise, shall not also collect a fee under
28 section 480A.3.

29 Sec. 9. EFFECTIVE DATE. This Act applies
30 retroactively to January 1, 1998, and supersedes the
31 provisions of any ordinances contrary to this Act in
32 effect on or after that date."

NEAL SCHUERER
STEVE KING
MICHAEL E. GRONSTAL

S-5200

1 Amend Senate File 2381 as follows:

- 2 1. Page 13, line 33, by striking the figure
3 "2001" and inserting the following: "~~2001~~ 2003".

ROD HALVORSON

S-5201

1 Amend Senate File 2373, as follows:

- 2 1. Page 2, line 6, by striking the words "one
3 year" and inserting the following: "no less than one
4 and no more than five years".
5 2. Page 2, line 11, by inserting after the word
6 "limited." the following: "A no-contact order which
7 is extended pursuant to this section shall, on the
8 date of expiration of the extended no-contact order,
9 automatically be re-extended for a like period of time
10 unless the victim files a petition with the court
11 stating that the defendant no longer poses a threat to

12 the victim, persons residing with the victim, or
13 members of the victim's immediate family."

MICHAEL E. GRONSTAL

S-5202

1 Amend Senate File 2381 as follows:
2 1. Page 1, by inserting after line 33 the
3 following:
4 "___ For the renovation and construction of
5 community-based correctional facilities:
6 \$ 1,000,000
7 It is the intent of the general assembly that funds
8 appropriated in this subsection are to be used for the
9 facilities that the department has determined need
10 renovation and expansion to insure the safety of the
11 surrounding community."
12 2. Page 5, line 11, by striking the figure
13 "4,500,000" and inserting the following: "3,500,000".
14 3. Title page 1, line 9, by striking the word
15 "and".
16 4. Title page 1, line 10, by inserting after the
17 word "Madison" the following: ", and for the
18 renovation and construction of community-based
19 correctional facilities".
20 5. By renumbering as necessary.

MIKE CONNOLLY

S-5203

1 Amend Senate File 2381 as follows:
2 1. Page 5, by inserting after line 3 the
3 following:
4 "Of the amount appropriated in this subsection, up
5 to \$350,000 may be used by the department for the
6 purchase of property located at the southwest corner
7 of Lyon street and East Tenth street in the city of
8 Des Moines."

JOHN W. JENSEN

S-5204

1 Amend Senate File 2296 as follows:
2 1. Page 3, line 5, by striking the figure
3 "6,806,774" and inserting the following: "6,766,174".
4 2. Page 13, by striking lines 27 through 32 and
5 inserting the following:
6 "3. For salaries, support, maintenance,
7 miscellaneous purposes, for not more than the

8 following full-time equivalent position for the
9 workforce development state and regional boards, and
10 for an allocation of \$40,600 to pay for a regional
11 board statewide conference:

12 \$ 147,529
13 FTE 1.00"

PATRICIA HARPER

S-5205

1 Amend Senate File 2296 as follows:

- 2 1. Page 3, line 5, by striking the figure
3 "6,806,774" and inserting the following: "6,756,774".
4 2. Page 12, line 32, by striking the figure
5 "688,308" and inserting the following: "738,308".
6 3. Page 12, line 33, by striking the figure
7 "8.00" and inserting the following: "9.00".

PATRICIA HARPER
BILL FINK
PATTY JUDGE
PATRICK J. DELUHERY

S-5206

1 Amend Senate File 2296 as follows:

- 2 1. Page 3, line 5, by striking the figure
3 "6,806,774" and inserting the following: "6,751,574".
4 2. Page 13, by striking lines 27 through 32 and
5 inserting the following:
6 "3. For salaries, support, maintenance,
7 miscellaneous purposes, for not more than the
8 following full-time equivalent position for the
9 workforce development state and regional boards, and
10 for an allocation of \$55,200 to pay expenses of
11 regional board members:
12 \$ 162,129
13 FTE 1.00"

PATRICIA HARPER
MATT MCCOY

S-5207

1 Amend Senate File 2296 as follows:

- 2 1. Page 3, line 5, by striking the figure
3 "6,806,774" and inserting the following: "6,749,774".
4 2. Page 13, line 9, by striking the figure
5 "2,902,693" and inserting the following: "2,959,693".

- 6 3. Page 13, line 10, by striking the figure
7 "93.00" and inserting the following: "94.00".

PATRICIA HARPER
DICK L. DEARDEN
PATRICK J. DELUHERY
MATT McCOY

S-5208

- 1 Amend Senate File 2296 as follows:
2 1. Page 3, line 5, by striking the figure
3 "6,806,774" and inserting the following: "6,684,281".
4 2. Page 13, line 9, by striking the figure
5 "2,902,693" and inserting the following: "3,025,186".
6 3. Page 13, line 10, by striking the figure
7 "93.00" and inserting the following: "98.00".

PATRICIA HARPER
DICK L. DEARDEN
MATT McCOY
PATRICK J. DELUHERY

S-5209

- 1 Amend Senate File 2296 as follows:
2 1. Page 16, by inserting after line 24 the
3 following:
4 "Sec. 13A. Section 16.5, Code Supplement 1997, is
5 amended by adding the following new subsections:
6 NEW SUBSECTION. 18. Require any nonprofit
7 corporation created by or in association with the
8 authority since January 1, 1989, to include two
9 representatives of nonprofit housing organizations as
10 voting members on the board of directors of any such
11 corporation. Any such nonprofit corporation shall not
12 have more than two nonvoting ex-officio members on the
13 board of directors who are employed by the authority
14 or serve on the board of directors of the authority.
15 NEW SUBSECTION. 19. Require any nonprofit
16 corporation created by or in association with the
17 authority since January 1, 1989, to file a detailed
18 report by January 15 of each year with the
19 chairpersons and ranking members of the appropriate
20 appropriations subcommittees of the general assembly
21 which shall include, at a minimum, all of the
22 following:
23 a. An annual report of the corporation.
24 b. An itemized list of projects assisted, project
25 fees received, project locations, types and amounts of
26 assistance provided, and contact persons for each
27 project.

28 c. A list of fixed assets of the corporation,
29 including the date the fixed assets were acquired and
30 the cost of the fixed assets.
31 d. An itemized list of types and amounts of
32 financial assistance provided to the corporation by
33 outside sources.
34 e. A list, by position, of all corporate employees
35 and board members. The information submitted pursuant
36 to this paragraph shall include the compensation
37 received, including salary and benefits, received by
38 each employee and board member.
39 NEW SUBSECTION. 20. Require any nonprofit
40 corporation created by or in association with the
41 authority since January 1, 1989, to adopt a written
42 conflict of interests policy. The policy shall
43 include, but not be limited to, a prohibition against
44 a board member or employee of the corporation having a
45 financial interest in any project of the corporation.
46 Sec. 13B. AUDIT. By January 15, 1999, the auditor
47 of state shall conduct an audit, or review any
48 previously completed audit, of any nonprofit
49 corporation in existence which has been incorporated
50 since January 1, 1989, by or in association with the

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1 Iowa finance authority, for the entire time period
2 since the corporation was incorporated. The auditor
3 shall make or cause to be made a written report
4 consistent with and similar to the type of report
5 required under section 11.4. The auditor of state may
6 conduct similar additional audits of the same
7 nonprofit corporation as the auditor deems necessary
8 and the nonprofit corporation shall pay a fee for all
9 audits conducted.
10 Sec. 13C. HOUSING CORPORATION BOARD. The board of
11 directors of the Iowa housing corporation shall
12 consist of nine voting members serving staggered
13 three-year terms. Two members shall be
14 representatives of nonprofit housing organizations
15 with one member appointed by the governor, subject to
16 confirmation by the senate, and one member named by
17 the Iowa coalition for housing and the homeless. The
18 Iowa association of realtors, the home builders
19 association of Iowa, and the Iowa mortgage bankers
20 association shall all appoint one member to the board.
21 The governor shall appoint the remaining four board
22 members subject to confirmation by the senate. The
23 terms of three board members shall expire each year.
24 Board members serving on the effective date of this
25 Act shall complete their current terms and shall have
26 their positions on the board filled by the members who

27 are to be appointed by the governor. Board members
28 filling the four new positions on the board which are
29 appointed by the private associations may serve less
30 than a three-year term during the initial term in
31 order to properly stagger the terms. All appointments
32 to the board of directors made by the governor shall
33 conform to the requirements of sections 69.15, 69.16,
34 69.16A, 69.17, 69.18, and 69.19."

35 2. Page 19, line 11, by striking the word
36 "Section" and inserting the following: "Sections 13A,
37 13B, 13C, and".

38 3. Page 19, line 12, by striking the word "takes"
39 and inserting the following: "take".

40 4. Title page, by striking line 5 and inserting
41 the following: "providing effective date provisions."

42 5. By renumbering and correcting internal
43 numbering and references as necessary.

PATRICIA HARPER
MATT McCOY
PATRICK J. DELUHERY

S-5210

1 Amend Senate File 2296 as follows:

2 1. Page 17, line 1, by inserting after the word
3 "its" the following: "remaining moneys and".

4 2. Page 17, by striking lines 2 through 12 and
5 inserting the following: "liquidating manager. The
6 selection and appointment process for the liquidating
7 manager shall be established by the insurance division
8 of the department of commerce subject to approval by
9 the attorney general. Liquidation shall be completed
10 by the liquidation manager within a reasonable time
11 provided that appropriate steps are taken to maximize
12 the moneys transferred to the state and minimize the
13 transition effect on the affected companies. The
14 liquidation manager shall be reimbursed for the actual
15 costs associated with the liquidation of the Iowa seed
16 capital corporation assets including, but not limited
17 to, brokerage fees and administrative charges."

18 3. Page 17, line 13, by inserting after the word
19 "Moneys" the following: ", unless otherwise provided
20 by law, shall be".

21 4. Page 17, lines 13 through 15, by striking the
22 words "on or before June 30, 1998, and moneys
23 transferred to the strategic investment fund by the
24 receiver" and inserting the following: "by the
25 liquidating manager".

- 26 5. Page 17, line 16, by inserting after the word
27 "assets" the following: "and".

ALLEN BORLAUG
DERRYL McLAREN

S-5211

- 1 Amend Senate File 2381 as follows:
2 1. Title page 2, line 11, by striking the words
3 "not necessarily".
4 2. Title page 2, lines 22 and 23, by striking the
5 words "and for design and development of a new
6 judicial building".

DERRYL McLAREN

S-5212

- 1 Amend Senate File 2296 as follows:
2 1. By striking page 8, line 17, through page 9,
3 line 1.

MARY NEUHAUSER

S-5213

- 1 Amend Senate File 2381 as follows:
2 1. Page 1, line 6, by inserting after the words
3 "to the" the following: "division of soil
4 conservation located in the".
5 2. Title, page 1, by striking line 3 and
6 inserting the following: "1998, to the division of
7 soil conservation".
8 3. By renumbering as necessary.

DERRYL McLAREN
DENNIS H. BLACK

S-5214

- 1 Amend Senate File 2381 as follows:
2 1. Page 4, by striking lines 15 through 19 and
3 inserting the following: "colleges to be allocated by
4 the department of education to each community college
5 in the same proportionate share that all state general
6 aid funds are to be distributed to each community
7 college for the 1999 fiscal year:"

JOHN P. KIBBIE
DERRYL McLAREN

S-5215

- 1 Amend Senate File 2356 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "complex." the following: "The department shall
- 4 submit an annual report not later than January 31, to
- 5 the members of the general assembly and the
- 6 legislative fiscal bureau, of the activities and
- 7 expenditures funded from the revolving fund during the
- 8 preceding fiscal year."
- 9 2. Page 2, line 7, by inserting after the word
- 10 "building." the following: "The department shall
- 11 submit an annual report not later than January 31, to
- 12 the members of the general assembly and the
- 13 legislative fiscal bureau, of the activities and
- 14 expenditures funded from the revolving fund during the
- 15 preceding fiscal year."

MARY NEUHAUSER

S-5216

- 1 Amend Senate File 2296 as follows:
- 2 1. Page 3, by inserting after line 29 the
- 3 following:
- 4 "As a condition of any portion of the appropriation
- 5 made under this lettered paragraph being used for
- 6 awards from the community economic betterment account,
- 7 the department shall require that all projects
- 8 approved have starting wages not less than 100 percent
- 9 of the lesser of the average county wage or the
- 10 average regional wage, as compiled annually by the
- 11 department for the community economic betterment
- 12 program."

TOM VILSACK

S-5217

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 19, by striking line 21 and inserting the
- 3 following: "and referral services, and education and
- 4 preventive services, and financial management
- 5 services."

PATRICIA HARPER

S-5218

- 1 Amend Senate File 2144 as follows:
- 2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. NEW SECTION. 275.57 CHANGING
5 DIRECTOR DISTRICT BOUNDARIES FOLLOWING DISSOLUTION.

6 1. If a school district accepting attachments of a
7 dissolved school district is divided into director
8 districts as provided in section 275.12, subsection 2,
9 paragraph "b", "c", "d", or "e", at the time of
10 attachments, the board of directors of the district
11 accepting attachments shall develop a proposal in a
12 resolution to incorporate the attached territory into
13 the director districts contiguous to the attached
14 territory. If the attached territory is contiguous to
15 more than one director district, the board may divide
16 the territory and attach it to more than one director
17 district. The extended director district boundaries
18 shall be drawn according to standards provided in
19 section 275.23A, subsection 1, paragraphs "a", "c",
20 and "d".

21 2. Prior to adoption of a resolution to
22 incorporate the attached territory as provided in
23 subsection 1, the board of directors of the school
24 district accepting the attachments shall hold a public
25 hearing on the proposed director district boundary
26 changes contained in the resolution. The board shall
27 publish notice of the time and place of a public
28 hearing on the resolution. Notice of the time and
29 place of the public hearing shall be published not
30 less than ten nor more than twenty days before the
31 public hearing in a newspaper of general circulation
32 in the school district. The public hearing on the
33 resolution shall be held not later than May 15
34 following dissolution.

35 3. The resolution adopted by the school board
36 shall contain a legal description of the new director
37 district boundaries and a map of the director
38 districts as changed by adoption of the resolution,
39 and shall be submitted by the school board to the
40 state commissioner of elections and the county
41 commissioner of elections of each county in which a
42 portion of the school district is located by June 15
43 following dissolution.

44 4. The boundary changes adopted by resolution
45 under this section take effect upon adoption of the
46 resolution for the next regular school election.

47 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
48 immediate importance, takes effect upon enactment."

49 2. Title page, by striking line 1 and inserting
50 the following: "An Act relating to school district

Page 2

1 action to change the boundaries of director".

JEFF ANGELO

S-5219

1 Amend Senate File 2381 as follows:

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

4 "Sec. ____ There is appropriated from the rebuild
5 Iowa infrastructure fund to the department of
6 corrections for the fiscal year beginning July 1,
7 1999, and ending June 30, 2000, the following amount,
8 or so much thereof as is necessary, to be used for the
9 purpose designated:

10 For the renovation and construction of community-
11 based correctional facilities:

12 \$ 11,500,000

13 Notwithstanding section 8.33, unencumbered or
14 unobligated funds remaining on June 30, 2002, from the
15 funds appropriated in this section shall revert to the
16 rebuild Iowa infrastructure fund on August 31, 2002."

17 2. Title page 1, line 3, by inserting after the
18 figure "1998," the following: "and the fiscal year
19 beginning July 1, 1999,".

20 3. Title page 1, line 9, by striking the word
21 "and".

22 4. Title page 1, line 10, by inserting after the
23 word "Madison" the following: ", and for the
24 renovation and construction of community-based
25 correctional facilities".

26 5. By renumbering as necessary.

WILLIAM D. PALMER

S-5220

1 Amend Senate File 2381 as follows:

2 1. Page 8, by inserting after line 9 the
3 following:

4 "Of the amount appropriated in this subsection up
5 to \$500,000 shall be appropriated to the dredging of
6 Backbone lake located at Backbone state park."

KITTY REHBERG

S-5221

1 Amend Senate File 2381 as follows:

2 1. Page 2, by inserting after line 24 the

3 following:

- 4 "4. Of the amount appropriated in this section,
5 not more than \$100,000 may be used to fund a state
6 contribution toward a project or projects portraying
7 the historical evolution of farm implements and
8 machinery."
9 2. By renumbering as necessary.

PATRICIA HARPER

S-5222

1 Amend Senate File 2381 as follows:

- 2 1. Page 8, line 2, by striking the word
3 "revolving".
4 2. Page 10, line 25, by striking the words
5 "PROGRAM -- REVOLVING".
6 3. Page 11, line 1, by striking the word
7 "revolving".
8 4. Page 11, line 7, by striking the word
9 "revolving".
10 5. Page 11, line 7, by striking the word "loans"
11 and inserting the following: "grants".
12 6. Page 11, line 9, by striking the word "parks."
13 and inserting the following: "public lands. The
14 department shall adopt rules pursuant to chapter 17A
15 to administer the disbursement of funds."
16 7. Page 11, lines 9 through 11, by striking the
17 words "The administrative director of the division of
18 soil conservation shall administer the revolving
19 fund."
20 8. Page 11, line 14, by striking the word
21 "revolving".
22 9. Page 11, line 16, by striking the word
23 "revolving".
24 10. By striking page 11, line 22, through page
25 13, line 13.
26 11. Title page 2, line 31, by striking the words
27 "program and revolving".
28 12. By renumbering as necessary.

DERRYL McLAREN
MARY A. LUNDBY

S-5223

1 Amend Senate File 2381 as follows:

- 2 1. Page 1, by striking lines 2 through 17.
3 2. By striking page 2, line 3, through page 4,
4 line 24.
5 3. Page 4, line 33, by inserting after the words
6 "state-owned" the following: "or school".

7 4. Page 4, line 34, by striking the figure
8 "7,000,000" and inserting the following:
9 "109,700,000".
10 5. Page 4, by inserting after line 34 the
11 following:
12 "a. Of the amount appropriated in this subsection
13 \$100,000,000 shall be appropriated for school
14 infrastructure renovation and construction.
15 b. Moneys appropriated for school infrastructure
16 shall be allocated throughout the state on a per pupil
17 basis. The amount of moneys allocated to school
18 districts shall be in the proportion that the basic
19 enrollment of a district bears to the sum of the basic
20 enrollments of all school districts in the state for
21 the budget year.
22 c. The department of management shall allocate to
23 each school district the amount calculated pursuant to
24 paragraph "b" in one payment on or about October 15
25 annually, taking into consideration the relative
26 budget and cash position of the state resources, based
27 upon the actual enrollment certified to the department
28 of education for each school district and forwarded to
29 the department of management. By October 1 annually,
30 prior to the receipt of funds, school districts shall
31 submit to the department of education a school
32 infrastructure progress report. The report shall
33 provide adequate assurance that the school district
34 has developed or is developing a school infrastructure
35 plan containing an analysis of school district
36 infrastructure needs, priorities, and an estimated
37 timetable for completion of infrastructure projects or
38 allocation of funds received by the school district
39 pursuant to paragraph "b".
40 d. Moneys received under paragraph "b" shall not
41 be commingled with state aid payments made under
42 section 257.16 to a school district, shall be
43 accounted for by the local school district separately
44 from state aid payments, and shall be spent as
45 provided in section 297A.1. Payments made to school
46 districts are miscellaneous income for purposes of
47 chapter 257 or are considered encumbered. Each local
48 school district shall maintain a separate listing
49 within its budget for payments received and
50 expenditures made pursuant to paragraph "b". Moneys

Page 2

1 received shall not be used for payment of any
2 collective bargaining agreement or arbitrator's
3 decision negotiated or awarded under chapter 20.
4 e. For purposes of paragraphs "a" through "d", a
5 "school district" shall mean a school district as

6 defined in section 257.2, subsection 11."

7 6. Page 4, line 35, by inserting before the word

8 "Notwithstanding" the following: "f."

9 7. Page 5, by striking lines 4 through 24.

10 8. By striking page 5, line 29, through page 10,

11 line 7 and inserting the following:

12 "Sec. ____ Section 8.57, subsection 5, paragraph

13 e, Code 1997, is amended by striking the paragraph."

14 9. Page 10, by inserting after line 23 the

15 following:

16 "Sec. ____ Section 99D.17, Code 1997, is amended

17 to read as follows:

18 99D.17 USE OF FUNDS.

19 Funds received pursuant to sections 99D.14 and

20 99D.15 shall be deposited in the ~~general fund of the~~

21 ~~state~~ rebuild Iowa infrastructure fund and shall ~~not~~

22 be subject to the requirements of section 8.60. These

23 funds shall first be used to the extent appropriated

24 by the general assembly. The commission is subject to

25 the budget requirements of chapter 8 and the

26 applicable auditing requirements and procedures of

27 chapter 11.

28 Sec. ____ Section 99F.11, subsection 4, Code 1997,

29 is amended to read as follows:

30 4. The remaining amount of the adjusted gross

31 receipts tax shall be credited to the ~~general fund of~~

32 ~~the state~~ rebuild Iowa infrastructure fund.

33 Sec. ____ NEW SECTION. 297A.1 SCHOOL

34 INFRASTRUCTURE EXPENDITURES.

35 1. School districts shall expend funds received

36 pursuant to appropriations made in this Act for school

37 infrastructure needs. For purposes of this chapter,

38 "school infrastructure" includes the following:

39 a. Activities for which a school district is

40 authorized to contract indebtedness and issue general

41 obligation bonds under section 296.1, except those

42 activities related to a teacher's or superintendent's

43 home or homes. These activities include the

44 construction, reconstruction, repair, purchasing, or

45 remodeling of schoolhouses, stadiums, gyms,

46 fieldhouses, and bus garages.

47 b. Procurement of school house construction sites

48 and the making of site improvements.

49 c. Payment or retirement of outstanding bonds

50 previously issued for school infrastructure purposes,

Page 3

1 as defined in this subsection, if it is determined by

2 the department of education that the school district

3 has undertaken a serious effort to meet its school

4 infrastructure needs. In making this determination,

5 the department shall consider the relative size and
6 property tax base of the school district, and the
7 information provided to the department in the school
8 district's infrastructure progress report pursuant to
9 section 297A.1.

10 d. Maintenance of schoolhouses and school district
11 property.

12 e. School improvement technology programs pursuant
13 to chapter 295, utilized for a school district.

14 2. Funds received by a school district pursuant to
15 this chapter shall not be expended to add a full-time
16 equivalent position or otherwise increase staffing."

17 10. Title, by striking pages 1 through 3 and
18 inserting the following: "An Act making
19 appropriations from the rebuild Iowa infrastructure
20 fund for the fiscal year beginning July 1, 1998 to the
21 departments of corrections and of general services and
22 making statutory changes relating to appropriations."

STEVEN D. HANSEN
ROD HALVORSON
JOHN P. KIBBIE
MICHAEL E. GRONSTAL
MIKE CONNOLLY
ELAINE SZYMONIAK
DICK L. DEARDEN
JOHNIE HAMMOND
MATT McCOY
PATTY JUDGE
TOM VILSACK
ROBERT E. DVORSKY
MARY NEUHAUSER
EUGENE S. FRAISE
PATRICIA HARPER
DON GETTINGS
BILL FINK
PATRICK J. DELUHERY

S-5224

1 Amend Senate File 2311 as follows:

2 1. Page 2, by striking lines 9 through 12 and
3 inserting the following:

4 "10. "Person" means as defined in section 4.1."

5 2. Page 2, line 14, by striking the word
6 "therein" and inserting the following: "in such
7 property".

8 3. Page 2, by striking lines 15 through 18 and
9 inserting the following:

10 "12. "State" means a state, territory, or
11 possession of the United States, the District of
12 Columbia, or the Commonwealth of Puerto Rico."

- 13 4. Page 16, line 29, by inserting after the word
14 "property" the following: ", if such payments were
15 made or liabilities incurred without violation of the
16 partner's duties to the partnership or the other
17 partners".
- 18 5. Page 23, line 32, by inserting after the word
19 "partnership" the following: ", limited partnership,
20 or limited liability company".
- 21 6. Page 24, line 28, by inserting after the word
22 "a" the following: "general".
- 23 7. Page 27, line 34, by inserting after the word
24 "A" the following: "written".
- 25 8. Page 28, line 3, by striking the word "An" and
26 inserting the following: "A written".
- 27 9. Page 31, line 2, by striking the word
28 "thereof" and inserting the following: "of a
29 partnership name".
- 30 10. Page 43, by striking lines 2 through 4 and
31 inserting the following:
32 "c. The address of a registered office and the
33 name and address of a registered agent for service of
34 process in this state, which the partnership is
35 required to maintain as provided in section 486.1211."
- 36 11. Page 43, by striking lines 8 through 11 and
37 inserting the following:
38 "4. The statement shall be executed by one or more
39 partners authorized to execute the statement on behalf
40 of the partnership."
- 41 12. Page 43, by striking lines 16 and 17 and
42 inserting the following: "until the statement is
43 canceled pursuant to section 486.105, subsection 4."
- 44 13. By striking page 43, line 34, through page
45 45, line 9.
- 46 14. Page 46, line 1, by striking the word
47 "Required" and inserting the following: "Registered".
- 48 15. Page 46, by striking lines 19 and 20 and
49 inserting the following: "section 486.105, subsection
50 4."

Page 2

- 1 16. Page 48, by inserting after line 13 the
2 following:
3 "ARTICLE 12
4 FILING PROVISIONS
5 Sec. ____ NEW SECTION. 486.1201 FILING
6 REQUIREMENTS.
7 1. A document shall satisfy the requirements of
8 this section, and of any other section that adds to or
9 varies these requirements, to be entitled to filing.
10 2. The document shall be filed in the office of
11 the secretary of state.

- 12 3. The document shall contain the information
13 required by this chapter. The document may contain
14 other information as well.
- 15 4. The document shall be typewritten or printed.
16 The typewritten or printed portion shall be black.
17 Manually signed photocopies, or other reproduced
18 copies, including facsimiles or other electronically
19 or computer-generated copies of typewritten or printed
20 documents may be filed.
- 21 5. The document shall be in the English language.
22 A limited partnership name need not be in English if
23 written in English letters or arabic or roman
24 numerals.
- 25 6. Except as otherwise provided in this chapter,
26 the document shall be executed by one of the following
27 methods:
- 28 a. By two or more partners.
- 29 b. By a person authorized under this chapter, the
30 partnership agreement, or other law to execute the
31 document.
- 32 c. If the partnership is in the hands of a
33 receiver, trustee, or other court-appointed fiduciary,
34 by such receiver, trustee, or fiduciary.
- 35 d. If the document is that of a registered agent,
36 by the registered agent, if the person is an
37 individual, or by a person authorized by the
38 registered agent to execute the document, if the
39 registered agent is an entity.
- 40 7. The person executing the document shall sign it
41 and state beneath or opposite the person's signature,
42 the person's name and the capacity in which the person
43 signs. The secretary of state may accept for filing a
44 document containing a copy of a signature, however
45 made.
- 46 8. If, pursuant to any provision of this chapter,
47 the secretary of state has prescribed a mandatory form
48 for the document, the document shall be in or on the
49 prescribed form.
- 50 9. The document shall be delivered to the office

Page 3

- 1 of the secretary of state for filing and shall be
2 accompanied by the correct filing fee.
- 3 10. The secretary of state may adopt rules for the
4 electronic filing of documents and the certification
5 of electronically filed documents.
- 6 Sec. ____ **NEW SECTION. 486.1202 FEES.**
- 7 1. The secretary of state shall collect fees for
8 documents described in this subsection which are
9 delivered to the secretary's office for filing as
10 follows:

- 11 DOCUMENT FEE
- 12 a. Statement of qualification \$100
- 13 b. Statement of foreign qualification \$100
- 14 c. Amendment to statement of qualification \$ 20
- 15 d. Amendment to statement of foreign qualification .. \$ 20
- 16 e. Cancellation of statement of qualification \$ 20
- 17 f. Cancellation of statement of foreign
- 18 qualification \$ 20
- 19 g. Application for certificate of existence or
- 20 qualification \$ 5
- 21 h. Any other statement or document required or
- 22 permitted to be filed \$ 5
- 23 2. The secretary of state shall collect a fee of
- 24 five dollars each time process is served on the
- 25 secretary under this chapter. The party to a
- 26 proceeding causing service of process is entitled to
- 27 recover this fee as costs if the party prevails in the
- 28 proceeding.
- 29 3. The secretary of state shall collect fees for
- 30 copying and certifying the copy of any filed document
- 31 relating to a domestic or foreign partnership as
- 32 follows:
- 33 a. One dollar a page for copying.
- 34 b. Five dollars for the certificate.
- 35 Sec. ____ NEW SECTION. 486.1203 EFFECTIVE TIME
- 36 AND DATE OF DOCUMENTS.
- 37 1. Except as provided in subsection 2 and section
- 38 486.1204, subsection 3, a document accepted for filing
- 39 is effective at the later of the following:
- 40 a. At the time of filing on the date it is filed,
- 41 as evidenced by the secretary of state's date and time
- 42 endorsement on the original document.
- 43 b. At the time specified in the document as its
- 44 effective time on the date it is filed.
- 45 2. A document may specify a delayed effective time
- 46 and date, and if it does so the document becomes
- 47 effective at the time and date specified. If a
- 48 delayed effective date but no time is specified, the
- 49 document is effective at the close of business on that
- 50 date. A delayed effective date for a document shall

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- 1 not be later than the ninetieth day after the date it
- 2 is filed.
- 3 Sec. ____ NEW SECTION. 486.1204 CORRECTING FILED
- 4 DOCUMENTS.
- 5 1. A partnership may correct a document filed by
- 6 the secretary of state if the document satisfies one
- 7 or both of the following:
- 8 a. The document contains an incorrect statement.
- 9 b. The document was defectively executed,

10 attested, sealed, verified, or acknowledged.

11 2. A document is corrected by complying with both
12 of the following:

13 a. By preparing a statement of correction that
14 satisfies all of the following:

15 (1) The statement describes the document,
16 including its filing date, or a copy of the document
17 is attached to the statement.

18 (2) The statement specifies the incorrect
19 statement and the reason it is incorrect or the manner
20 in which the execution was defective.

21 (3) The statement corrects the incorrect statement
22 or defective execution.

23 b. By delivering the statement to the secretary of
24 state for filing.

25 3. Statements of corrections are effective on the
26 effective date of the document they correct except as
27 to persons relying on the uncorrected document and
28 adversely affected by the correction. As to those
29 persons, statements of correction are effective when
30 filed.

31 Sec. ____ NEW SECTION. 486.1205 FILING DUTY OF
32 SECRETARY OF STATE.

33 1. If a document delivered to the office of the
34 secretary of state for filing satisfies the
35 requirements of section 486.1201, the secretary of
36 state shall file it and issue any necessary
37 certificate.

38 2. The secretary of state files a document by
39 stamping or otherwise endorsing "filed", together with
40 the secretary of state's name and official title and
41 the date and time of receipt, on both the document and
42 the receipt for the filing fee. After filing a
43 document, and except as provided in sections 486.304
44 and 486.1213, the secretary of state shall deliver the
45 document, with the filing fee receipt, or
46 acknowledgment of receipt if no fee is required,
47 attached, to the domestic or foreign partnership or
48 its representative.

49 3. If the secretary of state refuses to file a
50 document, the secretary of state shall return it to

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1 the domestic or foreign partnership or its
2 representative within ten days after the document was
3 received by the secretary of state, together with a
4 brief, written explanation of the reason for the
5 refusal.

6 4. The secretary of state's duty to file documents
7 under this section is ministerial. Filing or refusing
8 to file a document does not do any of the following:

- 9 a. Affect the validity or invalidity of the
10 document in whole or part.
- 11 b. Relate to the correctness or incorrectness of
12 information contained in the document.
- 13 c. Create a presumption that the document is valid
14 or invalid or that information contained in the
15 document is correct or incorrect.
- 16 Sec. ____ NEW SECTION. 486.1206 APPEAL FROM
17 SECRETARY OF STATE'S REFUSAL TO FILE DOCUMENT.
- 18 1. If the secretary of state refuses to file a
19 document delivered to the secretary of state's office
20 for filing, the domestic or foreign partnership may
21 appeal the refusal, within thirty days after the
22 return of the document, to the district court for the
23 county in which the partnership's principal office is
24 located or, if none is located in this state, for the
25 county in which its registered office is or will be
26 located. The appeal is commenced by petitioning the
27 court to compel filing the document and by attaching
28 to the petition the document and the secretary of
29 state's explanation of the refusal to file.
- 30 2. The court may summarily order the secretary of
31 state to file the document or take other action the
32 court considers appropriate.
- 33 3. The court's final decision may be appealed as
34 in other civil proceedings.
- 35 Sec. ____ NEW SECTION. 486.1207 EVIDENTIARY
36 EFFECT OF COPY OF FILED DOCUMENT.
- 37 A certificate attached to a copy of a document
38 filed by the secretary of state, bearing the secretary
39 of state's signature, which may be in facsimile, and
40 the seal of the secretary of state, is conclusive
41 evidence that the original document is on file with
42 the secretary of state.
- 43 Sec. ____ NEW SECTION. 486.1208 CERTIFICATES
44 ISSUED BY SECRETARY OF STATE.
- 45 1. The secretary of state shall issue to any
46 person, upon request, a certificate that sets forth
47 any facts recorded in the office of the secretary of
48 state.
- 49 2. A certificate issued by the secretary of state
50 may be relied upon, subject to any qualification

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- 1 stated in the certificate, as prima facie evidence of
2 the facts set forth in the certificate.
- 3 Sec. ____ NEW SECTION. 486.1209 PENALTY FOR
4 SIGNING FALSE DOCUMENT.
- 5 1. A person commits an offense if that person
6 signs a document the person knows is false in any
7 material respect with intent that the document be

8 delivered to the secretary of state for filing.

9 2. An offense under this section is a serious
10 misdemeanor punishable by a fine not to exceed one
11 thousand dollars.

12 Sec. ____ NEW SECTION. 486.1210 SECRETARY OF
13 STATE POWERS.

14 The secretary of state has the power reasonably
15 necessary to perform the duties required of the
16 secretary of state by this chapter.

17 Sec. ____ NEW SECTION. 486.1211 REGISTERED
18 OFFICE AND REGISTERED AGENT.

19 Each partnership that is qualified under section
20 486.1001 shall continuously maintain in this state the
21 following:

22 1. A registered office.

23 2. A registered agent, who is one of the
24 following:

25 a. An individual who resides in this state and
26 whose business office is identical with the registered
27 office.

28 b. A domestic corporation whose business office is
29 identical with the registered office.

30 c. A foreign corporation authorized to transact
31 business in this state whose business office is
32 identical with the registered office.

33 Sec. ____ NEW SECTION. 486.1212 CHANGE OF
34 REGISTERED OFFICE OR REGISTERED AGENT.

35 1. A partnership may change its registered office
36 or registered agent by delivering to the secretary of
37 state for filing a statement of change that sets forth
38 all of the following:

39 a. The name of the partnership.

40 b. The street address of its current registered
41 office.

42 c. If the registered office is to be changed, the
43 street address of the new registered office.

44 d. The name of its current registered agent.

45 e. If the registered agent is to be changed, the
46 name of the new registered agent and the new
47 registered agent's written consent to the appointment,
48 either on the statement of change or in an
49 accompanying document.

50 f. That, after the change or changes are made, the

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1 street addresses of its registered office and of the
2 business office of its registered agent will be
3 identical.

4 2. If a registered agent changes the street
5 address of the registered agent's business office, the
6 registered agent may change the street address of the

7 registered office of any partnership for which the
8 registered agent is the registered agent by giving
9 written notice to the partnership of the change and
10 executing, either manually or in facsimile, and
11 delivering to the secretary of state for filing a
12 statement of change that complies with the
13 requirements of subsection 1 and recites that notice
14 of the change has been given to the partnership.
15 Sec. ____ NEW SECTION. 486.1213 RESIGNATION OF
16 REGISTERED AGENT.

17 1. The registered agent of a partnership may
18 resign the agency by delivering to the secretary of
19 state for filing a statement of resignation, which
20 shall be accompanied by two exact or conformed copies
21 of such statement. The statement of resignation may
22 include a statement that the registered office is also
23 discontinued.

24 2. After filing the statement of resignation, the
25 secretary of state shall deliver one copy to the
26 registered office of the partnership and the other
27 copy to the chief executive office of the partnership.

28 3. The agency appointment is terminated, and the
29 registered office discontinued if so provided, on the
30 thirty-first day after the date on which the statement
31 of resignation was filed.

32 Sec. ____ NEW SECTION. 486.1214 SERVICE ON
33 PARTNERSHIP.

34 1. A partnership's registered agent is the
35 partnership's agent for service of any process,
36 notice, or demand required or permitted by law to be
37 served on the partnership.

38 2. If a partnership has no registered agent, or
39 the registered agent cannot with reasonable diligence
40 be served, the partnership may be served by registered
41 or certified mail, return receipt requested, addressed
42 to the partnership at its chief executive office.
43 Service is perfected under this subsection at the
44 earliest of the following:

45 a. The date the partnership receives the process,
46 notice, or demand.

47 b. The date shown on the return receipt, if signed
48 on behalf of the partnership.

49 c. Five days after mailing.

50 3. This section does not prescribe the only means,

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1 or necessarily the required means, of serving a
2 partnership."

3 17. Page 48, line 14, by striking the figure "12"
4 and inserting the following: "13".

5 18. Page 48, line 16, by striking the figure

6 "486.1201" and inserting the following: "486.1301".
7 19. Page 48, line 21, by striking the figure
8 "486.1202" and inserting the following: "486.1302".
9 20. Page 48, by striking lines 32 through 35 and
10 inserting the following:
11 "Sec. ____ Chapter 486, Code and Code Supplement
12 1997, is repealed effective January 1, 2001.
13 Sec. ____ APPLICABILITY.
14 1. Prior to January 1, 2001, this Act applies to a
15 partnership formed as follows:
16 a. On or after January 1, 1999, except a
17 partnership that is continuing the business of a
18 dissolved partnership under section 486.41.
19 b. Prior to January 1, 2001, if such partnership
20 elects, as provided in subsection 3, to be governed by
21 this Act.
22 2. On or after January 1, 2001, this Act applies
23 to all partnerships.
24 3. Prior to January 1, 2001, a partnership, in the
25 manner provided in its partnership agreement or by law
26 for amending the partnership agreement, may
27 voluntarily elect to be governed by this Act. The
28 provisions of this Act relating to the liability of
29 the partnerships' partners to third parties apply to
30 limit those partners' liability to a third party who
31 had done business with the partnership within one year
32 before the partnership's election to be governed by
33 this Act only if the third party knows or has received
34 a notification of the partnership's election to be
35 governed by this Act.
36 Sec. ____ EFFECTIVE DATE. This Act takes effect
37 January 1, 1999."
38 21. Title page, line 2, by inserting after word
39 "providing" the following: "penalties and".

O. GENE MADDOX

S-5225

1 Amend Senate File 2281 as follows:
2 1. By striking page 1, line 31, through page 2,
3 line 25, and inserting the following:
4 "4. The state public defender ~~is authorized to~~
5 ~~review any claim made for payment of indigent defense~~
6 ~~costs and to take the following action if the state~~
7 ~~public defender believes a claim is excessive:~~
8 a. ~~If the claim is from a noncontract attorney,~~
9 ~~the state public defender shall request a review by~~
10 ~~the court granting the claim as to the reasonableness~~
11 ~~of the claim within thirty days of receipt of the~~
12 ~~claim.~~
13 b. ~~If the claim is from a contract attorney, the~~

14 state public defender shall request a review by the
15 appointing court as to the reasonableness of the claim
16 within thirty days of receipt of the claim shall
17 establish hourly rates of compensation to be paid to
18 court-appointed counsel, and shall establish fee
19 limitations for particular categories of cases. The
20 hourly rates and fee limitations shall be reviewed at
21 least every three years.
22 5. The state public defender shall establish an
23 expedited procedure for court-appointed counsel to
24 request advance approval for anticipated compensation
25 in excess of any fee limitation. In determining
26 whether a request should be granted, the state public
27 defender shall consider whether the anticipated
28 services are necessary and reasonable. The state
29 public defender shall not require disclosure by the
30 attorney of any information which is not subject to
31 discovery under applicable law. Actions of the state
32 public defender with regard to requests for advance
33 approval for anticipated compensation in excess of any
34 fee limitation shall be deemed final agency action.
35 Notwithstanding chapter 17A, an attorney whose
36 request for approval is denied may seek an expedited
37 review of the denial by the appointing court, in
38 accordance with rules adopted by the state public
39 defender regarding procedure and conduct of review of
40 denials of requests. The type of review and relief
41 the court may provide shall be limited to the review
42 and relief specified in section 17A.19. The review
43 hearing shall be conducted on an expedited basis, in
44 the manner specified in rules promulgated by the
45 court.
46 6. The state public defender shall establish a
47 procedure for the submission of all claims for payment
48 of indigent defense fees and costs, including the
49 submission of interim claims in appropriate cases.
50 The state public defender shall review any claim made

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1 for payment and shall pay all appropriate and
2 reasonable charges. If any portion of a claim is
3 excessive or not payable under the attorney's
4 appointment, the state public defender may deny that
5 portion of the claim. Actions of the state public
6 defender in approving, denying, or modifying claims
7 shall be deemed final agency action.
8 Notwithstanding the venue restrictions contained in
9 section 17A.19, the appointing court may hear
10 proceedings for judicial review of the actions of the
11 state public defender in approving, denying, or
12 modifying claims for compensation."

13 2. Page 3, by inserting after line 4 the
14 following:

15 "Sec. ____ Section 13B.9, subsection 1, paragraph
16 b, Code 1997, is amended to read as follows:

17 b. Represent an indigent party, without fee and
18 upon an order of the court, in child in need of
19 assistance, family in need of assistance, delinquency,
20 and termination of parental rights proceedings
21 pursuant to chapter 232 in a county served by a public
22 defender. The local public defender shall counsel and
23 represent an indigent party in all proceedings
24 pursuant to chapter 232 in a county served by a public
25 defender and prosecute before or after judgment any
26 appeals or other remedies which the local public
27 defender considers to be in the interest of justice
28 unless other counsel is appointed to the case. The
29 ~~state public defender shall be reimbursed by the~~
30 ~~counties for services rendered by employees of the~~
31 ~~local public defenders' offices under this subsection,~~
32 ~~pursuant to section 232.141."~~

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

35 "Sec. ____ Section 13B.8, subsection 2, Code 1997,
36 is amended to read as follows:

37 2. a. The state public defender may appoint a
38 local public defender and may remove the local public
39 defender for cause. The local public defender must be
40 an attorney admitted to the practice of law before the
41 Iowa supreme court.

42 b. The state public defender may appoint assistant
43 local public defenders, clerks, investigators,
44 secretaries, and other employees. An assistant local
45 public defender must be an attorney licensed to
46 practice before the Iowa supreme court and may not
47 engage in the private practice of law."

48 4. Page 3, by inserting after line 6 the
49 following:

50 "Sec. ____ Section 13B.9, subsection 3, Code 1997,

Page 3

1 is amended by striking the subsection."

2 5. Page 3, by inserting after line 8 the
3 following:

4 "Sec. ____ Section 124.407, unnumbered paragraphs
5 2 and 7, Code 1997, are amended by striking the
6 unnumbered paragraphs."

7 6. Page 3, by inserting after line 35 the
8 following:

9 "Sec. ____ Section 232.141, subsections 2 and 3,
10 Code Supplement 1997, are amended to read as follows:

11 2. Upon certification of the court, all of the

12 following expenses are a charge upon the county in
13 which the proceedings are held, to the extent provided
14 in subsection 3:

15 a. The fees and mileage of witnesses and the
16 expenses of officers serving notices and subpoenas
17 incurred by an attorney appointed by the court to
18 serve as counsel or guardian ad litem.

19 b. Reasonable compensation for an attorney
20 appointed by the court to serve as counsel or guardian
21 ad litem.

22 3. Costs incurred under subsection 2 shall be paid
23 as follows:

24 a. A For each fiscal year, a county shall be
25 required to pay liable for the fiscal year beginning
26 July 1, 1989, an amount equal to the county's base
27 cost for witness and mileage fees and attorney fees
28 established pursuant to section 232.141, subsection 8,
29 paragraph "d", Code 1989, for the fiscal year
30 beginning July 1, 1988, plus an amount equal to the
31 percentage rate of change in the consumer price index
32 as tabulated by the federal bureau of labor statistics
33 for the current year times the county's base cost A
34 county's base cost shall be the amount a county was
35 required to pay pursuant to section 232.141,
36 subsection 3, Code 1997, for the fiscal year beginning
37 July 1, 1997, and ending June 20, 1998, in accordance
38 with the schedule contained in this Act. The payment
39 of the county's base cost shall be made through an
40 offset of the county allocation as provided in section
41 405A.4.

42 b. A county's base cost for a fiscal year plus the
43 percentage rate of change amount as computed in
44 paragraph "a" is the county's base cost for the
45 succeeding fiscal year. The amount to be paid in the
46 succeeding year by the county shall be computed as
47 provided in paragraph "a".

48 e. b. Costs incurred under subsection 2, which are
49 not paid by the county under paragraphs "a" and "b"
50 shall be reimbursed paid by the state. Reimbursement

Page 4

1 Payment for the costs of compensation of an attorney
2 appointed by the court to serve as counsel or guardian
3 ad litem shall be made as provided in section 815.7.

4 A county person eligible for payment by the state
5 shall apply for reimbursement to the department of
6 inspections and appeals which shall prescribe rules
7 and forms to implement this subsection payment as
8 provided in section 815.10.

9 Sec. ____ Section 237.20, subsection 4, paragraph
10 e, Code Supplement 1997, is amended to read as

11 follows:

12 e. The guardian ad litem of the foster child. The
13 An attorney appointed as guardian ad litem shall be
14 eligible for compensation through section 232.141,
15 subsection 1, ~~paragraph "b"~~ 2.

16 Sec. ____ Section 405A.4, subsection 1, Code 1997,
17 is amended by adding the following new paragraph:
18 NEW PARAGRAPH. d. A deduction of the amount of
19 the county's liability for juvenile court proceedings
20 pursuant to section 232.141."

21 7. Page 5, line 20, by inserting before the word
22 "experience" the following: "qualifications and".

23 8. Page 6, line 12, by striking the word
24 "reasonable" and inserting the following:
25 "reasonable".

26 9. Page 6, line 25, by striking the words "The
27 noncontract" and inserting the following: "The
28 expenses shall include any sum or sums as may be
29 necessary for investigation in the interests of
30 justice and, in the event of any appeal, the cost of
31 obtaining the transcript of the trial and the printing
32 of the trial record and necessary briefs. An".

33 10. Page 6, by striking lines 26 and 27 and
34 inserting the following: "follow the case into
35 another county or into the appellate court unless so
36 directed to do so by the court ~~at the request of the~~".

37 11. Page 6, line 30, by inserting after the word
38 "accordingly." the following: "If the attorney
39 follows the case into another county or into appellate
40 court, the attorney shall be entitled to compensation
41 as provided in this section."

42 12. By striking page 9, line 30, through page 10,
43 line 5, and inserting the following: "receiving the
44 legal assistance within ten days of the court's ruling
45 in the case, or if the case is dismissed, within ten
46 days of the dismissal."

47 6. An appointed attorney shall submit a report
48 pertaining to the costs and fees accrued to date for
49 legal assistance to the court at the times specified
50 in subsections 4 and 5. If the appointed attorney is

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1 a public defender, the report shall specify the hours
2 of services plus other expenses. If the appointed
3 attorney is a private attorney, the report shall
4 specify the hours of service and the amount of fees
5 claimed by the attorney plus other expenses. An
6 appointed attorney shall submit a supplemental report
7 for any fees and expenses accrued after the times
8 specified in subsections 4 and 5."

9 13. Page 10, by striking lines 26 through 33 and

10 inserting the following: "as either a contempt or a
 11 show cause hearing."

12 14. Page 11, line 5, by striking the words "for
 13 use in" and inserting the following: "that may be
 14 used for".

15 15. Page 12, line 14, by striking the word "may"
 16 and inserting the following: "shall".

17 16. Page 12, line 21, by striking the word and
 18 letter "paragraph "c"" and inserting the following:
 19 "paragraph "e"".

20 17. Page 12, line 24, by inserting after the
 21 words "assembly to the" the following: "office of
 22 state public defender of the".

23 18. Page 13, by inserting after line 4 the
 24 following:

25 "Sec. ____ COUNTY LIABILITY -- JUVENILE JUSTICE
 26 COSTS. A county's liability for juvenile justice
 27 costs under section 232.141, subsections 2 and 3, as
 28 amended by this Act, for the fiscal year beginning
 29 July 1, 1998, and for succeeding fiscal years shall be
 30 as follows:

31	Adair	\$	156
32	Adams	\$	834
33	Allamakee	\$	5,289
34	Appanoose	\$	5,945
35	Audubon	\$	2,005
36	Benton	\$	4,943
37	Black Hawk	\$	102,731
38	Boone	\$	4,525
39	Bremer	\$	748
40	Buchanan	\$	3,176
41	Buena Vista	\$	1,254
42	Butler	\$	3,357
43	Calhoun	\$	893
44	Carroll	\$	1,080
45	Cass	\$	821
46	Cedar	\$	4,156
47	Cerro Gordo	\$	3,755
48	Cherokee	\$	354
49	Chickasaw	\$	4,027
50	Clarke	\$	1,240

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1	Clay	\$	1,586
2	Clayton	\$	4,528
3	Clinton	\$	56,288
4	Crawford	\$	835
5	Dallas	\$	506
6	Davis	\$	586
7	Decatur	\$	1,116
8	Delaware	\$	3,662

9	Des Moines	\$ 13,979
10	Dickinson	\$ 2,080
11	Dubuque	\$ 61,845
12	Emmet	\$ 1,716
13	Fayette	\$ 13,286
14	Floyd	\$ 4,783
15	Franklin	\$ 980
16	Fremont	\$ 2,062
17	Greene	\$ 3,050
18	Grundy	\$ 8,679
19	Guthrie	\$ 468
20	Hamilton	\$ 11,077
21	Hancock	\$ 811
22	Hardin	\$ 8,111
23	Harrison	\$ 652
24	Henry	\$ 4,907
25	Howard	\$ 10,318
26	Humboldt	\$ 1,477
27	Ida	\$ 367
28	Iowa	\$ 1,362
29	Jackson	\$ 4,655
30	Jasper	\$ 11,706
31	Jefferson	\$ 3,627
32	Johnson	\$ 51,401
33	Jones	\$ 6,370
34	Keokuk	\$ 382
35	Kossuth	\$ 848
36	Lee	\$ 8,121
37	Linn	\$ 91,630
38	Louisa	\$ 1,363
39	Lucas	\$ 1,247
40	Lyon	\$ 1,239
41	Madison	\$ 1,345
42	Mahaska	\$ 1,490
43	Marion	\$ 1,140
44	Marshall	\$ 18,695
45	Mills	\$ 1,492
46	Mitchell	\$ 1,704
47	Monona	\$ 1,047
48	Monroe	\$ 6,072
49	Montgomery	\$ 2,365
50	Muscatine	\$ 3,882

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1	O'Brien	\$ 2,627
2	Osceola	\$ 1,163
3	Page	\$ 1,848
4	Palo Alto	\$ 1,662
5	Plymouth	\$ 637
6	Pocahontas	\$ 722
7	Polk	\$ 159,117

8	Pottawattamie	\$ 23,643
9	Poweshiek	\$ 6,968
10	Ringgold	\$ 570
11	Sac	\$ 904
12	Scott	\$ 31,844
13	Shelby	\$ 2,077
14	Sioux	\$ 1,046
15	Story	\$ 26,966
16	Tama	\$ 12,323
17	Taylor	\$ 2,122
18	Union	\$ 6,882
19	Van Buren	\$ 968
20	Wapello	\$ 14,278
21	Warren	\$ 2,062
22	Washington	\$ 6,030
23	Wayne	\$ 273
24	Webster	\$ 20,448
25	Winnebago	\$ 344
26	Winneshiek	\$ 5,485
27	Woodbury	\$ 146,903
28	Worth	\$ 260
29	Wright	\$ <u>4,816</u>
30	Total of All Counties	\$1,079,215"
31	19. By numbering and renumbering as necessary.	

O. GENE MADDOX

S-5226

- 1 Amend Senate File 2283 as follows:
- 2 1. By striking page 1, line 33, through page 2,
- 3 line 7, and inserting the following:
- 4 "(8) Diabetes outpatient self-management training
- 5 and education provided by a health professional
- 6 certified by the national certification board for
- 7 diabetes educators or a licensed dietitian, nurse,
- 8 pharmacist, or other licensed health professional who
- 9 may provide training and education under a program
- 10 which meets the standards of diabetes self-management
- 11 education as established by the American diabetes
- 12 association or the Iowa department of public health."
- 13 2. Page 2, line 12, by inserting after the word
- 14 "commissioner," the following: "upon the
- 15 recommendation of the Iowa department of public health
- 16 or for purposes of conforming to accepted practices as
- 17 approved by the American diabetes association, and".
- 18 3. Page 2, by striking lines 29 through 31.
- 19 4. By renumbering as necessary.

O. GENE MADDOX

S-5227

- 1 Amend Senate File 2381 as follows:
- 2 1. Page 9, line 24, by inserting after the word
- 3 "For" the following: "airfield pavement, runway
- 4 lighting, and vertical infrastructure".

ALLEN BORLAUG

S-5228

- 1 Amend Senate File 2381 as follows:
- 2 1. Page 9, line 24, by inserting after the word
- 3 "For" the following: "airfield pavement, runway
- 4 lighting, and vertical infrastructure".
- 5 2. Page 9, line 25, by inserting after the word
- 6 "state" the following: ", notwithstanding section
- 7 8.57, subsection 5, paragraph "c".

ALLEN BORLAUG

S-5229

- 1 Amend Senate File 2381 as follows:
- 2 1. Page 5, by striking lines 6 through 24.
- 3 2. Page 6, by striking lines 16 through 27.
- 4 3. Page 10, by inserting after line 7 the
- 5 following:
- 6 "Sec. ____ CAPITOL COMPLEX SPACE UTILIZATION
- 7 BOARD. There is appropriated from the rebuild Iowa
- 8 infrastructure fund to the capitol complex space
- 9 utilization board created in section 18D.1 for the
- 10 fiscal year beginning July 1, 1998, and ending June
- 11 30, 1999, the following amounts, or so much thereof as
- 12 is necessary, to be used for the purposes designated:
- 13 1. For relocation of offices and other transition
- 14 costs associated with renovation of the Lucas state
- 15 office building and the old historical building:
- 16 \$ 1,300,000
- 17 2. For renovation of the Lucas state office
- 18 building:
- 19 \$ 4,500,000
- 20 3. For developing a master plan for the capitol
- 21 complex, including planning for the capitol terrace
- 22 project and design costs for underground parking on
- 23 the capitol complex:
- 24 \$ 390,000
- 25 It is the intent of the general assembly that the
- 26 board coordinate with the city of Des Moines on
- 27 construction projects located at the capitol complex
- 28 and surrounding areas.
- 29 4. Planning and design of a parking structure

30 located at the northwest corner of the capitol
31 complex:
32 \$ 820,000
33 5. For capitol interior restoration:
34 \$ 1,027,600
35 6. For capital projects for the judicial
36 department at the capitol building:
37 \$ 250,000
38 Notwithstanding section 8.33, unencumbered or
39 unobligated funds remaining on June 30, 2002, from the
40 funds appropriated in this section, shall revert to
41 the rebuild Iowa infrastructure fund on August 31,
42 2002."
43 4. Page 10, by inserting after line 23 the
44 following:
45 "Sec. ____ NEW SECTION. 18D.1 CAPITOL COMPLEX
46 SPACE UTILIZATION BOARD.
47 1. The capitol complex space utilization board is
48 established to preserve, maintain, restore, and
49 construct buildings and associated appurtenant
50 structures, utilities and site development features

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1 located on the capitol complex within the limits of
2 funds appropriated to the board.
3 2. The capitol complex space utilization board
4 consists of the governor and the members of the
5 legislative council. The governor shall serve as the
6 chairperson of the board and the chairperson of the
7 legislative council shall serve as the vice
8 chairperson of the board.
9 3. The board shall adopt a space utilization
10 master plan for the capitol complex prior to the
11 expenditure by the board of any funds appropriated to
12 the board. Expenditures of any funds appropriated to
13 the board are subject to approval by a majority vote
14 of all the members of the board.
15 4. The legislative service bureau shall provide
16 staffing services to the board. The department of
17 general services and other state agencies shall at the
18 direction of the board carry out any formal actions
19 taken by the board with respect to the capitol
20 complex."
21 5. By renumbering as necessary.

ROD HALVORSON

S-5230

1 Amend the amendment, S-5229, to Senate File 2381 as
2 follows:

- 3 1. Page 1, by inserting after line 1 the
4 following:
5 " Page 2, line 13, by striking the figure
6 "2,425,000" and inserting the following: "2,325,000".
7 Page 2, by striking lines 18 through 20."
8 2. Page 1, by inserting after line 37 the
9 following:
10 " _____. For the planning phase to design and
11 construct an Iowa hall of pride to be located at the
12 old historical building:
13 \$ 100,000"
14 3. By renumbering as necessary.

PATTY JUDGE

S-5231

- 1 Amend Senate File 2320 as follows:
2 1. Page 2, by inserting after line 25 the
3 following:
4 "Sec. ____ Section 99F.7, subsection 10, paragraph
5 d, Code 1997, is amended to read as follows:
6 d. If the ~~proposition one or more propositions~~ to
7 operate gambling games on an excursion gambling boat
8 or at a racetrack enclosure ~~is are~~ approved by a
9 majority of the county electorate voting on the
10 proposition including all approved licenses, the board
11 of supervisors secretary of state shall submit the
12 same a consolidated proposition as provided in
13 paragraph "a" to the county state electorate at the
14 general election held in 2002 and, unless the
15 operation of gambling games or pari-mutuel dog or
16 horse racetracks is terminated earlier as provided in
17 this chapter or chapter 99D, at the general election
18 held at each subsequent eight-year interval.
19 (1) The secretary of state shall submit a
20 consolidated proposition so that the state electorate
21 shall approve or disapprove the continuation of all
22 gambling games and pari-mutuel racetracks operating at
23 the time of election with a single vote.
24 (2) If a majority of the state electorate voting
25 at the general election approves the proposition, the
26 gambling games and pari-mutuel racetracks shall
27 continue operations as provided in this chapter or
28 chapter 99D. If a majority of the state electorate
29 voting at the general election disapproves the
30 proposition, all gambling games and pari-mutuel
31 racetracks shall cease operations on January 1
32 following the election."
33 2. Title page, line 4, by inserting after the

34 word "boats," the following: "providing a statewide
35 referendum for renewal of licenses,".

ROD HALVORSON

S-5232

1 Amend Senate File 2320 as follows:
2 1. Page 1, line 17, by striking the words and
3 figures "until July 1, 2003".
4 2. Page 1, line 22, by striking the words and
5 figures "until July 1, 2003".
6 3. Page 1, lines 24 and 25, by striking the words
7 and figures "during the moratorium from July 1, 1998,
8 until July 1, 2003,".
9 4. By striking page 1, line 34, through page 2,
10 line 25.
11 5. Title page, line 1, by striking the words
12 "moratorium on new" and inserting the following:
13 "limit on".
14 6. Title page, lines 3 and 4, by striking the
15 words "limiting the location of future excursion
16 gambling boats,".

ROD HALVORSON

S-5233

1 Amend Senate File 2320 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "BOATS" the following: "AND ON THE NUMBER AND TYPE OF
4 GAMBLING GAMES".
5 2. Page 1, by inserting after line 33 the
6 following:
7 "3. During the moratorium from July 1, 1998, until
8 July 1, 2003, the commission shall not authorize any
9 of the following:
10 a. An increase in the number or type of gambling
11 games or the number of slot machines on excursion
12 gambling boats which are located and operated on the
13 Mississippi or Missouri rivers.
14 b. A number of slot machines at a pari-mutuel
15 racetrack which is greater than the number authorized
16 on or before July 1, 1998."
17 3. Title page, line 1, by inserting after the
18 word "on" the following: "the number and types of
19 gambling games and slot machines and on".

ANDY McKEAN

S-5234

1 Amend Senate File 2281 as follows:

2 1. By striking page 1, line 31, through page 2,
3 line 25, and inserting the following:

4 "4. The state public defender is authorized to
5 review any claim made for payment of indigent defense
6 costs and to take the following action if the state
7 public defender believes a claim is excessive:

8 a. If the claim is from a noncontract attorney,
9 the state public defender shall request a review by
10 the court granting the claim as to the reasonableness
11 of the claim within thirty days of receipt of the
12 claim.

13 b. If the claim is from a contract attorney, the
14 state public defender shall request a review by the
15 appointing court as to the reasonableness of the claim
16 within thirty days of receipt of the claim shall
17 establish hourly rates of compensation to be paid to
18 court-appointed counsel, and shall establish fee
19 limitations for particular categories of cases. The
20 hourly rates and fee limitations shall be reviewed at
21 least every three years.

22 5. The state public defender shall establish an
23 expedited procedure for court-appointed counsel to
24 request advance approval for anticipated compensation
25 in excess of any fee limitation. In determining
26 whether a request should be granted, the state public
27 defender shall consider whether the anticipated
28 services are necessary and reasonable. The state
29 public defender shall not require disclosure by the
30 attorney of any information which is not subject to
31 discovery under applicable law. Actions of the state
32 public defender with regard to requests for advance
33 approval for anticipated compensation in excess of any
34 fee limitation shall be deemed final agency action.

35 Notwithstanding chapter 17A, an attorney whose
36 request for approval is denied may seek an expedited
37 review of the denial by the appointing court, in
38 accordance with rules adopted by the state public
39 defender regarding procedure and conduct of review of
40 denials of requests. The type of review and relief
41 the court may provide shall be limited to the review
42 and relief specified in section 17A.19. The review
43 hearing shall be conducted on an expedited basis, in
44 the manner specified in rules promulgated by the
45 court.

46 6. The state public defender shall establish a
47 procedure for the submission of all claims for payment
48 of indigent defense fees and costs, including the
49 submission of interim claims in appropriate cases.
50 The state public defender shall review any claim made

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1 for payment and shall pay all appropriate and
2 reasonable charges. If any portion of a claim is
3 excessive or not payable under the attorney's
4 appointment, the state public defender may deny that
5 portion of the claim. Actions of the state public
6 defender in approving, denying, or modifying claims
7 shall be deemed final agency action.

8 Notwithstanding the venue restrictions contained in
9 section 17A.19, the appointing court may hear
10 proceedings for judicial review of the actions of the
11 state public defender in approving, denying, or
12 modifying claims for compensation."

13 2. Page 3, by inserting after line 4 the
14 following:

15 "Sec. ____ Section 13B.9, subsection 1, paragraph
16 b, Code 1997, is amended to read as follows:
17 b. Represent an indigent party, without fee and
18 upon an order of the court, in child in need of
19 assistance, family in need of assistance, delinquency,
20 and termination of parental rights proceedings
21 pursuant to chapter 232 in a county served by a public
22 defender. The local public defender shall counsel and
23 represent an indigent party in all proceedings
24 pursuant to chapter 232 in a county served by a public
25 defender and prosecute before or after judgment any
26 appeals or other remedies which the local public
27 defender considers to be in the interest of justice
28 unless other counsel is appointed to the case. The
29 ~~state public defender shall be reimbursed by the~~
30 ~~counties for services rendered by employees of the~~
31 ~~local public defenders' offices under this subsection,~~
32 ~~pursuant to section 232.141."~~

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

35 "Sec. ____ Section 13B.8, subsection 2, Code 1997,
36 is amended to read as follows:

37 2. a. The state public defender may appoint a
38 local public defender and may remove the local public
39 defender for cause. The local public defender must be
40 an attorney admitted to the practice of law before the
41 Iowa supreme court.

42 b. The state public defender may appoint assistant
43 local public defenders, clerks, investigators,
44 secretaries, and other employees. An assistant local
45 public defender must be an attorney licensed to
46 practice before the Iowa supreme court and may not
47 engage in the private practice of law."

48 4. Page 3, by inserting after line 6 the

49 following:

50 "Sec. ____ Section 13B.9, subsection 3, Code 1997,

Page 3

1 is amended by striking the subsection."

2 5. Page 3, by inserting after line 8 the

3 following:

4 "Sec. ____ Section 124.407, unnumbered paragraphs

5 2 and 7, Code 1997, are amended by striking the

6 unnumbered paragraphs."

7 6. Page 3, by inserting after line 35 the

8 following:

9 "Sec. ____ Section 232.141, subsections 2 and 3,

10 Code Supplement 1997, are amended to read as follows:

11 2. Upon certification of the court, all of the

12 following expenses are a charge upon the county in

13 which the proceedings are held, to the extent provided

14 in subsection 3:

15 a. The fees and mileage of witnesses and the
16 expenses of officers serving notices and subpoenas

17 incurred by an attorney appointed by the court to
18 serve as counsel or guardian ad litem.

19 b. Reasonable compensation for an attorney
20 appointed by the court to serve as counsel or guardian
21 ad litem.

22 3. Costs incurred under subsection 2 shall be paid
23 as follows:

24 a. A For each fiscal year, a county shall be
25 required to pay liable for the fiscal year beginning
26 July 1, 1989, an amount equal to the county's base
27 cost for witness and mileage fees and attorney fees
28 established pursuant to section 232.141, subsection 8,
29 paragraph "d", Code 1989, for the fiscal year
30 beginning July 1, 1988, plus an amount equal to the
31 percentage rate of change in the consumer price index
32 as tabulated by the federal bureau of labor statistics
33 for the current year times the county's base cost A
34 county's base cost shall be the amount a county was
35 required to pay pursuant to section 232.141,
36 subsection 3, Code 1997, for the fiscal year beginning
37 July 1, 1997, and ending June 30, 1998, in accordance
38 with the schedule contained in this Act. The payment
39 of the county's base cost shall be made through an
40 offset of the county allocation as provided in section
41 405A.4.

42 b. A county's base cost for a fiscal year plus the
43 percentage rate of change amount as computed in
44 paragraph "a" is the county's base cost for the
45 succeeding fiscal year. The amount to be paid in the
46 succeeding year by the county shall be computed as
47 provided in paragraph "a".

48 e. b. Costs incurred under subsection 2, which are
49 ~~not paid by the county under paragraphs "a" and "b"~~
50 shall be reimbursed paid by the state. Reimbursement

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1 Payment for the costs of compensation of an attorney
2 appointed by the court to serve as counsel or guardian
3 ad litem shall be made as provided in section 815.7.
4 A ~~county person~~ eligible for payment by the state
5 shall apply for reimbursement to the department of
6 ~~inspections and appeals which shall prescribe rules~~
7 ~~and forms to implement this subsection payment as~~
8 provided in section 815.10.

9 Sec. ____ Section 237.20, subsection 4, paragraph
10 e, Code Supplement 1997, is amended to read as
11 follows:

12 e. The guardian ad litem of the foster child. The
13 An attorney appointed as guardian ad litem shall be
14 eligible for compensation through section 232.141,
15 subsection 1, ~~paragraph "b"~~ 2.

16 Sec. ____ Section 405A.4, subsection 1, Code 1997,
17 is amended by adding the following new paragraph:
18 NEW PARAGRAPH. d. A deduction of the amount of
19 the county's liability for juvenile court proceedings
20 pursuant to section 232.141."

21 7. Page 5, line 20, by inserting before the word
22 "experience" the following: "qualifications and".

23 8. Page 6, line 12, by striking the word
24 "reasonable" and inserting the following:
25 "reasonable".

26 9. Page 6, line 25, by striking the words "The
27 noncontract" and inserting the following: "The
28 expenses shall include any sum or sums as may be
29 necessary for investigation in the interests of
30 justice and, in the event of any appeal, the cost of
31 obtaining the transcript of the trial and the printing
32 of the trial record and necessary briefs. An".

33 10. Page 6, by striking lines 26 and 27 and
34 inserting the following: "follow the case into
35 another county or into the appellate court unless so
36 directed to do so by the court at the request of the".

37 11. Page 6, line 30, by inserting after the word
38 "accordingly." the following: "If the attorney
39 follows the case into another county or into appellate
40 court, the attorney shall be entitled to compensation
41 as provided in this section."

42 12. By striking page 9, line 30, through page 10,
43 line 5, and inserting the following: "receiving the
44 legal assistance within ten days of the court's ruling
45 in the case, or if the case is dismissed, within ten
46 days of the dismissal."

47 6. An appointed attorney shall submit a report
 48 pertaining to the costs and fees accrued to date for
 49 legal assistance to the court at the times specified
 50 in subsections 4 and 5. If the appointed attorney is

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1 a public defender, the report shall specify the hours
 2 of services plus other expenses. If the appointed
 3 attorney is a private attorney, the report shall
 4 specify the hours of service and the amount of fees
 5 claimed by the attorney plus other expenses. An
 6 appointed attorney shall submit a supplemental report
 7 for any fees and expenses accrued after the times
 8 specified in subsections 4 and 5."

9 13. Page 10, by striking lines 26 through 33 and
 10 inserting the following: "as either a contempt or a
 11 show cause hearing."

12 14. Page 11, line 5, by striking the words "for
 13 use in" and inserting the following: "that may be
 14 used for".

15 15. Page 12, line 14, by striking the word "may"
 16 and inserting the following: "shall".

17 16. Page 12, line 21, by striking the word and
 18 letter "paragraph "c"" and inserting the following:
 19 "paragraph "c"".

20 17. Page 12, line 24, by inserting after the
 21 words "assembly to the" the following: "office of
 22 state public defender of the".

23 18. Page 13, by inserting after line 4 the
 24 following:

25 "Sec. ____ COUNTY LIABILITY -- JUVENILE JUSTICE
 26 COSTS. A county's liability for juvenile justice
 27 costs under section 232.141, subsections 2 and 3, as
 28 amended by this Act, for the fiscal year beginning
 29 July 1, 1998, and for succeeding fiscal years shall be
 30 as follows:

31	Adair	\$	156
32	Adams	\$	834
33	Allamakee	\$	5,289
34	Appanoose	\$	5,945
35	Audubon	\$	2,005
36	Benton	\$	4,943
37	Black Hawk	\$	102,731
38	Boone	\$	4,525
39	Bremer	\$	748
40	Buchanan	\$	3,176
41	Buena Vista	\$	1,254
42	Butler	\$	3,357
43	Calhoun	\$	893
44	Carroll	\$	1,080
45	Cass	\$	821

46	Cedar	\$ 4,156
47	Cerro Gordo	\$ 3,755
48	Cherokee	\$ 354
49	Chickasaw	\$ 4,027
50	Clarke	\$ 1,240

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1	Clay	\$ 1,586
2	Clayton	\$ 4,528
3	Clinton	\$ 56,288
4	Crawford	\$ 835
5	Dallas	\$ 506
6	Davis	\$ 586
7	Decatur	\$ 1,116
8	Delaware	\$ 3,662
9	Des Moines	\$ 13,979
10	Dickinson	\$ 2,080
11	Dubuque	\$ 61,845
12	Emmet	\$ 1,716
13	Fayette	\$ 13,286
14	Floyd	\$ 4,783
15	Franklin	\$ 980
16	Fremont	\$ 2,062
17	Greene	\$ 3,050
18	Grundy	\$ 8,679
19	Guthrie	\$ 468
20	Hamilton	\$ 11,077
21	Hancock	\$ 811
22	Hardin	\$ 8,111
23	Harrison	\$ 652
24	Henry	\$ 4,907
25	Howard	\$ 10,318
26	Humboldt	\$ 1,477
27	Ida	\$ 367
28	Iowa	\$ 1,362
29	Jackson	\$ 4,655
30	Jasper	\$ 11,706
31	Jefferson	\$ 3,627
32	Johnson	\$ 51,401
33	Jones	\$ 6,370
34	Keokuk	\$ 382
35	Kossuth	\$ 848
36	Lee	\$ 8,121
37	Linn	\$ 91,630
38	Louisa	\$ 1,363
39	Lucas	\$ 1,247
40	Lyon	\$ 1,239
41	Madison	\$ 1,345
42	Mahaska	\$ 1,490
43	Marion	\$ 1,140
44	Marshall	\$ 18,695

45	Mills	\$ 1,492
46	Mitchell	\$ 1,704
47	Monona	\$ 1,047
48	Monroe	\$ 6,072
49	Montgomery	\$ 2,365
50	Muscatine	\$ 3,882

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1	O'Brien	\$ 2,627
2	Osceola	\$ 1,163
3	Page	\$ 1,848
4	Palo Alto	\$ 1,662
5	Plymouth	\$ 637
6	Pocahontas	\$ 722
7	Polk	\$ 159,117
8	Pottawattamie	\$ 23,643
9	Poweshiek	\$ 6,968
10	Ringgold	\$ 570
11	Sac	\$ 904
12	Scott	\$ 31,844
13	Shelby	\$ 2,077
14	Sioux	\$ 1,046
15	Story	\$ 26,966
16	Tama	\$ 12,323
17	Taylor	\$ 2,122
18	Union	\$ 6,882
19	Van Buren	\$ 968
20	Wapello	\$ 14,278
21	Warren	\$ 2,062
22	Washington	\$ 6,030
23	Wayne	\$ 273
24	Webster	\$ 20,448
25	Winnebago	\$ 344
26	Winneshiek	\$ 5,485
27	Woodbury	\$ 146,903
28	Worth	\$ 260
29	Wright	\$ <u>4,816</u>
30	Total of All Counties	\$1,079,215"
31	19. By numbering and renumbering as necessary.	

O. GENE MADDOX

S-5235

- 1 Amend Senate Fil3 2369 as follows:
- 2 1. Page 9, by striking lines 2 and 3.
- 3 2. By renumbering as necessary.

TOM VILSACK

S-5236

1 Amend Senate File 2345 as follows:

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

4 "Sec. ____ Section 232.2, subsection 4, Code
5 Supplement 1997, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. h. If reasonable efforts to place
8 a child for adoption or with a guardian are made
9 concurrently with reasonable efforts as defined in
10 section 232.102, the concurrent goals and timelines
11 may be identified. Concurrent case permanency plan
12 goals for reunification, and for adoption or for other
13 permanent out-of-home placement of a child shall not
14 be considered inconsistent in that the goals reflect
15 divergent possible outcomes for a child in an out-of-
16 home placement."

17 2. Page 1, by inserting after line 25 the
18 following:

19 "Sec. ____ Section 232.78, subsection 5, Code
20 1997, is amended to read as follows:

21 5. Any person who may file a petition under this
22 chapter may apply for, or the court on its own motion
23 may issue, an order for temporary removal under this
24 section. An appropriate person designated by the
25 court shall confer with a person seeking the removal
26 order, shall make every reasonable effort to inform
27 the parent or other person legally responsible for the
28 child's care of the application, and shall make such
29 inquiries as will aid the court in disposing of such
30 application. Any order entered under this section
31 authorizing temporary removal of a child shall include
32 a statement informing the child's parent that the
33 consequences of a permanent removal may include
34 termination of the parent's rights with respect to the
35 child.

36 Sec. ____ Section 232.91, Code Supplement 1997, is
37 amended by adding the following new subsection:

38 NEW SUBSECTION. 3. Any person who is entitled
39 under section 232.88 to receive notice of a hearing
40 concerning a child shall be given the opportunity to
41 be heard in any other review or hearing involving the
42 child.

43 Sec. ____ Section 232.95, subsection 2, paragraph
44 a, unnumbered paragraph 2, Code 1997, is amended to
45 read as follows:

46 If removal is ordered, the order shall, in
47 addition, contain a statement that removal from the
48 home is the result of a determination that
49 continuation therein would be contrary to the welfare
50 of the child, and that reasonable efforts have been

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1 made to prevent or eliminate the need for removal of
2 the child from the child's home. The order shall also
3 include a statement informing the child's parent that
4 the consequences of a permanent removal may include
5 termination of the parent's rights with respect to the
6 child.

7 Sec. ____ Section 232.96, subsection 10, Code
8 1997, is amended to read as follows:

9 10. If the court enters an order adjudicating the
10 child to be a child in need of assistance, the court,
11 if it has not previously done so, may issue an order
12 authorizing temporary removal of the child from the
13 child's home as set forth in section 232.95,
14 subsection 2, paragraph "a", pending a final order of
15 disposition. The order shall include a statement
16 informing the child's parent that the consequences of
17 a permanent removal may include termination of the
18 parent's rights with respect to the child."

19 3. Page 1, by inserting after line 34 the
20 following:

21 "Sec. ____ Section 232.102, Code Supplement 1997,
22 is amended by adding the following new subsection:
23 **NEW SUBSECTION. 7A.** Any order transferring
24 custody to the department or an agency shall include a
25 statement informing the child's parent that the
26 consequences of a permanent removal may include the
27 termination of the parent's rights with respect to the
28 child."

29 4. By striking page 1, line 35, through page 2,
30 line 9 and inserting the following:

31 "Sec. ____ Section 232.102, subsection 8,
32 paragraph c, Code Supplement 1997, is amended to read
33 as follows:"

34 5. Page 4, line 30, by striking the words "or
35 for" and inserting the following: "for".

36 6. Page 4, line 31, by inserting after the figure
37 "232.79," the following: "or for an order entered
38 under section 232.102, for which the court has not
39 waived reasonable efforts requirements".

40 7. Page 4, line 32, by striking the word
41 "fourteen" and inserting the following: "twelve".

42 8. By striking page 4, line 34, through page 5,
43 line 2.

44 9. Page 5, line 3, by striking the figure "(3)"
45 and inserting the following: "(2)".

46 10. Page 5, lines 28 through 31, by striking the
47 words "When such order places the child in the custody
48 of the department for the purpose of long-term foster
49 care placement in a facility, the The" and inserting

50 the following: "When ~~such~~ the order places the child

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1 in the custody of the department for the purpose of
2 long-term foster care placement in a facility, the".
3 11. Page 7, by inserting after line 7 the
4 following:
5 "Sec. ____ Section 232.117, subsection 4, Code
6 1997, is amended to read as follows:
7 4. If after a hearing the court does not order the
8 termination of parental rights but finds that there is
9 clear and convincing evidence that the child is a
10 child in need of assistance, under section 232.2,
11 subsection 6, due to the acts or omissions of one or
12 both of the child's parents the court may adjudicate
13 the child to be a child in need of assistance and may
14 enter an order in accordance with the provisions of
15 ~~sections~~ section 232.100, 232.101, ~~or~~ 232.102, or
16 232.104."
17 12. By renumbering as necessary.

NEAL SCHUERER

S-5237

1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. IOWA LOTTERY DISCONTINUED --
5 DISPOSITION OF PROPERTY -- EMPLOYEES TRANSFERRED OR
6 LAID OFF.
7 1. The Iowa lottery board shall discontinue all
8 lottery games established pursuant to chapter 99E
9 effective July 1, 1999. The lottery board shall
10 provide for the termination of all contracts extending
11 beyond July 1, 1999, and provide for the disposition
12 of all property leased or owned by the lottery
13 division.
14 2. Any employee of the lottery division employed
15 pursuant to chapter 19A and whose duty assignment is
16 terminated by this Act, may be transferred to other
17 duties within the department of revenue and finance,
18 reassigned to other duties in another state department
19 or agency, or terminated. The personnel commission
20 shall adopt rules to carry out the transfer of
21 employees under this Act and to carry out subsequent
22 reclassifications, reassignments, or terminations made
23 necessary by this Act. The personnel commission shall
24 arbitrate and decide a written appeal made by an
25 employee concerning a transfer, reassignment,
26 reclassification, or termination made necessary by

27 this Act. An employee shall not lose benefits accrued
28 including, but not limited to, salary, retirement,
29 vacation, or sick leave because of a transfer or
30 reassignment.

31 3. The members of the lottery board, the
32 commissioner, and any additional employees deemed
33 necessary by the board may continue employment on or
34 after July 1, 1999, to provide for the orderly
35 discontinuation of the lottery games. However, not
36 later than September 30, 1999, the terms of office of
37 the lottery board members and the employment of the
38 commissioner and any other employees remaining on or
39 after July 1, 1999, shall terminate. Any matters
40 regarding the termination of the lottery games
41 established under chapter 99E which remain on October
42 1, 1999, are the responsibility of the director of
43 revenue and finance. The director of revenue and
44 finance shall complete the discontinuation of the
45 lottery games as expeditiously as possible.

46 Sec. ____ Section 7E.5, subsection 1, paragraph d.,
47 Code 1997, is amended to read as follows:

48 d. The department of revenue and finance, created
49 in section 421.2, which has primary responsibility for
50 revenue collection and revenue law compliance, and

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1 financial management and assistance, ~~and the Iowa~~
2 ~~lottery.~~

3 Sec. ____ Section 7E.6, subsection 3, Code 1997,
4 is amended by striking the subsection.

5 Sec. ____ Section 8.22A, subsection 5, paragraph
6 a, Code 1997, is amended by striking the paragraph.

7 Sec. ____ Section 68B.35, subsection 2, paragraph
8 e, Code 1997, is amended to read as follows:

9 e. Members of the banking board, the ethics and
10 campaign disclosure board, the credit union review
11 board, the economic development board, the employment
12 appeal board, the environmental protection commission,
13 the health facilities council, the Iowa business
14 investment corporation board of directors, the Iowa
15 finance authority, the Iowa seed capital corporation,
16 the Iowa public employees' retirement system
17 investment board, ~~the lottery board,~~ the natural
18 resource commission, the board of parole, the
19 petroleum underground storage tank fund board, the
20 public employment relations board, the state racing
21 and gaming commission, the state board of regents, the
22 tax review board, the transportation commission, the
23 office of consumer advocate, the utilities board, the
24 Iowa telecommunications and technology commission, and
25 any full-time members of other boards and commissions

26 as defined under section 7E.4 who receive an annual
27 salary for their service on the board or commission.

28 Sec. ____ Section 99A.10, Code 1997, is amended to
29 read as follows:

30 99A.10 MANUFACTURE AND DISTRIBUTION OF GAMBLING
31 DEVICES PERMITTED.

32 A person may manufacture or act as a distributor
33 for gambling devices for sale out of the state in
34 another jurisdiction where possession of the device is
35 legal or for sale in the state or use in the state if
36 the use is permitted pursuant to either chapter 99B or
37 ~~chapter 99E.~~

38 Sec. ____ Section 99B.1, subsection 17, Code 1997,
39 is amended by striking the subsection.

40 Sec. ____ Section 99B.6, subsection 5, Code 1997,
41 is amended by striking the subsection.

42 Sec. ____ Section 99B.7, subsection 1, paragraph
43 1, subparagraph (1), Code 1997, is amended to read as
44 follows:

45 (1) No other gambling is engaged in at the same
46 location, ~~except that lottery tickets or shares issued~~
47 ~~by the lottery division of the department of revenue~~
48 ~~and finance may be sold pursuant to chapter 99E.~~

49 Sec. ____ Section 99B.15, Code 1997, is amended to
50 read as follows:

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1 99B.15 APPLICABILITY OF CHAPTER -- PENALTY.

2 It is the intent and purpose of this chapter to
3 authorize gambling in this state only to the extent
4 specifically permitted by a section of this chapter or
5 chapter 99D, ~~99E~~, or 99F. Except as otherwise
6 provided in this chapter, the knowing failure of any
7 person to comply with the limitations imposed by this
8 chapter constitutes unlawful gambling, a serious
9 misdemeanor.

10 Sec. ____ NEW SECTION. 99E.35 FUTURE REPEAL.

11 This chapter is repealed effective July 1, 1999."

12 2. Page 1, line 1, by striking the figure "1" and
13 inserting the following: "101".

14 3. Page 1, line 10, by striking the figure "2"
15 and inserting the following: "102".

16 4. Page 1, by inserting after line 20 the
17 following:

18 "Sec. ____ Section 99F.2, Code 1997, is amended to
19 read as follows:

20 99F.2 SCOPE OF PROVISIONS.

21 This chapter does not apply to the pari-mutuel
22 system of wagering used or intended to be used in
23 connection with the horse-race or dog-race meetings as
24 authorized under chapter 99D, ~~lottery or lotto games~~

25 authorized under chapter 99E, or bingo or games of
26 skill or chance authorized under chapter 99B.

27 Sec. ____ Section 99F.11, subsection 3, Code 1997,
28 is amended to read as follows:

29 3. Three-tenths of one percent of the adjusted
30 gross receipts shall be deposited in the gamblers
31 assistance gambling treatment fund specified in
32 section ~~99E-10, subsection 1, paragraph "a"~~ 99F.19.

33 Sec. ____ NEW SECTION. 99F.19 GAMBLING TREATMENT
34 FUND -- CREATED AND USES.

35 A gambling treatment fund is created in the state
36 treasury. The director of the Iowa department of
37 public health shall administer the fund and shall
38 provide that receipts are allocated on a monthly basis
39 to fund administrative costs and to programs which may
40 include, but are not limited to, outpatient and
41 follow-up treatment for persons affected by problem
42 gambling, rehabilitation and residential treatment
43 programs, information and referral services, and
44 education and preventive services. Of the moneys
45 remaining in the gambling treatment fund at the close
46 of the fiscal year which otherwise would remain
47 unexpended or unobligated for the purposes designated
48 in this paragraph, up to four hundred thousand dollars
49 shall be used by the Iowa department of public health
50 for substance abuse program grants.

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1 Sec. ____ Section 123.49, subsection 2, paragraph
2 a, Code Supplement 1997, is amended to read as
3 follows:

4 a. Knowingly permit any gambling, except in
5 accordance with chapter 99B, 99D, ~~99E~~, or 99F, or
6 knowingly permit solicitation for immoral purposes, or
7 immoral or disorderly conduct on the premises covered
8 by the license or permit.

9 Sec. ____ Section 321.19, subsection 1, unnumbered
10 paragraph 2, Code Supplement 1997, is amended to read
11 as follows:

12 The department shall furnish, on application, free
13 of charge, distinguishing plates for vehicles thus
14 exempted, which plates except plates on Iowa highway
15 safety patrol vehicles shall bear the word "official"
16 and the department shall keep a separate record.
17 Registration plates issued for Iowa highway safety
18 patrol vehicles, except unmarked patrol vehicles,
19 shall bear two red stars on a yellow background, one
20 before and one following the registration number on
21 the plate, which registration number shall be the
22 officer's badge number. Registration plates issued
23 for a county sheriff's patrol vehicles shall display

24 one seven-pointed gold star followed by the letter "S"
25 and the call number of the vehicle. However, the
26 director of general services or the director of
27 transportation may order the issuance of regular
28 registration plates for any exempted vehicle used by
29 peace officers in the enforcement of the law, persons
30 enforcing chapter 124 and other laws relating to
31 controlled substances, and persons in the department
32 of justice, the alcoholic beverages division of the
33 department of commerce, the department of inspections
34 and appeals, and the department of revenue and
35 finance, who are regularly assigned to conduct
36 investigations which cannot reasonably be conducted
37 with a vehicle displaying "official" state
38 registration plates, ~~and persons in the lottery~~
39 ~~division of the department of revenue and finance~~
40 ~~whose regularly assigned duties relating to security~~
41 ~~or the carrying of lottery tickets cannot reasonably~~
42 ~~be conducted with a vehicle displaying "official"~~
43 ~~registration plates.~~ For purposes of sale of exempted
44 vehicles, the exempted governmental body, upon the
45 sale of the exempted vehicle, may issue for in-transit
46 purposes a pasteboard card bearing the words "Vehicle
47 in Transit", the name of the official body from which
48 the vehicle was purchased, together with the date of
49 the purchase plainly marked in at least one-inch
50 letters, and other information required by the

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1 department. The in-transit card is valid for use only
2 within forty-eight hours after the purchase date as
3 indicated on the bill of sale which shall be carried
4 by the driver.

5 Sec. 16. Section 421.17, subsection 27, Code
6 Supplement 1997, is amended by striking the
7 subsection.

8 Sec. ____ Section 422.16, subsection 1, unnumbered
9 paragraph 4, Code 1997, is amended to read as follows:

10 For the purposes of this subsection, state income
11 tax shall be withheld on winnings in excess of six
12 hundred dollars derived from gambling activities
13 authorized under chapter 99B ~~or 99E~~. State income tax
14 shall be withheld on winnings in excess of one
15 thousand dollars from gambling activities authorized
16 under chapter 99D. State income tax shall be withheld
17 on winnings in excess of twelve hundred dollars
18 derived from slot machines authorized under chapter
19 99F.

20 Sec. ____ Section 422.43, subsection 2, Code
21 Supplement 1997, is amended to read as follows:

22 2. There is imposed a tax of five percent upon the

23 gross receipts derived from the operation of all forms
24 of amusement devices and games of skill, games of
25 chance, raffles, and bingo games as defined in chapter
26 99B, operated or conducted within the state, the tax
27 to be collected from the operator in the same manner
28 as for the collection of taxes upon the gross receipts
29 of tickets or admission as provided in this section.
30 ~~The tax shall also be imposed upon the gross receipts~~
31 ~~derived from the sale of lottery tickets or shares~~
32 ~~pursuant to chapter 99E. The tax on the lottery~~
33 ~~tickets or shares shall be included in the sales price~~
34 ~~and distributed to the general fund as provided in~~
35 ~~section 99E-10.~~

36 Sec. ____ Section 422B.8, unnumbered paragraph 1,
37 Code 1997, is amended to read as follows:

38 A local sales and services tax at the rate of not
39 more than one percent may be imposed by a county on
40 the gross receipts taxed by the state under chapter
41 422, division IV. A local sales and services tax
42 shall be imposed on the same basis as the state sales
43 and services tax and may not be imposed on the sale of
44 any property or on any service not taxed by the state,
45 except the tax shall not be imposed on the gross
46 receipts from the sale of motor fuel or special fuel
47 as defined in chapter 452A, on the gross receipts from
48 the rental of rooms, apartments, or sleeping quarters
49 which are taxed under chapter 422A during the period
50 the hotel and motel tax is imposed, on the gross

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1 receipts from the sale of natural gas or electric
2 energy in a city or county where the gross receipts
3 are subject to a franchise fee or user fee during the
4 period the franchise or user fee is imposed, and on
5 the gross receipts from the sale of equipment by the
6 state department of transportation, ~~and on the gross~~
7 ~~receipts from the sale of a lottery ticket or share in~~
8 ~~a lottery game conducted pursuant to chapter 99E. A~~
9 local sales and services tax is applicable to
10 transactions within those incorporated and
11 unincorporated areas of the county where it is imposed
12 and shall be collected by all persons required to
13 collect state gross receipts taxes. All cities
14 contiguous to each other shall be treated as part of
15 one incorporated area and the tax would be imposed in
16 each of those contiguous cities only if the majority
17 of those voting in the total area covered by the
18 contiguous cities favor its imposition.

19 Sec. ____ Section 455A.18, subsection 3,
20 unnumbered paragraph 1, Code Supplement 1997, is
21 amended to read as follows:

22 For each fiscal year of the fiscal period beginning
23 July 1, 1997, and ending June 30, 2021, there is
24 appropriated from the general fund, to the Iowa
25 resources enhancement and protection fund, the amount
26 of twenty million dollars, to be used as provided in
27 this chapter. ~~However, in any fiscal year of the~~
28 ~~fiscal period, if moneys from the lottery are~~
29 ~~appropriated by the state to the fund, the amount~~
30 ~~appropriated under this subsection shall be reduced by~~
31 ~~the amount appropriated from the lottery.~~

32 Sec. ____ Section 537A.4, unnumbered paragraph 2,
33 Code 1997, is amended to read as follows:

34 This section does not apply to a contract for the
35 operation of or for the sale or rental of equipment
36 for games of skill or games of chance, if both the
37 contract and the games are in compliance with chapter
38 99B. This section does not apply to wagering under
39 the pari-mutuel method of wagering authorized by
40 chapter 99D. ~~This section does not apply to the sale,~~
41 ~~purchase or redemption of a ticket or share in the~~
42 ~~state lottery in compliance with chapter 99E.~~ This
43 section does not apply to wagering under the excursion
44 boat gambling method of wagering authorized by chapter
45 99F. This section does not apply to the sale,
46 purchase, or redemption of any ticket or similar
47 gambling device legally purchased in Indian lands
48 within this state.

49 Sec. ____ Section 714B.10, subsection 1, Code
50 1997, is amended to read as follows:

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1 1. Advertising by sponsors registered pursuant to
2 chapter 557B, licensed pursuant to chapter 99B, or
3 regulated pursuant to chapter 99D, ~~99E,~~ or 99F.

4 Sec. ____ Section 725.9, subsection 5, Code 1997,
5 is amended to read as follows:

6 5. This chapter does not prohibit the possession
7 of gambling devices by a manufacturer or distributor
8 if the possession is solely for sale out of the state
9 in another jurisdiction where possession of the device
10 is legal or for sale in the state or use in the state
11 if the use is licensed pursuant to either chapter 99B
12 ~~or chapter 99E.~~

13 Sec. ____ Section 725.15, Code 1997, is amended to
14 read as follows:

15 725.15 EXCEPTIONS FOR LEGAL GAMBLING.

16 Sections 725.5 to 725.10 and 725.12 do not apply to
17 a game, activity, ticket, or device when lawfully
18 possessed, used, conducted, or participated in
19 pursuant to chapter 99B, ~~99E,~~ or 99F.

20 Sec. ____ EFFECTIVE DATE. This Act, except

- 21 sections 1, 101, and 102, takes effect July 1, 1999.
22 Sections 1, 101, and 102 of this Act take effect July
23 1, 1998."
24 5. By renumbering as necessary.

STEVEN D. HANSEN

S-5238

- 1 Amend Senate File 2332 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "crops," the following: "fiber,".
4 2. Page 1, by striking lines 20 through 24 and
5 inserting the following:
6 " ____ "Certified" means any farm, wild crop
7 harvesting, or handling operation that is verified
8 annually, through an on-site inspection and
9 comprehensive review of the operation by a certifying
10 agent under 21 U.S.C. } 2115 or by the department's
11 certification program, as producing and handling
12 agricultural products in accordance with this chapter
13 and rules adopted pursuant to this chapter."
14 3. Page 2, line 11, by inserting after the word
15 "food" the following: "or fiber".
16 4. Page 2, line 13, by inserting after the word
17 "food" the following: "or fiber".
18 5. Page 2, by striking lines 15 through 18 and
19 inserting the following: "chapter."
20 6. Page 2, line 19, by inserting after the word
21 "food" the following: "or fiber".
22 7. Page 2, by striking lines 21 through 23 and
23 inserting the following: "of this chapter."
24 8. Page 3, by inserting after line 6 the
25 following:
26 " ____ "Secretary" means the secretary of
27 agriculture.
28 ____ "System of organic farming" means a system
29 that is designed to produce agricultural products by
30 the use of methods and substances that maintain the
31 integrity of organic agricultural products until they
32 reach the consumer. This includes a management system
33 which promotes and enhances agroecosystem health,
34 including biodiversity, biological cycles, and soil
35 biological activity. This is accomplished by using,
36 where possible, cultural, biological, and mechanical
37 methods, as opposed to using synthetic materials, to
38 fulfill any specific function within the system.
39 ____ "System of organic handling" means a system
40 that is designed to handle agricultural products
41 without the use of synthetic additives or processing
42 in accordance with this chapter and by the use of
43 methods and substances that maintain the integrity of

42 in accordance with this chapter and by the use of
43 methods and substances that maintain the integrity of
44 organic agricultural products until they reach the
45 consumer."

46 9. Page 3, by striking line 14, and inserting the
47 following: "appointed by the secretary. The
48 secretary shall accept".

49 10. Page 3, line 15, by inserting before the word
50 "organizations" the following: "persons or".

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1 11. Page 3, line 16, by striking the word
2 "governor" and inserting the following: "secretary".

3 12. Page 3, line 19, by striking the word
4 "governor" and inserting the following: "secretary".

5 13. Page 3, line 21, by striking the word
6 "governor" and inserting the following: "secretary".

7 14. Page 3, line 23, by striking the word
8 "governor" and inserting the following: "secretary".

9 15. Page 4, line 31, by striking the word
10 "governor" and inserting the following: "secretary".

11 16. Page 6, line 1, by striking the words and
12 figure "section 190C.11 and" and inserting the
13 following: "this chapter, including".

14 17. Page 6, line 21, by striking the words "a
15 claim of genuineness" and inserting the following:
16 "an agricultural product as organic".

17 18. Page 6, line 22, by striking the word
18 "registration,".

19 19. Page 6, by striking lines 31 through 35 and
20 inserting the following:

21 "2. The secretary, who may act through an
22 authorized agent, shall serve as a certifying agent
23 under 21 U.S.C. } 2115 or as an inspector, at times
24 and places and to such an extent as the secretary
25 deems necessary, to determine whether a person is in
26 compliance with this chapter,".

27 20. Page 7, by striking lines 6 through 15 and
28 inserting the following:

29 "1. The department shall establish by rule a
30 schedule of fees under this chapter, as follows:
31 a. An annual fee for each applicant certified as a
32 producer of organic food or fiber which shall not
33 exceed one thousand dollars.

34 b. An annual fee for each applicant certified as a
35 handler of organic food or fiber which shall not
36 exceed two thousand dollars."

37 21. By striking page 7, line 20, through page 8,
38 line 23.

39 22. By striking page 8, line 25, through page 9,
40 line 1, and inserting the following:

- 41 "1. A person shall not sell an agricultural
42 product as organic, unless the agricultural product is
43 produced and handled in accordance with standards
44 established by rules adopted by the department as
45 provided in this chapter.
46 2. An agricultural product which is sold or
47 advertised as organic must be produced and handled
48 according to the following standards:
49 a. The agricultural product must be produced and
50 handled without the use of synthetic chemicals, except

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- 1 as otherwise provided in rules adopted by the
2 department.
3 b. The agricultural product, other than livestock,
4 must not be produced on land to which any prohibited
5 substances have been applied during the three years
6 immediately preceding the harvesting of the
7 agricultural product.
8 c. The agricultural product must be produced and
9 handled in compliance with an organic plan agreed to
10 by the producer and handler of the product and the
11 certifying agent."
12 23. Page 9, by striking lines 4 through 7 and
13 inserting the following: "to certify producers,
14 handlers, and processors of agricultural products
15 labeled, sold, or advertised as organic."
16 24. Page 9, by striking line 10 and inserting the
17 following:
18 "b. In order to be certified by the department, a
19 producer, handler, or".
20 25. Page 9, line 11, by striking the words "to
21 the department".
22 26. Page 9, line 15, by striking the word and
23 figure "section 190C.11" and inserting the following:
24 "this chapter".
25 27. Page 9, by striking lines 18 and 19 and
26 inserting the following:
27 "(1) A final retailer of agricultural products who
28 does not process agricultural products."
29 28. Page 9, by striking lines 22 through 24.
30 29. By striking page 9, line 29, through page 10,
31 line 3.
32 30. Page 10, by striking lines 6 and 7 and
33 inserting the following:
34 "1. A label advertising an agricultural product as
35 organic which is produced in this state shall conform
36 with the".
37 31. Page 10, line 10, by striking the word and
38 figure "section 190C.11" and inserting the following:
39 "this chapter".

- 40 32. Page 10, by striking lines 12 and 13 and
41 inserting the following:
42 "2. The department may establish a seal certifying
43 that an agricultural product".
44 33. Page 10, line 25, by inserting after the word
45 "product" the following: "for five years".
46 34. Page 10, by striking line 27 and inserting
47 the following: "advertised as organic have been
48 produced".
49 35. Page 10, line 28, by striking the word "A".
50 36. Page 10, by striking lines 29 and 30.

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- 1 37. Page 12, by striking lines 18 through 20.
2 38. Page 13, by striking lines 14 and 15 and
3 inserting the following: "handler, or retailer from
4 selling an agricultural product by false or misleading
5 advertising claiming that the agricultural product is
6 organic. A".
7 39. Page 14, line 2, by striking the word
8 "governor" and inserting the following: "secretary".
9 40. Page 14, line 4, by striking the word
10 "governor" and inserting the following: "secretary".
11 41. Page 14, line 5, by striking the word
12 "governor" and inserting the following: "secretary".
13 42. Page 14, line 7, by striking the word
14 "governor" and inserting the following: "secretary".
15 43. Page 14, line 13, by striking the word
16 "certification" and inserting the following:
17 "accreditation".
18 44. By renumbering as necessary.

DON GETTINGS
PATTY JUDGE
WILMER RENSINK

S-5239

- 1 Amend Senate File 2311 as follows:
2 1. Page 2, by striking lines 9 through 12 and
3 inserting the following:
4 "10. "Person" means as defined in section 4.1."
5 2. Page 2, line 14, by striking the word
6 "therein" and inserting the following: "in such
7 property".
8 3. Page 2, by striking lines 15 through 18 and
9 inserting the following:
10 "12. "State" means a state, territory, or
11 possession of the United States, the District of
12 Columbia, or the Commonwealth of Puerto Rico."
13 4. Page 16, line 29, by inserting after the word

- 14 "property" the following: ", if such payments were
15 made or liabilities incurred without violation of the
16 partner's duties to the partnership or the other
17 partners".
- 18 5. Page 23, line 32, by inserting after the word
19 "partnership" the following: ", limited partnership,
20 or limited liability company".
- 21 6. Page 24, line 28, by inserting after the word
22 "a" the following: "general".
- 23 7. Page 27, line 34, by inserting after the word
24 "A" the following: "written".
- 25 8. Page 28, line 3, by striking the word "An" and
26 inserting the following: "A written".
- 27 9. Page 31, line 2, by striking the word
28 "thereof" and inserting the following: "of a
29 partnership name".
- 30 10. Page 43, by striking lines 2 through 4 and
31 inserting the following:
32 "c. The address of a registered office and the
33 name and address of a registered agent for service of
34 process in this state, which the partnership is
35 required to maintain as provided in section 486.1211."
- 36 11. Page 43, by striking lines 8 through 11 and
37 inserting the following:
38 "4. The statement shall be executed by one or more
39 partners authorized to execute the statement on behalf
40 of the partnership."
- 41 12. Page 43, by striking lines 16 and 17 and
42 inserting the following: "until the statement is
43 canceled pursuant to section 486.105, subsection 4."
- 44 13. By striking page 43, line 34, through page
45 45, line 9.
- 46 14. Page 46, line 1, by striking the word
47 "Required" and inserting the following: "Registered".
- 48 15. Page 46, by striking lines 19 and 20 and
49 inserting the following: "section 486.105, subsection
50 4."

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- 1 16. Page 48, by inserting after line 13 the
2 following:
3 "ARTICLE 12
4 FILING PROVISIONS
5 Sec. ____ NEW SECTION. 486.1201 FILING
6 REQUIREMENTS.
7 1. A document shall satisfy the requirements of
8 this section, and of any other section that adds to or
9 varies these requirements, to be entitled to filing.
10 2. The document shall be filed in the office of
11 the secretary of state.
12 3. The document shall contain the information

13 required by this chapter. The document may contain
 14 other information as well.
 15 4. The document shall be typewritten or printed.
 16 The typewritten or printed portion shall be black.
 17 Manually signed photocopies, or other reproduced
 18 copies, including facsimiles or other electronically
 19 or computer-generated copies of typewritten or printed
 20 documents may be filed.
 21 5. The document shall be in the English language.
 22 A partnership name need not be in English if written
 23 in English letters or arabic or roman numerals.
 24 6. Except as otherwise provided in this chapter,
 25 the document shall be executed by one of the following
 26 methods:
 27 a. By two or more partners.
 28 b. By a person authorized under this chapter, the
 29 partnership agreement, or other law to execute the
 30 document.
 31 c. If the partnership is in the hands of a
 32 receiver, trustee, or other court-appointed fiduciary,
 33 by such receiver, trustee, or fiduciary.
 34 d. If the document is that of a registered agent,
 35 by the registered agent, if the person is an
 36 individual, or by a person authorized by the
 37 registered agent to execute the document, if the
 38 registered agent is an entity.
 39 7. The person executing the document shall sign it
 40 and state beneath or opposite the person's signature,
 41 the person's name and the capacity in which the person
 42 signs. The secretary of state may accept for filing a
 43 document containing a copy of a signature, however
 44 made.
 45 8. If, pursuant to any provision of this chapter,
 46 the secretary of state has prescribed a mandatory form
 47 for the document, the document shall be in or on the
 48 prescribed form.
 49 9. The document shall be delivered to the office
 50 of the secretary of state for filing and shall be

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1 accompanied by the correct filing fee.
 2 10. The secretary of state may adopt rules for the
 3 electronic filing of documents and the certification
 4 of electronically filed documents.
 5 Sec. ____ NEW SECTION. 486.1202 FEES.
 6 1. The secretary of state shall collect fees for
 7 documents described in this subsection which are
 8 delivered to the secretary's office for filing as
 9 follows:
 10 DOCUMENT FEE
 11 a. Statement of qualification \$100

- 12 b. Statement of foreign qualification \$100
- 13 c. Amendment to statement of qualification \$ 20
- 14 d. Amendment to statement of foreign qualification .. \$ 20
- 15 e. Cancellation of statement of qualification \$ 20
- 16 f. Cancellation of statement of foreign
- 17 qualification \$ 20
- 18 g. Application for certificate of existence or
- 19 qualification \$ 5
- 20 h. Any other statement or document required or
- 21 permitted to be filed \$ 5
- 22 2. The secretary of state shall collect a fee of
- 23 five dollars each time process is served on the
- 24 secretary under this chapter. The party to a
- 25 proceeding causing service of process is entitled to
- 26 recover this fee as costs if the party prevails in the
- 27 proceeding.
- 28 3. The secretary of state shall collect fees for
- 29 copying and certifying the copy of any filed document
- 30 relating to a domestic or foreign partnership as
- 31 follows:
- 32 a. One dollar a page for copying.
- 33 b. Five dollars for the certificate.
- 34 Sec. ____ NEW SECTION. 486.1203 EFFECTIVE TIME
- 35 AND DATE OF DOCUMENTS.
- 36 1. Except as provided in subsection 2 and section
- 37 486.1204, subsection 3, a document accepted for filing
- 38 is effective at the later of the following:
- 39 a. At the time of filing on the date it is filed,
- 40 as evidenced by the secretary of state's date and time
- 41 endorsement on the original document.
- 42 b. At the time specified in the document as its
- 43 effective time on the date it is filed.
- 44 2. A document may specify a delayed effective time
- 45 and date, and if it does so the document becomes
- 46 effective at the time and date specified. If a
- 47 delayed effective date but no time is specified, the
- 48 document is effective at the close of business on that
- 49 date. A delayed effective date for a document shall
- 50 not be later than the ninetieth day after the date it

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- 1 is filed.
- 2 Sec. ____ NEW SECTION. 486.1204 CORRECTING FILED
- 3 DOCUMENTS.
- 4 1. A partnership may correct a document filed by
- 5 the secretary of state if the document satisfies one
- 6 or both of the following:
- 7 a. The document contains an incorrect statement.
- 8 b. The document was defectively executed,
- 9 attested, sealed, verified, or acknowledged.
- 10 2. A document is corrected by complying with both

11 of the following:

12 a. By preparing a statement of correction that
13 satisfies all of the following:

14 (1) The statement describes the document,
15 including its filing date, or a copy of the document
16 is attached to the statement.

17 (2) The statement specifies the incorrect
18 statement and the reason it is incorrect or the manner
19 in which the execution was defective.

20 (3) The statement corrects the incorrect statement
21 or defective execution.

22 b. By delivering the statement to the secretary of
23 state for filing.

24 3. Statements of corrections are effective on the
25 effective date of the document they correct except as
26 to persons relying on the uncorrected document and
27 adversely affected by the correction. As to those
28 persons, statements of correction are effective when
29 filed.

30 Sec. ____ NEW SECTION. 486.1205 FILING DUTY OF
31 SECRETARY OF STATE.

32 1. If a document delivered to the office of the
33 secretary of state for filing satisfies the
34 requirements of section 486.1201, the secretary of
35 state shall file it and issue any necessary
36 certificate.

37 2. The secretary of state files a document by
38 stamping or otherwise endorsing "filed", together with
39 the secretary of state's name and official title and
40 the date and time of receipt, on both the document and
41 the receipt for the filing fee. After filing a
42 document, and except as provided in sections 486.304
43 and 486.1213, the secretary of state shall deliver the
44 document, with the filing fee receipt, or
45 acknowledgment of receipt if no fee is required,
46 attached, to the domestic or foreign partnership or
47 its representative.

48 3. If the secretary of state refuses to file a
49 document, the secretary of state shall return it to
50 the domestic or foreign partnership or its

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1 representative within ten days after the document was
2 received by the secretary of state, together with a
3 brief, written explanation of the reason for the
4 refusal.

5 4. The secretary of state's duty to file documents
6 under this section is ministerial. Filing or refusing
7 to file a document does not do any of the following:

8 a. Affect the validity or invalidity of the
9 document in whole or part.

- 10 b. Relate to the correctness or incorrectness of
11 information contained in the document.
12 c. Create a presumption that the document is valid
13 or invalid or that information contained in the
14 document is correct or incorrect.
15 Sec. ____ NEW SECTION. 486.1206 APPEAL FROM
16 SECRETARY OF STATE'S REFUSAL TO FILE DOCUMENT.
17 1. If the secretary of state refuses to file a
18 document delivered to the secretary of state's office
19 for filing, the domestic or foreign partnership may
20 appeal the refusal, within thirty days after the
21 return of the document, to the district court for the
22 county in which the partnership's principal office is
23 located or, if none is located in this state, for the
24 county in which its registered office is or will be
25 located. The appeal is commenced by petitioning the
26 court to compel filing the document and by attaching
27 to the petition the document and the secretary of
28 state's explanation of the refusal to file.
29 2. The court may summarily order the secretary of
30 state to file the document or take other action the
31 court considers appropriate.
32 3. The court's final decision may be appealed as
33 in other civil proceedings.
34 Sec. ____ NEW SECTION. 486.1207 EVIDENTIARY
35 EFFECT OF COPY OF FILED DOCUMENT.
36 A certificate attached to a copy of a document
37 filed by the secretary of state, bearing the secretary
38 of state's signature, which may be in facsimile, and
39 the seal of the secretary of state, is conclusive
40 evidence that the original document is on file with
41 the secretary of state.
42 Sec. ____ NEW SECTION. 486.1208 CERTIFICATES
43 ISSUED BY SECRETARY OF STATE.
44 1. The secretary of state shall issue to any
45 person, upon request, a certificate that sets forth
46 any facts recorded in the office of the secretary of
47 state.
48 2. A certificate issued by the secretary of state
49 may be relied upon, subject to any qualification
50 stated in the certificate, as prima facie evidence of

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- 1 the facts set forth in the certificate.
2 Sec. ____ NEW SECTION. 486.1209 PENALTY FOR
3 SIGNING FALSE DOCUMENT.
4 1. A person commits an offense if that person
5 signs a document the person knows is false in any
6 material respect with intent that the document be
7 delivered to the secretary of state for filing.
8 2. An offense under this section is a serious

9 misdemeanor punishable by a fine not to exceed one
10 thousand dollars.
11 Sec. ____ NEW SECTION. 486.1210 SECRETARY OF
12 STATE POWERS.
13 The secretary of state has the power reasonably
14 necessary to perform the duties required of the
15 secretary of state by this chapter.
16 Sec. ____ NEW SECTION. 486.1211 REGISTERED
17 OFFICE AND REGISTERED AGENT.
18 Each partnership that is qualified under section
19 486.1001 shall continuously maintain in this state the
20 following:
21 1. A registered office.
22 2. A registered agent, who is one of the
23 following:
24 a. An individual who resides in this state and
25 whose business office is identical with the registered
26 office.
27 b. A domestic corporation whose business office is
28 identical with the registered office.
29 c. A foreign corporation authorized to transact
30 business in this state whose business office is
31 identical with the registered office.
32 Sec. ____ NEW SECTION. 486.1212 CHANGE OF
33 REGISTERED OFFICE OR REGISTERED AGENT.
34 1. A partnership may change its registered office
35 or registered agent by delivering to the secretary of
36 state for filing a statement of change that sets forth
37 all of the following:
38 a. The name of the partnership.
39 b. The street address of its current registered
40 office.
41 c. If the registered office is to be changed, the
42 street address of the new registered office.
43 d. The name of its current registered agent.
44 e. If the registered agent is to be changed, the
45 name of the new registered agent and the new
46 registered agent's written consent to the appointment,
47 either on the statement of change or in an
48 accompanying document.
49 f. That, after the change or changes are made, the
50 street addresses of its registered office and of the

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1 business office of its registered agent will be
2 identical.
3 2. If a registered agent changes the street
4 address of the registered agent's business office, the
5 registered agent may change the street address of the
6 registered office of any partnership for which the
7 registered agent is the registered agent by giving

8 written notice to the partnership of the change and
9 executing, either manually or in facsimile, and
10 delivering to the secretary of state for filing a
11 statement of change that complies with the
12 requirements of subsection 1 and recites that notice
13 of the change has been given to the partnership.
14 Sec. ____ NEW SECTION. 486.1213 RESIGNATION OF
15 REGISTERED AGENT.

16 1. The registered agent of a partnership may
17 resign the agency by delivering to the secretary of
18 state for filing a statement of resignation, which
19 shall be accompanied by two exact or conformed copies
20 of such statement. The statement of resignation may
21 include a statement that the registered office is also
22 discontinued.

23 2. After filing the statement of resignation, the
24 secretary of state shall deliver one copy to the
25 registered office of the partnership and the other
26 copy to the chief executive office of the partnership.

27 3. The agency appointment is terminated, and the
28 registered office discontinued if so provided, on the
29 thirty-first day after the date on which the statement
30 of resignation was filed.

31 Sec. ____ NEW SECTION. 486.1214 SERVICE ON
32 PARTNERSHIP.

33 1. A partnership's registered agent is the
34 partnership's agent for service of any process,
35 notice, or demand required or permitted by law to be
36 served on the partnership.

37 2. If a partnership has no registered agent, or
38 the registered agent cannot with reasonable diligence
39 be served, the partnership may be served by registered
40 or certified mail, return receipt requested, addressed
41 to the partnership at its chief executive office.
42 Service is perfected under this subsection at the
43 earliest of the following:

44 a. The date the partnership receives the process,
45 notice, or demand.

46 b. The date shown on the return receipt, if signed
47 on behalf of the partnership.

48 c. Five days after mailing.

49 3. This section does not prescribe the only means,
50 or necessarily the required means, of serving a

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1 partnership."

2 17. Page 48, line 14, by striking the figure "12"
3 and inserting the following: "13".

4 18. Page 48, line 16, by striking the figure
5 "486.1201" and inserting the following: "486.1301".

6 19. Page 48, line 21, by striking the figure

7 "486.1202" and inserting the following: "486.1302".
8 20. Page 48, by striking lines 32 through 35 and
9 inserting the following:
10 "Sec. ____ Chapter 486, Code and Code Supplement
11 1997, is repealed effective January 1, 2001.
12 Sec. ____ APPLICABILITY.
13 1. Prior to January 1, 2001, this Act applies to a
14 partnership formed as follows:
15 a. On or after January 1, 1999, except a
16 partnership that is continuing the business of a
17 dissolved partnership under section 486.41.
18 b. Prior to January 1, 2001, if such partnership
19 elects, as provided in subsection 3, to be governed by
20 this Act.
21 2. On or after January 1, 2001, this Act applies
22 to all partnerships.
23 3. Prior to January 1, 2001, a partnership, in the
24 manner provided in its partnership agreement or by law
25 for amending the partnership agreement, may
26 voluntarily elect to be governed by this Act. The
27 provisions of this Act relating to the liability of
28 the partnerships' partners to third parties apply to
29 limit those partners' liability to a third party who
30 had done business with the partnership within one year
31 before the partnership's election to be governed by
32 this Act only if the third party knows or has received
33 a notification of the partnership's election to be
34 governed by this Act.
35 Sec. ____ EFFECTIVE DATE. This Act takes effect
36 January 1, 1999."
37 21. Title page, line 2, by inserting after word
38 "providing" the following: "penalties and".

O. GENE MADDOX

S-5240

1 Amend Senate File 2363 as follows:
2 1. Page 1, line 13, by striking the word "twenty"
3 and inserting the following: "forty-five".

STEVE KING

S-5241

1 Amend Senate File 2360 as follows:
2 1. Page 15, by inserting after line 16 the
3 following:
4 "Sec. 201. Section 422B.10, subsection 4,
5 unnumbered paragraph 1, Code Supplement 1997, is
6 amended to read as follows:
7 Twenty-five Except as provided in subsection 4A.

8 twenty-five percent of each county's account shall be
9 remitted based on the sum of property tax dollars
10 levied by the board of supervisors if the tax was
11 imposed in the unincorporated areas and each city in
12 the county where the tax was imposed during the three-
13 year period beginning July 1, 1982, and ending June
14 30, 1985, as follows:

15 Sec. 202. Section 422B.10, Code Supplement 1997,
16 is amended by adding the following new subsection:
17 NEW SUBSECTION. 4A. For counties that first
18 impose the tax on or after July 1, 1998 twenty-five
19 percent of each county's account shall be remitted
20 based on the sum of property tax dollars levied by the
21 board of supervisors if the tax was imposed in the
22 unincorporated areas and each city in the county where
23 the tax was imposed during the three-year period
24 beginning July 1, 1992, and ending June 30, 1995, as
25 follows:

26 a. To the board of supervisors a pro rata share
27 based upon the percentage of the total property tax
28 dollars levied by the board of supervisors during the
29 above three-year period.

30 b. To each city council where the tax was imposed
31 a pro rata share based upon the percentage of property
32 tax dollars levied by the city during the above three-
33 year period of the above total property tax dollars
34 levied by the board of supervisors and each city where
35 the tax was imposed during the above three-year
36 period."

37 2. Page 38, by inserting after line 10 the
38 following:

39 "____. Sections 201 and 202 of this Act, amending
40 section 422B.10, take effect July 1, 1998."

ROBERT E. DVORSKY
O. GENE MADDOX

S-5242

1 Amend Senate File 2280 as follows:

2 1. Page 7, by inserting after line 13 the
3 following:

4 "(3) The division shall establish a task force to
5 adopt an action plan for a drug-free Iowa.
6 Underscoring the need for the establishment of the
7 task force are the facts that a majority of criminal
8 offenders in Iowa's criminal justice system have had
9 problems with substance abuse; untreated addiction in
10 the workplace results in increased costs to businesses
11 from medical claims and disability costs from illness
12 and injury, theft, absenteeism, and decreased
13 productivity; health care costs are increased by

14 untreated addiction; and Iowa children whose parents
15 are addicted suffer from neglect, cruelty, and abuse
16 resulting in physical and emotional damage.
17 The task force shall conduct an evaluation of the
18 effectiveness of all existing federal and state funded
19 substance abuse treatment and prevention programs in
20 the state. Evaluation issues and components to be
21 examined by the task force shall include access to
22 treatment by the general population; access to
23 treatment by females, minorities, juveniles, and the
24 rural population; any changes in the completion of
25 treatment rates; ensuring that a relationship of
26 treatment effectiveness to the severity of the illness
27 is addressed; substance abuse relapse rates;
28 comparison of substance abuse relapse rates to relapse
29 rates for other chronic diseases; the reasons for
30 different outcomes in different programs; factors
31 contributing to denial of care; lengths of stay
32 according to severity of illness; costs of service
33 delivery; relationship of outcomes to cost offsets
34 such as a decline in arrest rates and
35 hospitalizations, or an increase in employment figures
36 and the tax base; review of managed care approaches
37 and exemplary programs in other states; and any other
38 issues which may emerge during the course of the
39 evaluation.
40 The task force shall be comprised of
41 representatives from the department of human services,
42 the department of corrections, the governor's alliance
43 on substance abuse, the Iowa substance abuse
44 consortium on evaluation and research, a
45 representative who is an Iowa substance abuse program
46 director, and members of the general public. Four
47 members of the general assembly, one each from the
48 majority and minority parties, respectively, of each
49 house of the general assembly, shall be designated by
50 the division to serve as nonvoting ex officio members.

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1 The ex officio members shall receive per diem expenses
2 pursuant to section 2.12. Based on the
3 recommendations of the task force, the department
4 shall submit the action plan for a drug-free Iowa to
5 the governor and general assembly by January 1, 2000."

NANCY BOETTGER
MARY NEUHAUSER

S-5243

1 Amend Senate File 2382 as follows:

- 2 1. Page 1, line 4, by inserting before the word
- 3 "firearms" the following: "alcohol, controlled
- 4 substances, or dangerous weapons, including".
- 5 2. Page 1, line 5, by inserting before the word
- 6 "firearms" the following: "alcohol, controlled
- 7 substances, or dangerous weapons, including".
- 8 3. Page 1, line 6, by inserting before the word
- 9 "firearms" the following: "alcohol, controlled
- 10 substances, or dangerous weapons, including".
- 11 4. Page 1, line 7, by inserting before the word
- 12 "firearms" the following: "alcohol, controlled
- 13 substances, or dangerous weapons, including".
- 14 5. Page 1, line 8, by inserting before the word
- 15 "firearms" the following: "alcohol, controlled
- 16 substances, or dangerous weapons, including".
- 17 6. Title page, line 1, by inserting before the
- 18 word "firearms" the following: "alcohol, controlled
- 19 substances, and dangerous weapons, including".

STEVE KING

S-5244

1 Amend the amendment, S-5237, to Senate File 2376 as

- 2 follows:
- 3 1. By striking page 1, line 2 through page 7,
 - 4 line 24 and inserting the following:
 - 5 "_. Page 1, by inserting after line 20 the
 - 6 following:
 - 7 "Sec. ____ INTERIM STUDY ON LOTTERY. The
 - 8 legislative council is requested to establish an
 - 9 interim study on the state lottery. The study shall
 - 10 include, but is not limited to, an exploration of the
 - 11 options of the sale or privatization of the lottery,
 - 12 the determination of a market value, the study of
 - 13 projected incomes, and the review of regulatory
 - 14 schemes associated with its sale or transfer. The
 - 15 interim study committee shall report its findings and
 - 16 recommendation to the legislative council and to the
 - 17 members of the general assembly not later than January
 - 18 31, 1999."
 - 19 2. Title page, line 2, by inserting after the
 - 20 word "agreements" the following: ", and requesting an
 - 21 interim study".

TOM VILSACK

S-5245

1 Amend the amendment, S-5243, to Senate File 2382 as
2 follows:

3 1. Page 1, line 2, by striking the words

4 "inserting before" and inserting the following:

5 "striking".

6 2. Page 1, line 3, by inserting after the word

7 "'firearms'" the following: "and inserting".

8 3. Page 1, lines 3 and 4, by striking the words

9 ", controlled substances, or dangerous weapons,

10 including" and inserting the following: "or

11 controlled substances".

12 4. Page 1, line 5, by striking the words

13 "inserting before" and inserting the following:

14 "striking".

15 5. Page 1, line 6, by inserting after the word

16 "'firearms'" the following: "and inserting".

17 6. Page 1, lines 6 and 7, by striking the words

18 ", controlled substances, or dangerous weapons,

19 including" and inserting the following: "or

20 controlled substances".

21 7. Page 1, line 8, by striking the words

22 "inserting before" and inserting the following:

23 "striking".

24 8. Page 1, line 9, by inserting after the word

25 "'firearms'" the following: "and inserting".

26 9. Page 1, lines 9 and 10, by striking the words

27 ", controlled substances, or dangerous weapons,

28 including" and inserting the following: "or

29 controlled substances".

30 10. Page 1, line 11, by striking the words

31 "inserting before" and inserting the following:

32 "striking".

33 11. Page 1, line 12, by inserting after the word

34 "'firearms'" the following: "and inserting".

35 12. Page 1, lines 12 and 13, by striking the

36 words ", controlled substances, or dangerous weapons,

37 including" and inserting the following: "or

38 controlled substances".

39 13. Page 1, line 14, by striking the words

40 "inserting before" and inserting the following:

41 "striking".

42 14. Page 1, line 15, by inserting after the word

43 "'firearms'" the following: "and inserting".

44 15. Page 1, lines 15 and 16, by striking the

45 words ", controlled substances, or dangerous weapons,

46 including" and inserting the following: "or

47 controlled substances".

48 16. Page 1, line 17, by striking the words

49 "inserting before" and inserting the following:

50 "striking".

Page 2

- 1 17. Page 1, line 18, by inserting after the word
- 2 ""firearms"" the following: "and inserting".
- 3 18. Page 1, lines 18 and 19, by striking the
- 4 words ", controlled substances, or dangerous weapons,
- 5 including" and inserting the following: "or
- 6 controlled substances".
- 7 19. By renumbering as necessary.

STEVE KING

S-5246

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "interest," the following: "This subsection does not
- 4 apply to a consumer credit transaction subject to
- 5 chapter 537."

NEAL SCHUERER

S-5247

- 1 Amend House File 2275, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 26, the
- 4 following:
- 5 "____. In addition to the monthly and annual
- 6 compilations, the department shall provide
- 7 compilations of the report cards on a cumulative
- 8 basis. The cumulative compilation shall reflect the
- 9 report cards of health care facilities during the
- 10 four-year period prior to the production of the
- 11 cumulative compilation. The cumulative compilation
- 12 shall be applicable to a particular health care
- 13 facility as a four-year report card history of that
- 14 facility becomes available. The cumulative
- 15 compilation shall be available to the public in the
- 16 same manner as the annual compilation."
- 17 2. By renumbering as necessary.

TOM FLYNN

S-5248

- 1 Amend Senate File 2376 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. IOWA LOTTERY DISCONTINUED --
- 5 DISPOSITION OF PROPERTY -- EMPLOYEES TRANSFERRED OR

6 LAID OFF.

7 1. The Iowa lottery board shall discontinue all
8 lottery games established pursuant to chapter 99E
9 effective July 1, 1999. The lottery board shall
10 provide for the termination of all contracts extending
11 beyond July 1, 1999, and provide for the disposition
12 of all property leased or owned by the lottery
13 division.

14 2. a. Except as provided in paragraph "b", any
15 employee of the lottery division whose duty assignment
16 is terminated by this Act, may be transferred to other
17 duties within the department of revenue and finance,
18 reassigned to other duties in another state department
19 or agency, or terminated. The personnel commission
20 shall adopt rules to carry out the transfer of
21 employees under this Act and to carry out subsequent
22 reclassifications, reassignments, or terminations made
23 necessary by this Act. The personnel commission shall
24 arbitrate and decide a written appeal made by an
25 employee concerning a transfer, reassignment,
26 reclassification, or termination made necessary by
27 this Act. An employee shall not lose benefits accrued
28 including, but not limited to, salary, retirement,
29 vacation, or sick leave because of a transfer or
30 reassignment.

31 b. Any employee of the lottery division who is a
32 member of a collective bargaining unit and who is
33 displaced as a result of implementation of this Act
34 shall be covered by and dealt with according to
35 provisions of the applicable collective bargaining
36 agreement relating to contracting, subcontracting,
37 outsourcing, privatization, and layoffs.

38 3. The members of the lottery board, the
39 commissioner, and any additional employees deemed
40 necessary by the board may continue employment on or
41 after July 1, 1999, to provide for the orderly
42 discontinuation of the lottery games. However, not
43 later than September 30, 1999, the terms of office of
44 the lottery board members and the employment of the
45 commissioner and any other employees remaining on or
46 after July 1, 1999, shall terminate. Any matters
47 regarding the termination of the lottery games
48 established under chapter 99E which remain on October
49 1, 1999, are the responsibility of the director of
50 revenue and finance. The director of revenue and

Page 2

1 finance shall complete the discontinuation of the
2 lottery games as expeditiously as possible.
3 Sec. ____ Section 7E.5, subsection 1, paragraph d,
4 Code 1997, is amended to read as follows:

5 d. The department of revenue and finance, created
6 in section 421.2, which has primary responsibility for
7 revenue collection and revenue law compliance, and
8 financial management and assistance, ~~and the Iowa~~
9 ~~lottery.~~

10 Sec. ____ Section 7E.6, subsection 3, Code 1997,
11 is amended by striking the subsection.

12 Sec. ____ Section 8.22A, subsection 5, paragraph
13 a, Code 1997, is amended by striking the paragraph.

14 Sec. ____ Section 68B.35, subsection 2, paragraph
15 e, Code 1997, is amended to read as follows:

16 e. Members of the banking board, the ethics and
17 campaign disclosure board, the credit union review
18 board, the economic development board, the employment
19 appeal board, the environmental protection commission,
20 the health facilities council, the Iowa business
21 investment corporation board of directors, the Iowa
22 finance authority, the Iowa seed capital corporation,
23 the Iowa public employees' retirement system
24 investment board, ~~the lottery board~~, the natural
25 resource commission, the board of parole, the
26 petroleum underground storage tank fund board, the
27 public employment relations board, the state racing
28 and gaming commission, the state board of regents, the
29 tax review board, the transportation commission, the
30 office of consumer advocate, the utilities board, the
31 Iowa telecommunications and technology commission, and
32 any full-time members of other boards and commissions
33 as defined under section 7E.4 who receive an annual
34 salary for their service on the board or commission.

35 Sec. ____ Section 99A.10, Code 1997, is amended to
36 read as follows:

37 99A.10 MANUFACTURE AND DISTRIBUTION OF GAMBLING
38 DEVICES PERMITTED.

39 A person may manufacture or act as a distributor
40 for gambling devices for sale out of the state in
41 another jurisdiction where possession of the device is
42 legal or for sale in the state or use in the state if
43 the use is permitted pursuant to either chapter 99B or
44 ~~chapter 99E.~~

45 Sec. ____ Section 99B.1, subsection 17, Code 1997,
46 is amended by striking the subsection.

47 Sec. ____ Section 99B.6, subsection 5, Code 1997,
48 is amended by striking the subsection.

49 Sec. ____ Section 99B.7, subsection 1, paragraph
50 1, subparagraph (1), Code 1997, is amended to read as

Page 3

1 follows:

2 (1) No other gambling is engaged in at the same
3 location, ~~except that lottery tickets or shares issued~~

4 by the lottery division of the department of revenue
5 and finance may be sold pursuant to chapter 99E.

6 Sec. ____ Section 99B.15, Code 1997, is amended to
7 read as follows:

8 99B.15 APPLICABILITY OF CHAPTER -- PENALTY.

9 It is the intent and purpose of this chapter to
10 authorize gambling in this state only to the extent
11 specifically permitted by a section of this chapter or
12 chapter 99D, ~~99E~~, or 99F. Except as otherwise
13 provided in this chapter, the knowing failure of any
14 person to comply with the limitations imposed by this
15 chapter constitutes unlawful gambling, a serious
16 misdemeanor.

17 Sec. ____ NEW SECTION. 99E.35 FUTURE REPEAL.

18 This chapter is repealed effective July 1, 1999."

19 2. Page 1, line 1, by striking the figure "1" and
20 inserting the following: "101".

21 3. Page 1, line 10, by striking the figure "2"
22 and inserting the following: "102".

23 4. Page 1, by inserting after line 20 the
24 following:

25 "Sec. ____ Section 99F.2, Code 1997, is amended to
26 read as follows:

27 99F.2 SCOPE OF PROVISIONS.

28 This chapter does not apply to the pari-mutuel
29 system of wagering used or intended to be used in
30 connection with the horse-race or dog-race meetings as
31 authorized under chapter 99D, ~~lottery or lotto games~~
32 ~~authorized under chapter 99E~~, or bingo or games of
33 skill or chance authorized under chapter 99B.

34 Sec. ____ Section 99F.11, subsection 3, Code 1997,
35 is amended to read as follows:

36 3. Three-tenths of one percent of the adjusted
37 gross receipts shall be deposited in the ~~gamblers~~
38 ~~assistance gambling treatment~~ fund specified in
39 section ~~99E.10, subsection 1, paragraph "a"~~ 99F.19.

40 Sec. ____ NEW SECTION. 99F.19 GAMBLING TREATMENT
41 FUND -- CREATED AND USES.

42 A gambling treatment fund is created in the state
43 treasury. The director of the Iowa department of
44 public health shall administer the fund and shall
45 provide that receipts are allocated on a monthly basis
46 to fund administrative costs and to programs which may
47 include, but are not limited to, outpatient and
48 follow-up treatment for persons affected by problem
49 gambling, rehabilitation and residential treatment
50 programs, information and referral services, and

1 education and preventive services. Of the moneys
2 remaining in the gambling treatment fund at the close

3 of the fiscal year which otherwise would remain
4 unexpended or unobligated for the purposes designated
5 in this paragraph, up to four hundred thousand dollars
6 shall be used by the Iowa department of public health
7 for substance abuse program grants.

8 Sec. ____ Section 123.49, subsection 2, paragraph

9 a, Code Supplement 1997, is amended to read as
10 follows:

11 a. Knowingly permit any gambling, except in
12 accordance with chapter 99B, 99D, ~~99E~~, or 99F, or
13 knowingly permit solicitation for immoral purposes, or
14 immoral or disorderly conduct on the premises covered
15 by the license or permit.

16 Sec. ____ Section 321.19, subsection 1, unnumbered
17 paragraph 2, Code Supplement 1997, is amended to read
18 as follows:

19 The department shall furnish, on application, free
20 of charge, distinguishing plates for vehicles thus
21 exempted, which plates except plates on Iowa highway
22 safety patrol vehicles shall bear the word "official".
23 and the department shall keep a separate record.
24 Registration plates issued for Iowa highway safety
25 patrol vehicles, except unmarked patrol vehicles,
26 shall bear two red stars on a yellow background, one
27 before and one following the registration number on
28 the plate, which registration number shall be the
29 officer's badge number. Registration plates issued
30 for a county sheriff's patrol vehicles shall display
31 one seven-pointed gold star followed by the letter "S"
32 and the call number of the vehicle. However, the
33 director of general services or the director of
34 transportation may order the issuance of regular
35 registration plates for any exempted vehicle used by
36 peace officers in the enforcement of the law, persons
37 enforcing chapter 124 and other laws relating to
38 controlled substances, and persons in the department
39 of justice, the alcoholic beverages division of the
40 department of commerce, and the department of
41 inspections and appeals, and the department of revenue
42 and finance, who are regularly assigned to conduct
43 investigations which cannot reasonably be conducted
44 with a vehicle displaying "official" state
45 registration plates, ~~and persons in the lottery~~
46 ~~division of the department of revenue and finance~~
47 ~~whose regularly assigned duties relating to security~~
48 ~~or the carrying of lottery tickets cannot reasonably~~
49 ~~be conducted with a vehicle displaying "official"~~
50 ~~registration plates.~~ For purposes of sale of exempted

2 sale of the exempted vehicle, may issue for in-transit
3 purposes a pasteboard card bearing the words "Vehicle
4 in Transit", the name of the official body from which
5 the vehicle was purchased, together with the date of
6 the purchase plainly marked in at least one-inch
7 letters, and other information required by the
8 department. The in-transit card is valid for use only
9 within forty-eight hours after the purchase date as
10 indicated on the bill of sale which shall be carried
11 by the driver.

12 Sec. 16. Section 421.17, subsection 27, Code
13 Supplement 1997, is amended by striking the
14 subsection.

15 Sec. ____ Section 422.16, subsection 1, unnumbered
16 paragraph 4, Code 1997, is amended to read as follows:

17 For the purposes of this subsection, state income
18 tax shall be withheld on winnings in excess of six
19 hundred dollars derived from gambling activities
20 authorized under chapter 99B ~~or 99E~~. State income tax
21 shall be withheld on winnings in excess of one
22 thousand dollars from gambling activities authorized
23 under chapter 99D. State income tax shall be withheld
24 on winnings in excess of twelve hundred dollars
25 derived from slot machines authorized under chapter
26 99F.

27 Sec. ____ Section 422.43, subsection 2, Code
28 Supplement 1997, is amended to read as follows:

29 2. There is imposed a tax of five percent upon the
30 gross receipts derived from the operation of all forms
31 of amusement devices and games of skill, games of
32 chance, raffles, and bingo games as defined in chapter
33 99B, operated or conducted within the state, the tax
34 to be collected from the operator in the same manner
35 as for the collection of taxes upon the gross receipts
36 of tickets or admission as provided in this section.
37 ~~The tax shall also be imposed upon the gross receipts~~
38 ~~derived from the sale of lottery tickets or shares~~
39 ~~pursuant to chapter 99E. The tax on the lottery~~
40 ~~tickets or shares shall be included in the sales price~~
41 ~~and distributed to the general fund as provided in~~
42 ~~section 99E.10.~~

43 Sec. ____ Section 422B.8, unnumbered paragraph 1,
44 Code 1997, is amended to read as follows:

45 A local sales and services tax at the rate of not
46 more than one percent may be imposed by a county on
47 the gross receipts taxed by the state under chapter
48 422, division IV. A local sales and services tax
49 shall be imposed on the same basis as the state sales
50 and services tax and may not be imposed on the sale of

Page 6

1 any property or on any service not taxed by the state,
2 except the tax shall not be imposed on the gross
3 receipts from the sale of motor fuel or special fuel
4 as defined in chapter 452A, on the gross receipts from
5 the rental of rooms, apartments, or sleeping quarters
6 which are taxed under chapter 422A during the period
7 the hotel and motel tax is imposed, on the gross
8 receipts from the sale of natural gas or electric
9 energy in a city or county where the gross receipts
10 are subject to a franchise fee or user fee during the
11 period the franchise or user fee is imposed, and on
12 the gross receipts from the sale of equipment by the
13 state department of transportation, ~~and on the gross~~
14 ~~receipts from the sale of a lottery ticket or share in~~
15 ~~a lottery game conducted pursuant to chapter 99E.~~ A
16 local sales and services tax is applicable to
17 transactions within those incorporated and
18 unincorporated areas of the county where it is imposed
19 and shall be collected by all persons required to
20 collect state gross receipts taxes. All cities
21 contiguous to each other shall be treated as part of
22 one incorporated area and the tax would be imposed in
23 each of those contiguous cities only if the majority
24 of those voting in the total area covered by the
25 contiguous cities favor its imposition.

26 Sec. ____ Section 455A.18, subsection 3,
27 unnumbered paragraph 1, Code Supplement 1997, is
28 amended to read as follows:

29 For each fiscal year of the fiscal period beginning
30 July 1, 1997, and ending June 30, 2021, there is
31 appropriated from the general fund, to the Iowa
32 resources enhancement and protection fund, the amount
33 of twenty million dollars, to be used as provided in
34 this chapter. ~~However, in any fiscal year of the~~
35 ~~fiscal period, if moneys from the lottery are~~
36 ~~appropriated by the state to the fund, the amount~~
37 ~~appropriated under this subsection shall be reduced by~~
38 ~~the amount appropriated from the lottery.~~

39 Sec. ____ Section 537A.4, unnumbered paragraph 2,
40 Code 1997, is amended to read as follows:

41 This section does not apply to a contract for the
42 operation of or for the sale or rental of equipment
43 for games of skill or games of chance, if both the
44 contract and the games are in compliance with chapter
45 99B. This section does not apply to wagering under
46 the pari-mutuel method of wagering authorized by
47 chapter 99D. ~~This section does not apply to the sale,~~
48 ~~purchase or redemption of a ticket or share in the~~
49 ~~state lottery in compliance with chapter 99E.~~ This
50 section does not apply to wagering under the excursion

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1 boat gambling method of wagering authorized by chapter
2 99F. This section does not apply to the sale,
3 purchase, or redemption of any ticket or similar
4 gambling device legally purchased in Indian lands
5 within this state.

6 Sec. ____ Section 714B.10, subsection 1, Code
7 1997, is amended to read as follows:

8 1. Advertising by sponsors registered pursuant to
9 chapter 557B, licensed pursuant to chapter 99B, or
10 regulated pursuant to chapter 99D, ~~99E~~, or 99F.

11 Sec. ____ Section 725.9, subsection 5, Code 1997,
12 is amended to read as follows:

13 5. This chapter does not prohibit the possession
14 of gambling devices by a manufacturer or distributor
15 if the possession is solely for sale out of the state
16 in another jurisdiction where possession of the device
17 is legal or for sale in the state or use in the state
18 if the use is licensed pursuant to either chapter 99B
19 or ~~chapter 99E~~.

20 Sec. ____ Section 725.15, Code 1997, is amended to
21 read as follows:

22 725.15 EXCEPTIONS FOR LEGAL GAMBLING.

23 Sections 725.5 to 725.10 and 725.12 do not apply to
24 a game, activity, ticket, or device when lawfully
25 possessed, used, conducted, or participated in
26 pursuant to chapter 99B, ~~99E~~, or 99F.

27 Sec. ____ EFFECTIVE DATE. This Act, except
28 sections 1, 101, and 102, takes effect July 1, 1999.
29 Sections 1, 101, and 102 of this Act take effect July
30 1, 1998."

31 5. By renumbering as necessary.

STEVEN D. HANSEN

S-5249

1 Amend Senate File 2283 as follows:

2 1. Page 1, line 18, by striking the words
3 "insulin pumps,".

O. GENE MADDOX

S-5250

1 Amend Senate File 2380 as follows:

2 1. Page 3, by inserting after line 22 the
3 following:

4 "Sec. ____ Section 476.97, subsection 3, paragraph
5 a, Code 1997, is amended by adding the following new

6 subparagraph:

7 NEW SUBPARAGRAPH. (1A) The board, during the term
8 of the plan for a local exchange carrier with five
9 hundred thousand or more access lines in this state,
10 may consider further reductions toward economic costs
11 in the local exchange carrier's average intrastate
12 access service rates. The board may consider
13 offsetting such reductions by an explicit subsidy
14 replacement to the extent that such offsets are
15 competitively neutral. In determining economic costs
16 of access service the board shall consider all
17 relevant costs of the service including shared and
18 common costs of the local exchange carrier."

19 2. Page 4, by inserting after line 15 the
20 following:

21 "Sec. ____ Section 476.101, Code 1997, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 9. A telecommunications carrier,
24 as defined in the federal Telecommunications Act of
25 1996, shall not do any of the following:

26 a. Use customer information in a manner which is
27 not in compliance with 47 U.S.C. } 222.

28 b. Disparage the services offered by another
29 telecommunications carrier through false or misleading
30 statements.

31 c. Take any action that disadvantages a customer
32 who has chosen to receive services from another
33 telecommunications carrier."

34 3. By renumbering as necessary.

JoANN DOUGLAS
STEWART IVERSON, Jr.
MICHAEL E. GRONSTAL
STEVEN D. HANSEN

S-5251

1 Amend House File 2424, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 14, line 24, by striking the word "shall"
4 and inserting the following: ", in conjunction with
5 the auditor of state, shall prepare, and the
6 department shall".

7 2. Page 15, line 8, by inserting after the figure
8 "1999." the following: "If the general assembly does
9 not act in response to such information before March
10 1, 1999, then the department of transportation shall
11 proceed with implementation of county issuance as
12 detailed in this Act."

RICHARD F. DRAKE

S-5252

1 Amend the amendment, S-5248, to Senate File 2376 as
2 follows:

- 3 1. By striking page 1, line 2 through page 7,
4 line 30 and inserting the following:
5 " Page 1, by inserting after line 20 the
6 following:
7 "Sec. ____ INTERIM STUDY ON LOTTERY. The
8 legislative council is requested to establish an
9 interim study on the state lottery. The study shall
10 include, but is not limited to, an exploration of the
11 options of the sale or privatization of the lottery,
12 the determination of a market value, the study of
13 projected incomes, the review of regulatory schemes
14 associated with its sale or transfer, and the
15 displacement of employees of the lottery division of
16 the department of revenue and finance. Any employee
17 of the lottery division who is a member of a
18 collective bargaining unit and who is displaced as a
19 result of implementation of this Act shall be covered
20 by and dealt with according to provisions of the
21 applicable collective bargaining agreement relating to
22 contracting, subcontracting, outsourcing,
23 privatization, and layoffs. The interim study
24 committee shall report its findings and recommendation
25 to the legislative council and to the members of the
26 general assembly not later than January 31, 1999.""
27 2. Title page, line 2, by inserting after the
28 word "agreements" the following: ", and requesting an
29 interim study".

TOM VILSACK

S-5253

- 1 Amend Senate File 2283 as follows:
2 1. Page 1, line 18, by striking the words
3 "insulin pumps,".
4 2. By striking page 1, line 33, through page 2,
5 line 7, and inserting the following:
6 "(8) Diabetes outpatient self-management training
7 and education provided by a health professional
8 certified by the national certification board for
9 diabetes educators or a licensed dietitian, nurse,
10 pharmacist, or other licensed health professional who
11 may provide training and education under a program
12 which meets the standards of diabetes self-management
13 education as established by the American diabetes
14 association or the Iowa department of public health."
15 3. Page 2, by striking lines 12 through 18.

- 16 4. Page 2, by striking lines 29 through 31.
17 5. By renumbering as necessary.

O. GENE MADDOX

S-5254

- 1 Amend Senate File 2401 as follows:
2 1. Page 1, line 25, by striking the word "nine"
3 and inserting the following: "five".
4 2. Page 1, line 28, by striking the word "fifty"
5 and inserting the following: "forty-five".
6 3. Page 1, line 29, by striking the words
7 "seventy-five" and inserting the following:
8 "seventy".
9 4. Page 1, line 31, by striking the words "one
10 dollar" and inserting the following: "ninety cents".
11 5. Page 4, by inserting after line 21 the
12 following:
13 "Sec. ____ Section 455E.11, subsection 2, paragraph
14 a, subparagraph (1), subparagraph subdivision (c),
15 Code 1997, is amended to read as follows:
16 (c) The remaining funds shall be used by the
17 department to develop and implement demonstration
18 projects for landfill alternatives to solid waste
19 disposal including recycling programs. In the fiscal
20 years beginning July 1, 1999, and July 1, 2000, five
21 cents of the tonnage fee shall be used for
22 implementing a program of second step waste reduction
23 assistance for small business at the Iowa waste
24 reduction center at the university of northern Iowa.
25 In the fiscal year beginning July 1, 2001, and every
26 fiscal year thereafter, ten cents of the tonnage fee
27 shall be used for implementing a program of second
28 step waste reduction assistance for small business at
29 the Iowa waste reduction center at the university of
30 northern Iowa."
31 6. By renumbering as necessary.

JOHN W. JENSEN

S-5255

- 1 Amend Senate File 2376 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. ____ Section 99E.10, subsection 1,
5 unnumbered paragraph 1, Code Supplement 1997, is
6 amended to read as follows:
7 Upon receipt of any revenue, the commissioner shall
8 deposit the moneys in the lottery fund created
9 pursuant to section 99E.20. As nearly as is

10 practicable, at least ~~forty~~ ninety percent of the
11 projected annual revenue, after deduction of the
12 amount of the sales tax, accruing from the sale of
13 tickets or shares is appropriated for payment of
14 prizes to the holders of winning tickets. After the
15 payment of prizes, all of the following shall be
16 deducted from lottery revenue prior to disbursement:
17 Sec. ____ APPLICABILITY. The payout requirement
18 of at least ninety percent of the projected annual
19 revenue after the deduction of the amount of sales tax
20 shall not apply to multi-state games operated under a
21 contract or agreement which is in effect on the
22 effective date of this Act. The multi-state games
23 operating under an existing contract or agreement
24 shall have a payout of at least fifty percent of the
25 projected annual revenue after the deduction of the
26 amount of the sales tax."

WILLIAM D. PALMER

S-5256

- 1 Amend Senate File 2333 as follows:
- 2 1. Page 3, by striking lines 32 and 33 and
- 3 inserting the following: "nonemployment sources of
- 4 loss. The apportionment of age-related loss shall be
- 5 made by reducing the total binaural percentage hearing
- 6 loss as calculated pursuant to section 85B.9,
- 7 subsection 3, by the same percentage as the decibels
- 8 of age-related loss occurring during the period of
- 9 employment bears to the total decibel hearing level in
- 10 each ear. The decibels of age-related loss shall be
- 11 calculated according to tables adopted by the
- 12 industrial commissioner consistent with tables of the
- 13 national institute for occupational safety and health
- 14 existing on July 1, 1998, and consistent with section
- 15 85B.9, subsection 3."
- 16 2. Page 5, by striking lines 21 through 24.
- 17 3. By renumbering as necessary.

ELAINE SZYMONIAK
JOHN REDWINE
DERRYL McLAREN

S-5257

- 1 Amend the amendment, S-5250, to Senate File 2380,
- 2 as follows:
- 3 1. Page 1, line 12, by striking the word "may"
- 4 and inserting the following: "shall".

ROBERT E. DVORSKY

S-5258

1 Amend Senate File 2382 as follows:

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

4 "Section 1. Section 232.106, subsection 1, Code
5 1997, is amended to read as follows:

6 1. The order shall state the reasons for and
7 purpose of the terms and conditions. The court shall
8 order the surrender of firearms, as detailed in
9 section 236.5, subsection 2, to protect an identified
10 victim in a case involving domestic abuse as defined
11 in section 236.2."

12 2. Page 1, by striking lines 3 through 9 and
13 inserting the following:

14 "NEW PARAGRAPH. f. That the defendant surrender
15 any firearms owned or possessed by the defendant.
16 Upon application for a search warrant pursuant to
17 section 808.3, the court shall determine whether to
18 issue a search warrant. Pursuant to the provisions of
19 chapter 808, if the court has probable cause to
20 believe that the defendant owns or possesses firearms,
21 and that the firearms are in a reasonably certain
22 location, the court shall issue a search warrant, and
23 a peace officer shall execute the warrant. Procedure
24 for return of the seized property shall be governed by
25 the provisions of chapter 809. The defendant shall
26 not be eligible for return of any seized firearms, nor
27 may the seizing agency dispose of such firearms except
28 in accordance with chapter 809, while a protective
29 order or approved consent agreement under this section
30 is in effect, except as permitted by chapter 809."

31 3. Page 1, by inserting before line 10 the
32 following:

33 "Sec. ____ Section 236.14, subsection 2, is
34 amended by adding the following new unnumbered
35 paragraph 2:
36 NEW UNNUMBERED PARAGRAPH. The court shall also
37 order that the defendant surrender any firearms owned
38 or possessed by the defendant, if such firearms have
39 not been previously surrendered or seized pursuant to
40 court order and search warrant. If the defendant is
41 ordered to surrender firearms, the court shall
42 determine whether to issue a search warrant. Pursuant
43 to the provisions of chapter 808, if the court has
44 probable cause to believe that the defendant owns or
45 possesses firearms, and that the firearms are in a
46 reasonably certain location, the court shall issue a
47 search warrant, and a peace officer shall execute the
48 warrant. Procedure for return of the seized property
49 shall be governed by the provisions of chapter 809.
50 The defendant shall not be eligible for return of any

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1 seized firearms, nor shall the seizing agency dispose
2 of such firearms except in accordance with chapter
3 809, while a no-contact order under this section is in
4 effect.

5 Sec. ____ Section 598.33, Code 1997, is amended by
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. As part of any order
8 under this section, the court shall also order the
9 surrender of firearms, as detailed in section 236.5,
10 subsection 2, for the protection of the other party or
11 the children in a case involving domestic abuse as
12 defined in section 236.2.

13 Sec. ____ NEW SECTION. 724.26A POSSESSION OF
14 FIREARMS BY PERSONS SUBJECT TO CERTAIN COURT ORDERS.

15 1. A person who is subject to a court order that
16 satisfies the following requirements shall not
17 possess, ship, or transport any firearm or ammunition:

18 a. The order arose from a situation involving
19 domestic abuse as defined in section 236.2.

20 b. The court order was issued after notice and an
21 opportunity to participate in a hearing.

22 c. The order is a no-contact order, temporary
23 restraining order, or other protective order requiring
24 that the person refrain from contacting, threatening,
25 harassing, or intimidating a family or household
26 member, and that the person surrender all firearms
27 owned or possessed by the person.

28 2. A person who violates subsection 1 while such a
29 court order is in effect is guilty of an aggravated
30 misdemeanor.

31 Sec. ____ Section 808.2, Code 1997, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 5. For firearms ordered to be
34 surrendered as part of a no-contact, protective, or
35 temporary restraining order issued in a case involving
36 domestic abuse as defined in section 236.2.

37 Sec. ____ Section 809.5, subsection 1, Code 1997,
38 is amended by adding the following new unnumbered
39 paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
41 provisions of this subsection, the seizing agency
42 shall retain firearms seized pursuant to a search
43 warrant issued by the court in a case involving
44 domestic abuse until after expiration of any
45 applicable protective order, no-contact order, or
46 temporary restraining order. At the expiration of
47 such order, the notice required by this subsection
48 shall be sent, and the property dealt with in
49 accordance with the procedures for return or disposal.

50 This subsection shall not be construed to limit an

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1 action for forfeiture under chapter 809A.
2 Sec. ____ Section 910A.11, subsection 1, Code
3 1997, is amended by adding the following new
4 unnumbered paragraph 2:
5 NEW UNNUMBERED PARAGRAPH. As part of any order
6 under this subsection, the court shall also order the
7 surrender of firearms, as detailed in section 236.5,
8 subsection 2, to protect an identified victim in a
9 case involving domestic abuse as defined in section
10 236.2.
11 Sec. ____ Section 910A.11, subsection 2, Code
12 1997, is amended by adding the following new
13 unnumbered paragraph 4:
14 NEW UNNUMBERED PARAGRAPH. As part of any order
15 under this subsection, the court shall also order the
16 surrender of firearms, as detailed in section 236.5,
17 subsection 2, to protect an identified victim in a
18 case involving domestic abuse as defined in section
19 236.2.
20 Sec. ____ APPLICABILITY. The provisions of this
21 Act shall apply only to offenses committed on or after
22 the effective date of this Act."
23 4. Title page, line 2, by inserting after the
24 word "abuse" the following: "and providing a
25 penalty".
26 5. By renumbering as necessary.

MAGGIE TINSMAN

S-5259

1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following:
4 "The board of supervisors of a county with less
5 than eleven thousand five four hundred ninety-five
6 residents but more than ten thousand five hundred
7 residents, based upon the 1990 certified federal
8 census, and with a private lake development, shall
9 designate".

STEWART IVERSON, Jr.

S-5260

1 Amend Senate File 2380 as follows:
2 1. Page 2, line 11, by striking the word "three"
3 and inserting the following: "four".

- 4 2. Page 2, line 14, by striking the word "three"
5 and inserting the following: "four".
6 3. Page 2, line 18, by striking the word "three"
7 and inserting the following: "four".
8 4. Page 3, line 6, by striking the word "three"
9 and inserting the following: "four".

ROBERT E. DVORSKY

S-5261

- 1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following:
4 "The board of supervisors of a county with less
5 than ~~eleven~~ twenty thousand ~~five hundred~~ residents but
6 more than ten thousand ~~five hundred~~ residents, based
7 upon the 1990 certified federal census, and with a
8 private lake development, shall designate".

DENNIS H. BLACK
KITTY REHBERG

S-5262

- 1 Amend Senate File 2333 as follows:
2 1. Page 1, by inserting after line 15 the
3 following:
4 "1. "Age correction decibel level" means the
5 decibel level determined for an employee based on
6 standards adopted by the industrial commissioner which
7 shall be consistent with tables adopted by the United
8 States occupational safety and health administration
9 that establish, for purposes of measuring hearing
10 loss, age correction values in decibels for persons."
11 2. Page 1, line 24, by striking the words "an
12 average hearing level of twenty-five decibels" and
13 inserting the following: "the age correction decibel
14 level for an employee".
15 3. Page 1, line 25, by striking the words "five
16 hundred,".
17 4. Page 1, line 26, by striking the words "and
18 three" and inserting the following: "three".
19 5. Page 1, line 26, by inserting after the word
20 "thousand" the following: ", four thousand, and six
21 thousand".
22 6. Page 2, line 29, by striking the words "four
23 frequencies, five hundred," and inserting the
24 following: "five frequencies,".
25 7. Page 2, line 30, by striking the words "and
26 three" and inserting the following: "three".
27 8. Page 2, line 30, by inserting after the words

28 "three thousand" the following: ", four thousand, and
29 six thousand".

30 9. Page 2, line 31, by striking the word "four"
31 and inserting the following: "five".

32 10. Page 2, lines 33 and 34, by striking the
33 words "twenty-five decibels or less" and inserting the
34 following: "equal to or less than the age correction
35 decibel level for the employee".

36 11. Page 3, line 1, by striking the words
37 "twenty-five decibels" and inserting the following:
38 "the age correction decibel level for the employee".

39 12. Page 3, by striking lines 32 and 33 and
40 inserting the following: "nonemployment sources of
41 loss."

42 13. Page 4, line 6, by striking the words
43 "twenty-five decibels ANSI or ISO" and inserting the
44 following: "~~twenty-five decibels ANSI or ISO~~ the age
45 correction decibel level for the employee".

46 14. Page 4, line 7, by striking the words "five
47 hundred," and inserting the following: "~~five~~
48 ~~hundred,~~".

49 15. Page 4, line 7, by striking the words "and
50 three" and inserting the following: "~~and~~ three".

Page 2

1 16. Page 4, line 7, by inserting after the words
2 "three thousand" the following: "four thousand, and
3 six thousand".

4 17. Page 4, line 14, by striking the word "four"
5 and inserting the following: "~~four~~ five".

6 18. By renumbering and correcting internal
7 references as necessary.

TOM FLYNN
MICHAEL E. GRONSTAL
PATTY JUDGE
TOM VILSACK
STEVEN D. HANSEN
EUGENE S. FRAISE
DON GETTINGS
PATRICIA HARPER
JACK RIFE
MIKE CONNOLLY
WALLY E. HORN
DENNIS H. BLACK
JOHNIE HAMMOND
DICK L. DEARDEN
MATT McCOY
JOHN P. KIBBIE
PATRICK J. DELUHERY
BILL FINK

S-5263

- 1 Amend Senate File 2401 as follows:
- 2 1. Page 1, line 25, by striking the word "nine"
- 3 and inserting the following: "five".
- 4 2. Page 1, by striking lines 28 through 33 and
- 5 inserting the following: "and every year thereafter,
- 6 and in the fiscal year beginning July 1, 1999, and
- 7 every year thereafter any planning area which meets
- 8 the twenty-five percent goal provided in section
- 9 455D.3 shall retain, in addition to the twenty-five
- 10 cents retained pursuant to this subsection, ten cents
- 11 of the tonnage fee per ton of solid waste. Any
- 12 tonnage fees retained pursuant".
- 13 3. Page 2, by striking lines 4 through 6 and
- 14 inserting the following: "a", subparagraph (1)."

MARY LOU FREEMAN
PATTY JUDGE

S-5264

- 1 Amend Senate File 2373 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 692.2, subsection 1, paragraph
- 5 b, Code 1997, is amended by adding the following new
- 6 subparagraph:
- 7 NEW SUBPARAGRAPH. (6) Records of acquittals or
- 8 dismissals by reason of insanity and records of
- 9 adjudications of mental incompetence to stand trial in
- 10 cases in which physical or mental injury or an attempt
- 11 to commit physical or mental injury to another was
- 12 alleged shall not be disseminated to persons or
- 13 agencies other than criminal or juvenile justice
- 14 agencies or persons employed in or by those agencies.
- 15 Sec. ____ Section 692.17, unnumbered paragraph 1,
- 16 Code 1997, is amended to read as follows:
- 17 Criminal history data in a computer data storage
- 18 system shall not include arrest or disposition data or
- 19 custody or adjudication data after the person has been
- 20 acquitted or the charges dismissed, except that
- 21 records of acquittals or dismissals by reason of
- 22 insanity and records of adjudications of mental
- 23 incompetence to stand trial in cases in which physical
- 24 or mental injury or an attempt to commit physical or
- 25 mental injury to another was alleged may be included.
- 26 Criminal history data shall not include custody or
- 27 adjudication data after the juvenile has reached
- 28 twenty-one years of age, unless the juvenile was
- 29 convicted of or pled guilty to a serious or aggravated

30 misdemeanor or felony between age eighteen and age
31 twenty-one.

32 Sec. ____ NEW SECTION. 692.22 STALKING
33 INFORMATION.

34 Criminal or juvenile justice agencies, as defined
35 in section 692.1, shall collect and maintain
36 information on incidents involving stalking, as
37 defined in section 708.11, and shall provide the
38 information to the department of public safety in the
39 manner prescribed by the department of public safety.

40 The department of public safety may compile
41 statistics and issue reports on stalking in Iowa,
42 provided individual identifying details of the
43 stalking are deleted. The statistics and reports may
44 include nonidentifying information on the personal
45 characteristics of perpetrators and victims. The
46 department of public safety may request the
47 cooperation of the department of justice in compiling
48 the statistics and issuing the reports. The
49 department of public safety may provide nonidentifying
50 information on individual incidents of stalking to

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1 persons conducting bona fide research, including but
2 not limited to personnel of the department of justice.

3 Sec. ____ Section 708.11, subsection 3, paragraph
4 b, subparagraph (1), Code 1997, is amended to read as
5 follows:

6 (1) The person commits stalking ~~in violation of~~
7 while subject to restrictions contained in a criminal
8 or civil protective order or injunction, or any other
9 court order which prohibits contact between the person
10 and the victim, or while subject to restrictions
11 contained in a criminal or civil protective order or
12 injunction or other court order which prohibits
13 contact between the person and another person against
14 whom the person has committed a public offense."

15 2. Page 1, line 5, by inserting after the words
16 "before a magistrate" the following: "for initial
17 appearance under section 804.21, 804.22, or 804.24".

18 3. Page 1, line 24, by striking the word
19 "relatives." and inserting the following: "immediate
20 family. The order shall state whether a person is to
21 be taken into custody by a peace officer for a
22 violation of the terms stated in the order."

23 4. Page 1, line 31, by inserting after the figure
24 "811.2." the following: "Upon final disposition of
25 the criminal or juvenile court action, the court shall
26 make a determination whether the no-contact order
27 should be modified or terminated."

28 5. Page 1, line 35, by striking the words "one

29 year" and inserting the following: "five years".
30 6. Page 2, by striking line 3 and inserting the
31 following: "probation. Upon the filing of an
32 affidavit by the victim which states that the
33 defendant continues to pose a threat to the safety of
34 the victim, persons residing with the victim, or
35 members of the victim's immediate family".
36 7. Page 2, line 6, by striking the words "one
37 year, if" and inserting the following: "five years,
38 unless".
39 8. Page 2, line 7, by striking the words
40 "continues to pose" and inserting the following: "no
41 longer poses".
42 9. Page 2, by inserting after line 18 the
43 following:
44 "____. If a peace officer has probable cause to
45 believe that a person has violated a no-contact order
46 issued under this section, the peace officer shall
47 take the person into custody and shall take the person
48 without unnecessary delay before the nearest or most
49 accessible magistrate in the judicial district in
50 which the person was taken into custody."

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1 10. Title page, line 1, by striking the words "to
2 permit" and inserting the following: "relating to
3 certain crimes against persons, by permitting the
4 retention as criminal history data of acquittals,
5 dismissals, or adjudications based on mental condition
6 if the charge involved injury to another, by providing
7 for the collection and dissemination of information on
8 the offense of stalking, by providing for the
9 application of enhanced stalking penalties for persons
10 who are the subject of certain restraining or
11 protective orders and providing for".
12 11. By renumbering as necessary.

DONALD B. REDFERN
MICHAEL E. GRONSTAL

S-5265

1 Amend Senate File 2363 as follows:
2 1. Page 1, by striking lines 11 through 15 and
3 inserting the following: "report."
4 2. Page 1, lines 19 and 20, by striking the words
5 "in accordance with subparagraph (1)" and inserting
6 the following: "within forty-five calendar days of

7 receiving the request to correct the data or
8 findings".

STEVE KING

S-5266

1 Amend House File 2499, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 33 the
4 following:
5 "Sec. ____ Section 321.189, subsection 9, Code
6 Supplement 1997, is amended to read as follows:
7 "9. Motorcycle rider education fund. The
8 motorcycle rider education fund is established in the
9 office of the treasurer of state. The moneys credited
10 to the fund are appropriated to the department to be
11 used to establish new motorcycle rider education
12 courses and reimburse sponsors of motorcycle rider
13 education courses for the costs of providing
14 motorcycle rider education courses approved and
15 established by the department. The department shall
16 adopt rules under chapter 17A providing for the
17 distribution of moneys to sponsors of motorcycle rider
18 education courses based upon the costs of providing
19 the education courses. The department shall annually
20 report on January 15 to the general assembly the
21 distributions made to each sponsor."
22 2. By renumbering as necessary.

MARY NEUHAUSER

S-5267

1 Amend House File 2499, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, line 14, by inserting after the word
4 "to" the following: "community colleges or to".
5 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5268

1 Amend House File 2394, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 6 through 8 and
4 inserting the following: "707.6A, subsection 1 or 2,
5 the clerk of the district court shall,".
6 2. Page 1, line 12, by inserting after the word
7 "involved," the following: "if known,".
8 3. Page 1, line 17, by striking the words and

9 figures "subsection 1 or 2" and inserting the
10 following: "subsection 1, and if the person's license
11 has not previously been suspended under chapter 321J,
12 or under section 707.6A, subsection 2".

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

S-5269

1 Amend Senate File 2333 as follows:
2 1. Page 3, by striking lines 26 through 33 and
3 inserting the following:
4 "Apportionment of the total hearing loss between
5 occupational and nonoccupational loss, for purposes of
6 determining occupational hearing loss, may be made by
7 an audiologist or physician with qualifications set
8 forth in section 85B.9. In determining occupational
9 hearing loss, consideration shall be given to all
10 probable employment and nonemployment sources of loss,
11 excluding loss due to age."

TOM FLYNN

S-5270

1 Amend Senate File 2038 as follows:
2 1. Page 1, by striking lines 3 through 6 and
3 inserting the following:
4 "3. "Person who is mentally incompetent to vote"
5 means a person who has been ~~legally determined to be~~
6 ~~severely or profoundly mentally retarded, or has been~~
7 found incompetent to vote in a proceeding held
8 pursuant to section 229.27, or found to lack the
9 mental capacity to vote pursuant to section 222.31 or
10 633.556."
11 2. Page 2, by inserting before line 1 the
12 following:
13 "Sec. ____ Section 222.16, Code 1997, is amended
14 by adding the following new unnumbered paragraph:
15 NEW UNNUMBERED PARAGRAPH. Commitment of a person
16 pursuant to section 222.31 does not constitute a
17 finding or raise a presumption that the person is
18 incompetent to vote. The court shall make a separate
19 determination as to the person's competency to vote.
20 The court shall find a person incompetent to vote only
21 upon determining that the person lacks sufficient
22 mental capacity to comprehend and exercise the right
23 to vote.
24 Sec. ____ Section 222.31, Code 1997, is amended by
25 adding the following new subsection:
26 NEW SUBSECTION. 3. In its order, the court shall

27 include a finding as to whether the person has
28 sufficient mental capacity to comprehend and exercise
29 the right to vote.

30 Sec. ____ Section 222.45, Code 1997, is amended to
31 read as follows:

32 222.45 POWER OF COURT.

33 On the hearing, the court may discharge the person
34 with mental retardation from all supervision, control,
35 and care, or may transfer the person from a public
36 institution to a private institution, or vice versa,
37 or transfer the person from a special unit to a
38 hospital-school, or vice versa, as the court deems
39 appropriate under all the circumstances. If the
40 person has been determined to lack the mental capacity
41 to vote, the court shall include in its order a
42 finding that this determination remains in force or is
43 revoked.

44 Sec. ____ Section 229.27, subsection 2, Code 1997,
45 is amended to read as follows:

46 2. The applicant may, in initiating a petition for
47 involuntary hospitalization of a person under section
48 229.6 or at any subsequent time prior to conclusion of
49 the involuntary hospitalization proceeding, also
50 petition the court for a finding that the person is

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1 incompetent by reason of mental illness. The test of
2 competence for the purpose of this section shall be
3 whether the person possesses sufficient mind to
4 understand in a reasonable manner the nature and
5 effect of the act in which the person is engaged; the
6 fact that a person is mentally ill and in need of
7 treatment for that illness but because of the illness
8 lacks sufficient judgment to make responsible
9 decisions with respect to the person's hospitalization
10 or treatment does not necessarily mean that that
11 person is incapable of transacting business on any
12 subject. The court shall also make a finding as to
13 whether the person has sufficient mental capacity to
14 comprehend and exercise the right to vote.

15 Sec. ____ Section 229.27, Code 1997, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 4A. If the person has been
18 determined to lack the mental capacity to vote, the
19 court shall include in its order a finding that this
20 determination remains in force or is revoked."

21 3. Page 2, by inserting after line 7 the
22 following:

23 "Sec. ____ Section 633.556, subsection 1, Code
24 Supplement 1997, is amended to read as follows:

25 1. If the allegations of the petition as to the

26 status of the proposed ward and the necessity for the
27 appointment of a guardian are proved by clear and
28 convincing evidence, the court may appoint a guardian.
29 If the court appoints a guardian based upon mental
30 incapacity of the proposed ward, the court shall make
31 a separate determination as to the ward's competency
32 to vote. The court shall find a ward incompetent to
33 vote only upon determining that the person lacks
34 sufficient mental capacity to comprehend and exercise
35 the right to vote.

36 Sec. ____ Section 633.679, Code 1997, is amended
37 to read as follows:

38 633.679 PETITION TO TERMINATE.

39 At any time after the appointment of a guardian or
40 conservator, the person under guardianship or
41 conservatorship may apply to the court by petition,
42 alleging that the person is no longer a proper subject
43 thereof, and asking that the guardianship or
44 conservatorship be terminated. A person under an
45 order appointing a guardian which order found the
46 person incompetent to vote may include a request for
47 reinstatement of the person's voting rights in a
48 petition to terminate the guardianship or by filing a
49 separate petition for modification of this
50 determination."

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- 1 4. By renumbering as necessary.

PATRICK J. DELUHERY
MAGGIE TINSMAN

S-5271

- 1 Amend Senate File 2376 as follows:
2 1. Page 1, by striking lines 10 through 20.
3 2. Title page, lines 1 and 2, by striking the
4 words "and providing for multijurisdictional
5 agreements".

STEVEN D. HANSEN

S-5272

- 1 Amend Senate File 2389 as follows:
2 1. Page 1, by striking lines 3 through 8, and
3 inserting the following: "This section is intended to
4 preserve agricultural land for agricultural production
5 by preventing the unnecessary condemnation of
6 agricultural land for economic development purposes
7 without the consent of the owner and by preventing the

8 use of condemnation for private development purposes.
9 This section is not intended to prevent the
10 rehabilitation of blighted areas in highly commercial
11 or industrial areas within the corporate limits of a
12 city."

13 2. Page 1, line 12, by inserting after the word
14 "condemnation." the following: "However, the eminent
15 domain authority provided in this chapter may be
16 exercised for the purpose of acquiring agricultural
17 land for industrial enterprise development without the
18 consent of the landowner if the economic development
19 board has approved the use of condemnation as provided
20 in section 15.104, subsection 9."

21 3. Page 1, by inserting after line 27, the
22 following:

23 "Sec. 100. Section 15.104, Code 1997, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 9. Review all applications for
26 approval to exercise the eminent domain authority
27 granted under chapter 6A and determine whether the use
28 of the authority is necessary. The approval shall be
29 granted upon a finding of necessity by the board.
30 When making the determination, the board shall
31 consider all of the following:

32 a. The feasibility of alternatives to acquiring
33 the agricultural land other than by condemnation.

34 b. The public costs and benefits of locating the
35 enterprise on the agricultural land.

36 c. The existence of a willing seller at another
37 feasible location in the community.

38 d. The ability to adapt the industrial or
39 community economic development plans to avoid the use
40 of condemnation.

41 e. The existence of a specific industrial
42 enterprise to be located on the agricultural land.

43 The board may adopt rules pursuant to chapter 17A
44 to implement this subsection."

45 4. By striking page 2, line 30, through page 3,
46 line 1, and inserting the following: "requested by
47 the owner. This section is intended to preserve
48 agricultural land for agricultural production by
49 preventing the unnecessary condemnation of
50 agricultural land for economic development purposes

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1 without the consent of the owner and by preventing the
2 use of condemnation for private development purposes.
3 This section is not intended to prevent the
4 rehabilitation of blighted areas in highly commercial
5 or industrial areas within the corporate limits of a
6 city."

- 7 5. Page 4, line 4, by striking the word and
8 figure "and4" and inserting the following: "4, and
9 100".
10 6. By renumbering as necessary.

ANDY McKEAN

S-5273

- 1 Amend Senate File 2277 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 670.4, Code 1997, is amended
5 by adding the following new subsections:
6 NEW SUBSECTION. 14. Any claim based upon or
7 arising out of a claim of negligent design or
8 specification, negligent adoption of design or
9 specification, or negligent construction or
10 reconstruction of a public facility designed for
11 purposes of skateboarding that was constructed or
12 reconstructed in accordance with a generally
13 recognized engineering or safety standard, criteria,
14 or design theory in existence at the time of the
15 construction or reconstruction.
16 NEW SUBSECTION. 15. Any claim based upon or
17 arising out of an act or omission of an officer or
18 employee of the municipality or the municipality's
19 governing body by a person participating in a
20 hazardous recreational activity on public property
21 when the person knew or reasonably should have known
22 that the hazardous recreational activity created a
23 substantial risk of injury to the person and was
24 voluntarily in the place of risk. For purposes of
25 this subsection, "hazardous recreational activity:
26 includes skateboarding."
27 2. Title page, by striking lines 1 and 2 and
28 inserting the following; "An Act providing for
29 exceptions to municipal tort liability for
30 skateboarding and other hazardous recreational
31 activity."

MERLIN E. BARTZ
ELAINE SZYMONIAK

S-5274

- 1 Amend the amendment, S-5273, to Senate File 2277 as
2 follows:
3 1. Page 1, lines 19 and 20, by striking the words
4 "participating in a hazardous recreational activity"
5 and inserting the following: "skateboarding".
6 2. Page 1, line 22, by striking the words "the

7 hazardous recreational activity" and inserting the
8 following: "skateboarding".
9 3. Page 1, by striking lines 24 through 26 and
10 inserting the following: "voluntarily in the place of
11 risk."
12 4. Page 1, by striking lines 30 and 31 and
13 inserting the following: "skateboarding."

MERLIN E. BARTZ
TOM VILSACK

S-5275

1 Amend Senate File 2393 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 331.605, subsection 6, Code
5 1997, is amended to read as follows:
6 6. a. For filing an application for the license
7 to marry, ~~thirty dollars~~ the following fees:
8 (1) If the applicants who are the parties desiring
9 the license provide documentation of participation in
10 premarital counseling, ten dollars.
11 (2) If the applicants who are the parties desiring
12 the license do not provide documentation of
13 participation in premarital counseling, fifty dollars.
14 b. For issuing an application for an order of the
15 district court authorizing the issuance of a license
16 to marry before the expiration of three days from the
17 date of filing the application for the license, ~~five~~
18 fifty dollars.
19 c. The district court shall authorize the issuance
20 of a marriage license without the payment of any fees
21 imposed in this subsection upon showing that the
22 applicant is unable to pay the fees.
23 d. For the purpose of this subsection, "premarital
24 counseling" means as defined in section 595.20.
25 e. Any fee collected under this subsection in
26 excess of a ten dollar fee shall be forwarded to the
27 treasurer of state for deposit in the general fund of
28 the state.
29 Sec. 2. NEW SECTION. 595.3B MARRIAGE RESOURCES
30 DOCUMENTATION.
31 1. Upon the filing of an application for a license
32 to marry and prior to the issuance of a license to
33 marry, the county registrar shall provide the
34 applicants with written information regarding the
35 legal rights and responsibilities incident to marriage
36 and dissolution of marriage and which provides a
37 listing of family resources for applicants to utilize
38 in strengthening the marriage. The chief judge of
39 each judicial district shall develop the listing of

40 resources to be provided to the applicants under this
41 section.

42 2. The county registrar shall make available, to
43 applicants for a license to marry, forms to document
44 participation in premarital counseling. The forms
45 shall be developed by the judicial council and shall
46 be made available to the county registrar.

47 Sec. 3. Section 595.4, Code Supplement 1997, is
48 amended to read as follows:

49 595.4 AGE AND QUALIFICATION -- VERIFIED
50 APPLICATION -- WAITING PERIOD -- EXCEPTION.

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1 1. Previous to the issuance of any license to
2 marry, the parties desiring the license shall sign and
3 file a verified application with the county registrar
4 which application either may be mailed to the parties
5 at their request or may be signed by them at the
6 office of the county registrar in the county in which
7 the license is to be issued. The application shall
8 include the social security number of each applicant
9 and shall set forth at least one affidavit of some
10 competent and disinterested person stating the facts
11 as to age and qualification of the parties. The
12 application or an attachment to the application shall
13 also include a request for the applicants to provide
14 documentation of participation in premarital
15 counseling or to note that the applicants have not
16 participated in premarital counseling. Upon the
17 filing of the application for a license to marry, the
18 county registrar shall file the application in a
19 record kept for that purpose and shall take all
20 necessary steps to ensure the confidentiality of the
21 social security number of each applicant. All
22 information included on an application may be provided
23 as mutually agreed upon by the division of records and
24 statistics and the child support recovery unit,
25 including by automated exchange.

26 2. After expiration of three days from the date of
27 filing the application by the parties, the county
28 registrar shall issue the license. If the license has
29 not been issued within six months from the date of the
30 application, the application is void.

31 3. A license to marry may be issued prior to the
32 expiration of three days from the date of filing the
33 application for the license in cases of emergency or
34 extraordinary circumstances. An order authorizing the
35 issuance of a license may be granted by a judge of the
36 district court under conditions of emergency or
37 extraordinary circumstances upon application of the
38 parties filed with the county registrar. No order may

39 be granted unless the parties have filed an
40 application for a marriage license in a county within
41 the judicial district. An application for an order
42 shall be made on forms furnished by the county
43 registrar at the same time the application for the
44 license to marry is made. After examining the
45 application for the marriage license, the county
46 registrar shall refer the parties to a judge of the
47 district court for action on the application for an
48 order authorizing the issuance of a marriage license
49 prior to expiration of three days from the date of
50 filing the application for the license. The judge

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1 shall, if satisfied as to the existence of an
2 emergency or extraordinary circumstances, grant an
3 order authorizing the issuance of a license to marry
4 prior to the expiration of three days from the date of
5 filing the application for the license to marry. The
6 county registrar shall issue a license to marry upon
7 presentation by the parties of the order authorizing a
8 license to be issued. A fee of five fifty dollars
9 shall be paid to the county registrar at the time the
10 application for the order is made, which fee is in
11 addition to the fee prescribed by law for the issuance
12 of a marriage license.

13 Sec. 4. NEW SECTION. 595.20 PREMARITAL
14 COUNSELING.

15 1. "Premarital counseling" means one or more
16 meetings totaling at least six hours, between two
17 parties intending to enter into marriage with each
18 other and a neutral party for the purposes of
19 discussing the rights, expectations, needs,
20 obligations, and other facets of marriage and to
21 develop communication skills and conflict resolution
22 techniques.

23 2. For the purposes of this section, premarital
24 counseling may be provided by a neutral party who is
25 any of the following:

26 a. A member of the clergy.

27 b. A person who is, or who is under the
28 supervision of a person qualified to solemnize a
29 marriage in this state who has training in premarital
30 counseling.

31 c. A person licensed pursuant to chapter 154B to
32 practice psychology, 154C to practice social work, or
33 154D to practice marital and family therapy, if the
34 person has training in premarital counseling.

35 3. Applicants for a marriage license pursuant to
36 section 595.4 shall provide documentation of
37 participation in premarital counseling at the time of

38 applying for the marriage license to be eligible for
39 the reduced application fee pursuant to section
40 331.605, subsection 6. The documentation shall be
41 signed by the person who provided the premarital
42 counseling."

43 2. Page 13, by inserting after line 25 the
44 following:

45 "Sec. ____ MEDIATION PILOT PROJECT.

46 1. The judicial council shall establish a
47 mediation pilot project in two judicial districts in
48 the state. The two judicial districts selected shall
49 be those districts which have existing mediation
50 programs.

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1 2. The pilot project programs shall provide
2 counseling and other services for individuals involved
3 in domestic relations proceedings and for individuals
4 wishing to avoid court intervention in a domestic
5 relations situation.

6 3. The judicial districts selected shall provide a
7 program plan to the judicial council for review. The
8 plan shall include, but is not limited to, all of the
9 following:

10 a. A projected budget for the program and any fees
11 which will be imposed for services provided under the
12 program.

13 b. A general description of the program, the
14 services to be provided, how the mediation program
15 will be incorporated into the existing system of
16 conciliation and mediation services, and how the
17 mediation program will be aligned with the broad-based
18 system of marriage and domestic relations resources.

19 c. A listing of mediation resources within the
20 judicial district which may be accessed by individuals
21 seeking mediation services.

22 d. The types of mediation approaches available
23 under the program to be used in addressing various
24 domestic relations issues.

25 e. A plan for collecting data, and for monitoring
26 and evaluating the mediation program.

27 4. The judicial districts selected shall provide a
28 progress report of the mediation program to the
29 general assembly, including an evaluation of the
30 program and recommendations, by January 1, 1999. In
31 evaluating the program and making recommendations, the
32 judicial district shall address all of the following:

33 a. Other services or providers of services which
34 should be incorporated into the mediation program or
35 which should be additional support resources for
36 individuals who are married or who have domestic

- 37 relations issues.
- 38 b. Methods for improving the current domestic
39 relations system to address the needs of individuals.
- 40 c. Methods for implementing a comprehensive
41 mediate first strategy in all dissolution and
42 modification cases.
- 43 d. Methods for determining which cases are not
44 appropriate for mediation, providing for waiver of a
45 mediation requirement for certain cases, and
46 determining when parties have reached an impasse in
47 mediation.
- 48 e. Methods for ensuring quality mediation
49 services.
- 50 f. Methods for ensuring that parties involved in

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- 1 mediation understand the limitations of mediation
2 including that mediation is not a substitute for legal
3 counsel."
4 3. By renumbering as necessary.

ANDY MCKEAN
MARY NEUHAUSER

S-5276

- 1 Amend House File 2169, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting after line 11 the
4 following:
- 5 "Sec. . Section 633.681, Code 1997, is amended
6 to read as follows:
- 7 633.681 ASSETS OF MINOR WARD EXHAUSTED.
- 8 When the assets of a minor ward's conservatorship
9 are exhausted or consist of personal property only of
10 an aggregate value not in excess of ~~four~~ ten thousand
11 dollars, the court, upon application or upon its own
12 motion, may terminate the conservatorship and The
13 order for termination shall direct the conservator to
14 deliver the any property remaining after the payment
15 of allowed claims and expenses of administration to
16 the parent or other person entitled to the custody of
17 the minor ward, for the use of the ward, after payment
18 of allowed claims and expenses of administration a
19 custodian under any uniform transfers to minors Act.
20 Such delivery shall have the same force and effect as
21 if delivery had been made to the ward after attaining
22 majority."
- 23 2. Title page, line 3, by inserting after the
24 word "conservator" the following: "and providing for
25 an increase in the amount of assets in a minor ward's

- 26 conservatorship eligible for an order for termination
27 of the conservatorship and for delivery of the
28 conservatorship assets to certain custodians".
29 3. By renumbering as necessary.

COMMITTEE ON COMMERCE
JOHN W. JENSEN, Chairperson

S-5277

- 1 Amend House File 2403, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 "Sec. ____ Section 627.6, subsection 8, Code 1997,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. f. All contributions to and assets
8 in the following list of plans or contracts and the
9 accumulated earnings, and market increases in value,
10 therefrom: simplified employee pension plans, self-
11 employed pension plans, Keogh plans, individual
12 retirement accounts, Roth individual retirement
13 accounts, and similar plans for retirement investments
14 in the future authorized under federal law. However,
15 contributions to a plan shall not be exempt to the
16 extent that the contributions for the twenty-four
17 month period prior to the date the exemption is
18 claimed or execution is issued exceed ten thousand
19 dollars in the aggregate over and above the average
20 contributions that had been made to the plan or plans
21 by the debtor or the debtor's employer or both in the
22 five tax years ending prior to the twenty-four-month
23 period before the date the exemption is claimed or the
24 execution is issued. The exception to the exemption
25 in this paragraph for contributions within the twenty-
26 four-month period prior to the date the exemption is
27 claimed or execution is issued shall not include the
28 interest and any accumulation on that interest in any
29 new plans or contracts that are used to replace prior
30 plans, contracts, or policies that would have been
31 excludable from a bankruptcy estate or that the debtor
32 could have claimed exempt from execution at the time
33 of the transfer. For purposes of this paragraph,
34 market increases in value shall include, but not be
35 limited to, dividends, stock splits, interest, and
36 appreciation."
37 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-5278

- 1 Amend House File 2120 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 9.
- 4 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
NANCY BOETTGER, Chairperson

S-5279

- 1 Amend House File 2269, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 26, by striking the word
- 4 "disciplining" and inserting the following:
- 5 "restraining".

MARY NEUHAUSER

S-5280

- 1 Amend House File 2374, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "statewide" the following: "nonprofit".

COMMITTEE ON WAYS AND MEANS
JoANN DOUGLAS, Chairperson

S-5281

- 1 Amend House File 2166, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking line 16 and inserting the
- 4 following: "of forty-five degrees Fahrenheit or seven
- 5 degrees Celsius or".
- 6 2. Page 4, by striking lines 20 through 31.
- 7 3. Page 4, line 32, by inserting after the word
- 8 "home" the following: "where food is prepared or
- 9 stored for family consumption".
- 10 4. Page 4, line 32, by inserting after the word
- 11 "or" the following: "in".
- 12 5. Page 6, line 32, by striking the word "A" and
- 13 inserting the following: "Places used by a".
- 14 6. Page 6, line 34, by striking the word "is" and
- 15 inserting the following: "are".
- 16 7. Page 7, line 8, by striking the words "not
- 17 potentially" and inserting the following:
- 18 "nonpotentially".
- 19 8. Page 7, by inserting after line 15 the
- 20 following:

21 "6A. 3-301.11(B) shall be amended by deleting the
22 section and replacing it with the following:
23 (1) Except when washing fruits and vegetables,
24 food employees should, to the extent practicable,
25 avoid contact with exposed, ready-to-eat food with
26 their bare hands. Where ready-to-eat food is
27 routinely handled by employees, employers should adopt
28 reasonable sanitary procedures to reduce the risk of
29 the transmission of pathogenic organisms.
30 (2) In seeking to minimize employees' physical
31 contact with ready-to-eat foods, no single method or
32 device is universally practical or necessarily the
33 most effective method to prevent the transmission of
34 pathogenic organisms in all situations. As such, each
35 public food service establishment shall review its
36 operations to identify procedures where ready-to-eat
37 food must be routinely handled by its employees and
38 adopt one or more of the following sanitary
39 alternatives, to be used either alone or in
40 combination, to prevent the transmission of pathogenic
41 organisms:
42 (a) The use of suitable food handling materials
43 including, but not limited to, deli tissues,
44 appropriate utensils, or dispensing equipment. Such
45 materials must be used in conjunction with thorough
46 hand washing practices in accord with paragraph (c).
47 (b) The use of single-use gloves, for the purpose
48 of preparing or handling ready-to-eat foods, shall be
49 discarded when damaged or soiled or when the process
50 of food preparation or handling is interrupted.

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1 Single-use gloves must be used in conjunction with
2 thorough hand washing practices in accord with
3 paragraph (c).
4 (c) The use, pursuant to the manufacturer's
5 instructions, of anti-microbial soaps, with the
6 additional optional use of anti-bacterial protective
7 skin lotions or anti-microbial hand sanitizers,
8 rinses, or dips. All such soaps, lotions, sanitizers,
9 rinses, and dips must contain active topical anti-
10 microbial or anti-bacterial ingredients, registered by
11 the United States environmental protection agency,
12 cleared by the United States food and drug
13 administration, and approved by the United States
14 department of agriculture.
15 (d) The use of such other practices, devices, or
16 products that are found by the division to achieve a
17 comparable level of protection to one or more of the
18 sanitary alternatives in paragraphs (a) through (c).
19 (3) Regardless of the sanitary alternatives in

- 20 use, each public food service establishment shall
21 establish:
- 22 (a) Systematic focused education and training of
23 all food service employees involved in the identified
24 procedures regarding the potential for transmission of
25 pathogenic organisms from contact with ready-to-eat
26 food. The importance of proper hand washing and
27 hygiene in preventing the transmission of illness, and
28 the effective use of the sanitary alternatives and
29 monitoring systems utilized by the public food service
30 establishment, shall be reinforced. The content and
31 duration of this training shall be determined by the
32 manager of the public food service establishment.
- 33 (b) A monitoring system to demonstrate the proper
34 and effective use of the sanitary alternatives
35 utilized by the public food service establishment."
- 36 9. Page 8, line 17, by inserting after the word
37 "functions." the following: "A municipal corporation
38 may only enter into an agreement to enforce the Iowa
39 food code pursuant to this section if it also agrees
40 to enforce the Iowa hotel sanitation code pursuant to
41 section 137C.6."
- 42 10. Page 9, lines 19 and 20, by striking the
43 words "open or operate a food establishment or food
44 processing plant" and inserting the following:
45 "operate a food establishment or food processing plant
46 to provide goods or services to the general public, or
47 open a food establishment to the general public,".
- 48 11. Page 10, lines 18 and 19, by striking the
49 words "or a section of a food establishment,".
- 50 12. Page 10, line 20, by striking the word

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- 1 "service," and inserting the following: "service
2 intended for consumption on-the-premises,".
- 3 13. Page 10, line 21, by inserting after the word
4 "gross" the following: "food and beverage".
- 5 14. Page 10, lines 32 and 33, by striking the
6 words "or section of a food establishment,".
- 7 15. Page 11, line 1, by inserting after the word
8 "gross" the following: "food and beverage".
- 9 16. Page 11, line 16, by inserting after the word
10 "gross" the following: "food and beverage".
- 11 17. Page 11, line 29, by inserting after the word
12 "fees" the following: "not to exceed seventy-five
13 percent of the total fees applicable".
- 14 18. Page 11, by inserting after line 29 the
15 following:
16 "Any fee increase imposed in this section over fee
17 levels in effect for the year immediately preceding
18 the effective date of this Act shall be phased in over

19 two years. For the year beginning on the effective
20 date of this Act, fees imposed in this section shall
21 be reduced by fifty percent of the difference between
22 the fee level imposed in this section and the fee
23 level in effect for the year immediately preceding the
24 effective date of this Act. For the year beginning
25 one year from the effective date of this Act, and each
26 year thereafter, the fees shall increase to one
27 hundred percent of the levels imposed in this
28 section."

29 19. Page 14, line 12, by striking the words
30 "commits a simple misdemeanor" and inserting the
31 following: "shall be subject to a civil penalty of
32 one hundred dollars for each violation".

33 20. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

COMMITTEE ON WAYS AND MEANS
JoANN DOUGLAS, Chairperson

S-5282

1 Amend House File 2335, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 27, by striking the word "an" and
4 inserting the following: "a cooperative"

5 2. Page 1, line 28, by inserting after the word
6 "chapter" the following: "490 or".

7 3. Page 4, line 13, by striking the words "one
8 thousand five hundred" and inserting the following:
9 "six hundred forty".

10 4. Page 5, line 35, by striking the words "one
11 thousand five hundred" and inserting the following:
12 "six hundred forty".

13 5. Page 7, line 32, by striking the words "one
14 thousand five hundred" and inserting the following:
15 "six hundred forty".

16 6. Page 9, line 31, by striking the words "one
17 thousand five hundred" and inserting the following:
18 "six hundred forty".

19 7. Page 10, line 18, by striking the figure
20 "10.13" and inserting the following: "10.12".

21 8. Page 10, line 32, by striking the figure
22 "10.13" and inserting the following: "10.12".

23 9. Page 14, line 16, by striking the words "ten
24 percent or less of" and inserting the following:
25 "less than a ten percent interest in".

COMMITTEE ON AGRICULTURE
WILMER RENSINK, Chairperson

S-5283

- 1 Amend House File 2514, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by striking lines 13 through 20 and
4 inserting the following:
5 "Any person who violates the provisions of the
6 ordinance or resolution shall, upon conviction or a
7 plea of guilty, be subject to a fine determined by
8 dividing the difference between the actual weight and
9 the maximum weight established by the ordinance or
10 resolution by one hundred, and multiplying the
11 quotient by two dollars. The fine for violation of a
12 special permit issued pursuant to this section shall
13 be based upon the difference between the actual weight
14 of the vehicle and load and the maximum weight allowed
15 by the permit in accordance with section 321.463."

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

S-5284

- 1 Amend House File 2275, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 26, the
4 following:
5 "____. In addition to the monthly and annual
6 compilations, the department shall provide
7 compilations of the report cards on a cumulative
8 basis. The cumulative compilation shall reflect the
9 report cards of health care facilities during the
10 three-year period prior to the production of the
11 cumulative compilation. The cumulative compilation
12 shall be applicable to a particular health care
13 facility as a three-year report card history of that
14 facility becomes available and shall include the
15 status of any action taken by the health care facility
16 pursuant to any citation or complaint. The cumulative
17 compilation shall be available to the public in the
18 same manner as the annual compilation."
19 2. Page 3, line 29, by inserting after the word
20 "record" the following: "check".
21 3. Page 3, by inserting after line 35 the
22 following:
23 "6. Beginning July 1, 1998, this section shall
24 apply to employees of home health agencies under
25 chapter 135M.
26 Sec. ____ NEW SECTION. 135M.1 DEFINITIONS.
27 As used in this chapter, unless the context
28 otherwise requires:
29 1. "Caregiver" means an individual operating or

30 employed by a home health agency who provides direct
31 health, social, personal care, or other services to an
32 individual in the individual's own home.

33 2. "Department" means the department of
34 inspections and appeals.

35 3. "Home health agency" means a person who
36 provides health, social, personal care, or other
37 services to an individual in the individual's home for
38 a fee, with the exception of a person related to the
39 individual receiving the services within the fourth
40 degree of consanguinity.

41 Sec. ____ NEW SECTION. 135M.2 CERTIFICATION --
42 CRITERIA -- INSPECTION -- PENALTY -- SUSPENSION OR
43 REVOCATION.

44 1. A person establishing, operating, or
45 maintaining a home health agency in this state shall
46 receive certification from the department prior to
47 providing services.

48 2. The requirements for certification established
49 by the department shall include, but are not limited
50 to, all of the following:

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1 a. The home health agency declares that the agency
2 will employ only caregivers who have been approved by
3 the department of human services following a records
4 check pursuant to section 135C.33.

5 b. The home health agency declares that each
6 caregiver employed by the agency will complete the
7 required number of hours of clinical training
8 established by the department in cooperation with the
9 department of human services and the Iowa department
10 of public health, prior to providing in-home services.

11 c. The home health agency provides the department
12 with the names, addresses, and telephone numbers of
13 all officers and directors of the agency.

14 d. The home health care agency posts a bond in the
15 amount required by rule of the department, or in the
16 alternative, provides annual proof of insurance in the
17 amount required by rule of the department to cover
18 errors and omissions of all caregivers employed by the
19 agency.

20 e. The home health agency agrees to provide all
21 clients, by notice in a conspicuous manner, with
22 information regarding complaints filed against the
23 agency and the information shall also be included in
24 any contract for services entered into by the agency.

25 3. The department shall make or be responsible for
26 inspections of the home health agency and the care
27 provided by the home health agency before a
28 certificate is issued and periodically after the

29 initial inspection.

30 4. A person who establishes, operates, or
31 maintains a home health agency in this state without
32 prior certification is guilty of a serious
33 misdemeanor. Each day of continuing violation after
34 conviction or notice by the department by certified
35 mail of a violation is considered a separate offense.
36 Any person establishing, operating, or maintaining a
37 home health agency without prior certification may be
38 permanently enjoined from such activity in any action
39 brought by the state.

40 5. The department may suspend or revoke
41 certification if the department determines there is
42 failure of the home health agency to comply with this
43 chapter or the rules adopted under this chapter. The
44 suspension or revocation may be appealed under chapter
45 17A. The department may reissue certification
46 following suspension or revocation after the home
47 health agency corrects the conditions upon which the
48 suspension or revocation was based.

49 6. This chapter shall not be construed to prohibit
50 a person who is not certified under this chapter from

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1 providing home health care services if the person does
2 not hold the person out to be a certified home health
3 agency.

4 Sec. ____ NEW SECTION. 135M.3 RECORD -- AUDIT.

5 1. A home health agency shall maintain complete
6 and accurate records of all services provided to
7 clients or customers, including the names of
8 caregivers employed by the agency, the dates and times
9 of services provided, and billing statements and
10 payment records. Such information shall be maintained
11 for a five-year period.

12 2. A home health agency shall submit to periodic
13 audit by the department and shall fully cooperate in
14 providing all requested information and records.

15 Sec. ____ NEW SECTION. 135M.4 RULES.

16 The department in cooperation with the department
17 of human services and the Iowa department of public
18 health shall adopt rules, in accordance with chapter
19 17A, to enforce this chapter. The rules adopted shall
20 include, but are not limited to, those establishing
21 minimum standards for home health agencies to comply
22 with this chapter and those establishing standards of
23 care for the treatment and care of clients and
24 customers. The rules shall also establish the
25 duration of and the fee for certification."

26 4. Title page, line 1, by inserting after the
27 word "including" the following: "home health agencies

- 28 and".
29 5. Title page, line 4, by inserting after the
30 word "inspections" the following: ", providing
31 penalties,".
32 6. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
NANCY BOETTGER, Chairperson

S-5285

- 1 Amend House File 2271, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 14 the
4 following:
5 "Sec. ____ Section 18.3, Code 1997, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 10. Insuring motor vehicles owned
8 by the state. Insurance coverage may be provided
9 through a self-insurance program administered by the
10 department or purchased from an insurer. If the
11 department uses a self-insurance program, the
12 department shall maintain loss and exposure data for
13 vehicles under the jurisdiction of the state fleet
14 administrator. Upon request, state agencies shall
15 provide all loss and exposure information to the
16 department."
17 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-5286

- 1 Amend House File 2269, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking line 13 and inserting the
4 following:
5 "1. An employee of an accredited public school
6 district, accredited nonpublic school, or area
7 education agency may intervene in a fight or".
8 2. Page 2, by inserting after line 22 the
9 following:
10 "2. A person who is not an employee of an
11 accredited public school district, accredited
12 nonpublic school, or area education agency may
13 intervene in a fight or physical struggle, as
14 described in subsection 1, in the absence of such an
15 employee or at the request of such an employee,
16 utilizing the degree and force of intervention
17 reasonably necessary, in the opinion of the
18 nonemployee, to restore order and protect the safety

19 of the individuals involved in the altercation and
20 others in the vicinity of the altercation. However, a
21 person who intervenes in the absence of an employee of
22 an accredited public school district, accredited
23 nonpublic school, or area education agency shall
24 report the intervention and all relevant information
25 regarding the situation as soon as reasonably possible
26 to such an employee."
27 3. Title page, lines 1 and 2, by striking the
28 words "between school employees and" and inserting the
29 following: "with".

COMMITTEE ON EDUCATION
DONALD B. REDFERN, Chairperson

S-5287

1 Amend House File 2272 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 256.7, Code 1997, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 21. Develop and adopt rules by
7 July 1, 1999, incorporating accountability for student
8 achievement into the standards and accreditation
9 process described in section 256.11. The rules shall
10 provide for all of the following:
11 a. Requirements that all school districts and
12 accredited nonpublic schools develop, implement, and
13 file with the department a comprehensive school
14 improvement plan that includes, but is not limited to,
15 demonstrated school, parental, and community
16 involvement in assessing educational needs,
17 establishing local education standards and student
18 achievement levels, and, as applicable, the
19 consolidation of federal and state planning, goal-
20 setting, and reporting requirements.
21 b. A set of core academic indicators in
22 mathematics and reading in grades four, eight, and
23 eleven, a set of core academic indicators in science
24 in grades eight and eleven, and another set of core
25 indicators that includes, but is not limited to,
26 graduation rate, postsecondary education, and
27 successful employment in Iowa. Annually, the
28 department shall report state data for each indicator
29 in the condition of education report.
30 c. A requirement that all school districts and
31 accredited nonpublic schools annually report to the
32 department and the local community the district-wide
33 progress made in attaining student achievement goals
34 on the academic and other core indicators and the
35 district-wide progress made in attaining locally

36 established student learning goals. The school
37 districts and accredited nonpublic schools shall
38 demonstrate the use of multiple assessment measures in
39 determining student achievement levels. The school
40 districts and accredited nonpublic schools may report
41 on other locally determined factors influencing
42 student achievement. The school districts and
43 accredited nonpublic schools shall also report to the
44 local community their results by individual attendance
45 center."

COMMITTEE ON EDUCATION
DONALD B. REDFERN, Chairperson

S-5288

1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 12, by striking the word "
4 which" and inserting the following: "when the
5 facility, operation, or activity".
6 2. Page 1, line 15, by inserting after the word
7 "contractor" the following: "retained by the owner or
8 operator".
9 3. Page 1, line 28, by striking the words "and
10 filed with the department".
11 4. Page 2, line 4, by striking the words "A
12 report" and inserting the following: "An executive
13 summary".
14 5. Page 2, line 5, by striking the word "audit,"
15 and inserting the following: "audit".
16 6. Page 2, by striking lines 23 and 24 and
17 inserting the following:
18 "6. "Privilege" means the protections provided in
19 regard to an environmental audit report as provided in
20 this chapter."
21 7. Page 2, by striking line 26 and inserting the
22 following:
23 "1. Material included in an environmental audit
24 report generated during an environmental audit
25 conducted after the".
26 8. Page 2, lines 31 and 32, by striking the words
27 ", or labeled with words of similar import".
28 9. Page 2, line 32, by inserting after the word
29 "document" the following: "within the report".
30 10. Page 3, line 2, by inserting after the word
31 "audit" the following: "report".
32 11. Page 4, line 1, by inserting after the word
33 "waived" the following: "in writing".
34 12. Page 4, line 4, by inserting after the word
35 "any" the following: "other".
36 13. Page 4, by striking lines 18 through 30 and

37 inserting the following:

38 "b. The disclosure is made under the terms of a
39 confidentiality agreement between any person and the
40 owner or operator of the audited facility or
41 operation."

42 14. Page 5, by striking line 5 and inserting the
43 following: "subject to the penalty provided in
44 section 22.6."

45 15. Page 5, by inserting after line 30 the
46 following:

47 "e. The portion of the environmental audit report
48 shows a clear and present danger to the public health
49 or the environment."

50 16. Page 6, by striking line 7 and inserting the

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1 following: "material not privileged as provided in".

2 17. Page 7, by striking lines 11 through 16 and
3 inserting the following: "chapter, the department may
4 review information in an environmental audit report,
5 but such review does not waive or make the
6 administrative and civil evidentiary privilege
7 inapplicable to the report. A".

8 18. Page 8, line 6, by striking the word "issues"
9 and inserting the following: "information".

10 19. Page 8, by striking lines 10 through 13 and
11 inserting the following: "The owner or".

12 20. Page 8, line 15, by striking the words
13 "providing such information" and inserting the
14 following: "meeting the criteria provided in
15 subsection 2".

16 21. Page 8, line 31, by striking the word
17 "corrects" and inserting the following: "to correct".

18 22. Page 8, line 33, by inserting after the word
19 "schedule" the following: "submitted to and".

20 23. Page 9, line 8, by inserting after the word
21 "disclosed" the following: "to the department".

22 24. Page 9, line 12, by inserting after the word
23 "disclosed" the following: "to the department".

24 25. Page 10, by striking line 17 and inserting
25 the following: "disclosure, or if under section
26 455B.191 an owner or operator of a facility or
27 operation is classified as a habitual violator."

28 26. Page 11, by inserting after line 3 the
29 following:

30 "10. Information required by rule to be submitted
31 to the department as part of a disclosure made
32 pursuant to this section is not privileged
33 information."

34 27. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT
MERLIN E. BARTZ, Chairperson

S-5289

1 Amend House File 334, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 537A.10 FRANCHISE
6 AGREEMENTS.

7 1. DEFINITIONS.

8 When used in this section, unless the context
9 otherwise requires:

10 a. "Affiliate" means a person controlling,
11 controlled by, or under common control with another
12 person, every officer or director of such a person,
13 and every person occupying a similar status or
14 performing similar functions.

15 b. "Business day" means a day other than a
16 Saturday, Sunday, or federal holiday.

17 c. (1) "Franchise" means either of the following:

18 (a) An oral or written agreement, either express
19 or implied, which provides all of the following:

20 (i) Grants the right to distribute goods or
21 provide services under a marketing plan prescribed or
22 suggested in substantial part by the franchisor.

23 (ii) Requires payment of a franchise fee to a
24 franchisor or its affiliate.

25 (iii) Allows the franchise business to be
26 substantially associated with a trademark, service
27 mark, trade name, logotype, advertisement, or other
28 commercial symbol of or designating the franchisor or
29 its affiliate.

30 (b) A master franchise.

31 (2) "Franchise" does not include any business that
32 is operated under a lease or license on the premises
33 of the lessor or licensor as long as such business is
34 incidental to the business conducted by the lessor or
35 licensor on such premises, including, without
36 limitation, leased departments, licensed departments,
37 and concessions and the leased or licensed department
38 operates only under the trademark, trade name, service
39 mark, or other commercial symbol designating the
40 lessor or licensor.

41 (3) "Franchise" also does not include any contract
42 under which a petroleum retailer or petroleum
43 distributor is authorized or permitted to occupy

44 leased marketing premises, which premises are to be
45 employed in connection with the sale, consignment, or
46 distribution of motor fuel under a trademark which is
47 owned or controlled by a refiner which is regulated by
48 the federal Petroleum Marketing Practices Act, 15
49 U.S.C. } 2801 et seq. The term "refiner" means any
50 person engaged in the refining of crude oil to produce

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1 motor fuel, and includes any affiliate of such person.
2 "Franchise" also does not include a contract entered
3 into by any person regulated under chapter 123, 322,
4 322A, 322B, 322C, 322D, 322F, 522, or 543B, or a
5 contract establishing a franchise relationship with
6 respect to the sale of construction equipment, lawn or
7 garden equipment, or real estate.
8 d. "Franchise fee" means a direct or indirect
9 payment to purchase or operate a franchise. Franchise
10 fee does not include any of the following:
11 (1) Payment of a reasonable service charge to the
12 issuer of a credit card by an establishment accepting
13 the credit card.
14 (2) Payment to a trading stamp company by a person
15 issuing trading stamps in connection with a retail
16 sale.
17 (3) An agreement to purchase at a bona fide
18 wholesale price a reasonable quantity of tangible
19 goods for resale.
20 (4) The purchase or agreement to purchase, at a
21 fair market value, any fixtures, equipment, leasehold
22 improvements, real property, supplies, or other
23 materials reasonably necessary to enter into or
24 continue a business.
25 (5) Payments by a purchaser pursuant to a bona
26 fide loan from a seller to the purchaser.
27 (6) Payment of rent which reflects payment for the
28 economic value of leased real or personal property.
29 (7) The purchase or agreement to purchase
30 promotional or demonstration supplies, materials, or
31 equipment furnished at fair market value and not
32 intended for resale.
33 e. "Franchisee" means a person to whom a franchise
34 is granted. Franchisee includes the following:
35 (1) A subfranchisor with regard to its
36 relationship with a franchisor.
37 (2) A subfranchisee with regard to its
38 relationship with a subfranchisor.
39 f. "Franchisor" means a person who grants a
40 franchise or master franchise, or an affiliate of such
41 a person. Franchisor includes a subfranchisor with
42 regard to its relationship with a franchisee, unless

- 43 stated otherwise in this section.
- 44 g. "Marketing plan" means a plan or system
- 45 concerning a material aspect of conducting business.
- 46 Indicia of a marketing plan include any of the
- 47 following:
- 48 (1) Price specification, special pricing systems,
- 49 or discount plans.
- 50 (2) Sales or display equipment or merchandising

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- 1 devices.
- 2 (3) Sales techniques.
- 3 (4) Promotional or advertising materials or
- 4 cooperative advertising.
- 5 (5) Training regarding the promotion, operation,
- 6 or management of the business.
- 7 (6) Operational, managerial, technical, or
- 8 financial guidelines or assistance.
- 9 h. "Master franchise" means an agreement by which
- 10 a person pays a franchisor for the right to sell or
- 11 negotiate the sale of franchises.
- 12 i. "Offer" or "offer to sell" means every attempt
- 13 to offer or to dispose of, or solicitation of an offer
- 14 to buy, a franchise or interest in a franchise for
- 15 value.
- 16 j. "Person" means a person as defined in section
- 17 4.1, subsection 20.
- 18 k. "Sale" or "sell" means every contract or
- 19 agreement of sale of, contract to sell or disposition
- 20 of, a franchise or interest in a franchise for value.
- 21 l. "Subfranchise" means an agreement by which a
- 22 person pays a franchisor for the right to sell or
- 23 negotiate the sale of franchises.
- 24 m. "Subfranchisee" means a person who is granted a
- 25 franchise from a subfranchisor.
- 26 n. "Subfranchisor" means a person who is granted a
- 27 master franchise.
- 28 2. APPLICABILITY. This section applies to a new
- 29 or existing franchise that is operated in the state of
- 30 Iowa. For purposes of this section, the franchise is
- 31 operated in this state only if the premises from which
- 32 the franchise is operated is physically located in
- 33 this state. For purposes of this section, a franchise
- 34 including marketing rights in or to this state, is
- 35 deemed to be operated in this state only if the
- 36 franchisee's principal business office is physically
- 37 located in this state. This section does not apply to
- 38 a franchise solely because an agreement relating to
- 39 the franchise provides that the agreement is subject
- 40 to or governed by the laws of this state. The
- 41 provisions of this section do not apply to any

42 existing or future contracts between Iowa franchisors
43 and franchisees who operate franchises located out of
44 state.

45 3. JURISDICTION OF DISPUTES.

46 a. A provision in a franchise agreement
47 restricting jurisdiction to a forum outside this state
48 is void with respect to a claim otherwise enforceable
49 under this section.

50 b. A civil action or proceeding arising out of a

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1 franchise may be commenced wherever jurisdiction over
2 the parties or subject matter exists, even if the
3 agreement limits actions or proceedings to a
4 designated jurisdiction.

5 4. WAIVERS VOID. A condition, stipulation, or
6 provision requiring a franchisee to waive compliance
7 with or relieving a person of a duty or liability
8 imposed by or a right provided by this section or a
9 rule or order under this section is void. This
10 subsection shall not affect the settlement of
11 disputes, claims, or civil lawsuits arising or brought
12 pursuant to this section.

13 5. TRANSFER OF FRANCHISE.

14 a. A franchisee may transfer the franchised
15 business and franchise to a transferee, provided that
16 the transferee satisfies the reasonable current
17 qualifications of the franchisor for new franchisees.
18 For the purposes of this subsection, a reasonable
19 current qualification for a new franchisee is a
20 qualification based upon a legitimate business reason.
21 If the proposed transferee does not meet the
22 reasonable current qualifications of the franchisor,
23 the franchisor may refuse to permit the transfer,
24 provided that the refusal of the franchisor to consent
25 to the transfer is not arbitrary or capricious.

26 b. (1) A franchisee may transfer less than a
27 controlling interest in the franchise to an employee
28 stock ownership plan, or employee incentive plan
29 provided that more than fifty percent of the entire
30 franchise is held by those who meet the franchisor's
31 reasonable current qualifications for franchisees, and
32 such transfer is approved by the franchisor. Approval
33 of such transfer shall not be unreasonably withheld.

34 (2) If pursuant to such a transfer less than fifty
35 percent of the entire franchise would be owned by
36 persons who meet the franchisor's reasonable current
37 qualifications, the franchisor may refuse to authorize
38 the transfer, provided that enforcement of the
39 reasonable current qualifications is not arbitrary or
40 capricious.

41 (3) Participation by an employee in an employee
42 stock ownership plan or employee incentive plan
43 established pursuant to this subsection does not
44 confer upon such employee any right to access trade
45 secrets protected under the franchise agreement which
46 access the employee would not otherwise have if the
47 employee did not participate in such plan.
48 c. A franchisor may require as a condition of a
49 transfer any of the following:
50 (1) That the transferee successfully complete a

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1 training program.
2 (2) That a transfer fee be paid to reimburse the
3 franchisor for the franchisor's actual expenses
4 directly attributable to the transfer.
5 (3) That the franchisee pay or make provision
6 acceptable to the franchisor to pay any amount due the
7 franchisor or the franchisor's affiliate.
8 (4) That the financial terms of the transfer
9 comply at the time of the transfer with the
10 franchisor's current financial requirements for
11 franchisees.
12 d. A franchisee shall give the franchisor no less
13 than sixty days' written notice of a transfer which is
14 subject to this subsection, and on request from the
15 franchisor shall provide in writing the ownership
16 interests of all persons holding or claiming an
17 equitable or beneficial interest in the franchise
18 subsequent to the transfer or the franchisee, as
19 appropriate. A franchisee shall not circumvent the
20 intended effect of a contractual provision governing
21 the transfer of the franchise or an interest in the
22 franchise by means of a management agreement, lease,
23 profit-sharing agreement, conditional assignment, or
24 other similar device.
25 e. A transfer by a franchisee is deemed to be
26 approved sixty days after the franchisee submits the
27 request for consent to the transfer unless the
28 franchisor withholds consent to the transfer as
29 evidenced in writing, specifying the reason or reasons
30 for withholding the consent. The written notice must
31 be delivered to the franchisee prior to the expiration
32 of the sixty-day period. Any such notice is
33 privileged and is not actionable based upon a claim of
34 defamation.
35 f. The following occurrences shall not be
36 considered transfers requiring the consent of the
37 franchisor under a franchise agreement, and shall not
38 result in the imposition of any penalties or make
39 applicable any right of first refusal by the

40 franchisor:

- 41 (1) The succession of ownership of a franchise
42 upon the death or disability of a franchisee, or of an
43 owner of a franchise, to the surviving spouse, child
44 or children, or a partner active in the management of
45 the franchisee unless the successor fails to meet
46 within one year the then current reasonable
47 qualifications of the franchisor for franchisees and
48 the enforcement of the reasonable current
49 qualifications is not arbitrary or capricious.
50 (2) Incorporation of a proprietorship franchisee,

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1 provided that such incorporation does not prohibit a
2 franchisor from requiring a personal guaranty by the
3 franchisee of obligations related to the franchise.

4 (3) A transfer within an existing ownership group
5 of a franchise provided that more than fifty percent
6 of the franchise is held by persons who meet the
7 franchisor's reasonable current qualifications for
8 franchisees. If less than fifty percent of the
9 franchise would be owned by persons who meet the
10 franchisor's reasonable current qualifications, the
11 franchisor may refuse to authorize the transfer,
12 provided that enforcement of the reasonable current
13 qualifications is not arbitrary or capricious.

14 (4) A transfer of less than a controlling interest
15 in the franchise to the franchisee's spouse or child
16 or children, provided that more than fifty percent of
17 the entire franchise is held by those who meet the
18 franchisor's reasonable current qualifications. If
19 less than fifty percent of the franchise would be
20 owned by persons who meet the franchisor's reasonable
21 current qualifications, the franchisor may refuse to
22 authorize the transfer, provided that enforcement of
23 the reasonable current qualifications is not arbitrary
24 or capricious.

25 6. ENCROACHMENT.

26 a. If a franchisor develops, or grants to a
27 franchisee the right to develop, a new outlet or
28 location which sells essentially the same goods or
29 services under the same trademark, service mark, trade
30 name, logotype, or other commercial symbol as an
31 existing franchisee and the new outlet or location has
32 an adverse effect on the gross sales of the existing
33 franchisee's outlet or location, the existing
34 adversely affected franchisee has a cause of action
35 for monetary damages in an amount calculated pursuant
36 to paragraph "d", unless any of the following apply:

37 (1) The franchisor has first offered the new
38 outlet or location to the existing franchisee on the

39 same basic terms and conditions available to the other
40 potential franchisee and such franchisee meets the
41 reasonable current qualifications of the franchisor
42 including any financial requirements, or, if the new
43 outlet or location is to be owned by the franchisor,
44 on the terms and conditions that would ordinarily be
45 offered to a franchisee for a similarly situated
46 outlet or location.

47 (2) The adverse impact on the existing
48 franchisee's annual gross sales, based on a comparison
49 to the annual gross sales from the existing outlet or
50 location during the twelve-month period immediately

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1 preceding the opening of the new outlet or location,
2 is determined to have been less than six percent
3 during the first twelve months of operation of the new
4 outlet or location.

5 (3) The existing franchisee, at the time the
6 franchisor develops, or grants to a franchisee the
7 right to develop, a new outlet or location, is not in
8 compliance with the franchisor's then current
9 reasonable criteria for eligibility for a new
10 franchise, not including any financial requirements.

11 (4) The existing franchisee has been granted
12 reasonable territorial rights and the new outlet or
13 location does not violate those territorial rights.

14 b. (1) The franchisor, with respect to claims
15 made under paragraph "a", shall establish both of the
16 following:

17 (a) A formal procedure for hearing and acting upon
18 claims by an existing franchisee with regard to a
19 decision by the franchisor to develop, or grant to a
20 franchisee the right to develop, a new outlet or
21 location, prior to the opening of the new outlet or
22 location.

23 (b) A reasonable formal procedure for mediating
24 compensation or other form of consideration to a
25 franchisee to offset all or a portion of the
26 franchisee's lost profits caused by the establishment
27 of the new outlet or location. The procedure shall
28 involve a neutral third-party mediator. The procedure
29 shall be deemed reasonable if approved by a majority
30 of the franchisor's franchisees in the United States.

31 (2) A dispute submitted to a formal procedure
32 under subparagraph (1) does not diminish the rights of
33 a franchisor or franchisee to bring a cause of action
34 for a violation of this subsection if no settlement
35 results from such procedure.

36 c. A franchisor shall establish and make available
37 to its franchisees a written policy setting forth its

38 reasonable criteria to be used by the franchisor to
39 determine whether an existing franchisee is eligible
40 for a franchise for an additional outlet or location.
41 d. (1) In establishing damages under a cause of
42 action brought pursuant to this subsection, the
43 franchisee has the burden of proving the amount of
44 lost profits attributable to the compensable sales.
45 In any action brought under this subsection, the
46 damages payable shall be limited to no more than three
47 years of the proven lost profits. For purposes of
48 this paragraph, "compensable sales" means the annual
49 gross sales from the existing outlet or location
50 during the twelve-month period immediately preceding

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1 the opening of the new outlet or location less both of
2 the following:
3 (a) Six percent.
4 (b) The actual gross sales from the operation of
5 the existing outlet or location for the twelve-month
6 period immediately following the opening of the new
7 outlet or location.
8 (2) Compensable sales shall exclude any amount
9 attributable to factors other than the opening and
10 operation of the new outlet or location.
11 e. Any cause of action brought under this
12 subsection must be filed within eighteen months of the
13 opening of the new outlet or location or within thirty
14 days after the completion of the procedure under
15 paragraph "b", subparagraph (1), whichever is later.
16 f. Upon petition by the franchisor or the
17 franchisee, the district court may grant a permanent
18 or preliminary injunction to prevent injury or
19 threatened injury for a violation of this subsection
20 or to preserve the status quo pending the outcome of
21 the formal procedure under paragraph "b", subparagraph
22 (1), subparagraph subdivision (b).
23 7. TERMINATION.
24 a. Except as otherwise provided by this section, a
25 franchisor shall not terminate a franchise prior to
26 the expiration of its term except for good cause. For
27 purposes of this subsection, "good cause" is cause
28 based upon a legitimate business reason. "Good cause"
29 includes the failure of the franchisee to comply with
30 any material lawful requirement of the franchise
31 agreement, provided that the termination by the
32 franchisor is not arbitrary or capricious when
33 compared to the actions of the franchisor in other
34 similar circumstances. The burden of proof of showing
35 that action of the franchisor is arbitrary or
36 capricious shall rest with the franchisee.

37 b. Prior to termination of a franchise for good
38 cause, a franchisor shall provide a franchisee with
39 written notice stating the basis for the proposed
40 termination. After service of written notice, the
41 franchisee shall have a reasonable period of time to
42 cure the default, which in no event shall be less than
43 thirty days or more than ninety days. In the event of
44 nonpayment of moneys due under the franchise
45 agreement, the period to cure need not exceed thirty
46 days.

47 c. Notwithstanding paragraph "b", a franchisor may
48 terminate a franchisee upon written notice and without
49 an opportunity to cure if any of the following apply:

50 (1) The franchisee or the business to which the

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1 franchise relates is declared bankrupt or judicially
2 determined to be insolvent.

3 (2) All or a substantial part of the assets of the
4 franchise or the business to which the franchisee
5 relates are assigned to or for the benefit of any
6 creditor which is subject to chapter 681. An
7 assignment for the benefit of any creditor pursuant to
8 this subparagraph does not include the granting of a
9 security interest in the normal course of business.

10 (3) The franchisee voluntarily abandons the
11 franchise by failing to operate the business for five
12 consecutive business days during which the franchisee
13 is required to operate the business under the terms of
14 the franchise, or any shorter period after which it is
15 not unreasonable under the facts and circumstances for
16 the franchisor to conclude that the franchisee does
17 not intend to continue to operate the franchise,
18 unless the failure to operate is due to circumstances
19 beyond the control of the franchisee.

20 (4) The franchisor and franchisee agree in writing
21 to terminate the franchise.

22 (5) The franchisee knowingly makes any material
23 misrepresentations or knowingly omits to state any
24 material facts relating to the acquisition or
25 ownership or operation of the franchise business.

26 (6) After three material breaches of a franchise
27 agreement occurring within a twelve-month period, for
28 which the franchisee has been given notice and an
29 opportunity to cure, the franchisor may terminate upon
30 any subsequent material breach within the twelve-month
31 period without providing an opportunity to cure,
32 provided that the action is not arbitrary and
33 capricious.

34 (7) The franchised business or business premises
35 of the franchisee are lawfully seized, taken over, or

36 foreclosed by a government authority or official.

37 (8) The franchisee is convicted of a felony or any
38 other criminal misconduct which materially and
39 adversely affects the operation, maintenance, or
40 goodwill of the franchise in the relevant market.

41 (9) The franchisee operates the franchised
42 business in a manner that imminently endangers the
43 public health and safety.

44 8. NONRENEWAL OF A FRANCHISE.

45 a. A franchisor shall not refuse to renew a
46 franchise unless both of the following apply:

47 (1) The franchisee has been notified of the
48 franchisor's intent not to renew at least six months
49 prior to the expiration date or any extension of the
50 franchise agreement.

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1 (2) Any of the following circumstances exist:

2 (a) Good cause exists, provided that the refusal
3 of the franchisor to renew is not arbitrary or
4 capricious. For purposes of this subsection, "good
5 cause" means cause based on a legitimate business
6 reason.

7 (b) The franchisor and franchisee agree not to
8 renew the franchise.

9 (c) The franchisor completely withdraws from
10 directly or indirectly distributing its products or
11 services in the geographic market served by the
12 franchisee, provided that upon expiration of the
13 franchise, the franchisor agrees not to seek to
14 enforce any covenant of the nonrenewed franchisee not
15 to compete with the franchisor or franchisees of the
16 franchisor.

17 b. As a condition of renewal of the franchise, a
18 franchise agreement may require that the franchisee
19 meet the then current requirements for franchises and
20 that the franchisee execute a new agreement
21 incorporating the then current terms and fees for new
22 franchises.

23 9. FRANCHISEE'S RIGHT TO ASSOCIATE. A franchisor
24 shall not restrict a franchisee from associating with
25 other franchisees or from participating in a trade
26 association, and shall not retaliate against a
27 franchisee for engaging in these activities.

28 10. DUTY OF GOOD FAITH. A franchise imposes on
29 the parties a duty of good faith in performance and
30 enforcement of the franchise agreement. "Good faith"
31 means honesty in fact and the observance of reasonable
32 commercial standards of fair dealing in the trade.

33 The duty of good faith applies where the franchisor
34 opens a new outlet or location, or channel of

35 distribution, which has an adverse impact on an
36 existing franchisee.
37 11. PRIVATE CIVIL ACTION. A person who violates a
38 provision of this section or order issued under this
39 section is liable for damages caused by the violation,
40 including, but not limited to, costs and reasonable
41 attorneys' and experts' fees, and subject to other
42 appropriate relief including injunctive and other
43 equitable relief.
44 12. CHOICE OF LAW. A condition, stipulation, or
45 provision requiring the application of the law of
46 another state in lieu of this section is void.
47 13. CONSTRUCTION WITH OTHER LAW. This section
48 does not limit any liability that may exist under
49 another statute or at common law. Prior law governs
50 all actions based on facts occurring before July 1,

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1 1998.
2 14. CONSTRUCTION. This section shall be liberally
3 construed to effectuate its purposes.
4 15. SEVERABILITY. If any provision or clause of
5 this section or any application of this section to any
6 person or circumstances is held invalid, such
7 invalidity shall not affect other provisions or
8 applications of the section which can be given effect
9 without the invalid provision or application, and to
10 this end the provisions of this section are declared
11 to be severable.
12 Sec. 2. Chapter 523H, Code 1997, is repealed."

COMMITTEE ON COMMERCE
JOHN W. JENSEN, Chairperson

S-5290

1 Amend House File 2527, as passed by the House, as
2 follows:
3 1. Page 29, line 12, by inserting after the word
4 "not" the following: "request or".
5 2. Page 29, line 18, by striking the words
6 "wishing to perform" and inserting the following:
7 "that performs".

JOHNIE HAMMOND

S-5291

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 13.
4 2. By striking page 1, line 29, through page 2,

- 5 line 5.
6 3. Page 2, by striking lines 26 through 31.
7 4. Title page, line 1, by striking the word
8 "fines" and inserting the following: "civil
9 penalties".
10 5. Title page, by striking lines 2 and 3 and
11 inserting the following: "ordinances or city or
12 county infractions."
13 6. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT
JERRY BEHN, Chairperson

S-5292

- 1 Amend House File 2163, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 27 though 29, and
4 inserting the following:
5 "(3) That errors of law or mistakes of fact
6 otherwise occurred in the legal process relating to
7 the criminal charge under this chapter.
8 c. Notwithstanding paragraph "b", the department
9 need not rescind the revocation unless the court in
10 the criminal action also expressly holds that the
11 action resulting in the finding in paragraph "b",
12 subparagraph (1), (2), or (3), materially affected the
13 substantial rights of the person, such that the
14 administrative revocation should be rescinded.
15 d. Holdings by the court in the criminal action
16 that meet the requirements of paragraphs "b" and "c"
17 are binding on the department, and the department
18 shall rescind the revocation."
19 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-5293

- 1 Amend House File 667 as follows:
2 1. Page 15, line 16, by inserting before the word
3 "If" the following:
4 "The presiding officer in evidentiary hearings
5 required to be conducted by an agency according to the
6 provisions of this chapter governing contested cases
7 shall, except as otherwise provided by law or pursuant
8 to paragraph "b", be one or more administrative law
9 judges assigned by the office of administrative
10 hearings in accordance with section 10A.801.
11 b. If an administrative law judge with the
12 requisite expertness as to the contested case is not

13 available and each real party in interest to the
14 contested case agrees to permit the appropriate agency
15 head to designate the presiding officer, the presiding
16 officer shall be determined as follows:

17 (1)".

18 2. Page 15, line 20, by striking the words "head,
19 one" and inserting the following: "head or one".

20 3. Page 15, by striking lines 21 through 23 and
21 inserting the following: "of the agency head."

22 4. Page 15, line 24, by striking the word "b."

23 and inserting the following: "(2)".

24 5. Page 15, by striking lines 29 through 31 and
25 inserting the following: "of the agency head, or any
26 other qualified person".

27 6. Page 28, by inserting after line 11 the
28 following:

29 "Sec. ____ Section 17A.23, Code 1997, is amended
30 by adding the following new unnumbered paragraph:
31 NEW UNNUMBERED PARAGRAPH. An agency shall have
32 only that authority or discretion delegated to or
33 conferred upon the agency by law and shall not expand
34 or enlarge its authority or discretion beyond the
35 powers delegated to or conferred upon the agency."

36 7. Page 29, by inserting after line 15 the
37 following:

38 "Sec. ____ Section 96.6, subsection 3, unnumbered
39 paragraph 1, Code 1997, is amended to read as follows:

40 Unless the appeal is withdrawn, an administrative
41 law judge, after affording the parties reasonable
42 opportunity for fair hearing, shall affirm or modify
43 the findings of fact and decision of the
44 representative. The hearing shall be conducted
45 pursuant to the provisions of chapter 17A relating to
46 hearings for contested cases. Before the hearing is
47 scheduled, the parties shall be afforded the
48 opportunity to choose either a telephone hearing or an
49 in-person hearing. A request for an in-person hearing
50 shall be approved unless the in-person hearing would

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1 be impractical because of the distance between the
2 parties to the hearing. A telephone or in-person
3 hearing shall not be scheduled before the seventh
4 calendar day after the parties receive notice of the
5 hearing. Reasonable requests for the postponement of
6 a hearing shall be granted. If no postponement of a
7 hearing is granted and a party fails to appear for a
8 hearing after proper service of notice, the
9 administrative law judge may, notwithstanding any
10 provision of section 17A.12, subsection 3, to the
11 contrary, proceed with the hearing and make a decision

12 in the absence of the party. The parties shall be
13 duly notified of the administrative law judge's
14 decision, together with the administrative law judge's
15 reasons for the decision, which is the final decision
16 of the department, unless within fifteen days after
17 the date of notification or mailing of the decision,
18 further appeal is initiated pursuant to this section.
19 If a decision is rendered against a party who failed
20 to appear for the hearing and the administrative law
21 judge is requested by that party to vacate the
22 decision for good cause within fifteen days after the
23 date of notification or mailing of the decision, the
24 time for initiating a further appeal pursuant to this
25 section is stayed pending a determination by the
26 administrative law judge to grant or deny the request.
27 If adequate reasons are provided showing good cause
28 for the party's failure to appear, the administrative
29 law judge shall vacate the decision and, after proper
30 service of notice, conduct another evidentiary
31 hearing. If adequate reasons are not provided showing
32 good cause for the party's failure to appear, the
33 administrative law judge shall not vacate the decision
34 and the decision shall then become the final decision
35 of the department, unless within fifteen days after
36 the date of notification or mailing of the
37 determination not to vacate, further appeal is
38 initiated pursuant to this section."
39 8. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-5294

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, line 7, by striking the word "lake"
- 3 and inserting the following: "lake".
- 4 2. Page 1, line 8, by striking the word "lake"
- 5 and inserting the following: "lake development".

H. KAY HEDGE

S-5295

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 359.33, Code 1997, is amended
- 5 to read as follows:
- 6 359.33 TAX FOR NONOWNED CEMETERY.
- 7 They The township trustees may levy a tax not to

8 ~~exceed six and three-fourths cents per thousand~~
9 ~~dollars of assessed value of taxable property to~~
10 improve and maintain any cemetery not owned by the
11 township, ~~provided the same if the cemetery~~ is devoted
12 to general public use."
13 2. Title page, line 6, by inserting after the
14 word "taxes;" the following: "providing a property
15 tax levy for certain cemeteries;"

ROBERT E. DVORSKY

S-5296

1 Amend House File 2262, as passed by the House, as
2 follows:
3 1. Page 1, line 11, by inserting after the word
4 "located." the following: "Notwithstanding section
5 804.7A, for purposes of this section "out-of-state
6 peace officer" also means a person employed full-time
7 by the United States government who is empowered to
8 effect an arrest with or without a warrant for a
9 violation of the United States Code and who is
10 authorized to carry a firearm in the performance of
11 the person's duties as a federal law enforcement
12 officer."
13 2. Title page, line 2, by striking the word
14 "between" and inserting the following: "with".

DENNIS H. BLACK

S-5297

1 Amend House File 2290, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 481A.93, Code 1997, is amended
6 to read as follows:
7 481A.93 HUNTING BY ARTIFICIAL LIGHT.
8 1. A person shall not throw or cast the rays of a
9 spotlight, headlight, or other artificial light on a
10 highway, or in a field, woodland, or forest for the
11 purpose of spotting, locating, or taking or attempting
12 to take or hunt a bird or animal, except raccoons or
13 other fur-bearing animals when treed with the aid of
14 dogs, while having in possession or control, either
15 singly or as one of a group of persons, any firearm,
16 bow, or other implement or device whereby a bird or
17 animal could be killed or taken.
18 2. This section does not apply to deer being taken
19 by or under the control of a local governmental body
20 within its corporate limits pursuant to an approved

21 special deer population control plan."

22 2. Page 1, by inserting after line 12 the
23 following:

24 "Sec. ____ Section 481C.2, Code Supplement 1997,
25 is amended to read as follows:
26 481C.2 DUTIES.

27 The director of the department of natural resources
28 shall enter into a memorandum of agreement with the
29 United States department of agriculture, animal damage
30 control division. The wild animal depredation unit
31 shall serve and act as the liaison to the department
32 for the producers in the state who suffer crop and
33 nursery damage due to wild animals. The department
34 shall issue depredation permits ~~as necessary to reduce~~
35 to any landowner who incurs crop and nursery damage of
36 one thousand dollars or more due to wild animals. The
37 criteria for issuing depredation permits shall be
38 established in administrative rules in consultation
39 with the farmer advisory committee created in section
40 481A.10A. The administrative rules adopted pursuant
41 to this section shall not require a producer to erect
42 or maintain fencing at a cost exceeding one thousand
43 dollars as a requisite for receiving a depredation
44 permit or for participation in a depredation plan.

45 Sec. ____ Section 483A.8, subsection 3, Code 1997,
46 is amended to read as follows:

47 3. A nonresident deer hunter is required to have
48 only a nonresident deer license and a wildlife habitat
49 stamp. The commission shall annually limit to ~~five~~
50 seven thousand five hundred licenses the number of

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1 nonresidents allowed to have deer hunting licenses.
2 The number of nonresident deer hunting licenses shall
3 be determined as provided in section 481A.38. The
4 commission shall allocate the nonresident deer hunting
5 licenses issued among the zones based on the
6 populations of deer. However, a nonresident applicant
7 may request one or more hunting zones, in order of
8 preference, in which the applicant wishes to hunt. If
9 the request cannot be fulfilled, the applicable fees
10 shall be returned to the applicant. A nonresident
11 applying for a deer hunting license must exhibit proof
12 of having successfully completed a hunter safety and
13 ethics education program as provided in section
14 483A.27 or its equivalent as determined by the
15 department before the license is issued.

16 Sec. 101. Section 483A.8, Code 1997, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 4. The commission may provide, by
19 rule, for the issuance of an additional antlerless

20 deer license to a person who has been issued an
21 antlerless deer license. The rules shall specify the
22 number of additional antlerless deer licenses which
23 may be issued, and the season and zone in which the
24 license is valid. The fee for an additional
25 antlerless deer license shall be ten dollars for
26 residents. If the commission provides for antlerless
27 deer licenses for nonresidents, the fee shall be
28 twenty-five dollars.

29 Sec. ____ EFFECTIVE DATE. Section 101 of this
30 Act, being deemed of immediate importance, takes
31 effect upon enactment."

32 3. Title page, line 1, by inserting after the
33 word "to" the following: "the regulation of the deer
34 population and to".

MERLIN E. BARTZ
DENNIS H. BLACK

HOUSE AMENDMENT TO
SENATE FILE 2136

S-5298

1 Amend Senate File 2136, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ Section 96.13, subsection 3, paragraph

6 b, Code 1997, is amended to read as follows:

7 b. The department shall annually report to the
8 joint ~~regulations~~ economic development appropriations
9 subcommittee on its plans for expenditures during the
10 next state fiscal year from the special employment
11 security contingency fund. The report shall describe
12 the specific expenditures and explain why the
13 expenditures are to be made from the fund and not from
14 federal administrative funds."

15 2. Page 14, by inserting after line 4 the
16 following:

17 "Sec. ____ Section 600B.41A, subsection 3,
18 paragraph e, subparagraph (1), Code Supplement 1997,
19 is amended to read as follows:

20 (1) Unless otherwise specified pursuant to
21 subsection 2 or 8 9, blood or genetic testing shall be
22 conducted in an action to overcome the establishment
23 of paternity."

24 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 316

S-5299

1 Amend Senate File 316, as passed by the Senate, as
2 follows:

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

5 "Section 1. NEW SECTION. 80B.17 CERTIFICATION
6 REQUIRED.

7 The council shall extend the one-year time period
8 in which an officer candidate must become certified
9 for up to one hundred eighty days if the officer
10 candidate is enrolled in training within twelve months
11 of initial appointment."

12 2. Page 1, line 16, by striking the word "six"
13 and inserting the following: "up to nine".

14 3. Page 1, line 23, by striking the word "six"
15 and inserting the following: "up to nine".

16 4. Page 1, line 29, by inserting after the word
17 "commission," the following: "Each deputy sheriff who
18 transfers from one jurisdiction to another shall be
19 employed subject to a probationary period of up to
20 nine months."

21 5. Page 1, by inserting after line 33 the
22 following:

23 "Sec. ____ Section 400.8, subsection 3, Code 1997,
24 is amended to read as follows:

25 3. All appointments to such positions shall be
26 conditional upon a probation period of not to exceed
27 six months, and in the case of ~~police patrol officers,~~
28 police dispatchers, and fire fighters a probation
29 period not to exceed twelve months. In the case of
30 police patrol officers, if the employee has
31 successfully completed training at the Iowa law
32 enforcement academy or another training facility
33 certified by the director of the Iowa law enforcement
34 academy before the initial appointment as a police
35 patrol officer, the probationary period shall be for a
36 period of up to nine months and shall commence with
37 the date of initial appointment as a police patrol
38 officer. If the employee has not successfully
39 completed training at the Iowa law enforcement academy
40 or another training facility certified by the director
41 of the law enforcement academy before initial
42 appointment as a police patrol officer, the
43 probationary period shall commence with the date of
44 initial employment as a police patrol officer and
45 shall continue for a period of up to nine months
46 following the date of successful completion of
47 training at the Iowa law enforcement academy or

48 another training facility certified by the director of
49 the Iowa law enforcement academy. A police patrol
50 officer transferring employment from one jurisdiction

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1 to another shall be employed subject to a probationary
2 period of up to nine months. However, in cities with
3 a population over one hundred seventy-five thousand,
4 appointments to the position of fire fighter shall be
5 conditional upon a probation period of not to exceed
6 twenty-four months. During the probation period, the
7 appointee may be removed or discharged from such
8 position by the appointing person or body without the
9 right of appeal to the commission. A person removed
10 or discharged during a probationary period shall, at
11 the time of discharge, be given a notice in writing
12 stating the reason or reasons for the dismissal. A
13 copy of such notice shall be promptly filed with the
14 commission. Continuance in the position after the
15 expiration of such probationary period shall
16 constitute a permanent appointment."
17 6. Title page, by striking line 1 and inserting
18 the following: "An Act relating to the training and
19 probationary periods for certain law enforcement
20 officers."

S-5300

1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 9 through 24 and
4 inserting the following:
5 "2. "Environmental audit" means a systematic,
6 documented, and objective review conducted by an
7 environmental auditor certified by the board of
8 environmental auditor certifications for a regulated
9 entity of one or more facility operations and
10 practices related to compliance with one or more
11 environmental requirements and, if deficiencies are
12 found, a plan for corrective action. The final audit
13 document must be designated as an "audit report" and
14 must include the date of the final written report of
15 findings for the audit. Once initiated, an audit
16 shall be completed within a reasonable time, not to
17 exceed six months unless a written request for an
18 extension is approved by the director of the
19 department based on a showing of reasonable grounds.
20 An audit shall not be deemed to be initiated until the
21 certified environmental auditor has actively begun the

- 22 evaluation of environmental compliance."
23 2. By renumbering as necessary.

BILL FINK

S-5301

- 1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 34 the
4 following:
5 "5. The department shall allow, upon request, the
6 review of the contents of an environmental audit
7 report filed with the department to all of the
8 following:
9 a. Medical doctors.
10 b. Health officials.
11 c. Statisticians.
12 d. Public health officials.
13 e. The general assembly.
14 f. Environmental groups studying issues relating
15 to environmental spills and cleanup."

BILL FINK

S-5302

- 1 Amend Senate File 2351 as follows:
2 1. Page 1, line 5, by striking the words "~~ninety~~
3 one hundred eighty" and inserting the following:
4 "ninety".
5 2. Page 1, line 7, by striking the word "sixty"
6 and inserting the following: "ninety".

MARY A. LUNDBY

HOUSE AMENDMENT TO
SENATE FILE 2023

S-5303

- 1 Amend Senate File 2023, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "Sec. ____ Section 321.34, subsection 19, Code
6 Supplement 1997, is amended to read as follows:
7 19. UNITED STATES ARMED FORCES RETIRED SPECIAL
8 PLATES. An owner referred to in subsection 12 who is
9 a retired member of the United States armed forces,
10 may, upon written application to the department and
11 upon presentation of satisfactory proof of membership,

12 order special registration plates with a United States
13 armed forces retired processed emblem. The emblem
14 shall be designed by the department in consultation
15 with service organizations. The application is
16 subject to approval by the department. For purposes
17 of this subsection, a person is considered to be
18 retired if the person served twenty years or longer in
19 the United States armed forces or is a person who
20 served a minimum of ten years and received an
21 honorable discharge from service due to a medical
22 disqualification."

23 2. Page 1, by inserting after line 11 the
24 following:

25 "Sec. ____ Section 321.34, Code Supplement 1997,
26 is amended by adding the following new subsection:
27 **NEW SUBSECTION. 10A. EMERGENCY MEDICAL SERVICES**
28 **PLATES.** The owner of a motor vehicle subject to
29 registration pursuant to section 321.109, subsection
30 1, light delivery truck, panel delivery truck, pickup,
31 motor home, multipurpose vehicle, or travel trailer
32 who is a current member of a paid or volunteer
33 emergency medical services agency, may upon written
34 application to the department, order special
35 registration plates, designed by the department in
36 cooperation with representatives designated by the
37 Iowa emergency medical services association, which
38 plates signify that the applicant is a current member
39 of a paid or volunteer emergency medical services
40 agency. The application shall be approved by the
41 department, in consultation with representatives
42 designated by the Iowa emergency medical services
43 association, and the special registration plates shall
44 be issued to the applicant in exchange for the
45 registration plates previously issued to the person.
46 The fee for the special plates shall be twenty-five
47 dollars which shall be in addition to the regular
48 annual registration fee. The department shall
49 validate the special plates in the same manner as
50 regular registration plates are validated under this

Page 2

1 section at the regular annual registration fee."
2 3. Title page, line 1, by inserting after the
3 words "issuance of" the following: "United States
4 armed forces retired special plates, to the issuance
5 of".
6 4. Title page, line 2, by inserting after the
7 word "spouses" the following: "and to the issuance of
8 emergency medical services motor vehicle registration
9 plates and establishing fees".

- 10 5. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

S-5304

- 1 Amend House File 2271, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "Sec. ____ Chapter 144C, Code 1997, is repealed
6 effective February 28, 1999."

ELAINE SZYMONIAK
MAGGIE TINSMAN
NANCY BOETTGER

S-5305

- 1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 14 and 15, by striking the words
4 "an owner or operator, an employee of the owner or
5 operator, or an independent contractor" and inserting
6 the following: "the waste reduction center at the
7 university of northern Iowa under contract with an
8 owner or operator or by an independent contractor
9 certified as an environmental auditor under section
10 455J.10 under contract with an owner or operator."

BILL FINK

S-5306

- 1 Amend Senate File 2280 as follows:
2 1. Page 13, line 32, by striking the figure
3 "18.00" and inserting the following: "19.00".

SHELDON RITTMER

S-5307

- 1 Amend Senate File 2280 as follows:
2 1. Page 17, line 8, by striking the words "for
3 the continuation of existing grants".

SHELDON RITTMER

S-5308

- 1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by inserting after the word

4 "operation" the following: "physically located in the
5 state".
6 2. Page 1, line 11, by inserting after the word
7 "operation" the following: "physically located in the
8 state".
9 3. Page 1, line 12, by inserting after the word
10 "operation" the following: "physically located in the
11 state".

BILL FINK

S-5309

1 Amend House File 2487, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 6 and 7 and
4 inserting the following: "vehicle license or a
5 nonoperator identification card issued by the state of
6 Iowa which is submitted by the person to show the".

JOHNIE HAMMOND

S-5310

1 Amend House File 2495, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 7 the
4 following:
5 "Sec. 100. Section 39.3, Code 1997, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 10A. "Referendum" means an
8 election called pursuant to section 39.5, by
9 resolution of the governing body of a city or county
10 to approve or disapprove the adoption, repeal, or
11 amendment of an ordinance.
12 Sec. 101. Section 39.5, Code Supplement 1997, is
13 amended by striking the section and inserting in lieu
14 thereof the following:
15 39.5 LOCAL ELECTIONS, REFERENDA, AND INITIATIVES
16 PROHIBITED.
17 1. Local elections, referenda, and initiatives are
18 prohibited except for the following:
19 a. For those offices which are specifically
20 authorized or required by state law to be filled by
21 the voters at an election.
22 b. For those public measures which are
23 specifically authorized or required by state law to be
24 put before the voters as a public measure.
25 c. For referenda which may be called by resolution
26 of the board of supervisors or city council for
27 approval or disapproval of the adoption of a proposed
28 ordinance, or the repeal or amendment of an existing

29 ordinance by the board of supervisors or city council.
30 The referral resolution must be adopted at the
31 meeting in which the ordinance is finally passed. The
32 resolution shall indicate whether the results of the
33 referendum are to be binding or nonbinding on the
34 governing body submitting the ordinance, repeal, or
35 amendment to referendum. Notice of the adoption of
36 the resolution shall be published with the summary of
37 the ordinance, repeal, or amendment as provided in
38 section 331.302, subsection 8, or section 380.7,
39 subsection 3, whichever is applicable.
40 2. The provisions of chapters 39 through 53 shall
41 apply to the conduct of elections held pursuant to
42 this section."
43 2. Page 7, by inserting before line 3 the
44 following:
45 "Sec. 102. Section 331.238, Code 1997, is amended
46 by adding the following new subsection:
47 NEW SUBSECTION. 4. An alternative form of county
48 government shall not provide for the power of
49 initiative and referendum to be extended to its
50 citizens, except as provided in section 39.5."

Page 2

1 3. Page 9, by inserting after line 1 the
2 following:
3 "Sec. 103. Section 372.10, Code 1997, is amended
4 by adding the following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. A home rule charter
6 shall not provide for the power of initiative and
7 referendum to be extended to its citizens except as
8 provided in section 39.5."
9 4. Page 9, by striking lines 2 through 5 and
10 inserting the following:
11 "Sec. ____ EFFECTIVE DATE. This section and
12 sections 100, 101, 102, and 103 of this Act, being
13 deemed of immediate importance, take effect upon
14 enactment."
15 5. Title page, line 1, by inserting after the
16 word "state" the following: "and providing an
17 effective date".
18 6. By renumbering as necessary.

ROD HALVORSON

S-5311

1 Amend Senate File 2280 as follows:
2 1. Page 9, by inserting after line 34 the
3 following:
4 "(10) Of the funds appropriated in this lettered

5 paragraph and allocated by the department to the Iowa
6 child death review team established in section 135.43,
7 \$5,000 shall be used to establish a domestic abuse
8 death review team. The membership, authority, and
9 operation of the domestic abuse death review team
10 shall be patterned after the child death review team,
11 with modifications specific to domestic abuse to be
12 established by the department by rule. The department
13 shall coordinate administrative costs between the
14 child death review team and the domestic abuse death
15 review team, and shall submit prefiled legislation in
16 accordance with section 2.16 in advance of the
17 convening of the 1999 session of the general assembly
18 for codifying the domestic abuse death review team
19 provisions."

SHELDON RITTMER

S-5312

1 Amend Senate File 2280 as follows:
2 1. Page 17, by inserting after line 13 the
3 following:
4 "Of the funds appropriated in this subsection, at
5 least \$250,000 shall be utilized to continue and
6 evaluate the youth leadership program."

SHELDON RITTMER
MARY NEUHAUSER

S-5313

1 Amend the amendment, S-5259, to Senate File 2284 as
2 follows:
3 1. Page 1, by striking lines 2 through 9 and
4 inserting the following:
5 ". By striking everything after the enacting
6 clause and inserting the following:
7 "Section 1. Section 357H.1, Code Supplement 1997,
8 is amended to read as follows:
9 357H.1 RURAL IMPROVEMENT ZONES.
10 The board of supervisors of a county with less than
11 eleven thousand five hundred residents but more than
12 ten thousand five hundred residents, based upon the
13 1990 certified federal census, and with a private lake
14 development, shall designate an area surrounding the
15 lake, if it is an unincorporated area of the county, a
16 rural improvement zone upon receipt of a petition
17 pursuant to section 357H.2, and upon the board's
18 determination that the area is in need of
19 improvements. For purposes of this chapter,
20 "improvements" means dredging, installation of erosion

21 control measures, land acquisition, and related
22 improvements, including soil conservation practices,
23 within or outside of the boundaries of the zone.

24 For purposes of this chapter, "board" means the
25 board of supervisors of the county.

26 Sec. 2. Section 357H.6, Code Supplement 1997, is
27 amended to read as follows:

28 357H.6 TRUSTEES -- TERMS AND QUALIFICATIONS.

29 The election of trustees of a rural improvement
30 zone shall take place at a special election on ballots
31 which shall not reflect a nominee's political
32 affiliation. Nomination shall be made by petition in
33 accordance with chapter 45. The petition form shall
34 be furnished by the county commissioner of elections,
35 signed by eligible electors of the rural improvement
36 zone equal in number to one percent of the vote cast
37 within the zone for governor in the last previous
38 general election, and shall be filed with the county
39 commissioner of elections. A plurality shall be
40 sufficient to elect the five trustees of the rural
41 improvement zone, and no primary election for that
42 office shall be held. At the original election, two
43 trustees shall be elected for one year, two for two
44 years, and one for three years. The terms of the
45 succeeding trustees are for three years. The terms of
46 the trustees shall begin immediately after their
47 election and certification. The trustees must be
48 residents of the zone. Vacancies on the board shall
49 be filled by appointment by the remaining trustees.

50 Sec. 3. Section 357H.8, Code Supplement 1997, is

Page 2

1 amended to read as follows:

2 357H.8 CERTIFICATES, CONTRACTS, AND OTHER
3 OBLIGATIONS -- STANDBY TAX.

4 To provide funds for the payment of the costs of
5 improvement projects and for the payment of other
6 activities authorized pursuant to section 357H.7, the
7 board of trustees may borrow money and issue and sell
8 certificates or may enter into contracts or other
9 obligations payable from a sufficient portion of the
10 future receipts of tax revenue authorized pursuant to
11 section 357H.9 and the standby tax in subsection 4 of
12 this section. The receipts shall be pledged to the
13 payment of principal of and interest on the
14 certificates, contracts, or other obligations.

15 1. Certificates may be sold at public sale or at
16 private sale at par, premium, or discount at the
17 discretion of the board of trustees. Chapter 75 does
18 not apply to the issuance of these certificates.

19 2. Certificates may be issued with respect to a

20 single improvement project or multiple projects and
21 may contain terms or conditions as the board of
22 trustees may provide by resolution authorizing the
23 issuance of the certificates. However, certificates
24 shall not be issued after January 1, 2007, except to
25 refund other certificates as provided in subsection 3.
26 3. Certificates issued to refund other
27 certificates may be sold at public sale or at private
28 sale as provided in this section with the proceeds
29 from the sale to be used for the payment of the
30 certificates being refunded. The refunding
31 certificates may be exchanged in payment and discharge
32 of the certificates being refunded, in installments at
33 different times, or an entire issue or series at one
34 time. Refunding certificates may be sold or exchanged
35 at any time on, before, or after the maturity of the
36 outstanding certificates to be refunded, may be issued
37 for the purpose of refunding a like, greater, or
38 lesser principal amount of certificates, and may bear
39 a rate of interest higher or lower than, or equivalent
40 to, the rate of interest on certificates being renewed
41 or refunded.
42 4. To further secure the payment of the
43 certificates, the board of trustees shall, by
44 resolution, provide for the assessment of an annual
45 levy of a standby tax upon all taxable property within
46 the rural improvement zone. A copy of the resolution
47 shall be sent to the county auditor. The revenues
48 from the standby tax shall be deposited in a special
49 fund and shall be expended only for the payment of
50 principal of and interest on the certificates issued

Page 3

1 as provided in this section, when the receipt of tax
2 revenues pursuant to section 357H.9 is insufficient.
3 If payments are necessary and made from the special
4 fund, the amount of the payments shall be promptly
5 repaid into the special fund from the first available
6 payments received which are not required for the
7 payment of principal of or interest on certificates
8 due. No reserves may be built up in the special fund
9 in anticipation of a projected default. The board of
10 trustees shall adjust the annual standby tax levy for
11 each year to reflect the amount of revenues in the
12 special fund and the amount of principal and interest
13 which is due in that year.
14 5. Before certificates, contracts, or other
15 obligations are issued or entered into, the board of
16 trustees shall publish a notice of its intention to
17 ~~issue the certificates~~, stating the amount, the
18 purpose, and the improvement project or projects for

19 which the certificates, contracts, or other
20 obligations are to be issued or entered into. A
21 person may, within fifteen days after the publication
22 of the notice, appeal the decision of the board of
23 trustees in proposing to issue the certificates or to
24 enter into the contracts or other obligations to the
25 district court in the county in which the rural
26 improvement zone exists. The action of the board of
27 trustees in determining to issue the certificates or
28 to enter into the contracts or other obligations is
29 final and conclusive unless the district court finds
30 that the board of trustees has exceeded its legal
31 authority. An action shall not be brought which
32 questions the legality of the certificates, contracts,
33 or other obligations, the power of the board of
34 trustees to issue the certificates or to enter into
35 the contracts or other obligations, the effectiveness
36 of any proceedings relating to the authorization of
37 the project, or the authorization and issuance of the
38 certificates or entrance into the contracts or other
39 obligations after fifteen days from the publication of
40 the notice of intention to issue certificates or enter
41 into contracts or other obligations.

42 6. The board of trustees shall determine if
43 revenues are sufficient to secure the faithful
44 performance of obligations.

45 Sec. 4. Section 357H.9, Code Supplement 1997, is
46 amended to read as follows:

47 357H.9 INCREMENTAL PROPERTY TAXES.

48 The board of trustees shall provide by resolution
49 that taxes levied on the taxable property in a rural
50 improvement zone each year by or for the benefit of

Page 4

1 the state, city, county, school district, or other
2 taxing district after the effective date of the
3 resolution shall be divided as provided in section
4 403.19, subsections 1 and 2, in the same manner as if
5 the taxable property in the rural improvement zone was
6 taxable property in an urban renewal area and the
7 resolution was an ordinance within the meaning of
8 those subsections. The taxes received by the board of
9 trustees shall be allocated to, and when collected be
10 paid into, a special fund and may be irrevocably
11 pledged by the trustees to pay the principal of and
12 interest on the certificates issued, contracts, or
13 other obligations approved by the board of trustees to
14 finance or refinance, in whole or in part, an
15 improvement project. As used in this section, "taxes"
16 includes, but is not limited to, all levies on an ad

17 valorem basis upon land or real property located in
18 the rural improvement zone."

STEWART IVERSON, Jr.

S-5314

1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following:
4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ten thousand ~~five hundred~~ residents, based upon
7 the 1990 certified federal census, and with a private
8 lake development, shall designate".

MICHAEL E. GRONSTAL

S-5315

1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following:
4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ eight thousand ~~five~~ three hundred ~~twenty-five~~
7 residents, based upon the 1990 certified federal
8 census, and with a private lake development, shall
9 designate".

MICHAEL E. GRONSTAL

S-5316

1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following:
4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ eight thousand ~~five~~ three hundred fifty
7 residents, based upon the 1990 certified federal
8 census, and with a private lake development, shall
9 designate".

MICHAEL E. GRONSTAL

S-5317

1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and

3 inserting the following:

4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ eight thousand ~~five~~ three hundred residents,
7 based upon the 1990 certified federal census, and with
8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5318

1 Amend Senate File 2284 as follows:

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

4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ eight thousand ~~five~~ four hundred residents,
7 based upon the 1990 certified federal census, and with
8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5319

1 Amend Senate File 2284 as follows:

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

4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ nine thousand ~~five hundred~~ residents, based
7 upon the 1990 certified federal census, and with a
8 private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5320

1 Amend Senate File 2284 as follows:

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

4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ nine thousand ~~five~~ eight hundred residents,
7 based upon the 1990 certified federal census, and with
8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5321

1 Amend Senate File 2284 as follows:

2 1. Page 1, by striking lines 4 through 7 and

3 inserting the following:
4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ eight thousand ~~five~~ two hundred fifty
7 residents, based upon the 1990 certified federal
8 census, and with a private lake development, shall
9 designate".

MICHAEL E. GRONSTAL

S-5322

1 Amend Senate File 2284 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting the following:
4 "The board of supervisors of a county with less
5 than eleven thousand five hundred residents but more
6 than ~~ten~~ nine thousand five hundred residents, based
7 upon the 1990 certified federal census, and with a
8 private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5323

1 Amend House File 2476, as passed by the House, as
2 follows:
3 1. Page 1, line 5, by striking the words "center.
4 The center" and inserting the following: "center and
5 for a connection to the network for the Dubuque river
6 discovery museum. The center and the museum".
7 2. Page 1, line 6, by striking the words "the
8 connection" and inserting the following: "such
9 connections".
10 3. Page 1, line 8, by inserting after the word
11 "center" the following: "and to the Dubuque river
12 discovery museum".
13 4. Page 1, by striking line 10 and inserting the
14 following: "connections or use of the network by the
15 center or the museum."
16 5. Title page, line 2, by inserting after the
17 word "center," the following: "and the Dubuque river
18 discovery museum".

TOM FLYNN
MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 2192

S-5324

- 1 Amend Senate File 2192, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "batteries," the following: "windshields, windows, a
- 5 sound system."

S-5325

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ seven thousand ~~five~~ one hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5326

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ seven thousand ~~five~~ three hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5327

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ seven thousand ~~five~~ hundred residents, based
- 7 upon the 1990 certified federal census, and with a
- 8 private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5328

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ seven thousand ~~five~~ two hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5329

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ seven thousand ~~five~~ six hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5330

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ eight thousand ~~five~~ one hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5331

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ seven thousand ~~five~~ nine hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5332

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ eight thousand ~~five~~ two hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5333

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ five thousand ~~five~~ four hundred residents,
- 7 based upon the 1990 certified federal census, and with
- 8 a private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5334

- 1 Amend Senate File 2284 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting the following:
- 4 "The board of supervisors of a county with less
- 5 than eleven thousand five hundred residents but more
- 6 than ~~ten~~ four thousand five hundred residents, based
- 7 upon the 1990 certified federal census, and with a
- 8 private lake development, shall designate".

MICHAEL E. GRONSTAL

S-5335

- 1 Amend House File 2164, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 31 the
- 4 following:
- 5 "Sec. . Section 15E.192, subsection 1, Code
- 6 Supplement 1997, is amended to read as follows:
- 7 1. A county may create an economic development
- 8 enterprise zone as authorized in this division,
- 9 subject to certification by the department of economic
- 10 development, by designating up to one percent of the
- 11 county area for that purpose. An eligible county

12 containing a city whose boundaries extend into an
13 adjacent county may establish an enterprise zone in an
14 area of the city located in the adjacent county if the
15 adjacent county's board of supervisors adopts a
16 resolution approving the establishment of the
17 enterprise zone in the city and the two counties enter
18 into an agreement pursuant to chapter 28E regarding
19 the establishment of the enterprise zone. A county
20 may establish more than one enterprise zone.

21 Sec. . Section 15E.193, subsection 1, paragraph
22 b, Code Supplement 1997, is amended to read as
23 follows:

24 b. ~~Pays at least eighty percent of the cost of a~~
25 ~~standard medical and dental insurance plan for all~~
26 ~~full-time employees. Provides all full-time employees~~
27 with the option of choosing one of the following:

28 (1) The business pays eighty percent of both of
29 the following:

30 (a) The cost of a standard medical insurance plan.

31 (b) The cost of a standard dental insurance plan
32 or an equivalent plan.

33 (2) The business provides the employee with a
34 monetarily equivalent plan to the plan provided for in
35 subparagraph (1).

36 Sec. . Section 15E.195, subsection 1, Code
37 Supplement 1997, is amended to read as follows:

38 1. A county which designates an enterprise zone
39 pursuant to section 15E.194, subsection 1, and in
40 which an eligible enterprise zone is certified shall
41 establish an enterprise zone commission to review
42 applications from qualified businesses located within
43 or requesting to locate within an enterprise zone
44 designated pursuant to section 15E.194, subsection 1,
45 to receive incentives or assistance as provided in
46 section 15E.196. The commission shall consist of nine
47 members. Five of these members shall consist of one
48 representative of the board of supervisors, one member
49 with economic development expertise chosen by the
50 department of economic development, one representative

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1 of the county zoning board, one member of the local
2 community college board of directors, and one
3 representative of the local workforce development
4 center. These five members shall select the remaining
5 four members. If the enterprise zone consists of an
6 area meeting the requirements for eligibility for an
7 urban or rural enterprise community under Title XIII
8 of the federal Omnibus Budget Reconciliation Act of
9 1993, one of the remaining four members shall be a
10 representative of that zone community. However, if

11 ~~the enterprise zone qualifies under the city criteria,~~
12 ~~one of the four members shall be a representative of~~
13 ~~an international labor organization and if an~~
14 ~~enterprise zone is located in any city, a~~
15 ~~representative, chosen by the city council, of each~~
16 ~~such city may be a member of the commission. A county~~
17 ~~shall have only one enterprise zone commission to~~
18 ~~review applications for incentives and assistance for~~
19 ~~businesses located within or requesting to locate~~
20 ~~within a certified enterprise zone designated pursuant~~
21 ~~to section 15E.194, subsection 1.~~

22 Sec. . Section 15E.195, Code Supplement 1997,
23 is amended by adding the following new subsection:
24 NEW SUBSECTION. 1A. A city with a population of
25 twenty-four thousand or more which designates an
26 enterprise zone pursuant to section 15E.194,
27 subsection 2, and in which an eligible enterprise zone
28 is certified shall establish an enterprise zone
29 commission to review applications from qualified
30 businesses located within or requesting to locate
31 within an enterprise zone to receive incentives or
32 assistance as provided in section 15E.196. The
33 commission shall consist of nine members. Six of
34 these members shall consist of one representative of
35 an international labor organization, one member with
36 economic development expertise chosen by the
37 department of economic development, one representative
38 of the city council, one member of the local community
39 college board of directors, one member of the city
40 planning and zoning commission, and one representative
41 of the local workforce development center. These six
42 members shall select the remaining three members. If
43 the enterprise zone consists of an area meeting the
44 requirements for eligibility for an urban enterprise
45 community under Title XIII of the federal Omnibus
46 Budget Reconciliation Act of 1993, one of the
47 remaining three members shall be a representative of
48 that community. If a city contiguous to the city
49 designating the enterprise zone is included in an
50 enterprise zone, a representative of the contiguous

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1 city, chosen by the city council, shall be a member of
2 the commission. A city in which an eligible
3 enterprise zone is certified shall have only one
4 enterprise zone commission. If a city has established
5 an enterprise zone commission prior to the effective
6 date of this Act, the city may petition to the
7 department of economic development to change the
8 structure of the existing commission.
9 Sec. . Section 15E.196, subsection 5, Code

10 Supplement 1997, is amended to read as follows:

11 5. The county or city for which an eligible
12 enterprise zone is certified may exempt from all
13 property taxation all or a portion of the value added
14 to the property upon which an eligible business
15 locates or expands in an enterprise zone and which is
16 used in the operation of the eligible business. The
17 amount of value added for purposes of this subsection
18 shall be the amount of the increase in assessed
19 valuation of the property following the location or
20 expansion of the business in the enterprise zone. If
21 an exemption provided pursuant to this subsection is
22 made applicable to only a portion of the property
23 within an enterprise zone, the definition of that
24 subset of eligible property must be by uniform
25 criteria which further some planning objective
26 established by the city or county enterprise zone
27 commission and approved by the eligible city or
28 county. The exemption may be allowed for a period not
29 to exceed ten years beginning the year the eligible
30 business enters into an agreement with the county or
31 city to locate or expand operations in an enterprise
32 zone."

33 2. Title page, line 1, by inserting after the
34 word "relating" the following: "to economic
35 development enterprise zones and to".
36 3. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5336

1 Amend Senate File 2280 as follows:

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

4 "The department shall develop and maintain the
5 statewide perinatal program in accordance with the
6 recommendations of the American academy of pediatrics
7 and the American college of obstetricians and
8 gynecologists contained in the most recent edition of
9 the "Guides for Perinatal Care", and shall adopt rules
10 in accordance with chapter 17A to implement those
11 recommendations."

SHELDON RITTMER
ELAINE SZYMONIAK

S-5337

1 Amend the amendment, S-5309, to House File 2487, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 1, line 6, by inserting after the word
5 "Iowa" the following: "or any other state".

JEFF ANGELO

S-5338

- 1 Amend House File 382, as passed by the House, as
2 follows:
3 1. Page 2, by striking lines 22 through 30.

ROBERT E. DVORSKY

S-5339

- 1 Amend the amendment, S-5259, to Senate File 2284 as
2 follows:
3 1. Page 1, by striking lines 1 through 9 and
4 inserting the following:
5 "Amend Senate File 2284 as follows:
6 By striking everything after the enacting
7 clause and inserting the following:
8 "Section 1. Section 357H.1, Code Supplement 1997,
9 is amended to read as follows:
10 357H.1 RURAL IMPROVEMENT ZONES.
11 The board of supervisors of a county ~~with less than~~
12 ~~eleven thousand five hundred residents but more than~~
13 ~~ten thousand five hundred residents, based upon the~~
14 ~~1990 certified federal census, and with a private lake~~
15 ~~development, shall designate an area surrounding the~~
16 ~~lake, if it is an unincorporated area of the county, a~~
17 ~~rural improvement zone upon receipt of a petition~~
18 ~~pursuant to section 357H.2, and upon the board's~~
19 ~~determination that the area is in need of~~
20 ~~improvements. For purposes of this chapter,~~
21 ~~"improvements" means dredging, installation of erosion~~
22 ~~control measures, land acquisition, and related~~
23 ~~improvements, including soil conservation practices,~~
24 ~~within or outside of the boundaries of the zone.~~
25 For purposes of this chapter, "board" means the
26 board of supervisors of the county.
27 Sec. 2. Section 357H.6, Code Supplement 1997, is
28 amended to read as follows:
29 357H.6 TRUSTEES -- TERMS AND QUALIFICATIONS.
30 The election of trustees of a rural improvement
31 zone shall take place at a special election on ballots
32 which shall not reflect a nominee's political
33 affiliation. Nomination shall be made by petition in
34 accordance with chapter 45. The petition form shall
35 be furnished by the county commissioner of elections,
36 signed by eligible electors of the rural improvement
37 zone equal in number to one percent of the vote cast

38 within the zone for governor in the last previous
39 general election, and shall be filed with the county
40 commissioner of elections. A plurality shall be
41 sufficient to elect the five trustees of the rural
42 improvement zone, and no primary election for that
43 office shall be held. At the original election, two
44 trustees shall be elected for one year, two for two
45 years, and one for three years. The terms of the
46 succeeding trustees are for three years. The terms of
47 the trustees shall begin immediately after their
48 election and certification. The trustees must be
49 residents of the zone. Vacancies on the board shall
50 be filled by appointment by the remaining trustees.

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1 Sec. 3. Section 357H.8, Code Supplement 1997, is
2 amended to read as follows:
3 357H.8 CERTIFICATES, CONTRACTS, AND OTHER
4 OBLIGATIONS -- STANDBY TAX.

5 To provide funds for the payment of the costs of
6 improvement projects and for the payment of other
7 activities authorized pursuant to section 357H.7, the
8 board of trustees may borrow money and issue and sell
9 certificates or may enter into contracts or other
10 obligations payable from a sufficient portion of the
11 future receipts of tax revenue authorized pursuant to
12 section 357H.9 and the standby tax in subsection 4 of
13 this section. The receipts shall be pledged to the
14 payment of principal of and interest on the
15 certificates, contracts, or other obligations.

16 1. Certificates may be sold at public sale or at
17 private sale at par, premium, or discount at the
18 discretion of the board of trustees. Chapter 75 does
19 not apply to the issuance of these certificates.

20 2. Certificates may be issued with respect to a
21 single improvement project or multiple projects and
22 may contain terms or conditions as the board of
23 trustees may provide by resolution authorizing the
24 issuance of the certificates. However, certificates
25 shall not be issued after January 1, 2007, except to
26 refund other certificates as provided in subsection 3.

27 3. Certificates issued to refund other
28 certificates may be sold at public sale or at private
29 sale as provided in this section with the proceeds
30 from the sale to be used for the payment of the
31 certificates being refunded. The refunding
32 certificates may be exchanged in payment and discharge
33 of the certificates being refunded, in installments at
34 different times, or an entire issue or series at one
35 time. Refunding certificates may be sold or exchanged
36 at any time on, before, or after the maturity of the

37 outstanding certificates to be refunded, may be issued
38 for the purpose of refunding a like, greater, or
39 lesser principal amount of certificates, and may bear
40 a rate of interest higher or lower than, or equivalent
41 to, the rate of interest on certificates being renewed
42 or refunded.

43 4. To further secure the payment of the
44 certificates, the board of trustees shall, by
45 resolution, provide for the assessment of an annual
46 levy of a standby tax upon all taxable property within
47 the rural improvement zone. A copy of the resolution
48 shall be sent to the county auditor. The revenues
49 from the standby tax shall be deposited in a special
50 fund and shall be expended only for the payment of

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1 principal of and interest on the certificates issued
2 as provided in this section, when the receipt of tax
3 revenues pursuant to section 357H.9 is insufficient.
4 If payments are necessary and made from the special
5 fund, the amount of the payments shall be promptly
6 repaid into the special fund from the first available
7 payments received which are not required for the
8 payment of principal of or interest on certificates
9 due. No reserves may be built up in the special fund
10 in anticipation of a projected default. The board of
11 trustees shall adjust the annual standby tax levy for
12 each year to reflect the amount of revenues in the
13 special fund and the amount of principal and interest
14 which is due in that year.

15 5. Before certificates, contracts, or other
16 obligations are issued or entered into, the board of
17 trustees shall publish a notice of its intention to
18 ~~issue the certificates~~, stating the amount, the
19 purpose, and the improvement project or projects for
20 which the certificates, contracts, or other
21 obligations are to be issued or entered into. A
22 person may, within fifteen days after the publication
23 of the notice, appeal the decision of the board of
24 trustees in proposing to issue the certificates or to
25 enter into the contracts or other obligations to the
26 district court in the county in which the rural
27 improvement zone exists. The action of the board of
28 trustees in determining to issue the certificates or
29 to enter into the contracts or other obligations is
30 final and conclusive unless the district court finds
31 that the board of trustees has exceeded its legal
32 authority. An action shall not be brought which
33 questions the legality of the certificates, contracts,
34 or other obligations, the power of the board of
35 trustees to issue the certificates or to enter into

36 the contracts or other obligations, the effectiveness
37 of any proceedings relating to the authorization of
38 the project, or the authorization and issuance of the
39 certificates or entrance into the contracts or other
40 obligations after fifteen days from the publication of
41 the notice of intention to issue certificates or enter
42 into contracts or other obligations.

43 6. The board of trustees shall determine if
44 revenues are sufficient to secure the faithful
45 performance of obligations.

46 Sec. 4. Section 357H.9, Code Supplement 1997, is
47 amended to read as follows:

48 357H.9 INCREMENTAL PROPERTY TAXES.

49 The board of trustees shall provide by resolution
50 that taxes levied on the taxable property in a rural

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1 improvement zone each year by or for the benefit of
2 the state, city, county, school district, or other
3 taxing district after the effective date of the
4 resolution shall be divided as provided in section
5 403.19, subsections 1 and 2, in the same manner as if
6 the taxable property in the rural improvement zone was
7 taxable property in an urban renewal area and the
8 resolution was an ordinance within the meaning of
9 those subsections. The taxes received by the board of
10 trustees shall be allocated to, and when collected be
11 paid into, a special fund and may be irrevocably
12 pledged by the trustees to pay the principal of and
13 interest on the certificates issued, ~~contracts, or~~
14 other obligations approved by the board of trustees to
15 finance or refinance, in whole or in part, an
16 improvement project. As used in this section, "taxes"
17 includes, but is not limited to, all levies on an ad
18 valorem basis upon land or real property located in
19 the rural improvement zone."

MICHAEL E. GRONSTAL

S-5340

1 Amend House File 2454, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, line 17, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 6, by inserting after line 23 the
7 following:

8 **"NEW SUBSECTION. 6B. An insurance company that**
9 **has issued financial liability coverage for a motor**
10 **vehicle registered in this state pursuant to this**

11 chapter, shall not make any payments to a third party
12 in excess of three thousand dollars for damages to a
13 motor vehicle as a result of any claim made against
14 the owner of a motor vehicle covered by financial
15 liability coverage, unless such payment is also made
16 payable to the first lienholder of record who has a
17 security interest in the motor vehicle owned by the
18 third-party claimant. The insurance company, as
19 reimbursement for the company's expenses, shall retain
20 fifty dollars of the payment on any such claim if the
21 first lienholder is also listed as a payee."

DENNIS H. BLACK

S-5341

1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by inserting after line 4 the
4 following:
5 "Sec. ____ NEW SECTION. 455J.14 EXCLUSION.
6 A facility or operation which includes an animal
7 feeding operation structure as defined in section
8 455B.161 is not eligible for any privilege or immunity
9 granted under this chapter."
10 2. By renumbering as necessary.

BILL FINK

S-5342

1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by inserting after line 4 the
4 following:
5 "Sec. ____ NEW SECTION. 455J.14 FUTURE REPEAL.
6 This chapter is repealed effective June 30, 2002."
7 2. By renumbering as necessary.

BILL FINK

S-5343

1 Amend House File 382, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "2A. If either party to a marriage falsely
6 represents the party's gender, the marriage is valid
7 unless the person who falsely represented the person's
8 gender chooses to void the marriage by making the
9 person's true gender known in an annulment proceeding."

10 A child of a marriage voided under this subsection is
11 legitimate."

JOHNIE HAMMOND

S-5344

1 Amend House File 382, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "2A. If one member of a male and female couple has
6 a sex change operation, the marriage remains valid and
7 the partner who did not change gender is entitled to
8 claim all material rights and privileges including
9 those related to pension, inheritance, and financial
10 benefits."

JOHNIE HAMMOND

S-5345

1 Amend, the amendment, S-5335, to House File 2164,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 20 the
5 following:
6 "Sec. ____ Section 15E.192, subsection 2, Code
7 Supplement 1997, is amended to read as follows:
8 2. A city with a population of twenty-four
9 thousand or more, as shown by the 1990 certified
10 federal census, may create an economic development
11 enterprise zone as authorized in this division,
12 subject to certification by the department of economic
13 development, by designating one or more contiguous
14 census tracts, as determined in the most recent
15 federal census, or designating other geographic units
16 approved by the department of economic development for
17 that purpose. If there is an area in the city which
18 meets the requirements for eligibility for an urban or
19 rural enterprise community under Title XIII of the
20 federal Omnibus Budget Reconciliation Act of 1993,
21 such area shall be designated by the state as an
22 economic development enterprise zone. The area
23 meeting the requirements for eligibility for an urban
24 or rural enterprise community shall not be included
25 for the purpose of determining the area limitation
26 pursuant to subsection 3. In creating an enterprise
27 zone, a city with a population of twenty-four thousand
28 or more, as shown by the 1990 certified federal
29 census, may designate as part of the ~~area tracts or~~
30 ~~approved geographic units located in a contiguous city~~

31 ~~if such tracts or approved geographic units meet the~~
32 ~~criteria and enterprise zone an area contiguous to the~~
33 ~~city if the city or county containing the area, as~~
34 ~~applicable, agrees to being included and the entities~~
35 ~~enter into an agreement pursuant to chapter 28E if~~
36 ~~necessary.~~ The city may establish more than one
37 enterprise zone. Reference in this division to "city"
38 means a city with a population of twenty-four thousand
39 or more, as shown by the 1990 certified federal
40 census."

41 2. By renumbering as necessary.

ROD HALVORSON

HOUSE AMENDMENT TO
SENATE FILE 2235

S-5346

1 Amend Senate File 2235, as passed by the Senate, as
2 follows:

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

5 "Section 101. Section 2B.5, subsection 2, Code
6 1997, is amended to read as follows:

7 2. Cause the Iowa court rules to be published, as
8 directed by the supreme court after consultation with
9 the legislative council. The Iowa court rules shall
10 consist of all rules prescribed by the supreme court.
11 The court rules shall be published in loose-leaf form,
12 ~~appropriately indexed,~~ and supplements shall be
13 prepared and distributed as directed by the supreme
14 court. The Iowa court rules and supplements to the
15 court rules shall be priced as provided in section
16 7A.22.

17 Sec. 102. Section 2B.10, subsection 3, Code 1997,
18 is amended by striking the subsection."

19 2. Page 2, by inserting after line 30 the
20 following:

21 "Sec. 103. Section 602.4102, subsections 3 and 5,
22 Code 1997, are amended to read as follows:

23 3. The supreme court shall prescribe rules for the
24 transfer of matters to the court of appeals. These
25 rules may provide for the selective transfer of
26 individual cases and may provide for the transfer of
27 cases according to subject matter or other general
28 criteria. ~~Rules relating to the transfer of cases are~~
29 ~~subject to section 602.4202.~~ A rule shall not provide
30 for the transfer of a matter other than by an order of
31 transfer under subsection 2.

32 5. The supreme court shall prescribe rules of
33 appellate procedure which shall govern further review

34 by the supreme court of decisions of the court of
35 appeals. These rules shall contain, but need not be
36 limited to, a specification of the grounds upon which
37 further review may, in the discretion of the supreme
38 court, be granted. ~~These rules are subject to section~~
39 ~~602.4202.~~
40 Sec. 104. Section 602.4201, Code 1997, is amended
41 to read as follows:
42 602.4201 RULES GOVERNING ACTIONS AND PROCEEDINGS.
43 1. The supreme court may prescribe all rules of
44 pleading, practice, evidence, and procedure, and the
45 forms of process, writs, and notices, for all
46 proceedings in all courts of this state, for the
47 purposes of simplifying the proceedings and promoting
48 the speedy determination of litigation upon its
49 merits. ~~Rules are subject to section 602.4202.~~
50 2. Rules of appellate procedure relating to

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1 appeals to and review by the supreme court,
2 discretionary review by the courts of small claims
3 actions, review by the supreme court by writ of
4 certiorari to inferior courts, appeal to or review by
5 the court of appeals of a matter transferred to that
6 court by the supreme court, and further review by the
7 supreme court of decisions of the court of appeals,
8 shall be known as "Rules of Appellate Procedure", and
9 shall be published as provided in section 2B.5.

10 3. The following rules are subject to section
11 602.4202:

- 12 a. Rules of civil procedure.
- 13 b. Rules of criminal procedure.
- 14 c. Rules of evidence.
- 15 d. Rules of appellate procedure 1 through 9.
- 16 e. Rules of probate procedure.
- 17 f. Juvenile procedure.
- 18 g. Involuntary hospitalization of mentally ill.
- 19 h. Involuntary commitment or treatment of
20 substance abusers.

21 Sec. 105. Section 602.4202, Code 1997, is amended
22 to read as follows:

23 602.4202 RULEMAKING PROCEDURE.

24 1. The supreme court shall submit a rule or form
25 prescribed by the supreme court under section
26 602.4201, subsection 3, or pursuant to any other
27 rulemaking authority specifically made subject to this
28 section to the legislative council and shall at the
29 same time report the rule or form to the chairpersons
30 and ranking members of the senate and house committees
31 on judiciary. The legislative service bureau shall
32 make recommendations to the supreme court on the

33 proper style and format of rules and forms required to
34 be submitted to the legislative council under this
35 subsection.

36 2. A rule or form submitted as required under
37 subsection 1 takes effect sixty days after submission
38 to the legislative council, or at a later date
39 specified by the supreme court, unless the legislative
40 council, within sixty days after submission and by a
41 majority vote of its members, delays the effective
42 date of the rule or form to a date as provided in
43 subsection 3.

44 3. The effective date of a rule or form submitted
45 during the period of time beginning February 15 and
46 ending February 14 of the next calendar year may be
47 delayed by the legislative council until May 1 of that
48 next calendar year.

49 ~~4. A rule or form submitted as required under~~
50 ~~subsection 1 and effective on or before July 1 shall~~

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1 be bound with the Acts of the general assembly meeting
2 in regular session in the calendar year in which the
3 July 1 falls.

4 ~~5. 4.~~ If the general assembly enacts a bill
5 changing a rule or form, the general assembly's
6 enactment supersedes a conflicting provision in the
7 rule or form as submitted by the supreme court.

8 Sec. 106. Section 602.4303, subsection 2, Code
9 1997, is amended by striking the subsection."

10 3. Page 4, by inserting after line 32 the
11 following:

12 "Sec. ____ Section 804.21, subsection 3, Code
13 1997, is amended to read as follows:

14 3. If the magistrate who issued the warrant is
15 absent or unable to act, the arrested person shall be
16 taken to the nearest or most accessible magistrate in
17 the judicial district where the offense occurred or a
18 magistrate in an approved judicial district, and all
19 documents on which the warrant was issued must be sent
20 to such magistrate, or if they cannot be procured, the
21 informant and the informant's witnesses must be
22 subpoenaed to make new affidavits. For purposes of
23 this subsection, an "approved judicial district"
24 means, as to any particular arrest of a person
25 described in this subsection, any judicial district in
26 this state in which the chief judge of that judicial
27 district and the chief judge of the judicial district
28 in which the offense occurred have previously entered
29 an order permitting a person arrested or described in
30 this subsection to be taken to a magistrate from any
31 judicial district subject to the order.

32 Sec. ____ Section 804.22, unnumbered paragraph 1,
33 Code 1997, is amended to read as follows:
34 When an arrest is made without a warrant, the
35 person arrested shall, without unnecessary delay, be
36 taken before the nearest or most accessible magistrate
37 in the judicial district in which such arrest was made
38 or before a magistrate in an approved judicial
39 district, and the grounds on which the arrest was made
40 shall be stated to the magistrate by complaint,
41 subscribed and sworn to by the complainant, or
42 supported by the complainant's affirmation, and such
43 magistrate shall proceed as follows:
44 Sec. ____ Section 804.22, Code 1997, is amended by
45 adding the following new unnumbered paragraph:
46 NEW UNNUMBERED PARAGRAPH. For purposes of this
47 section, an "approved judicial district" means, as to
48 any particular arrest of a person made without a
49 warrant, any judicial district in this state in which
50 the chief judge of that judicial district and the

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1 chief judge of the judicial district in which the
2 arrest was made have previously entered an order
3 permitting a person arrested without warrant to be
4 taken to a magistrate from any judicial district
5 subject to the order."
6 4. Page 4, by inserting after line 32 the
7 following:
8 "Sec. 107. Section 684A.6, Code 1997, is amended
9 to read as follows:
10 684A.6 PROCEDURE.
11 The supreme court may prescribe rules of procedure
12 concerning the answering and certification of
13 questions of law under this chapter, ~~subject to~~
14 ~~section 602.4202.~~
15 Sec. 108. Section 101 through 108 of this Act,
16 being deemed of immediate importance, take effect upon
17 enactment."
18 5. Title page, line 1, by inserting after the
19 word "administration" the following: "and providing
20 an effective date".
21 6. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2338

S-5347

1 Amend Senate File 2338 as passed by the Senate, as
2 follows:

- 3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. NEW SECTION. 600.12A DEATH OF PERSON
6 TO BE ADOPTED -- PROCESS FOR FINAL ADOPTION DECREE.
7 1. If the person to be adopted dies following the
8 filing of an adoption petition pursuant to section
9 600.3, but prior to issuance of a final adoption
10 decree pursuant to section 600.13, the court may waive
11 any investigations and reports required pursuant to
12 section 600.8 that remain uncompleted, waive the
13 minimum residence requirements pursuant to section
14 600.10, proceed to the adoption hearing, and issue a
15 final adoption decree, unless any person to whom
16 notice is to be provided pursuant to section 600.11
17 objects to the adoption.
18 2. A final adoption decree issued pursuant to this
19 section terminates any parental rights existing prior
20 to the time of its issuance and establishes the
21 parent-child relationship between the adoption
22 petitioner and the person adopted. However, the final
23 adoption decree does not confer any rights on the
24 adoption petitioner to the estate of the adopted
25 person and does not confer any rights on the adopted
26 person to the estate of the adoption petitioner."
27 2. Page 1, by striking line 23 and inserting the
28 following: "defined in section 238.2, a person making
29 an independent placement as defined in section 600A.2,
30 or an".
31 3. Page 1, by inserting after line 35 the
32 following:
33 "Sec. ____ EFFECTIVE DATE. Section 1, creating
34 section 600.12A, being deemed of immediate importance,
35 takes effect upon enactment."
36 4. Title page, line 1, by inserting after the
37 word "to" the following: "adoptions including the
38 process for adoption of a deceased person and relating
39 to".
40 5. Title page, line 2, by inserting after the
41 word "adoptions" the following: "and providing an
42 effective date".
43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2335

S-5348

- 1 Amend Senate File 2335, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "For purposes of this subsection, a "juvenile

- 6 placement facility" means any of the following:
7 a. A child foster care facility licensed under
8 section 237.4.
9 b. Institutions controlled by the department of
10 human services listed in section 218.1.
11 c. Juvenile detention and juvenile shelter care
12 homes approved under section 232.142.
13 d. Psychiatric medical institutions for children
14 licensed under chapter 135H.
15 e. Substance abuse facilities as defined in
16 section 125.2."
17 2. Title page, line 2, by inserting after the
18 word "facilities" the following: "and between
19 prisoners incarcerated in a county jail and employees
20 or agents of a county".
21 3. By renumbering as necessary.

S-5349

- 1 Amend House File 681, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 34 the
4 following:
5 "5. The department shall allow, upon request, the
6 review of the contents of an environmental audit
7 report filed with the department to all of the
8 following:
9 a. Medical doctors.
10 b. Health officials.
11 c. Statisticians.
12 d. Public health officials.
13 e. The general assembly.
14 f. Environmental groups studying issues relating
15 to environmental spills and cleanup.
16 g. Affected workers.
17 h. Worker's representatives."

BILL FINK

S-5350

- 1 Amend House File 2487, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 9.
4 2. Title page, line 1, by striking the words "and
5 other requirements".
6 3. By renumbering as necessary.

JEFF ANGELO

S-5351

1 Amend House File 2454, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 23 the
4 following:

5 "Sec. ____ Section 321.24, Code 1997, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Before issuing a new
8 registration for a motor vehicle, the county treasurer
9 shall verify that the applicant has submitted proof of
10 financial responsibility as required under section
11 321.20B. If proof is not submitted, registration
12 shall not be issued. Proof of financial
13 responsibility is not required for issuance of a
14 certificate of title.

15 Sec. ____ Section 321.30, Code 1997, is amended by
16 adding the following new subsection preceding the last
17 unnumbered paragraph:

18 NEW SUBSECTION. 14. If the application is for a
19 new registration of a motor vehicle and the
20 application does not include proof of financial
21 responsibility as required under section 321.20B.
22 However, proof of financial responsibility is not
23 required for issuance of a certificate of title.

24 Sec. ____ Section 321.40, unnumbered paragraph 1,
25 Code Supplement 1997, is amended to read as follows:

26 Application for renewal of a vehicle registration
27 shall be made on or after the first day of the month
28 of expiration of registration and up to and including
29 the last day of the month following the month of
30 expiration of registration. The registration shall be
31 renewed upon payment of the appropriate registration
32 fee and upon the applicant providing proof of
33 financial responsibility as required under section
34 321.20B.

35 Sec. ____ Section 321.46, subsection 2, Code 1997,
36 is amended by adding the following new unnumbered
37 paragraph:

38 NEW UNNUMBERED PARAGRAPH. Prior to issuing a new
39 registration for a motor vehicle, the county treasurer
40 shall verify that the applicant has submitted proof of
41 financial responsibility as required under section
42 321.20B. If proof is not submitted, the registration
43 shall not be issued. Proof of financial
44 responsibility is not required for issuance of a
45 certificate of title."

46 2. Page 7, by inserting after line 8 the
47 following:

48 "Sec. ____ NEW SECTION. 321.482A FALSE
49 INFORMATION PROVIDED TO OBTAIN REGISTRATION.
50 A person who provides false information concerning

Page 2

- 1 such person's proof of financial responsibility for
- 2 purposes of obtaining a new motor vehicle registration
- 3 or for renewal of a motor vehicle registration under
- 4 section 321.24, 321.30, 321.40, or 321.46 commits a
- 5 simple misdemeanor."
- 6 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5352

- 1 Amend the amendment, S-5335, to House File 2164, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 20 the
- 5 following:
- 6 "Sec. ____ Section 15E.192, subsection 2, Code
- 7 Supplement 1997, is amended to read as follows:
- 8 2. A city ~~with a population of twenty-four~~
- 9 ~~thousand or more, as shown by the 1990 certified~~
- 10 ~~federal census,~~ may create an economic development
- 11 enterprise zone as authorized in this division,
- 12 subject to certification by the department of economic
- 13 development, by designating one or more contiguous
- 14 census tracts, as determined in the most recent
- 15 federal census, or designating other geographic units
- 16 approved by the department of economic development for
- 17 that purpose. If there is an area in the city which
- 18 meets the requirements for eligibility for an urban or
- 19 rural enterprise community under Title XIII of the
- 20 federal Omnibus Budget Reconciliation Act of 1993,
- 21 such area shall be designated by the state an economic
- 22 development enterprise zone. The area meeting the
- 23 requirements for eligibility for an urban or rural
- 24 enterprise community shall not be included for the
- 25 purpose of determining the area limitation pursuant to
- 26 subsection 3. In creating an enterprise zone, a city
- 27 ~~with a population of twenty-four thousand or more, as~~
- 28 ~~shown by the 1990 certified federal census,~~ may
- 29 designate as part of the area tracts or approved
- 30 geographic units located in a contiguous city if such
- 31 tracts or approved geographic units meet the criteria
- 32 and the city agrees to being included. The city may
- 33 establish more than one enterprise zone. ~~Reference in~~
- 34 ~~this division to "city" means a city with a population~~
- 35 ~~of twenty-four thousand or more, as shown by the 1990~~

- 36 certified federal census."
37 2. By renumbering as necessary.

EUGENE FRAISE
TOM FLYNN
DON GETTINGS

S-5353

- 1 Amend Senate File 2280 as follows:
2 1. Page 6, line 1, by striking the figure
3 "1,039,914" and inserting the following: "1,117,914".

TOM FLYNN

S-5354

- 1 Amend the amendment, S-5242, to Senate File 2280,
2 as follows:
3 1. Page 1, line 41, by inserting after the word
4 "the" the following: "Iowa department of public
5 health,".

MARY NEUHAUSER

S-5355

- 1 Amend Senate File 2280 as follows:
2 1. Page 1, line 10, by striking the figure
3 "1,581,380" and inserting the following: "1,579,592".
4 2. Page 1, line 22, by striking the figure
5 "36.50" and inserting the following: "38.50".
6 3. Page 1, by inserting after line 22 the
7 following:
8 "Two of the FTEs appropriated for in this section
9 relate to the transition of personnel services
10 contractors to FTEs. The merit system provisions of
11 chapter 19A and the provisions of the state or union
12 collective bargaining agreements shall not govern
13 movement into these FTE positions until September 1,
14 1998. This provision relating to the transition of
15 personnel services contractors shall apply to the
16 period beginning July 1, 1998, and ending September 1,
17 1998."
18 4. Page 2, line 5, by striking the figure
19 "546,664" and inserting the following: "543,284".
20 5. Page 3, line 15, by striking the figure
21 "419,745" and inserting the following: "414,888".
22 6. Page 3, line 31, by striking the figure
23 "52.00" and inserting the following: "53.50".
24 7. Page 6, line 17, by striking figure
25 "2,356,326" and inserting the following: "2,354,751".

- 26 8. Page 6, line 18, by striking the figure
27 "76.00" and inserting the following: "77.00".
28 9. Page 7, line 3, by striking the figure "39.80"
29 and inserting the following: "40.80".
30 10. Page 8, line 6, by striking the figure
31 "69.50" and inserting the following: "70.50".
32 11. Page 15, by inserting after line 4 the
33 following:
34 "14. One and one-half of the FTEs appropriated for
35 in this section to the division of planning and
36 administration, and one of the FTEs appropriated for
37 in this section to the divisions of health protection,
38 substance abuse and health promotion, and family and
39 community health, respectively, relate to the
40 transition of personnel services contractors to FTEs.
41 The merit system provisions of chapter 19A and the
42 provisions of the state or union collective bargaining
43 agreements shall not govern movement into these FTE
44 positions until September 1, 1998. This provision
45 relating to the transition of personnel services
46 contractors shall apply to the period beginning July
47 1, 1998, and ending September 1, 1998."
48 12. Page 15, line 14, by striking the figure
49 "224,042" and inserting the following: "222,159".
50 13. Page 16, line 2, by striking the figure

Page 2

- 1 "153,622" and inserting the following: "150,089".
2 14. Page 16, line 19, by striking the figure
3 "121,375" and inserting the following: "116,543".
4 15. Page 18, line 11, by striking the figure
5 "41,946,827" and inserting the following:
6 "41,912,604".

DERRYL McLAREN

S-5356

- 1 Amend the amendment, S-5287, to House File 2272, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 20, by inserting after the word
5 "requirements." the following: "The state board shall
6 also require that school districts and accredited
7 nonpublic schools implement a policy that requires all
8 students to be able to satisfactorily demonstrate,
9 prior to receiving a diploma, the ability to

10 adequately read, write, and perform basic mathematical
11 computation skills."

STEVEN D. HANSEN
TOM VILSACK
DENNIS H. BLACK
MATT McCOY
MARY NEUHAUSER
EUGENE S. FRAISE
JOHN P. KIBBIE
JOHNIE HAMMOND
ROBERT E. DVORSKY
DICK L. DEARDEN
ELAINE SZYMONIAK
BILL FINK
TOM FLYNN
PATRICK J. DELUHERY
PATTY JUDGE
MICHAEL E. GRONSTAL
PATRICIA HARPER

S-5357

1 Amend the amendment, S-5287, House File 2272, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 22, by striking the word "four"
5 and inserting the following: "three".
6 2. Page 1, line 27, by inserting after the word
7 "Iowa." the following: "All students must be able to
8 read at grade level by the fourth grade and the
9 department shall consider this requirement in its
10 accreditation process. If a student fails to read at
11 grade level by the fourth grade, the school district
12 or accredited nonpublic school shall make available
13 options to assist the student in reaching this reading
14 objective and shall notify the parent or guardian of
15 the student of the options available."

TOM VILSACK
MIKE CONNOLLY
MARY NEUHAUSER
WALLY E. HORN
BILL FINK
EUGENE S. FRAISE
MICHAEL E. GRONSTAL
PATTY JUDGE
STEVEN D. HANSEN
TOM FLYNN
PATRICK J. DELUHERY
JOHNIE HAMMOND
PATRICIA HARPER

ROBERT E. DVORSKY
JOHN P. KIBBIE
MATT McCOY
DICK L. DEARDEN

S-5358

1 Amend Senate File 2280 as follows:

2 1. Page 18, by inserting after line 33 the
3 following:

4 "Sec. ____ GAMBLING TREATMENT FUND ALLOCATIONS.

5 1. The moneys remaining in the gambling treatment
6 fund pursuant to section 99E.10, subsection 1,
7 paragraph "a", Code Supplement 1997, are appropriated
8 to the Iowa department of public health for the fiscal
9 year beginning July 1, 1998, and ending June 30, 1999,
10 for use as provided in subsection 2.

11 2. In addition to the amount appropriated in
12 subsection 1, an amount sufficient for full funding of
13 the amounts allocated in this subsection shall be
14 encumbered from the moneys appropriated to the Iowa
15 department of public health pursuant to section
16 99E.10, subsection 1, paragraph "a", as amended by
17 this Act. The moneys appropriated in subsection 1 and
18 encumbered pursuant to this subsection are allocated
19 as follows:

20 a. For transfer to the Iowa law enforcement
21 academy to be used for the drug abuse resistance
22 education program:

23 \$ 150,000

24 b. For use by local boards of health to ensure
25 that core public health functions are maintained and
26 to support essential services in their communities:

27 \$ 350,000

28 c. For the public health nursing program:

29 \$ 200,000

30 d. For the provision of emergency medical services
31 and training of emergency medical services personnel:

32 \$ 78,000

33 e. For transfer to the department of elder affairs
34 to be used for the establishment of a demonstration
35 project relating to an area long-term care residents'
36 advocate demonstration program:

37 \$ 240,000

38 The funds transferred in this paragraph shall be
39 used to establish a demonstration program creating the
40 position of area long-term care residents' advocate in
41 each of three area agency on aging planning and
42 service areas in the state, to determine the efficacy
43 of establishing an area residents' advocate in all
44 area agency on aging planning and service area
45 locations.

46 f. For transfer to the department of public safety
47 for costs associated with the training of state and
48 local law enforcement personnel concerning the
49 recognition of and response to persons with
50 Alzheimer's disease by the department of public

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1 safety:
2 \$ 70,000
3 g. For transfer to the commission on the status of
4 African-Americans to be used for workshops
5 administered through the department of human rights:
6 \$ 10,000
7 3. Notwithstanding section 8.33, the moneys
8 appropriated in subsection 1 and allocated in
9 subsection 2 that remain unencumbered and unobligated
10 on June 30, 1999, shall not revert to any fund but
11 shall remain available for expenditure for the
12 purposes designated during the fiscal year beginning
13 July 1, 1999.
14 4. The legislative fiscal committee shall conduct
15 a review of the operation of the gambling treatment
16 fund, including additions to and allocations from the
17 fund, and submit a report to the general assembly by
18 January 1, 1999."
19 2. Page 19, line 12, by inserting after the word
20 "million" the following: "seven hundred thousand".
21 3. Page 19, line 23, by inserting after the word
22 "million" the following: "seven hundred thousand".
23 4. By renumbering as necessary.

JACK RIFE
JOHNIE HAMMOND

HOUSE AMENDMENT TO
SENATE FILE 2320

S-5359

1 Amend Senate File 2320 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 99D.9, subsection 6, Code
5 1997, is amended to read as follows:
6 6. A licensee ~~may~~ shall not loan to any person
7 money or any other thing of value or permit a
8 financial institution, vendor, or other person to loan
9 money on the licensed premises on the basis of a
10 credit card or similar instrument in person or through
11 an electronic or mechanical device including but not
12 limited to a satellite terminal as defined in section

13 527.2 for the purpose of permitting that person to
14 wager on any race. The use of a check or a debit card
15 with overdraft protection is not prohibited by this
16 subsection."

17 2. Page 1, line 17, by inserting after the figure
18 "2003." the following: "The commission shall
19 authorize a licensee to conduct gambling games
20 pursuant to this chapter at one licensed premises
21 only."

22 3. Page 1, by inserting after line 17 the
23 following:

24 "Sec. ____ Section 99F.4A, Code 1997, is amended
25 by adding the following new subsection:
26 NEW SUBSECTION. 9. If a license issued pursuant
27 to this chapter or chapter 99D is transferred, an
28 existing collective bargaining agreement or the impact
29 of an employee representation election shall transfer
30 to the new licensee."

31 4. Page 1, line 24, by striking the word and
32 figures "July 1, 1998," and inserting the following:
33 "the effective date of this Act".

34 5. Page 1, line 28, by inserting after the word
35 "boat" the following: "or a pari-mutuel racetrack".

36 6. Page 1, by inserting after line 33 the
37 following:

38 "____. During the moratorium from the effective
39 date of this Act, until July 1, 2003, the commission
40 shall not authorize any of the following:

41 a. An increase in the number or type of gambling
42 games or the number of slot machines on excursion
43 gambling boats.

44 b. A number of slot machines at a pari-mutuel
45 racetrack which is greater than the number authorized
46 on or before the effective date of this Act."

47 7. Page 2, by inserting after line 25 the
48 following:

49 "Sec. ____ Section 99F.7, subsection 9, Code 1997,
50 is amended to read as follows:

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1 9. A licensee shall not loan to any person money
2 or any other thing of value or permit a financial
3 institution, vendor, or other person to loan money on
4 the licensed premises on the basis of a credit card or
5 similar instrument in person or through an electronic
6 or mechanical device including but not limited to a
7 satellite terminal as defined in section 527.2 for the
8 purpose of permitting that person to wager on any game
9 of chance. The use of a check or a debit card with
10 overdraft protection is not prohibited by this
11 subsection."

- 12 8. Page 3, by striking lines 3 through 11.
13 9. Page 3, by inserting after line 11 the
14 following:
15 "Sec. ____ Section 99F.15, Code 1997, is amended
16 by adding the following new subsection:
17 NEW SUBSECTION. 7. A person who is employed at an
18 excursion gambling boat facility or a pari-mutuel
19 racetrack enclosure shall not wager or gamble at the
20 gambling facility or enclosure at which the person is
21 employed. A person violating the subsection is guilty
22 of a simple misdemeanor."
23 10. Page 3, by inserting after line 20 the
24 following:
25 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
26 of immediate importance, takes effect upon enactment."
27 11. Title page, line 6, by inserting after the
28 word "purposes," the following: "prohibiting employee
29 gambling and providing a penalty,".
30 12. Title page, line 8, by inserting after the
31 word "age" the following: ", and providing an
32 effective date".
33 13. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

S-5360

- 1 Amend Senate File 2280 as follows:
2 1. Page 6, by inserting after line 32 the
3 following:
4 "g. The department shall establish a task force to
5 evaluate current infectious disease laws in the state
6 and the extent to which they provide, or fail to
7 provide, a framework and foundation for promoting
8 public health. The task force shall conduct an
9 evaluation of the effectiveness of the infectious
10 disease laws, with the goal of making recommendations
11 for a comprehensive communicable disease statute
12 intended to improve local and state department of
13 public health responsiveness to needs for infectious
14 disease prevention, treatment, and education.
15 The task force shall be organized and administered
16 by the Iowa department of public health, and shall be
17 comprised of representatives from the department,
18 directors or representatives of county health
19 departments or boards, faculty members at the state
20 university of Iowa and the university of osteopathic
21 medicine and surgery who instruct or conduct research
22 in the area of infectious disease and public health,
23 physicians specializing in the identification and
24 treatment of infectious disease, members of the

25 general public, and additional members as determined
26 to be appropriate by the department. Four members of
27 the general assembly, one each from the majority and
28 minority parties, respectively, of each house of the
29 general assembly, shall be designated by the division
30 to serve as nonvoting ex officio members. The ex
31 officio members shall receive per diem and expenses
32 pursuant to section 2.12. Based on the
33 recommendations of the task force, the department
34 shall submit a report for the proposed contents of a
35 comprehensive communicable disease statute to the
36 governor and general assembly by January 1, 2000."

PATRICIA HARPER

S-5361

- 1 Amend the amendment, S-5358, to Senate File 2280,
- 2 as follows:
- 3 1. Page 1, line 23, by striking the figure
- 4 "150,000" and inserting the following: "250,000".

DENNIS H. BLACK

S-5362

- 1 Amend House File 681, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 11, by inserting after line 8 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 455J.9A LIMITATIONS.
- 6 Notwithstanding any provision in this chapter, a
- 7 privilege provided in this chapter shall not exist in
- 8 connection with any private civil legal action."
- 9 2. By renumbering as necessary.

TOM VILSACK
MARY A. LUNDBY

S-5363

- 1 Amend House File 681, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 455J.1 TITLE.
- 6 This chapter shall be known and cited as the
- 7 "Environmental Audit Privilege and Immunity Act".
- 8 Sec. 2. NEW SECTION. 455J.2 DEFINITIONS.
- 9 As used in this chapter, unless the context
- 10 otherwise requires:
- 11 1. "Department" means the department of natural

12 resources created under section 455A.2 or its
13 delegated authority.

14 2. "Environmental audit" means a voluntary
15 evaluation of a facility or operation, of an activity
16 at a facility or operation, or of an environmental
17 management system at a facility or operation, which is
18 regulated under state or federal environmental laws,
19 rules, or permit conditions, conducted by an owner or
20 operator, an employee of the owner or operator, or an
21 independent contractor that is designed to identify
22 historical or current noncompliance with environmental
23 laws, rules, ordinances, or permit conditions,
24 discover environmental contamination or hazards,
25 remedy noncompliance or improve compliance with
26 environmental laws, or improve an environmental
27 management system. Once notification is given to the
28 department, an environmental audit shall be completed
29 within a reasonable time not to exceed six months
30 unless an extension is approved by the department
31 based on reasonable grounds.

32 3. "Environmental audit report" means a document
33 or set of documents generated and developed for the
34 primary purpose and in the course of or as a result of
35 conducting an environmental audit and filed with the
36 department. An "environmental audit report" includes
37 supporting information which may include, but is not
38 limited to, the report document itself, observations,
39 samples, analytical results, exhibits, findings,
40 opinions, suggestions, recommendations, conclusions,
41 drafts, memoranda, drawings, photographs, computer-
42 generated or electronically recorded information,
43 maps, charts, graphs, surveys, implementation plans,
44 interviews, discussions, correspondence, and
45 communications related to the environmental audit. An
46 "environmental audit report" may include any of the
47 following components:
48 a. A report prepared by the person conducting the
49 environmental audit, which may include the scope of
50 the environmental audit, the information gained in the

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1 environmental audit, conclusions, recommendations,
2 exhibits, and appendices.

3 b. Memoranda and documents analyzing portions or
4 all of the report and discussing implementation
5 issues.

6 c. An implementation plan which addresses
7 correcting past noncompliance, improving current
8 compliance or an environmental management system, or
9 preventing future noncompliance.

10 d. Periodic updates documenting progress in

11 completing the implementation plan.

12 4. "Inquiring party" means any party appearing
13 before a court or a presiding officer in an
14 administrative proceeding seeking to review or obtain
15 an in camera review of an environmental audit report.

16 5. "Owner or operator" means the person or entity
17 who caused the environmental audit to be undertaken.

18 Sec. 3. NEW SECTION. 455J.3. VOLUNTARY DISCLOSURE
19 OF ENVIRONMENTAL VIOLATION -- IMMUNITY.

20 1. An owner or operator is eligible for immunity
21 under this section from the time the department
22 receives official notification from the owner or
23 operator of a scheduled environmental audit. An owner
24 or operator is immune from any administrative or civil
25 penalty associated with the issues disclosed if the
26 owner or operator makes a prompt voluntary disclosure
27 to the department regarding an environmental violation
28 which is discovered through the environmental audit.
29 The owner or operator shall provide a remediation
30 schedule to the department as specified by rule and
31 information supporting the claim that the disclosure
32 is voluntary at the time that the disclosure is made
33 to the department. The owner or operator creates a
34 rebuttable presumption that the disclosure is
35 voluntary by providing such information at the time of
36 disclosure. To rebut the presumption that a
37 disclosure is voluntary, the department or other party
38 has the burden of proving that the disclosure was not
39 voluntary. Immunity is not provided if the violations
40 of state or federal environmental law, rule, or permit
41 condition are intentional or if the violations of
42 state or federal law, rule, or permit condition
43 resulted in substantial actual injury or imminent and
44 substantial risk of injury to persons, property, or
45 the environment.

46 2. The disclosure of information is voluntary if
47 all of the following circumstances exist:

48 a. The disclosure arises out of an environmental
49 audit.

50 b. The person making the disclosure uses

Page 3

1 reasonable efforts to pursue compliance and corrects
2 the noncompliance within a reasonable period of time
3 after completion of the environmental audit in
4 accordance with a remediation schedule approved by the
5 department. If evidence shows that the noncompliance
6 is due to the failure to obtain a permit, reasonable
7 effort may be demonstrated by the submittal of a
8 complete permit application within a reasonable time.
9 Disclosure of information required to be reported by

10 state or federal law, rule, or permit condition is not
11 considered to be voluntary disclosure and the immunity
12 provisions in this section are not applicable.

13 c. Environmental violations are identified in an
14 environmental audit report and disclosed before there
15 is notice of a citizen suit or a legal complaint by a
16 third party.

17 d. Environmental violations are identified in an
18 environmental audit report and disclosed before the
19 environmental violations are reported by any person
20 not involved in conducting the environmental audit or
21 to whom the environmental audit report was disclosed.

22 3. If an owner or operator has not provided the
23 department with notification of a scheduled
24 environmental audit prior to performing the audit, a
25 disclosure of information is voluntary if the
26 environmental violations are identified in an
27 environmental audit report and disclosed by certified
28 mail to the proper regulatory agency that has
29 jurisdiction over the disclosed violation prior to the
30 agency's commencement of an investigation.

31 4. If a person is required to make a disclosure
32 relating to a specific issue under a specific permit
33 condition or under an order issued by the department,
34 the disclosure is not voluntary with respect to that
35 issue.

36 5. Except as provided in this section, this
37 section does not impair the authority of the proper
38 regulatory agency to require a technical or remedial
39 action or to order injunctive relief.

40 6. Upon application to the department, the time
41 period within which the disclosed violation is
42 corrected under subsection 2 may be extended if it is
43 not practical to correct the noncompliance within the
44 reasonable period of time initially approved by the
45 department. The department shall not unreasonably
46 withhold the grant of an extension. If the department
47 denies an extension, the department shall provide the
48 requesting party with a written explanation of the
49 reasons for the denial. A request for de novo review
50 of the department's decision may be made to the

Page 4

1 appropriate court.

2 7. Immunity provided under this section from
3 administrative or civil penalties does not apply under
4 any of the following circumstances:

5 a. If an owner or operator of the facility or
6 operation has been found in a civil or administrative
7 proceeding to have committed serious violations in
8 this state that constitute a pattern of continuous or

9 repeated violations of environmental laws,
10 administrative rules, and permit conditions and that
11 were due to separate and distinct events giving rise
12 to the violations within the three-year period prior
13 to the date of disclosure or if a civil or
14 administrative proceeding is pending against an owner
15 or operator of the facility or operation relating to
16 an alleged violation of an environmental law,
17 administrative rule, permit condition, settlement
18 agreement, or order on consent, final order, or
19 judicial order.

20 b. If a violation of an environmental law,
21 administrative rule, permit condition, settlement
22 agreement, or order on consent, final order, or
23 judicial order results in a substantial economic
24 benefit which gives the violator a clear advantage
25 over its business competitors.

26 8. In cases where the conditions of a voluntary
27 disclosure are not met but a good faith effort was
28 made to voluntarily disclose and resolve a violation
29 detected in an environmental audit, the state
30 regulatory authorities shall consider the nature and
31 extent of any good faith effort in deciding the
32 appropriate enforcement response and shall consider
33 reducing any administrative or civil penalties based
34 on mitigating factors showing that one or more of the
35 conditions for voluntary disclosure have been met.

36 9. The immunity provided by this section does not
37 abrogate the responsibility of a person as provided by
38 applicable law to report a violation, to correct the
39 violation, conduct necessary remediation, or respond
40 to third-party actions. This chapter shall not be
41 construed to confer immunity from liability in any
42 private civil action except those actions brought
43 pursuant to section 455B.111.

44 Sec. 4. NEW SECTION. 455J.4 PRIVILEGE AND
45 CONFIDENTIALITY.

46 This chapter shall not limit, waive, or abrogate
47 the scope or nature of any statutory or common-law
48 privilege, including the work product doctrine and the
49 attorney-client privilege. The provisions of this
50 chapter shall not abrogate any protections provided by

Page 5

1 federal and state law regarding confidentiality and
2 trade secrets.

3 Sec. 5. NEW SECTION. 455J.5 ENVIRONMENTAL
4 AUDITOR TRAINING PROGRAM.

5 A training program for and standards for
6 certification of environmental auditors shall be
7 developed jointly by the Iowa waste reduction center

8 and the department. The training program shall be
9 administered by the Iowa waste reduction center. The
10 program shall provide training on the proper conduct
11 of an environmental audit; local, state, and federal
12 environmental ordinances, rules, and laws that apply
13 to businesses in this state; and the environmental
14 audit laws in this state. The program shall be made
15 available to small and large business owners and
16 operators, consulting engineers, regulatory personnel,
17 and citizens through the community college system. A
18 fee may be assessed for participation in the program.
19 Upon completion of the training program, program
20 participants may elect to be tested by the department
21 for certification as an environmental auditor for the
22 purposes of this chapter.

23 Sec. 6. NEW SECTION. 455J.6 SUMMARY.

24 On or before December 1 of each year, the
25 department shall make available a summary of the
26 number of environmental audit notices received, the
27 violations, and the remediation status of the
28 violations reported pursuant to this chapter during
29 the preceding fiscal year.

30 Sec. 7. NEW SECTION. 455J.7 RULEMAKING.

31 The department shall adopt rules pursuant to
32 chapter 17A necessary to administer this chapter.

33 Sec. 8. NEW SECTION. 455J.8 COSTS.

34 The necessary costs incurred by the department
35 under this chapter shall be funded from appropriations
36 made to the department from the general fund of the
37 state."

38 2. Title page, line 1, by striking the words
39 "privilege and".

TOM VILSACK
MARY A. LUNDBY

S-5364

1 Amend the amendment, S-5363, to House File 681, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 4, line 49, through page 5,
5 line 2, and inserting the following: "attorney-client
6 privilege. Information disclosed to the department
7 and relating to all of the following is privileged and
8 confidential and is not discoverable or admissible as
9 evidence in any civil or administrative proceeding:

10 (1) Trade secrets.

11 (2) Manufacturing process data.

12 (3) Confidential data belonging to vendors for
13 which a written confidentiality agreement has been
14 signed.

- 15 (4) Financial management plans.
- 16 (5) Fiscal and cost data.
- 17 (6) Personnel records.
- 18 (7) Technical data packages including special
- 19 quality checks, testing methodology, and test
- 20 equipment.
- 21 (8) Product testing results which are not related
- 22 to any environmental violation."

TOM VILSACK

HOUSE AMENDMENT TO
SENATE FILE 2295

S-5365

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 17, by striking the figure
- 4 "6,600,518" and inserting the following: "6,880,518".
- 5 2. Page 4, line 18, by striking the figure
- 6 "171.28" and inserting the following: "177.28".
- 7 3. Page 4, line 19, by inserting before the word
- 8 "Of" the following: "(1)".
- 9 4. Page 4, by inserting after line 25 the
- 10 following:
- 11 "(2) Of the amount appropriated in this paragraph
- 12 "a", \$280,000 and 6.00 FTEs shall be used by the
- 13 division for purposes of cooperating with the
- 14 department of natural resources in the process of
- 15 reviewing and approving permits related to the
- 16 construction of animal feeding operation structures
- 17 associated with confinement feeding operations as
- 18 provided in chapter 455B."
- 19 5. Page 7, line 11, by striking the word "a."
- 20 6. Page 7, line 14, by striking the figure
- 21 "1,854,059" and inserting the following: "1,778,059".
- 22 7. Page 7, line 15, by striking the figure
- 23 "54.00" and inserting the following: "52.00".
- 24 8. Page 7, by striking lines 16 through 22.
- 25 9. Page 7, line 27, by striking the figure
- 26 "3,616,627" and inserting the following: "3,412,627".
- 27 10. Page 7, line 28, by striking the figure
- 28 "236.50" and inserting the following: "232.50".
- 29 11. Page 8, line 5, by striking the figure
- 30 "\$270,000" and inserting the following: "\$66,000".
- 31 12. Page 8, line 5, by striking the figure "6.00"
- 32 and inserting the following: "2.00".
- 33 13. Page 11, line 12, by striking the figure
- 34 "1,600,000" and inserting the following: "1,630,000".
- 35 14. Page 11, by inserting after line 17 the
- 36 following:

37 " _____. Of the amount appropriated in this section,
38 not more than \$30,000 shall be used by the department
39 to carry out the provisions of 1998 Iowa Acts, Senate
40 File 429, if enacted by the Seventy-seventh General
41 Assembly, 1998 Session. However, if Senate File 429
42 is not enacted, the amount appropriated under this
43 section for the administration and enforcement of
44 navigation laws and water safety shall be reduced by
45 \$30,000."
46 15. By striking page 15, line 20, through page
47 16, line 2.
48 16. Page 16, by inserting after line 18, the
49 following:
50 "Sec. _____. REDUCTION OF APPROPRIATIONS. This

Page 2

1 section shall apply to each appointed nonelected
2 position which is supported by moneys appropriated in
3 sections 1 and 3 of this Act. If the amount of moneys
4 to be used for a salary during the fiscal year
5 beginning July 1, 1998, and ending June 30, 1999, is
6 more than the amount actually required to pay that
7 salary for the fiscal year, the amount of the relevant
8 appropriation shall be reduced by the amount equal to
9 the difference. The amount appropriated in section 1,
10 subsection 4, of this Act, to support financial
11 incentives for soil conservation practices under
12 chapter 161A shall be increased by the amount of the
13 difference. However, the amount of the difference
14 shall be allocated in the same manner as other moneys
15 which are reallocated to soil and water conservation
16 districts after the moneys are returned by a district
17 to the soil conservation division."
18 17. Page 16, by inserting after line 18, the
19 following:
20 "Sec. _____. AGREEMENT BETWEEN DEPARTMENTS. The
21 department of natural resources and the division of
22 soil conservation of the department of agriculture and
23 land stewardship shall execute an agreement under
24 chapter 28E under which the soil conservation division
25 of the department of agriculture and land stewardship
26 shall cooperate with the department of natural
27 resources in the process of reviewing and approving
28 permits related to the construction of animal feeding
29 operation structures associated with confinement
30 feeding operations as provided in chapter 455B. The
31 governor's office shall serve to facilitate the
32 negotiation and execution of the agreement."
33 18. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

S-5366

- 1 Amend the amendment, S-5358, to Senate File 2280 as
- 2 follows:
- 3 1. Page 1, line 23, by striking the figure
- 4 "150,000" and inserting the following: "200,000".

DENNIS H. BLACK

S-5367

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 3, by inserting after line 19 the
- 3 following:
- 4 "3. For coordination with and transfer to the Iowa
- 5 law enforcement academy to be used for the drug abuse
- 6 resistance education program:
- 7 \$ 250,000"

DENNIS H. BLACK

S-5368

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 19, line 21, by inserting after the word
- 3 "services." the following: "Any moneys remaining
- 4 unexpended or unobligated in the gambling treatment
- 5 fund at the close of the fiscal year shall be
- 6 transferred to the general fund of the state."

JOHNIE HAMMOND
ANDY McKEAN

S-5369

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 20, by inserting after line 7 the
- 3 following:
- 4 "Sec. 100. NEW SECTION. 231.61 PHARMACEUTICAL
- 5 ASSISTANCE PROGRAM ESTABLISHED.
- 6 1. For the purposes of this section, unless the
- 7 context otherwise requires:
- 8 a. "Eligible person" means a person, sixty-five
- 9 years of age or older with an annual net income of not
- 10 more than one hundred fifty percent of the federal
- 11 poverty level, as defined by the most recent poverty
- 12 income guidelines published by the United States
- 13 department of health and human services, or a person
- 14 sixty-five years of age or older, who with the
- 15 person's spouse has an annual net income of not more
- 16 than one hundred fifty percent of the federal poverty
- 17 level, as defined by the most recent poverty income

18 guidelines published by the United States department
19 of health and human services. "Eligible person" does
20 not include a person who is eligible for financial
21 assistance for the purchase of prescription drugs
22 under another local, state, or federal program to the
23 extent that the other program provides financial
24 assistance for the purchase of prescription drugs.
25 b. "Prescription drug" means a prescription drug
26 as defined in section 155A.3.

27 c. "Program" means the pharmaceutical assistance
28 program established in this section.

29 d. "Reasonable cost" means a charge which is equal
30 to the average wholesale cost of the prescription drug
31 and the additional dispensing pharmacy's usual fee,
32 not to exceed the seventy-fifth percentile of usual
33 and customary fees in this state, as determined by the
34 Iowa department of public health.

35 2. A pharmaceutical assistance program is created
36 within the department of elder affairs to provide for
37 subsidization of the prescription drug costs of
38 eligible persons in rural and urban areas throughout
39 the state. The director shall appoint an advisory
40 committee to make recommendations to the commission in
41 the creation of the program and in adoption of rules
42 to implement the program. The Iowa pharmaceutical
43 association shall assist the commission in the
44 creation and implementation of the program.

45 3. The commission shall adopt rules to implement
46 this section. The rules shall provide for all of the
47 following:

48 a. A means to determine the eligibility of a
49 person, including proof of the person's actual and
50 anticipated annual net income, evidence of complete or

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1 partial payment for the costs of prescription drugs
2 from a provider other than the program, and other
3 provisions consistent with this section.

4 b. Issuance by the department of a participation
5 card upon approval of an application. The annual fee
6 for participation in the program is eighty dollars.
7 An initial application shall be accompanied by proof
8 of the date of birth of the person.

9 c. A prescription copayment of twenty percent of
10 the reasonable cost of the prescription which shall be
11 collected from the person participating in the program
12 by the dispensing pharmacy not to exceed eight hundred
13 dollars in prescription costs for each calendar year.
14 Thereafter, a copayment of forty percent of the
15 reasonable cost of prescriptions in excess of eight
16 hundred dollars for the remainder of any calendar year

17 shall be collected. The balance of the reasonable
18 costs shall be paid by the department to the
19 dispensing pharmacy after submission of a claim to the
20 department.
21 d. A provision that if the cost of the
22 prescription drug exceeds the reasonable cost and the
23 prescription drug is available under a generic name,
24 the eligible person may obtain the trade name drug
25 rather than the generic drug by paying the difference
26 in the amounts of the trade name drug and generic name
27 drug. However, if the prescribing practitioner
28 indicates on the prescription that a substitution of
29 the trade name drug is prohibited, the eligible person
30 is subject only to payment of the copayment amount.
31 e. A reimbursement system which includes on-line
32 point of service claims transmission and adjudication,
33 with utilization review.
34 f. A form of identification for persons to use in
35 proving eligibility. The form of identification shall
36 include a conspicuous notation of the penalties for
37 violation of this section.
38 g. A requirement that prescriptions contain the
39 name, address, and identification number of the
40 eligible person.
41 h. A provision to ensure choice of pharmaceutical
42 services by the eligible person.
43 4. A person who supplies false information to
44 establish eligibility for the program or to obtain
45 reimbursement is guilty of a serious misdemeanor."
46 2. By renumbering as necessary.

PATRICIA HARPER

S-5370

1 Amend House File 382, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 30 the
4 following:
5 "Sec. ____ NEW SECTION. 595.21 DOMESTIC
6 PARTNERS.
7 1. Parties, who are domestic partners and who are
8 not married, shall not be denied the benefits granted
9 to married parties by virtue of the marriage
10 relationship, if a marriage between the parties would
11 not be valid pursuant to section 595.2, subsection 1.
12 2. The benefits which shall not be denied such
13 unmarried parties include but are not limited to
14 property rights, access to courts, parentage,
15 inheritance, hospital or health care facility
16 visitation, health decisions, contract rights,
17 workplace benefits, insurance coverage, taxation

18 benefits, retirement benefits, and federal or state
19 benefits.
20 3. For the purposes of this section, "domestic
21 partners" means parties who meet at least two of the
22 following requirements:
23 a. Live together.
24 b. Have a close, personal relationship.
25 c. Are responsible for each other's welfare as
26 evidenced by financial interdependence including but
27 not limited to joint home ownership, common
28 investments, or designating each other as
29 beneficiaries.
30 d. Intend to be life partners."
31 2. Title page, line 1, by inserting before the
32 word "of" the following: "and benefits of certain
33 relationships and of".
34 3. By renumbering as necessary.

ELAINE SZYMONIAK
MARY A. LUNDBY
MARY NEUHAUSER

S-5371

1 Amend House File 382, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 25 through 30 and
4 inserting the following: "territory, country, or any
5 foreign jurisdiction is valid in this state if the
6 marriage was valid under the law of the state,
7 territory, country, or any foreign jurisdiction in
8 which the parties resided at the time of the
9 solemnization and if the state, territory, country, or
10 foreign jurisdiction in which the parties resided at
11 the time of the solemnization recognizes a marriage
12 which is valid under the law of this state."

JOHNIE HAMMOND

S-5372

1 Amend Senate File 2280 as follows:
2 1. Page 7, by inserting after line 35 the
3 following:
4 "(3) Of the funds appropriated in this lettered
5 paragraph, \$1,000 shall be used by the Iowa department
6 of public health to facilitate coordination with the
7 department of human services regarding the existence
8 of, prevalence of, and causal linkage between injury,
9 disease, or disability and the use of tobacco by
10 recipients of medical assistance. The department
11 shall also coordinate in assisting the attorney

12 general in litigation efforts for state recovery of
13 tobacco-related medical assistance payments pursuant
14 to section 100 of this Act."

15 2. Page 22, by inserting after line 24 the
16 following:

17 "Sec. 100. NEW SECTION. 249A.50 STATE RECOVERY
18 OF TOBACCO-RELATED MEDICAL ASSISTANCE PAYMENTS.

19 1. For purposes of this section:

20 a. "Manufacturer" means any person engaged in the
21 process of designing, fabricating, assembling,
22 producing, constructing, or otherwise preparing a
23 product containing tobacco, including any packaging or
24 labeling or repackaging or relabeling of such a
25 product, with the intention of selling the product for
26 gain or profit. "Manufacturer" does not include
27 persons whose activity is limited to growing natural
28 leaf tobacco or to selling tobacco products at
29 wholesale or retail to consumers.

30 b. "Tobacco" means any tobacco product, including
31 but not limited to loose tobacco suitable for smoking,
32 snuff, snuff flour, cavendish, plug and twist tobacco,
33 fine cuts and other chewing tobaccos, shorts, refuse
34 scraps, clippings, cuttings, and sweepings of tobacco,
35 and other kinds and forms of tobacco suitable for
36 chewing and smoking, including cigars and cigarettes.

37 2. The department of human services may coordinate
38 with the Iowa department of public health with regard
39 to the existence of, prevalence of, and causal linkage
40 between injury, disease, or disability and the use of
41 tobacco by recipients of medical assistance.

42 3. The state and the department shall be entitled
43 to bring an action against and recover in full from
44 any manufacturer which caused in fact any injury,
45 disease, or disability arising from or connected with
46 the use of tobacco by recipients of medical
47 assistance, for the full amount of medical assistance
48 paid under this chapter on behalf of such recipients,
49 and for other relief, including legal and
50 administrative fees and expenses. The attorney

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1 general may institute a civil action to enforce the
2 rights conferred by this section. The right of
3 recovery of the state and the department under this
4 section is independent from and not derivative of any
5 right or claim of the individual recipients of medical
6 assistance.

7 a. The court shall do all of the following:

8 (1) Shall permit evidence, proof, and argument as
9 to causation and amount of damages by and through
10 statistical analysis or other methods of scientific or

11 statistical proof.

12 (2) Shall not require proof of causation and
13 damages as to individual recipients.

14 b. The state or department may recover damages
15 against manufacturers based upon an aggregation of or
16 a reasonable estimation of payments made on behalf of
17 recipients of medical assistance. Apportionment of
18 damages among defendants shall be according to a
19 manufacturer's respective share of the market for
20 tobacco within the state.

21 c. Trial shall be by jury, if either party demands
22 a jury."

23 3. Page 22, line 25, by striking the word
24 "DATES." and inserting the following: "DATES AND
25 APPLICABILITY."

26 4. Page 22, by inserting after line 30 the
27 following:

28 "3. Section 100 of this Act, being deemed of
29 immediate importance, takes effect upon enactment and
30 applies to medical assistance paid on or after the
31 effective date of this Act. Section 100 of this Act
32 shall not affect the common law rights of the state or
33 the department, if any."

34 5. Title page, line 6, by inserting after the
35 word "affairs," the following: "providing a civil
36 cause of action to recover medical assistance payments
37 made due to injury, disease, or disability caused by
38 the use of tobacco,".

39 6. Title page, line 6, by inserting after the
40 word "providing" the following: "an applicability
41 provision and".

42 7. By renumbering as necessary.

TOM VILSACK
JOHNIE HAMMOND
ELAINE SZYMONIAK

S-5373

1 Amend House File 2473, as passed by the House, as
2 follows:

3 1. Page 1, by striking line 35.

NANCY BOETTGER

S-5374

1 Amend House File 2211, as passed by the House, as
2 follows:

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

5 "Section 1. Section 669.2, subsection 4,

6 unnumbered paragraph 1, Code Supplement 1997, is
7 amended to read as follows:
8 "Employee of the state" includes any one or more
9 officers, agents, or employees of the state or any
10 state agency, including members of the general
11 assembly, and persons acting on behalf of the state or
12 any state agency in any official capacity, temporarily
13 or permanently in the service of the state of Iowa,
14 whether with or without compensation, but does not
15 include a contractor doing business with the state.
16 Professional personnel, including physicians,
17 osteopathic physicians and surgeons, osteopathic
18 physicians, optometrists, dentists, nurses, physician
19 assistants, and other medical personnel, who render
20 services to patients or inmates of state institutions
21 under the jurisdiction of the department of human
22 services or the Iowa department of corrections, and
23 employees of the commission of veterans affairs, are
24 to be considered employees of the state, whether the
25 personnel are employed on a full-time basis or render
26 services on a part-time basis on a fee schedule or
27 other arrangement. Criminal defendants while
28 performing unpaid community service ordered by the
29 district court, board of parole, or judicial district
30 department of correctional services, or an inmate
31 providing services pursuant to a chapter 28E agreement
32 entered into pursuant to section 904.703, and persons
33 supervising those inmates under and according to the
34 terms of the chapter 28E agreement, are to be
35 considered employees of the state.
36 Sec. . Section 669.21, Code 1997, is amended to
37 read as follows:
38 669.21 EMPLOYEES DEFENDED AND INDEMNIFIED.
39 The state shall defend any employee, and shall
40 indemnify and hold harmless an employee against any
41 claim as defined in section 669.2, subsection 3,
42 paragraph "b", including claims arising under the
43 Constitution, statutes, or rules of the United States
44 or of any state. The duty to indemnify and hold
45 harmless shall not apply and the state shall be
46 entitled to restitution from an employee if the
47 employee fails to cooperate in the investigation or
48 defense of the claim, as defined in this section, or,
49 if, in an action commenced by the state against the
50 employee, it is determined that the conduct of the

Page 2

1 employee upon which a tort claim or demand was based
2 constituted a willful and wanton act or omission or
3 malfeasance in office.
4 Sec. . Section 669.22, Code 1997, is amended to

5 read as follows:

6 669.22 ACTIONS IN FEDERAL COURT.

7 The state shall defend any employee, and shall
8 indemnify and hold harmless an employee of the state
9 in any action commenced in federal court under section
10 1983, Title 42, United States Code, against the
11 employee for acts of the employee while acting in the
12 scope of employment. The duty to indemnify and hold
13 harmless shall not apply and the state shall be
14 entitled to restitution from an employee if the
15 employee fails to cooperate in the investigation or
16 defense of the claim or demand, or if, in an action
17 commenced by the state against the employee, it is
18 determined that the conduct of the employee upon which
19 the claim or demand was based constituted a willful
20 and wanton act or omission or malfeasance in office."

21 2. Page 1, by inserting after line 22 the
22 following:

23 "Sec. . Section 904.703, unnumbered paragraph
24 3, Code 1997, is amended to read as follows:

25 The director may enter into a chapter 28E agreement
26 with a county board of supervisors or county
27 conservation board to provide inmate services for
28 environmental maintenance including but not limited to
29 brush and weed cutting, tree planting, and erosion
30 control. ~~The board of supervisors or conservation~~
31 ~~board shall reimburse the department of corrections~~
32 ~~for the allowance paid the inmates by the director.~~
33 ~~The supervision, security, and transportation of~~
34 ~~inmates used pursuant to the chapter 28E agreement~~
35 ~~shall be provided by the department of corrections."~~

36 3. Title page, line 1, by striking the word
37 "medical" and inserting the following: "certain".

38 4. Title page, line 2, by striking the words
39 "incurred by certain prisoners" and inserting the
40 following: "relating to certain inmates, prisoners,".

MERLIN E. BARTZ
EUGENE S. FRAISE

S-5375

1 Amend Senate File 2280 as follows:

2 1. Page 3, by inserting after line 19 the
3 following:

4 "3. For the establishment of a comprehensive
5 program to combat methamphetamine use:

6 \$ 4,000,000

7 a. Of the funds appropriated in this subsection,
8 \$1,500,000 shall be used to create a fifteen-member
9 methamphetamine strike force. The strike force shall
10 be coordinated by the governor's alliance on substance

11 abuse, and shall be comprised of state narcotics
12 agents, Iowa state patrol troopers, representatives of
13 the state fire marshal's office, and agents of the
14 Iowa division of criminal investigation. The
15 objective of the strike force shall be to initiate and
16 maintain a comprehensive ongoing investigation of
17 methamphetamine users and suppliers.
18 b. Of the funds appropriated in this subsection,
19 \$1,500,000 shall be used to establish a
20 methamphetamine law enforcement grant program. The
21 program shall be designed to facilitate provision of
22 additional methamphetamine-specific law enforcement
23 training, personnel, and equipment.
24 c. Of the funds appropriated in this subsection,
25 \$500,000 shall be used to develop a methamphetamine
26 abuse education program designed to develop and
27 distribute information regarding the dangers of
28 methamphetamine use, the penalties applicable to
29 methamphetamine users and sellers, and availability of
30 methamphetamine abuse treatment and rehabilitation
31 programs. Information assembled shall be distributed
32 throughout the state's elementary and secondary-level
33 public and private schools and media outlets, state
34 and local departments of public health, and other
35 public access locations as determined appropriate by
36 the governor's alliance on substance abuse.
37 d. Of the funds appropriated in this subsection,
38 \$500,000 shall be used to expand existing substance
39 abuse treatment and rehabilitation centers, to
40 establish new programs, and to assist efforts by
41 methamphetamine users to overcome their addiction.
42 e. The governor's alliance on substance abuse
43 shall coordinate with the Iowa department of public
44 health, the department of human services, and the
45 department of public safety regarding the development
46 and administration of the program to combat
47 methamphetamine use. The governor's alliance on
48 substance abuse shall submit a report to the governor
49 and the general assembly by January 1, 2000. The
50 report shall contain an accounting of program

Page 2

1 expenditures, estimated methamphetamine usage rates
2 before and after program implementation, investigation
3 and education efforts, treatment and rehabilitation
4 program referrals and success rates, and
5 recommendations regarding continued efforts to combat
6 methamphetamine use."

S-5376

1 Amend Senate File 2280 as follows:
2 1. Page 15, by inserting after line 4 the
3 following:
4 "14. The department shall conduct a comprehensive
5 evaluation of the gambling treatment program
6 provisions under section 99D.7, subsection 21, and
7 additions to and distributions from the gambling
8 treatment fund pursuant to section 99E.10, subsection
9 1, paragraph "a". The evaluation shall provide
10 information and analysis concerning the number of
11 referrals to the program, assessments of the success
12 rates regarding outpatient and follow-up treatment,
13 rehabilitation, and residential treatment programs for
14 persons affected by problem gambling, and the extent
15 to which information and referral services, and
16 education and preventive services, have been
17 determined to be effective in preventing the
18 development of problem gambling behavior or in
19 reaching individuals in need of treatment. The
20 evaluation shall also provide an analysis of funding
21 levels and contain recommendations with regard to
22 future funding of the program and additional treatment
23 interventions."

ANDY McKEAN

S-5377

1 Amend the amendment, S-5194, to Senate File 2280 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 ". Page 15, by inserting after line 4 the
6 following:
7 "14. The department shall conduct a comprehensive
8 evaluation of the gambling treatment program
9 provisions under section 99D.7, subsection 21, and
10 additions to and distributions from the gambling
11 treatment fund pursuant to section 99E.10, subsection
12 1, paragraph "a". The evaluation shall provide
13 information and analysis concerning the number of
14 referrals to the program, assessments of the success
15 rates regarding outpatient and follow-up treatment,
16 rehabilitation, and residential treatment programs for
17 persons affected by problem gambling, and the extent
18 to which information and referral services, and
19 education and preventive services, have been
20 determined to be effective in preventing the
21 development of problem gambling behavior or in
22 reaching individuals in need of treatment. The

23 evaluation shall also provide an analysis of funding
24 levels and contain recommendations with regard to
25 future funding of the program and additional treatment
26 interventions."

ANDY McKEAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE CONCURRENT RESOLUTION 15

S-5378

1 Amend the Senate amendment, H-8069, to House
2 Concurrent Resolution 15, as passed by the House, as
3 follows:
4 1. Page 1, line 5, by striking the word "may" and
5 inserting the following: "shall".
6 2. Page 1, by striking lines 25 through 30 and
7 inserting the following: "Service Bureau and the
8 Legislative Fiscal Bureau. The committee shall begin
9 its deliberations following the adjournment of the
10 1998 Session of the General Assembly and shall issue
11 its report of recommendations by December 1, 1999.
12 It is the intent of the General Assembly that the
13 General Assembly meeting in 2000 shall enact a school
14 aid formula to replace the formula contained in Code
15 chapter 257. The new formula shall take effect for
16 computations and procedures needed during the school
17 year beginning July 1, 2000, in order to implement the
18 new formula for the school year beginning July 1,
19 2001. The Legislative Council may expend from
20 moneys".

S-5379

1 Amend Senate File 518, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 5 and 6.
4 2. Page 3, line 22, by striking the words
5 "advertise for" and inserting the following:
6 "~~advertise for~~ solicit".
7 3. Page 3, by striking lines 23 through 27 and
8 inserting the following: "improvement by publishing
9 an advertisement in a print format. The advertisement
10 shall appear in".
11 4. Page 3, line 31, by striking the word "The"
12 and inserting the following: "The department may
13 publish an advertisement in an electronic format as an
14 additional method of soliciting bids under this
15 paragraph."

16 5. Page 4, line 29, by inserting after the word
17 "Code" the following: "Supplement".

S-5380

1 Amend the amendment, S-5372, to Senate File 2280 as
2 follows:

3 1. Page 1, by striking lines 1 through 14 and
4 inserting the following:

5 "Amend Senate File 2280 as follows:

6 . Page 7, by inserting after line 35 the
7 following:

8 "(3) Of the funds appropriated in this lettered
9 paragraph, \$1,000 shall be used by the Iowa department
10 of public health to facilitate coordination with the
11 department of human services regarding the existence
12 of, prevalence of, and causal linkage between injury,
13 disease, or disability and the use of tobacco by
14 recipients of medical assistance. The department
15 shall also coordinate in assisting the attorney
16 general in litigation efforts for state recovery of
17 tobacco-related medical assistance payments.""

MERLIN E. BARTZ

S-5381

1 Amend House File 2166, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, line 23, by striking the word "sixty"
4 and inserting the following: "fifty".

5 2. Page 10, line 25, by striking the words
6 "dollars, one hundred" and inserting the following:
7 "dollars, eighty-five".

8 3. Page 10, line 28, by striking the words
9 "dollars, two" and inserting the following: "dollars,
10 one".

11 4. Page 10, line 29, by inserting after the word
12 "hundred" the following: "seventy-five".

13 5. Page 10, by striking line 31 and inserting the
14 following: "dollars but less than five hundred
15 thousand dollars, two hundred dollars".

16 6. Page 10, by inserting after line 31 the
17 following:

18 "e. Annual gross sales of five hundred thousand
19 dollars or more, two hundred twenty-five dollars."

ALLEN BORLAUG
NEAL SCHUERER

S-5382

1 Amend House File 2482, 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. ____ NEW SECTION. 327F.21 RAILROAD TRAIN
6 CREWS.

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

9 a. "Administrator" means the department's
10 administrator for rail and water, or the
11 administrator's designee.

12 b. "Certified railroad locomotive engineer" means
13 a person certified under 49 C.F.R. 240 as a train
14 service engineer, locomotive servicing engineer, or
15 student engineer.

16 c. "Department" means the state department of
17 transportation.

18 d. "Director" means the director of
19 transportation.

20 e. "Qualified railroad trainperson" means a person
21 who has successfully completed a railroad carrier's
22 training program and passed an examination on railroad
23 operation rules.

24 2. Any person operating or controlling a railroad
25 in this state shall not allow the operation of any
26 railroad train or locomotive in this state unless the
27 railroad train or locomotive has a crew of at least
28 two individuals. One of the individuals shall be a
29 certified railroad locomotive engineer. The other
30 individual shall be either a certified railroad
31 locomotive engineer or a qualified railroad
32 trainperson. A certified railroad locomotive engineer
33 shall operate the control locomotive at all times that
34 the railroad train or locomotive is in motion. The
35 other crew member may dismount the railroad train or
36 locomotive when necessary to perform switching
37 activities and other job-related duties. However,
38 this subsection shall not apply to the extent that it
39 is contrary to or inconsistent with a regulation or
40 order of the federal railroad administration.

41 3. The administrator may, pursuant to rules
42 adopted by the department, grant an exception to the
43 requirements of subsection 2 if the administrator
44 determines that the exception will not endanger the
45 life or property of any person.

46 4. A person who violates this section is, upon
47 conviction for a first offense, subject to a "schedule
48 one" penalty as provided under section 327C.5. A
49 person who violates this section is, upon conviction
50 for a second offense committed within three years of

Page 2

- 1 the first offense, subject to a "schedule two" penalty
- 2 as provided under section 327C.5. A person who
- 3 violates this section is, upon conviction for a third
- 4 or subsequent offense committed within three years of
- 5 the first offense, subject to a "schedule three"
- 6 penalty as provided under section 327C.5."
- 7 2. Title page, line 1, by inserting after the
- 8 word "to" the following: "railroad safety and".
- 9 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5383

- 1 Amend the amendment, S-5358, to Senate File 2280 as
- 2 follows:
- 3 1. Page 1, by striking lines 14 through 19 and
- 4 inserting the following: "appropriated from amounts
- 5 deposited in the gambling treatment fund for the
- 6 fiscal year beginning July 1, 1998, and ending June
- 7 30, 1999. The moneys appropriated in subsection 1 and
- 8 this subsection are allocated as follows:"
- 9 2. Page 2, by inserting after line 6 the
- 10 following:
- 11 "____. The amounts allocated to advertising and
- 12 promotion for the Iowa lottery shall be reduced, for
- 13 the fiscal year beginning July 1, 1998, and ending
- 14 June 30, 1999, by the amount of moneys appropriated
- 15 pursuant to subsections 1 and 2 of this section."
- 16 3. Page 2, by striking lines 19 through 22 and
- 17 inserting the following:
- 18 ". Page 19, by striking lines 6 through 25."
- 19 4. By renumbering as necessary.

ANDY McKEAN

S-5384

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 22, by striking lines 15 and 16 and
- 3 inserting the following: "with this chapter. In
- 4 addition, the tax imposed under this chapter is a lien
- 5 on the share of the estate passing to the surviving
- 6 spouse, and parents, grandparents, great-grandparents,
- 7 and other lineal ascendants, children including
- 8 legally adopted children and biological children
- 9 entitled to inherit under the laws of this state.

10 stepchildren, and grandchildren, great-grandchildren,
11 and other lineal descendants. The".

O. GENE MADDOX

S-5385

1 Amend the amendment, S-5062, to Senate File 2280 as
2 follows:

3 1. Page 1, line 4, by striking the words
4 "SOUTHEAST ASIAN" and inserting the following:
5 "EASTERN ASIAN AND PACIFIC REGION".
6 2. Page 1, line 12, by striking the words
7 "southeast Asian" and inserting the following:
8 "eastern Asian and Pacific region".
9 3. Page 1, line 21, by striking the words
10 "southeast Asian" and inserting the following:
11 "eastern Asian and Pacific region".
12 4. Page 1, lines 23 and 24, by striking the words
13 "southeast Asian affairs." and inserting the
14 following: "eastern Asian and Pacific region affairs.
15 For the purposes of this division, "eastern Asian and
16 Pacific region" shall include all areas in the
17 vicinity of eastern Asia identified by the division as
18 benefiting from inclusion in the scope of the
19 division, including but not limited to the region of
20 southeast Asia, the Pacific islands, China, and
21 Japan."

22 5. Page 1, lines 25 and 26, by striking the words
23 "southeast Asian" and inserting the following:
24 "eastern Asian and Pacific region".

25 6. Page 1, line 28, by striking the words
26 "SOUTHEAST ASIAN" and inserting the following:
27 "EASTERN ASIAN AND PACIFIC REGION".

28 7. Page 1, line 29, by striking the words
29 "southeast Asian" and inserting the following:
30 "eastern Asian and Pacific region".

31 8. Page 1, lines 33 and 34, by striking the words
32 "southeast Asian population" and inserting the
33 following: "eastern Asian and Pacific region".

34 9. Page 2, line 20, by striking the words
35 "southeastern Asian" and inserting the following:
36 "eastern Asian and Pacific region".

37 10. Page 2, line 24, by striking the words
38 "southeastern Asian" and inserting the following:
39 "eastern Asian and Pacific region".

40 11. Page 2, line 26, by striking the words
41 "southeastern Asian" and inserting the following:
42 "eastern Asian and Pacific region".

43 12. Page 2, line 29, by striking the words
44 "southeastern Asian" and inserting the following:
45 "eastern Asian and Pacific region".

46 13. Page 2, lines 33 and 34, by striking the
47 words "southeastern Asian" and inserting the
48 following: "eastern Asian and Pacific region".
49 14. Page 2, line 36, by striking the words
50 "southeastern Asian" and inserting the following:

Page 2

1 "eastern Asian and Pacific region".
2 15. Page 2, line 38, by striking the words "a
3 southeastern Asian" and inserting the following: "an
4 eastern Asian and Pacific region".
5 16. Page 2, line 44, by striking the words
6 "southeastern Asian" and inserting the following:
7 "eastern Asian and Pacific region".

ELAINE SZYMONIAK
TOM VILSACK

S-5386

1 Amend House File 2454, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 21 the
4 following:
5 "(2) Issue a citation to the driver. If a
6 citation is issued, the citation shall be issued under
7 this subparagraph unless the driver has been
8 previously charged and cited for a violation of
9 subsection 1. A citation which is issued and
10 subsequently dismissed shall be disregarded for
11 purposes of determining if the driver has been
12 previously charged and cited."
13 2. Page 2, line 22, by striking the figure "(2)"
14 and inserting the following: "(3)".
15 3. Page 3, line 4, by striking the figure "(3)"
16 and inserting the following: "(4)".
17 4. Page 3, line 29, by striking the word and
18 figures "(2) and (3)" and inserting the following:
19 "(3) and (4)".
20 5. Page 4, line 10, by striking the figure "(2)"
21 and inserting the following: "(3)".
22 6. Page 4, line 17, by striking the figure "(3)"
23 and inserting the following: "(4)".
24 7. Page 5, line 20, by inserting after the word
25 "court" the following: "within thirty days of the
26 issuance of the citation".

JoANN DOUGLAS
MICHAEL E. GRONSTAL

S-5387

1 Amend the amendment, S-5335, to House File 2164, as
2 passed by House, as follows:

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

5 "Sec. . Section 15E.192, subsection 2, Code
6 Supplement 1997, is amended to read as follows:

7 2. A city with a population of twenty-four
8 thousand or more, or a county seat city with a total
9 population that exceeds forty percent of the
10 population of the county or county seat cities located
11 in the same county with a combined total population
12 that exceeds forty percent of the population of the
13 county, as shown by the 1990 certified federal census,
14 may create an economic development enterprise zone as
15 authorized in this division, subject to certification
16 by the department of economic development, by
17 designating one or more contiguous census tracts, as
18 determined in the most recent federal census, or
19 designating other geographic units approved by the
20 department of economic development for that purpose.
21 If there is an area in the city which meets the
22 requirements for eligibility for an urban or rural
23 enterprise community under Title XIII of the federal
24 Omnibus Budget Reconciliation Act of 1993, such area
25 shall be designated by the state an economic
26 development enterprise zone. The area meeting the
27 requirements for eligibility for an urban or rural
28 enterprise community shall not be included for the
29 purpose of determining the area limitation pursuant to
30 subsection 3. In creating an enterprise zone, a city
31 with a population of twenty-four thousand or more, or
32 a county seat city with a total population that
33 exceeds forty percent of the population of the county
34 or county seat cities located in the same county with
35 a combined total population that exceeds forty percent
36 of the population of the county, as shown by the 1990
37 certified federal census, may designate as part of the
38 area tracts or approved geographic units located in a
39 contiguous city if such tracts or approved geographic
40 units meet the criteria and the city agrees to being
41 included. The city may establish more than one
42 enterprise zone. Reference in this division to "city"
43 means a city with a population of twenty-four thousand
44 or more, or a county seat city with a total population
45 that exceeds forty percent of the population of the
46 county or county seat cities located in the same
47 county with a combined total population that exceeds
48 forty percent of the population of the county, as

- 49 shown by the 1990 certified federal census."
50 2. By renumbering as necessary.

EUGENE S. FRAISE
DON GETTINGS
RICHARD F. DRAKE
DENNIS H. BLACK
JOHN P. KIBBIE

S-5388

- 1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 1, through page 3,
4 line 10, and inserting the following:
5 "Sec. ____ COMMUNITY-BASED SERVICES -- LEGISLATIVE
6 FINDINGS. The general assembly makes the following
7 findings in regard to the development of community-
8 based services for persons with mental illness or a
9 developmental disability:
10 1. The efforts of many families, consumers,
11 professionals, advocates, and policymakers to expand
12 the availability of community-based and consumer
13 designed services have successfully resulted in a
14 reduction in the daily populations served by the
15 institutions administered by the department of human
16 services.
17 2. The staff of the institutions and the leaders
18 of the communities in which the institutions are
19 located are to be commended for good public
20 stewardship in their successful efforts to find
21 appropriate uses for vacant space available in the
22 institutions.
23 3. The general assembly affirms commitment to
24 support development of community-based approaches and
25 individually designed services and support for persons
26 with mental illness or a developmental disability."
27 2. By striking page 5, line 4, through page 7,
28 line 15.
29 3. By renumbering as necessary.

JOHNIE HAMMOND
PATRICIA HARPER
ROBERT E. DVORSKY

S-5389

- 1 Amend House File 2424, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, line 13, by striking the word

4 "seventy-five" and inserting the following: "twenty-
5 five".

MIKE CONNOLLY

S-5390

1 Amend Senate File 2360 as follows:

2 1. Page 3, by inserting after line 17 the
3 following:

4 "Sec. 111. NEW SECTION. 422.12A INCOME TAX
5 CHECKOFF FOR THE ARTS.

6 1. A person who files an individual or a joint
7 income tax return with the department of revenue and
8 finance under section 422.13 may designate one dollar
9 or more to be paid to the Iowa state arts council as
10 established in section 303.86. If the refund due on
11 the return or the payment remitted with the return is
12 insufficient to pay the amount designated by the
13 taxpayer to the Iowa state arts council, the amount
14 designated shall be reduced to the remaining amount of
15 the refund or the remaining amount remitted with the
16 return. The designation of a contribution to the Iowa
17 state arts council under this section is irrevocable.
18 2. The director of revenue and finance shall draft
19 the income tax form to allow the designation of
20 contributions to the Iowa state arts council on the
21 tax return. The department, on or before January 31,
22 shall transfer the total amount designated on the tax
23 form due in the preceding year to an arts fund created
24 in the division of arts of the department of cultural
25 affairs.

26 3. The division of arts may authorize payment from
27 the arts fund for purposes of supporting division of
28 arts activities.

29 4. The department shall adopt rules to implement
30 this section. However, before a checkoff pursuant to
31 this section shall be permitted, all liabilities on
32 the books of the department of revenue and finance and
33 accounts identified as owing under section 421.17 and
34 the political contribution allowed under section 56.18
35 shall be satisfied."

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

38 "___ Section 111 of this Act, establishing
39 section 422.12A, applies retroactively to January 1,
40 1998, for tax years beginning on or after that date."

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 2321

S-5391

- 1 Amend Senate File 2321 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "determination." the following: "For purposes of this
- 4 subsection, "identifying information" means specific
- 5 personal information including, but not limited to,
- 6 the person's name, home address, telephone number,
- 7 social security number, and handwriting and language
- 8 idiosyncrasies. In circumstances when the release of
- 9 any fact may be used to identify the person, that fact
- 10 shall not be released."

S-5392

- 1 Amend House File 382, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 30, the
- 4 following:
- 5 "Sec. ____ TASK FORCE -- DOMESTIC PARTNERS. The
- 6 legislative council is requested to establish an
- 7 interim task force to review the issues faced by
- 8 domestic partners including but not limited to
- 9 property rights, access to courts, parentage,
- 10 inheritance, hospital or health care facility
- 11 visitation, health decisions, contract rights,
- 12 workplace benefits, insurance coverage, and retirement
- 13 benefits. The task force shall include
- 14 representatives of the legal profession, the courts,
- 15 insurance, business and industry, labor, consumers who
- 16 are domestic partners, and others with interest or
- 17 expertise in this area. The task force shall submit a
- 18 report of recommendations concerning these issues and
- 19 recommendations for any necessary legislation to the
- 20 general assembly by January 1, 1999."
- 21 2. Title page, line 1, by striking the words "the
- 22 validity of" and inserting the following: "certain
- 23 relationships including".

MARY NEUHAUSER
MARY A. LUNDBY
ELAINE SZYMONIAK
ROBERT E. DVORSKY

S-5393

- 1 Amend House File 2049, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the

4 following:

5 "Section 1. Section 331.341, subsection 4, Code

6 1997, is amended to read as follows:

7 4. If the contract price for a public improvement

8 is ~~five~~ fifteen thousand dollars or more, the board

9 shall require a contractor's bond in accordance with

10 chapter 573."

11 2. By renumbering as necessary.

MERLIN E. BARTZ

S-5394

1 Amend House File 2348, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 12 and

4 inserting the following:

5 "Section 1. INSTITUTIONS ADMINISTERED BY THE

6 DEPARTMENT OF HUMAN SERVICES -- LEGISLATIVE FINDINGS

7 AND INTENT. During the 1997 legislative interim, the

8 human services restructuring task force of the general

9 assembly visited the state institutions administered

10 by the department of human services. The task force

11 members heard from concerned parents, service

12 consumers, service system administrators, state and

13 community-based providers, advocates for the needs of

14 persons with disabilities, and many other persons

15 interested in the service system for persons with

16 disabilities and juveniles. Based upon the task

17 force's review and recommendations, the general

18 assembly makes the following findings concerning these

19 institutions:"

20 2. Page 1, line 15, by inserting after the word

21 "multiuse" the following: "regional".

22 3. Page 1, line 21, by striking the words "and

23 residential".

24 4. Page 1, by striking lines 23 and 24 and

25 inserting the following:

26 "____. Community-based approaches and individually

27 designed services and support are recognized as the

28 most desirable means of meeting the needs of persons

29 with disabilities. A movement from an institution-

30 oriented system to a community and individual-oriented

31 system has occurred over time while community

32 resources and individualized services have been

33 developed. However, state institutions continue to

34 fill a necessary role in serving persons with chronic,

35 complex, or difficult-to-treat conditions."

36 5. Page 1, line 28, by striking the words "State

37 officials" and inserting the following: "Institution

38 administrators".

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

40 "services" the following: ", the governor's
41 developmental disabilities council, a certified
42 employee organization that represents residential
43 treatment workers, the Iowa association of
44 rehabilitation and residential facilities, the Iowa
45 state association of counties, the arc of Iowa which
46 was formerly known as the association for retarded
47 citizens of Iowa, the alliance for the mentally ill of
48 Iowa, and other service system consumers,
49 administrators, providers, and advocates".
50 7. Page 2, by striking lines 18 through 21 and

Page 2

1 inserting the following:
2 "1. The department of human services shall work
3 with county central point".
4 8. Page 2, line 31, by striking the words "other
5 citizens" and inserting the following: "any citizen".
6 9. Page 3, line 3, by striking the words "state
7 institutions" and inserting the following:
8 "resources".
9 10. Page 3, by striking line 8 and inserting the
10 following: "appropriate services to serve citizens
11 from the other state."
12 11. Page 4, line 35, by inserting after the word
13 "department" the following: ", the medical assistance
14 advisory council created in section 249A.4, subsection
15 8.".
16 12. Page 5, lines 7 and 8, by striking the words
17 "community and residential" and inserting the
18 following: "regional".
19 13. Page 5, by striking lines 20 through 22 and
20 inserting the following: "signage, and in other forms
21 of communication."
22 14. Page 6, line 16, by striking the words
23 "community and residential" and inserting the
24 following: "regional".
25 15. Page 6, by striking lines 31 through 33 and
26 inserting the following: "signage, and in other forms
27 of communication."

ELAINE SZYMONIAK
NANCY BOETTGER
MAGGIE TINSMAN

S-5395

1 Amend House File 2392, as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:

5 "Sec. ____ Section 322.5, Code 1997, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 5. A motor vehicle dealer or
8 manufacturer selling emergency vehicles, in addition
9 to selling vehicles at their principal place of
10 business and at the location of a buyer, may, upon
11 receipt of a temporary permit approved by the
12 department, display and offer for sale emergency
13 vehicles at shows and exhibitions located at
14 universities, colleges, and community colleges. An
15 application for a temporary permit shall be made upon
16 a form provided by the department and shall be
17 accompanied by a ten dollar permit fee. Permits shall
18 be issued for a period not to exceed fourteen days. A
19 sale of an emergency vehicle by a motor vehicle dealer
20 or manufacturer shall be completed and a sales
21 agreement shall not be signed at any show or
22 exhibition. All such sales shall be consummated at
23 the motor vehicle dealer's or manufacturer's principal
24 place of business or at the location of a buyer."
25 2. Page 1, line 5, by inserting after the word
26 "trucks" the following: "or emergency vehicles".
27 3. Page 1, by striking line 6 and inserting the
28 following: "motor trucks or emergency vehicles, may
29 display motor trucks or emergency vehicles within this
30 state at".
31 4. Page 1, line 19, by inserting after the word
32 "truck" the following: "or emergency vehicle".
33 5. Title Page, line 1, by inserting after the
34 word "permitting" the following: "the display of
35 emergency vehicles at shows and exhibitions and".
36 6. Title Page, line 1, by inserting after the
37 word "trucks" the following: "and emergency
38 vehicles".
39 7. By renumbering as necessary.

BILL FINK

S-5396

1 Amend House File 2382, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 18, the
4 following:
5 "NEW SUBSECTION. 2C. "Law enforcement officer"
6 means the same as defined in section 717B.1, including
7 a sheriff conducting an investigation as provided in
8 section 169A.10."
9 2. Page 2, by inserting after line 16 the
10 following:
11 "3. Upon request a law enforcement officer shall
12 investigate a case in which a person is alleged to

13 have intentionally or maliciously abused an animal by
14 injury, maiming, torture, mutilation, destruction, or
15 neglect to the point of causing death or permanent
16 injury. For purposes of this subsection, an animal is
17 any domesticated animal other than an animal defined
18 in section 169A.1. A person who abuses an animal as
19 provided in this subsection is subject to punishment
20 and probation as provided in section 714.21."

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

23 "Sec. ____ Section 714.21, Code 1997, is amended
24 to read as follows:

25 714.21 PENALTY.

26 1. ~~Violation of~~ A person violating any of the
27 provisions of section 714.17, 714.18 or 714.20 shall
28 be is guilty of a serious misdemeanor.

29 2. A person abusing an animal as provided in
30 section 169A.10, subsection 3, is guilty of a class
31 "D" felony. A person subject to this penalty is not
32 subject to the penalty provided in section 717B.2.
33 The person shall undergo a psychological evaluation
34 and complete any counseling recommended by the court
35 at the person's own expense. In addition to the class
36 "D" felony penalty, the person shall not own, keep, or
37 care for an animal for a probationary period as
38 provided in this subsection. The probationary period
39 shall be for not less than five years and not more
40 than ten years as ordered by the court. If the person
41 is not incarcerated, the probationary period shall
42 begin on the date of sentencing. If the person is
43 incarcerated, the probationary period shall begin on
44 the date that the person's incarceration ends. A
45 person who violates a probationary period condition is
46 guilty of a serious misdemeanor."

MERLIN E. BARTZ
KITTY REHBERG
WALLY E. HORN
MARY A. LUNDBY
PATRICIA HARPER
TOM VILSACK
JOHN W. JENSEN

S-5397

1 Amend House File 2514, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 29 the
4 following:

5 "Sec. ____ Section 455B.424, subsection 1, Code
6 1997, is amended to read as follows:

7 1. The person who generates hazardous waste or the

8 owner or operator of a hazardous waste disposal
9 facility who transports hazardous wastes off of the
10 site where the hazardous waste was generated or off
11 the disposal facility site shall pay a fee of ten
12 dollars for each ton up to two thousand five hundred
13 tons of hazardous waste transported off the site,
14 excluding the water content of any waste that is
15 transported to another facility under the ownership of
16 the generator for the purposes of waste treatment or
17 recycling.

18 Sec. ____ Section 455B.424, subsection 2,
19 paragraph b, Code 1997, is amended to read as follows:

20 b. Two dollars for each ton up to five hundred
21 tons of hazardous waste destroyed or treated at the
22 generator's site or at the disposal facility to render
23 the hazardous waste nonhazardous."

24 3. By renumbering as necessary.

ALLEN BORLAUG
MATT McCOY

S-5398

1 Amend House File 2454, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 21 the
4 following:

5 "(2) Issue a citation to the driver. If a
6 citation is issued, the citation shall be issued under
7 this subparagraph unless the driver has been
8 previously convicted for a violation of subsection 1."

9 2. Page 2, line 22, by striking the figure "(2)"
10 and inserting the following: "(3)".

11 3. Page 3, line 4, by striking the figure "(3)"
12 and inserting the following: "(4)".

13 4. Page 3, line 29, by striking the word and
14 figures "(2) and (3)" and inserting the following:
15 "(3) and (4)".

16 5. Page 4, line 10, by striking the figure "(2)"
17 and inserting the following: "(3)".

18 6. Page 4, line 17, by striking the figure "(3)"
19 and inserting the following: "(4)".

20 7. Page 5, line 20, by inserting after the word
21 "court" the following: "within thirty days of the
22 issuance of the citation".

JoANN DOUGLAS

S-5399

1 Amend Senate File 2410 as follows:

2 1. Page 51, line 33, by striking the figure

3 "70th" and inserting the following: "67th".
4 2. Page 52, line 7, by inserting after the word
5 "facilities" the following: "which provide a salary
6 increase of one dollar per hour to certified nurse
7 aides, as documented by the facilities' cost
8 reports,".

JOHNIE HAMMOND
PATRICIA HARPER

HOUSE AMENDMENT TO
SENATE FILE 2366

S-5400

1 Amend Senate File 2366, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. DEPARTMENT OF EDUCATION. There is
6 appropriated from the general fund of the state to the
7 department of education for the fiscal year beginning
8 July 1, 1998, and ending June 30, 1999, the following
9 amount, or so much thereof as is necessary, to be used
10 for the purposes designated:
11 1. For frontier school or extended school year
12 grants:
13 \$ 1,500,000
14 Of the funds appropriated in this subsection,
15 \$300,000 shall be used to provide grants in the amount
16 of \$50,000 each to six school districts for extended
17 year school pilot projects, and the department of
18 education shall expend up to \$75,000 to contract with
19 an accredited private postsecondary institution or an
20 institution of higher learning under the control of
21 the state board of regents to conduct a study of the
22 effectiveness of extended school years on student
23 achievement.
24 By September 1, 1998, the department shall
25 establish criteria and a process for the awarding of
26 grants for planning or implementation purposes.
27 Grants shall be equitably distributed geographically
28 among rural and urban areas. Notwithstanding section
29 8.33, unencumbered or unobligated funds remaining on
30 June 30 of the fiscal year for which the funds were
31 appropriated shall not revert but shall be available
32 for expenditure for the following fiscal year for the
33 purposes of this subsection.
34 2. To the board of educational examiners, for
35 purposes of developing and implementing a multi-level
36 voluntary para-educator licensing system in accordance
37 with section 272.12, if enacted:
38 \$ 75,000

- 39 3. For deposit in the Iowa empowerment fund if
40 legislation providing for the creation of an Iowa
41 empowerment board, an Iowa empowerment fund, and for
42 the appropriation of moneys to be administered by a
43 community empowerment area, is enacted by the Seventy-
44 seventh General Assembly, 1998 Session:
45 \$ 5,200,000
46 4. For deposit in the national board for
47 professional teaching standards certification fund in
48 accordance with section 256.44, if enacted:
49 \$ 250,000
50 5. For beginning teacher induction program grants

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- 1 as provided in chapter 256E, if enacted:
2 \$ 240,000
3 It is the intent of the general assembly that
4 grants awarded from funds appropriated under this
5 subsection shall provide support to a minimum of one
6 hundred thirty-three teams of mentors and beginning
7 teachers.
8 6. For purposes of the practitioner performance
9 improvement program as provided in section 279.14A, if
10 enacted:
11 \$ 300,000
12 7. For the establishment and implementation of an
13 instructional leadership pilot program as provided in
14 sections 279.59 through 279.61, if enacted:
15 \$ 1,000,000
16 By January 15, 1999, the department of education
17 shall prepare and submit a proposal for a program for
18 leadership development of practitioners and school
19 board members to the chairpersons and ranking members
20 of the house and senate standing education committees
21 and of the joint subcommittee on education
22 appropriations.
23 Sec. 2. Section 256.16, Code 1997, is amended to
24 read as follows:
25 256.16 SPECIFIC CRITERIA FOR TEACHER PRACTITIONER
26 PREPARATION AND CERTAIN EDUCATORS.
27 1. Pursuant to section 256.7, subsection 5, the
28 state board shall adopt rules requiring all higher
29 education institutions providing practitioner
30 preparation to include in the professional education
31 program, preparation demonstrate that each student who
32 graduates from the practitioner preparation program
33 successfully completed the following:
34 a. Preparation that contributes to education of
35 students with disabilities and students who are gifted
36 and talented, ~~which must be successfully completed~~
37 ~~before graduation from the practitioner preparation~~

38 program.

39 b. Preparation for recognizing at-risk students,
40 and for understanding and ameliorating the behavior of
41 at-risk students. For purposes of this section, "at-
42 risk students" shall include students who are "at-
43 risk" as defined under administrative rules adopted by
44 the state board of education, or who are at risk of
45 becoming a substance abuser, or who have been
46 identified as a substance abuser.
47 c. Preparation for accelerating the achievement of
48 students through the use of learning techniques that
49 shall include, but are not limited to, reading
50 instruction in phonics.

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1 2. A person initially applying for a license shall
2 successfully complete a professional education program
3 containing the subject matter specified in this
4 section, before the initial action by the board of
5 educational examiners takes place.
6 Sec. 3. NEW SECTION. 256.17A TEACHER INTERNSHIP
7 PILOT PROGRAM.

8 1. If the general assembly appropriates moneys for
9 a teacher internship pilot program, the department of
10 education shall, by November 1, 1998, establish and
11 implement a competitive pilot program approval process
12 open to Iowa colleges and universities with master's
13 programs in practitioner preparation approved by the
14 state board.

15 2. To be eligible to receive a grant under this
16 section, an eligible institution shall submit to the
17 department of education a plan for an internship
18 program that, at a minimum, includes the following:
19 a. Student interns enrolled in the program shall
20 complete a one-year teaching experience conducted in a
21 collaborating school district. A student intern shall
22 have graduated from an approved practitioner
23 preparation program offered by an institution of
24 higher education under the state board of regents or
25 an accredited private institution as defined in
26 section 261.9. A student intern shall be an employee
27 of the participating school district. The amount of
28 money a school district shall pay to a student intern
29 shall be negotiated by the school district and the
30 eligible institution in consultation with the
31 department of education.

32 b. Application of the best teaching practices in
33 diverse settings and in responding to diverse student
34 needs under the supervision of selected district
35 teachers and personnel employed by the eligible
36 institution.

37 c. Seminars and special projects designed to meet
38 student intern needs.
39 d. Collaboration and support from a participating
40 school district relating to supervision and assessment
41 of the student intern's performance.
42 e. Collaboration and support from the eligible
43 institution in developing rigorous graduate coursework
44 and in matters relating to supervision, instruction,
45 and evaluation of the student intern in conjunction
46 with personnel employed by the participating school
47 district.
48 3. Student interns who enroll in the program shall
49 receive graduate credit for successful completion of
50 teacher internship program coursework. The successful

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1 completion of a one-year teacher internship under the
2 program shall be recognized as the equivalent of one
3 year of teaching experience.

4 4. A teacher who is employed by a school district
5 and who acts as a clinical supervisor for the teacher
6 internship pilot program shall be eligible for a
7 stipend of one thousand dollars per semester of
8 participation in the program. The stipend and the
9 costs of the employer's share of contributions to
10 federal social security and the Iowa public employees'
11 retirement system established under chapter 294, for
12 such amounts by the district, shall be paid from
13 moneys received by the participating school district
14 from moneys appropriated to the department of
15 education pursuant to this section.

16 5. Moneys received by a school district under this
17 section shall not be commingled with state aid
18 payments made under section 257.16 to a school
19 district and shall be accounted for by the school
20 district separately from state aid payments.

21 6. Payments made to school districts under this
22 section are miscellaneous income for purposes of
23 chapter 257 and are considered encumbered. A school
24 district shall maintain a separate budget listing for
25 payments received and expenditures made pursuant to
26 this section.

27 7. Moneys received by a school district under this
28 section shall not be used for payment of any
29 collective bargaining agreement or arbitrator's
30 decision negotiated or awarded under chapter 20.

31 8. Annually on or by January 15, the eligible
32 institution shall submit a report describing
33 activities associated with the program to the
34 department of education, which shall summarize the
35 reports received and submit the summary to the

36 chairpersons and ranking members of the standing house
37 and senate education committees.
38 9. a. There is appropriated from the general fund
39 of the state to the department of education for the
40 fiscal year beginning July 1, 1998, and ending June
41 30, 1999, the sum of two hundred twenty thousand
42 dollars for the teacher internship pilot program.
43 b. There is appropriated from the general fund of
44 the state to the department of education for each
45 fiscal year of the fiscal period beginning July 1,
46 1999, and ending June 30, 2001, the sum of five
47 hundred seventy-five thousand dollars for the teacher
48 internship pilot program.
49 Sec. 4. NEW SECTION. 256.22 FRONTIER SCHOOL AND
50 EXTENDED YEAR SCHOOL GRANT PROGRAM.

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1 1. Subject to an appropriation of sufficient funds
2 by the general assembly, the department shall
3 establish a frontier school and extended year school
4 grant program to provide for the allocation of grants
5 to school districts, or a collaboration of school
6 districts, to provide technical assistance for
7 conversion of an existing school to a frontier school
8 or to an extended school year calendar, or for
9 investigating the possibility of converting an
10 existing school within a district to a frontier school
11 or to an extended school year calendar. A district
12 that wants to participate in the program shall submit
13 to the department a written request for a grant by
14 September 1, 1998. The school district or
15 collaboration of school districts shall agree to
16 appoint a planning committee composed of parents,
17 guardians, teachers, administrators, and individuals
18 representing business, and the local community. The
19 school district or collaboration shall also indicate
20 in its request its intention to use any grant moneys
21 received under this section to examine, at a minimum,
22 all of the following:
23 a. Mission and instructional focus of the school.
24 b. Organizational structure and management of the
25 school.
26 c. Impact of labor agreements and contracts on the
27 success of the school.
28 d. Roles and responsibilities of all involved
29 constituencies.
30 e. Arrangements for special needs students.
31 f. Connection of the school to the district.
32 g. Facility and operation costs.
33 h. Measurement of results including student
34 achievement results.

35 2. Grant moneys shall be distributed to qualifying
36 school districts by the department no later than
37 October 15, 1998. Grant amounts shall be distributed
38 as determined by the department. Not more than
39 fifteen of the grants awarded per year in accordance
40 with this section shall be used for purposes of
41 frontier school planning or conversion.
42 3. For purposes of this section, "frontier school"
43 means a school that is nonsectarian in its program,
44 admission policies, employment practices, and all
45 other operations. The school is a public school and
46 is part of the state's system of public education.
47 The primary focus of a frontier school shall be to
48 provide a comprehensive program of instruction for at
49 least one grade or age group from five through
50 eighteen years of age. Frontier schools may be

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1 designed to allow significant autonomy to the schools.
2 However, frontier schools shall be accountable for
3 significant results.
4 4. By February 15, 1999, a school district or
5 collaboration of districts receiving moneys under this
6 section shall submit an interim report to the
7 department describing the planning activities
8 conducted by the school district or the collaboration
9 and providing preliminary conclusions. The school
10 district or collaboration shall submit a final report
11 by June 1, 1999, to the department. The department
12 shall summarize the school district reports in a final
13 report to the chairpersons and ranking members of the
14 house and senate standing education committees by
15 January 1, 2000.
16 5. Except as provided in this subsection, frontier
17 schools are exempt from all statutes and rules
18 applicable to a school, a school board, or a school
19 district, although a frontier school may elect to
20 comply with one or more provisions of statute or rule.
21 However, a frontier school shall meet all applicable
22 state and local health and safety requirements; the
23 frontier school shall be organized and operated as a
24 nonprofit cooperative association under chapter 498 or
25 nonprofit corporation under chapter 504A; the
26 provisions of chapters 21 and 22 shall apply to
27 meetings and records of the frontier school board; and
28 frontier schools are subject to and shall comply with
29 chapters 216 and 216A relating to civil and human
30 rights, and sections 275.55A, 279.9A, 280.17B,
31 280.21B, and 282.4, relating to suspension and
32 expulsion of a student. The frontier school shall
33 employ or contract with necessary teachers, as defined

34 in section 272.1, who hold a valid license with an
35 endorsement for the type of service for which the
36 teacher is employed. Frontier schools are subject to
37 the same financial audits, audit procedures, and audit
38 requirements as a school district. The audits shall
39 be consistent with the requirements of sections 11.6,
40 11.14, 11.19, 256.9, subsection 19, and section
41 279.29, except to the extent deviations are necessary
42 because of the program at the school. The department,
43 auditor of state, or the legislative fiscal bureau may
44 conduct financial, program, or compliance audits. The
45 provisions of chapter 20 shall not apply to the board
46 of directors of a frontier school or its employees.
47 Sec. 5. NEW SECTION. 256.44 NATIONAL BOARD
48 CERTIFICATION AWARD -- APPROPRIATION.
49 1. A teacher, as defined in section 272.1, who
50 registers for a national board for professional

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1 teaching standards certificate and is employed by a
2 school district in Iowa shall be eligible for a
3 registration award as provided in subsection 2, and
4 upon achievement of a national board for professional
5 teaching standards certificate, is eligible for an
6 annual award of ten thousand dollars for each year the
7 certificate is valid as provided in this section.
8 2. To receive a partial registration award in the
9 amount of one-half of the registration fee charged by
10 the national board for professional teaching
11 standards, the teacher shall apply to the department
12 of education within one year of registration,
13 submitting to the department any documentation the
14 department requires. A teacher shall receive a final
15 registration award in the amount of the remaining
16 registration fee charged by the national board if the
17 teacher notifies the department of the teacher's
18 certification achievement and submits any
19 documentation requested by the department.
20 3. To receive a five-year annual award for
21 achieving certification by the national board of
22 professional teaching standards, a teacher shall apply
23 to the department within one year of eligibility.
24 Payment for awards shall be made only upon
25 departmental approval of an application or
26 recertification of eligibility. A nonrenewable term
27 of eligibility shall be for five years or for the
28 years the certificate is valid, whichever time period
29 is shorter. In order to continue receipt of payments,
30 a recipient shall annually recertify eligibility.
31 4. A national board for professional teaching
32 standards certification fund is established in the

33 office of treasurer of state to be administered by the
34 department. Moneys appropriated by the general
35 assembly for deposit in the fund shall be paid as
36 follows:

37 a. Upon receipt of award documentation as provided
38 in subsection 2.

39 b. On January 15 to teachers whose applications
40 and recertifications for annual awards as provided in
41 subsection 3 are approved by the department. The
42 treasurer of state shall act as custodian of the fund
43 and may invest the moneys deposited in the fund. The
44 income from any investment shall be credited to and
45 deposited in the fund. The director of revenue and
46 finance shall issue warrants upon the fund pursuant to
47 the order of the department and such warrants shall be
48 paid from the fund by the treasurer of state.
49 Notwithstanding section 8.33, unencumbered or
50 unobligated moneys remaining in the fund on June 30 of

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1 the fiscal year for which the funds were appropriated
2 shall not revert but shall be available for subsequent
3 fiscal years for the purposes of this section.

4 5. An individual shall not qualify for a term of
5 annual award eligibility unless the individual
6 applies, certifying eligibility, to the department
7 prior to June 30, 2003.

8 Sec. 6. Section 256.45, unnumbered paragraphs 1,
9 3, and 4, Code 1997, are amended to read as follows:

10 The department of education shall establish within
11 ~~the department and administer~~ the position of
12 ambassador to education. It shall be the function of
13 the ambassador to education to act as an education
14 liaison to primary and secondary schools in this
15 state. The ambassador to education position shall be
16 filled by the educator selected as teacher of the year
17 by the governor, but only if that person agrees to
18 fill the ambassador to education position.

19 The ambassador to education shall receive, in lieu
20 of compensation from the district in which the
21 ambassador is regularly employed, a salary ~~which is~~
22 equal to the amount of salary ~~received by the person~~
23 ~~during the previous would have received from the~~
24 district in the person's regular position during the
25 school year for which the person serves as ambassador,
26 or thirty thousand dollars, whichever amount is
27 greater. The ambassador shall also be compensated for
28 actual expenses incurred as a result of the
29 performance of duties under this section.

30 ~~The district which department shall grant funds in~~
31 an amount equal to the salary and benefits the person

32 selected as ambassador to education would have
33 received from the district, or thirty thousand
34 dollars, whichever amount is greater, to the school
35 district that employs the person selected as the
36 ambassador to education. The department shall also
37 reimburse the school district for actual expenses
38 incurred as a result of the performance of duties
39 under this section. The school district shall grant
40 the person a one-year sabbatical in order to allow the
41 person to be the ambassador to education, and during
42 the sabbatical, shall pay the salary and benefits of
43 the ambassador with funds granted by the department.
44 The person selected as the ambassador to education
45 shall be entitled to return to the person's same or a
46 comparable position without loss of accrued benefits
47 or seniority.
48 Sec. 7. NEW SECTION. 256E.1 BEGINNING TEACHER
49 INDUCTION PROGRAM ESTABLISHED -- GRANTS.
50 If the general assembly appropriates moneys for

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1 purposes of teacher induction, the department of
2 education shall coordinate a beginning teacher
3 induction program to promote excellence in teaching,
4 to build a supportive environment within school
5 districts, to increase the retention of promising
6 beginning teachers, and to promote the personal and
7 professional well-being of teachers. The department
8 of education shall develop a process for awarding
9 beginning teacher induction grants to school
10 districts, and shall adopt rules pursuant to chapter
11 17A relating to the equitable distribution of grants
12 to school districts to reflect diversity
13 geographically and by population.
14 Sec. 8. NEW SECTION. 256E.2 DEFINITIONS.
15 As used in this chapter, unless the context
16 otherwise requires:
17 1. "Beginning teacher" means an individual serving
18 under an initial provisional or conditional license,
19 issued by the board of educational examiners under
20 chapter 272, who is assuming a position as a classroom
21 teacher.
22 2. "Board of directors" means the board of
23 directors of a school district or a collaboration of
24 boards of directors of school districts.
25 3. "Classroom teacher" means an individual who
26 holds a valid practitioner's license and who is
27 employed by a school district under sections 279.13
28 through 279.19 in a school district or area education
29 agency in this state to provide instruction to
30 students.

31 4. "Department" means the department of education.
32 5. "Director" means the director of the department
33 of education.
34 6. "District facilitator" means a licensed
35 professional pursuant to chapter 272 who is appointed
36 by the board of directors, or a collaboration of
37 districts, to serve as the liaison between the board
38 of directors and the department for the beginning
39 teacher induction program.
40 7. "Mentor" means an individual employed by a
41 school district or area education agency as a
42 classroom teacher and who holds a valid license to
43 teach issued under chapter 272.
44 Sec. 9. NEW SECTION. 256E.3 DISTRICT PLAN.
45 1. A board of directors of a school district or
46 the boards of directors of a collaboration of school
47 districts participating in the beginning teacher
48 induction program shall appoint a district
49 facilitator, whose duties shall include, but are not
50 limited to, overseeing the development of a plan for

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1 meeting the goals of the program as set forth in
2 section 256E.1, and composing a district committee
3 pursuant to subsection 2. The board of directors may
4 contract with a public or private postsecondary
5 institution with an approved practitioner preparation
6 program, or with a member of the instructional staff
7 of an approved practitioner preparation program, to
8 perform the duties of the district facilitator in
9 accordance with this chapter.
10 2. The membership of the district committee
11 composed by the district facilitator shall include,
12 but is not limited to, licensed practitioners and an
13 area education agency staff development professional.
14 3. The district committee shall adopt a plan and
15 written procedures for a mentor program consistent
16 with this chapter. The plan and the written
17 procedures shall, at a minimum, provide the process
18 for the selection of and the number of mentors; the
19 mentor training process; the timetable by which the
20 plan shall be implemented; placement of mentors and
21 beginning teachers; the minimum amount of contact time
22 between mentors and beginning teachers; the minimum
23 amount of release time for mentors and beginning
24 teachers for meetings for planning, demonstration,
25 observation, feedback, and workshops; the process for
26 dissolving mentoring partnerships; and the process for
27 measuring the results of the program. The district
28 committee shall recommend to the board of directors or
29 boards of directors of a collaboration the names of

30 classroom teachers eligible to be mentors.

31 4. The district facilitator shall submit the plan,
32 and the proposed costs of implementing the plan, to
33 the board of directors or boards of directors of a
34 collaboration, which shall consider the plan and, once
35 approved, submit the plan and a reasonable cost
36 proposal to the department of education, which shall
37 award grants as equitably as possible based on the
38 geographic and population diversity of the school
39 districts submitting plans. Grants may be awarded in
40 subsequent years based upon the most recent plan on
41 file with the department.

42 5. The district committee is encouraged to work
43 with area education agencies and postsecondary
44 institutions in the preparation and implementation of
45 a plan.

46 Sec. 10. NEW SECTION. 256E.4 BEGINNING TEACHER
47 AND MENTOR SELECTION AND PLACEMENT.

48 1. To be eligible to be a mentor, a licensed
49 practitioner shall, at a minimum, be employed by a
50 school district as a classroom teacher, have a record

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1 of at least four years of effective practice, have
2 been employed for one full year in the district on a
3 nonprobationary basis, and demonstrate professional
4 commitment to the improvement of teaching and
5 learning, and the development of beginning teachers.

6 2. The district facilitator shall place beginning
7 teachers in a manner that provides the greatest
8 opportunity to participate with the largest number of
9 mentors.

10 Sec. 11. NEW SECTION. 256E.5 BEGINNING TEACHER
11 INDUCTION STATE SUBSIDY -- FUND.

12 1. A teacher who is enrolled as a mentor in an
13 approved beginning teacher induction program shall be
14 eligible for an award of five hundred dollars per
15 semester of participation in the program, which shall
16 be paid from moneys received pursuant to this section
17 by the school district employing the mentor.

18 2. Moneys received by a school district pursuant
19 to this chapter shall be expended to provide mentors
20 with awards in accordance with subsection 1, to
21 implement the plan, to provide for a stipend for the
22 district facilitator, and to pay the costs of the
23 employer's share of contributions to federal social
24 security and the Iowa public employees' retirement
25 system or a pension and annuity retirement system
26 established under chapter 294, for such amounts paid
27 by the district.

28 3. Moneys received by a school district under this

chapter are miscellaneous income for purposes of chapter 257 or are considered encumbered. Each local school district shall maintain a separate listing within their budget for payments received and expenditures made pursuant to this section.

4. Moneys received for purposes of this chapter shall not be used for payment of any collective bargaining agreement or arbitrator's decision negotiated or awarded under chapter 20.

5. A beginning teacher induction fund is established in the office of the treasurer of state to be administered by the department. Moneys appropriated by the general assembly for deposit in the fund shall be used to provide funding to school districts pursuant to the requirements of this section.

6. Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30 of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure in the following fiscal year for the purposes of this section.

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1 Sec. 12. NEW SECTION. 256E.6 REPORTS.

The board of directors of a school district or the boards of directors of a collaboration of school districts implementing an approved beginning teacher induction program as provided in this chapter shall submit an assessment of the program's results by July 1 of the fiscal year succeeding the year in which the school district or the collaboration of school districts received moneys under this chapter. The department shall annually report the statewide results of the program to the chairpersons and the ranking members of the house and senate education committees by January 1.

14 Sec. 13. NEW SECTION. 256F.1 LEGISLATIVE FINDINGS AND INTENT.

The general assembly finds that it is in the best interest of the state to encourage and fund early education programs focused on kindergarten through grade three in the public school districts. The goal of these programs is to improve student achievement in the basic educational subject matters of reading, language arts, and mathematics, and to accomplish proficiency in those subjects by grade four. Toward that goal, it is the intent of this chapter to establish and fund an early childhood education imperatives program.

27 Sec. 14. NEW SECTION. 256F.2 EARLY CHILDHOOD

28 EDUCATION IMPERATIVES PROGRAM APPROPRIATION.

29 1. There is appropriated from the general fund of
30 the state to the department of education for the
31 fiscal year beginning July 1, 1998, and for each
32 succeeding fiscal year, the sum of nine million
33 dollars for the early childhood education imperatives
34 program.

35 2. For each fiscal year for which moneys are
36 appropriated in subsection 1, the amount of moneys
37 allocated to school districts shall be in the
38 proportion that the basic enrollment of a district
39 bears to the sum of the basic enrollments of all
40 school districts in the state for the budget year.
41 However, a district shall not receive less than seven
42 thousand five hundred dollars in a fiscal year.

43 3. For each year for which an appropriation is
44 made to the early childhood education imperatives
45 program, the department of education shall notify the
46 department of revenue and finance of the amount to be
47 paid to each school district based upon the
48 distribution plan set forth for the appropriation made
49 pursuant to this section. The allocation to each
50 school district under this section shall be made in

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1 one payment on or about October 15 of the fiscal year
2 for which the appropriation is made, taking into
3 consideration the relative budget and cash position of
4 the state resources. Prior to the receipt of moneys,
5 school districts shall provide to the department of
6 education adequate assurance that they have developed
7 or are developing an early childhood education plan as
8 required by section 256F.3 and that moneys received
9 under this section will be used in accordance with the
10 required early childhood education plan.

11 4. Moneys received under this section shall not be
12 commingled with state aid payments made under sections
13 257.16 to a school district and shall be accounted for
14 by the school district separately from state aid
15 payments.

16 5. Payments made to school districts under this
17 section are miscellaneous income for purposes of
18 chapter 257 or are considered encumbered. Each school
19 district shall maintain a separate listing within
20 their budgets for payments received and expenditures
21 made pursuant to this section.

22 6. Moneys received under this section shall not be
23 used for payment of any collective bargaining
24 agreement or arbitrator's decision negotiated or
25 awarded under chapter 20.

26 Sec. 15. NEW SECTION. 256F.3 EARLY CHILDHOOD

27 EDUCATION IMPERATIVES PROGRAM -- REPORTS.

28 1. Progress, as determined by school districts
29 through appropriate assessments, for children enrolled
30 in kindergarten through grade three in attaining or
31 surpassing student achievement goals as established
32 under the accreditation process in chapter 256, and an
33 accounting of the use of the moneys received by the
34 school districts in accordance with this chapter,
35 shall be submitted in an annual report to the
36 department of education by September 1 in the fiscal
37 year beginning July 1, 1999, and in each succeeding
38 year. Each school district shall also certify, in the
39 annual report to the department, that the school
40 districts used the moneys received under this chapter
41 to supplement, and not to supplant, the moneys
42 otherwise received and used by the school district for
43 kindergarten through grade three education purposes.
44 2. The department shall submit, to the
45 chairpersons and ranking members of the house and
46 senate education committees by January 1, 2000, a
47 report describing the ways in which the school
48 districts are making use of the moneys received under
49 this chapter, and including the school districts, if
50 any, that used moneys received under this chapter to

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1 supplant funds the school district was already
2 receiving for kindergarten through grade three
3 education purposes.
4 3. The department shall submit, to the
5 chairpersons and ranking members of the house and
6 senate education committees by January 1, 2002, a
7 report describing school district progress on
8 attaining or surpassing student achievement goals.
9 Sec. 16. NEW SECTION. 256F.4 EARLY CHILDHOOD
10 EDUCATION IMPERATIVES PROGRAM EXPENDITURES.
11 School districts shall expend funds received
12 pursuant to section 256F.2 to support reading
13 instruction in phonics, and other education practices,
14 programs, or assistance for kindergarten through grade
15 three that may include, but are not limited to, the
16 following: reducing adult to student ratios through
17 the hiring of teachers, former teachers, and para-
18 educator teaching assistants; talented and gifted
19 programs; and implementation of instructional programs
20 designed to improve student achievement in the areas
21 of reading, language arts, and mathematics.
22 Sec. 17. NEW SECTION. 256F.5 REPEAL.
23 This chapter is repealed effective July 1, 2001,
24 except that section 256F.3 is not repealed until
25 January 1, 2002.

26 Sec. 18. Section 257.1, subsection 2, unnumbered
27 paragraph 3, Code 1997, is amended to read as follows:

28 For the budget year commencing July 1, ~~1995~~ 1999,
29 the department of management shall add the amount of
30 the additional budget adjustment computed in section
31 257.14, subsection 2, to the combined foundation base.

32 Sec. 19. NEW SECTION. 257.13 ON-TIME FUNDING FOR
33 INCREASED ENROLLMENT.

34 1. If a district's actual enrollment for the
35 budget year, determined under section 257.6, is
36 greater than its budget enrollment for the budget
37 year, the district may submit a request to the school
38 budget review committee for on-time funding for
39 increased enrollment. The school budget review
40 committee shall consider the relative increase in
41 enrollment on a district-by-district basis, in
42 determining whether to approve the request, and shall
43 determine the amount of additional funding to be
44 provided if the request is granted. An application
45 for on-time funding must be received by the department
46 of education by October 1. Written notice of the
47 committee's decision shall be given through the
48 department of education to the school board for a
49 district.

50 2. If the school budget review committee approves

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1 a request for on-time funding for increased
2 enrollment, the funding shall be in an amount up to
3 the product of one-third of the state cost per pupil
4 for the budget year multiplied by the difference
5 between the actual enrollment for the budget year and
6 the budget enrollment for the budget year. The
7 additional funding received under this section is
8 miscellaneous income to the district.

9 3. Moneys appropriated by the general assembly for
10 purposes of this section shall be paid to school
11 districts in one lump sum within thirty days of
12 notification by the school budget review committee of
13 approval for on-time funding for increased enrollment
14 for a budget year. If the requests approved by the
15 school budget review committee exceed the
16 appropriation made for purposes of this section, the
17 payments to school districts receiving approval for
18 on-time funding shall be prorated such that each
19 school district approved for on-time funding shall
20 receive an amount of on-time funding equal to the
21 percentage that the on-time funding to be provided to
22 the district bears to the total amount of on-time
23 funding to be provided to all districts receiving
24 approval.

25 4. If the board of directors of a school district
26 determines that a need exists for additional funds
27 exceeding the amount provided in this section, a
28 request for supplemental aid based upon increased
29 enrollment may be submitted to the school budget
30 review committee as provided in section 257.31.

31 5. A school district which is receiving a budget
32 adjustment for a budget year pursuant to section
33 257.14 shall receive on-time funding for increased
34 enrollment, reduced by the amount of the budget
35 adjustment for that budget year.

36 6. There is appropriated from the general fund of
37 the state to the department of education for the
38 fiscal year beginning July 1, 1999, and for each
39 succeeding fiscal year, the sum of four million
40 dollars or as much thereof as is necessary to pay
41 additional funding authorized under this section.

42 Sec. 20. Section 257.14, Code Supplement 1997, is
43 amended to read as follows:

44 257.14 BUDGET ADJUSTMENT.

45 1. For the budget years commencing July 1, 1997,
46 and July 1, 1998, and July 1, 1999, if the department
47 of management determines that the regular program
48 district cost of a school district for a budget year
49 is less than the total of the regular program district
50 cost plus any adjustment added under this section for

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1 the base year for that school district, the department
2 of management shall provide a budget adjustment for
3 that district for that budget year that is equal to
4 the difference.

5 2. For the budget year beginning July 1, 1995
6 1999, if the department of management determines that
7 the regular program district cost plus the budget
8 adjustment computed under subsection 1 of a school
9 district is less than one hundred one percent of the
10 total of the regular program district cost plus any
11 adjustment added under this section for the base year
12 for that school district, the department of management
13 shall provide an additional budget adjustment for that
14 budget year that is equal to the difference.

15 Sec. 21. Section 257.20, subsection 2, paragraph
16 a, Code 1997, is amended to read as follows:

17 a. However, for the fiscal year beginning July 1,
18 1998, moneys appropriated under this subsection shall
19 not exceed the amount of moneys appropriated as
20 instructional support state aid for the budget year
21 which commenced on July 1, 1992. For the fiscal year
22 beginning July 1, 1999, and for each succeeding fiscal
23 year, moneys appropriated under this subsection shall

24 not exceed the sum of sixteen million seven hundred
25 ninety-eight thousand two hundred twenty-seven
26 dollars.

27 Sec. 22. Section 272.1, Code 1997, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 4A. "Para-educator" means a
30 person who is licensed to assist a teacher in the
31 performance of instructional tasks to support and
32 assist classroom instruction and related school
33 activities.

34 Sec. 23. NEW SECTION. 272.12 PARA-EDUCATOR
35 LICENSES.

36 1. The board of educational examiners shall adopt
37 rules pursuant to chapter 17A relating to a multi-
38 level voluntary licensing system ranging from para-
39 educator generalist to para-educator specialist. The
40 rules shall outline the instructional and other school
41 activity tasks the individuals licensed under this
42 section may perform. The board shall determine
43 whether an applicant is qualified to perform the
44 duties for which a para-educator license is sought.

45 2. Applicants for a para-educator license as a
46 generalist must hold a high school diploma from an
47 accredited secondary school or a high school
48 equivalency diploma issued in accordance with chapter
49 259A. The applicant must also have completed
50 additional in-service training in at least all of the

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1 following areas:

- 2 a. Behavior management.
- 3 b. Ethical responsibilities and behavior.
- 4 c. Exceptional child and at-risk child behavior.
- 5 d. Collaboration skills and interpersonal

6 relations.

7 e. Child and youth development.

8 3. Applicants for a para-educator license as a
9 specialist must meet the requirements of subsection 2
10 and additional requirements as prescribed by rule.

11 4. A public school district, area education
12 agency, community college, institution of higher
13 education under the state board of regents, or an
14 accredited private institution as defined in section
15 261.9, subsection 1, with a program approved by the
16 state board of education, may train and recommend
17 individuals for board licensure.

18 5. Applicants shall be disqualified for any of the
19 following reasons:

- 20 a. The applicant is less than eighteen years of
21 age.
- 22 b. The applicant has a record of founded child

23 abuse.

24 c. The applicant has been convicted of a felony.

25 d. The applicant's application is fraudulent.

26 e. The applicant's license or certification from
27 another state is suspended or revoked.

28 f. The applicant fails to meet board standards for
29 application for an initial or renewed license.

30 6. Qualifications or criteria for the granting or
31 revocation of a license or the determination of an
32 individual's professional standing shall not include
33 membership or nonmembership in any teachers'
34 organization.

35 Sec. 24. Section 279.14, Code 1997, is amended to
36 read as follows:

37 279.14 EVALUATION CRITERIA AND PROCEDURES.

38 1. The board shall establish evaluation criteria
39 and shall implement evaluation procedures. If an
40 exclusive bargaining representative has been
41 certified, the board shall negotiate in good faith
42 with respect to evaluation procedures pursuant to
43 chapter 20.

44 2. Notwithstanding chapter 20, any challenge to an
45 evaluation raised after the service of the notice of
46 intent to recommend termination of a teacher's
47 continuing contract in accordance with section 279.15
48 shall be brought only in the hearing before the school
49 board held in accordance with section 279.16.

50 Sec. 25. NEW SECTION. 279.14A PRACTITIONER

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1 PERFORMANCE IMPROVEMENT PROGRAM.

2 1. The department of education shall establish and
3 implement a voluntary practitioner performance
4 improvement program that shall provide technical
5 assistance to teachers and administrators from each
6 public school district and area education agency.
7 Individuals under contract with a school district may
8 receive technical assistance in accordance with this
9 subsection. The department shall consult with the
10 Iowa state education association, the Iowa association
11 of school boards, the school administrators of Iowa,
12 the professional educators of Iowa, and, as
13 practicable, other entities providing similar
14 programs, in developing the program. At a minimum,
15 the program shall provide administrators with
16 training, including but not limited to, seminars and
17 written materials, relating to the areas of employment
18 policies and procedures, employment documentation,
19 performance evaluations, corrective performance
20 techniques, discipline, termination, and support by
21 qualified individuals for implementation of the

22 program. Training received by an administrator in
23 accordance with this section shall apply toward an
24 administrator's evaluator approval renewal.

25 2. The department shall submit an annual report to
26 the chairpersons and ranking members of the house and
27 senate standing education committees summarizing
28 program activities and describing the department's
29 plans for improving or changing the program.

30 Sec. 26. Section 279.19, unnumbered paragraph 1,
31 Code 1997, are amended to read as follows:

32 The first ~~two~~ three consecutive years of employment
33 of a teacher in the same school district are a
34 probationary period. However, a if the teacher has
35 successfully completed a probationary period of
36 employment for another school district located in
37 Iowa, the probationary period in the current district
38 of employment shall not exceed one year. A board of
39 directors may waive the probationary period for any
40 teacher who previously has served a probationary
41 period in another school district and the board may
42 extend the probationary period for an additional year
43 with the consent of the teacher.

44 Sec. 27. Section 279.46, Code 1997, is amended to
45 read as follows:

46 279.46 RETIREMENT INCENTIVES -- TAX.

47 The board of directors of a school district may
48 adopt a program for payment of a monetary bonus,
49 continuation of health or medical insurance coverage,
50 or other incentives for encouraging its employees to

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1 retire before the normal retirement date as defined in
2 chapter 97B. The program is available only to
3 employees between ~~fifty-nine~~ fifty-five and sixty-five
4 years of age who notify the board of directors prior
5 to ~~March~~ April 1 of the fiscal year that they intend
6 to retire not later than the next following June 30.
7 However, the age at which employees shall be
8 designated eligible for the program, within the age
9 range of fifty-five to sixty-five years of age, shall
10 be at the discretion of the board. An employee
11 retiring under this section shall apply for a
12 retirement allowance under chapter 97B or chapter 294.
13 If The board may include in the district management
14 levy an amount to pay the total estimated accumulated
15 cost to a the school district of the health or medical
16 insurance coverage, bonus, or other incentives for
17 employees who retire under this section does not
18 exceed the estimated savings in salaries and benefits
19 for employees who replace the employees who retire
20 under the program, the board may include in the

21 ~~district management levy an amount to pay the costs of~~
22 ~~the program provided in this section.~~

23 Sec. 28. NEW SECTION. 279.59 STATEMENT OF
24 PURPOSE.

25 The purpose of the instructional leadership pilot
26 program is to recognize and reward teachers and
27 administrators for outstanding leadership,
28 performance, and service. The program is intended to
29 encourage and reinforce masterful teaching and
30 leadership, and provide extensive professional and
31 financial recognition to teachers and administrators
32 who are achieving outstanding results in their work
33 with students.

34 Sec. 29. NEW SECTION. 279.60 INSTRUCTIONAL
35 LEADERSHIP PILOT PROGRAM.

36 1. Subject to an appropriation of sufficient funds
37 by the general assembly, the department shall
38 establish and implement an instructional leadership
39 pilot program to be administered in cooperation with
40 school districts in the state. The instructional
41 leadership pilot program shall include, but not be
42 limited to, all of the following:

43 a. A nomination procedure that permits nominations
44 to be made by a practitioner or other individuals.

45 b. Award distribution to individual practitioners
46 or to nominated teams of practitioners.

47 c. Award eligibility based upon a satisfactory or
48 higher ranking on a performance evaluation by the
49 practitioner's administrator or a recommendation from
50 the board of directors of the school district, and

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1 certification by the school district that the
2 practitioner improved student achievement in the
3 school year of award eligibility. To receive an award
4 a practitioner must have successfully completed at
5 least three consecutive years of service under
6 contract with a school district in this state.

7 d. Voluntary participation by a nominee.

8 e. Use of objective methods for measuring
9 improvement in student achievement. Multiple
10 measurement and assessment tools may be used to
11 measure student achievement. However, the
12 practitioner or the school district may request
13 approval from the director of the department of
14 education to use an alternative method for measuring
15 improvement in student achievement. The director's
16 decision shall be final.

17 2. The department shall develop and distribute to
18 school districts a weighting system for criteria
19 evaluation to be used by districts in making awards to

20 practitioners that ranks the criteria in the following
21 order of priority: improvement in student
22 achievement, practitioner participation as a member or
23 leader of a team, initiative to improve student
24 achievement and student change, practitioner
25 advancement through education or professional
26 designation achievement, and community involvement.
27 In addition to the criteria established in accordance
28 with this section, a school district may provide
29 additional weighted criteria for evaluation,
30 including, but not limited to, classroom or school
31 environment and objective measures of teaching skill.
32 3. To nominate a practitioner or team of
33 practitioners for an award, an individual shall submit
34 an application and report, on a form designed and
35 distributed to school districts by the department of
36 education, to a local school district coordinator
37 designated by the board of directors of the school
38 district. The form shall be completed by the
39 practitioner, one colleague, one administrator, and
40 three parents selected by the practitioner, and shall
41 be forwarded to the local school district coordinator.
42 4. The local school district coordinator shall
43 submit the forms to the department, which shall
44 tabulate and rank for each school district the
45 applications received according to the minimum
46 criteria established in accordance with subsection 2.
47 5. The board of directors shall also consult with
48 practitioners to plan appropriate recognition events
49 within the school district for presentation of the
50 awards.

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1 6. Applications submitted under this section shall
2 be considered confidential personnel records under
3 section 22.7.
4 7. A teacher receiving a national board
5 certification registration or annual award under
6 section 256.44 shall be ineligible for an award under
7 the instructional leadership pilot program as
8 established in this section.
9 For purposes of this section, "practitioner" means
10 the same as defined in section 272.1.
11 Sec. 30. NEW SECTION. 279.61 INSTRUCTIONAL
12 LEADERSHIP PILOT PROGRAM -- FUNDING.
13 1. Subject to an appropriation of sufficient funds
14 by the general assembly, and the establishment of an
15 instructional leadership pilot program, by September
16 15, each school district willing to participate in the
17 instructional leadership pilot program shall notify
18 the department of education of the intent to

19 participate in the program.

20 2. From the moneys appropriated for purposes of
21 this program, the amount of moneys allocated to school
22 districts that have notified the department of the
23 intent to participate in the program shall be in the
24 proportion that the basic enrollment of a district
25 bears to the sum of the basic enrollments of all
26 school districts in the state for the budget year that
27 are willing to participate in the program. However,
28 the amount of an award to a school district shall not
29 exceed the sum of one hundred thousand dollars.

30 3. For each year in which an appropriation is made
31 to the instructional leadership pilot program, the
32 department of education shall notify the department of
33 revenue and finance of the amount to be paid to each
34 school district based upon the distribution plan set
35 forth for the appropriation made pursuant to this
36 section. The allocation to each school district under
37 this section shall be made in one payment on or about
38 January 15 of the fiscal year in which the
39 appropriation is made, taking into consideration the
40 relative budget and cash position of the state
41 resources.

42 4. Moneys received under this section shall not be
43 commingled with state aid payments made under sections
44 257.16 to a school district and shall be accounted for
45 by the local school district separately from state aid
46 payments.

47 5. Payments made to school districts under this
48 section are miscellaneous income for purposes of
49 chapter 257 or are considered encumbered. Each local
50 school district shall maintain a separate listing

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1 within their budget for payments received and
2 expenditures made pursuant to this section.

3 6. Moneys received under this section shall not be
4 used for payment of any collective bargaining
5 agreement or arbitrator's decision negotiated or
6 awarded under chapter 20.

7 7. Awards to practitioners under this program
8 shall not be built into the base pay for the
9 practitioner, but shall be included in the calculation
10 to determine pension contributions in the year in
11 which the award is received.

12 Sec. 31. NEW SECTION. 279.62 FUTURE REPEAL.
13 This section and sections 279.59 through 279.61 are
14 repealed effective July 1, 2003.

15 Sec. 32. Section 280.18, unnumbered paragraph 2,
16 Code 1997, is amended to read as follows:

17 In order to achieve the goal of improving student

18 achievement and performance on a statewide basis, the
19 board of directors of each school district shall adopt
20 goals that will improve student achievement at each
21 grade level in the skills listed in this section and
22 other skills deemed important by the board. Not later
23 than July 1, 1989, the At a minimum, each board shall
24 adopt a goal of addressing the educational inequities
25 among Iowa's minority students and develop plans for
26 improving minority student academic performance. The
27 board of each district shall transmit to the
28 department of education its plans for achieving the
29 goals it has adopted and the periodic assessment that
30 will be used to determine whether its goals have been
31 achieved. The committee appointed by the board under
32 section 280.12 shall advise the board concerning the
33 development of goals, the assessment process to be
34 used, and the measurements to be used.
35 Sec. 33. Section 294A.5, Code 1997, is amended to
36 read as follows:

37 294A.5 MINIMUM SALARY SUPPLEMENT. .
38 1. For the school year beginning July 1, 1987
39 1998, and succeeding school years, the minimum annual
40 salary paid to a full-time teacher as regular
41 compensation shall be eighteen twenty-three thousand
42 dollars.
43 2. The minimum salary supplement shall be the sum
44 of the following, as applicable:
45 a. For the school year beginning July 1, 1987
46 1998, for phase I, each school district and area
47 education agency shall certify to the department of
48 education by the third Friday in September the names
49 of all teachers employed by the district or area
50 education agency whose regular compensation is less

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1 than eighteen twenty-three thousand dollars per year
2 for that year and the amounts needed as minimum salary
3 supplements. The minimum salary supplement for each
4 eligible teacher is the total of the difference
5 between eighteen twenty-three thousand dollars and the
6 teacher's regular compensation plus the amount
7 required to pay the employer's share of the federal
8 social security and Iowa public employees' retirement
9 system, or a pension and annuity retirement system
10 established under chapter 294, payments on the
11 additional salary moneys. However, for purposes of
12 this paragraph, a teacher's regular compensation for
13 the school year beginning July 1, 1998, shall not be
14 lower than eighteen thousand dollars.
15 b. The total minimum salary supplement paid to a
16 school district under phase I for the school year

17 beginning July 1, 1997.

18 3. The board of directors shall report the
19 salaries of teachers employed on less than a full-time
20 equivalent basis, and the amount of minimum salary
21 supplement shall be prorated.

22 Sec. 34. Section 294A.6, unnumbered paragraph 1,
23 Code 1997, is amended to read as follows:

24 For the school year beginning July 1, ~~1987~~ 1998,
25 the department of education shall notify the
26 department of revenue and finance of the total minimum
27 salary supplement, as described in section 294A.5,
28 subsection 2, paragraphs "a" and "b", to be paid to
29 each school district and area education agency under
30 phase I and the department of revenue and finance
31 shall make the payments. For school years after the
32 school year beginning July 1, ~~1987~~ 1998, if a school
33 district or area education agency reduces the number
34 of its full-time equivalent teachers below the number
35 employed during the school year beginning July 1, ~~1987~~
36 1998, the department of revenue and finance shall
37 reduce the total minimum salary supplement payable to
38 that school district or area education agency so that
39 the amount paid is equal to the ratio of the number of
40 full-time equivalent teachers employed in the school
41 district or area education agency for that school year
42 divided by the number of full-time equivalent teachers
43 employed in the school district or area education
44 agency for the school year beginning July 1, ~~1987~~
45 1998, and multiplying that fraction by the total
46 minimum salary supplement paid to that school district
47 or area education agency for the school year beginning
48 July 1, ~~1987~~ 1998.

49 Sec. 35. Section 294A.25, subsection 1, Code
50 Supplement 1997, is amended to read as follows:

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1 1. For the fiscal year beginning July 1, 1990
2 1998, and for each succeeding year, there is
3 appropriated from the general fund of the state to the
4 department of education the amount of ~~ninety-two~~
5 ~~eighty-two million one~~ eight hundred ~~ninety-one~~
6 ~~thousand eighty-five~~ three hundred thirty-six dollars
7 to be used to improve teacher salaries. ~~For each~~
8 ~~fiscal year in the fiscal period commencing July 1,~~
9 ~~1991, and ending June 30, 1993, there is appropriated~~
10 ~~an amount equal to the amount appropriated for the~~
11 ~~fiscal year beginning July 1, 1990, plus an amount~~
12 ~~sufficient to pay the costs of the additional funding~~
13 ~~provided for school districts and area education~~
14 ~~agencies under sections 294A.9 and 294A.14. For each~~
15 ~~fiscal year beginning on or after July 1, 1995, there~~

16 is ~~appropriated the sum which was appropriated for the~~
17 ~~previous fiscal year, including supplemental payments.~~
18 The moneys shall be distributed as provided in this
19 section.

20 Sec. 36. Section 294A.25, subsection 7, Code
21 Supplement 1997, is amended to read as follows:

22 7. Commencing with the fiscal year beginning July
23 1, 1990, the amount of ~~sixty~~ seventy-five thousand
24 dollars for the ambassador to education program under
25 section ~~256.43~~ 256.45.

26 Sec. 37. Section 669.14, Code 1997, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 14. Any claim arising in respect
29 to technical assistance provided by the department of
30 education pursuant to section 279.14A.

31 Sec. 38. CURRENT NATIONAL BOARD CERTIFICATE
32 HOLDERS. In order to receive payment under section
33 256.44, as enacted by this Act, a teacher who by July
34 1, 1998, meets the qualifications for an award under
35 section 256.44 shall apply to the department for
36 payment under section 256.44 by June 30, 1999.

37 Sec. 39. CONTINGENT APPROPRIATION -- TAXABLE
38 VALUATION INCREASE. For the fiscal year beginning
39 July 1, 1998, and ending June 30, 1999, if the actual
40 taxable valuation of real property located in this
41 state, based upon January 1, 1997, assessments, which
42 is used in the computation of property taxes payable
43 in the fiscal year beginning July 1, 1998, increases
44 from the estimate of such taxable valuation, there is
45 appropriated from the general fund of the state the
46 lesser of \$4,000,000 or the amount of the reduction in
47 state foundation aid under section 257.1 as a result
48 of such increase in taxable valuation to be used to
49 fund section 257.13, as enacted by this Act, and the
50 moneys shall be allocated as provided in section

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1 257.13, subsection 2, as enacted by this Act.

2 Sec. 40. EMERGENCY RULES. The department may
3 adopt emergency rules as necessary for the
4 administration of chapter 256E and sections 256.17A
5 and 279.60, if enacted.

6 Sec. 41. APPLICABILITY. Section 279.19, as
7 amended by this Act, shall not apply to a teacher
8 employed by a school district prior to July 1, 1998.
9 Section 279.19, Code 1997, shall remain applicable to
10 a teacher employed by a school district prior to July
11 1, 1998.

12 Sec. 42. EFFECTIVE DATE. Section 2 of this Act,
13 relating to preparation for recognizing at-risk
14 students and for accelerating the achievement growth

15 of students through the use of learning techniques,
 16 takes effect July 1, 1999.
 17 Sec. 43. EFFECTIVE DATE AND RETROACTIVE
 18 APPLICABILITY. The section of this Act that amends
 19 section 279.46, being deemed of immediate importance,
 20 takes effect upon enactment and applies retroactively
 21 to retirement incentive programs in existence after
 22 December 31, 1997.
 23 Sec. 44. EFFECTIVE DATE. Section 19 of this Act,
 24 relating to on-time funding for increased enrollment,
 25 being deemed of immediate importance, takes effect
 26 upon enactment for the purpose of computations
 27 required for payment of state aid to school districts
 28 for budget years beginning on or after July 1, 1998.
 29 Section 19 of this Act remains in effect until the
 30 repeal of chapter 257 on July 1, 2001."
 31 2. By renumbering as necessary.

S-5401

1 Amend Senate File 2410 as follows:
 2 1. Page 39, by striking line 9 and inserting the
 3 following:
 4 "..... \$ 43,155,500"
 5 2. Page 41, by inserting after line 21 the
 6 following:
 7 "e. A secure state mental health facility at
 8 Oakdale, if created in law by the Seventy-seventh
 9 General Assembly, 1998 Session:
 10 \$ 500,000"

ROBERT E. DVORSKY

S-5402

1 Amend Senate File 2410 as follows:
 2 1. Page 52, by inserting after line 26 the
 3 following:
 4 "j. For the fiscal year beginning July 1, 1998,
 5 the reimbursement rates for durable medical equipment
 6 and supplies shall be increased by two percent over
 7 the rates in effect on June 30, 1998."
 8 2. Page 52, by inserting before line 27 the
 9 following:
 10 "k. The department of human services may allocate
 11 increases among items and implement procedures for
 12 durable medical equipment and supplies as deemed
 13 appropriate to reimburse those providers who are being
 14 reimbursed below the actual cost of the equipment or
 15 supplies."
 16 3. Page 55, line 24, by inserting after the word
 17 "therapy" the following: "and shall determine the

- 18 number of providers who are being reimbursed below the
19 actual cost of durable medical equipment and
20 supplies".
21 4. By renumbering as necessary.

DENNIS H. BLACK

S-5403

- 1 Amend Senate File 2410 as follows:
2 1. Page 19, by inserting after line 16 the
3 following:
4 "13. The department shall reinstate the employment
5 earnings disregard eliminated by 1997 Iowa Acts,
6 chapter 41, section 35, only if the disregard must be
7 reinstated for the medical assistance program to
8 assure federal funding under Title XIX or Title XXI of
9 the federal Social Security Act. In reinstating the
10 disregard, the department may simplify policies if the
11 simplification can be accomplished within the existing
12 department budget. The department may adopt emergency
13 rules in order to implement the provisions of this
14 subsection. If the disregard is reinstated, the
15 department shall submit for consideration during the
16 1999 legislative session, proposed legislation under
17 section 2.16 for codification of the disregard."
18 2. Page 28, by striking line 31 and inserting the
19 following:
20 "..... \$ 15,397,808"
21 3. Page 39, by striking line 9 and inserting the
22 following:
23 "..... \$ 42,559,619"
24 4. Page 42, by striking line 5 and inserting the
25 following:
26 "..... \$ 3,962,923"
27 5. Page 51, by striking lines 29 and 30 and
28 inserting the following: "provider representatives,
29 study alternative reimbursement methodologies."
30 6. Page 52, by inserting after line 26 the
31 following:
32 "j. When applying the reimbursement rate increases
33 for physician and dental services under this
34 subsection, the department shall, in consultation with
35 provider representatives, place a priority on primary
36 and preventive care. The department shall, in
37 consultation with provider representatives review the
38 existing reimbursement methodology including the
39 issues of access, utilization, and sufficiency of the
40 current reimbursement rates. A report of the findings
41 of the review and any recommendations shall be
42 submitted to the general assembly by January 1, 1999."
43 7. Page 80, by inserting after line 4 the

- 44 following:
45 "____. Section 7, subsection 13, relating to
46 reinstatement of the employment earnings disregard."
47 8. By renumbering as necessary.

MAGGIE TINSMAN

S-5404

- 1 Amend House File 2136, as passed by the House, as
2 follows:
3 1. Page 1, line 3, by striking the figure "2001"
4 and inserting the following: "1999".

STEWART IVERSON, Jr.

S-5405

- 1 Amend Senate File 2410 as follows:
2 1. Page 50, by striking lines 7 and 8 and
3 inserting the following:
4 "..... \$ 15,431,693
5 FTEs 392.00"
6 2. Page 50, by inserting after line 24 the
7 following:
8 "____. Of the moneys appropriated in this section,
9 \$160,000 is allocated for four full-time equivalent
10 positions and support to respond to requests for
11 correction or expungement of child abuse records."

PATRICK J. DELUHERY

S-5406

- 1 Amend Senate File 2410 as follows:
2 1. Page 18, line 6, by striking the figure
3 "556,750" and inserting the following: "806,750".

PATRICK J. DELUHERY

S-5407

- 1 Amend Senate File 2410 as follows:
2 1. Page 23, lines 7 and 8 by striking the words
3 "for at least 30 consecutive days immediately prior to
4 discharge".

TOM VILSACK

S-5408

1 Amend Senate File 2410 as follows:

2 1. Page 78, by inserting after line 23 the
3 following:

4 "Sec. 100. NEW SECTION. 249A.50 STATE RECOVERY
5 OF TOBACCO-RELATED MEDICAL ASSISTANCE PAYMENTS.

6 1. For purposes of this section:

7 a. "Manufacturer" means any person engaged in the
8 process of designing, fabricating, assembling,
9 producing, constructing, or otherwise preparing a
10 product containing tobacco, including any packaging or
11 labeling or repackaging or relabeling of such a
12 product, with the intention of selling the product for
13 gain or profit. "Manufacturer" does not include
14 persons whose activity is limited to growing natural
15 leaf tobacco or to selling tobacco products at
16 wholesale or retail to consumers.

17 b. "Tobacco" means any tobacco product, including
18 but not limited to loose tobacco suitable for smoking,
19 snuff, snuff flour, cavendish, plug and twist tobacco,
20 fine cuts and other chewing tobaccos, shorts, refuse
21 scraps, clippings, cuttings, and sweepings of tobacco,
22 and other kinds and forms of tobacco suitable for
23 chewing and smoking, including cigars and cigarettes.
24 2. The department of human services may coordinate
25 with the Iowa department of public health with regard
26 to the existence of, prevalence of, and causal linkage
27 between injury, disease, or disability and the use of
28 tobacco by recipients of medical assistance.

29 3. The state and the department shall be entitled
30 to bring an action against and recover in full from
31 any manufacturer which caused in fact any injury,
32 disease, or disability arising from or connected with
33 the use of tobacco by recipients of medical
34 assistance, for the full amount of medical assistance
35 paid under this chapter on behalf of such recipients,
36 and for other relief, including legal and
37 administrative fees and expenses. The attorney
38 general may institute a civil action to enforce the
39 rights conferred by this section. The right of
40 recovery of the state and the department under this
41 section is independent from and not derivative of any
42 right or claim of the individual recipients of medical
43 assistance.

44 a. The court shall do all of the following:

45 (1) Shall permit evidence, proof, and argument as
46 to causation and amount of damages by and through
47 statistical analysis or other methods of scientific or
48 statistical proof.

49 (2) Shall not require proof of causation and
50 damages as to individual recipients.

Page 2

- 1 b. The state or department may recover damages
- 2 against manufacturers based upon an aggregation of or
- 3 a reasonable estimation of payments made on behalf of
- 4 recipients of medical assistance. Apportionment of
- 5 damages among defendants shall be according to a
- 6 manufacturer's respective share of the market for
- 7 tobacco within the state.
- 8 c. Trial shall be by jury, if either party demands
- 9 a jury."
- 10 2. Page 80, by inserting after line 19 the
- 11 following:
- 12 "____. Section 100 of this Act. Section 100
- 13 applies to medical assistance paid on or after section
- 14 100's effective date. Section 100 shall not affect
- 15 the common law rights of the state or the department,
- 16 if any."
- 17 3. By renumbering as necessary.

TOM VILSACK
JOHNIE HAMMOND
ELAINE SZYMONIAK

S-5409

- 1 Amend Senate file 2410 as follows:
- 2 1. Page 13, by striking line 7 and inserting the
- 3 following:
- 4 \$ 1,010,000"

MATT McCOY

S-5410

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 72, by inserting after line 20 the
- 3 following:
- 4 "DIVISION ____ -- STATE POISON CENTER
- 5 Sec. ____ NEW SECTION. 135.29A STATE POISON
- 6 CENTER.
- 7 The director shall designate a state poison center,
- 8 as directed by the general assembly, to provide poison
- 9 information, telephone management advice and
- 10 consultation, conduct hazard surveillance to achieve
- 11 hazard elimination, and provide professional and
- 12 public education in poison prevention, diagnosis, and
- 13 treatment, and to provide any other services or
- 14 functions necessary to be classified as a certified
- 15 poison center. The poison center shall not

16 subcontract with a poison center outside of the state
17 to provide the necessary services or functions. The
18 director shall provide the necessary documentation of
19 the state poison center designation to the poison
20 center for certification by the American association
21 of poison control centers or other certifying
22 organization.

23 Sec. ____ DESIGNATION OF STATE POISON CENTER. The
24 general assembly designates as the poison center for
25 the state of Iowa the medical center which is
26 operating a poison center on or before July 1, 1998,
27 in the state. The poison center shall meet all
28 requirements necessary to be certified as a poison
29 center by the American association of poison control
30 centers and shall not subcontract with a poison center
31 outside of the state to provide the required services
32 or functions. The director of public health shall
33 provide any documentation necessary to the poison
34 center for certification."

35 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5411

1 Amend Senate File 2410 as follows:

2 1. Page 54, line 11, by striking the word "two"
3 and inserting the following: "three".

STEVEN D. HANSEN
JOHN P. KIBBIE

S-5412

1 Amend House File 2528, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 11, line 10, by striking the words
4 "~~fourteen~~ fifteen" and inserting the following:
5 "fourteen".

MARY LOU FREEMAN

S-5413

1 Amend the amendment, S-5396, to House File 2382, as
2 passed by the House, as follows:

3 1. Page 1, line 14, by striking the word "or" and
4 inserting the following: "and".

EUGENE S. FRAISE

S-5414

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 35, by inserting after line 25 the
- 3 following:
- 4 "In addition to the moneys appropriated in this
- 5 section, the department may use other 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."

ROBERT E. DVORSKY

S-5415

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 25, by striking lines 34 and 35 and
- 3 inserting the following: "clients of publicly
- 4 supported child day care assistance, by April 1, 1999.
- 5 The provisions included in the single point of access
- 6 shall include but are".
- 7 2. Page 26, lines 6 and 7, by striking the
- 8 following: "a uniform provider rate and reimbursement
- 9 system,".
- 10 3. Page 26, line 11, by inserting after the word
- 11 "department." the following: "Implementation of the
- 12 single point of access program by April 1, 1999, is
- 13 contingent upon the receipt of additional federal
- 14 funding for child care."

MAGGIE TINSMAN
JOHNIE HAMMOND

S-5416

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 35, by inserting after line 16 the
- 3 following:
- 4 "18. a. It is the intent of the general assembly
- 5 that the department of human services work with the
- 6 child welfare services work group created by the
- 7 legislative council in November 1997 to pursue
- 8 initiatives to increase receipt of funding under Title
- 9 IV-E of the federal Social Security Act. For the
- 10 fiscal year beginning July 1, 1998, the department may
- 11 expend moneys, not to exceed \$20,000, within the
- 12 department's budget to contract for consultant
- 13 services to increase this funding.
- 14 b. If additional funding is received under Title
- 15 IV-E of the federal Social Security Act as a result of
- 16 administrative activities performed by juvenile court
- 17 services or community providers, the funding shall be

18 expended as follows:

19 (1) A portion shall be used by the department to
20 provide technical assistance and to monitor claims
21 submitted by juvenile court services and community
22 providers to ensure that the claims meet federal
23 requirements.

24 (2) A portion shall be distributed to providers
25 with increased costs incurred from activities to draw
26 the additional funding.

27 (3) A portion shall be made available to
28 decategorization projects in which additional funding
29 is drawn to be used to pay for activities based on
30 local needs, as determined by the decategorization
31 projects.

32 c. Any additional funding received under Title IV-
33 E of the federal Social Security Act for field
34 operations or general administration that is not used
35 for field operations or general administration
36 expenditures, shall be transferred for funding of
37 activities under the appropriations in this Act in
38 this section and for court-ordered services provided
39 to juveniles."

40 2. Page 38, by inserting after line 35 the
41 following:

42 " ____ Federal funding received by the state during
43 the fiscal year beginning July 1, 1998, as the result
44 of the expenditure of state funds appropriated during
45 a previous state fiscal year for a service or activity
46 funded under this section, shall be used as additional
47 funding for services provided under this section.
48 Moneys received by the department in accordance with
49 the provisions of this subsection shall remain
50 available for the purposes designated until June 30,

Page 2

1 2000."

2 3. Page 41, by striking lines 10 through 14 and
3 inserting the following:

4 "(b) If an individual is committed to the custody
5 of the department of corrections at the time the
6 individual is referred for dual diagnosis treatment,
7 the department of corrections shall be charged for the
8 costs of treatment."

9 4. Page 41, line 20, by inserting after the word
10 "in" the following: "and authorized by or decertified
11 by".

12 5. Page 63, by inserting after line 13 the
13 following:

14 "Sec. ____ SEXUALLY VIOLENT PREDATORS. The
15 department of human services and the department of
16 corrections shall work with the office of the attorney

17 general in jointly establishing a task force for
18 identifying the population of persons deemed to be
19 sexually violent predators and to develop options
20 appropriate for addressing public safety concerns
21 associated with this population. The task force may
22 consult with qualified mental health professionals,
23 corrections professionals, prosecutors, and others
24 experienced in the assessment and treatment of this
25 population. The task force shall consider currently
26 available treatment options, the prevalence of
27 subpopulations which present a high risk of
28 reoffending upon release, and the percentage of the
29 existing criminal sex offender population which is not
30 amenable to treatment under currently known methods.
31 The task force shall identify any treatment methods
32 known to have success in treating this population and
33 subpopulations as well as the costs associated with
34 those methods, develop a proposal for state-of-the-art
35 treatment of sexually violent predators, and develop a
36 plan describing possible use of treatment resources
37 together with options for intensive monitoring upon
38 release. The task force report shall be submitted on
39 or before January 1, 1999, to the members of the joint
40 appropriations subcommittees on human services and on
41 the justice system."
42 6. By renumbering as necessary.

MAGGIE TINSMAN

S-5417

1 Amend House File 2528, 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. 321.178A DRIVER
6 EDUCATION -- TEACHING PARENT.
7 1. TEACHING PARENT QUALIFICATIONS. As an
8 alternative to section 321.178, a teaching parent may
9 instruct a student in driver's education courses which
10 meet the requirements of this section, and provides
11 certified evidence that the requirements under this
12 section have been met.
13 2. DEFINITIONS. For purposes of this section:
14 a. "Student" means a person within the custody and
15 control of the teaching parent, who is between the
16 ages of fourteen and twenty-one years of age and who
17 satisfies preliminary licensing requirements of the
18 department.
19 b. "Teaching parent" means a person who is the
20 parent or guardian of a student, who holds a current
21 valid Iowa license to operate a motor vehicle, and who

22 is either a person providing competent instruction or
23 competent private instruction pursuant to section
24 299A.2 or 299A.3.

25 3. COURSE OF INSTRUCTION. A driver education
26 course administered by a teaching parent shall consist
27 at a minimum of the following:

28 a. Thirty clock hours of classroom instruction.

29 b. Forty hours of street or highway driving
30 including four hours of driving after sunset and
31 before sunrise while accompanied by a parent or
32 guardian.

33 c. Four hours of classroom instruction concerning
34 substance abuse.

35 d. Twenty minutes of instruction concerning
36 railroad crossing safety.

37 e. Instruction relating to becoming an organ donor
38 under the uniform anatomical gift Act.

39 The content of the course of instruction required
40 under this subsection shall be equivalent to that
41 required under section 321.178. However, the course
42 requirements, reference and study materials, manuals,
43 study aids, workbooks, physical requirements,
44 classroom dimensions, type of chalkboards, extra
45 vehicle safety equipment, extra foot brake, cut-off
46 switches, and extra mirrors required for instruction
47 under section 321.178 shall not be required for the
48 course of instruction provided under this section.

49 4. COURSE COMPLETION AND CERTIFICATION. Upon
50 completion of a course under this section, the

Page 2

1 teaching parent shall document or provide evidence
2 showing substantial statutory compliance with the
3 requirements of subsection 3 and certify by affidavit
4 to the department of education that the course has
5 been completed. Documentation shall include the
6 following:

7 a. An affidavit attesting to satisfactory
8 completion of course work and street or highway
9 driving instruction.

10 b. A listing of subjects presented in classroom
11 training.

12 c. Copies of written tests completed by the
13 student.

14 d. A statement of the number of classroom hours of
15 instruction.

16 e. A log of street or highway driving instruction
17 including the dates when the lessons were conducted,
18 the student's and the parent's name and initials noted
19 next to each entry, notes on driving activities,
20 including a list of driving deficiencies and

21 improvements, and the duration of the driving time for
22 each session. If the department of education is
23 satisfied that the course has been completed in
24 accordance with this section, the department shall
25 certify it as an approved driver's education course.

26 5. INTERMEDIATE LICENSE. Any student who
27 successfully completes an approved driver education
28 course as provided in this section and who passes a
29 driving skills test to be administered by the
30 department and is otherwise qualified under section
31 321.180B, subsection 2, shall be eligible for an
32 intermediate license pursuant to section 321.180B.
33 Such a student is not required to file an affidavit
34 with the department regarding completion of street or
35 highway driving with a parent or guardian under
36 section 321.180B, subsection 2, and the hours of
37 driving required under subsection 3 shall substitute
38 for any hours of driving required under section
39 321.180B, subsection 2.

40 6. FULL LICENSE. A student must comply with
41 section 321.180B, subsection 4, to be eligible for a
42 full driver's license pursuant to section 321.180B."

43 2. Title page, line 1, by inserting before the
44 word "establishing" the following: "providing for
45 driver education by teaching parents,".

46 3. By renumbering as necessary.

ALLEN BORLAUG
STEVE KING
NANCY BOETTGER
NEAL SCHUERER
JERRY BEHN
JEFF ANGELO
JOHN W. JENSEN
SHELDON RITTMER
H. KAY HEDGE

S-5418

1 Amend House File 2166, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 34, by striking the word
4 "chapter" and inserting the following: "chapter,
5 except for an administrative fee of not more than ten
6 percent of the total license fees collected in a
7 fiscal year as provided by rule of the department
8 adopted pursuant to chapter 17A. The administrative
9 fee for a fiscal year shall be forwarded to the

10 department no later than June 10 of that fiscal year
11 and credited to the general fund of the state."

ALLEN BORLAUG
NEAL SCHUERER

S-5419

1 Amend House File 2166, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, line 12, by striking the words
4 "seventy-five" and inserting the following: "ten".
5 2. Page 10, line 15, by striking the words
6 "twenty-five" and inserting the following: "ten".
7 3. Page 10, by striking lines 16 and 17 and
8 inserting the following:
9 "3. For a vending machine, two dollars per vending
10 machine."
11 4. Page 10, line 23, by striking the word "sixty"
12 and inserting the following: "forty".
13 5. Page 10, line 25, by striking the words "one
14 hundred" and inserting the following: "seventy".
15 6. Page 10, by striking lines 28 and 29 and
16 inserting the following: "dollars but less than two
17 hundred fifty thousand dollars, one hundred twenty-
18 five dollars."
19 7. Page 10, line 31, by striking the words "two
20 hundred twenty-five" and inserting the following:
21 "one hundred fifty".
22 8. Page 11, line 3, by striking the word "thirty"
23 and inserting the following: "twenty".
24 9. Page 11, line 5, by striking the words
25 "seventy-five" and inserting the following: "fifty".
26 10. Page 11, line 9, by striking the words "one
27 hundred fifteen" and inserting the following:
28 "seventy-five".
29 11. Page 11, line 12, by striking the word
30 "fifty".
31 12. Page 11, line 14, by striking the words "two
32 hundred twenty-five" and inserting the following:
33 "one hundred fifty".
34 13. Page 11, lines 18 and 19, by striking the
35 words "fifty thousand dollars, fifty" and inserting
36 the following: "ten thousand dollars, twenty".
37 14. Page 11, by striking lines 20 through 22 and
38 inserting the following:
39 "b. Annual gross sales of at least ten thousand
40 dollars but less than two hundred fifty thousand
41 dollars, fifty dollars."
42 15. Page 11, line 25, by striking the words "one
43 hundred fifty" and inserting the following: "seventy-
44 five".

45 16. Page 11, by striking lines 26 and 27 and
46 inserting the following:
47 "d. Annual gross sales of at least five hundred
48 thousand dollars but less than seven hundred fifty
49 thousand dollars, one hundred dollars.
50 e. Annual gross sales of seven hundred fifty

Page 2

1 thousand dollars or more, one hundred fifty dollars."

ALLEN BORLAUG
NEAL SCHUERER

S-5420

1 Amend House File 2335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 34 and 35, and
4 inserting the following:
5 "b. At least seventy percent of the membership
6 interest and seventy percent of the voting membership
7 interest is held by farmers cooperative".
8 2. Page 2, by inserting after line 6, the
9 following:
10 "___ "Intra-company loan agreement" means an
11 agreement involving a loan, if the parties to the
12 agreement are members of the same farmers cooperative
13 limited liability company, and according to the terms
14 of the loan a member which is a regional cooperative
15 association directly or indirectly loans money to a
16 member which is a farmers cooperative association, on
17 condition that the money, including any interest, must
18 be repaid by the member which is a farmers cooperative
19 association to the regional cooperative association or
20 another person. A loan agreement does not include an
21 operating loan agreement, in which all of the
22 following apply:
23 a. The money is required to be repaid within one
24 year from the date that the farmers cooperative
25 association receives the money, and the money is
26 actually repaid by that date.
27 b. The money is used to pay for reasonable and
28 ordinary expenses of the farmers cooperative
29 association in conducting its affairs."
30 3. Page 3, by inserting before line 6 the
31 following:
32 "___ "Regional cooperative association" means a
33 cooperative association other than a farmers
34 cooperative association."
35 4. Page 9, by inserting after line 13, the
36 following:

- 37 "c. Less than fifty percent of the interest in the
38 farmers cooperative limited liability company is held
39 by members who are parties to intra-company loan
40 agreements."
41 5. By renumbering as necessary.

WILMER RENSINK

S-5421

- 1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 23, by inserting after the word
4 "providers," the following: "the legal clinic at the
5 state university of Iowa, centers for independent
6 living,".

MAGGIE TINSMAN

S-5422

- 1 Amend Senate File 2410 as follows:
2 1. Page 6, line 17, by striking the figure "1999"
3 and inserting the following: "2000".
4 2. Page 6, line 25, by inserting after the figure
5 "1999." the following: "The report shall include a
6 summary of the implementation plan for mandatory
7 statewide usage of the electronic benefit transfer
8 program, including timelines and projected costs. If
9 legislation is enacted by the Seventy-seventh General
10 Assembly, 1998 Session, establishing fee payments to
11 any retailers who participate in the electronic
12 benefit transfer program, the report shall
13 specifically include a projection of the costs of the
14 fee payments in each of the state fiscal years
15 beginning July 1, 1999, 2000, 2001, and 2002, and an
16 updated comparison of fees being paid in other
17 states."

MAGGIE TINSMAN

S-5423

- 1 Amend Senate File 2410 as follows:
2 1. Page 63, by inserting after line 13 the
3 following:
4 "Sec. ____ DEPENDENT ADULT ABUSE ASSESSMENT. The
5 department of human services, in consultation with the
6 department of elder affairs and the governor's
7 planning council for development disabilities, shall
8 develop and begin implementing an assessment-based
9 approach to respond to dependent adult abuse reports

- 10 made pursuant to section 235B.3. The approach shall
11 be developed and implemented in the fiscal year
12 beginning July 1, 1998, to the extent possible within
13 the department's budget."
14 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5424

- 1 Amend Senate File 2410 as follows:
2 1. Page 79, by inserting after line 5 the
3 following:
4 "Sec. ____ ACCREDITATION OR CERTIFICATION OF
5 SERVICE PROVIDERS. Effective July 1, 1998, the
6 department of human services shall include persons
7 with Prader-Willi syndrome in the definition of
8 "persons with developmental disabilities" used in the
9 department's rules for accreditation or certification
10 of providers of services to persons with mental
11 illness, mental retardation, and developmental
12 disabilities, in 441 IAC 24."
13 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5425

- 1 Amend Senate File 2410 as follows:
2 1. Page 20, by striking line 4 and inserting the
3 following:
4 "..... \$ 11,000,000"

JOHNIE HAMMOND
PATRICIA HARPER
ROD HALVORSON
TOM FLYNN
BILL FINK
MARY NEUHAUSER
ROBERT E. DVORSKY
DICK L. DEARDEN
MIKE CONNOLLY
STEVEN D. HANSEN
TOM VILSACK
MICHAEL E. GRONSTAL
PATTY JUDGE
DENNIS H. BLACK
MATT McCOY
WALLY E. HORN
DON GETTINGS
ELAINE SZYMONIAK
JOHN P. KIBBIE

EUGENE S. FRAISE
PATRICK J. DELUHERY
WILLIAM D. PALMER

S-5426

1 Amend Senate File 2410 as follows:
2 1. Page 6, line 17, by striking the figure "1999"
3 and inserting the following: "2000".
4 2. Page 6, line 25, by inserting after the figure
5 "1999." the following: "The report shall include a
6 summary of the implementation plan for mandatory
7 statewide usage of the electronic benefit transfer
8 program, including timelines, projected costs and
9 projected savings. If legislation is enacted by the
10 Seventy-seventh General Assembly, 1998 Session,
11 establishing fee payments to any retailers who
12 participate in the electronic benefit transfer
13 program, the report shall include a projection of the
14 costs of the fee payments and a projection of savings
15 to the department in each of the state fiscal years
16 beginning July 1, 1999, 2000, 2001, and 2002, and an
17 updated comparison of fees being paid in other
18 states."

MAGGIE TINSMAN

S-5427

1 Amend Senate file 2410 as follows:
2 1. Page 29, line 28, by striking the figure
3 "96,744,904" and inserting the following:
4 "96,934,500".
5 2. Page 30, line 4, by striking the figure
6 "30,923,872" and inserting the following:
7 "31,113,468".

JOHNIE HAMMOND
PATRICIA HARPER
ROD HALVORSON
TOM FLYNN
MARY NEUHAUSER
ROBERT E. DVORSKY
DICK L. DEARDEN
MIKE CONNOLLY
TOM VILSACK
PATRICK J. DELUHERY
DENNIS H. BLACK
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MICHAEL E. GRONSTAL
EUGENE S. FRAISE
ELAINE SZYMONIAK
STEVEN D. HANSEN

MATT McCOY
WALLY E. HORN
DON GETTINGS
JOHN P. KIBBIE
WILLIAM D. PALMER

S-5428

- 1 Amend Senate Joint Resolution 2001 as follows:
- 2 1. Page 1, line 10, by striking the word
- 3 "equally".
- 4 2. Page 1, line 16, by striking the words "all
- 5 areas of".
- 6 3. Page 1, line 21, by striking the words "all
- 7 areas of".

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-5429

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 79, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ ACCREDITATION OF CERTIFICATION OF
- 5 SERVICE PROVIDERS. Effective July 1, 1998, the
- 6 department of human services shall include persons
- 7 with Prader-Willi syndrome, who, due to their
- 8 disability, experience limitations in three or more of
- 9 the major life activities as defined in the federal
- 10 Developmental Disability Assistance and Bill of Rights
- 11 Act, Pub. L. No. 101-496, in the definition of
- 12 "persons with disabilities" used in the department's
- 13 rules for accreditation or certification of providers
- 14 of services to persons with mental illness, mental
- 15 retardation, and developmental disabilities, in 441
- 16 IAC 24."
- 17 2. By renumbering as necessary.

ELAINE SZYMONIAK
JOHN REDWINE

S-5430

- 1 Amend Senate File 2410 as follows:
- 2 1. Page 30, line 22, by inserting after the word
- 3 "beds." the following: "Of the moneys allocated in
- 4 this paragraph, \$50,000 shall be used for an
- 5 independent evaluation of the existing programs
- 6 providing highly structured juvenile program beds.
- 7 The evaluation shall include but is not limited to a
- 8 review of the curriculum used by the programs, the

9 recidivism rate of juveniles who have completed the
10 programs, and a comparison with the curriculum and
11 recidivism rates in the state training schools, Iowa
12 juvenile home, private group foster care providers,
13 and other comparable providers. A report of the
14 evaluation shall be submitted to the general assembly
15 by January 1, 1999."

MARY NEUHAUSER

S-5431

1 Amend Senate File 2410 as follows:
2 1. Page 63, by inserting after line 13 the
3 following:
4 "Sec. ____ DEPENDENT ADULT ABUSE ASSESSMENT. The
5 department of human services, in consultation with the
6 department of elder affairs and the governor's
7 planning council for development disabilities, shall
8 develop an assessment-based approach to respond to
9 dependent adult abuse reports made pursuant to section
10 235B.3. The approach shall be developed in the fiscal
11 year beginning July 1, 1998."
12 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5432

1 Amend Senate File 2410 as follows:
2 1. Page 14, by striking line 21, and inserting
3 the following:
4 "..... \$391,013,305"
5 2. Page 52, by inserting after line 9, the
6 following:
7 "Of the moneys appropriated in this Act for medical
8 assistance, \$5,000,000 shall be used to reimburse
9 nursing facilities for providing wage increases to
10 direct care staff and for increased direct care staff
11 development as documented in the cost reports of the
12 facilities for the fiscal year beginning July 1, 1998,
13 and ending June 30, 1999."

TOM VILSACK

S-5433

1 Amend Senate File 2410 as follows:
2 1. Page 79, by inserting after line 5 the
3 following:
4 "Sec. ____ ACCREDITATION OF CERTIFICATION OF
5 SERVICE PROVIDERS. Effective July 1, 1998, the

6 department of human services shall include persons
7 with Prader-Willi syndrome, who, due to their
8 disability, experience limitations in three or more of
9 the major life activities as defined in the federal
10 Developmental Disability Assistance and Bill of Rights
11 Act, Pub. L. No. 101-496, in the definition of
12 "persons with disabilities" used in the department's
13 rules for accreditation or certification of providers
14 of services to persons with mental illness, mental
15 retardation, and developmental disabilities, in 441
16 IAC 24."
17 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-5434

1 Amend Senate File 2410 as follows:
2 1. Page 19, by inserting after line 16 the
3 following:
4 "____. Effective July 1, 1998, the department shall
5 revise the home and community-based services waiver
6 provision which requires that an individual must have
7 previously resided in an intermediate care facility
8 for persons with mental retardation in order to
9 receive supported employment under the waiver. The
10 revision shall allow a person with mental retardation
11 to receive supported employment under the waiver if
12 this option is cost effective as compared to other
13 service options available to that person. The
14 department shall adopt emergency rules to implement
15 the provisions of this subsection."
16 2. By renumbering as necessary.

JOHNIE HAMMOND
ELAINE SZYMONIAK

S-5435

1 Amend House File 2528, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by striking lines 30 through 35.
4 2. By renumbering as necessary.

MATT McCOY

HOUSE AMENDMENT TO
SENATE FILE 2257

S-5436

1 Amend Senate File 2257, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting after line 17 the
4 following:

5 "Sec. ____ Section 321.1, subsection 32, paragraph
6 b, Code Supplement 1997, is amended to read as
7 follows:

8 b. Any vehicle which is principally designed for
9 agricultural purposes and which is moved during
10 daylight hours for a distance not to exceed one
11 hundred miles by a person either in any of the
12 following ways:

13 (1) From a place at which the vehicles are
14 manufactured, fabricated, repaired, or sold to a farm
15 site or a retail seller or from a retail seller to a
16 farm site;

17 (2) To a place at which the vehicles are
18 manufactured, fabricated, repaired, or sold from a
19 farm site or a retail seller or to a retail seller
20 from a farm site; or

21 (3) From a place where the vehicles are housed,
22 maintained, or stored to a farm site, retail seller,
23 place of repair, or marketplace.

24 (4) From a farm site, retail seller, place of
25 repair, or marketplace to a place where the vehicles
26 are housed, maintained, or stored.

27 (5) From one farm site to another farm site.

28 (6) From a farm site to market or from a market to
29 a farm site.

30 For the purpose of this subsection and sections
31 321.383 and 321.453, "farm site" means a place or
32 location at which vehicles principally designed for
33 agricultural purposes are used or intended to be used
34 in agricultural operations or for the purpose of
35 exhibiting, demonstrating, testing, or experimenting
36 with the vehicles."

HOUSE AMENDMENT TO
SENATE FILE 2325

S-5437

1 Amend Senate File 2325, as passed by the Senate, as
2 follows:

3 1. By striking page 17, line 28, through page 18,
4 line 8.

5 2. Title page, line 4, by inserting after the
6 word "penalties" the following: "and effective
7 dates".

8 3. By renumbering as necessary.

S-5438

1 Amend House File 2528, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 11, lines 6 through 8 by striking the
4 words "school board, ~~or the superintendent of the~~
5 ~~applicant's school, or principal, if authorized by the~~
6 ~~superintendent, the department may issue~~" and
7 inserting the following: "school board or the
8 superintendent of the applicant's school, the
9 department may issue department,".

10 2. Page 11, line 9, by inserting after the word
11 "license" the following: "may be issued by the
12 department".

13 3. Page 12, by striking lines 2 through 11 and
14 inserting the following:

15 "b. ~~Each application shall be accompanied by a~~
16 ~~statement from the school board or superintendent of~~
17 ~~the applicant's school. The statement shall be upon a~~
18 ~~form provided by the department. The school board or~~
19 ~~superintendent shall certify that a need exists for~~
20 ~~the license and that the board and superintendent are~~
21 ~~not responsible for actions of the applicant which~~
22 ~~pertain to the use of the driver's license. Each~~
23 application by shall be accompanied by a statement
24 from the student's parent or guardian. The
25 application and statement shall be upon forms provided
26 by the department. The department shall certify that
27 a need exists for the license and the department shall
28 not be responsible for actions of the applicant which
29 pertain to the use of the driver's license. The
30 department of education".

31 4. By renumbering as necessary.

MATT McCOY

HOUSE AMENDMENT TO
SENATE FILE 2406

S-5439

1 Amend Senate File 2406, 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. PURPOSE. The purpose of this Act is
6 to create a partnership between communities and state
7 government to improve the well-being of families with
8 young children. In addition, the purpose of this Act
9 is to reduce duplicative bureaucratic requirements
10 that are barriers to community efforts to improve the

11 efficiency and effectiveness of local education,
12 health, and human services programs.

13 Sec. 2. NEW SECTION. 71.1 DEFINITIONS.

14 For the purposes of this chapter, unless the
15 context otherwise requires:

16 1. "Community empowerment area" means a geographic
17 area designated in accordance with this chapter.

18 2. "Community empowerment area board" or
19 "community board" means the board for a community
20 empowerment area created in accordance with this
21 chapter.

22 3. "Decategorization project" means a
23 decategorization of child welfare and juvenile justice
24 funding project operated under section 232.188.

25 4. "Innovation zone" means a local jurisdiction
26 implementing an innovation zone plan in accordance
27 with section 8A.2, Code 1997.

28 5. "Iowa empowerment board" or "Iowa board" means
29 the Iowa empowerment board created in this chapter.

30 Sec. 3. NEW SECTION. 71.2 IOWA EMPOWERMENT BOARD
31 CREATED.

32 1. An Iowa empowerment board is created to oversee
33 state and community efforts involving community
34 empowerment areas, including strategic planning,
35 funding identification, and guidance, and to promote
36 collaboration among state and local education, health,
37 and human services programs.

38 2. The Iowa board shall consist of eleven voting
39 members with eight citizen members and three state
40 agency members. The three state agency members shall
41 be the directors of the following departments:
42 education, human services, and public health. The
43 citizen members shall be appointed by the governor,
44 subject to confirmation by the senate. The
45 appointments of citizen members shall be made in a
46 manner so that all of the state's congressional
47 districts are represented along with the ethnic,
48 cultural, social, and economic diversity of the state.
49 In making appointments, preference shall be given to
50 citizens participating on a community empowerment area

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1 board. At least one of the citizen members shall be a
2 service consumer or the parent of a service consumer.
3 Terms of office of citizen members are three years.

4 3. Citizen members shall be reimbursed for actual
5 and necessary expenses incurred in performance of
6 their duties. Members shall be paid a per diem as
7 specified in section 7E.6.

8 4. In addition to the eleven voting members, the
9 Iowa board shall include six members of the general

10 assembly with not more than two members from each
11 chamber being from the same political party. The
12 three senators shall be appointed by the majority
13 leader of the senate after consultation with the
14 president of the senate and the minority leader of the
15 senate. The three representatives shall be appointed
16 by the speaker of the house of representatives after
17 consultation with the majority and minority leaders of
18 the house of representatives. Legislative members
19 shall serve in an ex officio, nonvoting capacity. A
20 legislative member is eligible for per diem and
21 expenses as provided in section 2.10.

22 5. The Iowa board shall designate a community
23 empowerment assistance team or teams of state agency
24 staff to provide technical assistance and other
25 support to community empowerment areas. The technical
26 assistance shall be available in at least three levels
27 of support as follows:

28 a. Support to areas experienced in operating an
29 innovation zone or decategorization project with an
30 extensive record of success in collaboration between
31 education, health, or human services interests.

32 b. Support to areas experienced in operating an
33 innovation zone or decategorization project.

34 c. Support to areas forming an initial community
35 empowerment area with no previous experience operating
36 an innovation zone or decategorization project.

37 6. Staffing services to the Iowa board shall be
38 provided by the state agencies which are represented
39 on the Iowa board and by other state agencies making
40 staffing available to the board.

41 7. The Iowa board may designate an advisory
42 council consisting of representatives from community
43 empowerment area boards.

44 8. The Iowa board shall elect a chairperson from
45 among the citizen board members and may select other
46 officers from among the citizen board members as
47 determined to be necessary by the board. The board
48 shall meet regularly as determined by the board, upon
49 the call of the board's chairperson, or upon the call
50 of a majority of voting members.

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1 Sec. 4. NEW SECTION. 71.3 IOWA EMPOWERMENT BOARD 2 DUTIES.

3 The Iowa board shall perform the following duties:

4 1. Perform duties relating to community
5 empowerment areas.

6 2. Oversee the provision of grant funding and
7 other moneys made available to community empowerment
8 areas by combining all or portions of appropriations

9 or other revenues as authorized by law.

10 3. Develop advanced community empowerment area
11 arrangements for those community empowerment areas
12 which were formed in transition from an innovation
13 zone or from a decategorization governance board or
14 which otherwise provide evidence of extensive
15 successful experience in managing services and funding
16 with high levels of community support and input.

17 4. Identify boards, commissions, committees, and
18 other bodies in state government with overlapping and
19 similar purposes which contribute to redundancy and
20 fragmentation in education, health, and human services
21 programs provided to the public. The board shall also
22 make recommendations to the governor and general
23 assembly as appropriate for increasing coordination
24 between these bodies, for eliminating bureaucratic
25 duplication, for consolidation where appropriate, and
26 for integration of functions to achieve improved
27 results.

28 5. Assist with the linkage of child welfare and
29 juvenile justice decategorization projects with
30 community empowerment areas.

31 6. Integrate the duties relating to innovation
32 zones in the place of the innovation zone board
33 created in section 8A.2, Code 1997, until the Iowa
34 board determines the innovation zones have been
35 replaced with community empowerment areas.

36 7. Coordinate and respond to any requests from a
37 community board relating to any of the following:

38 a. Waiver of existing rules, federal regulation,
39 or amendment of state law, or removal of other
40 barriers.

41 b. Pooling and redirecting of existing federal,
42 state, or other public or private funds.

43 c. Seeking of federal waivers.

44 d. Consolidating community-level committees,
45 planning groups, and other bodies with common
46 memberships formed in response to state requirements.

47 In coordinating and responding to the requests, the
48 Iowa board shall work with state agencies and submit
49 proposals to the governor and general assembly as
50 necessary to fulfill requests deemed appropriate by

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1 the Iowa board.

2 8. Provide for maximum flexibility and creativity
3 in the designation and administration of the
4 responsibilities and authority of community
5 empowerment areas.

6 9. Adopt rules pursuant to chapter 17A as
7 necessary for the designation, governance, and

8 oversight of community empowerment areas and the
9 administration of this chapter. The Iowa board shall
10 provide for community board input in the rules
11 adoption process. The rules shall include but are not
12 limited to the following:

13 a. Performance indicators for community
14 empowerment areas, community boards, and the services
15 provided under the auspices of the community boards.
16 The performance indicators shall be developed with
17 input from community boards and shall build upon the
18 core indicators of performance for the school ready
19 grant program, as described in section 71.7.

20 b. Minimum standards to further the provision of
21 equal access to services subject to the authority of
22 community boards.

23 Sec. 5. NEW SECTION. 71.4 COMMUNITY EMPOWERMENT
24 AREAS.

25 1. The purpose of a community empowerment area is
26 to enable local citizens to lead collaborative efforts
27 involving education, health, and human services
28 programs on behalf of the children, families, and
29 other citizens residing in the area. Leadership
30 functions may include but are not limited to strategic
31 planning for and oversight and managing of such
32 programs and the funding made available to the
33 community empowerment area for such programs from
34 federal, state, local, and private sources. The
35 initial focus of the purpose is to improve results for
36 families with young children.

37 2. Each county and school district in the state
38 shall have the option of participating in a community
39 empowerment area. A community empowerment area shall
40 be designated by using existing school district and
41 county boundaries to the extent possible. For
42 geographic areas that are part of an innovation zone
43 or included in a decategorization project in effect as
44 of July 1, 1998, the initial community empowerment
45 area shall be the larger of the two.

46 3. The designation of a community empowerment area
47 and the creation of a community empowerment area board
48 are subject to the approval of the Iowa empowerment
49 board. Criteria used by the Iowa empowerment board in
50 approving the designation of a community empowerment

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1 area shall include but are not limited to the
2 existence of a large enough geographic area and
3 population to efficiently and effectively administer
4 the responsibilities and authority of the community
5 empowerment area. The Iowa empowerment board shall
6 adopt rules pursuant to chapter 17A providing

7 procedures for the initial designation of community
8 empowerment areas and for later changing the initially
9 designated areas.

10 Sec. 6. **NEW SECTION. 7I.5 COMMUNITY EMPOWERMENT**
11 **AREA BOARDS CREATED.**

12 1. A community empowerment area shall be governed
13 by a community empowerment area board. A majority of
14 the members of a community board shall be citizens and
15 elected officials and the remaining members may be
16 employees of or paid for representing any of the
17 entities listed in this subsection. At least one
18 member shall be a service consumer or the parent of a
19 service consumer. Terms of office of community board
20 members shall be three years. The members of a
21 community empowerment area board may include one or
22 more representatives of any of the following entities:

23 a. A school district.
24 b. A county.
25 c. A local board of health.
26 d. A hospital.
27 e. A charitable funding group.
28 f. The department of human services.
29 g. A religious institution.
30 h. An area education agency.
31 i. Juvenile court services.
32 j. An area substance abuse agency.
33 k. A community action program.
34 l. A city.
35 m. A business organization.
36 n. A labor organization.
37 o. A service club.
38 p. A business.
39 q. Consumers.
40 r. A private community-based organization.
41 s. A neighborhood association.
42 t. Others as determined by the community board.

43 2. A community board may designate representatives
44 of service providers or public agency staff to provide
45 technical assistance to the community board.

46 3. A community board may designate a professional
47 advisory council consisting of persons employed by or
48 otherwise paid to represent an entity listed in
49 subsection 1 or other provider of service.

50 4. The community board shall elect a chairperson

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1 from among the members who are citizens, elected
2 officials, or volunteers.

3 Sec. 7. **NEW SECTION. 7I.6 COMMUNITY EMPOWERMENT**
4 **AREA BOARD RESPONSIBILITIES AND AUTHORITY.**

5 1. A community empowerment area board shall do the

6 following:

7 a. Designate a public agency of this state, as
8 defined in section 28E.2, to be the fiscal agent for
9 grant moneys and for other moneys administered by the
10 community board.

11 b. Administer community empowerment grant moneys
12 available from the state to the community board as
13 provided by law and other federal, state, local, and
14 private moneys made available to the community board.
15 Eligibility for receipt of community empowerment grant
16 moneys shall be limited to those community boards that
17 have developed an approved school ready children grant
18 plan in accordance with this chapter. A community
19 board may apply to the Iowa empowerment board to
20 receive as a community empowerment grant those moneys
21 which would otherwise only be available within the
22 geographic area through categorical funding sources or
23 programs.

24 c. If a community empowerment area includes a
25 decategorization project, coordinate planning and
26 budgeting with the decategorization governing board.
27 By mutual agreement between the community board and
28 the decategorization governance board, the community
29 board may assume the duties of the decategorization
30 governance board or the decategorization governance
31 board may continue as a committee of the community
32 board.

33 d. Assume other responsibilities established by
34 law or administrative rule.

35 2. A community board may do any of the following:

36 a. Designate one or more committees for oversight
37 of grant moneys awarded to the community empowerment
38 area.

39 b. Function as a coordinating body for services
40 offered by different entities directed to similar
41 purposes within the community empowerment area.

42 c. Develop neighborhood bodies for community-level
43 input to the community board and implementation of
44 services.

45 Sec. 8. **NEW SECTION. 71.7 SCHOOL READY CHILDREN**
46 **GRANT PROGRAM -- ESTABLISHMENT AND ADMINISTRATION.**

47 1. The departments of education, human services,
48 and public health shall jointly develop and promote a
49 school ready children grant program which shall
50 provide for all of the following components:

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1 a. Identify the core indicators of performance
2 that will be used to assess the effectiveness of the
3 school ready children grants, including increasing the
4 basic skill levels of students entering school,

5 increasing the health status of children, reducing the
6 incidence of child abuse and neglect, increasing the
7 access of children to an adult mentor, increasing
8 parental involvement with their children, and
9 increasing the quality and accessibility of child day
10 care.

11 b. Identify guidelines and a process to be used
12 for determining the readiness of a community
13 empowerment area for administering school ready
14 children grants.

15 c. Provide for technical assistance concerning
16 funding sources, program design, and other pertinent
17 areas.

18 2. The program developed and components identified
19 under subsection 1 are subject to approval by the Iowa
20 empowerment board. The Iowa empowerment board shall
21 provide maximum flexibility to grantees for the use of
22 the grant moneys included in a school ready children
23 grant.

24 3. A school ready children grant shall, at a
25 minimum, be used to provide the following:

26 a. Preschool services provided on a voluntary
27 basis to four-year-old children deemed at risk of not
28 succeeding in elementary school as determined by the
29 community board and specified in the grant plan
30 developed in accordance with this section.

31 b. Parent education programs promoted to parents
32 of children from birth through five years of age.
33 Parent education programs shall be offered in a
34 flexible manner to accommodate the varying schedules,
35 meeting place requirements, and other needs of working
36 parents.

37 c. A comprehensive school ready children grant
38 plan developed by a community board for providing
39 services for children from birth through five years of
40 age including but not limited to child development
41 services, child care services, children's health and
42 safety services, assessment services to identify
43 chemically exposed infants and children, and parent
44 education services. At a minimum, the plan shall do
45 all of the following:

46 (1) Describe community needs for children from
47 birth through five years of age as identified through
48 ongoing assessments.

49 (2) Describe the current and desired levels of
50 community coordination of services for children from

1 birth through five years of age.

2 (3) Identify all federal, state, local, and

3 private funding sources available in the community

4 empowerment area that will be used to provide services
5 to children from birth through five years of age.

6 (4) Describe how funding sources will be used
7 collaboratively and the degree to which the moneys can
8 be combined to provide necessary services to children.

9 (5) Identify the results the community board
10 expects to achieve through implementation of the
11 school ready children grant program, and identify
12 community-specific quantifiable performance indicators
13 to be reported in the annual report.

14 4. The community board shall submit an annual
15 report on the effectiveness of the grant program in
16 addressing school readiness and children's health and
17 safety needs to the Iowa empowerment board and to the
18 local governing bodies. The annual report shall
19 indicate the effectiveness of the community board in
20 achieving state and locally determined goals.

21 5. a. A school ready children grant shall be
22 awarded to a community board for a three-year period,
23 with annual payments made to the community board on or
24 before October 1 of each fiscal year. The Iowa
25 empowerment board may grant an extension from the
26 award date and any application deadlines based upon
27 the award date, to allow for a later implementation
28 date in the initial year in which a community board
29 submits a comprehensive school ready grant plan to the
30 Iowa empowerment board. However, receipt of continued
31 funding is subject to submission of the required
32 annual report and the Iowa board's determination that
33 the community board is measuring, through the use of
34 performance indicators developed by the Iowa board
35 with input from community boards, progress toward and
36 is achieving the desired results identified in the
37 grant plan. If progress is not measured through the
38 use of performance indicators toward achieving the
39 identified results, the Iowa board may request a plan
40 of corrective action or may withdraw grant funding.

41 b. The Iowa empowerment board shall distribute
42 school ready children grant moneys to community boards
43 with approved comprehensive school ready children
44 grant plans based upon the degree of readiness of the
45 community empowerment area to effectively utilize the
46 moneys, with the grant moneys being adjusted for other
47 federal and state grant moneys to be received by the
48 area for services to children from birth through five
49 years of age.

50 c. A community board's degree of readiness shall

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1 be ascertained by evidence of successful collaboration
2 among public or private education, human services, or

3 health interests or a documented program design
4 evincing a strong likelihood of leading to a
5 successful collaboration between these interests.
6 Other criteria which may be used by the Iowa board to
7 ascertain degree of readiness and to determine funding
8 amounts include one or more of the following:

9 (1) Experience or other evidence of capacity to
10 successfully implement the services in the plan.

11 (2) Local funding and other resources committed to
12 implementation of the plan.

13 6. The highest priority for school ready children
14 grant funds shall be to provide preschool services on
15 a voluntary basis to four-year-old children deemed at
16 risk of not succeeding in elementary school and parent
17 education programs on a voluntary basis to parents of
18 children from birth through five years of age.
19 Remaining funds may be used to provide other services
20 to children from birth through five years of age as
21 specified in the comprehensive school ready children
22 grant plan.

23 Sec. 9. NEW SECTION. 71.8 IOWA EMPOWERMENT FUND.

24 1. An Iowa empowerment fund is created in the
25 state treasury. The moneys in the Iowa empowerment
26 fund are not subject to section 8.33 and shall not be
27 transferred, used, obligated, appropriated, or
28 otherwise encumbered except as provided by law.
29 Notwithstanding section 12C.7, subsection 2, interest
30 or earnings on moneys deposited in the Iowa
31 empowerment fund shall be credited to the fund.

32 2. A school ready children grants account is
33 created in the Iowa empowerment fund under the
34 authority of the director of the department of
35 education. Moneys credited to the account shall be
36 distributed by the department of education in the form
37 of grants to community empowerment areas pursuant to
38 criteria established by the Iowa board in accordance
39 with law.

40 3. An early childhood programs grant account is
41 created in the Iowa empowerment fund under the
42 authority of the director of human services. Moneys
43 credited to the account shall be distributed by the
44 department of human services in the form of grants to
45 community empowerment areas pursuant to criteria
46 established by the Iowa board in accordance with law.

47 Sec. 10. Section 135.106, subsection 3, Code
48 Supplement 1997, is amended to read as follows:

49 3. It is the intent of the general assembly to
50 provide communities with the discretion and authority

2 targeted at and assisting families expecting babies
3 and families with children who are newborn through
4 five years of age. The Iowa department of public
5 health, department of human services, department of
6 education, and other state agencies and programs, as
7 appropriate, shall provide technical assistance and
8 support to communities desiring to redesign their
9 local programs and shall facilitate the consolidation
10 of existing state funding appropriated and made
11 available to the community for family support
12 services. Funds which are consolidated in accordance
13 with this subsection shall be used to support the
14 redesigned service delivery system. In redesigning
15 services, communities are encouraged to implement a
16 single uniform family risk assessment mechanism and
17 shall demonstrate the potential for improved outcomes
18 for children and families. Requests by local
19 communities for the redesigning of services shall be
20 submitted to and ~~subject to joint approval of the Iowa~~
21 ~~department of public health, department of human~~
22 ~~services, and department of education, and are subject~~
23 to the approval of the Iowa empowerment board in
24 consultation with the departments, based on the
25 innovation ~~zones~~ zone principles established in
26 section 8A.2, Code 1997.

27 Sec. 11. Section 232.188, subsection 7, Code 1997,
28 is amended to read as follows:

29 7. The annual child welfare services plan
30 developed by a decategorization governance board
31 pursuant to subsection 2 shall be submitted to the
32 department and the ~~statewide decategorization and~~
33 ~~family preservation committee~~ Iowa empowerment board.
34 In addition, the decategorization governance board
35 shall submit an annual progress report to the
36 department and the ~~committee~~ Iowa empowerment board
37 which summarizes the progress made toward attaining
38 the objectives contained in the plan. The progress
39 report shall serve as an opportunity for information
40 sharing and feedback.

41 Sec. 12. LEGISLATIVE FINDINGS AND INTENT.

42 1. The general assembly recognizes the significant
43 findings of brain research indicating that early
44 stimulation of the brain increases the learning
45 ability of a child. In order for children to be ready
46 for school by age five, it is the intent of the
47 general assembly that implementation of the provisions
48 of this Act will accomplish the following:

49 a. Foster collaboration among state agencies which
50 shall initially include the departments of human

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1 services, education, and public health, and allow the
2 blending of these agencies' funding and other
3 resources.

4 b. Establish community empowerment areas with
5 broad community representation with the goal of
6 providing services collaboratively to children from
7 birth through five years of age for the purpose of
8 improving the quality of these children's lives.

9 2. It is the intent of the general assembly that
10 over time community empowerment areas will be
11 developed in every part of the state. It is
12 anticipated that as local empowerment areas evolve and
13 most effectively implement the provisions of this Act
14 in their areas, the initial structure for community
15 empowerment areas provided in this Act will be revised
16 by the Iowa empowerment board and by the general
17 assembly in order to best promote collaboration among
18 state and local education, health, and human services
19 programs.

20 3. It is the intent of the general assembly that
21 the duties of child welfare and juvenile justice
22 decategorization projects and innovation zones will
23 eventually be assumed by community empowerment areas.

24 Sec. 13. IOWA EMPOWERMENT BOARD. The Iowa
25 empowerment board shall adopt rules, arrange for
26 technical assistance, provide guidance, and take other
27 actions needed to assist the designation of community
28 empowerment areas and creation of community
29 empowerment boards and to enable the community
30 empowerment area boards to submit school ready
31 children grant plans in a timely manner for the
32 initial grants to be awarded and grant moneys to be
33 paid by October 1, 1998, in accordance with this Act.
34 The Iowa board shall submit to the governor and the
35 general assembly a proposed funding formula for
36 distribution of school ready children grant moneys as
37 necessary for statewide implementation of the grant
38 program for the fiscal year beginning July 1, 1999,
39 and subsequent fiscal years.

40 Sec. 14. INITIAL COMMUNITY EMPOWERMENT AREAS AND
41 BOARDS.

42 1. Notwithstanding section 71.5, as enacted by
43 this Act, providing for the creation of community
44 empowerment area boards, for an area in which the
45 initial community empowerment area is an innovation
46 zone, one or more school districts, or a
47 decategorization project, the initial community
48 empowerment board shall be the innovation zone board,
49 representatives of the school board or boards, or the
50 decategorization governing board, as determined to be

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1 appropriate by the Iowa empowerment board. In
2 addition to any members of the innovation zone board,
3 representatives of the school board or boards, or
4 decategorization governance board, the initial
5 community empowerment board shall include at a
6 minimum, representatives of school districts, county
7 boards of supervisors, cities, juvenile court
8 services, public health and human services
9 administrators in the community empowerment area, and
10 parents of children living in the area. If the
11 composition of the initial board does not comply with
12 the composition requirements of section 71.5, the
13 board shall comply with the composition requirements
14 on or before June 30, 2000.

15 2. For an area which is not included in an
16 innovation zone or a decategorization project or for
17 an area desiring to be included in a different zone or
18 project, the area may by mutual agreement be included
19 in a community empowerment area created from an
20 innovation zone or a decategorization project.
21 Otherwise, the area shall comply with requirements for
22 designation of a community empowerment area adopted
23 for this purpose by the Iowa empowerment board.

24 Sec. 15. TRANSITION BOARD. For the period
25 beginning on the effective date of this Act and ending
26 December 1, 1998, when the governor shall have
27 completed the appointments to the Iowa empowerment
28 board, the duties of the Iowa empowerment board under
29 section 71.3, as enacted by this Act, shall be
30 performed by a transition board consisting of the
31 directors of the departments of human services,
32 education, and public health, citizen members of the
33 innovation zone board created in section 8A.2, Code
34 1997, and the six ex officio, nonvoting legislative
35 members of the board.

36 Sec. 16. EMERGENCY RULES. The transition Iowa
37 empowerment board, as established by this Act, may
38 adopt emergency rules under section 17A.4, subsection
39 2, and section 17A.5, subsection 2, paragraph "b", to
40 implement the provisions of this Act and the rules
41 shall be effective immediately upon filing unless a
42 later date is specified in the rules. Any rules
43 adopted in accordance with this section shall also be
44 published as a notice of intended action as provided
45 in section 17A.4.

46 Sec. 17. FUNDING AUTHORIZATION. For the fiscal
47 year beginning July 1, 1998, and ending June 30, 1999,
48 the Iowa empowerment board may determine amounts of
49 appropriations and categorical program funding for the

50 programs listed in this section which can be

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1 attributed to community empowerment areas and may
2 recommend that the appropriate department reallocate
3 the attributable portions to the community empowerment
4 areas which have applied for and are determined to be
5 eligible to receive the funding in the form of a
6 community empowerment grant. Eligibility shall be
7 limited to those community empowerment areas
8 determined by the Iowa empowerment board under section
9 71.3, as enacted by this Act, to be eligible for an
10 advanced community empowerment area arrangement.
11 Subject to any federal limitations, the programs for
12 which funding may be reallocated under this section
13 are as follows:

14 1. Child day care.
15 2. At-risk programs for preschool children.
16 3. Head start programs.
17 4. Parent education programs.
18 5. Children's health programs.
19 6. Substance abuse assessment and referral.
20 Sec. 18. INITIAL APPOINTMENTS. The governor shall
21 make the initial citizen appointments to the Iowa
22 empowerment board created in section 71.2, as enacted
23 in this Act, as follows:

24 1. Two members to a one-year term.
25 2. Three members to a two-year term.
26 3. Three members to a three-year term.
27 Sec. 19. Sections 8A.2 and 217.9A, Code 1997, are
28 repealed effective June 30, 1998.
29 Sec. 20. EFFECTIVE DATE. This Act, being deemed
30 of immediate importance, takes effect upon enactment."
31 2. Title page, by striking lines 1 through 4 and
32 inserting the following: "An Act creating and
33 relating to an Iowa empowerment board, community
34 empowerment areas, and community empowerment area
35 boards, and providing an effective date."

S-5440

1 Amend House File 2528, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 11, lines 6 through 8 by striking the
4 words "school board, or the superintendent of the
5 applicant's school, or principal, if authorized by the
6 superintendent, the department may issue" and
7 inserting the following: "school board or the
8 superintendent of the applicant's school, the
9 department may issue department."
10 2. Page 11, line 9, by inserting after the word

11 "license" the following: "may be issued by the
12 department".

13 3. Page 12, by striking lines 2 through 11 and
14 inserting the following:

15 "b. Each application shall be accompanied by a
16 statement from the school board or superintendent of
17 the applicant's school. The statement shall be upon a
18 form provided by the department. The school board or
19 superintendent shall certify that a need exists for
20 the license and that the board and superintendent are
21 not responsible for actions of the applicant which
22 pertain to the use of the driver's license. Each
23 application shall be accompanied by a statement from
24 the student's parent or guardian. The application and
25 statement shall be upon forms provided by the
26 department. The department shall certify that a need
27 exists for the license and the department shall not be
28 responsible for actions of the applicant which pertain
29 to the use of the driver's license. The department of
30 education".

31 4. By renumbering as necessary.

MATT McCOY

S-5441

1 Amend House File 2528, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 8, by striking lines 14 through 25 and
4 inserting the following: "an instruction permit or an
5 intermediate license under this section, upon
6 conviction of a moving traffic violation or
7 involvement in a motor vehicle accident which occurred
8 during the term of the instruction permit or
9 intermediate license, shall be subject to remedial
10 driver improvement action or suspension of the permit
11 or license. A person possessing an instruction permit
12 who has".

13 2. Page 8, lines 33 through 35, by striking the
14 words ", other than a conviction of a violation
15 described in section 321.210, subsection 2, paragraph
16 "d",."

17 3. Page 9, by striking lines 22 through 24 and
18 inserting the following: "has paid the required fee."

19 4. By renumbering as necessary.

MATT McCOY

S-5442

1 Amend House File 2005, as amended, passed, and

2 reprinted by the House, as follows:

- 3 1. Page 1, line 14, by inserting after the word
- 4 "severance" the following: "by a city having a
- 5 population of twenty thousand or more".
- 6 2. Page 1, line 19, by inserting after the word
- 7 "severance" the following: "by a city having a
- 8 population of twenty thousand or more".
- 9 3. Page 1, line 27, by inserting after the word
- 10 "conducted," the following: "In a case of annexation
- 11 or severance by a city having a population of less
- 12 than twenty thousand, registered voters of the
- 13 territory and of the city may vote, and the proposal
- 14 is authorized if a majority of the total number of
- 15 persons voting approves it."

JOHN W. JENSEN

S-5443

- 1 Amend House File 2528, as amended, passed, and,
- 2 reprinted by the House, as follows:
- 3 1. Page 7, line 22, by striking the word and
- 4 figure "or 321.178A".
- 5 2. By renumbering as necessary.

LARRY McKIBBEN

HOUSE AMENDMENT TO
SENATE FILE 2985

S-5444

- 1 Amend Senate File 2085 as passed by the Senate as
- 2 follows:
- 3 1. By striking page 3, line 22, through page 4,
- 4 line 9.
- 5 2. Page 4, by inserting after line 18 the
- 6 following:
- 7 "Sec. ____ Section 321L.2A, Code Supplement 1997,
- 8 is amended to read as follows:
- 9 321L.2A WHEELCHAIR LIFT WARNING PARKING CONE.
- 10 The department shall, upon the request of a person
- 11 issued a persons with disabilities parking permit
- 12 under section 321L.2 who ~~operates a motor vehicle with~~
- 13 uses a wheelchair lift, shall provide the person with
- 14 a traffic cone list of names and addresses of vendors
- 15 who sell parking cones bearing the international
- 16 symbol of accessibility and the words "wheelchair lift
- 17 parking space". The department shall adopt rules as
- 18 necessary to implement administer this section."
- 19 3. By renumbering, relettering, or redesignating
- 20 and correcting internal references as necessary.

S-5445

1 Amend Senate File 2413 as follows:

2 1. Page 1, line 25, by striking the word "ninety-
3 nine" and inserting the following: "ninety-five".

4 2. Page 1, line 28, by striking the word "fifty"
5 and inserting the following: "forty-five".

6 3. Page 1, line 29, by striking the words
7 "seventy-five" and inserting the following:
8 "seventy".

9 4. Page 1, line 31, by striking the words "one
10 dollar" and inserting the following: "ninety cents".

11 5. Page 4, by inserting after line 21 the
12 following:

13 "Sec. ____ Section 455E.11, subsection 2, paragraph
14 a, subparagraph (1), subparagraph subdivision (c),
15 Code 1997, is amended to read as follows:

16 (c) The remaining funds shall be used by the
17 department to develop and implement demonstration
18 projects for landfill alternatives to solid waste
19 disposal including recycling programs. In the fiscal
20 years beginning July 1, 1999, and July 1, 2000, five
21 cents of the tonnage fee shall be used for
22 implementing a program of second step waste reduction
23 assistance for small business at the Iowa waste
24 reduction center at the university of northern Iowa.
25 In the fiscal year beginning July 1, 2001, and every
26 fiscal year thereafter, ten cents of the tonnage fee
27 shall be used for implementing a program of second
28 step waste reduction assistance for small business at
29 the Iowa waste reduction center at the university of
30 northern Iowa."

31 6. By renumbering as necessary.

JOHN W. JENSEN

S-5446

1 Amend House File 2528, 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. 321.178A DRIVER
6 EDUCATION -- TEACHING PARENT.

7 1. TEACHING PARENT QUALIFICATIONS. As an
8 alternative to section 321.178, a teaching parent may
9 instruct a student in driver's education courses which
10 meet the requirements of this section, and provides
11 certified evidence that the requirements under this
12 section have been met.

13 2. DEFINITIONS. For purposes of this section:

14 a. "Student" means a person within the custody and

15 control of the teaching parent, who is between the
16 ages of fourteen and twenty-one years of age and who
17 satisfies preliminary licensing requirements of the
18 department.

19 b. "Teaching parent" means a person who is the
20 parent or guardian of a student, who holds a current
21 valid Iowa license to operate a motor vehicle, and who
22 has a student enrolled in an accredited nonpublic
23 school that does not offer driver's education at such
24 school or who is either a person providing competent
25 instruction or competent private instruction pursuant
26 to section 299A.2 or 299A.3.

27 3. COURSE OF INSTRUCTION. A driver education
28 course administered by a teaching parent shall consist
29 at a minimum of the following:

30 a. Thirty clock hours of classroom instruction.

31 b. Forty hours of street or highway driving
32 including four hours of driving after sunset and
33 before sunrise while accompanied by a parent or
34 guardian.

35 c. Four hours of classroom instruction concerning
36 substance abuse.

37 d. Twenty minutes of instruction concerning
38 railroad crossing safety.

39 e. Instruction relating to becoming an organ donor
40 under the uniform anatomical gift Act.

41 The content of the course of instruction required
42 under this subsection shall be equivalent to that
43 required under section 321.178. However, the course
44 requirements, reference and study materials, manuals,
45 study aids, workbooks, physical requirements,
46 classroom dimensions, type of chalkboards, extra
47 vehicle safety equipment, extra foot brake, cut-off
48 switches, and extra mirrors required for instruction
49 under section 321.178 shall not be required for the
50 course of instruction provided under this section.

Page 2

1 4. COURSE COMPLETION. Upon completion of a course
2 under this section, the teaching parent shall document
3 or provide evidence showing substantial statutory
4 compliance with the requirements of subsection 3 and
5 certify by affidavit to the department, or county
6 treasurer when applicable, that the course has been
7 completed. Documentation shall include the following:
8 a. An affidavit attesting to satisfactory
9 completion of course work and street or highway
10 driving instruction.

11 b. A listing of subjects presented in classroom
12 training.

13 c. Copies of written tests completed by the

- 14 student.
- 15 d. A statement of the number of classroom hours of
16 instruction.
- 17 e. A log of street or highway driving instruction
18 including the dates when the lessons were conducted,
19 the student's and the parent's name and initials noted
20 next to each entry, notes on driving activities,
21 including a list of driving deficiencies and
22 improvements, and the duration of the driving time for
23 each session.
- 24 5. INTERMEDIATE LICENSE. Any student who
25 successfully completes a driver education course as
26 provided in this section and who passes a driving
27 skills test to be administered by the department and
28 is otherwise qualified under section 321.180B,
29 subsection 2, shall be eligible for an intermediate
30 license pursuant to section 321.180B. Such a student
31 is not required to file an affidavit with the
32 department regarding completion of street or highway
33 driving with a parent or guardian under section
34 321.180B, subsection 2, and the hours of driving
35 required under subsection 3 shall substitute for any
36 hours of driving required under section 321.180B,
37 subsection 2.
- 38 6. FULL LICENSE. A student must comply with
39 section 321.180B, subsection 4, to be eligible for a
40 full driver's license pursuant to section 321.180B."
- 41 2. Title page, line 1, by inserting before the
42 word "establishing" the following: "providing for
43 driver education by teaching parents,".
- 44 3. By renumbering as necessary.

ALLEN BORLAUG
NEAL SCHUERER
STEVE KING
WILMER RENSINK
JOHN W. JENSEN
H. KAY HEDGE
JEFF ANGELO
SHELDON RITTMER
NANCY BOETTGER
KITTY REHBERG
LYLE E. ZIEMAN
E. THURMAN GASKILL
DERRYL McLAREN

S-5447

- 1 Amend House File 2335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 7 and 8, and
4 inserting the following:

5 "____. "Actively engaged in farming" means that a
6 natural person, including a shareholder or an officer,
7 director, or employee of a corporation, or a member or
8 manager of a limited liability company, does any of
9 the following:

10 a. Inspects the production activities periodically
11 and furnishes at least half of the value of the tools
12 used for production and pays at least half the direct
13 cost of production.

14 b. Regularly and frequently makes or takes an
15 important part in making management decisions
16 substantially contributing to or affecting the success
17 of the farm operation.

18 c. Performs physical work which significantly
19 contributes to crop or livestock production."

20 2. Page 1, by inserting after line 14, the
21 following:

22 "____. "Commodity share landlord" means a natural
23 person or a general partnership as provided in chapter
24 486 in which all partners are natural persons, which
25 owns at least one hundred fifty acres of agricultural
26 land and all of the following apply:

27 a. The owner receives rent on a commodity share
28 basis, which may be either a share of the crops or
29 livestock produced on the land.

30 b. The owner was actively engaged in farming the
31 land or a family member of the owner is or was
32 actively engaged in farming the land, if the family
33 member is related to the owner as a spouse, parent,
34 grandparent, lineal ascendant of a grandparent or
35 spouse, or other lineal descendant of a grandparent or
36 spouse."

37 3. Page 1, by striking lines 27 through 29, and
38 inserting the following:

39 "____. "Farmers cooperative association" means a
40 cooperative association organized under chapter 490 or
41 499, if qualified persons hold at least a seventy
42 percent equity interest in the association, including
43 seventy percent of all issued shares of the
44 cooperative association. If more than one class of
45 shares is authorized, qualified persons must hold at
46 least seventy percent of all issued shares in each
47 class. As used in this subsection, "issued shares"
48 includes but is not limited to common stock or
49 preferred stock, or each class of common stock or
50 preferred stock, regardless of voting rights or a

Page 2

1 right to receive dividends or earning distributions.
2 A security such as a warrant or option that may be
3 converted to stock shall be considered as issued

4 shares."

5 4. By striking page 1, line 31, through page 2,
6 line 1, and inserting the following: "limited
7 liability company if cooperative associations hold at
8 least one hundred percent of all membership interests
9 in the limited liability company. If more than one
10 type of membership interest is established, including
11 any series as provided in section 490A.305 or any
12 class or group as provided in section 490A.307,
13 cooperative associations must hold at least one
14 hundred percent of all membership interests of that
15 type. However, at least fifty-one percent of the
16 voting membership interest, including in each type of
17 membership type, must be held by farmers cooperative
18 associations."

19 5. Page 2, by striking lines 14 through 17, and
20 inserting the following:

21 "a. All of the following apply:

22 (1) Qualified farmers must hold at least fifty-one
23 percent of all issued shares of the corporation. If
24 more than one class of shares is authorized, qualified
25 farmers must hold at least fifty-one percent of all
26 issued shares in each class.

27 (2) Qualified persons must hold at least seventy
28 percent of all issued shares of the corporation. If
29 more than one class of shares is authorized, qualified
30 persons must hold at least seventy percent of all
31 issued shares in each class.

32 b. As used in paragraph "a", "issued shares"
33 includes but is not limited to common stock or
34 preferred stock, or each class of common stock or
35 preferred stock, regardless of voting rights or a
36 right to receive dividends or earning distributions.
37 A security such as a warrant or option that may be
38 converted to stock shall be considered as issued
39 shares."

40 6. Page 2, by striking lines 24 through 28 and
41 inserting the following:

42 "a. Qualified farmers must hold at least fifty-one
43 percent of all membership interests in the limited
44 liability company. If more than one type of
45 membership interest is established, including any
46 series as provided in section 490A.305 or any class or
47 group as provided in section 490A.307, qualified
48 farmers must hold at least fifty-one percent of all
49 membership interests of that type.

50 b. Qualified persons must hold at least seventy

Page 3

1 percent of all membership interests in the limited
2 liability company. If more than one type of

3 membership interest is established, including any
4 series as provided in section 490A.305 or any class or
5 group as provided in section 490A.307, qualified
6 persons must hold at least seventy percent of all
7 membership interests of that type.

8 ____ "Operation of law" means a transfer by
9 inheritance, devise, or bequest, court order,
10 dissolution decree, order in bankruptcy, insolvency,
11 replevin, foreclosure, execution sale, the execution
12 of a judgment, the foreclosure of a real estate
13 mortgage, the forfeiture of a real estate contract, or
14 a transfer resulting from a decree for specific
15 performance."

16 7. Page 2, line 29, by striking the word "person"
17 and inserting the following: "farmer".

18 8. By striking page 2, line 34, through page 3,
19 line 5, and inserting the following:

20 "____. A farm estate.

21 ____ "Qualified person" means a person who is any
22 of the following:

23 a. A qualified farmer.

24 b. A family farm entity.

25 c. A commodity share renter."

26 9. Page 3, lines 27 and 28, by striking the words
27 "one thousand five hundred" and inserting the
28 following: "six hundred forty".

29 10. Page 3, lines 34 and 35, by striking the
30 words "a ten percent or greater" and inserting the
31 following: "an".

32 11. Page 4, by striking lines 20 through 22, and
33 inserting the following: "networking farmers
34 corporation by operation of law, the corporation may
35 disregard the transfer for".

36 12. Page 5, by inserting after line 4 the
37 following:

38 "____. A commodity share landlord who owns an
39 interest in a networking farmers corporation must rent
40 an additional one hundred fifty acres of agricultural
41 land on a commodity share basis for each farmers
42 entity in which the commodity share landlord acquires
43 an interest."

44 13. Page 5, lines 13 and 14, by striking the
45 words "one thousand five hundred" and inserting the
46 following: "six hundred forty".

47 14. Page 5, line 21, by striking the words "a ten
48 percent or greater" and inserting the following:
49 "an".

50 15. Page 6, by striking lines 8 and 9, and

Page 4

1 inserting the following: "law, the networking farmers

- 2 limited".
- 3 16. Page 6, by inserting after line 27 the
- 4 following:
- 5 " _____. A commodity share landlord who owns an
- 6 interest in a networking farmers limited liability
- 7 company must rent an additional one hundred fifty
- 8 acres of agricultural land on a commodity share basis
- 9 for each farmers entity in which the commodity share
- 10 landlord acquires an interest."
- 11 17. Page 7, lines 18 and 19, by striking the
- 12 words "a ten percent or greater" and inserting the
- 13 following: "an".
- 14 18. Page 8, by striking lines 4 through 6, and
- 15 inserting the following: "cooperative association by
- 16 operation of law, the association may disregard the
- 17 transfer for".
- 18 19. Page 8, by inserting after line 23 the
- 19 following:
- 20 " _____. A commodity share landlord who owns an
- 21 interest in a farmers cooperative association must
- 22 rent an additional one hundred fifty acres of
- 23 agricultural land on a commodity share basis for each
- 24 farmers entity in which the commodity share landlord
- 25 acquires an interest."
- 26 20. Page 10, by striking lines 5 and 6, and
- 27 inserting the following: "law, the networking farmers
- 28 cooperative limited liability".
- 29 21. Page 15, by striking lines 9 through 13.
- 30 22. Page 15, by striking lines 25 and 26.
- 31 23. By renumbering as necessary.

TOM VILSACK

S-5448

- 1 Amend House File 2335, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by inserting after line 23 the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 10.8A PROCEDURE FOR
- 6 ACQUISITION -- MAJORITY VOTE OF THE MEMBERSHIP --
- 7 DISSENT.
- 8 A farmers cooperative association shall not acquire
- 9 agricultural land or acquire an interest in a farmers
- 10 entity under this chapter, unless a resolution
- 11 authorizing the acquisition is adopted by a majority
- 12 vote of the members of the farmers cooperative
- 13 association present or represented having voting
- 14 privileges, at an annual meeting or special meeting of
- 15 the membership, provided that at least ten days' prior
- 16 written notice of the impending membership vote has
- 17 been delivered to all members of the association with.

18 a copy or summary of the resolution. The notice shall
19 be delivered to each member in person or by mail
20 directed to each member's address as shown on the
21 books of the association. A member may dissent by
22 filing a demand within twenty days after the date that
23 the resolution was adopted. The farmers cooperative
24 association shall pay to the member, upon surrender of
25 that member's certificate of membership, the fair
26 value of that member's interest as provided in section
27 499.66 as if a member were dissenting to a merger or
28 consolidation. A member who fails to make demand
29 within the twenty-day period is conclusively presumed
30 to have consented to the acquisition."
31 2. By renumbering as necessary.

H. KAY HEDGE
EUGENE S. FRAISE
JOHN P. KIBBIE
DERRYL McLAREN
TOM VILSACK

S-5449

1 Amend House File 2120, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 1, by inserting after the word
4 "display" the following: "that is not located within
5 twenty feet of an employee and within view of the
6 employee".

NEAL SCHUERER

S-5450

1 Amend House File 2120 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 33, by inserting after the word
4 "retailer" the following: "operating an existing
5 retail establishment".
6 2. Page 2, line 1, by inserting after the word
7 "display" the following: ", unless the self-service
8 display is adjacent to and is in plain view of a
9 staffed check-out counter and the self-service display
10 is inaccessible to customers for self-service when the
11 check-out counter is not being staffed."
12 3. Page 2, by inserting before line 2, the
13 following:
14 "____. A retailer operating a retail establishment
15 constructed or substantially remodeled on or after
16 January 1, 1999, shall not sell or offer for sale
17 cigarettes or tobacco products, in a quantity of less
18 than a carton, through the use of a self-service

- 19 display."
20 4. By renumbering as necessary.

NEAL SCHUERER
RICHARD F. DRAKE
TOM FLYNN
EUGENE S. FRAISE

S-5451

- 1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 15 the
4 following:
5 "Sec. ____ CONNER DECREE. The provisions of this
6 Act relating to the Glenwood state hospital-school and
7 the Woodward state hospital-school shall be
8 implemented in accordance with the consent decree of
9 Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July
10 1994)."
11 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5452

- 1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 15, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 4, by inserting after line 21 the
7 following:
8 "16. The state shall make every effort to purchase
9 products produced for sale by employers of persons in
10 supported employment and other employers of persons
11 with mental retardation or other developmental
12 disabilities or mental illness."

ROBERT E. DVORSKY

S-5453

- 1 Amend House File 2528, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 32, by inserting after the word
4 "classroom" the following: "or laboratory".
5 2. Page 7, line 12, by inserting after the word
6 "instructor," the following: "a person certified by
7 the department,".
8 3. Page 9, line 15, by inserting after the word
9 "instructor," the following: "a person certified by

- 10 the department,".
11 4. By renumbering as necessary.

MIKE CONNOLLY

S-5454

- 1 Amend House File 2487, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 18 through 22 and
4 inserting the following: "subsection 10, paragraph
5 "a", for a first or second offense. If the violation
6 is committed by a person who is employed by a licensee
7 or permittee and the employee failed to exercise
8 reasonable care to ascertain whether the person in
9 violation is under legal age, the licensee or
10 permittee and the individual shall each also be deemed
11 to have committed the violation and shall each also be
12 punished as provided in this subsection. A licensee
13 or permittee shall not be deemed to have committed the
14 violation, however, if the employee knew that the
15 person was under legal age. A person who violates
16 section 123.49, subsection 2, paragraph "h", and who
17 has been previously convicted twice of the same
18 offense commits a serious misdemeanor."
19 2. Page 3, line 11, by inserting after the word
20 "For" the following: "first and second convictions
21 for".
22 3. Page 3, line 18, by inserting after the word
23 "For" the following: "first and second convictions
24 for".

ROD HALVORSON

S-5455

- 1 Amend the amendment, S-5335, to House File 2164 as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. ____ Section 15E.192, subsection 2, Code
6 Supplement 1997, is amended to read as follows:
7 2. A city with a population of ~~twenty-four~~ ten
8 thousand or more, as shown by the 1990 certified
9 federal census, may create an economic development
10 enterprise zone as authorized in this division,
11 subject to certification by the department of economic
12 development, by designating one or more contiguous
13 census tracts, as determined in the most recent
14 federal census, or designating other geographic units
15 approved by the department of economic development for
16 that purpose. If there is an area in the city which

17 meets the requirements for eligibility for an urban or
18 rural enterprise community under Title XIII of the
19 federal Omnibus Budget Reconciliation Act of 1993,
20 such area shall be designated by the state an economic
21 development enterprise zone. The area meeting the
22 requirements for eligibility for an urban or rural
23 enterprise community shall not be included for the
24 purpose of determining the area limitation pursuant to
25 subsection 3. In creating an enterprise zone, a city
26 with a population of ~~twenty-four~~ ten thousand or more,
27 as shown by the 1990 certified federal census, may
28 designate as part of the area tracts or approved
29 geographic units located in a contiguous city if such
30 tracts or approved geographic units meet the criteria
31 and the city agrees to being included. The city may
32 establish more than one enterprise zone. Reference in
33 this division to "city" means a city with a population
34 of ~~twenty-four~~ ten thousand or more, as shown by the
35 1990 certified federal census."
36 2. By renumbering as necessary.

EUGENE S. FRAISE
DON GETTINGS

S-5456

1 Amend the House amendment, S-5391, to Senate File
2 2321, as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "1. Page 2, line 13, by inserting after the
6 word "employer." the following: "This subsection
7 shall not affect the discovery rights of any party to
8 a contested case."
9 2. By renumbering as necessary.

JOHN W. JENSEN

S-5457

1 Amend the amendment, S-5293, to House File 667, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 1 through 26 and
5 inserting the following:
6 "Amend House File 667, as amended, passed, and
7 reprinted by the House, as follows:
8 Page 15, line 20, by striking the words
9 "head, either the agency head" and inserting the
10 following: ", either the agency".
11 Page 15, line 21, by striking the words "the
12 agency head" and inserting the following: "a

13 multimember agency".

14 . Page 15, line 23, by inserting after the
15 figure "10A.801." the following: "However, a party
16 may, within a time period specified by rule, request
17 that the presiding officer be an administrative law
18 judge assigned by the office of administrative
19 hearings. Except as otherwise provided by statute,
20 the agency shall grant a request by a party for an
21 administrative law judge unless the agency finds, and
22 states reasons for the finding, that any of the
23 following conditions exist:

24 (1) There is a compelling need to expedite
25 issuance of a final decision in order to protect the
26 public health, safety, or welfare.

27 (2) A qualified administrative law judge is
28 unavailable to hear the case within a reasonable time.

29 (3) The case involves significant policy issues of
30 first impression that are inextricably intertwined
31 with the factual issues presented.

32 (4) The demeanor of the witnesses is likely to be
33 dispositive in resolving the disputed factual issues.

34 (5) Funds are unavailable to pay the costs of an
35 administrative law judge and an intra-agency appeal.

36 (6) The request was not timely filed.

37 (7) There is other identified good cause, as
38 specified by rule, for denying the request."

39 . Page 15, line 28, by striking the words
40 "head, either the agency head" and inserting the
41 following: ", either the agency".

42 . Page 15, line 29, by striking the words "the
43 agency head" and inserting the following: "a
44 multimember agency".

45 . Page 15, line 32, by striking the word
46 "head".

47 . Page 15, line 34, by striking the word
48 "head".

49 2. By renumbering as necessary.

MARY NEUHAUSER

S-5458

1 Amend House File 2282, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 29 through 33 and
4 inserting the following:

5 "1. A local sales and services tax imposed by a
6 county shall apply to all incorporated and
7 unincorporated areas of that county. The tax shall be
8 imposed after an election at which a majority of those
9 voting on the question of imposition of a local sales
10 and services tax for a duration of up to five years

11 favors imposition. A proposed tax for a duration of
12 six through ten years shall be approved if sixty
13 percent of those voting on the question of imposition
14 of the tax favors imposition."

15 2. Page 3, by striking lines 4 through 8 and
16 inserting the following: "not above one percent, or
17 decreased after an election called and held in the
18 same manner and under the same".

19 3. Page 3, line 10, by inserting after the word
20 "tax," the following: "A tax subject to a proposed
21 repeal, a rate decrease, or a rate increase for a
22 duration of five years or less shall be repealed or
23 changed in rate if a majority of those voting on the
24 question of the repeal or rate change favors the
25 repeal or rate change. A tax subject to a proposed
26 rate increase for a duration of six through ten years,
27 shall be subject to a sixty percent vote in favor of
28 the rate increase."

29 4. Page 3, line 14, by striking the words "a
30 majority" and inserting the following: "the requisite
31 percentage".

32 5. Page 3, line 33, by inserting after the word
33 "tax," the following: "in the case of a tax to be
34 imposed for up to a five-year duration, or if sixty
35 percent of those voting on the question of imposition
36 of the tax for a six through ten year duration favors
37 imposition of the tax,".

38 6. Page 3, line 35, by striking the words
39 "specified for a" and inserting the following: "and
40 for the time specified".

41 7. Page 4, line 1, by striking the words "ten-
42 year duration".

43 8. Page 6, line 4, by inserting before the word
44 "The" the following: "1."

45 9. Page 6, line 22, by inserting before the word
46 "A" the following: "2."

JoANN DOUGLAS

S-5459

1 Amend House File 2400, as passed by the House, as
2 follows:

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

5 "Sec. ____ Section 572.14, subsection 2, Code
6 1997, is amended to read as follows:

7 2. In the case of an owner-occupied dwelling, a
8 mechanic's lien perfected under this chapter is
9 enforceable only to the extent of the ~~balance due from~~
10 ~~the owner to the principal contractor at the time~~
11 ~~written notice, in the form amount due the principal~~

12 contractor by the owner-occupant under the contract,
13 less any payments made by the owner-occupant to the
14 principal contractor prior to the owner-occupant being
15 served with the notice specified in subsection 3,~~is~~
16 ~~served on the owner.~~ This notice may be served by
17 delivering it to the owner or the owner's spouse
18 personally, or by mailing it to the owner by certified
19 mail with restricted delivery and return receipt to
20 the person mailing the notice, or by personal service
21 as provided in the rules of civil procedure."
22 2. By renumbering as necessary.

JoANN DOUGLAS

S-5460

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 23 the
4 following:

5 "Sec. 111. **NEW SECTION. 422.12A INCOME TAX**
6 **CHECKOFF FOR THE ARTS.**

7 1. A person who files an individual or a joint
8 income tax return with the department of revenue and
9 finance under section 422.13 may designate one dollar
10 or more to be paid to the Iowa state arts council as
11 established in section 303.86. If the refund due on
12 the return or the payment remitted with the return is
13 insufficient to pay the amount designated by the
14 taxpayer to the Iowa state arts council, the amount
15 designated shall be reduced to the remaining amount of
16 the refund or the remaining amount remitted with the
17 return. The designation of a contribution to the Iowa
18 state arts council under this section is irrevocable.

19 2. The director of revenue and finance shall draft
20 the income tax form to allow the designation of
21 contributions to the Iowa state arts council on the
22 tax return. The department, on or before January 31,
23 shall transfer the total amount designated on the tax
24 form due in the preceding year to an arts fund created
25 in the division of arts of the department of cultural
26 affairs.

27 3. The division of arts may authorize payment from
28 the arts fund for purposes of supporting division of
29 arts activities.

30 4. The department shall adopt rules to implement
31 this section. However, before a checkoff pursuant to
32 this section shall be permitted, all liabilities on
33 the books of the department of revenue and finance and
34 accounts identified as owing under section 421.17 and
35 the political contribution allowed under section 56.18
36 shall be satisfied.

37 5. The limitation on income tax return checkoffs
38 specified in section 422.12E does not apply to this
39 checkoff."

40 2. Page 37, by inserting after line 9 the
41 following:

42 "____. Section 111 of this Act, establishing
43 section 422.12A, applies retroactively to January 1,
44 1998, for tax years beginning on or after that date."

MIKE CONNOLLY

S-5461

1 Amend Senate File 2413 as follows:

2 1. Page 1, by striking lines 1 through 11.

3 2. Page 1, line 25, by striking the word "ninety-
4 nine" and inserting the following: "ninety-five".

5 3. Page 1, by striking lines 28 through 33 and
6 inserting the following: "and every year thereafter,
7 and in the fiscal year beginning July 1, 1999, and
8 every year thereafter any planning area which meets
9 the twenty-five percent goal provided in section
10 455D.3 shall retain, in addition to the twenty-five
11 cents retained pursuant to this subsection, ten cents
12 of the tonnage fee per ton of solid waste. Any
13 tonnage fees retained pursuant".

14 4. Page 2, by striking lines 4 through 6 and
15 inserting the following: ""a", subparagraph (1).""

16 5. By renumbering as necessary.

MARY LOU FREEMAN
PATTY JUDGE

S-5462

1 Amend Senate File 2415 as follows:

2 1. Page 16, by inserting after line 21 the
3 following:

4 "2A. In order to receive financing, a corporation
5 must meet all of the requirements specified in section
6 15.329, subsections 1 and 2, except for the
7 requirements provided in subsection 1, paragraphs "e"
8 and "f", of that section, and in subsection 2,
9 paragraphs "b" and "c", of that section."

MATT McCOY

S-5463

1 Amend Senate File 2415 as follows:

2 1. Page 16, by inserting after line 16, the
3 following:

4 "____. A corporation shall not provide financing to
5 a person for the acquisition, construction, or
6 expansion of a facility used for slaughtering
7 livestock as defined in section 717.1, if the facility
8 is located or is proposed to be located within a city
9 having a population of two hundred thousand or more.
10 A person who violates this subsection shall
11 immediately repay the full amount of the financing
12 provided by the corporation."
13 2. By renumbering as necessary.

MATT McCOY

S-5464

1 Amend Senate File 2415 as follows:
2 1. Page 16, by inserting after line 16 the
3 following:
4 "____. In providing financing under this section,
5 the corporation shall select eligible persons on a
6 competitive basis. A person who enters into a good
7 neighbor agreement shall receive extra consideration.
8 A good neighbor agreement is an enforceable contract
9 between the person eligible to receive financing and a
10 community group or coalition of community groups which
11 requires the person to adhere to negotiated
12 environmental, economic, labor, or other social and
13 community standards as part of the Iowa agricultural
14 industry venture. A person who fails to abide by the
15 good neighbor agreement shall repay all financial
16 assistance received from the corporation by the
17 person."

MATT McCOY

S-5465

1 Amend House File 2175, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 11, by inserting after the word
4 "district." the following: "The property to be
5 annexed must be located within the watershed of a
6 natural lake or navigable water as defined in section
7 462A.2 in the existing district."
8 2. Page 3, line 16, by striking the words "
9 without naming the owners,".
10 3. Page 4, line 8, by inserting after the word
11 "hearing." the following: "A representative of the
12 sanitary district board of trustees shall attend the

- 13 public hearing and be available to answer questions
14 regarding the proposed annexation."

JERRY BEHN
MERLIN E. BARTZ

S-5466

- 1 Amend the amendment, S-5335, to House File 2164, as
2 passed by the House, as follows:
3 1. Page 1, by inserting after line 35 the
4 following:
5 "Sec. ____ Section 15E.194, subsection 1, Code
6 Supplement 1997, is amended to read as follows:
7 1. An enterprise zone may be designated by a
8 county which shares a border with the state of
9 Illinois or by a county which meets at least two of
10 the following criteria:
11 a. The county has an average weekly wage that
12 ranks among the bottom twenty-five counties in the
13 state based on the 1995 annual average weekly wage for
14 employees in private business.
15 b. The county has a family poverty rate that ranks
16 among the top twenty-five counties in the state based
17 on the 1990 census.
18 c. The county has experienced a percentage
19 population loss that ranks among the top twenty-five
20 counties in the state between 1990 and 1995.
21 d. The county has a percentage of persons sixty-
22 five years of age or older that ranks among the top
23 twenty-five counties in the state based on the 1990
24 census."

EUGENE S. FRAISE

S-5467

- 1 Amend the amendment, S-5335, to House File 2164 as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. ____ Section 15E.192, subsection 2, Code
6 Supplement 1997, is amended by striking the subsection
7 and inserting in lieu thereof the following:
8 2. A city may create an economic development
9 enterprise zone as authorized in this division,
10 subject to certification by the department of economic
11 development, by designating one or more contiguous
12 census tracts, as determined in the most recent
13 federal census, or designating other geographic units
14 approved by the department of economic development for
15 that purpose. If there is an area in the city which

16 meets the requirements for eligibility for an urban or
17 rural enterprise community under Title XIII of the
18 federal Omnibus Budget Reconciliation Act of 1993,
19 such area shall be designated by the state as an
20 economic development enterprise zone. The area
21 meeting the requirements for eligibility for an urban
22 or rural enterprise community shall not be included
23 for the purpose of determining the area limitation
24 pursuant to subsection 3. In creating an enterprise
25 zone, a city may designate as part of the area tracts
26 or approved geographic units located in a contiguous
27 city if such tracts or approved geographic units meet
28 the criteria and the city agrees to being included.
29 The city may establish more than one enterprise zone."
30 2. By renumbering as necessary.

EUGENE S. FRAISE
DON GETTINGS

HOUSE AMENDMENT TO
SENATE FILE 2391

S-5468

1 Amend Senate File 2391, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "DIVISION I".
6 2. Page 1, line 16, by inserting after the word
7 "sentence" the following: "of incarceration".
8 3. Page 1, line 18, by inserting after the word
9 "sentence" the following: "not involving
10 incarceration".
11 4. Page 1, by inserting before line 31 the
12 following:
13 "Sec. 101. Section 321J.4, subsection 9, Code
14 Supplement 1997, is amended by adding the following
15 new unnumbered paragraph:
16 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
17 provision of this chapter to the contrary, the court
18 may order the department to issue a temporary
19 restricted license to a person otherwise eligible for
20 a temporary restricted license under this subsection,
21 whose period of revocation under this chapter has
22 expired, but who has not met all requirements for
23 reinstatement of the person's motor vehicle license or
24 nonresident operating privileges.
25 Sec. 102. Section 321J.20, Code Supplement 1997,
26 is amended by adding the following new subsection:
27 NEW SUBSECTION. 7. Notwithstanding any provision
28 of this chapter to the contrary, the department may
29 issue a temporary restricted license to a person

30 otherwise eligible for a temporary restricted license
31 under this section, whose period of revocation under
32 this chapter has expired, but who has not met all
33 requirements for reinstatement of the person's motor
34 vehicle license or nonresident operating privileges."

35 5. Page 1, by inserting before line 31 the
36 following:

37 "Sec. 103. Section 321J.4, Code Supplement 1997,
38 is amended by adding the following new subsection:

39 NEW SUBSECTION. 10. Notwithstanding the
40 requirement in subsections 2, 4, and 8 for a court
41 order for an individual to install an ignition
42 interlock device as a prerequisite to obtaining a
43 temporary restricted license, such requirement shall
44 apply only to offenses committed on or after July 1,
45 1997."

46 6. Page 2, line 21, by inserting after the word
47 "sentence" the following: "of incarceration".

48 7. Page 2, line 23, by inserting after the word
49 "sentence" the following: "not involving
50 incarceration".

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

3 "DIVISION II

4 Sec. ____ Section 321J.1, Code 1997, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 3A. "Controlled substance" means
7 any drug, substance, or compound that is listed in
8 section 124.204 or 124.206, or any metabolite or
9 derivative of the drug, substance, or compound.

10 Sec. ____ Section 321J.2, subsection 1, Code
11 Supplement 1997, is amended to read as follows:

12 1. A person commits the offense of operating while
13 intoxicated if the person operates a motor vehicle in
14 this state in either any of the following conditions:

15 a. While under the influence of an alcoholic
16 beverage or other drug or a combination of such
17 substances.

18 b. While having an alcohol concentration as
19 ~~defined in section 321J.1 of .10 or more.~~

20 c. While any amount of a controlled substance is
21 present in the person, as measured in the person's
22 blood or urine.

23 Sec. ____ Section 321J.2, subsections 7 and 8,
24 Code Supplement 1997, are amended to read as follows:

25 7. a. This section does not apply to a person
26 operating a motor vehicle while under the influence of
27 a drug if the substance was prescribed for the person
28 and was taken under the prescription and in accordance

29 with the directions of a medical practitioner as
30 defined in chapter 155A or if the substance was
31 dispensed by a pharmacist without a prescription
32 pursuant to the rules of the board of pharmacy
33 examiners, if there is no evidence of the consumption
34 of alcohol and the medical practitioner or pharmacist
35 had not directed the person to refrain from operating
36 a motor vehicle.

37 b. When charged with a violation of subsection 1,
38 paragraph "c", a person may assert, as an affirmative
39 defense, that the controlled substance present in the
40 person's blood or urine was prescribed or dispensed
41 for the person and was taken in accordance with the
42 directions of a practitioner and the labeling
43 directions of the pharmacy, as that person and place
44 of business are defined in section 155A.3.

45 8. In any prosecution under this section, evidence
46 of the results of analysis of a specimen of the
47 defendant's blood, breath, or urine is admissible upon
48 proof of a proper foundation.

49 a. The alcohol concentration established by the
50 results of an analysis of a specimen of the

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1 defendant's blood, breath, or urine withdrawn within
2 two hours after the defendant was driving or in
3 physical control of a motor vehicle is presumed to be
4 the alcohol concentration at the time of driving or
5 being in physical control of the motor vehicle.
6 b. The presence of a controlled substance or other
7 drug established by the results of analysis of a
8 specimen of the defendant's blood or urine withdrawn
9 within two hours after the defendant was driving or in
10 physical control of a motor vehicle is presumed to
11 show the presence of such controlled substance or
12 other drug in the defendant at the time of driving or
13 being in physical control of the motor vehicle.

14 Sec. ____ Section 321J.2, subsection 10, Code
15 Supplement 1997, is amended to read as follows:

16 10. In any prosecution under this section, the
17 results of a chemical test may not be used to prove a
18 violation of ~~paragraph "b"~~ of subsection 1 if the
19 alcohol, controlled substance, or other drug
20 concentration indicated by the chemical test minus the
21 established margin of error inherent in the device or
22 method used to conduct the chemical test does not
23 equal ~~an alcohol concentration of .10 or more~~ or
24 exceed the level prohibited by subsection 1.

25 Sec. ____ Section 321J.5, Code 1997, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 1A. When a peace officer has

28 reasonable grounds to believe that a motor vehicle
29 operator may be violating or has violated section
30 321J.2, subsection 1, paragraph "c", the peace officer
31 may request that the operator provide a sample of the
32 operator's urine for a preliminary screening test.
33 The department of public safety shall adopt nationally
34 accepted standards for determining detectable levels
35 of controlled substances in an initial screening test
36 for controlled substances.

37 Sec. ____ Section 321J.6, subsection 1, unnumbered
38 paragraph 1, Code 1997, is amended to read as follows:

39 A person who operates a motor vehicle in this state
40 under circumstances which give reasonable grounds to
41 believe that the person has been operating a motor
42 vehicle in violation of section 321J.2 or 321J.2A is
43 deemed to have given consent to the withdrawal of
44 specimens of the person's blood, breath, or urine and
45 to a chemical test or tests of the specimens for the
46 purpose of determining the alcohol concentration or
47 presence of a controlled substance or other drugs,
48 subject to this section. The withdrawal of the body
49 substances and the test or tests shall be administered
50 at the written request of a peace officer having

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1 reasonable grounds to believe that the person was
2 operating a motor vehicle in violation of section
3 321J.2 or 321J.2A, and if any of the following
4 conditions exist:

5 Sec. ____ Section 321J.6, subsection 1, paragraphs
6 d and f, Code 1997, are amended to read as follows:

7 d. The preliminary breath screening test was
8 administered and it indicated an alcohol concentration
9 as defined in equal to or in excess of the level
10 prohibited by section 321J.1 of 10 or more 321J.2.

11 f. The preliminary breath screening test was
12 administered and it indicated an alcohol concentration
13 of less than 0.10 the level prohibited by section
14 321J.2, and the peace officer has reasonable grounds
15 to believe that the person was under the influence of
16 a controlled substance, a drug other than alcohol, or
17 a combination of alcohol and another drug.

18 Sec. ____ Section 321J.6, subsection 1, Code 1997,
19 is amended by adding the following new paragraph:
20 NEW PARAGRAPH h. The preliminary urine screening
21 test indicates a detectable amount of a controlled
22 substance.

23 Sec. ____ Section 321J.6, subsection 3, Code 1997,
24 is amended to read as follows:

25 3. Notwithstanding subsection 2, if the peace
26 officer has reasonable grounds to believe that the

27 person was under the influence of a controlled
28 substance, a drug other than alcohol, or a combination
29 of alcohol and another drug, a blood or urine test may
30 shall be required even after a blood or breath another
31 type of test has been administered. Section 321J.9
32 applies to a refusal to submit to a chemical test of
33 urine or blood requested under this subsection.

34 Sec. ____ Section 321J.8, subsection 2, Code 1997,
35 is amended to read as follows:

36 2. If the person submits to the test and the
37 results indicate the presence of a controlled
38 substance or other drug, or an alcohol concentration
39 as defined in equal to or in excess of the level
40 prohibited by section 321J.1 of .10 or more, or the
41 person is under the age of twenty one and the results
42 indicate an alcohol concentration of .02 or more, but
43 less than .10 321J.2 or 321J.2A, the person's motor
44 vehicle license or nonresident operating privilege
45 will be revoked by the department as required by and
46 for the applicable period specified under section
47 321J.12.

48 Sec. ____ Section 321J.10, subsection 4, Code
49 1997, is amended to read as follows:

50 4. a. Search warrants issued under this section

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1 shall authorize and direct peace officers to secure
2 the withdrawal of blood specimens by medical personnel
3 under section 321J.11. Reasonable care shall be
4 exercised to ensure the health and safety of the
5 persons from whom specimens are withdrawn in execution
6 of the warrants.

7 b. If a person from whom a specimen is to be
8 withdrawn objects to the withdrawal of blood, and the
9 warrant may be executed as follows:

10 (1) If the person is capable of giving a specimen
11 of breath, and a direct breath testing instrument is
12 readily available, the warrant may be executed by the
13 withdrawal of a specimen of breath for chemical
14 testing, unless the peace officer has reasonable
15 grounds to believe that the person was under the
16 influence of a controlled substance, a drug other than
17 alcohol, or a combination of alcohol and another drug.

18 (2) If the testimony in support of the warrant
19 sets forth facts and information that the peace
20 officer has reasonable grounds to believe that the
21 person was under the influence of a controlled
22 substance, a drug other than alcohol, or a combination
23 of alcohol and another drug, a urine sample shall be
24 collected in lieu of a blood sample, if the person is
25 capable of giving a urine sample and the sample can be

26 collected without the need to physically compel the
27 execution of the warrant.

28 Sec. ____ Section 321J.11, unnumbered paragraph 1,
29 Code 1997, is amended to read as follows:

30 Only a licensed physician, licensed physician
31 assistant as defined in section 148C.1, medical
32 technologist, or registered nurse, acting at the
33 request of a peace officer, may withdraw a specimen of
34 blood for the purpose of determining the alcohol
35 concentration or the presence of a controlled
36 substance or other drugs. However, any peace officer,
37 using devices and methods approved by the commissioner
38 of public safety, may take a specimen of a person's
39 breath or urine for the purpose of determining the
40 alcohol concentration, or may take a specimen of a
41 person's urine for the purpose of determining the
42 presence of a controlled substance or other drugs.

43 Only new equipment kept under strictly sanitary and
44 sterile conditions shall be used for drawing blood.

45 Sec. ____ Section 321J.12, subsection 1, 3, 4, and
46 6, Code Supplement 1997, are amended to read as
47 follows:

48 1. Upon certification, subject to penalty for
49 perjury, by the peace officer that there existed
50 reasonable grounds to believe that the person had been

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1 operating a motor vehicle in violation of section
2 321J.2, that there existed one or more of the
3 necessary conditions for chemical testing described in
4 section 321J.6, subsection 1, and that the person
5 submitted to chemical testing and the test results
6 indicated the presence of a controlled substance or
7 other drug, or an alcohol concentration as defined in
8 equal to or in excess of the level prohibited by
9 section 321J.1 of 10 or more 321J.2, or a combination
10 of alcohol and another drug in violation of section
11 321J.2, the department shall revoke the person's motor
12 vehicle license or nonresident operating privilege for
13 the following periods of time:

14 a. One hundred eighty days if the person has had
15 no revocation under this chapter.

16 b. One year if the person has had a previous
17 revocation under this chapter.

18 3. The effective date of the revocation shall be
19 ten days after the department has mailed notice of
20 revocation to the person by certified mail. The peace
21 officer who requested or directed the administration
22 of the chemical test may, on behalf of the department,
23 serve immediate notice of revocation on a person whose
24 test results indicated the presence of a controlled

25 ~~substance or other drug, or~~ an alcohol concentration
26 ~~of .10 or more equal to or in excess of the level~~
27 ~~prohibited by section 321J.2, or a combination of~~
28 ~~alcohol and another controlled substance or drug in~~
29 ~~violation of section 321J.2.~~

30 4. If the peace officer serves that immediate
31 notice, the peace officer shall take the person's Iowa
32 license or permit, if any, and issue a temporary
33 license valid only for ten days. The peace officer
34 shall immediately send the person's driver's license
35 to the department along with the officer's certificate
36 indicating that the test results indicated the
37 presence of a controlled substance or other drug, or
38 an alcohol concentration of .10 or more equal to or in
39 excess of the level prohibited by section 321J.2.

40 6. The results of a chemical test may not be used
41 as the basis for a revocation of a person's motor
42 vehicle license or nonresident operating privilege if
43 the alcohol or drug concentration indicated by the
44 chemical test minus the established margin of error
45 inherent in the device or method used to conduct the
46 chemical test ~~does is~~ not equal ~~an alcohol~~
47 ~~concentration of .10 or more for violations under to~~
48 ~~or in excess of the level prohibited by section 321J.2~~
49 ~~or of .02 or more for violations of section 321J.2A.~~
50 Sec. ____ Section 321J.13, subsection 2, Code

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1 Supplement 1997, is amended to read as follows:

2 2. The department shall grant the person an
3 opportunity to be heard within forty-five days of
4 receipt of a request for a hearing if the request is
5 made not later than ten days after receipt of notice
6 of revocation served pursuant to section 321J.9 or
7 321J.12. The hearing shall be before the department
8 in the county where the alleged events occurred,
9 unless the director and the person agree that the
10 hearing may be held in some other county, or the
11 hearing may be held by telephone conference at the
12 discretion of the agency conducting the hearing. The
13 hearing may be recorded and its scope shall be limited
14 to the issues of whether a peace officer had
15 reasonable grounds to believe that the person was
16 operating a motor vehicle in violation of section
17 321J.2 or section 321J.2A and either one or more of
18 the following:
19 a. Whether the person refused to submit to the
20 test or tests.
21 b. Whether a test was administered and the test
22 results indicated an alcohol concentration ~~as defined~~
23 in equal to or in excess of the level prohibited under

24 section 321J.1 of ~~10 or more or whether a test was~~
25 ~~administered and the test results indicated an alcohol~~
26 ~~concentration as defined in section 321J.1 of .02 or~~
27 ~~more pursuant to section 321J.2 or 321J.2A.~~

28 c. Whether a test was administered and the test
29 results indicated the presence of alcohol, a
30 controlled substance or other drug, or a combination
31 of alcohol and another drug, in violation of section
32 321J.2.

33 Sec. ____ Section 321J.15, Code 1997, is amended
34 to read as follows:

35 321J.15 EVIDENCE IN ANY ACTION.

36 Upon the trial of a civil or criminal action or
37 proceeding arising out of acts alleged to have been
38 committed by a person while operating a motor vehicle
39 in violation of section 321J.2 or 321J.2A, evidence of
40 the alcohol concentration or the presence of a
41 controlled substance or other drugs in the person's
42 body substances at the time of the act alleged as
43 shown by a chemical analysis of the person's blood,
44 breath, or urine is admissible. If it is established
45 at trial that an analysis of a breath specimen was
46 performed by a certified operator using a device
47 intended to determine alcohol concentration and
48 methods approved by the commissioner of public safety,
49 no further foundation is necessary for introduction of
50 the evidence.

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1 Sec. ____ Section 321J.18, Code 1997, is amended
2 to read as follows:

3 321J.18 OTHER EVIDENCE.

4 This chapter does not limit the introduction of any
5 competent evidence bearing on the question of whether
6 a person was under the influence of an alcoholic
7 beverage or a controlled substance or other drug,
8 including the results of chemical tests of specimens
9 of blood, breath, or urine obtained more than two
10 hours after the person was operating a motor vehicle."

11 9. Page 3, by inserting before line 2 the
12 following:

13 "DIVISION III

14 Sec. ____ Section 124.401, subsection 1, paragraph
15 d, Code Supplement 1997, is amended to read as
16 follows:

17 d. Violation of this subsection, with respect to
18 any other controlled substances, counterfeit
19 substances, or simulated controlled substances
20 classified in schedule IV or V is an aggravated
21 misdemeanor. However, violation of this subsection
22 involving fifty kilograms or less of marijuana, is a

23 class "D" felony, and in addition to the provisions of
24 section 902.9, subsection 4, shall be punished by a
25 fine of not less than one thousand dollars nor more
26 than five seven thousand five hundred dollars.
27 Sec. ____ Section 124.401, subsection 5, Code
28 Supplement 1997, is amended to read as follows:
29 5. It is unlawful for any person knowingly or
30 intentionally to possess a controlled substance unless
31 such substance was obtained directly from, or pursuant
32 to, a valid prescription or order of a practitioner
33 while acting in the course of the practitioner's
34 professional practice, or except as otherwise
35 authorized by this chapter. Any person who violates
36 this subsection is guilty of a serious misdemeanor for
37 a first offense. A person who commits a violation of
38 this subsection and who has previously been convicted
39 of violating this subsection is guilty of an
40 aggravated misdemeanor. A person who commits a
41 violation of this subsection and has previously been
42 convicted two or more times of violating this
43 subsection is guilty of a class "D" felony.
44 PARAGRAPH DIVIDED. If the controlled substance is
45 marijuana, the punishment shall be by imprisonment in
46 the county jail for not more than six months or by a
47 fine of not more than one thousand dollars, or by both
48 such fine and imprisonment for a first offense. If
49 the controlled substance is marijuana and the person
50 has been previously convicted of a violation of this

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1 subsection in which the controlled substance was
2 marijuana, the punishment shall be as provided in
3 section 903.1, subsection 1, paragraph "b". If the
4 controlled substance is marijuana and the person has
5 been previously convicted two or more times of a
6 violation of this subsection in which the controlled
7 substance was marijuana, the person is guilty of an
8 aggravated misdemeanor.
9 PARAGRAPH DIVIDED. All or any part of a sentence
10 imposed pursuant to this ~~section~~ subsection may be
11 suspended and the person placed upon probation upon
12 such terms and conditions as the court may impose
13 including the active participation by such person in a
14 drug treatment, rehabilitation or education program
15 approved by the court."
16 10. Page 3, by inserting before line 2 the
17 following:
18 "DIVISION IV
19 Sec. ____ Section 901.5, Code 1997, is amended by
20 adding the following new subsections:
21 NEW SUBSECTION. 11. In addition to any sentence

22 or other penalty imposed against the defendant for an
23 offense under chapter 124, the court shall consider
24 the provisions of 21 U.S.C. § 862, regarding the
25 denial of federal benefits to drug traffickers and
26 possessors convicted under state or federal law, and
27 may enter an order specifying the range and scope of
28 benefits to be denied to the defendant, according to
29 the provisions of 21 U.S.C. § 862. For the purposes
30 of this subsection, "federal benefit" means the
31 issuance of any grant, contract, loan, professional
32 license, or commercial license provided by an agency
33 of the United States or through the appropriation of
34 funds of the United States, but does not include any
35 retirement, welfare, social security, health,
36 disability, veterans, public housing, or similar
37 benefit for which payments or services are required
38 for eligibility. The supreme court may adopt rules
39 establishing sentencing guidelines consistent with
40 this subsection and 21 U.S.C. § 862. The clerk of the
41 district court shall send a copy of any order issued
42 pursuant to this subsection to the denial of federal
43 benefits program of the United States department of
44 justice, along with any other forms and information
45 required by the department.

46 **NEW SUBSECTION. 12.** In addition to any sentence
47 or other penalty imposed against the defendant for an
48 offense under chapter 124, the court shall consider
49 the denial of state benefits to the defendant, and may
50 enter an order specifying the range and scope of

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1 benefits to be denied to the defendant, comparable to
2 the federal benefits denied under subsection 11. For
3 the purposes of this subsection, "state benefit" means
4 the issuance of any grant, contract, loan,
5 professional license, or commercial license provided
6 by a state agency, department, program, or otherwise
7 through the appropriation of funds of the state, but
8 does not include any retirement, welfare, health,
9 disability, veterans, public housing, or similar
10 benefit. The supreme court may adopt rules
11 establishing sentencing guidelines consistent with
12 this subsection and comparable to the guidelines for
13 denial of federal benefits in 21 U.S.C. § 862. The
14 clerk of the district court shall send a copy of any
15 order issued pursuant to this subsection to each state
16 agency, department, or program required to deny
17 benefits pursuant to such an order."

18 11. Page 3, by inserting before line 2 the
19 following:
20 "DIVISION V

21 Sec. ____ Section 811.1, subsection 2, Code
22 Supplement 1997, is amended to read as follows:
23 2. A defendant appealing a conviction of a class
24 "A" felony, murder, any class "B" felony included in
25 section 707.6A, felonious assault, felonious child
26 endangerment, sexual abuse in the second degree,
27 sexual abuse in the third degree, kidnapping, robbery
28 in the first degree, arson in the first degree, or
29 burglary in the first degree, or any felony included
30 in section 124.401, subsection 1, paragraph "a", or a
31 violation of section 124.401, subsection 1, paragraph
32 "b".

33 Sec. ____ Section 901.10, Code 1997, is amended to
34 read as follows:

35 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

36 1. A court sentencing a person for the person's
37 first conviction under section 124.406, 124.413, or
38 902.7 may, at its discretion, sentence the person to a
39 term less than provided by the statute if mitigating
40 circumstances exist and those circumstances are stated
41 specifically in the record. However, the

42 2. Notwithstanding subsection 1, if the sentence
43 under section 124.413 involves a methamphetamine
44 offense under section 124.401, subsection 1, paragraph
45 "a" or "b", the court shall not grant any reduction of
46 sentence unless the defendant pleads guilty. If the
47 defendant pleads guilty, the court may, at its
48 discretion, reduce the mandatory minimum sentence by
49 up to one-third. If the defendant additionally
50 cooperates in the prosecution of other persons

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1 involved in the sale or use of controlled substances,
2 and if the prosecutor requests an additional reduction
3 in defendant's sentence because of such cooperation,
4 the court may grant a further reduction in defendant's
5 mandatory minimum sentence, up to one-half of the
6 remaining mandatory minimum sentence.

7 3. The state may appeal the discretionary decision
8 on the grounds that the stated mitigating
9 circumstances do not warrant a reduction of the
10 sentence.

11 Sec. ____ Section 907.3, subsection 1, Code
12 Supplement 1997, is amended by adding the following
13 new paragraph:

14 NEW PARAGRAPH. k. The offense is a violation of
15 section 124.401, subsection 1, paragraph "a" or "b",
16 and the controlled substance is methamphetamine.

17 Sec. ____ Section 907.3, subsection 2, Code
18 Supplement 1997, is amended by adding the following
19 new paragraph:

20 NEW PARAGRAPH. e. The offense is a violation of
21 section 124.401, subsection 1, paragraph "a" or "b",
22 and the controlled substance is methamphetamine.
23 Sec. ____ Section 907.3, subsection 3, Code
24 Supplement 1997, is amended by adding the following
25 new paragraph:
26 NEW PARAGRAPH. e. The offense is a violation of
27 section 124.401, subsection 1, paragraph "a" or "b",
28 and the controlled substance is methamphetamine."
29 12. Page 3, by inserting before line 2 the
30 following:

31 "DIVISION VI

32 Sec. ____ Section 730.5, subsection 7, paragraph
33 a, as enacted in 1998 Iowa Acts, House File 299,
34 section 1, is amended to read as follows:
35 a. The collection of samples shall be performed
36 under sanitary conditions and with regard for the
37 privacy of the individual from whom the specimen is
38 being obtained and in a manner reasonably calculated
39 to preclude contamination or substitution of the
40 specimen. If the sample collected is urine,
41 procedures shall be established to provide for
42 individual privacy in the collection of the sample
43 unless there is reason to believe that a particular
44 individual subject to testing may alter or substitute
45 the urine specimen to be provided, or has previously
46 altered or substituted a urine specimen provided
47 pursuant to a drug or alcohol test. For purposes of
48 this paragraph, "individual privacy" means a location
49 at the collection site where urination can occur in
50 private, which has been secured by visual inspection

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1 to ensure that other persons are not present, which
2 provides that undetected access to the location is not
3 possible during urination, and which provides for the
4 ability to effectively restrict access to the location
5 during the time the specimen is provided. If an
6 individual providing a sample is under eighteen years
7 of age and is not considered by law to be an adult and
8 if collection of the sample is directly monitored or
9 observed by another individual, or if an individual is
10 providing a urine sample and collection of the sample
11 is directly monitored or observed by another
12 individual, the individual who is directly monitoring
13 or observing the collection shall be of the same
14 gender as the individual from whom the sample is being
15 collected.

16 Sec. ____ Section 730.5, subsection 9, paragraph
17 a, as enacted in 1998 Iowa Acts, House File 299,
18 section 1, is amended to read as follows:

19 a. (1) Drug or alcohol testing or retesting by an
20 employer shall be carried out within the terms of a
21 written policy which has been provided to every
22 employee subject to testing, and is available for
23 review by employees and prospective employees. If an
24 employee or prospective employee is a minor, the
25 employer shall provide a copy of the written policy to
26 a parent of the employee or prospective employee and
27 shall obtain a receipt or acknowledgement from the
28 parent that a copy of the policy has been received.
29 Providing a copy of the written policy to a parent of
30 a minor by certified mail, return receipt requested,
31 shall satisfy the requirements of this subparagraph.
32 (2) In addition, the written policy shall provide
33 that any notice required by subsection 7, paragraph
34 "i", to be provided to an individual pursuant to a
35 drug or alcohol test conducted pursuant to this
36 section, shall also be provided to the parent of the
37 individual by certified mail, return receipt
38 requested, if the individual tested is a minor and a
39 parent of the minor has not specifically waived the
40 requirement to be provided notice. If a parent of the
41 minor has waived the requirement to provide notice,
42 the employer shall not be required to provide notice
43 to any person other than the individual tested.
44 (3) In providing information or notice to a parent
45 as required by this paragraph, an employer shall rely
46 on the information regarding the identity of a parent
47 as provided by the minor.
48 (4) For purposes of this paragraph, "minor" means
49 an individual who is under eighteen years of age and
50 is not considered by law to be an adult, and "parent"

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1 means one biological or adoptive parent, a stepparent,
2 or a legal guardian or custodian of the minor."
3 13. Page 3, by inserting before line 2 the
4 following:
5 "DIVISION VII
6 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
7 subsection 3, shall not apply to this Act.
8 Sec. ____ EFFECTIVE DATES. Division VI of this
9 Act takes effect upon enactment or April 16, 1998,
10 whichever is later."
11 14. Page 3, by inserting before line 2 the
12 following:
13 "Sec. ____ RETROACTIVE APPLICABILITY. Sections
14 101 and 102 of this Act are retroactively applicable
15 to July 1, 1997, and are applicable on and after that
16 date."
17 15. Page 3, line 2, by striking the word "DATE."

18 and inserting the following: "AND APPLICABILITY
19 DATES. Section 103 of this Act is retroactively
20 applicable to July 1, 1997, and is applicable on and
21 after that date."

22 16. Page 3, line 2, by striking the word "This"
23 and inserting the following: "Division I of this".

24 17. Title page, line 1, by inserting after the
25 word "Act" the following: "relating to certain drug
26 and alcohol abuse and certain offenses which carry a
27 mandatory minimum sentence, by".

28 18. Title page, line 5, by inserting after the
29 word "device," the following: "requiring the
30 imposition of a mandatory minimum penalty for certain
31 methamphetamine offenses, prohibiting the granting of
32 a deferred judgment or sentence or a suspended
33 sentence for certain methamphetamine offenses,
34 providing that persons convicted of certain
35 methamphetamine offenses are ineligible for bail upon
36 appeal,".

37 19. Title page, line 7, by inserting after the
38 word "violations," the following: "increasing and
39 adding certain penalties for certain drug offenses,
40 providing for the denial of federal benefits to
41 persons convicted of drug-related offenses, providing
42 for an operating while intoxicated offense for persons
43 driving after taking certain controlled substances,
44 providing privacy and notice in certain drug and
45 alcohol testing situations, making related changes,
46 making penalties applicable,".

47 20. Title page, lines 7 and 8, by striking the
48 words "and providing an effective date" and inserting
49 the following: "providing a limitation on the
50 applicability of the requirement for an ignition

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1 interlock device as a prerequisite to obtaining a
2 temporary restricted license, and providing effective
3 and retroactive applicability dates".
4 21. By renumbering, relettering, or redesignating
5 and correcting internal references as necessary.

S-5469

1 Amend the amendment, S-5335, to House File 2164, as
2 passed by the House, as follows:

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

5 "Sec. ____ Section 15E.194, subsection 1, Code
6 Supplement 1997, is amended to read as follows:

7 1. An enterprise zone may be designated by a
8 county which shares a border with the state of

9 Missouri or by a county which meets at least two of
10 the following criteria:
11 a. The county has an average weekly wage that
12 ranks among the bottom twenty-five counties in the
13 state based on the 1995 annual average weekly wage for
14 employees in private business.
15 b. The county has a family poverty rate that ranks
16 among the top twenty-five counties in the state based
17 on the 1990 census.
18 c. The county has experienced a percentage
19 population loss that ranks among the top twenty-five
20 counties in the state between 1990 and 1995.
21 d. The county has a percentage of persons sixty-
22 five years of age or older that ranks among the top
23 twenty-five counties in the state based on the 1990
24 census."

PATTY JUDGE

S-5470

1 Amend the amendment, S-5335, to House File 2164 as
2 follows:
3 1. Page 1, by inserting after line 35 the
4 following:
5 "Sec. ____ Section 15E.194, subsection 1, Code
6 Supplement 1997, is amended to read as follows:
7 1. An enterprise zone may be designated by a
8 county which meets at least two of the following
9 criteria: experienced a population loss between 1980
10 and 1995.
11 a. ~~The county has an average weekly wage that~~
12 ~~ranks among the bottom twenty-five counties in the~~
13 ~~state based on the 1995 annual average weekly wage for~~
14 ~~employees in private business.~~
15 b. ~~The county has a family poverty rate that ranks~~
16 ~~among the top twenty-five counties in the state based~~
17 ~~on the 1990 census.~~
18 c. ~~The county has experienced a percentage~~
19 ~~population loss that ranks among the top twenty-five~~
20 ~~counties in the state between 1990 and 1995.~~
21 d. ~~The county has a percentage of persons sixty-~~
22 ~~five years of age or older that ranks among the top~~
23 ~~twenty-five counties in the state based on the 1990~~
24 ~~census."~~

PATTY JUDGE

S-5471

- 1 Amend House File 2282, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. by striking page 6, line 22, through page 7,
- 4 line 3.

DERRYL McLAREN

S-5472

- 1 Amend the amendment, S-5447, to House File 2335, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 7, by inserting before the word
- 5 "cooperative" the following: "farmers".
- 6 2. Page 2, lines 7 and 8, by striking the words
- 7 "at least".
- 8 3. Page 2, line 13, by inserting before the word
- 9 "cooperative" the following: "farmers".
- 10 4. Page 2, by striking lines 15 through 18 and
- 11 inserting the following: "type."
- 12 5. Page 3, by inserting after line 31 the
- 13 following:
- 14 " Page 4, line 9, by inserting before the
- 15 word "cooperative" the following: "farmers".
- 16 Page 4, line 13, by striking the words "one
- 17 thousand five hundred" and inserting the following:
- 18 "six hundred forty".
- 19 6. Page 3, line 39, by inserting after the word
- 20 "corporation" the following: "holding agricultural
- 21 land under section 10.3".
- 22 7. Page 3, line 42, by inserting after the word
- 23 "entity" the following: "holding agricultural land
- 24 under this chapter."
- 25 8. Page 3, by inserting before line 50 the
- 26 following:
- 27 " Page 5, line 31, by inserting before the
- 28 word "cooperative" the following: "farmers".
- 29 Page 5, line 35, by striking the words "one
- 30 thousand five hundred" and inserting the following:
- 31 "six hundred forty".
- 32 9. Page 4, line 7, by inserting after the word
- 33 "company" the following: "holding agricultural land
- 34 under section 10.7."
- 35 10. Page 4, line 9, by inserting after the word
- 36 "entity" the following: "holding agricultural land
- 37 under this chapter."
- 38 11. Page 4, by inserting after line 13 the
- 39 following:
- 40 " Page 7, line 28, by inserting before the

- 41 word "cooperative" the following: "farmers".
42 Page 7, line 32, by striking the words "one
43 thousand five hundred" and inserting the following:
44 "six hundred forty".
45 12. Page 4, line 21, by inserting after the word
46 "association" the following: "holding agricultural
47 land under section 10.9."
48 13. Page 4, line 24, by inserting after the word
49 "entity" the following: "holding agricultural land
50 under this chapter."

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- 1 14. Page 4, by inserting after line 25 the
2 following:
3 " Page 9, line 27, by inserting before the
4 word "cooperative" the following: "farmers".
5 Page 9, line 31, by striking the words "one
6 thousand five hundred" and inserting the following:
7 "six hundred forty".
8 15. Page 4, by inserting after line 28 the
9 following:
10 " Page 10, line 18, by striking the figure
11 "10.13" and inserting the following: "10.12".
12 Page 10, line 32, by striking the figure
13 "10.13" and inserting the following: "10.12".
14 Page 14, line 16, by striking the words "ten
15 percent or less of" and inserting the following:
16 "less than a ten percent interest in".
17 16. By renumbering as necessary.

TOM VILSACK

S-5473

- 1 Amend Senate File 2415, as follows:
2 1. Page 17, line 16, by striking the word "The"
3 and inserting the following: "Except as provided in
4 this section, the".
5 2. Page 17, by inserting after line 19 the
6 following:
7 "For the fiscal year beginning on July 1, 1998, the
8 department of economic development shall transfer from
9 the credited moneys to the department of education for
10 allocation by the school budget review committee, an
11 amount necessary to be distributed as supplemental aid
12 to a district that is located within ten miles from an
13 establishment regulated under chapter 189A where
14 animals or poultry are slaughtered, 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 limited English

18 proficient pupils. The supplemental aid distributed
19 under this paragraph shall be miscellaneous income and
20 shall not be included in district cost."

BILL FINK

HOUSE AMENDMENT TO
SENATE FILE 2052

S-5474

1 Amend Senate File 2052, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 7, and inserting the following:
5 "Sec. ____ Section 7C.4A, Code 1997, is amended to
6 read as follows:

7 7C.4A ALLOCATION OF STATE CEILING.

8 ~~For each calendar year, the~~ The state ceiling shall
9 be allocated among bonds issued for various purposes
10 as follows:

11 1. For each calendar year, ninety-seven percent of
12 the first one hundred fifty million dollars of the
13 state ceiling shall be allocated as follows:

14 a. Thirty percent of the state ceiling amount
15 shall be allocated solely to the Iowa finance
16 authority for the following purposes:

17 a- (1) Issuing qualified mortgage bonds.
18 b- (2) Reallocating the amount, or any portion
19 thereof, to another qualified political subdivision
20 for the purpose of issuing qualified mortgage bonds;
21 or

22 e- (3) Exchanging the allocation, or any portion
23 thereof, for the authority to issue mortgage credit
24 certificates by election under section 25(c) of the
25 Internal Revenue Code.

26 However, at any time during the calendar year the
27 executive director of the Iowa finance authority may
28 determine that a lesser amount need be allocated to
29 the Iowa finance authority and on that date this
30 lesser amount shall be the amount allocated to the
31 authority and the excess shall be allocated under
32 subsection 6 3.

33 2- b. Twelve percent of the state ceiling amount t
34 shall be allocated to bonds issued to carry out
35 programs established under chapters 260C, 260E, and
36 260F. However, at any time during the calendar year
37 the director of the Iowa department of economic
38 development may determine that a lesser amount need be
39 allocated and on that date this lesser amount shall be
40 the amount allocated for those programs and the excess
41 shall be allocated under subsection 6 3.

42 ~~3. c.~~ Sixteen percent of the ~~state ceiling amount~~
 43 shall be allocated to qualified student loan bonds.
 44 However, at any time during the calendar year the
 45 governor's designee, with the approval of the Iowa
 46 student loan liquidity corporation, may determine that
 47 a lesser amount need be allocated to qualified student
 48 loan bonds and on that date the lesser amount shall be
 49 the amount allocated for those bonds and the excess
 50 shall be allocated under subsection 6 ~~3~~.

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1 ~~4. d.~~ Sixteen Twenty-one percent of the sta-te
 2 ceiling ~~amount~~ shall be allocated to qualified small
 3 issue bonds issued for first-time farmers. However,
 4 at any time during the calendar year the governor's
 5 designee, with the approval of the Iowa agricultural
 6 development authority, may determine that a lesser
 7 amount need be allocated to qualified small issue
 8 bonds for first-time farmers and on that date this
 9 lesser amount shall be the amount allocated for those
 10 bonds and the excess shall be allocated under
 11 subsection 6 ~~3~~.
 12 ~~e.~~ Eighteen percent of the amount shall be
 13 allocated to bonds issued by political subdivisions to
 14 finance a qualified industry or industries for the
 15 manufacturing, processing, or assembly of agricultural
 16 or manufactured products even though the processed
 17 products may require further treatment before delivery
 18 to the ultimate consumer.
 19 ~~5. 2.~~ During the period of January 1 through
 20 ~~October 25 June 30,~~ five three percent of the first
 21 one hundred fifty million dollars of the state ceiling
 22 shall be reserved for private activity bonds issued by
 23 political subdivisions, the proceeds of which are used
 24 by the issuing political subdivisions. During that
 25 period, the reserved percentage shall not be allocated
 26 for a purpose provided in subsection 1.
 27 ~~6. 3. a.~~ The amount of the state ceiling which is~
 28 not ~Uotherwise allocated under subsections this
 29 section, including any amount above the first one
 30 hundred fifty million dollars of the state ceiling as
 31 provided in this section, any amount under subsection
 32 1 through 4 which is not allocated, and after October
 33 25 June 30, the any amount of the state ceiling
 34 reserved under subsection ~~5 and 2~~ which is not
 35 allocated, shall be allocated to all bonds requiring
 36 an allocation under section 146 of the Internal
 37 Revenue Code without priority for any type of bond
 38 over another, except as otherwise provided in sections
 39 7C.5 and 7C.11.
 40 b. The population of the state shall be determined

41 in accordance with the Internal Revenue Code.
42 Sec. ____ Section 7C.5, Code 1997, is amended to
43 read as follows:
44 7C.5 FORMULA FOR ALLOCATION.
45 Except as provided in section 7C.4A, ~~subsections~~
46 subsection 1 through 4, the state ceiling shall be
47 allocated among all political subdivisions on a
48 statewide basis on the basis of the chronological
49 orders of receipt by the governor's designee of the
50 applications described in section 7C.6 with respect to

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1 a definitive issue of bonds, as determined by the day,
2 hour, and minute time-stamped on the application
3 immediately upon receipt by the governor's designee.
4 However, for the period January 1 through ~~October 25~~
5 June 30 of each year, allocations to bonds for which
6 an amount of the state ceiling has been reserved
7 pursuant to section 7C.4A, subsection 5 2, shall be
8 made to the political subdivisions submitting the
9 applications first from the reserved amount until the
10 reserved amount has been fully allocated and then from
11 the amount specified in section 7C.4A, subsection 6 3.
12 Sec. ____ Section 7C.6, unnumbered paragraph 1,
13 Code 1997, is amended to read as follows:
14 A political subdivision which proposes to issue
15 bonds for a particular project or purpose for which an
16 allocation of the state ceiling is required and has
17 not already been made under section 7C.4A, ~~subsections~~
18 subsection 1 through 4, must make an application for
19 allocation before issuance of the bonds. The
20 application may be made by the political subdivision
21 or its representative, the beneficiary of the project
22 or purpose, or by a person acting on behalf of the
23 beneficiary. The application shall be submitted to
24 the governor's designee, in the form prescribed by the
25 governor's designee. The application shall contain,
26 where appropriate, the following information:
27 Sec. ____ Section 7C.7, subsection 1, Code 1997,
28 is amended to read as follows:
29 1. If the bonds are issued and delivered for the
30 purpose or project within the thirty-day period or the
31 forty-five day extension period provided in subsection
32 2, the political subdivision or its representative
33 shall within ten days following the issuance and
34 delivery of the bonds or not later than ~~October 25~~
35 June 30 of that year, if the bonds were issued and
36 delivered on or before that date, file with the
37 governor's designee, in the form or manner the
38 governor's designee may prescribe, a notification of
39 the date of issuance and the delivery of the bonds,

40 and the actual principal amount of bonds issued and
41 delivered. The filing of the notification shall be
42 done by actual delivery or by posting in a United
43 States post office depository with correct first class
44 postage paid. If the actual principal amount of bonds
45 issued and delivered is less than the amount of the
46 allocation, the amount of the allocation is
47 automatically reduced to the actual principal amount
48 of the bonds issued and delivered."
49 2. By renumbering as necessary.

S-5475

1 Amend House File 2533, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 30, by inserting after line 14 the
4 following:
5 "Sec. . Section 280.4, Code 1997, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 4. a. There is appropriated,
8 annually from the general fund of the state to the
9 school budget review committee the sum of one million
10 dollars, or so much thereof as is necessary, to be
11 awarded by the committee to school districts with
12 limited English proficient student instruction program
13 costs which, in the judgment of the committee, are
14 high relative to instruction program costs for other
15 limited English proficient student instruction
16 programs in the state. Amounts awarded shall be in
17 addition to any supplemental aid or modified allowable
18 growth provided to a school district pursuant to
19 subsection 3.
20 b. A school district with a limited English
21 proficient student instruction program may submit an
22 application, on a form developed by the department of
23 education, for assistance pursuant to this subsection
24 to the school budget review committee by November 1 of
25 the school year in which the school district seeks
26 assistance. In making awards, the committee shall
27 consider the size, diversity, and enrollment trends of
28 the school district, the relative economic wealth and
29 property tax base of the school district in comparison
30 to other applying school districts, and the efforts
31 the school district has undertaken to develop and
32 monitor limited English proficient student
33 assimilation into the school district population.
34 Preference shall be given to school districts which
35 have previously received or are currently receiving
36 supplemental aid or modified allowable growth from the
37 committee for a limited English proficient student
38 instruction program pursuant to subsection 3 and which
39 have a limited English proficient student enrollment

40 within the upper twenty-five percent of all limited
41 English proficient student instruction program
42 enrollments in the state, as determined by the
43 department of management.
44 c. Assistance payments shall be made to school
45 districts receiving an award in the manner provided in
46 section 257.16, beginning with a December 15 payment,
47 with the exception that funds shall be expended solely
48 for purposes related to limited English proficient
49 student program instruction. Notwithstanding section
50 8.33, the moneys appropriated in subsection 1 that

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1 remain unencumbered and unobligated at the close of
2 the fiscal year shall not revert to the general fund
3 but shall remain available for expenditure for the
4 purposes designated during the succeeding fiscal
5 year."
6 2. By renumbering as necessary.

PATRICIA HARPER

S-5476

1 Amend Senate File 2415 as follows:
2 1. Page 14, by striking lines 29 through 35.
3 2. Page 15, by striking lines 8 through 16 and
4 inserting the following:
5 "a. An agricultural producer must participate in
6 an Iowa".
7 3. Title page, line 1, by striking the words
8 "finance and" and inserting the following:
9 "finance".
10 4. Title page, line 2, by striking the words
11 "appropriation and taxation exemption," and inserting
12 the following: "appropriation".
13 5. By renumbering as necessary.

DERRYL McLAREN
JOHN P. KIBBIE

S-5477

1 Amend House File 2335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 23 the
4 following:
5 "Sec. ____ NEW SECTION. 10.8A PROCEDURE FOR
6 ACQUISITION -- REFERENDUM.
7 A farmers cooperative association shall not acquire
8 agricultural land or acquire an interest in a farmers

9 entity under this chapter, unless the board of
10 directors of the farmers cooperative association
11 adopts a resolution authorizing the acquisition. The
12 resolution shall not become effective for thirty days
13 following the delivery of a notice of the adoption by
14 the board of the resolution to the members of the
15 farmers cooperative association. The notice shall be
16 delivered to each member in person or by mail directed
17 to each member's address as shown on the books of the
18 association. If, within the thirty-day period, at
19 least twenty percent of the members of the farmers
20 cooperative association file a petition with the board
21 of directors for a referendum under this section, the
22 resolution shall not become effective unless the
23 resolution is adopted by a majority vote of the
24 members of the farmers cooperative association present
25 or represented having voting privileges. The
26 referendum shall be conducted at an annual meeting or
27 special meeting of the membership, provided that at
28 least ten days' prior written notice of the impending
29 referendum has been mailed to all members of the
30 association with a copy or summary of the resolution."
31 2. By renumbering as necessary.

H. KAY HEDGE
JOHN P. KIBBIE
DERRYL McLAREN
EUGENE S. FRAISE

S-5478

1 Amend House File 2335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 23 the
4 following:
5 "Sec. ____ NEW SECTION. 10.8B DISSENTING MEMBERS
6 AND SHAREHOLDERS.
7 If a farmers cooperative association is acquiring
8 agricultural land or acquiring an interest in a
9 farmers entity, the farmers cooperative association
10 shall notify its members prior to the acquisition.
11 The notice shall state the date that the farmers
12 cooperative association will acquire the agricultural
13 land or an interest in a farmers entity. The notice
14 shall be delivered to each member in person or by mail
15 directed to each member's address as shown on the
16 books of the farmers cooperative association. A
17 member of the farmers cooperative association may
18 dissent, by filing a demand with the board of
19 directors of the farmers cooperative association
20 within twenty days after the date of acquisition as
21 provided in the notice. The farmers cooperative

22 association shall pay to the member, upon surrender of
23 that person's certificate of membership, the fair
24 value of that member's interest as provided in section
25 499.66 as if a member were dissenting to a merger or
26 consolidation. The farmers cooperative association is
27 not required to honor a demand if the farmers
28 cooperative association does not acquire the
29 agricultural land or an interest in the farmers
30 entity. A member who fails to make demand within the
31 twenty-day period is conclusively presumed to have
32 consented to the acquisition."
33 2. By renumbering as necessary.

DERRYL McLAREN
H. KAY HEDGE
JOHN P. KIBBIE
EUGENE S. FRAISE

HOUSE AMENDMENT TO
SENATE FILE 530

S-5479

1 Amend Senate File 530, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 16.161, Code 1997, is amended
6 to read as follows:
7 16.161 AUTHORITY TO ISSUE E911 PROGRAM BONDS AND
8 NOTES.
9 The authority shall assist the ~~department of public~~
10 ~~defense administrator appointed pursuant to section~~
11 34A.2A or as provided in chapter 34A, subchapter II
12 and the authority shall have all of the powers
13 delegated to it by a joint E911 service board or the
14 department of public defense in a chapter 28E
15 agreement with respect to the issuance and securing of
16 bonds or notes and the carrying out of the purposes of
17 chapter 34A.
18 Sec. 2. Section 16.161, Code 1997, is amended by
19 adding the following new unnumbered paragraph:
20 NEW UNNUMBERED PARAGRAPH. The authority shall
21 provide a mechanism for the pooling of funds of two or
22 more joint E911 service boards to be used for the
23 joint purchasing of necessary equipment and
24 reimbursement of land-line and wireless service
25 providers' costs for upgrades necessary to provide
26 E911 service. When two or more joint E911 service
27 boards have agreed to pool funds for the purpose of
28 purchasing necessary equipment to be used in providing
29 E911 service, the authority shall issue bonds and

30 notes as provided in sections 34A.20 through 34A.22.
31 Sec. 3. Section 34A.2, subsection 2, Code 1997, is
32 amended to read as follows:
33 2. "Administrator" means the E911 administrator of
34 ~~the division of emergency management of the department~~
35 ~~of public defense~~ appointed pursuant to section
36 34A.2A.
37 Sec. 4. Section 34A.2, subsection 3, Code 1997, is
38 amended by striking the subsection.
39 Sec. 5. NEW SECTION. 34A.2A ADMINISTRATOR --
40 APPOINTMENT -- DUTIES.
41 The administrator of the division of emergency
42 management of the department of public defense shall
43 appoint an E911 administrator to administer this
44 chapter. The E911 administrator shall act under the
45 supervisory control of the administrator of the
46 division of emergency management of the department of
47 public defense, and in consultation with the E911
48 communications council, and perform the duties
49 specifically set forth in this chapter.
50 Sec. 6. Section 34A.3, subsection 1, Code 1997, is

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1 amended to read as follows:
2 1. JOINT 911 SERVICE BOARDS TO SUBMIT PLANS. The
3 board of supervisors of each county shall establish a
4 joint 911 service board not later than January 1,
5 1989. Each political subdivision of the state having
6 a public safety agency serving territory within the
7 county is entitled to voting membership on the joint
8 911 service board. Each private safety agency
9 operating within the area is entitled to nonvoting
10 membership on the board. A township which does not
11 operate its own public safety agency, but contracts
12 for the provision of public safety services, is not
13 entitled to membership on the joint 911 service board,
14 but its contractor is entitled to membership according
15 to the contractor's status as a public or private
16 safety agency. The joint 911 service board shall
17 develop an enhanced 911 service plan encompassing at
18 minimum the entire county, unless an exemption is
19 granted by the administrator permitting a smaller E911
20 service area. The administrator may grant a
21 discretionary exemption from the single county minimum
22 service area requirement based upon an E911 joint
23 service board's or other E911 service plan operating
24 authority's presentation of evidence which supports
25 the requested exemption if the administrator finds
26 that local conditions make adherence to the minimum
27 standard unreasonable or technically infeasible, and
28 that the purposes of this chapter would be furthered

29 by granting an exemption. The minimum size
30 requirement is intended to prevent unnecessary
31 duplication of public safety answering points and
32 minimize other administrative, personnel, and
33 equipment expenses. An E911 service area must
34 encompass a geographically contiguous area. No
35 exemption shall be granted from the contiguous area
36 requirement. The administrator may order the
37 inclusion of a specific territory in an adjoining E911
38 service plan area to avoid the creation by exclusion
39 of a territory smaller than a single county not
40 serviced by surrounding E911 service plan areas upon
41 request of the joint 911 service board representing
42 the territory. The E911 service plan operating
43 authority shall submit the plan on or before January
44 1, 1994, to all of the following:
45 a. The ~~division~~ administrator.
46 b. Public and private safety agencies in the
47 enhanced 911 service area.
48 c. Providers affected by the enhanced 911 service
49 plan.
50 An E911 joint service board that has a state-

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1 approved service plan in place prior to July 1, 1993,
2 is exempt from the provisions of this section. The
3 ~~division~~ administrator shall establish, by July 1,
4 1994, E911 service plans for those E911 joint service
5 boards which do not have a state-approved service plan
6 in place on or before January 1, 1994.
7 The ~~division~~ administrator shall prepare a summary
8 of the plans submitted and present the summary to the
9 legislature on or before August 1, 1994.
10 Sec. 7. Section 34A.6, subsection 3, Code 1997, is
11 amended to read as follows:
12 3. The secretary of state, in consultation with
13 the ~~administrator of the office of emergency~~
14 ~~management of the department of public defense~~, shall
15 adopt rules for the conduct of joint E911 service
16 referendums as required by and consistent with
17 subsections 1 and 2.
18 Sec. 8. Section 34A.7, subsection 6, Code 1997, is
19 amended to read as follows:
20 6. LIMITATION OF ACTIONS -- PROVIDER NOT LIABLE ON
21 CAUSE OF ACTION RELATED TO PROVISION OF 911 SERVICES.
22 A claim or cause of action does not exist based upon
23 or arising out of an act or omission in connection
24 with a land-line or wireless provider's participation
25 in an E911 service plan or provision of 911 or local
26 exchange access service, unless the act or omission is
27 determined to be willful and wanton negligence.

28 Sec. 9. NEW SECTION. 34A.7A WIRELESS
29 COMMUNICATIONS SURCHARGE -- FUND ESTABLISHED --
30 DISTRIBUTION AND PERMISSIBLE EXPENDITURES.

31 1. a. Notwithstanding section 34A.6, the
32 administrator shall adopt by rule a monthly surcharge
33 of up to fifty cents to be imposed on each wireless
34 communications service number provided in this state.
35 The surcharge shall be imposed uniformly on a
36 statewide basis and simultaneously on all wireless
37 communications service numbers as provided by rule of
38 the administrator.

39 b. The administrator shall provide no less than
40 one hundred days' notice of the surcharge to be
41 imposed to each wireless communications service
42 provider. The administrator, subject to the fifty
43 cent limit in paragraph "a", may adjust the amount of
44 the surcharge as necessary, but no more than once in
45 any calendar year.

46 c. The surcharge shall be collected as part of the
47 wireless communications service provider's periodic
48 billing to a subscriber. In compensation for the
49 costs of billing and collection, the provider may
50 retain one percent of the gross surcharges collected.

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1 The surcharges shall be remitted quarterly by the
2 provider to the administrator for deposit into the
3 fund established in subsection 2. A provider is not
4 liable for an uncollected surcharge for which the
5 provider has billed a subscriber but which has not
6 been paid. The surcharge shall appear as a single
7 line item on a subscriber's periodic billing
8 indicating that the surcharge is for E911 emergency
9 telephone service. The E911 service surcharge is not
10 subject to sales or use tax.

11 2. Moneys collected pursuant to subsection 1 shall
12 be deposited in a separate wireless E911 emergency
13 communications fund within the state treasury under
14 the control of the administrator. Section 8.33 shall
15 not apply to moneys in the fund. Moneys earned as
16 income, including as interest, from the fund shall
17 remain in the fund until expended as provided in this
18 section. Moneys in the fund shall be expended and
19 distributed annually as follows:

20 a. An amount as appropriated by the general
21 assembly to the administrator for implementation,
22 support, and maintenance of the functions of the
23 administrator.

24 b. (1) The administrator shall retain funds
25 necessary to reimburse wireless carriers for their
26 costs to deliver E911 services. The administrator

27 shall assure that wireless carriers recover all
28 eligible costs associated with the implementation and
29 operation of E911 services, including but not limited
30 to hardware, software, and transport costs. The
31 administrator shall adopt rules defining eligible
32 costs which are consistent with federal law,
33 regulations, and any order of a federal agency.

34 (2) The administrator shall provide for the
35 reimbursement of wireless carriers on a quarterly
36 basis. If the total amount of moneys available in the
37 fund for the reimbursement of wireless carriers
38 pursuant to subparagraph (1) is insufficient to
39 reimburse all wireless carriers for such carriers'
40 eligible expenses, the administrator shall remit an
41 amount to each wireless carrier equal to the
42 percentage of such carrier's eligible expenses as
43 compared to the total of all eligible expenses for all
44 wireless carriers for the calendar quarter during
45 which such expenses were submitted.

46 c. (1) The remainder of the surcharge collected
47 shall be remitted to the administrator for
48 distribution to the joint E911 service boards and the
49 department of public safety pursuant to subparagraph
50 (2) to be used for the implementation of enhanced

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1 wireless communications capabilities.
2 (2) The administrator, in consultation with the
3 E911 communications council, shall adopt rules
4 pursuant to chapter 17A governing the distribution of
5 the surcharge collected and distributed pursuant to
6 this lettered paragraph. The rules shall include
7 provisions that all joint E911 service boards and the
8 department of public safety which answer or service
9 wireless E911 calls are eligible to receive an
10 equitable portion of the receipts.
11 A joint E911 service board or the department of
12 public safety, to receive funds from the E911
13 emergency communications fund, must submit a written
14 request for such funds to the administrator in a form
15 as approved by the administrator. A request shall be
16 for funding under an approved E911 service plan for
17 equipment which is directly related to the reception
18 and disposition of incoming wireless E911 calls. The
19 administrator may approve the distribution of funds
20 pursuant to such request if the administrator finds
21 that the requested funding is for equipment necessary
22 for the reception and disposition of such calls and
23 that sufficient funds are available for such
24 distribution.
25 If insufficient funds are available to fund all

26 requests, the administrator shall fund requests in an
27 order deemed appropriate by the administrator after
28 considering factors including, but not limited to, all
29 of the following:

30 (a) Documented volume of wireless E911 calls
31 received by each public safety answering point.

32 (b) The population served by each public safety
33 answering point.

34 (c) The number of wireless telephones in the
35 public safety answering point jurisdiction.

36 (d) The public safety of the citizens of this
37 state.

38 (e) Any other factor deemed appropriate by the
39 administrator, in consultation with the E911
40 communications council, and adopted by rule.

41 (3) The administrator shall submit an annual
42 report by January 15 of each year advising the general
43 assembly of the status of E911 implementation and
44 operations, including both land-line and wireless
45 services, and the distribution of surcharge receipts.

46 3. The amount collected from a wireless service
47 provider and deposited in the fund, pursuant to
48 section 22.7, subsection 6, information provided by a
49 wireless service provider to the administrator
50 consisting of trade secrets, pursuant to section 22.7,

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1 subsection 3, and other financial or commercial
2 operations information provided by a wireless service
3 provider to the administrator, shall be kept
4 confidential as provided under section 22.7. This
5 subsection does not prohibit the inclusion of
6 information in any report providing aggregate amounts
7 and information which does not identify numbers of
8 accounts or customers, revenues, or expenses
9 attributable to an individual wireless communications
10 service provider.

11 4. For purposes of this section, "wireless
12 communications service" means commercial mobile radio
13 service, as defined under sections 3(27) and 332(d) of
14 the federal Telecommunications Act of 1996, 47 U.S.C.
15 } 151 et seq.; federal communications commission
16 rules, and the Omnibus Budget Reconciliation Act of
17 1993. "Wireless communications service" includes any
18 wireless two-way communications used in cellular
19 telephone service, personal communications service, or
20 the functional or competitive equivalent of a radio-
21 telephone communications line used in cellular
22 telephone service, a personal communications service,
23 or a network access line. "Wireless communications
24 service" does not include services whose customers do

25 not have access to 911 or a 911-like service, a
26 communications channel utilized only for data
27 transmission, or a private telecommunications system.

28 Sec. 10. Section 34A.15, subsection 1, unnumbered
29 paragraph 1, Code 1997, is amended to read as follows:
30 An E911 communications council is established. The
31 council consists of the following ~~eleven~~ thirteen
32 members:

33 Sec. 11. Section 34A.15, subsection 1, Code 1997,
34 is amended by adding the following new paragraph:
35 NEW PARAGRAPH. k. Two persons appointed by the
36 Iowa wireless industry. One appointee shall represent
37 cellular companies and the other appointee shall
38 represent personal communications services companies.

39 Sec. 12. Section 34A.15, subsection 2, Code 1997,
40 is amended by striking the subsection and inserting in
41 lieu thereof the following:

42 2. The council shall advise and make
43 recommendations to the administrator regarding the
44 implementation of this chapter. Such advice and
45 recommendations shall be provided on issues at the
46 request of the administrator or as deemed necessary by
47 the council.

48 Sec. 13. Section 34A.15, Code 1997, is amended by
49 adding the following new subsections:

50 NEW SUBSECTION. 2A. A member of the council shall

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1 be reimbursed for actual and necessary expenses
2 incurred in the performance of the member's duties, if
3 such member is not otherwise reimbursed for such
4 expenses.

5 Sec. 14. Section 34A.20, subsection 2, Code 1997,
6 is amended to read as follows:

7 2. The authority shall cooperate with the
8 ~~department of public defense~~ administrator in the
9 creation, administration, and funding of the E911
10 program established in subchapter I.

11 Sec. 15. TRANSITION PROVISIONS.

12 1. The E911 administrator appointed pursuant to
13 section 34A.2A, as enacted in this Act, shall be
14 appointed by no later than July 1, 1998. The E911
15 administrator shall determine and implement an initial
16 surcharge as soon as possible, but at a minimum such
17 surcharge shall be determined and implemented by no
18 later than January 1, 1999.

19 2. a. There is appropriated from surcharge moneys
20 received by the E911 administrator and deposited into
21 the wireless E911 emergency communications fund, for
22 the fiscal year beginning July 1, 1998, and ending
23 June 30, 1999, an amount not to exceed two hundred

24 thousand dollars to be used for the implementation,
25 support, and maintenance of the functions of the E911
26 administrator. The amount appropriated in this
27 paragraph includes any amounts necessary to reimburse
28 the division of emergency management of the department
29 of public defense pursuant to paragraph "b".

30 b. Notwithstanding the distribution formula in
31 section 34A.7A, as enacted in this Act, and prior to
32 any such distribution, of the initial surcharge moneys
33 received by the E911 administrator and deposited into
34 the wireless E911 emergency communications fund, for
35 the fiscal year beginning July 1, 1998, and ending
36 June 30, 1999, an amount shall be transferred to the
37 division of emergency management of the department of
38 public defense as necessary to reimburse the division
39 for amounts expended for the implementation, support,
40 and maintenance of the E911 administrator, including
41 the E911 administrator's salary.

42 3. a. Notwithstanding the distribution formula in
43 section 34A.7A, as enacted in this Act, and after the
44 distribution provided for in subsection 2 of this
45 section and prior to any other distribution pursuant
46 to section 34A.7A, of the surcharge moneys received by
47 the E911 administrator and deposited into the wireless
48 E911 emergency communications fund, for the fiscal
49 year beginning July 1, 1998, and ending June 30, 1999,
50 an amount not to exceed eighty thousand dollars shall

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1 be transferred to the Iowa law enforcement academy to
2 be used for implementation, maintenance, and support
3 of telecommunicator training. For purposes of this
4 paragraph, the total amount transferred includes any
5 amounts transferred to the Iowa law enforcement
6 academy under paragraph "b".

7 b. The Iowa law enforcement academy shall begin as
8 soon as practicable the telecommunicator training as
9 provided in this subsection. If the academy expends
10 funds on or after July 1, 1998, for telecommunicator
11 training and prior to the imposition of the surcharge
12 under section 34A.7A, the E911 administrator, subject
13 to the limit of eighty thousand dollars in paragraph
14 "a", shall transfer from the wireless E911 emergency
15 communications fund to the Iowa law enforcement
16 academy an amount necessary to reimburse the academy
17 for such amounts expended by the academy. The E911
18 administrator and the Iowa law enforcement academy
19 shall provide a written report to the fiscal committee
20 of the legislative council and to the legislative
21 fiscal bureau regarding amounts expended by the
22 academy and reimbursed by the E911 administrator

23 pursuant to this section.

24 c. The Iowa law enforcement academy, for
25 telecommunicator training for fiscal years beginning
26 on and after July 1, 1999, shall submit requests for
27 funding through the general assembly's appropriation
28 process in the same manner as the academy submits
29 requests for other general fund appropriations.

30 4. a. The department of public defense is
31 authorized two additional full-time equivalent
32 positions for the purpose of implementing the
33 amendments to chapter 34A in this Act. Included in
34 these two full-time equivalent positions is the E911
35 administrator appointed pursuant to section 34A.2A, as
36 enacted in this Act.

37 b. The Iowa law enforcement academy is authorized
38 one and one-half additional full-time equivalent
39 positions for the purpose of implementing
40 telecommunicator training as provided for in this Act.

41 Sec. 16. EFFECTIVE DATE. This Act, being deemed
42 of immediate importance, takes effect upon enactment."

43 2. Title page, line 4, by inserting after the
44 word "system" the following: ", and providing an
45 effective date".

S-5480

1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 20, line 15, by inserting after the word
4 "years," the following: "the department shall provide
5 written notification to the member that".

STEVEN D. HANSEN

S-5481

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 15, by inserting after line 1 the
4 following:

5 "Sec. 201. Section 422B.10, subsection 4,
6 unnumbered paragraph 1, Code Supplement 1997, is
7 amended to read as follows:

8 Twenty-five Except as provided in subsection 4A,
9 twenty-five percent of each county's account shall be
10 remitted based on the sum of property tax dollars
11 levied by the board of supervisors if the tax was
12 imposed in the unincorporated areas and each city in
13 the county where the tax was imposed during the three-
14 year period beginning July 1, 1982, and ending June
15 30, 1985, as follows:

16 Sec. 202. Section 422B.10, Code Supplement 1997,

17 is amended by adding the following new subsection:
18 NEW SUBSECTION. 4A. For counties that first
19 impose the tax on or after July 1, 1998 twenty-five
20 percent of each county's account shall be remitted
21 based on the sum of property tax dollars levied by the
22 board of supervisors if the tax was imposed in the
23 unincorporated areas and each city in the county where
24 the tax was imposed during the three-year period
25 beginning July 1, 1992, and ending June 30, 1995, as
26 follows:

27 a. To the board of supervisors a pro rata share
28 based upon the percentage of the total property tax
29 dollars levied by the board of supervisors during the
30 above three-year period.

31 b. To each city council where the tax was imposed
32 a pro rata share based upon the percentage of property
33 tax dollars levied by the city during the above three-
34 year period of the above total property tax dollars
35 levied by the board of supervisors and each city where
36 the tax was imposed during the above three-year
37 period."

38 2. Page 37, by inserting after line 19 the
39 following:

40 "____. Sections 201 and 202 of this Act, amending
41 section 422B.10, take effect July 1, 1998."

ROBERT E. DVORSKY

S-5482

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 15, by inserting after line 1 the
4 following:

5 "Sec. ____ Section 422B.10, subsection 4,
6 unnumbered paragraph 1, Code Supplement 1997, is
7 amended to read as follows:

8 Twenty-five percent of each county's account shall
9 be remitted based on the sum of property tax dollars
10 levied by the board of supervisors if the tax was
11 imposed in the unincorporated areas and each city in
12 the county where the tax was imposed during the three-
13 year period beginning July 1, ~~1982~~ 1992, and ending
14 June 30, ~~1985~~ 1995, as follows:"

ROBERT E. DVORSKY

HOUSE AMENDMENT TO
SENATE FILE 2400

S-5483

1 Amend Senate File 2400, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 5, line 8, through page 6,
4 line 2.

5 2. Page 6, by striking lines 9 and 10 and
6 inserting the following: "communities solely because
7 the housing within the land-leased community will be
8 modular or manufactured housing."

9 3. Page 6, line 21, by inserting after the word
10 "students." the following: "A manufactured home
11 located in a land-leased community shall be taxed
12 under section 435.22 as if the manufactured home were
13 located in a mobile home park."

14 4. Page 8, by striking lines 11 and 12 and
15 inserting the following: "communities solely because
16 the housing within the land-leased community will be
17 modular or manufactured housing."

18 5. Page 8, line 23, by inserting after the word
19 "students." the following: "A manufactured home
20 located in a land-leased community shall be taxed
21 under section 435.22 as if the manufactured home were
22 located in a mobile home park."

23 6. Page 8, by inserting after line 23 the
24 following:

25 "Sec. ____ . Section 435.1, subsection 1, Code
26 Supplement 1997, is amended to read as follows:

27 1. "Home" means a mobile home; or a manufactured
28 home; ~~or a modular home.~~"

29 7. Page 12, by striking lines 18 and 19 and
30 inserting the following: "by both regular mail and
31 certified mail to the person's last known address and
32 such notice is deemed completed when the notice by
33 certified mail is deposited in the".

34 8. Page 12, by inserting after line 30 the
35 following:

36 "Sec. ____ . NEW SECTION. 648.6 DELAYED VACATION
37 -- NOTICE TO LIEN HOLDERS.

38 In cases covered by chapter 562B, a plaintiff may
39 preserve the option of consenting to delayed vacation
40 of a premises as provided in section 648.22A, by
41 sending a copy of the petition, prior to the date set
42 for hearing, by certified or restricted certified mail
43 to the county treasurer and to each lienholder whose
44 name and address are of record in the office of the
45 county treasurer of the county where the mobile home
46 or manufactured home is located.

47 Sec. ____ . NEW SECTION. 648.22A EXECUTIONS

48 INVOLVING MOBILE HOMES AND MANUFACTURED HOMES.

49 1. In cases covered by chapter 562B, upon
50 expiration of three days from the date the judgment is

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1 entered pursuant to section 648.22, the defendant may
2 elect to leave a mobile home or manufactured home and
3 its contents in the mobile home park for up to thirty
4 days provided all of the following occur:

5 a. The plaintiff consents and the plaintiff has
6 complied with the provisions of section 648.6.

7 b. All utilities to the mobile home or
8 manufactured home are disconnected prior to expiration
9 of three days from the entry of judgment. Payment of
10 any reasonable costs incurred in disconnecting
11 utilities is the responsibility of the defendant.

12 2. During the thirty-day period the defendant may
13 have reasonable access to the home site to show the
14 home to prospective purchasers, prepare the home for
15 removal, or remove the home, provided that the
16 defendant gives the plaintiff and sheriff at least
17 twenty-four hours notice prior to each exercise of the
18 defendant's right of access.

19 3. During the thirty-day period the defendant
20 shall not occupy the home or be present on the
21 premises between the hours of seven p.m. and seven
22 a.m. A violation of this subsection shall be
23 punishable as contempt.

24 4. If the defendant finds a purchaser of the home,
25 who is a prospective tenant of the mobile home park,
26 the provisions of section 562B.19, subsection 3,
27 paragraph "c", shall apply.

28 5. If, within the thirty-day period, the home is
29 not sold to an approved purchaser or removed from the
30 mobile home park, all of the following shall occur:

31 a. The home, its contents, and any other property
32 of the defendant remaining on the premises shall
33 become the property of the plaintiff free and clear of
34 all rights of the defendant to the property and of all
35 liens, claims, or encumbrances of third parties, and
36 any tax levied pursuant to chapter 435 may be abated
37 by the board of supervisors.

38 b. Any money judgment against the defendant and in
39 favor of the plaintiff relating to the previous
40 tenancy shall be deemed satisfied.

41 c. The county treasurer, upon receipt of a fee
42 equal to the fee specified in section 321.42 for
43 replacement of certificates of title for motor
44 vehicles, and upon receipt of an affidavit submitted
45 by the plaintiff verifying that the home was not sold
46 to an approved purchaser or removed within the time

47 specified in this subsection, shall issue to the
48 plaintiff a new title for the home.
49 6. A purchaser of the home shall be liable for any
50 unpaid sums due the plaintiff, sheriff, or county

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1 treasurer. For the purposes of this section,
2 "purchaser" includes a lienholder or other claimant
3 acquiring title to the home in whole or in part by
4 reason of a lien or other claim.
5 7. A mobile home or manufactured home shall not be
6 removed without the prior payment to the plaintiff of
7 all sums owing at the time of entry of judgment,
8 interest accrued on such sums as provided by law, and
9 per diem rent for that portion of the thirty-day
10 period which has expired prior to removal, and payment
11 of any taxes due on the home which are not abated
12 pursuant to subsection 5."
13 9. Page 12, by striking lines 31 through 33.
14 10. Page 12, by striking lines 34 and 35 and
15 inserting the following:
16 "Sec. 33. RETROACTIVE APPLICABILITY. Sections 12,
17 18 through 21, and 23 through 26 of this Act apply
18 retroactively".
19 11. Title page, line 1, by inserting after the
20 word "treasurers" the following: ", removal or sale
21 of a mobile home or manufactured home,".
22 12. Title page, line 2, by striking the words "an
23 applicability" and inserting the following: "a
24 retroactive applicability".
25 13. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

**HOUSE AMENDMENT TO
SENATE FILE 2378**

S-5484

1 Amend Senate File 2378, as passed by the Senate, as
2 follows:
3 1. Page 1, line 26, by striking the word
4 "Promptly" and inserting the following: "Within three
5 business days".
6 2. Page 1, by striking line 35 and inserting the
7 following:
8 "1. If the real estate owner files an application
9 for stay within twenty days of the date of mailing the
10 notice of filing the bankruptcy transcript by the
11 clerk with the district court in which".
12 3. Page 2, by inserting after line 6 the
13 following:

14 "2. The district court for the county in which the
15 bankruptcy transcript is filed has no jurisdiction to
16 stay the effects of the bankruptcy transcript either
17 as initially filed or as amended if the transcript
18 contains a certificate by the clerk of the bankruptcy
19 court of any of the following:
20 a. The order affecting real estate has not been
21 appealed and the time for filing an appeal has
22 expired.
23 b. The order affecting real estate has been
24 appealed and the order has been affirmed on appeal and
25 is not further appealable.
26 c. An appeal from the order affecting real estate
27 has been filed and no stay from that order has been
28 granted by the bankruptcy court to the appealing
29 party.
30 3. An amendment to the bankruptcy transcript
31 demonstrating the finality of the bankruptcy court
32 proceedings shall terminate any jurisdiction of the
33 district court to stay the effects of the bankruptcy
34 transcript."

HOUSE AMENDMENT TO
SENATE FILE 2066

S-5485

1 Amend Senate File 2066, as passed by the Senate, as
2 follows:
3 1. Page 1, line 4, by striking the word "or" and
4 inserting the following: "~~or~~,"
5 2. Page 1, line 9, by inserting after the word
6 "requirements" the following: ", or a child through
7 twenty-two years of age who has not yet graduated from
8 high school due to academic reasons, illness,
9 disability, or other circumstances, but who is engaged
10 full-time in completing high school graduation or
11 equivalency requirements".
12 3. Page 1, by inserting after line 9 the
13 following:
14 "Sec. ____ Section 252H.22, subsection 2, Code
15 Supplement 1997, is amended to read as follows:
16 2. The support order provides for the ongoing
17 support of at least one child under the age of
18 eighteen, ~~or a child between the ages of eighteen and~~
19 through nineteen years of age who has not yet
20 graduated from high school but who is reasonably
21 ~~expected to graduate from engaged full-time in~~
22 completing high school before attaining the age of
23 nineteen graduation or equivalency requirements, or a
24 child through twenty-two years of age who has not yet
25 graduated from high school due to academic reasons,

26 illness, disability, or other circumstances, but who
27 is engaged full-time in completing high school
28 graduation or equivalency requirements."

29 4. Page 1, line 25, by inserting after the word
30 "age;" the following: "or a child through twenty-two
31 years of age who has not yet graduated from high
32 school due to academic reasons, illness, disability,
33 or other circumstances, but who is engaged full-time
34 in completing high school graduation or equivalency
35 requirements."

36 5. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2330

S-5486

1 Amend Senate File 2330, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 21, by striking the word "shall"
4 and inserting the following: "may".

5 2. Page 3, by striking lines 21 through 31 and
6 inserting the following:

7 "b. If the inmate or prisoner has no good conduct
8 time credits to deduct, the order of the court or the
9 disciplinary hearing may deduct up to fifty percent of
10 the average".

11 3. Page 4, by striking lines 3 and 4.

12 4. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 347

S-5487

1 Amend Senate File 347 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 30, by striking the word "shall"
4 and inserting the following: "may".

5 2. Page 2, line 2, by striking the word "claim"
6 and inserting the following: "notice".

7 3. Page 2, by striking lines 6 through 8 and
8 inserting the following:

9 "c. The state shall give notice of condemnation to
10 the person from whom the property was seized and any
11 person identified as an owner or lien holder, by
12 certified mail, personal service, or publication."

13 4. Page 3, line 22, by inserting after the word
14 "order" the following: "and shall be conducted in the
15 same manner as an appeal in a small claims action".

HOUSE AMENDMENT TO
SENATE JOINT RESOLUTION 9

S-5488

- 1 Amend Senate Joint Resolution 9, as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the words "to
- 4 vote".

HOUSE AMENDMENT TO
SENATE FILE 2329

S-5489

- 1 Amend Senate File 2329, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 24, the
- 4 following:
- 5 "Sec. ____ PREVAILING AMENDMENTS AND CODE EDITOR
- 6 DIRECTIVE.
- 7 1. Any amendments to section 232A.4, section
- 8 232.28, subsections 10 and 11, sections 232.28A,
- 9 709.10, and 709.17, section 904.108, subsection 6, and
- 10 chapters 709B, 910A, and 912, Code and Code
- 11 Supplement, enacted in any Acts of the Seventy-seventh
- 12 General Assembly, 1998 Session, shall prevail over the
- 13 repeal of those provisions in 1998 Iowa Acts, House
- 14 File 2527, as the reenactment of those provisions in
- 15 new Code chapter 915 in that Act is intended to be a
- 16 continuation of the prior statutes but is not intended
- 17 to preclude further amendment of those provisions.
- 18 2. The Code editor is therefore directed to apply
- 19 and harmonize any amendments enacted during the 1998
- 20 Session of the Seventy-seventh General Assembly to
- 21 section 232A.4, section 232.28, subsections 10 and 11,
- 22 sections 232.28A, 709.10, and 709.17, section 904.108,
- 23 subsection 6, and chapters 709B, 910A, and 912, Code
- 24 and Code Supplement, to the appropriate corresponding
- 25 provisions of new Code chapter 915, as enacted in 1998
- 26 Iowa Acts, House File 2527.
- 27 3. If amendments in other 1998 Iowa Acts to any of
- 28 the repealed sections and chapters or partially
- 29 stricken sections cannot easily be applied and
- 30 harmonized to corresponding provisions in new Code
- 31 chapter 915, the amendments may be included in a Code
- 32 editor's bill to be submitted to the general assembly
- 33 which convenes in January 1999.
- 34 4. Notwithstanding subsection 1, the repeal of
- 35 section 232.28A in section 81 of 1998 Iowa Acts, House
- 36 File 2527, is intended to prevail over the amendment
- 37 of section 232.28A in section 62 of that Act."

- 38 2. Title page, line 1, by inserting after the
39 word "Act" the following: "relating to crime victims,
40 by".
41 3. Title page, line 2, by inserting after the
42 word "families" the following: "and providing a Code
43 editor directive".
44 4. By renumbering as necessary.

S-5490

- 1 Amend Senate Joint Resolution 2004 as follows:
2 1. Page 3, by striking lines 19 through 30 and
3 inserting the following:
4 "REQUIREMENTS FOR TAX LAW CHANGES.
5 REFERENDUM TO INCREASE TAXES. Section. 1. The
6 people reserve to themselves the power to affirm or
7 reject at the polls any Act or a portion of any Act of
8 the General Assembly which raises the tax rates
9 imposed on the income of individuals or sales or use
10 tax rates.
11 A referendum to affirm or reject an Act or portion
12 of an Act which raises the tax rates imposed on the
13 income of individuals or sales or use tax rates shall
14 be held not later than ninety days after the final
15 adjournment of the session of the General Assembly
16 that passed the Act on which a referendum is required.
17 An Act or portion of an Act which raises the tax rates
18 imposed on the income of individuals or sales or use
19 tax rates shall not become effective until the
20 question is decided by the voters at the polls.
21 An Act or portion of an Act which raises the tax
22 rates imposed on the income of individuals or sales or
23 use tax rates is deemed rejected if a majority of the
24 votes cast are in favor of rejecting the Act. An Act
25 or portion of an Act rejected is repealed immediately
26 upon certification of the referendum results by the
27 Secretary of State."
28 2. Page 4, line 3, by striking the figure and
29 word "1 or".
30 3. Page 4, line 7, by striking the figure and
31 word "1 or".
32 4. Page 4, line 9, by striking the figure and
33 word "1 or".

TOM VILSACK

HOUSE AMENDMENT TO
SENATE FILE 2353

S-5491

- 1 Amend Senate File 2353, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the figure "2002"
- 4 and inserting the following: "2000".
- 5 2. Page 1, line 9, by striking the figure "2002"
- 6 and inserting the following: "2000".
- 7 3. Page 1, line 21, by striking the figure "2002"
- 8 and inserting the following: "2000".

S-5492

- 1 Amend the House amendment, S-5468, to Senate File
- 2 2391, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 3, by inserting before line 14 the
- 5 following:
- 6 "c. The department of public safety shall adopt
- 7 nationally accepted standards for determining
- 8 detectable levels of controlled substances in the
- 9 division of criminal investigation's initial
- 10 laboratory screening test for controlled substances."
- 11 2. Page 3, by striking lines 25 through 36.
- 12 3. Page 4, by striking lines 18 through 22.
- 13 4. By renumbering as necessary.

ANDY McKEAN

S-5493

- 1 Amend Senate Joint Resolution 2004 as follows:
- 2 1. Page 3, line 15, by inserting after the word
- 3 "proposed" the following: "as an alternative to, and
- 4 separate from, the proposed amendment in section 3 of
- 5 this resolution, and the voters shall only be able to
- 6 vote in the alternative for this amendment or for the
- 7 proposed amendment in section 3 of this resolution,
- 8 and this amendment shall be ratified only if a
- 9 majority of the electors voting on this amendment and
- 10 the proposed amendment in section 3 of this resolution
- 11 approves this amendment".
- 12 2. Page 4, by inserting after line 11 the
- 13 following:
- 14 "Sec. 3. The following amendment to the
- 15 Constitution of the State of Iowa is proposed as an
- 16 alternative to, and separate from, the proposed
- 17 amendment in section 2 of this resolution, and the
- 18 voters shall only be able to vote in the alternative

19 for this amendment or for the proposed amendment in
20 section 2 of this resolution, and this amendment shall
21 be ratified only if a majority of the electors voting
22 on this amendment and the proposed amendment in
23 section 2 of this resolution approves this amendment:
24 The Constitution of the State of Iowa is amended by
25 adding the following new sections to new Article XIII:

26 ARTICLE XIII.

27 REQUIREMENTS FOR TAX LAW CHANGES.

28 REFERENDUM TO INCREASE TAXES. Section 1. The
29 people reserve to themselves the power to affirm or
30 reject at the polls any Act or a portion of any Act of
31 the General Assembly which raises the tax rates
32 imposed on the income of individuals or sales or use
33 tax rates.

34 A referendum to affirm or reject an Act or portion
35 of an Act which raises the tax rates imposed on the
36 income of individuals or sales or use tax rates shall
37 be held not later than ninety days after the final
38 adjournment of the session of the General Assembly
39 that passed the Act on which a referendum is required.
40 An Act or portion of an Act which raises the tax rates
41 imposed on the income of individuals or sales or use
42 tax rates shall not become effective until the
43 question is decided by the voters at the polls.

44 An Act or portion of an Act which raises the tax
45 rates imposed on the income of individuals or sales or
46 use tax rates is deemed rejected if a majority of the
47 votes cast are in favor of rejecting the Act. An Act
48 or portion of an Act rejected is repealed immediately
49 upon certification of the referendum results by the
50 Secretary of State.

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1 THREE-FIFTHS MAJORITY TO ENACT NEW STATE TAX. Sec.
2 2. A bill that establishes a new state tax to be
3 imposed by the state shall require the affirmative
4 votes of at least three-fifths of the whole membership
5 of each house of the General Assembly for passage.
6 ENFORCEMENT OF THREE-FIFTHS MAJORITY REQUIREMENT.
7 Sec. 3. A lawsuit challenging the proper enactment of
8 a bill pursuant to section 1 shall be filed no later
9 than one year following the enactment. Failure to
10 file such a lawsuit within the one-year time limit
11 shall negate the three-fifths majority requirement as
12 it applies to the bill.
13 Each bill to which section 1 applies shall include
14 a separate provision describing the requirements for
15 enactment prescribed by section 1.

16 IMPLEMENTATION. Sec. 4. The General Assembly
17 shall enact laws to implement sections 1 through 3."

TOM VILSACK

S-5494

1 Amend the amendment, S-5468, to Senate File 2391,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 37 through 45.
5 2. Page 13, by striking lines 17 through 21.
6 3. Page 13, line 49, by striking the words "a
7 limitation on the".
8 4. By striking page 13, line 50, through page 14,
9 line 1.
10 5. Page 14, line 2, by striking the words
11 "temporary restricted license, and providing".
12 6. By renumbering as necessary.

ANDY McKEAN

S-5495

1 Amend Senate Joint Resolution 2004 as follows:
2 1. By striking page 1, line 1, through page 4,
3 line 17, and inserting the following:
4 "Section 1. The following amendment to the
5 Constitution of the State of Iowa is proposed:
6 The Constitution of the State of Iowa is amended by
7 adding the following new section to new Article XIII:
8 ARTICLE XIII.
9 EXPENDITURE LIMITATION.
10 GENERAL FUND EXPENDITURE LIMITATION. Section 1.
11 1. For the purposes of this section:
12 a. "Adjusted revenue estimate" means the most
13 recent revenue estimate determined before January 1,
14 or a later and lesser revenue estimate determined
15 before adjournment of the regular session of the
16 General Assembly, for the general fund for the
17 following fiscal year as determined by a revenue
18 estimating conference which shall be established by
19 the General Assembly by law, adjusted by subtracting
20 estimated refunds payable from that estimated revenue
21 and adding any available surplus in accordance with
22 subsection 5.
23 b. "General fund" means the principal operating
24 fund of the state which shall be established by the
25 General Assembly by law.
26 c. "New revenues" means moneys which are received
27 by the state due to increased tax rates or fees or
28 newly created taxes or fees over and above those

29 moneys which are received due to state taxes or fees
30 which are in effect as of January 1 following the most
31 recent state revenue estimating conference. "New
32 revenues" also includes moneys received by the general
33 fund due to new transfers over and above those moneys
34 received by the general fund due to transfers which
35 are in effect as of January 1 following the most
36 recent state revenue estimating conference. The state
37 revenue estimating conference shall determine the
38 eligibility of transfers to the general fund which are
39 to be considered as new revenue in determining the
40 state general fund expenditure limitation.
41 2. A state general fund expenditure limitation is
42 created and calculated in subsection 3, for each
43 fiscal year beginning on or after July 1 following the
44 effective date of this section.
45 3. Except as otherwise provided in this section,
46 the state general fund expenditure limitation for a
47 fiscal year shall be ninety-nine percent of the
48 adjusted revenue estimate.
49 4. The state general fund expenditure limitation
50 shall be used by the Governor in the preparation of

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1 the budget and by the General Assembly in the budget
2 process. If a new revenue source is proposed, the
3 budget revenue projection used for that new revenue
4 source for the period beginning on the effective date
5 of the new revenue source and ending in the fiscal
6 year in which the source is included in the adjusted
7 revenue estimate shall be ninety-five percent of the
8 amount remaining after subtracting estimated refunds
9 payable from the projected revenue from that source.
10 If a new revenue source is established and
11 implemented, the original state general fund
12 expenditure limitation amount provided for in
13 subsection 3 shall be readjusted to include ninety-
14 five percent of the estimated revenue from that
15 source.
16 5. Any surplus existing at the end of a fiscal
17 year which exceeds ten percent of the adjusted revenue
18 estimate of that fiscal year shall be included in the
19 adjusted revenue estimate for the following fiscal
20 year. Any surplus equal to ten percent or less of the
21 adjusted revenue estimate of the fiscal year may be
22 included in the adjusted revenue estimate for the
23 following fiscal year if approved in a bill receiving
24 the affirmative votes of at least three-fifths of the
25 whole membership of each house of the General
26 Assembly. For purposes of this section, "surplus"
27 means the cumulative excess of revenues and other

28 financing sources over expenditures and other
29 financing uses for the general fund at the end of a
30 fiscal year.
31 6. The scope of the expenditure limitation under
32 subsection 3 shall not include federal funds,
33 donations, constitutionally dedicated moneys, and
34 moneys in expenditures from a state retirement system.
35 7. The Governor shall submit and the General
36 Assembly shall pass a budget which does not exceed the
37 state general fund expenditure limitation.
38 8. The Governor shall not submit and the General
39 Assembly shall not pass a budget which in order to
40 balance assumes reversion of any part of the total of
41 the appropriations included in the budget.
42 9. The state shall use consistent standards, in
43 accordance with generally accepted accounting
44 principles, for all state budgeting and accounting
45 purposes.
46 10. The General Assembly shall enact laws to
47 implement this section.
48 Sec. 2. The foregoing proposed amendment to the
49 Constitution of the State of Iowa is referred to the
50 General Assembly to be chosen at the next general

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1 election for members of the General Assembly and the
2 Secretary of State is directed to cause it to be
3 published for three consecutive months previous to the
4 date of that election as provided by law."
5 2. Title page, line 1, by striking the word
6 "amendments" and inserting the following: "an
7 amendment".
8 3. Title page, by striking lines 3 and 4 and
9 inserting the following: "state general fund
10 expenditures".

TOM FLYNN

S-5496

1 Amend House File 2335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 7 and 8, and
4 inserting the following:
5 "___ "Actively engaged in farming" means that a
6 natural person, including a shareholder or an officer,
7 director, or employee of a corporation, or a member or
8 manager of a limited liability company, does any of
9 the following:
10 a. Inspects the production activities periodically
11 and furnishes at least half of the value of the tools

12 used for production and pays at least half the direct
13 cost of production.

14 b. Regularly and frequently makes or takes an
15 important part in making management decisions
16 substantially contributing to or affecting the success
17 of the farm operation.

18 c. Performs physical work which significantly
19 contributes to crop or livestock production."

20 2. Page 1, by inserting after line 14, the
21 following:

22 "___ "Commodity share landlord" means a natural
23 person or a general partnership as provided in chapter
24 486 in which all partners are natural persons, which
25 owns at least one hundred fifty acres of agricultural
26 land and all of the following apply:

27 a. The owner receives rent on a commodity share
28 basis, which may be either a share of the crops or
29 livestock produced on the land.

30 b. The owner was actively engaged in farming the
31 land or a family member of the owner is or was
32 actively engaged in farming the land, if the family
33 member is related to the owner as a spouse, parent,
34 grandparent, lineal ascendant of a grandparent or
35 spouse, or other lineal descendant of a grandparent or
36 spouse."

37 3. Page 1, by striking lines 27 through 29, and
38 inserting the following:

39 "___ "Farmers cooperative association" means a
40 cooperative association organized under chapter 490 or
41 499, if qualified persons hold at least a seventy
42 percent equity interest in the association, including
43 seventy percent of all issued shares of the
44 cooperative association. If more than one class of
45 shares is authorized, qualified persons must hold at
46 least seventy percent of all issued shares in each
47 class. As used in this subsection, "issued shares"
48 includes but is not limited to common stock or
49 preferred stock, or each class of common stock or
50 preferred stock, regardless of voting rights or a

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1 right to receive dividends or earning distributions.
2 A security such as a warrant or option that may be
3 converted to stock shall be considered as issued
4 shares. For purposes of this subsection, a person who
5 was a qualified person within the last ten years shall
6 be treated as a qualified person."

7 4. By striking page 1, line 31, through page 2,
8 line 1, and inserting the following: "limited
9 liability company if farmers cooperative associations
10 hold one hundred percent of all membership interests

11 in the limited liability company. If more than one
12 type of membership interest is established, including
13 any series as provided in section 490A.305 or any
14 class or group as provided in section 490A.307,
15 farmers cooperative associations must hold at least
16 one hundred percent of all membership interests of
17 that type."

18 5. Page 2, by striking lines 14 through 17, and
19 inserting the following:

20 "a. All of the following apply:

21 (1) Qualified farmers must hold at least fifty-one
22 percent of all issued shares of the corporation. If
23 more than one class of shares is authorized, qualified
24 farmers must hold at least fifty-one percent of all
25 issued shares in each class.

26 (2) Qualified persons must hold at least seventy
27 percent of all issued shares of the corporation. If
28 more than one class of shares is authorized, qualified
29 persons must hold at least seventy percent of all
30 issued shares in each class.

31 b. As used in paragraph "a", "issued shares"
32 includes but is not limited to common stock or
33 preferred stock, or each class of common stock or
34 preferred stock, regardless of voting rights or a
35 right to receive dividends or earning distributions.
36 A security such as a warrant or option that may be
37 converted to stock shall be considered as issued
38 shares."

39 6. Page 2, by striking lines 24 through 28 and
40 inserting the following:

41 "a. Qualified farmers must hold at least fifty-one
42 percent of all membership interests in the limited
43 liability company. If more than one type of
44 membership interest is established, including any
45 series as provided in section 490A.305 or any class or
46 group as provided in section 490A.307, qualified
47 farmers must hold at least fifty-one percent of all
48 membership interests of that type.

49 b. Qualified persons must hold at least seventy
50 percent of all membership interests in the limited

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1 liability company. If more than one type of
2 membership interest is established, including any
3 series as provided in section 490A.305 or any class or
4 group as provided in section 490A.307, qualified
5 persons must hold at least seventy percent of all
6 membership interests of that type.

7 — "Operation of law" means a transfer by
8 inheritance, devise, or bequest, court order,
9 dissolution decree, order in bankruptcy, insolvency,

10 replevin, foreclosure, execution sale, the execution
11 of a judgment, the foreclosure of a real estate
12 mortgage, the forfeiture of a real estate contract, or
13 a transfer resulting from a decree for specific
14 performance."

15 7. Page 2, line 29, by striking the word "person"
16 and inserting the following: "farmer".

17 8. By striking page 2, line 34, through page 3,
18 line 5, and inserting the following:

19 "____. A farm estate.

20 ____ "Qualified person" means a person who is any
21 of the following:

22 a. A qualified farmer.

23 b. A family farm entity.

24 c. A commodity share renter."

25 9. Page 3, lines 27 and 28, by striking the words
26 "one thousand five hundred" and inserting the
27 following: "six hundred forty".

28 10. Page 3, lines 34 and 35, by striking the
29 words "a ten percent or greater" and inserting the
30 following: "an".

31 11. Page 4, line 9, by inserting before the word
32 "cooperative" the following: "farmers".

33 12. Page 4, line 13, by striking the words "one
34 thousand five hundred" and inserting the following:
35 "six hundred forty".

36 13. Page 4, by striking lines 20 through 22, and
37 inserting the following: "networking farmers
38 corporation by operation of law, the corporation may
39 disregard the transfer for".

40 14. Page 5, by inserting after line 4 the
41 following:

42 "____. A commodity share landlord who owns an
43 interest in a networking farmers corporation holding
44 agricultural land under section 10.3 must rent an
45 additional one hundred fifty acres of agricultural
46 land on a commodity share basis for each farmers
47 entity holding agricultural land under this chapter in
48 which the commodity share landlord acquires an
49 interest."

50 15. Page 5, lines 13 and 14, by striking the

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1 words "one thousand five hundred" and inserting the
2 following: "six hundred forty".

3 16. Page 5, line 21, by striking the words "a ten
4 percent or greater" and inserting the following:
5 "an".

6 17. Page 5, line 31, by inserting before the word
7 "cooperative" the following: "farmers".

8 18. Page 5, line 35, by striking the words "one

9 thousand five hundred" and inserting the following:
10 "six hundred forty".

11 19. Page 6, by striking lines 8 and 9, and
12 inserting the following: "law, the networking farmers
13 limited".

14 20. Page 6, by inserting after line 27 the
15 following:

16 "____. A commodity share landlord who owns an
17 interest in a networking farmers limited liability
18 company holding agricultural land under section 10.5
19 must rent an additional one hundred fifty acres of
20 agricultural land on a commodity share basis for each
21 farmers entity holding agricultural land under this
22 chapter in which the commodity share landlord acquires
23 an interest."

24 21. Page 7, lines 18 and 19, by striking the
25 words "a ten percent or greater" and inserting the
26 following: "an".

27 22. Page 7, line 28, by inserting before the word
28 "cooperative" the following: "farmers".

29 23. Page 7, line 32, by striking the words "one
30 thousand five hundred" and inserting the following:
31 "six hundred forty".

32 24. Page 8, by striking lines 4 through 6, and
33 inserting the following: "cooperative association by
34 operation of law, the association may disregard the
35 transfer for".

36 25. Page 8, by inserting after line 23 the
37 following:

38 "____. A commodity share landlord who owns an
39 interest in a farmers cooperative association holding
40 agricultural land under section 10.7 must rent an
41 additional one hundred fifty acres of agricultural
42 land on a commodity share basis for each farmers
43 entity holding agricultural land under this chapter in
44 which the commodity share landlord acquires an
45 interest."

46 26. Page 9, line 27, by inserting before the word
47 "cooperative" the following: "farmers".

48 27. Page 9, line 31, by striking the words "one
49 thousand five hundred" and inserting the following:
50 "six hundred forty".

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1 28. Page 10, by striking lines 5 and 6, and
2 inserting the following: "law, the networking farmers
3 cooperative limited liability".

4 29. Page 10, line 18, by striking the figure
5 "10.13" and inserting the following: "10.12".

6 30. Page 10, line 32, by striking the figure
7 "10.13" and inserting the following: "10.12".

- 8 31. Page 14, line 16, by striking the words "ten
 9 percent or less of" and inserting the following:
 10 "less than a ten percent interest in".
 11 32. Page 15, by striking lines 9 through 13.
 12 33. Page 15, by striking lines 25 and 26.
 13 34. By renumbering as necessary.

TOM VILSACK

S-5497

- 1 Amend House File 2539, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 10, line 13, by striking the word
 4 "officer".
 5 2. Page 10, by striking lines 14 through 16 and
 6 inserting the following: "pursuant to this section."
 7 3. Page 11, lines 1 through 3, by striking the
 8 words "as a condition of receiving the appropriation
 9 provided in this subsection,".
 10 4. Page 11, lines 14 through 16, by striking the
 11 words "as a condition of receiving the appropriation
 12 provided in this subsection,".
 13 5. Page 12, lines 7 through 9, by striking the
 14 words "as a condition of receiving the appropriation
 15 provided in this subsection,".
 16 6. Page 12, lines 17 through 19, by striking the
 17 words "as a condition of receiving the appropriation
 18 provided in this subsection,".
 19 7. Page 29, by striking line 10 and inserting the
 20 following:
 21 "..... \$ 963,551"
 22 8. Page 31, by striking line 19 and inserting the
 23 following:
 24 "..... \$ 11,534,456"

COMMITTEE ON APPROPRIATIONS
 DERRYL McLAREN, Chairperson

S-5498

- 1 Amend Senate File 540 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 85.65, Code 1997, is amended
 5 to read as follows:
 6 85.65 PAYMENTS TO SECOND INJURY FUND.
 7 The employer, or, if insured, the insurance carrier
 8 in each case of compensable injury causing death,
 9 shall pay to the treasurer of state for the second
 10 injury fund the sum of ~~four~~ twelve thousand dollars in
 11 a case where there are dependents and ~~fifteen~~ forty-

12 five thousand dollars in a case where there are no
13 dependents. The payment shall be made at the time
14 compensation payments are begun, or at the time the
15 burial expenses are paid in a case where there are no
16 dependents. However, the payments shall be required
17 only in cases of injury resulting in death coming
18 within the purview of this chapter and occurring after
19 July 1, 1978. These payments shall be in addition to
20 any payments of compensation to injured employees or
21 their dependents, or of burial expenses as provided in
22 this chapter.

23 Sec. 2. NEW SECTION. 85.65A PAYMENTS TO SECOND
24 INJURY FUND -- SURCHARGE ON EMPLOYERS.

25 1. For purposes of this section, unless the
26 context otherwise requires:

27 a. "Insured employers" means employers who are
28 commercially insured for purposes of workers'
29 compensation coverage or who have been self-insured
30 for less than twenty-four months as of the first day
31 of the fiscal year in which a surcharge is imposed
32 pursuant to this section.

33 b. "Self-insured employers" means employers who
34 have been self-insured for purposes of workers'
35 compensation coverage for at least twenty-four months
36 as of the first day of the fiscal year in which a
37 surcharge is imposed pursuant to this section.

38 2. Prior to each fiscal year commencing on or
39 after July 1, 1999, the commissioner of insurance
40 shall conduct an examination of the outstanding
41 liabilities of the second injury fund and shall make a
42 determination as to whether sufficient funds will be
43 available in the second injury fund to pay the
44 liabilities of the fund for each of the next two
45 fiscal years. If the commissioner of insurance
46 determines sufficient funds will be available, the
47 commissioner shall not impose a surcharge on employers
48 during the next succeeding fiscal year. If the
49 commissioner determines sufficient funds will not be
50 available, the commissioner shall impose by rule,

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1 pursuant to chapter 17A, a surcharge on employers
2 during the next succeeding fiscal year for payment to
3 the treasurer of state for the second injury fund
4 pursuant to the requirements of this section.

5 3. If the commissioner of insurance determines
6 that a surcharge on employers shall be imposed during
7 any applicable fiscal year, the surcharge imposed
8 shall comply with and be subject to all of the
9 following requirements:

10 a. The surcharge shall apply to all workers'

11 compensation insurance policies and self-insurance
12 coverages of employers approved for self-insurance by
13 the commissioner of insurance pursuant to section 87.4
14 or 87.11, and to the state of Iowa, its departments,
15 divisions, agencies, commissions, and boards, or any
16 political subdivision coverages whether insured or
17 self-insured. The surcharge shall not apply to any
18 reinsurance or retrocessional transaction under
19 section 520.4 or 520.9.

20 b. In determining the surcharge for any applicable
21 fiscal year, the commissioner of insurance shall
22 provide that all insured and self-insured employers be
23 assessed, in total, an amount the commissioner
24 determines is sufficient, together with the moneys in
25 the second injury fund, to meet the outstanding
26 liabilities of the second injury fund.

27 c. The total assessment amount used in calculating
28 the surcharge shall be allocated between self-insured
29 employers and insured employers based on paid losses
30 for the preceding calendar year. The portion of the
31 total aggregate assessment that shall be collected
32 from self-insured employers shall be equal to that
33 proportion of total paid losses during the preceding
34 calendar year, which the total compensation payments
35 of all self-insured employers bore to the total
36 compensation payments made by all self-insured
37 employers and insurers on behalf of all insured
38 employers during the preceding calendar year. The
39 portion of the total aggregate assessment that is not
40 to be collected from self-insured employers shall be
41 collected from insured employers.

42 d. The method of assessing self-insured employers
43 a surcharge shall be based on paid losses. The method
44 of assessing insured employers a surcharge shall be by
45 insurers collecting assessments from insured employers
46 through a surcharge based on premium.

47 e. Assessments collected through imposition of a
48 surcharge pursuant to this section shall not
49 constitute an element of loss for the purpose of
50 establishing rates for workers' compensation insurance

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1 but shall for the purpose of collection be treated as
2 separate costs by insurers. The surcharge is
3 collectible by an insurer and nonpayment of the
4 surcharge shall be treated as nonpayment of premium
5 and the insurer shall retain all cancellation rights
6 inuring to it for nonpayment of premium. An insurance
7 carrier, its agent, or a third-party administrator
8 shall not be entitled to any portion of the surcharge
9 as a fee or commission for its collection. The

10 surcharge is not subject to any taxes, licenses, or
11 fees. The surcharge is not deemed to be an assessment
12 or tax, but shall be deemed an additional benefit paid
13 for injuries compensable under this division.

14 4. The commissioner of insurance shall adopt
15 rules, pursuant to chapter 17A, concerning the
16 requirements of this section.

17 5. This section is repealed July 1, 2003.

18 Sec. 3. Section 85.66, Code 1997, is amended to
19 read as follows:

20 85.66 SECOND INJURY FUND -- PAYMENTS CREATION --
21 CUSTODIAN.

22 ~~When the total amount of the payments provided for~~
23 ~~in the preceding section, together with accumulated~~
24 ~~interest and earnings, equals or exceeds one million~~
25 ~~dollars no further contributions to the fund shall be~~
26 ~~required; but when, thereafter, the amount of the sum~~
27 ~~is reduced below five hundred thousand dollars by~~
28 ~~reason of payments made to employees pursuant to this~~
29 ~~division, contributions shall be resumed and shall~~
30 ~~continue until the sum, together with accumulated~~
31 ~~interest and earnings, again amounts to one million~~
32 ~~dollars. The treasurer of state shall determine when~~
33 ~~contributions shall be made to the fund and when they~~
34 ~~shall be suspended and may enforce the collection of~~
35 ~~contributions.~~

36 The "Second Injury Fund" is hereby established
37 under the custody of the treasurer of state and shall
38 consist of payments to the fund as provided by this
39 division and any accumulated interest and earnings on
40 moneys in the second injury fund. The treasurer of
41 state is charged with the conservation of the assets
42 of the second injury fund. Moneys so collected shall
43 constitute a in the "Second Injury Fund", in the
44 ~~eustody of the treasurer of state, to shall be~~
45 disbursed only for the purposes stated in this
46 division, and shall not at any time be appropriated or
47 diverted to any other use or purpose. The treasurer
48 of state shall invest any surplus moneys of the fund
49 in securities which constitute legal investments for
50 state funds under the laws of this state, and may sell

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1 any of the securities in which the fund is invested,
2 if necessary, for the proper administration or in the
3 best interests of the fund. Disbursements from the
4 fund shall be paid by the treasurer of state only upon
5 the written order of the industrial commissioner. The
6 treasurer of state shall quarterly prepare a statement
7 of the fund, setting forth the balance of moneys in
8 the fund, the income of the fund, specifying the

9 source of all income, the payments out of the fund,
10 specifying the various items of payments, and setting
11 forth the balance of the fund remaining to its credit.

12 The statement shall be open to public inspection in
13 the office of the treasurer of state.

14 Sec. 4. Section 85.67, Code 1997, is amended to
15 read as follows:

16 85.67 ADMINISTRATION OF FUND -- SPECIAL COUNSEL --
17 PAYMENT OF AWARD.

18 ~~The treasurer of state shall be charged with the~~
19 ~~conservation of the assets of the second injury fund,~~
20 ~~and the collection of contributions to the fund.~~ The
21 attorney general shall appoint a staff member to
22 represent the treasurer of state and the fund in all
23 proceedings and matters arising under this division.
24 In making an award under this division, the industrial
25 commissioner shall specifically find the amount the
26 injured employee shall be paid weekly, the number of
27 weeks of compensation which shall be paid by the
28 employer, the date upon which payments out of the fund
29 shall begin, and, if possible, the length of time the
30 payments shall continue.

31 Sec. 5. Section 85.68, Code 1997, is amended to
32 read as follows:

33 85.68 ACTIONS -- COLLECTION OF PAYMENTS --
34 SUBROGATION.

35 ~~The treasurer of state~~ The labor commissioner shall
36 be charged with the collection of contributions and
37 payments to the second injury fund required to be made
38 pursuant to section 85.65. In addition, the labor
39 commissioner, on behalf of the second injury fund
40 created under this division, shall have a cause of
41 action under section 85.22 to the same extent as an
42 employer against any person not in the same employment
43 by reason of whose negligence or wrong the subsequent
44 injury of the person with the previous disability was
45 caused. The action shall be brought by the treasurer
46 ~~of state~~ labor commissioner on behalf of the fund, and
47 any recovery, less the necessary and reasonable
48 expenses incurred by the ~~treasurer of state~~ labor
49 commissioner, shall be paid to the treasurer of state
50 and credited to the second injury fund.

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1 Sec. 6. SECOND INJURY FUND LIABILITY -- SURCHARGE
2 ON EMPLOYERS.

3 1. For purposes of this section, unless the
4 context otherwise requires:

- 5 a. "Insured employers" means employers who are
6 commercially insured for purposes of workers'
7 compensation coverage or who have been self-insured

8 for less than twenty-four months as of the first day
9 of the fiscal year in which a surcharge is imposed
10 pursuant to this section.

11 b. "Self-insured employers" means employers who
12 have been self-insured for purposes of workers'
13 compensation coverage for at least twenty-four months
14 as of the first day of the fiscal year in which a
15 surcharge is imposed pursuant to this section.

16 2. Prior to the fiscal year commencing July 1,
17 1998, the commissioner of insurance shall examine
18 claims in which there has been an agreement for
19 settlement or an award has been made involving the
20 second injury compensation Act and shall determine the
21 outstanding liability of such claims.

22 3. For the fiscal year commencing July 1, 1998,
23 the commissioner of insurance may adopt by rule,
24 pursuant to chapter 17A, a surcharge on employers
25 pursuant to the requirements of this section and
26 payable to the second injury fund if, pursuant to its
27 examination of claims, the commissioner of insurance
28 determines that insufficient funds are available in
29 the second injury fund to pay claims involving the
30 second injury compensation Act. The surcharge shall
31 apply to all workers' compensation insurance policies
32 and self-insurance coverages of employers approved for
33 self-insurance by the commissioner of insurance
34 pursuant to section 87.4 or 87.11, and to the state of
35 Iowa, its departments, divisions, agencies,
36 commissions, and boards, or any political subdivision
37 coverages whether insured or self-insured. The
38 surcharge shall not apply to any reinsurance or
39 retrocessional transaction under section 520.4 or
40 520.9. In determining the surcharge for each
41 applicable fiscal year, the commissioner of insurance
42 shall provide that all insured and self-insured
43 employers be assessed for the outstanding liabilities
44 arising out of claims involving the second injury
45 compensation Act as determined pursuant to subsection
46 2. The total assessment amount used in calculating
47 the surcharge for each applicable fiscal year shall be
48 allocated between self-insured employers and insured
49 employers, based on paid losses for the preceding
50 calendar year as provided in this subsection. The

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1 method of assessing self-insured employers shall be
2 based on paid losses. The method of assessing insured
3 employers shall be a surcharge based on premium, as
4 set forth in this subsection. The portion of the
5 total aggregate assessment that shall be collected
6 from self-insured employers shall be equal to that

7 proportion of total paid losses during the preceding
8 calendar year, which the total compensation payments
9 of all self-insured employers bore to the total
10 compensation payments made by all self-insured
11 employers and insurers on behalf of all insured
12 employers during the preceding calendar year. The
13 portion of the total aggregate assessment that shall
14 be collected from insured employers shall be equal to
15 that proportion of total paid losses during the
16 preceding calendar year, which the total compensation
17 payments on behalf of all insured employers bore to
18 the total compensation payments made by all self-
19 insured employers and insurers on behalf of all
20 insured employers during the preceding calendar year.
21 Insurers shall collect assessments from insured
22 employers through a surcharge based on premium. Such
23 assessments when collected shall not constitute an
24 element of loss for the purpose of establishing rates
25 for workers' compensation insurance but shall for the
26 purpose of collection be treated as separate costs by
27 insurers. The surcharge is collectible by an insurer
28 and nonpayment of the surcharge shall be treated as
29 nonpayment of premium and the insurer shall retain all
30 cancellation rights inuring to it for nonpayment of
31 premium. An insurance carrier, its agent, or a third-
32 party administrator shall not be entitled to any
33 portion of the surcharge as a fee or commission for
34 its collection. The surcharge is not subject to any
35 taxes, licenses, or fees. The surcharge is not deemed
36 to be an assessment or tax, but shall be deemed an
37 additional benefit paid for injuries compensable under
38 the second injury compensation Act.

39 Sec. 7. EFFECTIVE DATE -- APPLICABILITY.

40 1. This Act, being deemed of immediate importance,
41 takes effect upon enactment.

42 2. Section 1 of this Act, amending section 85.65,
43 applies to deaths occurring on or after the effective
44 date of this Act."

45 2. Title page, by striking lines 1 through 6 and
46 inserting the following: "An Act relating to the
47 second injury compensation Act, by providing for
48 payments to the second injury fund including the
49 imposition of an employer surcharge and a sunset of
50 the ability to impose an employer surcharge, providing

1 for the collection of payments to the second injury
2 fund, and providing an effective date and

- 3 applicability provision."
4 3. By renumbering as necessary.

JACK RIFE
DICK L. DEARDEN

S-5499

- 1 Amend the amendment, S-5259, to Senate File 2284 as
2 follows:
3 1. Page 1, by striking lines 1 through 9 and
4 inserting the following:
5 "Amend Senate File 2284 as follows:
6 By striking everything after the enacting
7 clause and inserting the following:
8 "Section 1. Section 357H.1, Code Supplement 1997,
9 is amended to read as follows:
10 357H.1 RURAL IMPROVEMENT ZONES.
11 The board of supervisors of a county with less than
12 eleven thousand five hundred residents but more than
13 ten thousand five hundred residents, based upon the
14 1990 certified federal census, and with a private lake
15 development, shall designate an area surrounding and
16 adjoining the lake, if it is an unincorporated area of
17 the county, a rural improvement zone upon receipt of a
18 petition pursuant to section 357H.2, and upon the
19 board's determination that the area is in need of
20 improvements. For purposes of this chapter,
21 "improvements" means dredging, installation of erosion
22 control measures, land acquisition, and related
23 improvements, including soil conservation practices,
24 within or outside of the boundaries of the zone.
25 For purposes of this chapter, "board" means the
26 board of supervisors of the county.
27 Sec. 2. Section 357H.6, Code Supplement 1997, is
28 amended to read as follows:
29 357H.6 TRUSTEES -- TERMS AND QUALIFICATIONS.
30 The election of trustees of a rural improvement
31 zone shall take place at a special election on ballots
32 which shall not reflect a nominee's political
33 affiliation. Nomination shall be made by petition in
34 accordance with chapter 45. The petition form shall
35 be furnished by the county commissioner of elections,
36 signed by eligible electors of the rural improvement
37 zone equal in number to one percent of the vote cast
38 within the zone for governor in the last previous
39 general election, and shall be filed with the county
40 commissioner of elections. A plurality shall be
41 sufficient to elect the five trustees of the rural
42 improvement zone, and no primary election for that
43 office shall be held. At the original election, two
44 trustees shall be elected for one year, two for two

45 years, and one for three years. The terms of the
46 succeeding trustees are for three years. The terms of
47 the trustees shall begin immediately after their
48 election and certification. The trustees must be
49 residents of the zone. Vacancies on the board shall
50 be filled by appointment by the remaining trustees.

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1 Sec. 3. Section 357H.8, Code Supplement 1997, is
2 amended to read as follows:
3 357H.8 CERTIFICATES, CONTRACTS, AND OTHER
4 OBLIGATIONS -- STANDBY TAX.

5 To provide funds for the payment of the costs of
6 improvement projects and for the payment of other
7 activities authorized pursuant to section 357H.7, the
8 board of trustees may borrow money and issue and sell
9 certificates or may enter into contracts or other
10 obligations payable from a sufficient portion of the
11 future receipts of tax revenue authorized pursuant to
12 section 357H.9 and the standby tax in subsection 4 of
13 this section. The receipts shall be pledged to the
14 payment of principal of and interest on the
15 certificates, contracts, or other obligations.

16 1. Certificates may be sold at public sale or at
17 private sale at par, premium, or discount at the
18 discretion of the board of trustees. Chapter 75 does
19 not apply to the issuance of these certificates.

20 2. Certificates may be issued with respect to a
21 single improvement project or multiple projects and
22 may contain terms or conditions as the board of
23 trustees may provide by resolution authorizing the
24 issuance of the certificates. However, certificates
25 shall not be issued after January 1, 2007, except to
26 refund other certificates as provided in subsection 3.

27 3. Certificates issued to refund other
28 certificates may be sold at public sale or at private
29 sale as provided in this section with the proceeds
30 from the sale to be used for the payment of the
31 certificates being refunded. The refunding
32 certificates may be exchanged in payment and discharge
33 of the certificates being refunded, in installments at
34 different times, or an entire issue or series at one
35 time. Refunding certificates may be sold or exchanged
36 at any time on, before, or after the maturity of the
37 outstanding certificates to be refunded, may be issued
38 for the purpose of refunding a like, greater, or
39 lesser principal amount of certificates, and may bear
40 a rate of interest higher or lower than, or equivalent
41 to, the rate of interest on certificates being renewed
42 or refunded.

43 4. To further secure the payment of the

44 certificates, the board of trustees shall, by
45 resolution, provide for the assessment of an annual
46 levy of a standby tax upon all taxable property within
47 the rural improvement zone. A copy of the resolution
48 shall be sent to the county auditor. The revenues
49 from the standby tax shall be deposited in a special
50 fund and shall be expended only for the payment of

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1 principal of and interest on the certificates issued
2 as provided in this section, when the receipt of tax
3 revenues pursuant to section 357H.9 is insufficient.
4 If payments are necessary and made from the special
5 fund, the amount of the payments shall be promptly
6 repaid into the special fund from the first available
7 payments received which are not required for the
8 payment of principal of or interest on certificates
9 due. No reserves may be built up in the special fund
10 in anticipation of a projected default. The board of
11 trustees shall adjust the annual standby tax levy for
12 each year to reflect the amount of revenues in the
13 special fund and the amount of principal and interest
14 which is due in that year.

15 5. Before certificates, contracts, or other
16 obligations are issued or entered into, the board of
17 trustees shall publish a notice of its intention to
18 ~~issue the certificates~~, stating the amount, the
19 purpose, and the improvement project or projects for
20 which the certificates, contracts, or other
21 obligations are to be issued or entered into. A
22 person may, within fifteen days after the publication
23 of the notice, appeal the decision of the board of
24 trustees in proposing to issue the certificates or to
25 enter into the contracts or other obligations to the
26 district court in the county in which the rural
27 improvement zone exists. The action of the board of
28 trustees in determining to issue the certificates or
29 to enter into the contracts or other obligations is
30 final and conclusive unless the district court finds
31 that the board of trustees has exceeded its legal
32 authority. An action shall not be brought which
33 questions the legality of the certificates, contracts,
34 or other obligations, the power of the board of
35 trustees to issue the certificates or to enter into
36 the contracts or other obligations, the effectiveness
37 of any proceedings relating to the authorization of
38 the project, or the authorization and issuance of the
39 certificates or entrance into the contracts or other
40 obligations after fifteen days from the publication of
41 the notice of intention to issue certificates or enter
42 into contracts or other obligations.

43 6. The board of trustees shall determine if
44 revenues are sufficient to secure the faithful
45 performance of obligations.
46 Sec. 4. Section 357H.9, Code Supplement 1997, is
47 amended to read as follows:
48 357H.9 INCREMENTAL PROPERTY TAXES.
49 The board of trustees shall provide by resolution
50 that taxes levied on the taxable property in a rural

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1 improvement zone each year by or for the benefit of
2 the state, city, county, school district, or other
3 taxing district after the effective date of the
4 resolution shall be divided as provided in section
5 403.19, subsections 1 and 2, in the same manner as if
6 the taxable property in the rural improvement zone was
7 taxable property in an urban renewal area and the
8 resolution was an ordinance within the meaning of
9 those subsections. The taxes received by the board of
10 trustees shall be allocated to, and when collected be
11 paid into, a special fund and may be irrevocably
12 pledged by the trustees to pay the principal of and
13 interest on the certificates ~~issued, contracts, or~~
14 ~Uother obligations approved by the board of trustees to
15 finance or refinance, in whole or in part, an
16 improvement project. As used in this section, "taxes"
17 includes, but is not limited to, all levies on an ad
18 valorem basis upon land or real property located in
19 the rural improvement zone.""

MICHAEL E. GRONSTAL

S-5500

1 Amend the House amendment, S-5468, to Senate File
2 2391, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 11, line 43, by striking the words
5 "reason to believe" and inserting the following: "a
6 reasonable suspicion".
7 2. Page 12, by striking lines 6 through 10 and
8 inserting the following: "individual is providing a
9 sample and collection of the sample".
10 3. Page 12, by striking lines 38 through 43 and
11 inserting the following: "requested, if the
12 individual tested is a minor."

MICHAEL E. GRONSTAL

S-5501

1 Amend House File 2400, as passed by the House, as
2 follows:

3 1. Page 2, line 2, by inserting after the word
4 "land," the following: "However, this presumption
5 shall not pertain to recoveries sought under a surety
6 bond."

7 2. Page 2, line 13, by striking the words "the
8 principal contractor" and inserting the following:
9 "the owner and the principal contractor".

STEVE KING

HOUSE AMENDMENT TO
SENATE FILE 2312

S-5502

1 Amend Senate File 2312, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 17 and
4 inserting the following:

5 "Section 1. Section 237A.3A, subsection 3,
6 paragraph d, Code Supplement 1997, is amended to read
7 as follows:

8 d. (1) Four levels of registration requirements
9 are applicable to registered child care homes in
10 accordance with subsections 10 through 13 and rules
11 adopted to implement this section. The rules shall
12 apply requirements to each level for the amount of
13 space available per child, provider qualifications and
14 training, and other minimum standards.

15 (2) The rules shall allow a child day care home to
16 be registered at level II, III, or IV for which the
17 provider is qualified even though the amount of space
18 required to be available for the maximum number of
19 children authorized for that level exceeds the actual
20 amount of space available in that child care home.
21 However, the total number of children authorized for
22 the child care home at that level of registration
23 shall be limited by the amount of space available per
24 child.

25 Sec. ____ Section 237A.3A, subsection 13,
26 paragraph a, Code Supplement 1997, is amended to read
27 as follows:

28 a. Except as otherwise provided in this
29 subsection, not more than twelve children shall be
30 present at any one time. If more than ~~seven~~ eight
31 children are present, a second person must be present
32 who meets the individual qualifications for child care
33 home registration established by rule of the

34 department."

35 2. Page 1, by striking lines 29 through 31 and
36 inserting the following: "date. During the
37 transition period, the following provisions shall
38 apply, notwithstanding section 237A.3A:

39 1. A child care home provider who is providing
40 child day care".

41 3. Page 2, by inserting after line 4 the
42 following:

43 "2. A child care home provider who at the time of
44 registration in the pilot project at level I, II, or
45 III is providing child day care to school age children
46 in excess of the number of school age children
47 authorized for the registration level may continue to
48 provide care for those children. The child care home
49 provider may exceed the total number of children
50 authorized for the level of registration by the number

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1 of school age children in excess of the number
2 authorized for the registration level. This
3 transition period exception is subject to all of the
4 following:

5 a. The provider must comply with the other
6 requirements as to number of children which are
7 applicable to that registration level.

8 b. The maximum number of children attributable to
9 the authorization for school age children at the
10 applicable registration level is five.

11 c. If more than eight children are present at any
12 one time, the provider shall be assisted by a
13 responsible person who is at least fourteen years of
14 age.

15 d. If the child care home no longer provides care
16 to an individual school age child who was receiving
17 care at the time of the registration, the excess
18 number of children allowed under the transition period
19 exception shall be reduced accordingly."

20 4. Page 2, by inserting after line 4 the
21 following:

22 "Sec. ____ CHILD DAY CARE AVAILABILITY. The
23 department of human services shall consult with the
24 child day care advisory council and child day care
25 resource and referral services in studying the
26 availability, accessibility, affordability, and
27 quality of child day care services in the state. The
28 report of the study shall be submitted to the governor
29 and the general assembly by January 1, 1999. The
30 report shall include estimates as to the need for
31 child day care services in all areas of the state, the
32 availability of providers versus the need, and

- 33 identification of the areas with the greatest need and
34 the extent of the need."
35 5. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2311

S-5503

- 1 Amend Senate File 2311, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 48, line 17, by striking the figure "100"
4 and inserting the following: "50".

HOUSE AMENDMENT TO
SENATE FILE 2188

S-5504

- 1 Amend Senate File 2188, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking line 22 and inserting the
4 following: "a state or federally chartered credit
5 union, or a company or association organized or
6 authorized to do business under chapter 515, 518,
7 518A, or 520, or an officer, employee, or agent of
8 such company or association, provided the".

S-5505

- 1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 38, by inserting after line 7 the
4 following:
5 "Sec. ____ CAPITOL SECURITY STUDY. The
6 legislative council is requested to establish an
7 interim study committee to consider the possibility of
8 privatizing the functions performed by the capitol
9 police. The interim study shall consider the possible
10 effectiveness of and the potential cost savings from
11 privatizing these functions."
12 2. By renumbering as necessary.

MATT McCOY

S-5506

- 1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 32, by inserting after line 30 the
4 following:

5 "If an employee of the division is terminated,
6 transferred, or retired from the division, the FTE
7 authorized for the employee shall be eliminated and
8 the employee shall not be replaced. However, any
9 moneys saved from not hiring an employee otherwise
10 authorized by this subsection may be used by the
11 division to contract with a private entity for the
12 purpose of providing capitol security."

MATT McCOY

S-5507

1 Amend the amendment, S-5497, to House File 2539, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 7 through 18 and
5 inserting the following:
6 ". Page 10, line 27, by inserting after the
7 word "positions" the following: "provided that the
8 department of corrections shall not enter into a new
9 contract, unless the contract is a renewal of an
10 existing contract, for the expenditure of moneys in
11 excess of \$100,000 during the fiscal year beginning
12 July 1, 1998, for the privatization of services
13 performed by the department using state employees as
14 of July 1, 1998, or for the privatization of new
15 services by the department, without prior consultation
16 with any applicable state employee organization
17 affected by the proposed new contract and prior
18 notification of the co-chairpersons and ranking
19 members of the joint appropriations subcommittee on
20 the justice system; and provided further that the
21 department of corrections shall not enter into a lease
22 or contractual agreement pursuant to section 904.809
23 with a private corporation for the use of building
24 space for the purpose of providing inmate employment
25 without notifying, at least twenty-one calendar days
26 prior to the execution of the lease or contractual
27 agreement, the chairpersons and ranking members of the
28 general assembly's joint appropriations subcommittee
29 on the justice system of the name of the person
30 entering into the lease or contract, and the terms of
31 the lease or contract; and provided further that the
32 department of corrections shall not enter into a lease
33 or contractual agreement pursuant to section 904.809
34 with a private corporation for the use of building
35 space for the purpose of providing inmate employment
36 without providing that the terms of the lease or
37 contract establish safeguards to restrict, to the
38 greatest extent feasible, access by inmates working
39 for the private corporation to personal identifying

40 information of citizens; and provided further that the
41 department of corrections shall not enter into any
42 agreement with a private for-profit agency or
43 corporation for the purpose of transferring inmates
44 under the custody of the department to a jail or
45 correctional facility or institution in this state
46 which is established, maintained, or operated by a
47 private for-profit agency or corporation without prior
48 approval by the general assembly".
49 . Page 11, by striking lines 1 through 25.
50 . Page 12, by striking lines 7 through 25."

Page 2

1 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5508

1 Amend Senate File 2416 as follows:
2 1. Page 4, by striking lines 15 and 16 and
3 inserting the following: "to electric service and
4 natural gas service. For purposes of this subsection,
5 "natural gas service" means such service provided by
6 natural gas pipelines permitted pursuant to chapter
7 479."
8 2. Page 15, line 24, by inserting after the word
9 "consumption" the following: ", except for
10 inadvertent unscheduled deliveries to the electric
11 utility furnishing electric service to that self-
12 generator".
13 3. By striking page 15, line 35, through page 16,
14 line 1, and inserting the following: "parcel of land
15 shown on the tax list."
16 4. Page 44, line 9, by striking the figure
17 "437A.20" and inserting the following: "437A.19".
18 5. Page 45, by striking lines 20 and 21 and
19 inserting the following: "taxing districts and
20 reported to the county auditor. Special".
21 6. Page 46, line 31, by inserting after the word
22 "study" the following: "and the specific
23 recommendations of the task force for modifications to
24 the replacement tax, if any, which will further the
25 purposes of tax neutrality for local taxing districts,
26 taxpayers, and consumers, consistent with the stated
27 purposes of this chapter. The department of
28 management shall also report to the legislative
29 council by November 15 of each year through 2001, the
30 status of the task force study and any
31 recommendations".
32 7. Page 59, line 22, by striking the word and

33 figures "January 1, 2000" and inserting the following:
34 "July 1, 1999".
35 8. Page 59, line 35, by striking the figure "1,"
36 and inserting the following: "1 of each year
37 through".

O. GENE MADDOX
PATRICK J. DELUHERY

S-5509

1 Amend Senate Concurrent Resolution 114 as follows:
2 1. Page 1, line 12, by striking the word
3 "carcinogenic" and inserting the following: "harmful"
4 2. Page 2, line 5, by striking the word
5 "establish" and inserting the following: "consider
6 establishing".

MERLIN E. BARTZ

S-5510

1 Amend House File 2166, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 34, by striking the word
4 "chapter" and inserting the following: "chapter,
5 except for an administrative fee of not more than five
6 percent of the total license fees collected in a
7 fiscal year as provided by rule of the department
8 adopted pursuant to chapter 17A. The administrative
9 fee for a fiscal year shall be forwarded to the
10 department no later than June 10 of that fiscal year
11 and retained by the department to implement the
12 provisions of this chapter."

ALLEN BORLAUG
NEAL SCHUERER

S-5511

1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 34, by inserting after line 2 the
4 following:
5 "10. For costs associated with increased
6 enforcement of methamphetamine-related offenses:
7 \$ 200,000"
8 2. By renumbering as necessary.

O. GENE MADDOX

S-5512

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 37, line 8, by striking the figure
- 4 "1,000,000" and inserting the following: "1,100,000".
- 5 2. Page 37, by inserting after line 22 the
- 6 following:
- 7 "____. For use by the sixth judicial district
- 8 department of correctional services to establish a
- 9 community justice pilot project, to include, but not
- 10 be limited to, establishment of family group
- 11 conferencing, victim impact panels, and sentencing
- 12 circles:
- 13 "..... \$ 100,000"
- 14 3. By renumbering as necessary.

ROBERT E. DVORSKY
TOM VILSACK

S-5513

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking line 20 and inserting the
- 4 following:
- 5 "..... \$ 950,000"

ROBERT E. DVORSKY
DENNIS H. BLACK
ROD HALVORSON
PATTY JUDGE
STEVEN D. HANSEN
TOM FLYNN
DICK L. DEARDEN
MIKE CONNOLLY
ELAINE SZYMONIAK
BILL FINK
MATT McCOY
JOHNIE HAMMOND
MARY NEUHAUSER
DON GETTINGS
EUGENE S. FRAISE
WALLY E. HORN
PATRICK J. DELUHERY
PATRICIA HARPER
JOHN P. KIBBIE
TOM VILSACK
MICHAEL E. GRONSTAL

S-5514

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 10 and 11 and
- 4 inserting the following:
- 5 "..... \$ 7,564,661
- 6 FTEs 187.50"
- 7 2. Page 24, by striking line 28 and inserting the
- 8 following:
- 9 "..... \$101,028,908"

ROBERT E. DVORSKY

S-5515

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 13, by striking lines 8 and 9.
- 4 2. Page 35, by inserting after line 20 the
- 5 following:
- 6 "Sec. ____ DEPARTMENT OF HUMAN SERVICES. There is
- 7 appropriated from the general fund of the state to the
- 8 department of human services for the fiscal year
- 9 beginning July 1, 1998, and ending June 30, 1999, the
- 10 following amount, or so much thereof as is necessary,
- 11 to be used for the purpose designated:
- 12 For increased civil commitment costs at the Oakdale
- 13 classification facility:
- 14 \$ 500,000"
- 15 3. By renumbering as necessary.

ROBERT E. DVORSKY
JOHNIE HAMMOND

S-5516

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 28, by striking line 19 and inserting the
- 4 following:
- 5 "..... \$ 250,000"

DENNIS H. BLACK

S-5517

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 33, by striking line 14 and inserting the

4 following:

5 "..... \$ 809,405"

ROBERT E. DVORSKY

S-5518

1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 34, by inserting after line 2 the
4 following:

5 "10. For costs associated with the training and
6 equipment needs of providers of emergency medical
7 services:

8 \$ 78,000

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."

15 2. By renumbering as necessary.

JOHNIE HAMMOND

S-5519

1 Amend House File 2166, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 23 through 32.

4 2. By renumbering as necessary.

NEAL SCHUERER

S-5520

1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 26 the
4 following:

5 "j. For employment of fifty additional
6 correctional officers to be assigned to correctional
7 facilities as described in this subsection at the
8 discretion of the department of corrections:

9 \$ 1,500,000"

10 2. By renumbering as necessary.

PATRICIA HARPER

S-5521

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 20, by inserting after line 16 the
- 4 following:
- 5 "j. For the department of corrections to provide
- 6 for community-based supervision and intensive day
- 7 programming for high-risk community offenders at each
- 8 judicial district department of correctional services,
- 9 and for not more than the following full-time
- 10 equivalent positions:
- 11 \$ 2,674,445
- 12 FTEs 56.14"
- 13 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5522

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 26, by inserting after line 12 the
- 4 following:
- 5 "3. for deposit in the judicial retirement fund
- 6 established in section 602.9104:
- 7 \$ 6,000,000"
- 8 2. By renumbering as necessary.

ROD HALVORSON

S-5523

- 1 Amend House File 2539, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 33, line 31, through page 34,
- 4 line 2.
- 5 2. Page 35, by inserting after line 20 the
- 6 following:
- 7 "Sec. ____ DEPARTMENT OF PUBLIC HEALTH. There is
- 8 appropriated from the general fund of the state to the
- 9 department of public health for the fiscal year
- 10 beginning July 1, 1998, and ending June 30, 1999, the
- 11 following amount, or so much thereof as is necessary,
- 12 to be used for the purpose designated:
- 13 For the state medical examiner and for not more
- 14 than the following full-time equivalent positions:
- 15 \$ 354,703
- 16 FTEs 4.00
- 17 Any fees collected by the Iowa department of public
- 18 health for autopsies performed by the office of the
- 19 state medical examiner shall be deposited in the

20 general fund of the state."

21 3. Page 35, by inserting after line 32 the
22 following:

23 "Sec. ____ Section 691.5, Code 1997, is amended to
24 read as follows:

25 691.5 STATE MEDICAL EXAMINER.

26 The position of state medical examiner is created
27 under the control, direction, and supervision of the
28 ~~commissioner of public safety~~ director of the
29 department of public health. The ~~commissioner of~~
30 ~~public safety~~ director of the department of public
31 health may assign the office of the state medical
32 examiner to a division or bureau within the public
33 safety health department. Other state agencies shall
34 cooperate with the state medical examiner in the use
35 of state-owned facilities when appropriate for the
36 performance of nonadministrative duties of the state
37 medical examiner. The state medical examiner shall be
38 a physician and surgeon or osteopathic physician and
39 surgeon, be licensed to practice medicine in the state
40 of Iowa, and possess special knowledge in forensic
41 pathology. The state medical examiner shall be
42 appointed by and serve at the pleasure of the
43 ~~commissioner of public safety~~ director of the
44 department of public health. The state medical
45 examiner may be a faculty member of the college of
46 medicine or the college of law at the University of
47 Iowa, and any of the examiner's assistants or staff
48 may be members of the faculty or staff of the college
49 of medicine or the college of law at the University of
50 Iowa.

Page 2

1 Sec. ____ Section 691.6, subsection 3, Code 1997,
2 is amended to read as follows:

3 3. To adopt rules pursuant to chapter 17A, and
4 subject to the approval of the ~~commissioner of public~~
5 ~~safety~~ director of the department of public health,
6 regarding the manner and techniques to be employed
7 while conducting autopsies; the nature, character, and
8 extent of investigations to be made in cases of
9 homicide or suspected homicide necessary to allow a
10 medical examiner to render a full and complete
11 analysis and report; the format and matters to be
12 contained in all reports rendered by medical
13 examiners; and all other things necessary to carry out
14 this section. All county medical examiners and peace
15 officers are subject to the rules.

16 Sec. ____ Section 691.7, Code 1997, is amended to
17 read as follows:

18 691.7 COMMISSIONER OR DIRECTOR TO ACCEPT FEDERAL

19 OR PRIVATE GRANTS.

20 The commissioner of public safety may accept
 21 federal or private funds or grants to aid in the
 22 establishment or operation of the state criminalistics
 23 laboratory, and the ~~commissioner of public safety~~
 24 director of the department of public health or the
 25 board of regents may accept federal or private funds
 26 or grants to aid in the establishment or operation of
 27 the position of state medical examiner."
 28 4. By renumbering as necessary.

TOM VILSACK

HOUSE AMENDMENT TO
 SENATE FILE 2376

S-5524

1 Amend Senate File 2376, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 9 the
 4 following:
 5 "Sec. ____ Section 99E.18, subsection 4, Code
 6 1997, is amended to read as follows:
 7 4. A person who, with intent to defraud, falsely
 8 makes, alters, forges, utters, passes, redeems, or
 9 counterfeits a lottery ticket or share or attempts to
 10 falsely make, alter, forge, utter, pass, redeem, or
 11 counterfeit a lottery ticket or share, or commits
 12 theft or attempts to commit theft of a lottery ticket
 13 or share, is guilty of a class "D" felony."
 14 2. Title page, line 1, by inserting after the
 15 word "lottery" the following: "and providing a
 16 penalty".
 17 3. By renumbering as necessary.

S-5525

1 Amend House File 2539, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 34, by inserting after line 2 the
 4 following:
 5 "10. For the establishment of a comprehensive
 6 program to combat methamphetamine use:
 7 \$ 4,000,000
 8 a. Of the funds appropriated in this subsection,
 9 \$1,500,000 shall be used to create a fifteen-member
 10 methamphetamine strike force. The strike force shall
 11 be coordinated by the department of public safety, and
 12 shall be comprised of state narcotics agents, Iowa
 13 state patrol troopers, representatives of the state
 14 fire marshal's office, and agents of the Iowa division

15 of criminal investigation. The objective of the
16 strike force shall be to initiate and maintain a
17 comprehensive ongoing investigation of methamphetamine
18 users and suppliers.

19 b. Of the funds appropriated in this subsection,
20 \$1,500,000 shall be used to establish a
21 methamphetamine law enforcement grant program. The
22 program shall be designed to facilitate provision of
23 additional methamphetamine-specific law enforcement
24 training, personnel, and equipment.

25 c. Of the funds appropriated in this subsection,
26 \$500,000 shall be used to develop a methamphetamine
27 abuse education program designed to develop and
28 distribute information regarding the dangers of
29 methamphetamine use, the penalties applicable to
30 methamphetamine users and sellers, and availability of
31 methamphetamine abuse treatment and rehabilitation
32 programs. Information assembled shall be distributed
33 throughout the state's elementary and secondary-level
34 public and private schools and media outlets, state
35 and local departments of public health, and other
36 public access locations as determined appropriate by
37 the governor's alliance on substance abuse.

38 d. Of the funds appropriated in this subsection,
39 \$500,000 shall be used to expand existing substance
40 abuse treatment and rehabilitation centers, to
41 establish new programs, and to assist efforts by
42 methamphetamine users to overcome their addiction.

43 e. The department of public safety shall
44 coordinate with the Iowa department of public health
45 and the department of human services regarding the
46 development and administration of the program to
47 combat methamphetamine use. The department of public
48 safety shall submit a report to the governor and the
49 general assembly by January 1, 2000. The report shall
50 contain an accounting of program expenditures,

Page 2

1 estimated methamphetamine usage rates before and after
2 program implementation, investigation and education
3 efforts, treatment and rehabilitation program
4 referrals and success rates, and recommendations
5 regarding continued efforts to combat methamphetamine
6 use."

7 2. By renumbering as necessary.

TOM VILSACK
JOHNIE HAMMOND
PATRICK J. DELUHERY
PATRICIA HARPER
MATT McCOY

DENNIS H. BLACK
WILLIAM D. PALMER
JOHN P. KIBBIE
ROD HALVORSON
TOM FLYNN
PATTY JUDGE
ROBERT E. DVORSKY

S-5526

1 Amend the amendment, S-5284, to House File 2275, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 38, by inserting after the word
5 "of" the following: "hospice services or".

6 2. Page 1, line 46, by inserting after the word
7 "certification" the following: "which is consistent
8 with the requirements of Title XVIII of the federal
9 Social Security Act".

10 3. Page 1, line 47, by inserting after the word
11 "services." the following: "A home health agency
12 which is certified under Title XVIII of the federal
13 Social Security Act is not required to also be
14 certified by the department and the department shall
15 accept certification of a home health agency under
16 Title XVIII of the federal Social Security Act in lieu
17 of certification by the department."

18 4. By striking page 1, line 48 through page 2,
19 line 24.

20 5. Page 2, line 50, by striking the words "a
21 person" and inserting the following: "an individual".

22 6. Page 3, line 1, by striking the word "person"
23 and inserting the following: "individual".

24 7. Page 3, line 2, by striking the word "person"
25 and inserting the following: "individual".

26 8. Page 3, by striking lines 20 through 25, and
27 inserting the following: "include, but are not
28 limited to, minimum standards for home health agencies
29 which reflect the minimum standards under Title XVIII
30 of the federal Social Security Act, and standards of
31 care for the treatment and care of clients and
32 customers. The rules shall also establish the
33 duration of the certification and the fee for
34 certification which shall reflect the actual cost of
35 certification."

36 9. By renumbering as necessary.

JOHNIE HAMMOND

S-5527

1 Amend the amendment, S-5468, to Senate File 2391,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 6 the
5 following:

6 " Page 1, by inserting after line 10 the
7 following:

8 "Sec. 1000. Section 321.12, Code Supplement 1997,
9 is amended by adding the following new subsection:

10 NEW SUBSECTION. 5. Notwithstanding subsection 4
11 and section 321J.2, subsection 4, paragraph "a", the
12 six-year time frame in effect until July 1, 1997,
13 shall be used for determining whether an offense is a
14 first, second, or subsequent violation under chapter
15 321J, for offenses committed prior to July 1, 1997.
16 In addition, all revocation periods, minimum periods
17 of ineligibility, and ignition interlock requirements
18 in chapter 321J changed in 1997 Iowa Acts, chapter
19 177, shall apply only to offenses committed on or
20 after July 1, 1997. For offenses committed prior to
21 July 1, 1997, the revocation periods, minimum periods
22 of ineligibility, and ignition interlock requirements
23 applicable until July 1, 1997, shall apply."

24 2. Page 13, by inserting before line 11 the
25 following:

26 "Sec. ____ RETROACTIVE APPLICABILITY. Section
27 1000 of this Act is retroactively applicable to July
28 1, 1997, and is applicable on and after that date."

29 3. Page 14, line 2, by inserting after the word
30 "license," the following: "reinstating the six-year
31 time frame, certain revocation and ineligibility
32 periods, and certain ignition interlock requirements
33 applicable to operating-while-intoxicated violations
34 committed prior to July 1, 1997,".

35 4. By renumbering as necessary.

KITTY REHBERG
NEAL SCHUERER
JACK RIFE

S-5528

1 Amend the amendment, S-5468, to Senate File 2391,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 6 the
5 following:

6 " Page 1, by inserting after line 10 the
7 following:

8 "Sec. 1000. Section 321.12, Code Supplement 1997,

9 is amended by adding the following new subsection:
10 NEW SUBSECTION. 5. Notwithstanding subsection 4
11 and section 321J.2, subsection 4, paragraph "a", the
12 six-year time frame in effect until July 1, 1997,
13 shall be used for determining whether an offense is a
14 first, second, or subsequent violation under chapter
15 321J, for offenses committed prior to July 1, 1997."
16 2. Page 13, by inserting before line 11 the
17 following:
18 "Sec. . RETROACTIVE APPLICABILITY. Section
19 1000 of this Act is retroactively applicable to July
20 1, 1997, and is applicable on and after that date."
21 3. Page 14, line 2, by inserting after the word
22 "license," the following: "reinstating the six-year
23 time frame applicable to operating-while-intoxicated
24 violations committed prior to July 1, 1997,".
25 4. By renumbering as necessary.

JACK RIFE

S-5529

1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 35, by inserting after line 32 the
4 following:
5 "Sec. ____ NEW SECTION. 905A.1 DEFINITIONS.
6 For the purposes of this chapter, unless the
7 context otherwise requires:
8 1. "Division" means the division of criminal and
9 juvenile justice planning of the department of human
10 rights.
11 2. "Government" means a community-based
12 correctional program as defined in section 905.1, or a
13 city, school district or accredited nonpublic school,
14 or county which expends funds for incarceration or
15 supervision of individuals charged with or convicted
16 of a felony, an aggravated misdemeanor, or a serious
17 misdemeanor, or for crime prevention activities.
18 3. "Judicial election district" means a judicial
19 election district described in section 602.6109.
20 Sec. ____ NEW SECTION. 905A.2 LOCAL CORRECTIONS
21 INFRASTRUCTURE GRANT PROGRAM.
22 1. A local corrections infrastructure grant
23 program is created in the division. The division
24 shall adopt rules pursuant to chapter 17A as necessary
25 to administer the program in accordance with this
26 chapter. The rules shall include but are not limited
27 to provisions for auditing of grant expenditures.
28 2. The division shall develop a request for
29 proposals for the grant program and assist judicial
30 election districts in developing proposals in response

31 to the request. The division shall not accept more
32 than one proposal from a judicial election district
33 for each of the grant groupings. For the fiscal year
34 beginning July 1, 1999, grants shall be awarded from
35 moneys appropriated for this purpose from the rebuild
36 Iowa infrastructure fund created in section 8.57 in
37 accordance with this chapter in the following two
38 groupings:

- 39 a. Twenty-five million dollars to one or more
40 governments or groups of governments in judicial
41 election districts, divided proportionately according
42 to the judicial election districts' relative
43 proportion of the state's general population.
- 44 b. Nine million dollars to one or more governments
45 or groups of governments representing judicial
46 election districts, awarded according to criteria
47 developed by the task force established pursuant to
48 section 905A.3 based upon the relative amount of
49 criminal activity in the judicial election district,
50 the innovative nature of the proposal submitted by the

Page 2

1 government or group of governments, and the statewide
2 need for the project proposed to be developed.

3 3. A proposal for a grant under this section is
4 subject to all of the following conditions:

5 a. A judicial election district may combine with
6 one or more other judicial election districts in
7 developing a proposal or may propose a joint project
8 in separate proposals.

9 b. A proposal shall be for one or more
10 infrastructure or school-based crime prevention
11 projects or combination of projects relating to one or
12 more of the following purposes:

13 (1) A county jail.

14 (2) A regional or multicounty jail.

15 (3) A county juvenile detention or shelter care
16 home, including retirement of outstanding debt for
17 such a home.

18 (4) A regional or multicounty juvenile detention
19 or shelter care home.

20 (5) A community-based correctional program
21 facility.

22 (6) A school-based crime prevention program.

23 (7) A runaway assessment center.

24 c. Grant moneys under this chapter shall not be
25 used for purposes other than infrastructure.

26 d. The division may accept or reject a proposal in
27 whole or in part.

28 e. A proposal must address the need for the
29 proposed project, degree of urgency for the project,

30 location of the project, provisions for the
31 governments within the judicial election district to
32 access the project, and the performance measures to be
33 used to evaluate the project.

34 f. The submission date for proposals under
35 subsection 2, paragraph "a" shall be on or before
36 February 16, 1999, and the submission date for
37 proposals under subsection 2, paragraph "b" shall be
38 on or before April 17, 1999. However, for good cause
39 shown, the division may extend the submission date for
40 proposals under subsection 2, paragraph "a". It is
41 the intent of the general assembly that the grant
42 award process be complete by June 30, 1999, and awards
43 made in the fiscal year beginning July 1, 1999.
44 However, the division may delay final approval of a
45 grant proposal which is approved in part while full
46 approval of the proposal is pending.

47 4. The office of the attorney general, the
48 department of education, and the university of
49 northern Iowa's criminology program shall work with
50 the division in implementing a public planning process

Page 3

1 to assist the governments in judicial election
2 districts in developing a proposal, developing
3 technical assistance materials for the grant program,
4 developing the request for proposals, developing
5 proposed scoring tools, and producing model
6 performance measures and other evaluation processes
7 for grant program projects. The public planning
8 process shall include but is not limited to public
9 meetings in each of the judicial election districts.

10 Sec. ____ NEW SECTION. 905A.3 TASK FORCE.

11 1. The division shall establish and convene a
12 local corrections infrastructure grant program task
13 force to assist the division in scoring and evaluating
14 grant proposals and other assistance deemed necessary
15 by the division.

16 2. The membership of the task force shall include
17 but is not limited to representatives of the
18 following:

- 19 a. County sheriffs.
- 20 b. Police chiefs.
- 21 c. Office of the attorney general.
- 22 d. District judges.
- 23 e. Juvenile court judges.
- 24 f. Probation officers.
- 25 g. Juvenile court officers.
- 26 h. County supervisors.
- 27 i. City council members.
- 28 j. Criminal and juvenile justice planning advisory

- 29 council.
30 k. Juvenile services providers.
31 l. Community-based correctional programs.
32 m. County attorneys.
33 n. The Iowa state police association.
34 o. Local school officials.
35 p. Other members deemed necessary by the division
36 or task force.
37 3. Members of the task force are eligible for
38 reimbursement of actual and necessary expenses
39 incurred in the performance of their official duties.
40 The task force shall elect a chairperson and other
41 officers deemed necessary by the task force."
42 2. By renumbering as necessary.

JOHNIE HAMMOND
BILL FINK
ROBERT E. DVORSKY
MIKE CONNOLLY
MARY NEUHAUSER
ELAINE SZYMONIAK
TOM FLYNN
ROD HALVORSON
JOHN P. KIBBIE
PATRICK J. DELUHERY
PATTY JUDGE
MICHAEL E. GRONSTAL
EUGENE S. FRAISE
PATRICIA HARPER

HOUSE AMENDMENT TO
SENATE FILE 2405

S-5530

- 1 Amend Senate File 2405, as passed by the Senate, as
2 follows:
3 1. Page 1, line 5, by inserting after the word
4 "others," the following: "or which are contiguous
5 with each other,".
6 2. Page 1, line 9, by inserting after the word
7 "overlapping" the following: "or contiguous".
8 3. Page 1, line 9, by inserting after the word
9 "areas." the following: "Noncontiguous cities located
10 within the same county, or contiguous counties, may
11 also execute an agreement for the joint construction
12 or acquisition, furnishing, operation, and maintenance
13 of a regional public building or buildings for their
14 common use."
15 4. Page 2, line 8, by inserting after the word
16 "overlapping" the following: "or contiguous".
17 5. Page 2, line 9, by inserting after the word
18 "areas" the following: ", or noncontiguous cities

19 contained within the same county or contiguous
20 counties,".
21 6. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

S-5531

1 Amend the amendment, S-5468, to Senate File 2391,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting before line 6 the
5 following:
6 " 1. Page 1, by inserting after line 10 the
7 following:
8 "Sec. 1000. Section 321.12, Code Supplement 1997,
9 is amended by adding the following new subsection:
10 NEW SUBSECTION. 5. Notwithstanding subsection 4
11 and section 321J.2, subsection 4, paragraph "a", the
12 twelve-year time frame for determining whether an
13 offense is a first, second, or subsequent violation
14 under chapter 321J shall apply prospectively from July
15 1, 1997, in the following manner:
16 The first offense by a person under chapter 321J
17 committed on or after July 1, 1997, shall be
18 considered the person's first offense within the
19 twelve-year calculation period, regardless of any
20 offenses committed prior to July 1, 1997, whether or
21 not such offenses are reflected on the person's
22 operating records."
23 2. Page 13, by inserting before line 11 the
24 following:
25 "Sec. _____. RETROACTIVE APPLICABILITY. Section
26 1000 of this Act is retroactively applicable to July
27 1, 1997, and is applicable on and after that date."
28 3. By renumbering as necessary.

JACK RIFE

S-5532

1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 34, by inserting after line 2 the
4 following:
5 "As a condition of receiving the appropriation in
6 this subsection and notwithstanding any provision of
7 law to the contrary, the department of public safety
8 shall transfer authority over the office of the state
9 medical examiner to the Iowa department of public
10 health and shall transfer any funds appropriated in
11 this subsection and unexpended by the department of
12 public safety to the Iowa department of public health

13 at the point in time during the fiscal year when
14 authority over the office is transferred to the Iowa
15 department of public health as required by this
16 subsection."

TOM VILSACK

HOUSE AMENDMENT TO
SENATE FILE 2161

S-5533

1 Amend Senate File 2161, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking line 27 and inserting the
4 following: "person shall forward any written consent
5 forms may provide any relevant".
6 2. Page 4, by inserting after line 31 the
7 following:
8 "c. The department shall develop an informational
9 brochure for patients who may have blood withdrawn for
10 the purpose of performing an HIV test. The
11 information, at a minimum, shall include a summary of
12 the patient's rights and responsibilities under the
13 law."
14 3. By renumbering, relettering, or redesignating
15 and correcting internal references as necessary.

S-5534

1 Amend House File 2539, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 35, by inserting after line 32 the
4 following:
5 "Sec. ____ NEW SECTION. 905A.1 DEFINITIONS.
6 For the purposes of this chapter, unless the
7 context otherwise requires:
8 1. "Division" means the division of criminal and
9 juvenile justice planning of the department of human
10 rights.
11 2. "Government" means a community-based
12 correctional program as defined in section 905.1, or a
13 city, school district or accredited nonpublic school,
14 or county which expends funds for incarceration or
15 supervision of individuals charged with or convicted
16 of a felony, an aggravated misdemeanor, or a serious
17 misdemeanor, or for crime prevention activities.
18 3. "Judicial election district" means a judicial
19 election district described in section 602.6109.
20 Sec. ____ NEW SECTION. 905A.2 LOCAL CORRECTIONS
21 INFRASTRUCTURE GRANT PROGRAM.
22 1. A local corrections infrastructure grant
23 program is created in the division. The division

24 shall adopt rules pursuant to chapter 17A as necessary
25 to administer the program in accordance with this
26 chapter. The rules shall include but are not limited
27 to provisions for auditing of grant expenditures.

28 2. The division shall develop a request for
29 proposals for the grant program and assist judicial
30 election districts in developing proposals in response
31 to the request. The division shall not accept more
32 than one proposal from a judicial election district
33 for each of the grant groupings. For the fiscal year
34 beginning July 1, 1999, grants shall be awarded from
35 moneys appropriated for this purpose from the general
36 fund of the state in accordance with this chapter in
37 the following two groupings:

38 a. Twenty-five million dollars to one or more
39 governments or groups of governments in judicial
40 election districts, divided proportionately according
41 to the judicial election districts' relative
42 proportion of the state's general population.

43 b. Nine million dollars to one or more governments
44 or groups of governments representing judicial
45 election districts, awarded according to criteria
46 developed by the task force established pursuant to
47 section 905A.3 based upon the relative amount of
48 criminal activity in the judicial election district,
49 the innovative nature of the proposal submitted by the
50 government or group of governments, and the statewide

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1 need for the project proposed to be developed.

2 3. A proposal for a grant under this section is
3 subject to all of the following conditions:

4 a. A judicial election district may combine with
5 one or more other judicial election districts in
6 developing a proposal or may propose a joint project
7 in separate proposals.

8 b. A proposal shall be for one or more
9 infrastructure or school-based crime prevention
10 projects or combination of projects relating to one or
11 more of the following purposes:

12 (1) A county jail.

13 (2) A regional or multicounty jail.

14 (3) A county juvenile detention or shelter care
15 home, including retirement of outstanding debt for
16 such a home.

17 (4) A regional or multicounty juvenile detention
18 or shelter care home.

19 (5) A community-based correctional program
20 facility.

21 (6) A school-based crime prevention program.

22 (7) A runaway assessment center.

23 c. Grant moneys under this chapter shall not be
24 used for purposes other than infrastructure.
25 d. The division may accept or reject a proposal in
26 whole or in part.
27 e. A proposal must address the need for the
28 proposed project, degree of urgency for the project,
29 location of the project, provisions for the
30 governments within the judicial election district to
31 access the project, and the performance measures to be
32 used to evaluate the project.
33 f. The submission date for proposals under
34 subsection 2, paragraph "a" shall be on or before
35 February 16, 1999, and the submission date for
36 proposals under subsection 2, paragraph "b" shall be
37 on or before April 17, 1999. However, for good cause
38 shown, the division may extend the submission date for
39 proposals under subsection 2, paragraph "a". It is
40 the intent of the general assembly that the grant
41 award process be complete by June 30, 1999, and awards
42 made in the fiscal year beginning July 1, 1999.
43 However, the division may delay final approval of a
44 grant proposal which is approved in part while full
45 approval of the proposal is pending.
46 4. The office of the attorney general, the
47 department of education, and the university of
48 northern Iowa's criminology program shall work with
49 the division in implementing a public planning process
50 to assist the governments in judicial election

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1 districts in developing a proposal, developing
2 technical assistance materials for the grant program,
3 developing the request for proposals, developing
4 proposed scoring tools, and producing model
5 performance measures and other evaluation processes
6 for grant program projects. The public planning
7 process shall include but is not limited to public
8 meetings in each of the judicial election districts.
9 Sec. ____ NEW SECTION. 905A.3 TASK FORCE.
10 1. The division shall establish and convene a
11 local corrections infrastructure grant program task
12 force to assist the division in scoring and evaluating
13 grant proposals and other assistance deemed necessary
14 by the division.
15 2. The membership of the task force shall include
16 but is not limited to representatives of the
17 following:
18 a. County sheriffs.
19 b. Police chiefs.
20 c. Office of the attorney general.
21 d. District judges.

- 22 e. Juvenile court judges.
- 23 f. Probation officers.
- 24 g. Juvenile court officers.
- 25 h. County supervisors.
- 26 i. City council members.
- 27 j. Criminal and juvenile justice planning advisory
- 28 council.
- 29 k. Juvenile services providers.
- 30 l. Community-based correctional programs.
- 31 m. County attorneys.
- 32 n. The Iowa state police association.
- 33 o. Local school officials.
- 34 p. Other members deemed necessary by the division
- 35 or task force.
- 36 3. *Members of the task force are eligible for*
- 37 *reimbursement of actual and necessary expenses*
- 38 *incurred in the performance of their official duties.*
- 39 *The task force shall elect a chairperson and other*
- 40 *officers deemed necessary by the task force."*
- 41 2. By renumbering as necessary.

JOHNIE HAMMOND
MIKE CONNOLLY
BILL FINK

S-5535

- 1 Amend the amendment, S-5468, to Senate File 2391,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting before line 13 the
- 5 following:
- 6 "'Sec. ____ Section 321J.4, subsection 9, Code
- 7 Supplement 1997, is amended to read as follows:
- 8 9. A Notwithstanding any minimum period of
- 9 ineligibility specified in this chapter, a person
- 10 whose motor vehicle license has either been revoked
- 11 under this chapter, or revoked or suspended under
- 12 chapter 321 solely for violations of this chapter, or
- 13 who has been determined to be a habitual offender
- 14 under chapter 321 based solely on violations of this
- 15 chapter, and who is not eligible for a temporary
- 16 restricted license under this chapter may petition the
- 17 court upon the expiration of the minimum period of
- 18 ineligibility for a temporary restricted license
- 19 provided for under this section or section 321J.9,
- 20 321J.12, or 321J.20 for an order to the department to
- 21 require the department to issue a temporary restricted
- 22 license to the person notwithstanding section 321.560.
- 23 The petition shall include a current certified copy of
- 24 the petitioner's official driving record issued by the
- 25 department. Upon the filing of a petition for a

26 temporary restricted license under this section, the
27 clerk of the district court in the county where the
28 violation that resulted in the revocation occurred
29 shall send notice of the petition to the department
30 and the prosecuting attorney. The department and the
31 prosecuting attorney shall each be given an
32 opportunity to respond to and request a hearing on the
33 petition. The court shall determine if the temporary
34 restricted license is necessary for the person to
35 maintain the person's present employment. However, a
36 temporary restricted license shall not be ordered or
37 issued for a violation of section 321J.2A or to a
38 person under the age of twenty-one whose license is
39 revoked under this section or section 321J.9 or
40 321J.12. If the court determines that the temporary
41 restricted license is necessary for the person to
42 maintain the person's present employment, and that the
43 minimum period of ineligibility for receipt of a
44 temporary license has expired, the court shall order
45 the department to issue to the person a temporary
46 restricted license conditioned upon the person's
47 certification to the court of the installation of
48 approved ignition interlock devices in all motor
49 vehicles that it is necessary for the person to
50 operate to maintain the person's present employment.

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1 Section 321.561 does not apply to a person operating a
2 motor vehicle in the manner permitted under this
3 subsection. If the person operates a motor vehicle
4 which does not have an approved ignition interlock
5 device or if the person tampers with or circumvents an
6 ignition interlock device, in addition to other
7 penalties provided, the person's temporary restricted
8 license shall be revoked. A person holding a
9 temporary restricted license issued under this
10 subsection shall not operate a commercial motor
11 vehicle, as defined in section 321.1, on a highway if
12 a commercial driver's license is required for the
13 person to operate the commercial motor vehicle."
14 2. By renumbering as necessary.

JACK RIFE

S-5536

- 1 Amend Senate File 2416 as follows:
2 1. Page 46, line 17, by striking the word and
3 figures "January 1, 1999," and inserting the
4 following: "July 1, 1998,".
5 2. Page 46, line 28, by inserting after the word

6 "districts" the following: ", consumers,".
7 3. Page 62, by striking lines 29 through 34 and
8 inserting the following:
9 "Sec. ____ EFFECTIVE AND APPLICABILITY DATES --
10 DIRECTIONS TO CODE EDITOR.
11 1. Except as provided in subsection 2, this Act
12 takes effect January 1, 2000, and is applicable to
13 property tax assessment years beginning on or after
14 January 1, 2000, and to replacement tax years
15 beginning on or after January 1, 2000.
16 2. Notwithstanding subsection 1, section 437A.15,
17 subsection 7, as enacted in this Act, takes effect
18 upon enactment.
19 3. Except as specifically provided in this
20 section, the Code editor shall postdate all years
21 referenced in this Act by two years to reflect the
22 effective date in subsection 1."
23 4. By renumbering and correcting internal
24 references as necessary.

MARY A. LUNDBY
STEVE KING
MIKE CONNOLLY
MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
SENATE FILE 2404

S-5537

1 Amend Senate File 2404, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 42, by inserting after line 26 the
4 following:
5 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
6 of immediate importance, takes effect upon enactment."
7 2. Title page, line 1, by inserting after the
8 figure "501" the following: "and providing an
9 effective date".

S-5538

1 Amend the amendment, S-5284, to House File 2275 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 24, by inserting after the word
5 "to" the following: "prospective".
6 2. Page 1, line 42, by striking the word "PENALTY
7 --".
8 3. Page 1, by striking lines 45 through 47, and
9 inserting the following: "maintaining a home health
10 agency in this state may receive certification which
11 is consistent with the requirements of Title XVIII of

12 the federal Social Security Act from the department.
13 The department shall accept certification of a home
14 health agency under Title XVIII of the federal Social
15 Security Act in lieu of certification by the
16 department."

17 4. Page 2, by striking lines 14 through 16, and
18 inserting the following:

19 "d. The home health agency provides annual proof
20 of insurance in the".

21 5. Page 2, by striking lines 30 through 39.

22 6. Page 2, line 42, by inserting after the word
23 "the" the following: "certified".

24 7. Page 3, by striking lines 29 through 31.

25 8. By renumbering as necessary.

NANCY BOETTGER

S-5539

1 Amend Senate File 2416 as follows:

2 1. Page 15, by striking lines 23 and 24 and
3 inserting the following: "facility owned by or leased
4 to such person, electricity for its own consumption or
5 for sale to a taxpayer. A person".

6 2. Page 15, line 28, by inserting after the word
7 "self-generator" the following: "if such other person
8 uses a taxpayer's transmission or distribution system
9 for delivery of such electricity".

10 3. Page 15, by striking line 30 and inserting the
11 following: "that is owned by or leased to a person".

12 4. Page 15, line 31, by striking the word
13 "solely".

14 5. By striking page 15, line 33, through page 16,
15 line 1, and inserting the following: "located or on a
16 contiguous parcel of land or which does not use a
17 taxpayer's transmission or distribution system for
18 delivery of such electricity."

MARY A. LUNDBY

HOUSE AMENDMENT TO
SENATE FILE 2296

S-5540

1 Amend Senate File 2296, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 16, by striking the figure
4 "1,497,074", and inserting the following:
5 "1,494,231".

6 2. Page 2, line 7, by striking the figure
7 "3,942,849", and inserting the following:

8 "3,940,232".
9 3. Page 2, line 24, by striking the figure
10 "452,252", and inserting the following: "450,622".
11 4. Page 2, line 30, by striking the figure
12 "106,124", and inserting the following: "103,967".
13 5. Page 3, line 5, by striking the figure
14 "6,806,774", and inserting the following:
15 "6,803,513".
16 6. Page 4, line 34, by striking the figure
17 "427,429", and inserting the following: "425,219".
18 7. Page 5, line 12, by striking the figure
19 "829,338", and inserting the following: "827,215".
20 8. Page 6, line 12, by striking the figure
21 "422,719", and inserting the following: "418,737".
22 9. Page 7, line 11, by striking the figure
23 "2,022,107", and inserting the following:
24 "2,010,073".
25 10. Page 7, by inserting after line 16 the
26 following:
27 "The department shall file a report every six
28 months with the general assembly in a manner
29 consistent with section 7A.11 and with the
30 chairpersons and ranking members of the joint
31 appropriations subcommittee on economic development
32 which gives an update of all activities regarding
33 trade promotion in the Chinese market."
34 11. Page 8, line 15, by striking the figure
35 "5,040,732", and inserting the following:
36 "5,038,912".
37 12. Page 10, line 5, by striking the figure
38 "6,175,000" and inserting the following: "6,850,000".
39 13. Page 14, line 16, by striking the words and
40 figures "by July 1, 1998".
41 14. Page 16, by inserting after line 24 the
42 following:
43 "Sec. 13A. IOWA HOUSING CORPORATION. There is
44 appropriated from the strategic investment fund to the
45 Iowa housing corporation for the fiscal year beginning
46 July 1, 1998, and ending June 30, 1999, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purposes designated:
49 For assisting in the payment of per diem expenses
50 for board members attending the bimonthly board

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1 meetings:
2 \$ 7,350
3 Sec. 13B. AUDITOR OF STATE. There is appropriated
4 from the strategic investment fund to the auditor of
5 state for the fiscal year beginning July 1, 1998, and
6 ending June 30, 1999, the following amount, or so much

7 thereof as is necessary, to be used for the purposes
8 designated:

9 For payment of expenses related to auditing of the
10 Iowa housing corporation:

11 \$ 4,000

12 Sec. ____ Section 15E.83, Code 1997, is amended to
13 read as follows:

14 15E.83 SEED CAPITAL CORPORATION.

15 1. The Iowa seed capital corporation shall be
16 incorporated under chapter 504A. The purpose of the
17 corporation shall be to provide seed capital to start-
18 up and emerging growth companies in Iowa that are
19 bringing new products and processes to the
20 marketplace, and it shall be the goal of the
21 corporation to financially support the establishment
22 and growth of start-up and emerging growth companies
23 that can contribute to the economic diversity of the
24 state and provide general and specific economic
25 benefits to the state. The corporation shall only
26 provide seed capital or financial assistance to Iowa
27 businesses. The corporation shall not be regarded as
28 a state agency, except for purposes of chapters 17A
29 and 69, and a member of the board is not considered a
30 state employee, except for purposes of chapter 669.
31 An individual employed by the corporation is a state
32 employee for purposes of the Iowa public employees'
33 retirement system, state health and dental plans, and
34 other state employee benefit plans and chapter 669.
35 Chapters 8, 18, 19A, and 20 and other provisions of
36 law that relate to requirements or restrictions
37 dealing with state personnel or state funds do not
38 apply to the corporation and any employees of the
39 board or corporation except to the extent provided in
40 this division. Chapters 21 and 22 shall apply to
41 activities of the corporation and to employees of the
42 board or corporation except to the extent provided in
43 this division.

44 2. The corporation shall be governed by a board of
45 seven directors who shall serve a term of four years.
46 Of the seven directors, four shall be persons
47 experienced in business finance and employed at a bank
48 or other financial institution, be a certified public
49 accountant, be an attorney, or be a licensed
50 stockbroker. Each director shall serve at the

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1 pleasure of the governor and shall be appointed by the
2 governor, subject to confirmation by the senate
3 pursuant to section 2.32. A director is eligible for
4 reappointment. A vacancy on the board of directors
5 shall be filled in the same manner as an original

6 appointment.

7 3. The board of directors shall annually elect one
8 member as chairperson and one member as secretary.

9 The board may elect other officers of the corporation
10 as necessary. Members shall be reimbursed for
11 necessary expenses incurred in the performance of
12 duties from funds appropriated to the corporation.

13 4 3. Each director of the corporation shall take
14 an oath of office and the record of each oath shall be
15 filed in the office of the secretary of state.

16 5 4. The corporation shall receive information and
17 cooperate with other agencies of the state and the
18 political subdivisions of the state.

19 Sec. ____ Section 15E.85, Code 1997, is amended to
20 read as follows:

21 15E.85 BOARD OF DIRECTORS.

22 The powers of the corporation are vested in and
23 shall be exercised by the board of directors. Four
24 members of the board constitute a quorum and an
25 affirmative vote of at least four of the members
26 present at a meeting is necessary before an action may
27 be taken by the board. An action taken by the board
28 shall be authorized by resolution at a regular or
29 special meeting and takes effect immediately unless
30 the resolution specifies otherwise. Notice of a
31 meeting shall be given orally or in writing not less
32 than forty-eight hours prior to the meeting.

33 Sec. ____ Section 15E.87, Code 1997, is amended to
34 read as follows:

35 15E.87 CORPORATE PURPOSE -- POWERS.

36 The purpose of the corporation is to stimulate and
37 encourage the development of new products within Iowa
38 by the infusion of financial aid for invention and
39 innovation in situations in which financial aid would
40 not otherwise be reasonably available from commercial
41 sources. For this purpose the corporation has the
42 following powers:

43 1. To have perpetual succession as a corporate
44 body and to adopt bylaws, policies, and procedures for
45 the regulation of its affairs and conduct of its
46 business consistent with the purposes of this
47 division.

48 2. To enter into venture agreements with persons
49 doing business in Iowa upon conditions and terms which
50 are consistent with the purposes of this division for

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1 the advancement of financial aid to the persons. The
2 financial aid advanced shall be for the development of
3 specific products, procedures, and techniques which
4 are to be developed and produced in this state. The

5 corporation shall condition the agreements upon
6 contractual assurances that the benefits of increasing
7 or maintaining employment and tax revenues shall
8 remain in Iowa.

9 ~~3. To receive and accept aid or contributions from~~
10 ~~a source of money, property, labor, or other things of~~
11 ~~value to be used to carry out the purposes of this~~
12 ~~division including gifts or grants from a department~~
13 ~~or agency of the United States or any state.~~

14 ~~4. To issue notes and bonds as provided under this~~
15 ~~division.~~

16 5 2. To hold patents, copyrights, trademarks, or
17 other evidences of protection or exclusivity issued
18 under the laws of this state or the United States to
19 any products.

20 6 3. To employ assistants, agents, and other
21 employees and to engage consultants, attorneys, and
22 appraisers as necessary or desirable to carry out the
23 purposes of the corporation.

24 7 4. To make and enter into contracts and
25 agreements necessary or incidental to its performance
26 of the duties and the powers granted to the
27 corporation.

28 8 5. To sue and be sued, plead, and adopt a seal.

29 9 6. With the approval of the treasurer of state,
30 to invest funds which are not needed for immediate use
31 or disbursement, including funds held in reserve, in
32 obligations issued or guaranteed by the state or the
33 United States.

34 10 7. To procure insurance against a loss in
35 connection with its property and other assets.

36 11 8. To the extent permitted under a corporation
37 contract with other persons, to consent to a
38 termination, modification, forgiveness, or other
39 change in the terms of a contractual right, payment,
40 royalty, contract, or agreement.

41 12 9. To take necessary action to render bonds
42 issued under this division more marketable."

43 Sec. 13C. Section 16.5, Code Supplement 1997, is
44 amended by adding the following new subsections:

45 **NEW SUBSECTION. 18. Require any nonprofit**
46 **corporation created by or in association with the**
47 **authority since January 1, 1989, to include two**
48 **representatives of nonprofit housing organizations as**
49 **voting members on the board of directors of any such**
50 **corporation. Any such nonprofit corporation shall not**

- 1 have more than one member on the board of directors
- 2 who is employed by the authority or serves on the
- 3 board of directors of the authority.

4 NEW SUBSECTION. 19. Require any nonprofit
5 corporation created by or in association with the
6 authority since January 1, 1989, to file a detailed
7 report by January 15 of each year with the
8 chairpersons and ranking members of the appropriate
9 appropriations subcommittees of the general assembly
10 which shall include, at a minimum, all of the
11 following:
12 a. An annual report of the corporation.
13 b. An itemized list of projects assisted, project
14 fees received, project locations, types and amounts of
15 assistance provided, and contact persons for each
16 project.
17 c. An itemized list of types and amounts of
18 financial assistance provided to the corporation by
19 outside sources.
20 d. A list, by position, of all corporate employees
21 and board members. The information submitted pursuant
22 to this paragraph shall include the compensation
23 received, including salary and benefits, received by
24 each employee and board member.

25 NEW SUBSECTION. 20. Require any nonprofit
26 corporation created by or in association with the
27 authority since January 1, 1989, to adopt a written
28 conflict of interests policy.

29 Sec. 13D. AUDIT. By January 15, 1999, the auditor
30 of state shall conduct an audit, or review any
31 previously completed audit, of any nonprofit
32 corporation in existence which has been incorporated
33 since January 1, 1989, by or in association with the
34 Iowa finance authority, for the entire time period
35 since the corporation was incorporated. The auditor
36 shall make or cause to be made a written report
37 consistent with and similar to the type of report
38 required under section 11.4. The auditor of state may
39 conduct similar additional audits of the same
40 nonprofit corporation as the auditor deems necessary
41 and the nonprofit corporation shall pay a fee for all
42 audits conducted.

43 Sec. 13E. HOUSING CORPORATION BOARD. The board of
44 directors of the Iowa housing corporation shall
45 consist of seven voting members serving staggered
46 three-year terms. Two members shall be
47 representatives of nonprofit housing organizations
48 appointed by the governor subject to confirmation by
49 the senate. The Iowa association of realtors, the
50 home builders association of Iowa, and the Iowa

1 bankers association shall all appoint one member to
2 the board. The governor shall appoint the remaining

3 two board members subject to confirmation by the
4 senate. The initial terms of one representative of a
5 nonprofit housing organization and the representative
6 of the Iowa association of realtors shall be appointed
7 for terms commencing by July 1, 1998, or as soon
8 thereafter as possible, the representative of the Iowa
9 bankers association and one appointment by the
10 governor from the general public shall be appointed
11 for terms commencing May 1, 1999, and the
12 representative of the home builders association of
13 Iowa, one representative of a nonprofit housing
14 organization, and one appointment by the governor from
15 the general public shall be appointed for terms
16 commencing May 1, 2000. Board members serving on the
17 effective date of this section shall continue to serve
18 on the board until replaced by members designated in
19 this section. After the initial appointments, all
20 succeeding appointees shall serve staggered three year
21 terms beginning and ending as provided in chapter 69.
22 All appointments to the board of directors made by the
23 governor shall conform to the requirements of sections
24 69.15, 69.16, 69.16A, 69.17, 69.18, and 69.19. An
25 employee or staff member of the Iowa housing
26 corporation shall not be eligible to serve on the
27 board of directors."

28 15. By striking page 16, line 25, through page
29 17, line 27, and inserting the following:
30 "Sec. ____ LIQUIDATION OF THE IOWA SEED CAPITAL
31 CORPORATION. Notwithstanding sections 15E.81 through
32 15E.94, sections 15E.181 through 15E.184, and 1997
33 Iowa Acts, chapter 143, sections 5 and 6, it is the
34 intent of the general assembly that the Iowa seed
35 capital corporation shall be liquidated or sold in an
36 orderly manner. On May 31, 1998, the terms of the
37 board members of the Iowa seed capital corporation
38 shall terminate, the Iowa seed capital corporation
39 shall be renamed the ISCC liquidation corporation, and
40 a three-person board shall be constituted to complete
41 the orderly liquidation or sale of the assets of the
42 ISCC liquidation corporation. The ISCC liquidation
43 corporation board shall consist of the commissioner of
44 insurance or the commissioner's designee, the
45 superintendent of banking or the superintendent's
46 designee, and the treasurer of state or the
47 treasurer's designee. The members of the ISCC
48 liquidation corporation board and any staff providing
49 assistance to the board shall not be liable for their
50 acts or omissions in connection with the liquidation

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1 or sale of the corporation. The ISCC liquidation

2 corporation board shall close the corporation offices
3 at 200 East Grand, Des Moines, Iowa, by June 30, 1998,
4 terminate the officers and staff of the corporation by
5 June 30, 1998, and shall not hire a new permanent or
6 temporary staff to operate this corporation.

7 The staff of the treasurer of state shall provide
8 administrative support to the ISCC liquidation
9 corporation board and the corporation shall reimburse
10 the treasurer of state for the reasonable costs of
11 providing administrative support. The attorney
12 general shall be consulted and shall provide legal
13 support throughout the liquidation and sale process
14 and the corporation shall reimburse the attorney
15 general for the reasonable costs of providing any such
16 consultation and legal support.

17 The ISCC liquidation corporation board's goals in
18 supervising the liquidation or sale of the corporation
19 are to maximize the net revenue to the state and
20 minimize the impact to the companies involved. The
21 board shall not make any new investments during the
22 liquidation period, except for those necessary to
23 protect and maintain its current holdings.

24 The ISCC liquidation corporation board is
25 authorized to contract for the services, including
26 brokers, other financial advisors or consultants, or
27 legal advisors, necessary to complete the orderly
28 liquidation or sale of the ISCC liquidation
29 corporation.

30 The ISCC liquidation corporation board may
31 determine the potential administrative, legal, and
32 contractual service costs for the liquidation or sale
33 of the corporation and may maintain a prudent reserve
34 fund from liquid assets of the corporation for such
35 purposes. Upon the unanimous vote of the ISCC
36 liquidation corporation board the remainder of the
37 liquid assets shall be transferred to the strategic
38 investment fund established in section 15.313.

39 Following the complete liquidation and dissolution
40 of the corporation or the sale of the corporation, all
41 remaining moneys shall be transferred to the strategic
42 investment fund. Upon transfer of the remaining
43 moneys to the strategic investment fund, the ISCC
44 liquidation corporation board shall be dissolved."

45 16. Page 18, by inserting after line 27 the
46 following:

47 "Sec. ____ By December 31 of each year, the ISCC
48 liquidation corporation shall submit an annual report
49 to the chairpersons and the ranking members of the
50 joint appropriations subcommittee on economic

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- 1 development. The report shall include an update on
- 2 the financial condition of the corporation relating to
- 3 the status of any moneys, assets, or contracts
- 4 currently being held by the corporation or transferred
- 5 by the corporation during the prior year."
- 6 17. Page 19, by inserting after line 26 the
- 7 following:
- 8 "Sec. ____ Section 15E.86, Code 1997, is repealed."
- 9 18. Page 19, by striking lines 27 and 28 and
- 10 inserting the following:
- 11 "Sec. 23. Sections 13C, 13D, 13E, and 14 of this
- 12 Act, being deemed of immediate importance, take effect
- 13 upon enactment."
- 14 19. Title page, line 4, by inserting after the
- 15 word "board," the following: "auditor of state, Iowa
- 16 housing corporation,"
- 17 20. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

S-5541

- 1 Amend the House amendment, S-5359, to Senate File
- 2 2320, as passed by the Senate, as follows:
- 3 1. By striking page 1, line 1, through page 2,
- 4 line 34, and inserting the following:
- 5 "Amend Senate File 2320 as follows:
- 6 Page 1, by inserting after line 17 the
- 7 following:
- 8 "Sec. ____ Section 99F.4A, Code 1997, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. 9. If a license issued pursuant
- 11 to this chapter or chapter 99D is transferred, an
- 12 existing collective bargaining agreement or the impact
- 13 of an employee representation election shall transfer
- 14 the new licensee."
- 15 By renumbering as necessary."

JACK RIFE
WALLY E. HORN

S-5542

- 1 Amend House File 2533, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 11, by inserting after line 1 the
- 4 following:
- 5 "LIMITED ENGLISH PROFICIENT STUDENT
- 6 INSTRUCTION PROGRAM AID.
- 7 For community colleges with limited English
- 8 proficient student instruction program costs that the

9 department of education determines are high relative
 10 to instruction program costs for other limited English
 11 proficient student instruction programs in the state:
 12 \$ 1,000,000
 13 A community college with a limited English
 14 proficient student instruction program may submit an
 15 application to the department of education, on a form
 16 developed by the department, for assistance pursuant
 17 to this subsection by November 1 of the school year in
 18 which the community college seeks assistance. In
 19 distributing funds, the department shall consider the
 20 size, diversity, and enrollment trends of the school
 21 district, the relative economic wealth and property
 22 tax base of the community college district in
 23 comparison to other applying community college
 24 districts, and the efforts the community college has
 25 undertaken to develop and monitor limited English
 26 proficient student assimilation into the community
 27 college population. Preference shall be given to
 28 community colleges that have a limited English
 29 proficient student enrollment within the upper twenty-
 30 five percent of all limited English proficient student
 31 instruction program enrollments in the state's
 32 community colleges, as determined by the department of
 33 education.
 34 Assistance payments shall be made to community
 35 colleges in accordance with this subsection beginning
 36 with a December 15 payment. Funds shall be expended
 37 solely for purposes related to limited English
 38 proficient student program instruction.
 39 Notwithstanding section 8.33, the moneys appropriated
 40 in this subsection that remain unencumbered and
 41 unobligated at the close of the fiscal year shall not
 42 revert to the general fund but shall remain available
 43 for expenditure for the purposes designated during the
 44 succeeding fiscal year."
 45 2. By renumbering as necessary.

ELAINE SZYMONIAK
 DICK L. DEARDEN
 MATT McCOY
 WILLIAM D. PALMER
 STEVEN D. HANSEN

S-5543

1 Amend House File 2494, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. NEW SECTION. 7D.10A ALLOCATION TO
 6 MANURE STORAGE INDEMNITY FUND.

7 If moneys are not sufficient to support the manure
8 storage indemnity fund as provided in chapter 204, the
9 executive council may allocate from moneys in the
10 general fund of the state, which are not otherwise
11 obligated or encumbered, an amount to the manure
12 storage indemnity fund as provided under section
13 204.2. However, not more than a total of one million
14 dollars shall be allocated to the manure storage
15 indemnity fund at any time.

16 Sec. 2. Section 204.1, subsections 4, 8, and 9,
17 Code 1997, are amended to read as follows:

18 4. "Department" means the department of
19 ~~agriculture and land stewardship~~ natural resources.

20 8. "Manure storage structure" means ~~a structure~~
21 ~~used to store manure as part of a confinement feeding~~
22 ~~operation subject to a construction permit issued by~~
23 ~~the department of natural resources pursuant to~~
24 ~~section 455B.173. A manure storage structure~~
25 ~~includes, but is not limited to, an anaerobic lagoon,~~
26 ~~formed manure storage structure, or earthen manure~~
27 ~~storage basin, the same~~ as defined in section 455B.161
28 455B.171.

29 9. "Permittee" means a person who, pursuant to
30 section 455B.200A, obtains a permit for the
31 construction of a manure storage structure, or a
32 confinement feeding operation, if a manure storage
33 structure is connected to the confinement feeding
34 operation.

35 Sec. 3. Section 204.2, subsections 2, 3, and 5,
36 Code 1997, are amended to read as follows:

37 2. The fund consists of moneys from indemnity fees
38 remitted by permittees to the department of ~~natural~~
39 ~~resources and transferred to the department of~~
40 ~~agriculture and land stewardship~~ as provided in
41 section 204.3; moneys from indemnity fees remitted by
42 persons required to submit manure management plans to
43 the department pursuant to section 204.3A; sums
44 collected on behalf of the fund by the department
45 through legal action or settlement; moneys required to
46 be repaid to the department by a county pursuant to
47 this chapter; civil penalties assessed and collected
48 by the department of ~~natural resources~~ or the attorney
49 general pursuant to chapter 455B, against permittees
50 animal feeding operations; moneys paid as a settlement

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1 involving an enforcement action for a civil penalty
2 subject to assessment and collection against
3 permittees by the department of ~~natural resources~~ or
4 the attorney general pursuant to chapter 455B;
5 interest, property, and securities acquired through

6 the use of moneys in the fund; or moneys contributed
7 to the fund from other sources.

8 3. The moneys collected under this section and
9 shall be deposited in the fund and shall be
10 appropriated to the department for the exclusive
11 purpose of indemnifying a county for expenses related
12 to cleaning up the site of the confinement feeding
13 operation, including removing and disposing of manure
14 from a manure storage structure providing moneys for
15 cleanup of abandoned facilities as provided in section
16 204.4, and to pay the department for costs related to
17 administering the provisions of this chapter. For
18 each fiscal year, the department shall not use more
19 than one percent of the total amount which is
20 available in the fund or ten thousand dollars,
21 whichever is less, to pay for the costs of
22 administration. Moneys in the fund shall not be
23 subject to appropriation or expenditure for any other
24 purpose than provided in this section.

25 5. The following shall apply to moneys in the
26 fund:

27 a. On August 31 following the close of each fiscal
28 year, moneys in the fund which are not obligated or
29 encumbered on June 30 of the past fiscal year, less
30 not counting the department's estimate of the cost to
31 the fund for pending or unsettled claims and any
32 amount required to be credited to the general fund of
33 the state under this subsection, and which are in
34 excess of one three million dollars, shall be
35 deposited in the organic nutrient management fund as
36 created in section 161C.5 for purposes of supporting
37 the organic nutrient management program.

38 b. The executive council may allocate moneys from
39 the general fund of the state as provided in section
40 7D.10A in an amount necessary to support the fund,
41 including payment of claims as provided in section
42 204.4. However, an allocation of moneys from the
43 general fund of the state shall be made only if the
44 amount of moneys in the fund, which are not obligated
45 or encumbered, and not counting the department's
46 estimate of the cost to the fund for pending or
47 unsettled claims and any amount required to be
48 credited to the general fund of the state under this
49 subsection, is less than one million dollars.

50 c. The department shall credit an amount to the

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1 general fund of the state which is equal to an amount
2 allocated to the fund by the executive council under
3 paragraph "b". The department shall credit the moneys
4 to the general fund of the state, if the moneys in the

5 fund which are not obligated or encumbered, and not
6 counting the department's estimate of the cost to the
7 fund for pending or unsettled claims and any amount
8 required to be transferred to the general fund under
9 this paragraph, are in excess of two million five
10 hundred thousand dollars. The department is not
11 required to credit the total amount to the general
12 fund of the state during any one fiscal year.

13 Sec. 4. Section 204.3, Code 1997, is amended to
14 read as follows:

15 204.3 FEES.

16 An indemnity fee shall be assessed upon permittees
17 which shall be paid to and collected by the department
18 ~~of natural resources~~, prior to issuing a permit for
19 the construction of a confinement feeding operation as
20 provided in section 455B-173 455B.200A. The amount of
21 the fees shall be based on the following:

22 1. If the confinement feeding operation has an
23 animal weight capacity of less than six hundred
24 twenty-five thousand pounds, the following shall
25 apply:

26 a. For all animals other than poultry, the amount
27 of the fee shall be ~~five ten~~ cents per animal unit of
28 capacity for confinement feeding operations.

29 b. For poultry, the amount of the fee shall be ~~two~~
30 four cents per animal unit of capacity for confinement
31 feeding operations.

32 2. If the confinement feeding operation has an
33 animal weight capacity of six hundred twenty-five
34 thousand or more pounds but less than one million two
35 hundred fifty thousand pounds, the following shall
36 apply:

37 a. For all animals other than poultry, the amount
38 of the fee shall be ~~seven and one-half~~ fifteen cents
39 per animal unit of capacity for confinement feeding
40 operations.

41 b. For poultry, the amount of the fee shall be
42 ~~three six~~ cents per animal unit of capacity for
43 confinement feeding operations.

44 3. If the confinement feeding operation has an
45 animal weight capacity of one million two hundred
46 fifty thousand or more pounds, the following shall
47 apply:

48 a. For all animals other than poultry, the amount
49 of the fee shall be ~~ten~~ twenty cents per animal unit
50 of capacity for confinement feeding operations.

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1 b. For poultry, the amount of the fee shall be
2 ~~four eight~~ cents per animal unit of capacity for
3 confinement feeding operations.

4 The department of natural resources shall deposit
5 moneys collected from the fees into the fund according
6 to procedures adopted by the department of agriculture
7 and land stewardship.

8 Sec. 5. NEW SECTION. 204.3A MANURE MANAGEMENT
9 PLAN -- INDEMNITY FEE REQUIRED.

10 An indemnity fee shall be assessed upon persons
11 required to submit a manure management plan as
12 provided in section 455B.203, but not required to
13 obtain a construction permit pursuant to section
14 455B.200A. The amount of the fees shall be ten cents
15 per animal unit of capacity for confinement feeding
16 operations.

17 Sec. 6. Section 204.4, subsections 1 and 2, Code
18 1997, is amended to read as follows:

19 1. A county that has acquired real estate
20 containing a manure storage structure following
21 nonpayment of taxes pursuant to section 446.19, may
22 make a claim against the fund to pay the costs of
23 cleaning up the site of the confinement feeding
24 operation, including the costs of removing and
25 disposing of the manure from a manure storage
26 structure cleanup costs incurred by the county as
27 provided in section 204.5. Each claim shall include a
28 bid by a qualified person, other than a governmental
29 entity, to remove and dispose of the manure for a
30 fixed amount specified in the bid.

31 2. The If a county provides cleanup under section
32 204.5 after acquiring real estate following nonpayment
33 of taxes, the department shall determine if a claim is
34 eligible to be satisfied under this section
35 subsection, and do one of the following:

36 a. Pay the amount of the claim required in this
37 section, based on the fixed amount specified in the
38 bid submitted by the county upon completion of the
39 work.

40 b. Obtain a lower fixed amount bid for the work
41 from another qualified person, other than a
42 governmental entity, and pay the amount of the claim
43 required in this section, based on the fixed amount in
44 this bid upon completion of the work. The department
45 is not required to comply with section 18.6 in
46 implementing this section.

47 2A. If a county provides cleanup of a condition
48 causing a clear, present, and impending danger to the
49 public health or environment, as provided in section
50 204.5, the county may make a claim against the fund to

1 pay cleanup costs incurred by the county, according to
2 procedures and requirements established by rules

3 adopted by the department. The department shall
4 determine if a claim is eligible to be satisfied under
5 this subsection, and pay the amount of the claim
6 required in this section.

7 Sec. 7. NEW SECTION. 204.4A USE OF FUND FOR
8 EMERGENCY CLEANUP.

9 If the department provides cleanup of a condition
10 caused by a confinement feeding operation as provided
11 in section 204.5, the department may use moneys in the
12 fund for purposes of supporting the cleanup. The
13 department shall reimburse the fund from moneys
14 recovered by the department as reimbursement for the
15 cleanup as provided in section 204.5.

16 Sec. 8. Section 204.5, Code 1997, is amended to
17 read as follows:

18 204.5 SITE CLEANUP.

19 1. a. A county which that has acquired real
20 estate containing on which there is located a
21 confinement feeding operation structure, as defined in
22 section 455B.161, following the nonpayment of taxes
23 pursuant to section 446.19, may clean up the site
24 provide for cleanup, including removing and disposing
25 of manure at any time, remediating contamination which
26 originates from the confinement feeding operation, or
27 demolishing and disposing of structures relating to
28 the confinement feeding operation. The county may
29 seek reimbursement including by bringing an action for
30 the costs of the removal and disposal cleanup from the
31 person abandoning the real estate.

32 b. If the confinement feeding operation has caused
33 a clear, present, and impending danger to the public
34 health or the environment, the department may clean up
35 the confinement feeding operation and remediate
36 contamination which originates from the confinement
37 feeding operation, pursuant to sections 455B.381
38 through 455B.399. If the department fails to provide
39 cleanup within twenty-four hours after being notified
40 of a condition requiring cleanup, the county may
41 provide for the cleanup as provided in this paragraph.
42 The department or county may seek reimbursement
43 including by bringing an action for the costs of the
44 cleanup from a person liable for causing the
45 condition.

46 2. A person cleaning up a site confinement fng ~ ~
47 operation located on real estate acquired by a county
48 may demolish or dispose of any building or equipment
49 used in of the confinement feeding operation located
50 on the land according to rules adopted by the

2 17A, which apply to the disposal of farm buildings or
3 equipment by an individual or business organization.
4 Sec. 9. NEW SECTION. 331.304A LIMITATIONS ON
5 COUNTY LEGISLATION.

6 1. As used in this section:

7 a. "Aerobic structure", "animal", "animal feeding
8 operation", "animal feeding operation structure", and
9 "manure" mean the same as defined in section 455B.161.
10 b. "County legislation" means any ordinance,
11 motion, resolution, or amendment adopted by a county
12 pursuant to section 331.302.

13 2. A county shall not adopt or enforce county
14 legislation regulating a condition or activity
15 occurring on land used for the production, care,
16 feeding, or housing of animals unless the regulation
17 of the production, care, feeding, or housing of
18 animals is expressly authorized by state law. County
19 legislation adopted in violation of this section is
20 void and unenforceable and any enforcement activity
21 conducted in violation of this section is void. A
22 condition or activity occurring on land used for the
23 production, care, feeding, or housing of animals
24 includes but is not limited to the construction,
25 operation, or management of an animal feeding
26 operation, an animal feeding operation structure, or
27 aerobic structure, and to the storage, handling, or
28 application of manure or egg washwater.

29 Sec. 10. Section 455B.104, Code 1997, is amended
30 to read as follows:

31 455B.104 DEPARTMENTAL DUTIES -- PERMITS --
32 REQUIREMENTS AND ASSISTANCE.

33 1. The department shall either approve or deny a
34 permit to a person applying for a permit under this
35 chapter, within six months from the date that the
36 department receives a completed application for the
37 permit. An application which is not approved or
38 denied within the six-month period shall be approved
39 by default. The department shall issue a permit to
40 the applicant within ten days following the date of
41 default approval. However, this ~~section~~ subsection
42 shall not apply to applications for permits which are
43 issued under division II, or division IV, parts 2
44 through 7.

45 2. The department shall not issue a new permit to
46 and may revoke or refuse to renew an existing permit
47 held by a person under this chapter during a period of
48 five years after the date of the last violation
49 committed by the person or by a confinement feeding
50 operation in which the person holds a controlling

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1 interest during the period for which the person or
2 operation was classified as a habitual violator under
3 section 455B.191.

4 3. The department shall assist persons applying
5 for assistance to establish and operate renewable fuel
6 production facilities pursuant to the value-added
7 agricultural products and processes financial
8 assistance program established in section 15E.111.

9 Sec. 11. Section 455B.110, Code 1997, is amended
10 to read as follows:

11 455B.110 ANIMAL FEEDING OPERATIONS –COMMISSION
12 APPROVAL OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.

13 1. A person may file a complaint alleging that an
14 animal feeding operation is in violation of this
15 chapter, including rules adopted by the department, or
16 environmental standards or regulations subject to
17 federal law and enforced by the department.

18 a. The complaint may be filed with the department
19 according to procedures required by the department or
20 with the county board of supervisors in the county
21 where the violation is alleged to have occurred,
22 according to procedures required by the board. The
23 county auditor may accept the complaint on behalf of
24 the board.

25 b. If the county board of supervisors receives a
26 complaint, it shall conduct a review to determine if
27 the allegation contained in the complaint constitutes
28 a violation, without investigating whether the facts
29 supporting the allegation are true or untrue.

30 (1) If the county board of supervisors determines
31 that the allegation does not constitute a violation,
32 it shall notify the complainant, the animal feeding
33 operation which is the subject of the complaint, and
34 the department, according to rules adopted by the
35 department.

36 (2) If the county board of supervisors determines
37 that the allegation constitutes a violation, it shall
38 forward the complaint to the department which shall
39 investigate the complaint.

40 c. If the department receives a complaint from a
41 complainant or a county forwarding a complaint, the
42 department shall conduct an investigation of the
43 complaint. The department shall receive a complaint
44 filed by a complainant, regardless of whether the
45 complainant has filed a complaint with a county board
46 of supervisors.

47 (1) The department in its discretion shall
48 determine the urgency of the investigation, and the
49 time and resources required to complete the
50 investigation, based upon the circumstances of the

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1 case, including the severity of a threat to the
2 quality of surface or subsurface water.
3 (2) The department shall notify the county board
4 of supervisors in the county where the violation is
5 alleged to occur prior to investigating the premises
6 of the alleged violation. However, the department is
7 not required to provide notice if the department
8 determines that a clear, present, and impending danger
9 to the public health or environment requires immediate
10 action.
11 (3) The county board of supervisors may designate
12 a county employee to accompany a departmental official
13 during the investigation of the premises of a
14 confinement feeding operation. The county designee
15 shall have the same right of access to the premises as
16 the departmental official conducting the inspection
17 during the period that the county accompanies the
18 departmental official.
19 (4) Upon the completion of an investigation, the
20 department shall notify the complainant of the results
21 of the investigation, including any anticipated,
22 pending, or completed enforcement action arising from
23 the investigation. The department shall deliver a
24 copy of the notice to the animal feeding operation
25 that is the subject of the complaint and the board of
26 supervisors of the county where the violation is
27 alleged to have occurred.
28 d. A county board of supervisors or the department
29 is not required to divulge information regarding the
30 identity of the complainant.
31 2. When entering the premises of an animal feeding
32 operation, a person who is a departmental official, an
33 agent of the department, or a person accompanying the
34 departmental official or agent shall comply with
35 section 455B.103. The person shall also comply with
36 standard biosecurity requirements customarily required
37 by the animal feeding operation which are necessary in
38 order to control the spread of disease among an animal
39 population.
40 3. The department shall not initiate an
41 enforcement action in response to a violation by an
42 animal feeding operation as provided in this chapter
43 or a rule adopted pursuant to this chapter, or request
44 the commencement of legal action by the attorney
45 general pursuant to section 455B.141, unless the
46 commission has approved the intended action. This
47 section subsection shall not apply to an enforcement
48 action in which the department enforces a civil
49 penalty of three thousand dollars or less. This

50 ~~section subsection~~ shall also not apply to an order to

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1 terminate an emergency issued by the director pursuant
2 to section 455B.175.

3 Sec. 12. Section 455B.161, Code 1997, is amended
4 by adding the following new subsections:

5 NEW SUBSECTION. 0A. "Aerobic structure" means an
6 animal feeding operation structure other than an egg
7 washwater storage structure which employs bacterial
8 action which is maintained by the utilization of air
9 or oxygen and which includes aeration equipment.

10 NEW SUBSECTION. 21. "Unformed manure storage
11 structure" means a covered or uncovered animal feeding
12 operation structure in which manure is stored, other
13 than a formed manure storage structure, which is an
14 anaerobic lagoon, aerobic structure, or earthen manure
15 storage basin.

16 Sec. 13. NEW SECTION. 455B.161A CONFINEMENT
17 FEEDING OPERATIONS -- SPECIAL TERMS.

18 For purposes of this part, all of the following
19 shall apply:

20 1. Two or more confinement feeding operations are
21 adjacent if all of the following apply:

22 a. An animal feeding operation structure which is
23 part of one confinement feeding operation is located
24 within the following distance from an animal feeding
25 operation structure which is part of the other
26 confinement feeding operation:

27 (1) One thousand two hundred fifty feet for all of
28 the following:

29 (a) Confinement feeding operations having an
30 animal weight capacity of less than one million two
31 hundred fifty thousand pounds for animals other than
32 bovine.

33 (b) Confinement feeding operations having an
34 animal weight capacity of less than four million
35 pounds for bovine.

36 (2) One thousand five hundred feet for all of the
37 following:

38 (a) Confinement feeding operations having an
39 animal weight capacity of one million two hundred
40 fifty thousand pounds or more but less than two
41 million pounds for animals other than swine kept in a
42 farrow-to-finish operation or bovine.

43 (b) Confinement feeding operations having an
44 animal weight capacity of one million two hundred
45 fifty thousand pounds or more but less than two
46 million five hundred thousand pounds for swine kept in
47 a farrow-to-finish operation.

48 (c) Confinement feeding operations having an

49 animal weight capacity of four million or more pounds
50 but less than six million pounds for bovine.

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1 (3) Two thousand five hundred feet for all of the
2 following:

3 (a) Confinement feeding operations having an
4 animal weight capacity of two million pounds or more
5 for animals other than swine kept in a farrow-to-
6 finish operation or bovine.

7 (b) Confinement feeding operations having an
8 animal weight capacity of two million five hundred
9 thousand pounds for swine kept in a farrow-to-finish
10 operation.

11 (c) Confinement feeding operations having an
12 animal weight capacity of six million or more pounds
13 for bovine.

14 b. An animal feeding operation structure subject
15 to the distance requirements of this subsection is
16 constructed after March 20, 1996.

17 2. An animal feeding operation structure is
18 "constructed" when any of the following occurs:

19 a. Excavation for a proposed animal feeding
20 operation structure or proposed expansion of an
21 existing animal feeding operation structure, including
22 excavation for the footings of the animal feeding
23 operation structure.

24 b. Forms for concrete are installed for a proposed
25 animal feeding operation structure or the proposed
26 expansion of an existing animal feeding operation
27 structure.

28 c. Piping for the movement of manure is installed
29 within or between animal feeding operation structures
30 as proposed or proposed to be expanded.

31 Sec. 14. Section 455B.162, unnumbered paragraph 1,
32 Code 1997, is amended to read as follows:

33 The following shall apply to animal feeding
34 operation structures:

35 1. Except as provided in subsection 2, and
36 sections 455B.163 and 455B.165, this subsection
37 applies to animal feeding operation structures
38 constructed on or after May 31, 1995, but prior to the
39 effective date of this section; and to the expansion
40 of structures constructed on or after May 31, 1995;
41 or, except as provided in section 455B.163, to the
42 expansion of structures constructed prior to May 31,
43 1995; the effective date of this section.

44 Sec. 15. Section 455B.162, subsection 1, Code
45 1997, is amended to read as follows:

46 1. Except as provided in subsection 2, the
47 following table shall apply to animal feeding

48 ~~operation structures:~~

49 a. The following table represents the minimum
50 separation distance in feet required between an animal

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1 feeding operation structure and a residence not owned
2 by the owner of the animal feeding operation, or a
3 commercial enterprise, bona fide religious
4 institution, or an educational institution:

5	Minimum		
6	separation		
7	distance in		
8	feet for		
9	operations		
10	Minimum	having an	
11	separation	animal	Minimum
12	distance in	weight	separation
13	feet for	capacity of	distance in
14	operations	625,000 or	feet for
15	having an	more pounds	operations
16	animal	but less than	having an
17	weight	1,250,000	animal
18	capacity of	pounds for	weight
19	less than	animals other	capacity of
20	625,000	than bovine,	1,250,000 or
21	pounds for	or 1,600,000	more pounds
22	animals other	or more	for animals
23	than bovine,	pounds but	other than
24	or less than	less than	bovine, or
25	1,600,000	4,000,000	4,000,000 or
26	pounds for	pounds for	more pounds
27	Type of structure	bovine	bovine for bovine

28 Anaerobic

29 lagoon 1,250 1,875 2,500

30 Uncovered earthen

31 manure storage

32 basin 1,250 1,875 2,500

33 Uncovered formed

34 manure storage

35 structure 1,000 1,500 2,000

36 Covered earthen

37 manure storage

38 basin 750 1,000 1,500

39 Covered formed

40 manure storage

41 structure 750 1,000 1,500

42 Confinement

43 building 750 1,000 1,500

44 Egg washwater

45 storage structure 750 1,000 1,500

46 1A. Except as provided in subsection 2, and

47 sections 455B.163 and 455B.165, this subsection
 48 applies to animal feeding operation structures
 49 constructed on or after the effective date of this
 50 section and to the expansion of structures constructed

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1 on or after the effective date of this section. The
 2 following table represents the minimum separation
 3 distance in feet required between an animal feeding
 4 operation structure and a residence not owned by the
 5 owner of the animal feeding operation, or a commercial
 6 enterprise, bona fide religious institution, or an
 7 educational institution:

8	<u>Minimum</u>			
9	<u>separation</u>			
10	<u>distance in</u>			
11	<u>feet for</u>			
12	<u>operations</u>			
13	<u>Minimum</u>	<u>having an</u>		
14	<u>separation</u>	<u>animal</u>	<u>Minimum</u>	
15	<u>distance in</u>	<u>weight</u>	<u>separation</u>	
16	<u>feet for</u>	<u>capacity of</u>	<u>distance in</u>	
17	<u>operations</u>	<u>625,000 or</u>	<u>feet for</u>	
18	<u>having an</u>	<u>more pounds</u>	<u>operations</u>	
19	<u>animal</u>	<u>but less than</u>	<u>having an</u>	
20	<u>weight</u>	<u>1,250,000</u>	<u>animal</u>	
21	<u>capacity of</u>	<u>pounds for</u>	<u>weight</u>	
22	<u>less than</u>	<u>animals other</u>	<u>capacity of</u>	
23	<u>625,000</u>	<u>than bovine,</u>	<u>1,250,000 or</u>	
24	<u>pounds for</u>	<u>or 1,600,000</u>	<u>more pounds</u>	
25	<u>animals other</u>	<u>or more</u>	<u>for animals</u>	
26	<u>than bovine,</u>	<u>pounds but</u>	<u>other than</u>	
27	<u>or less than</u>	<u>less than</u>	<u>bovine, or</u>	
28	<u>1,600,000</u>	<u>4,000,000</u>	<u>4,000,000 or</u>	
29	<u>pounds for</u>	<u>pounds for</u>	<u>more pounds</u>	
30	<u>Type of structure</u>	<u>bovine</u>	<u>bovine</u>	<u>for bovine</u>
31	<u>Anaerobic</u>			
32	<u>lagoon</u>	<u>1,250</u>	<u>1,875</u>	<u>2,500</u>
33	<u>Uncovered earthen</u>			
34	<u>manure storage</u>			
35	<u>basin</u>	<u>1,250</u>	<u>1,875</u>	<u>2,500</u>
36	<u>Uncovered formed</u>			
37	<u>manure storage</u>			
38	<u>structure</u>	<u>1,250</u>	<u>1,500</u>	<u>2,000</u>
39	<u>Covered earthen</u>			
40	<u>manure storage</u>			
41	<u>basin</u>	<u>1,000</u>	<u>1,250</u>	<u>1,875</u>
42	<u>Covered formed</u>			
43	<u>manure storage</u>			
44	<u>structure</u>	<u>1,000</u>	<u>1,250</u>	<u>1,875</u>
45	<u>Confinement</u>			

46 building	1,000	1,250	1,875
47 <u>Egg washwater</u>			
48 <u>storage</u>			
49 structure	750	1,000	1,500
50 b. <u>1B. Except as provided in subsection 2, and</u>			

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1 sections 455B.163 and 455B.165, this subsection
 2 applies to animal feeding operation structures
 3 constructed on or after May 31, 1995; to the expansion
 4 of structures constructed on or after May 31, 1995;
 5 and to the expansion of structures constructed prior
 6 to May 31, 1995. The following table represents the
 7 minimum separation distance in feet required between
 8 animal feeding operation structures and a public use
 9 area or a residence not owned by the owner of the
 10 animal feeding operation, a commercial enterprise, a
 11 bona fide religious institution, or an educational
 12 institution located within the corporate limits of a
 13 city:

	Minimum separation distance in feet for operations		
	Minimum separation distance in feet for operations	having an animal weight capacity of 625,000 or more pounds but less than 1,250,000 pounds for animals other than bovine, or less than 1,600,000 pounds for	Minimum separation distance in feet for operations having an animal weight capacity of 1,250,000 pounds for animals other than bovine, or less than 4,000,000 pounds for
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31			
32			
33			
34			
35			
36	<u>Type of structure</u>	<u>bovine</u>	<u>bovine</u> for bovine

37 Animal feeding
 38 operation

39 structure	1,250	1,875	2,500
--------------	-------	-------	-------

40 1C. Except as provided in section 455B.165, on and
 41 after the effective date of this section an animal
 42 feeding operation structure shall not be constructed
 43 or expanded within one hundred feet from a
 44 thoroughfare, including a road, street, or bridge

45 which is constructed or maintained by the state or a
46 political subdivision.
47 1D. Except as provided in section 455B.165, a
48 person shall not apply liquid manure from a
49 confinement feeding operation on land located within
50 seven hundred fifty feet from a residence not owned by

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1 the titleholder of the land, a commercial enterprise,
2 a bona fide religious institution, an educational
3 institution, or a public use area.

4 Sec. 16. Section 455B.162, subsection 2, paragraph
5 a, Code 1997, is amended to read as follows:

6 a. As used in this subsection, a "qualified
7 confinement feeding operation" means a confinement
8 feeding operation having an animal weight capacity of
9 two million or more pounds for animals other than
10 animals kept in a swine farrow-to-finish operation or
11 bovine kept in a confinement feeding operation; a
12 swine farrow-to-finish operation having an animal
13 weight capacity of two million five hundred thousand
14 or more pounds; or a confinement feeding operation
15 having an animal weight capacity of ~~six~~ eight million
16 or more pounds for bovine.

17 Sec. 17. Section 455B.163, Code 1997, is amended
18 to read as follows:

19 455B.163 SEPARATION DISTANCE REQUIREMENTS FOR
20 ANIMAL FEEDING OPERATIONS -- EXPANSION OF STRUCTURES
21 CONSTRUCTED PRIOR TO MAY 31, 1995 PRIOR CONSTRUCTED
22 OPERATIONS.

23 An animal feeding operation constructed or expanded
24 prior to the date that a distance requirement became
25 effective under section 455B.162 and which does not
26 comply with the section's distance requirements of
27 section 455B.162 on May 31, 1995, requirement may
28 continue to operate regardless of those separation
29 distances the distance requirement. The animal
30 feeding operation may be expanded ~~on or after May 31,~~
31 ~~1995, regardless of those separation distances, if~~
32 either any of the following applies:

33 1. a. The An animal feeding operation structure~ ~
34 as constructed or expanded prior to the effective date
35 of this section, complies with the distance
36 requirements of applying to that structure as provided
37 in section 455B.162.

38 b. An animal feeding operation structure as
39 constructed or expanded on or after the effective date
40 of this section complies with the distance
41 requirements applying to that structure as provided in
42 section 455B.162.

43 2. All of the following apply to the expansion of

- 44 the animal feeding operation:
- 45 a. No portion of the animal feeding operation
- 46 after expansion is closer than before expansion to a
- 47 location or object for which separation is required
- 48 under section 455B.162.
- 49 b. The animal weight capacity of the animal
- 50 feeding operation as expanded is not more than the

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1 lesser of the following:

2 (1) Double its capacity on May 31, 1995, for an

3 animal feeding operation structure constructed prior

4 to the effective date of this section, or on the

5 effective date of this section, for an animal feeding

6 operation structure constructed on or after the

7 effective date of this section.

8 (2) Either of the following:

9 (a) Six hundred twenty-five thousand pounds animal

10 weight capacity for animals other than bovine.

11 (b) One million six hundred thousand pounds animal

12 weight capacity for bovine.

13 3. The animal feeding operation was constructed

14 prior to the effective date of this section and is

15 expanded by replacing one or more unformed manure

16 storage structures with one or more formed manure

17 storage structures, if all of the following apply:

18 a. The animal weight capacity is not increased for

19 that portion of the animal feeding operation that

20 utilizes all replacement formed manure storage

21 structures.

22 b. Use of each replaced unformed manure storage

23 structure is discontinued within one year after the

24 construction of the replacement formed manure storage

25 structure.

26 c. The capacity of all replacement formed manure

27 storage structures does not exceed the amount required

28 to store manure produced by that portion of the animal

29 feeding operation utilizing the formed manure storage

30 structures during any fourteen-month period.

31 d. No portion of the replacement formed manure

32 storage structure is closer to an object or location

33 for which separation is required under section

34 455B.162 than any other animal feeding operation

35 structure which is part of the operation.

36 Sec. 18. Section 455B.164, Code 1997, is amended

37 to read as follows:

38 455B.164 DISTANCE MEASUREMENTS.

39 All distances between locations or objects provided

40 in this part shall be measured from their closest

41 points, as provided by rules adopted by the

42 department. However, a distance between a

43 thoroughfare and an animal feeding operation structure
44 shall be measured from the portion of the right-of-way
45 which is closest to the animal feeding operation
46 structure.
47 Sec. 19. Section 455B.165, subsections 2, 3, and
48 5, Code 1997, are amended to read as follows:
49 2. A confinement feeding operation structure,
50 ~~other than an earthen manure storage basin, if the~~

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1 structure is part of a confinement feeding operation
2 which qualifies as a small animal feeding operation.
3 ~~However, this subsection shall not apply if the~~
4 confinement feeding operation structure is an unformed
5 manure storage structure.
6 3. a. An animal feeding operation structure which
7 is constructed or expanded, if the titleholder of the
8 land benefiting from the distance separation
9 requirement executes a written waiver with the
10 titleholder of the land where the structure is
11 located, ~~If an animal feeding operation structure is~~
12 ~~~U~~constructed or expanded within the separation distance
13 required between an animal feeding operation structure
14 and a thoroughfare as required pursuant to section
15 455B.162, the state or a political subdivision
16 constructing or maintaining the thoroughfare
17 benefiting from the distance separation requirement
18 may execute a written waiver with the titleholder of
19 the land where the structure is located. The animal
20 feeding operation structure shall be constructed or
21 expanded under such terms and conditions that the
22 parties negotiate.
23 b. The ~~A~~ written waiver under this subsection
24 becomes effective only upon the recording of the
25 waiver in the office of the recorder of deeds of the
26 county in which the benefited land is located. The
27 filed waiver shall preclude enforcement by the state
28 of ~~this part~~ section 455B.162 as it relates to a
29 distance requirement between the animal feeding
30 operation structure and the location or object
31 benefiting from the separation distance requirement.
32 5. An animal feeding operation structure which is
33 ~~located~~ constructed or expanded within any distance
34 from a residence, educational institution, commercial
35 enterprise, bona fide religious institution, city, or
36 public use area, if the residence, educational
37 institution, commercial enterprise, or bona fide
38 religious institution was constructed or expanded, or
39 the boundaries of the city or public use area were
40 expanded, after the date that the animal feeding
41 operation was established. The date the animal

42 feeding operation was established is the date on which
43 the animal feeding operation commenced operating. A
44 change in ownership or expansion of the animal feeding
45 operation shall not change the established date of
46 operation.
47 Sec. 20. Section 455B.165, Code 1997, is amended
48 by adding the following new subsections:
49 NEW SUBSECTION. 3A. An animal feeding operation
50 structure which is constructed or expanded within a

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1 separation distance required between an animal feeding
2 operation structure and a thoroughfare as required
3 pursuant to section 455B.162, if permanent vegetation
4 stands between the animal feeding operation structure
5 and that part of the right-of-way from which the
6 separation distance is measured as provided in section
7 455B.164. The permanent vegetation must stand along
8 the full length of the animal feeding operation
9 structure. The permanent vegetation must be at least
10 seedlings and have a mature predicted height of at
11 least twenty feet. The department shall adopt rules
12 to carry out this subsection.

13 NEW SUBSECTION. 6. The application of liquid
14 manure on land within a separation distance required
15 between the applied manure and an object or location
16 for which separation is required under section
17 455B.162, if any of the following apply:

18 a. The liquid manure is injected into the soil or
19 incorporated within the soil not later than twenty-
20 four hours from the original application, as provided
21 by rules adopted by the commission.

22 b. The titleholder of the land benefiting from the
23 separation distance requirement executes a written
24 waiver with the titleholder of the land where the
25 manure is applied.

26 Sec. 21. Section 455B.171, Code Supplement 1997,
27 is amended by adding the following new subsections:

28 NEW SUBSECTION. 0A. "Aerobic structure" means the
29 same as defined in section 455B.161.

30 NEW SUBSECTION. 1A. "Anaerobic lagoon" means the
31 same as defined in section 455B.161.

32 NEW SUBSECTION. 2A. "Animal feeding operation
33 structure" means the same as defined in section
34 455B.161.

35 NEW SUBSECTION. 3A. "Commercial manure
36 applicator" means a person who engages in the business
37 of and charges a fee for applying manure on the land
38 of another person.

39 NEW SUBSECTION. 7A. "Earthen manure storage
40 basin" means the same as defined in section 455B.161.

41 NEW SUBSECTION. 12A. "Manure storage structure"
42 means an animal feeding operation structure used to
43 store manure as part of a confinement feeding
44 operation, including but not limited to a formed or
45 unformed manure storage structure.
46 NEW SUBSECTION. 23A. "Restricted spray irrigation
47 equipment" means spray irrigation equipment which
48 disperses manure through an orifice at a rate of
49 eighty pounds per square inch or more.
50 NEW SUBSECTION. 31A. "Spray irrigation equipment"

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1 means mechanical equipment used for the aerial
2 application of manure, if the equipment receives
3 manure from a manure storage structure during
4 application via a pipe or hose connected to the
5 structure, and includes a type of equipment
6 customarily used for the aerial application of water
7 to aid the growing of general farm crops.
8 NEW SUBSECTION. 32A. "Unformed manure storage
9 structure" means the same as defined in section
10 455B.161.
11 Sec. 22. Section 455B.173, subsection 13, Code
12 1997, is amended by striking the subsection and
13 inserting in lieu thereof the following:
14 13. Adopt, modify, or repeal rules relating to the
15 construction or operation of animal feeding
16 operations, as provided in sections relating to animal
17 feeding operations provided in this part.
18 Sec. 23. Section 455B.191, subsection 7,
19 unnumbered paragraph 2, Code 1997, is amended to read
20 as follows:
21 This subsection shall not apply unless the
22 department of natural resources has previously
23 notified the person of the person's classification as
24 a habitual violator ~~as provided in section 455B.173.~~
25 The department shall notify persons classified as
26 habitual violators of their classification, additional
27 restrictions imposed upon the persons pursuant to
28 their classification, and special civil penalties that
29 may be imposed upon the persons. The notice shall be
30 sent to the persons by certified mail.
31 Sec. 24. NEW SECTION. 455B.200 GENERAL.
32 The commission shall establish by rule adopted
33 pursuant to chapter 17A, requirements relating to the
34 construction, including expansion, or operation of
35 animal feeding operations, including related animal
36 feeding operation structures. The requirements shall
37 include but are not limited to minimum manure control,
38 the issuance of permits, and departmental
39 investigations, inspections, and testing.

40 Sec. 25. NEW SECTION. 455B.200A PERMIT
41 REQUIREMENTS.

42 1. The department shall issue permits for the
43 construction, including the expansion, of animal
44 feeding operation structures, including structures
45 which are part of confinement feeding operations, as
46 provided by rules adopted pursuant to section
47 455B.200. The department shall issue a permit to an
48 animal feeding operation if an application is
49 submitted according to procedures required by the
50 department and the application meets standards

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1 established by the department, regardless of whether
2 the animal feeding operation is required to obtain
3 such a permit. The department shall not require that
4 a person obtain a permit for the construction of an
5 animal feeding operation structure if the structure is
6 part of a small animal feeding operation. For
7 purposes of this section, an animal feeding operation
8 structure includes a manure storage structure.

9 2. The department shall not issue a permit for the
10 construction of an animal feeding operation structure
11 which is part of a confinement feeding operation
12 unless the person submits all of the following:

13 a. An indemnity fee as provided in section 204.3
14 which the department shall deposit into the manure
15 storage indemnity fund created in section 204.2.
16 b. A manure management plan as provided in section
17 455B.203.

18 3. The department shall not issue 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
24 structures will not impede the drainage through
25 established drainage tile lines which cross property
26 boundary lines unless measures are taken to
27 reestablish the drainage prior to completion of
28 construction.

29 4. Prior to issuing a permit to a person for the
30 construction of an animal feeding operation, the
31 department may require the installation and operation
32 of a hydrological monitoring system for an exclusively
33 earthen manure storage structure according to rules
34 which shall be adopted by the department.

35 5. An applicant for a construction permit shall
36 not begin construction at the location of a site
37 planned for the construction of an animal feeding
38 operation structure until the person has been granted

39 a permit for the construction of the animal feeding
40 operation structure by the department.
41 6. 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.
45 7. The department shall deliver a copy or require
46 the applicant to deliver a copy of the application for
47 a construction permit for the construction of a
48 confinement feeding operation or related animal
49 feeding operation structure, including supporting
50 documents, to the county board of supervisors in the

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1 county where the confinement feeding operation or
2 related animal feeding operation structure subject to
3 the permit is proposed to be constructed.
4 The county auditor may accept the application on
5 behalf of the board. If the department requires the
6 applicant to deliver a copy of the application to the
7 county board of supervisors, the county shall notify
8 the department that it has received the application
9 according to procedures required by the department.
10 a. The county board of supervisors shall provide
11 for comment as follows:
12 (1) The board shall publish a notice that it has
13 received the application in a newspaper having a
14 general circulation in the county. The notice shall
15 include all of the following:
16 (a) The name of the person applying to receive the
17 construction permit.
18 (b) The name of the township where the confinement
19 feeding operation or animal feeding operation is to be
20 constructed or expanded.
21 (c) Each type of animal feeding operation proposed
22 to be constructed or expanded.
23 (d) The animal weight capacity of the confinement
24 feeding operation if the construction permit is
25 approved.
26 (e) The time when and the place where the
27 application may be examined as provided in section
28 22.2.
29 (f) Procedures for providing public comments to
30 the board of supervisors, as provided by the board.
31 (2) The board may hold a public hearing to receive
32 public comments regarding the application for the
33 construction permit. The county board of supervisors
34 may submit comments by the board and the public to the
35 department as provided in this section, including but
36 not limited to all of the following:
37 (a) The existence of an object or location not

38 included in the construction permit application which
39 benefits from a separation distance requirement as
40 provided in section 455B.162 or 455B.204.

41 (b) The suitability of soils and the hydrology of
42 the site where construction or expansion of a
43 confinement feeding operation or related animal
44 feeding operation structure is proposed.

45 (c) The availability of land for the application
46 of manure originating from the confinement feeding
47 operation.

48 (d) Whether the construction or expansion of a
49 proposed animal feeding operation structure will
50 impede drainage through established tile lines,

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1 laterals, or other improvements which are constructed
2 to facilitate the drainage of land not owned by the
3 person applying for the construction permit.

4 b. The department shall notify the county board of
5 supervisors at least three days prior to conducting an
6 inspection of the site that the construction is
7 proposed in the permit application. The county board
8 of supervisors may designate a county employee to
9 accompany a departmental official during the site
10 inspection. The county designee shall have the same
11 right to access to the site as the departmental
12 official conducting the inspection during the period
13 that the county designee accompanies the departmental
14 official.

15 c. The department shall not approve the
16 application until thirty days following delivery of
17 the application to the county board of supervisors.

18 d. The department shall consider and respond to
19 comments submitted by the county board of supervisors
20 regarding compliance by the applicant with the legal
21 requirements for approving the construction permit as
22 provided in this chapter, including rules adopted by
23 the department pursuant to section 455B.200, if the
24 comments are delivered to the department within thirty
25 days after receipt of the application by the county
26 board of supervisors. Upon written request by a
27 county resident, the county board of supervisors shall
28 forward a copy of the board's comments and the
29 department's responses to the county resident as
30 provided in chapter 22.

31 8. The department shall notify the county board of
32 supervisors of the county where a confinement feeding
33 operation or related animal feeding operation
34 structure subject to a construction permit is proposed
35 to be constructed. The notice shall state the
36 department's decision to approve or disapprove an

37 application for the construction permit. The notice
38 shall be delivered to the county within three days
39 following the department's decision. The county board
40 of supervisors may contest the decision by filing a
41 demand for a hearing before the commission as provided
42 by rules adopted by the department in conformance with
43 chapter 17A. In contesting the decision, the county
44 shall submit a statement to the department, providing
45 all reasons why the application should be approved or
46 disapproved according to legal requirements provided
47 in this chapter.

48 a. The county board of supervisors must contest
49 the decision within fourteen days following receipt of
50 the department's notice to approve or disapprove the

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1 application.

2 b. The contested decision shall be heard by the
3 commission according to procedures adopted by the
4 commission. The commission may hear the case as a
5 contested case proceeding under chapter 17A. The
6 commission shall render a decision within thirty days
7 from the date that the county board of supervisors
8 files a demand for a hearing. The decision of the
9 commission shall be final agency action under chapter
10 17A.

11 9. a. The department shall not issue a permit to
12 a person under this section if an enforcement action
13 by the department, relating to a violation of this
14 chapter concerning a confinement feeding operation in
15 which the person has an interest, is pending, as
16 provided in section 455B.202.

17 b. The department shall not issue a permit to a
18 person under this section for five years after the
19 date of the last violation committed by a person or
20 confinement feeding operation in which the person
21 holds a controlling interest during which the person
22 or operation was classified as a habitual violator
23 under section 455B.191.

24 Sec. 26. **NEW SECTION. 455B.200B CONFINEMENT**
25 **FEEDING OPERATIONS -- SPECIAL TERMS.**

26 For purposes of this part, all of the following
27 shall apply:

28 1. Two or more confinement feeding operations are
29 adjacent if any of the following apply:

30 a. All of the following apply:

31 (1) An animal feeding operation structure which is
32 part of one confinement feeding operation is located
33 within one thousand two hundred fifty feet from an
34 animal feeding operation structure which is part of
35 the other confinement feeding operation.

36 (2) The confinement feeding operations have a
37 combined animal weight capacity of the following:
38 (a) For animals other than bovine, less than six
39 hundred twenty-five thousand pounds.
40 (b) For bovine, less than one million six hundred
41 thousand pounds.
42 (3) An animal feeding operation structure subject
43 to the distance requirements of this paragraph must be
44 constructed or expanded on or after the effective date
45 of this section.
46 b. All of the following apply:
47 (1) An animal feeding operation structure which is
48 part of one confinement feeding operation is located
49 within two thousand five hundred feet from an animal
50 feeding operation structure which is part of the other

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1 confinement feeding operation.
2 (2) The confinement feeding operations have a
3 combined animal weight capacity of the following:
4 (a) For animals other than bovine, six hundred
5 twenty-five thousand pounds or more.
6 (b) For bovine, one million six hundred thousand
7 pounds or more.
8 (3) An animal feeding operation structure subject
9 to the distance requirements of this paragraph must be
10 constructed on or after the effective date of this
11 section.
12 2. An animal feeding operation structure is
13 "constructed" in the same manner as provided in
14 section 455B.161A.
15 Sec. 27. Section 445B.201, subsection 4, Code
16 1997, is amended by striking the subsection.
17 Sec. 28. Section 455B.202, Code Supplement 1997,
18 is amended to read as follows:
19 455B.202 CONFINEMENT FEEDING OPERATIONS -- PENDING
20 ACTIONS AND HABITUAL VIOLATORS.
21 1. As used in this section, "construction" means
22 the same as defined by rules adopted by the department
23 applicable to the construction of animal feeding
24 operation structures as provided in this part unless
25 the context otherwise requires:
26 a. "Habitual violator" means a person classified
27 as a habitual violator pursuant to section 455B.191.
28 b. "Operation of law" means a transfer by
29 inheritance, devise or bequest, court order,
30 dissolution decree, order in bankruptcy, insolvency,
31 replevin, foreclosure, execution sale, the execution
32 of a judgment, the foreclosure of a real estate
33 mortgage, the forfeiture of a real estate contract, or
34 a transfer resulting from a decree for specific

35 performance.
36 c. "Suspect site" means a confinement feeding
37 operation or land where a confinement feeding
38 operation could be constructed, if the site is subject
39 to a suspect transaction.
40 d. "Suspect transaction" means a transaction in
41 which a habitual violator does any of the following:
42 (1) Transfers a controlling interest in a suspect
43 site to any of the following:
44 (a) An employee of the habitual violator or
45 business in which the person holds a controlling
46 interest.
47 (b) A person who holds an interest in a business,
48 including a confinement feeding operation, in which
49 the habitual violator holds a controlling interest.
50 (c) A person related to the habitual violator as

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1 spouse, parent, grandparent, lineal ascendant of a
2 grandparent or spouse and any other lineal descendant
3 of the grandparent or spouse, or a person acting in a
4 fiduciary capacity for a related person. This
5 paragraph does not apply to a transaction completed by
6 an operation of law.
7 (2) Provides financing for the construction or
8 operation of a confinement feeding operation to any
9 person, by providing a contribution or loan to the
10 person, or providing cash or other tangible collateral
11 for a contribution or loan made by a third person.
12 e. "Transaction" includes a transfer in any manner
13 or by any means, including any of the following:
14 (1) Delivery and acceptance between two parties,
15 including by contract or agreement with or without
16 consideration, including by sale, exchange, barter, or
17 gift.
18 (2) An operation of law.
19 2. a. A person shall not construct or expand an
20 animal feeding operation structure which is part of a
21 confinement feeding operation, if the person is a any
22 of the following:
23 (1) A party to a pending action for a violation of
24 this chapter concerning a confinement feeding
25 operation in which the person has a controlling
26 interest and the action is commenced in district court
27 by the attorney general.
28 (2) A habitual violator.
29 b. A person shall not construct or expand an
30 animal feeding operation structure which is part of a
31 confinement feeding operation for five years after the
32 date of the last violation committed by a person or
33 confinement feeding operation in which the person

34 holds a controlling interest during which the person
35 or operation was classified as a habitual violator
36 under section 455B.191.
37 3. c. This section subsection shall not prohibit a
38 person from completing the construction or expansion
39 of an animal feeding operation structure, if any of
40 the following apply:
41 a. (1) The person has an unexpired permit for the
42 construction or expansion of the animal feeding
43 operation structure.
44 b. (2) The person is not required to obtain a
45 permit for the construction or expansion of the animal
46 feeding operation structure.
47 d. For purposes of this subsection, "construct" or
48 "expand" includes financing and contracting to build
49 an animal feeding operation structure regardless of
50 whether the person subsequently leases, owns, or

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1 operates the animal feeding operation structure.
2 3. A person who receives a controlling interest in
3 a suspect site pursuant to a suspect transaction must
4 submit a notice of the transaction to the department
5 within thirty days. If, after notice and opportunity
6 to be heard, pursuant to the contested case provisions
7 of chapter 17A, the department finds that one purpose
8 of the transaction was to avoid the conditions and
9 enhanced penalties imposed upon a habitual violator,
10 the person shall be subject to the same conditions and
11 enhanced penalties as applied to the habitual violator
12 at the time of the transaction.
13 4. The department shall conduct an annual review
14 of each confinement feeding operation which is a
15 habitual violator and each confinement feeding
16 operation in which a habitual violator holds a
17 controlling interest.

18 Sec. 29. Section 455B.203, subsection 1, Code
19 1997, is amended to read as follows:

20 1. In order to receive The following persons shall
21 submit a manure management plan to the department:
22 a. The owner of a confinement feeding operation,
23 other than a small animal feeding operation, if the
24 animal feeding operation was constructed after May 31,
25 1985, regardless of whether the confinement feeding
26 operation was required to be constructed pursuant to a
27 construction permit approved by rules adopted by the
28 department.
29 b. The owner of a confinement feeding operation,
30 if the confinement feeding operation is required to be
31 constructed pursuant to a permit issued by the
32 department pursuant to section 455B.200A.

33 c. A person who applies manure from a confinement
34 feeding operation, other than a small animal feeding
35 operation, which is located in another state, if the
36 manure is applied on land located in this state.
37 1A. A person shall not remove manure from a manure
38 storage structure which is part of a confinement
39 feeding operation for which a manure management plan
40 is required under this section, unless the department
41 approves a manure management plan submitted by the
42 owner of the confinement feeding operation as provided
43 by the department on forms prescribed by the
44 department. The department may adopt rules allowing a
45 person to remove manure from a manure storage
46 structure until the manure management plan is approved
47 or disapproved by the department according to terms
48 and conditions required by rules adopted by the
49 department. The department shall approve or
50 disapprove a manure management plan within sixty days

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1 of the date that the department receives a completed
2 plan. The department shall not issue a permit for the
3 construction of a confinement feeding operation or a
4 related animal feeding operation structure unless the
5 applicant submits a manure management plan together
6 with an application as provided in section 455B.173, a
7 person shall submit a manure management plan to the
8 department together with the application for a
9 construction permit 455B.200A.

10 Sec. 30. Section 455B.203, subsection 4,
11 unnumbered paragraph 1, Code 1997, is amended to read
12 as follows:

13 A person receiving a permit for the construction of
14 a confinement feeding operation required to submit a
15 manure management plan to the department shall
16 maintain a current manure management plan and maintain
17 records sufficient to demonstrate compliance with the
18 manure management plan. Chapter 22 shall not apply to
19 the records which shall be kept confidential by the
20 department and its agents and employees. The contents
21 of the records are not subject to disclosure except as
22 follows:

23 Sec. 31. Section 455B.203, subsection 5, Code
24 1997, is amended to read as follows:

25 5. The department may inspect the confinement
26 feeding operation at any time during normal working
27 hours, and may inspect records required to be
28 maintained as part of the manure management plan. The
29 department shall regularly inspect a confinement
30 feeding operation if the operation or a person holding
31 a controlling interest in the operation is classified

32 as a habitual violator pursuant to section 455B.191.
33 The department shall assess and the confinement
34 feeding operation shall pay the actual costs of the
35 inspection. ~~However, in order to access the~~
36 ~~operation, the departmental inspector must comply with~~
37 ~~standard disease control restrictions customarily~~
38 ~~required by the operation. The department shall~~
39 ~~comply with section 455B.103 in conducting an~~
40 ~~investigation of the premises where the animals are~~
41 ~~kept.~~

42 Sec. 32. NEW SECTION. 455B.203A MANURE
43 APPLICATORS CERTIFICATION.

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

46 a. "Commercial manure applicator" means the same
47 as defined in section 455B.171.

48 b. "Confinement site" means a site where there is
49 located a manure storage structure which is part of a
50 confinement feeding operation, other than a small

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1 animal feeding operation.

2 c. "Confinement site manure applicator" means a
3 person who applies manure stored at a confinement site
4 other than a commercial manure applicator.

5 2. a. A commercial manure applicator shall not
6 apply manure to land, unless the person is certified
7 pursuant this section.

8 b. A confinement site manure applicator shall not
9 apply manure to land, unless the person is certified
10 pursuant to this section.

11 3. a. A person required to be certified as a
12 commercial manure applicator must be certified by the
13 department each year. The person shall be certified
14 after completing an educational program which shall
15 consist of an examination required to be passed by the
16 person or three hours of continuing instructional
17 courses which the person must attend each year in lieu
18 of passing the examination.

19 b. A person required to be certified as a
20 confinement site manure applicator must be certified
21 by the department each three years. The person shall
22 be certified after completing an educational program
23 which shall consist of an examination required to be
24 passed by the person or two hours of continuing
25 instructional courses which the person must attend
26 each year in lieu of passing the examination.

27 4. The department shall adopt, by rule,
28 requirements for the certification, including
29 educational program requirements. The department may
30 establish different educational programs designed for

31 commercial manure applicators and confinement site
32 manure applicators. The department shall adopt rules
33 necessary to administer this section, including
34 establishing certification standards, which shall at
35 least include standards for the handling, application,
36 and storage of manure, the potential effects of manure
37 upon surface water and groundwater, and procedures to
38 remediate the potential effects on surface water or
39 groundwater.

40 a. The department shall adopt by rule criteria for
41 allowing a person required to be certified to complete
42 either a written or oral examination.

43 b. The department shall administer the continuing
44 instructional courses, by either teaching the courses
45 or selecting persons to teach the courses, according
46 to criteria as provided by rules adopted by the
47 department. The department shall, to the extent
48 possible, select persons to teach the continuing
49 instructional courses. The department is not required
50 to compensate persons to teach the continuing

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1 instructional courses. In selecting persons, the
2 department shall consult with organizations interested
3 in the application of manure, including associations
4 representing manure applicators and associations
5 representing agricultural producers. The Iowa
6 cooperative extension service in agriculture and home
7 economics of Iowa state university of science and
8 technology shall cooperate with the department in
9 administering the continuing instructional courses.
10 The Iowa cooperative extension service may teach
11 continuing instructional courses, train persons
12 selected to teach courses, or distribute informational
13 materials to persons teaching the courses.

14 c. The department, in administering the
15 certification program under this section, and the
16 department of agriculture and land stewardship in
17 administering the certification program for pesticide
18 applicators may cooperate together.

19 5. a. This section shall not require a person to
20 be certified as a commercial manure applicator if any
21 of the following applies:

22 (1) The person is any of the following:

23 (a) Actively engaged in farming who trades work
24 with another such person.

25 (b) Employed by a person actively engaged in
26 farming not solely as a manure applicator who applies
27 manure as an incidental part of the person's general
28 duties.

29 (c) Engaged in applying manure as an incidental

30 part of a custom farming operation.
31 (d) Engaged in applying manure as an incidental
32 part of a person's duties as provided by rules adopted
33 by the department providing for an exemption.
34 (2) The person applies manure for a period of
35 thirty days from the date of initial employment as a
36 commercial manure applicator if the person applying
37 the manure is acting under the instructions and
38 control of a certified commercial manure applicator
39 who is both of the following:
40 (a) Physically present at the site where the
41 manure is located.
42 (b) In sight or hearing distance of the supervised
43 person.
44 b. This section shall not require a person to be
45 certified as a confinement site manure applicator if
46 all of the following apply:
47 (1) The person is a part-time employee of a
48 confinement site manure applicator.
49 (2) The person is acting under the instructions
50 and control of a certified commercial manure

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1 applicator who is both of the following:
2 (a) Physically present at the site where the
3 manure is located.
4 (b) In sight or hearing distance of the supervised
5 person.
6 6. a. The department may charge a fee for
7 certifying persons under this section. The fee for
8 certification shall be based on the costs of
9 administering and enforcing this section and paying
10 the expenses of the department relating to
11 certification.
12 b. All moneys received by the department under the
13 provisions of this chapter shall be handled in the
14 same manner as repayment receipts, as defined in
15 section 8.2, and shall be used solely for the
16 administration and enforcement of this chapter.
17 Sec. 33. NEW SECTION. 455B.203B APPLICATION
18 REQUIREMENTS.
19 1. The department shall adopt rules governing the
20 application of manure originating from an anaerobic
21 lagoon or aerobic structure which is part of a
22 confinement feeding operation. The rules shall
23 establish application rates and practices to minimize
24 groundwater or surface water pollution resulting from
25 application, including pollution caused by runoff or
26 other manure flow resulting from precipitation events.
27 The rules shall establish different application rates
28 and practices based on the water holding capacity of

29 the soil at the time of application.

30 2. A person shall not apply manure by spray
31 irrigation equipment, except as provided by rules
32 adopted by the department pursuant to chapter 17A.
33 However, a person shall not use restricted spray
34 irrigation equipment to apply manure originating from
35 a confinement feeding operation, unless the manure has
36 been diluted as provided by rules adopted by the
37 department, including diluted by use of an anaerobic
38 lagoon.

39 Sec. 34. Section 455B.204, Code 1997, is amended
40 to read as follows:

41 455B.204 DISTANCE REQUIREMENTS.

42 1. ~~An animal feeding operation structure shall be~~
43 ~~located at least five hundred feet away from the~~
44 ~~surface intake of an agricultural drainage well or~~
45 ~~known sinkhole, and at least two hundred feet away~~
46 ~~from~~ As used in this section, unless the context
47 otherwise requires:

48 a. "Major water source" means a lake, reservoir,
49 river, or stream located within the territorial limits
50 of the state, any marginal river area adjacent to the

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1 state, which can support a floating vessel capable of
2 carrying one or more persons during a total of a six-
3 month period in one out of ten years, excluding
4 periods of flooding which has been identified by rules
5 adopted by the commission.

6 b. "Watercourse" means any lake, river, creek,
7 ditch, or other body of water or channel having
8 definite banks and bed with water flow or the
9 occurrence of water, except lakes or ponds without
10 outlet to which only one landowner is riparian.

11 2. Except as provided in subsection 3, the
12 following shall apply:

13 a. An animal feeding operation structure shall not
14 be constructed closer than five hundred feet away from
15 a surface intake, wellhead, or cistern of an
16 agricultural drainage well or known sinkhole.

17 b. An animal feeding operation structure shall not
18 be constructed if the animal feeding operation
19 structure as constructed is closer than any of the
20 following:

21 (1) Two hundred feet away from a watercourse other
22 than a major water source.

23 (2) Five hundred feet away from a major water
24 source.

25 c. A watercourse, other than a major water source,
26 shall not be constructed, expanded, or diverted, if
27 the watercourse as constructed, expanded, or diverted

28 is closer than two hundred feet away from an animal
29 feeding operation structure.

30 d. A major water source shall not be constructed,
31 expanded, or diverted, if the water source as
32 constructed, expanded, or diverted is closer than five
33 hundred feet from an animal feeding operation
34 structure.

35 3. However, no distance A separation is dis tance
36 required between-a in this section shall not apply to
37 any of the following:

38 a. A location or object and a farm pond or
39 privately owned lake, as defined in section 462A.2.

40 b. A manure storage structure constructed with a
41 secondary containment barrier. The department shall
42 adopt rules providing for the construction and use of
43 a secondary containment barrier, including design
44 standards.

45 4. All distances between locations or objects
46 shall be measured from their closest points, as
47 provided by rules adopted by the department.

48 2. A person shall not dispose of manure closer to
49 a designated area than provided in section 159.27.

50 5. A person shall not construct or expand an

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1 unformed manure storage structure within an
2 agricultural drainage well area as provided in section
3 455I.5.

4 Sec. 35. NEW SECTION. 455B.205 MANURE STORAGE
5 STRUCTURES -- CONSTRUCTION STANDARDS -- INSPECTIONS.

6 1. The department shall establish by rule
7 engineering standards for the construction of manure
8 storage structures required to be constructed pursuant
9 to a permit issued under section 455B.200A.

10 2. The design standards for unformed manure
11 storage structures established by the department shall
12 account for special design characteristics of animal
13 feeding operations, including all of the following:

14 a. The lining of the structure shall be
15 constructed with materials deemed suitable by the
16 department in order to minimize seepage loss through
17 the lining's seal.

18 b. The structure shall be constructed with
19 materials deemed suitable by the department in order
20 to control erosion on the structure's berm, side
21 slopes, and base.

22 c. The structure shall be constructed to minimize
23 seepage into near-surface water sources.

24 d. The top of the floor of the structure's liner
25 must be above the groundwater table as determined by
26 the department. If the groundwater table is less than

27 two feet below the top of the liner's floor, the
28 structure shall be installed with a synthetic liner.
29 If the department allows an unformed manure storage
30 structure to be located at a site by permanently
31 lowering the groundwater table, the department shall
32 confirm that the proposed system meets standards
33 necessary to ensure that the structure does not
34 pollute groundwater sources. If the department allows
35 drain tile installed to lower a groundwater table to
36 remain where located, the department shall require
37 that a device be installed to allow monitoring of the
38 water in the drain tile line. The department shall
39 also require the installation of a device to allow
40 shutoff of the drain tile lines, if the drain tile
41 lines do not have a surface outlet accessible on the
42 property where the structure is located.
43 3. The department shall inspect each unformed
44 manure storage structure at least once each year. An
45 inspection conducted pursuant to this subsection shall
46 be limited to a visual inspection of the site where
47 the unformed manure storage structure is located. The
48 department shall inspect the site at a reasonable time
49 after providing at least twenty-four hours' notice to
50 the person owning or managing the confinement feeding

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1 operation. The visual inspection shall include, but
2 not be limited to, determining whether any of the
3 following exists:
4 a. An adequate freeboard level.
5 b. The seepage of manure from the unformed manure
6 storage structure.
7 c. Erosion.
8 d. Inadequate vegetation cover.
9 e. The presence of an opening allowing manure to
10 drain from the unformed manure storage structure.
11 Sec. 36. NEW SECTION. 455B.206 EXCEPTION TO
12 REGULATION.
13 1. As used in this section, "research college"
14 means an accredited public or private college or
15 university, including but not limited to a university
16 under the control of the state board of regents as
17 provided in chapter 262, or a community college under
18 the jurisdiction of a board of directors for a merged
19 area as provided in chapter 260C, if the college or
20 university performs research or experimental
21 activities regarding animal agriculture or agronomy.
22 2. The requirements of this part which regulate
23 animal feeding operations, including rules adopted by
24 the department pursuant to section 455B.200, shall not
25 apply to research activities and experiments performed

26 under the authority and regulations of a research
27 college, if the research activities and experiments
28 relate to animal feeding operations, including but not
29 limited to the confinement of animals and the storage
30 and disposal of manure originating from animal feeding
31 operations.

32 3. This section shall not apply to requirements
33 provided in any of the following:

34 a. Section 455B.201, including rules adopted by
35 the department under that section.

36 b. Section 455B.204, including rules adopted by
37 the department under that section.

38 Sec. 37. Section 657.11, subsections 2, 3, 5, 6,
39 7, and 8, Code 1997, are amended to read as follows:

40 2. ~~If a person has received all permits required~~
41 ~~pursuant to chapter 455B for an animal feeding~~
42 ~~operation, as defined in section 455B.161, there shall~~
43 ~~be a rebuttable presumption that an~~ An animal feeding
44 ~~operation is, as defined in section 455B.161, shall~~
45 ~~not be found to be~~ a public or private nuisance under
46 this chapter or under principles of common law, and
47 that the animal feeding operation does shall not
48 ~~unreasonably and continuously be found to interfere~~
49 with another person's comfortable use and enjoyment of
50 the person's life or property under any other cause of

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1 action. ~~The rebuttable presumption also applies to~~
2 ~~persons who are not required to obtain a permit~~
3 ~~pursuant to chapter 455B for an animal feeding~~
4 ~~operation as defined in section 455B.161. The~~
5 ~~rebuttable presumption~~ However, this section shall not
6 apply if the person bringing the action proves that an
7 injury to a the person or damage to the person's
8 property is proximately caused by a either of the
9 following:

10 a. The failure to comply with a federal statute or
11 regulation or a state statute or rule which applies to
12 the animal feeding operation.

13 b. 3. The rebuttable presumption may be overcome
14 by clear and convincing evidence of both Both of the
15 following:

16 a. (1) The animal feeding operation unreasonably
17 and continuously for substantial periods of time
18 interferes with another the person's comfortable use
19 and enjoyment of the person's life or property.

20 b. (2) The injury or damage is proximately caused
21 by the negligent operation of the animal feeding
22 operation failed to use existing prudent generally
23 accepted management practices reasonable for the
24 operation.

25 ~~5. The rebuttable presumption created by this~~ This
26 section shall apply regardless of the established date
27 of operation or expansion of the animal feeding
28 operation. ~~The rebuttable presumption~~ A defense
29 against a cause of action provided in this section
30 includes, but is not limited to, a defense for actions
31 arising out of the care and feeding of animals; the
32 handling or transportation of animals; the treatment
33 or disposal of manure resulting from animals; the
34 transportation and application of animal manure; and
35 the creation of noise, odor, dust, or fumes arising
36 from an animal feeding operation.
37 6. ~~An animal feeding operation that complies with~~
38 ~~the requirements in chapter 455B for animal feeding~~
39 ~~operations shall be deemed to meet any common-law~~
40 ~~requirements regarding the standard of a normal person~~
41 ~~living in the locality of the operation.~~
42 7. If a court determines that a claim is
43 frivolous, a person who brings the claim as part of a
44 losing cause of action against a person for whom the
45 rebuttable presumption created who may raise a defense
46 under this section is not rebutted, shall be liable to
47 the person against whom the action was brought for all
48 costs and expenses incurred in the defense of the
49 action, if the court determines that a claim is
50 frivolous.

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1 8 7. ~~The rebuttable presumption created in this~~
2 This section does not apply to an injury to a person
3 or damages to property caused by the animal feeding
4 operation before ~~May 31, 1995~~ the effective date of
5 this Act.
6 Sec. 38. 1995 Iowa Acts, chapter 195, section 38,
7 is amended to read as follows:
8 SEC. 38. INDEMNITY FEES -- PRIOR PERMITTEES.
9 1. The indemnity fee imposed upon permittees
10 pursuant to section 204.3, as enacted in this Act,
11 shall be imposed upon all persons who have received a
12 permit by the department of natural resources for the
13 construction of a confinement feeding operation with a
14 manure storage structure as defined in section
15 ~~455B.161~~ 204.1, as enacted in this Act, prior to the
16 effective date of this Act. However, an indemnity fee
17 shall not be imposed upon ~~a person~~ the following
18 persons:
19 a. A person who has received a construction permit
20 more than ten years prior to the effective date of
21 this Act.
22 b. A person who has received a construction permit
23 within ten years prior to May 31, 1995, if the

24 confinement feeding operation was not constructed
25 under the permit and the permit has expired.
26 2. To every extent possible, the department of
27 natural resources shall notify all persons required to
28 pay the fee. The notice shall be in writing. The
29 department shall establish a date when the fees must
30 be paid to the department, which shall be not less
31 than three months after the delivery of the notice.
32 If a person is delinquent in paying the indemnity fee
33 when due, or if upon examination, an underpayment of
34 the fee is found by the department, the person is
35 subject to a penalty of ten dollars or an amount equal
36 to the amount of deficiency for each day of the
37 delinquency, whichever is less. ~~After the date~~
38 ~~required for payment, the department shall transfer~~
39 ~~all outstanding claims to the department of~~
40 ~~agriculture and land stewardship.~~
41 3. The department of natural resources shall
42 ~~deliver to receive from~~ the department of agriculture
43 and land stewardship the most current available
44 information regarding the persons required to pay the
45 fee and any delinquency penalty, ~~including the names~~
46 ~~and addresses of the persons, and the capacity of the~~
47 ~~confinement feeding operations subject to the permit.~~
48 The department of ~~agriculture and land stewardship~~
49 natural resources, in cooperation with the attorney
50 general, may bring a court action in order to collect

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1 indemnity fees and delinquency penalties required to
2 be paid under this section.
3 Sec. 39. AMNESTY PERIOD. Notwithstanding 1995
4 Iowa Acts, chapter 195, section 38, a person who has
5 not paid an indemnity fee as required by that Act, as
6 amended by this Act, shall not be subject to a
7 delinquency penalty as provided in that Act, if the
8 person pays the full amount of the indemnity fee to
9 the department of agriculture and land stewardship on
10 or before December 31, 1998, as required by the
11 department.

12 Sec. 40. EFFECT OF THIS ACT -- REFUND. Nothing in
13 this Act requires the department of natural resources
14 or the department of agriculture and land stewardship
15 to refund an indemnity fee or delinquency penalty
16 payment paid by permittees pursuant to 1995 Iowa Acts,
17 chapter 195, section 38.

18 Sec. 41. INDEMNITY FEES -- PRIOR MANURE MANAGEMENT
19 PLAN SUBMITTEES.

20 1. The indemnity fee imposed upon persons required
21 to submit a manure management plan pursuant to section
22 204.3A, as enacted in this Act, shall be imposed upon

23 all persons who are required to submit a manure
24 management plan under section 455B.203 as amended in
25 this Act. However, a fee shall not be imposed upon a
26 person who was not required to submit a manure
27 management plan to the department of natural resources
28 pursuant to 1995 Iowa Acts, chapter 195, and 567 IAC
29 section 65.18(455B).

30 2. To every extent possible, the department shall
31 notify all persons required to pay the fee. The
32 notice shall be in writing. The department shall
33 establish a date when the fees must be paid to the
34 department, which shall be not less than three months
35 after the delivery of the notice. If a person is
36 delinquent in paying the indemnity fee when due, or if
37 upon examination, an underpayment of the fee is found
38 by the department, the person is subject to a penalty
39 of ten dollars or an amount equal to the amount of
40 deficiency for each day of the delinquency, whichever
41 is less.

42 Sec. 42. INDEMNITY FEES -- PRIOR CONSTRUCTION
43 PERMITTEES. The department of agriculture and land
44 stewardship shall deliver to the department of natural
45 resources the most current available information
46 regarding persons required to pay the indemnity fee
47 imposed pursuant to 1995 Iowa Acts, chapter 195,
48 section 38. The department of natural resources, in
49 cooperation with the attorney general, may bring a
50 court action in order to collect indemnity fees and

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1 delinquency penalties as provided in that Act for
2 deposit into the manure storage indemnity fund as
3 created in section 204.2.

4 Sec. 43. MANURE MANAGEMENT PLAN SUBMISSIONS. All
5 persons required to submit a manure management plan
6 pursuant to section 455B.203 as amended by this Act
7 shall submit a manure management plan according to the
8 same requirements, as provided in that section or
9 rules adopted by the department pursuant to that
10 section. Persons who have submitted a manure
11 management plan that complies with those requirements
12 are not required to submit a new manure management
13 plan. Persons who have not submitted a manure
14 management plan that complies with those requirements
15 shall not be required to submit a new manure
16 management plan until July 1, 1999.

17 Sec. 44. ANIMAL AGRICULTURE CONSULTING
18 ORGANIZATION. The department of natural resources
19 shall consult with the members of the animal
20 agriculture consulting organization regarding this
21 Act, rules adopted pursuant to this Act, and the Act's

22 implementation, to the same extent and in the same
23 manner as required in 1995 Iowa Acts, chapter 195,
24 section 37.

25 Sec. 45. DIRECTION TO THE DEPARTMENT OF NATURAL
26 RESOURCES -- RULEMAKING. The department of natural
27 resources shall adopt all rules necessary to
28 administer and enforce this Act by January 1, 1999.
29 The department is required to adopt rules under this
30 Act, including adopting new rules or amending existing
31 rules, only to the extent that rules must be adopted
32 in order to comply with the requirements of this Act.
33 This section shall not be construed to limit the
34 authority of the department to adopt rules under this
35 Act or other statutory authority which the department
36 determines is necessary or advisable.

37 Sec. 46. DIRECTIONS TO IOWA CODE EDITOR.

38 1. The Iowa Code editor is directed to transfer
39 chapter 204, as amended by this Act, to a chapter
40 determined appropriate by the Iowa Code editor. The
41 Iowa Code editor shall correct internal references as
42 necessary.

43 2. The Iowa Code editor is directed to transfer
44 section 159.27 to or near section 455B.204A.

45 Sec. 47. TRANSFER OF PROVISIONS. The transfer of
46 provisions from one section to another section does
47 not affect the effect or applicability of rules
48 adopted by the department of natural resources, except
49 as required by the provisions of this Act.

50 Sec. 48. SEVERABILITY. If any provision of this

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1 Act or the application of this Act to any person or
2 circumstance is held invalid, the invalidity shall not
3 affect other provisions or applications of this Act
4 which shall be given effect without the invalid
5 provision or application, and to this end the
6 provisions of this Act are severable.

7 Sec. 49. EFFECTIVE DATES.

8 1. Sections 9, 10, 13, 26, 28, 37 through 40, 44,
9 45, and this section, being deemed of immediate
10 importance, take effect upon enactment.

11 2. Sections 11, 14, 15, 17 through 20, 22, 25, 29,
12 30, and 32 through 34 take effect on January 1, 1999."

13 2. Title page, line 1, by inserting after the
14 word "Act" the following: "providing for agricultural
15 production, including".

16 3. Title page, line 2, by striking the words "an

- 17 effective date" and inserting the following:
18 "effective dates".

COMMITTEE ON AGRICULTURE
WILMER RENSINK, Chairperson

S-5544

- 1 Amend the House amendment, S-5503, to Senate File
2 2311, 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 55, by inserting after line 28 the
7 following:
8 "Sec. 1001. CODE EDITOR DIRECTIVE. In order to
9 distinguish between chapter 486, Code and Code
10 Supplement 1997, which is not repealed until January
11 1, 2001, and which will appear in Code 1999, and the
12 new sections of chapter 486 which are created by this
13 Act, which are effective January 1, 1999, and which
14 will also appear in Code 1999, the Code editor shall
15 codify the new sections of chapter 486, as enacted by
16 this Act, as a new chapter 486A."
17 2. Page 55, by inserting after line 28 the
18 following:
19 "Sec. ____ EFFECTIVE DATE. Section 1001 of this
20 Act, being deemed of immediate importance, takes
21 effect upon enactment."
22 3. By renumbering as necessary.

O. GENE MADDOX

S-5545

- 1 Amend the amendment, S-5359, to Senate File 2320 as
2 passed by the Senate, as follows:
3 1. Page 1, line 41, by striking the words "or
4 type".

STEVEN D. HANSEN

S-5546

- 1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 5 the
5 following:
6 ". Page 1, line 17, by inserting after the
7 figure "2003." the following: "The commission shall
8 authorize a licensee to conduct gambling games or

9 pari-mutuel wagering at a licensed premises in more
10 than one county."

NEAL SCHUERER

HOUSE AMENDMENT TO
SENATE FILE 2339

S-5547

1 Amend Senate File 2339, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 5 and 6, and
4 inserting the following: "~~expenses of legal~~
5 ~~representation, including stenographic, and printing,~~
6 ~~or other legal services or consultation~~ expenses,
7 these costs".

8 2. Page 1, lines 7 and 8, by striking the words
9 "in the preparation of the application," and inserting
10 the following: "~~in the preparation of the~~
11 ~~application,~~".

12 3. Page 1, line 11, by striking the words "if the
13 applicant is unable to pay court" and inserting the
14 following: "the".

15 4. Page 1, lines 12 and 13, by striking the words
16 "those costs and expenses".

17 5. Page 1, line 15, by inserting after the word
18 "review" the following: "if the applicant is unable
19 to pay".

S-5548

1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:

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

6 "1. Page 1, line 17, by inserting after the
7 figure "2003," the following: "The commission shall
8 not authorize a licensee to conduct gambling games or
9 pari-mutuel wagering at a licensed premises in more
10 than one county."

NEAL SCHUERER

S-5549

1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:

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

6 ". Page 1, line 17, by inserting after the
7 figure "2003." the following: "The commission shall
8 not authorize a licensee to conduct pari-mutuel
9 wagering at a licensed premises in more than one
10 county."

NEAL SCHUERER

HOUSE AMENDMENT TO
SENATE FILE 2387

S-5550

1 Amend Senate File 2387 as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 20, the
4 following:

5 "Sec. ____ Section 600.12A, if enacted by the 1998
6 Iowa Acts, Senate File 2338, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 1A. If the person to be adopted
9 dies following termination of the parental rights of
10 the person's biological parents but prior to the
11 filing of an adoption petition, the person who was the
12 guardian or custodian of the person to be adopted
13 prior to the person's death or the person who was in a
14 parent-child relationship with the person to be
15 adopted prior to the person's death may file an
16 adoption petition and the court in the interest of
17 justice may waive any other procedures or requirements
18 related to the adoption, proceed to the adoption
19 hearing, and issue a final adoption decree, unless any
20 person to whom notice is to be provided pursuant to
21 section 600.11 objects to the adoption."

22 2. Page 2, by inserting after line 20, the
23 following:

24 "Sec. ____ NEW SECTION. 600.14A VALIDITY OF
25 ADOPTION DECREES.

26 1. Subject to the disposition of any appeal
27 pursuant to section 600.14 and notwithstanding any
28 longer period otherwise available, upon the expiration
29 of three months from the date of the entry of a final
30 adoption decree, any irregularities in the proceedings
31 are deemed cured, and the validity of the decree shall
32 not be subject to attack either through direct or
33 collateral proceedings on any grounds including but
34 not limited to a procedural or jurisdictional defect,
35 failure to give any required notice, fraud, duress,
36 misrepresentation, or any of the grounds for vacating
37 or modifying a judgment under the Iowa rules of civil
38 procedure.

39 2. If the validity of a final adoption decree is

40 attacked, the paramount consideration of the court
41 shall be the best interest of the person who is the
42 subject of the proceeding."
43 3. Page 3, by striking lines 5 through 21 and
44 inserting the following: "acceptance or refusal of
45 the counseling. If accepted,".
46 4. Page 4, by inserting after line 7 the
47 following:
48 "Sec. ____ PENDING PROCEEDINGS. A termination of
49 parental rights proceeding or an adoption proceeding
50 pending on July 1, 1998, or a release of custody

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1 properly executed prior to July 1, 1998, shall not be
2 affected by the provisions of this Act."
3 5. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2331

S-5551

1 Amend Senate File 2331, 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 80A.2, Code 1997, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 9. A person engaged in the
8 business of transporting prisoners under a contract
9 with the Iowa department of corrections or a county
10 sheriff, a similar agency from another state, or the
11 federal government.
12 Sec. ____ NEW SECTION. 356.50 PRIVATE
13 TRANSPORTATION OF PRISONERS.
14 If a county sheriff contracts with a private person
15 or entity for the transportation of prisoners to or
16 from a county jail, the contract shall include
17 provisions which require the following:
18 1. The private person or any officers or employees
19 of the private person or private entity shall not have
20 been convicted of any of the following:
21 a. A felony.
22 b. Within the three-year period immediately
23 preceding the date of the execution of the contract, a
24 violation of the laws pertaining to operation of motor
25 vehicles punishable as a serious misdemeanor or
26 greater offense.
27 c. Domestic abuse assault in which bodily injury
28 was inflicted or attempted to be inflicted.

29 d. A crime involving illegal manufacture, use,
30 possession, sale, or an attempt to illegally
31 manufacture, use, possess, or sell alcohol or a
32 controlled substance or other drug.
33 2. The person or persons actually transporting the
34 prisoners shall be trained and proficient in the safe
35 use of firearms.
36 3. Any employees of a private entity which has
37 entered into the contract for transportation of
38 prisoners shall only possess and use security and
39 restraint equipment, including any firearms, which has
40 been issued by the private entity.
41 4. The person or persons actually transporting the
42 prisoners shall be trained and proficient in
43 appropriate transportation procedures.
44 5. The person or entity complies, within one year
45 of publication, with any applicable standards for the
46 transportation of prisoners promulgated by the
47 American corrections association.
48 Sec. ____ Section 724.4, subsection 4, Code 1997,
49 is amended by adding the following new paragraph:
50 NEW PARAGRAPH. k. A person engaged in the

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1 business of transporting prisoners under a contract
2 with the Iowa department of corrections or a county
3 sheriff, a similar agency from another state, or the
4 federal government."
5 2. Page 1, line 29, by inserting after the word
6 "programming," the following: "Any agreement to
7 utilize mental health institutions and to share staff
8 and resources shall provide that the costs of the
9 habilitative and treatment services shall be paid from
10 state funds."
11 3. Page 2, by inserting after line 9, the
12 following:
13 "Sec. ____ NEW SECTION. 904.320 PRIVATE
14 TRANSPORTATION OF PRISONERS.
15 1. If the director contracts with a private person
16 or entity for the transportation of inmates to or from
17 an institution, the contract shall include provisions
18 which require the following:
19 a. The private person or any officers or employees
20 of the private person or private entity shall not have
21 been convicted of any of the following:
22 (1) A felony.
23 (2) Within the three-year period immediately
24 preceding the date of the execution of the contract, a
25 violation of the laws pertaining to operation of motor
26 vehicles punishable as a serious misdemeanor or
27 greater offense.

28 (3) Domestic abuse assault in which bodily injury
29 was inflicted or attempted to be inflicted.

30 (4) A crime involving illegal manufacture, use,
31 possession, sale, or an attempt to illegally
32 manufacture, use, possess, or sell alcohol or a
33 controlled substance or other drug.

34 b. The person or persons actually transporting the
35 prisoners shall be trained and proficient in the safe
36 use of firearms.

37 c. Any employees of a private entity which has
38 entered into the contract for transportation of
39 prisoners shall only possess and use security and
40 restraint equipment, including any firearms, which has
41 been issued by the private entity.

42 d. The person or persons actually transporting the
43 prisoners shall be trained and proficient in
44 appropriate transportation procedures.

45 e. The person or entity complies, within one year
46 of publication, with any applicable standards for the
47 transportation of prisoners promulgated by the
48 American corrections association.

49 2. The department shall adopt rules pertaining to
50 contracts with private persons or entities providing

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1 transportation of inmates of institutions under the
2 control of the department."

3 4. Title page, line 1, by striking the words "to
4 provide" and inserting the following: "relating to
5 agreements for the provision of services, by excluding
6 persons who provide transportation of prisoners from
7 statutory requirements pertaining to private
8 investigators or security agents and the carrying of
9 weapons, and providing".

10 5. Title page, line 2, by inserting after the
11 word "resources" the following: "by the department of
12 corrections".

13 6. Title page, line 2, by inserting after the
14 word "services" the following: "and providing for
15 certain contractual requirements and the adoption of
16 rules by the department of corrections".

17 7. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

S-5552

1 Amend the House amendment, S-5474, to Senate File
2 2052, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 3, by inserting after line 48 the
5 following:

6 "Sec. . Section 7C.11, Code 1997, is amended to
7 read as follows:

8 7C.11 PRIORITY ALLOCATIONS.

9 Notwithstanding any other provision of this
10 chapter, the governor's designee shall give priority
11 in allocation of the state ceiling as follows:

12 1. For the allocation of the state ceiling not yet
13 allocated, the governor's designee shall give priority
14 in allocation to bonds which must be issued and
15 delivered on or prior to December 31 of the calendar
16 year in order for the interest on the bonds to be
17 exempt from federal income taxation. Applications for
18 an allocation with respect to these bonds shall be
19 accompanied by an opinion of a nationally recognized
20 bond counsel to the effect that the bonds must be
21 issued and delivered on or prior to December 31 in
22 that calendar year in order for the interest on the
23 bonds to be exempt from federal income taxation.

24 2. For the allocation of the state ceiling to
25 finance the acquisition and rehabilitation of
26 structures listed on the national register of historic
27 places, if the structures are located in areas which
28 are difficult to develop census tracts, as designated
29 by the United States department of housing and urban
30 development for purposes of providing affordable
31 rental housing for low and moderate income senior
32 citizens."

STEVEN D. HANSEN

S-5553

1 Amend Senate File 2414 as follows:

2 1. Page 1, line 15, by inserting after the word
3 "jobs." the following: "A second facet of the
4 workforce recruitment initiative shall include the
5 creation of a certified school to career program
6 within the department of workforce development
7 designed to enable individuals to learn new skills
8 through employment, job training, and classroom
9 instruction by being employed during the summer months
10 after their junior and senior years in high school and
11 after their first year of postsecondary education.

12 The program shall provide for refunds for certain
13 wages paid to and amounts held in trust for
14 individuals in the program and requirements that
15 certain wages and benefits be provided.

16 Sec. 101. NEW SECTION. 15.361 TITLE.

17 This part shall be known and may be cited as the
18 "Certified School to Career Program".

19 Sec. 102. NEW SECTION. 15.362 DEFINITIONS.

20 As used in this part, unless the context otherwise

21 requires:

22 1. "Certified school to career program" or
23 "certified program" means a secondary and
24 postsecondary program registered as an apprenticeship
25 program under 29 C.F.R. subtit. A, pt. 29, which is
26 conducted pursuant to an agreement as provided in
27 section 15.364 or a program certified by the state
28 board of education, in conjunction with the department
29 of workforce development, as meeting the standards
30 enumerated in section 15.363, that integrates a
31 secondary school curriculum with private sector job
32 training which places students in job internships, and
33 which is designed to continue into postsecondary
34 education and that will result in teaching new skills
35 and adding value to the wage-earning potential of
36 participants and increase their long-term
37 employability in the state and which is conducted
38 pursuant to an agreement as provided in section
39 15.364.

40 2. "Payroll expenditures" means the base wages
41 actually paid by an employer to a participant plus the
42 amount held in trust to be applied toward the
43 participant's postsecondary education.

44 3. "Participant" means an individual between the
45 ages of sixteen and twenty-four who is enrolled in a
46 public or private secondary or postsecondary school
47 and who initiated participation in a certified school
48 to career program as part of secondary school
49 education.

50 4. "Sponsor" means any person, association,

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1 committee, or organization operating a school to
2 career program and in whose name the program is or
3 will be registered or certified.

4 Sec. 103. NEW SECTION. 15.363 CERTIFICATION 5 STANDARDS.

6 A school to career program which is certified by
7 the state board of education in conjunction with the
8 department of workforce development shall comply with
9 all of the following standards:

10 1. The program is conducted pursuant to an
11 organized, written plan embodying the terms and
12 conditions of employment, job training, classroom
13 instruction, and supervision of one or more
14 participants, subscribed to by a sponsor who has
15 undertaken to carry out the school to career program.

16 2. The program complies with all state and federal
17 laws pertaining to the workplace.

18 3. The employer agrees to assign an employee to
19 serve as a mentor for the participant.

20 Sec. 104. NEW SECTION. 15.364 CERTIFIED PROGRAM
21 AGREEMENT.

22 The certified program shall be conducted pursuant
23 to a signed written agreement between each participant
24 and the employer and contains at least the following
25 provisions:

26 1. The names and signatures of the participant and
27 the sponsor or employer and the signature of a parent
28 or guardian if the participant is a minor.

29 2. A description of the career field in which the
30 participant is to be trained, and the beginning date
31 and duration of the training.

32 3. The employer's agreement to provide paid
33 employment, at a base wage, for the participant during
34 the summer months after the participant's junior and
35 senior years in high school and after the
36 participant's first year of postsecondary education.

37 4. This base wage paid to the participant shall
38 not be less than the minimum wage prescribed by Iowa
39 law or the federal Fair Labor Standards Act, whichever
40 is applicable.

41 5. That in addition to the base wage paid to the
42 participant, the employer shall pay an additional sum
43 to be held in trust to be applied toward the
44 participant's postsecondary education required for
45 completion of the certified program. The additional
46 amount must be not less than an amount determined by
47 the department of workforce development to be
48 sufficient to provide payment of tuition expenses
49 toward completion of not more than two academic years
50 of the required postsecondary education component of

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1 the certified program at an Iowa community college or
2 a public or private college or university. This
3 amount shall be held in trust for the benefit of the
4 participant pursuant to rules promulgated by the
5 department of workforce development. Payment into an
6 ERISA-approved fund for the benefit of the participant
7 shall satisfy this requirement. The specific fund
8 shall be specified in the agreement.

9 6. The participant's agreement to work for the
10 employer for at least two years following the
11 completion of the participant's postsecondary
12 education required by the certified program and the
13 employer's agreement to both of the following:

14 a. To provide and pay at least eighty percent of
15 the cost of a standard medical and dental insurance
16 plan for the participant.

17 b. To pay a full-time hourly wage to the
18 participant of at least eleven dollars per hour

19 indexed to 1998 dollars based on the gross national
20 product implicit price deflator published by the
21 bureau of economic analysis of the United States
22 department of commerce or one hundred thirty percent
23 of the average wage in the county in which the
24 facility where the participant will be employed is
25 located, whichever is higher.

26 However, the agreement may provide for additional
27 education and work commitments beyond the two years.

28 7. If the participant does not complete the two-
29 year employment obligation, the participant's
30 agreement to repay to the employer the amount paid by
31 the employer toward the participant's postsecondary
32 education expenses pursuant to subsection 5.

33 8. That if a participant does not complete the
34 certified program contemplated by the agreement, any
35 unexpended funds being held in trust for the
36 participant's postsecondary education shall be paid
37 back to the employer. In addition the participant
38 must repay to the employer amounts paid from the trust
39 which were expended on the participant's behalf for
40 postsecondary education.

41 Sec. 105. NEW SECTION. 15.365 PAYROLL
42 EXPENDITURE REFUND.

43 1. An employer who employs a participant in a
44 certified school to career program may claim a refund
45 of twenty percent of the employer's payroll
46 expenditures for each participant in the certified
47 program. The refund is limited to the first four
48 hundred hours of payroll expenditures per participant
49 for each calendar year, not to exceed three years per
50 participant, the participant is in the certified

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1 program.

2 2. To receive a refund under subsection 1 for a
3 calendar year, the employer shall file the claim by
4 July 1 of the following calendar year. The claim
5 shall be filed on forms provided by the department of
6 workforce development and the employer shall provide
7 such information regarding the employer's
8 participation in a certified school to career program
9 as the department may require. Forms should be
10 designed such that claims for refunds for more than
11 one participant may be made on a single form. A valid
12 claim shall be paid with interest, the interest to
13 begin to accrue on the first day of the second
14 calendar month following the date the claim for refund
15 was to be filed or was filed, whichever is the latest,
16 at the rate in effect under section 421.7 counting
17 each fraction of a month as an entire month under

18 rules prescribed by the department.

19 3. For the fiscal year beginning July 1, 2000, and
20 for each subsequent fiscal year, there is appropriated
21 annually from the general fund of the state to the
22 department of workforce development an amount
23 sufficient to pay refunds as received under this
24 section.

25 4. The department of workforce development shall
26 consult with the department of revenue and finance for
27 purposes of this section. The department of workforce
28 development shall adopt rules as deemed necessary to
29 carry out the purposes of the certified school to
30 career program."

31 2. Page 3, line 11, by inserting after the word
32 "DATE" the following: "AND APPLICABILITY".

33 3. Page 3, line 12, by inserting after the word
34 "enactment" the following: ", and sections 101
35 through 105 of this Act apply retroactively to all
36 calendar years ending after the date of enactment".

37 4. By renumbering and correcting internal
38 references as necessary.

TOM VILSACK
JOHN P. KIBBIE
PATTY JUDGE
ROBERT E. DVORSKY
STEVEN D. HANSEN
MICHAEL E. GRONSTAL
ROD HALVORSON
WALLY E. HORN
BILL FINK
DENNIS H. BLACK

S-5554

1 Amend Senate File 2409 as follows:

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

4 "Section 1. Section 328.21, Code 1997, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 328.21 AIRCRAFT REGISTRATION FEE.

8 A fee of one hundred dollars shall be paid to the
9 department at the time of registration of an aircraft.

10 Sec. . Section 328.26, Code 1997, is amended to
11 read as follows:

12 328.26 APPLICATION FOR REGISTRATION.

13 Every application for registration pursuant to
14 sections 328.19 to ~~328.22~~ and 328.20 shall be made
15 upon such forms, and shall contain such information,
16 as the department may prescribe, and every application
17 shall be accompanied by the full amount of the

18 registration fee.
19 When an aircraft is registered to a person for the
20 first time the fee submitted to the department shall
21 include the tax imposed by section 422.43 or section
22 423.2 or evidence of the exemption of the aircraft
23 from the tax imposed under section 422.43 or 423.2."
24 2. Page 1, by inserting after line 13 the
25 following:
26 "Sec. . Sections 328.22 and 328.24, Code 1997,
27 are repealed."
28 3. Title page, line 1, by inserting after the
29 words "relating to" the following: "a registration
30 fee and".

TOM FLYNN

S-5555

1 Amend House File 2542, as passed by the House, as
2 follows:
3 1. Page 10, by striking lines 8 through 13 and
4 inserting the following: "deposited in the general
5 fund of the state. However, the department may
6 allocate moneys to the Iowa".

COMMITTEE ON WAYS AND MEANS
JoANN DOUGLAS, Chairperson

S-5556

1 Amend House File 667, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 5.
4 2. Page 1, line 13, by striking the words "the
5 chief administrative law judge."
6 3. Page 1, by striking lines 29 through 32 and
7 inserting the following:
8 "~~1. Appeals and fair~~ Administrative hearings
9 division.
10 2. Audits division.
11 3. Investigations division.
12 4. Inspections division."
13 4. Page 2, line 2, by striking the word "office"
14 and inserting the following: "division".
15 5. Page 2, line 5, by striking the word "OFFICE"
16 and inserting the following: "DIVISION".
17 6. Page 2, by striking lines 7 through 12 and
18 inserting the following:
19 "1. DEFINITIONS. For purposes of this section,
20 unless the context otherwise requires:
21 a. "Administrator" means the chief administrative
22 law judge who shall coordinate the administration of

23 the division.
24 b. "Division" means the administrative hearings
25 division of the department of inspections and appeals.
26 2. The administrator shall coordinate the
27 division's conduct of appeals and administrative
28 hearings as otherwise provided by law."
29 7. Page 2, by striking line 13 and inserting the
30 following:
31 "3. a. The administrator shall employ a".
32 8. Page 2, line 17, by striking the word "office"
33 and inserting the following: "division".
34 9. Page 2, line 18, by striking the word "office"
35 and inserting the following: "division".
36 10. Page 2, line 21, by striking the word
37 "entirely".
38 11. Page 2, by striking lines 25 through 28 and
39 inserting the following:
40 "b. The division shall facilitate, insofar as".
41 12. Page 2, line 35, by striking the word
42 "office" and inserting the following: "division".
43 13. Page 3, by striking lines 2 through 7 and
44 inserting the following: "contested cases only if the
45 administrative law judge possesses the technical
46 expertness specified by agency rule. The division may
47 charge the applicable agency for the costs of any
48 training required by the division's administrative law
49 judges to acquire or maintain the technical expertise
50 specified by agency rule."

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1 14. Page 3, line 8, by striking the figure "3"
2 and inserting the following: "4".
3 15. Page 3, line 8, by striking the word "office"
4 and inserting the following: "division".
5 16. Page 3, lines 9 and 10, by striking the words
6 "chief administrative law judge" and inserting the
7 following: "administrator".
8 17. Page 3, line 15, by striking the word
9 "office" and inserting the following: "division".
10 18. Page 3, line 16, by striking the figure "4"
11 and inserting the following: "5".
12 19. Page 3, line 16, by striking the word
13 "office" and inserting the following: "division".
14 20. Page 3, line 19, by striking the figure "5"
15 and inserting the following: "6".
16 21. Page 3, line 20, by striking the word
17 "office" and inserting the following: "division".
18 22. Page 3, line 23, by striking the figure "6"
19 and inserting the following: "7".
20 23. Page 3, line 23, by striking the word
21 "office" and inserting the following: "division".

- 22 24. Page 3, by striking lines 25 through 31.
23 25. Page 3, line 32, by striking the letter "b"
24 and inserting the following: "a".
25 26. Page 3, line 33, by striking the words "chief
26 administrative law judge" and inserting the following:
27 "administrator".
28 27. Page 3, line 34, by striking the word
29 "office" and inserting the following: "division".
30 28. Page 3, line 35, by striking the letter "c"
31 and inserting the following: "b".
32 29. Page 4, line 2, by striking the word "office"
33 and inserting the following: "division".
34 30. Page 4, line 12, by striking the letter "d"
35 and inserting the following: "c".
36 31. Page 4, lines 13 and 14, by striking the
37 words "by the office of" and inserting the following:
38 "for the".
39 32. Page 4, line 14, by striking the word
40 "office" and inserting the following: "division".
41 33. Page 4, line 17, by striking the word
42 "office" and inserting the following: "division".
43 34. Page 4, line 22, by striking the words
44 "office shall" and inserting the following: "division
45 shall".
46 35. Page 4, line 22, by striking the words "the
47 office" and inserting the following: "the division".
48 36. Page 4, line 23, by striking the letter "e"
49 and inserting the following: "d".
50 37. Page 5, line 11, by striking the letter "f"

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- 1 and inserting the following: "e".
2 38. Page 5, line 12, by striking the word
3 "office" and inserting the following: "division".
4 39. Page 5, line 14, by striking the figure "7"
5 and inserting the following: "8".
6 40. Page 5, line 14, by striking the word
7 "office" and inserting the following: "division".
8 41. Page 5, line 17, by striking the word
9 "office" and inserting the following: "division".
10 42. Page 5, line 21, by striking the figure "8"
11 and inserting the following: "9".
12 43. Page 5, line 21, by striking the word
13 "office" and inserting the following: "division".
14 44. Page 5, line 24, by striking the figure "9"
15 and inserting the following: "10".
16 45. Page 5, line 25, by striking the word
17 "office" and inserting the following: "division".
18 46. Page 11, by striking lines 25 through 31 and
19 inserting the following:
20 "2. Any interested person, association, agency, or

21 political subdivision may submit a written request to
22 the administrative rules coordinator for an agency to
23 conduct a formal review of a specified rule of that
24 agency to determine whether the rule should be
25 repealed or amended or a new rule adopted instead.
26 The administrative rules coordinator shall determine
27 whether the request is reasonable and does not place
28 an unreasonable burden upon the agency."
29 47. Page 11, by striking line 34 and inserting
30 the following: "filing of the written request, and
31 upon a determination by the administrative rules
32 coordinator that the request is reasonable and does
33 not place an unreasonable burden upon the agency, the
34 agency".
35 48. Page 15, line 20, by striking the words
36 "head, either the agency head" and inserting the
37 following: ", either the agency".
38 49. Page 15, line 21, by striking the words "the
39 agency head" and inserting the following: "a
40 multimember agency".
41 50. Page 15, line 22, by striking the word
42 "office" and inserting the following: "division".
43 51. Page 15, line 23, by inserting after the
44 figure "10A.801." the following: "However, a party
45 may, within a time period specified by rule, request
46 that the presiding officer be an administrative law
47 judge assigned by the division of administrative
48 hearings. Except as otherwise provided by statute,
49 the agency shall grant a request by a party for an
50 administrative law judge unless the agency finds, and

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1 states reasons for the finding, that any of the
2 following conditions exist:
3 (1) There is a compelling need to expedite
4 issuance of a final decision in order to protect the
5 public health, safety, or welfare.
6 (2) A qualified administrative law judge is
7 unavailable to hear the case within a reasonable time.
8 (3) The case involves significant policy issues of
9 first impression that are inextricably intertwined
10 with the factual issues presented.
11 (4) The demeanor of the witnesses is likely to be
12 dispositive in resolving the disputed factual issues.
13 (5) Funds are unavailable to pay the costs of an
14 administrative law judge and an intra-agency appeal.
15 (6) The request was not timely filed.
16 (7) There is other identified good cause, as
17 specified by rule, for denying the request."
18 52. Page 15, line 28, by striking the words
19 "head, either the agency head" and inserting the

20 following: ", either the agency".

21 53. Page 15, line 29, by striking the words "the
22 agency head" and inserting the following: "a
23 multimember agency".

24 54. Page 15, line 30, by striking the word
25 "office" and inserting the following: "division".

26 55. Page 15, line 32, by striking the word
27 "head".

28 56. Page 15, line 34, by striking the word
29 "head".

30 57. Page 16, line 3, by striking the word
31 "office" and inserting the following: "division".

32 58. By striking page 16, line 33, through page
33 17, line 31, and inserting the following:

34 "3. If a party fails to appear or participate in a
35 contested case proceeding, the presiding officer may,
36 if no adjournment is granted, proceed with the hearing
37 and make a decision in the absence of the party. The
38 parties shall be duly notified of the decision,
39 together with the presiding officer's reasons for the
40 decision, which is the final decision of the agency,
41 unless within fifteen days after the date of
42 notification or mailing of the decision, further
43 appeal is initiated. If a decision is rendered
44 against a party who failed to appear for the hearing
45 and the presiding officer is requested by that party
46 to vacate the decision for good cause within fifteen
47 days after the date of notification or mailing of the
48 decision, the time for initiating a further appeal is
49 stayed pending a determination by the presiding
50 officer to grant or deny the request. If adequate

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1 reasons are provided showing good cause for the
2 party's failure to appear, the presiding officer shall
3 vacate the decision and, after proper service of
4 notice, conduct another evidentiary hearing. If
5 adequate reasons are not provided showing good cause
6 for the party's failure to appear, the presiding
7 officer shall not vacate the decision and the decision
8 shall then become the final decision of the agency,
9 unless within fifteen days after the date of
10 notification or mailing of the determination not to
11 vacate, further appeal is initiated."

12 59. Page 18, by striking lines 6 through 8 and
13 inserting the following: "why the relevant evidence
14 in the record supports each material finding of fact.
15 If, in accordance with agency".

16 60. Page 26, by striking lines 18 through 21 and
17 inserting the following: "and the agency's
18 explanation of why the relevant evidence in the record

19 supports its material findings of fact."
20 61. Page 28, by inserting after line 11 the
21 following:
22 "Sec. ____ Section 17A.23, Code 1997, is amended
23 by adding the following new unnumbered paragraph:
24 **NEW UNNUMBERED PARAGRAPH.** An agency shall have
25 only that authority or discretion delegated to or
26 conferred upon the agency by law and shall not expand
27 or enlarge its authority or discretion beyond the
28 powers delegated to or conferred upon the agency."
29 62. Page 28, line 34, by striking the word
30 "office" and inserting the following: "division".
31 63. Page 32, line 14, by striking the word
32 "office" and inserting the following: "division".
33 64. By renumbering as necessary.

MARY NEUHAUSER

S-5557

1 Amend the amendment, S-5541, to amendment, S-5359,
2 to Senate File 2320, as passed by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 14 the
5 following:
6 "_. Page 1, by inserting after line 33 the
7 following:
8 "____. During the moratorium from the effective
9 date of this Act, until July 1, 2003, the commission
10 shall not authorize any of the following:
11 a. An increase in the number of gambling games or
12 the number of slot machines on an excursion gambling
13 boat.
14 b. A number of slot machines at a pari-mutuel
15 racetrack which is greater than the number authorized
16 on or before the effective date of this Act.""

ANDY McKEAN
STEVEN D. HANSEN

S-5558

1 Amend House File 2335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 7 and 8 and
4 inserting the following:
5 "____. "Actively engaged in farming" means that a
6 natural person, including a shareholder or an officer,
7 director, or employee of a corporation, or a member or
8 manager of a limited liability company, does any of
9 the following:
10 a. Inspects the production activities periodically

11 and furnishes at least half of the value of the tools
12 used for crop or livestock production and pays at
13 least half the direct cost of crop or livestock
14 production.

15 b. Regularly and frequently makes or takes an
16 important part in making management decisions
17 substantially contributing to or affecting the success
18 of the farm operation.

19 c. Performs physical work which significantly
20 contributes to crop or livestock production."

21 2. Page 1, by inserting after line 14 the
22 following:

23 "___ "Commodity share landlord" means a natural
24 person or a general partnership as provided in chapter
25 486 in which all partners are natural persons, who
26 owns at least one hundred fifty acres of agricultural
27 land, if the owner receives rent on a commodity share
28 basis, which may be either a share of the crops or
29 livestock produced on the land."

30 3. Page 1, by striking lines 27 through 29 and
31 inserting the following:

32 "___ "Farmers cooperative association" means a
33 cooperative association organized under chapter 490 or
34 499, if all of the following conditions are satisfied:

35 a. All of the following apply:

36 (1) Qualified farmers must hold at least a fifty-
37 one percent equity interest in the cooperative
38 association, including fifty-one percent of each class
39 of members' equity.

40 (2) The following persons must hold at least a
41 seventy percent equity interest in the cooperative
42 association, including seventy percent of each class
43 of members' equity:

44 (a) A qualified farmer.

45 (b) A family farm entity.

46 (c) A commodity share landlord.

47 b. As used in this subsection, "members' equity"
48 includes but is not limited to issued shares,
49 including common stock or preferred stock, regardless
50 of a right to receive dividends or earning

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1 distributions. However, "members' equity" does not
2 include nonvoting common stock or nonvoting membership
3 interests. A security such as a warrant or option
4 that may be converted to voting stock shall be
5 considered as issued shares.

6 c. For purposes of this subsection, a person who
7 was a qualified person within the last ten years shall
8 be treated as a qualified person."

9 4. By striking page 1, line 31, through page 2,

10 line 1, and inserting the following: "limited
11 liability company organized under chapter 490A, if
12 cooperative associations hold one hundred percent of
13 all membership interests in the limited liability
14 company. Farmers cooperative associations must hold
15 at least seventy percent of all membership interests
16 in the limited liability company. If more than one
17 type of membership interest is established, including
18 any series as provided in section 490A.305 or any
19 class or group as provided in section 490A.307,
20 farmers cooperative associations must hold at least
21 seventy percent of all membership interests of that
22 type."

23 5. Page 2, by inserting after line 6 the
24 following:

25 "___ "Intra-company loan agreement" means an
26 agreement involving a loan, if the parties to the
27 agreement are members of the same farmers cooperative
28 limited liability company, and according to the terms
29 of the loan a member which is a regional cooperative
30 association directly or indirectly loans money to a
31 member which is a farmers cooperative association, on
32 condition that the money, including any interest, must
33 be repaid by the member which is a farmers cooperative
34 association to the regional cooperative association or
35 another person. A loan agreement does not include an
36 operating loan agreement, in which all of the
37 following apply:

38 a. The money is required to be repaid within
39 ninety days from the date that the farmers cooperative
40 association receives the money, and the money is
41 actually repaid by that date.

42 b. The money is used to pay for reasonable and
43 ordinary expenses of the farmers cooperative
44 association in conducting its affairs."

45 6. Page 2, by striking lines 14 through 17 and
46 inserting the following:

47 "a. All of the following apply:

48 (1) Qualified farmers must hold at least fifty-one
49 percent of all issued shares of the corporation. If
50 more than one class of shares is authorized, qualified

Page 3

1 farmers must hold at least fifty-one percent of all
2 issued shares in each class.

3 (2) Qualified persons must hold at least seventy
4 percent of all issued shares of the corporation. If
5 more than one class of shares is authorized, qualified
6 persons must hold at least seventy percent of all
7 issued shares in each class.

8 b. As used in paragraph "a", "issued shares"

9 includes but is not limited to common stock or
10 preferred stock, or each class of common stock or
11 preferred stock, regardless of voting rights or a
12 right to receive dividends or earning distributions.
13 A security such as a warrant or option that may be
14 converted to stock shall be considered as issued
15 shares."

16 7. Page 2, by striking lines 24 through 28 and
17 inserting the following:

18 "a. Qualified farmers must hold at least fifty-one
19 percent of all membership interests in the limited
20 liability company. If more than one type of
21 membership interest is established, including any
22 series as provided in section 490A.305 or any class or
23 group as provided in section 490A.307, qualified
24 farmers must hold at least fifty-one percent of all
25 membership interests of that type.

26 b. Qualified persons must hold at least seventy
27 percent of all membership interests in the limited
28 liability company. If more than one type of
29 membership interest is established, including any
30 series as provided in section 490A.305 or any class or
31 group as provided in section 490A.307, qualified
32 persons must hold at least seventy percent of all
33 membership interests of that type.

34 ____ "Operation of law" means a transfer by
35 inheritance, devise, or bequest, court order,
36 dissolution decree, order in bankruptcy, insolvency,
37 replevin, foreclosure, execution sale, the execution
38 of a judgment, the foreclosure of a real estate
39 mortgage, the forfeiture of a real estate contract, or
40 a transfer resulting from a decree for specific
41 performance."

42 8. Page 2, line 29, by striking the word "person"
43 and inserting the following: "farmer".

44 9. By striking page 2, line 34, through page 3,
45 line 5, and inserting the following:

46 "____. A farm estate.

47 ____ "Qualified commodity share landlord" means a
48 commodity share landlord, if the owner of the
49 agricultural land was actively engaged in farming the
50 land or a family member of the owner is or was

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1 actively engaged in farming the land, if the family
2 member is related to the owner as a spouse, parent,
3 grandparent, lineal ascendant of a grandparent or
4 spouse, or other lineal descendant of a grandparent or
5 spouse.

6 ____ "Qualified person" means a person who is any
7 of the following:

- 8 a. A qualified farmer.
9 b. A family farm entity.
10 c. A qualified commodity share landlord."
11 10. Page 3, by inserting before line 6 the
12 following:
13 "___ "Regional cooperative association" means a
14 cooperative association other than a farmers
15 cooperative association."
16 11. Page 3, lines 27 and 28, by striking the
17 words "one thousand five hundred" and inserting the
18 following: "six hundred forty".
19 12. Page 3, lines 34 and 35, by striking the
20 words "a ten percent or greater" and inserting the
21 following: "an".
22 13. Page 4, line 13, by striking the words "one
23 thousand five hundred" and inserting the following:
24 "six hundred forty".
25 14. Page 4, by striking lines 20 through 22 and
26 inserting the following: "networking farmers
27 corporation by operation of law, the corporation may
28 disregard the transfer for".
29 15. Page 5, by inserting after line 4 the
30 following:
31 "___ A qualified commodity share landlord who
32 owns an interest in a networking farmers corporation
33 holding agricultural land under section 10.3 must rent
34 an additional one hundred fifty acres of agricultural
35 land on a commodity share basis for each farmers
36 entity holding agricultural land under this chapter in
37 which the commodity share landlord acquires an
38 interest."
39 16. Page 5, lines 13 and 14, by striking the
40 words "one thousand five hundred" and inserting the
41 following: "six hundred forty".
42 17. Page 5, line 21, by striking the words "a ten
43 percent or greater" and inserting the following:
44 "an".
45 18. Page 5, line 35, by striking the words "one
46 thousand five hundred" and inserting the following:
47 "six hundred forty".
48 19. Page 6, by striking lines 8 and 9 and
49 inserting the following: "law, the networking farmers
50 limited".

Page 5

- 1 20. Page 6, by inserting after line 27 the
2 following:
3 "___ A qualified commodity share landlord who
4 owns an interest in a networking farmers limited
5 liability company holding agricultural land under
6 section 10.5 must rent an additional one hundred fifty

7 acres of agricultural land on a commodity share basis
8 for each farmers entity holding agricultural land
9 under this chapter in which the commodity share
10 landlord acquires an interest."

11 21. Page 7, line 3, by striking the words "grain
12 or forage" and inserting the following: "forage or
13 grain".

14 22. Page 7, line 5, by striking the word "has"
15 and inserting the following: "holds".

16 23. Page 7, line 10, by striking the word "crop"
17 and inserting the following: "grain".

18 24. Page 7, line 16, by striking the word "An"
19 and inserting the following: "Except as provided in
20 this section, an".

21 25. Page 7, lines 18 and 19, by striking the
22 words "a ten percent or greater" and inserting the
23 following: "an".

24 26. Page 7, by striking line 28 and inserting the
25 following: "However, notwithstanding section 9H.4,
26 all of the following shall apply:

27 (1) A cooperative".

28 27. Page 7, line 32, by striking the words "one
29 thousand five hundred" and inserting the following:
30 "six hundred forty".

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

33 "(2) An interest in agricultural land held by a
34 farmers cooperative association shall not be
35 attributable to a member who is an entity organized
36 under state law, if the entity holds a five percent or
37 less interest in the farmers cooperative association."

38 29. Page 8, by striking lines 4 through 6 and
39 inserting the following: "cooperative association by
40 operation of law, the association may disregard the
41 transfer for".

42 30. Page 8, by inserting after line 23 the
43 following:

44 "Sec. ____ **NEW SECTION. 10.8A PROCEDURE FOR**
45 **ACQUISITION -- REVERSE REFERENDUM; DISSENT.**

46 A farmers cooperative association shall not acquire
47 an interest in agricultural land or in a farmers
48 entity, unless all of the following apply:

49 1. The board of directors of the farmers
50 cooperative association adopts a resolution

Page 6

1 authorizing the acquisition. Except as provided in
2 this section, the resolution shall become effective
3 thirty-one days from the date that the resolution was
4 adopted. The farmers cooperative association is not
5 required to comply with the procedures of this section

6 for as long as the resolution remains in effect. The
7 resolution shall contain all of the following:

8 a. A declaration stating that the farmers
9 cooperative association reserves the right to acquire
10 agricultural land or an interest in a farmers entity
11 under this chapter.

12 b. A description of a planned acquisition, if any,
13 including the location of agricultural land planned to
14 be acquired, the identity of any farmers entity in
15 which the farmers cooperative association plans to
16 acquire an interest, and the nature of any farming
17 operation which is planned to occur on land acquired
18 by the farmers cooperative association or conducted by
19 the farmers entity.

20 c. The date that the resolution was adopted and
21 the date that it will take effect.

22 2. Within five days following the date that the
23 resolution authorizing the farmers cooperative
24 association to acquire an interest in agricultural
25 land or acquire an interest in a farmers entity is
26 adopted, the farmers cooperative association must
27 provide notice of the resolution as provided in this
28 section. The notice shall be in the following form:

29 NOTICE

30 MEMBERS OF THE (INSERT NAME OF THE FARMERS
31 COOPERATIVE ASSOCIATION)
32 THE (INSERT NAME OF THE FARMERS COOPERATIVE
33 ASSOCIATION) IS PLANNING ON ACQUIRING AN INTEREST IN
34 AGRICULTURAL LAND WHICH MAY BE USED FOR FARMING OR
35 ACQUIRING AN INTEREST IN A BUSINESS THAT OWNS
36 AGRICULTURAL LAND THAT MAY BE USED FOR FARMING. UNDER
37 IOWA CODE CHAPTER 10, THE (INSERT NAME OF THE FARMERS
38 COOPERATIVE ASSOCIATION) IS A FARMERS COOPERATIVE
39 ASSOCIATION. WITHIN A LIMITED TIME PERIOD: (1)
40 VOTING MEMBERS MAY PETITION A FARMERS COOPERATIVE
41 ASSOCIATION TO REQUIRE A MEMBERSHIP VOTE TO APPROVE
42 THE ACQUISITION; AND (2) ALL HOLDERS OF MEMBERS'
43 EQUITY MAY DEMAND PAYMENT OF THE FAIR VALUE OF THEIR
44 INTERESTS.

45 a. The notice must be published in a newspaper
46 having a general circulation in the county where the
47 farmers cooperative association is located as provided
48 in section 618.3. The notice shall be printed as
49 provided in section 618.17.

50 b. The notice shall be delivered to all holders of

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1 members' equity in the farmers cooperative
2 association, including members and shareholders, by
3 mailing the notice to the holder's last known address
4 as shown on the books of the farmers cooperative

5 association. The notice shall be accompanied by a
6 copy of the resolution adopted by the board pursuant
7 to this section, and a copy of this section.

8 3. Within thirty days following the date that the
9 resolution authorizing the farmers cooperative
10 association to acquire an interest in agricultural
11 land or acquire an interest in a farmers entity is
12 adopted, at least twenty percent of the voting members
13 of the farmers cooperative association may file a
14 petition with the board of directors demanding a
15 referendum under this subsection.

16 a. If a valid petition is filed, the board of
17 directors shall call a special referendum of voting
18 members at a regular or special meeting, as provided
19 in section 499.27. The filing of the petition
20 suspends the effectiveness of the resolution until a
21 referendum is conducted as provided in this
22 subsection.

23 b. The resolution shall not become effective as
24 otherwise provided in this section, until the
25 resolution is approved by a majority vote of the
26 voting members of the farmers cooperative association
27 casting ballots at the meeting to conduct the
28 referendum.

29 4. a. Within thirty days following the date that
30 the resolution authorizing the farmers cooperative
31 association to acquire an interest in agricultural
32 land or acquire an interest in a farmers entity is
33 adopted, a holder of members' equity, including a
34 member or shareholder, may dissent to an acquisition
35 as expressed in the resolution adopted by the board of
36 directors under this section.

37 b. The holder of members' equity shall dissent by
38 filing a demand with the board of directors. The
39 farmers cooperative association shall pay the holder
40 the fair value of that holder's interest as if the
41 holder were a member dissenting to a merger or
42 consolidation, as provided in section 499.66, upon
43 surrender of the holder's evidence of equity in the
44 farmers cooperative association, including a
45 certificate of membership or shares.

46 c. The farmers cooperative association is not
47 required to pay the holder of members' equity the fair
48 value of that holder's interest as provided in this
49 subsection, if the resolution provided for in this
50 section does not become effective."

Page 8

- 1 31. Page 8, line 35, by striking the words "grain
- 2 or" and inserting the following: "forage or grain".
- 3 32. Page 9, line 1, by striking the word

4 "forage".

5 33. Page 9, line 2, by striking the word "has"
6 and inserting the following: "holds".

7 34. Page 9, line 8, by striking the word "crop"
8 and inserting the following: "grain".

9 35. Page 9, by inserting after line 13 the
10 following:

11 "c. Less than fifty percent of the interest in the
12 farmers cooperative limited liability company is held
13 by members which are parties to intra-company loan
14 agreements. If more than one type of membership
15 interest is established, including any series as
16 provided in section 490A.305 or any class or group as
17 provided in section 490A.307, less than fifty percent
18 of the interest in each type of membership shall be
19 held by members which are parties to intra-company
20 loan agreements.

21 d. The farmers cooperative limited liability
22 company does not own swine or contract for the care
23 and feeding of swine, if a member of the farmers
24 cooperative limited liability company is a regional
25 cooperative association."

26 36. Page 9, line 31, by striking the words "one
27 thousand five hundred" and inserting the following:
28 "six hundred forty".

29 37. Page 10, by striking lines 5 and 6 and
30 inserting the following: "law, the farmers
31 cooperative limited liability".

32 38. Page 10, line 18, by striking the figure
33 "10.13" and inserting the following: "10.12".

34 39. Page 10, line 32, by striking the figure
35 "10.13" and inserting the following: "10.12".

36 40. Page 12, by striking line 13 and inserting
37 the following: "corporation as defined in section
38 9H.1 or networking farmers corporation as defined in
39 section 10.1, holding an".

40 41. Page 12, by striking lines 29 through 31 and
41 inserting the following: "including an authorized
42 limited liability company as defined in section 9H.1,
43 or a networking farmers limited liability company or
44 farmers cooperative limited liability company as
45 defined in section 10.1, holding an interest in
46 agricultural".

47 42. Page 14, line 16, by striking the words "ten
48 percent or less of" and inserting the following:
49 "less than a ten percent interest in".

50 43. Page 15, by striking lines 9 through 13.

Page 9

- 1 44. Page 15, by striking lines 25 and 26.
- 2 45. By renumbering as necessary.

TOM VILSACK
DERRYL McLAREN

S-5559

- 1 Amend the amendment, S-5556, to House File 667, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 5, by inserting after line 11 the
- 5 following:
- 6 " Page 17, by inserting before line 32 the
- 7 following:
- 8 "Sec. ____ Section 17A.15, subsection 3, Code
- 9 1997, is amended to read as follows:
- 10 3. When the presiding officer makes a proposed
- 11 decision, that decision then becomes the final
- 12 decision of the agency without further proceedings
- 13 unless there is an appeal to, or review on motion of,
- 14 the agency within the time provided by rule. On
- 15 appeal from or review of the proposed decision, the
- 16 agency has all the power which it would have in
- 17 initially making the final decision except as it may
- 18 limit the issues on notice to the parties or by rule.
- 19 The agency may review or modify any finding of fact or
- 20 conclusion of law in the proposed decision if the
- 21 agency shows by a preponderance of the evidence that
- 22 the finding of fact or conclusion of law was in error.
- 23 In cases where there is an appeal from a proposed
- 24 decision or where a proposed decision is reviewed on
- 25 motion of the agency, an opportunity shall be afforded
- 26 to each party to file exceptions, present briefs and,
- 27 with the consent of the agency, present oral arguments
- 28 to the agency members who are to render the final
- 29 decision.""
- 30 2. By renumbering as necessary.

STEVE KING

S-5560

- 1 Amend the amendment, S-5556, to House File 667, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 5, by inserting after line 30 the
- 5 following:
- 6 " Page 29, by inserting after line 15 the
- 7 following:

8 "Sec. ____ Section 96.6, subsection 3, unnumbered
9 paragraph 2, Code 1997, is amended to read as follows:
10 Appeals from the initial determination shall be
11 heard by an administrative law judge employed by the
12 department division of administrative hearings created
13 by section 10A.801. An administrative law judge's
14 decision may be appealed by any party to the
15 employment appeal board created in section 10A.601.
16 The decision of the appeal board is final agency
17 action and an appeal of the decision shall be made
18 directly to the district court."
19 2. By renumbering as necessary.

STEVE KING

S-5561

1 Amend the amendment, S-5556, to House File 667, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 3, by striking the figure "5" and
5 inserting the following: "19".
6 2. Page 1, by striking lines 4 and 5.
7 3. Page 1, line 31, by striking the word
8 "administrator" and inserting the following:
9 "department".
10 4. By renumbering as necessary.

STEVE KING

S-5562

1 Amend the amendment, S-5556, to House File 667, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 5, by inserting after line 11 the
5 following:
6 ". Page 17, by inserting before line 32 the
7 following:
8 "Sec. ____ Section 17A.15, subsection 3, Code
9 1997, is amended to read as follows:
10 3. When the presiding officer makes a proposed
11 decision, that decision then becomes the final
12 decision of the agency without further proceedings
13 unless there is an appeal to, or review on motion of,
14 the agency within the time provided by rule. On
15 appeal from or review of the proposed decision, the
16 agency has all the power which it would have in
17 initially making the final decision except as it may
18 limit the issues on notice to the parties or by rule.
19 The agency may reverse or modify any finding of fact
20 or conclusion of law if a preponderance of the

21 evidence will support a determination to reverse or
22 modify such a finding or conclusion. In cases where
23 there is an appeal from a proposed decision or where a
24 proposed decision is reviewed on motion of the agency,
25 an opportunity shall be afforded to each party to file
26 exceptions, present briefs and, with the consent of
27 the agency, present oral arguments to the agency
28 members who are to render the final decision.""
29 2. By renumbering as necessary.

STEVE KING

HOUSE AMENDMENT TO
SENATE FILE 2280

S-5563

1 Amend Senate File 2280, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by striking the figure
4 "95.00" and inserting the following: "97.50".
5 2. Page 1, by inserting after line 11 the
6 following:
7 "Of the full-time equivalent positions appropriated
8 for in this section, 2.50 FTEs relate to the
9 transition of personnel services contractors to FTEs.
10 The merit system provisions of chapter 19A and the
11 provisions of the state or union collective bargaining
12 agreements shall not govern movement into these FTE
13 positions until September 1, 1998. This provision
14 relating to the transition of personnel services
15 contractors shall apply to the period beginning July
16 1, 1998, and ending September 1, 1998."
17 3. Page 3, by inserting after line 13 the
18 following:
19 "3. The department may grant an exception for a
20 limited period of time, determined by the department
21 to be reasonable, to allow for compliance by persons
22 regulated by the department or applicants for assisted
23 living certification with any part of chapter 104A
24 relative to buildings in existence on July 1, 1998.
25 The determination of the period of time allowed for
26 compliance shall be commensurate with the anticipated
27 magnitude of expenditure, disruption of services, and
28 the degree of hazard presented. The department shall
29 also be authorized to modify the accessibility
30 requirements otherwise applicable to such applicants
31 for buildings in existence on July 1, 1998, if the
32 department determines that compliance with the
33 requirements would be unreasonable, but only if it is
34 determined that noncompliance with the requirements
35 would not present an unreasonable degree of danger."

36 4. Page 7, by inserting after line 34 the
37 following:
38 "h. The director of public health shall designate,
39 as a state poison center, any medical center in the
40 state which is operating a poison center on or before
41 July 1, 1998. The state poison center shall provide
42 poison information, telephone management advice and
43 consultation, conduct hazard surveillance to achieve
44 hazard elimination, and provide professional and
45 public education in poison prevention, diagnosis, and
46 treatment, and shall provide any other services or
47 functions necessary to be classified as a certified
48 poison center. The director shall provide the
49 necessary documentation of the state poison center
50 designation to the poison center for certification by

Page 2

1 the American association of poison control centers or
2 other certifying organization."
3 5. Page 8, by inserting after line 15 the
4 following:
5 "(3) The division shall establish an interagency
6 work group to conduct an evaluation of the
7 effectiveness of all existing federal and state funded
8 substance abuse treatment and prevention programs in
9 the state. Evaluation issues and components to be
10 examined by the interagency work group shall include,
11 but are not limited to, access to treatment;
12 identification of all state and federal funds spent on
13 treatment and prevention programs, including insurance
14 plan components and employee assistance programs;
15 substance abuse relapse rates; the reasons for
16 different outcomes in different programs; costs of
17 service delivery; the relationship of outcomes to cost
18 offsets such as a decline in arrest rates and
19 hospitalizations; review of managed care approaches
20 and exemplary programs in other states; and the
21 profiling of clients by the types of substances
22 abused.
23 The interagency work group shall be comprised of
24 representatives from the department of human services,
25 the department of public health, the department of
26 corrections, the governor's alliance on substance
27 abuse, the state department of personnel, and the
28 judicial department.
29 The department shall submit a report containing the
30 recommendations of the interagency work group to the
31 governor and the general assembly by January 1, 2000."
32 6. Page 10, line 5, by inserting after the word
33 "department" the following: ", in consultation with
34 the advisory committee for perinatal guidelines,".

- 35 7. Page 10, line 6, by striking the words "in
36 accordance with" and inserting the following: "based
37 on".
- 38 8. Page 10, line 11, by inserting after the word
39 "recommendations." the following: "Hospitals within
40 the state shall determine whether to participate in
41 the statewide perinatal program, and select the
42 hospital's level of participation in the program. A
43 hospital having determined to participate in the
44 program shall comply with the guidelines appropriate
45 to the level of participation selected by the
46 hospital."
- 47 9. Page 17, line 9, by striking the figure "1966"
48 and inserting the following: "1996".
- 49 10. Page 20, by striking lines 14 through 16.
- 50 11. Page 21, line 15, by striking the figure

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- 1 "801.82" and inserting the following: "803.64".
- 2 12. Page 21, by inserting after line 15 the
3 following:
4 "Of the full-time equivalent positions appropriated
5 for in subsection 1, 1.82 FTEs relate to the
6 transition of personnel services contractors to FTEs.
7 The merit system provisions of chapter 19A and the
8 provisions of the state or union collective bargaining
9 agreements shall not govern movement into these FTE
10 positions until September 1, 1998. This provision
11 relating to the transition of personnel services
12 contractors shall apply to the period beginning July
13 1, 1998, and ending September 1, 1998."
- 14 13. Page 21, by inserting after line 30 the
15 following:
16 "c. Any Iowa veterans home successor contractor
17 shall not consider employees of a state institution or
18 facility to be new employees for purposes of employee
19 wages, health insurance, or retirement benefits."
- 20 14. By striking page 22, line 8, through page 23,
21 line 14, and inserting the following:
22 "2. a. In addition to the amount appropriated in
23 subsection 1, there is appropriated from receipts in
24 excess of \$1,900,000 deposited into the gambling
25 treatment fund pursuant to section 99E.10, subsection
26 1, paragraph "a", to the Iowa department of public
27 health, for the fiscal year beginning July 1, 1998,
28 and ending June 30, 1999, an amount sufficient for
29 funding of the allocation made in subsection 3.
30 b. For the fiscal year beginning July 1, 1998, and
31 ending June 30, 1999, an amount of the tax revenue
32 received pursuant to section 99D.15, subsections 1, 3,
33 and 4 equal to three-tenths of one percent of the

34 gross sum wagered by the pari-mutuel method shall be
35 deposited into the gambling treatment fund in addition
36 to the other revenue deposited under law.

37 c. The amounts appropriated pursuant to paragraph
38 "a" shall be based on the most recent projections for
39 gross lottery revenue, excursion boat and racetrack
40 wagering revenue, and tax revenue derived from pari-
41 mutuel wagering, for the fiscal year beginning July 1,
42 1998, and ending June 30, 1999. If the amounts
43 appropriated based on the projects are insufficient
44 for full funding of the allocations, the allocations
45 shall be prorated proportionately.

46 3. The moneys appropriated in subsections 1 and 2
47 shall be allocated as follows:

48 a. For the public health nursing program:

49 \$ 200,000

50 The funds appropriated in this paragraph shall be

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1 utilized by the Iowa department of public health to
2 establish a competitive grant program to increase the
3 availability of public health nurses throughout the
4 state, and shall be in addition to funding allocated
5 pursuant to existing contracts entered into between
6 the department and the local boards of health and
7 boards of supervisors. One-half of the funds
8 appropriated shall be awarded to county applicants
9 with a county population of less than 25,000, and the
10 remaining one-half shall be awarded to county
11 applicants with a county population of 25,000 or more.

12 A county may submit an application to the
13 department for a grant to expand the county's existing
14 public health nursing program by October 1, 1998, on
15 application forms to be developed by the department.
16 Grant award criteria shall include the extent to which
17 existing allocations to the county have successfully
18 been utilized to maintain and expand the public health
19 nursing program for elderly and low-income persons,
20 the proportion of elderly and low-income persons
21 living in the county in relation to the total number
22 of elderly and low-income persons living in the state,
23 and proposals submitted by the county for expanding
24 existing services and programs to meet the particular
25 needs of the elderly and low-income persons residing
26 within the county. A county receiving a grant award
27 may utilize the grant moneys to expand existing
28 subcontracts with a nonprofit nurses' association, or
29 an independent nonprofit agency, or for new programs
30 and services as proposed in the grant application.

31 The department shall submit a report to the general
32 assembly by January 1, 2000, regarding the

33 effectiveness of the competitive grant program in
34 expanding public health nursing care, and containing
35 recommendations regarding future utilization or
36 expansion of the program.
37 b. For transfer to the department of public safety
38 to combat methamphetamine use:
39 \$ 236,000
40 (1) Of the funds allocated in this lettered
41 paragraph, \$111,000 shall be utilized by the division
42 of narcotics enforcement of the department of public
43 safety for undercover purchases of methamphetamine by
44 law enforcement agency and drug task force personnel.
45 (2) Of the funds allocated in this lettered
46 paragraph, \$125,000 shall be utilized by the division
47 of narcotics enforcement of the department of public
48 safety for the establishment of a methamphetamine
49 stoppers reward fund and hotline. Citizen informants
50 shall be entitled to receive up to \$1,000 upon the

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1 conviction of a methamphetamine dealer, and up to
2 \$1,000 for the successful exposure of a
3 methamphetamine lab. The division shall develop
4 specific program parameters and qualification
5 criteria.
6 c. For the provision of emergency medical services
7 and training of emergency medical services personnel:
8 \$ 78,000
9 d. For transfer to the department of elder affairs
10 to be used for the recruitment, retention,
11 recognition, and training of care review committee
12 volunteers:
13 \$ 130,000
14 The department shall develop outcome measurements
15 regarding use of the funds allocated in this lettered
16 paragraph, and shall conduct a study of issues
17 including, but not limited to, how the funds were
18 utilized, liability for area agencies on aging, and
19 access to nursing home records. The department shall
20 submit a report of the results of the study to the
21 general assembly by January 1, 2000.
22 e. For transfer to the governor's alliance on
23 substance abuse for the establishment of a public
24 education program warning the general public about the
25 dangers of methamphetamine use:
26 \$ 150,000
27 f. For transfer to the governor's alliance on
28 substance abuse for the establishment of an education
29 program designed to increase the availability of
30 information relating to methamphetamine abuse in Iowa
31 schools and throughout the media:

32 \$ 200,000
33 The funds allocated in this lettered paragraph
34 shall be used to assist in targeting an anti-
35 methamphetamine message specifically to Iowa teenagers
36 through the school system and through public service
37 media advertisements, including the development of an
38 educational video and instructional material for use
39 by Iowa public school instructors. The education
40 program shall be coordinated by the drug enforcement
41 and abuse prevention coordinator in consultation with
42 the Iowa drug abuse prevention and education advisory
43 council established in section 80E.2.
44 g. For the surveillance of existing and emerging
45 infectious disease:
46 \$ 100,000
47 h. For transfer to the department of public safety
48 for hazardous materials response team training. The
49 department of public safety shall coordinate with the
50 Iowa state university extension engineering program

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1 regarding development of the training program:
2 \$ 25,000"
3 15. By striking page 23, line 32, through page
4 24, line 17, and inserting the following:
5 "Sec. ____ Section 99E.10, subsection 1, paragraph
6 a, Code Supplement 1997, is amended to read as
7 follows:
8 a. An amount equal to three-tenths of one percent
9 of the gross lottery revenue shall be deposited in a
10 gambling treatment fund in the office of the treasurer
11 of state. The director of the Iowa department of
12 public health shall administer the fund and shall
13 provide that receipts are allocated on a monthly basis
14 to fund administrative costs and to provide programs
15 which may include, but are not limited to, outpatient
16 and follow-up treatment for persons affected by
17 problem gambling, rehabilitation and residential
18 treatment programs, information and referral services,
19 and education and preventive services, and financial
20 management services."
21 16. Page 27, by striking line 10 and inserting
22 the following:
23 "~~4. 5.~~ This section is repealed effective June 30,
24 ~~1998~~ 2000."
25 17. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

S-5564

1 Amend House File 2282, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by striking lines 23 through 32 and
4 inserting the following:

5 "4. a. Tax receipts from all counties imposing
6 the local sales and services tax for school
7 infrastructure purposes shall be collected by the
8 department of revenue and finance, combined, and
9 deposited into a single account within the department
10 of the treasury. The receipts shall be distributed on
11 a per pupil basis to each school district located
12 within a county having approved imposition of the tax.
13 Distribution shall be equal to the ratio which the
14 portion of actual enrollment for a school district
15 which attends school within a county where imposition
16 of the tax has been approved, bears to the portion of
17 total combined actual enrollments for all school
18 districts which attend school within a county where
19 imposition of the tax has been approved.

20 b. For purposes of this section, the actual
21 enrollment for school districts with students
22 attending school within a county, and the combined
23 actual enrollment, shall be determined for each county
24 imposing the tax by the department of management based
25 on the actual enrollment figures reported by October 1
26 to the department of management by the department of
27 education pursuant to section 257.6, subsection 1.
28 The combined actual enrollment counts for counties and
29 for school districts with students attending school
30 within a county, shall be forwarded to the director of
31 the department of management by March 1 annually, for
32 purposes of supplying estimated tax payment figures
33 and making estimated tax payments pursuant to this
34 section for the following fiscal year.

35 c. The department of revenue and finance shall
36 calculate a reallocation formula for local sales and
37 services tax receipts within thirty days prior to the
38 beginning of each fiscal year. The formula shall
39 incorporate the results of elections held during the
40 preceding fiscal year approving imposition of the tax,
41 the repeal, rate increase, or rate decrease of taxes
42 which have previously been imposed, and shall reflect
43 the updated actual enrollment and combined actual
44 enrollment figures determined pursuant to paragraph
45 "b".

46 2. Page 5, by striking lines 15 through 34.

ROD HALVORSON

S-5565

- 1 Amend House File 2282, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 30, by striking the words "a
- 4 majority" and inserting the following: "sixty
- 5 percent".
- 6 2. Page 1, line 32, by striking the word
- 7 "majority" and inserting the following: "sixty
- 8 percent".
- 9 3. Page 3, line 5, by striking the words "a
- 10 majority" and inserting the following: "sixty
- 11 percent".
- 12 4. Page 3, line 14, by striking the words "a
- 13 majority" and inserting the following: "sixty
- 14 percent".
- 15 5. Page 3, line 31, by striking the words "a
- 16 majority" and inserting the following: "sixty
- 17 percent".

STEVE KING

S-5566

- 1 Amend the amendment, S-5381, to House File 2166, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By inserting after line 2 the following:
- 5 " Page 10, line 12, by striking the word
- 6 "seventy-five" and inserting the following:
- 7 "twenty".

MAGGIE TINSMAN
NANCY BOETTGER

S-5567

- 1 Amend the amendment, S-5543, to House File 2494, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 17, by inserting after line 25 the
- 5 following:
- 6 "___ The liquid manure originates from a small
- 7 animal feeding operation."

JERRY BEHN
STEWART IVERSON, Jr.
WILMER RENSINK
H. KAY HEDGE
MERLIN E. BARTZ
JOHN P. KIBBIE

S-5568

1 Amend House File 2282, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 422E.1 AUTHORIZATION --
6 RATE OF TAX -- USE OF REVENUES.

7 1. A local school infrastructure tax for school
8 infrastructure purposes may be imposed by a school
9 district, or by a county on behalf of school districts
10 as provided in this chapter. A local school
11 infrastructure tax may be a local sales and services
12 tax imposed by a county, or a local income surtax and
13 property tax imposed by a school district, or a
14 combination of these taxes.

15 2. a. The maximum rate of a local sales and
16 services tax shall be one percent. The tax shall be
17 imposed without regard to any other local sales and
18 services tax authorized in chapter 422B.

19 b. The rates of a local income surtax and property
20 tax are the rates specified on the ballot proposition.

21 c. Any local school infrastructure tax imposed is
22 repealed at the expiration of a period of ten years of
23 imposition or a shorter period as provided in the
24 ballot proposition.

25 3. Local school infrastructure tax moneys received
26 for school infrastructure purposes pursuant to this
27 chapter shall be utilized solely for school
28 infrastructure needs. For purposes of this chapter,
29 "school infrastructure" means those activities for
30 which a school district is authorized to contract
31 indebtedness and issue general obligation bonds under
32 section 296.1, except those activities related to a
33 teacher's or superintendent's home or homes. These
34 activities include the construction, reconstruction,
35 repair, purchasing, or remodeling of schoolhouses,
36 stadiums, gyms, fieldhouses, and bus garages and the
37 procurement of schoolhouse construction sites and the
38 making of site improvements. Additionally, "school
39 infrastructure" includes the payment or retirement of
40 outstanding bonds previously issued for school
41 infrastructure purposes as defined in this subsection,
42 and the payment or retirement of bonds issued under
43 section 422E.7.

44 Sec. 2. NEW SECTION. 422E.2 LOCAL SALES AND
45 SERVICES TAX.

46 1. A local sales and services school
47 infrastructure tax shall only be imposed by a county
48 and then only after an election at which at least
49 sixty percent of those voting on the question favors
50 imposition. A local sales and services school

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1 infrastructure tax approved by at least a sixty
2 percent vote shall apply to all incorporated and
3 unincorporated areas of that county.

4 2. a. Upon receipt by a county board of
5 supervisors of a petition requesting imposition of a
6 local sales and services school infrastructure tax,
7 signed by eligible electors of the whole county equal
8 in number to five percent of the persons in the whole
9 county who voted at the last preceding state general
10 election, the board shall within thirty days direct
11 the county commissioner of elections to submit the
12 question of imposition of the tax as specified by the
13 county board of supervisors, to the registered voters
14 of the whole county.

15 b. Alternatively, the question of imposition of a
16 local sales and services school infrastructure tax may
17 be proposed by motion or motions, requesting such
18 submission, adopted by the governing body of a school
19 district or school districts located within the county
20 containing a total, or a combined total in the case of
21 more than one school district, of at least sixty
22 percent of the population of the county, or by the
23 county board of supervisors. Upon adoption of such
24 motion, the governing body of a school district shall
25 notify the board of supervisors of the adoption of the
26 motion. The county board of supervisors shall submit
27 the motion to the county commissioner of elections,
28 who shall publish notice of the ballot proposition
29 concerning the imposition of the local sales and
30 services school infrastructure tax as specified by the
31 county board. A motion ceases to be valid at the time
32 of the holding of the regular election for the
33 election of members of the governing body which
34 adopted the motion.

35 3. The county commissioner of elections shall
36 submit the question of imposition of the local sales
37 and services school infrastructure tax at a state
38 general election or at a special election held at any
39 time other than the time of a city regular election.
40 The election shall not be held sooner than sixty days
41 after publication of notice of the ballot proposition.
42 The ballot proposition shall specify the type of tax,
43 rate of tax, and the date the tax will be imposed and
44 repealed, and shall contain a statement as to the
45 specific purpose or purposes for which the revenues
46 shall be expended. The rate of tax shall not be more
47 than specified in section 422E.1, subsection 2, as set
48 by the county board of supervisors. The state
49 commissioner of elections shall establish by rule the

50 form for the ballot proposition which form shall be

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1 uniform throughout the state.

2 4. a. The tax may be repealed or the rate
3 increased, but not in excess of the maximum set in
4 section 422E.1, subsection 2, or decreased as provided
5 in this subsection. A rate shall be increased
6 following an election at which at least sixty percent
7 of those voting on the question of the rate increase
8 favor the rate increase. A rate shall be decreased,
9 or the tax repealed, following an election at which at
10 least fifty percent of those voting on the question of
11 the rate decrease or repeal favor the rate decrease or
12 repeal. The election at which the question of repeal
13 or rate change is offered shall be called and held in
14 the same manner and under the same conditions as
15 provided in this section for the election on the
16 imposition of the tax. The election may be held at
17 any time but not sooner than sixty days following
18 publication of the ballot proposition. However, the
19 tax shall not be repealed before it has been in effect
20 for one year.

21 b. Within ten days of the election at which the
22 imposition, repeal, or change in rate of tax has been
23 approved, the county board of supervisors shall give
24 written notice to the director of revenue and finance
25 of the result of the election. Election costs shall
26 be apportioned among school districts within the
27 county on a pro rata basis in proportion to the number
28 of registered voters in each school district and the
29 total number of registered voters in all of the school
30 districts within the county.

31 A local sales and services school infrastructure
32 tax shall not be repealed or reduced in rate if
33 obligations are outstanding which are payable as
34 provided in section 422E.6, unless funds sufficient to
35 pay the principal, interest, and premium, if any, on
36 the outstanding obligations at and prior to maturity
37 have been properly set aside and pledged for that
38 purpose.

39 5. If at least sixty percent of those voting on
40 the question of imposition of a local sales and
41 services school infrastructure tax for school
42 infrastructure purposes favors imposition of the tax,
43 the tax shall be imposed by the county board of
44 supervisors within the county pursuant to section
45 422E.2, at the rate specified for not longer than a
46 ten-year duration.

47 6. The sales and services school infrastructure
48 tax shall be imposed on the same basis as the state

49 sales and services tax and shall not be imposed on the
50 sale of any property or on any service not taxed by

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1 the state, except the tax shall not be imposed on the
2 gross receipts from the sale of motor fuel or special
3 fuel as defined in chapter 452A, on the gross receipts
4 from the rental of rooms, apartments, or sleeping
5 quarters which are taxed under chapter 422A during the
6 period the hotel and motel tax is imposed, on the
7 gross receipts from the sale of equipment by the state
8 department of transportation, and on the gross
9 receipts from the sale of a lottery ticket or share in
10 a lottery game conducted pursuant to chapter 99E.

11 7. The tax is applicable to transactions within
12 the county where it is imposed and shall be collected
13 by all persons required to collect state gross
14 receipts taxes. The amount of the sale, for purposes
15 of determining the amount of the tax, does not include
16 the amount of any state gross receipts taxes or other
17 local option sales taxes. A tax permit other than the
18 state tax permit required under section 422.53 shall
19 not be required by local authorities.

20 8. a. The director of revenue and finance within
21 fifteen days of the beginning of each fiscal year
22 shall send to each school district where the tax is
23 imposed an estimate of the amount of tax moneys each
24 school district will receive for the year and for each
25 month of the year. At the end of each month, the
26 director may revise the estimates for the year and
27 remaining months.

28 b. The director shall remit ninety-five percent of
29 the estimated tax receipts for the school district to
30 the school district on or before August 31 of the
31 fiscal year and on or before the last day of each
32 following month.

33 c. The director shall remit a final payment of the
34 remainder of tax moneys due for the fiscal year before
35 November 10 of the next fiscal year. If an
36 overpayment has resulted during the previous fiscal
37 year, the first payment of the new fiscal year shall
38 be adjusted to reflect any overpayment.

39 d. If the director is unable to determine from
40 which county any of the receipts were collected, those
41 receipts shall be allocated among the possible school
42 districts based on allocation rules adopted by the
43 director.

44 e. If more than one school district, or a portion
45 of a school district, is located within the county,
46 tax receipts shall be remitted to each school district
47 or portion of a school district in which the county

48 tax is imposed in a pro rata share based upon the
49 ratio which actual enrollment for the school district
50 that attends school in the county bears to the total

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1 combined actual enrollments for all school districts
2 that attend school in the county. The combined actual
3 enrollment for a county, for purposes of this section,
4 shall be determined for each county imposing a sales
5 and services tax for school infrastructure purposes by
6 the department of management based on the actual
7 enrollment figures reported to the department of
8 management by the department of education pursuant to
9 section 257.6, subsection 1. The combined actual
10 enrollment count shall be forwarded to the director of
11 the department of management by March 1, annually, for
12 purposes of supplying estimated tax payment figures
13 and making estimated tax payments pursuant to this
14 section for the following fiscal year.

15 9. The local sales and services tax for school
16 infrastructure purposes shall be administered as
17 provided in section 422B.9.

18 Sec. 3. NEW SECTION. 422E.3 LOCAL INCOME SURTAX
19 AND PROPERTY TAX.

20 1. a. A local income surtax and property tax for
21 school infrastructure purposes may be imposed by a
22 school district in addition to, or as an alternative
23 to, the local sales and services tax imposed by the
24 county pursuant to section 422E.2.

25 b. The local income surtax and property tax shall
26 be imposed and subject to rate change or repeal
27 pursuant to subsection 2, in combination and not as
28 separate taxes.

29 c. The board of directors of the school district
30 may, and upon the written request of not less than one
31 hundred eligible electors or thirty percent of the
32 number of eligible electors voting at the last regular
33 school election, whichever is greater, shall, direct
34 the county commissioner of elections in each county
35 within which the school district is located to submit
36 the question of imposition of both a local income
37 surtax and property tax for school infrastructure
38 purposes in the notice of the regular school election,
39 or at a special election called for that purpose. The
40 proposition shall specify that a combination of a
41 local income surtax and a property tax will be
42 imposed. The proposition to impose both taxes shall
43 be adopted if sixty percent of those voting on the
44 proposition at the election approves it.

45 2. Both taxes may be repealed or the rate of
46 either tax decreased after an election at which fifty

47 percent of those voting on the question of repeal or
48 rate change favored the repeal or rate change. A rate
49 increase for either tax shall require the approval of
50 sixty percent of those voting on the rate increase.

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1 The election at which the question of repeal of both
2 taxes or rate change in either or both taxes is
3 offered shall be called and held in the same manner as
4 provided in subsection 1 of this section regarding an
5 initial vote to impose the taxes. The provisions of
6 section 422E.2, subsection 4, shall apply regarding
7 notification of the director of revenue and finance,
8 apportionment of election costs, repeal of the taxes
9 only after one year, and the restrictions on repeal
10 regarding outstanding obligations pursuant to section
11 422E.6.

12 3. If each school district involved in a school
13 reorganization under chapter 275 has imposed an income
14 surtax and property tax for school infrastructure
15 purposes, and if the voters have not voted upon
16 imposition of the taxes in the reorganized district,
17 the existing income surtax and property tax for school
18 infrastructure purposes shall be in effect for the
19 reorganized district for the least amount and the
20 shortest time for which it is in effect in any of the
21 districts prior to reorganization.

22 4. If sixty percent of those voting on the
23 question of imposition of a local income surtax and
24 property tax for school infrastructure purposes favors
25 imposition of the taxes, the taxes shall be imposed by
26 the school board within the school district at the
27 rate specified for up to a ten-year duration as
28 provided in sections 422E.4 and 422E.5.

29 Sec. 4. NEW SECTION. 422E.4 LOCAL INCOME SURTAX.

30 1. A local income surtax shall be imposed, as
31 provided in section 422E.3, on the state individual
32 income tax for the calendar year beginning immediately
33 following the election and shall be imposed on all
34 individuals residing in a school district on the last
35 day of the applicable tax year. As used in this
36 section, "state individual income tax" means the taxes
37 computed under section 422.5, less the credits allowed
38 in sections 422.11A, 422.11B, 422.12, and 422.12B.

39 2. The director of revenue and finance shall
40 administer the local income surtax imposed under this
41 chapter, and sections 422.20, 422.22 to 422.31,
42 422.68, and 422.72 to 422.75 shall apply with respect
43 to administration of the income surtax. The
44 provisions of section 298.14 shall apply regarding the
45 cumulative total of the percents of income surtaxes

46 imposed not exceeding twenty percent.
47 3. The income surtax shall be made a part of the
48 Iowa individual income tax return subject to the
49 conditions and restrictions set forth in section
50 422.21.

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1 4. The director of revenue and finance shall
2 deposit all moneys received as local income surtax to
3 the credit of each school district from which the
4 moneys are received, in the school district income
5 surtax fund which is established in section 298.14.
6 The director of revenue and finance shall deposit
7 local income surtax moneys received on or before
8 November 1 of the year following the close of the
9 calendar year for which the surtax is imposed to the
10 credit of each school district from which the moneys
11 are received in the school district income surtax
12 fund.
13 Income surtax moneys received or refunded after
14 November 1 of the year following the close of the
15 calendar year for which the surtax is imposed shall be
16 deposited in or withdrawn from the general fund of the
17 state and shall be considered part of the cost of
18 administering the income surtax.

19 5. On or before October 20 of each year, the
20 director of revenue and finance shall make an
21 accounting of the income surtax collected under this
22 chapter applicable to tax returns for the last
23 preceding calendar year from taxpayers in each school
24 district in the state which has approved the income
25 surtax, and shall certify to the department of
26 management and the department of education the amount
27 of total income surtax credited from the taxpayers of
28 the school district.

29 Sec. 5. NEW SECTION. 422E.5 PROPERTY TAX.

30 The board of directors of a school district
31 imposing a property tax for school infrastructure
32 purposes, as provided in section 422E.3, shall certify
33 for levy by April 15 following the favorable election
34 and each year thereafter until the tax is repealed the
35 amount of the tax as stated on the ballot proposition.
36 Property tax receipts shall be distributed by the
37 county treasurer to the school district located in the
38 county.

39 Sec. 6. NEW SECTION. 422E.6 BONDING.

40 The board of directors of a school district shall
41 be authorized to issue negotiable, interest-bearing
42 school bonds, without election, and utilize tax
43 receipts derived from local school infrastructure
44 taxes for school infrastructure purposes for principal

45 and interest repayment. Proceeds of the bonds issued
46 pursuant to this section shall be utilized solely for
47 school infrastructure needs as school infrastructure
48 is defined in section 422E.1, subsection 3. Issuance
49 of bonds pursuant to this section shall be permitted
50 only in a district in which a local school

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1 infrastructure tax for school infrastructure purposes
2 has been imposed pursuant to this chapter. The
3 provisions of sections 298.22 through 298.24 shall
4 apply regarding the form, rate of interest,
5 registration, redemption, and recording of bond issues
6 pursuant to this section, with the exception that the
7 maximum period during which principal on the bonds is
8 payable shall not exceed a ten-year period, or the
9 date of repeal stated on the ballot proposition.

10 Sec. 7. NEW SECTION. 422E.7 SCHOOL
11 INFRASTRUCTURE SAFETY FUND.

12 1. There shall be distributed from the federal
13 funds allocated to the state of Iowa as described in
14 Conference Committee Report 105-390, accompanying H.R.
15 2264, making federal appropriations to the United
16 States departments of labor, health and human
17 services, and education, to the state department of
18 education the sum of eight million dollars to
19 establish a school infrastructure safety fund.

20 2. The funds shall be allocated to the school
21 budget review committee to develop a school
22 infrastructure safety fund grant program, in
23 conjunction with the state fire marshal. For purposes
24 of reviewing grant applications and making
25 recommendations regarding the administration of the
26 program, the state fire marshal shall be considered an
27 additional voting member of the school budget review
28 committee.

29 3. Top priority in awarding program grants shall
30 be the making of school infrastructure improvements
31 relating to fire and personal safety. School
32 districts eligible for program grants shall have
33 received an order or citation from the state fire
34 marshal, or a fire department chief or fire prevention
35 officer, for one or more fire safety violations
36 regarding a school facility, or in the opinion of the
37 state fire marshal shall be regarded as operating
38 facilities subject to significant fire safety
39 deficiencies. Grant awards shall also be available
40 for defects or violations of the state building code
41 revealed during an inspection of school facilities by
42 a local building department, or for improvements
43 consistent with the standards and specifications

44 contained in the state building code regarding
45 ensuring that buildings and facilities are accessible
46 to and functional for persons with disabilities. The
47 school budget review committee shall allocate program
48 funds to school districts which, in its discretion,
49 are determined to be faced with the most severe
50 deficiencies. School districts applying for program

Page 9

1 grants shall have developed and submitted to the state
2 fire marshal or local building department a written
3 plan to remedy fire or safety defects within a
4 specified time frame. Approval of the written plan by
5 the state fire marshal or local building department
6 shall be obtained prior to receipt of a grant award by
7 a school district.

8 4. Application forms, submission dates for
9 applications and for written plans to remedy fire or
10 safety defects, and grant award criteria shall be
11 developed by the state department of education, in
12 coordination with the state fire marshal, by rule.

13 5. The school budget review committee shall submit
14 a progress report of the number and amount of grants
15 awarded, and fire and safety improvements made,
16 pursuant to the school infrastructure safety fund
17 grant program, to the general assembly by January 1,
18 2000.

19 6. If federal rules or regulations are adopted
20 relating to the distribution or utilization of funds
21 allocated to the state department of education
22 pursuant to this section which are inconsistent with
23 the provisions of this section, the state department
24 of education shall adopt rules to comply with the
25 requirements of the federal rules or regulations.

26 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment."

STEVE KING
NANCY BOETTGER
ALLEN BORLAUG
JEFF ANGELO
LYLE E. ZIEMAN
JERRY BEHN
NEAL SCHUERER
ANDY McKEAN
KITTY REHBERG
MARY LOU FREEMAN

S-5569

- 1 Amend House File 2282, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, line 4, by inserting after the word
- 4 "deficiencies." the following: "In allocating program
- 5 funds, the school budget review committee shall give
- 6 additional consideration to school districts which
- 7 have made a significant financial commitment toward
- 8 addressing fire and personal safety defects within the
- 9 five-year period preceding application for program
- 10 grants."

MAGGIE TINSMAN
JoANN DOUGLAS
SHELDON RITTMER

S-5570

- 1 Amend the amendment, S-5568, to House File 2282, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 8, line 50, by inserting after the word
- 5 "deficiencies." the following: "In allocating program
- 6 funds, the school budget review committee shall give
- 7 additional consideration to school districts which
- 8 have made a significant financial commitment toward
- 9 addressing fire and personal safety defects within the
- 10 five-year period preceding application for program
- 11 grants."

MAGGIE TINSMAN

S-5571

- 1 Amend the amendment, S-5568, to House File 2282, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 5, line 43, by striking the words "sixty
- 5 percent" and inserting the following: "a majority".
- 6 2. Page 5, by striking lines 45 through 50 and
- 7 inserting the following:
- 8 "2. Both taxes may be repealed or the rate of
- 9 either tax increased or decreased after an election at
- 10 which a majority of those voting on the question of
- 11 repeal or rate change favored the repeal or rate
- 12 change."
- 13 3. page 6, line 22, by striking the words "sixty
- 14 percent" and inserting the following: "a majority".

MIKE CONNOLLY

S-5572

1 Amend House File 2498, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 20, by inserting after line 11 the
4 following:

5 "6. Of the full-time equivalent positions
6 authorized pursuant to this section, 1.00 FTE shall be
7 designated to administer the rebuild our cities and
8 counties program established pursuant to section
9 405A.11."

10 2. Page 23, by inserting after line 16 the
11 following:

12 "Sec. ____ NEW SECTION. 405A.11 REBUILD OUR
13 CITIES AND COUNTIES PROGRAM.

14 1. A rebuild our cities and counties (ROCC) fund
15 is created in the state treasury. The director of
16 revenue and finance shall credit the rebuild our
17 cities and counties fund with the moneys appropriated
18 to the fund as provided in this section. For purposes
19 of this section, "revenues generated by the sales tax"
20 means the estimated revenue from the gross receipts
21 taxed by the state pursuant to chapter 422, division
22 IV, as estimated by the revenue estimating conference
23 pursuant to section 8.22A in December preceding the
24 fiscal year for which the appropriation provided for
25 in this subsection shall be made. The moneys credited
26 to the ROCC fund shall be apportioned on a per capita
27 basis with an equal share allocated to each person
28 residing in the state. The share of each person
29 residing in a city shall be paid to the treasurer of
30 that city. The share allocated to each person
31 residing outside the boundaries of a city shall be
32 paid to the county treasurer. The population of each
33 city shall be determined by the latest federal census.
34 The population of each county shall be determined by
35 the last federal census excluding the persons residing
36 within the boundaries of each city within the county.
37 There is appropriated from the general fund of the
38 state to the ROCC fund annually the following amounts
39 for the designated fiscal years:

40 a. For the fiscal year beginning July 1, 1999, an
41 amount equal to two percent of the revenues generated
42 by the sales tax.

43 b. For subsequent fiscal years beginning with July
44 1, 2000, the amount of appropriation shall increase an
45 additional two percent of the revenues generated by
46 the sales tax if the requirements of subsection 2 are
47 met. However, the amount appropriated for a fiscal
48 year shall not exceed a total of ten percent of the
49 revenues generated by the sales tax.

50 2. The additional two percent of revenues

Page 2

1 generated by the sales tax, as specified in subsection
2 1, shall be appropriated in a fiscal year only if the
3 December revenue estimate for the general fund of the
4 state for the next succeeding fiscal year exceeds the
5 revenue estimate for the general fund of the state for
6 the previous fiscal year by at least four percent.
7 3. During the budgeting process for each city and
8 county, the governing body of the city or county shall
9 request public comment, at a public hearing, on the
10 expenditure of the moneys received from the rebuild
11 our cities and counties fund. After public comment,
12 the governing body shall specify the amount of funds
13 which will be used for tax relief, including how the
14 tax relief will be accomplished and the amount of
15 funds which will be appropriated for specific
16 programs."

ROD HALVORSON

S-5573

1 Amend the amendment, S-5543, to House File 2494, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 30, line 36, by striking the words "this
5 section" and inserting the following: "subsection 2".
6 2. Page 30, by inserting after line 44 the
7 following:
8 "3A. A person shall not construct a confinement
9 feeding operation, including a related animal feeding
10 operation structure, within two miles of a water
11 impoundment, including a lake or reservoir, if water
12 is drawn from the water impoundment to supply drinking
13 water to human populations."

JOHN P. KIBBIE
DICK L. DEARDEN
BILL FINK
ELAINE SZYMONIAK
MARY NEUHAUSER
MIKE CONNOLLY
ROBERT E. DVORSKY
PATRICIA HARPER
STEVEN D. HANSEN
TOM FLYNN
EUGENE S. FRAISE
DENNIS H. BLACK
PATRICK J. DELUHERY

S-5574

1 Amend the amendment, S-5543, to House File 2494, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 9, by inserting after line 9 the
5 following:

6 "NEW SUBSECTION. 5A. "Cemetery" means a space
7 held for the purpose of permanent burial, entombment,
8 or interment of human remains that is owned or managed
9 by a political subdivision or private entity, or a
10 cemetery regulated pursuant to chapter 523I or 566A.
11 However, "cemetery" does not include a pioneer
12 cemetery as defined in section 331.325."

13 2. Page 9, by inserting after line 15 the
14 following:

15 "Sec. 101. Section 455B.161, subsection 17, Code
16 1997, is amended to read as follows:

17 17. "Public use area" means ~~that~~ any of the
18 following:

19 a. A portion of land owned by the United States,
20 the state, or a political subdivision with facilities
21 which attract the public to congregate and remain in
22 the area for significant periods of time, as provided
23 by rules which shall be adopted by the department
24 pursuant to chapter 17A.

25 b. A cemetery."

26 3. Page 17, by inserting after line 25 the
27 following:

28 "NEW SUBSECTION. 7. The distance between an
29 animal feeding operation structure and a cemetery, if
30 any of the following applies:

31 a. The animal feeding operation structure was
32 constructed or expanded prior to the effective date of
33 this section of this Act.

34 b. The construction or expansion of the animal
35 feeding operation structure began prior to the
36 effective date of this section of this Act."

37 4. Page 37, line 11, by inserting after the
38 figure "11," the following: "101,"

JOHN P. KIBBIE
DICK L. DEARDEN
BILL FINK
DENNIS H. BLACK
PATTY JUDGE
MICHAEL E. GRONSTAL
EUGENE S. FRAISE
WALLY E. HORN
ELAINE SZYMONIAK
MARY NEUHAUSER
MATT McCOY

MIKE CONNOLLY
ROBERT E. DVORSKY
PATRICIA HARPER
PATRICK J. DELUHERY
TOM FLYNN
STEVEN D. HANSEN
JOHNIE HAMMOND

S-5575

1 Amend the amendment, S-5543, to House File 2494, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 6, by inserting before line 29, the
5 following:

6 "Sec. ____ NEW SECTION. 331.304B CONFINEMENT
7 FEEDING OPERATIONS -- SITING ORDINANCE.

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

10 a. "Animal feeding operation structure" means the
11 same as defined in section 455B.161.

12 b. "Animal weight capacity" means the same as
13 defined in section 455B.161.

14 c. "Confinement feeding operation" means the same
15 as defined in section 455B.161.

16 d. "Small animal feeding operation" means the same
17 as defined in section 455B.161.

18 2. A county may adopt a confinement feeding
19 operations siting ordinance pursuant to section
20 331.302. The purpose of the ordinance shall be to
21 allow approval of the siting of a confinement feeding
22 operation regardless of chapter 335. The ordinance
23 shall authorize a county board of supervisors to
24 approve the site of the construction of a confinement
25 feeding operation, including a related animal feeding
26 operation structure, pursuant to a plan adopted by the
27 county board of supervisors. The ordinance shall
28 provide for methods and procedures required for
29 submission of proposals, review of proposals, and
30 approval of a site. The plan adopted under this
31 section shall provide for all of the following:

32 a. The preservation and availability of
33 agricultural land reserved for confinement feeding
34 operations, including for the construction of
35 confinement feeding operations and related animal
36 feeding operation structures.

37 b. Encouraging efficient urban development
38 patterns that do not burden agricultural land reserved
39 under the plan for confinement feeding operations.

40 c. Preserving and protecting natural resources,
41 including water sources and fragile environmental
42 locations.

- 43 d. Lessening congestion and overcrowding of
44 confinement feeding operations, especially near
45 cities.
46 3. This section does not authorize a county board
47 of supervisors to adopt an ordinance which applies to
48 any of the following:
49 a. Standards or requirements relating to the
50 design or construction of animal feeding operation

Page 2

- 1 structures, including requirements established under
2 chapter 455B, including rules adopted by the
3 department of natural resources under that chapter.
4 b. The siting of a small animal feeding
5 operation."
6 2. By renumbering as necessary.

TOM VILSACK
MIKE CONNOLLY
ROBERT E. DVORSKY
PATRICIA HARPER
TOM FLYNN
STEVEN D. HANSEN
EUGENE S. FRAISE
PATRICK J. DELUHERY
JOHN P. KIBBIE
DICK L. DEARDEN
BILL FINK
ELAINE SZYMONIAK
MARY NEUHAUSER
JOHNIE HAMMOND

S-5576

- 1 Amend the amendment, S-5568, to House File 2282, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 5, lines 27 and 28, by striking the words
5 "subsection 2, in combination and not as separate
6 taxes." and inserting the following: "subsection 2."
7 2. Page 5, line 36, by striking the word "both".
8 3. Page 5, line 37, by striking the word "and"
9 and inserting the following: "or".
10 4. Page 5, by striking lines 39 through 50 and
11 inserting the following: "or at a special election
12 called for that purpose. Ballot propositions shall
13 specify that a local income surtax, a property tax, or
14 both taxes shall be imposed. A proposition to impose
15 an income surtax shall be adopted if a majority of
16 those voting on the proposition at the election
17 approves it. A proposition to impose a property tax

18 shall be adopted if sixty percent of those voting on
 19 the proposition at the election approves it.
 20 2. A local income surtax may be repealed or the
 21 rate of tax increased or decreased after an election
 22 at which a majority of those voting on the question of
 23 repeal or rate change favored the repeal or rate
 24 change. A property tax may be repealed or the rate of
 25 tax increased or decreased after an election at which
 26 sixty percent of those voting on the question of
 27 repeal or rate change favored the repeal or rate
 28 change."
 29 5. Page 6, by striking lines 1 and 2 and
 30 inserting the following: "The election at which the
 31 question of repeal or rate change is".
 32 6. Page 6, line 14, by striking the word "and"
 33 and inserting the following: "or".
 34 7. Page 6, line 17, by striking the word "and"
 35 and inserting the following: "or".
 36 8. Page 6, by striking lines 22 through 25 and
 37 inserting the following:
 38 "4. An income surtax or property tax for school
 39 infrastructure purposes shall be imposed by".

MIKE CONNOLLY

S-5577

1 Amend the amendment, S-5543, House File 2494, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 12, by striking lines 31 through 49 and
 5 inserting the following:

6 "Anaerobic
 7 lagoon 1,250 1,875 2,500
 8 Uncovered earthen
 9 manure storage
 10 basin 1,250 1,875 2,500
 11 Uncovered formed
 12 manure storage
 13 structure 1,250 1,500 2,000
 14 Covered earthen
 15 manure storage
 16 basin 1,250 1,500 1,875
 17 Covered formed
 18 manure storage
 19 structure 1,250 1,500 1,875
 20 Confinement
 21 building 1,250 1,500 1,875
 22 Egg washwater
 23 storage
 24 structure 1,250 1,500 1,875"

- 25 2. Page 13, line 43, by inserting after the word
26 "hundred" the following: "and fifty".

MARY A. LUNDBY
ANDY McKEAN

HOUSE AMENDMENT TO
SENATE FILE 2274

S-5578

- 1 Amend Senate File 2274, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 1, through page 2,
4 line 11.
5 2. Page 3, line 9, by inserting after the word
6 "center" the following: ", and which shall include an
7 amount for delinquent child support not to exceed
8 fifty percent of gross earnings".
9 3. Page 3, by inserting after line 9 the
10 following:
11 "(5) Restitution as ordered by the court under
12 chapter 910."
13 4. Page 3, line 10, by striking the figure "(5)"
14 and inserting the following: "(6)".
15 5. Page 3, line 11, by striking the figure "(4)"
16 and inserting the following: "(5)".
17 6. Page 3, line 13, by inserting after the word
18 "incarceration," the following: "However, effective
19 July 1, 1999, any balance remaining shall be deposited
20 in the general fund of the state."
21 7. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2368

S-5579

- 1 Amend Senate File 2368, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 4, by inserting after the word
4 "service" the following: "or utility poles owned by a
5 local government or a municipal utility".
6 2. Page 4, line 2, by inserting after the word
7 "fee" the following: "from an entity".
8 3. Page 4, line 4, by inserting after the word
9 "fee" the following: "from that entity".
10 4. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2377

S-5580

1 Amend Senate File 2377, as passed by the Senate, as
2 follows:

3 1. Page 1, line 5, by striking the words "in this
4 section".

5 2. Page 1, by striking lines 9 through 14 and
6 inserting the following: "sentencing order for each
7 person who is sentenced to the custody of the director
8 of the department of corrections and whose sentence is
9 suspended. The court shall retain jurisdiction to
10 establish the amount of restitution, approve the plan
11 of restitution, and for reconsideration of the
12 original sentence. The court shall also retain
13 jurisdiction".

14 3. Page 1, line 16, by striking the word
15 "information" and inserting the following:
16 "informations".

17 4. Page 1, line 17, by inserting after the word
18 "counsel." the following: "If a person is not
19 sentenced to the custody of the director of the
20 department of corrections the court shall retain the
21 jurisdiction over matters relating to those cases."

22 5. By striking page 1, line 18, through page 2,
23 line 7.

24 6. Page 2, by striking lines 21 through 24 and
25 inserting the following: "~~may receive the complaint,~~
26 ~~issue an arrest warrant, or~~ conduct the initial
27 ~~appearance and~~ probable cause hearing and probation
28 ~~revocation hearing.~~ The initial appearance, probable
29 cause hearing, and probation revocation hearing, ~~or~~
30 ~~any of them,~~ may, at the discretion of".

31 7. Page 2, by striking lines 27 through 35 and
32 inserting the following: "will not be prejudiced by
33 the merger. An administrative parole and probation
34 judge may".

35 8. Page 3, line 4, by inserting after the word
36 "if" the following: "reconsideration is deemed
37 appropriate and".

38 9. Page 9, line 24, by striking the figure "1999"
39 and inserting the following: "2000".

40 10. Page 9, line 25, by striking the figure
41 "1999" and inserting the following: "2000".

S-5581

1 Amend the amendment, S-5543, to House File 2494, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 5, line 38, by striking the word
5 "provide" and inserting the following: "commence".

6 2. By striking page 6, line 45, through page 7,
7 line 3, and inserting the following:

8 "2. For five years after the date of the last
9 violation of this chapter committed by a person or by
10 a confinement feeding operation in which the person
11 holds a controlling interest during which the person
12 or confinement feeding operation was classified as a
13 habitual violator under section 455B.191, all of the
14 following shall apply:

15 a. The department may not issue a new permit under
16 this chapter to the person or confinement feeding
17 operation.

18 b. The department may revoke or refuse to renew an
19 existing permit issued under this chapter, to the
20 person or confinement feeding operation, if the permit
21 relates to a confinement feeding operation, and the
22 department determines that the continued operation of
23 the confinement feeding operation under the existing
24 permit constitutes a clear, present, and impending
25 danger to the public health or environment."

26 3. Page 7, line 39, by inserting after the word
27 "complaint" the following: "as provided in this
28 section".

29 4. Page 7, line 43, by striking the word
30 "complaint" and inserting the following: "complaint,
31 if the department determines that the complaint is
32 legally sufficient and an investigation is justified".

33 5. Page 8, line 15, by inserting before the word
34 "premises" the following: "real estate of the".

35 6. Page 9, by inserting after line 9, the
36 following:

37 "NEW SUBSECTION. 19A. "Spray irrigation
38 equipment" means the same as defined in section
39 455B.171."

40 7. Page 17, by inserting after line 25, the
41 following:

42 " ____ The liquid manure is applied by spray
43 irrigation equipment using a center pivot mechanism as
44 provided by rules adopted by the department, if all of
45 the following apply:

46 (1) The spray irrigation equipment uses hoses
47 which discharge the liquid manure in a downward
48 direction at a height of not more than nine feet above
49 the soil.

50 (2) The spray irrigation equipment disperses

Page 2

1 manure through an orifice at a rate of not more than
2 twenty-five pounds per square inch.

3 (3) The liquid manure is not applied within two
4 hundred fifty feet from a residence not owned by the
5 titleholder of the land, a commercial enterprise, a
6 bona fide religious institution, an educational
7 institution, or a public use area."
8 8. Page 21, line 11, by striking the word "site"
9 and inserting the following: "site's real estate".
10 9. Page 22, line 6, by striking the word "thirty"
11 and inserting the following: "thirty-five".
12 10. Page 30, line 36, by striking the words "this
13 section" and inserting the following: "subsection 2".
14 11. Page 31, by striking line 43, and inserting
15 the following:
16 "3. a. The department shall conduct a routine
17 inspection of each unformed".
18 12. Page 31, line 44, by striking the word "An"
19 and inserting the following: "A routine".
20 13. Page 32, line 4, by striking the word "a."
21 and inserting the following: "(1)".
22 14. Page 32, line 5, by striking the word "b."
23 and inserting the following: "(2)".
24 15. Page 32, line 7, by striking the word "c."
25 and inserting the following: "(3)".
26 16. Page 32, line 8, by striking the word "d."
27 and inserting the following: "(4)".
28 17. Page 32, line 9, by striking the word "e."
29 and inserting the following: "(5)".
30 18. Page 32, by inserting after line 10, the
31 following:
32 "b. Nothing in this subsection restricts the
33 department from conducting an inspection of an animal
34 feeding operation which is not routine."
35 19. Page 34, line 5, by striking the word "Act"
36 and inserting the following: "section".
37 20. Page 34, by inserting before line 6 the
38 following:
39 "Sec. 100. Section 657.11, subsection 4,
40 unnumbered paragraph 1, Code 1997, is amended to read
41 as follows:
42 ~~The rebuttable presumption~~ This section does not
43 apply to a person during any period that the person is
44 classified as a chronic violator under this subsection
45 as to any confinement feeding operation in which the
46 person holds a controlling interest, as defined by
47 rules adopted by the department of natural resources.
48 ~~The rebuttable presumption~~ This section shall apply to
49 the person on and after the date that the person is
50 removed from the classification of chronic violator.

2 operation" means an animal feeding operation in which
3 animals are confined to areas which are totally
4 roofed, and which are regulated by the department of
5 natural resources or the environmental protection
6 commission."

7 21. Page 34, by inserting before line 6 the
8 following:

9 "Sec. 101. 1995 Iowa Acts, chapter 195, section
10 37, is amended to read as follows:

11 SEC. 37. ANIMAL AGRICULTURE CONSULTING
12 ORGANIZATION. The department of natural resources
13 shall request that the Iowa pork producers
14 association, the Iowa cattlemen's association, the
15 Iowa poultry association, the Iowa dairy products
16 association, ~~an organization representing agricultural~~
17 ~~producers generally~~, Iowa state university, the soil
18 conservation division of the department of agriculture
19 and land stewardship, and the natural resources
20 conservation service of the United States department
21 of agriculture, and after the effective date of this
22 section of this Act as amended by 1998 Iowa Acts,
23 House File 2494, two organizations representing
24 agricultural producers generally each appoint one
25 member to consult with the department regarding ~~The~~
26 appointees shall consult with the department regarding
27 this Act, rules adopted pursuant to this Act, and the
28 Act's implementation. The department shall consult
29 with representatives in meetings which shall be
30 conducted by the department, upon the call of the
31 director of the department or the director's designee,
32 or upon the request to the department of any three
33 members. The department shall request that the
34 representatives provide the department with
35 recommendations regarding the adoption of rules
36 required to administer this Act. This section is
37 repealed on March 31, 2005."

38 22. Page 36, by inserting after line 16 the
39 following:

40 "Sec. ____ MANURE APPLICATOR CERTIFICATION --
41 DELAYED APPLICABILITY. A person shall not be required
42 to be certified as a commercial manure applicator or a
43 confinement site manure applicator as required
44 pursuant to section 455B.203A, as enacted in this Act,
45 for sixty days following the effective date of that
46 section of this Act."

47 23. Page 36, line 24, by inserting after the
48 figure "37" the following: ", as amended by this
49 Act".

50 24. Page 37, line 8, by striking the figure "37"

Page 4

- 1 and inserting the following: "37, 100, 101".
- 2 25. By renumbering and correcting internal
- 3 references as necessary.

WILMER RENSINK
PATTY JUDGE
JOHN P. KIBBIE

S-5582

- 1 Amend House File 2498, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 22 and 23 and
- 4 inserting the following:
- 5 "There is appropriated from the innovation fund in
- 6 the department of management to the office of auditor
- 7 of state, a sum not to exceed \$50,000 which shall be".
- 8 2. Page 2, line 6, by striking the figure
- 9 "484,502" and inserting the following: "492,002".
- 10 3. Page 4, line 21, by striking the figure
- 11 "5,689,831" and inserting the following: "5,664,831".
- 12 4. Page 6, by striking lines 9 through 13.
- 13 5. Page 6, line 22, by striking the figure
- 14 "844,898" and inserting the following: "655,898".
- 15 6. By striking page 12, line 32, through page 13,
- 16 line 6.
- 17 7. Page 13, by inserting before line 7 the
- 18 following:
- 19 "It is the intent of the general assembly that,
- 20 notwithstanding the provisions of section 730.5 to the
- 21 contrary, the state racing and gaming commission shall
- 22 require jockeys or drivers, trainers, and handlers to
- 23 submit to drug and alcohol testing pursuant to a
- 24 written policy adopted by the state commission and
- 25 applicable to all such persons. The written policy
- 26 shall establish procedures and standards for the drug
- 27 and alcohol testing of jockeys or drivers, trainers,
- 28 and handlers, which shall be consistent with the
- 29 procedures and standards established for drug and
- 30 alcohol testing of persons under section 730.5.
- 31 Sec. . Section 99D.25A, subsection 7, Code
- 32 Supplement 1997, is amended to read as follows:
- 33 7. A horse entered to race with lasix must be
- 34 treated at least four hours prior to post time. The
- 35 lasix shall be administered intravenously by a
- 36 veterinarian employed by the owner or trainer of the
- 37 horse under the visual supervision of the commission
- 38 veterinarian. The practicing veterinarian must
- 39 deposit with the commission veterinarian at the
- 40 detention barn an unopened supply of lasix and sterile

- 41 hypodermic needles and syringes to be used for the
42 administrations. Lasix shall only be administered in
43 a dose level of two hundred fifty milligrams. The
44 ~~commission veterinarian shall extract a test sample of~~
45 ~~the horse's blood, urine, or saliva to determine~~
46 ~~whether the horse was improperly drugged after the~~
47 ~~race is run."~~
48 8. Page 13, by striking lines 30 through 32.
49 9. Page 14, by striking lines 21 through 30.
50 10. Page 17, by inserting after line 4 the

Page 2

- 1 following:
2 "It is the intent of the general assembly that
3 members of the general assembly serving as members of
4 the deferred compensation advisory board shall be
5 entitled to receive per diem and necessary travel and
6 actual expenses pursuant to section 2.10, subsection
7 5, while carrying out their official duties as members
8 of the board."
9 11. Page 18, by inserting after line 6 the
10 following:
11 "3. For costs associated with the acquisition,
12 remodeling, and relocation of a headquarters building
13 for offices and related facilities for employees and
14 storage of applicable records of the Iowa public
15 employees' retirement system:
16 \$ 4,000,000
17 Notwithstanding section 8.33, unencumbered or
18 unobligated funds remaining on June 30, 2000, from the
19 funds appropriated in this subsection, shall revert to
20 the Iowa public employees' retirement system fund on
21 August 31, 2000."
22 12. Page 19, line 31, by striking the figure
23 "6,814,435" and inserting the following: "6,806,935".
24 13. Page 20, by striking lines 1 through 8 and
25 inserting the following:
26 "5. The director of revenue and finance shall
27 prepare and".
28 14. By striking page 20, line 22, through page
29 21, line 1.
30 15. Page 22, by inserting after line 31 the
31 following:
32 "Sec. ____ 1993 Iowa Acts, chapter 151, section 3,
33 is amended by striking the section."
34 16. Page 23, by inserting after line 16 the
35 following:
36 "Sec. . Section 47.7, subsections 1 and 2, Code
37 Supplement 1997, are amended to read as follows:
38 1. The senior administrator of data processing
39 services in the department of general services state

40 commissioner of elections is designated the state
41 registrar of voters, and shall regulate the
42 preparation, preservation, and maintenance of voter
43 registration records, the preparation of precinct
44 election registers for all elections administered by
45 the commissioner of any county, and the preparation of
46 other data on voter registration and participation in
47 elections which is requested and purchased at actual
48 cost of preparation and production by a political
49 party or any resident of this state. The registrar
50 shall maintain a log, which is a public record,

Page 3

1 showing all lists and reports which have been
2 requested or generated or which are capable of being
3 generated by existing programs of the data processing
4 services ~~in the department of general services of the~~
5 registrar. In the execution of the duties provided by
6 this chapter, the state registrar of voters ~~and the~~
7 ~~state commissioner of elections~~ shall provide the
8 maximum public access to the electoral process
9 permitted by law.

10 2. The registrar shall offer to each county in the
11 state the opportunity to arrange for performance of
12 all functions referred to in subsection 1 by the data
13 processing facilities of the ~~department of general~~
14 ~~services~~ registrar, commencing at the earliest
15 practicable time, at a cost to the county determined
16 in accordance with the standard charges for those
17 services adopted annually by the registration
18 commission. A county may accept this offer without
19 taking bids under section 47.5."

20 17. Page 23, by striking lines 17 through 27.

21 18. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-5583

1 Amend the amendment, S-5543, to House File 2494, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 14, by striking lines 4 through 16.
- 5 2. By renumbering as necessary.

MARY A. LUNDBY

S-5584

- 1 Amend the amendment, S-5543, to House File 2494, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 32, line 38, through page 34,
- 5 line 5, and inserting the following:
- 6 "Sec. 37. Section 657.11, Code 1997, is repealed."
- 7 3. By renumbering as necessary.

TOM VILSACK
MIKE CONNOLLY
MARY NEUHAUSER
ROBERT E. DVORSKY
EUGENE S. FRAISE
JOHN P. KIBBIE
JOHNIE HAMMOND
PATRICIA HARPER
DICK L. DEARDEN
BILL FINK
ELAINE SZYMONIAK

S-5585

- 1 Amend the amendment, S-5543, to House File 2494, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 15 the
- 5 following:
- 6 "Sec. NEW SECTION. 172C.1 DEFINITIONS.
- 7 1. "Livestock" means live cattle, swine, or sheep.
- 8 2. "Packer" means a person who is engaged in the
- 9 business of slaughtering livestock or receiving,
- 10 purchasing, or soliciting livestock for slaughtering,
- 11 the meat products of which are directly or indirectly
- 12 to be offered for resale or for public consumption.
- 13 As used in this chapter, "packer" includes an agent of
- 14 the packer engaged in buying or soliciting livestock
- 15 for slaughter on behalf of a packer. "Packer" does
- 16 not include any of the following:
- 17 a. A cold storage plant regulated under chapter
- 18 171.
- 19 b. A frozen food locker plant regulated under
- 20 chapter 172.
- 21 c. A livestock market as defined in section
- 22 455B.161.
- 23 Sec. NEW SECTION. 172C.2 PRICE
- 24 DISCRIMINATION -- PROHIBITION.
- 25 1. Except as provided in subsection 2, a packer
- 26 purchasing or soliciting livestock for slaughter in
- 27 this state shall not discriminate in prices paid or
- 28 offered to be paid to sellers of that livestock.

29 2. This section shall not apply to any of the
30 following:
31 a. A person exempted from the license and
32 financial responsibility provisions of chapter 172A
33 pursuant to section 172A.6.
34 b. The sale and purchase of livestock if all of
35 the following requirements are met:
36 (1) The price differential is based on one of the
37 following:
38 (a) The quality of the livestock, if the packer
39 purchases or solicits the livestock based upon a
40 payment method specifying prices paid for criteria
41 relating to carcass merit.
42 (b) Actual and quantifiable costs related to
43 transporting and acquiring the livestock by the
44 packer.
45 (c) An agreement for the delivery of livestock at
46 a specified date or time.
47 (2) After making a differential payment to a
48 seller, the packer publishes information relating to
49 the differential pricing, including the payment method
50 for carcass merit, transportation and acquisition

Page 2 .

1 pricing, and an offer to enter into an agreement for
2 the delivery of livestock at a specified date or time
3 according to the same terms and conditions offered to
4 other sellers.
5 3. A packer shall provide all sellers with the
6 same terms and conditions offered to a seller who
7 receives a differential price based on any of the
8 criteria described in subsection 2, paragraph "b",
9 subparagraph (1).
10 4. The packer shall, at the beginning of each day
11 in which livestock are purchased, post in a
12 conspicuous place at the point of delivery, all prices
13 for livestock to be paid that day.
14 5. An agreement made by a packer in violation of
15 this section is voidable.
16 6. A packer acting in violation of this section is
17 guilty of a fraudulent practice as provided in chapter
18 714.
19 7. The attorney general shall enforce this
20 section. The department shall refer any violations of
21 this chapter to the attorney general. The attorney
22 general or any person injured by a violation of this
23 section may bring an action in district court to
24 restrain a packer from violating this section. A
25 seller who receives a discriminatory price or who is
26 offered only a discriminatory price for livestock
27 based upon a violation of this section by a packer,

28 has a civil cause of action against the packer and, if
29 successful, shall be awarded treble damages.

30 Sec. NEW SECTION. 172C.3 REPORTING
31 REQUIREMENTS.

32 1. A packer shall make available for publication
33 and to a board of trade approved by the department, a
34 daily report setting forth information regarding
35 prices paid for livestock, under each contract in
36 force, in which the packer and an Iowa resident are
37 parties for the purchase of the livestock by the
38 packer, and which sets a date for delivery more than
39 twenty days after the making of the contract.

40 2. The reports shall be completed on forms
41 prepared by the department for comparison with cash
42 market prices for livestock according to procedures
43 required by the department. However, a report shall
44 not include information regarding the identity of a
45 seller.

46 3. The failure of a packer to report as required
47 by this section is punishable by a civil penalty not
48 to exceed one thousand dollars for each day that a
49 timely or truthful report is not published. The
50 department shall refer to the attorney general any

Page 3

1 packer or packer's agent who the department believes
2 is in violation of this section. The attorney general
3 may, upon referral from the department, file an action
4 in district court to enforce this section."

5 2. Page 37, line 15, by striking the word
6 "production," and inserting the following:
7 "industry,".

8 3. By renumbering as necessary.

TOM VILSACK
JOHN P. KIBBIE

HOUSE AMENDMENT TO
SENATE FILE 2316

S-5586

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 23, through page 2,
4 line 2.

5 2. Page 2, by inserting after line 7 the
6 following:

7 "Sec. ____ Section 321I.5, Code 1997, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. A complete copy of the terms

10 of the motor vehicle service contract shall be
11 delivered to the prospective service contract holder
12 at or before the time that the prospective service
13 contract holder makes application for the service
14 contract. If there is no separate application
15 procedure, then a complete copy of the motor vehicle
16 service contract shall be delivered to the service
17 contract holder at or before the time the service
18 contract holder becomes bound under the contract."

19 3. Page 4, by striking lines 6 through 9 and
20 inserting the following: "amended by adding the
21 following new paragraph:"

22 4. Page 5, by striking lines 11 through 22.

23 5. Page 7, by striking lines 11 and 12.

24 6. Page 7, line 13, by striking the word "d." and
25 inserting the following: "e."

26 7. Page 7, line 15, by striking the word "e." and
27 inserting the following: "d."

28 8. Page 7, line 19, by striking the word "f." and
29 inserting the following: "e."

30 9. Page 8, by striking lines 15 through 20 and
31 inserting the following:

32 "e. f. The offer or sale of a business opportunity
33 for which the cash payment made by a purchaser does
34 not exceed five hundred dollars and the payment is
35 made for the not-for-profit sale of sales
36 demonstration equipment, material, or samples, or the
37 payment is made for product inventory sold to the
38 purchaser at a bona fide wholesale price."

39 10. Page 11, by striking lines 30 through 32, and
40 inserting the following:

41 "NEW SUBSECTION. 5. A complete copy of the terms
42 of the residential service contract shall be delivered
43 to the prospective service contract holder at or
44 before the time that the prospective service contract
45 holder makes application for the service contract. If
46 there is no separate application procedure, then a
47 complete copy of the residential service contract
48 shall be delivered to the service contract holder at
49 or before the time the service contract holder becomes
50 bound under the contract."

Page 2

1 11. Page 13, by striking lines 21 through 26.

2 12. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2200

S-5587

- 1 Amend Senate File 2200, as passed by the Senate, as
2 follows:
3 1. Page 1, line 19, by inserting after the word
4 "including" the following: "in-state".

S-5588

- 1 Amend the amendment, S-5543, to House File 2494, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 6, by inserting before line 29, the
5 following:
6 "Sec. ____ NEW SECTION. 331.304B CONFINEMENT
7 FEEDING OPERATIONS -- SITING ORDINANCE.
8 1. As used in this section, unless the context
9 otherwise requires:
10 a. "Animal feeding operation structure" means the
11 same as defined in section 455B.161.
12 b. "Animal weight capacity" means the same as
13 defined in section 455B.161.
14 c. "Confinement feeding operation" means the same
15 as defined in section 455B.161.
16 d. "Small animal feeding operation" means the same
17 as defined in section 455B.161.
18 2. a. A county may adopt a confinement feeding
19 operations siting ordinance pursuant to section
20 331.302. The purpose of the ordinance shall be to
21 allow approval of the siting of a confinement feeding
22 operation regardless of chapter 335.
23 b. The ordinance shall establish a confinement
24 feeding operations siting commission which shall
25 function as provided in this section. The board shall
26 appoint seven members to the commission who reside in
27 the county, representing urban and rural interests.
28 The ordinance shall authorize a county to review and
29 approve or disapprove the site of the construction of
30 a confinement feeding operation, including a related
31 animal feeding operation structure, pursuant to a plan
32 developed by the commission and adopted by the county
33 board of supervisors. The ordinance shall provide for
34 methods and procedures required for submission of
35 proposals, review of proposals, and approval of a
36 site.
37 c. The plan adopted under this section shall
38 provide for all of the following:
39 (1) Ensuring the preservation and availability of
40 agricultural land reserved for confinement feeding

41 operations, including for the construction of
42 confinement feeding operations and related animal
43 feeding operation structures.
44 (2) Encouraging efficient urban development
45 patterns that do not burden agricultural land reserved
46 under the plan for confinement feeding operations.
47 (3) Preserving and protecting natural resources,
48 including water sources and fragile environmental
49 locations.
50 (4) Lessening congestion and overcrowding of

Page 2

1 confinement feeding operations, especially near
2 cities.
3 d. The confinement feeding operations siting
4 commission shall review each proposal for the
5 construction or expansion of a confinement feeding
6 operation, and recommend to the county board of
7 supervisors that the board approve or disapprove the
8 proposal based on the plan provided under this
9 section. The commission shall make its recommendation
10 to the board within forty-five days after the date the
11 board receives a complete proposal. The board shall
12 approve or disapprove a proposal within forty-five
13 days after the date that the board receives the
14 commission's recommendation.
15 3. This section does not authorize a county board
16 of supervisors to adopt an ordinance which applies to
17 any of the following:
18 a. Standards or requirements relating to the
19 design or construction of animal feeding operation
20 structures, including requirements established under
21 chapter 455B, including rules adopted by the
22 department of natural resources under that chapter.
23 b. The siting of a small animal feeding
24 operation."
25 2. By renumbering as necessary.

TOM VILSACK
MIKE CONNOLLY
BILL FINK
DICK L. DEARDEN
MARY NEUHAUSER
ROBERT E. DVORSKY
EUGENE S. FRAISE
JOHNIE HAMMOND
ELAINE SZYMONIAK
PATRICIA HARPER
STEVEN D. HANSEN
TOM FLYNN

JOHN P. KIBBIE
PATRICK J. DELUHERY

HOUSE AMENDMENT TO
SENATE FILE 2109

S-5589

1 Amend Senate File 2109, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 1 and 2 and
4 inserting the following: "water, gas, electrical, and
5 other utility service connections in a mobile home,
6 space or within ten feet of such space, located in a
7 mobile home park, and the dealer or an employee of the
8 dealer may install a tie-down system on a mobile home
9 located in a mobile home park. The connections are
10 subject to inspection and approval by local building
11 code officials and the mobile home dealer shall pay
12 the inspection fee, if any."

S-5590

1 Amend Senate File 2409 as follows:
2 1. Page 1, by inserting after line 13 the
3 following:
4 "Sec. ____ Section 422.45, Code Supplement 1997,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 52. The gross receipts from the
7 sale of aircraft to an aircraft dealer who in turn
8 rents or leases the aircraft if all of the following
9 apply:
10 a. The aircraft is kept in the inventory of the
11 dealer for sale at all times.
12 b. The dealer reserves the right to immediately
13 take the aircraft from the renter or lessee when a
14 buyer is found.
15 c. The renter or lessee is aware that the dealer
16 will immediately take the aircraft when a buyer is
17 found.
18 If an aircraft exempt under this subsection is used
19 for any purpose other than leasing or renting, or the
20 conditions in paragraphs "a", "b", and "c" are not
21 continuously met, the dealer claiming the exemption
22 under this subsection is liable for the tax that would
23 have been due except for this subsection. The tax
24 shall be computed upon the original purchase price."

ALLEN BORLAUG

S-5591

- 1 Amend House File 2533, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 28, by striking the figure
- 4 "833,900" and inserting the following: "1,042,800".
- 5 2. By renumbering as necessary.

DENNIS H. BLACK

HOUSE AMENDMENT TO
SENATE FILE 2277

S-5592

- 1 Amend Senate File 2277, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "skateboarding" the following: "or in-line skating".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "skateboarding" and inserting the following: "or in-
- 7 line skating".
- 8 3. Page 1, line 15, by striking the word
- 9 "skateboarding" and inserting the following: "the
- 10 skateboarding or in-line skating".
- 11 4. Page 1, line 17, by inserting after the word
- 12 "risk." the following: "This subsection shall not
- 13 apply to claims based upon gross negligence."
- 14 5. Title page, line 2, by inserting after the
- 15 word "skateboarding" the following: "and in-line
- 16 skating".
- 17 6. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2539

S-5593

- 1 Amend the Senate amendment, H-8958, to House File
- 2 2539, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. Page 1, by striking lines 11 through 24.
- 6 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2292

S-5594

1 Amend Senate File 2292, 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 692A.1, subsection 3,
6 paragraphs a and b, Code Supplement 1997, are amended
7 by striking the paragraphs."

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

10 "Sec. . Section 692A.1, subsection 3, Code
11 Supplement 1997, is amended by adding the following
12 new paragraph after paragraph h and by relettering
13 current paragraphs i through l as paragraphs j through
14 m:

15 NEW PARAGRAPH. i. Incest committed against a minor.

16 Sec. . Section 692A.1, subsection 3, paragraph
17 m, Code Supplement 1997, is amended to read as
18 follows:

19 ~~m. n.~~ An indictable offense committed in another
20 jurisdiction which would constitute an indictable
21 offense under paragraphs "a" through "l" "m."

22 3. Page 1, line 17, by inserting after the word
23 "kidnapping," the following: "false imprisonment."

24 4. Page 11, by inserting after line 30, the
25 following:

26 "Sec. . MEGAN'S LAW COMPLIANCE DETERMINATION.

27 The department of public safety shall submit a request
28 to the United States department of justice for a
29 determination of whether the failure of a state to
30 include as criminal offenses against a minor the
31 offenses of kidnapping or false imprisonment of a
32 minor, committed by someone other than a parent and
33 which do not involve sexual abuse or attempted sexual
34 abuse, will result in a state being found not to be in
35 compliance with the federal Megan's Law amendment to
36 the Jacob Wetterling Crimes Against Children and
37 Sexually Violent Offender Registration Act specified
38 in section 170101(f) of Pub. L. No. 104-145, 110 Stat.
39 1345 (codified at 42 U.S.C. } 14071(f)). If the
40 department of public safety receives, as a result of
41 the request, an opinion that the failure to include
42 those offenses as criminal offenses against a minor
43 will cause a state to not be in compliance with the
44 federal Megan's Law amendment, the department shall
45 seek an exception to the requirement for inclusion of
46 those offenses and shall report the information
47 regarding the contents of the United States department

48 of justice opinion and any results of the exception
49 request at the commencement of the session of the
50 general assembly which convenes in January of 1999."

Page 2

- 1 5. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

S-5595

- 1 Amend the amendment, S-5286, to House File 2269, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking line 26 and inserting the
- 5 following: "to such an employee.
- 6 3. A person who intervenes in a fight or physical
- 7 struggle pursuant to subsection 1 or 2 shall be immune
- 8 from any civil or criminal liability which might
- 9 otherwise be incurred or imposed as a result of such
- 10 reasonable force, and shall be awarded reasonable
- 11 monetary damages against a party bringing a civil
- 12 action if determined in the action to have been
- 13 wrongfully accused, as specified in section 280.21,
- 14 subsection 3."

KITTY REHBERG

S-5596

- 1 Amend the amendment, S-5582, to House File 2498, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 13 and 14.

JOHN W. JENSEN

S-5597

- 1 Amend the House amendment, S-5550, to Senate File
- 2 2387, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "... Page 1, by striking line 32 and inserting
- 6 the following: "court shall immediately appoint the
- 7 department, an agency, or".
- 8 2. By renumbering as necessary.

O. GENE MADDOX

S-5598

1 Amend House File 2498, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by inserting after line 13 the
4 following:
5 "The department of inspections and appeals and the
6 department of public health, in consultation with the
7 department of human services and the department of
8 elder affairs, shall review the need for a state
9 licensing program for home health agencies. The
10 review shall include, but is not limited to,
11 determination of the scope of Iowa agencies and home
12 care services not currently regulated by Medicare,
13 fiscal information concerning the cost of
14 implementation of a licensing program, feasibility
15 analysis of implementing state regulation of the
16 providers, and other information deemed appropriate by
17 the departments. The department shall submit a report
18 of findings and recommendations to the general
19 assembly on or before December 15, 1998."

JOHNIE HAMMOND

S-5599

1 Amend the House amendment, S-5474, to Senate File
2 2052, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 7, through page 2,
5 line 41, and inserting the following:
6 "7C.4A ALLOCATION OF STATE CEILING.
7 For each calendar year, the state ceiling shall be
8 allocated among bonds issued for various purposes as
9 follows:
10 1. Thirty percent of the state ceiling shall be
11 allocated solely to the Iowa finance authority for the
12 following purposes:
13 a. Issuing qualified mortgage bonds.
14 b. Reallocating the amount, or any portion
15 thereof, to another qualified political subdivision
16 for the purpose of issuing qualified mortgage bonds;
17 or
18 c. Exchanging the allocation, or any portion
19 thereof, for the authority to issue mortgage credit
20 certificates by election under section 25(c) of the
21 Internal Revenue Code.
22 However, at any time during the calendar year the
23 executive director of the Iowa finance authority may
24 determine that a lesser amount need be allocated to
25 the Iowa finance authority and on that date this
26 lesser amount shall be the amount allocated to the

27 authority and the excess shall be allocated under
28 subsection 6 7.
29 2. Twelve percent of the state ceiling shall be
30 allocated to bonds issued to carry out programs
31 established under chapters 260C, 260E, and 260F.
32 However, at any time during the calendar year the
33 director of the Iowa department of economic
34 development may determine that a lesser amount need be
35 allocated and on that date this lesser amount shall be
36 the amount allocated for those programs and the excess
37 shall be allocated under subsection 6 7.
38 3. Sixteen percent of the state ceiling shall be
39 allocated to qualified student loan bonds. However,
40 at any time during the calendar year the governor's
41 designee, with the approval of the Iowa student loan
42 liquidity corporation, may determine that a lesser
43 amount need be allocated to qualified student loan
44 bonds and on that date the lesser amount shall be the
45 amount allocated for those bonds and the excess shall
46 be allocated under subsection 6 7.
47 4. ~~Sixteen~~ Twenty-one percent of the state ceiling
48 shall be allocated to qualified small issue bonds
49 issued for first-time farmers. However, at any time
50 during the calendar year the governor's designee, with

Page 2

1 the approval of the Iowa agricultural development
2 authority, may determine that a lesser amount need be
3 allocated to qualified small issue bonds for first-
4 time farmers and on that date this lesser amount shall
5 be the amount allocated for those bonds and the excess
6 shall be allocated under subsection 6 7.
7 5. Eighteen percent of the state ceiling shall be
8 allocated to bonds issued by political subdivisions to
9 finance a qualified industry or industries for the
10 manufacturing, processing, or assembly of agricultural
11 or manufactured products even though the processed
12 products may require further treatment before delivery
13 to the ultimate consumer.
14 5 6. During the period of January 1 through
15 ~~October 25~~ June 30, five ~~three~~ percent of the state
16 ceiling shall be reserved for private activity bonds
17 issued by political subdivisions, the proceeds of
18 which are used by the issuing political subdivisions.
19 6 7. a. The amount of the state ceiling which is
20 not otherwise allocated under subsections 1 through 4
21 ~~5~~, and after ~~October 25~~ June 30, the amount of the
22 state ceiling reserved under subsection 5 6 and not
23 allocated, shall be allocated to all bonds requiring
24 an allocation under section 146 of the Internal
25 Revenue Code without priority for any type of bond

26 over another, except as otherwise provided in sections
27 7C.5 and 7C.11.

28 b. The population of the state shall be determined
29 in accordance with the Internal Revenue Code."

30 2. Page 2, lines 45 and 46, by striking the words
31 and figures "~~subsections~~ subsection 1 through 4" and
32 inserting the following: "subsections 1 through 4 5".

33 3. Page 3, line 7, by striking the figure "2" and
34 inserting the following: "6".

35 4. Page 3, line 11, by striking the figure "3"
36 and inserting the following: "7".

37 5. Page 3, lines 17 and 18, by striking the words
38 and figures "~~subsections~~ subsection 1 through 4" and
39 inserting the following: "subsections 1 through 4 5".

MERLIN E. BARTZ

HOUSE AMENDMENT TO
SENATE FILE 2268

S-5600

1 Amend Senate File 2268, as passed by the Senate, as
2 follows:

3 1. Page 1, line 31, by striking the figure "504B"
4 and inserting the following: "504A".

S-5601

1 Amend House File 2498, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 23, line 28, through page 24,
4 line 3.

H. KAY HEDGE
JERRY BEHN
MARY A. LUNDBY
LYLE E. ZIEMAN
NEAL SCHUERER
E. THURMAN GASKILL
JOHN W. JENSEN
JACK RIFE
JOHN P. KIBBIE
DENNIS H. BLACK
ROD HALVORSON
EUGENE S. FRAISE
KITTY REHBERG
DON GETTINGS
WALLY E. HORN

S-5602

- 1 Amend House File 2498, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 24, line 33, by striking the word
- 4 "REPORT".
- 5 2. Page 25, by striking lines 1 through 15 and
- 6 inserting the following: "remaining on the effective
- 7 date of this Act shall revert to the general fund of
- 8 the state.
- 9 Sec. ____ Section 505.21, subsection 4, Code 1997,
- 10 is amended by striking the subsection."

MARY A. LUNDBY

S-5603

- 1 Amend the amendment, S-5582, to House File 2498, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 11, by striking the figure
- 5 "5,664,831" and inserting the following: "5,514,831".

MARY A. LUNDBY

S-5604

- 1 Amend the amendment, S-5582, to House File 2498, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 19 through 21 and
- 5 inserting the following: "'It is the intent of the
- 6 general assembly that the state racing and gaming
- 7 commission shall".
- 8 2. Page 1, lines 23 and 24 by striking the words
- 9 "a written policy" and inserting the following:
- 10 "rules".
- 11 3. Page 1, line 25, by striking the words
- 12 "written policy" and inserting the following:
- 13 "rules".

DENNIS H. BLACK

S-5605

- 1 Amend the amendment, S-5582, to House File 2498, as
- 2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by striking lines 10 and 11.

JOHN W. JENSEN
RICHARD F. DRAKE
MICHAEL E. GRONSTAL
PATRICK J. DELUHERY

S-5606

1 Amend Senate File 2414 as follows:

2 1. Page 2, line 30, by striking the words
3 "reversion technology" and inserting the following:

4 "Iowa strategic investment fund".

5 2. Page 2, by striking line 31.

6 3. Page 2, line 32, by striking the words "by the
7 general assembly,".

8 4. Page 3, by striking lines 1 through 3 and

9 inserting the following: "technological equipment."

ALLEN BORLAUG

S-5607

1 Amend the amendment, S-5582, to House File 2498, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 15, by inserting after the word
5 "system" the following: "and notwithstanding any
6 provision of chapter 18 to the contrary".

7 2. Page 2, by inserting after line 21 the
8 following:

9 " . Page 18, by inserting before line 7 the
10 following:

11 "Sec. ____ SPECIAL STUDIES APPROPRIATIONS. There
12 is appropriated from the Iowa public employees'
13 retirement system fund to the Iowa public employees'
14 retirement system division of the department of
15 personnel for the fiscal year beginning July 1, 1998,
16 and ending June 30, 1999, the following amounts, or so
17 much thereof as is necessary, to be used for the
18 purposes designated:

19 1. For costs associated with completing the study
20 of the possible establishment of a statewide deferred
21 compensation plan for active members of the Iowa
22 public employees' retirement system:

23 \$ 20,000

24 2. For costs associated with performing the study
25 of whether adjunct instructors employed by a community
26 college or regents university should be allowed to
27 become members of the Iowa public employees'
28 retirement system:

29 \$ 15,000
 30 3. For costs associated with performing, in
 31 concert with the retirement systems established in
 32 chapter 97A and chapter 411, a comprehensive
 33 examination of plan design of benefit parity issues:
 34 \$ 35,000"

ROD HALVORSON
 SHELDON RITTMER

S-5608

1 Amend the amendment, S-5582, to House File 2498, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 15 and 16, and
 5 inserting the following:
 6 " Page 13, by striking lines 2 through 6 and
 7 inserting the following: "gambling game license
 8 holder."".

MATT McCOY

HOUSE AMENDMENT TO
 SENATE FILE 2313

S-5609

1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 28, by inserting after line 19 the
 4 following:
 5 "It is also the intent of the general assembly to
 6 enhance employment opportunities for families,
 7 including those for noncustodial parents, to improve
 8 the ability of both parents to support their children.
 9 In doing so, the department of human services and the
 10 department of workforce development shall cooperate to
 11 assist both parents in obtaining and maintaining
 12 employment including through the mechanisms provided
 13 under the family investment program, the job
 14 opportunities and basic skills (JOBS) program, the
 15 welfare-to-work program, and the child support
 16 recovery program.

DIVISION XI

SATISFACTION OF ACCRUED SUPPORT DEBT

19 Sec. ____ Section 252B.3, Code Supplement 1997, is
 20 amended by adding the following new subsection:
 21 NEW SUBSECTION. 5. On or after July 1, 1999, the
 22 department shall implement a program for the
 23 satisfaction of accrued support debts, based upon
 24 timely payment by the obligor of both current support

25 due and any payments due for accrued support debt
26 under a periodic payment plan. The unit shall adopt
27 rules pursuant to chapter 17A to establish the
28 criteria and procedures for obtaining satisfaction
29 under the program. The rules adopted under this
30 subsection shall specify the cases and amounts to
31 which the program is applicable, and may provide for
32 the establishment of the program as a pilot program.

33 Sec. ____ Section 598.22A, Code Supplement 1997,
34 is amended by adding the following new subsection:
35 **NEW SUBSECTION.** 4. Payment of accrued support
36 debt due the department of human services shall be
37 credited pursuant to section 252B.3, subsection 5.

38 DIVISION XII

39 ALTERNATIVES TO MEDIAN INCOME

40 Sec. ____ Section 252B.7A, subsection 1, paragraph
41 d, unnumbered paragraph 1, Code Supplement 1997, is
42 amended to read as follows:

43 By July 1, 1999, the department shall adopt rules
44 for imputing income, whenever possible, based on the
45 earning capacity of a parent who does not provide
46 income information or for whom income information is
47 not available. Until such time as the department
48 adopts rules establishing a different standard for
49 determining the income of a parent who does not
50 provide income information or for whom income

Page 2

1 information is not available, the estimated state
2 median income for a one-person family as published
3 annually in the Federal Register for use by the
4 federal office of community services, office of energy
5 assistance, for the subsequent federal fiscal year.

6 DIVISION XIII

7 INCOME WITHHOLDING ARREARAGE RATES

8 Sec. ____ Section 252D.18, subsection 1, Code
9 1997, is amended by adding the following new
10 paragraph:

11 **NEW PARAGRAPH.** d. There has been a change in the
12 rules adopted by the department pursuant to chapter
13 17A regarding the amount of income to be withheld to
14 pay a delinquency.

15 Sec. ____ **INCOME WITHHOLDING RATES.**

16 1. Beginning July 1, 1998, the amount of income
17 withheld for the payment of delinquent support, as
18 determined by the child support recovery unit under
19 chapter 252D, shall be decreased on a prospective
20 basis from the current level of fifty percent of the
21 current child support obligation.

22 2. The department of human services may adopt
23 rules pursuant to section 17A.4, subsection 2, and

24 section 17A.5, subsection 2, paragraph "b", to
25 implement this section and the rules shall become
26 effective immediately upon filing, unless the
27 effective date is delayed by the administrative rules
28 review committee, notwithstanding section 17A.4,
29 subsection 5, and section 17A.8, subsection 9, or a
30 later effective date is specified in the rules. Any
31 rules adopted in accordance with this section shall
32 not take effect before the rules are reviewed by the
33 administrative rules review committee. Any rules
34 adopted in accordance with the provision of this
35 section shall also be published as notice of intended
36 action as provided in section 17A.4.
37 3. The department of human services may modify the
38 rules adopted under this section regarding the rate of
39 withholding established for payment of delinquent
40 support, based upon the results of implementation of
41 this section including but not limited to the
42 resulting impact on collections.

43 DIVISION XIV

44 SATISFACTION OF SUPPORT OWED TO PARENT

45 Sec. ____ Section 252B.20, subsection 2, paragraph
46 b, Code Supplement 1997, is amended to read as
47 follows:

48 b. Approve the request and prepare an order which
49 shall be submitted, along with the affidavit, to a
50 judge of a district court for approval, suspending the

Page 3

1 accruing support obligation and, if requested by the
2 obligee, and if not prohibited by chapter 252K,
3 satisfying the obligation of support due the obligee.

4 Sec. ____ Section 252B.20, subsections 3, 10, and
5 11, Code Supplement 1997, are amended to read as
6 follows:

7 3. An order approved by the court for suspension
8 of an accruing support obligation is effective upon
9 the date of filing of the suspension order. The
10 satisfaction of an obligation of support due the
11 obligee shall be final upon the filing of the
12 suspension order. A support obligation which is
13 satisfied is not subject to the reinstatement
14 provisions of this section.

15 10. This section does not provide for the
16 suspension, ~~waiver, satisfaction,~~ or retroactive
17 modification of support obligations which accrued
18 prior to the entry of an order suspending enforcement
19 and collection of support pursuant to this section.
20 However, if in the application for suspension, an
21 obligee elects to satisfy an obligation of accrued
22 support due the obligee, the suspension order may

23 satisfy the obligation of accrued support due the
24 obligee.

25 11. Nothing in this section shall prohibit or
26 limit the unit or a party entitled to receive support
27 from enforcing and collecting any unpaid or
28 unsatisfied support that accrued prior to the
29 suspension of the accruing obligation.

30 DIVISION XV

31 PASS THROUGH OF CHILD SUPPORT

32 Sec. ____ FEDERAL PERMISSION -- PASS THROUGH OF
33 CHILD SUPPORT.

34 1. The department of human services shall seek
35 permission from the United States department of health
36 and human services for a statewide initiative to pass
37 the full amount of child support collected, on behalf
38 of family investment program participants, through to
39 those families without being required to reimburse the
40 federal government for the federal share of the child
41 support collected. If the department of human
42 services receives unconditional approval from the
43 United States department of health and human services,
44 the department shall submit an implementation proposal
45 to the general assembly that provides for a net offset
46 in family investment program benefits which is
47 equivalent to the amount of child support passed
48 through to the family.

49 2. The goals of the initiative shall include all
50 of the following:

Page 4

1 a. Encouraging payment of child support by
2 providing a direct connection between the act of
3 paying child support and the receipt of child support
4 by the child.

5 b. Reinforcing the value of employment for family
6 investment program participants by more clearly
7 identifying the actual level of income necessary to
8 become independent from the receipt of benefits under
9 the family investment program when child support is
10 also being received."

S-5610

1 Amend House File 2517 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. 432.13 PREMIUM TAX
6 EXEMPTION -- HAWK-I PROGRAM.

7 Premiums collected by participating insurers under
8 chapter 514I, are exempt from premium tax."

9 2. Page 1, by striking lines 15 through 22 and
10 inserting the following: "the general assembly is not
11 in session, the department, with the approval of the
12 HAWK-I board, shall proceed to implement and
13 administer those provisions, subject to review by the
14 next regular session of the general assembly.

15 _____. It is the intent of the general assembly,
16 recognizing the importance of outreach to the
17 successful utilization of the program by eligible
18 children, that within the limitations of funding
19 allowed for outreach and administration expenses, the
20 maximum amount possible be used for outreach.

21 _____. It is the intent of the general assembly that
22 the HAWK-I program be an integral part of the
23 continuum of health insurance coverage and that the
24 program be developed and implemented in such a manner
25 as to facilitate movement of families between health
26 insurance providers and to facilitate the transition
27 of families to private sector health insurance
28 coverage."

29 3. Page 1, line 27, by striking the words "HAWK-I
30 board" and inserting the following: "department".

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

33 "____. "Benchmark benefit package" means any of the
34 following:

35 a. The standard blue cross/blue shield preferred
36 provider option service benefit plan, described in and
37 offered under 5 U.S.C. } 8903(1).

38 b. A health benefits coverage plan that is offered
39 and generally available to state employees in this
40 state.

41 c. The plan of a health maintenance organization
42 as defined in 42 U.S.C. } 300e, with the largest
43 insured commercial, nonmedical assistance enrollment
44 of covered lives in the state."

45 5. Page 1, by striking lines 32 through 34 and
46 inserting the following:

47 "____. "Department" means the department of human
48 services.

49 _____. "Director" means the director of human
50 services."

Page 2

1 6. Page 2, line 4, by striking the word "governs"
2 and inserting the following: "adopts rules and
3 establishes policy for, and directs the department
4 regarding,".

5 7. Page 2, line 10, by inserting after the word
6 "licensed" the following: "by the division of
7 insurance of the department of commerce".

8 8. Page 2, line 13, by striking the words "HAWK-I
9 board to offer" and inserting the following:
10 "department to provide".
11 9. Page 2, line 21, by striking the word "care".
12 10. Page 2, by striking lines 25 through 27, and
13 inserting the following:
14 "2. Health insurance coverage under the program".
15 11. Page 2, by inserting after line 35 the
16 following:
17 "____. Nothing in this chapter shall be construed
18 or is intended as, or shall imply, a grant of
19 entitlement for services to persons who are eligible
20 for participation in the program based upon
21 eligibility consistent with the requirements of this
22 chapter. Any state obligation to provide services
23 pursuant to this chapter is limited to the extent of
24 the funds appropriated or provided for this chapter.
25 _____. Participating insurers under this chapter are
26 not subject to the requirements of chapters 513B and
27 513C."
28 12. Page 3, by striking lines 1 through 12 and
29 inserting the following:
30 "Sec. ____ NEW SECTION. 514I.3A DIRECTOR AND
31 DEPARTMENT -- DUTIES -- POWERS.
32 1. The director, with the approval of the HAWK-I
33 board, shall implement this chapter. The director
34 shall do all of the following:
35 a. At least every six months, evaluate the scope
36 of the program currently being provided under this
37 chapter, project the probable cost of continuing the
38 program, and compare the probable cost with the
39 remaining balance of the state appropriation made for
40 payment of assistance under this chapter during the
41 current appropriation period. The director shall
42 report the findings of the evaluation to the board and
43 shall annually report findings to the governor and the
44 general assembly by January 1.
45 b. Establish premiums to be paid to participating
46 insurers for provision of health insurance coverage.
47 c. Contract with participating insurers to provide
48 health insurance coverage under this chapter.
49 d. Recommend to the board proposed rules necessary
50 to implement the program.

Page 3

1 e. Recommend to the board individuals to serve as
2 members of the clinical advisory committee.
3 2. The director, with the concurrence of the
4 board, shall enter into a contract with an
5 administrative contractor. Such contract shall be
6 entered into in accordance with the criteria

7 established by the board.

8 3. The department may enter into contracts with
9 other persons whereby the other person provides some
10 or all of the functions, pursuant to rules adopted by
11 the board, which are required of the director or the
12 department under this section. All contracts entered
13 into pursuant to this section shall be made available
14 to the public.

15 4. The department shall do or shall provide for
16 all of the following:

17 a. Develop a program application form not to
18 exceed two pages in length, which is consistent with
19 the rules of the board, which is easy to understand,
20 complete, and concise, and which, to the greatest
21 extent possible, coordinates with the medical
22 assistance program.

23 b. Establish the family cost sharing amount, based
24 on a sliding fee scale, if established by the board.

25 c. Perform other duties as determined by the
26 department with the approval of the board."

27 13. Page 3, lines 14 and 15, by striking the
28 words "established which" and inserting the following:
29 "established. The board shall meet not less than ten
30 times annually, for the purposes of establishing
31 policy for, directing the department on, and adopting
32 rules for the program. The board".

33 14. Page 3, line 19, by striking the words "human
34 services" and inserting the following: "education".

35 15. Page 3, by striking lines 27 through 30 and
36 inserting the following: "this chapter."

37 16. Page 4, by inserting after line 22 the
38 following:

39 "5A. The board may receive and accept grants,
40 loans, or advances of funds from any person and may
41 receive and accept from any source contributions of
42 money, property, labor, or any other thing of value,
43 to be held, used, and applied for the purposes of the
44 program."

45 17. Page 4, by striking lines 24 through 27 and
46 inserting the following:

47 "___ Develop the criteria to be included in a
48 request for proposals for the selection of any
49 administrative contractor for the program."

50 18. Page 4, line 28, by inserting after the word

Page 4

1 "Define" the following: ", in consultation with the
2 department,".

3 19. Page 4, line 29, by inserting after the word
4 "offered" the following: "in a manner as to ensure
5 access to services for all children participating in

6 the program".

7 20. Page 4, by striking line 30 and inserting the
8 following:

9 "c. Approve the benefit package design, review the
10 benefit package".

11 21. Page 4, by striking lines 33 through 35.

12 22. Page 5, by striking lines 1 through 3 and
13 inserting the following:

14 "d. Develop, with the assistance of the
15 department, an outreach plan for implementation by the
16 administrative contractor, and provide for periodic
17 assessment of the effectiveness of the outreach plan.
18 The plan shall provide outreach to".

19 23. Page 5, line 5, by inserting after the word
20 "coverage" the following: "or care programs".

21 24. Page 5, by striking lines 14 through 16 and
22 inserting the following:

23 "____. In consultation with the clinical advisory
24 committee, select a single, nationally recognized
25 functional health assessment form for an initial
26 assessment of all".

27 25. Page 5, line 21, by inserting after the word
28 "Review" the following: ", in consultation with the
29 department,".

30 26. Page 5, line 24, by inserting after the word
31 "board" the following: ", in consultation with the
32 department,".

33 27. Page 5, by striking lines 28 through 30 and
34 inserting the following: "and the HAWK-I program, and
35 to provide for common processes and".

36 28. By striking page 5, line 33, through page 6,
37 line 1, and inserting the following:

38 "g. By January 1, annually, prepare, with the
39 assistance of the department, and submit a report to
40 the governor, the general assembly, and the council on
41 human services, concerning the board's activities,
42 findings, and recommendations."

43 29. Page 6, line 2, by striking the word
44 "Receive" and inserting the following: "Solicit".

45 30. Page 6, by striking lines 9 through 11.

46 31. Page 6, line 12, by inserting after the word
47 "Establish" the following: "and consult with".

48 32. Page 6, by striking lines 18 and 19 and
49 inserting the following: "limited to health
50 maintenance and prevention and health risk

Page 5

1 assessment."

2 33. Page 6, by inserting before line 20 the
3 following:

4 "m. Establish an advisory committee to make

5 recommendations to the board and to the general
6 assembly on or before January 1, 1999, concerning the
7 provision of health insurance coverage to children
8 with special health care needs under the program. The
9 committee shall include individuals with experience
10 in, knowledge of, or expertise in this area. The
11 recommendations shall address, but are not limited to,
12 all of the following:

13 (1) The definition of the target population of
14 children with special health care needs for the
15 purposes of determining eligibility under the program.

16 (2) Eligibility options for and assessment of
17 children with special health care needs for
18 eligibility.

19 (3) Benefit options for children with special
20 health care needs.

21 (4) Options for enrollment of children with
22 special health care needs in and disenrollment of
23 children with special health care needs from qualified
24 child health plans utilizing a capitated fee form of
25 payment.

26 (5) The appropriateness and quality of care for
27 children with special health care needs.

28 (6) The coordination of health services provided
29 for children with special health care needs under the
30 program with services provided by other publicly
31 funded programs."

32 34. Page 6, line 20, by striking the word
33 "cooperation" and inserting the following:
34 "consultation".

35 35. Page 6, by striking lines 30 and 31 and
36 inserting the following: "insurers for the program."

37 36. Page 6, by striking lines 33 and 34 and
38 inserting the following: "plan which are those
39 included in a benchmark or benchmark equivalent plan
40 and which comply".

41 37. Page 6, line 35, by striking the words "and
42 which".

43 38. Page 7, by striking lines 1 and 2, and
44 inserting the following: ". Benefits covered shall
45 include but are not limited to all of the following:"

46 39. Page 7, line 22, by striking the word
47 "preventative" and inserting the following:
48 "preventive".

49 40. Page 7, by striking lines 32 and 33 and
50 inserting the following:

Page 6

1 "g. Presumptive eligibility criteria for the
2 program."

3 41. By striking page 7, line 35, through page 8,

4 line 2, and inserting the following: "shall be
5 assessed on a sliding fee scale based on family
6 income, which provides for a minimum amount of cost
7 sharing, and which complies with federal law."
8 42. Page 8, line 14, by striking the word "board"
9 and inserting the following: "department".
10 43. Page 9, by striking lines 21 and 22.
11 44. Page 9, by inserting after line 29, the
12 following:
13 "4A. Require that any plan provided by the
14 participating insurer establishes and maintains a
15 conflict management system that includes methods for
16 both preventing and resolving disputes involving the
17 health care needs of eligible children, and a process
18 for resolution of such disputes."
19 45. Page 10, by striking lines 1 and 2 and
20 inserting the following:
21 "c. Information regarding the plan's conflict
22 management system."
23 46. Page 10, by striking lines 4 and 5 and
24 inserting the following:
25 "___ Submit a plan for a health improvement
26 program to the department, for approval by the board."
27 47. Page 10, line 15, by striking the word
28 "developed" and inserting the following: "approved".
29 48. Page 10, by striking lines 33 through 35.
30 49. Page 11, line 4, by striking the words "of
31 human services".
32 50. Page 11, by striking lines 6 through 8.
33 51. Page 11, by striking lines 9 through 13 and
34 inserting the following:
35 "___ Develop and issue appropriate approval,
36 denial, and cancellation notifications to inform
37 applicants and enrollees of the status of the
38 applicant's or enrollee's eligibility to participate
39 in the program. Additionally, the administrative
40 contractor shall process applications, including
41 verifications and mailing of approvals and denials,
42 within ten working days of receipt of the application,
43 unless the application cannot be processed within this
44 period for a reason that is beyond the control of the
45 administrative contractor."
46 52. Page 11, lines 15 and 16, by striking the
47 words "of human services".
48 53. Page 11, line 20, by striking the words
49 "HAWK-I board" and inserting the following:
50 "department".

Page 7

1 54. Page 11, line 25, by striking the word
2 "divisions" and inserting the following:

3 "department".

4 55. Page 11, line 26, by striking the words
5 "HAWK-I board" and inserting the following:
6 "department".

7 56. By striking page 11, line 33, through page
8 12, line 5, and inserting the following:
9 "____. Collect and track monthly family premiums to
10 assure that payments are current."

11 57. Page 12, line 7, by inserting after the word
12 "contractor" the following: "in that participating
13 insurer's plan".

14 58. Page 12, by striking line 14 and inserting
15 the following:

16 "1. Effective July 1, 1998, and notwithstanding
17 any medical assistance program eligibility criteria to
18 the contrary, medical assistance shall be provided to,
19 or on behalf of, an eligible child under the age of
20 nineteen whose family income does not exceed one
21 hundred thirty-three percent of the federal poverty
22 level, as defined by the most recently revised poverty
23 income guidelines published by the United States
24 department of health and human services.

25 2. A child may participate in the HAWK-I program
26 if the child".

27 59. Page 12, by striking lines 22 through 24 and
28 inserting the following:

29 "____. Is not eligible for medical assistance
30 pursuant to chapter 249A."

31 60. Page 13, line 2, by inserting after the word
32 "eligible" the following: "for the program pending a
33 final eligibility determination."

34 61. Page 13, by striking lines 6 and 7 and
35 inserting the following: "the administrative
36 contractor shall conduct a review of the circumstances
37 of the eligible child's family to establish
38 eligibility and cost sharing for the subsequent
39 twelve-month period."

40 62. Page 13, by inserting after line 14 the
41 following:

42 "____. The board shall study and shall make
43 recommendations to the governor and to the general
44 assembly regarding the level of family income which is
45 appropriate for application of the program, and the
46 feasibility of allowing families with incomes above
47 the level of eligibility for the program to purchase
48 insurance for children through the program.

49 _____. The board and the council on human services
50 shall cooperate and seek appropriate coordination in

2 assistance program and shall develop a plan for a
3 unified medical assistance and HAWK-I program system
4 which includes the use of a single health insurance
5 card by enrollees of either program."

6 63. Page 13, by striking lines 22 through 26 and
7 inserting the following: "the results of the initial
8 benefits package used."

9 64. Page 14, lines 8 and 9, by striking the words
10 "a minimum of two percent" and inserting the
11 following: "at least a minimum amount".

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

14 "Sec. ____ APPOINTMENT OF MEMBERS OF THE HAWK-I
15 BOARD. The members of the HAWK-I board shall be
16 appointed within thirty days of enactment of this Act
17 and may begin performing board duties prior to the
18 beginning of the official commencement of the terms of
19 the appointed board members as provided under this
20 Act.

21 Sec. ____ OUTREACH. Notwithstanding any provision
22 to the contrary, including section 8.33, any moneys
23 remaining in the Iowa healthy kids trust fund pursuant
24 to chapter 514H and any moneys remaining from grants,
25 contributions, or other sources which were designated
26 for the purposes of the healthy kids program shall be
27 transferred to the department of human services and
28 used to implement outreach activities for the HAWK-I
29 program immediately upon enactment of this Act.

30 Sec. ____ EMERGENCY RULES. The department of
31 human services may adopt emergency rules to implement
32 changes in the medical assistance program by July 1,
33 1998, and the department of human services and the
34 board may each adopt emergency rules only to the
35 extent necessary to implement the HAWK-I program by
36 January 1, 1999. Any rules adopted in accordance with
37 this section shall also be published as notice of
38 intended action as provided in section 17A.4.

39 Sec. ____ Chapter 514H is repealed."

40 66. Title page, line 2, by inserting after the
41 word "children" the following: ", providing for a
42 repeal,".

43 67. By renumbering as necessary.

NANCY BOETTGER
ELAINE SZYMONIAK
JOHN REDWINE
JERRY BEHN
WILMER RENSINK
MAGGIE TINSMAN
ROBERT E. DVORSKY
JOHNIE HAMMOND
DICK L. DEARDEN

PATRICIA HARPER
LYLE E. ZIEMAN
NEAL SCHUERER
MERLIN E. BARTZ

S-5611

- 1 Amend the amendment, S-5554, to Senate File 2409 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "A" and
- 4 inserting the following: "1. An annual
- 5 registration".
- 6 2. Page 1, line 9, by striking the word
- 7 "aircraft." and inserting the following: "aircraft,
- 8 except as otherwise provided in this section.
- 9 2. An aircraft thirty years old or older, which is
- 10 used exclusively for noncommercial purposes, shall be
- 11 registered as an antique aircraft for a fee of thirty-
- 12 five dollars.
- 13 3. An aircraft registered prior to July 1, 1998,
- 14 at a fee of less than one hundred dollars shall
- 15 continue to be registered at a fee equal to that
- 16 amount unless it qualifies under subsection 2 to be
- 17 registered as an antique aircraft."

ALLEN BORLAUG

S-5612

- 1 Amend Senate File 2409 as follows:
- 2 1. Page 1, by inserting before line 14 the
- 3 following:
- 4 "Sec. ____ Section 422B.8, unnumbered paragraph 1,
- 5 Code 1997, is amended to read as follows:
- 6 A local sales and services tax at the rate of not
- 7 more than one percent may be imposed by a county on
- 8 the gross receipts taxed by the state under chapter
- 9 422, division IV. A local sales and services tax
- 10 shall be imposed on the same basis as the state sales
- 11 and services tax and may not be imposed on the sale of
- 12 any property or on any service not taxed by the state,
- 13 except the tax shall not be imposed on the gross
- 14 receipts from the sale of motor fuel or special fuel
- 15 as defined in chapter 452A, on the gross receipts from
- 16 the rental of rooms, apartments, or sleeping quarters
- 17 which are taxed under chapter 422A during the period
- 18 the hotel and motel tax is imposed, on the gross
- 19 receipts from the sale of natural gas or electric
- 20 energy in a city or county where the gross receipts
- 21 are subject to a franchise fee or user fee during the
- 22 period the franchise or user fee is imposed, on the
- 23 gross receipts from the sale of equipment by the state

24 department of transportation, on the gross receipts
25 from the sale, rental, or lease of aircraft, and on
26 the gross receipts from the sale of a lottery ticket
27 or share in a lottery game conducted pursuant to
28 chapter 99E. A local sales and services tax is
29 applicable to transactions within those incorporated
30 and unincorporated areas of the county where it is
31 imposed and shall be collected by all persons required
32 to collect state gross receipts taxes. All cities
33 contiguous to each other shall be treated as part of
34 one incorporated area and the tax would be imposed in
35 each of those contiguous cities only if the majority
36 of those voting in the total area covered by the
37 contiguous cities favor its imposition."

ALLEN BORLAUG

S-5613

- 1 Amend the House amendment, S-5540, to Senate File
- 2 2296, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 25 through 33.

ALLEN BORLAUG

S-5614

- 1 Amend House File 2553, as passed by the House, as
- 2 follows:
- 3 1. Page 4, line 4, by striking the words ", vice
- 4 chairperson,".

MARY NEUHAUSER

S-5615

- 1 Amend Senate File 2414 as follows:
- 2 1. Page 1, line 25, by inserting after the words
- 3 "utilization of" the following: "job matching".
- 4 2. Page 1, by striking line 34 and inserting the
- 5 following: "agency that could provide employee
- 6 recruitment and marketing assistance to accomplish the
- 7 workforce".
- 8 3. By renumbering as necessary.

JOHNIE HAMMOND
ALLEN BORLAUG
ROBERT E. DVORSKY

S-5616

- 1 Amend House File 2538, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 9, by striking the words "a
- 4 minimum of four" and inserting the following: "one or
- 5 more".
- 6 2. Page 1, line 11, by striking the word
- 7 "twenty".
- 8 3. Page 1, line 14, by striking the word "three"
- 9 and inserting the following: "two".
- 10 4. Page 1, line 28, by striking the word "homes"
- 11 and inserting the following: "home".
- 12 5. Page 2, by striking lines 2 and 3.
- 13 6. Page 2, line 22, by striking the words "a
- 14 minimum of four" and inserting the following: "one or
- 15 more".
- 16 7. Page 2, line 24, by striking the word "three"
- 17 and inserting the following: "two".
- 18 8. By renumbering as necessary.

JoANN DOUGLAS

S-5617

- 1 Amend House File 2517, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, line 21, by inserting after the word
- 4 "drugs" the following: "and nonprescription drugs as
- 5 approved by the board".
- 6 2. Page 7, by inserting after line 24 the
- 7 following:
- 8 "(15) Pharmacy services."

JOHNIE HAMMOND

HOUSE AMENDMENT TO
SENATE FILE 2410

S-5618

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 33, by striking the word "The"
- 4 and inserting the following: "In addition to the
- 5 full-time equivalent positions authorized in this Act,
- 6 1.00 FTE is authorized and the".
- 7 2. Page 5, by striking line 19 and inserting the
- 8 following:
- 9 "..... \$ 23,587,871"
- 10 3. Page 7, line 1, by inserting after the word
- 11 "states." the following: "Notwithstanding any other

12 legislation enacted by the Seventy-seventh General
13 Assembly, 1998 Session, any retailer fees established
14 shall not apply to any electronic benefit transfer
15 pilot project until such time as the department begins
16 implementation of the electronic benefit transfer
17 program to counties in addition to the pilot project
18 counties. An acquirer's fee for each transaction
19 shall also not apply to any electronic benefit
20 transfer pilot project until such time as the
21 department begins implementation of the electronic
22 benefit transfer program to counties in addition to
23 the pilot project counties."

24 4. Page 7, line 15, by striking the word "forty-
25 eight" and inserting the following: "thirty-six".

26 5. Page 8, line 30, by inserting after the word
27 "decisions." the following: "The performance measures
28 identified pursuant to this subparagraph shall be
29 designed to reinforce the goal of supporting families
30 in moving into employment and away from welfare
31 dependency. The department and the family development
32 and self-sufficiency council shall also identify
33 existing performance measures reported by grantees
34 that can be eliminated and shall take steps to
35 simplify and streamline existing reporting
36 requirements."

37 6. Page 9, line 34, by striking the word "The"
38 and inserting the following: "In addition to the
39 full-time equivalent positions authorized in this Act,
40 1.00 FTE is authorized and the".

41 7. Page 14, line 32, by striking the figure
42 "386,013,305" and inserting the following:
43 "385,513,305".

44 8. Page 17, line 35, by inserting after the
45 figure "1999." the following: "The department shall
46 provide not more than \$50,000 in funding for
47 administrative expenses, ongoing expenses,
48 consultation costs, and other support of the work
49 group."

50 9. Page 18, line 16, by striking the word "A".

Page 2

1 10. Page 18, by striking lines 17 through 22 and
2 inserting the following: "The waiver shall be limited
3 in".

4 11. Page 18, by striking lines 25 and 26 and
5 inserting the following: "assistance."

6 12. Page 18, line 26, by inserting after the word
7 "days." the following: "The base number of persons to
8 be served under this waiver at any one time is 35. In
9 addition, a maximum of ten persons with physical
10 disabilities who are at imminent risk of placement in

11 a medical institution shall be approved for waiver
12 services."

13 13. Page 19, by striking lines 17 through 24.

14 14. Page 20, line 6, by inserting after the
15 figure "1998," the following: "contingent upon
16 receiving federal approval,".

17 15. Page 20, line 10, by inserting after the word
18 "employment" the following: "and other services".

19 16. Page 20, line 12, by inserting after the word
20 "employment" the following: "and other services".

21 17. Page 20, by inserting after line 16 the
22 following:

23 "____. If approved by the federal government, adult
24 residential environments licensed as intermediate or
25 residential care facilities for persons with mental
26 retardation using a campus or village setting
27 approach, in not more than three counties, may convert
28 to a residential program under the provisions of a
29 medical assistance home and community-based services
30 waiver for persons with mental retardation, provided
31 the adult residential environments meet all of the
32 following requirements:

33 a. The intermediate or residential care facility
34 for persons with mental retardation license is
35 surrendered.

36 b. The environment's bed capacity is reduced by at
37 least twenty-five percent to a maximum capacity of no
38 more than twelve beds.

39 c. The environment submits a five-year plan for
40 further bed capacity reduction to the department of
41 human services and the plan is acceptable to the
42 department of human services.

43 The director of human services may authorize
44 reimbursement of the costs of environments converted
45 in accordance with this subsection from moneys
46 appropriated for state supplementary assistance at a
47 rate which does not exceed the maximum allowed for a
48 residential program under state supplementary
49 assistance requirements. The departments of human
50 services and inspections and appeals shall develop

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1 standards and a monitoring process for environments
2 converted under this subsection. If the provisions of
3 this subsection are implemented, the department of
4 human services shall submit amendments to the general
5 assembly in accordance with section 2.16 to codify the
6 provisions."

7 18. Page 21, line 13, by inserting after the word
8 "assembly." the following: "The department, in
9 consultation with the board established for the child

10 health care program, shall develop and utilize an
11 application form, which does not exceed two pages in
12 length, for coordination of the child health care
13 program and the medical assistance program."

14 19. Page 21, line 32, by inserting after the word
15 "industry." the following: "Prior to submission of
16 the report, the task force shall receive input
17 concerning the recommendations and findings from
18 interested legislators convened by the co-chairpersons
19 of the joint appropriations subcommittee on human
20 services."

21 20. Page 22, line 4, by inserting after the word
22 "project" the following: "to develop recruitment and
23 retention strategies and".

24 21. Page 24, lines 7 and 8 by striking the words
25 "for at least 30 consecutive days immediately prior to
26 discharge" and inserting the following: "or were at
27 risk of institutional placement, not to exceed 100
28 slots."

29 22. Page 26, line 33, by inserting after the word
30 "implementing" the following: "by April 1, 1999,".

31 23. Page 26, lines 34 and 35, by striking the
32 words and figures "assistance, by April 1, 1999." and
33 inserting the following: "assistance."

34 24. Page 27, by striking lines 10 through 13 and
35 inserting the following: "receive reports submitted
36 by the department. The department shall pursue every
37 available option to identify and secure additional
38 federal funding which may be used for child day care.
39 If sufficient federal funding which may be used for
40 child day care is identified and secured in addition
41 to the amount budgeted for this purpose for the fiscal
42 year beginning July 1, 1998, the single point of
43 access program shall be implemented by April 1, 1999.
44 If the amount of additional federal funding identified
45 and secured is also sufficient for the reimbursement
46 provisions for JOBS program child care assistance to
47 be made consistent with the reimbursement provisions
48 for state child care assistance, the department shall
49 include this reimbursement change as part of the
50 implementation of the single point of access program."

Page 4

1 25. Page 31, line 6, by striking the figure
2 "30,923,872" and inserting the following:
3 "31,113,468".

4 26. Page 31, by striking lines 9 through 13 and
5 inserting the following:

6 "b. (1) If at any time after September 30, 1998,
7 annualization of a region's current expenditures
8 indicates a region is at risk of exceeding its group

9 foster care expenditure target under section 232.143
10 by more than five percent, the department and juvenile
11 court services shall examine all group foster care
12 placements in that region in order to identify those
13 which might be appropriate for termination. In
14 addition, any aftercare services believed to be needed
15 for the children whose placements may be terminated
16 shall be identified. The department and juvenile
17 court services shall initiate action to set
18 dispositional review hearings for the placements
19 identified. In such a dispositional review hearing,
20 the juvenile court shall determine whether needed
21 aftercare services are available and whether
22 termination of the placement is in the best interest
23 of the child and the community.

24 (2) The department shall provide quarterly reports
25 to the judicial department, juvenile court services,
26 the legislative fiscal bureau, and decategorization
27 boards on the number of children placed in group
28 foster care and the amount of expenditure for group
29 foster care by county. The department shall
30 coordinate with the child welfare services work group
31 created in November 1997, by the legislative council
32 and with interested decategorization counties to
33 identify information systems and reports across all
34 services and placements that would support utilization
35 management decisions. The department shall identify
36 the resources needed to develop and implement such a
37 system and its fiscal benefits, and report to the
38 general assembly by February 1, 1999."

39 27. Page 32, by inserting after line 21 the
40 following:

41 "____. The department shall perform an evaluation
42 of public and private residential treatment programs,
43 including those programs providing highly structured
44 juvenile program beds. The evaluation shall include
45 but is not limited to a review of the curriculum and
46 treatment approaches used by the programs, the
47 recidivism rate of juveniles who have completed the
48 programs, and other selected variables, subject to the
49 availability of this information. A report of the
50 evaluation shall be submitted to the general assembly

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1 by January 1, 1999."

2 28. Page 36, line 24, by striking the figure

3 "1998" and inserting the following: "1997".

4 29. Page 37, by inserting after line 23 the
5 following:

6 "It is the intent of the general assembly that the
7 admissions requirements of the consent decree shall

8 also be applied to the state university of Iowa
9 hospital-school for children with disabilities. The
10 state board of regents shall submit to the general
11 assembly proposed amendments to chapter 263 to codify
12 the admissions requirements of the consent decree."

13 30. Page 42, line 10, by inserting after the word
14 "paragraph." the following: "Counties are not
15 responsible for the costs of PMIC services established
16 pursuant to this paragraph."

17 31. Page 43, by inserting after line 27 the
18 following:

19 "(3) The department shall work with the Iowa state
20 association of counties in reviewing the reimbursement
21 methodology provided in this lettered paragraph to
22 determine whether modifications in the methodology or
23 implementation of an alternate methodology are
24 appropriate. The department shall report on the
25 review in December 1998 to the persons required by
26 this Act for submission of reports."

27 32. Page 44, by inserting after line 2 the
28 following:

29 "4. For the fiscal year beginning July 1, 1998, in
30 addition to the net budgeting requirements under this
31 section, each state mental health institute shall
32 implement a net budgeting accounting test of managing
33 revenues and expenditures attributable to the mental
34 health institute in a manner that permits the net
35 state expenditure amount to be determined. Each
36 mental health institute shall submit a preliminary
37 report in January 1999, and a status report in October
38 1999, to the governor and to the persons required to
39 be submitted reports by this Act. The preliminary and
40 status reports shall identify advantages and
41 disadvantages of utilizing the net budgeting approach
42 and any changes in policy or statute recommended to
43 improve implementation of the approach."

44 33. Page 48, line 34, by striking the figure
45 "17,281,138" and inserting the following:
46 "17,530,000".

47 34. Page 49, by striking lines 22 through 30.

48 35. Page 52, by inserting after line 4 the
49 following:

50 "If a resignation, retirement, dismissal in

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1 staffing reducing the number of full-time equivalent
2 positions responsible for mental health or mental
3 retardation services in a local office of the
4 department causes the county to which the local office
5 is assigned to assume responsibilities previously
6 performed by the department's positions, the

7 department shall reimburse the county for the increase
8 in costs connected with the responsibilities assumed."

9 36. Page 53, by inserting after line 2 the
10 following:

11 "Sec. ____ SEXUALLY VIOLENT PREDATORS. There is
12 appropriated from the general fund of the state to the
13 department of human services for the fiscal year
14 beginning July 1, 1998, and ending June 30, 1999, the
15 following amount, or so much thereof as is necessary,
16 to be used for the purpose designated:

17 For costs associated with the commitment and
18 treatment of sexually violent predators:

19 \$ 500,000"

20 37. Page 54, line 33, by inserting after the word
21 "for" the following: "pharmacist,".

22 38. Page 54, by striking line 34 and inserting
23 the following: "physician, chiropractic, and dental
24 services and durable medical equipment under this
25 subsection, the".

26 39. Page 56, line 26, by striking the word "paid"
27 and inserting the following: "established".

28 40. Page 56, line 27, by striking the word "two"
29 and inserting the following: "three".

30 41. Page 58, line 4, by inserting after the word
31 "appropriateness" the following: "and the level".

32 42. Page 66, line 3, by inserting after the word
33 "population." the following: "The task force
34 deliberations shall incorporate the provisions of any
35 initial program created by law for the commitment and
36 treatment of sexually violent predators."

37 43. Page 66, by inserting after line 27 the
38 following:

39 "Sec. ____ FRAUD AND RECOUPMENT ACTIVITIES.

40 During the fiscal year beginning July 1, 1998,
41 notwithstanding the restrictions in section 239B.11,
42 the department of human services may expend recovered
43 moneys generated through fraud and recoupment
44 activities for additional fraud and recoupment
45 activities performed by the department of human
46 services or the department of inspections and appeals,
47 subject to both of the following conditions:

48 1. The director of human services or the director
49 of inspections and appeals determines that the
50 investment can reasonably be expected to increase

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1 recovery of assistance paid in error, due to
2 fraudulent or nonfraudulent actions, in excess of the
3 amount recovered in the fiscal year beginning July 1,
4 1997.

5 2. The amount expended for the additional fraud

6 and recoupment activities shall not exceed the amount
7 of the projected increase in assistance recovered."

8 44. Page 66, by inserting after line 27 the
9 following:

10 "Sec. ____ MEDICAL AND SURGICAL TREATMENT OF
11 INDIGENT PERSONS -- STUDY. The legislative council is
12 requested to establish a 1998 legislative interim
13 committee to review the medical and surgical treatment
14 of indigent persons in the state through the
15 university of Iowa hospitals and clinics under chapter
16 255 and 255A. The review should include but is not
17 limited to the programs and services provided and the
18 possibility of providing these programs and services
19 at alternative locations throughout the state."

20 45. Page 66, by inserting after line 27, the
21 following:

22 "Sec. ____ HAWK-I TRUST FUND.

23 1. If House File 2517 is enacted by the Seventy-
24 seventh General Assembly, 1998 Session, a HAWK-I trust
25 fund is created in the state treasury under the
26 authority of the department of human services, to
27 which all state appropriations shall be deposited and
28 used to carry out the purposes of this chapter. Other
29 revenues of the program such as grants, contributions,
30 and participant payments shall not be considered
31 revenue of the state, but rather shall be funds of the
32 program.

33 2. The trust fund shall be separate from the
34 general fund of the state and shall not be considered
35 part of the general fund of the state. The moneys in
36 the trust fund are not subject to section 8.33 and
37 shall not be transferred, used, obligated,
38 appropriated, or otherwise encumbered except as
39 provided in this chapter. Notwithstanding section
40 12C.7, subsection 2, interest or earnings on moneys
41 deposited in the trust fund shall be credited to the
42 trust fund."

43 46. Page 79, line 3, by striking the words "date
44 of" and inserting the following: "date of the county
45 received the".

46 47. Page 79, lines 6 and 7, by striking the words
47 "date of" and inserting the following: "date of the
48 county received the".

49 48. Page 80, line 29, by striking the words "date
50 of" and inserting the following: "date of the county

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1 received the".

2 49. Page 80, line 32, by striking the words "date
3 of" and inserting the following: "date of the county
4 received the".

- 5 50. Page 81, lines 5 and 6, by striking the words
6 "certified by the superintendent" and inserting the
7 following: "certified received by the superintendent
8 county".
- 9 51. Page 81, line 9, by striking the word
10 "certified" and inserting the following: "certified
11 received by the county".
- 12 52. Page 81, by inserting after line 14 the
13 following:
14 "Sec. ____ Section 234.12A, if enacted by 1998
15 Iowa Acts, House File 2468, is amended by adding the
16 following new subsection:
17 NEW SUBSECTION. 3. For the purposes of this
18 section, "retailer" means a business authorized by the
19 United States department of agriculture to accept food
20 stamp benefits."
- 21 53. Page 83, by inserting after line 25 the
22 following:
23 "____. Section 15, subsection 18, paragraph "b",
24 relating to authority to use moneys for support of the
25 child welfare services work group."
- 26 54. Page 83, line 31, by striking the figure "56"
27 and inserting the following: "58".
- 28 55. Page 83, line 32, by striking the word and
29 figures "58 and 59" and inserting the following: "60
30 and 61".
- 31 56. Page 83, line 34, by striking the figure "66"
32 and inserting the following: "68".
- 33 57. Title page, lines 4 and 5, by striking the
34 words "an applicability provision" and inserting the
35 following: "a retroactive applicability provision".
- 36 58. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

S-5619

- 1 Amend Senate File 2414 as follows:
2 1. Page 3, by inserting after line 10 the
3 following:
4 "Sec. ____ NEW SECTION. 261.56 RETAINING OUR
5 ACHIEVERS LOAN PROGRAM.
6 1. A retaining our achievers loan program is
7 established to be administered by the college student
8 aid commission as provided in this section. The
9 purpose of the loan program is to increase the number
10 of lowans who remain residents of this state upon
11 graduation from an accredited postsecondary
12 institution in Iowa.
13 2. An individual is eligible for the program if
14 the individual meets all of the following conditions:
15 a. Is a resident of this state who is accepted for
16 enrollment in an academic or vocational-technical

17 program at an institution of higher learning under the
18 control of the state board of regents, a community
19 college, or an accredited private institution as
20 defined in section 261.9.

21 b. Has filed an application with the commission
22 using procedures specified in section 261.16.

23 c. Agrees to remain a resident of Iowa for at
24 least one year after attaining a certificate, diploma,
25 or undergraduate degree as provided in this section,
26 for each year the individual received a loan.

27 3. The annual amount of a loan to a qualified
28 student shall be the amount of the student's financial
29 need for that period, but shall not exceed the
30 resident tuition rate established for institutions of
31 higher learning under the control of the state board
32 of regents. Loans for full-time students shall be
33 granted for not more than five years, and for part-
34 time students shall be granted for not more than ten
35 years.

36 4. The commission shall adopt rules under chapter
37 17A to administer the program. The commission shall
38 set a final date for submission of applications each
39 year and shall review the applications and inform the
40 recipients within a reasonable time after the
41 deadline.

42 Sec. ____ NEW SECTION. 261.57 PAYMENT OF
43 RETAINING OUR ACHIEVERS LOAN -- FUND.

44 1. Payment of a loan made under the retaining our
45 achievers loan program under section 261.56 shall
46 begin one year after a recipient completes the
47 academic or vocational-technical program for which
48 tuition and fees were received except as otherwise
49 provided in this section.

50 2. If the recipient was a full-time student and

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1 submits evidence to the commission that the recipient
2 was a resident of this state during the year following
3 the completion of the academic or vocational-technical
4 program and the achievement of a certificate, diploma,
5 or degree as provided in this section, the commission
6 shall cancel the loan amount the recipient accumulated
7 under the loan program in the first year in which the
8 recipient received a loan from the commission. For
9 each succeeding year in which the recipient certifies
10 residency to the commission, the commission shall
11 cancel one year of the loan amount.

12 3. If the recipient was a full-time student and
13 submits evidence to the commission that the recipient
14 was a resident of the state during the second
15 succeeding year following completion of the academic

16 or vocational-technical program and the achievement of
17 a certificate, diploma, or degree as provided in this
18 section, the commission shall cancel the loan amount
19 the recipient accumulated under the loan program in
20 the second year in which the recipient received a loan
21 from the commission. For each succeeding year in
22 which the recipient certifies residency to the
23 commission, the commission shall cancel one year of
24 the loan amount, or the remainder of the loan amount,
25 whichever is less.

26 4. If the recipient was a full-time student and
27 submits evidence to the commission that the recipient
28 was a resident of the state during the third
29 succeeding year following completion of the academic
30 or vocational-technical program and the achievement of
31 a certificate, diploma, or degree as provided in this
32 section, the commission shall cancel the loan amount
33 the recipient accumulated under the loan program in
34 the third year in which the recipient received a loan
35 from the commission. For each succeeding year in
36 which the recipient certifies residency to the
37 commission, the commission shall cancel one year of
38 the loan amount, or the remainder of the loan amount,
39 whichever is less.

40 5. If the recipient was a full-time student and
41 submits evidence to the commission that the recipient
42 was a resident of the state during the fourth
43 succeeding year following completion of the academic
44 or vocational-technical program and the achievement of
45 a certificate, diploma, or degree as provided in this
46 section, the commission shall cancel the loan amount
47 the recipient accumulated under the loan program in
48 the fourth year in which the recipient received a loan
49 from the commission. For each succeeding year in
50 which the recipient certifies residency to the

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1 commission, the commission shall cancel one year of
2 the loan amount, or the remainder of the loan amount,
3 whichever is less.

4 6. If the recipient was a full-time student and
5 submits evidence to the commission that the recipient
6 was a resident of the state during the fifth
7 succeeding year following completion of the academic
8 or vocational-technical program and the achievement of
9 a certificate, diploma, or degree as provided in this
10 section, the commission shall cancel the loan amount
11 the recipient accumulated under the loan program in
12 the fifth year in which the recipient received a loan
13 from the commission. For each succeeding year in
14 which the recipient certifies residency to the

15 commission, the commission shall cancel one year of
16 the loan amount, or the remainder of the loan amount,
17 whichever is less.

18 7. The commission shall determine a loan
19 cancellation timetable for part-time students
20 equivalent to the timetable described for full-time
21 students under this section.

22 8. There is created a retaining our achievers loan
23 payment fund for deposit of payments made by
24 recipients. Payments made by recipients of the loans
25 shall be used to supplement moneys appropriated to the
26 guaranteed loan payment program. Any funds remaining
27 on June 30 of a fiscal year shall be transferred from
28 the fund created in this section to the general fund
29 of the state.

30 9. The interest rate collected on a retaining our
31 achievers loan shall be equal to the interest rate
32 being collected by an eligible lender under the
33 guaranteed loan payment program.

34 10. The commission shall prescribe by rule the
35 terms of repayment."

MICHAEL E. GRONSTAL

S-5620

1 Amend Senate File 2414 as follows:

2 1. Page 1, line 25, by inserting after the words
3 "utilization of" the following: "job matching".

4 2. Page 1, by striking line 34 and inserting the
5 following: "agency and local economic development
6 organization actively involved in workforce
7 development initiatives which could provide employee
8 recruitment and marketing assistance to accomplish the
9 workforce".

ROBERT E. DVORSKY
JOHNIE HAMMOND
TOM FLYNN
ALLEN BORLAUG

S-5621

1 Amend House File 2275, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 18, by inserting after the word
4 "services." the following: "If a person owns or
5 operates more than one facility, and an employee of
6 one of such facilities is transferred to another such
7 facility without a lapse in employment, the facility

8 is not required to request additional criminal and
9 dependent adult abuse record checks of that employee."

WILMER RENSINK
JOHNIE HAMMOND

S-5622

1 Amend Senate File 2414 as follows:

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

4 "Sec. ____ NEW SECTION. 15.361 TITLE.

5 This part shall be known and may be cited as the
6 "Certified School to Career Program".

7 Sec. ____ NEW SECTION. 15.362 DEFINITIONS.

8 As used in this part, unless the context otherwise
9 requires:

10 1. "Certified school to career program" or
11 "certified program" means a sequenced and articulated
12 secondary and postsecondary program registered as an
13 apprenticeship program under 29 C.F.R. subtit. A, pt.
14 29, which is conducted pursuant to an agreement as
15 provided in section 15.364 or a program approved by
16 the state board of education, in conjunction with the
17 department of economic development, as meeting the
18 standards enumerated in section 15.363, that
19 integrates a secondary school curriculum with private
20 sector job training which places students in job
21 internships, and which is designed to continue into
22 postsecondary education and that will result in
23 teaching new skills and adding value to the wage-
24 earning potential of participants and increase their
25 long-term employability in the state and which is
26 conducted pursuant to an agreement as provided in
27 section 15.364.

28 2. "Participant" means an individual between the
29 ages of sixteen and twenty-four who is enrolled in a
30 public or private secondary or postsecondary school
31 and who initiated participation in a certified school
32 to career program as part of secondary school
33 education.

34 3. "Payroll expenditures" means the base wages
35 actually paid by an employer to a participant plus the
36 amount held in trust to be applied toward the
37 participant's postsecondary education.

38 4. "Sponsor" means any person, association,
39 committee, or organization operating a school to
40 career program and in whose name the program is or
41 will be registered or approved.

42 Sec. ____ NEW SECTION. 15.363 CERTIFICATION
43 STANDARDS.

44 The state board of education, in consultation with

45 the department of economic development, shall adopt
46 rules pursuant to chapter 17A to guide the board and
47 department in determining whether a potential school
48 to career program should be approved.
49 A school to career program which is approved by the
50 state board of education in conjunction with the

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1 department of economic development shall comply with
2 all of the following standards:

3 1. The program is conducted pursuant to an
4 organized, written plan embodying the terms and
5 conditions of employment, job training, classroom
6 instruction, and supervision of one or more
7 participants, subscribed to by a sponsor who has
8 undertaken to carry out the school to career program.

9 2. The program complies with all state and federal
10 laws pertaining to the workplace.

11 3. The employer agrees to assign an employee to
12 serve as a mentor for a participant. The mentor's
13 occupation shall be in the same career pathway as the
14 career interests of the participant.

15 4. The program involves an eligible postsecondary
16 institution as defined in section 261C.3.

17 5. Other standards adopted by rule by the state
18 board of education after consultation with the
19 department of economic development.

20 Sec. ____ NEW SECTION. 15.364 CERTIFIED PROGRAM
21 AGREEMENT.

22 The certified program shall be conducted pursuant
23 to a signed written agreement between each participant
24 and the employer which contains at least the following
25 provisions:

26 1. The names and signatures of the participant and
27 the sponsor or employer and the signature of a parent
28 or guardian if the participant is a minor.

29 2. A description of the career field in which the
30 participant is to be trained, and the beginning date
31 and duration of the training.

32 3. The employer's agreement to provide paid
33 employment, at a base wage, for the participant during
34 the summer months after the participant's junior and
35 senior years in high school and after the
36 participant's first year of postsecondary education.

37 4. The participant and employer shall agree upon
38 set minimum academic standards which must be
39 maintained through the participant's secondary and
40 postsecondary education.

41 5. This base wage paid to the participant shall
42 not be less than the minimum wage prescribed by Iowa
43 law or the federal Fair Labor Standards Act, whichever

44 is applicable.

45 6. That in addition to the base wage paid to the
46 participant, the employer shall pay an additional sum
47 to be held in trust to be applied toward the
48 participant's postsecondary education required for
49 completion of the certified program. The additional
50 amount must be not less than an amount determined by

Page 3

1 the department of economic development to be
2 sufficient to provide payment of tuition expenses
3 toward completion of not more than two academic years
4 of the required postsecondary education component of
5 the certified program at an Iowa community college or
6 an Iowa public or private college or university. This
7 amount shall be held in trust for the benefit of the
8 participant pursuant to rules adopted by the
9 department of economic development. Payment into an
10 ERISA-approved fund for the benefit of the participant
11 shall satisfy this requirement. The specific fund
12 shall be specified in the agreement.

13 7. The participant's agreement to work for the
14 employer for at least two years following the
15 completion of the participant's postsecondary
16 education required by the certified program and the
17 employer's agreement to both of the following:

18 a. To provide and pay at least eighty percent of
19 the cost of a standard medical and dental insurance
20 plan for the participant.

21 b. To pay a full-time hourly wage to the
22 participant of at least eleven dollars per hour
23 indexed to 1998 dollars based on the gross national
24 product implicit price deflator published by the
25 bureau of economic analysis of the United States
26 department of commerce or one hundred thirty percent
27 of the average wage in the county in which the
28 facility where the participant will be employed is
29 located, whichever is higher.

30 However, the agreement may provide for additional
31 education and work commitments beyond the two years.

32 8. If the participant does not complete the two-
33 year employment obligation, the participant's
34 agreement to repay to the employer the amount paid by
35 the employer toward the participant's postsecondary
36 education expenses pursuant to subsection 6.

37 9. That if a participant does not complete the
38 certified program contemplated by the agreement, any
39 unexpended funds being held in trust for the
40 participant's postsecondary education shall be paid
41 back to the employer. In addition the participant
42 must repay to the employer amounts paid from the trust

43 which were expended on the participant's behalf for
44 postsecondary education.

45 Sec. ____ NEW SECTION. 15.365 PAYROLL
46 EXPENDITURE REFUND.

47 1. An employer who employs a participant in a
48 certified school to career program may claim a refund
49 of twenty percent of the employer's payroll
50 expenditures for each participant in the certified

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1 program. The refund is limited to the first four
2 hundred hours of payroll expenditures per participant
3 for each calendar year the participant is in the
4 certified program, not to exceed three years per
5 participant.

6 2. To receive a refund under subsection 1 for a
7 calendar year, the employer shall file the claim by
8 July 1 of the following calendar year. The claim
9 shall be filed on forms provided by the department of
10 economic development and the employer shall provide
11 such information regarding the employer's
12 participation in a certified school to career program
13 as the department may require. Forms should be
14 designed such that claims for refunds for more than
15 one participant may be made on a single form. A valid
16 claim shall be paid with interest, the interest to
17 begin to accrue on the first day of the second
18 calendar month following the date the claim for refund
19 was to be filed or was filed, whichever is the latest,
20 at the rate in effect under section 421.7 counting
21 each fraction of a month as an entire month under
22 rules prescribed by the department.

23 3. For each fiscal year of the fiscal period
24 beginning July 1, 1999, and ending June 30, 2004,
25 there is appropriated annually from the general fund
26 of the state to the department of economic development
27 an amount sufficient to pay refunds under this
28 section.

29 4. The department of economic development shall
30 consult with the department of revenue and finance for
31 purposes of this section. The department of economic
32 development shall adopt rules as deemed necessary to
33 carry out the purposes of the certified school to
34 career program.

35 Sec. ____ NEW SECTION. 15.366 REPEAL.

36 This part of chapter 15 is repealed June 30, 2004.
37 However, any contracts in existence on June 30, 2004,
38 shall continue to be valid and each party to such
39 contract is obligated to perform as required under
40 such contract. However, no employer is entitled to

41 any payroll expenditure refund for payroll
42 expenditures incurred after December 31, 2002."

TOM VILSACK

S-5623

1 Amend the House amendment, S-5550, to Senate File
2 2387, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 ". Page 1, by inserting before line 1 the
6 following:
7 "Section 1. NEW SECTION. 232.6 JURISDICTION --
8 ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS.
9 The court may exercise jurisdiction over adoption
10 and termination of parental rights proceedings under
11 chapters 600 and 600A.
12 Sec. . Section 600.1, Code 1997, is amended to
13 read as follows:
14 600.1 CONSTRUCTION.
15 This chapter shall be construed liberally. The
16 best interest of the person to be adopted shall be the
17 paramount consideration in interpreting this chapter.
18 However, the interests of the adopting parents shall
19 be given due consideration in this interpretation.
20 However, in determining the best interest of the
21 person to be adopted and the interests of the adopting
22 parents, any evidence of interests relating to a
23 period of time during which the person to be adopted
24 is placed with prospective adoptive parents and during
25 which the placement is not in compliance with the law,
26 adoption procedures, or any action by the juvenile
27 court or court, shall not be considered in the
28 determination.
29 Sec. . Section 600.3, Code 1997, is amended to
30 read as follows:
31 600.3 COMMENCEMENT OF ADOPTION ACTION --
32 JURISDICTION -- FORUM NON CONVENIENS.
33 1. An action for the adoption of any natural
34 person shall be commenced by the filing of an adoption
35 petition, as prescribed in section 600.5, in the
36 juvenile court or court of the county in which an
37 adult person to be adopted is domiciled or resides, or
38 in the juvenile court or court of the county in which
39 the guardian of a minor person to be adopted or the
40 petitioner is domiciled or resides.
41 2. An adoption petition shall not be filed until a
42 termination of parental rights has been accomplished
43 except in the following cases:
44 a. No termination of parental rights is required
45 if the person to be adopted is an adult.

46 b. If the stepparent of the child to be adopted is
47 the adoption petitioner, the parent-child relationship
48 between the child and the parent who is not the spouse
49 of the petitioner may be terminated as part of the
50 adoption proceeding by the filing of that parent's

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1 consent to the adoption.

2 For the purposes of this subsection, a consent to
3 adopt recognized by the juvenile courts or courts of
4 another jurisdiction in the United States and obtained
5 from a resident of that jurisdiction shall be accepted
6 in this state in lieu of a termination of parental
7 rights proceeding.

8 Any adoption proceeding pending on or completed
9 prior to July 1, 1978, is hereby legalized and
10 validated to the extent that it is consistent with
11 this subsection.

12 3. If upon filing of the adoption petition or at
13 any later time in the adoption action the juvenile
14 court or court finds that in the interest of
15 substantial justice the adoption action should be
16 conducted in another juvenile court or court, it may
17 transfer, stay, or dismiss the adoption action on any
18 conditions that are just.

19 Sec. . Section 600.4, subsection 3, paragraph
20 c, Code 1997, is amended to read as follows:

21 c. Is unable to petition with the other spouse
22 because of the prolonged and unexplained absence,
23 unavailability, or incapacity of the other spouse, or
24 because of an unreasonable withholding of joinder by
25 the other spouse, as determined by the juvenile court
26 or court under section 600.5, subsection 7.

27 Sec. . Section 600.5, unnumbered paragraph 1,
28 Code 1997, is amended to read as follows:

29 An adoption petition shall be signed and verified
30 by the petitioner, shall be filed with the juvenile
31 court or court designated in section 600.3, and shall
32 state:

33 Sec. . Section 600.5, subsection 7, Code 1997,
34 is amended to read as follows:

35 7. A designation of the particular provision in
36 section 600.4 under which the petitioner is qualified
37 to adopt and, if under section 600.4, subsection 3,
38 paragraph "c", a request that the juvenile court or
39 court approve the petitioner's qualification to adopt.

40 Sec. . Section 600.7, subsection 1, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:

42 An adoption petition shall not be granted unless
43 the following persons consent to the adoption or
44 unless the juvenile court or court makes a

45 determination under subsection 4:

46 Sec. . Section 600.7, subsection 2, paragraphs
47 a and b, Code 1997, are amended to read as follows:

48 a. If by any minor person to be adopted who is
49 fourteen years of age or older, in the presence of the
50 juvenile court or court in which the adoption petition

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1 is filed.

2 b. If by any other person, either in the presence
3 of the juvenile court or court in which the adoption
4 petition is filed or before a notary public.

5 Sec. . Section 600.7, subsections 3 and 4, Code
6 1997, are amended to read as follows:

7 3. A consent to the adoption may be withdrawn
8 prior to the issuance of an adoption decree under
9 section 600.13 by the filing of an affidavit of
10 consent withdrawal with the juvenile court or court.
11 Such affidavit shall be treated in the same manner as
12 an attached verified statement is treated under
13 subsection 4.

14 4. If any person required to consent under this
15 section refuses to or cannot be located to give
16 consent, the petitioner may attach to the petition a
17 verified statement of such refusal or lack of
18 location. The juvenile court or court shall then
19 determine, at the adoption hearing prescribed in
20 section 600.12, whether, in the best interests of the
21 person to be adopted and the petitioner, any
22 particular consent shall be unnecessary to the
23 granting of an adoption petition."

24 Page 1, by inserting after line 23 the
25 following:

26 "Sec. . Section 600.8, subsection 2, paragraph
27 a, Code 1997, is amended to read as follows:

28 a. A preplacement investigation and report of the
29 investigation shall be completed and the prospective
30 adoption petitioner approved for a placement by the
31 person making the investigation prior to any agency or
32 independent placement of a minor person in the
33 petitioner's home in anticipation of an ensuing
34 adoption. A report of a preplacement investigation
35 that has approved a prospective adoption petitioner
36 for a placement shall not authorize placement of a
37 minor person with that petitioner after one year from
38 the date of the report's issuance. However, if the
39 prospective adoption petitioner is a relative within
40 the fourth degree of consanguinity who has assumed
41 custody of a minor person to be adopted, a
42 preplacement investigation of this petitioner and a
43 report of the investigation may be completed at a time

- 44 established by the juvenile court or court or may be
45 waived as provided in subsection 12."
46 . Page 1, line 29, by inserting before the
47 word "court" the following: "juvenile court or".
48 . Page 1, line 32, by inserting before the
49 word "court" the following: "juvenile court or".
50 . Page 2, lines 6 and 7, by striking the words

Page 4

- 1 ", including a juvenile court," and inserting the
2 following: "~~including a juvenile court~~,".
3 . Page 2, by inserting after line 12 the
4 following:
5 "Sec. ____ Section 600.8, subsections 7, 8, 9, and
6 12, Code 1997, are amended to read as follows:
7 7. Any investigation or report required under this
8 section shall not apply when the person to be adopted
9 is an adult or when the prospective adoption
10 petitioner or adoption petitioner is a stepparent of
11 the person to be adopted. However, in the case of a
12 stepparent adoption, the juvenile court or court, upon
13 the request of an interested person or on its own
14 motion stating the reasons therefor of record, may
15 order an investigation or report pursuant to this
16 section.
17 8. Any person designated to make an investigation
18 and report under this section may request an agency or
19 state agency, within or outside this state, to conduct
20 a portion of the investigation or the report, as may
21 be appropriate, and to file a supplemental report of
22 such investigation or report with the juvenile court
23 or court. In the case of the adoption of a minor
24 person by a person domiciled or residing in any other
25 jurisdiction of the United States, any investigation
26 or report required under this section which has been
27 conducted pursuant to the standards of that other
28 jurisdiction shall be recognized in this state.
29 9. The department may investigate, on its own
30 initiative or on order of the juvenile court or court,
31 any placement made or adoption petition filed under
32 this chapter or chapter 600A and may report its
33 resulting recommendation to the juvenile court or
34 court.
35 12. Any investigation and report required under
36 subsection 1 of this section may be waived by the
37 juvenile court or court if the adoption petitioner is
38 related within the fourth degree of consanguinity to
39 the person to be adopted.
40 Sec. . Section 600.9, subsection 2, unnumbered
41 paragraph 1, Code 1997, is amended to read as follows:
42 An adoption petitioner of a minor person shall file

43 with the juvenile court or court, prior to the
44 adoption hearing, a full accounting of all
45 disbursements of any thing of value paid or agreed to
46 be paid by or on behalf of the petitioner in
47 connection with the petitioned adoption. This
48 accounting shall be made by a report prescribed by the
49 juvenile court or court and shall be signed and
50 verified by the petitioner. Only expenses incurred in

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1 connection with the following and any other expenses
2 approved by the juvenile court or court are
3 allowable:"

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

6 "Sec. . Section 600.10, Code 1997, is amended
7 to read as follows:

8 600.10 MINIMUM RESIDENCE OF A MINOR CHILD.

9 The adoption of a minor person shall not be decreed
10 until that person has lived with the adoption
11 petitioner for a minimum residence period of one
12 hundred eighty days. However, the juvenile court or
13 court may waive this period if the adoption petitioner
14 is a stepparent or related to the minor person within
15 the fourth degree of consanguinity or may shorten this
16 period upon good cause shown when the juvenile court
17 or court is satisfied that the adoption petitioner and
18 the person to be adopted are suited to each other.

19 Sec. . Section 600.11, subsections 1 and 3,
20 Code 1997, are amended to read as follows:

21 1. The juvenile court or court shall set the time
22 and place of the adoption hearing prescribed in
23 section 600.12 upon application of the petitioner.
24 The juvenile court or court may continue the adoption
25 hearing if the notice prescribed in subsections 2 and
26 3 is given, except that such notice shall only be
27 given at least ten days prior to the date which has
28 been set for the continuation of the adoption hearing.

29 3. A notice of the adoption hearing shall state
30 the time, place, and purpose of the hearing and shall
31 be served in accordance with rule of civil procedure
32 56.1. Proof of the giving of notice shall be filed
33 with the juvenile court or court prior to the adoption
34 hearing. Acceptance of service by the party being
35 given notice shall satisfy the requirements of this
36 subsection.

37 Sec. . Section 600.12, subsections 2 and 3,
38 Code 1997, are amended to read as follows:

39 2. Only those persons notified under section
40 600.11 and their witnesses and legal counsel or
41 persons requested by the juvenile court or court to be

42 present shall be admitted to the court chambers while
43 an adoption hearing is being conducted. The adoption
44 petitioner and the person to be adopted shall be
45 present at the hearing, unless the presence of either
46 is excused by the juvenile court or court.
47 3. Any person admitted to the hearing shall be
48 heard and allowed to present evidence upon request and
49 according to the manner in which the juvenile court or
50 court conducts the hearing.

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1 Sec. . Section 600.13, subsections 1, 2, 3, 5,
2 and 6, Code 1997, are amended to read as follows:
3 1. At the conclusion of the adoption hearing, the
4 juvenile court or court shall:
5 a. Issue a final adoption decree;
6 b. Issue an interlocutory adoption decree; or,
7 c. Dismiss the adoption petition if the
8 requirements of this Act have not been met or if
9 dismissal of the adoption petition is in the best
10 interest of the person whose adoption has been
11 petitioned. Upon dismissal, the juvenile court or
12 court shall determine who is to be guardian or
13 custodian of a minor child, including the adoption
14 petitioner if it is in the best interest of the minor
15 person whose adoption has been petitioned.
16 2. An interlocutory adoption decree automatically
17 becomes a final adoption decree at a date specified by
18 the juvenile court or court in the interlocutory
19 adoption decree, which date shall not be less than one
20 hundred eighty days nor more than three hundred sixty
21 days from the date the interlocutory decree is issued.
22 However, an interlocutory adoption decree may be
23 vacated prior to the date specified for it to become
24 final. Also, the juvenile court or court may provide
25 in the interlocutory adoption decree for further
26 observation, investigation, and report of the
27 conditions of and the relationships between the
28 adoption petitioner and the person petitioned to be
29 adopted.
30 3. If an interlocutory adoption decree is vacated
31 under subsection 2, it shall be void from the date of
32 issuance and the rights, duties, and liabilities of
33 all persons affected by it shall, unless they have
34 become vested, be governed accordingly. Upon vacation
35 of an interlocutory adoption decree, the juvenile
36 court or court shall proceed under the provisions of
37 subsection 1, paragraph "c".
38 5. An interlocutory or a final adoption decree
39 shall be entered with the clerk of the court. Such
40 decree shall set forth any facts of the adoption

41 petition which have been proven to the satisfaction of
42 the juvenile court or court and any other facts
43 considered to be relevant by the juvenile court or
44 court and shall grant the adoption petition. If so
45 designated in the adoption decree, the name of the
46 adopted person shall be changed by issuance of that
47 decree. The clerk of the court shall, within thirty
48 days of issuance, deliver one certified copy of any
49 adoption decree to the petitioner, one copy of any
50 adoption decree to the department and any agency or

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1 person making an independent placement who placed a
2 minor person for adoption, and one certification of
3 adoption as prescribed in section 144.19 to the state
4 registrar of vital statistics. Upon receipt of the
5 certification, the state registrar shall prepare a new
6 birth certificate pursuant to section 144.23 and
7 deliver to the parents named in the decree and any
8 adult person adopted by the decree a copy of the new
9 birth certificate. The parents shall pay the fee
10 prescribed in section 144.46. If the person adopted
11 was born outside the state, the state registrar shall
12 forward the certification of adoption to the
13 appropriate agency in the state or foreign nation of
14 birth. A copy of any interlocutory adoption decree
15 vacation shall be delivered and another birth
16 certificate shall be prepared in the same manner as a
17 certification of adoption is delivered and the birth
18 certificate was originally prepared.

19 6. The clerk of the ~~district~~ court shall attach to
20 the certified copy of the decree delivered to the
21 department, a copy of the adoption information form
22 required to be attached to the adoption petition under
23 section 600.6, subsection 5."

24 3. Page 1, by inserting after line 42 the
25 following:

26 "Sec. . Section 600.15, subsection 1,
27 paragraphs a and b, Code 1997, are amended to read as
28 follows:

29 a. A decree establishing a parent-child
30 relationship by adoption which is issued pursuant to
31 due process of law by a juvenile court or court of any
32 other jurisdiction in the United States shall be
33 recognized in this state.

34 b. A decree terminating a parent-child
35 relationship which is issued pursuant to due process
36 of law by a juvenile court or court of any other
37 jurisdiction in the United States shall be recognized
38 in this state."

39 . Page 2, by inserting after line 27 the

40 following:

41 "Sec. . Section 600.16A, subsection 2,
42 paragraphs b and c, Code 1997, are amended to read as
43 follows:

44 b. The juvenile court or court, for good cause,
45 shall order the opening of the permanent adoption
46 record of the juvenile court or court for the adopted
47 person who is an adult and reveal the names of either
48 or both of the biological parents following
49 consideration of both of the following:

50 (1) A biological parent may file an affidavit

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1 requesting that the juvenile court or court reveal or
2 not reveal the parent's identity. The juvenile court
3 or court shall consider any such affidavit in
4 determining whether there is good cause to order
5 opening of the records. To facilitate the biological
6 parents in filing an affidavit, the department shall,
7 upon request of a biological parent, provide the
8 biological parent with an adoption information packet
9 containing an affidavit for completion and filing with
10 the juvenile court or court.

11 (2) If the adopted person who applies for
12 revelation of the biological parents' identity has a
13 sibling who is a minor and who has been adopted by the
14 same parents, the juvenile court or court may deny the
15 application on the grounds that revelation to the
16 applicant may also indirectly and harmfully permit the
17 same revelation to the applicant's minor sibling.

18 c. A biological sibling of an adopted person may
19 file or may request that the department file an
20 affidavit in the juvenile court or court in which the
21 adopted person's adoption records have been sealed
22 requesting that the juvenile court or court reveal or
23 not reveal the sibling's name to the adopted person.
24 The juvenile court or court shall consider any such
25 affidavit in determining whether there is good cause
26 to order opening of the records upon application for
27 revelation by the adopted person. However, the name
28 of the biological sibling shall not be revealed until
29 the biological sibling has attained majority.

30 Sec. . Section 600.16A, subsection 3, paragraph
31 b, unnumbered paragraph 3, Code 1997, is amended to
32 read as follows:

33 Notwithstanding the provisions of this subsection,
34 if the adult adopted person has a sibling who is a
35 minor and who has also been adopted by the same
36 parents, the department, the clerk of court, or the
37 agency which made the placement may deny the request
38 of either the adult adopted person or the biological

39 parent to open the adoption records and to reveal the
40 identities of the parties pending determination by the
41 juvenile court or court that there is good cause to
42 open the records pursuant to subsection 2.
43 Sec. . Section 600.16A, subsection 4, Code
44 1997, is amended to read as follows:
45 4. An adopted person whose adoption became final
46 prior to July 4, 1941, and whose adoption record was
47 not required to be sealed at the time when the
48 adoption record was completed, shall not be required
49 to show good cause for an order opening the adoption
50 record under this subsection, provided that the

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1 juvenile court or court shall consider any affidavit
2 filed under this subsection.
3 Sec. . Section 600.18, unnumbered paragraph 1,
4 Code 1997, is amended to read as follows:
5 Any prospective adoptive parent desiring financial
6 assistance shall state this fact in the petition for
7 adoption. The department of human services shall
8 investigate the person petitioning for adoption and
9 the child and shall file with the juvenile court or
10 court a statement of whether the department will
11 provide assistance as provided in sections 600.17 to
12 600.22, the estimated amount, extent, and duration of
13 assistance, and any other information the juvenile
14 court or court may order."
15 4. Page 1, by inserting after line 47 the
16 following:
17 "Sec. . Section 602.8102, subsections 42 and
18 43, Code Supplement 1997, are amended to read as
19 follows:
20 42. Serve as clerk of the juvenile court and carry
21 out duties as provided in chapter 232 and article 7 of
22 this chapter.
23 43. Submit to the director of the division of
24 child and family services of the department of human
25 services a duplicate of the findings of the district
26 court related to adoptions as provided in section
27 235.3, subsection 7."
28 5. Page 2, by inserting after line 2 the
29 following:
30 ". Title page, line 2, by inserting after the
31 words "related to" the following: "jurisdiction,"."

O. GENE MADDOX

S-5624

1 Amend Senate File 2414 as follows:

2 1. Page 1, line 4, by striking the word "is" and
3 inserting the following: "and low wages are".

4 2. Page 1, line 6, by striking the words "is a
5 barrier" and inserting the following: "are barriers".

6 3. Page 1, by inserting after line 15 the
7 following:

8 "The general assembly also finds that raising the
9 minimum wage can serve as a valuable tool in the
10 efforts to increase the size of the workforce in the
11 state."

12 4. Page 3, by inserting after line 10 the
13 following:

14 "Sec. ____ Section 91D.1, subsection 1, Code 1997,
15 is amended to read as follows:

16 1. ~~a. The hourly wage stated in the federal~~
17 ~~minimum wage law, pursuant to 29 U.S.C. } 206, shall~~
18 ~~be increased to \$3.85 on January 1 of 1990, \$4.25 on~~
19 ~~January 1 of 1991, and \$4.65 on January 1 of 1992.~~

20 b. ~~1. a. Every employer, as defined in the~~
21 ~~federal Fair Labor Standards Act, shall pay to each of~~
22 ~~the employer's employees, as defined in the federal~~
23 ~~Fair Labor Standards Act, wages of not less than the~~
24 ~~current federal minimum wage, at a rate not less than~~
25 ~~fifty cents per hour greater than the prevailing~~
26 ~~federal Fair Labor Standards Act minimum wage pursuant~~
27 ~~to 29 U.S.C. } 206, or the wage rate stated in~~
28 ~~paragraph "a", whichever is greater.~~

29 c. ~~b. For purposes of determining whether an~~
30 ~~employee of a restaurant, hotel, motel, inn, or cabin,~~
31 ~~who customarily and regularly receives more than~~
32 ~~thirty dollars a month in tips is receiving the~~
33 ~~minimum hourly wage rate prescribed by this section,~~
34 ~~the amount paid the employee by the employer shall be~~
35 ~~deemed to be increased on account of the tips by an~~
36 ~~amount determined by the employer, not to exceed forty~~
37 ~~percent of the applicable minimum wage rate under~~
38 ~~paragraph "a". An employee may file a written appeal~~
39 ~~with the labor commissioner if the amount of tips~~
40 ~~received by the employee is less than the amount~~
41 ~~determined by the employer under this subsection.~~

42 d. ~~An employer is not required to pay an employee~~
43 ~~the applicable minimum wage provided in paragraph "a"~~
44 ~~until the employee has completed ninety calendar days~~
45 ~~of employment with the employer. An employee who has~~
46 ~~completed ninety calendar days of employment with the~~
47 ~~employer prior to January 1 of 1990, 1991, or 1992,~~
48 ~~shall earn the applicable hourly minimum wage. An~~
49 ~~employer shall pay an employee who has not completed~~
50 ~~ninety calendar days of employment with the employer~~

Page 2

- 1 an hourly wage of at least \$3.35 as of January 1 of
- 2 1990, \$3.85 as of January 1 of 1991, and \$4.25 as of
- 3 January 1 of 1992."
- 4 5. By renumbering as necessary.

DICK L. DEARDEN
 MATT McCOY
 MIKE CONNOLLY
 BILL FINK
 WILLIAM D. PALMER
 PATRICK J. DELUHERY
 MARY NEUHAUSER
 PATTY JUDGE
 MICHAEL E. GRONSTAL
 DON GETTINGS
 EUGENE S. FRAISE
 TOM VILSACK
 WALLY E. HORN
 JOHNIE HAMMOND
 PATRICIA HARPER
 ROBERT E. DVORSKY
 JOHN P. KIBBIE

S-5625

- 1 Amend House File 2496, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 80, line 4, by striking the figure "1993"
- 4 and inserting the following: "1991 or 1993, as
- 5 applicable".
- 6 2. Page 80, line 19, by striking the word and
- 7 figures "November 1, 1993" and inserting the
- 8 following: "January 1, 1992".
- 9 3. Page 80, line 22, by striking the word and
- 10 figure "Code 1993" and inserting the following: "Code
- 11 1991 or 1993, as applicable".

BILL FINK

S-5626

- 1 Amend the House amendment, S-5530, to Senate File
- 2 2405, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 20 the
- 5 following:
- 6 Page 3, by inserting after line 9 the
- 7 following:
- 8 "Sec. ____ NEW SECTION. 297A.1 DEFINITIONS.

- 9 For the purposes of this chapter:
- 10 1. "Energy conservation measure" means any
11 improvement, repair, or alteration of a building or
12 facility owned or operated by a school district, or
13 any equipment, fixture, or furnishing to be added to
14 or used in any such building or facility that is
15 designed to reduce energy consumption or operating
16 costs. An energy conservation measure may include one
17 or more of the following:
- 18 a. Insulation of the building structure or systems
19 within the building.
- 20 b. Storm windows or doors, caulking or weather
21 stripping, multiglazed windows or doors, heat-
22 absorbing or heat-reflective glazed and coated window
23 or door systems, additional glazing, reductions in
24 glass area, or other window and door system
25 modifications that reduce energy consumption.
- 26 c. Automated or computerized energy control
27 systems.
- 28 d. Heating, ventilating, or air conditioning
29 system modifications or replacements.
- 30 e. Replacement or modification of lighting
31 fixtures to increase the energy efficiency of the
32 lighting system without increasing the overall
33 illumination of a facility, unless an increase in
34 illumination is necessary to conform to the applicable
35 state or local building code for the lighting system
36 after the proposed modifications are made.
- 37 f. Energy recovery systems.
- 38 g. Energy conservation measures that provide long-
39 term operating cost reductions.
- 40 h. Renewable energy applications, including, but
41 not limited to, solar hot water, active solar space
42 conditioning, passive solar space conditioning,
43 photovoltaic applications, wind energy, water power,
44 tidal energy, or use of biomass fuels.
- 45 2. "Guaranteed energy savings contract" means a
46 contract which provides for all of the following:
- 47 a. Performance of an energy audit, data
48 collection, and other related analyses preliminary to
49 the undertaking of energy conservation measures.
- 50 b. Evaluation and recommendation of energy

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- 1 conservation measures.
- 2 c. Implementation of one or more energy
3 conservation measures.
- 4 d. Maintenance of project monitoring and data
5 collection to verify postinstallation energy
6 consumption and energy-related operating costs.
- 7 The contract shall provide that all payments,

8 except obligations resulting from termination of the
9 contract before its expiration, are to be made over
10 time and that the savings are guaranteed to the extent
11 necessary to pay the costs of the energy conservation
12 measures. More than one school district may enter
13 into a guaranteed energy savings contract provided
14 that each school district complies with the provisions
15 of this chapter.

16 3. "Operational cost savings" means improvements
17 to a facility producing auditable budget reductions.
18 These savings need to be clearly defined and
19 documented as follows:

20 a. The savings should be related to actual costs
21 that are currently budgeted and can be documented.
22 b. The anticipated improvements producing budget
23 reductions, and the method of calculation of the
24 operating cost savings, must be included in the
25 guaranteed energy savings contract and agreed to by
26 both parties.

27 c. The operational cost savings may be included in
28 the qualified provider guarantee provided that the
29 requirements in paragraphs "a" and "b" are met.

30 4. "Qualified provider" means a person or business
31 whose employees are experienced and trained in the
32 design, implementation, or installation of energy
33 conservation measures. Qualified providers must be
34 certified by the national association of energy
35 service companies, and all work performed in the
36 detailed audit stage must be under the direct, on-site
37 supervision of a certified energy manager as
38 accredited by the association of energy engineers, or
39 must be prequalified by the department of natural
40 resources.

41 5. "Request for proposals" means a negotiated
42 procurement. A request for proposals shall be
43 announced through at least one public notice appearing
44 at least ten days before the request date in a
45 newspaper of general circulation published in the
46 school district, or if no newspaper is published in
47 the school district, in a newspaper of general
48 circulation in the area of the district, from a school
49 district that will administer the program, requesting
50 innovative solutions and proposals for energy

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1 conservation measures. Proposals submitted shall be
2 sealed. The request for proposals shall include all
3 of the following:

4 a. Name and address of the school district.
5 b. Name, address, title, and phone number of a
6 contact person for the school district.

7 c. Notice indicating that the school district is
8 requesting qualified providers to propose energy
9 conservation measures through a guaranteed energy
10 savings contract.

11 d. Date, time, and place where proposals must be
12 received.

13 e. Evaluation criteria for assessing the
14 proposals.

15 f. Any other stipulations and clarifications the
16 school district may require.

17 The provisions of this chapter applying to school
18 districts shall also apply to community colleges
19 organized and operated pursuant to the provisions of
20 chapter 260C.

21 Sec. ____ NEW SECTION. 297A.2 EVALUATION OF
22 PROPOSALS.

23 Prior to entering into a guaranteed energy savings
24 contract as provided in section 297A.3, a school
25 district shall announce a request for proposals, and
26 shall evaluate any sealed proposal from a qualified
27 provider. Sealed proposals shall be opened by a
28 designated member or employee of the school board at a
29 public meeting during which the contents of the
30 proposals shall be announced. Each person or entity
31 submitting a sealed proposal must receive at least ten
32 days' notice of the time and place of the public
33 meeting, published pursuant to the procedure specified
34 in section 297A.1, subsection 4.

35 The school district shall analyze the estimates of
36 all costs of installations, modifications, and
37 remodeling, including, without limitation, costs of a
38 preinstallation energy audit or analysis, design,
39 engineering, installation, maintenance, repairs, debt
40 service, conversions to a different energy or fuel
41 source, and postinstallation project monitoring, data
42 collection, and reporting. The evaluation shall
43 include a detailed analysis of whether the energy
44 consumed or the operating costs, or both, will be
45 reduced. If technical expertise is not available on
46 the school district staff, then the evaluation of the
47 proposal may be done by a registered professional
48 engineer, architect, or consultant with experience in
49 assisting in the management of guaranteed energy
50 savings contracts who is retained by the school

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1 district. The school district may pay a reasonable
2 fee for evaluation of the proposal or include the fee
3 as part of the payments made under section 297A.4.

4 Sec. ____ NEW SECTION. 297A.3 AWARD OF
5 GUARANTEED ENERGY SAVINGS CONTRACT.

6 A school district shall select the qualified
7 provider that best meets the needs of the district.
8 After completing its evaluation of the proposals
9 received pursuant to section 297A.2, the school
10 district shall provide public notice of the meeting at
11 which it proposes to award a guaranteed energy savings
12 contract. The notice shall contain the names of the
13 parties to the proposed contract and the purpose of
14 the contract. The public notice shall be published at
15 least ten days prior to the meeting, pursuant to the
16 procedure specified in section 297A.1, subsection 4.
17 A school district may enter into a guaranteed energy
18 savings contract with a qualified provider if it finds
19 after evaluating the proposal pursuant to section
20 297A.2 that the amount it would spend on the energy
21 conservation measures recommended in the proposal
22 would not exceed the amount to be saved in either
23 energy or operational costs, or both, within a ten-
24 year period from the date of installation or
25 modification, if the recommendations in the proposal
26 are followed.

27 Sec. ____ NEW SECTION. 297A.4 QUALIFIED PROVIDER
28 GUARANTEE.

29 The guaranteed energy savings contract shall
30 include a written guarantee of the qualified provider
31 that either the anticipated energy or operational cost
32 savings, or both, will meet or exceed within ten years
33 the costs of the energy conservation measures. The
34 qualified provider shall annually reimburse the school
35 district for any shortfall of guaranteed energy
36 savings projected in the contract. A qualified
37 provider shall provide a sufficient bond to the school
38 district for the installation and the faithful
39 performance of all the measures included in the
40 contract. The guaranteed energy savings contract may
41 provide for payments over a period of time, not to
42 exceed ten years.

43 Sec. ____ NEW SECTION. 297A.5 PAYMENT
44 PROVISIONS.

45 A school district may enter into an installment
46 payment contract or lease-purchase agreement with a
47 qualified provider for the purchase and installation
48 of energy conservation measures, as provided in
49 section 297A.1, subsection 2, if a motion on such
50 contract or agreement is adopted by the board of

1 directors, and may issue certificates evidencing the
2 indebtedness incurred pursuant to the contracts or
3 agreements. A guaranteed energy savings contract may
4 extend beyond the fiscal year in which it becomes

5 effective, and amounts remaining payable thereunder
6 shall be included in the school district's annual
7 school budget for each subsequent fiscal year.

8 Sec. ____ NEW SECTION. 297A.6 OPERATIONAL AND
9 ENERGY COST SAVINGS.

10 The qualified provider shall document the
11 operational cost savings specified in the guaranteed
12 energy savings contract and the school district shall
13 designate and appropriate that amount for an annual
14 payment of the contract. If that annual energy
15 savings are less than projected under the guaranteed
16 energy savings contract, the qualified provider shall
17 pay the difference as provided in section 297A.4.
18 Cost savings verification methodology shall be
19 documented in the sealed proposal received from a
20 prospective qualified provider, and in the subsequent
21 guaranteed energy savings contract. This methodology
22 shall be independently auditable and in accordance
23 with federal energy management program measurement and
24 verification guidelines for federal energy projects.

25 Sec. ____ NEW SECTION. 297A.7 FUNDING.

26 1. A school district may use funds from either its
27 general fund or debt service fund to repay obligations
28 relating to a guaranteed energy savings contract,
29 including purchases using installment payment
30 contracts or lease-purchase agreements.

31 2. For the purpose of paying obligations incurred
32 pursuant to a guaranteed energy savings contract, a
33 school district is authorized to:

34 a. Issue negotiable, interest-bearing school
35 bonds, pursuant to section 298.21, subsections 2 and
36 3, and utilize energy savings resulting from
37 implementation of the guaranteed energy savings
38 contract for principal and interest repayment. The
39 provisions of sections 298.22 through 298.24 shall
40 apply regarding the form, rate of interest,
41 registration, redemption, and recording of bond issues
42 pursuant to this subsection, with the exception that
43 the maximum period during which principal on the bonds
44 is payable shall not exceed a ten-year period.

45 b. Enter into energy loan fund financing
46 arrangements with the department of natural resources
47 pursuant to section 473.20. For the purposes of this
48 paragraph, the requirement in section 473.20,
49 subsection 1, that loans shall not be made for energy
50 conservation measures that require more than an

1 average of six years to recoup costs shall not apply.
2 c. Borrow money and enter into loan agreements
3 with a bank, investment banker, trust company, or

4 other third-party lender, and utilize energy savings
5 resulting from implementation of the guaranteed energy
6 savings contract for principal and interest repayment.
7 The maturation date of the loan shall not exceed the
8 duration of the guaranteed energy savings contract,
9 and the loan shall bear interest at a rate which does
10 not exceed the limits under chapter 74A. A loan
11 agreement entered into pursuant to this section shall
12 be in a form as the board of directors shall approve
13 by resolution.

14 3. State aid payments to a school district
15 pursuant to section 257.16, and other amounts
16 available for distribution to or reimbursement of a
17 school district, shall not be reduced as a result of
18 energy savings realized from a guaranteed energy
19 savings contract, installment payment contract, or a
20 lease-purchase agreement for the purchase and
21 installation of energy conservation measures.

22 Sec. ____ Administrative rules relating to the
23 implementation of this Act shall be established in
24 collaboration between the department of education and
25 the department of natural resources."

26 2. Title page, line 3, by inserting after the
27 word "district" the following: ", and for the
28 establishment of a school energy conservation program
29 for public buildings by a school district.""

JEFF ANGELO

S-5627

1 Amend Senate File 2414 as follows:

2 1. Page 2, line 19, by inserting after the word
3 "contributions," the following: "for administration
4 involving the certified school to career program,".

5 2. Page 2, by inserting after line 24 the
6 following:

7 "The full-time equivalent positions authorized in
8 this section shall be available to administer the
9 certified school career program created in sections
10 15.361 through 15.366 as enacted in this Act."

11 3. Page 3, by inserting after line 10 the
12 following:

13 "Sec. ____ NEW SECTION. 15.361 TITLE.

14 This part shall be known and may be cited as the
15 "Certified School to Career Program".

16 Sec. ____ NEW SECTION. 15.362 DEFINITIONS.

17 As used in this part, unless the context otherwise
18 requires:

19 1. "Certified school to career program" or

20 "certified program" means a sequenced and articulated
21 secondary and postsecondary program registered as an

22 apprenticeship program under 29 C.F.R. subtit. A, pt.
23 29, which is conducted pursuant to an agreement as
24 provided in section 15.364 or a program approved by
25 the state board of education, in conjunction with the
26 department of economic development, as meeting the
27 standards enumerated in section 15.363, that
28 integrates a secondary school curriculum with private
29 sector job training which places students in job
30 internships, and which is designed to continue into
31 postsecondary education and that will result in
32 teaching new skills and adding value to the wage-
33 earning potential of participants and increase their
34 long-term employability in the state and which is
35 conducted pursuant to an agreement as provided in
36 section 15.364.

37 2. "Participant" means an individual between the
38 ages of sixteen and twenty-four who is enrolled in a
39 public or private secondary or postsecondary school
40 and who initiated participation in a certified school
41 to career program as part of secondary school
42 education.

43 3. "Payroll expenditures" means the base wages
44 actually paid by an employer to a participant plus the
45 amount held in trust to be applied toward the
46 participant's postsecondary education.

47 4. "Sponsor" means any person, association,
48 committee, or organization operating a school to
49 career program and in whose name the program is or
50 will be registered or approved.

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1 Sec. ____ NEW SECTION. 15.363 CERTIFICATION 2 STANDARDS.

3 The state board of education, in consultation with
4 the department of economic development, shall adopt
5 rules pursuant to chapter 17A to guide the board and
6 department in determining whether a potential school
7 to career program should be approved.

8 A school to career program which is approved by the
9 state board of education in conjunction with the
10 department of economic development shall comply with
11 all of the following standards:

- 12 1. The program is conducted pursuant to an
13 organized, written plan embodying the terms and
14 conditions of employment, job training, classroom
15 instruction, and supervision of one or more
16 participants, subscribed to by a sponsor who has
17 undertaken to carry out the school to career program.
- 18 2. The program complies with all state and federal
19 laws pertaining to the workplace.
- 20 3. The employer agrees to assign an employee to

21 serve as a mentor for a participant. The mentor's
22 occupation shall be in the same career pathway as the
23 career interests of the participant.

24 4. The program involves an eligible postsecondary
25 institution as defined in section 261C.3.

26 5. Other standards adopted by rule by the state
27 board of education after consultation with the
28 department of economic development.

29 Sec. ____ NEW SECTION. 15.364 CERTIFIED PROGRAM
30 AGREEMENT.

31 The certified program shall be conducted pursuant
32 to a signed written agreement between each participant
33 and the employer which contains at least the following
34 provisions:

35 1. The names and signatures of the participant and
36 the sponsor or employer and the signature of a parent
37 or guardian if the participant is a minor.

38 2. A description of the career field in which the
39 participant is to be trained, and the beginning date
40 and duration of the training.

41 3. The employer's agreement to provide paid
42 employment, at a base wage, for the participant during
43 the summer months after the participant's junior and
44 senior years in high school and after the
45 participant's first year of postsecondary education.

46 4. The participant and employer shall agree upon
47 set minimum academic standards which must be
48 maintained through the participant's secondary and
49 postsecondary education.

50 5. This base wage paid to the participant shall

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1 not be less than the minimum wage prescribed by Iowa
2 law or the federal Fair Labor Standards Act, whichever
3 is applicable.

4 6. That in addition to the base wage paid to the
5 participant, the employer shall pay an additional sum
6 to be held in trust to be applied toward the
7 participant's postsecondary education required for
8 completion of the certified program. The additional
9 amount must be not less than an amount determined by
10 the department of economic development to be
11 sufficient to provide payment of tuition expenses
12 toward completion of not more than two academic years
13 of the required postsecondary education component of
14 the certified program at an Iowa community college or
15 an Iowa public or private college or university. This
16 amount shall be held in trust for the benefit of the
17 participant pursuant to rules adopted by the
18 department of economic development. Payment into an
19 ERISA-approved fund for the benefit of the participant

20 shall satisfy this requirement. The specific fund
21 shall be specified in the agreement.

22 7. The participant's agreement to work for the
23 employer for at least two years following the
24 completion of the participant's postsecondary
25 education required by the certified program and the
26 employer's agreement to both of the following:

27 a. To provide and pay at least eighty percent of
28 the cost of a standard medical and dental insurance
29 plan for the participant.

30 b. To pay a full-time hourly wage to the
31 participant of at least eleven dollars per hour
32 indexed to 1998 dollars based on the gross national
33 product implicit price deflator published by the
34 bureau of economic analysis of the United States
35 department of commerce or one hundred thirty percent
36 of the average wage in the county in which the
37 facility where the participant will be employed is
38 located, whichever is higher.

39 However, the agreement may provide for additional
40 education and work commitments beyond the two years.

41 8. If the participant does not complete the two-
42 year employment obligation, the participant's
43 agreement to repay to the employer the amount paid by
44 the employer toward the participant's postsecondary
45 education expenses pursuant to subsection 6.

46 9. That if a participant does not complete the
47 certified program contemplated by the agreement, any
48 unexpended funds being held in trust for the
49 participant's postsecondary education shall be paid
50 back to the employer. In addition the participant

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1 must repay to the employer amounts paid from the trust
2 which were expended on the participant's behalf for
3 postsecondary education.

4 Sec. ____ **NEW SECTION. 15.365 PAYROLL**
5 **EXPENDITURE REFUND.**

6 1. An employer who employs a participant in a
7 certified school to career program may claim a refund
8 of twenty percent of the employer's payroll
9 expenditures for each participant in the certified
10 program. The refund is limited to the first four
11 hundred hours of payroll expenditures per participant
12 for each calendar year the participant is in the
13 certified program, not to exceed three years per
14 participant.

15 2. To receive a refund under subsection 1 for a
16 calendar year, the employer shall file the claim by
17 July 1 of the following calendar year. The claim
18 shall be filed on forms provided by the department of

19 economic development and the employer shall provide
20 such information regarding the employer's
21 participation in a certified school to career program
22 as the department may require. Forms should be
23 designed such that claims for refunds for more than
24 one participant may be made on a single form. A valid
25 claim shall be paid with interest, the interest to
26 begin to accrue on the first day of the second
27 calendar month following the date the claim for refund
28 was to be filed or was filed, whichever is the latest,
29 at the rate in effect under section 421.7 counting
30 each fraction of a month as an entire month under
31 rules prescribed by the department.

32 3. For each fiscal year of the fiscal period
33 beginning July 1, 1999, and ending June 30, 2004,
34 there is appropriated annually from the general fund
35 of the state to the department of economic development
36 an amount sufficient to pay refunds under this
37 section.

38 4. The department of economic development shall
39 consult with the department of revenue and finance for
40 purposes of this section. The department of economic
41 development shall adopt rules as deemed necessary to
42 carry out the purposes of the certified school to
43 career program.

44 Sec. ____ NEW SECTION. 15.366 REPEAL.

45 This part of chapter 15 is repealed June 30, 2004.
46 However, any contracts in existence on June 30, 2004,
47 shall continue to be valid and each party to such
48 contract is obligated to perform as required under
49 such contract. However, no employer is entitled to
50 any payroll expenditure refund for payroll

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1 expenditures incurred after December 31, 2002."

TOM VILSACK

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2290

S-5628

1 Amend the Senate amendment, H-8758, to House File
2 2290, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, line 1, by inserting after the word
5 "licenses." the following: "Of the first six thousand
6 nonresident deer licenses issued, not more than
7 thirty-five percent of the licenses shall be bow

8 season licenses and, after the first six thousand
9 nonresident deer licenses have been issued, all
10 additional licenses shall be issued for antlerless
11 deer only."

12 2. Page 2, by striking lines 26 through 28 and
13 inserting the following: "residents."

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 8

S-5629

1 Amend the Senate amendment, H-8002, to House File
2 8, as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 14, by striking the word
5 "pursuant" and inserting the following: "including
6 but not limited".

7 2. Page 1, line 15, by inserting after the figure
8 "728" the following: "or any other public offense
9 which is punishable by fine or imprisonment".

S-5630

1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 15, by striking the word
4 "subsection" and inserting the following:
5 "subsections".

6 2. Page 4, by inserting after line 21 the
7 following:

8 "16. The state shall make every effort to purchase
9 products produced for sale by employers of persons in
10 supported employment."

ROBERT E. DVORSKY

S-5631

1 Amend House File 2533, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 12, by striking the figure
4 "3,103,788" and inserting the following: "3,078,788".

5 2. Page 7, line 26, by striking the figure
6 "3,172,098" and inserting the following: "3,072,098".

7 3. By striking page 7, lines 28 through 31.

8 4. Page 8, line 7, by striking the figure
9 "1,537,000" and inserting the following: "1,637,000".

10 5. Page 8, by striking lines 21 through 23.

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

13 "___ AREA EDUCATION AGENCY AUDIT

14 For allocation to the auditor of state for the
15 costs of conducting the audit of area education
16 agencies as provided in section 50 of this Act, if
17 enacted:

18 \$ 75,000"

19 7. By striking page 11, line 28, through page 12,
20 line 2.

21 8. Page 12, by striking lines 10 through 12 and
22 inserting the following: "fiscal year 1998-1999.
23 Reading recovery training shall be provided free of
24 tuition to teachers who are employed by school
25 districts or accredited nonpublic schools in Iowa.
26 Out-of-state teachers may be charged tuition for the
27 training. However, reading recovery training shall be
28 limited to participation by teachers employed by
29 school districts or accredited nonpublic schools in
30 Iowa unless training capacity exceeds the number of
31 teachers employed by school districts or accredited
32 nonpublic schools in Iowa who are willing and able to
33 participate in the program. The department shall make
34 every".

35 9. Page 12, by striking lines 23 through 27 and
36 inserting the following: "information services for
37 purposes of the open access program."

38 10. By striking page 12, line 35, through page
39 13, line 4, and inserting the following: "services
40 for purposes of the open access program."

41 11. Page 14, by striking lines 27 through 31.

42 12. Page 24, by striking lines 24 through 32.

43 13. Page 25, by striking lines 5 through 18.

44 14. Page 26, by inserting after line 12 the
45 following:

46 "Sec. ___. Section 257.6, subsection 1, Code 1997,
47 is amended by adding the following new unnumbered
48 paragraph:

49 NEW UNNUMBERED PARAGRAPH. A child who is not a
50 resident of Iowa shall be considered a resident pupil

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1 for purposes of paragraph "a" if the child's parent or
2 legal guardian is a resident of a contiguous state and
3 is employed as a teacher in an Iowa school district
4 with an enrollment of fewer than four hundred pupils
5 and that borders two other states, if the contiguous
6 state statutorily authorizes reciprocity in
7 substantial accord with this section, and if the board
8 of directors of the school district approves the
9 enrollment of the child in the school district."

10 15. Page 27, by inserting after line 9 the
11 following:

12 "Sec. ____ Section 260C.15, subsection 1, Code
13 1997, is amended to read as follows:

14 1. Regular elections held annually by the merged
15 area for the election of members of the board of
16 directors as required by section 260C.11, for the
17 renewal of the ~~twenty-and-one-fourth~~ twenty-seven
18 cents per thousand dollars of assessed valuation levy
19 authorized in section 260C.22, or for any other matter
20 authorized by law and designated for election by the
21 board of directors of the merged area, shall be held
22 on the date of the school election as fixed by section
23 277.1. The election notice shall be made a part of
24 the local school election notice published as provided
25 in section 49.53 in each local school district where
26 voting is to occur in the merged area election and the
27 election shall be conducted by the county commissioner
28 of elections pursuant to chapters 39 to 53 and section
29 277.20."

30 16. Page 27, by inserting after line 9 the
31 following:

32 "Sec. ____ Section 260C.17, Code 1997, is amended,
33 to read as follows:

34 260C.17 PREPARATION AND APPROVAL OF BUDGET -- TAX.

35 The board of directors of each merged area shall
36 prepare an annual budget designating the proposed
37 expenditures for operation of the community college.
38 The board shall further designate the amounts which
39 are to be raised by local taxation and the amounts
40 which are to be raised by other sources of revenue for
41 the operation. The budget of each merged area shall
42 be submitted to the state board no later than May 1
43 preceding the next fiscal year for approval. The
44 state board shall review the proposed budget and
45 shall, prior to June 1, either grant its approval or
46 return the budget without approval with the comments
47 of the state board attached to it. Any unapproved
48 budget shall be resubmitted to the state board for
49 final approval. Upon approval of the budget by the
50 state board, the board of directors shall certify the

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1 amount to the respective county auditors and the
2 boards of supervisors annually shall levy a tax of
3 ~~twenty-and-one-fourth~~ twenty-seven cents per thousand
4 dollars of assessed value on taxable property in a
5 merged area for the operation of a community college.
6 Taxes collected pursuant to the levy shall be paid by
7 the respective county treasurers to the treasurer of
8 the merged area as provided in section 331.552,
9 subsection 29.

10 It is the policy of this state that the property

11 tax for the operation of community colleges shall not
12 in any event exceed ~~twenty and one-fourth~~ twenty-seven
13 cents per thousand dollars of assessed value, and that
14 the present and future costs of such operation in
15 excess of the funds raised by such levy shall be the
16 responsibility of the state and shall not be paid from
17 property tax."

18 17. Page 27, by inserting before line 10 the
19 following:

20 "Sec. ____ Section 260C.22, subsection 1,
21 paragraph a, Code 1997, is amended to read as follows:
22 a. In addition to the tax authorized under section
23 260C.17, the voters in any merged area may at the
24 annual school election vote a tax not exceeding ~~twenty~~
25 ~~and one-fourth~~ twenty-seven cents per thousand dollars
26 of assessed value in any one year for a period not to
27 exceed ten years for the purchase of grounds,
28 construction of buildings, payment of debts contracted
29 for the construction of buildings, purchase of
30 buildings and equipment for buildings, and the
31 acquisition of libraries, for the purpose of paying
32 costs of utilities, and for the purpose of
33 maintaining, remodeling, improving, or expanding the
34 community college of the merged area. If the tax levy
35 is approved under this section, the costs of utilities
36 shall be paid from the proceeds of the levy. The tax
37 shall be collected by the county treasurers and
38 remitted to the treasurer of the merged area as
39 provided in section 331.552, subsection 29. The
40 proceeds of the tax shall be deposited in a separate
41 and distinct fund to be known as the voted tax fund,
42 to be paid out upon warrants drawn by the president
43 and secretary of the board of directors of the merged
44 area district for the payment of costs incurred in
45 providing the school facilities for which the tax was
46 voted."

47 18. By striking page 29, line 25, through page
48 30, line 6.

49 19. Page 31, by striking line 17 and inserting
50 the following: "1997, is amended by striking the

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1 subsection and inserting in lieu thereof the
2 following:

3 9. For the fiscal year beginning July 1, 1998, and
4 for each succeeding fiscal year, the amount of fifty
5 thousand dollars to the department of education for
6 the Iowa mathematics and science coalition from phase
7 III moneys."

8 20. Page 36, by striking lines 33 and 34 and
9 inserting the following: "information services for

- 10 purposes of the open access program, being deemed of".
11 21. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-5632

- 1 Amend the House amendment, S-5550, to Senate File
2 2387, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 ". Page 1, line 32, by striking the words "the
6 department, an agency, or" and inserting the
7 following: "the department, an agency, or".

O. GENE MADDOX

S-5633

- 1 Amend the House amendment, S-5563, to Senate File
2 2280, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, by striking lines 20 through 23 and
5 inserting the following:
6 "By striking page 22, line 3, through page
7 23, line 14, and inserting the following:
8 "1. The moneys remaining unobligated or unexpended
9 in the gambling treatment fund created in section
10 99E.10, subsection 1, paragraph "a", Code Supplement
11 1997, at the end of the fiscal year beginning July 1,
12 1997, and ending June 30, 1998, are appropriated to
13 the Iowa department of public health for the fiscal
14 year beginning July 1, 1998, and ending June 30, 1999,
15 to be allocated as follows:
16 a. For transfer to the department of public safety
17 to combat methamphetamine use:
18 \$ 236,000
19 The funds transferred in this lettered paragraph
20 shall be utilized by the division of narcotics
21 enforcement of the department of public safety for
22 undercover purchases of methamphetamine by law
23 enforcement agency and drug task force personnel.
24 b. For transfer to the governor's alliance on
25 substance abuse for the establishment of an education
26 program designed to increase the availability of
27 information relating to methamphetamine abuse in Iowa
28 schools and throughout the media:
29 \$ 83,000
30 The funds transferred in this lettered paragraph
31 shall be used to assist in targeting an anti-
32 methamphetamine message specifically to Iowa teenagers

33 through the school system and through public service
 34 media advertisements. The education program shall be
 35 coordinated by the drug enforcement and abuse
 36 prevention coordinator in consultation with the Iowa
 37 drug abuse prevention and education advisory council
 38 established in section 80E.2.

39 2. a. There is appropriated from receipts in".

40 2. Page 3, line 37, by striking the word
 41 "amounts" and inserting the following: "amount".

42 3. Page 3, line 42, by striking the word
 43 "amounts" and inserting the following: "amount".

44 4. Page 3, line 43, by striking the words
 45 "projects are" and inserting the following:
 46 "projection is".

47 5. Page 3, line 46, by striking the words
 48 "subsections 1 and" and inserting the following:
 49 "subsection".

50 6. By striking page 4, line 37, through page 6,

Page 2

1 line 2, and inserting the following:

2 "b. For the provision of emergency medical
 3 services and training of emergency medical services
 4 personnel:

5 \$ 78,000

6 c. For transfer to the Iowa law enforcement
 7 academy to be used for the drug abuse resistance
 8 education program:

9 \$ 70,000

10 d. For transfer to the department of public safety
 11 for costs associated with the training by the
 12 department of public safety of state and local law
 13 enforcement personnel concerning the recognition of
 14 and response to persons with Alzheimer's disease:

15 \$ 70,000

16 e. For use by local boards of health to ensure
 17 that core public health functions are maintained and
 18 to support essential services in their communities:

19 \$ 150,000

20 f. For transfer to the department of elder affairs
 21 to be used for the recruitment, retention,
 22 recognition, and training of care review committee
 23 volunteers:

24 \$ 130,000

25 The department of elder affairs shall develop
 26 outcome measurements regarding use of the funds
 27 transferred in this lettered paragraph, and shall
 28 conduct a study of issues including, but not limited
 29 to, how the funds were utilized, liability for area
 30 agencies on aging, and access to nursing home records.
 31 The department shall submit a report of the results of

32 the study to the general assembly by January 1, 2000.
33 g. For transfer to the department of public safety
34 to combat methamphetamine use:
35 \$ 200,000
36 The funds transferred in this lettered paragraph
37 shall be utilized by the department of public safety
38 to enhance existing programs or to initiate new
39 efforts designed to prevent and combat methamphetamine
40 use. The department shall submit a report of the
41 expenditures made and a status report on anti-
42 methamphetamine efforts to the general assembly by
43 January 1, 2000."
44 7. By renumbering as necessary.

SHELDON RITTMER

S-5634

1 Amend House File 2530, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 359.33, Code 1997, is amended
6 to read as follows:
7 359.33 TAX FOR NONOWNED CEMETERY.
8 ~~They~~ The township trustees may levy a tax ~~not to~~
9 ~~exceed six and three-fourths cents per thousand~~
10 ~~dollars of assessed value of taxable property to~~
11 improve and maintain any cemetery not owned by the
12 township, ~~provided the same if the cemetery~~ is devoted
13 to general public use."
14 2. Title page, line 6, by inserting after the
15 word "credit," the following: "providing a property
16 tax levy for certain cemeteries;"

ROBERT E. DVORSKY

S-5635

1 Amend the amendment, S-5592, to Senate File 2277,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 12 through 13 and
5 inserting the following: "'risk." the following:
6 "The exemption from liability contained in this
7 subsection shall only apply to claims for injuries or
8 damage resulting from the risks inherent in the
9 activities of skateboarding or in-line skating."

MERLIN E. BARTZ

HOUSE AMENDMENT TO
SENATE FILE 2374

S-5636

- 1 Amend Senate File 2374, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by striking the word "surety"
4 and inserting the following: "bail".
- 5 2. Page 1, line 20, by striking the word "surety"
6 and inserting the following: "bail".
- 7 3. Page 2, line 2, by striking the word "surety".
- 8 4. Page 2, line 11, by striking the word "surety"
9 and inserting the following: "bail".
- 10 5. Page 2, line 24, by striking the word "surety"
11 and inserting the following: "bail".
- 12 6. Page 7, line 27, by striking the words "surety
13 bond" and inserting the following: "bail bond".
- 14 7. Page 7, line 27, by striking the words "on a
15 bond" and inserting the following: "on a bail bond".
- 16 8. Page 8, line 2, by inserting before the word
17 "bond" the following: "bail".

HOUSE AMENDMENT TO
SENATE FILE 2332

S-5637

- 1 Amend Senate File 2332, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the words "in the
4 United States".
- 5 2. Page 1, line 18, by striking the words "review
6 and appeals".
- 7 3. Page 2, by inserting after line 33 the
8 following:
- 9 "____. "Regional organic association" means a
10 corporation organized under chapter 504 or 504A which
11 has certifying members, elects its own officers and
12 directors, and is independent from the department."
- 13 4. Page 3, line 12, by striking the words "using,
14 where possible," and inserting the following:
15 "using".
- 16 5. Page 3, line 17, by striking the words "or
17 processing" and inserting the following: ", aids, or
18 ingredients that are used during processing,
19 packaging, or storing agricultural products".
- 20 6. Page 3, lines 23 and 24, by striking the words
21 "REVIEW AND APPEALS".
- 22 7. Page 3, by striking line 25 and inserting the
23 following:
- 24 "1. An organic standards board is".

- 25 8. Page 3, by striking line 28 and inserting the
26 following: "appointed by the governor and secretary,
27 as provided in this section. The governor and
28 secretary shall accept".
- 29 9. Page 3, line 30, by striking the word
30 "secretary" and inserting the following: "governor
31 and secretary making appointments under this section".
- 32 10. Page 3, line 33, by striking the words
33 "secretary shall" and inserting the following:
34 "governor and secretary shall cooperate to".
- 35 11. Page 3, line 35, by striking the words "by
36 the secretary" and inserting the following: "under
37 this section".
- 38 12. Page 4, by striking lines 2 and 3 and
39 inserting the following: "and retailing of organic
40 agricultural products. The members of the board shall
41 be appointed as follows:"
- 42 13. Page 4, by striking lines 5 through 8 and
43 inserting the following: "agricultural products. The
44 governor shall appoint three of the persons, at least
45 one of which shall be a producer of livestock, who may
46 be a dairy or egg producer. The secretary shall
47 appoint two of the persons, at least one of which
48 shall be a producer of an agricultural commodity other
49 than livestock. To qualify for appointment, a".
- 50 14. Page 4, line 13, by inserting after the word

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- 1 "products." the following: "One person shall be
2 appointed by the governor and one person shall be
3 appointed by the secretary."
- 4 15. Page 4, by striking line 17 and inserting the
5 following:
6 "c. One person appointed by the secretary, who
7 shall be either of the following:"
- 8 16. Page 4, line 30, by inserting after the word
9 "science." the following: "One person shall be
10 appointed by the governor and one person shall be
11 appointed by the secretary."
- 12 17. Page 4, line 34, by inserting after the word
13 "person" the following: "appointed by the governor,".
- 14 18. Page 5, by striking lines 9 and 10 and
15 inserting the following: "term. A member is eligible
16 for reappointment. The governor may remove a member
17 appointed by the governor and the secretary may remove
18 a member appointed by the secretary, if the removal is
19 based on the member's misfeasance,".
- 20 19. Page 6, line 5, by striking the words "review
21 and appeals".
- 22 20. Page 6, by inserting after line 9 the
23 following:

24 " _____. Establish a schedule of state fees as
25 provided in section 190C.5."
26 21. Page 6, by striking lines 20 through 29 and
27 inserting the following:
28 " _____. Approve or disapprove applications for
29 certification, after reviewing applications,
30 inspection reports, and other materials submitted by
31 applicants. The board may suspend a decision to
32 approve or disapprove an application until an
33 application is complete or additional materials
34 relating to the application are provided to the board.
35 _____. Establish procedures pursuant to rules
36 adopted by the department governing appeals of
37 decisions made by the department or board under this
38 chapter, including final agency action under chapter
39 17A."
40 22. Page 6, line 31, by striking the word
41 "department" and inserting the following:
42 "department, upon approval by the board,".
43 23. Page 7, line 3, by inserting before the word
44 "fees" the following: "state".
45 24. Page 7, by striking lines 12 through 14 and
46 inserting the following: "shall serve as a certifying
47 agent under 21 U.S.C. § 2115. The secretary or the
48 secretary's agent may serve as an inspector in order
49 to conduct investigations at times and places and to
50 such an extent as the secretary and the board deems

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1 necessary to determine whether a person is in".
2 25. Page 7, by striking lines 20 through 28 and
3 inserting the following:
4 "Sec. _____. **NEW SECTION. 190C.5 STATE FEES --**
5 **DEPOSIT INTO THE GENERAL FUND OF THE STATE.**
6 1. The board shall establish a schedule of state
7 fees under this chapter by rule adopted by the
8 department, for persons required to be certified as
9 producers, handlers, and processors of agricultural
10 products labeled, sold, or advertised as organic as
11 provided in section 190C.13.
12 2. Beginning on July 1, 2000, the board shall
13 establish the rate of fees based on an estimate of the
14 amount of revenues from the fees required by the
15 department to administer and enforce this chapter.
16 The department shall annually review the estimate and
17 recommend a change in the rate of fees to the board if
18 the fees must be adjusted in order to comply with this
19 subsection. The board may approve an adjustment in
20 the fees by rule adopted by the department at any time
21 in order to comply with this subsection."
22 26. Page 7, line 29, by striking the words "The

23 fees" and inserting the following: "The department
24 shall collect state fees under this chapter as
25 provided by the board, which".

26 27. Page 7, by inserting after line 30 the
27 following:

28 "Sec. ____ NEW SECTION. 190C.5A REGIONAL ORGANIC
29 ASSOCIATIONS.

30 The department, upon approval by the board, may
31 authorize a regional organic association to assist the
32 board in certifying producers, handlers, and
33 processors of agricultural products under section
34 190C.13. The regional organic association must be
35 registered with the department. The registered
36 regional organic association, upon approval of the
37 board, may administer the provisions of section
38 190C.13 by doing all of the following:

39 1. Reviewing applications and providing applicants
40 with technical assistance in completing applications.
41 The department may authorize a regional organic
42 association to process applications, including
43 collecting and forwarding applications to the
44 department.

45 2. Preparing a summary of an application,
46 including materials accompanying the application, for
47 review by the department and the organic standards
48 board. A regional organic association may include a
49 recommendation for approval, modification, or
50 disapproval of an application."

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1 28. Page 8, line 9, by striking the words
2 "product, other than livestock," and inserting the
3 following: "product".

4 29. Page 8, line 19, by inserting after the word
5 "organic." the following: "A person shall not be
6 certified unless the certification is approved by the
7 organic standards board."

8 30. Page 8, line 34, by inserting after the word
9 "rules" the following: "upon approval by the board".

10 31. By striking page 8, line 35, through page 9,
11 line 2, and inserting the following: "certification
12 procedure."

13 32. Page 11, line 8, by striking the word
14 "department" and inserting the following: "board".

15 33. Page 11, line 9, by striking the words "or
16 registered".

17 34. Page 11, line 16, by striking the word
18 "department" and inserting the following: "board".

19 35. Page 12, by striking lines 1 through 3 and
20 inserting the following: "sale order are satisfied.

21 The board must approve a delay in issuing a release

22 order within three months after requiring that the
23 agricultural product be held. If the person is found
24 to have violated this chapter, the person shall pay
25 all expenses incurred by the department in connection
26 with the agricultural product's removal."
27 36. Page 12, by striking lines 20 through 22 and
28 inserting the following: "continues constitutes a
29 separate offense. Civil".
30 37. Page 12, line 29, by striking the words
31 "review and appeals".
32 38. Page 12, line 32, by inserting before the
33 word "secretary" the following: "governor and".
34 39. Page 12, line 33, by striking the words
35 "review and appeals".
36 40. Page 12, line 34, by inserting before the
37 word "secretary" the following: "governor and".
38 41. Page 12, line 35, by inserting before the
39 word "secretary" the following: "governor and".
40 42. Page 13, line 2, by inserting before the word
41 "secretary" the following: "governor and".
42 43. Page 13, by inserting after line 3 the
43 following:
44 "Sec. ____ STAFF QUALIFICATIONS. The department
45 shall adopt rules regarding the qualifications of
46 departmental personnel responsible for implementing
47 and administering this Act."
48 44. By renumbering as necessary.

S-5638

1 Amend House File 2530, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. ____ NEW SECTION. 405A.11 REBUILD OUR
6 CITIES AND COUNTIES PROGRAM.
7 1. A rebuild our cities and counties (ROCC) fund
8 is created in the state treasury. The director of
9 revenue and finance shall credit the rebuild our
10 cities and counties fund with the moneys appropriated
11 to the fund as provided in this section. For purposes
12 of this section, "revenues generated by the sales tax"
13 means the estimated revenue from the gross receipts
14 taxed by the state pursuant to chapter 422, division
15 IV, as estimated by the revenue estimating conference
16 pursuant to section 8.22A in December preceding the
17 fiscal year for which the appropriation provided for
18 in this subsection shall be made. The moneys credited
19 to the ROCC fund shall be apportioned on a per capita
20 basis with an equal share allocated to each person
21 residing in the state. The share of each person
22 residing in a city shall be paid to the treasurer of

23 that city. The share allocated to each person
24 residing outside the boundaries of a city shall be
25 paid to the county treasurer. The population of each
26 city shall be determined by the latest federal census.
27 The population of each county shall be determined by
28 the last federal census excluding the persons residing
29 within the boundaries of each city within the county.
30 There is appropriated from the general fund of the
31 state to the ROCC fund annually the following amounts
32 for the designated fiscal years:
33 a. For the fiscal year beginning July 1, 1999, an
34 amount equal to two percent of the revenues generated
35 by the sales tax.
36 b. For subsequent fiscal years beginning with July
37 1, 2000, the amount of appropriation shall increase an
38 additional two percent of the revenues generated by
39 the sales tax if the requirements of subsection 2 are
40 met. However, the amount appropriated for a fiscal
41 year shall not exceed a total of ten percent of the
42 revenues generated by the sales tax.
43 2. The additional two percent of revenues
44 generated by the sales tax, as specified in subsection
45 1, shall be appropriated in a fiscal year only if the
46 December revenue estimate for the general fund of the
47 state for the next succeeding fiscal year exceeds the
48 revenue estimate for the general fund of the state for
49 the previous fiscal year by at least four percent.
50 3. During the budgeting process for each city and

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1 county, the governing body of the city or county shall
2 request public comment, at a public hearing, on the
3 expenditure of the moneys received from the rebuild
4 our cities and counties fund. After public comment,
5 the governing body shall specify the amount of funds
6 which will be used for tax relief, including how the
7 tax relief will be accomplished and the amount of
8 funds which will be appropriated for specific
9 programs."

ROD HALVORSON

S-5639

1 Amend Senate File 2413 as follows:
2 1. Page 1, by striking lines 1 through 11.
3 2. Page 1, line 25, by striking the word "~~ninety-~~
4 ~~nine~~" and inserting the following: "ninety-five".
5 3. Page 1, by striking lines 29 through 32 and
6 inserting the following: "fiscal year beginning July
7 1, 1999".

- 8 4. Page 2, by striking lines 4 through 6 and
9 inserting the following: "a, subparagraph (1)."
10 5. By renumbering as necessary.

MARY LOU FREEMAN

S-5640

- 1 Amend Senate File 2413 as follows:
2 1. Page 1, lines 34 and 35, by striking the words
3 "waste reduction and recycling" and inserting the
4 following: "waste reduction, recycling, or small
5 business pollution prevention".

MARY LOU FREEMAN

HOUSE AMENDMENT TO
SENATE FILE 2398

S-5641

- 1 Amend Senate File 2398, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. NEW SECTION. 229A.1 LEGISLATIVE
6 FINDINGS.
7 The general assembly finds that a small but
8 extremely dangerous group of sexually violent
9 predators exists which is made up of persons who do
10 not have a mental disease or defect that renders them
11 appropriate for involuntary treatment pursuant to the
12 treatment provisions for mentally ill persons under
13 chapter 229, since that chapter is intended to provide
14 short-term treatment to persons with serious mental
15 disorders and then return them to the community. In
16 contrast to persons appropriate for civil commitment
17 under chapter 229, sexually violent predators
18 generally have antisocial personality features that
19 are unamenable to existing mental illness treatment
20 modalities and that render them likely to engage in
21 sexually violent behavior. The general assembly finds
22 that sexually violent predators' likelihood of
23 engaging in repeat acts of predatory sexual violence
24 is high and that the existing involuntary commitment
25 procedure under chapter 229 is inadequate to address
26 the risk these sexually violent predators pose to
27 society.
28 The general assembly further finds that the
29 prognosis for rehabilitating sexually violent
30 predators in a prison setting is poor, because the
31 treatment needs of this population are very long-term,

32 and the treatment modalities for this population are
33 very different from the traditional treatment
34 modalities available in a prison setting or for
35 persons appropriate for commitment under chapter 229.
36 Therefore, the general assembly finds that a civil
37 commitment procedure for the long-term care and
38 treatment of the sexually violent predator is
39 necessary.

40 Sec. . NEW SECTION. 229A.2 DEFINITIONS.

41 As used in this chapter:

42 1. "Agency with jurisdiction" means an agency
43 which has custody of or releases a person serving a
44 sentence or term of confinement or is otherwise in
45 confinement based upon a lawful order or authority,
46 and includes but is not limited to the department of
47 corrections, the department of human services, a
48 judicial district department of correctional services,
49 and the Iowa board of parole.
50 2. "Likely to engage in predatory acts of sexual

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1 violence" means that the person more likely than not
2 will engage in acts of a sexually violent nature. If
3 a person is not confined at the time that a petition
4 is filed, a person is "likely to engage in predatory
5 acts of sexual violence" only if the person commits a
6 recent overt act.

7 3. "Mental abnormality" means a congenital or
8 acquired condition affecting the emotional or
9 volitional capacity of a person and predisposing that
10 person to commit sexually violent offenses to a degree
11 which would constitute a menace to the health and
12 safety of others.

13 4. "Predatory" means acts directed toward a person
14 with whom a relationship has been established or
15 promoted for the primary purpose of victimization.

16 5. "Recent overt act" means any act that has
17 either caused harm of a sexually violent nature or
18 creates a reasonable apprehension of such harm.

19 6. "Sexually motivated" means that one of the
20 purposes for commission of a crime is the purpose of
21 sexual gratification of the perpetrator of the crime.

22 7. "Sexually violent offense" means:

23 a. A violation of any provision of chapter 709.

24 b. A violation of any of the following if the
25 offense involves sexual abuse, attempted sexual abuse,
26 or intent to commit sexual abuse:

27 (1) Murder as defined in section 707.1.

28 (2) Kidnapping as defined in section 710.1.

29 (3) Burglary as defined in section 713.1.

30 (4) Child endangerment under section 726.6,

31 subsection 1, paragraph "e".
32 c. Sexual exploitation of a minor in violation of
33 section 728.12, subsection 1.
34 d. Pandering involving a minor in violation of
35 section 725.3, subsection 2.
36 e. An offense involving an attempt or conspiracy
37 to commit any offense referred to in this subsection.
38 f. An offense under prior law of this state or an
39 offense committed in another jurisdiction which would
40 constitute an equivalent offense under paragraphs "a"
41 through "e".
42 g. Any act which, either at the time of sentencing
43 for the offense or subsequently during civil
44 commitment proceedings pursuant to this chapter, has
45 been determined beyond a reasonable doubt to have been
46 sexually motivated.
47 8. "Sexually violent predator" means a person who
48 has been convicted of or charged with a sexually
49 violent offense and who suffers from a mental
50 abnormality which makes the person likely to engage in

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1 predatory acts constituting sexually violent offenses,
2 if not confined in a secure facility.
3 Sec. . NEW SECTION. 229A.3 NOTICE OF
4 DISCHARGE OF SEXUALLY VIOLENT PREDATOR -- IMMUNITY
5 FROM LIABILITY -- MULTIDISCIPLINARY TEAM --
6 PROSECUTOR'S REVIEW COMMITTEE -- ASSESSMENT OF PERSON.
7 1. When it appears that a person who is confined
8 may meet the definition of a sexually violent
9 predator, the agency with jurisdiction shall give
10 written notice to the attorney general and the
11 multidisciplinary team established in subsection 4, no
12 later than ninety days prior to any of the following
13 events:
14 a. The anticipated discharge of a person who has
15 been convicted of a sexually violent offense from
16 total confinement, except that in the case of a person
17 who is returned to prison for no more than ninety days
18 as a result of revocation of parole, written notice
19 shall be given as soon as practicable following the
20 person's readmission to prison.
21 b. The discharge of a person who has been charged
22 with a sexually violent offense and who has been
23 determined to be incompetent to stand trial pursuant
24 to chapter 812.
25 c. The discharge of a person who has been found
26 not guilty by reason of insanity of a sexually violent
27 offense.
28 2. If notice is given under subsection 1, the
29 agency with jurisdiction shall inform the attorney

30 general and the multidisciplinary team established in
31 subsection 4, of both of the following:
32 a. The person's name, identifying factors,
33 anticipated future residence, and offense history.
34 b. Documentation of any institutional evaluation
35 and any treatment received.
36 3. The agency with jurisdiction, its employees,
37 officials, members of the multidisciplinary team
38 established in subsection 4, members of the
39 prosecutor's review committee appointed as provided in
40 subsection 5, and individuals contracting, appointed,
41 or volunteering to perform services under this section
42 shall be immune from liability for any good-faith
43 conduct under this section.
44 4. The director of the department of corrections
45 shall establish a multidisciplinary team which may
46 include individuals from other state agencies to
47 review available records of each person referred to
48 such team pursuant to subsection 1. The team, within
49 thirty days of receiving notice, shall assess whether
50 or not the person meets the definition of a sexually

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1 violent predator. The team shall notify the attorney
2 general of its assessment.
3 5. The attorney general shall appoint a
4 prosecutor's review committee to review the records of
5 each person referred to the attorney general pursuant
6 to subsection 1. The prosecutor's review committee
7 shall assist the attorney general in the determination
8 of whether or not the person meets the definition of a
9 sexually violent predator. The assessment of the
10 multidisciplinary team shall be made available to the
11 attorney general and the prosecutor's review
12 committee.

13 Sec. NEW SECTION. 229A.4 PETITION, TIME,
14 CONTENTS.

15 1. If it appears that a person presently confined
16 may be a sexually violent predator and the
17 prosecutor's review committee has determined that the
18 person meets the definition of a sexually violent
19 predator, the attorney general may file a petition,
20 within seventy-five days of the date the attorney
21 general received the written notice by the agency of
22 jurisdiction pursuant to section 229A.3, alleging that
23 the person is a sexually violent predator and stating
24 sufficient facts to support such an allegation.
25 2. A prosecuting attorney of the county in which
26 the person was convicted or charged, or the attorney
27 general if requested by the prosecuting attorney, may
28 file a petition alleging that a person is a sexually

29 violent predator and stating sufficient facts to
30 support such an allegation, if it appears that a
31 person who has committed a recent overt act meets any
32 of the following criteria:

33 a. The person was convicted of a sexually violent
34 offense and has been discharged after the completion
35 of the sentence imposed for the offense.

36 b. The person was charged with, but was acquitted
37 of, a sexually violent offense by reason of insanity
38 and has been released from confinement or any
39 supervision.

40 c. The person was charged with, but was found to
41 be incompetent to stand trial for, a sexually violent
42 offense and has been released from confinement or any
43 supervision.

44 Sec. . NEW SECTION. 229A.5 PERSON TAKEN INTO
45 CUSTODY, DETERMINATION OF PROBABLE CAUSE, HEARING,
46 EVALUATION.

47 1. Upon filing of a petition under section 229A.4,
48 the court shall make a preliminary determination as to
49 whether probable cause exists to believe that the
50 person named in the petition is a sexually violent

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1 predator. Upon a preliminary finding of probable
2 cause, the court shall direct that the person named in
3 the petition be taken into custody and that the person
4 be served with a copy of the petition and any
5 supporting documentation and notice of the procedures
6 required by this chapter. If the person is in custody
7 at the time of the filing of the petition, the court
8 shall determine whether a transfer of the person to an
9 appropriate secure facility is appropriate pending the
10 outcome of the proceedings or whether the custody
11 order should be delayed until the date of release of
12 the person.

13 2. Within seventy-two hours after being taken into
14 custody or being transferred to an appropriate secure
15 facility, a hearing shall be held to determine whether
16 probable cause exists to believe the detained person
17 is a sexually violent predator. At the probable cause
18 hearing, the detained person shall have the following
19 rights:

20 a. To be provided with prior notice of date, time,
21 and location of the probable cause hearing.

22 b. To respond to the preliminary finding of
23 probable cause.

24 c. To appear in person at the hearing.

25 d. To be represented by counsel.

26 e. To present evidence on the respondent's own
27 behalf.

28 f. To cross-examine witnesses who testify against
29 the respondent.
30 g. To view and copy all petitions and reports in
31 the possession of the court.
32 3. At the hearing, the state may rely upon the
33 petition filed under subsection 1 but may also
34 supplement the petition with additional documentary
35 evidence or live testimony.
36 4. At the conclusion of the hearing, the court
37 shall enter an order which does both of the following:
38 a. Verifies the respondent's identity.
39 b. Determines whether probable cause exists to
40 believe that the respondent is a sexually violent
41 predator.
42 5. If the court determines that probable cause
43 does exist, the court shall direct that the respondent
44 be transferred to an appropriate secure facility,
45 including, but not limited to, a county jail, for an
46 evaluation as to whether the respondent is a sexually
47 violent predator. The evaluation shall be conducted
48 by a person deemed to be professionally qualified to
49 conduct such an examination.
50 Sec. . NEW SECTION. 229A.6 COUNSEL AND

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1 EXPERTS, INDIGENT PERSONS.

2 1. A respondent to a petition alleging the person
3 to be a sexually violent predator shall be entitled to
4 the assistance of counsel upon the filing of the
5 petition under section 299A.4 and, if the respondent
6 is indigent, the court shall appoint counsel to assist
7 the respondent at state expense.
8 2. If a respondent is subjected to an examination
9 under this chapter, the respondent may retain experts
10 or professional persons to perform an independent
11 examination on the respondent's behalf. If the
12 respondent wishes to be examined by a qualified expert
13 or professional person of the respondent's own choice,
14 the examiner of the respondent's choice shall be given
15 reasonable access to the respondent for the purpose of
16 the examination, as well as access to all relevant
17 medical and psychological records and reports. If the
18 respondent is indigent, the court, upon the
19 respondent's request, shall determine whether the
20 services are necessary and the reasonable compensation
21 for the services. If the court determines that the
22 services are necessary and the requested compensation
23 for the services is reasonable, the court shall assist
24 the respondent in obtaining an expert or professional
25 person to perform an examination or participate in the
26 trial on the respondent's behalf. The court shall

27 approve payment for such services upon the filing of a
28 certified claim for compensation supported by a
29 written statement specifying the time expended,
30 services rendered, expenses incurred on behalf of the
31 respondent, and compensation received in the same case
32 or for the same services from any other source.

33 Sec. . NEW SECTION. 229A.7 TRIAL,
34 DETERMINATION, COMMITMENT PROCEDURE, CHAPTER 28E
35 AGREEMENTS, MISTRIALS.

36 1. If the person charged with a sexually violent
37 offense has been found incompetent to stand trial and
38 the person is about to be released pursuant to section
39 812.5, or the person has been found not guilty of a
40 sexually violent offense by reason of insanity, if a
41 petition has been filed seeking the person's
42 commitment under this chapter, the court shall first
43 hear evidence and determine whether the person did
44 commit the act or acts charged. At the hearing on
45 this issue, the rules of evidence applicable in
46 criminal cases shall apply, and all constitutional
47 rights available to defendants at criminal trials,
48 other than the right not to be tried while
49 incompetent, shall apply. After hearing evidence on
50 this issue, the court shall make specific findings on

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1 whether the person did commit the act or acts charged,
2 the extent to which the person's incompetence or
3 insanity affected the outcome of the hearing,
4 including its effect on the person's ability to
5 consult with and assist counsel and to testify on the
6 person's own behalf, the extent to which the evidence
7 could be reconstructed without the assistance of the
8 person, and the strength of the prosecution's case.
9 If after the conclusion of the hearing on this issue,
10 the court finds, beyond a reasonable doubt, that the
11 person did commit the act or acts charged, the court
12 shall enter a final order, appealable by the person,
13 on that issue, and may proceed to consider whether the
14 person should be committed pursuant to this chapter.
15 2. Within sixty days after the completion of the
16 probable cause hearing held pursuant to section
17 229A.5, the court shall conduct a trial to determine
18 whether the respondent is a sexually violent predator.
19 The trial may be continued upon the request of either
20 party and a showing of good cause, or by the court on
21 its own motion in the due administration of justice,
22 and when the respondent will not be substantially
23 prejudiced. The respondent, the attorney general, or
24 the judge shall have the right to demand that the
25 trial be before a jury. Such demand for the trial to

26 be before a jury shall be filed, in writing, at least
27 four days prior to trial. The number and selection of
28 jurors shall be determined as provided in chapter
29 607A. If no demand is made, the trial shall be before
30 the court.

31 3. At trial, the court or jury shall determine
32 whether, beyond a reasonable doubt, the respondent is
33 a sexually violent predator. If the determination
34 that the respondent is a sexually violent predator is
35 made by a jury, the determination shall be by
36 unanimous verdict of such jury.

37 If the court or jury determines that the respondent
38 is a sexually violent predator, the respondent shall
39 be committed to the custody of the director of the
40 department of human services for control, care, and
41 treatment until such time as the person's mental
42 abnormality has so changed that the person is safe to
43 be at large. The determination may be appealed.

44 4. The control, care, and treatment of a person
45 determined to be a sexually violent predator shall be
46 provided at a facility operated by the department of
47 human services. At all times, persons committed for
48 control, care, and treatment by the department of
49 human services pursuant to this chapter shall be kept
50 in a secure facility and those patients shall be

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1 segregated at all times from any other patient under
2 the supervision of the department of human services.
3 A person committed pursuant to this chapter to the
4 custody of the department of human services may be
5 kept in a facility or building separate from any other
6 patient under the supervision of the department of
7 human services. The department of human services may
8 enter into a chapter 28E agreement with the department
9 of corrections or other appropriate agency in this
10 state or another state for the confinement of patients
11 who have been determined to be sexually violent
12 predators. Patients who are in the confinement of the
13 director of the department of corrections pursuant to
14 a chapter 28E agreement shall be housed and managed
15 separately from criminal offenders in the custody of
16 the director of the department of corrections, and
17 except for occasional instances of supervised
18 incidental contact, shall be segregated from those
19 offenders.

20 5. If the court or jury is not satisfied beyond a
21 reasonable doubt that the respondent is a sexually
22 violent predator, the court shall direct the
23 respondent's release. Upon a mistrial, the court
24 shall direct that the respondent be held at an

25 appropriate secure facility, including, but not
26 limited to, a county jail, until another trial is
27 conducted. Any subsequent trial following a mistrial
28 shall be held within ninety days of the previous
29 trial, unless such subsequent trial is continued as
30 provided in subsection 1.

31 Sec. NEW SECTION. 229A.8 ANNUAL
32 EXAMINATIONS, DISCHARGE PETITIONS BY PERSONS
33 COMMITTED.

34 1. Each person committed under this chapter shall
35 have a current examination of the person's mental
36 abnormality made once every year. The person may
37 retain, or if the person is indigent and so requests,
38 the court may appoint a qualified expert or
39 professional person to examine such person, and such
40 expert or professional person shall be given access to
41 all records concerning the person.

42 2. The annual report shall be provided to the
43 court that committed the person under this chapter.
44 The court shall conduct an annual review and probable
45 cause hearing on the status of the committed person.

46 3. Nothing contained in this chapter shall
47 prohibit the person from otherwise petitioning the
48 court for discharge at the probable cause hearing.
49 The director of human services shall provide the
50 committed person with an annual written notice of the

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1 person's right to petition the court for discharge
2 over the director's objection. The notice shall
3 contain a waiver of rights. The director shall
4 forward the notice and waiver form to the court with
5 the annual report.

6 4. The committed person shall have a right to have
7 an attorney represent the person at the probable cause
8 hearing but the person is not entitled to be present
9 at the hearing. If the court at the hearing
10 determines that probable cause exists to believe that
11 the person's mental abnormality has so changed that
12 the person is safe to be at large and will not engage
13 in predatory acts or sexually violent offenses if
14 discharged, then the court shall set a final hearing
15 on the issue.

16 5. At the final hearing, the committed person
17 shall be entitled to be present and is entitled to the
18 benefit of all constitutional protections that were
19 afforded the person at the original commitment
20 proceeding. The attorney general shall represent the
21 state and shall have a right to a jury trial and to
22 have the committed person evaluated by experts chosen
23 by the state. The committed person shall also have

24 the right to have experts evaluate the person on the
25 person's behalf. The court shall appoint an expert if
26 the person is indigent and requests an appointment.
27 The burden of proof at the hearing shall be upon the
28 state to prove beyond a reasonable doubt that the
29 committed person's mental abnormality or personality
30 disorder remains such that the person is not safe to
31 be at large and if discharged is likely to engage in
32 acts of sexual violence.

33 Sec. NEW SECTION. 229A.9 DETENTION AND
34 COMMITMENT TO CONFORM TO CONSTITUTIONAL REQUIREMENTS.

35 The involuntary detention or commitment of persons
36 under this chapter shall conform to constitutional
37 requirements for care and treatment.

38 Sec. NEW SECTION. 229A.10 PETITION FOR
39 DISCHARGE -- PROCEDURE.

40 If the director of human services determines that
41 the person's mental abnormality has so changed that
42 the person is not likely to commit predatory acts or
43 sexually violent offenses if discharged, the director
44 shall authorize the person to petition the court for
45 discharge. The petition shall be served upon the
46 court and the attorney general. The court, upon
47 receipt of the petition for discharge, shall order a
48 hearing within thirty days. The attorney general
49 shall represent the state, and shall have the right to
50 have the petitioner examined by an expert or

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1 professional person of the attorney general's choice.
2 The hearing shall be before a jury if demanded by
3 either the petitioner or the attorney general. The
4 burden of proof shall be upon the attorney general to
5 show beyond a reasonable doubt that the petitioner's
6 mental abnormality or personality disorder remains
7 such that the petitioner is not safe to be at large
8 and that if discharged is likely to commit predatory
9 acts or sexually violent offenses.

10 Sec. NEW SECTION. 229A.11 SUBSEQUENT
11 DISCHARGE PETITIONS, LIMITATIONS.

12 Nothing in this chapter shall prohibit a person
13 from filing a petition for discharge pursuant to this
14 chapter. However, if a person has previously filed a
15 petition for discharge without the authorization of
16 the director of human services, and the court
17 determines either upon review of the petition or
18 following a hearing that the petition was frivolous or
19 that the petitioner's condition had not so changed
20 that the person was safe to be at large, then the
21 court shall summarily deny the subsequent petition
22 unless the petition contains facts upon which a court

23 could find the condition of the petitioner had so
24 changed that a hearing was warranted. Upon receipt of
25 a first or subsequent petition from a committed person
26 without the director's authorization, the court shall
27 endeavor whenever possible to review the petition and
28 determine if the petition is based upon frivolous
29 grounds. If the court determines that a petition is
30 frivolous, the court shall deny the petition without a
31 hearing.

32 Sec. . NEW SECTION. 229A.12 DIRECTOR OF HUMAN
33 SERVICES -- RESPONSIBILITY FOR COSTS -- DUTIES --
34 REIMBURSEMENT.

35 The director of human services shall be responsible
36 for all costs relating to the evaluation and treatment
37 of persons committed to the director's custody under
38 any provision of this chapter. Reimbursement may be
39 obtained by the director from the patient and any
40 person legally liable or bound by contract for the
41 support of the patient for the cost of care and
42 treatment provided.

43 Sec. . NEW SECTION. 229A.13 NOTICE TO VICTIMS
44 OF DISCHARGE OF PERSONS COMMITTED.

45 In addition to any other information required to be
46 released under this chapter, prior to the discharge of
47 a person committed under this chapter, the director of
48 human services shall give written notice of the
49 person's discharge to any living victim of the
50 person's activities or crime whose address is known to

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1 the director or, if the victim is deceased, to the
2 victim's family, if the family's address is known.
3 Failure to notify shall not be a reason for
4 postponement of discharge. Nothing in this section
5 shall create a cause of action against the state or an
6 employee of the state acting within the scope of the
7 employee's employment as a result of the failure to
8 notify pursuant to this action.

9 Sec. . NEW SECTION. 229A.15 SEVERABILITY.

10 If any provision of this chapter or the application
11 thereof to any person or circumstances is held
12 invalid, the invalidity shall not affect other
13 provisions or applications of the chapter which can be
14 given effect without the invalid provisions or
15 application and, to this end, the provisions of this
16 chapter are severable.

17 Sec. . NEW SECTION. 229A.16 RELEASE OF
18 CONFIDENTIAL OR PRIVILEGED INFORMATION AND RECORDS.

19 Notwithstanding anything in chapter 22 to the
20 contrary, relevant information and records which would
21 otherwise be confidential or privileged shall be

22 released to the agency with jurisdiction or the
 23 attorney general for the purpose of meeting the notice
 24 requirement provided in section 229A.3 and determining
 25 whether a person is or continues to be a sexually
 26 violent predator.

27 Sec. . NEW SECTION. 229A.17 COURT RECORDS --
 28 SEALED AND OPENED BY COURT ORDER.

29 Any psychological reports, drug and alcohol
 30 reports, treatment records, reports of any diagnostic
 31 center, medical records, or victim impact statements
 32 which have been submitted to the court or admitted
 33 into evidence under this chapter shall be part of the
 34 record but shall be sealed and opened only on order of
 35 the court.

36 Sec. . NEW SECTION. 299A.18 SHORT TITLE.

37 This chapter shall be known and may be cited as the
 38 "Sexually Violent Predator Act".

39 Sec. ____ Section 815.11, Code 1997, is amended to
 40 read as follows:

41 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

42 Costs incurred under chapter 229A, section 232.141,
 43 subsection 3, paragraph "c", sections 814.9, 814.10,
 44 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, or the
 45 rules of criminal procedure on behalf of an indigent
 46 shall be paid from funds appropriated by the general
 47 assembly to the department of inspections and appeals
 48 for those purposes."

49 2. Page 2, line 15, by inserting after the word
 50 "release" the following: ", unless, after an

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- 1 appropriate assessment, the court or board determines
- 2 that the treatment would not be effective".
- 3 3. By renumbering, relettering, or redesignating
- 4 and correcting internal references as necessary.

S-5642

1 Amend House File 2513, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 2, line 17, by inserting before the word
 4 "For" the following: "a."

5 2. Page 2, line 29, by striking the words "three
 6 five" and inserting the following: "three".

7 3. Page 2, line 31, by striking the words "six
 8 ten" and inserting the following: "six".

9 4. Page 2, line 33, by striking the words

10 "However, a" and inserting the following: "However, a
 11 the maximum amount specified in this paragraph may be
 12 increased as provided in paragraph "b". A".

13 5. Page 3, lines 4 and 5, by striking the words

14 "ten thousand dollars. The ten thousand dollar" and
15 inserting the following: "the maximum amount for
16 joint filers. This maximum amount".
17 6. Page 3, by inserting after line 8 the
18 following:
19 "b. For purposes of this paragraph, "net income"
20 means the net income computed under this section prior
21 to any deduction under this subsection. The maximum
22 amount specified in paragraph "a" may be increased by
23 three thousand dollars for single filers and six
24 thousand dollars for joint filers. Single filers with
25 net incomes of thirty-four thousand dollars or less
26 and joint filers with forty-four thousand dollars or
27 less may receive one hundred percent of the three
28 thousand dollar increase or six thousand dollar
29 increase, respectively. For each additional one
30 thousand dollars, or portion thereof, of net income,
31 the percentage of the appropriate dollar increase
32 specified in this paragraph allowed as a deduction
33 shall be reduced by five percent."

WILLIAM D. PALMER

S-5643

1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 51, line 35, through page 52,
4 line 2, and inserting the following: "context
5 otherwise provides:
6 a. "Member" means a vested member who is
7 classified as a special service member under section
8 97B.1A, subsection 21, at the time of the alleged
9 disability.
10 b. "Net disability retirement allowance" means the
11 amount determined by subtracting the amount paid
12 during the previous calendar year by the member for
13 health insurance or similar health care coverage for
14 the member and the member's dependents from the amount
15 of the member's disability retirement allowance paid
16 for that year pursuant to this section.
17 c. "Reemployment comparison amount" means an
18 amount equal to the current covered wages of an active
19 special service member at the same position on the
20 salary scale within the rank or position the member
21 held at the time the member received a disability
22 retirement allowance pursuant to this section. If the
23 rank or position held by the member at the time of
24 retirement pursuant to this section is abolished, the
25 amount shall be computed by the department as though
26 the rank or position had not been abolished and salary
27 increases had been granted on the same basis as

28 granted to other ranks or positions by the former
29 employer of the member. The reemployment comparison
30 amount shall not be less than the three-year average
31 covered wage of the member."

32 2. Page 52, line 4, by striking the words
33 "Effective July 1, 1999, a" and inserting the
34 following: "A".

35 3. Page 52, by striking lines 10 and 11 and
36 inserting the following: "97B.49G, as applicable."

37 4. Page 52, line 28, by inserting after the word
38 "commenced," the following: "A member who is denied a
39 benefit under this subsection, by reason of a finding
40 by the department that the member is not mentally or
41 physically incapacitated for the further performance
42 of duty, shall be entitled to be restored to active
43 service in the same or comparable special service
44 position held by the member immediately prior to the
45 application for disability benefits."

46 5. Page 53, line 2, by inserting after the word
47 "commenced" the following: ", the presumption
48 established in this paragraph shall not apply".

49 6. Page 53, line 5, by striking the word
50 "greatest" and inserting the following: "greater".

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1 7. Page 53, line 6, by striking the words
2 "subsection, a" and inserting the following:
3 "subsection or a".

4 8. Page 53, lines 8 through 10, by striking the
5 words ", or a disability retirement allowance
6 calculated under section 97B.50, subsection 2".

7 9. Page 53, line 16, by striking the words and
8 figures "Effective July 1, 1999, a" and inserting the
9 following: "A".

10 10. Page 53, by striking lines 21 and 22 and
11 inserting the following: "97B.49G, as applicable."

12 11. Page 54, line 1, by inserting after the word
13 "commenced," the following: "A member who is denied a
14 benefit under this subsection, by reason of a finding
15 by the department that the member is not mentally or
16 physically incapacitated for the further performance
17 of duty, shall be entitled to be restored to active
18 service in the same or comparable special service
19 position held by the member immediately prior to the
20 application for disability benefits."

21 12. Page 54, line 3, by striking the word
22 "greatest" and inserting the following: "greater".

23 13. Page 54, line 5, by striking the words
24 "subsection, a" and inserting the following:
25 "subsection or a".

26 14. Page 54, lines 7 and 8, by striking the words

27 ", or a disability retirement allowance calculated
28 under section 97B.50, subsection 2".

29 15. Page 54, by inserting after line 12 the
30 following:

31 "___ WAIVER OF ALLOWANCE. A member receiving a
32 disability retirement allowance under this section may
33 file an application to receive benefits pursuant to
34 section 97B.50, subsection 2, in lieu of receiving a
35 disability retirement allowance under the provisions
36 of this section, if the member becomes eligible for
37 benefits under section 97B.50, subsection 2. An
38 application to receive benefits pursuant to section
39 97B.50, subsection 2, shall be filed with the
40 department within sixty days of becoming eligible for
41 benefits pursuant to that section or the member shall
42 be ineligible to elect coverage under that section.
43 On the first of the month following the month in which
44 a member's application is approved by the department,
45 the member's election of coverage under section
46 97B.50, subsection 2, shall become effective and the
47 member's eligibility to receive a disability
48 retirement allowance pursuant to this section shall
49 cease. Benefits payable pursuant to section 97B.50,
50 subsection 2, shall be calculated using the option

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1 choice the member selected for payment of a disability
2 retirement allowance pursuant to this section. An
3 application to elect coverage under section 97B.50,
4 subsection 2, is irrevocable upon approval by the
5 department."

6 16. Page 55, line 18, by inserting after the word
7 "members." the following: "If a member receiving a
8 disability retirement allowance returns to special
9 service employment, then the period of time the member
10 received a disability retirement allowance shall
11 constitute eligible service as defined in section
12 97B.49B, subsection 1, or section 97B.49C, subsection
13 1, as applicable."

14 17. Page 55, by striking lines 21 through 27 and
15 inserting the following:

16 "b. (1) If a member receiving a disability
17 retirement allowance is engaged in a gainful
18 occupation that is not covered employment, the
19 member's disability retirement allowance shall be
20 reduced, if applicable, as provided in this paragraph.
21 (2) If the member is engaged in a gainful
22 occupation paying more than the difference between the
23 member's net disability retirement allowance and one
24 and one-half times the reemployment comparison amount
25 for that member, then the amount of the member's

26 disability retirement allowance shall be reduced to an
27 amount such that the member's net disability
28 retirement allowance plus the amount earned by the
29 member shall equal one and one-half times the
30 reemployment comparison amount for that member.

31 (3) The member shall submit sufficient
32 documentation to the system to permit the system to
33 determine the member's net disability retirement
34 allowance and earnings from a gainful occupation that
35 is not covered employment for the applicable year.

36 (4) This paragraph does not apply to a member who
37 is at least fifty-five years of age and would have
38 completed a sufficient number of years of service if
39 the member had remained in active special service
40 employment. For purposes of this subparagraph, a
41 sufficient number of years of service shall be twenty-
42 five for a special service member as described in
43 section 97B.49B or twenty-two years of service for a
44 special service member as described in section
45 97B.49C."

46 18. Page 58, by striking lines 8 through 10 and
47 inserting the following: "submit to the department
48 any documentation the department".

49 19. Page 58, by inserting after line 16 the
50 following:

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1 "12. APPLICABILITY -- RETROACTIVITY.

2 a. This section applies to a member who becomes
3 disabled on or after July 1, 1999, and also applies to
4 a member who becomes disabled prior to July 1, 1999,
5 if the member has not terminated special service
6 employment as of June 30, 1999.

7 b. To qualify for benefits under this section, a
8 member must file a completed application with the
9 department within one year of the member's termination
10 of employment. A member eligible for a disability
11 retirement allowance under this section is entitled to
12 receipt of retroactive adjustment payments for no more
13 than six months immediately preceding the month in
14 which the completed application for receipt of a
15 disability retirement allowance under this section is
16 approved."

17 20. Page 87, line 34, by striking the words "city
18 administrator".

19 21. By renumbering as necessary.

SHELDON RITTMER
JOHN P. KIBBIE
RICHARD F. DRAKE

S-5644

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 21, by striking lines 20 and 21 and
4 inserting the following: "with this chapter. In
5 addition, the tax imposed under this chapter is a lien
6 on the share of the estate passing to the surviving
7 spouse, and parents, grandparents, great-grandparents,
8 and other lineal ascendants, children including
9 legally adopted children and biological children
10 entitled to inherit under the laws of this state,
11 stepchildren, and grandchildren, great-grandchildren,
12 and other lineal descendants. The".

O. GENE MADDOX

S-5645

1 Amend Senate File 2418 as follows:

2 1. Page 2, line 26, by striking the letter "k"
3 and inserting the following: "l".
4 2. Page 13, line 8, by inserting after the word
5 "purpose" the following: "except that moneys
6 remaining after the purchase of such hardware and
7 software may be used for the purposes designated in
8 subsection 2".

JACK RIFE

S-5646

1 Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 34, by inserting after the word
4 "HOSPITALS" the following: "AND NURSING FACILITIES".
5 2. Page 5, line 6, by inserting after the word
6 "hospital" the following: "or to a nonprofit nursing
7 facility licensed pursuant to chapter 135C to be used
8 in the operation of the nursing facility".
9 3. Title page, line 7, by inserting after the
10 word "hospitals" the following: "and nursing
11 facilities".

MIKE CONNOLLY

S-5647

1 Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 29, by striking the word "five"
4 and inserting the following: "six".

- 5 2. Page 2, line 31, by striking the word "ten"
6 and inserting the following: "twelve".
7 3. Page 3, by striking line 4 and inserting the
8 following: "this subsection of up to twelve thousand
9 dollars. The twelve".

MIKE CONNOLLY

S-5648

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 88, line 20, through page 89,
4 line 3.
5 2. Page 90, line 33, by striking the word "fifty-
6 two" and inserting the following: "fifty".
7 3. Page 91, line 1, by inserting after the word
8 "system" the following: "has reached fully funded
9 status as defined in section 602.9104 and".
10 4. By renumbering as necessary.

ROD HALVORSON

S-5649

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, by inserting after line 15 the
4 following:
5 "(12) Adjunct instructors. As used in this
6 subparagraph, unless the context otherwise requires,
7 "adjunct instructors" means instructors employed by a
8 community college or a university governed by the
9 state board of regents without a continuing contract,
10 whose teaching load does not exceed one-half time for
11 two full semesters or three full quarters per calendar
12 year."
13 2. By striking page 12, line 29, through page 13,
14 line 1, and inserting the following: "employee under
15 this subparagraph."
16 3. Page 81, by striking lines 20 through 34.
17 4. By renumbering as necessary.

ROD HALVORSON

S-5650

- 1 Amend the Senate amendment, S-5631, to House File
2 2533, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by inserting after line 9 the
5 following:

6 ". By striking page 26, line 29, through page
7 27, line 5, and inserting the following: "balance
8 shall be divided equally between the area education
9 agencies.""

MIKE CONNOLLY

S-5651

1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 95, by inserting after line 26 the
4 following:
5 "Sec. ____ DEVELOPMENT OF PUBLIC RETIREMENT SYSTEM
6 FINANCIAL REPORTING METHOD -- REPORT.
7 1. The Iowa public employees' retirement system,
8 the statewide fire and police retirement system, the
9 public safety peace officers' retirement, accident,
10 and disability system, and the judicial retirement
11 system, hereafter "the systems", shall conduct a study
12 to determine the differences among the systems'
13 methods of reporting actuarial information concerning
14 the financial status of each respective retirement
15 system and shall develop a proposed uniform method for
16 reporting that actuarial information. The systems, in
17 developing a proposed uniform reporting method, should
18 attempt to provide consistent requirements for
19 reporting financial information about each retirement
20 system that can be used by the public retirement
21 systems committee and the general assembly in
22 examining and comparing the relative financial
23 condition of each retirement system. On or before
24 September 1, 1999, the systems shall file a report
25 with the legislative service bureau, for distribution
26 to the public retirement systems committee, which
27 contains the results of the study and any proposal or
28 proposals concerning the adoption of a uniform
29 financial reporting method. It is the intent of the
30 general assembly that the development of a uniform
31 method of providing financial information to the
32 general assembly pursuant to this section should not
33 in any way require each public retirement system to
34 adopt the same actuarial reporting system for purposes
35 of preparing the annual actuarial valuation of each
36 retirement system.
37 2. Each retirement system shall submit a financial
38 report to the general assembly by December 1, 1999,
39 based upon the proposed uniform financial reporting
40 method developed by the systems pursuant to the report
41 required by this section and using the most recent
42 annual actuarial evaluation of each retirement system.
43 If a proposed uniform financial reporting method is

44 not yet developed by the systems, each retirement
45 system shall submit a financial report to the general
46 assembly by December 1, 1999, based upon the most
47 recent annual actuarial valuation of the system and
48 using the aggregate cost method in accordance with
49 generally recognized and accepted actuarial principles
50 and practices set forth by the American academy of

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1 actuaries."

2 2. By renumbering as necessary.

ROD HALVORSON

S-5652

1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 88, line 11, through page 89,
4 line 3.

5 2. By striking page 89, line 11, through page 91,
6 line 2.

7 3. Page 95, by inserting after line 26 the
8 following:

9 "Sec. ____ JUDICIAL RETIREMENT SYSTEM
10 RESTRUCTURING -- REPORT.

11 1. The state court administrator, on behalf of the
12 judicial retirement system, and the chief benefits
13 officer of the Iowa public employees' retirement
14 system (IPERS) shall coordinate a comprehensive study
15 to explore the possibility of restructuring the
16 current judicial retirement system by establishing a
17 new special classification within the Iowa public
18 employees' retirement system for purposes of providing
19 retirement benefits for judges, and they shall make
20 findings and recommendations pursuant to the study.

21 2. The study shall consider, but not be limited
22 to, the following:

23 a. The costs involved in transferring
24 responsibility of the retirement system for judges to
25 IPERS and any cost savings likely to be realized with
26 such a transfer of responsibility.

27 b. The establishment of a mechanism for providing
28 current judges the ability to remain within the
29 current judicial retirement system or to transfer to a
30 new judicial special classification in IPERS.

31 c. The benefit structure to be provided to a judge
32 within a new judicial special classification within
33 IPERS.

34 d. The establishment of a mechanism to determine
35 the contribution rates for judges and employers under

36 a new judicial special classification in IPERS.
37 e. Consideration of the impact of a transfer of
38 the judicial retirement system to IPERS on judges and
39 retired judges. In considering the impact on judges
40 and retired judges, the systems shall solicit input
41 from judges and retired judges.
42 3. On or before September 1, 1999, the chief
43 benefits officer and the state court administrator
44 shall file a joint report with the legislative service
45 bureau, for distribution to the public retirement
46 systems committee, which contains the findings and any
47 recommendations of the study."
48 4. By renumbering as necessary.

ROD HALVORSON

S-5653

1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 86, by inserting after line 24 the
4 following:
5 "Sec. . Section 411.15, Code 1997, is amended
6 to read as follows:
7 411.15 HOSPITALIZATION AND MEDICAL ATTENTION.
8 Cities shall provide hospital, nursing, and medical
9 attention for the members of the police and fire
10 departments of the cities, when injured while in the
11 performance of their duties as members of such
12 department, and shall continue to provide hospital,
13 nursing, and medical attention for injuries or
14 diseases incurred while in the performance of their
15 duties for members receiving a retirement allowance
16 under section 411.6, subsection 6, and the Cities
17 ~Umay provide the hospital, nursing, and medical
18 attention required by this section through the
19 purchase of insurance, by self-insuring the
20 obligation, or through payment of moneys into a local
21 government risk pool established for the purpose of
22 covering the costs associated with the requirements of
23 this section. The cost of providing the hospital,
24 nursing, and medical attention required by this
25 section shall be paid from moneys held in a trust and
26 agency fund established pursuant to section 384.6, or
27 out of the appropriation for the department to which
28 the injured person belongs or belonged; provided that
29 any amounts received by the injured person under the
30 workers' compensation law of the state, or from any
31 other source for such specific purposes, shall be
32 deducted from the amount paid by the city under the
33 provisions of this section."
34 2. Page 92, by inserting after line 30 the

35 following:

36 "Sec. ____ NEW SECTION. 364.25 RETIREE HEALTH
37 CARE.

38 A city may provide health or medical insurance
39 coverage or supplemental coverage to retired employees
40 of the city. A city providing health or medical
41 insurance coverage pursuant to this section may
42 establish such requirements or restrictions concerning
43 the coverage provided as the city may adopt. If
44 coverage is provided, the cost of the health or
45 medical insurance coverage shall be paid from moneys
46 held in a trust and agency fund established pursuant
47 to section 384.6, or out of an appropriation from the
48 city general fund for this purpose.

49 Sec. . Section 384.6, subsection 1, Code 1997,
50 is amended to read as follows:

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1 1. Accounting for pension and related employee
2 benefit funds as provided by the city finance
3 committee. A city may make contributions to a
4 retirement system other than the Iowa public
5 employees' retirement system for its city manager, or
6 city administrator performing the duties of city
7 manager, in an annual amount not to exceed the amount
8 that would have been contributed by the employer under
9 section 97B.11. If a police chief or fire chief has
10 submitted a written request to the board of trustees
11 to be exempt from chapter 411, authorized in section
12 411.3, subsection 1, a city shall make contributions
13 for the chief, in an amount not to exceed the amount
14 that would have been contributed by the city under
15 section 411.8, subsection 1, paragraph "a", to the
16 international city management association/retirement
17 corporation. A city may certify taxes to be levied
18 for a trust and agency fund in the amount necessary to
19 meet its obligations. For purposes of this
20 subsection, "related employee benefit funds" includes
21 amounts held for the purpose of paying the costs
22 required pursuant to sections 364.25 and 411.15."
23 3. By renumbering as necessary.

ROD HALVORSON

HOUSE AMENDMENT TO
SENATE FILE 187

S-5654

- 1 Amend Senate File 187, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 33, by inserting after the word
4 "Code" the following: "Supplement".
- 5 2. Page 2, line 23, by striking the words "
6 seasonal, individual".
- 7 3. Page 3, line 3, by striking the word "
8 seasonal".
- 9 4. Page 5, line 24, by inserting after the word
10 "fee." the following: Upon application and payment of
11 the required fees for archery-only licenses, a
12 resident archer shall be issued two wild turkey
13 licenses for the spring season."
- 14 5. Page 5, by striking lines 27 through 29 and
15 inserting the following: "wildlife habitat ~~stamp~~ fee.
16 The commission shall annually limit to two thousand
17 licenses the number of nonresidents allowed to have
18 wild turkey hunting licenses. The number of".
- 19 6. Page 6, by striking lines 14 through 16 and
20 inserting the following: "habitat ~~stamp~~ fee. The
21 commission shall annually limit to ~~five~~ six thousand
22 licenses the number of nonresidents allowed to have
23 deer hunting licenses. The number of nonresident
24 deer".
- 25 7. Page 7, line 10, by inserting after the word
26 "fee." the following: "A person authorized to issue a
27 license or collect a fee pursuant to this chapter or
28 chapter 484A shall charge the fee specified in this
29 chapter or chapter 484A only plus a writing fee if
30 applicable."
- 31 8. Page 8, line 8, by inserting after the word
32 "depository." the following: "A license depository
33 may charge and retain a writing fee of one dollar for
34 the issuance of a free deer hunting license or a free
35 wild turkey hunting license as authorized under
36 section 483A.24, subsection 2."
- 37 9. Page 8, line 32, by inserting after the word
38 "original." the following: "The license depository
39 may charge and retain a writing fee of one dollar for
40 each duplicate license issued pursuant to this
41 section."
- 42 10. Page 9, by inserting after line 5 the
43 following:
44 "Sec. . Section 483A.19, Code 1997, is amended
45 to read as follows:
46 483A.19 SHOWING LICENSE TO OFFICER.
47 Every person shall, while fishing, hunting, or fur

48 harvesting, show the person's license, certificate, or
49 permit, to any peace officer or the owner or person in
50 lawful control of the land or water upon which

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1 licensee may be hunting, fishing, or fur harvesting
2 when requested by the persons to do so. Any failure
3 to so carry or refusal to show or so exhibit the
4 person's license, certificate, or permit shall be a
5 violation of this chapter. However, except for
6 possession and exhibition of deer licenses and tags or
7 wild turkey licenses and tags, a person charged with
8 violating this section shall not be convicted if the
9 person produces in court, within a reasonable time, a
10 license, certificate, or permit for hunting, fishing,
11 or fur harvesting issued to that person and valid when
12 the person was charged with a violation of this
13 section."

14 11. Page 9, by inserting after line 10 the
15 following:

16 "Sec. ____ Section 483A.24, subsection 2,
17 paragraph b, Code Supplement 1997, is amended to read
18 as follows:

19 b. Upon written application on forms furnished by
20 the department, the department shall issue annually
21 without fee one deer or one wild turkey license, or
22 both, to the owner of a farm unit or to a member of
23 the owner's family, but not to both, and to the tenant
24 or to a member of the tenant's family, but not to
25 both. The deer hunting license or wild turkey hunting
26 license issued shall be valid only on the farm unit
27 for which an applicant qualifies pursuant to this
28 subsection and shall be equivalent to the least
29 restrictive license issued under section 481A.38. The
30 owner or the tenant need not reside on the farm unit
31 to qualify for a free license to hunt on that farm
32 unit. A free deer hunting license issued pursuant to
33 this subsection shall be valid during all shotgun deer
34 seasons."

35 12. Page 9, line 11, by inserting after the word
36 "Code" the following: "Supplement".

37 13. Page 12, by striking lines 4 and 5.

38 14. Page 12, line 7, by striking the figure
39 "1997" and inserting the following: "1998".

40 15. Page 12, line 10, by striking the figure
41 "1998" and inserting the following: "1999".

42 16. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 28, by inserting after line 27 the
4 following:
5 "4. RETURN OF CONTRIBUTIONS. A member eligible to
6 receive a monthly retirement allowance as calculated
7 pursuant to subsection 2 but who instead elects to
8 receive benefits as calculated pursuant to section
9 97B.49A or 97B.49D shall also be entitled to receive,
10 in a lump sum or in an annuity, the member's excess
11 contributions. For purposes of this subsection, a
12 member's excess contributions means the total amount
13 obtained by accumulating each individual additional
14 contribution made by the member as calculated pursuant
15 to subsection 3 with interest plus interest dividends
16 as provided in section 97B.70."
17 2. By renumbering as necessary.

ROBERT E. DVORSKY
DICK L. DEARDEN
STEVEN D. HANSEN
EUGENE S. FRAISE

S-5656

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 36, lines 33 and 34, by striking the
4 words "fifty-seven and four-tenths" and inserting the
5 following: "fifty-eight".
6 2. Page 79, by inserting after line 30 the
7 following:
8 "Sec. ____ IOWA PUBLIC EMPLOYEES' RETIREMENT
9 SYSTEM -- RECALCULATION OF BENEFITS. Commencing with
10 benefits payable in July 1998, an active or inactive
11 vested member of the Iowa public employees' retirement
12 system who retired pursuant to chapter 97B on or after
13 July 1, 1993, but before July 1, 1994, shall be
14 entitled to receive a readjusted monthly retirement
15 allowance and an applicable recalculation amount as
16 determined by the department by recalculating the
17 member's monthly retirement allowance pursuant to the
18 option choice selected by the member at retirement and
19 based upon using a percentage multiplier of fifty-
20 eight percent. For purposes of this section, "an
21 applicable recalculation amount" means the additional
22 amount that would have been paid to a member as
23 described in this section as a monthly retirement
24 allowance pursuant to the option choice selected by
25 the member at retirement if the percentage multiplier
26 in effect at the time the member had retired would

- 27 have been fifty-eight percent."
28 3. By renumbering as necessary.

MIKE CONNOLLY
JOHN P. KIBBIE
ROBERT E. DVORSKY

S-5657

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by inserting after line 31 the
4 following:
5 "Sec. . NEW SECTION. 97B.8B BENEFITS ADVISORY
6 COMMITTEE.
7 A benefits advisory committee shall be established
8 whose duties are to make and publish recommendations
9 concerning the benefits provided to members of the
10 system.
11 The benefits advisory committee shall be comprised
12 of representatives of constituent groups concerned
13 with the system and shall consist of representatives
14 of employers, active members, and retired members.
15 The department shall adopt rules under chapter 17A to
16 provide for the selection of members to the
17 committee."
18 2. Page 77, by inserting after line 35 the
19 following:
20 "Sec. . Section 97B.4, subsection 3, Code 1997,
21 is amended by adding the following new paragraph:
22 NEW PARAGRAPH. h. Review recommendations made by
23 the benefits advisory committee established in section
24 97B.8B."
25 3. By renumbering as necessary.

MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 667

S-5658

- 1 Amend the Senate amendment, H-8997, to House File
2 667, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 4, line 33, by inserting after the word
5 "proceeding" the following: "after proper service of
6 notice".
7 2. Page 4, line 34, by inserting after the word
8 "granted," the following: "enter a default decision
9 or".

- 10 3. Page 4, line 39, by inserting after the word
11 "days" the following: ", or such period of time as
12 otherwise specified by statute or rule,".
13 4. Page 4, line 43, by inserting after the words
14 "officer is" the following: "timely".
15 5. Page 4, by striking lines 44 through 46 and
16 inserting the following: "to vacate the decision for
17 good cause, the time for initiating a further appeal
18 is".
19 6. Page 5, by striking lines 5 through 9 and
20 inserting the following: "officer shall deny the
21 motion to vacate."
22 7. Page 5, line 24, by striking the words "or
23 conclusion of law".
24 8. Page 5, line 26, by striking the words "or
25 conclusion" and inserting the following: ", or may
26 reverse or modify any conclusion of law that the
27 agency finds to be in error".

S-5659

- 1 Amend the amendment, S-5631, to House File 2533, 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 "1. Page 1, by inserting after line 32 the
7 following:
8 "NEW SECTION. 261.111 PRACTITIONER
9 SHORTAGE LOAN PAYMENT PROGRAM
10 For purposes of providing forgivable loans under
11 the program established in section 261.111, if
12 enacted:
13 \$ 300,000"
14 2. Page 3, by inserting after line 46 the
15 following:
16 "1. Page 28, by inserting after line 3 the
17 following:
18 "Sec. 261.111 NEW SECTION. 261.111 PRACTITIONER
19 SHORTAGE LOAN PAYMENT PROGRAM.
20 1. A practitioner shortage loan payment program is
21 established to be administered by the college student
22 aid commission as provided in this section. The
23 purpose of the loan payment program is to increase the
24 number of qualified teachers and administrators in
25 areas of the state experiencing a shortage of teachers
26 or administrators. An individual is eligible for the
27 program if the individual meets all of the following
28 conditions:
29 a. Is a resident of this state who is enrolled at
30 an institution of higher learning under the control of
31 the state board of regents or an accredited private
institution as defined in section 261.9.

32 b. Is enrolled in one or more of the subject areas
33 determined by the department of education as
34 experiencing a shortage of practitioners.
35 c. Has filed a loan application with the
36 commission.
37 d. Meets the requirements for a practitioner
38 shortage loan established in this chapter and by
39 administrative rule.
40 2. A practitioner shortage loan shall be awarded
41 for not more than the equivalent of two years and may
42 be awarded to an eligible individual under this
43 section if the individual agrees to serve as an
44 administrator for two years, or agrees to teach for
45 two years, in an area in this state that the
46 department of education has determined is experiencing
47 a shortage of practitioners. A loan awarded in
48 accordance with this section, and the interest that
49 accrues on the loan, shall not become due and payable
50 until one year after the individual graduates. If a

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1 loan recipient submits evidence to the commission that
2 the recipient was employed as a practitioner in a
3 practitioner shortage area for a school year in
4 accordance with this section, fifty percent of the
5 principal amount of the loan and any interest accruing
6 on fifty percent of the principal amount of the loan
7 shall be canceled. If the recipient continues
8 employment as a practitioner in a practitioner
9 shortage area as provided in this section during the
10 next succeeding school year and submits evidence to
11 the commission of the continuation of employment as a
12 practitioner as agreed to in accordance with this
13 subsection, the recipient is not required to commence
14 repayment during that school year and at the end of
15 that school year the remaining principal amount of the
16 loan, and any interest accruing on the principal
17 amount of the loan, are canceled.
18 3. The interest rate on the loan shall be equal to
19 the interest rate collected by an eligible lender
20 under the Iowa guaranteed student loan program for the
21 year in which the loan is made.
22 4. The commission shall prescribe by rule the
23 terms of repayment. The commission shall set a final
24 date for submission of applications each year and
25 shall review the applications and inform the
26 recipients within a reasonable time after the
27 deadline.
28 5. The maximum loan a student is eligible to
29 receive annually is an amount equal to the tuition
30 rate established by institutions of higher learning

31 under the control of the state board of regents as
32 follows:

33 a. The annual resident undergraduate tuition rate
34 if the individual is enrolled in an approved
35 undergraduate practitioner preparation program.

36 b. The annual resident graduate tuition rate if
37 the individual is enrolled in an approved graduate
38 practitioner preparation program.

39 6. Eligible students may receive both a tuition
40 grant under this chapter and a practitioner shortage
41 loan.

42 7. A practitioner shortage loan payment fund is
43 established in the office of the treasurer of state
44 for deposit of payments made by loan recipients who do
45 not fulfill the cancellation conditions of the loan
46 program. Payments made by recipients on the loans
47 shall be used to supplement moneys appropriated to the
48 practitioner shortage loan payment program.
49 Notwithstanding section 8.33, moneys deposited in the
50 practitioner shortage loan payment fund shall not

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1 revert to the general fund of the state at the end of
2 a fiscal year, but shall remain in the practitioner
3 shortage loan payment fund and be continuously
4 available to make additional loans under the
5 program.""

6 3. By renumbering, relettering, and redesignating
7 as necessary.

TOM VILSACK

S-5660

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by inserting after line 48 the
5 following:

6 ". Page 30, by inserting after line 14 the
7 following:

8 "Sec. . Section 280.4, Code 1997, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 4. a. There is appropriated
11 annually from the general fund of the state to the
12 school budget review committee the sum of one million
13 dollars, or so much thereof as is necessary, to be
14 awarded by the committee to school districts with
15 limited English proficient student instruction program
16 costs which, in the judgment of the committee, are
17 high relative to instruction program costs for other

18 limited English proficient student instruction
19 programs in the state. Amounts awarded shall be in
20 addition to any supplemental aid or modified allowable
21 growth provided to a school district pursuant to
22 subsection 3.
23 b. A school district with a limited English
24 proficient student instruction program may submit an
25 application, on a form developed by the department of
26 education, for assistance pursuant to this subsection
27 to the school budget review committee by November 1 of
28 the school year in which the school district seeks
29 assistance. In making awards, the committee shall
30 consider the size, diversity, and enrollment trends of
31 the school district, the relative economic wealth and
32 property tax base of the school district in comparison
33 to other applying school districts, and the efforts
34 the school district has undertaken to develop and
35 monitor limited English proficient student
36 assimilation into the school district population.
37 Preference shall be given to school districts which
38 have previously received or are currently receiving
39 supplemental aid or modified allowable growth from the
40 committee for a limited English proficient student
41 instruction program pursuant to subsection 3 and which
42 have a limited English proficient student enrollment
43 within the upper twenty-five percent of all limited
44 English proficient student instruction program
45 enrollments in the state, as determined by the
46 department of management.
47 c. Assistance payments shall be made to school
48 districts receiving an award in the manner provided in
49 section 257.16, beginning with a December 15 payment,
50 with the exception that funds shall be expended solely

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1 for purposes related to limited English proficient
2 student program instruction. Notwithstanding section
3 8.33, the moneys appropriated in subsection 1 that
4 remain unencumbered and unobligated at the close of
5 the fiscal year shall not revert to the general fund
6 but shall remain available for expenditure for the
7 purposes designated during the succeeding fiscal
8 year.""
9 2. By renumbering as necessary.

PATRICIA HARPER

S-5661

1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 25 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, 1999, 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 2. Page 7, by inserting after line 17 the
35 following:

36 "Sec. 102. 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, 1999, 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

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 3. Page 85, by inserting after line 34 the
13 following:

14 "Sec. 103. Section 411.8, subsection 1, paragraph
15 i, Code 1997, is amended to read as follows:

16 i. (1) Notwithstanding paragraph "g" or other
17 provisions of this chapter, beginning January 1, 1995,
18 for federal income tax purposes, and beginning January
19 1, 1999, for state income tax purposes, member
20 contributions required under paragraph "f" or "h"
21 which are picked up by the city shall be considered
22 employer contributions for federal and state income
23 tax purposes, and each city shall pick up the member
24 contributions to be made under paragraph "f" or "h" by
25 its employees. Each city shall pick up these
26 contributions by reducing the salary of each of its
27 employees covered by this chapter by the amount which
28 each employee is required to contribute under
29 paragraph "f" or "h" and shall pay the amount picked
30 up in lieu of the member contributions to the board of
31 trustees for recording and deposit in the fund.

32 (2) Member contributions picked up by each city
33 under subparagraph (1) shall be treated as employer
34 contributions for federal and state income tax
35 purposes only and for all other purposes of this
36 chapter ~~and the laws of this state~~ shall be treated as
37 employee contributions and deemed part of the
38 employee's earnable compensation or salary."

39 4. Page 91, by inserting after line 23 the
40 following:

41 "Sec. 104. Section 294.10A, Code 1997, is amended
42 to read as follows:

43 294.10A PICKUP OF TEACHER ASSESSMENTS.

44 1. Notwithstanding section 294.9 or other
45 provisions of this chapter, for federal income tax
46 purposes beginning January 1 following the submission
47 by a board of trustees of an application to the
48 federal internal revenue service requesting
49 qualification of a plan in accordance with the
50 requirements of the Internal Revenue Code, as defined

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1 in section 422.3, and for state income tax purposes
2 beginning January 1, 1999, or January 1 following an
3 application for qualification, whichever is later,
4 teacher assessments required under section 294.9 which
5 are picked up by an employing school district shall be
6 considered employer contributions for federal and
7 state income tax purposes, and each employing school
8 district establishing a pension and annuity retirement
9 system pursuant to this chapter shall pick up the
10 teacher assessments to be made under section 294.9 by
11 its employees commencing on the January 1 following an
12 application for qualification applicable date on which
13 the assessments shall be considered employer
14 contributions for income tax purposes under this
15 subsection. Each employing school district shall pick
16 up these teacher assessments by reducing the salary of
17 each of the teachers covered by this chapter by the
18 amount which each teacher is required to contribute
19 through assessments under section 294.9 and shall pay
20 to the board of trustees the amount picked up in lieu
21 of the teacher assessments for recording and deposit
22 in the fund.
23 2. Teacher assessments picked up by each employing
24 school district under subsection 1 shall be treated as
25 employer contributions for federal and state income
26 tax purposes only and for all other purposes of this
27 chapter ~~and the laws of this state~~ shall be treated as
28 teacher assessments and deemed part of the teacher's
29 wages or salary."
30 5. Page 92, by inserting after line 30 the
31 following:
32 "Sec. 105. Section 422.7, subsections 29 through
33 31, Code Supplement 1997, are amended by striking the
34 subsections."
35 6. Page 95, by inserting after line 26 the
36 following:
37 "Sec. 106. EFFECTIVE AND APPLICABILITY DATE.
38 Sections 101, 102, 103, 104, and 105 of this Act take
39 effect January 1, 1999, and apply to tax years
40 beginning on or after January 1, 1999."
41 7. By renumbering as necessary.

TOM VILSACK
MIKE CONNOLLY
ROD HALVORSON
JOHNIE HAMMOND
PATRICIA HARPER
PATRICK J. DELUHERY
EUGENE S. FRAISE

PATTY JUDGE
JOHN P. KIBBIE

S-5662

1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 19, by striking lines 27 through 33 and
4 inserting the following:

5 "4. a. The first of any month in which a member
6 meets the membership service and age requirements to
7 retire under section 97B.49, subsection 15 the member
8 is at least fifty-five years of age and for which the
9 sum of the number of years of membership service and
10 prior service and the member's age in years as of the
11 member's last birthday equals or exceeds eighty-five.
12 b. The department shall implement this subsection
13 on July 1, 1998, or on the date that the department
14 determines that the most recent annual actuarial
15 valuation of the system indicates that the employer
16 and employee contribution rates in effect under
17 section 97B.11 can absorb the costs of this subsection
18 and the additional benefits provided to members of the
19 system by this Act, whichever is later. However,
20 until this subsection is implemented, the department
21 shall not credit amounts to active member supplemental
22 accounts provided in section 97B.49H."

23 2. Page 40, by inserting after line 32 the
24 following:

25 "e. The member is an active or inactive vested
26 member retiring on or after July 1, 1997, and before
27 the implementation date provided in section 97B.45,
28 subsection 4, paragraph "b", who is at least fifty-
29 five years of age and for which the sum of the number
30 of years of membership service and prior service and
31 the member's age in years as of the member's last
32 birthday equals or exceeds eighty-eight."

33 3. By renumbering as necessary.

TOM VILSACK
PATRICIA HARPER
STEVEN D. HANSEN
BILL FINK
MIKE CONNOLLY
ROBERT E. DVORSKY
DICK L. DEARDEN
MICHAEL E. GRONSTAL
DENNIS H. BLACK
ROD HALVORSON
JOHNIE HAMMOND
ELAINE SZYMONIAK
EUGENE S. FRAISE

PATTY JUDGE
PATRICK J. DELUHERY
WALLY E. HORN
DON GETTINGS
WILLIAM D. PALMER
JOHN P. KIBBIE

S-5663

- 1 Amend House File 2496, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 79, line 31, through page 80,
- 4 line 34.
- 5 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5664

- 1 Amend House File 2496, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 82, by inserting after line 1 the
- 4 following:
- 5 "Sec. ____ Section 8.59, Code Supplement 1997, is
- 6 amended to 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~~, 663.44, and 822.5."
- 21 2. By renumbering as necessary.

ROD HALVORSON
JOHNIE HAMMOND

S-5665

- 1 Amend House File 2496, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 78, by striking lines 5 through 14 and
- 4 inserting the following: "chapter 97B based upon any
- 5 of the following:
- 6 (a) ~~Meeting the requirements for receiving~~

7 retirement benefits pursuant to chapter 97B based upon
 8 having attained at least sixty-two years of age and
 9 upon having completed at least thirty years of
 10 membership service.
 11 ~~(b) Meeting the requirements for receiving~~
 12 ~~benefits under section 97B.49, subsection 16, without~~
 13 ~~a reduction for years of service pursuant to section~~
 14 ~~97B.49, subsection 16, paragraph".~~

STEVEN D. HANSEN
 EUGENE S. FRAISE
 PATTY JUDGE
 PATRICK J. DELUHERY
 DON GETTINGS
 WALLY E. HORN
 WILLIAM D. PALMER
 JOHN P. KIBBIE
 MIKE CONNOLLY
 ROBERT E. DVORSKY
 JOHNIE HAMMOND
 PATRICIA HARPER
 MICHAEL E. GRONSTAL

S-5666

1 Amend House File 2496, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 20, by striking the words "one
 4 and one-half" and inserting the following: "two".

JOHN P. KIBBIE
 ROD HALVORSON
 MIKE CONNOLLY
 BILL FINK
 ROBERT E. DVORSKY
 JOHNIE HAMMOND
 PATRICIA HARPER
 STEVEN D. HANSEN
 EUGENE S. FRAISE
 MICHAEL E. GRONSTAL
 PATTY JUDGE
 PATRICK J. DELUHERY
 DENNIS H. BLACK

S-5667

1 Amend Senate File 2414 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. NEW SECTION. 15.361 TITLE.
 5 This part shall be known and may be cited as the
 6 "Certified School to Career Program".

7 Sec. ____ NEW SECTION. 15.362 DEFINITIONS.

8 As used in this part, unless the context otherwise
9 requires:

10 1. "Certified school to career program" or
11 "certified program" means a sequenced and articulated
12 secondary and postsecondary program registered as an
13 apprenticeship program under 29 C.F.R. subtit. A, pt.
14 29, which is conducted pursuant to an agreement as
15 provided in section 15.364 or a program approved by
16 the state board of education, in conjunction with the
17 department of economic development, as meeting the
18 standards enumerated in section 15.363, that
19 integrates a secondary school curriculum with private
20 sector job training which places students in job
21 internships, and which is designed to continue into
22 postsecondary education and that will result in
23 teaching new skills and adding value to the wage-
24 earning potential of participants and increase their
25 long-term employability in the state and which is
26 conducted pursuant to an agreement as provided in
27 section 15.364.

28 2. "Participant" means an individual between the
29 ages of sixteen and twenty-four who is enrolled in a
30 public or private secondary or postsecondary school
31 and who initiated participation in a certified school
32 to career program as part of secondary school
33 education.

34 3. "Payroll expenditures" means the base wages
35 actually paid by an employer to a participant plus the
36 amount held in trust to be applied toward the
37 participant's postsecondary education.

38 4. "Sponsor" means any person, association,
39 committee, or organization operating a school to
40 career program and in whose name the program is or
41 will be registered or approved.

42 Sec. ____ NEW SECTION. 15.363 CERTIFICATION
43 STANDARDS.

44 The state board of education, in consultation with
45 the department of economic development, shall adopt
46 rules pursuant to chapter 17A to guide the board and
47 department in determining whether a potential school
48 to career program should be approved.

49 A school to career program which is approved by the
50 state board of education in conjunction with the

Page 2

1 department of economic development shall comply with
2 all of the following standards:

3 1. The program is conducted pursuant to an
4 organized, written plan embodying the terms and
5 conditions of employment, job training, classroom

6 instruction, and supervision of one or more
7 participants, subscribed to by a sponsor who has
8 undertaken to carry out the school to career program.

9 2. The program complies with all state and federal
10 laws pertaining to the workplace.

11 3. The employer agrees to assign an employee to
12 serve as a mentor for a participant. The mentor's
13 occupation shall be in the same career pathway as the
14 career interests of the participant.

15 4. The program involves an eligible postsecondary
16 institution as defined in section 261C.3.

17 5. Other standards adopted by rule by the state
18 board of education after consultation with the
19 department of economic development.

20 Sec. ____ NEW SECTION. 15.364 CERTIFIED PROGRAM
21 AGREEMENT.

22 The certified program shall be conducted pursuant
23 to a signed written agreement between each participant
24 and the employer which contains at least the following
25 provisions:

26 1. The names and signatures of the participant and
27 the sponsor or employer and the signature of a parent
28 or guardian if the participant is a minor.

29 2. A description of the career field in which the
30 participant is to be trained, and the beginning date
31 and duration of the training.

32 3. The employer's agreement to provide paid
33 employment, at a base wage, for the participant during
34 the summer months after the participant's junior and
35 senior years in high school and after the
36 participant's first year of postsecondary education.

37 4. The participant and employer shall agree upon
38 set minimum academic standards which must be
39 maintained through the participant's secondary and
40 postsecondary education.

41 5. This base wage paid to the participant shall
42 not be less than the minimum wage prescribed by Iowa
43 law or the federal Fair Labor Standards Act, whichever
44 is applicable.

45 6. That in addition to the base wage paid to the
46 participant, the employer shall pay an additional sum
47 to be held in trust to be applied toward the
48 participant's postsecondary education required for
49 completion of the certified program. The additional
50 amount must be not less than an amount determined by

Page 3

1 the department of economic development to be
2 sufficient to provide payment of tuition expenses
3 toward completion of not more than two academic years
4 of the required postsecondary education component of

5 the certified program at an Iowa community college or
6 an Iowa public or private college or university. This
7 amount shall be held in trust for the benefit of the
8 participant pursuant to rules adopted by the
9 department of economic development. Payment into an
10 ERISA-approved fund for the benefit of the participant
11 shall satisfy this requirement. The specific fund
12 shall be specified in the agreement.

13 7. The participant's agreement to work for the
14 employer for at least two years following the
15 completion of the participant's postsecondary
16 education required by the certified program and the
17 employer's agreement to both of the following:

18 a. To provide and pay at least eighty percent of
19 the cost of a standard medical and dental insurance
20 plan for the participant.

21 b. To pay a full-time hourly wage to the
22 participant of at least eleven dollars per hour
23 indexed to 1998 dollars based on the gross national
24 product implicit price deflator published by the
25 bureau of economic analysis of the United States
26 department of commerce or one hundred thirty percent
27 of the average wage in the county in which the
28 facility where the participant will be employed is
29 located, whichever is higher.

30 However, the agreement may provide for additional
31 education and work commitments beyond the two years.

32 8. If the participant does not complete the two-
33 year employment obligation, the participant's
34 agreement to repay to the employer the amount paid by
35 the employer toward the participant's postsecondary
36 education expenses pursuant to subsection 6.

37 9. That if a participant does not complete the
38 certified program contemplated by the agreement, any
39 unexpended funds being held in trust for the
40 participant's postsecondary education shall be paid
41 back to the employer. In addition the participant
42 must repay to the employer amounts paid from the trust
43 which were expended on the participant's behalf for
44 postsecondary education.

45 Sec. ____ NEW SECTION. 15.365 PAYROLL
46 EXPENDITURE REFUND.

47 1. An employer who employs a participant in a
48 certified school to career program may claim a refund
49 of twenty percent of the employer's payroll
50 expenditures for each participant in the certified

1 program. The refund is limited to the first four
2 hundred hours of payroll expenditures per participant
3 for each calendar year the participant is in the

4 certified program, not to exceed three years per
5 participant.

6 2. To receive a refund under subsection 1 for a
7 calendar year, the employer shall file the claim by
8 July 1 of the following calendar year. The claim
9 shall be filed on forms provided by the department of
10 economic development and the employer shall provide
11 such information regarding the employer's
12 participation in a certified school to career program
13 as the department may require. Forms should be
14 designed such that claims for refunds for more than
15 one participant may be made on a single form. A valid
16 claim shall be paid with interest, the interest to
17 begin to accrue on the first day of the second
18 calendar month following the date the claim for refund
19 was to be filed or was filed, whichever is the latest,
20 at the rate in effect under section 421.7 counting
21 each fraction of a month as an entire month under
22 rules prescribed by the department.

23 3. For each fiscal year of the fiscal period
24 beginning July 1, 1999, and ending June 30, 2005,
25 there is appropriated annually from the general fund
26 of the state to the department of economic development
27 an amount sufficient to pay refunds under this
28 section.

29 4. The department of economic development shall
30 consult with the department of revenue and finance for
31 purposes of this section. The department of economic
32 development shall adopt rules as deemed necessary to
33 carry out the purposes of the certified school to
34 career program.

35 Sec. ____ NEW SECTION. 15.366 REPEAL.

36 This part of chapter 15 is repealed June 30, 2005.
37 However, any contracts in existence on June 30, 2005,
38 shall continue to be valid and each party to such
39 contract is obligated to perform as required under
40 such contract. However, no employer is entitled to
41 any payroll expenditure refund for payroll
42 expenditures incurred after December 31, 2003.

43 Sec. ____ FINDINGS. The general assembly finds
44 that growing levels of employment coupled with
45 historically low levels of unemployment are evidence
46 of increasing scarcity of skilled workers. Limited
47 access to a skilled workforce is preventing Iowa
48 companies from increasing employment and production,
49 and is a barrier to sustained and stable economic
50 growth.

Page 5

1 Further, the general assembly finds that in order
2 to increase the size of the workforce, a partnership

3 of private sector employers, communities and public
4 sector organizations should be formed to develop and
5 implement a workforce recruitment initiative. The
6 initiative is intended to include strategies for
7 recruiting new workers that will meet the workforce
8 needs of Iowa employers who are unable to fill high
9 quality jobs.

10 Sec. ____ WORKFORCE RECRUITMENT INITIATIVE. The
11 general assembly finds an immediate need for the
12 establishment of a workforce recruitment initiative
13 with projects intended to retain and recruit new
14 skilled and unskilled employees to fill the needs of
15 both communities and businesses. The department of
16 economic development and the department of workforce
17 development shall enter into a cooperative memorandum
18 of understanding to accomplish purposes of this
19 initiative. The memorandum shall include, but not be
20 limited to, provisions for the sharing and utilization
21 of job matching databases and technology to accomplish
22 the purposes of the initiative and for an allocation
23 out of moneys appropriated to the department of
24 economic development for purposes of the workforce
25 recruitment initiative for payment of employee
26 salaries related to the workforce recruitment
27 initiative.

28 Sec. ____ STATE AGENCY COOPERATION. The
29 department of economic development and the department
30 of workforce development shall seek and obtain the
31 cooperation of any state agency and local economic
32 development organization actively involved in
33 workforce development initiatives which could provide
34 employee recruitment and marketing assistance to
35 accomplish the workforce recruitment initiative.

36 Sec. ____ For purposes of the workforce
37 recruitment initiative, the department of workforce
38 development shall increase the number of full-time
39 equivalent positions authorized for the department
40 during the fiscal year beginning July 1, 1998, by 2.00
41 FTEs through moneys authorized for expenditure in this
42 Act and allocated pursuant to the cooperative
43 memorandum of understanding entered into with the
44 department of economic development as provided in
45 section 2.

46 Sec. ____ APPROPRIATION. There is appropriated
47 from the general fund of the state to the department
48 of economic development for the fiscal year beginning
49 July 1, 1998, and ending June 30, 1999, the following
50 amount, or so much thereof as is necessary, to be used

2 For workforce recruitment initiative purposes
 3 including technical support and maintenance of
 4 databases and an internet web site, for a joint
 5 proposal of the department of economic development and
 6 the department of workforce development relating to
 7 the workforce recruitment initiative which shall
 8 include provisions for private sector contributions,
 9 for administration involving the certified school to
 10 career program, and including salaries, support,
 11 maintenance, miscellaneous purposes, and for not more
 12 than the following full-time equivalent positions:

13 \$ 300,000

14 FTEs 3.00

15 The full-time equivalent positions authorized in
 16 this section shall be available to administer the
 17 certified school to career program created in sections
 18 15.361 through 15.366 as enacted in this Act.

19 Notwithstanding section 8.33, moneys appropriated
 20 in this section which remain unexpended or unobligated
 21 on June 30, 1999, shall not revert to the general fund
 22 of the state but shall remain available for
 23 expenditure in the fiscal year beginning July 1, 1999,
 24 for the purposes designated.

25 Sec. ____ There is allocated from the reversion
 26 technology initiatives account, subject to the
 27 creation of this account by the general assembly, to
 28 the department of economic development for the fiscal
 29 year beginning July 1, 1998, and ending June 30, 1999,
 30 \$150,000 to be used for the purchase of equipment,
 31 software, laptop computers, and other necessary
 32 technological equipment. Moneys allocated from the
 33 reversion technology initiatives account pursuant to
 34 this section shall be allocated prior to any other
 35 allocation required by law.

36 Sec. ____ The business development division of the
 37 department of economic development may expend from
 38 moneys appropriated to the department and allocated to
 39 the business development division, for business
 40 development operations, up to \$400,000 for increasing
 41 the labor availability and recruitment efforts in the
 42 state in all occupational areas and as deemed
 43 necessary.

44 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 45 of immediate importance, takes effect upon enactment."

46 . 2. By renumbering as necessary.

TOM VILSACK

S-5668

1 Amend the amendment, S-5631, to House File 2533, as
 2 amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by inserting after line 18 the
5 following:

6 " Page 11, by inserting after line 1 the
7 following:

8 " LIMITED ENGLISH PROFICIENT STUDENT
9 INSTRUCTION PROGRAM AID.

10 For community colleges with limited English
11 proficient student instruction program costs that the
12 department of education determines are high relative
13 to instruction program costs for other limited English
14 proficient student instruction programs in the state:
15 \$ 1,000,000

16 A community college with a limited English
17 proficient student instruction program may submit an
18 application to the department of education, on a form
19 developed by the department, for assistance pursuant
20 to this subsection by November 1 of the school year in
21 which the community college seeks assistance. In
22 distributing funds, the department shall consider the
23 size, diversity, and enrollment trends of the school
24 district, the relative economic wealth and property
25 tax base of the community college district in
26 comparison to other applying community college
27 districts, and the efforts the community college has
28 undertaken to develop and monitor limited English
29 proficient student assimilation into the community
30 college population. Preference shall be given to
31 community colleges that have a limited English
32 proficient student enrollment within the upper twenty-
33 five percent of all limited English proficient student
34 instruction program enrollments in the state's
35 community colleges, as determined by the department of
36 education.

37 Assistance payments shall be made to community
38 colleges in accordance with this subsection beginning
39 with a December 15 payment. Funds shall be expended
40 solely for purposes related to limited English
41 proficient student program instruction.
42 Notwithstanding section 8.33, the moneys appropriated
43 in this subsection that remain unencumbered and
44 unobligated at the close of the fiscal year shall not
45 revert to the general fund but shall remain available
46 for expenditure for the purposes designated during the
47 succeeding fiscal year."

48 2. By renumbering as necessary.

ELAINE SZYMONIAK
DICK L. DEARDEN
MATT McCOY
WILLIAM D. PALMER
STEVEN D. HANSEN

S-5669

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 15, by inserting after line 1 the
4 following:

5 "Sec. 201. Section 422B.10, subsection 4,
6 unnumbered paragraph 1, Code Supplement 1997, is
7 amended to read as follows:

8 Twenty-five Except as provided in subsection 4A,
9 twenty-five percent of each county's account shall be
10 remitted based on the sum of property tax dollars
11 levied by the board of supervisors if the tax was
12 imposed in the unincorporated areas and each city in
13 the county where the tax was imposed during the three-
14 year period beginning July 1, 1982, and ending June
15 30, 1985, as follows:

16 Sec. 202. Section 422B.10, Code Supplement 1997,
17 is amended by adding the following new subsection:

18 NEW SUBSECTION. 4A. For counties that first
19 impose the tax on or after July 1, 1998 twenty-five
20 percent of each county's account shall be remitted
21 based on the sum of property tax dollars levied by the
22 board of supervisors if the tax was imposed in the
23 unincorporated areas and each city in the county where
24 the tax was imposed during the three-year period
25 beginning July 1, 1992, and ending June 30, 1995, as
26 follows:

27 a. To the board of supervisors a pro rata share
28 based upon the percentage of the total property tax
29 dollars levied by the board of supervisors during the
30 above three-year period.

31 b. To each city council where the tax was imposed
32 a pro rata share based upon the percentage of property
33 tax dollars levied by the city during the above three-
34 year period of the above total property tax dollars
35 levied by the board of supervisors and each city where
36 the tax was imposed during the above three-year
37 period."

38 2. Page 37, by inserting after line 19 the
39 following:

40 "____. Sections 201 and 202 of this Act, amending
41 section 422B.10, take effect July 1, 1998."

ROBERT E. DVORSKY

S-5670

1 Amend the House amendment, S-5439, to Senate File
2 2406, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 5 through 8 and

5 inserting the following:

6 "Section 1. PURPOSE. The purpose of this Act is
7 to create a partnership between communities and state
8 government by gradually implementing a statewide
9 system of community empowerment areas. An important
10 initial emphasis of the community empowerment areas is
11 to improve the well-being of families with young
12 children. An additional emphasis".

13 2. Page 4, by striking lines 41 through 45 and
14 inserting the following: "county boundaries to the
15 extent possible."

16 3. Page 5, by inserting after line 41 the
17 following:

18 "___ A child day care resource and referral
19 service.

20 "___ A library."

21 4. Page 7, line 3, by inserting after the word
22 "including" the following: "encouraging early
23 intellectual stimulation of very young children,".

24 5. Page 7, by striking line 27 and inserting the
25 following: "basis to children deemed at risk of not".

26 6. Page 7, line 31, by inserting after the word
27 "Parent" the following: "support and".

28 7. Page 7, line 33, by inserting after the word
29 "Parent" the following: "support and".

30 8. Page 7, line 41, by striking the words "care
31 services" and inserting the following: "day care
32 services, training child day care providers to
33 encourage early intellectual stimulation of very young
34 children,".

35 9. Page 7, line 43, by inserting after the word
36 "parent" the following: "support and".

37 10. Page 8, line 1, by inserting after word "age"
38 the following: ", including the involvement and
39 specific responsibilities of all related organizations
40 and entities".

41 11. Page 8, lines 23 and 24, by striking the
42 words "on or before October 1 of each fiscal year".

43 12. Page 9, by inserting after line 12 the
44 following:

45 "(3) Adequacy of plans for commitment of local
46 funding and other resources for implementation of the
47 plan.

48 d. The Iowa board's provisions for distribution of
49 school ready grant moneys shall take into account
50 contingencies for possible increases and decreases in

Page 2

1 the provision of state and local funding in future
2 fiscal years which may be used for purposes of school
3 ready children grants and for early childhood programs

4 grants and for differences in local capacity for
5 program implementation and provision of local funding.
6 In developing these provisions, the Iowa board shall
7 consider equity concerns; options for making capacity
8 adjustments by restricting grant amounts based on
9 service population size groupings to accommodate
10 small, medium, and large population groupings; and
11 options for making adjustments to accommodate varying
12 amounts of time and assistance needed for
13 implementation, such as extending the grant period to
14 more than one year."

15 13. Page 9, by striking lines 13 and 14 and
16 inserting the following:

17 "6. The priorities for school ready children grant
18 funds shall include providing preschool services on".

19 14. Page 9, line 15, by striking the words "four-
20 year-old".

21 15. Page 9, line 16, by striking the words "and
22 parent" and inserting the following: ", training
23 child day care providers and others to encourage early
24 intellectual stimulation of very young children, and,
25 offering parent support and".

26 16. Page 9, line 19, by striking the words
27 "Remaining funds" and inserting the following: "The
28 grant funds also".

29 17. Page 9, line 46, by inserting after the word
30 "law." the following: "The criteria shall include but
31 are not limited to a requirement that a community
32 empowerment area must be eligible to receive a school
33 ready children grant in order to receive an early
34 childhood programs grant."

35 18. Page 10, lines 43 and 44, by striking the
36 words "early stimulation of the brain" and inserting
37 the following: "early intellectual stimulation at a
38 very young age".

39 19. Page 11, by striking line 33 and inserting
40 the following: "paid. For the initial grants, plans
41 shall be submitted by September 1, 1998, or by January
42 1, 1999, in accordance with criteria established by
43 the board."

44 20. Page 12, line 10, by inserting after the word
45 "area." the following: "For an area which does not
46 encompass an innovation zone or decategorization
47 project, the chairperson of the county board of
48 supervisors may work with the local school district or
49 districts in initiating a process to designate an
50 initial community empowerment area and board."

Page 3

1 21. Page 12, line 14, by striking the figure
2 "2000" and inserting the following: "1999".

- 3 22. Page 12, by inserting after line 23 the
4 following:
5 "3. An area designated as an innovation zone in
6 accordance with section 8A.2, Code 1997, as of June
7 30, 1998, may continue to develop the area's plans to
8 achieve the results identified in the area's
9 innovation zone application. An innovation zone
10 transitioning to become a designated community
11 empowerment area shall continue to receive technical
12 assistance and guidance from the appropriate state
13 agencies. A transitioning innovation zone may
14 continue to pursue waivers and the reallocation of
15 funds to achieve the identified results. A
16 transitioning innovation zone may amend the zone's
17 previously approved plan to include the provisions
18 identified in section 71.7, as enacted by this Act, as
19 necessary to be eligible for receipt of a school ready
20 children grant."
21 23. By renumbering as necessary.

NANCY BOETTGER
JOHN REDWINE
ELAINE SZYMONIAK
MERLIN E. BARTZ
JERRY BEHN
DICK L. DEARDEN
ROBERT E. DVORSKY
JOHNIE HAMMOND
PATRICIA HARPER
WILMER RENSINK
NEAL SCHUERER
MAGGIE TINSMAN
LYLE E. ZIEMAN

S-5671

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 88, by striking lines 11 through 19.
4 2. By striking page 89, line 11, through page 90,
5 line 26.
6 3. By renumbering as necessary.

ROD HALVORSON

S-5672

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 95, by inserting after line 26 the
4 following:
5 "Sec. ____ COMPREHENSIVE EXAMINATION OF PUBLIC

6 RETIREMENT SYSTEM FUNDS AND INVESTMENT --
7 CONSOLIDATION -- REPORT.

- 8 1. The director of the financial division of the
9 public safety peace officers' retirement, accident,
10 and disability system, the chief investment officer
11 and chief benefits officer of the Iowa public
12 employees' retirement system, the executive director
13 of the statewide fire and police retirement system,
14 and the state court administrator or designee on
15 behalf of the judicial retirement system, hereafter,
16 "the systems' representatives", and the treasurer of
17 state shall conduct a study and submit findings and a
18 recommended proposal or proposals concerning the
19 consolidation of the retirement funds and investment
20 function of each retirement system under
21 consideration.
- 22 2. The study shall not propose a consolidation of
23 the retirement systems but shall include consideration
24 of both of the following issues:
- 25 a. The investment policies and performance of each
26 of the funds.
- 27 b. The potential advantages and disadvantages of
28 pooling the retirement funds of each retirement system
29 into a single consolidated retirement fund, with
30 separate accounts for each retirement system, for
31 purposes of investing the moneys in the consolidated
32 retirement fund.
- 33 c. Establishment of a unified investment board or
34 other governing structure for purposes of directing
35 the investment policy of the moneys in the
36 consolidated retirement fund.
- 37 3. On or before September 1, 1999, the systems'
38 representatives and the treasurer of state shall file
39 a report with the legislative service bureau, for
40 distribution to the public retirement systems
41 committee, which contains the results of the study
42 which shall include consideration of the issues for
43 consideration listed in subsection 2."
- 44 2. By renumbering as necessary.

ROD HALVORSON

S-5673

- 1 Amend House File 2496, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 81, by inserting after line 19 the
4 following:
- 5 "Sec. ____ STUDY OF ESTABLISHMENT OF A BENEFITS
6 ADVISORY BOARD. The public employees' retirement
7 system division shall study the possible establishment
8 of a benefits advisory board and shall make

9 recommendations concerning the establishment of a
10 benefits advisory board. The study shall consider the
11 duties to be assigned to a potential benefits advisory
12 board, the membership of the board and the manner of
13 selecting members to the board, and the authority of
14 the board concerning any recommendations it may be
15 empowered to make concerning benefits to be provided
16 to members of the Iowa public employees' retirement
17 system. The division shall submit a report concerning
18 the results of its study to the general assembly on or
19 before January 8, 1999, and shall include its findings
20 and any recommended proposal or proposals."

21 2. By renumbering as necessary.

MIKE CONNOLLY

S-5674

1 Amend Senate Concurrent Resolution 119 as follows:

2 1. Page 3, line 14, by striking the words "of the
3 following".

4 2. Page 3, line 15, by striking the word "Court:"
5 and inserting the following: "Court."

6 3. Page 3, by striking lines 16 through 18.

7 4. Page 3, line 25, by striking the word
8 "noncontract" and inserting the following: "private".

ANDY McKEAN

HOUSE AMENDMENT TO
SENATE FILE 2365

S-5675

1 Amend Senate File 2365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. ____ Section 422.45, Code Supplement 1997,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 33A. The gross receipts from the
8 sale of electricity to water companies assessed for
9 property tax pursuant to sections 428.24, 428.26, and
10 428.28 which is used solely for the purpose of pumping
11 water from a river or well."

12 2. Title page, by striking lines 2 and 3 and
13 inserting the following: "infrastructure and
14 electricity associated with providing water."

15 3. By renumbering as necessary.

S-5676

1 Amend the House amendment, S-5618, to Senate File
2 2410 as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "1. Page 2, by striking line 17 and inserting
7 the following: "provided to community empowerment
8 areas for the fiscal year beginning July 1, 1998, in
9 accordance with all of the following:

10 a. The area must be approved as a community
11 empowerment area by the Iowa empowerment board.

12 b. The maximum funding amount a community
13 empowerment area is eligible to receive shall be
14 determined by applying the area's percentage of the
15 state's average monthly family investment program
16 population in the preceding fiscal year to the total
17 amount appropriated in this section for fiscal year
18 1998-1999. If the community empowerment board's
19 request for funding is received by the Iowa
20 empowerment board on or after August 1, 1998, the
21 maximum funding amount shall be prorated for the
22 fiscal year and rounded up to the nearest full month.
23 c. A community empowerment area receiving funding
24 shall comply with any federal reporting requirements
25 associated with the use of that funding and other
26 results and reporting requirements established by the
27 Iowa empowerment board. The department shall provide
28 technical assistance in identifying and meeting the
29 federal requirements.

30 d. The availability of funding provided under this
31 section is subject to changes in federal requirements
32 and amendments to Iowa law."

33 2. Page 1, by inserting after line 6 the
34 following:

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

37 "3. Moneys appropriated in this section which are
38 not distributed to a community empowerment area or
39 otherwise remain unobligated or unexpended at the end
40 of the fiscal year shall revert to the fund created in
41 section 8.41 to be available for appropriation by the
42 general assembly in a subsequent fiscal year."

43 3. Page 1, by striking lines 7 through 9.

44 4. Page 4, by striking lines 1 through 3.

45 5. Page 4, line 44, by inserting after the word
46 "beds" the following: ", family and group foster care
47 and the state juvenile institutions".

48 6. By striking page 5, line 50, through page 6,
49 line 1, and inserting the following:

50 "If a resignation, retirement, or dismissal

Page 2

- 1 reducing the number of full-time equivalent".
- 2 7. Page 6, line 18, by inserting after the word
- 3 "predators" the following: "including transfer of an
- 4 amount, as determined by the department and the office
- 5 of the attorney general, to the office of the attorney
- 6 general for associated costs including not more than
- 7 2.0 full-time equivalent positions, one of which shall
- 8 be an attorney, in the department of justice".
- 9 8. Page 7, line 26, by striking the word "to" and
- 10 inserting the following: "in".
- 11 9. Page 7, line 28, by striking the words "this
- 12 chapter" and inserting the following: "chapter 514I".
- 13 10. Page 7, line 39, by striking the words "this
- 14 chapter" and inserting the following: "chapter 514I".
- 15 11. By renumbering as necessary.

MAGGIE TINSMAN

S-5677

- 1 Amend House File 2005, 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. MORATORIUM ON ANNEXATION BY A CITY.
- 6 Notwithstanding chapter 368, division III, from the
- 7 effective date of this Act until July 1, 1999, the
- 8 city development board shall not accept a petition for
- 9 an involuntary annexation of territory to a city. The
- 10 board shall also discontinue any actions or
- 11 proceedings relating to a hearing, approval, or
- 12 election on a petition or plan for an involuntary
- 13 annexation of territory pending before the board
- 14 during the moratorium from the effective date of the
- 15 Act until July 1, 1999. On or after July 1, 1999, the
- 16 board may proceed with the implementation of petitions
- 17 and plans relating to involuntary annexations of
- 18 territory pursuant to chapter 368, division III.
- 19 2. Notwithstanding chapter 28E, from the effective
- 20 date of this Act until July 1, 1999, a city shall not
- 21 enter into an agreement to restrict or prohibit the
- 22 voluntary annexation of any territory to a city.
- 23 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
- 24 immediate importance, takes effect upon enactment."
- 25 2. Title page, by striking line 1 and inserting

26 the following: "An Act relating to a moratorium on
27 the annexation".

ANDY McKEAN
MERLIN E. BARTZ
NANCY BOETTGER
BILL FINK

S-5678

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 10 the
5 following:
6 "_. By striking page 9, line 33, through page
7 10, line 12."
8 2. Page 1, by striking lines 21 through 34.
9 3. By striking page 1, line 44, through page 3,
10 line 46.
11 4. By renumbering as necessary.

KITTY REHBERG

S-5679

1 Amend House File 2545, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 5, by striking lines 2 through 9.
4 2. Page 5, lines 13 and 14, by striking the words
5 ", as determined by the risk pool board".
6 3. Page 6, line 4, by inserting after the word
7 "administrators" the following: ", all".
8 4. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-5680

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "DIVISION I"
6 2. Page 4, by inserting after line 1 the
7 following:
8 "Sec. . 1997 Iowa Acts, chapter 215, section
9 11, is amended to read as follows:
10 SEC. 11. There is appropriated from the marine
11 fuel tax receipts deposited in the general fund of the
12 state to the department of natural resources for the

13 fiscal year beginning July 1, 1997, and ending June
 14 30, 1998, the following amount, or so much thereof as
 15 is necessary, to be used for the purpose designated:

16 For the purpose of funding capital projects funded
 17 from marine fuel tax receipts for the purposes
 18 specified in section 452A.79:

19 \$ 1,800,000

20 Notwithstanding section 8.33, unencumbered or
 21 unobligated funds remaining on June 30, ~~1998~~ 1999,
 22 from the funds appropriated in this section, shall
 23 revert to the general fund of the state on August 31,
 24 ~~1998~~ 1999."

25 3. Page 4, line 2, by striking the word "This"
 26 and inserting the following: "This division of this".

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

29 "DIVISION II

30 Sec. ____ EXCESS LOTTERY REVENUES FISCAL YEAR

31 1994-1995. Of the lottery revenues received during
 32 the fiscal year beginning July 1, 1994, which remain
 33 in the lottery fund following the transfers made
 34 pursuant to 1995 Iowa Acts, chapter 220, section 16,
 35 1996 Iowa Acts, chapter 1219, section 14, and 1997
 36 Iowa Acts, chapter 209, section 10, the following
 37 amounts are appropriated or so much thereof as is
 38 necessary, for the fiscal year beginning July 1, 1997,
 39 and ending June 30, 1998, to be used for the purposes
 40 designated:

41 1. To the department of general services, division
 42 of information and technology services, for
 43 development and other start-up costs to establish a
 44 single contact repository implementing the provisions
 45 of this Act requiring the establishment of a single
 46 contact repository and first-year operational costs of
 47 the repository:

48 \$ 125,000

49 2. To the department of human services for a grant
 50 to a county with a population between 168,000 and

Page 2

1 175,000 for implementation of the county's runaway
 2 assessment and treatment plan under section 232.195:

3 \$ 125,000

4 The grant shall be administered by the county's
 5 board of supervisors in consultation with the local
 6 runaway and treatment task force.

7 3. To the state department of transportation for
 8 an automated weather observation system at the city of
 9 Harlan airport:

10 \$ 55,000

11 4. To the department of economic development for

12 the welcome center at Dows:
 13 \$ 10,000
 14 5. To the department of personnel for support of
 15 2.00 FTEs in program administration and development
 16 for the deferred compensation program in addition to
 17 other authorized full-time equivalent positions in
 18 fiscal year 1998-1999:
 19 \$ 125,000
 20 6. To the department of agriculture and land
 21 stewardship for the state-federal laboratory for
 22 operation and testing:
 23 \$ 50,000
 24 7. To the department of education to be awarded to
 25 the Iowa high school band selected to participate in
 26 the national independence day parade in Washington,
 27 D.C.:
 28 \$ 5,000
 29 8. To the historical division of the department of
 30 cultural affairs to be used for the purchase and
 31 renovation of a historical community center in Farley:
 32 \$ 24,000
 33 Notwithstanding section 8.33, moneys appropriated
 34 in this section which remain unobligated or unexpended
 35 for the purpose designated shall not revert at the end
 36 of the fiscal year beginning July 1, 1997, but shall
 37 remain available for the purpose designated in the
 38 succeeding fiscal year.
 39 Sec. . FISCAL YEAR 1998-1999 LOTTERY TRANSFER.
 40 Notwithstanding the requirement in section 99E.10,
 41 subsection 1, to transfer lottery revenue remaining
 42 after expenses are deducted, notwithstanding the
 43 requirement under section 99E.20, subsection 2, for
 44 the commissioner to certify and transfer a portion of
 45 the lottery fund to the CLEAN fund, and
 46 notwithstanding the appropriations and allocations in
 47 section 99E.34, all lottery revenues received during
 48 the fiscal year beginning July 1, 1998, and ending
 49 June 30, 1999, after deductions as provided in section
 50 99E.10, subsection 1, and as appropriated under any

Page 3

1 Act of the Seventy-seventh General Assembly, 1998
 2 Session, shall not be transferred to and deposited
 3 into the CLEAN fund but shall be transferred and
 4 credited to the general fund of the state.
 5 Sec. ____ EFFECTIVE DATE. This division of this
 6 Act, being deemed of immediate importance, takes
 7 effect upon enactment.
 8 DIVISION III
 9 Sec. . Section 15.241, subsection 1, unnumbered
 10 paragraph 4, as enacted by 1998 Iowa Acts, House File

11 2435, section 1, is amended to read as follows:

12 Payments of interest, recaptures of awards, and
13 repayments of moneys loaned under this program shall
14 be deposited into the strategic investment fund.
15 Receipts from loans or grants under the business
16 development initiative for entrepreneurs with
17 disabilities ~~program~~ may be maintained in a separate
18 account within the fund.

19 Sec. 100. Section 69.2, subsection 7, Code 1997,
20 is amended to read as follows:

21 7. The board of supervisors declares a vacancy in
22 an elected county office upon finding that the county
23 officer has been physically absent from the county for
24 sixty consecutive days except in the case of a medical
25 emergency; temporary active military duty; or
26 temporary service with another government service,
27 agency, or department.

28 Sec. . Section 135C.33, subsection 5, if
29 enacted by 1998 Iowa Acts, House File 2275, is amended
30 by adding the following new paragraphs:

31 NEW PARAGRAPH. d. An employee of an elder group
32 home certified under chapter 231B, if the employee
33 provides direct services to consumers.

34 NEW PARAGRAPH. e. An employee of an assisted
35 living facility certified or voluntarily accredited
36 under chapter 231C, if the employee provides direct
37 services to consumers.

38 Sec. . Section 135C.33, Code Supplement 1997,
39 is amended by adding the following new subsection:

40 NEW SUBSECTION. 6. The department of inspections
41 and appeals, in conjunction with other departments and
42 agencies of state government involved with criminal
43 history and abuse registry information, shall
44 establish a single contact repository for facilities
45 and other providers to have electronic access to data
46 to perform background checks for purposes of
47 employment, as required of the facilities and other
48 providers under this section.

49 Sec. 200. Section 200.14, subsection 1A, as
50 enacted by 1998 Iowa Acts, Senate File 2082, section

Page 4

1 1, is amended to read as follows:

2 1A. Anhydrous ammonia equipment shall be installed
3 and maintained in a safe operating condition and in
4 conformity with rules adopted by the secretary. A
5 person shall not intentionally tamper with anhydrous
6 ammonia equipment. Tampering occurs when a person who
7 is not authorized by the owner of anhydrous ammonia
8 equipment uses the equipment in violation of a
9 provision of this chapter, including a rule adopted by

10 the secretary. A person, shall not in any manner or
11 for any purpose sell, fill, refill, deliver, permit to
12 be delivered, or use an anhydrous ammonia container or
13 receptacle, including for the storage of any gas or
14 compound, unless the person owns the container or
15 receptacle or is authorized to do so by the owner. A
16 person shall not possess or transport anhydrous
17 ammonia in a container or receptacle which is not
18 authorized by the secretary to hold anhydrous ammonia.

19 Sec. ____ Section 260A.1, subsection 2, Code
20 Supplement 1997, is amended to read as follows:
21 2. Moneys appropriated in subsection 1 shall be
22 allocated by the department of education to each
23 community college in the proportion that the
24 allocation to that community college in 1996 Iowa
25 Acts, chapter 1215, section 6, subsection 15, bears to
26 the total appropriation made in 1996 Iowa Acts,
27 chapter 1215, section 6, subsection 15, to all
28 community colleges on the basis of each community
29 college's share of overall community college student
30 enrollment. The overall enrollment and each community
31 college district's share of the overall enrollment
32 shall be determined utilizing refined enrollment
33 reporting methods approved by the department of
34 education using data from the most recently concluded
35 fiscal year. The department of education shall
36 determine enrollment share percentages for each
37 community college district for purposes of allocating
38 the moneys.

39 Sec. ____ Section 279.51, subsection 1, unnumbered
40 paragraph 1, Code Supplement 1997, is amended to read
41 as follows:

42 There is appropriated from the general fund of the
43 state to the department of education for the fiscal
44 year beginning July 1, 1997 1998, and each succeeding
45 fiscal year, the sum of fifteen million one three
46 hundred seventy sixty thousand dollars.

47 Sec. ____ Section 279.51, subsection 1, paragraph
48 b, Code Supplement 1997, is amended to read as
49 follows:

50 b. For the fiscal year beginning July 1, 1997

Page 5

1 1998, and for each succeeding fiscal year, eight
2 million three five hundred twenty ten thousand dollars
3 of the funds appropriated shall be allocated to the
4 child development coordinating council established in
5 chapter 256A for the purposes set out in subsection 2
6 of this section and section 256A.3.

7 Sec. ____ Section 321.453, Code 1997, as amended
8 by 1998 Iowa Acts, Senate File 2081, section 1, is

9 amended to read as follows:

10 321.453 EXCEPTIONS.

11 The provisions of this chapter governing size,
12 weight, and load, and the permit requirements of
13 chapter 321E do not apply to fire apparatus, to road
14 maintenance equipment owned by or under lease to any
15 state or local authority, implements of husbandry
16 temporarily moved upon a highway, implements of
17 husbandry moved from farm site to farm site or between
18 the retail seller and a farm purchaser, implements of
19 husbandry moved between any site and the site of an
20 agricultural exposition or a fair administered
21 pursuant to chapter 173 or 174, indivisible implements
22 of husbandry temporarily moved between the place of
23 manufacture and a retail seller or a farm purchaser,
24 implements of husbandry received and moved by a retail
25 seller of implements of husbandry in exchange for a
26 purchased implement, or implements of husbandry moved
27 for repairs, except on any part of the interstate
28 highway system. A vehicle, carrying an implement of
29 husbandry, which is exempted from the permit
30 requirements under this section shall be equipped with
31 an amber flashing light under section 321.423, shall
32 be equipped with warning flags on that portion of the
33 vehicle which protrudes into oncoming traffic, and
34 shall only operate from thirty minutes prior to
35 sunrise to thirty minutes following sunset. The one
36 hundred mile distance restriction contained in the
37 definition of implement of husbandry in section 321.1
38 does not apply to this section.

39 Sec. . Section 692A.13, Code 1997, is amended
40 by adding the following new subsection:

41 NEW SUBSECTION. 9. The department shall provide
42 information for purposes of the single contact
43 repository established pursuant to section 135C.33, in
44 accordance with rules adopted by the department.

45 Sec. . EFFECTIVE DATE. The following
46 provisions of this division of this Act, being deemed
47 of immediate importance, take effect upon enactment:

- 48 1. Section 100, amending section 69.2.
- 49 2. Section 200, amending section 200.14."
- 50 5. Title page, line 1, by inserting after the

Page 6

1 word "to" the following: "public expenditure and
2 regulatory matters".

3 6. Title page, line 3, by striking the words

4 "providing an effective date" and inserting the

5 following: "subsequent fiscal years, and providing
6 effective dates".

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 2038

S-5681

- 1 Amend Senate File 2038, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 8 and
4 inserting the following:
5 "3. "Person who is mentally incompetent to vote"
6 means a person who has been ~~legally determined to be~~
7 ~~severely or profoundly mentally retarded, or has been~~
8 ~~found incompetent to lack the mental capacity to vote~~
9 in a proceeding held pursuant to section ~~229.27~~ 222.31
10 or 633.556."
11 2. By striking page 2, line 29, through page 3,
12 line 18.
13 3. Page 3, by striking lines 25 through 27 and
14 inserting the following: "persons who at any time
15 during the preceding calendar month have been legally
16 declared to be mentally incompetent to vote."

S-5682

- 1 Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "DIVISION
6 RATE REDUCTION
7 Section 1. Section 422.5, subsection 1, paragraphs
8 a through i, Code Supplement 1997, are amended to read
9 as follows:
10 a. On all taxable income from zero through one
11 thousand dollars, ~~thirty-six~~ thirty-four hundredths of
12 one percent.
13 b. On all taxable income exceeding one thousand
14 dollars but not exceeding two thousand dollars,
15 ~~seventy-two~~ sixty-eight hundredths of one percent.
16 c. On all taxable income exceeding two thousand
17 dollars but not exceeding four thousand dollars, two
18 and ~~forty-three~~ thirty-one hundredths percent.
19 d. On all taxable income exceeding four thousand
20 dollars but not exceeding nine thousand dollars, four
21 and ~~one-half~~ twenty-eight hundredths percent.
22 e. On all taxable income exceeding nine thousand

23 dollars but not exceeding fifteen thousand dollars,
24 ~~six~~ five and ~~twelve~~ eighty-one hundredths percent.
25 f. On all taxable income exceeding fifteen
26 thousand dollars but not exceeding twenty thousand
27 dollars, ~~six and forty-eight~~ sixteen hundredths
28 percent.
29 g. On all taxable income exceeding twenty thousand
30 dollars but not exceeding thirty thousand dollars, six
31 and ~~eight-tenths~~ forty-six hundredths percent.
32 h. On all taxable income exceeding thirty thousand
33 dollars but not exceeding forty-five thousand dollars,
34 seven and ~~ninety-two~~ fifty-two hundredths percent.
35 i. On all taxable income exceeding forty-five
36 thousand dollars, eight and ~~ninety-eight~~ fifty-three
37 hundredths percent.
38 Sec. . This division of this Act applies to tax
39 years beginning on or after January 1, 1999."
40 2. Title page, line 1, by inserting after the
41 word "by" the following: "reducing the income tax
42 rates,".
43 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5683

1. Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 34, by inserting after the word
4 "HOSPITALS" the following: "AND MASSAGE THERAPISTS".
5 2. Page 4, by inserting after line 34 the
6 following:
7 "Sec. ____ Section 422.43, subsection 11,
8 unnumbered paragraph 1, Code Supplement 1997, is
9 amended to read as follows:
10 The following enumerated services are subject to
11 the tax imposed on gross taxable services: alteration
12 and garment repair; armored car; vehicle repair;
13 battery, tire, and allied; investment counseling;
14 service charges of all financial institutions; barber
15 and beauty; boat repair; vehicle wash and wax;
16 carpentry; roof, shingle, and glass repair; dance
17 schools and dance studios; dating services; dry
18 cleaning, pressing, dyeing, and laundering; electrical
19 and electronic repair and installation; rental of
20 tangible personal property, except mobile homes which
21 are tangible personal property; excavating and
22 grading; farm implement repair of all kinds; flying
23 service; furniture, rug, upholstery repair and
24 cleaning; fur storage and repair; golf and country
25 clubs and all commercial recreation; house and
26 building moving; household appliance, television, and

27 radio repair; jewelry and watch repair; limousine
28 service, including driver; machine operator; machine
29 repair of all kinds; motor repair; motorcycle,
30 scooter, and bicycle repair; oilers and lubricators;
31 office and business machine repair; painting,
32 papering, and interior decorating; parking facilities;
33 pipe fitting and plumbing; wood preparation; licensed
34 executive search agencies; private employment
35 agencies, excluding services for placing a person in
36 employment where the principal place of employment of
37 that person is to be located outside of the state;
38 sewage services for nonresidential commercial
39 operations; sewing and stitching; shoe repair and
40 shoeshine; sign construction and installation; storage
41 of household goods, mini-storage, and warehousing of
42 raw agricultural products; swimming pool cleaning and
43 maintenance; taxidermy services; telephone answering
44 service; test laboratories, including mobile testing
45 laboratories and field testing by testing
46 laboratories, and excluding tests on humans or
47 animals; termite, bug, roach, and pest eradicators;
48 tin and sheet metal repair; turkish baths, massage,
49 and reducing salons, excluding services provided by
50 massage therapists licensed under chapter 152C;

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- 1 weighing; welding; well drilling; wrapping, packing,
2 and packaging of merchandise other than processed
3 meat, fish, fowl and vegetables; wrecking service;
4 wrecker and towing; pay television; campgrounds;
5 carpet and upholstery cleaning; gun and camera repair;
6 janitorial and building maintenance or cleaning; lawn
7 care, landscaping and tree trimming and removal; pet
8 grooming; reflexology; security and detective
9 services; tanning beds or salons; and water
10 conditioning and softening."
11 3. Title page, line 7, by inserting after the
12 word "hospitals" the following: "and services
13 provided by licensed massage therapists".
14 4. By renumbering as necessary.

ELAINE SZYMONIAK
JOHNIE HAMMOND
MARY NEUHAUSER
ROBERT E. DVORSKY
DENNIS H. BLACK
PATRICK J. DELUHERY

S-5684

1 Amend House File 2513, 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 -- PERCENTAGE OF FEDERAL TAX LIABILITY
6 Section 1. Section 422.4, subsection 1, Code
7 Supplement 1997, is amended by striking the subsection
8 and inserting in 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
21 Supplement 1997, is amended by striking the
22 subsection.
23 Sec. 3. Section 422.4, Code Supplement 1997, is
24 amended by adding the following new subsection:
25 NEW SUBSECTION. 9A. "Net income" means the
26 federal taxable income as properly computed for
27 federal income tax purposes under the Internal Revenue
28 Code with the adjustments made in section 422.7,
29 subsections 1 and 2.
30 Sec. 4. Section 422.4, subsection 16, Code
31 Supplement 1997, is amended by striking the
32 subsection.
33 Sec. 5. Section 422.5, subsection 1, Code
34 Supplement 1997, is amended by striking the subsection
35 and inserting in lieu thereof the following:
36 1. a. A tax is imposed upon every resident and
37 nonresident individual or estate and trust, which tax
38 is levied and shall be collected and paid annually
39 upon and with respect to net income at the rate of
40 twenty-six and thirty-five hundredths percent of the
41 taxpayer's adjusted federal income tax liability.
42 b. However, the tax imposed upon the income of a
43 nonresident shall be computed by multiplying the
44 amount of tax determined under paragraph "a" by a
45 fraction of which the nonresident's net income
46 allocated to Iowa, as determined in section 422.8,
47 subsection 2, is the numerator and the nonresident's
48 total net income is the denominator. This provision
49 also applies to individuals who are residents of Iowa
50 for less than the entire tax year.

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1 c. The tax imposed upon the net income of a
2 resident shareholder in an S corporation which has in
3 effect for the tax year an election under subchapter S
4 of the Internal Revenue Code and carries on business
5 within and without the state may be computed by
6 reducing the amount determined pursuant to paragraph
7 "a" by multiplying the amount by a fraction of which
8 the resident's net income allocated to Iowa, as
9 determined in section 422.8, subsection 2, paragraph
10 "b", is the numerator and the resident's total net
11 income is the denominator. This provision also
12 applies to individuals who are residents of Iowa for
13 less than the entire tax year.

14 This lettered paragraph shall not affect the amount
15 of the taxpayer's checkoff to the Iowa election
16 campaign fund under section 56.18, and the checkoff
17 for the fish and game fund in section 456A.16.

18 Sec. 6. Section 422.5, subsection 2, unnumbered
19 paragraph 1, Code Supplement 1997, is amended to read
20 as follows:

21 However, the tax shall not be imposed on a resident
22 or nonresident whose net income, ~~as defined in section~~
23 ~~422.7~~, is thirteen thousand five hundred dollars or
24 less in the case of married persons filing jointly ~~or~~
25 ~~filing separately on a combined return, unmarried~~
26 heads of household, and surviving spouses or nine
27 thousand dollars or less in the case of all other
28 persons; ~~but in the event that, if the payment of tax~~
29 ~~under this division would reduce the net income of a~~
30 ~~resident or nonresident~~ to less than thirteen thousand
31 five hundred dollars or nine thousand dollars as
32 applicable, then the tax shall be reduced to that
33 amount which would result in allowing the taxpayer to
34 retain a net income of thirteen thousand five hundred
35 dollars or nine thousand dollars as applicable. The
36 ~~preceding sentence does~~ sentences do not apply to
37 estates or trusts. For the purpose of this
38 subsection, the entire net income, including any part
39 of the net income not allocated to Iowa, shall be
40 taken into account. For purposes of this subsection,
41 ~~net income~~ "net income" includes all amounts of
42 pensions or other retirement income received from any
43 source which is not taxable under this division as a
44 result of the ~~government pension exclusions in section~~
45 ~~422.7, or any other state law. If the combined net~~
46 income of a husband and wife exceeds thirteen thousand
47 five hundred dollars, neither of them shall receive
48 the benefit of this subsection, and it is immaterial
49 whether they file a joint return or separate returns.

50 However, if a husband and wife file separate returns

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1 and have a combined net income of thirteen thousand
2 five hundred dollars or less, neither spouse shall
3 receive the benefit of this paragraph, if one spouse
4 has a net operating loss and elects to carry back or
5 carry forward the loss as provided in ~~section 422.9,~~
6 ~~subsection 3~~ the Internal Revenue Code. A person who
7 is claimed as a dependent, as defined in the Internal
8 Revenue Code, by another person as defined in section
9 ~~422.12~~ shall not receive the benefit of this
10 subsection if the person claiming the dependent has
11 net income exceeding thirteen thousand five hundred
12 dollars or nine thousand dollars as applicable or the
13 person claiming the dependent and the person's spouse
14 have combined net income exceeding thirteen thousand
15 five hundred dollars or nine thousand dollars as
16 applicable.

17 Sec. 7. Section 422.5, subsection 2, unnumbered
18 paragraph 2, Code Supplement 1997, is amended by
19 striking the unnumbered paragraph.

20 Sec. 8. Section 422.5, subsections 3 through 12,
21 Code Supplement 1997, are amended by striking the
22 subsections.

23 Sec. 9. Section 422.6, Code Supplement 1997, is
24 amended by striking the section and inserting in lieu
25 thereof the following:

26 422.6 INCOME FROM ESTATES OR TRUSTS.

27 The tax imposed by section 422.5 applies to and is
28 a charge against estates and trusts with respect to
29 their net income, and the rate is the same as that
30 applicable to individuals. The fiduciary shall make
31 the return of income for the estate or trust for which
32 the fiduciary acts, whether the income is taxable to
33 the estate or trust or to the beneficiaries.

34 Sec. 10. Section 422.7, Code Supplement 1997, is
35 amended by striking the section and inserting in lieu
36 thereof the following:

37 422.7 ADJUSTMENTS TO FEDERAL TAXABLE INCOME.

38 In determining the taxpayer's adjusted federal
39 income tax liability, the taxpayer's federal taxable
40 income shall be adjusted as provided in subsections 1
41 and 2.

42 1. Federal taxable income is increased by the
43 following:

44 a. Interest and dividends from foreign securities
45 and from securities of states and other political
46 subdivisions exempt from federal income tax under the
47 Internal Revenue Code to the extent not otherwise
48 exempted by this state.

- 49 b. Interest and dividends from regulated
50 investment companies exempt from federal income tax

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- 1 under the Internal Revenue Code.
2 2. Federal taxable income is decreased by the
3 following:
4 a. Interest and dividends from federal securities.
5 The amount decreased shall be reduced by any interest
6 on indebtedness incurred to carry the federal
7 securities and by any expenses incurred in the
8 production of interest and dividends from the federal
9 securities to the extent deductible in determining
10 federal taxable income.
11 b. The loss on the sale or exchange of a share of
12 a regulated investment company held for six months or
13 less to the extent the loss was disallowed under
14 section 852(b)(4)(B) of the Internal Revenue Code.
15 Sec. 11. Section 422.8, subsections 2, 3, and 4,
16 Code Supplement 1997, are amended to read as follows:
17 2. a. Nonresident's net income allocated to Iowa
18 is the net income, or portion of net income, which is
19 derived from a business, trade, profession, or
20 occupation carried on within this state or income from
21 any property, trust, estate, or other source within
22 Iowa. However, income derived from a business, trade,
23 profession, or occupation carried on within this state
24 and income from any property, trust, estate, or other
25 source within Iowa shall not include distributions
26 from pensions, including defined benefit or defined
27 contribution plans, annuities, individual retirement
28 accounts, and deferred compensation plans or any
29 earnings attributable thereto so long as the
30 distribution is directly related to an individual's
31 documented retirement and received while the
32 individual is a nonresident of this state. If a
33 business, trade, profession, or occupation is carried
34 on partly within and partly without the state, only
35 the portion of the net income which is fairly and
36 equitably attributable to that part of the business,
37 trade, profession, or occupation carried on within the
38 state is allocated to Iowa for purposes of section
39 422.5, subsection 1, paragraph "j" "a", and section
40 422.13 and income from any property, trust, estate, or
41 other source partly within and partly without the
42 state is allocated to Iowa in the same manner, except
43 that annuities, interest on bank deposits and
44 interest-bearing obligations, and dividends are
45 allocated to Iowa only to the extent to which they are
46 derived from a business, trade, profession, or
47 occupation carried on within the state.

48 b. A resident's income allocable to Iowa is the
49 ~~net income determined under section 422.7~~ reduced by
50 items of income and expenses from an S corporation

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1 that carries on business within and without the state
2 when those items of income and expenses pass directly
3 to the shareholders under provisions of the Internal
4 Revenue Code. These items of income and expenses are
5 increased by the greater of the following:

6 (1) The net income or loss of the corporation
7 which is fairly and equitably attributable to this
8 state under section 422.33, subsections 2 and 3.

9 (2) Any cash or the value of property
10 distributions which are made only to the extent that
11 they are paid from income upon which Iowa income tax
12 has not been paid, as determined under rules of the
13 director, reduced by fifty percent of the amount of
14 any of these distributions that are made to enable the
15 shareholder to pay federal income tax on items of
16 income, loss, and expenses from the corporation.

17 3. Taxable Net income of resident and nonresident
18 estates and trusts shall be allocated in the same
19 manner as individuals.

20 4. The amount of minimum tax paid to another state
21 or foreign country by a resident taxpayer of this
22 state from preference items derived from sources
23 outside of Iowa shall be allowed as a credit against
24 the tax computed under this division except that the
25 credit shall not exceed ~~what the product of the state~~
26 tax rate times the amount of state the federal
27 alternative minimum tax ~~would have been on the same~~
28 preference items which were taxed by the other state
29 or foreign country. The limitation on this credit
30 shall be computed according to the following formula:
31 The total of preference items earned outside of Iowa
32 and taxed by another state or foreign country shall be
33 divided by the total of preference items of the
34 resident taxpayer of Iowa. ~~In computing this~~
35 ~~quotient, those items excludable under section 422.5,~~
36 ~~subsection 1, paragraph "k", subparagraph (1) shall~~
37 ~~not be used in computing the preference items. This~~
38 ~~quotient multiplied times by the net state federal~~
39 ~~alternative minimum tax as determined in section~~
40 ~~422.5, subsection 1, paragraph "k" on the total of~~
41 preference items as if entirely earned in Iowa
42 multiplied by the state tax rate shall be the maximum
43 tax credit ~~against the Iowa alternative minimum tax.~~
44 However, the maximum tax credit ~~will~~ shall not be
45 allowed to the extent that the minimum tax imposed by
46 the other state or foreign country is less than the

47 maximum tax credit ~~otherwise~~ computed above.
48 Sec. 12. Section 422.13, subsection 1, unnumbered
49 paragraph 1, Code 1997, is amended to read as follows:
50 ~~Except as provided in subsection 1A, a A~~ resident

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1 or nonresident of this state shall make a return,
2 signed in accordance with forms and rules prescribed
3 by the director, if any of the following are
4 applicable:

5 Sec. 13. Section 422.13, subsection 1A, Code 1997,
6 is amended by striking the subsection.

7 Sec. 14. Section 422.14, subsection 1, Code 1997,
8 is amended to read as follows:

9 1. A fiduciary subject to taxation under this
10 division, as provided in section 422.6, shall make a
11 return, signed in accordance with forms and rules
12 prescribed by the director, for the individual,
13 estate, or trust for whom or for which the fiduciary
14 acts, if the ~~taxable~~ net income thereof amounts to six
15 hundred dollars or more. A nonresident fiduciary
16 shall file a copy of the federal income tax return for
17 the current tax year with the return required by this
18 section.

19 Sec. 15. Section 422.16, subsection 1, unnumbered
20 paragraph 1, Code 1997, is amended to read as follows:

21 Every withholding agent and every employer as
22 defined in this chapter and further defined in the
23 Internal Revenue Code, with respect to income tax
24 collected at source, making payment of wages to a
25 nonresident employee working in Iowa, or to a resident
26 employee, shall deduct and withhold from the wages an
27 amount which will approximate the employee's annual
28 tax liability on a calendar year basis, calculated on
29 the basis of tables to be prepared by the department
30 and schedules or percentage rates, based on the wages,
31 to be prescribed by the department. Every employee or
32 other person shall declare to the employer or
33 withholding agent the number of the employee's or
34 other person's personal exemptions and dependency
35 exemptions or credits to be used in applying the
36 tables and schedules or percentage rates. However, no
37 greater number of personal or dependency exemptions or
38 credits may be declared by the employee or other
39 person than the number to which the employee or other
40 person is entitled except as allowed under section
41 3402(m)(1) of the Internal Revenue Code ~~and as allowed~~
42 ~~for the child and dependent care credit provided in~~
43 ~~section 422.12C.~~ The claiming of exemptions or
44 credits in excess of entitlement is a serious
45 misdemeanor.

46 Sec. 16. Section 422.21, unnumbered paragraphs 5
 47 and 6, Code 1997, are amended by striking the
 48 unnumbered paragraphs.
 49 Sec. 17. Section 422.21, unnumbered paragraph 7,
 50 Code 1997, is amended to read as follows:

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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. 18. Sections 422.11A, 422.11B, 422.12, and
 9 422.12B, Code 1997, are repealed.

10 Sec. 19. Sections 422.9, 422.10, and 422.12C, Code
 11 Supplement 1997, are repealed.

12 DIVISION II -- COORDINATING AMENDMENTS

13 Sec. 20. Section 56.2, subsection 19, Code 1997,
 14 is amended to read as follows:

15 19. "State income tax liability" means the state
 16 individual income tax imposed under section 422.5
 17 ~~reduced by the sum of the deductions from the computed~~
 18 ~~tax as provided under section 422.12.~~

19 Sec. 21. Section 96.3, subsection 4, Code
 20 Supplement 1997, is amended to read as follows:

21 4. DETERMINATION OF BENEFITS. With respect to
 22 benefit years beginning on or after July 1, 1983, an
 23 eligible individual's weekly benefit amount for a week
 24 of total unemployment shall be an amount equal to the
 25 following fractions of the individual's total wages in
 26 insured work paid during that quarter of the
 27 individual's base period in which such total wages
 28 were highest; the director shall determine annually a
 29 maximum weekly benefit amount equal to the following
 30 percentages, to vary with the number of dependents, of
 31 the statewide average weekly wage paid to employees in
 32 insured work which shall be effective the first day of
 33 the first full week in July:

34 If the The weekly Subject to the
 35 number of benefit amount following maxi-
 36 dependents shall equal the mum percentage
 37 is: following frac- of the statewide
 38 tion of high average weekly
 39 quarter wages: wage:

40 0	1/23	53%
41 1	1/22	55%
42 2	1/21	57%
43 3	1/20	60%
44 4 or more	1/19	65%

45 The maximum weekly benefit amount, if not a multiple
46 of one dollar shall be rounded to the lower multiple
47 of one dollar. However, until such time as sixty-five
48 percent of the statewide average weekly wage exceeds
49 one hundred ninety dollars, the maximum weekly benefit
50 amounts shall be determined using the statewide

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1 average weekly wage computed on the basis of wages
2 reported for calendar year 1981. As used in this
3 section "dependent" means dependent as defined in
4 ~~section 422.12, subsection 1, paragraph "e"~~ for state
5 individual income tax purposes, as if the individual
6 claimant was a taxpayer, except that an individual
7 claimant's nonworking spouse shall be deemed to be a
8 dependent under this section. "Nonworking spouse"
9 means a spouse who does not earn more than one hundred
10 twenty dollars in gross wages in one week.

11 Sec. 22. Section 216B.3, subsection 15, Code 1997,
12 is amended to read as follows:

13 15. Develop a plan to provide telephone yellow
14 pages information without charge to persons declared
15 to be blind ~~under the standards in section 422.12,~~
16 ~~subsection 1, paragraph "e".~~ The department may apply
17 for federal funds to support the service. The program
18 shall be limited in scope by the availability of
19 funds. For the purposes of this subsection, an
20 individual is blind only if the individual's central
21 visual acuity does not exceed twenty-two hundredths in
22 the better eye with correcting lenses, or if the
23 individual's visual acuity is greater than twenty-two
24 hundredths but is accompanied by a limitation in the
25 fields of vision such that the widest diameter of the
26 visual field subtends an angle no greater than twenty
27 degrees.

28 Sec. 23. Section 257.21, unnumbered paragraph 2,
29 Code Supplement 1997, is amended to read as follows:

30 The instructional support income surtax shall be
31 imposed on the state individual income tax for the
32 calendar year during which the school's budget year
33 begins, or for a taxpayer's fiscal year ending during
34 the second half of that calendar year and after the
35 date the board adopts a resolution to participate in
36 the program or the first half of the succeeding
37 calendar year, and shall be imposed on all individuals
38 residing in the school district on the last day of the
39 applicable tax year. As used in this section, "state
40 individual income tax" means the taxes computed under
41 section 422.5, ~~less the credits allowed in sections~~
42 ~~422.11A, 422.11B, 422.12, and 422.12B.~~

43 Sec. 24. Section 421.17, subsection 21, paragraph

b, subparagraph (6), Code Supplement 1997, is amended to read as follows:

(6) Upon the request of a debtor or a debtor's spouse to the child support recovery unit, the foster care recovery unit, or the investigations division of the department of inspections and appeals, filed within fifteen days from the mailing of the notice of

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entitlement to a refund or rebate, and upon receipt of the full name and social security number of the debtor's spouse, the unit or division shall notify the department of revenue and finance of the request to divide a joint income tax refund or rebate. The department of revenue and finance shall upon receipt of the notice divide a joint income tax refund or rebate between the debtor and the debtor's spouse in proportion to each spouse's net income as ~~determined under section 422.7 defined in section 422.4.~~

Sec. 25. Section 421.17, subsection 23, paragraph f, Code Supplement 1997, is amended to read as follows:

f. Upon the timely request of a defaulter or a defaulter's spouse to the college student aid commission and upon receipt of the full name and social security number of the defaulter's spouse, the commission shall notify the department of revenue and finance of the request to divide a joint income tax refund or rebate. The department of revenue and finance shall upon receipt of the notice divide a joint income tax refund or rebate between the defaulter and the defaulter's spouse in proportion to each spouse's net income as ~~determined under section 422.7 defined in section 422.4.~~

Sec. 26. Section 421.17, subsection 25, paragraph e, Code Supplement 1997, is amended to read as follows:

e. Upon the request of a debtor or a debtor's spouse to the department, filed within fifteen days from the mailing of the notice of entitlement to a refund or rebate, and upon receipt of the full name and social security number of the debtor's spouse, the department shall divide a joint income tax refund or rebate between the debtor and the debtor's spouse in proportion to each spouse's net income as ~~determined under section 422.7 defined in section 422.4.~~

Sec. 27. Section 422.32, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

The words, terms, and phrases defined in division II, section 422.4, subsections 4 to 6, 8, 9, 13, and 15 ~~to and 17, when used in this division, shall have~~

43 the meanings ascribed to them in said section except
44 where the context clearly indicates a different
45 meaning.
46 Sec. 28. Section 422D.2, Code Supplement 1997, is
47 amended to read as follows:
48 422D.2 LOCAL INCOME SURTAX.
49 A county may impose by ordinance a local income
50 surtax as provided in section 422D.1 at the rate set

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1 by the board of supervisors, of up to one percent, on
2 the state individual income tax of each individual
3 residing in the county at the end of the individual's
4 applicable tax year. However, the cumulative total of
5 the percents of income surtax imposed on any taxpayer
6 in the county shall not exceed twenty percent. The
7 reason for imposing the surtax and the amount needed
8 shall be set out in the ordinance. The surtax rate
9 shall be set to raise only the amount needed. For
10 purposes of this section, "state individual income
11 tax" means the tax computed under section 422.5, less
12 the credits allowed in sections 422.11A, 422.11B,
13 422.12, and 422.12B.
14 Sec. 29. Section 425.17, subsection 7, Code 1997,
15 is amended to read as follows:
16 7. "Income" means the sum of Iowa net income as
17 defined in section 422.7 422.4, plus all of the
18 following to the extent not already included in Iowa
19 net income: capital gains, alimony, child support
20 money, cash public assistance and relief, except
21 property tax relief granted under this division,
22 amount of in-kind assistance for housing expenses, the
23 gross amount of any pension or annuity, including but
24 not limited to railroad retirement benefits, payments
25 received under the federal Social Security Act, except
26 child insurance benefits received by a member of the
27 claimant's household, and all military retirement and
28 veterans' disability pensions, interest received from
29 the state or federal government or any of its
30 instrumentalities, workers' compensation and the gross
31 amount of disability income or "loss of time"
32 insurance. "Income" does not include gifts from
33 nongovernmental sources, or surplus foods or other
34 relief in kind supplied by a governmental agency. In
35 determining income, net operating losses and net
36 capital losses shall not be considered.
37 Sec. 30. Section 450.4, subsection 5, Code 1997,
38 is amended to read as follows:
39 5. On the value of that portion of installment
40 payments which will be includable as net income as
41 defined in section 422.7 422.4 as received by a

42 beneficiary under an annuity which was purchased under
43 an employees pension or retirement plan.

44 Sec. 31. Section 476.6, subsection 1, unnumbered
45 paragraph 2, Code 1997, is amended to read as follows:

46 A subscriber of a telephone exchange or service,
47 who is declared to be legally blind ~~under section~~
48 ~~422.12, subsection 1, paragraph "e",~~ is exempt from
49 any charges for telephone directory assistance that
50 may be approved by the board. For the purposes of

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1 this paragraph, an individual is legally blind only if
2 the individual's central visual acuity does not exceed
3 twenty-two hundredths in the better eye with
4 correcting lenses, or if the individual's visual
5 acuity is greater than twenty-two hundredths but is
6 accompanied by a limitation in the fields of vision
7 such that the widest diameter of the visual field
8 subtends an angle no greater than twenty degrees.

9 Sec. 32. Section 541A.2, subsection 7, unnumbered
10 paragraph 1, Code Supplement 1997, is amended to read
11 as follows:

12 An individual development account closed in
13 accordance with this subsection is not subject to the
14 limitations and benefits provided by this chapter but
15 is subject to state tax in accordance with the
16 provisions of ~~section 422.7, subsection 28, and~~
17 section 450.4, subsection 6. An individual
18 development account may be closed for any of the
19 following reasons:

20 Sec. 33. Section 541A.3, subsection 2, Code 1997,
21 is amended by striking the subsection.

22 DIVISION III -- EFFECTIVE AND APPLICABILITY DATE
23 PROVISIONS

24 Sec. 34. This Act takes effect January 1, 1999,
25 and applies to tax years beginning on or after January
26 1, 1999."

27 2. Title page, by striking lines 1 through 12 and
28 inserting the following: "An Act relating to making
29 the state individual income tax a percent of the
30 federal income tax liability with certain adjustments
31 and including effective and applicability date
32 provisions."

ROBERT E. DVORSKY
JOHNIE HAMMOND
DENNIS H. BLACK
ROD HALVORSON
MATT McCOY
TOM FLYNN
BILL FINK

MIKE CONNOLLY
ELAINE SZYMONIAK
MARY NEUHAUSER

S-5685

1 Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by striking line 34 and inserting the
4 following: "EXEMPTION FROM GROSS RECEIPTS TAXES".
5 2. Page 5, by inserting after line 6 the
6 following:
7 "Sec. 151. Section 422.45, Code Supplement 1997,
8 is amended by adding the following new subsection:
9 NEW SUBSECTION. 52. The gross receipts from the
10 sale, furnishing, or service of gas and electricity
11 for residential dwellings and units of apartment
12 complexes used for human occupancy.
13 Sec. ____ APPLICABILITY DATE. Section 151 of this
14 division of this Act applies to the sale, furnishing,
15 or service of gas or electricity if the date of
16 billing the customer is on or after July 1, 1998."
17 3. Title page, line 7, by inserting after the
18 word "hospitals" the following: "and of gas and
19 electricity for residential dwellings".

ROBERT E. DVORSKY
JOHNIE HAMMOND
DICK L. DEARDEN
BILL FINK
MIKE CONNOLLY
MICHAEL E. GRONSTAL
PATRICIA HARPER
STEVEN D. HANSEN
ROD HALVORSON
DENNIS H. BLACK
PATTY JUDGE
EUGENE S. FRAISE
ELAINE SZYMONIAK
TOM FLYNN
MARY NEUHAUSER

S-5686

1 Amend House File 2543, 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 450.2, Code 1997, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Property passing from
8 estates of decedents dying on or after July 1, 1998,

9 is not subject to tax under this chapter. This
10 chapter is repealed July 1, 1998, for property of
11 estates of decedents dying on or after July 1, 1998.
12 Sec. 2. Section 450.4, Code 1997, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 7. On any property of an estate
15 of a person dying on or after July 1, 1998.
16 Sec. 3. This Act applies to estates of decedents
17 dying on or after July 1, 1998."
18 2. Title page, by striking lines 1 through 9 and
19 inserting the following: "An Act eliminating the
20 state inheritance tax and providing".

PATTY JUDGE
EUGENE S. FRAISE

S-5687

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by striking the word
4 "prisoners" and inserting the following: "inmates
5 provided that any lease for the building space or
6 contract for use of inmate labor in the building space
7 shall require provision of ten hours of training or
8 education to an inmate within each forty-hour work
9 week".

TOM VILSACK

S-5688

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by striking the word
4 "prisoners" and inserting the following: "inmates
5 employed in Iowa state industries, in providing
6 services to institutions or in public service under
7 section 904.703, or in another work program which does
8 not involve private industry employment of inmates of
9 correctional facilities".

TOM VILSACK

S-5689

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by striking the word
4 "prisoners" and inserting the following: "inmates,
5 provided for the fiscal years beginning July 1, 1997,
6 and July 1, 1998, notwithstanding any contrary

7 provision in law, revenues recouped from inmate work
8 allowances by correctional facilities shall not be
9 retained and used for budgeted operational expenses of
10 the facilities but shall be deposited in the general
11 fund of the state for appropriation for department of
12 corrections' expenses or other purpose by the general
13 assembly".

TOM VILSACK

S-5690

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "prisoners" the following: ", provided that any
5 requirement applicable to the general population of a
6 correctional facility, including but not limited to a
7 general lock down, shall apply without exception to
8 the prisoners working in these buildings and in other
9 work programs employing prisoners subject to the
10 requirements of section 904.809".

TOM VILSACK

S-5691

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "prisoners" the following: ", provided that any
5 shortfall in budgeted revenues to be recouped by a
6 correctional facility from inmate work allowances
7 shall not be covered by failing to fill authorized
8 correctional officer positions or other authorized FTE
9 positions".

TOM VILSACK

S-5692

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "prisoners" the following: "provided the lease
5 negotiated with the private corporation shall be in
6 accordance with section 904.809 and, if the property
7 is totally or partially exempt from property taxation,
8 the lease shall require the private corporation to
9 make payments in lieu of property taxes to the
10 applicable local government in an amount equal to the

- 11 amount of tax moneys that would be collected for that
12 local government if the property was not exempt".

TOM VILSACK

S-5693

- 1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. By striking page 1, lines 11 through 18 and
5 inserting the following:

- 6 "_. By striking page 9, line 33, through page
7 10, line 12, and inserting the following:

- 8 "___ READING RECOVERY PROGRAM

- 9 For allocation to assist school districts in
10 developing reading recovery programs:

- 11 \$ 75,000

- 12 Moneys allocated to the department of education for
13 purposes of the reading recovery program pursuant to
14 this subsection shall be distributed to area education
15 agencies in the proportion that the number of children
16 who are eligible for free or reduced price meals under
17 the federal National School Lunch Act and the federal
18 Child Nutrition Act of 1966, 42 U.S.C. } 1751-1785, in
19 the basic enrollment of grades one through six in the
20 area served by an agency, bears to the sum of the
21 number of children who are eligible for free or
22 reduced price meals under the federal National School
23 Lunch Act and the federal Child Nutrition Act of 1966,
24 42 U.S.C. } 1751-1785, in the basic enrollments of
25 grades one through six in all of the areas served by
26 area education agencies in the state for the budget
27 year."

- 28 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5694

- 1 Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. By striking page 2, line 28, through page 3,
4 line 8, and inserting the following: "earnings
5 attributable to the deferred compensation plans, up to
6 a maximum of three thousand dollars for a person who
7 files a separate state income tax return and up to a
8 maximum of six thousand dollars for a husband and wife
9 who file a joint state income tax return. However, a
10 surviving spouse who is not disabled or fifty-five
11 years of age or older can only exclude the amount of

12 pension or retirement pay received as a result of the
13 death of the other spouse."

PATRICK J. DELUHERY
EUGENE S. FRAISE
STEVEN D. HANSEN
ROD HALVORSON
TOM FLYNN
ROBERT E. DVORSKY
WALLY E. HORN
DENNIS H. BLACK
MICHAEL E. GRONSTAL
BILL FINK
MATT McCOY
DON GETTINGS
TOM VILSACK

S-5695

1 Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 32 the
4 following:

5 "DIVISION

6 HOPE SCHOLARSHIP CREDIT

7 Sec. . NEW SECTION. 422.12F HOPE SCHOLARSHIP
8 CREDIT.

9 1. The taxes imposed under this division, less the
10 credits allowed under sections 422.12 and 422.12B,
11 shall be reduced by a hope scholarship credit equal to
12 twenty-five percent of the federal hope scholarship
13 credit provided in section 25A of the Internal Revenue
14 Code. Any credit in excess of the tax liability is
15 nonrefundable.

16 2. Married taxpayers who have filed joint federal
17 returns electing to file separate returns or to file
18 separately on a combined return form must determine
19 the hope scholarship credit under subsection 1 based
20 upon their combined net income and allocate the total
21 credit amount to each spouse in the proportion that
22 each spouse's respective net income bears to the total
23 combined net income. Nonresidents or part-year
24 residents of Iowa must determine their hope
25 scholarship credit in the ratio of their Iowa source
26 net income to their all source net income.
27 Nonresidents or part-year residents who are married
28 and elect to file separate returns or to file
29 separately on a combined return form must allocate the
30 hope scholarship credit between the spouses in the
31 ratio of each spouse's Iowa source net income to the
32 combined Iowa source net income of the taxpayers.
33 Sec. . This division of this Act, being deemed

34 of immediate importance, takes effect upon enactment
35 and applies retroactively to January 1, 1998, for tax
36 years beginning on or after that date."
37 2. Title page, line 5, by inserting after the
38 word "credits," the following: "providing a hope
39 scholarship credit,".

PATRICK J. DELUHERY
BILL FINK
EUGENE S. FRAISE
WILLIAM D. PALMER
MIKE CONNOLLY
WALLY E. HORN
JOHN P. KIBBIE
ROBERT E. DVORSKY
TOM VILSACK
DON GETTINGS
MATT McCOY
TOM FLYNN
DICK L. DEARDEN
DENNIS H. BLACK
PATRICIA HARPER
MARY NEUHAUSER
ELAINE SZYMONIAK
MICHAEL E. GRONSTAL

S-5696

1 Amend House File 2513, 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 425.40, Code Supplement 1997,
6 is amended by striking the section and inserting in
7 lieu thereof the following:
8 425.40 LOW-INCOME FUND CREATED -- APPROPRIATION.
9 The low-income tax credit and reimbursement fund is
10 created. There is appropriated annually from the
11 general fund of the state to the department of revenue
12 and finance to be credited to the low-income tax
13 credit and reimbursement fund, from funds not
14 otherwise appropriated, an amount sufficient to
15 implement this division for claimants described in
16 section 425.17, subsection 2, paragraph "b".

MICHAEL E. GRONSTAL

S-5697

1 Amend House File 2513, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 14, by inserting after the word

4 "PERSONAL" the following: "AND DEPENDENT".
5 2. Page 3, by inserting after line 20 the
6 following:
7 "Sec. . Section 422.12, subsection 1, paragraph
8 c, Code 1997, is amended to read as follows:
9 c. For each dependent, an additional forty seventy
10 dollars. As used in this section, the term
11 "dependent" has the same meaning as provided by the
12 Internal Revenue Code."

MARY NEUHAUSER
ELAINE SZYMONIAK
ROBERT E. DVORSKY
JOHNIE HAMMOND
PATRICIA HARPER
PATRICK J. DELUHERY
MATT McCOY
BILL FINK
MIKE CONNOLLY
STEVEN D. HANSEN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2164

S-5698

1 Amend the Senate amendment, H-8994, to House File
2 2164, as passed by the House, as follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. ____ Section 15E.193, subsection 1,
6 paragraph a, Code Supplement 1997, is amended to read
7 as follows:
8 a. Is not a retail business or a business where
9 entrance is limited by a cover charge or membership
10 requirement."
11 2. Page 1, by inserting after line 35 the
12 following:
13 "Sec. ____ Section 15E.193, subsection 1,
14 paragraph d, Code Supplement 1997, is amended to read
15 as follows:
16 d. Creates at least ten full-time positions and
17 maintains them for at least ten years. For an
18 existing business in counties with a population of ten
19 thousand or less or in cities with a population of two
20 thousand or less, the commission may adopt a provision
21 that allows the business to create at least five
22 initial jobs with the additional jobs to be added in
23 five years. The business shall include in its
24 strategic plan the timeline for job creation. If the
25 existing business fails to meet the ten-job creation

26 requirement within the five-year period, all
27 incentives or assistance will cease immediately."
28 3. Page 1, by inserting after line 35 the
29 following:

30 "Sec. . NEW SECTION. 15E.193A ALTERNATIVE
31 ELIGIBLE BUSINESS CRITERIA.

32 1. A business which is not located in an
33 enterprise zone is eligible to receive incentives and
34 assistance under section 15E.196 if the business has
35 not closed or reduced its operation in one area of the
36 state and relocated substantially the same operation
37 in a location which qualifies the business under this
38 section and if the business meets all of the following
39 criteria:

40 a. Satisfies the requirements in section 15E.193,
41 subsection 1, paragraphs "a", "b", "d", and "e".

42 b. Is or will be located in a city with a
43 population between eight thousand and twenty-four
44 thousand as determined by population estimates by the
45 United States bureau of the census for the year of
46 1995.

47 c. Is or will be located in a city which is not
48 more than thirty-five miles from an existing
49 enterprise zone in this state or an equivalent zone in
50 an adjacent state.

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1 d. Satisfies the requirement in section 15.329,
2 subsection 1, paragraph "d".

3 e. Is or will be located in an area which meets
4 two of the criteria listed in section 15E.194,
5 subsection 2.

6 f. Receives approval by ordinance or resolution
7 from the city in which the project is located.

8 2. After approval of a project by ordinance or
9 resolution, the city shall submit an application for
10 incentives and assistance to the department of
11 economic development. As part of the application, the
12 city shall submit information relating the
13 requirements listed in subsection 1 and in section
14 15E.193, subsection 2. The department may approve,
15 defer, or deny the application.

16 3. If a business has received incentives or
17 assistance under section 15E.196 and fails to maintain
18 the requirements of subsection 1 to be an eligible
19 business, the business is subject to repayment of all
20 or a portion of the incentives and assistance that it
21 has received. The city shall have the authority to
22 take action to recover the value of taxes not
23 collected as a result of an exemption provided by the
24 community to the business. The department of revenue

25 and finance shall have the authority to recover the
26 value of state taxes or incentives provided under
27 section 15E.196. The value of state incentives
28 provided under section 15E.196 includes applicable
29 interest and penalties. The department of economic
30 development and the city shall enter into agreements
31 with the business specifying the method for
32 determining the amount of incentives or assistance
33 paid which will be repaid in the event of failure to
34 maintain the requirements of subsection 1. In
35 addition, a business that fails to maintain the
36 requirements of subsection 1 shall not receive
37 incentives or assistance for each year during which
38 the business is not in compliance.
39 4. In making its decision regarding an
40 application, the department of economic development
41 shall consider the impact of the eligible business on
42 other businesses in competition with it and compare
43 the compensation package of businesses in competition
44 with the business being considered for incentives or
45 assistance. The department shall make a good faith
46 effort to identify existing Iowa businesses within an
47 industry in competition with the business being
48 considered for incentives or assistance. The
49 department shall also make a good faith effort to
50 determine the probability that the proposed incentives

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1 or assistance will displace employees of existing
2 businesses. In determining the impact on businesses
3 in competition with the business seeking incentives or
4 assistance, jobs created as a result of other jobs
5 being displaced elsewhere in the state shall not be
6 considered direct jobs created.
7 However, if the department finds that an eligible
8 business has a record of violations of the law,
9 including but not limited to environmental and worker
10 safety statutes, rules, and regulations, over a period
11 of time that tends to show a consistent pattern, the
12 eligible business shall not qualify for incentives or
13 assistance under section 15E.196, unless the
14 department finds that the violations did not seriously
15 affect public health or safety or the environment, or
16 if it did that there were mitigating circumstances.
17 In making the findings and determinations regarding
18 violations, mitigating circumstances, and whether an
19 eligible business is eligible for incentives or
20 assistance under section 15E.196, the department is
21 exempt from chapter 17A. If requested by the
22 department, the business shall provide copies of
23 materials documenting the type of violation, any fees

24 or penalties assessed, court filings, final
25 disposition of any findings, and any other information
26 which would assist the department in assessing the
27 nature of any violation.
28 5. A business that is approved to receive
29 incentives or assistance shall, for the length of its
30 designation as an enterprise zone business, certify
31 annually to the department of economic development its
32 compliance with the requirements of this section."
33 4. Page 3, line 35, by striking the word "to".
34 5. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

S-5699

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 40 the
5 following:
6 "1. Page 14, by inserting after line 14 the
7 following:
8 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
9 section 1, subsection 1, unnumbered paragraphs 2 and
10 3, if enacted, are amended by striking the unnumbered
11 paragraphs.""
12 2. Page 1, by inserting after line 43 the
13 following:
14 "1. Page 26, by inserting after line 12 the
15 following:
16 "Sec. ____ Section 256.22, subsection 1,
17 unnumbered paragraph 1, if enacted by 1998 Iowa Acts,
18 Senate File 2366, is amended to read as follows:
19 Subject to an appropriation of sufficient funds by
20 the general assembly, the department shall establish a
21 frontier school and extended year school grant program
22 to provide for the allocation of grants to school
23 districts, or a collaboration of school districts, to
24 provide technical assistance for conversion of an
25 existing school to a frontier school or to an extended
26 school year calendar, or for investigating the
27 possibility of converting an existing school within a
28 district to a frontier school or to an extended school
29 year calendar. A district that wants to participate
30 in the program shall submit to the department a
31 written request for a grant by ~~September~~ October 1,
32 ~~1998~~. The school district or collaboration of school
33 districts shall agree to appoint a planning committee
34 composed of parents, guardians, teachers,
35 administrators, and individuals representing business,
36 and the local community. The school district or

37 collaboration shall also indicate in its request its
38 intention to use any grant moneys received under this
39 section to examine, at a minimum, all of the
40 following:
41 Sec. ____ Section 256.22, subsections 2 and 5, if
42 enacted by 1998 Iowa Acts, Senate File 2366, are
43 amended to read as follows:
44 2. Grant moneys shall be distributed to qualifying
45 school districts by the department no later than
46 October 15, 1998 30 annually. Grant amounts shall be
47 distributed as determined by the department. Not more
48 than fifteen of the grants awarded per year in
49 accordance with this section shall be used for
50 purposes of frontier school planning or conversion. A

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1 grant awarded to a school district under this section
2 shall not exceed twenty-five thousand dollars.
3 Notwithstanding the other provisions of this section,
4 the department shall not award grant moneys for
5 technical assistance for conversion of an existing
6 school to a frontier school or to an extended school
7 year calendar prior to July 1, 1999.
8 5. Except as provided in this subsection, frontier
9 schools are exempt from all statutes and rules
10 applicable to a school, a school board, or a school
11 district, although a frontier school may elect to
12 comply with one or more provisions of statute or rule.
13 However, a frontier school shall meet all applicable
14 state and local health and safety requirements; ~~the~~
15 ~~frontier school shall be organized and operated as a~~
16 ~~nonprofit cooperative association under chapter 498 or~~
17 ~~nonprofit corporation under chapter 504A;~~ the
18 provisions of chapters 21 and 22 shall apply to
19 meetings and records of the frontier school board; and
20 frontier schools are subject to and shall comply with
21 chapters 216 and 216A relating to civil and human
22 rights, and sections 275.55A, 279.9A, 280.17B,
23 280.21B, and 282.4, relating to suspension and
24 expulsion of a student. The frontier school shall
25 employ or contract with necessary teachers, as defined
26 in section 272.1, who hold a valid license with an
27 endorsement for the type of service for which the
28 teacher is employed. Frontier schools are subject to
29 the same financial audits, audit procedures, and audit
30 requirements as a school district. The audits shall
31 be consistent with the requirements of sections 11.6,
32 11.14, 11.19, 256.9, subsection 19, and section
33 279.29, except to the extent deviations are necessary
34 because of the program at the school. The department,
35 auditor of state, or the legislative fiscal bureau may

36 conduct financial, program, or compliance audits. The
37 provisions of chapter 20 shall not apply to the board
38 of directors of a frontier school or its employees.

39 Sec. ____ Section 256.22, if enacted by 1998 Iowa
40 Acts, Senate File 2366, section 4, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 6. Notwithstanding section 8.33,
43 unencumbered or unobligated funds remaining on June 30
44 of the fiscal year for which the funds were
45 appropriated shall not revert but shall be available
46 for expenditure for the following fiscal year for
47 purposes of this section.

48 Sec. ____ NEW SECTION. 256.24 MATHEMATICS PILOT
49 PROGRAMS.

50 1. The Iowa mathematics and science coalition

Page 3

1 shall administer a two-year mathematics pilot program
2 to help teachers become aware of possibilities for
3 mathematics instruction other than traditional
4 approaches and discuss those approaches with other
5 teachers, employ new problem-centered approaches,
6 develop routines that create an environment that
7 promotes problem solving and student autonomy, and
8 integrate new approaches to teaching mathematics in
9 the regular mathematics curriculum.

10 2. The Iowa mathematics and science coalition
11 shall locate the pilot programs in at least four
12 public school districts, one located in a large school
13 district, one located in a medium-sized school
14 district, and two located in small school districts.
15 In the case of a large school district, the district
16 shall apply for a secondary school in the district
17 provided that the middle and elementary schools within
18 the secondary school attendance area shall be
19 represented in the application. Districts
20 participating in the program shall require all
21 teachers employed by the district who teach
22 mathematics to participate in the pilot program.
23 However, in the case of a large district, only
24 teachers employed to teach mathematics in the
25 secondary school for which the application was made,
26 and the teachers employed to teach mathematics in the
27 middle and elementary schools within the secondary
28 school attendance area, shall be required to
29 participate in the pilot program. For purposes of
30 this section, a large school district is a district
31 with an actual enrollment of five thousand or more
32 pupils; a medium-sized school district is a district
33 with an actual enrollment that is greater than one
34 thousand one hundred ninety-nine pupils, but less than

35 five thousand pupils; and a small school district is a
36 district with an actual enrollment of one thousand one
37 hundred ninety-nine or fewer pupils.

38 3. Funds appropriated for purposes of this section
39 may be used for administrative costs of the program
40 and shall be used to provide partial financial
41 assistance to a participating school district. The
42 portion of the program costs for which a district does
43 not receive financial assistance pursuant to this
44 section shall be paid by the district. However, the
45 district may use phase III funds to pay this portion
46 of the program costs.

47 Sec. ____ Section 256.44, subsection 3, if enacted
48 by 1998 Iowa Acts, Senate File 2366, section 5, is
49 amended to read as follows:

50 3. To receive a five-year annual award for

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1 achieving certification by the national board of
2 professional teaching standards, a teacher shall apply
3 to the department within one year of eligibility.
4 Payment for awards shall be made only upon
5 departmental approval of an application or
6 recertification of eligibility. A nonrenewable term
7 of eligibility shall be for five years or for the
8 years the certificate is valid, whichever time period
9 is shorter. In order to continue receipt of payments,
10 a recipient shall annually recertify eligibility. It
11 is the intent of the general assembly to appropriate
12 not more than one million dollars from the general
13 fund for purposes of this program during the lifetime
14 of this program."

15 3. Page 3, by striking line 48 and inserting the
16 following: "30, line 6, and inserting the following:

17 "Sec. . Section 261.25, Code Supplement 1997,
18 is amended by adding the following new subsection:
19 NEW SUBSECTION. 3A. There is appropriated from
20 the general fund of the state to the commission for
21 each fiscal year the sum of ninety thousand dollars
22 for the industrial technology forgivable loan program
23 established in section 261.111.

24 Sec. . NEW SECTION. 261.111 INDUSTRIAL
25 TECHNOLOGY FORGIVABLE LOAN PROGRAM.

26 1. There is established an industrial technology
27 forgivable loan program to be administered by the
28 college student aid commission. An individual is
29 eligible for the forgivable loan program if the
30 individual meets all of the following conditions:

31 a. Is a resident of this state who is enrolled as
32 a sophomore, junior, or senior in the area of
33 industrial technology education at an institution of

34 higher learning under the control of the state board
35 of regents or an accredited private institution as
36 defined in section 261.9, or, is a resident of this
37 state who is enrolled in the area of industrial
38 technology at a community college in the state and the
39 credits for the coursework in industrial technology
40 are transferable to an institution of higher learning
41 under the control of the state board of regents, or to
42 an accredited private institution as defined in
43 section 261.9.

44 b. Completes and files an application for an
45 industrial technology forgivable loan. The individual
46 shall be responsible for the submission of the
47 parents' confidential statement for processing to both
48 the commission and the institution in which the
49 applicant is enrolling.

50 c. Reports promptly to the commission any

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1 information requested.

2 d. Files a new application and parents'
3 confidential statement annually on the basis of which
4 the applicant's eligibility for a renewed industrial
5 technology forgivable loan will be evaluated and
6 determined.

7 2. Forgivable loans to eligible students shall not
8 become due until after the student graduates or leaves
9 school. The individual's total loan amount, including
10 principal and interest, shall be reduced by twenty
11 percent for each year in which the individual remains
12 an Iowa resident and is employed by a school district
13 or an accredited nonpublic school as an industrial
14 technology teacher. If the commission determines that
15 the person does not meet the criteria for forgiveness
16 of the principal and interest payments, the commission
17 shall establish a plan for repayment of the principal
18 and interest over a ten-year period. If a person
19 required to make the repayment does not make the
20 required payments, the commission shall provide for
21 payment collection.

22 3. There is created an industrial technology
23 forgivable loan repayment fund for deposit of payments
24 made by forgivable loan recipients who do not fulfill
25 the conditions of the forgivable loan program.
26 Notwithstanding section 8.33, moneys deposited in the
27 industrial technology forgivable loan repayment fund
28 shall not revert to the general fund of the state at
29 the end of any fiscal year but shall remain in the
30 industrial technology forgivable loan repayment fund
31 and be continuously available to make additional loans
32 under the program.

33 Sec. . NEW SECTION. 261.112 INDUSTRIAL
34 TECHNOLOGY FORGIVABLE LOAN ADMINISTRATION.

35 1. The college student aid commission shall
36 administer the industrial technology forgivable loan
37 program. The amount of an industrial technology
38 forgivable loan shall not exceed three thousand
39 dollars annually, or the amount of the student's
40 established financial need, whichever is less.

41 2. The interest rate for the forgivable loan shall
42 be equal to the interest rate collected by an eligible
43 lender under the Iowa guaranteed student loan program
44 for the year in which the forgivable loan is made.

45 Sec. ____ NEW SECTION. 262.72 TEACHER INTERNSHIP
46 PILOT PROGRAM.

47 1. If the general assembly appropriates moneys for
48 a teacher internship pilot program, the state board of
49 regents shall, by November 1, 1998, establish at an
50 institution of higher learning under its control a

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1 teacher internship pilot program. The regents
2 institution selected by the state board of regents
3 shall be responsible for the administration of the
4 pilot program. The regents institution shall develop
5 the pilot program in consultation with the state board
6 of education, the board of educational examiners, the
7 other institutions of higher learning under the
8 control of the state board of regents, and, as
9 practicable, any other institutions offering
10 practitioner preparation programs approved by the
11 state board of education.

12 2. The pilot program developed and administered by
13 the regents institution shall, at a minimum, include
14 the following:

15 a. Student interns enrolled in the program shall
16 complete a one-year teaching experience conducted in a
17 collaborating school district. A student intern shall
18 be under contract for employment for the term of
19 internship with the participating school district.
20 The amount of money a school district shall pay to a
21 student intern shall be negotiated by the school
22 district and the regents institution in consultation
23 with the state board of regents.

24 b. Application of the best teaching practices in
25 diverse settings and in responding to diverse student
26 needs under the supervision of selected district
27 teachers and personnel employed by the regents
28 institution.

29 c. Seminars and special projects designed to meet
30 student intern needs.

31 d. Collaboration and support from a participating

32 school district relating to supervision and assessment
33 of the student intern's performance.
34 e. Collaboration and support from the regents
35 institution in developing rigorous graduate coursework
36 and in matters relating to supervision, instruction,
37 and evaluation of the student intern in conjunction
38 with personnel employed by the participating school
39 district.
40 3. Student interns who enroll in the program shall
41 receive graduate credit for successful completion of
42 teacher internship program coursework. The successful
43 completion of a one-year teacher internship under the
44 program shall be recognized as the equivalent of one
45 year of teaching experience.
46 4. A teacher who is employed by a school district
47 and who acts as a clinical supervisor for the teacher
48 internship pilot program shall be eligible for a
49 stipend of one thousand dollars per semester of
50 participation in the program. The stipend and the

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1 costs of the employer's share of contributions to
2 federal social security and the Iowa public employees'
3 retirement system, or a pension and annuity retirement
4 system established under chapter 294, for such amounts
5 paid by the district, shall be paid from moneys
6 received by the participating school district from
7 moneys appropriated to the state board of regents
8 pursuant to this section.
9 5. Moneys received by a school district under this
10 section shall not be commingled with state aid
11 payments made under section 257.16 to a school
12 district and shall be accounted for by the school
13 district separately from state aid payments.
14 6. Payments made to school districts under this
15 section are miscellaneous income for purposes of
16 chapter 257 and are considered encumbered. A school
17 district shall maintain a separate budget listing for
18 payments received and expenditures made pursuant to
19 this section.
20 7. Moneys received by a school district under this
21 section shall not be used for payment of any
22 collective bargaining agreement or arbitrator's
23 decision negotiated or awarded under chapter 20.
24 8. Annually on or before January 15, the regents
25 institution shall submit a report describing
26 activities associated with the program to the state
27 board of regents, which shall summarize the reports
28 received and submit the summary to the chairpersons
29 and ranking members of the standing house of
30 representatives and senate education committees.

31 9. For purposes of this section, "regents
32 institution" means the institution of higher learning
33 under the control of the state board of regents
34 selected by the board to administer the teacher
35 internship pilot program.
36 10. a. There is appropriated from the general
37 fund of the state to the state board of regents for
38 the fiscal year beginning July 1, 1998, and ending
39 June 30, 1999, the sum of two hundred twenty thousand
40 dollars for the teacher internship pilot program.
41 b. There is appropriated from the general fund of
42 the state to the state board of regents for each
43 fiscal year of the fiscal period beginning July 1,
44 1999, and ending June 30, 2001, the sum of five
45 hundred seventy-five thousand dollars for the teacher
46 internship pilot program.
47 Sec. ____ Section 279.14, subsection 2, if enacted
48 by 1998 Iowa Acts, Senate File 2366, is amended by
49 striking the subsection and inserting in lieu thereof
50 the following:

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1 2. The determination of standards of performance
2 expected of school district personnel shall be
3 reserved as an exclusive management right of the
4 school board and shall not be subject to mandatory
5 negotiations under chapter 20. Notwithstanding
6 chapter 20, objections to the procedures, use, or
7 content of an evaluation in a teacher termination
8 proceeding brought before the school board in a
9 hearing held in accordance with section 279.16 or
10 279.27 shall not be subject to the grievance
11 procedures negotiated in accordance with chapter 20.
12 A school district shall not be obligated to process
13 any evaluation grievance after service of a notice and
14 recommendation to terminate an individual's continuing
15 teaching contract in accordance with chapter 279.
16 Sec. ____ Section 279.14A, subsection 1, if
17 enacted by 1998 Iowa Acts, Senate File 2366, is
18 amended to read as follows:
19 1. The department of education shall establish and
20 implement a voluntary practitioner performance
21 improvement program that shall provide technical
22 assistance to teachers and administrators from each
23 public school district and area education agency.
24 Individuals under contract with a school district may
25 receive technical assistance in accordance with this
26 subsection. The department shall consult with the
27 Iowa state education association, the Iowa association
28 of school boards, the school administrators of Iowa,
29 the professional educators of Iowa, and, as

30 practicable, other entities providing similar
31 programs, in developing the program. At a minimum,
32 the program shall provide administrators with
33 training, including but not limited to, seminars and
34 written materials, relating to the areas of employment
35 policies and procedures, employment documentation,
36 performance evaluations, corrective performance
37 techniques, discipline, termination, and support by
38 qualified individuals for implementation of the
39 program. The program shall not be used to provide
40 consultation or assistance on specific employment
41 situations. Training received by an administrator in
42 accordance with this section shall apply toward an
43 administrator's evaluator approval renewal.
44 Sec. ____ Section 279.19, Code 1997, is amended by
45 adding the following new unnumbered paragraph:
46 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
47 provision to the contrary, the grievance procedures of
48 section 20.18 relating to job performance or job
49 retention shall not apply to a teacher during the
50 first two years of the teacher's probationary period.

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1 However, this paragraph shall not apply to a teacher
2 who has successfully completed a probationary period
3 in a school district in Iowa."
4 4. Page 3, by inserting after line 48 the
5 following:
6 "... Page 30, by inserting after line 14 the
7 following:
8 "Sec. ____ Section 279.60, subsection 5, if
9 enacted by 1998 Iowa Acts, Senate File 2366, section
10 29, is amended to read as follows:
11 5. The ranked list of nominees shall be submitted
12 to the board of directors of the school district for
13 review and approval. The board of directors shall be
14 responsible for determining the number of awards and
15 the amount of the awards based upon the moneys
16 received by the school district pursuant to section
17 279.61. The board of directors shall also consult
18 with practitioners to plan appropriate recognition
19 events within the school district for presentation of
20 the awards."
21 5. Page 4, by inserting after line 7 the
22 following:
23 "... Page 32, by inserting after line 3 the
24 following:
25 "NEW SUBSECTION. 6A. For each fiscal year of the
26 fiscal period beginning July 1, 1998, and ending June
27 30, 2000, the amount of seventy-five thousand dollars
28 from phase III moneys to the department of education

29 for distribution to the Iowa mathematics and science
30 coalition for purposes of mathematics pilot programs
31 in accordance with section 256.24."
32 Page 35, by inserting after line 1 the
33 following:
34 "Sec. 101. Section 256.17A, if enacted by 1998
35 Iowa Acts, Senate File 2366, section 3, is repealed."
36 Page 35, by inserting after line 2 the
37 following:
38 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
39 section 40, if enacted, is amended to read as follows:
40 Sec. 40. EMERGENCY RULES. The department may
41 adopt emergency rules as necessary for the
42 administration of chapter 256E and sections 256.17A
43 256.22, 257.13, and 279.60, if enacted.""
44 6. Page 4, by inserting after line 10 the
45 following:
46 ". Page 37, by inserting after line 15 the
47 following:
48 "Section 101 of this Act, relating to the repeal of
49 section 256.17A, being deemed of immediate importance,
50 takes effect upon enactment.""

Page 10

1 7. By renumbering as necessary.

DONALD B. REDFERN

S-5700

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 10 the
5 following:
6 ". Page 9, line 25, by striking the figure
7 "120,000" and inserting the following: "1,000,000".
8 2. By renumbering as necessary.

MIKE CONNOLLY

S-5701

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 10 the
5 following:
6 ". By striking page 9, line 33, through page
7 10, line 12, and inserting the following:
8 "____. READING RECOVERY PROGRAM

9 For allocation to assist school districts in
10 developing reading recovery programs:
11 \$ 1,000,000
12 Moneys allocated to the department of education for
13 purposes of the reading recovery program pursuant to
14 this subsection shall be divided evenly between the
15 area education agencies."
16 2. By renumbering as necessary.

MIKE CONNOLLY

S-5702

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 43 the
5 following:
6 "... By striking page 25, line 35 through page
7 26, line 1."
8 2. Page 2, by inserting after line 9 the
9 following:
10 "... By striking page 26, line 24, through page
11 27, line 6, and inserting the following:
12 "1. The amount of one hundred seventy-four
13 thousand dollars shall be transferred annually by the
14 treasurer of state from the interest for Iowa schools
15 fund to the credit of the first in the nation in
16 education foundation.
17 2. The interest remaining in the interest for Iowa
18 schools fund after the transfer of funds in accordance
19 with subsection 1 shall be transferred by the
20 treasurer of state."
21 3. Page 3, by inserting after line 48 the
22 following:
23 "... Page 30, by striking lines 7 through 14."
24 4. Page 4, by inserting after line 7 the
25 following:
26 "... Page 32, by inserting after line 3 the
27 following:
28 "NEW SUBSECTION. 9A. For the fiscal year
29 beginning July 1, 1998, and ending June 30, 1999, from
30 phase III moneys, the amount of two hundred thousand
31 dollars, to the department of education for allocation
32 to assist school districts in developing reading
33 recovery programs. From the moneys allocated in this
34 section, one hundred thousand dollars shall be
35 distributed to the reading recovery center, and the
36 remaining balance shall be distributed to the area
37 education agencies in the proportion that the number
38 of children who are eligible for free or reduced price
39 meals under the federal National School Lunch Act and

40 the federal Child Nutrition Act of 1966, 42 U.S.C. }
41 1751-1785, in the basic enrollment of grades one
42 through six in the area served by an agency, bears to
43 the sum of the number of children who are eligible for
44 free or reduced price meals under the federal National
45 School Lunch Act and the federal Child Nutrition Act
46 of 1966, 42 U.S.C. } 1751-1785, in the basic
47 enrollments of grades one through six in all of the
48 areas served by area education agencies in the state
49 for the budget year."
50 . Page 35, by striking lines 2 through 10 and

Page 2

1 inserting the following:
2 "Sec. ____ Chapter 303C, Code 1997, is repealed."
3 . Page 36, by striking lines 2 through 26 and
4 inserting the following:
5 "Sec. ____ FINE FOUNDATION STUDY. As a condition
6 of the transfer of moneys to the first in the nation
7 in education foundation in accordance with section
8 257B.1A, the first in the nation education foundation
9 shall conduct an evaluation of its performance in
10 meeting the research needs of education in Iowa. The
11 foundation shall submit to the general assembly by
12 January 15, 1999, its findings, along with its vision
13 statement for the coming decade for the use and
14 support of research by the foundation to improve
15 education in Iowa.""
16 5. Page 4, by inserting after line 10 the
17 following:
18 ". Page 37, by striking lines 11 through 15."
19 6. By renumbering as necessary.

ELAINE SZYMONIAK
JOHN P. KIBBIE
DENNIS H. BLACK
ROD HALVORSON

S-5703

1 Amend the amendment, S-5631, to House File 2533, 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 28, by striking the figure
7 "833,900" and inserting the following: "1,042,800".
8 2. By renumbering as necessary.

TOM VILSACK
DENNIS H. BLACK

STEVEN D. HANSEN
PATRICK J. DELUHERY
DICK L. DEARDEN
MICHAEL E. GRONSTAL
MIKE CONNOLLY
ELAINE SZYMONIAK
PATRICIA HARPER
DON GETTINGS
ROD HALVORSON
PATTY JUDGE
TOM FLYNN
WALLY E. HORN
EUGENE S. FRAISE

S-5704

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 45 the
5 following:

6 Sec. NEW SECTION. 256.57 ENRICH IOWA
7 PROGRAM -- INTENT -- FUNDING.

8 1. The general assembly finds and declares that
9 the public library is at the heart of each community,
10 an integral component in this state's education
11 system, and an invaluable source of wisdom and
12 knowledge for this state's lifelong learners. It is
13 therefore in the interest of the citizens of Iowa that
14 a comprehensive initiative be undertaken to reduce
15 inequities in library services throughout the state
16 and provide public libraries with the funds necessary
17 to meet the present and future needs of this state's
18 citizens.

19 2. There is appropriated from the general fund of
20 the state to the department of education for each
21 fiscal year the sum of three million dollars, which
22 shall be allocated to the division of libraries and
23 information services for the following purposes and in
24 the following amounts:

25 a. Of the funds allocated each year, the division
26 shall distribute one million eight hundred thousand
27 dollars to eligible public libraries that comply with
28 the standards set forth in the in service to Iowa:
29 public library measures of quality publication adopted
30 by the commission of libraries. The amount
31 distributed to each eligible public library shall be
32 based upon the following:

33 (1) The level at which the eligible public library
34 complies with the in service to Iowa publication
35 adopted by the commission of libraries.

36 (2) The number of people residing within an

37 eligible library's geographic area and for whom the
38 library was established.

39 (3) The amount of funding the eligible public
40 library received in the previous fiscal year for
41 service to rural residents and to contracting
42 communities.

43 Moneys received by a public library under this
44 paragraph shall supplement, not supplant, local
45 funding.

46 b. For purposes of technology development,
47 coordination of technology, and resource sharing by
48 the state and regional libraries, resulting in
49 equitable access to library resources, the sum of six
50 hundred fifty thousand dollars to be used by the

Page 2

1 division of libraries and information services.
2 Moneys allocated under this subsection shall also be
3 used to extend the availability of statewide on-line
4 databases using the Internet and information
5 resources. Moneys allocated to the division in this
6 paragraph may be distributed to regional libraries.

7 c. For purposes of establishing a grant program
8 administered by the division, the sum of four hundred
9 fifty thousand dollars. The division shall award
10 grants on a competitive basis to eligible public
11 libraries that submit to the division plans for
12 innovative technologies and services, cooperative
13 alliances between libraries, or for physical library
14 facilities enhancement. An application submitted
15 shall also contain a commitment of at least a dollar-
16 for-dollar match of the grant assistance. The
17 division shall appoint an advisory committee for
18 purposes of recommending priorities and criteria for
19 the awarding of grants under this paragraph. The
20 advisory committee shall submit its report and
21 recommendations annually to the state librarian and
22 the commission of libraries by August 15.

23 d. For purposes of administering the enrich Iowa
24 program, and assisting eligible public libraries to
25 obtain funding under the program, the sum of one
26 hundred thousand dollars.

27 3. For purposes of this section, "eligible public
28 library" means a public library that meets at least
29 all of the following requirements:

30 a. Submits to the division of libraries and
31 information services all of the following:

32 (1) The report provided for under section 256.51,
33 subsection 1, paragraph "h".

34 (2) An application and report form for
35 accreditation that provides evidence of the library's

36 compliance with at least one level of the standards
 37 established in accordance with section 256.51,
 38 subsection 1, paragraph "k".
 39 (3) Any other application or report the division
 40 deems necessary for the implementation of this
 41 program.
 42 b. Participates in the library resource and
 43 information sharing programs established by the state
 44 library.
 45 4. By January 15 of each year, the division shall
 46 submit a program evaluation report to the general
 47 assembly and the governor detailing the uses and the
 48 impacts of funds appropriated under this section.
 49 5. Notwithstanding section 8.33, unencumbered or
 50 unobligated funds remaining on June 30 of the fiscal

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1 year for which the funds were appropriated shall not
 2 revert but shall be available for expenditure for the
 3 following fiscal year for purposes of this section."
 4 2. By renumbering as necessary.

DENNIS H. BLACK
 PATRICK J. DELUHERY
 PATTY JUDGE
 MICHAEL E. GRONSTAL
 STEVEN D. HANSEN
 EUGENE S. FRAISE
 PATRICIA HARPER
 JOHN P. KIBBIE
 ROD HALVORSON
 JOHNIE HAMMOND
 MIKE CONNOLLY
 BILL FINK
 ROBERT E. DVORSKY
 TOM FLYNN

S-5705

1 Amend the amendment, S-5631, to House File 2533, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 18 the
 5 following:
 6 "... By striking page 10, line 19, through page
 7 11, line 1, and inserting the following:
 8 "..... \$137,566,337
 9 The funds appropriated in this subsection shall be
 10 allocated as follows:
 11 a. Merged Area I \$ 6,601,368
 12 b. Merged Area II \$ 7,746,097

13	c. Merged Area III	\$ 7,256,677
14	d. Merged Area IV	\$ 3,539,471
15	e. Merged Area V	\$ 7,390,746
16	f. Merged Area VI	\$ 6,881,443
17	g. Merged Area VII	\$ 9,854,527
18	h. Merged Area IX	\$ 12,086,845
19	i. Merged Area X	\$ 18,884,153
20	j. Merged Area XI	\$ 20,124,470
21	k. Merged Area XII	\$ 7,938,929
22	l. Merged Area XIII	\$ 8,144,630
23	m. Merged Area XIV	\$ 3,590,602
24	n. Merged Area XV	\$ 11,240,113
25	o. Merged Area XVI	\$ 6,286,266""

ROD HALVORSON
 WALLY E. HORN
 JOHN P. KIBBIE
 EUGENE S. FRAISE
 STEVEN D. HANSEN
 PATRICIA HARPER
 ELAINE SZYMONIAK
 ROBERT E. DVORSKY
 BILL FINK
 PATRICK J. DELUHERY
 PATTY JUDGE
 MICHAEL E. GRONSTAL
 TOM FLYNN

S-5706

- 1 Amend the amendment, S-5631, to House File 2533, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 9 the
- 5 following:
- 6 " Page 8, by inserting after line 7 the
- 7 following:
- 8 "___ READING RECOVERY PROGRAM
- 9 For allocation to assist school districts in
- 10 developing reading recovery programs:
- 11 \$ 1,000,000
- 12 Moneys allocated to the department of education for
- 13 purposes of the reading recovery program pursuant to
- 14 this subsection shall be divided evenly between the
- 15 area education agencies."
- 16 By striking page 9, line 33, through page
- 17 10, line 12.""
- 18 2. By renumbering as necessary.

MIKE CONNOLLY

S-5707

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking line 48 and inserting the
5 following: "30, line 6, and inserting the following:
6 "Sec. ____ NEW SECTION. 261.56 RETAINING OUR
7 ACHIEVERS LOAN PROGRAM.

8 1. A retaining our achievers loan program is
9 established to be administered by the college student
10 aid commission as provided in this section. The
11 purpose of the loan program is to increase the number
12 of lowans who remain residents of this state upon
13 graduation from an accredited postsecondary
14 institution in Iowa.

15 2. An individual is eligible for the program if
16 the individual meets all of the following conditions:

17 a. Is a resident of this state who is accepted for
18 enrollment in an academic or vocational-technical
19 program at an institution of higher learning under the
20 control of the state board of regents, a community
21 college, or an accredited private institution as
22 defined in section 261.9.

23 b. Has filed an application with the commission
24 using procedures specified in section 261.16.

25 c. Agrees to remain a resident of Iowa for at
26 least one year after attaining a certificate, diploma,
27 or undergraduate degree as provided in this section,
28 for each year the individual received a loan.

29 3. The annual amount of a loan to a qualified
30 student shall be the amount of the student's financial
31 need for that period, but shall not exceed the
32 resident tuition rate established for institutions of
33 higher learning under the control of the state board
34 of regents. Loans for full-time students shall be
35 granted for not more than five years, and for part-
36 time students shall be granted for not more than ten
37 years.

38 4. The commission shall adopt rules under chapter
39 17A to administer the program. The commission shall
40 set a final date for submission of applications each
41 year and shall review the applications and inform the
42 recipients within a reasonable time after the
43 deadline.

44 Sec. ____ NEW SECTION. 261.57 PAYMENT OF
45 RETAINING OUR ACHIEVERS LOAN -- FUND.

46 1. Payment of a loan made under the retaining our
47 achievers loan program under section 261.56 shall
48 begin one year after a recipient completes the
49 academic or vocational-technical program for which
50 tuition and fees were received except as otherwise

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1 provided in this section.

2 2. If the recipient was a full-time student and
3 submits evidence to the commission that the recipient
4 was a resident of this state during the year following
5 the completion of the academic or vocational-technical
6 program and the achievement of a certificate, diploma,
7 or degree as provided in this section, the commission
8 shall cancel the loan amount the recipient accumulated
9 under the loan program in the first year in which the
10 recipient received a loan from the commission. For
11 each succeeding year in which the recipient certifies
12 residency to the commission, the commission shall
13 cancel one year of the loan amount.

14 3. If the recipient was a full-time student and
15 submits evidence to the commission that the recipient
16 was a resident of the state during the second
17 succeeding year following completion of the academic
18 or vocational-technical program and the achievement of
19 a certificate, diploma, or degree as provided in this
20 section, the commission shall cancel the loan amount
21 the recipient accumulated under the loan program in
22 the second year in which the recipient received a loan
23 from the commission. For each succeeding year in
24 which the recipient certifies residency to the
25 commission, the commission shall cancel one year of
26 the loan amount, or the remainder of the loan amount,
27 whichever is less.

28 4. If the recipient was a full-time student and
29 submits evidence to the commission that the recipient
30 was a resident of the state during the third
31 succeeding year following completion of the academic
32 or vocational-technical program and the achievement of
33 a certificate, diploma, or degree as provided in this
34 section, the commission shall cancel the loan amount
35 the recipient accumulated under the loan program in
36 the third year in which the recipient received a loan
37 from the commission. For each succeeding year in
38 which the recipient certifies residency to the
39 commission, the commission shall cancel one year of
40 the loan amount, or the remainder of the loan amount,
41 whichever is less.

42 5. If the recipient was a full-time student and
43 submits evidence to the commission that the recipient
44 was a resident of the state during the fourth
45 succeeding year following completion of the academic
46 or vocational-technical program and the achievement of
47 a certificate, diploma, or degree as provided in this
48 section, the commission shall cancel the loan amount
49 the recipient accumulated under the loan program in

50 the fourth year in which the recipient received a loan

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1 from the commission. For each succeeding year in
2 which the recipient certifies residency to the
3 commission, the commission shall cancel one year of
4 the loan amount, or the remainder of the loan amount,
5 whichever is less.

6 6. If the recipient was a full-time student and
7 submits evidence to the commission that the recipient
8 was a resident of the state during the fifth
9 succeeding year following completion of the academic
10 or vocational-technical program and the achievement of
11 a certificate, diploma, or degree as provided in this
12 section, the commission shall cancel the loan amount
13 the recipient accumulated under the loan program in
14 the fifth year in which the recipient received a loan
15 from the commission. For each succeeding year in
16 which the recipient certifies residency to the
17 commission, the commission shall cancel one year of
18 the loan amount, or the remainder of the loan amount,
19 whichever is less.

20 7. The commission shall determine a loan
21 cancellation timetable for part-time students
22 equivalent to the timetable described for full-time
23 students under this section.

24 8. There is created a retaining our achievers loan
25 payment fund for deposit of payments made by
26 recipients. Payments made by recipients of the loans
27 shall be used to supplement moneys appropriated to the
28 guaranteed loan payment program. Any funds remaining
29 on June 30 of a fiscal year shall be transferred from
30 the fund created in this section to the general fund
31 of the state.

32 9. The interest rate collected on a retaining our
33 achievers loan shall be equal to the interest rate
34 being collected by an eligible lender under the
35 guaranteed loan payment program.

36 10. The commission shall prescribe by rule the
37 terms of repayment."

38 2. By renumbering as necessary.

PATRICIA HARPER
JOHN P. KIBBIE
ROD HALVORSON
BILL FINK
ROBERT E. DVORSKY

S-5708

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 7 the
5 following:
6 " Page 36, by inserting after line 26 the
7 following:
8 "Sec. ____ NATIONAL BOARD CERTIFICATION AWARD
9 REPEAL. Section 256.44, as enacted by 1998 Iowa Acts,
10 Senate File 2366, section 5, and as amended by this
11 Act, is repealed.
12 Sec. ____ 1998 Iowa Acts, Senate File 2366,
13 section 38, is repealed."
14 2. By renumbering as necessary.

JACK RIFE

S-5709

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by inserting after line 7 the
5 following:
6 " Page 36, by inserting after line 26 the
7 following:
8 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
9 section 33, amending section 294A.5, Code 1997, if
10 enacted, if repealed.
11 Sec. ____ 1998 Iowa Acts, Senate File 2366,
12 section 34, amending section 294A.6, unnumbered
13 paragraph 1, Code 1997, if enacted, is repealed.
14 Sec. ____ 1998 Iowa Acts, Senate File 2366,
15 section 35, amending section 294A.25, subsection 1,
16 Code Supplement 1997, if enacted, is repealed."
17 2. By renumbering as necessary.

JACK RIFE

S-5710

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 30 the
4 following:
5 " Page 1, by inserting after line 22 the
6 following:
7 " ____ Notwithstanding the tax rate increases
8 specified in section 99F.11, the tax rates provided

9 for the calendar year 1998 shall be the tax rates for
10 the calendar years 1998 through 2003."

JACK RIFE
MICHAEL E. GRONSTAL

S-5711

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 3 the
4 following:
5 "Section 1. Section 99D.5, subsection 1, Code
6 1997, is amended to read as follows:
7 1. A state racing and gaming commission is created
8 within the department of inspections and appeals
9 consisting of five members who shall be appointed by
10 the governor subject to confirmation by the senate,
11 and who shall serve not to exceed a three-year term at
12 the pleasure of the governor. The term of each member
13 shall begin and end as provided in section 69.19.
14 After April 30, 1999, not more than one member of the
15 commission shall reside in the same congressional
16 district."

JACK RIFE
MICHAEL E. GRONSTAL

S-5712

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 40 the
5 following:
6 "1. Page 14, by inserting after line 14 the
7 following:
8 "Sec. ____ 1998 Iowa Acts, Senate File 2366,
9 section 1, subsection 1, unnumbered paragraphs 2 and
10 3, if enacted, are amended by striking the unnumbered
11 paragraphs."
12 2. Page 1, by inserting after line 43 the
13 following:
14 "1. Page 26, by inserting after line 12 the
15 following:
16 "Sec. ____ Section 256.22, subsection 1,
17 unnumbered paragraph 1, if enacted by 1998 Iowa Acts,
18 Senate File 2366, is amended to read as follows:
19 Subject to an appropriation of sufficient funds by
20 the general assembly, the department shall establish a
21 frontier school and extended year school grant program
22 to provide for the allocation of grants to school

23 districts, or a collaboration of school districts, to
24 provide technical assistance for conversion of an
25 existing school to a frontier school or to an extended
26 school year calendar, or for investigating the
27 possibility of converting an existing school within a
28 district to a frontier school or to an extended school
29 year calendar. A district that wants to participate
30 in the program shall submit to the department a
31 written request for a grant by ~~September~~ October 1,
32 1998. The school district or collaboration of school
33 districts shall agree to appoint a planning committee
34 composed of parents, guardians, teachers,
35 administrators, and individuals representing business,
36 and the local community. The school district or
37 collaboration shall also indicate in its request its
38 intention to use any grant moneys received under this
39 section to examine, at a minimum, all of the
40 following:
41 Sec. ____ Section 256.22, subsections 2 and 5, if
42 enacted by 1998 Iowa Acts, Senate File 2366, are
43 amended to read as follows:
44 2. Grant moneys shall be distributed to qualifying
45 school districts by the department no later than
46 ~~October 15, 1998~~ 30 annually. Grant amounts shall be
47 distributed as determined by the department. Not more
48 than fifteen of the grants awarded per year in
49 accordance with this section shall be used for
50 purposes of frontier school planning or conversion. A

Page 2

1 grant awarded to a school district under this section
2 shall not exceed twenty-five thousand dollars.
3 Notwithstanding the other provisions of this section,
4 the department shall not award grant moneys for
5 technical assistance for conversion of an existing
6 school to a frontier school or to an extended school
7 year calendar prior to July 1, 1999.
8 5. Except as provided in this subsection, frontier
9 schools are exempt from all statutes and rules
10 applicable to a school, a school board, or a school
11 district, although a frontier school may elect to
12 comply with one or more provisions of statute or rule.
13 However, a frontier school shall meet all applicable
14 state and local health and safety requirements; the
15 ~~frontier school shall be organized and operated as a~~
16 ~~nonprofit cooperative association under chapter 498 or~~
17 ~~nonprofit corporation under chapter 504A;~~ the
18 provisions of chapters 21 and 22 shall apply to
19 meetings and records of the frontier school board; and
20 frontier schools are subject to and shall comply with
21 chapters 216 and 216A relating to civil and human

22 rights, and sections 275.55A, 279.9A, 280.17B,
23 280.21B, and 282.4, relating to suspension and
24 expulsion of a student. The frontier school shall
25 employ or contract with necessary teachers, as defined
26 in section 272.1, who hold a valid license with an
27 endorsement for the type of service for which the
28 teacher is employed. Frontier schools are subject to
29 the same financial audits, audit procedures, and audit
30 requirements as a school district. The audits shall
31 be consistent with the requirements of sections 11.6,
32 11.14, 11.19, 256.9, subsection 19, and section
33 279.29, except to the extent deviations are necessary
34 because of the program at the school. The department,
35 auditor of state, or the legislative fiscal bureau may
36 conduct financial, program, or compliance audits. The
37 provisions of chapter 20 shall not apply to the board
38 of directors of a frontier school or its employees.
39 Sec. ____ Section 256.22, if enacted by 1998 Iowa
40 Acts, Senate File 2366, section 4, is amended by
41 adding the following new subsection:
42 NEW SUBSECTION. 6. Notwithstanding section 8.33,
43 unencumbered or unobligated funds remaining on June 30
44 of the fiscal year for which the funds were
45 appropriated shall not revert but shall be available
46 for expenditure for the following fiscal year for
47 purposes of this section.
48 Sec. ____ NEW SECTION. 256.24 MATHEMATICS PILOT
49 PROGRAMS.
50 1. The Iowa mathematics and science coalition

Page 3

1 shall administer a two-year mathematics pilot program
2 to help teachers become aware of possibilities for
3 mathematics instruction other than traditional
4 approaches and discuss those approaches with other
5 teachers, employ new problem-centered approaches,
6 develop routines that create an environment that
7 promotes problem solving and student autonomy, and
8 integrate new approaches to teaching mathematics in
9 the regular mathematics curriculum.
10 2. The Iowa mathematics and science coalition
11 shall locate the pilot programs in at least four
12 public school districts, one located in a large school
13 district, one located in a medium-sized school
14 district, and two located in small school districts.
15 In the case of a large school district, the district
16 shall apply for a secondary school in the district
17 provided that the middle and elementary schools within
18 the secondary school attendance area shall be
19 represented in the application. Districts
20 participating in the program shall require all

21 teachers employed by the district who teach
22 mathematics to participate in the pilot program.
23 However, in the case of a large district, only
24 teachers employed to teach mathematics in the
25 secondary school for which the application was made,
26 and the teachers employed to teach mathematics in the
27 middle and elementary schools within the secondary
28 school attendance area, shall be required to
29 participate in the pilot program. For purposes of
30 this section, a large school district is a district
31 with an actual enrollment of five thousand or more
32 pupils; a medium-sized school district is a district
33 with an actual enrollment that is greater than one
34 thousand one hundred ninety-nine pupils, but less than
35 five thousand pupils; and a small school district is a
36 district with an actual enrollment of one thousand one
37 hundred ninety-nine or fewer pupils.

38 3. Funds appropriated for purposes of this section
39 may be used for administrative costs of the program
40 and shall be used to provide partial financial
41 assistance to a participating school district. The
42 portion of the program costs for which a district does
43 not receive financial assistance pursuant to this
44 section shall be paid by the district. However, the
45 district may use phase III funds to pay this portion
46 of the program costs.

47 Sec. ____ Section 256.44, subsection 3, if enacted
48 by 1998 Iowa Acts, Senate File 2366, section 5, is
49 amended to read as follows:

50 3. To receive a five-year annual award for

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1 achieving certification by the national board of
2 professional teaching standards, a teacher shall apply
3 to the department within one year of eligibility.
4 Payment for awards shall be made only upon
5 departmental approval of an application or
6 recertification of eligibility. A nonrenewable term
7 of eligibility shall be for five years or for the
8 years the certificate is valid, whichever time period
9 is shorter. In order to continue receipt of payments,
10 a recipient shall annually recertify eligibility. It
11 is the intent of the general assembly to appropriate
12 not more than one million dollars from the general
13 fund for purposes of this program during the lifetime
14 of this program."

15 3. Page 3, by striking line 48 and inserting the
16 following: "30, line 6; and inserting the following:
17 "Sec. . Section 261.25, Code Supplement 1997,
18 is amended by adding the following new subsection:
19 NEW SUBSECTION. 3A. There is appropriated from

20 the general fund of the state to the commission for
21 each fiscal year the sum of ninety thousand dollars
22 for the industrial technology forgivable loan program
23 established in section 261.111.
24 Sec. . NEW SECTION. 261.111 INDUSTRIAL
25 TECHNOLOGY FORGIVABLE LOAN PROGRAM.
26 1. There is established an industrial technology
27 forgivable loan program to be administered by the
28 college student aid commission. An individual is
29 eligible for the forgivable loan program if the
30 individual meets all of the following conditions:
31 a. Is a resident of this state who is enrolled as
32 a sophomore, junior, or senior in the area of
33 industrial technology education at an institution of
34 higher learning under the control of the state board
35 of regents or an accredited private institution as
36 defined in section 261.9, or, is a resident of this
37 state who is enrolled in the area of industrial
38 technology at a community college in the state and the
39 credits for the coursework in industrial technology
40 are transferable to an institution of higher learning
41 under the control of the state board of regents, or to
42 an accredited private institution as defined in
43 section 261.9.
44 b. Completes and files an application for an
45 industrial technology forgivable loan. The individual
46 shall be responsible for the submission of the
47 parents' confidential statement for processing to both
48 the commission and the institution in which the
49 applicant is enrolling.
50 c. Reports promptly to the commission any

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1 information requested.
2 d. Files a new application and parents'
3 confidential statement annually on the basis of which
4 the applicant's eligibility for a renewed industrial
5 technology forgivable loan will be evaluated and
6 determined.
7 2. Forgivable loans to eligible students shall not
8 become due until after the student graduates or leaves
9 school. The individual's total loan amount, including
10 principal and interest, shall be reduced by twenty
11 percent for each year in which the individual remains
12 an Iowa resident and is employed by a school district
13 or an accredited nonpublic school as an industrial
14 technology teacher. If the commission determines that
15 the person does not meet the criteria for forgiveness
16 of the principal and interest payments, the commission
17 shall establish a plan for repayment of the principal
18 and interest over a ten-year period. If a person

19 required to make the repayment does not make the
20 required payments, the commission shall provide for
21 payment collection.

22 3. There is created an industrial technology
23 forgivable loan repayment fund for deposit of payments
24 made by forgivable loan recipients who do not fulfill
25 the conditions of the forgivable loan program.
26 Notwithstanding section 8.33, moneys deposited in the
27 industrial technology forgivable loan repayment fund
28 shall not revert to the general fund of the state at
29 the end of any fiscal year but shall remain in the
30 industrial technology forgivable loan repayment fund
31 and be continuously available to make additional loans
32 under the program.

33 Sec. . NEW SECTION. 261.112 INDUSTRIAL
34 TECHNOLOGY FORGIVABLE LOAN ADMINISTRATION.

35 1. The college student aid commission shall
36 administer the industrial technology forgivable loan
37 program. The amount of an industrial technology
38 forgivable loan shall not exceed three thousand
39 dollars annually, or the amount of the student's
40 established financial need, whichever is less.

41 2. The interest rate for the forgivable loan shall
42 be equal to the interest rate collected by an eligible
43 lender under the Iowa guaranteed student loan program
44 for the year in which the forgivable loan is made.

45 Sec. ____ Section 279.14, subsection 2, if enacted
46 by 1998 Iowa Acts, Senate File 2366, is amended by
47 striking the subsection and inserting in lieu thereof
48 the following:

49 2. The determination of standards of performance
50 expected of school district personnel shall be

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1 reserved as an exclusive management right of the
2 school board and shall not be subject to mandatory
3 negotiations under chapter 20. Notwithstanding
4 chapter 20, objections to the procedures, use, or
5 content of an evaluation in a teacher termination
6 proceeding brought before the school board in a
7 hearing held in accordance with section 279.16 or
8 279.27 shall not be subject to the grievance
9 procedures negotiated in accordance with chapter 20.
10 A school district shall not be obligated to process
11 any evaluation grievance after service of a notice and
12 recommendation to terminate an individual's continuing
13 teaching contract in accordance with chapter 279.

14 Sec. ____ Section 279.14A, subsection 1, if
15 enacted by 1998 Iowa Acts, Senate File 2366, is
16 amended to read as follows:

17 1. The department of education shall establish and

18 implement a voluntary practitioner performance
19 improvement program that shall provide technical
20 assistance to teachers and administrators from each
21 public school district and area education agency.
22 Individuals under contract with a school district may
23 receive technical assistance in accordance with this
24 subsection. The department shall consult with the
25 Iowa state education association, the Iowa association
26 of school boards, the school administrators of Iowa,
27 the professional educators of Iowa, and, as
28 practicable, other entities providing similar
29 programs, in developing the program. At a minimum,
30 the program shall provide administrators with
31 training, including but not limited to, seminars and
32 written materials, relating to the areas of employment
33 policies and procedures, employment documentation,
34 performance evaluations, corrective performance
35 techniques, discipline, termination, and support by
36 qualified individuals for implementation of the
37 program. The program shall not be used to provide
38 consultation or assistance on specific employment
39 situations. Training received by an administrator in
40 accordance with this section shall apply toward an
41 administrator's evaluator approval renewal.
42 Sec. ____ Section 279.19, Code 1997, is amended by
43 adding the following new unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
45 provision to the contrary, the grievance procedures of
46 section 20.18 relating to job performance or job
47 retention shall not apply to a teacher during the
48 first two years of the teacher's probationary period.
49 However, this paragraph shall not apply to a teacher
50 who has successfully completed a probationary period

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1 in a school district in Iowa."
2 4. Page 3, by inserting after line 48 the
3 following:
4 "_. Page 30, by inserting after line 14 the
5 following:
6 "Sec. ____ Section 279.60, subsection 5, if
7 enacted by 1998 Iowa Acts, Senate File 2366, section
8 29, is amended to read as follows:
9 5. The ranked list of nominees shall be submitted
10 to the board of directors of the school district for
11 review and approval. The board of directors shall be
12 responsible for determining the number of awards and
13 the amount of the awards based upon the moneys
14 received by the school district pursuant to section
15 279.61. The board of directors shall also consult
16 with practitioners to plan appropriate recognition

17 events within the school district for presentation of
18 the awards."

19 5. Page 4, by inserting after line 7 the
20 following:

21 ". Page 32, by inserting after line 3 the
22 following:

23 "NEW SUBSECTION. 6A. For each fiscal year of the
24 fiscal period beginning July 1, 1998, and ending June
25 30, 2000, the amount of seventy-five thousand dollars
26 from phase III moneys to the department of education
27 for distribution to the Iowa mathematics and science
28 coalition for purposes of mathematics pilot programs
29 in accordance with section 256.24."

30 . Page 35, by inserting after line 1 the
31 following:

32 "Sec. 101. Section 256.17A, if enacted by 1998
33 Iowa Acts, Senate File 2366, section 3, is repealed."

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

36 "Sec. _____. 1998 Iowa Acts, Senate File 2366,
37 section 40, if enacted, is amended to read as follows: .

38 Sec. 40. EMERGENCY RULES. The department may
39 adopt emergency rules as necessary for the
40 administration of chapter 256E and sections ~~256.17A~~
41 256.22, 257.13, and 279.60, if enacted."

42 6. Page 4, by inserting after line 10 the
43 following:

44 ". Page 37, by inserting after line 15 the
45 following:

46 "Section 101 of this Act, relating to the repeal of
47 section 256.17A, being deemed of immediate importance,
48 takes effect upon enactment."

49 7. By renumbering as necessary.

DONALD B. REDFERN

S-5713

1 Amend Senate File 2418 as follows:

2 1. By striking page 9, line 30, through page 10,
3 line 3.

4 2. Title page, lines 7 and 8, by striking the
5 words "providing for the use of the network,".

6 3. By renumbering as necessary.

JOHN W. JENSEN

S-5714

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:

1. Page 3, by striking line 48 and inserting the following: "30, line 6, and inserting the following: "Sec. ____ NEW SECTION. 261.28 REWARDING IOWA'S STUDENTS EDUCATIONALLY PROGRAM.

1. A rewarding Iowa's students educationally program is established to be administered by the commission. A resident of this state who receives a high school diploma or a high school equivalency diploma from a school district or an accredited nonpublic school in this state after July 1, 1998, and who otherwise meets the qualifications of this section, is eligible to receive a rewarding Iowa's students educationally scholarship under the program to attend an eligible institution.

2. In addition to the requirements of subsection 1, to be eligible for a scholarship under this section, an individual shall meet the following requirements:

a. Is a citizen of the United States or has been classified as a permanent resident alien by the United States immigration and naturalization service.

b. Have satisfactorily met the entrance requirements for admission to an eligible institution.

c. Upon completing the equivalent of two full semesters or three full quarters at an eligible institution, to continue to be eligible for a scholarship under this section, the student shall have a three-point cumulative grade average on a four-point scale.

3. "Eligible institution", for purposes of this section, means a community college as defined in chapter 260C, an institution of higher learning under the control of the state board of regents, or an accredited private institution, as defined in section 261.9.

4. The amount of a scholarship awarded to a qualified student for an upcoming academic year in accordance with this section shall be the amount of the student's financial need for that period, including tuition, mandatory fees, and a book allowance. However, the scholarship amount shall not exceed the resident tuition rate and mandatory fees established for institutions of higher learning under the control of the state board of regents plus a book allowance. The book allowance for a full-time student shall be one hundred dollars per quarter or the semester equivalent, and fifty dollars per quarter or

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1 the semester equivalent for a student enrolled for
2 less than half-time.

- 3 5. No minimum number of hours of enrollment is
4 required for eligibility.
- 5 6. An eligible individual shall not receive a
6 scholarship under this section for more than the
7 equivalent of eight full semesters.
- 8 7. An individual who qualifies for a federal Pell
9 grant is ineligible for a scholarship under this
10 section. Federal educational assistance received by
11 an eligible individual shall be applied to reduce the
12 individual's tuition and mandatory fee charges.
- 13 8. Scholarship moneys may be expended for remedial
14 coursework.
- 15 9. The college student aid commission shall adopt
16 rules pursuant to chapter 17A to administer this
17 section. Rules adopted by the commission shall, at a
18 minimum, establish criteria for deferment of a
19 scholarship and provide for an appeals process.
- 20 10. There is appropriated from the general fund of
21 the state to the commission for each fiscal year the
22 sum of ten million dollars for rewarding Iowa's
23 students educationally scholarships."

JOHNIE HAMMOND

S-5715

- 1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 46 the
4 following:
- 5 "1. Page 2, by striking lines 19 through 25 and
6 inserting the following: "may be conducted by the
7 licensee. The commission shall not allow a licensee
8 to conduct gambling games on an excursion gambling
9 boat while docked during the off season if the
10 licensee does not operate gambling excursions for a
11 minimum number of days during the excursion season.
12 The commission may delay the commencement of the
13 excursion season at the request of a licensee shall
14 determine the minimum number of excursions, if any, to
15 be required."

JACK RIFE
MICHAEL E. GRONSTAL

S-5716

- 1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
- 3 1. By striking page 1, line 2, through page 2,
4 line 34, and inserting the following:
- 5 "1. By striking everything after the enacting

6 clause and inserting the following:
7 "Section 1. NEW SECTION. 99F.5A MORATORIUM FOR
8 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
9 ON THE NUMBER AND TYPE OF GAMBLING GAMES.
10 1. The total number of licenses issued to conduct
11 gambling games on excursion gambling boats pursuant to
12 this chapter shall not exceed ten until July 1, 2003.
13 2. Notwithstanding subsection 1, the following
14 actions may be taken during the moratorium from July
15 1, 1998, until July 1, 2003, with the approval of the
16 commission:
17 a. A licensed excursion gambling boat may move to
18 a new location within the same county.
19 b. A licensed excursion gambling boat or a pari-
20 mutuel racetrack and its facilities may be sold and a
21 new license may be issued for operation in the same
22 county.
23 c. If a license to conduct gambling games on an
24 excursion gambling boat is surrendered, not renewed,
25 or revoked, a new license may be issued for operation
26 in the same county.
27 3. During the moratorium from July 1, 1998, until
28 July 1, 2003, the commission shall not authorize any
29 of the following:
30 a. An increase in the number or type of gambling
31 games or the number of slot machines on an excursion
32 gambling boat.
33 b. A number of slot machines at a pari-mutuel
34 racetrack which is greater than the number authorized
35 on or before July 1, 1998.
36 c. A licensee to conduct pari-mutuel wagering at a
37 licensed premises in more than one county.
38 Sec. 2. Section 99F.7, subsection 1, Code 1997, is
39 amended to read as follows:
40 1. If the commission is satisfied that this
41 chapter and its rules adopted under this chapter
42 applicable to licensees have been or will be complied
43 with, the commission shall issue a license for a
44 period of not more than three years to an applicant to
45 own a gambling game operation and to an applicant to
46 operate an excursion gambling boat. The commission
47 shall decide which of the gambling games authorized
48 under this chapter it will permit. The commission
49 shall decide the number, location, and type of
50 excursion gambling boats licensed under this chapter

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1 for operation on the rivers, lakes, and reservoirs of
2 this state. However, after July 1, 2003, the
3 commission shall issue a new license for an excursion
4 gambling boat operation only if the excursion gambling

5 boat operates on the Mississippi or Missouri river.
6 The license shall set forth the name of the licensee,
7 the type of license granted, the place where the
8 excursion gambling boats will operate and dock, and
9 the time and number of days during the excursion
10 season and the off season when gambling may be
11 conducted by the licensee. The commission shall not
12 allow a licensee to conduct gambling games on an
13 excursion gambling boat while docked during the off
14 season if the licensee does not operate gambling
15 excursions for a minimum number of days during the
16 excursion season. The commission may delay the
17 commencement of the excursion season at the request of
18 a licensee."
19 Title page, by striking lines 1 through 8
20 and inserting the following: "An Act relating to
21 gambling by imposing a moratorium on the number and
22 types of gambling games and slot machines authorized
23 in this state and on new licenses to conduct gambling
24 on excursion gambling boats, and by limiting the
25 location of new excursion gambling boat operations.""

JACK RIFE
MICHAEL E. GRONSTAL

S-5717

1 Amend the amendment, S-5631, to House File 2533, 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 28, by striking the figure
7 "833,900" and inserting the following: "1,042,805".
8 2. By renumbering as necessary.

TOM VILSACK

S-5718

1 Amend House File 2530, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 23 the
4 following:
5 "Sec. 121. NEW SECTION. 422.12F INCOME TAX
6 CHECKOFF FOR SUBSTANCE ABUSE MESSAGES.
7 1. A person who files an individual or a joint
8 income tax return with the department of revenue and
9 finance under section 422.13 may designate one dollar
10 or more to be paid to the partnership for a drug-free
11 Iowa established as a nonprofit entity. If the refund
12 due on the return or the payment remitted with the

13 return is insufficient to pay the amount designated by
14 the taxpayer to the partnership for a drug-free Iowa,
15 the amount designated shall be reduced to the
16 remaining amount of the refund or the remaining amount
17 remitted with the return. The designation of a
18 contribution to the partnership for a drug-free Iowa
19 under this section is irrevocable.

20 2. The director of revenue and finance shall draft
21 the income tax form to allow the designation of
22 contributions to the partnership for a drug-free Iowa
23 on the tax return. The department, on or before
24 January 31, shall transfer the total amount designated
25 on the tax form due in the preceding year to the
26 partnership for a drug-free Iowa.

27 3. The partnership for a drug-free Iowa shall use
28 the moneys received pursuant to this section to assist
29 in its mission to reduce the incidence of substance
30 abuse through media campaigns.

31 4. The department shall adopt rules to implement
32 this section. However, before a checkoff pursuant to
33 this section shall be permitted, all liabilities on
34 the books of the department of revenue and finance and
35 accounts identified as owing under section 421.17 and
36 the political contribution allowed under section 56.18
37 shall be satisfied.

38 5. The limitation on income tax return checkoffs
39 specified in section 422.12E does not apply to this
40 checkoff."

41 2. Page 37, by inserting after line 9 the
42 following:

43 "____. Section 121 of this Act, establishing
44 section 422.12F, applies retroactively to January 1,
45 1998, for tax years beginning on or after that date."

O. GENE MADDOX

S-5719

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 23 the
4 following:

5 "Sec. 131. NEW SECTION. 422.12G INCOME TAX
6 CHECKOFF FOR HISTORICAL PURPOSES.

7 1. A person who files an individual or a joint
8 income tax return with the department of revenue and
9 finance under section 422.13 may designate one dollar
10 or more to be paid to the Iowa historical foundation
11 as established as a nonprofit entity. If the refund
12 due on the return or the payment remitted with the
13 return is insufficient to pay the amount designated by
14 the taxpayer to the Iowa historical foundation, the

15 amount designated shall be reduced to the remaining
 16 amount of the refund or the remaining amount remitted
 17 with the return. The designation of a contribution to
 18 the Iowa historical foundation under this section is
 19 irrevocable.

20 2. The director of revenue and finance shall draft
 21 the income tax form to allow the designation of
 22 contributions to the Iowa historical foundation on the
 23 tax return. The department, on or before January 31,
 24 shall transfer the total amount designated on the tax
 25 form due in the preceding year to the Iowa historical
 26 foundation.

27 3. Contributions received pursuant to this section
 28 by the Iowa historical foundation shall be used by it
 29 for preservation of historically important sites,
 30 structures, and artifacts.

31 4. The department shall adopt rules to implement
 32 this section. However, before a checkoff pursuant to
 33 this section shall be permitted, all liabilities on
 34 the books of the department of revenue and finance and
 35 accounts identified as owing under section 421.17 and
 36 the political contribution allowed under section 56.18
 37 shall be satisfied.

38 5. The limitation on income tax return checkoffs
 39 specified in section 422.12E does not apply to this
 40 checkoff."

41 2. Page 37, by inserting after line 9 the
 42 following:

43 "____. Section 131 of this Act, establishing
 44 section 422.12G, applies retroactively to January 1,
 45 1998, for tax years beginning on or after that date."

O. GENE MADDOX

S-5720

1 Amend the amendment, S-5631, to House File 2533, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. By striking page 1, lines 11 through 18 and
 5 inserting the following:

6 "-. Page 9, by inserting after line 21 the
 7 following:

8 "____. READING RECOVERY PROGRAM

9 For allocation to assist school districts in
 10 developing reading recovery programs:

11 \$ 75,000

12 Moneys allocated to the department of education for
 13 purposes of the reading recovery program pursuant to
 14 this subsection shall be distributed to area education
 15 agencies in the proportion that the number of children
 16 who are eligible for free or reduced price meals under

17 the federal National School Lunch Act and the federal
18 Child Nutrition Act of 1966, 42 U.S.C. } 1751-1785, in
19 the basic enrollment of grades one through six in the
20 area served by an agency, bears to the sum of the
21 number of children who are eligible for free or
22 reduced price meals under the federal National School
23 Lunch Act and the federal Child Nutrition Act of 1966,
24 42 U.S.C. } 1751-1785, in the basic enrollments of
25 grades one through six in all of the areas served by
26 area education agencies in the state for the budget
27 year.""
28 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5721

1 Amend Senate File 2418 as follows:
2 1. Page 9, by inserting after line 29 the
3 following:
4 "Sec. ____ ADDITIONAL CONNECTION. Notwithstanding
5 contrary provisions of chapter 8D, the Iowa
6 telecommunications and technology commission shall
7 provide for the construction of a connection to the
8 network for the Dubuque river discovery museum. The
9 museum shall be responsible for the costs associated
10 with the connection to the network. The commission
11 shall establish all hourly rates to be charged to the
12 Dubuque river discovery museum at an appropriate rate
13 so that, at a minimum, there is no state subsidy
14 related to the costs of the connection or use of the
15 network by the museum."
16 2. By renumbering as necessary.

TOM FLYNN
MIKE CONNOLLY

S-5722

1 Amend Senate File 2418 as follows:
2 1. Page 7, by striking lines 21 through 23.
3 2. By renumbering as necessary.

JACK RIFE

S-5723

1 Amend Senate File 2418 as follows:
2 1. Page 7, by striking lines 27 through 34 and
3 inserting the following:
4 "_. To the department of revenue and finance for
5 a remittance processing system:

- 6 \$ 1,500,000"
7 2. By renumbering as necessary.

JACK RIFE

S-5724

- 1 Amend Senate File 2418 as follows:
2 1. Page 11, by inserting after line 18 the
3 following:
4 "Notwithstanding any contrary provision, the
5 division of information technology services,
6 department of general services, or any other state
7 agency or department, shall not enter into any
8 agreement or contract, and no moneys shall be expended
9 or obligated, for the purpose of establishing the
10 lowAccess system for providing electronic access to
11 government records, if established by enactment of the
12 Seventy-seventh General Assembly, 1998 Regular
13 Session, or for the purpose of establishing any other
14 similar system for providing electronic access to
15 government records, prior to the completion of the
16 study requested in this section and the submission of
17 the final report by the study committee and acceptance
18 of such final report by the legislative council."

JACK RIFE

S-5725

- 1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 12 and
4 inserting the following:
5 "Section 1. INSTITUTIONS ADMINISTERED BY THE
6 DEPARTMENT OF HUMAN SERVICES -- LEGISLATIVE FINDINGS
7 AND INTENT. During the 1997 legislative interim, the
8 human services restructuring task force of the general
9 assembly visited the state institutions administered
10 by the department of human services. The task force
11 members heard from concerned parents, service
12 consumers, service system administrators, state and
13 community-based providers, advocates for the needs of
14 persons with disabilities, and many other persons
15 interested in the service system for persons with
16 disabilities and juveniles. Based upon the task
17 force's review and recommendations, the general
18 assembly makes the following findings concerning these
19 institutions:"
20 2. Page 1, line 15, by inserting after the word
21 "multiuse" the following: "regional".
22 3. Page 1, line 20, by striking the word

23 "strategically".

24 4. Page 1, line 21, by striking the words "and
25 residential".

26 5. Page 1, by striking lines 23 and 24 and
27 inserting the following:

28 "___ Community-based approaches and individually
29 designed services and support are recognized as the
30 most desirable means of meeting the needs of persons
31 with disabilities. A movement from an institution-
32 oriented system to a community and individual-oriented
33 system has occurred over time while community
34 resources and individualized services have been
35 developed. The general assembly recognizes the role
36 of the department of human services and others in
37 furthering this movement. As part of this movement,
38 the state institutions are evolving to be state-of-
39 the-art service providers for persons with chronic,
40 complex, or difficult-to-treat conditions for which
41 local services are not adequately available, while
42 continuing to make residential services available to
43 accommodate individual family choices.

44 ___ There is a need to foster better
45 understanding of the evolving role of the
46 institutions.

47 6. Page 1, line 28, by striking the words "State
48 officials" and inserting the following: "Institution
49 administrators".

50 7. Page 2, line 6, by inserting after the word

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1 "services" the following: ", the governor's
2 developmental disabilities council, a certified
3 employee organization that represents residential
4 treatment workers, the Iowa association of
5 rehabilitation and residential facilities, the Iowa
6 state association of counties, the arc of Iowa which
7 was formerly known as the association for retarded
8 citizens of Iowa, the alliance for the mentally ill of
9 Iowa, and other service system consumers,
10 administrators, providers, and advocates".

11 8. Page 2, by striking lines 18 through 21 and
12 inserting the following:

13 "1. The department of human services shall work
14 with county central point".

15 9. Page 2, line 31, by striking the words "other
16 citizens" and inserting the following: "any citizen".

17 10. Page 3, line 3, by striking the words "state
18 institutions" and inserting the following:
19 "resources".

20 11. Page 3, by striking line 8 and inserting the
21 following: "appropriate services to serve citizens

22 from the other state."
23 12. Page 4, line 35, by inserting after the word
24 "department" the following: "the medical assistance
25 advisory council created in section 249A.4, subsection
26 8.".
27 13. Page 5, lines 7 and 8, by striking the words
28 "community and residential" and inserting the
29 following: "regional".
30 14. Page 5, by striking lines 20 through 22 and
31 inserting the following: "signage, and in other forms
32 of communication."
33 15. Page 5, line 26, by inserting after the word
34 "may" the following: "request that the director of
35 human services".
36 16. Page 6, line 16, by striking the words
37 "community and residential" and inserting the
38 following: "regional".
39 17. Page 6, by striking lines 31 through 33 and
40 inserting the following: "signage, and in other forms
41 of communication."
42 18. Page 7, line 1, by inserting after the word
43 "may" the following: "request that the director of
44 human services".

ELAINE SZYMONIAK
NANCY BOETTGER
MAGGIE TINSMAN

S-5726

1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 43 the
5 following:
6 ". By striking page 25, line 35 through page
7 26, line 1."
8 2. Page 2, by inserting after line 9 the
9 following:
10 ". By striking page 26, line 24, through page
11 27, line 6, and inserting the following:
12 "1. The amount of one hundred seventy-four
13 thousand dollars shall be transferred annually by the
14 treasurer of state from the interest for Iowa schools
15 fund to the credit of the first in the nation in
16 education foundation.
17 2. The interest remaining in the interest for Iowa
18 schools fund after the transfer of funds in accordance
19 with subsection 1 shall be transferred by the
20 treasurer of state."
21 3. Page 3, by inserting after line 48 the
22 following:

- 23 "... Page 30, by striking lines 7 through 14."
24 4. Page 4, by inserting after line 7 the
25 following:
26 "... Page 32, by inserting after line 3 the
27 following:
28 "NEW SUBSECTION. 9A. For the fiscal year
29 beginning July 1, 1998, and ending June 30, 1999, from
30 phase III moneys, the amount of two hundred thousand
31 dollars, to the department of education for allocation
32 to assist school districts in developing reading
33 recovery programs. From the moneys allocated in this
34 section, one hundred thousand dollars shall be
35 distributed to the reading recovery center, and the
36 remaining balance shall be distributed to the area
37 education agencies in the proportion that the number
38 of children who are eligible for free or reduced price
39 meals under the federal National School Lunch Act and
40 the federal Child Nutrition Act of 1966, 42 U.S.C. }
41 1751-1785, in the basic enrollment of grades one
42 through six in the area served by an agency, bears to
43 the sum of the number of children who are eligible for
44 free or reduced price meals under the federal National
45 School Lunch Act and the federal Child Nutrition Act
46 of 1966, 42 U.S.C. } 1751-1785, in the basic
47 enrollments of grades one through six in all of the
48 areas served by area education agencies in the state
49 for the budget year."
50 . Page 35, line 2, by striking the words

Page 2

- 1 "Chapters 257A and 303C, Code 1997, are" and inserting
2 the following: "Chapter 303C, Code 1997, is".
3 . Page 35, by striking lines 3 through 10.
4 . Page 36, by striking lines 2 through 26 and
5 inserting the following:
6 "Sec. ____ FINE FOUNDATION STUDY. As a condition
7 of the transfer of moneys to the first in the nation
8 in education foundation in accordance with section
9 257B.1A, the first in the nation education foundation
10 shall conduct an evaluation of its performance in
11 meeting the research needs of education in Iowa. The
12 foundation shall submit to the general assembly by
13 January 15, 1999, its findings, along with its vision
14 statement for the coming decade for the use and
15 support of research by the foundation to improve
16 education in Iowa."
17 5. Page 4, by inserting after line 10 the
18 following:

- 19 ". Page 37, by striking lines 11 through 15."
20 6. By renumbering as necessary.

ELAINE SZYMONIAK
JOHN P. KIBBIE
DENNIS H. BLACK
ROD HALVORSON

S-5727

- 1 Amend the amendment, S-5631, to House File 2533, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 10 the
5 following:
6 ". Page 9, line 25, by striking the figure
7 "120,000" and inserting the following: "1,000,000".
8 2. By renumbering as necessary.

MIKE CONNOLLY

S-5728

- 1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 33, by inserting before the word
5 "Notwithstanding" the following: "Any lottery
6 revenues remaining in the lottery fund at the end of
7 the fiscal year beginning July 1, 1997, as a result of
8 not being appropriated or as a result of a veto of any
9 appropriation made in this section shall be
10 transferred to the general fund of the state."
11 2. Page 2, line 38, by inserting after the word
12 "year." the following: "Moneys which revert at the
13 end of the succeeding fiscal year shall be transferred
14 to the general fund of the state."
15 3. By renumbering as necessary.

DERRYL McLAREN

S-5729

- 1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 27 the
4 following:
5 "____. The general assembly recognizes the
6 importance of identifying and providing for the
7 development of appropriate community supports and
8 services under the plan for community development
9 relating to the consent decree of Conner v. Branstad,

10 No. 4-86-CV-30871 (S.D. Iowa, July 1994), which plan
11 was issued by the department of human services,
12 division of mental health and developmental
13 disabilities, on March 12, 1996."
14 2. By renumbering, relettering, redesignating,
15 and revising internal references as necessary.

ROBERT E. DVORSKY
JOHNIE HAMMOND

S-5730

1 Amend the House amendment, S-5540, to Senate File
2 2296, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 5, line 46, by striking the words "Two
5 members" and inserting the following: "One member".
6 2. Page 5, by striking line 47 and inserting the
7 following: "a representative of a nonprofit housing
8 organization".
9 3. Page 5, line 50, by inserting after the words
10 "of Iowa," the following: "the Iowa credit union
11 league".
12 4. Page 6, lines 4 and 5, by striking the words
13 "one representative of a nonprofit housing
14 organization", and inserting the following: "the
15 representative of the Iowa credit union league".
16 5. Page 6, line 13, by striking the word "one"
17 and inserting the following: "the".

JoANN DOUGLAS
MICHAEL E. GRONSTAL

S-5731

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:
3 1. By striking page 1, line 1, through page 2,
4 line 34, and inserting the following:
5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:
7 . By striking everything after the enacting
8 clause and inserting the following:
9 "Section 1. Section 99D.5, subsection 1, Code
10 1997, is amended to read as follows:
11 1. A state racing and gaming commission is created
12 within the department of inspections and appeals
13 consisting of five members who shall be appointed by
14 the governor subject to confirmation by the senate,
15 and who shall serve not to exceed a three-year term at
16 the pleasure of the governor. The term of each member
17 shall begin and end as provided in section 69.19.

18 After April 30, 1999, not more than one member of the
19 commission shall reside in the same congressional
20 district.

21 Sec. 2. Section 99D.11, subsection 7, Code 1997,
22 is amended to read as follows:

23 7. A person under the age of twenty-one years
24 shall not make or attempt to make a pari-mutuel wager.
25 A person who violates this subsection commits a
26 scheduled violation under section 805.8, subsection
27 13.

28 Sec. 3. Section 99E.18, Code 1997, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 5. A person under the age of
31 twenty-one years shall not purchase or attempt to
32 purchase a ticket or share. A person who violates
33 this subsection commits a scheduled violation under
34 section 805.8, subsection 13.

35 Sec. 4. Section 99F.4A, Code 1997, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 8. The total number of licenses
38 to conduct gambling games at pari-mutuel racetracks
39 pursuant to subsection 2 shall not exceed three until
40 July 1, 2003.

41 Sec. 5. NEW SECTION. 99F.5A MORATORIUM FOR
42 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS.

43 1. The total number of licenses issued to conduct
44 gambling games on excursion gambling boats pursuant to
45 this chapter shall not exceed ten until July 1, 2003.

46 2. Notwithstanding subsection 1, the following
47 actions may be taken during the moratorium from July
48 1, 1998, until July 1, 2003, with the approval of the
49 commission:

50 a. A licensed excursion gambling boat may move to

Page 2

1 a new location within the same county.

2 b. A licensed excursion gambling boat and its
3 facilities may be sold and a new license may be issued
4 for operation in the same county.

5 c. If a license to conduct gambling games on an
6 excursion gambling boat is surrendered, not renewed,
7 or revoked, a new license may be issued for operation
8 in the same county.

9 3. Until July 1, 2003, the commission shall not
10 approve any application for an addition to an existing
11 facility unless at least sixty percent of the addition
12 is restricted to nongaming activities.

13 Sec. 6. Section 99F.7, subsection 1, Code 1997, is
14 amended to read as follows:

15 1. If the commission is satisfied that this
16 chapter and its rules adopted under this chapter

17 applicable to licensees have been or will be complied
18 with, the commission shall issue a license for a
19 period of not more than three years to an applicant to
20 own a gambling game operation and to an applicant to
21 operate an excursion gambling boat. The commission
22 shall decide which of the gambling games authorized
23 under this chapter it will permit. The commission
24 shall decide the number, location, and type of
25 excursion gambling boats licensed under this chapter
26 for operation on the rivers, lakes, and reservoirs of
27 this state. However, after July 1, 2003, the
28 commission shall issue a new license for an excursion
29 gambling boat operation only if the excursion gambling
30 boat operates on the Mississippi or Missouri river.
31 The license shall set forth the name of the licensee,
32 the type of license granted, the place where the
33 excursion gambling boats will operate and dock, and
34 the time and number of days during the excursion
35 season and the off season when gambling may be
36 conducted by the licensee. The commission shall not
37 allow a licensee to conduct gambling games on an
38 excursion gambling boat while docked during the off
39 season if the licensee does not operate gambling
40 excursions for a minimum number of seventy-five days
41 during the excursion season. The commission may
42 authorize fewer days for excursion cruises in special
43 cases. The commission may delay the commencement of
44 the excursion season at the request of a licensee.
45 Sec. 7. Section 99F.9, subsection 5, Code 1997, is
46 amended to read as follows:
47 5. A person under the age of twenty-one years
48 shall not attempt to make or make a wager on an
49 excursion gambling boat or in a racetrack enclosure
50 and shall not be ~~allowed in~~ enter the area of the

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1 excursion gambling boat or racetrack enclosure where
2 gambling is being conducted. However, a person
3 eighteen years of age or older may be employed to work
4 in a gambling area on an excursion gambling boat or a
5 racetrack enclosure. A person who violates this
6 subsection with respect to a wager commits a scheduled
7 violation under section 805.8, subsection 13.
8 Sec. 8. Section 99F.9, Code 1997, is amended by
9 adding the following new subsections:
10 NEW SUBSECTION. 7. A licensee shall not permit
11 the operation of a satellite terminal as defined in
12 section 527.2 to dispense cash or credit for gambling
13 purposes on an excursion gambling boat or within a
14 racetrack enclosure except in nongaming areas as
15 designated by the commission. The commission may

16 assess a civil penalty for a violation of this
17 subsection.

18 NEW SUBSECTION. 8. The commission shall not
19 assess a civil penalty in excess of one thousand
20 dollars against a licensee relating to a violation of
21 legal age requirements of chapter 99D or this chapter.
22 Sec. 9. Section 99F.11, unnumbered paragraph 1,
23 Code 1997, is amended to read as follows:

24 A tax is imposed on the adjusted gross receipts
25 received annually from gambling games authorized under
26 this chapter at the rate of five percent on the first
27 one million dollars of adjusted gross receipts, at the
28 rate of ten percent on the next two million dollars of
29 adjusted gross receipts, and at the rate of twenty
30 percent on any amount of adjusted gross receipts over
31 three million dollars. However, beginning January
32 July 1, 1997 1998, the rate on any amount of adjusted
33 gross receipts over three million dollars from
34 gambling games at racetrack enclosures is ~~twenty-two~~
35 twenty-four percent and shall increase by two percent
36 ~~each succeeding calendar year until the rate is~~
37 ~~thirty-six percent.~~ The taxes imposed by this section
38 shall be paid by the licensee to the treasurer of
39 state within ten days after the close of the day when
40 the wagers were made and shall be distributed as
41 follows:

42 Sec. 10. Section 805.8, Code Supplement 1997, is
43 amended by adding the following new subsection:
44 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
45 violations of legal age for gambling or pari-mutuel
46 wagering under section 99D.11, subsection 7, section
47 99E.18, subsection 5, or section 99F.9, subsection 5,
48 the scheduled fine is one hundred dollars. Failure to
49 pay the fine by a person under the age of eighteen
50 shall not result in the person being detained in a

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1 secure facility.""

JACK RIFE
MICHAEL E. GRONSTAL

S-5732

1 Amend the amendment, S-5292, to House File 2163, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 18 and
5 inserting the following:
6 " Page 1, by striking lines 16 through 29 and
7 inserting the following:

8 "b. A person whose motor vehicle license or
9 operating privilege has been revoked under section
10 321J.12 after an administrative hearing under this
11 section, and who was subsequently acquitted of
12 operating while intoxicated in the criminal
13 proceedings arising from the same incident which led
14 to the revocation or had such criminal charges
15 dismissed, may petition the department within twenty
16 days of such acquittal or dismissal to reopen the
17 administrative hearing for the purpose of offering new
18 evidence that the person was not operating with an
19 alcohol concentration as defined in section 321J.1 of
20 .10 or more.

21 c. At a reopened hearing, all parties shall have
22 the opportunity to be present in person or via
23 telephonic transmission, and to present any evidence
24 and argument relevant to the question of whether the
25 person was operating with an alcohol concentration as
26 defined in section 321J.1 of .10 or more provided that
27 such evidence was not excluded in the criminal
28 proceeding.

29 d. If the person proves any of the following, the
30 revocation shall be rescinded:

31 (1) The chemical test that led to the revocation
32 was invalid.

33 (2) Based on evidence of errors of law, mistakes
34 of fact, or illegal or improper conduct occurring in
35 relation to the stop or the arrest, the results of the
36 chemical test that led to the revocation cannot be
37 reasonably relied upon.

38 e. Costs shall not be taxed to a prevailing party
39 at a reopened hearing."

ANDY McKEAN

S-5733

1 Amend the House amendment, S-5359, to Senate File
2 2320, as passed by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,
4 line 34, and inserting the following:

5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:

7 1. By striking everything after the enacting
8 clause and inserting the following:

9 "Section 1. NEW SECTION. 99F.5A MORATORIUM FOR
10 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
11 ON THE NUMBER OF GAMBLING GAMES.

12 1. The total number of licenses issued to conduct
13 gambling games on excursion gambling boats pursuant to
14 this chapter shall not exceed ten until July 1, 2003.

15 2. Notwithstanding subsection 1, the following

16 actions may be taken during the moratorium from July
17 1, 1998, until July 1, 2003, with the approval of the
18 commission:

19 a. A licensed excursion gambling boat may move to
20 a new location within the same county.

21 b. A licensed excursion gambling boat or a pari-
22 mutuel racetrack and its facilities may be sold and a
23 new license may be issued for operation in the same
24 county.

25 c. If a license to conduct gambling games on an
26 excursion gambling boat is surrendered, not renewed,
27 or revoked, a new license may be issued for operation
28 in the same county.

29 3. During the moratorium from July 1, 1998, until
30 July 1, 2003, the commission shall not authorize any
31 of the following:

32 a. An increase in the number of gambling games or
33 the number of slot machines on an excursion gambling
34 boat.

35 b. A number of slot machines at a pari-mutuel
36 racetrack which is greater than the number authorized
37 on or before July 1, 1998.

38 c. A licensee to conduct pari-mutuel wagering at a
39 licensed premises in more than one county.

40 Sec. ____ Section 99F.7, subsection 1, Code 1997,
41 is amended to read as follows:

42 1. If the commission is satisfied that this
43 chapter and its rules adopted under this chapter
44 applicable to licensees have been or will be complied
45 with, the commission shall issue a license for a
46 period of not more than three years to an applicant to
47 own a gambling game operation and to an applicant to
48 operate an excursion gambling boat. The commission
49 shall decide which of the gambling games authorized
50 under this chapter it will permit. The commission

Page 2

1 shall decide the number, location, and type of
2 excursion gambling boats licensed under this chapter
3 for operation on the rivers, lakes, and reservoirs of
4 this state. However, after July 1, 2003, the
5 commission shall issue a new license for an excursion
6 gambling boat operation only if the excursion gambling
7 boat operates on the Mississippi or Missouri river.
8 The license shall set forth the name of the licensee,
9 the type of license granted, the place where the
10 excursion gambling boats will operate and dock, and
11 the time and number of days during the excursion
12 season and the off season when gambling may be
13 conducted by the licensee. The commission shall not
14 allow a licensee to conduct gambling games on an

15 excursion gambling boat while docked during the off
16 season if the licensee does not operate gambling
17 excursions for a minimum number of days during the
18 excursion season. The commission may delay the
19 commencement of the excursion season at the request of
20 a licensee."

21 2. Title page, by striking lines 1 through 8 and
22 inserting the following: "An Act relating to gambling
23 by imposing a moratorium on the number and types of
24 gambling games and slot machines authorized in this
25 state and on new licenses to conduct gambling on
26 excursion gambling boats, and by limiting the location
27 of new excursion gambling boat operations.""

ANDY McKEAN
NANCY BOETTGER
STEVE KING
ROD HALVORSON
MARY NEUHAUSER
DENNIS H. BLACK
H. KAY HEDGE
NEAL SCHUERER

S-5734

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 5, by inserting after line 49 the
5 following:

6 "DIVISION

7 Sec. . NEW SECTION. 327H.20A RAILROAD
8 REVOLVING LOAN FUND.

9 A railroad revolving loan fund is established in
10 the office of the treasurer of state under the control
11 of the department. Moneys in this fund shall be
12 expended for loans to provide assistance for the
13 restoration, conservation, improvement, and
14 construction of railroad main lines, branch lines,
15 switching yards, sidings, rail connections, intermodal
16 yards, highway grade separations, and other railroad-
17 related improvements. The department shall administer
18 a program for the granting and administration of loans
19 under this section. The department may enter into
20 agreements with railroad corporations, the United
21 States government, cities, counties, and other persons
22 for carrying out the purposes of this section. Moneys
23 received as loan repayments shall be credited to the
24 railroad revolving loan fund. Notwithstanding section
25 8.33, moneys in the railroad revolving loan fund shall
26 not revert to the general fund of the state but shall
27 remain available indefinitely for expenditure under

28 this section.

29 Sec. . RAILROAD REVOLVING FUND. There is
30 appropriated from the general fund of the state to the
31 state department of transportation for the fiscal year
32 beginning July 1, 1998, and ending June 30, 1999, for
33 deposit in the railroad revolving loan fund
34 established in section 327H.20A, an amount equal to
35 the amount of loan repayments made under section
36 327H.18 and chapter 327I that exceed one million one
37 hundred ninety thousand dollars during fiscal year
38 1998-1999."

39 2. By renumbering as necessary.

MARY LOU FREEMAN
RICHARD F. DRAKE

S-5735

1 Amend the amendment, S-5733, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. Page 2, by inserting after line 20 the
5 following:

6 "Sec. ____ Section 99F.11, Code 1997, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
9 99F.5A, the moratorium shall be implemented only if
10 all gambling facilities in this state are taxed at the
11 same tax rate and all pari-mutuel tracks are taxed at
12 the same tax rate including gambling facilities owned
13 and operated by native Americans."

JACK RIFE

S-5736

1 Amend the amendment, S-5733, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. Page 1, by striking lines 37 through 39 and
5 inserting the following: "on or before the effective
6 date of this Act.

7 c. However, the commission shall not enforce the
8 requirements of this subsection until the subsection
9 applies to all gambling licensees including gambling
10 operations authorized by treaty."

JACK RIFE

S-5738

- 1 Amend House File 2005, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 373A.1 CONSOLIDATION OF
- 6 CERTAIN CITIES.
- 7 1. On January 1, 2000, a consolidated metropolitan
- 8 city is created by consolidation of the following
- 9 cities located in whole or in part in a county having
- 10 a population of three hundred thousand or more:
- 11 a. A city having a population of one hundred
- 12 ninety thousand or more.
- 13 b. Each city which has a common boundary with a
- 14 city having a population of one hundred ninety
- 15 thousand or more.
- 16 c. Each city which has a common boundary with any
- 17 city described in paragraph "b".
- 18 d. Any other city in the county which has a
- 19 population of eighteen thousand or more.
- 20 2. Not later than September 1, 1998, the governing
- 21 body of the largest city involved in the consolidation
- 22 shall establish a consolidation redistricting
- 23 commission. The commission shall be composed of one
- 24 member appointed by the city council of each city
- 25 involved in the consolidation plus an additional
- 26 member appointed by each city council for each twenty-
- 27 five thousand residents of the city. A vacancy on the
- 28 commission shall be filled by appointment in the same
- 29 manner as the original appointment. The city clerk of
- 30 the city with the largest population shall notify all
- 31 commission members of the date, time, and location of
- 32 the first meeting. At the first meeting, a
- 33 chairperson, vice chairperson, and other necessary
- 34 officers shall be selected. The commission shall
- 35 adopt rules governing the conduct of its meetings,
- 36 subject to chapter 21. The members shall serve
- 37 without compensation, but they are entitled to travel
- 38 and other necessary expenses relating to their duties
- 39 of office. The affected cities shall make available
- 40 to the commission in-kind services such as office
- 41 space, printing, supplies, and equipment. The
- 42 expenses of the commission shall be apportioned to the
- 43 affected cities based on their respective populations.
- 44 3. The consolidation redistricting commission
- 45 shall do all of the following:
- 46 a. Establish the geographic boundaries of the
- 47 consolidated metropolitan city based on the
- 48 requirements of subsection 1.
- 49 b. Determine the number of council members and
- 50 establish election districts for the members of the

Page 2

1 consolidated metropolitan city. The redistricting
2 plan shall be completed by February 1, 1999.

3 c. Provide for the at-large election of a mayor or
4 officer to preside over the metropolitan consolidated
5 council.

6 d. Provide for the nonpartisan election of the
7 officers of the consolidated metropolitan city
8 offices.

9 e. Provide for the orderly transition to the
10 consolidated metropolitan government. The form of
11 government of the city with the largest population
12 involved in the consolidation shall be implemented
13 until changed as provided in chapter 372.

14 f. Specify the powers and duties of the
15 consolidated metropolitan council, its administrative
16 officers, and elected officials.

17 g. Initiate the budget-making process for the
18 fiscal year beginning July 1, 2000.

19 4. During the transition from January 1, 2000, to
20 July 1, 2000, the members of the consolidated
21 metropolitan council and any other elected officer
22 shall be elected at the city election held in November
23 1999. The council members and other elected officers
24 shall take office on the first day in January which is
25 not a Sunday or legal holiday, following the regular
26 city election. The consolidated city council shall
27 adopt a city charter, appoint a city manager, organize
28 the administrative structure of the consolidated city
29 including the creation, abolition, or consolidation of
30 departments, agencies, boards, and commissions, and
31 adopt a city budget as otherwise provided by law.

32 5. A consolidated metropolitan city established
33 pursuant to this section shall not involuntarily annex
34 territory before July 1, 2020.

35 6. The government of the consolidated metropolitan
36 city takes effect on July 1, 2000. Except as
37 otherwise provided by the city charter adopted by the
38 consolidated metropolitan city council, the offices of
39 elected and appointed city officers of the individual
40 cities which are consolidated pursuant to this section
41 are abolished on July 1, 2000, and the terms of office
42 of elected or appointed officers of such cities shall
43 expire on July 1, 2000."

44 2. Title page, by striking lines 1 through 3 and
45 inserting the following: "An Act establishing a

46 consolidated metropolitan city government in a certain
47 county, and providing effective dates."

ROD HALVORSON

HOUSE AMENDMENT TO
SENATE FILE 2416

S-5739

- 1 Amend Senate File 2416, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by striking the word
- 4 "PROVISIONS" and inserting the following:
- 5 "PROVISION".
- 6 2. Page 3, line 32, by striking the figure "1996"
- 7 and inserting the following: "1997".
- 8 3. Page 4, line 1, by striking the figure "1996"
- 9 and inserting the following: "1997".
- 10 4. Page 4, line 5, by striking the figure "1992"
- 11 and inserting the following: "1993".
- 12 5. Page 4, line 6, by striking the figure "1996"
- 13 and inserting the following: "1997".
- 14 6. Page 4, line 8, by striking the figure "1997"
- 15 and inserting the following: "1998".
- 16 7. Page 5, line 13, by striking the figure "1998"
- 17 and inserting the following: "1999".
- 18 8. Page 5, line 17, by striking the figure "1998"
- 19 and inserting the following: "1999".
- 20 9. Page 6, line 35, by striking the figure "1997"
- 21 and inserting the following: "1998".
- 22 10. Page 14, line 33, by striking the figure
- 23 "1998" and inserting the following: "1999".
- 24 11. Page 17, line 20, by striking the word and
- 25 figures "1992 through 1996" and inserting the
- 26 following: "1993 through 1997".
- 27 12. Page 17, line 25, by striking the figure
- 28 "1996" and inserting the following: "1997".
- 29 13. Page 17, line 33, by striking the figure
- 30 "1997" and inserting the following: "1998".
- 31 14. Page 17, line 34, by striking the figure
- 32 "1997" and inserting the following: "1998".
- 33 15. Page 18, line 11, by striking the figure
- 34 "1997" and inserting the following: "1998".
- 35 16. Page 18, line 12, by striking the figure
- 36 "1997" and inserting the following: "1998".
- 37 17. Page 18, line 19, by striking the figure
- 38 "1997" and inserting the following: "1998".
- 39 18. Page 18, line 20, by striking the figure
- 40 "1997" and inserting the following: "1998".
- 41 19. Page 18, line 33, by striking the figure
- 42 "1998" and inserting the following: "1999".

- 43 20. Page 19, line 5, by striking the figure
44 "1997" and inserting the following: "1998".
45 21. Page 19, line 13, by striking the figure
46 "1997" and inserting the following: "1998".
47 22. Page 19, line 18, by striking the word and
48 figures "1992 through 1996" and inserting the
49 following: "1993 through 1997".
50 23. Page 19, line 22, by striking the figure

Page 2

- 1 "1997" and inserting the following: "1998".
2 24. Page 19, line 23, by striking the figure
3 "1997" and inserting the following: "1998".
4 25. Page 19, line 33, by striking the figure
5 "1997" and inserting the following: "1998".
6 26. Page 19, line 35, by striking the figure
7 "1997" and inserting the following: "1998".
8 27. Page 20, line 4, by striking the figure
9 "1998" and inserting the following: "1999".
10 28. Page 21, line 12, by striking the figure
11 "1998" and inserting the following: "1999".
12 29. Page 21, line 19, by striking the figure
13 "1997" and inserting the following: "1998".
14 30. Page 22, line 12, by striking the figure
15 "1998" and inserting the following: "1999".
16 31. Page 23, line 2, by striking the figure
17 "1998" and inserting the following: "1999".
18 32. Page 23, line 8, by striking the figure
19 "1997" and inserting the following: "1998".
20 33. Page 23, line 12, by striking the figure
21 "1997" and inserting the following: "1998".
22 34. Page 23, line 15, by striking the figure
23 "1997" and inserting the following: "1998".
24 35. Page 23, line 22, by striking the figure
25 "1998" and inserting the following: "1999".
26 36. Page 23, line 27, by striking the figure
27 "1997" and inserting the following: "1998".
28 37. Page 23, line 29, by striking the figure
29 "1997" and inserting the following: "1998".
30 38. Page 24, line 3, by striking the figure
31 "1998" and inserting the following: "1999".
32 39. Page 24, line 27, by striking the figure
33 "1998" and inserting the following: "1999".
34 40. Page 25, line 23, by striking the word and
35 figures "1992 through 1996" and inserting the
36 following: "1993 through 1997".
37 41. Page 25, line 28, by striking the figure
38 "1996" and inserting the following: "1997".
39 42. Page 25, line 34, by striking the figure
40 "1997" and inserting the following: "1998".
41 43. Page 25, line 35, by striking the figure

42 "1997" and inserting the following: "1998".
43 44. Page 26, line 7, by striking the figure
44 "1997" and inserting the following: "1998".
45 45. Page 26, line 9, by striking the figure
46 "1997" and inserting the following: "1998".
47 46. Page 26, line 13, by striking the figure
48 "1998" and inserting the following: "1999".
49 47. Page 27, line 9, by striking the figure
50 "1998" and inserting the following: "1999".

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1 48. Page 27, line 25, by striking the figure
2 "1998" and inserting the following: "1999".
3 49. Page 27, line 29, by striking the figure
4 "1997" and inserting the following: "1998".
5 50. Page 28, line 22, by striking the figure
6 "1998" and inserting the following: "1999".
7 51. Page 29, line 12, by striking the figure
8 "1998" and inserting the following: "1999".
9 52. Page 29, line 18, by striking the figure
10 "1997" and inserting the following: "1998".
11 53. Page 29, line 25, by striking the figure
12 "1998" and inserting the following: "1999".
13 54. Page 33, line 4, by striking the figure
14 "1998" and inserting the following: "1999".
15 55. Page 34, line 9, by striking the figure
16 "1999" and inserting the following: "2000".
17 56. Page 35, line 6, by striking the word and
18 figures "1992 through 1996" and inserting the
19 following: "1993 through 1997".
20 57. Page 35, line 33, by striking the figure
21 "1998" and inserting the following: "1999".
22 58. Page 44, lines 19 and 20, by striking the
23 word and figures "1998, 1999, and 2000" and inserting
24 the following: "1999, 2000, and 2001".
25 59. Page 45, by inserting after line 25 the
26 following:
27 "It is the intent of the general assembly that the
28 general assembly evaluate the impact of the imposition
29 of the replacement tax for purposes of determining
30 whether this subsection shall remain in effect and
31 whether a determination shall be made as to the
32 necessity of a recalculation as provided in this
33 subsection for tax years beginning after tax year
34 2000."
35 60. Page 46, line 16, by striking the figure
36 "1996" and inserting the following: "1997".
37 61. Page 46, line 32, by striking the figure
38 "2002" and inserting the following: "2003".
39 62. Page 47, line 4, by striking the figure
40 "2001" and inserting the following: "2002".

41 63. Page 48, line 3, by striking the figure
42 "1998" and inserting the following: "1999".
43 64. Page 48, line 13, by striking the figure
44 "1997" and inserting the following: "1998".
45 65. Page 48, line 19, by striking the figure
46 "1997" and inserting the following: "1998".
47 66. Page 49, line 3, by striking the figure
48 "1997" and inserting the following: "1998".
49 67. Page 49, line 4, by striking the figure
50 "1997" and inserting the following: "1998".

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1 68. Page 49, line 11, by striking the figure
2 "1998" and inserting the following: "1999".
3 69. Page 50, line 5, by striking the figure
4 "1997" and inserting the following: "1998".
5 70. Page 50, line 22, by striking the figure
6 "1998" and inserting the following: "1999".
7 71. Page 50, line 23, by striking the figure
8 "1998" and inserting the following: "1999".
9 72. Page 50, line 30, by striking the figure
10 "1998" and inserting the following: "1999".
11 73. Page 50, line 31, by striking the figure
12 "1998" and inserting the following: "1999".
13 74. Page 51, line 15, by striking the figure
14 "1998" and inserting the following: "1999".
15 75. Page 51, line 33, by striking the figure
16 "1999" and inserting the following: "2000".
17 76. Page 52, line 2, by striking the figure
18 "1999" and inserting the following: "2000".
19 77. Page 59, line 31, by striking the figure
20 "1999" and inserting the following: "2000".
21 78. Page 60, line 10, by striking the figure
22 "2002" and inserting the following: "2003".
23 79. Page 60, line 26, by striking the figure
24 "2005" and inserting the following: "2006".
25 80. Page 60, line 29, by striking the figure
26 "2007" and inserting the following: "2008".
27 81. Page 61, line 12, by striking the word and
28 figures "1992 through 1996" and inserting the
29 following: "1993 through 1997".
30 82. Page 61, line 16, by striking the word and
31 figures "1992 through 1996" and inserting the
32 following: "1993 through 1997".
33 83. Page 61, line 20, by striking the figure
34 "1997" and inserting the following: "1998".
35 84. Page 61, line 21, by striking the figure
36 "1997" and inserting the following: "1998".
37 85. Page 61, line 23, by striking the figure
38 "1997" and inserting the following: "1998".
39 86. Page 61, line 25, by striking the figure

40 "1997" and inserting the following: "1998".
41 87. Page 61, line 27, by striking the figure
42 "1997" and inserting the following: "1998".
43 88. Page 61, line 29, by striking the figure
44 "1997" and inserting the following: "1998".
45 89. Page 61, line 30, by striking the figure
46 "1997" and inserting the following: "1998".
47 90. Page 61, line 32, by striking the figure
48 "1997" and inserting the following: "1998".
49 91. Page 61, line 34, by striking the figure
50 "1997" and inserting the following: "1998".

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1 92. Page 62, lines 2 and 3, by striking the word
2 and figures "1993 through 1997" and inserting the
3 following: "1994 through 1998".
4 93. Page 62, line 7, by striking the word and
5 figures "1993 through 1997" and inserting the
6 following: "1994 through 1998".
7 94. Page 62, line 18, by striking the figure
8 "1998" and inserting the following: "1999".
9 95. Page 62, line 35, by striking the figure
10 "1999" and inserting the following: "2000".
11 96. Page 63, by striking lines 3 through 8 and
12 inserting the following:
13 "Sec. ____ EFFECTIVE AND APPLICABILITY DATES --
14 DIRECTIONS TO CODE EDITOR.
15 1. Except as provided in subsection 2, this Act
16 takes effect January 1, 1999, and is applicable to
17 property tax assessment years beginning on or after
18 January 1, 1999, and to replacement tax years
19 beginning on or after January 1, 1999.
20 2. Notwithstanding subsection 1, section 437A.15,
21 subsection 7, as enacted in this Act and which
22 provides for the establishment of a task force to
23 study the effects of the replacement tax, takes effect
24 upon enactment."
25 97. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2381

S-5740

1 Amend Senate File 2381, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, line 14, by striking the figure
4 "1,000,000" and inserting the following: "1,200,000".
5 2. Page 1, line 29, by striking the words "an
6 additional cellblock" and inserting the following:

7 "two additional cellblocks".

8 3. Page 1, line 31, by striking the figure

9 "5,000,000" and inserting the following:

10 "10,000,000".

11 4. Page 1, by inserting after line 31 the

12 following:

13 "It is the intent of the general assembly that the
14 amount appropriated in this subsection shall only be
15 used to fund the design, construction services related
16 to, and construction of the additional cellblocks."

17 5. Page 1, by inserting after line 34 the

18 following:

19 ". For the construction, renovation, and
20 expansion of community-based correctional facilities:

21 \$ 1,500,000"

22 6. Page 2, line 14, by striking the figure

23 "2,425,000" and inserting the following: "2,325,000".

24 7. Page 2, by striking lines 19 through 21.

25 8. Page 2, by inserting after line 25 the

26 following:

27 " ____ Of the amount appropriated in this section,
28 not more than \$250,000 may be used to fund a state
29 contribution toward the construction of the Fort Des
30 Moines black officers memorial."

31 9. Page 4, line 14, by striking the word

32 "purpose" and inserting the following: "purposes".

33 10. Page 4, line 15, by inserting before the word

34 "For" the following: "1."

35 11. Page 4, by inserting after line 20 the

36 following:

37 "2. For the completion of the training facility
38 infrastructure and site development phase of the
39 national education center for agriculture safety, on
40 the campus of the northeast Iowa community college in
41 the City of Peosta:

42 \$ 450,000"

43 12. Page 4, line 34, by striking the figure

44 "7,000,000" and inserting the following: "8,800,000".

45 13. Page 5, line 5, by striking the figure

46 "350,000" and inserting the following: "1,250,000".

47 14. Page 5, by inserting after line 23 the

48 following:

49 ". For the renovation of a cottage to provide

50 additional bed space for females at the Iowa juvenile

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1 home:

2 \$ 500,000"

3 15. Page 5, line 24, by striking the words "and

4 design" and inserting the following: ", design, and

5 construction".

6 16. Page 5, line 26, by striking the figure
7 "820,000" and inserting the following: "5,820,000".
8 17. Page 5, by inserting after line 26 the
9 following:
10 " _____. For the funding of a state contribution
11 toward the planning, design, and construction of an
12 Iowa hall of pride:
13 \$ 100,000"
14 18. Page 6, line 15, by striking the figure
15 "1,040,000" and inserting the following: "1,060,000".
16 19. Page 8, line 2, by inserting after the word
17 "facilities" the following: "started or completed
18 after July 1, 1997, or construction of structures
19 designated to make such complexes and facilities more
20 accessible".
21 20. Page 8, line 4, by inserting after the word
22 "raised." the following: "If a recreational complex
23 or facility has been started or completed and has
24 existing debt obligations, a grant may be awarded if
25 the applicant otherwise qualifies under this
26 subsection."
27 21. Page 8, line 6, by inserting after the word
28 "protection" the following: "program and revolving".
29 22. Page 8, line 10, by inserting after the word
30 "lakes" the following: ", including necessary
31 preparation for dredging".
32 23. Page 8, line 13, by striking the figure
33 "2,000,000" and inserting the following: "2,200,000".
34 24. Page 8, by inserting after line 13 the
35 following:
36 "Of the amount appropriated in this subsection up
37 to \$200,000 shall be used by the department to
38 implement a lake rehabilitation pilot program for
39 state-owned or public lakes in cooperation with local
40 project sponsors. The department shall adopt rules to
41 administer the program to include requirements for the
42 development of diagnostic feasibility lake studies,
43 development of plans for lakes judged suitable for
44 restoration, and provisions for grants to local
45 sponsors by which the department shall match the cost
46 of studies and plans at a rate of one dollar of state
47 appropriated moneys for every three dollars of local
48 project moneys raised."
49 25. Page 10, by inserting after line 27 the
50 following:

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1 "Sec. _____. Section 174.15, Code 1997, is amended
2 to read as follows:
3 174.15 PURCHASE AND MANAGEMENT.
4 Title to land purchased or received for fairground

5 purposes shall be taken in the name of the county or a
6 society, but the board of supervisors shall place it
7 under the control and management of ~~an incorporated~~
8 ~~county or district fair~~ a society. The society may
9 act as agent for the county in the erection of
10 buildings, maintenance of grounds and buildings, or
11 improvements constructed on the grounds. Title to new
12 buildings or improvements shall be taken in the name
13 of the county or a society, but the county is not
14 liable for the improvements or expenditures for them."
15 26. Page 10, line 28, by inserting after the word
16 "PROTECTION" the following: "PROGRAM AND REVOLVING".
17 27. Page 11, line 5, by inserting after the word
18 "protection" the following: "revolving".
19 28. Page 11, line 11, by inserting after the word
20 "the" the following: "revolving".
21 29. Page 11, line 11, by striking the word
22 "grants" and inserting the following: "loans".
23 30. Page 11, line 18, by inserting before the
24 word "fund" the following: "revolving".
25 31. Page 11, line 19, by inserting after the word
26 "protection" the following: "revolving".
27 32. Page 11, by inserting after line 24 the
28 following:
29 "a. This section is repealed on July 1, 2005.
30 b. The principal and interest from any bluffslands
31 protection loans outstanding on July 1, 2005, and
32 payable to the bluffslands protection revolving fund,
33 shall be paid to the administrative director of the
34 division of soil conservation on or after July 1,
35 2005, pursuant to the terms of the loans agreement and
36 shall be credited to the rebuild Iowa infrastructure
37 fund."
38 33. Page 12, by inserting after line 18 the
39 following:
40 "Sec. . 1997 Iowa Acts, chapter 215, section 2,
41 subsection 8, is amended to read as follows:
42 8. For the state training school for the design
43 and construction of new or replacement buildings, at
44 ~~the state training school, by allocating not more than~~
45 ~~\$1,600,000~~ for design and construction of a living
46 ~~unit, allocating not more than \$800,000 for design and~~
47 ~~for~~ construction of a multipurpose building, and
48 ~~allocating not more than \$200,000 for the design of a~~
49 ~~new school building, and for institution utilities~~
50 infrastructure:

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1 \$ 2,600,000
2 Sec. . 1997 Iowa Acts, chapter 215, section 4,
3 subsection 4, is amended to read as follows:

4 4. For the state training school for the design
5 and construction of new or replacement buildings at
6 the state training school by allocating not more than
7 \$2,300,000 to complete, for construction of the new
8 school building, for institution utilities
9 infrastructure, and allocating not more than \$400,000
10 and for the design of the new gymnasium building:
11 \$ 2,700,000

12 Sec. . 1997 Iowa Acts, chapter 215, section 5,
13 is amended to read as follows:

14 SEC. 5. There is appropriated from the rebuild
15 Iowa infrastructure fund to the department of general
16 services for the fiscal year beginning July 1, 1999,
17 and ending June 30, 2000, the following amount, or so
18 much thereof as is necessary, to be used for the
19 purpose designated:

20 For construction of a new school and gymnasium
21 building at the state training school:
22 \$ 4,000,000"

23 34. Page 13, by inserting before line 15 the
24 following:

25 "Any balance remaining unobligated or unexpended on
26 June 30, 1999, from the funds appropriated in this
27 section shall be transferred to the agricultural
28 management account of the groundwater protection fund
29 created in section 455E.11. Moneys deposited in that
30 account under this section shall be allocated to the
31 department of agriculture and land stewardship for
32 cost-share assistance for the following programs:

33 To reimburse owners of agricultural drainage wells
34 and surface water intakes which drain into
35 agricultural drainage wells for up to seventy-five
36 percent of the costs incurred after May 29, 1997, to
37 prevent surface water drainage into agricultural
38 drainage wells as required pursuant to section 455I.2.

39 To reimburse individual owners and users of
40 agricultural drainage wells for up to seventy-five
41 percent of the costs incurred after May 29, 1997, to
42 close agricultural drainage wells and to connect
43 drainage systems which are tributary to the drainage
44 wells to alternative drainage outlets as required
45 pursuant to section 455I.3."

46 35. Page 13, line 15, by inserting after the word
47 "sections" the following: "and subsections".

48 36. Page 13, by inserting after line 16 the
49 following:

50 " ____ Section 2, subsection 2, appropriating funds

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1 for the construction of additional cellblocks at the
2 Fort Dodge correctional facility."

- 3 37. Title, page 1, line 7, by striking the words
4 "an additional cellblock" and inserting the following:
5 "two additional cellblocks".
- 6 38. Title, page 1, line 10, by inserting after
7 the word "Madison" the following: ", and for
8 construction and renovation of community-based
9 correctional facilities".
- 10 39. Title, page 1, line 17, by inserting after
11 the word "colleges" the following: ", for completion
12 of the training facility and site development phase of
13 the national education center for agricultural
14 safety".
- 15 40. Title, page 2, line 7, by inserting after the
16 word "complex," the following: "for renovation of a
17 cottage at the Iowa juvenile home,".
- 18 41. Title page 2, line 8, by inserting after the
19 word "complex," the following: "for the design and
20 construction of an Iowa hall of pride,".
- 21 42. Title, page 2, line 18, by inserting after
22 the word "program," the following: "creation of a
23 lake rehabilitation pilot program,".
- 24 43. Title page 2, line 33, by inserting after the
25 word "protection" the following: "program and
26 revolving".
- 27 44. Title, page 3, line 44, by inserting after
28 the words "infrastructure fund" the following: ", by
29 reallocating certain funds to design and construct new
30 or replacement buildings at the state training
31 school".
- 32 45. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

S-5741

- 1 Amend House File 2558, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 12, by inserting after line 5 the
4 following:
- 5 "DIVISION VIII
6 SEXUALLY VIOLENT PREDATORS
7 Sec. ____ Section 229A.12, if enacted by 1998 Iowa
8 Acts, Senate File 2398, section 12, is amended to read
9 as follows:
- 10 229A.12 DIRECTOR OF HUMAN SERVICES --
11 RESPONSIBILITY FOR COSTS -- DUTIES -- REIMBURSEMENT.
- 12 The director of human services shall be responsible
13 for all costs relating to the evaluation and treatment
14 of persons committed to the director's custody under
15 any provision of this chapter. Reimbursement may be
16 obtained by the director from the patient and any
17 person legally liable or bound by contract for the
18 support of the patient for the cost of care and

19 treatment provided. As used in this section, "any
20 person legally liable" does not include a political
21 subdivision."
22 2. By renumbering as necessary.

NANCY BOETTGER

S-5742

1 Amend the House amendment, S-5540, to Senate File
2 2296, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 11 the
5 following:

6 "Sec. ____ NEW SECTION. 15.361 TITLE.

7 This part shall be known and may be cited as the
8 "Certified School to Career Program".

9 Sec. ____ NEW SECTION. 15.362 DEFINITIONS.

10 As used in this part, unless the context otherwise
11 requires:

12 1. "Certified school to career program" or
13 "certified program" means a sequenced and articulated
14 secondary and postsecondary program registered as an
15 apprenticeship program under 29 C.F.R. subtit. A, pt.
16 29, which is conducted pursuant to an agreement as
17 provided in section 15.364 or a program approved by
18 the state board of education, in conjunction with the
19 department of economic development, as meeting the
20 standards enumerated in section 15.363, that
21 integrates a secondary school curriculum with private
22 sector job training which places students in job
23 internships, and which is designed to continue into
24 postsecondary education and that will result in
25 teaching new skills and adding value to the wage-
26 earning potential of participants and increase their
27 long-term employability in the state and which is
28 conducted pursuant to an agreement as provided in
29 section 15.364.

30 2. "Participant" means an individual between the
31 ages of sixteen and twenty-four who is enrolled in a
32 public or private secondary or postsecondary school
33 and who initiated participation in a certified school
34 to career program as part of secondary school
35 education.

36 3. "Payroll expenditures" means the base wages
37 actually paid by an employer to a participant plus the
38 amount held in trust to be applied toward the
39 participant's postsecondary education.

40 4. "Sponsor" means any person, association,
41 committee, or organization operating a school to
42 career program and in whose name the program is or
43 will be registered or approved.

44 Sec. ____ NEW SECTION. 15.363 CERTIFICATION
45 STANDARDS.
46 The state board of education, in consultation with
47 the department of economic development, shall adopt
48 rules pursuant to chapter 17A to guide the board and
49 department in determining whether a potential school
50 to career program should be approved.

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1 A school to career program which is approved by the
2 state board of education in conjunction with the
3 department of economic development shall comply with
4 all of the following standards:

5 1. The program is conducted pursuant to an
6 organized, written plan embodying the terms and
7 conditions of employment, job training, classroom
8 instruction, and supervision of one or more
9 participants, subscribed to by a sponsor who has
10 undertaken to carry out the school to career program.

11 2. The program complies with all state and federal
12 laws pertaining to the workplace.

13 3. The employer agrees to assign an employee to
14 serve as a mentor for a participant. The mentor's
15 occupation shall be in the same career pathway as the
16 career interests of the participant.

17 4. The program involves an eligible postsecondary
18 institution as defined in section 261C.3.

19 5. Other standards adopted by rule by the state
20 board of education after consultation with the
21 department of economic development.

22 Sec. ____ NEW SECTION. 15.364 CERTIFIED PROGRAM
23 AGREEMENT.

24 The certified program shall be conducted pursuant
25 to a signed written agreement between each participant
26 and the employer which contains at least the following
27 provisions:

28 1. The names and signatures of the participant and
29 the sponsor or employer and the signature of a parent
30 or guardian if the participant is a minor.

31 2. A description of the career field in which the
32 participant is to be trained, and the beginning date
33 and duration of the training.

34 3. The employer's agreement to provide paid
35 employment, at a base wage, for the participant during
36 the summer months after the participant's junior and
37 senior years in high school and after the
38 participant's first year of postsecondary education.

39 4. The participant and employer shall agree upon
40 set minimum academic standards which must be
41 maintained through the participant's secondary and
42 postsecondary education.

43 5. This base wage paid to the participant shall
44 not be less than the minimum wage prescribed by Iowa
45 law or the federal Fair Labor Standards Act, whichever
46 is applicable.
47 6. That in addition to the base wage paid to the
48 participant, the employer shall pay an additional sum
49 to be held in trust to be applied toward the
50 participant's postsecondary education required for

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1 completion of the certified program. The additional
2 amount must be not less than an amount determined by
3 the department of economic development to be
4 sufficient to provide payment of tuition expenses
5 toward completion of not more than two academic years
6 of the required postsecondary education component of
7 the certified program at an Iowa community college or
8 an Iowa public or private college or university. This
9 amount shall be held in trust for the benefit of the
10 participant pursuant to rules adopted by the
11 department of economic development. Payment into an
12 ERISA-approved fund for the benefit of the participant
13 shall satisfy this requirement. The specific fund
14 shall be specified in the agreement.
15 7. The participant's agreement to work for the
16 employer for at least two years following the
17 completion of the participant's postsecondary
18 education required by the certified program and the
19 employer's agreement to both of the following:
20 a. To provide and pay at least eighty percent of
21 the cost of a standard medical and dental insurance
22 plan for the participant.
23 b. To pay a full-time hourly wage to the
24 participant of at least eleven dollars per hour
25 indexed to 1998 dollars based on the gross national
26 product implicit price deflator published by the
27 bureau of economic analysis of the United States
28 department of commerce or one hundred thirty percent
29 of the average wage in the county in which the
30 facility where the participant will be employed is
31 located, whichever is higher.
32 However, the agreement may provide for additional
33 education and work commitments beyond the two years.
34 8. If the participant does not complete the two-
35 year employment obligation, the participant's
36 agreement to repay to the employer the amount paid by
37 the employer toward the participant's postsecondary
38 education expenses pursuant to subsection 6.
39 9. That if a participant does not complete the
40 certified program contemplated by the agreement, any
41 unexpended funds being held in trust for the

42 participant's postsecondary education shall be paid
43 back to the employer. In addition the participant
44 must repay to the employer amounts paid from the trust
45 which were expended on the participant's behalf for
46 postsecondary education.

47 Sec. ____ NEW SECTION. 15.365 PAYROLL
48 EXPENDITURE REFUND.

49 1. An employer who employs a participant in a
50 certified school to career program may claim a refund

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1 of twenty percent of the employer's payroll
2 expenditures for each participant in the certified
3 program. The refund is limited to the first four
4 hundred hours of payroll expenditures per participant
5 for each calendar year the participant is in the
6 certified program, not to exceed three years per
7 participant.

8 2. To receive a refund under subsection 1 for a
9 calendar year, the employer shall file the claim by
10 July 1 of the following calendar year. The claim
11 shall be filed on forms provided by the department of
12 economic development and the employer shall provide
13 such information regarding the employer's
14 participation in a certified school to career program
15 as the department may require. Forms should be
16 designed such that claims for refunds for more than
17 one participant may be made on a single form. A valid
18 claim shall be paid with interest, the interest to
19 begin to accrue on the first day of the second
20 calendar month following the date the claim for refund
21 was to be filed or was filed, whichever is the latest,
22 at the rate in effect under section 421.7 counting
23 each fraction of a month as an entire month under
24 rules prescribed by the department.

25 3. For each fiscal year of the fiscal period
26 beginning July 1, 1999, and ending June 30, 2004,
27 there is appropriated annually from the general fund
28 of the state to the department of economic development
29 an amount sufficient to pay refunds under this
30 section.

31 4. The department of economic development shall
32 consult with the department of revenue and finance for
33 purposes of this section. The department of economic
34 development shall adopt rules as deemed necessary to
35 carry out the purposes of the certified school to
36 career program.

37 Sec. ____ NEW SECTION. 15.366 REPEAL.

38 This part of chapter 15 is repealed June 30, 2004.

39 However, any contracts in existence on June 30, 2004,
40 shall continue to be valid and each party to such

41 contract is obligated to perform as required under
42 such contract. However, no employer is entitled to
43 any payroll expenditure refund for payroll
44 expenditures incurred after December 31, 2002."

TOM VILSACK

HOUSE AMENDMENT TO
SENATE FILE 2281

S-5743

1 Amend Senate File 2281, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 9, by inserting after the word
4 "cases," the following: "In establishing hourly rates
5 or setting per case fee limitations, the state public
6 defender shall consider evidence of ordinary,
7 reasonable and customary charges; rates previously
8 paid by the state; the nature and penal consequences
9 associated with the offense charged; value and costs
10 associated with in-court time, value and costs
11 associated with out-of-court time; and any other
12 relevant factors."

13 2. Page 2, by striking lines 20 through 32 and
14 inserting the following: "applicable law.
15 Notwithstanding chapter 17A, an appointed attorney
16 may seek expedited review of actions of the state
17 public defender with regard to a request for advance
18 approval for anticipated compensation in excess of any
19 fee limitation by filing a motion with the appointing
20 court."

21 3. Page 3, by striking lines 6 through 11 and
22 inserting the following:
23 "Notwithstanding chapter 17A, an appointed attorney
24 may seek review of actions of the state public
25 defender which approve in part, deny, or modify a
26 claim for compensation by filing a motion with the
27 appointing court."

28 4. Page 10, line 26, by striking the words
29 "assets not" and inserting the following: "assets".

30 5. Page 11, line 13, by striking the words
31 "assets not" and inserting the following: "assets".

32 6. Page 11, line 30, by striking the words
33 "assets not" and inserting the following: "assets".

34 7. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

S-5744

1 Amend the House amendment, S-5400, to Senate File
2 2366, as amended, passed, and reprinted by the Senate,

3 as follows:

4 1. Page 24, by inserting after line 25 the
5 following:

6 "Sec. NEW SECTION. 297A.1 SCHOOL
7 INFRASTRUCTURE FUND -- APPROPRIATION.

8 1. There is appropriated from the general fund of
9 the state to the department of education for the
10 fiscal year beginning July 1, 1998, and ending June
11 30, 1999, the sum of one hundred million dollars to
12 establish, maintain, and administer a school
13 infrastructure fund.

14 2. Moneys appropriated in subsection 1 shall be
15 allocated to school districts throughout the state on
16 a per pupil basis. The amount of moneys allocated to
17 school districts shall be in the proportion that the
18 basic enrollment of a district bears to the sum of the
19 basic enrollments of all school districts in the state
20 for the budget year.

21 3. The department of management shall allocate to
22 each school district the amount calculated pursuant to
23 subsection 2 in one payment on or about October 15,
24 based upon the actual enrollment certified to the
25 department of education for each school district and
26 forwarded to the department of management, taking into
27 consideration the relative budget and cash position of
28 the state resources. By October 1, prior to the
29 receipt of funds, school districts shall submit to the
30 department of education a school infrastructure
31 progress report. The report shall provide adequate
32 assurance that the school district has developed or is
33 developing a school infrastructure plan containing an
34 analysis of school district infrastructure needs,
35 priorities, and an estimated timetable for completion
36 of infrastructure projects or allocation of funds
37 previously received by the school district pursuant to
38 subsection 2.

39 4. Moneys received under this section shall not be
40 commingled with state aid payments made under section
41 257.16 to a school district, and shall be accounted
42 for by the school district separately from state aid
43 payments. Payments made to school districts pursuant
44 to this section are miscellaneous income for purposes
45 of chapter 257 or are considered encumbered. Each
46 school district shall maintain a separate listing
47 within its budget for payments received and
48 expenditures made pursuant to this section. Moneys
49 received under this section shall not be used for
50 payment of any collective bargaining agreement or

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1 arbitrator's decision negotiated or awarded under

2 chapter 20.

3 5. For purposes of this chapter, a "school
4 district" shall mean a school district as defined in
5 section 257.2.

6 Sec. . NEW SECTION. 297A.2 SCHOOL
7 INFRASTRUCTURE EXPENDITURES.

8 1. School districts shall expend funds received
9 pursuant to section 297A.1 for school infrastructure
10 needs. For purposes of this chapter, "school
11 infrastructure" includes the following:

12 a. Activities for which a school district is
13 authorized to contract indebtedness and issue general
14 obligation bonds under section 296.1, except those
15 activities related to a teacher's or superintendent's
16 home or homes. These activities include the
17 construction, reconstruction, repair, purchasing, or
18 remodeling of schoolhouses, stadiums, gyms,
19 fieldhouses, and bus garages.

20 b. Procurement of school house construction sites
21 and the making of site improvements.

22 c. Payment or retirement of outstanding bonds
23 previously issued for school infrastructure purposes,
24 as defined in this subsection, if it is determined by
25 the department of education that the school district
26 has undertaken a serious effort to meet its school
27 infrastructure needs. In making this determination,
28 the department shall consider the relative size and
29 property tax base of the school district, and the
30 information provided to the department in the school
31 district's infrastructure progress report pursuant to
32 section 297A.1.

33 d. Maintenance of schoolhouses and school district
34 property.

35 e. School improvement technology programs pursuant
36 to chapter 295, utilized for a school district.

37 2. Funds received by a school district pursuant to
38 this chapter shall not be expended to add a full-time
39 equivalent position or otherwise increase staffing."

40 2. By renumbering, relettering, and redesignating
41 as necessary.

PATRICIA HARPER
BILL FINK
ROD HALVORSON
TOM VILSACK
PATRICK J. DELUHERY
PATTY JUDGE
MICHAEL E. GRONSTAL
EUGENE S. FRAISE
ELAINE SZYMONIAK
TOM FLYNN
DICK L. DEARDEN

ROBERT E. DVORSKY
MARY NEUHAUSER
MATT McCOY
DON GETTINGS
DENNIS H. BLACK
WILLIAM D. PALMER
WALLY E. HORN
MIKE CONNOLLY
JOHNIE HAMMOND
JOHN P. KIBBIE

S-5745

1 Amend the House amendment, S-5400, to Senate File
2 2366, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 14, by inserting after line 31 the
5 following:

6 "Sec. 100. Section 257.6, subsection 5, Code 1997,
7 is amended to read as follows:

8 5. WEIGHTED ENROLLMENT. Weighted enrollment is
9 the budget enrollment plus the district's additional
10 enrollment because of special education calculated on
11 December 1 of the base year plus additional pupils
12 added due to the application of the supplementary
13 weighting pursuant to sections 257.11 and 257.12A.

14 Weighted enrollment for special education support
15 services costs is equal to the weighted enrollment
16 minus the additional pupils added due to the
17 application of the supplementary weighting.

18 Sec. 101. NEW SECTION. 257.12A CLASS SIZE
19 REDUCTION WEIGHTING PROGRAM.

20 1. There is established a class size reduction
21 weighting program to provide additional funds for
22 school districts that develop a class size reduction
23 plan. To be eligible for supplementary weighting as
24 provided in this section, a school district shall
25 submit annually by April 15 of the base year to the
26 department of education a plan which includes, at a
27 minimum, the goals of reducing class size in
28 kindergarten and grades one through three, instituting
29 professional development to assist teachers in
30 teaching challenging curricula more effectively, and
31 engaging parents, teachers, school administrators, and
32 students in the achievement of the shared goal of
33 raising student achievement levels. In addition, the
34 plan shall provide for methods for measuring student
35 achievement and progress.

36 2. A pupil enrolled in a school district that
37 meets the requirements of subsection 1, and who is
38 assigned to a self-contained classroom in which the
39 student-to-teacher ratio is not more than fifteen

40 students to one teacher, or the equivalent in a school
41 that utilizes team teaching methods, and who is
42 receiving at a minimum the grade-appropriate
43 educational program provided in accordance with
44 section 256.11, is assigned a supplementary weighting
45 of two-tenths, which is in addition to any weighting
46 received under section 257.6, if the pupil is enrolled
47 in and attending the following:
48 a. Full-day kindergarten, or a combined
49 kindergarten and grade one program, in the fiscal year
50 beginning July 1, 1998, or in a succeeding fiscal

Page 2

1 year.
2 b. Full-day kindergarten, a combined kindergarten
3 and grade one program, or grade one in the fiscal year
4 beginning July 1, 1999, or in a succeeding fiscal
5 year.
6 c. Full-day kindergarten, a combined kindergarten
7 and grade one program, grade one, or grade two in the
8 fiscal year beginning July 1, 2000, or in a succeeding
9 fiscal year.
10 d. Full-day kindergarten, a combined kindergarten
11 and grade one program, grade one, grade two, or grade
12 three in the fiscal year beginning July 1, 2001, or in
13 a succeeding fiscal year.
14 3. A school district shall provide a separate
15 accounting of the pupils eligible for supplemental
16 weighting in accordance with this section, when
17 certifying its actual enrollment to the department of
18 education."
19 2. Page 24, by inserting after line 25 the
20 following:
21 "Sec. 102. Section 298.2, subsection 2, Code
22 Supplement 1997, is amended to read as follows:
23 2. If the electors of a school district have
24 authorized a voter-approved physical plant and
25 equipment levy not exceeding sixty-seven cents per
26 thousand dollars of assessed valuation in the district
27 prior to July 1, 1997, the levy shall continue for the
28 period authorized under the voter-approved levy, and
29 the maximum levy that can be authorized by the
30 electors under the voter-approved levy on or after
31 July 1, 1997, ~~under this section,~~ is an additional
32 sixty-seven cents in accordance with subsection 1, or
33 an additional ninety-two cents in accordance with
34 subsections 1 and 7, for a period to coincide with the
35 period for which the initial physical plant and
36 equipment levy in the district was approved.
37 Sec. 103. Section 298.2, Code Supplement 1997, is
38 amended by adding the following new subsection:

39 NEW SUBSECTION. 7. Notwithstanding subsection 1,
40 the voter-approved physical plant and equipment levy
41 in a school district may exceed the one dollar and
42 thirty-four cents per thousand dollars of assessed
43 valuation limit by twenty-five cents if the levy
44 exceeding one dollar and thirty-four cents per
45 thousand dollars of assessed valuation is established
46 by a school district that has developed a class size
47 reduction plan pursuant to section 257.12A. The
48 revenue from the levy of twenty-five cents above the
49 limits provided for in subsections 1 and 2 shall be
50 used for purposes of facilities-related costs

Page 3

1 associated with reducing class size in kindergarten
2 and grades one through three."
3 3. Page 25, by inserting after line 16 the
4 following:
5 "Sec. ____ Sections 100, 101, 102, and 103 of this
6 Act, relating to class size reduction, take effect
7 July 1, 1998, for computations required for the school
8 year beginning July 1, 1999."
9 4. By renumbering, relettering, and redesignating
10 as necessary.

BILL FINK
PATRICIA HARPER
JOHNIE HAMMOND
PATRICK J. DELUHERY
PATTY JUDGE
MICHAEL E. GRONSTAL
EUGENE S. FRAISE
ELAINE SZYMONIAK
TOM VILSACK
MIKE CONNOLLY
DICK L. DEARDEN
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MARY NEUHAUSER
MATT MCCOY
WALLY E. HORN
DON GETTINGS
TOM FLYNN
JOHN P. KIBBIE
ROD HALVORSON
DENNIS H. BLACK
WILLIAM D. PALMER

S-5746

1 Amend the amendment, S-5733, to the House
2 amendment, S-5359, to Senate File 2320, as passed by

3 the Senate, as follows:

4 1. Page 1, line 29, by striking the word and
5 figures "July 1, 1998" and inserting the following:

6 "January 1, 1999".

7 2. Page 1, line 37, by striking the word and
8 figures "July 1, 1998" and inserting the following:

9 "January 1, 1999".

ANDY McKEAN
ROD HALVORSON

S-5747

1 Amend the amendment, S-5541, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. Page 1, by striking lines 3 through 15 and
5 inserting the following:

6 ". By striking page 1, line 1, through page 2,
7 line 34, and inserting the following:

8 "Amend Senate File 2320, as passed by the Senate,
9 as follows:

10 1. By striking everything after the enacting
11 clause and inserting the following:

12 "Section 1. NEW SECTION. 99F.5A MORATORIUM FOR
13 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
14 ON THE NUMBER OF GAMBLING GAMES.

15 1. The total number of licenses issued to conduct
16 gambling games on excursion gambling boats pursuant to
17 this chapter shall not exceed ten until July 1, 2003.

18 2. Notwithstanding subsection 1, the following
19 actions may be taken during the moratorium from July
20 1, 1998, until July 1, 2003, with the approval of the
21 commission:

22 a. A licensed excursion gambling boat may move to
23 a new location within the same county.

24 b. A licensed excursion gambling boat or a pari-
25 mutuel racetrack and its facilities may be sold and a
26 new license may be issued for operation in the same
27 county.

28 c. If a license to conduct gambling games on an
29 excursion gambling boat is surrendered, not renewed,
30 or revoked, a new license may be issued for operation
31 in the same county.

32 3. During the moratorium from July 1, 1999, until
33 July 1, 2003, the commission shall not authorize any
34 of the following:

35 a. An increase in the number of gambling games or
36 the number of slot machines on an excursion gambling
37 boat.

38 b. A number of slot machines at a pari-mutuel
39 racetrack which is greater than the number authorized

40 on or before July 1, 1999.

41 c. A licensee to conduct pari-mutuel wagering at a
42 licensed premises in more than one county.

43 Sec. ____ Section 99F.7, subsection 1, Code 1997,
44 is amended to read as follows:

45 1. If the commission is satisfied that this
46 chapter and its rules adopted under this chapter
47 applicable to licensees have been or will be complied
48 with, the commission shall issue a license for a
49 period of not more than three years to an applicant to
50 own a gambling game operation and to an applicant to

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1 operate an excursion gambling boat. The commission
2 shall decide which of the gambling games authorized
3 under this chapter it will permit. The commission
4 shall decide the number, location, and type of
5 excursion gambling boats licensed under this chapter
6 for operation on the rivers, lakes, and reservoirs of
7 this state. However, after July 1, 2003, the
8 commission shall issue a new license for an excursion
9 boat operates on the Mississippi or Missouri river.
10 The license shall set forth the name of the licensee,
11 the type of license granted, the place where the
12 excursion gambling boats will operate and dock, and
13 the time and number of days during the excursion
14 season and the off season when gambling may be
15 conducted by the licensee. The commission shall not
16 allow a licensee to conduct gambling games on an
17 excursion gambling boat while docked during the off
18 season if the licensee does not operate gambling
19 excursions for a minimum number of days during the
20 excursion season. The commission may delay the
21 commencement of the excursion season at the request of
22 a licensee."

23 2. Title page, by striking lines 1 through 8 and
24 inserting the following: "An Act relating to gambling
25 by imposing a moratorium on the number and types of
26 gambling games and slot machines authorized in this
27 state and on new licenses to conduct gambling on
28 excursion gambling boats, and by limiting the location
29 of new excursion gambling boat operations.""
30

ANDY McKEAN
ROD HALVORSON
MATT McCOY

S-5748

1 Amend the amendment, S-5541, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. Page 1, by striking lines 3 through 15 and
5 inserting the following:

6 "-. By striking page 1, line 1, through page 2,
7 line 34, and inserting the following:

8 "Amend Senate File 2320, as passed by the Senate,
9 as follows:

10 1. By striking everything after the enacting
11 clause and inserting the following:

12 "Section 1. Section 99D.11, subsection 7, Code
13 1997, is amended to read as follows:

14 7. A person under the age of twenty-one years
15 shall not make or attempt to make a pari-mutuel wager.

16 A person who violates this subsection commits a
17 scheduled violation under section 805.8, subsection
18 13.

19 Sec. . Section 99E.18, Code 1997, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 5. A person under the age of
22 twenty-one years shall not purchase or attempt to
23 purchase a ticket or share. A person who violates
24 this subsection commits a scheduled violation under
25 section 805.8, subsection 13.

26 Sec. . Section 99F.4A, Code 1997, is amended by
27 adding the following new subsections:

28 NEW SUBSECTION. 8. The total number of licenses
29 to conduct gambling games at pari-mutuel racetracks
30 pursuant to subsection 2 shall not exceed three until
31 July 1, 2003.

32 NEW SUBSECTION. 9. If a license issued pursuant
33 to this chapter or chapter 99D is transferred, an
34 existing collective bargaining agreement or the impact
35 of an employee representation election shall transfer
36 the new licensee.

37 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR
38 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
39 ON THE NUMBER OF GAMBLING GAMES.

40 1. The total number of licenses issued to conduct
41 gambling games on excursion gambling boats pursuant to
42 this chapter shall not exceed ten until July 1, 2003.

43 2. Notwithstanding subsection 1, the following
44 actions may be taken during the moratorium from July
45 1, 1998, until July 1, 2003, with the approval of the
46 commission:

47 a. A licensed excursion gambling boat may move to
48 a new location within the same county.

49 b. A licensed excursion gambling boat or a pari-
50 mutuel racetrack and its facilities may be sold and a

Page 2

1 new license may be issued for operation in the same
2 county.

3 c. If a license to conduct gambling games on an
4 excursion gambling boat is surrendered, not renewed,
5 or revoked, a new license may be issued for operation
6 in the same county.

7 3. During the moratorium from July 1, 1999, until
8 July 1, 2003, the commission shall not authorize any
9 of the following:

10 a. An increase in the number of gambling games or
11 the number of slot machines on an excursion gambling
12 boat.

13 b. A number of slot machines at a pari-mutuel
14 racetrack which is greater than the number authorized
15 on or before July 1, 1999.

16 c. A licensee to conduct pari-mutuel wagering at a
17 licensed premises in more than one county.

18 Sec. ____ Section 99F.7, subsection 1, Code 1997,
19 is amended to read as follows:

20 1. If the commission is satisfied that this
21 chapter and its rules adopted under this chapter
22 applicable to licensees have been or will be complied
23 with, the commission shall issue a license for a
24 period of not more than three years to an applicant to
25 own a gambling game operation and to an applicant to
26 operate an excursion gambling boat. The commission
27 shall decide which of the gambling games authorized
28 under this chapter it will permit. The commission
29 shall decide the number, location, and type of
30 excursion gambling boats licensed under this chapter
31 for operation on the rivers, lakes, and reservoirs of
32 this state. However, after July 1, 2003, the
33 commission shall issue a new license for an excursion
34 gambling boat operation only if the excursion gambling
35 boat operates on the Mississippi or Missouri river.

36 The license shall set forth the name of the licensee,
37 the type of license granted, the place where the
38 excursion gambling boats will operate and dock, and
39 the time and number of days during the excursion
40 season and the off season when gambling may be
41 conducted by the licensee. The commission shall not
42 allow a licensee to conduct gambling games on an
43 excursion gambling boat while docked during the off
44 season if the licensee does not operate gambling
45 excursions for a minimum number of days during the
46 excursion season. The commission may delay the
47 commencement of the excursion season at the request of
48 a licensee.

49 Sec. . Section 99F.9, subsection 5, Code 1997,

50 is amended to read as follows:

Page 3

1 5. A person under the age of twenty-one years
2 shall not ~~attempt to make or~~ make a wager on an
3 excursion gambling boat ~~or in a racetrack enclosure~~
4 and shall not ~~be allowed in~~ enter the area of the
5 excursion ~~gambling boat or racetrack enclosure~~ where
6 gambling is being conducted. However, a person
7 eighteen years of age or older may be employed to work
8 ~~in a gambling area on an excursion gambling boat or a~~
9 ~~racetrack enclosure. A person who violates this~~
10 ~~subsection with respect to a wager commits a scheduled~~
11 ~~violation under section 805.8, subsection 13.~~
12 Sec. . Section 99F.9, Code 1997, is amended by
13 adding the following new subsection:
14 NEW SUBSECTION. 7. A licensee shall not permit
15 the operation of a satellite terminal as defined in
16 section 527.2 to dispense cash or credit for gambling
17 purposes on an excursion gambling boat or within a
18 racetrack enclosure except in nongaming areas as
19 designated by the commission. The commission may
20 assess a civil penalty for a violation of this
21 subsection.
22 Sec. . Section 805.8, Code Supplement 1997, is
23 amended by adding the following new subsection:
24 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
25 violations of legal age for gambling or pari-mutuel
26 wagering under section 99D.11, subsection 7, section
27 99E.18, subsection 5, or section 99F.9, subsection 5,
28 the scheduled fine is one hundred dollars. Failure to
29 pay the fine by a person under the age of eighteen
30 shall not result in the person being detained in a
31 secure facility."
32 2. Title page, line 3, by inserting after the
33 word "games," the following: "by imposing a
34 moratorium on the number of gambling games and slot
35 machines authorized in this state,"."

ANDY McKEAN

S-5749

1 Amend the House amendment, S-5540, to Senate File
2 2296, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 3, through page 8,
5 line 16, and inserting the following:
6 ". By striking everything after the enacting
7 clause and inserting the following:
8 "Section 1. DEPARTMENT OF ECONOMIC DEVELOPMENT.

9 There is appropriated from the general fund of the
 10 state and other designated funds to the department of
 11 economic development for the fiscal year beginning
 12 July 1, 1998, and ending June 30, 1999, the following
 13 amounts, or so much thereof as is necessary, to be
 14 used for the purposes designated:

15 1. ADMINISTRATIVE SERVICES DIVISION

16 a. General administration

17 For salaries, support, maintenance, miscellaneous
 18 purposes, and for providing that a business receiving
 19 moneys from the department for the purpose of job
 20 creation shall make available ten percent of the new
 21 jobs created for promise jobs program participants who
 22 are qualified for the jobs created and for not more
 23 than the following full-time equivalent positions:

24 \$ 1,494,231
 25 FTEs 25.75

26 One of the full-time equivalent positions
 27 authorized in this lettered paragraph relates to the
 28 transition of personnel services contractors to full-
 29 time equivalent positions. The merit system
 30 provisions of chapter 19A and the provisions of the
 31 state and union collective bargaining agreements shall
 32 not govern movement into these full-time equivalent
 33 positions until September 1, 1998. These provisions
 34 relating to the transition of personnel services
 35 contractors to full-time equivalent positions, chapter
 36 19A, and collective bargaining agreements are void
 37 after September 1, 1998.

38 b. Film office

39 For salaries, support, maintenance, miscellaneous
 40 purposes, and for not more than the following full-
 41 time equivalent positions:

42 \$ 253,632
 43 FTEs 2.00

44 2. BUSINESS DEVELOPMENT DIVISION

45 a. Business development operations

46 For salaries, support, maintenance, miscellaneous
 47 purposes, for not more than the following full-time
 48 equivalent positions, for allocating \$495,000 to
 49 support activities in conjunction with the Iowa
 50 manufacturing technology center, \$150,000 to the

Page 2

1 graphic arts center, and for a strategic marketing
 2 effort for workforce development:

3 \$ 3,940,232
 4 FTEs 22.75

5 Four of the full-time equivalent positions
 6 authorized in this lettered paragraph relate to the
 7 transition of personnel services contractors to full-

8 time equivalent positions. The merit system
 9 provisions of chapter 19A and the provisions of the
 10 state and union collective bargaining agreements shall
 11 not govern movement into these full-time equivalent
 12 positions until September 1, 1998. These provisions
 13 relating to the transition of personnel services
 14 contractors to full-time equivalent positions, chapter
 15 19A, and collective bargaining agreements are void
 16 after September 1, 1998.

17 b. Small business programs

18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions for the small business
 21 program, the small business advisory council, and
 22 targeted small business program:

23 \$ 450,622
 24 FTEs 5.00

25 c. Federal procurement office

26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:

29 \$ 103,967
 30 FTEs 3.00

31 Notwithstanding section 8.33, moneys remaining
 32 unencumbered or unobligated on June 30, 1999, shall
 33 not revert and shall be available for expenditure
 34 during the fiscal year beginning July 1, 1999, for the
 35 same purposes.

36 d. Strategic investment fund

37 For deposit in the strategic investment fund for
 38 salaries, support, for not more than the following
 39 full-time equivalent positions:

40 \$ 6,803,513
 41 FTEs 12.50

42 Two of the full-time equivalent positions
 43 authorized in this lettered paragraph relate to the
 44 transition of personnel services contractors to full-
 45 time equivalent positions. The merit system
 46 provisions of chapter 19A and the provisions of the
 47 state and union collective bargaining agreements shall
 48 not govern movement into these full-time equivalent
 49 positions until September 1, 1998. These provisions
 50 relating to the transition of personnel services

Page 3

1 contractors to full-time equivalent positions, chapter
 2 19A, and collective bargaining agreements are void
 3 after September 1, 1998.
 4 The department may allocate from the strategic
 5 investment fund up to \$600,000 for the entrepreneurial
 6 ventures assistance program. The department shall

7 seek the advice, consultation, and cooperation of the
8 entrepreneurial centers and the major benefactor of
9 the centers in the implementation of the
10 entrepreneurial ventures assistance program.

11 The department may allocate from the strategic
12 investment fund up to \$100,000 for the microbusiness
13 rural enterprise assistance program under section
14 15.114.

15 The department shall provide an annual report on
16 the progress made by the department in making the
17 community economic betterment program a self-
18 sustaining, revolving loan program.

19 e. Insurance economic development

20 There is appropriated from moneys collected by the
21 division of insurance in excess of the anticipated
22 gross revenues under section 505.7, subsection 3, to
23 the department for the fiscal year beginning July 1,
24 1998, and ending June 30, 1999, the following amount,
25 or so much thereof as is necessary, for insurance
26 economic development and international insurance
27 economic development:

28 \$ 200,000

29 f. Value-added agriculture

30 There is appropriated from the moneys available to
31 support value-added agricultural products and
32 processes, four percent, or so much thereof as is
33 necessary, of the total moneys available to support
34 value-added agricultural products and processes
35 pursuant to section 423.24 each quarter for
36 administration of the value-added agricultural
37 products and processes financial assistance program as
38 provided in section 15E.111, including salaries,
39 support, maintenance, miscellaneous purposes, and for
40 not more than 2.00 FTEs.

41 The department shall collaborate with the
42 university of northern Iowa on a strategic initiative
43 to develop ag-based industrial lubrication technology
44 and to create projects to deploy the technology in
45 commercial applications. Notwithstanding the
46 requirements of section 15E.111 and the administrative
47 rules for value-added agricultural products and
48 processes, the department shall allocate \$150,000 for
49 this initiative.

50 3. COMMUNITY DEVELOPMENT DIVISION

Page 4

1 a. Community assistance

2 For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-
4 time equivalent positions for administration of the
5 community economic preparedness program, the Iowa

6 community betterment program, and the city development
7 board:

8 \$ 654,547

9 FTEs 8.50

10 b. Main street/rural main street program

11 For salaries and support for not more than the
12 following full-time equivalent positions:

13 \$ 425,219

14 FTEs 3.00

15 Notwithstanding section 8.33, moneys committed to
16 grantees under contract from the general fund of the
17 state that remain unexpended on June 30, 1999, shall
18 not revert to any fund but shall be available for
19 expenditure for purposes of the contract during the
20 fiscal year beginning July 1, 1999.

21 c. Community development program

22 For salaries, support, maintenance, miscellaneous
23 purposes, for not more than the following full-time
24 equivalent positions, for rural resource coordination,
25 rural community leadership, rural innovations grant
26 program, and the rural enterprise fund:

27 \$ 827,215

28 FTEs 7.50

29 Three of the full-time equivalent positions
30 authorized in this lettered paragraph relate to the
31 transition of personnel services contractors to full-
32 time equivalent positions. The merit system
33 provisions of chapter 19A and the provisions of the
34 state and union collective bargaining agreements shall
35 not govern movement into these full-time equivalent
36 positions until September 1, 1998. These provisions
37 relating to the transition of personnel services
38 contractors to full-time equivalent positions, chapter
39 19A, and collective bargaining agreements are void
40 after September 1, 1998.

41 There is appropriated from the rural community 2000
42 program revolving fund established in section 15.287
43 to provide to Iowa's councils of governments funds for
44 planning and technical assistance to local
45 governments:

46 \$ 150,000

47 There is appropriated from the rural community 2000
48 program revolving fund established in section 15.287
49 to the rural development program for the purposes of
50 the program including the rural enterprise fund and

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1 collaborative skills development training:

2 \$ 484,343

3 Notwithstanding section 8.33, moneys committed to
4 grantees under contract from the general fund of the

5 state or through transfers from the Iowa community
 6 development loan fund or from the rural community 2000
 7 program revolving fund that remain unexpended on June
 8 30, 1999, shall not revert but shall be available for
 9 expenditure for purposes of the contract during the
 10 fiscal year beginning July 1, 1999.

11 d. Community development block grant and HOME
 12 For administration and related federal housing and
 13 urban development grant administration for salaries,
 14 support, maintenance, miscellaneous purposes, and for
 15 not more than the following full-time equivalent
 16 positions:

17 \$ 418,737
 18 FTEs 21.75

19 Three of the full-time equivalent positions
 20 authorized in this lettered paragraph relate to the
 21 transition of personnel services contractors to full-
 22 time equivalent positions. The merit system
 23 provisions of chapter 19A and the provisions of the
 24 state and union collective bargaining agreements shall
 25 not govern movement into these full-time equivalent
 26 positions until September 1, 1998. These provisions
 27 relating to the transition of personnel services
 28 contractors to full-time equivalent positions, chapter
 29 19A, and collective bargaining agreements are void
 30 after September 1, 1998.

31 e. Housing development fund

32 For providing technical assistance to communities
 33 of all sizes and local financial institutions to help
 34 meet local housing needs and to provide and transfer
 35 matching funds for the HOME program:

36 \$ 1,300,000

37 Notwithstanding section 8.33, moneys committed to
 38 grantees under contract from the housing development
 39 fund and moneys transferred for matching funds for the
 40 HOME program that remain unexpended or unobligated on
 41 June 30, 1999, shall not revert to any fund but shall
 42 be available for obligation and expenditure for
 43 purposes of those programs during the fiscal year
 44 beginning July 1, 1999.

45 f. Shelter assistance program

46 For the purposes of the shelter assistance fund:

47 \$ 400,000

48 4. INTERNATIONAL DIVISION

49 a. International trade operations

50 For salaries, support, maintenance, miscellaneous

1 purposes, for support of foreign representation and
 2 trade offices, and for not more than the following
 3 full-time equivalent positions:

4 \$ 2,010,073

5 FTEs 10.00

6 From among the full-time equivalent positions
7 authorized by this lettered paragraph, one position
8 shall concentrate on the export sale of grain, one on
9 the export sale of livestock, and one on the export
10 sale of value-added agricultural products.

11 The department shall file a report every six months
12 with the general assembly in a manner consistent with
13 section 7A.11 and with the chairpersons and ranking
14 members of the joint appropriations subcommittee on
15 economic development which gives an update of all
16 activities regarding trade promotion in the Chinese
17 market.

18 b. Export trade assistance program

19 For export trade activities, including a program to
20 encourage and increase participation in trade shows
21 and trade missions by providing financial assistance
22 to businesses for a percentage of their costs of
23 participating in trade shows and trade missions, by
24 providing for the lease/sublease of showcase space in
25 existing world trade centers, by providing temporary
26 office space for foreign buyers, international
27 prospects, and potential reverse investors, and by
28 providing other promotional and assistance activities,
29 including salaries and support:

30 \$ 425,000

31 Notwithstanding section 8.33, moneys appropriated
32 by this lettered paragraph which remain unobligated or
33 unexpended on June 30, 1999, shall not revert to the
34 general fund of the state but shall be transferred to
35 and deposited in the strategic investment fund created
36 in section 15.313.

37 c. Agricultural product advisory council

38 For support, maintenance, and miscellaneous
39 purposes:

40 \$ 1,300

41 d. For transfer to the partner state program which
42 the department may use to contract with private groups
43 or organizations which are the most appropriate to
44 administer this program and the groups and
45 organizations participating in the program shall, to
46 the fullest extent possible, provide the funds to
47 match the appropriation made in this paragraph of the
48 funds transferred:

49 \$ 125,000

50 5. TOURISM DIVISION

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1 Tourism operations/advertising

2 For salaries, support, maintenance, miscellaneous

3 purposes, for not more than the following full-time
4 equivalent positions:

5 \$ 5,038,912

6 FTEs 18.52

7 The department may expend up to \$130,000 to provide
8 assistance to private welcome centers in the state.

9 The department shall not provide assistance of more
10 than \$10,000 to any one private welcome center. A
11 private welcome center seeking assistance shall submit
12 a competitive application to the department and may be
13 eligible for receiving assistance if the private
14 welcome center complies with all of the following
15 criteria:

16 a. The private welcome center is at risk of a
17 projected operating deficit.

18 b. The private welcome center complies with
19 operational standards and requirements determined by
20 the department.

21 c. The private welcome center submits a financial
22 plan for self-sufficiency to the department.

23 The department shall conduct a study of the public
24 and private welcome center system in the state. The
25 department shall make recommendations to the general
26 assembly for the future operation of the system
27 including recommendations concerning funding for
28 private welcome center operations and quality
29 standards for public and private welcome centers.

30 The department shall not use the moneys
31 appropriated in this subsection, unless the department
32 develops public-private partnerships with Iowa
33 businesses in the tourism industry, Iowa tour groups,
34 Iowa tourism organizations, and political subdivisions
35 in this state to assist in the development of
36 advertising efforts. The department shall, to the
37 fullest extent possible, develop cooperative efforts
38 for advertising with contributions from other sources.

39 Sec. 2. COMMUNITY DEVELOPMENT LOAN FUND.
40 Notwithstanding section 15E.120, subsections 5, 6, and
41 7, and section 15.287, there is appropriated from the
42 Iowa community development loan fund all the moneys
43 available during the fiscal year beginning July 1,
44 1998, and ending June 30, 1999, to the department of
45 economic development for the community development
46 program to be used by the department for the purposes
47 of the program.

48 Sec. 3. JOB TRAINING FUND. Notwithstanding
49 section 15.251, subsection 2, there is appropriated
50 from the job training fund to the department of

2 July 1, 1998, and ending June 30, 1999, the following
 3 amount, or so much thereof as is necessary, to be used
 4 for the purposes designated:

5 For administration of chapter 260E, including
 6 salaries, support, maintenance, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:

9 \$ 210,000
 10 FTEs 2.50

11 Appropriations to the department of economic
 12 development for administration of chapter 260E and the
 13 department of workforce development for the target
 14 alliance program shall be funded on a proportional
 15 basis if receipts to the job training fund are
 16 insufficient to fund both appropriations in their
 17 entirety.

18 Sec. 4. WORKFORCE DEVELOPMENT FUND. There is
 19 appropriated from the workforce development fund
 20 account created in section 15.342A, to the workforce
 21 development fund created in section 15.343, for the
 22 fiscal year beginning July 1, 1998, and ending June
 23 30, 1999, the following amount, for the purposes of
 24 the workforce development fund:

25 \$ 6,850,000

26 Sec. 5. Of all funds appropriated to or receipts
 27 credited to the job training fund created in section
 28 260F.6, subsection 1, up to \$175,000 for the fiscal
 29 year beginning July 1, 1998, and ending June 30, 1999,
 30 and not more than 1.50 FTEs may be used for the
 31 administration of the Iowa jobs training Act.

32 Sec. 6. IOWA STATE UNIVERSITY. There is
 33 appropriated from the general fund of the state to the
 34 Iowa state university of science and technology for
 35 the fiscal year beginning July 1, 1998, and ending
 36 June 30, 1999, the following amounts, or so much
 37 thereof as is necessary, to be used for the purposes
 38 designated:

39 1. For funding and maintaining in their current
 40 locations the existing small business development
 41 centers, and for not more than the following full-time
 42 equivalent positions:

43 \$ 1,235,880
 44 FTEs 5.80

45 2. For the Iowa state university of science and
 46 technology research park, including salaries, support,
 47 maintenance, miscellaneous purposes, and for not more
 48 than the following full-time equivalent positions:

49 \$ 376,500
 50 FTEs 4.31

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1 3. For funding the institute for physical research
 2 and technology, provided that \$318,358 shall be
 3 allocated to the industrial incentive program in
 4 accordance with the intent of the general assembly,
 5 and for not more than the following full-time
 6 equivalent positions:

7 \$ 4,379,458

8 FTEs 46.42

9 It is the intent of the general assembly that the
 10 incentive program focus on Iowa industrial sectors and
 11 seek contributions and in-kind donations from
 12 businesses, industrial foundations, and trade
 13 associations and that moneys for the institute for
 14 physical research and technology industrial incentive
 15 program shall only be allocated for projects which are
 16 matched by private sector moneys for directed contract
 17 research or for nondirected research. The match
 18 required of small businesses as defined in section
 19 15.102, subsection 4, for directed contract research
 20 or for nondirected research shall be \$1 for each \$3 of
 21 state funds. The match required for other businesses
 22 for directed contract research or for nondirected
 23 research shall be \$1 for each \$1 of state funds. The
 24 match required of industrial foundations or trade
 25 associations shall be \$1 for each \$1 of state funds.
 26 Iowa state university of science and technology
 27 shall report annually to the joint appropriations
 28 subcommittee on economic development and legislative
 29 fiscal bureau the total amounts of private
 30 contributions, the proportion of contributions from
 31 small businesses and other businesses, and the
 32 proportion for directed contract research and
 33 nondirected research of benefit to Iowa businesses and
 34 industrial sectors.

35 Notwithstanding section 8.33, moneys appropriated
 36 for the fiscal year which remain unobligated and
 37 unexpended at the end of the fiscal year shall not
 38 revert but shall be available for expenditure the
 39 following fiscal year.

40 Sec. 7. UNIVERSITY OF IOWA. There is appropriated
 41 from the general fund of the state to the state
 42 university of Iowa for the fiscal year beginning July
 43 1, 1998, and ending June 30, 1999, the following
 44 amounts, or so much thereof as is necessary, to be
 45 used for the purposes designated:

46 1. For the university of Iowa research park,
 47 including salaries, support, maintenance, equipment,
 48 miscellaneous purposes, and for not more than the
 49 following full-time equivalent positions:

50 \$ 331,007

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1 FTEs 4.35

2 2. For funding the advanced drug development
3 program at the Oakdale research park and for not more
4 than the following full-time equivalent positions:

5 \$ 262,199

6 FTEs 2.85

7 The board of regents shall submit a report on the
8 progress of regents institutions in meeting the
9 strategic plan for technology transfer and economic
10 development to the chairpersons of the joint
11 appropriations subcommittee on economic development,
12 the joint appropriations subcommittee on education,
13 the majority leader and minority leader of the senate,
14 the majority and minority leaders of the house of
15 representatives, the secretary of the senate, the
16 chief clerk of the house of representatives, and the
17 legislative fiscal bureau by December 1, 1998.

18 Sec. 8. UNIVERSITY OF NORTHERN IOWA. There is
19 appropriated from the general fund of the state to the
20 university of northern Iowa for the fiscal year
21 beginning July 1, 1998, and ending June 30, 1999, the
22 following amounts, or so much thereof as is necessary,
23 to be used for the purposes designated:

24 1. For the metal casting institute, including
25 salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:

28 \$ 166,349

29 FTEs 2.75

30 2. For the institute of decision making, including
31 salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-
33 time equivalent positions:

34 \$ 688,308

35 FTEs 8.00

36 Sec. 9. DEPARTMENT OF WORKFORCE DEVELOPMENT.

37 There is appropriated from the general fund of the
38 state, to the department of workforce development for
39 the fiscal year beginning July 1, 1998, and ending
40 June 30, 1999, the following amounts, or so much
41 thereof as is necessary, for the purposes designated:

42 1. DIVISION OF LABOR SERVICES

43 For the division of labor services, including
44 salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:

47 \$ 2,902,693

48 FTEs 93.00

49 From the contractor registration fees, the division

50 of labor services shall reimburse the department of

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1 inspections and appeals for all costs associated with
2 hearings under chapter 91C, relating to contractor
3 registration.

4 2. DIVISION OF INDUSTRIAL SERVICES

5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-
7 time equivalent positions:

8 \$ 2,390,927

9 FTEs 34.00

10 The division of industrial services shall continue
11 charging a \$65 filing fee for workers' compensation
12 cases. The filing fee shall be paid by the petitioner
13 of a claim. However, the fee can be taxed as a cost
14 and paid by the losing party, except in cases where it
15 would impose an undue hardship or be unjust under the
16 circumstances.

17 3. For salaries, support, maintenance,
18 miscellaneous purposes, and for not more than the
19 following full-time equivalent position for the
20 workforce development state and regional boards:

21 \$ 106,929

22 FTE 1.00

23 4. For salaries, support, maintenance,
24 miscellaneous purposes for collection of labor market
25 information, and for not more than the following full-
26 time equivalent position:

27 \$ 65,354

28 FTE 1.00

29 5. WORKFORCE DEVELOPMENT AREA

30 For salaries, support, maintenance, and
31 miscellaneous purposes for the development and
32 maintenance of a workforce sufficient in size and
33 skill to meet the occupational demands of each
34 workforce development area, and for workforce
35 development programs, including those provided for in
36 sections 84A.7, 84A.8, and 84A.9. Each region shall
37 be required to provide an equal amount of matching
38 funds from local sources:

39 \$ 1,480,022

40 FTEs 4.20

41 The department shall expend \$923,180 on youth
42 workforce programs. Youth conservation corps program
43 moneys shall be allocated among the regions which have
44 developed a youth conservation corps program.

45 Notwithstanding section 8.33, moneys committed to
46 grantees under contract that remain unexpended on June
47 30, 1999, shall not revert to any fund but shall be
48 available for expenditure for purposes of the contract

49 during the fiscal year beginning July 1, 1999.

50 6. LABOR MANAGEMENT COORDINATOR

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1 For salaries, support, maintenance, miscellaneous
2 purposes, and for not more than the following full-
3 time equivalent position:

4 \$ 66,851
5 FTE 0.50

6 The Iowa workforce development board shall be
7 responsible for the functions previously conducted by
8 the state labor management cooperation council. The
9 board, the department of workforce development, and
10 the labor management coordinator shall cooperate to
11 improve communications and facilitate dialogue between
12 labor, management, and government on workforce
13 development problems facing the state, to form in-
14 plant labor management committees, and to provide
15 technical assistance to establish effective labor
16 management policies in the state.

17 7. WELFARE-TO-WORK MATCHING FUNDS

18 For matching funds for welfare-to-work grants
19 authorized through the United States department of
20 labor to provide additional services for the hardest
21 to employ recipients of family investment program
22 benefits:

23 \$ 888,633

24 Notwithstanding section 8.33, moneys appropriated
25 in this subsection which remain unexpended or
26 unobligated on June 30, 1999, shall not revert to the
27 general fund of the state but shall remain available
28 for expenditure for the same purpose during the fiscal
29 year beginning July 1, 1999.

30 Sec. 10. JOB TRAINING FUND. Notwithstanding
31 section 15.251, subsection 2, there is appropriated
32 from the job training fund to the department of
33 workforce development for the fiscal year beginning
34 July 1, 1998, and ending June 30, 1999, the following
35 amount, or so much thereof as is necessary, to be used
36 for the purpose designated:

37 For the target alliance program:

38 \$ 30,000

39 Sec. 11. ADMINISTRATIVE CONTRIBUTION SURCHARGE
40 FUND. There is appropriated from the administrative
41 contribution surcharge fund of the state to the
42 department of workforce development for the fiscal
43 year beginning July 1, 1998, and ending June 30, 1999,
44 the following amount, or so much thereof as is
45 necessary, for the purposes designated:

46 Notwithstanding section 96.7, subsection 12,
47 paragraph "c", for salaries, support, maintenance,

48 conducting labor availability surveys, miscellaneous
 49 purposes, and for not more than the following full-
 50 time equivalent positions:

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1 \$ 7,100,000
 2 FTEs 125.42
 3 Sec. 12. EMPLOYMENT SECURITY CONTINGENCY FUND.

4 There is appropriated from the special employment
 5 security contingency fund to the department of
 6 workforce development for the fiscal year beginning
 7 July 1, 1998, and ending June 30, 1999, the following
 8 amounts, or so much thereof as is necessary, for the
 9 purposes designated:

10 1. DIVISION OF LABOR SERVICES

11 For salaries, support, maintenance, and
 12 miscellaneous purposes:

13 \$ 296,000

14 2. DIVISION OF INDUSTRIAL SERVICES

15 For salaries, support, maintenance, and
 16 miscellaneous purposes:

17 \$ 175,000

18 Any additional penalty and interest revenue may be
 19 used to accomplish the mission of the department.

20 Sec. 13. PUBLIC EMPLOYMENT RELATIONS BOARD. There
 21 is appropriated from the general fund of the state to
 22 the public employment relations board for the fiscal
 23 year beginning July 1, 1998, and ending June 30, 1999,
 24 the following amount, or so much thereof as is
 25 necessary, for the purposes designated:

26 For salaries, support, maintenance, miscellaneous
 27 purposes, and for not more than the following full-
 28 time equivalent positions:

29 \$ 857,844

30 FTEs 12.80

31 Sec. 14. WORKFORCE RECRUITMENT INITIATIVE.

32 1. FINDINGS. The general assembly finds that
 33 growing levels of employment coupled with historically
 34 low levels of unemployment are evidence of increasing
 35 scarcity of skilled workers. Limited access to a
 36 skilled workforce is preventing Iowa companies from
 37 increasing employment and production, and is a barrier
 38 to sustained and stable economic growth.

39 Further, the general assembly finds that in order
 40 to increase the size of the workforce, a partnership
 41 of private sector employers, communities and public
 42 sector organizations should be formed to develop and
 43 implement a workforce recruitment initiative. The
 44 initiative is intended to include strategies for
 45 recruiting new workers that will meet the workforce
 46 needs of Iowa employers who are unable to fill high

47 quality jobs.

48 2. ESTABLISHMENT. The general assembly finds an
49 immediate need for the establishment of a workforce
50 recruitment initiative with projects intended to

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1 retain and recruit new skilled and unskilled employees
2 to fill the needs of both communities and businesses.
3 The department of economic development and the
4 department of workforce development shall enter into a
5 cooperative memorandum of understanding to accomplish
6 purposes of this initiative. The memorandum shall
7 include, but not be limited to, provisions for the
8 sharing and utilization of job matching databases and
9 technology to accomplish the purposes of the
10 initiative and for an allocation out of moneys
11 appropriated to the department of economic development
12 for purposes of the workforce recruitment initiative
13 for payment of employee salaries related to the
14 workforce recruitment initiative.

15 3. STATE AGENCY COOPERATION. The department of
16 economic development and the department of workforce
17 development shall seek and obtain the cooperation of
18 any state agency and local economic development
19 organization actively involved in workforce
20 development initiatives which could provide employee
21 recruitment and marketing assistance to accomplish the
22 workforce recruitment initiative.

23 4. FTEs. For purposes of the workforce
24 recruitment initiative, the department of workforce
25 development shall increase the number of full-time
26 equivalent positions authorized for the department
27 during the fiscal year beginning July 1, 1998, by 2.00
28 FTEs through moneys authorized for expenditure in this
29 Act and allocated pursuant to the cooperative
30 memorandum of understanding entered into with the
31 department of economic development as provided in
32 section 2.

33 5. APPROPRIATION. There is appropriated from the
34 general fund of the state to the department of
35 economic development for the fiscal year beginning
36 July 1, 1998, and ending June 30, 1999, the following
37 amount, or so much thereof as is necessary, to be used
38 for the purposes designated:

39 For workforce recruitment initiative purposes
40 including technical support and maintenance of
41 databases and an internet web site, for a joint
42 proposal of the department of economic development and
43 the department of workforce development relating to
44 the workforce recruitment initiative which shall
45 include provisions for private sector contributions,

46 and including salaries, support, maintenance,
 47 miscellaneous purposes, and for not more than the
 48 following full-time equivalent positions:
 49 \$ 300,000
 50 FTEs 3.00

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1 Notwithstanding section 8.33, moneys appropriated
 2 in this subsection which remain unexpended or
 3 unobligated on June 30, 1999, shall not revert to the
 4 general fund of the state but shall remain available
 5 for expenditure in the fiscal year beginning July 1,
 6 1999, for the purposes designated.

7 6. STRATEGIC INVESTMENT FUND ALLOCATION. There is
 8 allocated from the strategic investment fund to the
 9 department of economic development for the fiscal year
 10 beginning July 1, 1998, and ending June 30, 1999,
 11 \$150,000 to be used for the purchase of equipment,
 12 software, laptop computers, and other necessary
 13 technological equipment.

14 7. BUSINESS DEVELOPMENT DIVISION. The business
 15 development division of the department of economic
 16 development may expend from moneys appropriated to the
 17 department and allocated to the business development
 18 division, for business development operations, up to
 19 \$400,000 for increasing the labor availability and
 20 recruitment efforts in the state in all occupational
 21 areas and as deemed necessary.

22 Sec. 15. NEW SECTION. 15.361 TITLE.
 23 This part shall be known and may be cited as the
 24 "Certified School to Career Program".

25 Sec. 16. NEW SECTION. 15.362 DEFINITIONS.
 26 As used in this part, unless the context otherwise
 27 requires:

28 1. "Certified school to career program" or
 29 "certified program" means a sequenced and articulated
 30 secondary and postsecondary program registered as an
 31 apprenticeship program under 29 C.F.R. subtit. A, pt.
 32 29, which is conducted pursuant to an agreement as
 33 provided in section 15.364 or a program approved by
 34 the state board of education, in conjunction with the
 35 department of economic development, as meeting the
 36 standards enumerated in section 15.363, that
 37 integrates a secondary school curriculum with private
 38 sector job training which places students in job
 39 internships, and which is designed to continue into
 40 postsecondary education and that will result in
 41 teaching new skills and adding value to the wage-
 42 earning potential of participants and increase their
 43 long-term employability in the state and which is
 44 conducted pursuant to an agreement as provided in

45 section 15.364.

46 2. "Participant" means an individual between the
47 ages of sixteen and twenty-four who is enrolled in a
48 public or private secondary or postsecondary school
49 and who initiated participation in a certified school
50 to career program as part of secondary school

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1 education.

2 3. "Payroll expenditures" means the base wages
3 actually paid by an employer to a participant plus the
4 amount held in trust to be applied toward the
5 participant's postsecondary education.

6 4. "Sponsor" means any person, association,
7 committee, or organization operating a school to
8 career program and in whose name the program is or
9 will be registered or approved.

10 Sec. 17. NEW SECTION. 15.363 CERTIFICATION 11 STANDARDS.

12 The state board of education, in consultation with
13 the department of economic development, shall adopt
14 rules pursuant to chapter 17A to guide the board and
15 department in determining whether a potential school
16 to career program should be approved.

17 A school to career program which is approved by the
18 state board of education in conjunction with the
19 department of economic development shall comply with
20 all of the following standards:

21 1. The program is conducted pursuant to an
22 organized, written plan embodying the terms and
23 conditions of employment, job training, classroom
24 instruction, and supervision of one or more
25 participants, subscribed to by a sponsor who has
26 undertaken to carry out the school to career program.

27 2. The program complies with all state and federal
28 laws pertaining to the workplace.

29 3. The employer agrees to assign an employee to
30 serve as a mentor for a participant. The mentor's
31 occupation shall be in the same career pathway as the
32 career interests of the participant.

33 4. The program involves an eligible postsecondary
34 institution as defined in section 261C.3.

35 5. Other standards adopted by rule by the state
36 board of education after consultation with the
37 department of economic development.

38 Sec. 18. NEW SECTION. 15.364 CERTIFIED PROGRAM 39 AGREEMENT.

40 The certified program shall be conducted pursuant
41 to a signed written agreement between each participant
42 and the employer which contains at least the following
43 provisions:

- 44 1. The names and signatures of the participant and
45 the sponsor or employer and the signature of a parent
46 or guardian if the participant is a minor.
47 2. A description of the career field in which the
48 participant is to be trained, and the beginning date
49 and duration of the training.
50 3. The employer's agreement to provide paid

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- 1 employment, at a base wage, for the participant during
2 the summer months after the participant's junior and
3 senior years in high school and after the
4 participant's first year of postsecondary education.
5 4. The participant and employer shall agree upon
6 set minimum academic standards which must be
7 maintained through the participant's secondary and
8 postsecondary education.
9 5. This base wage paid to the participant shall
10 not be less than the minimum wage prescribed by Iowa
11 law or the federal Fair Labor Standards Act, whichever
12 is applicable.
13 6. That in addition to the base wage paid to the
14 participant, the employer shall pay an additional sum
15 to be held in trust to be applied toward the
16 participant's postsecondary education required for
17 completion of the certified program. The additional
18 amount must be not less than an amount determined by
19 the department of economic development to be
20 sufficient to provide payment of tuition expenses
21 toward completion of not more than two academic years
22 of the required postsecondary education component of
23 the certified program at an Iowa community college or
24 an Iowa public or private college or university. This
25 amount shall be held in trust for the benefit of the
26 participant pursuant to rules adopted by the
27 department of economic development. Payment into an
28 ERISA-approved fund for the benefit of the participant
29 shall satisfy this requirement. The specific fund
30 shall be specified in the agreement.
31 7. The participant's agreement to work for the
32 employer for at least two years following the
33 completion of the participant's postsecondary
34 education required by the certified program. However,
35 the agreement may provide for additional education and
36 work commitments beyond the two years.
37 8. If the participant does not complete the two-
38 year employment obligation, the participant's
39 agreement to repay to the employer the amount paid by
40 the employer toward the participant's postsecondary
41 education expenses pursuant to subsection 6.
42 9. That if a participant does not complete the

43 certified program contemplated by the agreement, any
44 unexpended funds being held in trust for the
45 participant's postsecondary education shall be paid
46 back to the employer. In addition the participant
47 must repay to the employer amounts paid from the trust
48 which were expended on the participant's behalf for
49 postsecondary education.
50 Sec. 19. NEW SECTION. 15.365 PAYROLL EXPENDITURE

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1 REFUND.
2 1. An employer who employs a participant in a
3 certified school to career program may claim a refund
4 of twenty percent of the employer's payroll
5 expenditures for each participant in the certified
6 program. The refund is limited to the first four
7 hundred hours of payroll expenditures per participant
8 for each calendar year the participant is in the
9 certified program, not to exceed three years per
10 participant.
11 2. To receive a refund under subsection 1 for a
12 calendar year, the employer shall file the claim by
13 July 1 of the following calendar year. The claim
14 shall be filed on forms provided by the department of
15 economic development and the employer shall provide
16 such information regarding the employer's
17 participation in a certified school to career program
18 as the department may require. Forms should be
19 designed such that claims for refunds for more than
20 one participant may be made on a single form.
21 3. For each fiscal year of the fiscal period
22 beginning July 1, 1999, and ending June 30, 2004,
23 there is appropriated up to five hundred thousand
24 dollars annually from the general fund of the state to
25 the department of economic development to pay refunds
26 under this section. If the amount appropriated in a
27 fiscal year is insufficient to pay all refund claims
28 for the calendar year in full, each claimant shall
29 receive a proportion of the claimant's refund claim
30 equal to the ratio of the amount appropriated to the
31 total amount of refund claims. Any unpaid portion of
32 a claim shall not be paid from a subsequent fiscal
33 year appropriation.
34 4. The department of economic development shall
35 consult with the department of revenue and finance for
36 purposes of this section. The department of economic
37 development shall adopt rules as deemed necessary to
38 carry out the purposes of the certified school to
39 career program.
40 Sec. 20. NEW SECTION. 15.366 CUSTOMER TRACKING
41 SYSTEM.

42 All participants and sponsors participating in a
43 certified school to career program shall be included
44 in the customer tracking system implemented by the
45 department of workforce development pursuant to
46 section 84A.5.

47 Sec. 21. NEW SECTION. 15.367 REPEAL.

48 This part of chapter 15 is repealed June 30, 2004.
49 However, any contracts in existence on June 30, 2004,
50 shall continue to be valid and each party to such

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1 contract is obligated to perform as required under
2 such contract. However, no employer is entitled to
3 any payroll expenditure refund for payroll
4 expenditures incurred after December 31, 2002.

5 Sec. 22. Section 15E.83, Code 1997, is amended to
6 read as follows:

7 15E.83 SEED CAPITAL CORPORATION.

8 1. The Iowa seed capital corporation shall be
9 incorporated under chapter 504A. ~~The purpose of the~~
10 ~~corporation shall be to provide seed capital to start-~~
11 ~~up and emerging growth companies in Iowa that are~~
12 ~~bringing new products and processes to the~~
13 ~~marketplace, and it shall be the goal of the~~
14 ~~corporation to financially support the establishment~~
15 ~~and growth of start-up and emerging growth companies~~
16 ~~that can contribute to the economic diversity of the~~
17 ~~state and provide general and specific economic~~
18 ~~benefits to the state. The corporation shall only~~
19 ~~provide seed capital or financial assistance to Iowa~~
20 ~~businesses. The corporation shall not be regarded as~~
21 ~~a state agency, except for purposes of chapters 17A~~
22 ~~and 69, and a member of the board is not considered a~~
23 ~~state employee, except for purposes of chapter 669.~~
24 ~~An individual employed by the corporation is a state~~
25 ~~employee for purposes of the Iowa public employees'~~
26 ~~retirement system, state health and dental plans, and~~
27 ~~other state employee benefit plans and chapter 669.~~
28 ~~Chapters 8, 18, 19A, and 20 and other provisions of~~
29 ~~law that relate to requirements or restrictions~~
30 ~~dealing with state personnel or state funds do not~~
31 ~~apply to the corporation and any employees of the~~
32 ~~board or corporation except to the extent provided in~~
33 ~~this division. Chapters 21 and 22 shall apply to~~
34 ~~activities of the corporation and to employees of the~~
35 ~~board or corporation except to the extent provided in~~
36 ~~this division.~~

37 2. The corporation shall be governed by a board of
38 seven directors who shall serve a term of four years.
39 Of the seven directors, four shall be persons
40 experienced in business finance and employed at a bank

41 or other financial institution, be a certified public
42 accountant, be an attorney, or be a licensed
43 stockbroker. Each director shall serve at the
44 pleasure of the governor and shall be appointed by the
45 governor, subject to confirmation by the senate
46 pursuant to section 2.32. A director is eligible for
47 reappointment. A vacancy on the board of directors
48 shall be filled in the same manner as an original
49 appointment.
50 3. The board of directors shall annually elect one

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1 member as chairperson and one member as secretary.
2 The board may elect other officers of the corporation
3 as necessary. Members shall be reimbursed for
4 necessary expenses incurred in the performance of
5 duties from funds appropriated to the corporation.
6 4 3. Each director of the corporation shall take
7 an oath of office and the record of each oath shall be
8 filed in the office of the secretary of state.
9 5 4. The corporation shall receive information and
10 cooperate with other agencies of the state and the
11 political subdivisions of the state.
12 Sec. 23. Section 15E.85, Code 1997, is amended to
13 read as follows:
14 15E.85 BOARD OF DIRECTORS.
15 The powers of the corporation are vested in and
16 shall be exercised by the board of directors. Four
17 members of the board constitute a quorum and an
18 affirmative vote of at least four of the members
19 present at a meeting is necessary before an action may
20 be taken by the board. An action taken by the board
21 shall be authorized by resolution at a regular or
22 special meeting and takes effect immediately unless
23 the resolution specifies otherwise. Notice of a
24 meeting shall be given orally or in writing not less
25 than forty-eight hours prior to the meeting.
26 Sec. 24. Section 15E.87, Code 1997, is amended to
27 read as follows:
28 15E.87 CORPORATE PURPOSE -- POWERS.
29 The purpose of the corporation is to stimulate and
30 encourage the development of new products within Iowa
31 by the infusion of financial aid for invention and
32 innovation in situations in which financial aid would
33 not otherwise be reasonably available from commercial
34 sources. For this purpose the corporation has the
35 following powers:
36 1. To have perpetual succession as a corporate
37 body and to adopt bylaws, policies, and procedures for
38 the regulation of its affairs and conduct of its
39 business consistent with the purposes of this

40 division.

41 ~~2. To enter into venture agreements with persons~~
42 ~~doing business in Iowa upon conditions and terms which~~
43 ~~are consistent with the purposes of this division for~~
44 ~~the advancement of financial aid to the persons. The~~
45 ~~financial aid advanced shall be for the development of~~
46 ~~specific products, procedures, and techniques which~~
47 ~~are to be developed and produced in this state. The~~
48 ~~corporation shall condition the agreements upon~~
49 ~~contractual assurances that the benefits of increasing~~
50 ~~or maintaining employment and tax revenues shall~~

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1 remain in Iowa.

2 ~~3. To receive and accept aid or contributions from~~
3 ~~a source of money, property, labor, or other things of~~
4 ~~value to be used to carry out the purposes of this~~
5 ~~division including gifts or grants from a department~~
6 ~~or agency of the United States or any state.~~

7 ~~4. To issue notes and bonds as provided under this~~
8 ~~division.~~

9 ~~5 2. To hold patents, copyrights, trademarks, or~~
10 ~~other evidences of protection or exclusivity issued~~
11 ~~under the laws of this state or the United States to~~
12 ~~any products.~~

13 ~~6 3. To employ assistants, agents, and other~~
14 ~~employees and to engage consultants, attorneys, and~~
15 ~~appraisers as necessary or desirable to carry out the~~
16 ~~purposes of the corporation.~~

17 ~~7 4. To make and enter into contracts and~~
18 ~~agreements necessary or incidental to its performance~~
19 ~~of the duties and the powers granted to the~~
20 ~~corporation.~~

21 ~~8 5. To sue and be sued, plead, and adopt a seal.~~

22 ~~9 6. With the approval of the treasurer of state,~~
23 ~~to invest funds which are not needed for immediate use~~
24 ~~or disbursement, including funds held in reserve, in~~
25 ~~obligations issued or guaranteed by the state or the~~
26 ~~United States.~~

27 ~~10 7. To procure insurance against a loss in~~
28 ~~connection with its property and other assets.~~

29 ~~11 8. To the extent permitted under a corporation~~
30 ~~contract with other persons, to consent to a~~
31 ~~termination, modification, forgiveness, or other~~
32 ~~change in the terms of a contractual right, payment,~~
33 ~~royalty, contract, or agreement.~~

34 ~~12 9. To take necessary action to render bonds~~
35 ~~issued under this division more marketable.~~

36 Sec. 25. LIQUIDATION OF THE IOWA SEED CAPITAL
37 CORPORATION. Notwithstanding sections 15E.81 through
38 15E.94, sections 15E.181 through 15E.184, and 1997

39 Iowa Acts, chapter 143, sections 5 and 6, it is the
40 intent of the general assembly that the Iowa seed
41 capital corporation shall be liquidated or sold in an
42 orderly manner. On May 31, 1998, the terms of the
43 board members of the Iowa seed capital corporation
44 shall terminate, the Iowa seed capital corporation
45 shall be renamed the ISCC liquidation corporation, and
46 a three-person board shall be constituted to complete
47 the orderly liquidation or sale of the assets of the
48 ISCC liquidation corporation. The ISCC liquidation
49 corporation board shall consist of the commissioner of
50 insurance or the commissioner's designee, the

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1 superintendent of banking or the superintendent's
2 designee, and the treasurer of state or the
3 treasurer's designee. The members of the ISCC
4 liquidation corporation board and any staff providing
5 assistance to the board shall not be liable for their
6 acts or omissions in connection with the liquidation
7 or sale of the corporation. The ISCC liquidation
8 corporation board shall close the corporation offices
9 at 200 East Grand, Des Moines, Iowa, by June 30, 1998,
10 terminate the officers and staff of the corporation by
11 June 30, 1998, and shall not hire a new permanent or
12 temporary staff to operate this corporation.
13 The staff of the treasurer of state shall provide
14 administrative support to the ISCC liquidation
15 corporation board and the corporation shall reimburse
16 the treasurer of state for the reasonable costs of
17 providing administrative support. The attorney
18 general shall be consulted and shall provide legal
19 support throughout the liquidation and sale process
20 and the corporation shall reimburse the attorney
21 general for the reasonable costs of providing any such
22 consultation and legal support.
23 The ISCC liquidation corporation board's goals in
24 supervising the liquidation or sale of the corporation
25 are to maximize the net revenue to the state and
26 minimize the impact to the companies involved. The
27 board shall not make any new investments during the
28 liquidation period, except for those necessary to
29 protect and maintain its current holdings.
30 The ISCC liquidation corporation board is
31 authorized to contract for the services, including
32 brokers, other financial advisors or consultants, or
33 legal advisors, necessary to complete the orderly
34 liquidation or sale of the ISCC liquidation
35 corporation.
36 The ISCC liquidation corporation board may
37 determine the potential administrative, legal, and

38 contractual service costs for the liquidation or sale
39 of the corporation and may maintain a prudent reserve
40 fund from liquid assets of the corporation for such
41 purposes. Upon the unanimous vote of the ISCC
42 liquidation corporation board the remainder of the
43 liquid assets shall be transferred to the strategic
44 investment fund established in section 15.313.
45 Following the complete liquidation and dissolution
46 of the corporation or the sale of the corporation, all
47 remaining moneys shall be transferred to the strategic
48 investment fund. Upon transfer of the remaining
49 moneys to the strategic investment fund, the ISCC
50 liquidation corporation board shall be dissolved.

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1 Sec. 26. SHELTER ASSISTANCE FUND. In providing
2 moneys from the shelter assistance fund to homeless
3 shelter programs, the department of economic
4 development shall explore the potential of allocating
5 moneys to homeless shelter programs based in part on
6 their ability to move their clients toward self-
7 sufficiency.

8 Sec. 27. The department of economic development
9 and the department of workforce development shall
10 within the budget proposals for the fiscal year
11 beginning July 1, 2000, detail the number of FTEs and
12 contract employees included in the budget proposal.
13 During the budget process for the fiscal year
14 beginning July 1, 2000, the joint economic development
15 appropriation subcommittee shall examine contract
16 employees in relationship to the budgets of the
17 department of economic development and the department
18 of workforce development.

19 Sec. 28. The department of economic development
20 shall submit a report to the general assembly as
21 provided in section 7A.11 by January 1, 1999, which
22 includes all of the following:

23 1. A survey of all business, industry, and
24 agriculture-related international trade activities in
25 this state. The survey shall include the types of
26 businesses and the products involved in international
27 trade and the estimated costs and revenues resulting
28 from such trade.

29 2. A list of specific targets and targeted
30 opportunities for business, industry, and agriculture
31 related to international trade activities in this
32 state. These targets shall include the types of
33 businesses and the products that are currently
34 involved in international trade, as well as the types
35 of businesses and the products that could potentially
36 become involved in international trade in the future.

37 Sec. 29. BUDGET PROPOSALS. The department of
38 economic development and the department of workforce
39 development shall submit all budget proposals in the
40 traditional format as well as in the budgeting for
41 results format for the fiscal year beginning July 1,
42 1999.

43 Sec. 30. By December 31 of each year, the ISCC
44 liquidation corporation shall submit an annual report
45 to the chairpersons and the ranking members of the
46 joint appropriations subcommittee on economic
47 development. The report shall include an update on
48 the financial condition of the corporation relating to
49 the status of any moneys, assets, or contracts
50 currently being held by the corporation or transferred

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1 by the corporation during the prior year.
2 Sec. 31. NONPROFIT CORPORATIONS. Any nonprofit
3 corporation created by or in association with the Iowa
4 finance authority since January 1, 1989, shall file a
5 report by January 15 of each year with the
6 chairpersons and ranking members of the appropriate
7 appropriations subcommittees of the general assembly.
8 Any nonprofit corporation created by or in association
9 with the authority since January 1, 1989, shall adopt
10 a written conflict of interests policy.

11 Sec. 32. HOUSING CORPORATION BOARD. The board of
12 directors of the Iowa housing corporation shall
13 consist of seven voting members serving staggered
14 three-year terms. One member of the board of
15 directors shall be a representative of the home
16 builders association of Iowa and one member of the
17 board of directors shall be a representative of the
18 Iowa bankers association.

19 Sec. 33. Notwithstanding the provisions of
20 chapters 260E and 15A.7, a community college which
21 enters into a job training agreement with a new
22 commercial airline company based in central Iowa
23 between May 1, 1998, and December 31, 1998, is
24 authorized to secure the principal and interest of a
25 certificate for the training agreement.

26 Revenues from a job training agreement received
27 prior to the payment in full of certificates and not
28 pledged to such certificates and not necessary for the
29 payment of principal and interest maturing on such
30 certificates may be applied by the community college
31 to the reduction of any outstanding certificates for
32 the training agreement entered into pursuant to this
33 section.

34 If the provisions of this section are required to
35 reduce any outstanding certificates for training

36 agreement, the community college shall notify the
37 general assembly and provide any information requested
38 through the legislative fiscal bureau.

39 Sec. 34. FEDERAL GRANTS. All federal grants to
40 and the federal receipts of agencies appropriated
41 funds under this Act, not otherwise appropriated, are
42 appropriated for the purposes set forth in the federal
43 grants or receipts unless otherwise provided by the
44 general assembly.

45 Sec. 35. The Iowa finance authority and the Iowa
46 housing corporation shall consider restrictions on any
47 per diem provided to a member of the board of
48 directors serving both the authority and the Iowa
49 housing corporation on occasions when meetings of both
50 entities are held on the same day and in the same city

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1 or metropolitan area.

2 Sec. 36. Notwithstanding section 96.9, subsection
3 4, paragraph "a", moneys credited to the state by the
4 secretary of the treasury of the United States
5 pursuant to section 903 of the Social Security Act
6 shall be appropriated to the department of workforce
7 development and shall be used by the department for
8 the administration of the unemployment compensation
9 program only. This appropriation shall not apply to
10 any fiscal year after June 30, 2001.

11 Sec. 37. Notwithstanding any full-time equivalent
12 position limitations in this Act to the contrary, the
13 department of economic development may add 3.00 FTEs
14 for the commission on volunteer services and 1.00 FTE
15 for the housing assistance program. Two of the full-
16 time equivalent positions added under this section for
17 the commission on volunteer services relate to the
18 transition of personnel services contractors to full-
19 time equivalent positions. The merit system
20 provisions of chapter 19A and the provisions of the
21 state and union collective bargaining agreements shall
22 not govern movement into these full-time positions
23 until September 1, 1998. The provisions relating to
24 the transition of personnel services contractors to
25 full-time equivalent positions, chapter 19A, and
26 collective bargaining agreements are void after
27 September 1, 1998.

28 Sec. 38. Section 15E.86, Code 1997, is repealed.

29 Sec. 39. EFFECTIVE DATE. Sections 14, 15, 16, 17,
30 18, 19, 20, 21, and 25 of this Act, being deemed of
31 immediate importance, take effect upon enactment."

S-5750

- 1 Amend the amendment, S-5541, to amendment, S-5359,
- 2 to Senate File 2320, as passed by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 14 the
- 5 following:
- 6 "2. Page 1, by inserting after line 33 the
- 7 following:
- 8 "3. During the moratorium from July 1, 1999, until
- 9 July 1, 2003, the commission shall not authorize any
- 10 of the following:
- 11 a. An increase in the number of gambling games or
- 12 the number of slot machines on an excursion gambling
- 13 boat.
- 14 b. A number of slot machines at a pari-mutuel
- 15 racetrack which is greater than the number authorized
- 16 on or before July 1, 1999."

ANDY McKEAN
ROD HALVORSON

S-5751

- 1 Amend the amendment, S-5541, to the House
- 2 amendment, S-5359, to Senate File 2320, as passed by
- 3 the Senate, as follows:
- 4 1. Page 1, line 9, by striking the word
- 5 "subsection" and inserting the following:
- 6 "subsections".
- 7 2. Page 1, by striking line 14 and inserting the
- 8 following: "the new licensee.
- 9 NEW SUBSECTION. 10. A licensed excursion gambling
- 10 boat or a pari-mutuel racetrack and its facilities may
- 11 be sold a new license and a new license may be issued
- 12 for operation in the same county."

MATT McCOY

S-5752

- 1 Amend House File 2546, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 10 through 19 and
- 4 inserting the following: "party."

COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 2415

S-5753

- 1 Amend Senate File 2415, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 20, the
4 following:
- 5 "_. A need exists to support the production of
6 agricultural commodities and the processing and
7 marketing of agricultural products which are produced
8 by using biological techniques for the development of
9 specialized plant or animal characteristics for
10 beneficial nutritional, commercial, or industrial
11 purposes. A need also exists to support biomass
12 energy sources.
- 13 _____. A need exists to support forests and the
14 growth and maintenance of forests in this state,
15 including the production of agricultural commodities
16 which are forest products as provided in section
17 15E.202."
- 18 2. Page 1, by inserting after line 34, the
19 following:
- 20 "_. A need exists for additional sources of
21 financing for ventures designed to support the
22 production, processing, and marketing of high value
23 agricultural products using biological techniques
24 which create increasingly high value agricultural
25 products for consumers around the world."
- 26 3. Page 2, line 2, by striking the words
27 "agricultural producer-led" and inserting the
28 following: "Iowa agricultural industry".
- 29 4. Page 3, by striking lines 24 through 35 and
30 inserting the following:
- 31 "(2) A family farm entity if any of the following
32 individuals is actively engaged in agricultural
33 production:
- 34 (a) A shareholder and an officer, director, or
35 employee of a family farm corporation.
- 36 (b) A member or manager of a family farm limited
37 liability company.
- 38 (c) A general partner of a family farm limited
39 partnership.
- 40 (d) A beneficiary of a family trust.
- 41 (3) A networking farmers entity."
- 42 5. Page 4, by inserting after line 2, the
43 following:
- 44 "_. "Biotechnology enterprise" means an
45 enterprise organized under the laws of this state
46 using biological techniques for the development of
47 specialized plant or animal characteristics for

48 beneficial nutritional, commercial, or industrial
49 purposes."

50 6. Page 4, by inserting after line 9 the

Page 2

1 following:

2 "_. "Family farm entity" means a family farm
3 corporation, family farm limited liability company,
4 family farm limited partnership, or family trust as
5 defined in section 9H.1."

6 7. Page 4, by striking lines 15 and 16, and
7 inserting the following:

8 "___ "Iowa agricultural industry venture" means
9 an enterprise involving any of the following:

10 a. Agricultural producers investing in a new".

11 8. Page 4, line 21, by striking the word "a." and
12 inserting the following: "(1)".

13 9. Page 4, line 24, by striking the word "b." and
14 inserting the following: "(2)".

15 10. Page 4, line 26, by striking the word "c."
16 and inserting the following: "(3)".

17 11. Page 4, line 28, by striking the word "d."
18 and inserting the following: "(4)".

19 12. Page 4, by inserting after line 30 the
20 following:

21 "b. An agricultural biotechnology enterprise
22 located in this state, if the purpose of research and
23 application of biological techniques conducted by the
24 enterprise is to accomplish all of the following:

25 (1) The creation and retention of wealth in this
26 state.

27 (2) Increasing the value of agricultural
28 commodities."

29 13. Page 4, by inserting after line 34 the
30 following:

31 "_. "Networking farmers entity" means the same
32 as defined in section 10.1, as enacted by 1998 Iowa
33 Acts, House File 2335."

34 14. Page 5, line 3, by striking the words "as
35 defined in section 10.1".

36 15. Page 6, by inserting after line 6 the
37 following:

38 "___ It is the intent of the general assembly and
39 the purpose of this division that the state encourage
40 Iowa agricultural industry ventures which promote the
41 research and application of biological techniques for
42 the development of specialized plant or animal
43 characteristics for beneficial nutritional,
44 commercial, or industrial purposes."

45 16. Page 7, by inserting after line 14 the
46 following:

47 " _____. A director of the corporation's board of
48 directors shall not serve for more than seven
49 consecutive years as a board director."
50 17. Page 8, line 7, by inserting after the figure

Page 3

1 "3." the following: "a."

2 18. Page 8, by striking lines 10 through 27 and
3 inserting the following: "shall be elected by the
4 members of an appointment committee. The members of
5 the appointment committee shall be appointed by the
6 economic development board. The initial board of
7 directors shall consist of seven members. The members
8 of the appointment committee shall include persons who
9 have an expertise in areas of banking, agricultural
10 lending, business development, agricultural production
11 and processing, seed and venture capital investment,
12 and other areas of expertise as deemed appropriate by
13 the interim board of directors.

14 b. The members of the appointment committee shall
15 exercise due care to assure that persons appointed to
16 the initial board of directors have the requisite
17 financial experience necessary in order to carry out
18 the duties of the corporation as established in this
19 division, including in areas related to agricultural
20 lending, commercial banking, and investment
21 management.

22 c. Upon the election of the initial board of
23 directors, the terms of the members of the appointment
24 committee shall expire.

25 d. The department shall assist the incorporators
26 and the appointment committee in".

27 19. Page 9, by inserting after line 7 the
28 following:

29 "In selecting projects to receive financing, it is
30 the intent of the general assembly that the
31 corporation seek projects with wage, benefit, and work
32 safety plans which improve the quality of employment
33 in the state and which would not displace employees of
34 existing Iowa agricultural industry ventures."

35 20. Page 10, line 13, by striking the words "may
36 loan all or part" and inserting the following: "shall
37 loan all".

38 21. Page 10, line 19, by inserting after the word
39 "desirable" the following: ", including any
40 restrictions on the subordination of the moneys
41 loaned".

42 22. Page 10, by inserting after line 28 the
43 following:

44 "_. The corporation shall not expend moneys
45 originating from the state, including moneys loaned

46 under this section, on political activity or on any
47 attempt to influence legislation."

48 23. Page 10, line 30, by striking the word

49 "either" and inserting the following: "any".

50 24. Page 11, by inserting after line 23 the

Page 4

1 following:

2 "____. A member of the economic development board,

3 an employee of the department of economic development,

4 an elected state official, or any director or other

5 officer or an employee of the corporation."

6 25. Page 12, by striking lines 25 through 28 and

7 inserting the following: "articles shall provide that

8 an audit of the corporation must be conducted each

9 year for the preceding year by a certified public

10 accountant licensed pursuant to chapter 542C. The

11 auditor of state may audit the books and accounts of

12 the corporation at any time. The results of the

13 annual audit and any audit for the current year

14 conducted by the auditor of state shall be included as

15 part of the report."

16 26. Page 12, line 32, by inserting after the word

17 "corporation." the following: "If the eligible

18 recipient is an agricultural producer as provided in

19 section 15E.210, the agreement shall not be executed

20 unless the agricultural producer holds voting common

21 stock in the corporation equal to at least five

22 percent of the financing provided to the agricultural

23 producer pursuant to the agreement."

24 27. Page 13, by striking lines 11 and 12 and

25 inserting the following:

26 "____. To the extent feasible and fiscally prudent,

27 the corporation must maintain a portfolio which is

28 diversified among the various types of agricultural

29 commodities and agribusiness.

30 _____. Not more than seventy-five percent of moneys

31 originating from the state, including moneys loaned to

32 the corporation pursuant to this section, may be used

33 to finance any one Iowa agricultural industry

34 venture."

35 28. Page 13, by striking lines 26 through 33.

36 29. Page 14, line 28, by striking the words

37 "general fund of the state" and inserting the

38 following: "road use tax fund created pursuant to

39 section 312.1".

40 30. Page 15, line 1, by striking the words "must

41 participate" and inserting the following:

42 "participating".

43 31. Page 15, by striking lines 11 and 12 and

44 inserting the following:

45 "b. An agricultural products processor which
46 participates as part of an Iowa".
47 32. By striking page 15, line 30, through page
48 16, line 1, and inserting the following: "produced in
49 this state. However, the corporation may provide
50 financing, if its board of directors determines that

Page 5

1 adequate supplies of the commodity are not available
2 for processing as otherwise required in this
3 subparagraph subdivision."

4 33. Page 16, by inserting before line 2 the
5 following:

6 " _____. An agricultural biotechnology enterprise
7 which qualifies as an Iowa agricultural industry
8 venture as provided according to the terms of an
9 agreement executed by the agricultural biotechnology
10 enterprise and the corporation, if the board of
11 directors for the corporation determines that the
12 enterprise would advance the intent and purposes set
13 out in section 15E.203."

14 34. Page 16, by inserting after line 21 the
15 following:

16 "Sec. _____. Section 423.24, Code Supplement 1997,
17 is amended by inserting the following new unnumbered
18 paragraph before subsection 1:

19 NEW UNNUMBERED PARAGRAPH. Except as otherwise
20 provided in section 312.2, subsection 15, all revenues
21 derived from the use tax on motor vehicles, trailers,
22 and motor vehicle accessories and equipment as
23 collected pursuant to sections 423.7 and 423.7A shall
24 be deposited and credited to the road use tax fund and
25 shall be used exclusively for the construction,
26 maintenance, and supervision of public highways.

27 Sec. _____. Section 423.24, subsection 1, unnumbered
28 paragraph 1, Code Supplement 1997, is amended to read
29 as follows:

30 Eighty percent of Notwithstanding any provision of
31 this section which provides that all revenues derived
32 from the use tax on motor vehicles, trailers, and
33 motor vehicle accessories and equipment as collected
34 pursuant to section 423.7 and section 423.7A shall be
35 deposited and credited to the road use tax fund,
36 eighty percent of the revenues shall be deposited and
37 credited as follows:"

38 35. Page 17, by inserting after line 4 the
39 following:

40 "Sec. _____. Section 423.24, subsection 1, paragraph
41 c, Code Supplement 1997, is amended by striking the
42 paragraph.

43 Sec. _____. Section 423.24, subsection 2, Code

44 Supplement 1997, is amended to read as follows:

45 ~~2. Twenty percent of Notwithstanding any other~~
46 ~~provision of this section that provides that all~~
47 ~~revenue derived from the use tax on motor vehicles,~~
48 ~~trailers, and motor vehicle accessories and equipment~~
49 ~~as collected pursuant to section 423.7 shall be~~
50 ~~deposited and credited to the road use tax fund.~~

Page 6

1 twenty percent of the revenues shall be credited and
2 deposited as follows: one-half to the road use tax
3 fund and one-half to the primary road fund to be used
4 for the commercial and industrial highway network,
5 except to the extent that the department directs that
6 moneys are deposited in the highway safety patrol fund
7 created in section 80.41 to fund the appropriations
8 made from the highway safety patrol fund in accordance
9 with the provisions of section 80.41. The department
10 shall determine the amount of moneys to be credited
11 under this subsection to the highway safety patrol
12 fund and shall deposit that amount into the highway
13 safety patrol fund.

14 Sec. ____ NEW SECTION. 423.24A REIMBURSEMENT FOR
15 THE PRIMARY ROAD FUND.

16 From moneys deposited into the road use tax fund,
17 the department may credit to the primary road fund any
18 amount of revenues derived from the use tax on motor
19 vehicles, trailers, and motor vehicles accessories and
20 equipment as collected pursuant to sections 423.7 and
21 423.7A to the extent necessary to reimburse that fund
22 for the expenditures not otherwise eligible to be made
23 from the primary road fund, which are made for
24 repairing, improving, and maintaining bridges over the
25 rivers bordering the state. Expenditures for those
26 portions of bridges within adjacent states may be
27 included when they are made pursuant to an agreement
28 entered into under section 313.63, 313A.34, or
29 314.10."

30 36. Page 17, by striking lines 18 through 23.

31 37. Page 17, by inserting before line 24 the
32 following:

33 "Sec. ____ SEVERABILITY. If any provision of this
34 Act or the application of this Act to any person or
35 circumstance is held invalid, the invalidity shall not
36 affect other provisions or applications of this Act
37 which shall be given effect without the invalid
38 provision or application, and to this end the
39 provisions of this Act are severable."

40 38. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

S-5754

1 Amend the amendment, S-5749, to the House
2 amendment, S-5540, to Senate File 2296, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 17, by striking lines 34 through 36 and
5 inserting the following: "education required by the
6 certified program and the employer's agreement to both
7 of the following:
8 a. To provide and pay at least eighty percent of
9 the cost of a standard medical and dental insurance
10 plan for the participant.
11 b. To pay a full-time hourly wage to the
12 participant of at least eleven dollars per hour
13 indexed to 1998 dollars based on the gross national
14 product implicit price deflator published by the
15 bureau of economic analysis of the United States
16 department of commerce or one hundred thirty percent
17 of the average wage in the county in which the
18 facility where the participant will be employed is
19 located, whichever is higher.
20 However, the agreement may provide for additional
21 education and work commitments beyond the two years."

PATRICIA HARPER
MATT McCOY

S-5755

1 Amend the amendment, S-5749, to the House
2 amendment, S-5540, to Senate File 2296, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 24, by striking line 2 and inserting the
5 following:
6 "Sec. ____ NEW SECTION. 16.5A NONPROFIT
7 CORPORATIONS.
8 Any nonprofit".
9 2. Page 24, by striking line 11 and inserting the
10 following:
11 "Sec. ____ NEW SECTION. 16.5B HOUSING
12 CORPORATION BOARD.
13 The board of".
14 3. Page 24, line 18, by inserting after the word
15 "association." the following: "One member of the
16 board of directors shall be a representative of a
17 nonprofit organization appointed by the governor
18 subject to confirmation by the senate."
19 4. Page 24, by inserting after line 18 the
20 following:
21 "Sec. ____ NEW SECTION. 16.5C NONPROFIT
22 CORPORATION AUDIT.
23 By January 15, 1999, the auditor of state shall

24 conduct an audit, or review any previously completed
 25 audit, of any nonprofit corporation in existence which
 26 has been incorporated since January 1, 1989, by or in
 27 association with the Iowa finance authority, for the
 28 entire period since the corporation was incorporated.
 29 The auditor shall make or cause to be made a written
 30 report consistent with and similar to the type of
 31 report required under section 11.4. The auditor of
 32 state may conduct similar additional audits of the
 33 same nonprofit corporation as the auditor deems
 34 necessary and the nonprofit corporation shall pay a
 35 fee for all audits conducted."
 36 5. By renumbering as necessary.

PATRICIA HARPER
 MATT McCOY

S-5756

1 Amend the amendment, S-5749, to the House
 2 amendment, S-5540, to Senate File 2296, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 13, by inserting after line 30 the
 5 following:
 6 "Sec. ____ There is appropriated from those funds
 7 designated for the fiscal year beginning July 1, 1998,
 8 and ending June 30, 1999, the following amounts, to be
 9 used for the purposes designated:
 10 To the Iowa hope loan revolving fund created in
 11 section 261.17A, subsection 7:
 12 1. To be expended from the strategic investment
 13 fund created in section 15.313:
 14 \$ 150,000
 15 2. To be expended from the general fund of the
 16 state:
 17 \$ 800,000"
 18 2. By renumbering as necessary.

MATT McCOY

S-5757

1 Amend the amendment, S-5749, to the House
 2 amendment, S-5540, to Senate File 2296, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 24, by striking line 2 and inserting the
 5 following:
 6 "Sec. ____ NEW SECTION. 16.5A NONPROFIT
 7 CORPORATIONS.
 8 Any nonprofit".
 9 2. Page 24, by striking line 11 and inserting the
 10 following:

- 11 "Sec. ____ NEW SECTION. 16.5B HOUSING
12 CORPORATION BOARD.
13 The board of".

STEWART IVERSON, Jr.

S-5758

- 1 Amend the amendment, S-5749, to the House
2 amendment, S-5540, to Senate File 2296, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. By striking page 15, line 22, through page 19,
5 line 4.
6 2. Page 25, lines 29 and 30, by striking the
7 figures ", 15, 16, 17, 18, 19, 20, 21,".
8 3. By renumbering as necessary.

MIKE CONNOLLY

S-5759

- 1 Amend the amendment, S-5749, to the House
2 amendment, S-5540, to Senate File 2296, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 13, by inserting after line 30 the
5 following:
6 "Sec. ____ There is appropriated from those funds
7 designated for the fiscal year beginning July 1, 1998,
8 and ending June 30, 1999, the following amounts, to be
9 used for the purposes designated:
10 To the job training fund created in section 260F.6:
11 1. To be expended from the strategic investment
12 fund created in section 15.313:
13 \$ 150,000
14 2. To be expended from the general fund of the
15 state:
16 \$ 650,000"
17 2. By renumbering as necessary.

MATT McCOY

S-5760

- 1 Amend the amendment, S-5749, to the House
2 amendment, S-5540, to Senate File 2296, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 21, by inserting after line 35 the
5 following:
6 "Sec. ____ Section 99F.4A, Code 1997, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 9. A licensed excursion gambling
9 boat or a pari-mutuel racetrack and its facilities may

10 be sold a new license and a new license may be issued
11 for operation in the same county."

MATT McCOY

HOUSE AMENDMENT TO
SENATE FILE 2345

S-5761

1 Amend Senate File 2345, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 9.
4 2. Page 2, by inserting after line 1 the
5 following:

6 "Sec. ____ Section 232.78, subsection 1, Code
7 1997, is amended by adding the following new
8 paragraph:

9 NEW PARAGRAPH. d. The application for the order
10 includes a statement of the facts to support the
11 findings specified in paragraphs "a", "b", and "c".

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

14 "Sec. ____ Section 232.78, Code 1997, is amended
15 by adding the following new subsection:

16 NEW SUBSECTION. 1A. The person making the
17 application for an order shall assert facts showing
18 there is reasonable cause to believe that the child
19 cannot either be returned to the place where the child
20 was residing or placed with the parent who does not
21 have physical care of the child."

22 4. Page 2, line 12, by inserting after the word
23 "application." the following: "If the court does not
24 designate an appropriate person who performs the
25 required duties, notwithstanding section 234.39 or any
26 other provision of law, the child's parent shall not
27 be responsible for paying the cost of care and
28 services for the duration of the removal order."

29 5. Page 2, line 12, by inserting after the word
30 "application." the following: "The person designated
31 by the court shall file with the court a complete
32 written report providing all details of the designee's
33 conference with the person seeking the removal order,
34 the designee's efforts to inform the parents or other
35 person legally responsible for the child's care of the
36 application, and any inquiries made by the designee to
37 aid the court in disposing of the application. The
38 report shall be filed within five days of the date of
39 the removal order."

40 6. Page 2, line 28, by striking the word
41 "therein" and inserting the following: "therein in
42 the home".

43 7. Page 3, by inserting after line 10 the
44 following:
45 "Sec. ____ Section 232.99, Code 1997, is amended
46 by adding the following new subsection:
47 NEW SUBSECTION. 2A. In the initial dispositional
48 hearing, any hearing held under section 232.103, and
49 any dispositional review or permanency hearing, the
50 court shall inquire of the parties as to the

Page 2

1 sufficiency of the services being provided and whether
2 additional services are needed to facilitate the safe
3 return of the child to the child's home. If the court
4 determines such services are needed, the court shall
5 order the services to be provided. The court shall
6 advise the parties that failure to identify a
7 deficiency in services or to request additional
8 services may preclude the party from challenging the
9 sufficiency of the services in a termination of
10 parent-child relationship proceeding.

11 Sec. ____ Section 232.102, subsection 1, paragraph
12 a, Code Supplement 1997, is amended to read as
13 follows:

14 a. A parent who does not have physical care of the
15 child, other relative, or other suitable person."

16 8. Page 3, by striking line 17 and inserting the
17 following: "welfare of the child, and that shall
18 identify the reasonable efforts that have been".

19 9. Page 3, by inserting after line 19 the
20 following:

21 "Sec. ____ Section 232.102, subsection 7, Code
22 Supplement 1997, is amended to read as follows:

23 7. In any order transferring custody to the
24 department or an agency, or in orders pursuant to a
25 custody order, the court shall specify the nature and
26 category of disposition which will serve the best
27 interests of the child, and shall prescribe the means
28 by which the placement shall be monitored by the
29 court. If the court orders the transfer of the
30 custody of the child to the department of human
31 services or other agency for placement, the department
32 or agency shall submit a case permanency plan to the
33 court and shall make every reasonable effort to return
34 the child to the child's home as quickly as possible
35 consistent with the best interest of the child. When
36 the child is not returned to the child's home and if
37 the child has been previously placed in a licensed
38 foster care facility, the department or agency shall
39 consider placing the child in the same licensed foster
40 care facility. If the court orders the transfer of
41 custody to a parent who does not have physical care of

42 the child, other relative, or other suitable person,
43 the court may direct the department or other agency to
44 provide services to the child's parent, guardian, or
45 custodian in order to enable them to resume custody of
46 the child. If the court orders the transfer of
47 custody to the department of human services or to
48 another agency for placement in foster group care, the
49 department or agency shall make every reasonable
50 effort to place the child within Iowa, in the least

Page 3

1 restrictive, most family-like, and most appropriate
2 setting available, and in close proximity to the
3 parents' home, consistent with the child's best
4 interests and special needs, and shall consider the
5 placement's proximity to the school in which the child
6 is enrolled at the time of placement."

7 10. Page 4, by striking lines 23 and 24 and
8 inserting the following: "circumstances is indicated
9 by any of the following:"

10 11. By striking page 4, line 26, through page 5,
11 line 19, and inserting the following:

12 "_. The court finds the circumstances described
13 in section 232.116, subsection 1, paragraph "h", are
14 applicable to the child."

15 12. Page 5, line 22, by striking the words "a
16 preponderance of" and inserting the following: "clear
17 and convincing".

18 13. Page 5, by striking lines 30 and 31 and
19 inserting the following:

20 "_. The parent has been convicted of aiding or
21 abetting, attempting, conspiring in, or soliciting the
22 commission of the murder or voluntary".

23 14. Page 7, by striking lines 30 and 31 and
24 inserting the following:

25 "(2) A court has determined aggravated
26 circumstances exist and has waived the requirement for
27 making reasonable efforts under section 232.102
28 because the court has found the circumstances
29 described in section 232.116, subsection 1, paragraph
30 "h", are applicable to the child.

31 (3) The child is less than twelve months of age
32 and has been judicially determined to meet the
33 definition of abandonment of a child."

34 15. Page 7, by striking line 32 and inserting the
35 following:

36 "(4) The parent has been convicted of the murder".

37 16. Page 7, by striking lines 34 and 35 and
38 inserting the following:

39 "(5) The parent has been convicted of aiding or
40 abetting, attempting, conspiring in, or soliciting the

41 commission".

42 17. Page 8, by inserting after line 2 the
43 following:

44 "(6) The parent has been convicted of a felony
45 assault which resulted in serious bodily injury of the
46 child or of another child of the parent."

47 18. Page 8, line 11, by inserting after the word
48 "child." the following: "A compelling reason shall
49 include but is not limited to documentation in the
50 child's case permanency plan indicating it is

Page 4

1 reasonably likely the completion of the services being
2 received in accordance with the permanency plan will
3 eliminate the need for removal of the child or make it
4 possible for the child to safely return to the
5 family's home within six months."

6 19. Page 8, by inserting after line 17 the
7 following:

8 "Sec. . Section 232.112, subsection 1, Code
9 1997, is amended to read as follows:

10 1. Persons listed in section 232.111, subsection
11 3, shall be necessary parties to a termination of
12 parent-child relationship proceeding and are entitled
13 to receive notice and an opportunity to be heard,
14 except that notice may be dispensed with in the case
15 of any such person whose name or whereabouts the court
16 determines is unknown and cannot be ascertained by
17 reasonably diligent search. In addition to the
18 persons who are necessary parties who may be parties
19 under section 232.111, notice for any hearing under
20 this division shall be provided to the child's foster
21 parent, an individual providing preadoptive care for
22 the child, or a relative providing care for the
23 child."

24 20. Page 8, by inserting before line 18 the
25 following:

26 "Sec. ____ Section 232.111, subsection 3, Code
27 1997, is amended by adding the following new paragraph
28 after paragraph d and renumbering the subsequent
29 paragraph:

30 NEW PARAGRAPH. e. A complete list of the services
31 which have been offered to preserve the family and a
32 statement specifying the services provided to address
33 the reasons stated in any order for removal or in any
34 dispositional or permanency order which did not return
35 the child to the child's home."

36 21. Page 8, by striking lines 22 through 24 and
37 inserting the following: "to the child's safety, to
38 the best placement for furthering the long-term
39 nurturing and growth of the child, and to the

40 physical, mental, and emotional condition and needs of
41 the child. ~~Such~~ This consideration may include any of
42 the following:"

43 22. Page 8, by inserting before line 25 the
44 following:

45 "Sec. ____ Section 232.117, subsection 3,
46 paragraph c, Code 1997, is amended to read as follows:

47 c. A parent who does not have physical care of the
48 child, other relative, or other suitable person."

49 23. Page 10, line 11, by striking the words
50 "physical assault, battery, or".

Page 5

1 24. Page 10, by striking line 12 and inserting
2 the following:

3 "(b) Child endangerment or neglect or abandonment
4 of a dependent person."

5 25. Page 10, line 15, by striking the words
6 "child pornography" and inserting the following:
7 "sexual exploitation of a minor".

8 26. Page 10, by striking lines 16 and 17 and
9 inserting the following:

10 "(e) A forcible felony."

11 27. Page 10, line 34, by striking the words
12 "physical assault, battery, or".

13 28. Page 10, by striking line 35 and inserting
14 the following:

15 "(b) Child endangerment or neglect or abandonment
16 of a dependent person."

17 29. Page 11, line 3, by striking the words "child
18 pornography" and inserting the following: "sexual
19 exploitation of a minor".

20 30. Page 11, by striking lines 4 and 5 and
21 inserting the following:

22 "(e) A forcible felony."

23 31. Page 11, by inserting after line 14 the
24 following:

25 "Sec. ____ PRESERVATION OF REASONABLE PARENTING.

26 Nothing in this Act is intended to disrupt the family
27 unnecessarily or to intrude inappropriately into
28 family life, to prohibit the use of reasonable methods
29 of parental discipline, or to prescribe a particular
30 method of parenting."

31 32. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2061

S-5762

1 Amend Senate File 2061 as follows:

2 1. Page 1, by striking lines 10 through 23 and
3 inserting the following:

4 "Sec. ____ Section 445.5, subsection 1, unnumbered
5 paragraph 1, Code Supplement 1997, is amended to read
6 as follows:

7 As soon as practicable after receiving the tax list
8 prescribed in chapter 443, the treasurer shall deliver
9 to the ~~taxpayer~~ titleholder a statement of taxes due
10 and payable which shall include the following
11 information:

12 Sec. ____ Section 445.5, subsection 1, unnumbered
13 paragraph 2, Code Supplement 1997, is amended by
14 striking the paragraph and inserting in lieu thereof
15 the following:

16 2. The county treasurer shall each year, upon
17 request, deliver to the following persons or entities,
18 or their duly authorized agents, a copy of the tax
19 statement or tax statement information:

20 a. Contract purchaser.

21 b. Lessee.

22 c. Mortgagee.

23 d. Financial institution organized or chartered or
24 holding an authorization certificate pursuant to
25 chapter 524, 533, or 534.

26 e. Federally chartered financial institution.

27 The treasurer may negotiate and charge a reasonable
28 fee not to exceed the cost of producing the
29 information for the requestor for a tax statement or
30 tax statement information provided by the treasurer.

31 3. A person other than those listed in subsection
32 2, who requests a tax statement or tax statement
33 information, shall pay a fee to the treasurer at a
34 rate not to exceed two dollars per parcel."

35 2. Page 1, by striking lines 26 and 27 and
36 inserting the following:

37 "For the fiscal years beginning July 1, 1998, and
38 July 1, 1999, a county may apply to the director of
39 the".

40 3. By striking page 1, line 35, through page 2,
41 line 2, and inserting the following: "or before
42 January 1, 1999."

43 4. Page 2, by striking lines 29 through 35 and
44 inserting the following: "a percentage increase or
45 decrease."

46 5. Page 3, by striking lines 3 and 4 and
47 inserting the following: "certify a tax to be

48 levied."

49 6. Title page, line 1, by inserting after the
50 word "to" the following: "property tax statements and

Page 2

1 to".

2 7. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

S-5763

1 Amend the House amendment, S-5761, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 4, by inserting after line 48 the
5 following:

6 ". Page 9, by inserting after line 8 the
7 following:

8 "Sec. ____ NEW SECTION. 232.120 PREADOPTIVE CARE
9 -- CONTINUED PLACEMENT.

10 If a foster parent is providing preadoptive care to
11 a child for whom a termination of parental rights
12 petition has been filed, the placement of the child
13 with that foster parent shall continue through the
14 termination of parental rights proceeding unless the
15 court orders otherwise based upon the best interests
16 of the child."

17 2. By renumbering as necessary.

JOHN REDWINE

S-5764

1 Amend House File 2546, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 8, by striking the word "shall"
4 and inserting the following: "may".

5 2. Page 1, lines 25 through 27, by striking the
6 words "other than a site located underground and
7 holding a grain warehouse license."

8 3. Page 1, line 29, by striking the word "fifty"
9 and inserting the following: "thirty-five".

10 4. Page 1, by striking lines 30 through 32 and
11 inserting the following: "equivalent collected by the
12 site and the prior to July 1, 1998. The financial".

13 5. Page 1, lines 34 and 35, by striking the words
14 "eighty-five" and inserting the following: "eighty-
15 five thirty-five".

16 6. Page 2, line 2, by inserting after the word
17 "department." the following: "This paragraph shall
18 take effect July 1, 1999."

- 19 7. Page 2, by striking lines 12 through 18 and
20 inserting the following: "tire collection or
21 processing site, the financial assurance instrument
22 for a waste tire collection site shall provide
23 coverage in an amount which is equivalent to eighty-
24 five cents per passenger tire equivalent collected by
25 the site on or after July 1, 1998, and the financial
26 assurance instrument for a waste tire processing site
27 shall provide coverage in an amount which is
28 equivalent to eighty-five cents per passenger tire
29 equivalent collected for processing by the site which
30 is above the three-day processing supply of tires for
31 the site as determined by the department."
32 8. By striking page 2, line 19, through page 3,
33 line 1.
34 9. By renumbering as necessary.

MERLIN E. BARTZ
H. KAY HEDGE

S-5765

- 1 Amend the amendment, S-5743, to Senate File 2281,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, lines 4 and 5, by striking the words
5 "hourly rates or setting per case".
6 2. Page 1, line 11, by inserting after the word
7 "time," the following: "the amount of funds
8 appropriated for the representation of indigents."
9 3. Page 1, line 20, by inserting after the word
10 "court," the following: "The type of review and
11 relief that the court may provide shall be limited to
12 the review and relief specified in section 17A.19."
13 4. Page 1, line 27, by inserting after the word
14 "court," the following: "The type of review and
15 relief that the court may provide shall be limited to
16 the review and relief specified in section 17A.19."

O. GENE MADDOX

S-5766

- 1 Amend the House amendment, S-5762, to Senate File
2 2061, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 43 through 45 and
4 inserting the following:
5 "2. Page 2, by striking lines 29 through 31 and
6 inserting the following: "a percentage increase or
7 decrease. The comparative"."
8 2. Page 1, by inserting before line 46 the
9 following:

- 10 ". Page 2, line 32, by striking the words "and
11 publication".
12 3. By renumbering as necessary.

JoANN DOUGLAS

S-5767

- 1 Amend the House amendment, S-5761, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 36, by striking the word "and".
5 2. Page 1, line 37, by inserting after the word
6 "application" the following: ", and all information
7 the designee communicated to the court".

STEVE KING

S-5768

- 1 Amend the House amendment, S-5761, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 4, by inserting after line 48 the
5 following:
6 "____. Page 9, by inserting after line 8 the
7 following:
8 "Sec. ____ Section 232.147, subsection 3, Code
9 Supplement 1997, is amended by adding the following
10 new paragraph:
11 NEW PARAGRAPH. h. If authorized by a subject of a
12 child abuse report as identified in section 235A.15,
13 subsection 2, paragraph "a", or by the parent,
14 guardian, or custodian of a child receiving services
15 or involved in a proceeding under this chapter, to a
16 statewide elected official, as defined in section
17 68B.2, a member of the general assembly, or a designee
18 of the statewide elected official or member of the
19 general assembly. The purpose of the disclosure shall
20 be for the elected official, member of the general
21 assembly, or designee to monitor compliance of state
22 agencies, officials, and employees with requirements
23 under law and the adequacy of the requirements. The
24 authorization under this paragraph shall encompass
25 information in the record which is subject to section
26 217.30 or 228.3 and relates to the person providing
27 the authorization or to a child of the person. The
28 penalties applicable to violations of section 217.30
29 or 228.3 are applicable to unauthorized disclosures of
30 information which are subject to section 217.30 or
31 228.3.
32 Sec. ____ Section 232.147, subsection 5, Code

33 Supplement 1997, is amended by adding the following
34 new unnumbered paragraph:
35 NEW UNNUMBERED PARAGRAPH. An individual authorized
36 under subsection 3, paragraph "h", to inspect official
37 juvenile court records, may inspect social records and
38 the contents of the records and the official juvenile
39 court records of cases alleging delinquency shall be
40 disclosed to such individual for the purposes
41 described in subsection 3, paragraph "h". The
42 authorization under this paragraph shall encompass
43 information in the record which is subject to section
44 217.30 or 228.3 and relates to the person providing
45 the authorization or to a child of the person. The
46 penalties applicable to violations of section 217.30
47 or 228.3 are applicable to unauthorized disclosures of
48 information which are subject to section 217.30 or
49 228.3."
50 ____ Page 9, by inserting after line 23 the

Page 2

1 following:
2 "Sec. ____ Section 235A.15, subsection 2,
3 paragraph d, Code Supplement 1997, is amended by
4 adding the following new subparagraph:
5 NEW SUBPARAGRAPH. (6) If authorized by a subject
6 of a child abuse report as identified in paragraph
7 "a", to a statewide elected official as defined in
8 section 68B.2, a member of the general assembly, or a
9 designee of a statewide elected official or member of
10 the general assembly, to the maximum extent access to
11 the information is available to any other person
12 authorized under this lettered paragraph. The purpose
13 of the access shall be to monitor compliance of state
14 agencies, officials, and employees with requirements
15 under the law and the adequacy of the requirements.
16 The authorization under this subparagraph shall
17 encompass child abuse information which is subject to
18 section 217.30 or 228.3 and relates to the person
19 providing the authorization or to a child of the
20 person. The penalties applicable to violations of
21 section 217.30 or 228.3 are applicable to unauthorized
22 disclosures of information which are subject to
23 section 217.30 or 228.3.
24 Sec. ____ Section 235A.19, subsection 2, paragraph
25 b, Code Supplement 1997, is amended by adding the
26 following new subparagraph:
27 NEW SUBPARAGRAPH. (8) To a statewide elected
28 official, a member of the general assembly, or a
29 designee of a statewide elected official or member of
30 the general assembly authorized under section 235A.15,
31 subsection 2, paragraph "d". The authorization under

32 this subparagraph shall encompass child abuse
33 information which is subject to section 217.30 or
34 228.3 and relates to the person providing the
35 authorization or to a child of the person. The
36 penalties applicable to violations of section 217.30
37 or 228.3 are applicable to unauthorized disclosures of
38 information which are subject to section 217.30 or
39 228.3.""
40 2. By renumbering as necessary.

STEVE KING

S-5769

1 Amend the House amendment, S-5359 to Senate File
2 2320, as passed by the Senate, as follows:
3 1. By striking page 1, line 1, through page 2,
4 line 34 and inserting the following:
5 "Amend Senate File 2320, as passed by the Senate,
6 as follows:
7 _____. By striking everything after the enacting
8 clause and inserting the following:
9 "Sec. _____. Section 99F.4A, subsection 2, Code
10 1997, is amended to read as follows:
11 2. A license to operate gambling games shall be
12 issued only to a licensee holding a valid license to
13 conduct pari-mutuel dog or horse racing pursuant to
14 chapter 99D on January 1, 1994. A licensed pari-
15 mutuel racetrack and its current licensed gaming
16 facilities may be sold and a new license may be issued
17 for operation in the same county only after a majority
18 of the voters of the county in which the racetrack
19 enclosure is located, voting on the transfer proposal,
20 approves it. The transfer proposal shall be submitted
21 by the board of supervisors at a general election or a
22 special election called for that purpose. If the
23 proposal is approved, the issuance of a new license is
24 subject to application to, and approval by, the
25 commission.""

JACK RIFE
MICHAEL E. GRONSTAL

S-5770

1 Amend the House amendment, S-5761, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 5, by inserting after line 24, the
5 following:
6 "Sec. _____. Section 600.12A, if enacted by the 1998
7 Iowa Acts, Senate File 2338, is amended by adding the

8 following new subsection:

9 NEW SUBSECTION. 1A. If the person to be adopted
10 dies following termination of the parental rights of
11 the person's biological parents but prior to the
12 filing of an adoption petition, the person who was the
13 guardian or custodian of the person to be adopted
14 prior to the person's death or the person who was in a
15 parent-child relationship with the person to be
16 adopted prior to the person's death may file an
17 adoption petition and the court in the interest of
18 justice may waive any other procedures or requirements
19 related to the adoption, proceed to the adoption
20 hearing, and issue a final adoption decree, unless any
21 person to whom notice is to be provided pursuant to
22 section 600.11 objects to the adoption."
23 2. By renumbering as necessary.

NEAL SCHUERER
ROBERT E. DVORSKY

HOUSE AMENDMENT TO
SENATE FILE 2418

S-5771

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 26 the
4 following:

5 "Sec. ____ LEGISLATIVE COUNCIL. There is
6 appropriated from the general fund of the state to the
7 legislative council for use by the legislative
8 oversight committee for the fiscal year beginning July
9 1, 1998, and ending June 30, 1999, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purpose designated:

12 \$ 75,000

13 The legislative oversight committee shall use funds
14 appropriated in this section to retain a consultant to
15 study and review potential options related to the
16 disposition of the Iowa communications network, and
17 potential options related to a change in the
18 management structure of the network, including but not
19 limited to, the privatization of all or a portion of
20 the management functions of the network. For purposes
21 of this study, the consultant shall assume that such
22 disposition or change in management structure shall
23 not occur until such time as the build-out of Part III
24 is complete. The consultant shall provide a written
25 final report to the general assembly no later than
26 January 11, 1999. The co-chairpersons of the
27 committee are authorized to appoint an advisory

28 committee composed of members as deemed appropriate by
29 the co-chairpersons to assist the consultant as
30 appropriate."

31 2. Page 5, by striking lines 5 through 24.

32 3. Page 6, by striking lines 10 through 17.

33 4. Page 7, by inserting after line 26 the
34 following:

35 "____. To the department of revenue and finance for
36 telefiling of tax returns:

37 \$ 150,000"

38 5. Page 7, by inserting after line 32 the
39 following:

40 "The commission, prior to obligating any funds
41 under this paragraph, shall submit the proposed
42 expenditure to the legislative oversight committee of
43 the legislative council for review and approval. The
44 commission, in submitting such proposal, shall also
45 make a recommendation as to whether such replacement
46 optical components should be purchased, leased, or
47 procured in some other manner, in an effort to
48 minimize the cost to the state."

49 6. By striking page 7, line 33, through page 8,
50 line 3.

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1 7. Page 8, by striking lines 18 through 20.

2 8. Page 8, by striking lines 30 through 32.

3 9. Page 9, by striking lines 22 through 31.

4 10. By striking page 10, line 16, through page 12,
5 line 32 and inserting the following:

6 "Sec. ____ NEW SECTION. 18.181 IOWACCESS
7 ADVISORY COUNCIL.

8 1. An IowAccess advisory council is created within
9 the division of information technology services of the
10 department. At a minimum, the advisory council shall
11 be composed of all of the following:

12 a. A person appointed by the legislative council,
13 who may be a member or a staff member of the general
14 assembly, designated to represent the general
15 assembly.

16 b. The chief justice of the supreme court or the
17 chief justice's designee to represent the judicial
18 branch.

19 c. The director of the department of management or
20 the director's designee.

21 d. The auditor of state or the auditor's designee.

22 e. Seven individuals appointed by the director of
23 the division of information technology services who
24 shall include all of the following:

25 (1) One person representing financial institutions
26 who shall be actively engaged in finance and banking.

27 (2) One person representing insurers who shall be
28 actively engaged in the insurance industry.

29 (3) One person representing attorneys who shall be
30 actively engaged in the profession of law.

31 (4) One person representing media interests.

32 (5) One person representing cities who shall be
33 actively engaged in the administration of a city.

34 (6) One person representing counties who shall be
35 actively engaged in the administration of a county.

36 (7) One person with technical expertise who shall
37 provide guidance and advice on the status of

38 technology and anticipated technological
39 developments.

40 f. Other heads of agencies or elected officials or
41 their designees as well as other representatives of
42 the public, business, and industry as determined by
43 the director of the division of information technology
44 services.

45 2. Persons appointed by the director of the
46 division of information technology services shall be
47 selected from a list of candidates nominated by
48 interested organizations consulted by the director.

49 3. Appointed members shall serve three-year terms
50 beginning and ending as provided in section 69.19. An

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1 appointed member is eligible for reappointment to one
2 additional three-year term. A vacancy on the board
3 shall be filled for the unexpired portion of the
4 regular term in the same manner as regular
5 appointments are made.

6 4. The advisory council shall meet not less than
7 four times annually, and may meet more frequently at
8 the call of the chairperson or upon written request of
9 six or more members to the chairperson. The
10 chairperson shall call a meeting of the council at
11 least once every three months. The advisory council
12 shall annually select a chairperson from among its
13 members.

14 Sec. . NEW SECTION. 18.182 POWERS AND DUTIES 15 OF THE IOWACCESS ADVISORY COUNCIL.

16 The director of the division of information
17 technology services shall seek the advice of the
18 advisory council regarding all of the following:

19 1. Developing a process for reviewing and
20 establishing priorities for implementation of
21 electronic access to government records.

22 2. Establishing priorities for implementing
23 electronic access to government records.

24 3. Establishing priorities for implementing
25 electronic transactions involving government agencies

26 and members of the public.

27 4. Budgeting, funding, and operating expenses
28 related to developing, implementing, and maintaining
29 electronic access to government records.

30 5. Reviewing, inspecting, and evaluating the
31 technology and financial audits as required in section
32 18.185, for the purpose of recommending program
33 improvements, efficiencies, and priorities to the
34 division of information technology services.

35 6. Reviewing the basis of all charges and fees to
36 the public for accessing government records
37 electronically to ensure that the charges do not
38 exceed the reasonable cost of providing a public
39 record as provided in section 22.3A.

40 7. Reviewing requests for proposals, proposals,
41 and contracts which involve the management and
42 operation of the IowaAccess network by a private
43 entity.

44 8. Monitoring privacy and confidentiality of
45 public records which are accessed electronically.

46 Sec. ____ NEW SECTION. 18.183 POWERS AND
47 RESPONSIBILITIES VESTED IN INDIVIDUAL GOVERNMENT
48 AGENCIES.

49 1. The government agency that is the lawful
50 custodian of a public record shall be responsible for

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1 determining whether a record is required by state
2 statute to be confidential. The transmission of a
3 record by a government agency by use of electronic
4 means established, maintained, or managed by the
5 division of information technology services shall not
6 constitute a transfer of the legal custody of the
7 record from the individual government agency to the
8 division of information technology services or to any
9 other person or entity.

10 2. The division of information technology services
11 shall not have authority to determine whether an
12 individual government agency should automate records
13 of which the individual government agency is the
14 lawful custodian. However, the division may encourage
15 governmental agencies to implement electronic access
16 to government records as provided in section 18.182.

17 3. A government agency shall not limit access to a
18 record by requiring a citizen to receive the record
19 electronically as the only means of providing the
20 record. A person shall have the right to examine and
21 copy a printed form of a public record as provided in
22 section 22.2, unless the public record is
23 confidential.

24 4. A person who contracts with a government agency

25 to provide access or disseminate public records by
26 electronic or other means shall pay the same fee which
27 would be charged to the public under chapter 22 for
28 any public record that is in any manner utilized by
29 the person in a venture that is not part of the
30 contract with the government agency.

31 Sec. ____ NEW SECTION. 18.184 FINANCIAL
32 TRANSACTIONS.

33 1. The division of information technology services
34 shall collect moneys paid to participating
35 governmental entities from persons who complete an
36 electronic financial transaction with the governmental
37 entity by accessing the IowAccess network. The moneys
38 may include all of the following:

39 a. Fees required to obtain an electronic public
40 record as provided in section 22.3A.

41 b. Fees required to process an application or file
42 a document, including but not limited to fees required
43 to obtain a license issued by a licensing authority.

44 c. Moneys owed to a governmental entity by a
45 person accessing the IowAccess network in order to
46 satisfy a liability arising from the operation of law,
47 including the payment of assessments, taxes, fines,
48 and civil penalties.

49 2. Moneys transferred using the IowAccess network
50 may include amounts owed by a governmental entity to a

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1 person accessing the IowAccess network in order to
2 satisfy a liability of the governmental entity. The
3 moneys may include the payment of tax refunds, and the
4 disbursement of support payments as defined in section
5 252D.16 or 598.1 as required for orders issued
6 pursuant to section 252B.14.

7 3. The division of information technology services
8 shall serve as the agent of the governmental entity in
9 collecting moneys for receipt by governmental
10 entities. The moneys shall be transferred to
11 governmental entities directly or to the treasurer of
12 state for disbursement to governmental entities as
13 required by the treasurer of state in cooperation with
14 the auditor of state.

15 4. In addition to other forms of payment, credit
16 cards shall be accepted in payment for moneys owed to
17 a governmental entity as provided in this section,
18 according to rules which shall be adopted by the
19 treasurer of state. The fees to be charged shall not
20 exceed those permitted by statute. A governmental
21 entity may adjust its fees to reflect the cost of
22 processing as determined by the treasurer of state.
23 The discount charged by the credit card issuer may be

24 included in determining the fees to be paid for
25 completing a financial transaction under this section
26 by using a credit card.

27 Sec. ____ NEW SECTION. 18.185 AUDITS REQUIRED.

28 A technology audit of the electronic transmission
29 system by which government records are transmitted
30 electronically to the public shall be conducted not
31 less than once annually for the purpose of determining
32 that government records and other electronic data are
33 not misappropriated or misused by the division of
34 information technology services or a contractor of the
35 division. A financial audit shall be conducted not
36 less than once annually to determine the financial
37 condition of the division of information technology
38 services and to make other relevant inquiries.

39 Sec. ____ NEW SECTION. 18.186 CREDIT CARDS
40 ACCEPTED.

41 In addition to other forms of payment, credit cards
42 may be accepted in payment for any fees, including but
43 not limited to interest, penalties, subscriptions,
44 registrations, purchases, applications, licenses,
45 permits, or other filings transmitted or transactions
46 conducted electronically. The fees to be charged
47 shall not exceed those permitted by statute, except
48 that the discount charged by the credit card issuer
49 may be included in determining the fee to be charged
50 for records transmitted or transactions conducted

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1 electronically.

2 Sec. ____ Section 22.2, subsection 1, Code 1997,
3 is amended to read as follows:

4 1. Every person shall have the right to examine
5 and copy a public records record and to publish or
6 otherwise disseminate a public records record or the
7 information contained therein in a public record.
8 Unless otherwise provided for by law, the right to
9 examine a public record shall include the right to
10 examine a public record without charge while the
11 public record is in the physical possession of the
12 custodian of the public record. The right to copy a
13 public records record shall include the right to make
14 photographs or photographic copies while the records
15 are public record is in the possession of the
16 custodian of the records public record. All rights
17 under this section are in addition to the right to
18 obtain a certified copies copy of records a public
19 record under section 622.46.

20 Sec. ____ Section 22.3A, subsection 2, paragraph
21 a, Code 1997, is amended to read as follows:

22 a. If access to the data processing software is

23 provided to a person solely for the purpose of
24 accessing a public record, the amount shall be not
25 more than that required to recover direct publication
26 costs, including but not limited to editing,
27 compilation, and media production costs, incurred by
28 the government body in developing the data processing
29 software, and preparing the data processing software
30 for transfer to the person. The amount shall be in
31 addition to any other fee required to be paid under
32 this chapter for the examination and copying of a
33 public record. If a person requests the reproduction
34 of a public record stored in an electronic format that
35 does not require formatting, editing, or compiling to
36 reproduce the public record, the charge for providing
37 the reproduced public record shall not exceed the
38 reasonable cost of reproducing and transmitting that
39 public record. The government body shall, if
40 requested, provide documentation which explains and
41 justifies the amount charged. This paragraph shall
42 not apply to any publication for which a price has
43 been established pursuant to another section,
44 including section 7A.22.

45 Sec. ____ **NEW SECTION. 321A.3A FUNDING.**

46 Notwithstanding section 321A.3 subsection 1, for
47 the fiscal year beginning July 1, 1998, in an amount
48 not to exceed four hundred thousand dollars, and for
49 each subsequent fiscal year, up to one dollar of each
50 five dollar transaction shall be transferred to the

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1 division of information technology services of the
2 department of general services for the purposes of
3 developing, implementing, maintaining, and expanding
4 electronic access to government records in accordance
5 with the requirements as set forth in chapter 18,
6 division VII.

7 Notwithstanding section 8.33, unobligated and
8 unencumbered funds remaining at the end of a fiscal
9 year shall not revert to the general fund of the
10 state, but rather shall remain to be used in
11 subsequent fiscal years for the purposes authorized in
12 chapter 18, division VII.

13 Sec. ____ **IOWACCESS INTENT.** It is the intent of
14 the general assembly that the IowaAccess advisory
15 council, established in this Act, review the
16 performance of a vendor acting as a network manager at
17 intervals not to exceed five years.

18 Sec. ____ **IOWACCESS CODIFICATION.** The Code editor
19 shall codify the amendments to chapter 18 in this Act
20 as division VII of chapter 18."

21 11. Page 15, line 14, by striking the figure

22 "18,904,000" and inserting the following:

23 "14,904,000".

24 12. Page 15, by inserting after line 35 the
25 following:

26 "Sec. ____ 1997 Iowa Acts, chapter 210, section 2,
27 subsection 1, is amended by adding the following new
28 paragraph "c" and relettering existing paragraphs:
29 NEW LETTERED PARAGRAPH. c. There is appropriated
30 from the rebuild Iowa infrastructure fund created in
31 section 8.57, subsection 5, to the Iowa communications
32 network fund under the control of the Iowa
33 telecommunications and technology commission for the
34 fiscal year beginning July 1, 1998, and ending June
35 30, 1999, the following amount, or so much thereof as
36 is necessary, to be used for the purpose designated:
37 For the connection to the network of authorized
38 users which are libraries as provided in the Part III
39 contracts executed in 1995:

40 \$ 4,000,000

41 The telecommunications advisory committee
42 established in section 8D.7, in consultation with the
43 state library, shall develop for submission to the
44 commission proposals for the allocation of moneys
45 appropriated in this paragraph for the connection of
46 libraries to the network as provided in the Part III
47 contracts executed in 1995. The advisory committee
48 shall conduct a cost-benefit analysis in determining
49 the amount to be allocated to a specific community,
50 including, at a minimum, consideration of the needs of

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1 a community to which an allocation is proposed, the
2 number of sites currently in the community, and the
3 amount of usage at each site in the community. A
4 proposal for an allocation submitted by the advisory
5 committee shall be approved by the commission or
6 rejected and returned to the advisory committee with
7 an explanation of why such proposal was rejected."
8 13. Title page, line 6, by inserting after the
9 word "technology," the following: "establishing the
10 lowAccess system,".

11 14. Title page, lines 6 and 7, by striking the
12 words "providing for the transfer of the information
13 technology division,".

14 15. Title page, lines 8 and 9, by striking the
15 words "establishing an information technology
16 bureau,".

17 16. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

S-5772

1 Amend the amendment, S-5769, to the House
2 amendment, S-5359 to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. Page 1, by striking lines 3 through 25 and
5 inserting the following:

6 "____. By striking page 1, line 1, through page 2,
7 line 34 and inserting the following:

8 "Amend Senate File 2320, as passed by the Senate,
9 as follows:

10 ____ Page 1, by inserting after line 12 the
11 following:

12 "Sec. ____ Section 99F.4A, subsection 2, Code
13 1997, is amended to read as follows:

14 2. A license to operate gambling games shall be
15 issued only to a licensee holding a valid license to
16 conduct pari-mutuel dog or horse racing pursuant to
17 chapter 99D on January 1, 1994. A licensed pari-
18 mutuel racetrack and its current licensed gaming
19 operations and facilities may be sold and a new
20 license may be issued for operation in the same county
21 only after a majority of the voters of the county in
22 which the racetrack enclosure is located, voting on
23 the transfer proposal, approves it. The transfer
24 proposal shall be submitted by the board of
25 supervisors at a general election or a special
26 election called for that purpose. If the proposal is
27 approved, the issuance of a new license is subject to
28 application to, and approval by, the commission."

29 Page 1, line 17, by inserting after the
30 figure "2003." the following: "The commission shall
31 not authorize a licensee to conduct pari-mutuel
32 wagering at a licensed premises in more than one
33 county."

34 Page 1, by inserting after line 17 the
35 following:

36 "Sec. ____ Section 99F.4A, Code 1997, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 9. If a license issued pursuant
39 to this chapter or chapter 99D is transferred, an
40 existing collective bargaining agreement or the impact
41 of an employee representation election shall transfer
42 to the new licensee."

43 By renumbering as necessary."

JACK RIFE
MATT McCOY
MICHAEL E. GRONSTAL
NEAL SCHUERER
ELAINE SZYMONIAK

S-5773

1 Amend the amendment, S-5743, to Senate File 2281,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, lines 4 and 5, by striking the words
5 "hourly rates or setting per case".

6 2. Page 1, line 20, by inserting after the word
7 "court," the following: "The type of review and
8 relief that the court may provide shall be limited to
9 the review and relief specified in section 17A.19."

10 3. Page 1, line 27, by inserting after the word
11 "court," the following: "The type of review and
12 relief that the court may provide shall be limited to
13 the review and relief specified in section 17A.19."

O. GENE MADDOX

S-5774

1 Amend the amendment, S-5743, to Senate File 2281,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 27 the
5 following:

6 " . Page 4, by inserting after line 23 the
7 following:

8 "Sec. ____ Section 28E.19, Code 1997, is amended
9 to read as follows:

10 28E.19 JOINT COUNTY INDIGENT DEFENSE FUND.

11 Two or more counties may execute an agreement under
12 this chapter to create a joint county indigent defense
13 fund to be used to compensate attorneys appointed to
14 represent indigents ~~under section 815.10 when funds~~
15 ~~budgeted for that purpose are exhausted in those~~
16 instances in which a county is responsible for
17 payment. In addition to other requirements of an
18 agreement under this chapter, the agreement shall
19 provide for the amount to be paid by each county based
20 on its population to establish and maintain an
21 appropriate balance in the joint fund, and for a
22 method of repayment if a county withdraws more funds
23 than it has contributed."

24 Page 4, by inserting after line 25 the
25 following:

26 "Sec. ____ Section 125.78, subsections 1 and 2,
27 Code 1997, are amended to read as follows:

28 1. Determine whether the respondent has an
29 attorney who is able and willing to represent the
30 respondent in the commitment proceeding, and if not,
31 whether the respondent is financially able to employ
32 an attorney and capable of meaningfully assisting in

33 selecting an attorney. In accordance with those
34 determinations, the court shall allow the respondent
35 to select an attorney or shall assign an attorney to
36 the respondent. If the respondent is financially
37 unable to pay an attorney, the county shall pay the
38 attorney shall be compensated in substantially the
39 same manner as provided by section 815.7, except that
40 if the county has a public defender, the court may
41 assign the public defender or an attorney on the
42 public defender's staff as the respondent's attorney
43 reasonable compensation which shall be the ordinary
44 and customary charges for like services in the county
45 to be determined in each case by the district court.
46 Compensation shall include any sum or sums as may be
47 necessary for investigation in the interests of
48 justice and, in the event of any appeal, the cost of
49 obtaining the transcript of the trial and the printing
50 of the trial record and any necessary briefs.

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1 2. If the application includes a request for a
2 court-appointed attorney for the applicant and the
3 court is satisfied that a court-appointed attorney is
4 necessary to assist the applicant in a meaningful
5 presentation of the evidence, and that the applicant
6 is financially unable to employ an attorney, the court
7 shall appoint an attorney to represent the applicant.
8 The county shall pay the attorney shall be compensated
9 in substantially the same manner as provided by
10 section 815.7 reasonable compensation which shall be
11 the ordinary and customary charges for like services
12 in the county to be determined in each case by the
13 district court. Compensation shall include any sum or
14 sums as may be necessary for investigation in the
15 interests of justice and, in the event of any appeal,
16 the cost of obtaining the transcript of the trial and
17 the printing of the trial record and any necessary
18 briefs.

19 Sec. ____ Section 222.13A, subsection 4, Code
20 1997, is amended to read as follows:

21 4. As soon as practicable after the filing of a
22 petition for approval of the voluntary admission, the
23 court shall determine whether the minor has an
24 attorney to represent the minor in the proceeding. If
25 the minor does not have an attorney, the court shall
26 assign to the minor an attorney. If the minor is
27 unable to pay for an attorney, the attorney shall be
28 compensated in substantially the same manner as
29 provided in section 815.7 the county shall pay the
30 attorney reasonable compensation which shall be the
31 ordinary and customary charges for like services in

32 the county to be determined in each case by the
33 district court. Compensation shall include any sum or
34 sums as may be necessary for investigation in the
35 interests of justice and, in the event of any appeal,
36 the cost of obtaining the transcript of the trial and
37 the printing of the trial record and any necessary
38 briefs.

39 Sec. ____ Section 222.22, Code 1997, is amended to
40 read as follows:

41 222.22 TIME OF APPEARANCE.

42 The time of appearance shall not be less than five
43 days after completed service unless the court orders
44 otherwise. Appearance on behalf of the person who is
45 alleged to have mental retardation may be made by any
46 citizen of the county or by any relative. The
47 district court shall assign counsel for the person who
48 is alleged to have mental retardation. Counsel shall
49 prior to proceedings personally consult with the
50 person who is alleged to have mental retardation

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1 unless the judge appointing counsel certifies that in
2 the judge's opinion, consultation shall serve no
3 useful purpose. The certification shall be made a
4 part of the record. ~~An attorney assigned by the court~~
5 ~~shall receive compensation as the district court shall~~
6 ~~fix to be paid in the first instance by the county.~~
7 The county, in the first instance, shall pay the
8 attorney assigned by the court reasonable compensation
9 which shall be the ordinary and customary charges for
10 like services in the county to be determined in each
11 case by the district court. Compensation shall
12 include any sum or sums as may be necessary for
13 investigation in the interests of justice and, in the
14 event of any appeal, the cost of obtaining the
15 transcript of the trial and the printing of the trial
16 record and any necessary briefs.

17 Sec. ____ Section 229.8, subsection 1, Code 1997,
18 is amended to read as follows:

19 1. Determine whether the respondent has an
20 attorney who is able and willing to represent the
21 respondent in the hospitalization proceeding, and if
22 not, whether the respondent is financially able to
23 employ an attorney and capable of meaningfully
24 assisting in selecting one. In accordance with those
25 determinations, the court shall if necessary allow the
26 respondent to select, or shall assign to the
27 respondent, an attorney. If the respondent is
28 financially unable to pay an attorney, ~~the attorney~~
29 ~~shall be compensated in substantially the manner~~
30 ~~provided by section 815-7, except that if the county~~

31 ~~has a public defender the court may designate the~~
32 ~~public defender or an attorney on the public~~
33 ~~defender's staff to act as the respondent's attorney~~
34 ~~the county shall pay the attorney reasonable~~
35 ~~compensation which shall be the ordinary and customary~~
36 ~~charges for like charges for like services in the~~
37 ~~county, which shall be determined in each by the~~
38 ~~district court. Compensation shall include any sum or~~
39 ~~sums as may be necessary for investigation in the~~
40 ~~interests of justice and, in the event of any appeal,~~
41 ~~the cost of obtaining the transcript of the trial and~~
42 ~~the printing of the trial record and any necessary~~
43 ~~briefs."~~

44 . By striking page 4, line 26, through page 5,
45 line 17, and inserting the following:
46 "Sec. ____ Section 229.19, unnumbered paragraph 3,
47 Code 1997, is amended to read as follows:
48 The court or, if the advocate is appointed by the
49 county board of supervisors, the board shall prescribe
50 reasonable compensation for the services of the

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1 advocate. The compensation shall be based upon the
2 reports filed by the advocate with the court. The
3 advocate's compensation shall be paid by the county in
4 which the court is located, either on order of the
5 court or, if the advocate is appointed by the county
6 board of supervisors, on the direction of the board.
7 If the advocate is appointed by the court, the
8 advocate is an employee of the state for purposes of
9 chapter 669. If the advocate is appointed by the
10 county board of supervisors, the advocate is an
11 employee of the county for purposes of chapter 670.
12 If the patient or the person who is legally liable for
13 the patient's support is not indigent, the board shall
14 recover the costs of compensating the advocate from
15 that person. If that person has an income level as
16 ~~determined pursuant to section 815.9~~ greater than one
17 hundred percent but not more than one hundred fifty
18 percent of the poverty guidelines, at least one
19 hundred dollars of the advocate's compensation shall
20 ~~be recovered in accordance with rules adopted by the~~
21 ~~state public defender.~~ If that person has an income
22 ~~level as determined pursuant to section 815.9~~ greater
23 than one hundred fifty percent of the poverty
24 guidelines, at least two hundred dollars of the
25 advocate's compensation shall be recovered in
26 ~~accordance with rules adopted by the state public~~

27 defender.""

28 2. By renumbering as necessary.

O. GENE MADDOX

S-5775

1 Amend the amendment, S-5749, to the House
2 amendment, S-5540, to Senate File 2296, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 9, by inserting after line 39 the
5 following:

6 "4. For a study relating to the economic impact of
7 commercial airfares for flights arriving at and
8 departing from destinations in this state:

9 \$ 10,000"

10 2. Page 21, by inserting after line 35 the
11 following:

12 "Sec. 101. Section 328.21, Code 1997, is amended
13 by striking the section and inserting in lieu thereof
14 the following:

15 328.21 AIRCRAFT REGISTRATION FEE.

16 1. An annual registration fee of one thousand
17 dollars shall be paid to the department at the time of
18 registration of an aircraft, except as otherwise
19 provided in this section.

20 2. An aircraft thirty years old or older, which is
21 used exclusively for noncommercial purposes, shall be
22 registered as an antique aircraft for a fee of thirty-
23 five dollars.

24 3. An aircraft registered prior to July 1, 1998,
25 at a fee of less than one thousand dollars shall
26 continue to be registered at a fee equal to that
27 amount unless it qualifies under subsection 2 to be
28 registered as an antique aircraft.

29 Sec. 102. Section 328.26, Code 1997, is amended to
30 read as follows:

31 328.26 APPLICATION FOR REGISTRATION.

32 Every application for registration pursuant to
33 sections 328.19 to ~~328.22~~ and 328.20 shall be made
34 upon such forms, and shall contain such information,
35 as the department may prescribe, and every application
36 shall be accompanied by the full amount of the
37 registration fee.

38 When an aircraft is registered to a person for the
39 first time the fee submitted to the department shall
40 include the tax imposed by section 422.43 or section
41 423.2 or evidence of the exemption of the aircraft
42 from the tax imposed under section 422.43 or 423.2.

43 Sec. 103. Section 422.45, subsection 38A, Code
44 Supplement 1997, is amended to read as follows:

45 38A. The gross receipts from the sale or rental of

46 aircraft; the sale or rental of tangible personal
47 property permanently affixed or attached as a
48 component part of the aircraft, including but not
49 limited to repair or replacement materials or parts;
50 and the gross receipts of all services used for

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1 aircraft repair, remodeling, and maintenance services
2 when such services are performed on aircraft, aircraft
3 engines, or aircraft component materials or parts.
4 For the purposes of this exemption, "aircraft" means
5 aircraft used in a ~~scheduled~~ an interstate federal
6 aviation administration-certified air carrier
7 operation.

8 Sec. 104. Section 422.45, Code Supplement 1997, is
9 amended by adding the following new subsection:

10 **NEW SUBSECTION.** 52. The gross receipts from the
11 sale of aircraft to an aircraft dealer who in turn
12 rents or leases the aircraft if all of the following
13 apply:

14 a. The aircraft is kept in the inventory of the
15 dealer for sale at all times.

16 b. The dealer reserves the right to immediately
17 take the aircraft from the renter or lessee when a
18 buyer is found.

19 c. The renter or lessee is aware that the dealer
20 will immediately take the aircraft when a buyer is
21 found.

22 If an aircraft exempt under this subsection is used
23 for any purpose other than leasing or renting, or the
24 conditions in paragraphs "a", "b", and "c" are not
25 continuously met, the dealer claiming the exemption
26 under this subsection is liable for the tax that would
27 have been due except for this subsection. The tax -
28 shall be computed upon the original purchase price.

29 Sec. 105. Section 422B.8, unnumbered paragraph 1,
30 Code 1997, is amended to read as follows:

31 A local sales and services tax at the rate of not
32 more than one percent may be imposed by a county on
33 the gross receipts taxed by the state under chapter
34 422, division IV. A local sales and services tax
35 shall be imposed on the same basis as the state sales
36 and services tax and may not be imposed on the sale of
37 any property or on any service not taxed by the state,
38 except the tax shall not be imposed on the gross
39 receipts from the sale of motor fuel or special fuel
40 as defined in chapter 452A, on the gross receipts from
41 the rental of rooms, apartments, or sleeping quarters
42 which are taxed under chapter 422A during the period
43 the hotel and motel tax is imposed, on the gross
44 receipts from the sale of natural gas or electric

45 energy in a city or county where the gross receipts
 46 are subject to a franchise fee or user fee during the
 47 period the franchise or user fee is imposed, on the
 48 gross receipts from the sale of equipment by the state
 49 department of transportation, on the gross receipts
 50 from the sale, rental, or lease of aircraft, and on

Page 3

1 the gross receipts from the sale of a lottery ticket
 2 or share in a lottery game conducted pursuant to
 3 chapter 99E. A local sales and services tax is
 4 applicable to transactions within those incorporated
 5 and unincorporated areas of the county where it is
 6 imposed and shall be collected by all persons required
 7 to collect state gross receipts taxes. All cities
 8 contiguous to each other shall be treated as part of
 9 one incorporated area and the tax would be imposed in
 10 each of those contiguous cities only if the majority
 11 of those voting in the total area covered by the
 12 contiguous cities favor its imposition."

13 3. Page 25, line 30, by striking the word and
 14 figure "and 25" and inserting the following: "25,
 15 101, 102, 103, 104, and 105".

16 4. By renumbering as necessary.

MATT McCOY

S-5776

1 Amend the amendment, S-5749, to the House
 2 Amendment, S-5540, to Senate File 2296, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 15, by inserting after line 21 the
 5 following:

6 "Sec. _____. There is appropriated from the rebuild
 7 Iowa infrastructure fund to the department of economic
 8 development for the fiscal year beginning July 1,
 9 1998, and ending June 30, 1999, the following amount,
 10 or so much thereof as is necessary, to be used for the
 11 purpose designated:

12 To fund the community economic betterment
 13 recreation program account established in section
 14 15.322:

15 \$ 2,000,000

16 Sec. _____. NEW SECTION. 15.321 COMMUNITY ECONOMIC
 17 BETTERMENT RECREATION PROGRAM.

18 The purpose of the community economic betterment
 19 recreation program is to assist communities in the
 20 development and creation of multipurpose recreation
 21 facilities. Section 15.317 shall apply to this
 22 program. The department shall use the rating factors

23 and criteria in section 15.318 to develop applicable
 24 rating factors and criteria for the program with the
 25 addition of rating factors and criteria relating to
 26 tourism potential and the economic impact of the
 27 facility being considered.

28 Sec. ____ NEW SECTION. 15.322 COMMUNITY ECONOMIC
 29 BETTERMENT RECREATION PROGRAM ACCOUNT.

30 1. A community economic betterment recreation
 31 program account is established within the strategic
 32 investment fund to be used by the department for the
 33 community economic betterment recreation program. The
 34 account shall consist of all appropriations, grants,
 35 or gifts received by the department specifically for
 36 use under section 15.321 and any moneys allocated to
 37 the community economic betterment recreation program
 38 account from the strategic investment fund.

39 2. Payments of interest, repayments of moneys
 40 loaned under the community economic betterment
 41 recreation program, or recaptures of awards shall be
 42 deposited into the strategic investment fund."

43 2. By renumbering as necessary.

TOM VILSACK
 MATT McCOY

S-5777

1 Amend the amendment, S-5749, to the House
 2 amendment, S-5540, to Senate File 2296, as amended,
 3 passed, and reprinted by the Senate, as follows:

4 1. Page 13, by inserting after line 30 the
 5 following:

6 "Sec. ____ CAREER ASSESSMENT TOOL DEVELOPMENT.

7 There is appropriated from the general fund of the
 8 state to the department of economic development for
 9 the fiscal year beginning July 1, 1998, and ending
 10 June 30, 1999, the following amount, or so much
 11 thereof as is necessary, to be used for the purposes
 12 designated:

13 For purposes of development of a career assessment
 14 tool as provided in this section:

15 \$ 100,000

16 Moneys appropriated under this section shall be
 17 used by the department of economic development,
 18 following a request for proposals, to enter into a
 19 contract for the development of a career assessment
 20 tool with an Iowa-based business in the career
 21 assessment field that has made initial documented
 22 investments in career assessment research and which
 23 demonstrates the ability to work with and market the
 24 proposed assessment tool. The assessment tool shall
 25 be age-appropriate for middle and secondary school

26 students and capable of measuring student attributes,
27 both unique and general, which affect career pathway
28 options. In addition, the assessment tool shall be
29 effective in addressing the lifelong learning needs of
30 adults, social welfare recipients, and individuals
31 within the correctional system. The assessment tool
32 shall be valid under current educational standards,
33 and aligned with the United States secretary of
34 labor's commission on achieving necessary skills and
35 with guidelines published by the national career
36 development association. The assessment tool may be
37 developed in consultation with private and public
38 entities involved in the education of students of all
39 ages, business and industry, labor organizations,
40 school-to-work program representatives, and social
41 welfare, economic development, and workforce
42 development groups."

43 2. Page 17, line 42, by inserting after the
44 figure "9." the following: "a."

45 3. Page 17, line 43, by inserting after the word
46 "agreement" the following: "after entering a
47 postsecondary education program".

48 4. Page 17, by inserting after line 49 the
49 following:

50 "b. That if a participant does not complete the

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1 certified program contemplated by the agreement prior
2 to entering a postsecondary education program, one-
3 half of the moneys being held in trust for the
4 participant's postsecondary education shall be paid to
5 a postsecondary education institution as defined in
6 section 261C.3 of the participant's choice to pay
7 tuition or expenses of the participant. The other
8 one-half of the trust moneys shall be paid back to the
9 employer. Any moneys to be transferred for the
10 benefit of the participant which are not transferred
11 within five years for purposes of education at the
12 designated postsecondary institution, shall be paid
13 back to the employer."

14 5. Page 19, by inserting after line 4 the
15 following:

16 ""Sec. ____ NEW SECTION. 15A.8 LOANS PAYABLE
17 FROM NEW JOBS CREDIT FROM WITHHOLDING.

18 1. As an additional means to provide moneys for
19 the payment of the costs of a new jobs training
20 project or multiple projects under chapter 260E and
21 this chapter, a community college may make an advance
22 or loan, including an interfund transfer or a loan
23 from moneys on hand and legally available, to be paid
24 from the same sources and secured in the same manner

25 as certificates described in sections 15A.7 and
26 260E.6.

27 2. Revenues from a job training agreement received
28 prior to the completion by a business of its repayment
29 obligation for a project and not pledged to
30 certificates, loans, or advances, and not necessary
31 for the payment of principal and interest maturing on
32 such certificates, loans, or advances, may be applied
33 by the community college to the reduction of any other
34 outstanding certificates, loans, or advances."

35 6. Page 21, by inserting after line 35 the
36 following:

37 "Sec. ____ Section 422.16A, Code Supplement 1997,
38 is amended to read as follows:

39 422.16A JOB TRAINING WITHHOLDING -- CERTIFICATION
40 AND TRANSFER.

41 Upon the completion by a business of its repayment
42 obligation for a training project funded under chapter
43 260E, including a job training project funded under
44 ~~chapter 260E~~ and section 15A.8 or repaid in whole or
45 in part by the supplemental new jobs credit from
46 withholding under section 15A.7 or section 15.331, the
47 sponsoring community college shall report to the
48 department of economic development the amount of
49 withholding paid by the business to the community
50 college during the final twelve months of withholding

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1 payments. The department of economic development
2 shall notify the department of revenue and finance of
3 that amount. The department shall credit to the
4 workforce development fund account established in
5 section 15.342A twenty-five percent of that amount
6 each quarter for a period of ten years. If the amount
7 of withholding from the business or employer is
8 insufficient, the department shall prorate the
9 quarterly amount credited to the workforce development
10 fund account. The maximum amount from all employers
11 which shall be transferred to the workforce
12 development fund account in any year is ten million
13 dollars."

14 7. Page 24, by striking lines 19 through 38.

15 8. By renumbering as necessary.

STEWART IVERSON, Jr.
MIKE CONNOLLY

HOUSE AMENDMENT TO
SENATE FILE 2413

S-5778

1 Amend Senate File 2413, 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 455B.304, subsection 15, Code
6 Supplement 1997, is amended to read as follows:

7 15. The commission shall adopt rules which require
8 all sanitary ~~landfills~~ disposal projects in which the
9 tonnage fee pursuant to section 455B.310 is imposed,
10 to install scales by January 1, 1994 and utilize these
11 scales to calculate payment of the tonnage fee."

12 2. Page 1, line 1, by striking the word and
13 figure "and 3" and inserting the following: "3, and
14 6".

15 3. Page 1, by striking lines 17 and 18 and
16 inserting the following: "and every year thereafter.
17 In the fiscal year beginning July 1, 1999, and every
18 year thereafter, any planning area which meets the
19 statewide average, as determined by the department on
20 July 1, 1999, shall retain, in addition to the twenty-
21 five cents retained pursuant to this subsection, ten
22 cents of the tonnage fee per ton of solid waste
23 regardless of whether the planning area subsequently
24 fails to meet the statewide average."

25 4. Page 2, line 12, by striking the words "and
26 compliance" and inserting the following: "and
27 compliance".

28 5. Page 2, line 31, by inserting after the word
29 "be" the following: "deposited in the solid waste
30 account as established in section 455E.11, subsection
31 2, paragraph "a", to be".

32 6. Page 2, by inserting after line 33 the
33 following:

34 "6. A person required to pay fees by this section
35 who fails or refuses to pay the fees imposed by this
36 section or who fails or refuses to provide the return
37 required by this section shall be assessed a penalty
38 of two percent of the fee due for each month the fee
39 or return is overdue. The penalty shall be paid in
40 addition to the fee due."

41 7. Page 4, line 5, by inserting after the figure
42 "(1)." the following: "Except for fees required under
43 subsection 4, paragraph "a", a planning area failing
44 to meet the fifty percent goal is not required to
45 remit any additional tonnage fees to the department."

46 8. Page 4, by inserting after line 8 the
47 following:

48 "Sec. ____ The department of natural resources is
49 requested to evaluate, assess, and suggest amendments
50 to the design standards and criteria for nonmunicipal

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1 solid waste landfills."
2 9. Page 4, by inserting after line 8 the
3 following:
4 "Sec. ____ The environmental protection division
5 of the department of natural resources is requested to
6 implement a permitting fee schedule for the
7 administration of permits to tonnage fee exempt
8 foundry sand and coal combustion residue disposal
9 sites."
10 10. Title page, line 2, by inserting after the
11 word "persons" the following: "and the installation
12 and use of scales by sanitary disposal projects".
13 11. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2269

S-5779

1 Amend the Senate amendment, H-9193, to House File
2 2269, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 3 through 43 and
5 inserting the following:
6 "1. Page 2, by striking line 13 and inserting
7 the following:
8 "1. An employee of an accredited public school
9 district, accredited nonpublic school, or area
10 education agency may intervene in a fight or".
11 Page 2, by inserting after line 22 the
12 following:
13 "2. A person who is not an employee of an
14 accredited public school district, accredited
15 nonpublic school, or area education agency may
16 intervene in a fight or physical struggle occurring
17 among students, or between students and nonstudents,
18 that takes place in the presence of the nonemployee in
19 a school building, on school premises, or at any
20 school function or school-sponsored activity
21 regardless of its location. The intervention may
22 occur in the absence of an employee of an accredited
23 public school district, accredited nonpublic school,
24 or area education agency, or at the request of such an
25 employee, utilizing the degree and force of

26 intervention reasonably necessary to restore order and
27 protect the safety of the individuals involved in the
28 altercation and others in the vicinity of the
29 altercation. However, a person who intervenes in the
30 absence of an employee of an accredited public school
31 district, accredited nonpublic school, or area
32 education agency shall report the intervention and all
33 relevant information regarding the situation as soon
34 as reasonably possible to such an employee.
35 3. An employee of an accredited public school
36 district, accredited nonpublic school, or area
37 education agency who intervenes in a fight or physical
38 struggle pursuant to subsection 1 shall be awarded
39 reasonable monetary damages against a party bringing a
40 civil action alleging a violation of this section, if
41 it is determined in the action that the employee has
42 been wrongfully accused. A nonemployee of an
43 accredited public school district, accredited
44 nonpublic school, or area education agency who
45 intervenes in a fight or physical struggle pursuant to
46 subsection 2 shall be limited to the recovery of
47 reasonable attorney fees and court costs, if it is
48 determined in a civil action alleging a violation of
49 this section that the nonemployee has been wrongfully
50 accused."

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1. Title page, lines 1 and 2, by striking the
2 words "between school employees and" and inserting the
3 following: "involving".
4. By renumbering, relettering, or
5 redesignating and correcting internal references as
6 necessary."

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2498

S-5780

- 1 Amend the Senate amendment, H-9118, to House File
2 2498, 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 6, line 2, by striking the figure
7 "116.00" and inserting the following: "118.00"."
 - 8 2. Page 1, by striking line 10.
 - 9 3. Page 1, line 12, by striking the figure
10 "655,898" and inserting the following: "835,898".
 - 11 4. Page 1, by striking lines 30 and 31 and

12 inserting the following:

13 " Page 13, by striking lines 2 through 6, and
14 inserting the following: "gambling game license
15 holder.""

16 5. By striking page 1, line 43, through page 2,
17 line 10, and inserting the following: "under section
18 730.5."

19 6. Page 2, by inserting after line 30 the
20 following:

21 "The Iowa public employees' retirement system
22 division shall use a competitive bid process for the
23 proposed acquisition of a headquarters building and
24 related facilities and accept, if any, the most cost-
25 effective bid which best meets the needs of the
26 system's members."

27 7. Page 2, by inserting after line 30 the
28 following:

29 "If a headquarters building and related facilities
30 are acquired, the Iowa public employees' retirement
31 system division shall reimburse the city or other
32 local government where the building and related
33 facilities are located for police and fire
34 protection."

35 8. Page 3, line 11, by inserting after the figure
36 "35,000" the following:

37 "It is the intent of the general assembly that each
38 public retirement system responsible for performing
39 the examination as described in this subsection shall
40 share equally the cost of conducting the examination.
41 Moneys appropriated in this subsection shall be used
42 by the Iowa public employees' retirement system to
43 provide its proportionate share of the cost of the
44 examination."

45 9. Page 4, by inserting after line 9 the
46 following:

47 " Page 23, by inserting after line 16 the
48 following:

49 "Sec. . Section 47.8, subsection 1, Code 1997,
50 is amended to read as follows:

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1 1. A state voter registration commission is
2 established which shall meet at least quarterly to
3 make and review policy, adopt rules, and establish
4 procedures to be followed by the registrar in
5 discharging the duties of that office, and to promote
6 interagency cooperation and planning. The commission
7 shall consist of the state commissioner of elections
8 or the state commissioner's designee, the state
9 chairpersons of the two political parties whose
10 candidates for president of the United States or

11 governor, as the case may be, received the greatest
12 and next greatest number of votes in the most recent
13 general election, or their respective designees, and a
14 two county commissioner commissioners of registration
15 or their designated employees, one from each political
16 party whose candidates for president of the United
17 States or governor, as the case may be, received the
18 greatest and the next greatest number of votes in the
19 most recent general election, appointed by the
20 president of the Iowa state association of county
21 auditors, ~~or an employee of the commissioner.~~ Each
22 county commissioner or commissioner's designee shall
23 serve two-year staggered terms. The commission
24 membership shall be balanced by political party
25 affiliation pursuant to section 69.16. Members shall
26 serve without additional salary or reimbursement.
27 ~~The state commissioner of elections, or the state~~
28 ~~commissioner's designee, shall serve as chairperson of~~
29 ~~the state voter registration commission.~~ The state
30 commissioner of elections, or the state commissioner's
31 designee, shall be an ex officio, nonvoting member of
32 the commission. The state commissioner shall perform
33 the administrative tasks required of that office by
34 the commission.
35 The commission shall organize and elect a
36 chairperson annually at its first meeting held in the
37 calendar year."

38 10. Page 4, by striking line 10 and inserting the
39 following:

40 ". Page 23, line 21, by inserting after the
41 word "officers" the following: "who were not
42 incumbents at the 1998 general election,".

43 . Page 23, by striking lines 23 through 27 and
44 inserting the following: "1998, and ending June 30,
45 1999, the balances shall revert to the general fund of
46 the state."

47 11. Page 4, by inserting after line 10 the
48 following:

49 ". Page 24, by inserting after line 3 the
50 following:

Page 3

1 "Sec. ____ Section 99F.4A, subsection 2, Code
2 1997, is amended to read as follows:

3 2. A license to operate gambling games shall be
4 issued only to a licensee holding a valid license to
5 conduct pari-mutuel dog or horse racing pursuant to
6 chapter 99D on January 1, 1994. However, a license to
7 operate gambling games issued pursuant to this
8 subsection may be transferred to another person after
9 a majority of the voters of the county in which the

10 racetrack enclosure is located, voting on the transfer
11 proposal, approves it. The transfer proposal shall be
12 submitted by the board of supervisors at a general
13 election or a special election called for that
14 purpose. If the proposal is approved, the issuance of
15 a new license is subject to application to, and
16 approval by, the commission.

17 Sec. ____ Section 99F.4A, Code 1997, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 8. A civil penalty imposed by the
20 commission on a licensee relating to a violation of
21 legal age for gambling or pari-mutuel wagering shall
22 not exceed one thousand dollars per incident if the
23 violation is removed by the licensee.

24 Sec. ____ Section 99F.4A, Code 1997, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 9. If a license issued pursuant
27 to this chapter or chapter 99D is transferred, an
28 existing collective bargaining agreement or the impact
29 of an employee representation election shall transfer
30 to the new licensee.

31 Sec. ____ NEW SECTION. 99F.5A MORATORIUM FOR
32 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
33 ON THE NUMBER AND TYPE OF GAMBLING GAMES.

34 1. The total number of licenses issued to conduct
35 gambling games on excursion gambling boats pursuant to
36 this chapter shall not exceed ten until July 1, 2003.

37 2. Notwithstanding subsection 1, the following
38 actions may be taken during the moratorium from July
39 1, 1998, until July 1, 2003, with the approval of the
40 commission:

41 a. A licensed excursion gambling boat may move to
42 a new location within the same county.

43 b. A licensed excursion gambling boat or a pari-
44 mutuel racetrack and its facilities may be sold and a
45 new license may be issued for operation in the same
46 county.

47 c. If a license to conduct gambling games on an
48 excursion gambling boat is surrendered, not renewed,
49 or revoked, a new license may be issued for operation
50 in the same county.

Page 4

1 3. During the moratorium from July 1, 1999, until
2 July 1, 2003, the commission shall not authorize any
3 of the following:

4 a. An increase in the number of gambling games or
5 the number of slot machines on an excursion gambling
6 boat.

7 b. A number of slot machines at a pari-mutuel
8 racetrack which is greater than the number authorized

9 on or before July 1, 1999.

10 4. The commission shall not authorize a licensee
11 to conduct pari-mutuel wagering at a licensed premises
12 in more than one county.

13 Sec. ____ Section 99F.7, subsection 1, Code 1997,
14 is amended to read as follows:

15 1. If the commission is satisfied that this
16 chapter and its rules adopted under this chapter
17 applicable to licensees have been or will be complied
18 with, the commission shall issue a license for a
19 period of not more than three years to an applicant to
20 own a gambling game operation and to an applicant to
21 operate an excursion gambling boat. The commission
22 shall decide which of the gambling games authorized
23 under this chapter it will permit. The commission
24 shall decide the number, location, and type of
25 excursion gambling boats licensed under this chapter
26 for operation on the rivers, lakes, and reservoirs of
27 this state. However, after July 1, 2003, the
28 commission shall issue a new license for an excursion
29 gambling boat operation only if the excursion gambling
30 boat operates on the Mississippi or Missouri river.

31 The license shall set forth the name of the licensee,
32 the type of license granted, the place where the
33 excursion gambling boats will operate and dock, and
34 the time and number of days during the excursion
35 season and the off season when gambling may be
36 conducted by the licensee. The commission shall not
37 allow a licensee to conduct gambling games on an
38 excursion gambling boat while docked during the off
39 season if the licensee does not operate gambling
40 excursions for a minimum number of days during the
41 excursion season. The commission may delay the
42 commencement of the excursion season at the request of
43 a licensee.

44 Sec. ____ Section 805.8, Code Supplement 1997, is
45 amended by adding the following new subsection:
46 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For
47 violations of legal age for gambling or pari-mutuel
48 wagering under section 99D.11, subsection 7, section
49 99E.18, subsection 5, or section 99F.9, subsection 5,
50 the scheduled fine is one hundred dollars. Failure to

Page 5

1 pay the fine by a person under the age of eighteen
2 shall not result in the person being detained in a
3 secure facility."

4 12. Page 4, by striking lines 13 through 16 and
5 inserting the following:

6 ". Page 25, by striking lines 3 through 13 and
7 inserting the following: "management information

- 8 system."" -
9 13. By renumbering, relettering, or redesignating
10 and correcting internal references as necessary.

S-5781

- 1 Amend the House amendment, S-5740, to Senate File
2 2381, 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 1, line 22, by striking the words
7 "beginning July 1, 1998, and ending June 30, 1999" and
8 inserting the following: "indicated".
9 Page 1, line 25, by inserting after the word
10 "For" the following: "the fiscal year beginning July
11 1, 1998, and ending June 30, 1999, for".
12 2. Page 1, by inserting after line 4 the
13 following:
14 ". Page 1, line 29, by inserting after the
15 word "For" the following: "the fiscal year beginning
16 July 1, 1997, and ending June 30, 1998, for".
17 3. Page 1, by inserting after line 16 the
18 following:
19 ". Page 1, line 32, by inserting after the
20 word "For" the following: "the fiscal year beginning
21 July 1, 1998, and ending June 30, 1999, for".
22 4. Page 1, by striking line 24.
23 5. Page 1, by inserting after line 46 the
24 following:
25 ". Page 5, by inserting after line 9 the
26 following:
27 "If there is an unobligated or unencumbered balance
28 in the rebuild Iowa infrastructure fund on June 30,
29 1999, the remaining balance of the funds up to an
30 additional \$700,000 shall be appropriated for the
31 fiscal year beginning July 1, 1998, for funding more
32 critical and deferred maintenance needs at Terrace
33 Hill.""
34 6. By striking page 1, line 47, through page 2,
35 line 2.
36 7. Page 2, by striking lines 8 through 13.
37 8. Page 2, by striking lines 16 through 26.
38 9. Page 3, line 31, by striking the word "loans"
39 and inserting the following: "loan".
40 10. Page 3, line 35, by striking the word "loans"
41 and inserting the following: "loan".
42 11. Page 3, line 44, by striking "school," and
43 inserting the following: "school".
44 12. Page 4, line 10, by striking the word "and".
45 13. Page 4, by striking lines 23 through 45.
46 14. Page 5, by inserting after line 5 the

47 following:

- 48 Title, page 1, line 8, by inserting after
49 the word "facility," the following: "for a prior
50 fiscal year,."

Page 2

- 1 15. Page 5, by striking lines 15 through 17.
2 16. Page 5, by striking lines 18 through 20.
3 17. By renumbering as necessary.

MARY LOU FREEMAN

S-5782

- 1 Amend the House amendment, S-5740, to Senate File
2 2381, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 22 and 23.
5 2. By renumbering as necessary.

MARY LOU FREEMAN

S-5783

- 1 Amend Senate Resolution 107 as follows:
2 1. Page 2, by inserting after line 8 the
3 following:
4 "BE IT FURTHER RESOLVED, That the Senate present to
5 Senator Palmer his Senate desk in appreciation for his
6 service; and".

MICHAEL E. GRONSTAL
STEWART IVERSON, Jr.

S-5784

- 1 Amend the House amendment, S-5740, to Senate File
2 2381, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 5 through 10.
5 2. Page 1, line 16, by striking the word
6 "cellblocks" and inserting the following:
7 "cellblock".
8 3. Page 5, line 1, by striking the words
9 "additional cell blocks" and inserting the following:
10 "an additional cellblock".

- 11 4. Page 5, by striking lines 3 through 5.
12 5. By renumbering as necessary.

O. GENE MADDOX

S-5785

1 Amend the House amendment, S-5740, to Senate File
2 2381, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 30 the
5 following:

6 " Page 4, by inserting after line 8 the
7 following:

8 "Sec. ____ There is appropriated from the rebuild
9 Iowa infrastructure fund to the department of economic
10 development for the fiscal year beginning July 1,
11 1998, and ending June 30, 1999, the following amount,
12 or so much thereof as is necessary, to be used for the
13 purpose designated:

14 To a city, county, or community organization for
15 infrastructure improvements related to the
16 construction of a nationally sanctioned automobile
17 racetrack facility for public use which meets the
18 definition of vertical infrastructure pursuant to
19 section 8.57, subsection 5, paragraph "c", to be
20 located in Iowa:

21 \$ 2,000,000

22 The department may award the funds appropriated
23 under this section to a city, county, or community
24 organization in the form of a loan or forgivable loan
25 for infrastructure improvements related to the
26 construction of the automobile racetrack facility.
27 However, as a condition of receiving the funds, the
28 city, county, or community organization shall first
29 demonstrate the commitment of substantial private and
30 local moneys to financing the construction of the
31 facility. For the award to qualify as a forgivable
32 loan, the city, county, or community organization
33 shall be required to demonstrate to the department
34 that the owner or operator of the racetrack facility
35 has generated state and local taxes within a ten-year
36 period that equal or exceed the amount of the award.

37 The general assembly finds that a nationally
38 sanctioned automobile racetrack facility in Iowa would
39 result in a substantial economic benefit to the state
40 and would offer thousands of spectators the
41 opportunity to experience and discover Iowa.

42 It is the intent of the general assembly to fund
43 the nationally sanctioned automobile racetrack
44 facility in the fiscal year beginning July 1, 1999,
45 and ending June 30, 2000, in the amount of \$5,000,000.

46 Notwithstanding section 8.33, unencumbered or
 47 unobligated funds remaining on June 30, 2002, from the
 48 funds appropriated in this section shall revert to the
 49 rebuild Iowa infrastructure fund on August 31, 2002."
 50 2. Page 1, by striking lines 43 and 44.

Page 2

1 3. Page 2, line 7, by striking the figure
 2 "5,820,000" and inserting the following: "5,620,000".
 3 4. By renumbering as necessary.

ALLEN BORLAUG
 WALLY E. HORN
 STEWART IVERSON, Jr.
 DENNIS H. BLACK

S-5786

1 Amend the House amendment, S-5740, to Senate File
 2 2381, as amended, passed, and reprinted by the Senate
 3 as follows:
 4 1. Page 1, by inserting after line 21 the
 5 following:
 6 ". Page 2, line 10, by inserting before the
 7 word "For" the following: "1."
 8 2. Page 1, by inserting after line 23 the
 9 following:
 10 ". Page 2, line 15, by striking the figure
 11 "1." and inserting the following: "a."
 12 3. Page 1, by inserting after line 24 the
 13 following:
 14 ". Page 2, line 22, by striking the figure
 15 "3." and inserting the following: "b."
 16 Page 2, by inserting after line 25 the
 17 following:
 18 "____. For the planning, design, and construction
 19 of a regional historic museum to be located in Sioux
 20 City, that will provide educational benefits to
 21 residents within a 300-mile radius of Sioux City:
 22 \$ 2,000,000
 23 It is the intent of the general assembly to fund
 24 the planning, design, and construction of the regional
 25 historic museum in the fiscal year beginning July 1,
 26 1999, and ending June 30, 2000, in the amount of
 27 \$5,000,000."
 28 4. Page 1, by striking lines 43 and 44.
 29 5. Page 2, line 7, by striking the figure
 30 "5,820,000" and inserting the following: "5,620,000".
 31 6. Page 5, by inserting after line 9 the
 32 following:
 33 ". Title, page 1, line 10, by inserting after

- 34 the word "affairs" the following: "for the
35 construction of a regional historic museum and".
36 7. By renumbering as necessary.

STEVEN D. HANSEN

S-5787

- 1 Amend the amendment, S-5785, to House amendment, S-
2 5740, to Senate File 2381, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. By striking page 1, line 4, through page 2,
5 line 2, and inserting the following:
6 ". Page 1, by inserting after line 21 the
7 following:
8 ". Page 2, line 10, by inserting before the
9 word "For" the following: "1."
10 Page 1, by inserting after line 23 the
11 following:
12 ". Page 2, line 15, by striking the figure
13 "1." and inserting the following: "a."
14 Page 1, by inserting after line 24 the
15 following:
16 ". Page 2, line 22, by striking the figure
17 "3." and inserting the following: "b."
18 Page 2, by inserting after line 25 the
19 following:
20 "____. For the Sioux City art museum to purchase
21 additions to its permanent art collection, to match
22 the beauty of the existing collection, which will help
23 enhance the museum's ability to market to residents
24 within a 300-mile radius of Sioux City,
25 notwithstanding section 8.57, subsection 5, paragraph
26 "c":
27 \$ 2,000,000
28 It is the intent of the general assembly to fund
29 the purchasing of additional art for the Sioux City
30 art museum's art collection in the fiscal year
31 beginning July 1, 1999, and ending June 30, 2000, in
32 the amount of \$5,000,000."
33 Page 1, by striking lines 43 and 44.
34 Page 2, line 7, by striking the figure
35 "5,820,000" and inserting the following: "5,620,000".
36 Page 5, by inserting after line 9 the
37 following:
38 ". Title page 1, line 10, by inserting after
39 the word "affairs" the following: "for additional
40 purchasing of art at the Sioux City art museum and"."
41 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5788

- 1 Amend the House amendment, S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, by inserting after line 19 the
- 5 following:
- 6 " Page 5, by inserting after line 27 the
- 7 following:
- 8 " ____ Persons appointed as members of the board
- 9 shall be confirmed by the senate in the same manner as
- 10 provided in section 2.32. Sections 69.16 and 69.16A
- 11 shall apply to the appointments.""
- 12 2. By renumbering as necessary.

PATTY JUDGE

S-5789

- 1 Amend the amendment, S-5785, to the House
- 2 amendment, S-5740, to Senate File 2381, as amended,
- 3 passed, and reprinted by the Senate as follows:
- 4 1. Page 1, line 14, by inserting after the word
- 5 "organization" the following: "if such organization
- 6 is authorized by the local government where the site
- 7 is located, to be used".
- 8 2. Page 1, line 20, by inserting after the word
- 9 "Iowa" the following: ", if the development of such
- 10 facility has the approval of the city council of the
- 11 city or board of supervisors of the county where the
- 12 site is located".
- 13 3. Page 1, line 25, by inserting before the word
- 14 "infrastructure" the following: "vertical".
- 15 4. Page 1, line 36, by inserting after the word
- 16 "award." the following: "In addition, in determining
- 17 whether the loan is forgivable, the department shall
- 18 consider whether the wages, benefits, including health
- 19 benefits, safety, and other attributes of the project,
- 20 would improve the quality of tourism and recreational
- 21 employment in the community and the extent to which
- 22 such a facility would generate additional tourism and
- 23 recreational opportunities in the state."
- 24 5. By renumbering as necessary.

PATRICK J. DELUHERY
ALLEN BORLAUG

S-5790

- 1 Amend the amendment, S-5785, to the House
- 2 amendment, S-5740, to Senate File 2381, as amended,
- 3 passed, and reprinted by the Senate as follows:

- 4 1. By striking page 1, line 4, through page 2,
5 line 2 and inserting the following:
6 ". Page 1, by inserting after line 21 the
7 following:
8 . Page 2, line 10, by inserting before the
9 word "For" the following: "1."
10 . Page 1, by inserting after line 23 the
11 following:
12 . Page 2, line 15, by striking the figure "1."
13 and inserting the following: "a."
14 . Page 1, by inserting after line 24 the
15 following:
16 . Page 2, line 22, by striking the figure "3."
17 and inserting the following: "b."
18 . Page 2, by inserting after line 25 the
19 following:
20 ". For the planning, design, and construction
21 of a regional historic museum located in Sioux City,
22 that will provide educational benefits to residents
23 within a 300-mile radius of Sioux City:
24 \$ 2,000,000
25 It is the intent of the general assembly to fund
26 the planning, design, and construction of the regional
27 historic museum in the fiscal year beginning July 1,
28 1999, and ending June 30, 2000, in the amount of
29 \$5,000,000."
30 . Page 1, by striking lines 43 and 44.
31 . Page 2, line 7, by striking the figure
32 "5,820,000" and inserting the following: "5,620,000".
33 . Page 5, by inserting after line 9 the
34 following:
35 ". Title, page 1, line 10, by inserting after
36 the word "affairs" the following: "for the
37 construction of a regional historic museum and"."
38 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5791

- 1 Amend the amendment, S-5785, to the House
2 amendment, S-5740, to Senate File 2381, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 1, line 20, by striking the word "Iowa"
5 and inserting the following: "Plymouth county".
6 2. By renumbering as necessary.

STEVEN D. HANSEN

S-5792

- 1 Amend the amendment, S-5781, to the House
- 2 amendment, S-5740, to Senate File 2381, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 34 and 35 and
- 5 inserting the following:
- 6 "_. Page 1, lines 49 and 50, by striking the
- 7 words "to provide additional bed space"."
- 8 2. Page 2, by striking line 1.
- 9 3. By renumbering as necessary.

JOHNIE HAMMOND
ROBERT E. DVORSKY

S-5793

- 1 Amend the amendment, S-5785, to the House
- 2 amendment, S-5740, to Senate File 2381, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 4 through 49 and
- 5 inserting the following:
- 6 "_. Page 1, by inserting after line 30 the
- 7 following:
- 8 "_. Page 2, by inserting after line 31 the
- 9 following:
- 10 "Sec. __. There is appropriated from the rebuild
- 11 Iowa infrastructure fund to the department of economic
- 12 development for the fiscal year beginning July 1,
- 13 1998, and ending June 30, 1999, the following amount,
- 14 or so much thereof as is necessary, to be used for the
- 15 purpose designated:
- 16 To fund the community economic betterment
- 17 recreational and cultural program account established
- 18 in section 15.322:
- 19 \$ 2,000,000
- 20 Notwithstanding section 8.33, unencumbered or
- 21 unobligated funds remaining on June 30, 2001, from the
- 22 funds appropriated in this section shall revert to the
- 23 rebuild Iowa infrastructure fund on August 31, 2001."
- 24 2. Page 2, by inserting after line 2 the
- 25 following:
- 26 "_. Page 2, by inserting after line 48 the
- 27 following:
- 28 "_. Page 10, by inserting after line 11 the
- 29 following:
- 30 "Sec. __. NEW SECTION. 15.321 COMMUNITY ECONOMIC
- 31 BETTERMENT RECREATIONAL AND CULTURAL PROGRAM.
- 32 The purpose of the community economic betterment
- 33 recreational and cultural program is to assist
- 34 communities in the development and creation of
- 35 multipurpose recreational and cultural facilities.

36 Section 15.317 shall apply to this program. The
37 department shall use the rating factors and criteria
38 in section 15.318 to develop applicable rating factors
39 and criteria for the program with the addition of
40 rating factors and criteria relating to tourism
41 potential and the economic impact of the facility
42 being considered.

43 Sec. __. NEW SECTION. 15.322 COMMUNITY ECONOMIC
44 BETTERMENT RECREATIONAL AND CULTURAL PROGRAM ACCOUNT.

45 1. A community economic betterment recreational
46 and cultural program account is established within the
47 strategic investment fund to be used by the department
48 for the community economic betterment recreational and
49 cultural program. The account shall consist of all
50 appropriations, grants, or gifts received by the

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1 department specifically for use under section 15.321
2 and any moneys allocated to the community economic
3 betterment recreational and cultural program account
4 from the strategic investment fund.

5 2. Payments of interest, repayments of moneys
6 loaned under the community economic betterment
7 recreational and cultural program, or recaptures of
8 awards shall be deposited into the strategic
9 investment fund."""

10 3. By renumbering as necessary.

TOM VILSACK
MATT McCOY
MIKE CONNOLLY

S-5794

1 Amend the House amendment, S-5637, to Senate File
2 2332, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, line 15, by inserting after the word
5 "chapter" the following: ", including board expenses
6 such as the amount required for the payment of per
7 diem and actual and necessary expenses of board
8 members as provided in section 190C.2".

PATTY JUDGE

S-5795

1 Amend the House amendment, S-5637, to Senate File
2 2332, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 2, line 14, by striking the word and
- 5 figure "and 10" and inserting the following: "through
- 6 13".
- 7 2. Page 2, by striking lines 16 through 19 and
- 8 inserting the following: "for reappointment."

PATTY JUDGE

S-5796

- 1 Amend the House amendment, S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 44, by striking the word "three"
- 5 and inserting the following: "two".
- 6 2. Page 1, line 47, by striking the word "two"
- 7 and inserting the following: "three".

PATTY JUDGE

S-5797

- 1 Amend the House amendment S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 4, line 7, by inserting after the word
- 5 "board." the following: "Certification under this
- 6 section shall be represented as certification by the
- 7 board and shall not be represented or referred to as
- 8 certification by the department."

PATTY JUDGE

S-5798

- 1 Amend the House amendment, S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. By striking page 1, line 25, through page 2,
- 5 line 19.
- 6 2. Page 4, by striking lines 32 and 33.
- 7 3. Page 4, by striking lines 36 through 41.

PATTY JUDGE

S-5799

- 1 Amend the House amendment S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 32 through 34, and
- 5 inserting the following:

- 6 ". Page 3, line 31, by inserting after the
- 7 word "members" the following: "appointed by the
- 8 governor shall serve at the pleasure of the governor.
- 9 The members appointed by the secretary".
- 10 2. By renumbering as necessary.

PATTY JUDGE

S-5800

- 1 Amend the House amendment, S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 4, by striking lines 44 through 47.
- 5 2. By renumbering as necessary.

PATTY JUDGE

S-5801

- 1 Amend the House amendment S-5637, to Senate File
- 2 2332, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 5 and 6.
- 5 2. Page 1, by striking lines 20 and 21.
- 6 3. Page 1, line 24, by inserting after the word
- 7 "standards" the following: "review and appeals".
- 8 4. Page 2, by striking lines 20 through 39, and
- 9 inserting the following:
- 10 ". Page 6, line 23, by inserting after the
- 11 word "Hear" the following: "appeals of contested
- 12 cases brought by a producer, handler, or processor of
- 13 agricultural products who is denied certification by
- 14 the department as provided in section 190C.13. The
- 15 board shall also hear".
- 16 5. Page 2, line 50, by striking the words "and
- 17 the board".
- 18 6. Page 3, line 6, by striking the word "board"
- 19 and inserting the following: "department".
- 20 7. Page 3, line 12, by striking the word "board"
- 21 and inserting the following: "department".
- 22 8. Page 3, line 16, by striking the words
- 23 "estimate and" and inserting the following:
- 24 "estimate."
- 25 9. Page 3, by striking lines 17 and 18.
- 26 10. Page 3, line 19, by striking the word
- 27 "subsection."
- 28 11. Page 3, line 19, by striking the word "board"
- 29 and inserting the following: "department".
- 30 12. Page 3, line 30, by striking the words: ",
- 31 upon approval by the board,".
- 32 13. Page 4, by striking lines 4 through 7.

- 33 14. Page 4, by striking lines 13 and 14.
- 34 15. Page 4, by striking lines 17 through 26.
- 35 16. Page 4, by striking lines 30 and 31.
- 36 17. Page 4, by striking lines 34 and 35.
- 37 18. By renumbering as necessary.

PATTY JUDGE

S-5802

- 1 Amend the amendment, S-5680, to House File 2395, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by striking lines 11 through 13.
- 5 2. Page 2, by striking lines 24 through 28.
- 6 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5803

- 1 Amend Senate Resolution 123 as follows:
- 2 1. Page 1, line 5, by striking the words "to the
- 3 state" and inserting the following: "realized".
- 4 2. Page 2, line 2, by striking the words "with
- 5 college" and inserting the following: "by".
- 6 3. Page 2, line 20, by striking the word
- 7 "disabilities." and inserting the following:
- 8 "disabilities; and
- 9 BE IT FURTHER RESOLVED, That an official copy of
- 10 this resolution be prepared and presented to the Iowa
- 11 State Association of Counties."

MAGGIE TINSMAN

S-5804

- 1 Amend the amendment, S-5680, to House File 2395, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 "Page 2, by striking lines 18 through 32 and
- 7 inserting the following:
- 8 "Sec. ____ SCHOOLS FUND. There is appropriated
- 9 from the general fund of the state to the SCHOOLS fund
- 10 for the fiscal year beginning July 1, 1997, and ending
- 11 June 30, 1998, the following amount, or so much
- 12 thereof as is necessary, to be used for the purpose
- 13 designated:
- 14 For use as provided in chapter 257D, as enacted by
- 15 this Act:

16 \$ 150,000""
17 2. Page 3, line 4, by striking the words "general
18 fund of the state" and inserting the following:
19 "SCHOOLS fund created in chapter 257D, as enacted by
20 this Act".
21 3. Page 4, by inserting after line 18 the
22 following:
23 "Sec. 300. NEW SECTION. 257D.1 TITLE.
24 This chapter may be cited as the "Support
25 Construction and Habilitation of Our Local Schools
26 Act".
27 Sec. 400. NEW SECTION. 257D.2 SUPPORT
28 CONSTRUCTION AND HABILITATION OF OUR LOCAL SCHOOLS
29 FUND.
30 1. a. A support construction and habilitation of
31 our local schools (SCHOOLS) fund is created within the
32 state treasury under the control of the department of
33 education. For the fiscal year beginning July 1,
34 1997, and each subsequent fiscal year there shall be
35 appropriated from the rebuild Iowa infrastructure fund
36 to the SCHOOLS fund all moneys transferred to the
37 rebuild Iowa infrastructure fund pursuant to sections
38 99E.10 and 99E.20. In addition to moneys appropriated
39 from the rebuild Iowa infrastructure fund, the SCHOOLS
40 fund shall include any other moneys available to and
41 obtained or accepted by the department from the
42 federal government or private sources for placement in
43 the SCHOOLS fund. The assets of the SCHOOLS fund
44 shall be used by the department as provided in
45 subsection 2.
46 b. Payments of interest, recaptures of grants, or
47 repayments of moneys granted shall be deposited in the
48 fund. Section 8.33 does not apply to any moneys in
49 the fund.
50 c. The fund is subject to an annual audit by the

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1 auditor of state. Moneys in the fund, which may be
2 subject to warrants written by the director of revenue
3 and finance, shall be drawn upon the written
4 requisition of the director of the department of
5 education or an authorized representative of the
6 director.
7 d. As used in this chapter, "vertical
8 infrastructure" has the same meaning as in section
9 8.57, subsection 5, except that "vertical
10 infrastructure" shall not include recreational trails.
11 A matching grant shall only be awarded for specific
12 vertical infrastructure projects certified to the
13 department in the application.
14 2. Moneys in the SCHOOLS fund shall be distributed

15 to school districts based on the actual enrollment of
16 students in the district as certified pursuant to
17 section 257.6."

18 4. Page 5, by inserting after line 49 the
19 following:

20 "____. Sections 300 and 400, enacting sections
21 257D.1 and 257D.2."

22 5. By renumbering as necessary.

STEVEN D. HANSEN

S-5805

1 Amend the amendment, S-5785, to the House
2 amendment, S-5740, to Senate File 2381, as amended,
3 passed, and reprinted by the Senate as follows:

4 1. Page 1, by striking lines 4 through 49.

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

7 "_. Page 2, by inserting after line 48 the
8 following:

9 "_. Page 9, line 2, by inserting before the
10 word "For" the following: "1."

11 Page 9, by inserting after line 3 the
12 following:

13 "____. For the state fire marshal for school
14 building fire safety improvements:

15 \$ 2,000,000

16 The general assembly recognizes that school
17 building fire safety improvements are to be considered
18 the highest priority, and it is the intent of the
19 general assembly to fund school building fire safety
20 improvements in the fiscal year beginning July 1,
21 1999, and ending June 30, 2000, in the amount of
22 \$5,000,000."

23 Page 5, by inserting after line 14 the
24 following:

25 Title, page 2, line 6, by inserting after
26 the word "building," the following: "for school
27 building fire safety improvements,""

28 3. By renumbering as necessary.

STEVEN D. HANSEN

S-5806

1 Amend the amendment, S-5781, to the House
2 amendment, S-5740, to Senate File 2381, as amended,
3 passed, and reprinted by the Senate as follows:

4 1. Page 1, by inserting after line 22 the
5 following:

6 "_. Page 1, by inserting after line 30 the

7 following:

8 . Page 3, by inserting after line 4 the

9 following:

10 " . If the amount of revenue from gambling and
11 interest that is deposited in the rebuild Iowa
12 infrastructure fund as specified in section 8.22A,
13 subsection 5, paragraph "b", is in excess of such
14 revenue estimates made by the revenue estimating
15 conference held in April of 1998, then such excess, up
16 to \$9,000,000, is appropriated to the cattlemen's
17 congress located in Black Hawk county."""

18 2. Page 1, by inserting after line 50 the
19 following:

20 " . Page 5, by inserting after line 9 the
21 following:

22 " . Title, page 1, line 12, by inserting after
23 the word "Hamburg," the following: "for the
24 cattlemen's congress,"" ."

25 3. By renumbering as necessary.

JACK RIFE

S-5807

1 Amend the House amendment, S-3465, to Senate File
2 253, as passed by the Senate, as follows:

3 1. By striking page 1, line 3 through page 2,
4 line 22, and inserting the following:

5 " . Page 1, by inserting after line 14 the
6 following:

7 "Sec. ____ Section 169.3, subsection 10,
8 unnumbered paragraph 1, Code 1997, is amended to read
9 as follows:

10 "Practice of veterinary medicine" or "veterinary
11 medical services" means any of the following:"

12 . By striking page 1, line 28, through page 3,
13 line 7, and inserting the following:

14 "Sec. ____ NEW SECTION. 169.4B CERTIFICATION OF
15 CLINIC OPERATORS.

16 1. A person who operates a clinic, including the
17 owner of a clinic, shall not provide veterinary
18 medical services at the clinic, or employ or contract
19 with a licensed veterinarian or the holder of a valid
20 temporary permit as provided in section 169.4, to
21 provide veterinary medical services, unless the person
22 is one of the following:

23 a. An authorized veterinary entity.

24 b. A state agency or political subdivision.

25 c. An animal shelter or pound as defined in
26 section 162.2.

27 d. A person who is certified as a clinic operator
28 pursuant to this section.

29 2. A clinic shall not be used to provide
30 veterinary medical services unless the veterinary
31 medical services are provided by a licensed
32 veterinarian or holder of a temporary permit.
33 3. A person required to be certified under this
34 section must apply for certification with the board
35 according to procedures required by the board. A
36 certification shall be renewed periodically as
37 required by the board, but not less than once every
38 three years.
39 4. A person required to be certified under this
40 section shall comply with standards of conduct
41 established by the board for the operation of a
42 clinic, as provided in this chapter and rules adopted
43 by the board. A certificate issued under this section
44 is not a license or a temporary permit.
45 5. The board shall do all of the following:
46 a. Issue, renew, or deny the issuance or renewal
47 of a clinic operator's certificate according to
48 procedures established by the board.
49 b. Adopt, amend, or rescind rules necessary to
50 administer this section in accordance with chapter

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1 17A.
2 6. a. The board may take disciplinary action
3 against a person required to be certified as a clinic
4 operator under this section, if it determines that the
5 person has done any of the following:
6 (1) Violated this section, including rules adopted
7 by the board under this section.
8 (2) Committed an act or offense prohibited in
9 section 169.13.
10 b. A disciplinary action taken against a person
11 required to be certified as a clinic operator shall
12 comply with the requirements of section 169.14."
13 Page 3, by striking lines 9 through 11 and
14 inserting the following:
15 "A person who provides veterinary medical services,
16 including an authorized veterinary entity or a clinic,
17 shall maintain records regarding the care provided to
18 animals as provided by rules which shall be adopted by
19 the".
20 Page 3, line 16, by striking the word "may"
21 and inserting the following: "shall".
22 Page 3, line 18, by inserting after the word
23 "clinic." the following: "The records shall be
24 maintained for at least five years from the date that
25 the person last provided veterinary medical services."
26 By striking page 3, line 19, through page 3,
27 line 34, and inserting the following:

28 "Sec. ____ Section 169.19, subsections 1 through
 29 3, Code 1997, are amended to read as follows:
 30 1. a. Any A person who practices ~~does any of the~~
 31 following is guilty of a fraudulent practice:
 32 (1) Practices veterinary medicine without a
 33 currently valid license or temporary permit ~~is guilty~~
 34 of a fraudulent practice.
 35 (2) Operates a clinic without a clinic operator's
 36 certificate as provided in section 169.4B.
 37 b. Each act of such unlawful practice shall
 38 constitute prohibited in this subsection constitutes a
 39 distinct and separate offense.
 40 2. A person who ~~shall practice~~ does any of the
 41 following shall not receive compensation for providing
 42 veterinary medical services:
 43 a. Practices veterinary medicine without a
 44 currently valid license or temporary permit ~~shall not~~
 45 receive any compensation for services so rendered.
 46 b. Owns or operates a clinic without being issued
 47 a valid clinic operator's certificate as provided in
 48 section 169.4B.
 49 3. The county attorney of the county in which any
 50 violation of this chapter occurs shall conduct the

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1 necessary prosecution for such violation.
 2 Notwithstanding this provision, the board of
 3 veterinary medicine or any citizen of this state may
 4 bring an action to enjoin any person from providing
 5 veterinary medical services, including practicing
 6 veterinary medicine, without a currently valid
 7 license, or temporary permit, or clinic operator's
 8 certificate. The action brought to restrain a person
 9 from engaging in the practice of providing veterinary
 10 medicine without possessing a license medical services
 11 as provided in this subsection, shall be brought in
 12 the name of the state of Iowa. If the court finds
 13 that the individual is violating or threatening to
 14 violate this chapter it shall enter an injunction
 15 restraining the individual from such unlawful acts."
 16 2. By renumbering as necessary.

STEWART IVERSON, Jr.

S-5808

1 Amend the amendment, S-5781, to the House
 2 amendment, S-5740, to Senate File 2381, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 1, by inserting after line 45 the
 5 following:

- 6 ". Page 4, by inserting before line 48 the
7 following:
8 ". Page 13, by inserting after line 14 the
9 following:
10 "Sec. ____ Any revenues from compacts entered into
11 with Native American tribes regarding gaming shall be
12 deposited in the rebuild Iowa infrastructure fund.
13 Sec. ____ Any compacts entered into with Native
14 American tribes regarding gaming shall be ratified by
15 the Senate.""
16 2. Page 2, by inserting after line 2 the
17 following:
18 ". Page 5, by inserting after line 26 the
19 following:
20 ". Title, page 3, line 44, by inserting after
21 the words "infrastructure fund" the following: ", by
22 requiring ratification of compacts entered into with
23 Native American tribes and by allocating revenues from
24 such compacts""."
25 3. By renumbering as necessary.

JACK RIFE

S-5809

- 1 Amend House File 2538, as passed by the House, as
2 follows:
3 1. Page 1, line 13, by inserting after the word
4 "zone" the following: "or in a county with a total
5 population of less than fifteen thousand which is not
6 eligible to designate an enterprise zone,".
7 2. Page 1, line 18, by inserting after the word
8 "zone" the following: "or in a county with a total
9 population of less than fifteen thousand which is not
10 eligible to designate an enterprise zone".
11 3. Page 1, by inserting after line 33 the
12 following:
13 "4A. A county with a total population of less than
14 fifteen thousand which is not eligible to designate an
15 enterprise zone shall establish an enterprise zone
16 commission pursuant to section 15E.195 for purposes of
17 this section only."
18 4. Page 2, line 24, by inserting after the word
19 "zone" the following: "or in a county with a total
20 population of less than fifteen thousand which is not
21 eligible to designate an enterprise zone,".
22 5. Page 2, line 26, by inserting after the word
23 "zone" the following: "or in a county with a total

24 population of less than fifteen thousand which is not
25 eligible to designate an enterprise zone".

PATTY JUDGE

S-5810

1 Amend House File 2538, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 13 the
4 following:
5 "5A. In addition to the requirements an enterprise
6 zone commission may adopt pursuant to section 15E.195,
7 subsection 2, an enterprise zone commission may
8 negotiate with an eligible housing business to limit
9 the sales price of a single-family home or multiple
10 dwelling unit building in return for receiving
11 incentives and assistance pursuant to this section."
12 2. Page 2, line 14, by striking the word "An" and
13 inserting the following: "Unless there is an
14 agreement between an enterprise zone commission and an
15 eligible housing business pursuant to subsection 5A,
16 an".

TOM VILSACK

S-5811

1 Amend the House amendment, S-5740, to Senate File
2 2381, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 48 the
5 following:
6 ". Page 9, line 27, by striking the word
7 "purpose" and inserting the following: "purposes".
8 ". Page 9, by inserting after line 27 the
9 following:
10 "1. For an automated weather observation system at
11 the city of Harlan airport:
12 \$ 55,000"
13 Page 9, line 28, by inserting before the
14 word "For" the following: "2."
15 Page 9, line 30, by striking the figure
16 "1,000,000" and inserting the following: "945,000".
17 2. Page 5, by inserting after line 23 the
18 following:
19 ". Title, page 2, line 21, by inserting after
20 the word "airports" the following: "and for an
21 automated weather observation system".
22 3. By renumbering as necessary.

NANCY BOETTGER

S-5812

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by striking lines 7 through 13.

5 2. Page 2, line 23, by striking the figure
6 "50,000" and inserting the following: "109,000".

7 3. Page 2, by striking lines 29 through 32.

8 4. Page 2, line 33, by inserting before the word
9 "Notwithstanding" the following: "Any lottery
10 revenues remaining in the lottery fund at the end of
11 the fiscal year beginning July 1, 1997, as a result of
12 not being appropriated or as a result of a veto of any
13 appropriation made in this section shall be
14 transferred to the general fund of the state."

15 5. Page 2, line 38, by inserting after the word
16 "year." the following: "Moneys which revert at the
17 end of the succeeding fiscal year shall be transferred
18 to the general fund of the state."

19 6. Page 3, by inserting after line 27 the
20 following:

21 "Sec. ____ Section 97B.49B, subsection 3,
22 paragraph b, subparagraph (6), if enacted in 1998 Iowa
23 Acts, House File 2496, section 36, is amended to read
24 as follows:

25 (6) For the fiscal year commencing July 1, 1994,
26 and each succeeding fiscal year through the fiscal
27 year ending June 30, 1998, each judicial district
28 department of correctional services shall pay to the
29 department of personnel from funds appropriated to
30 that judicial district department of correctional
31 services, the amount necessary to pay the employer
32 share of the cost of the additional benefits provided
33 to employees ~~covered under subsection 1, paragraph~~
34 ~~"d", subparagraph (7) of a judicial district~~
35 department of correctional services who are employed
36 as a probation officer III or a parole officer III."

37 7. Page 5, by inserting after line 38 the
38 following:

39 "Sec. ____ If the amendment to section 421.40,
40 unnumbered paragraph 3, Code 1997, contained in 1998
41 Iowa Acts, House File 2530 is enacted, that amendment
42 shall prevail over the amendment to section 421.40,
43 unnumbered paragraph 3, Code 1997, contained in 1998
44 Iowa Acts, Senate File 518, section 39.

45 Sec. ____ 1998 Iowa Acts, House File 2290, section
46 7, if enacted, is amended to read as follows:

47 SEC. 7. EFFECTIVE DATE. Section 6 of this Act,
48 being deemed of immediate importance, takes effect
49 upon enactment. Section 5 of this Act takes effect
50 December 15, 1998, and applies to nonresident deer

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1 hunting licenses for calendar years beginning on or
2 after January 1, 1999.

3 Sec. ____ Section 483A.8, subsection 3, Code 1997,
4 as amended by 1998 Iowa Acts, Senate File 187, section
5 10, is amended to read as follows:

6 3. A nonresident hunting deer is required to have
7 a nonresident deer license and must pay the wildlife
8 habitat fee. The commission shall annually limit to
9 ~~six~~ seven thousand five hundred licenses the number of
10 nonresidents allowed to have deer hunting licenses.
11 The number of nonresident deer hunting licenses shall
12 be determined as provided in section 481A.38. The
13 commission shall allocate the nonresident deer hunting
14 licenses issued among the zones based on the
15 populations of deer. However, a nonresident applicant
16 may request one or more hunting zones, in order of
17 preference, in which the applicant wishes to hunt. If
18 the request cannot be fulfilled, the applicable fees
19 shall be returned to the applicant. A nonresident
20 applying for a deer hunting license must exhibit proof
21 of having successfully completed a hunter safety and
22 ethics education program as provided in section
23 483A.27 or its equivalent as determined by the
24 department before the license is issued.

25 Sec. ____ 1998 Iowa Acts, Senate File 187, section
26 27, if enacted, is amended to read as follows:

27 SEC. 27. EFFECTIVE AND APPLICABILITY DATES. This
28 Act takes effect December 15, 1998, and applies to
29 licenses and fees for hunting, fishing, fur
30 harvesting, and related wildlife and game activities
31 for the calendar year years beginning on or after
32 January 1, 1999."

33 8. Page 5, by inserting after line 44 the
34 following:

35 "Sec. 300. 1998 Iowa Acts, Senate File 2406,
36 section 13, if enacted, is amended to read as follows:

37 SEC. 13. IOWA EMPOWERMENT BOARD. The Iowa
38 empowerment board shall adopt rules, arrange for
39 technical assistance, provide guidance, and take other
40 actions needed to assist the designation of community
41 empowerment areas and creation of community
42 empowerment boards and to enable the community
43 empowerment area boards to submit school ready
44 children grant plans in a timely manner for the
45 initial grants to be awarded and grant moneys to be
46 paid. For the initial grants, plans shall be
47 submitted by September 1, 1998, or by January 1, 1999
48 December 1, 1998, in accordance with criteria
49 established by the board. The Iowa board shall submit

50 to the governor and the general assembly a proposed

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1 funding formula for distribution of school ready
2 children grant moneys as necessary for statewide
3 implementation of the grant program for the fiscal
4 year beginning July 1, 1999, and subsequent fiscal
5 years.
6 Sec. 400. 1998 Iowa Acts, Senate File 2410,
7 section 83, subsection 7, if enacted, is amended to
8 read as follows:
9 7. Section 15, subsection 19, paragraph "b" "a",
10 relating to authority to use moneys for support of the
11 child welfare services work group.
12 Sec. 500. Section 514I.7, subsection 2, paragraph
13 e, if enacted by 1998 Iowa Acts, House File 2517,
14 section 9, is amended to read as follows:
15 e. Is not currently covered under or was not
16 covered within the prior six months under a group
17 health plan as defined in 42 U.S.C. } 300Ggg-91(a)(1)
18 300gg-91(a)(1) or other health benefit plan, unless
19 the coverage was involuntarily lost or unless dropping
20 the coverage is allowed by rule of the board.
21 Sec. ____ 1998 Iowa Acts, House File 2162,
22 sections 34 and 42, are repealed."
23 9. Page 5, by inserting after line 49 the
24 following:
25 "____. Section 300, amending 1998 Iowa Acts, Senate
26 File 2406, section 13.
27 ____ Section 400, amending 1998 Iowa Acts, Senate
28 File 2410, section 83, subsection 7.
29 ____ Section 500, amending section 514I.7, if
30 enacted by 1998 Iowa Acts, House File 2517, section
31 9."
32 10. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

DERRYL McLAREN

S-5813

1 Amend the House amendment, S-5771, to Senate File
2 2418, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 30, by inserting after the word
5 "appropriate." the following: "The study authorized
6 in this section shall also include, but not be limited
7 to, a determination as to the appropriate number of
8 Iowa communications network classrooms which should be
9 established per capita."
10 2. Page 1, by inserting after line 30 the

11 following:

12 " . Page 5, by inserting after line 4 the

13 following:

14 "Sec. ____ DIVISION OF INFORMATION TECHNOLOGY

15 SERVICES HEAD -- SENATE CONFIRMATION. Notwithstanding

16 any contrary provision, the individual appointed by

17 the director of the department of general services as

18 the head of the division of information technology

19 services in the department shall be subject to senate

20 confirmation.""

21 3. Page 1, by striking line 37 and inserting the

22 following:

23 \$ 150,000

24 ____ To the state board of regents for technology

25 improvement:

26 \$ 450,000""

27 4. Page 2, by striking line 4 and inserting the

28 following:

29 " . Page 10, by striking lines 23 through 27

30 and inserting the following: "2000 program office, or

31 any other state agency. The person retained to

32 conduct the progress audit shall provide a written

33 report to the legislative council on or before

34 November 1, 1998, including the results of the audit

35 and any information as deemed".

36 Page 10, line 33, by striking the word

37 "July" and inserting the following: "February".

38 By striking page 11, line 1, through page

39 12,".

40 5. Page 2, by striking lines 22 through 39 and

41 inserting the following:

42 "e. (1) Seven individuals to be appointed as

43 follows:

44 (a) Three members appointed by the governor.

45 (b) Two members appointed by the majority leader

46 of the senate in consultation with the minority leader

47 of the senate.

48 (c) Two members appointed by the speaker of the

49 house of representatives in consultation with the

50 majority and minority leaders of the house of

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1 representatives.

2 (2) Members appointed pursuant to subparagraph (1)

3 shall include the following:

4 (a) One member representing financial institutions

5 who shall be actively engaged in finance and banking.

6 (b) One person representing insurers who shall be

7 actively engaged in the insurance industry.

8 (c) One person representing attorneys who shall be

9 actively engaged in the profession of law.

- 10 (d) One person representing media interests.
- 11 (e) One person representing cities who shall be
- 12 actively engaged in the administration of a city.
- 13 (f) One person representing counties who shall be
- 14 actively engaged in the administration of a county.
- 15 (g) One person with technical expertise who shall
- 16 provide guidance and advice on the status of
- 17 technology and anticipated technological developments.
- 18 (3) A person appointed pursuant to this paragraph
- 19 shall not directly or indirectly have a conflict of
- 20 interest."
- 21 6. Page 6, by striking line 45 and inserting the
- 22 following:
- 23 "Sec. ____ FUNDING FOR IOWACCESS."
- 24 7. Page 6, by striking lines 48 and 49 and
- 25 inserting the following: "not to exceed four hundred
- 26 thousand dollars, up to one dollar of each".
- 27 8. Page 7, line 6, by inserting after the figure
- 28 "VII." the following: "For fiscal years beginning on
- 29 or after July 1, 1999, funding for the purposes of
- 30 developing, implementing, maintaining, and expanding
- 31 electronic access to government records in accordance
- 32 with the requirements as set forth in chapter 18,
- 33 division VII, shall be provided through the general
- 34 assembly's appropriation process and the department of
- 35 general services shall include a line item request for
- 36 such funding in the department's annual budget
- 37 request."
- 38 9. By striking page 7, line 21, through page 8,
- 39 line 7, and inserting the following:
- 40 " Page 15, by inserting after line 25 the
- 41 following:
- 42 "Notwithstanding any contrary provision, the
- 43 commission shall not permit any new connections to the
- 44 network after June 30, 1999, except for a connection
- 45 where the construction associated with such connection
- 46 has commenced on or before June 30, 1999."
- 47 10. By renumbering as necessary.

JACK RIFE

S-5814

- 1 Amend the House amendment, S-5740, to Senate File
- 2 2381, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 44 the
- 5 following:
- 6 " Page 4, by inserting after line 34 the
- 7 following:
- 8 "Of the amount appropriated in this subsection, the
- 9 department shall transfer \$50,000 to the legislative

10 council to hire a consultant for purposes of
11 conducting a study for the planning and design of an
12 Iowa hall of fame to honor and promote Iowans who have
13 contributed to the betterment of Iowa, the country,
14 and the world.""
15 2. By renumbering as necessary.

WALLY E. HORN

S-5815

1 Amend the House amendment, S-5771, to Senate File
2 2418, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by striking line 6 and inserting the
5 following:
6 "Sec. NEW SECTION. 18.180A INFORMATION
7 SERVICES BOARD -- MEMBERS -- CHAIRPERSON -- VACANCIES
8 -- QUORUM -- COMPENSATION AND TRAVEL EXPENSES.
9 1. A state information services board is created.
10 The membership shall be composed of the following:
11 a. The governor shall appoint ten members, subject
12 to confirmation by the senate. The governor shall
13 appoint one member to represent higher education, one
14 member who is a representative of a state agency, and
15 two members to represent the private sector. The
16 appointments shall be made in a manner so that all of
17 the state's congressional districts are represented
18 along with the ethnic, cultural, social, and economic
19 diversity of the state. Terms of office of members
20 appointed by the governor shall be three years.
21 b. The chief justice of the supreme court or a
22 designee shall serve as a member to represent the
23 judicial branch of government.
24 c. The director of the department of education or
25 a designee shall serve as a member to represent the
26 interests of kindergarten through grade twelve
27 education.
28 2. Board members shall be reimbursed for actual
29 and necessary expenses incurred in performance of
30 their duties. Members may also be eligible to receive
31 compensation as provided in section 7E.6.
32 3. In addition to the voting members, the board
33 shall include four members of the general assembly
34 with not more than one member from each chamber being
35 from the same political party. The two senators shall
36 be designated by the president of the senate after
37 consultation with the majority and minority leaders of
38 the senate. The two representatives shall be
39 designated by the speaker of the house of
40 representatives after consultation with the majority
41 and minority leaders of the house of representatives.

42 Legislative members shall serve in an ex officio,
43 nonvoting capacity. A legislative member is eligible
44 for per diem and expenses as provided in section 2.10.
45 4. The governor shall assign staffing services to
46 the board which may include the staff identified by
47 the director of the department of management.
48 5. The members shall select a chairperson from
49 among the board members. Vacancies shall be filled in
50 the same manner that the original appointments were

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1 made. A majority of the members of the board shall
2 constitute a quorum for the transaction of business.
3 Sec. . NEW SECTION. 18.180B POWERS AND DUTIES
4 OF BOARD.
5 1. The board shall have the following powers and
6 duties related to information services:
7 a. To develop standards governing the acquisition
8 and disposition of equipment, proprietary software and
9 purchased services, and confidentiality of
10 computerized data.
11 b. To purchase, lease, rent, or otherwise acquire,
12 dispose of, and maintain equipment, proprietary
13 software, and purchased services, or to delegate to
14 other agencies and institutions of state government,
15 under appropriate standards, the authority to
16 purchase, lease, rent, or otherwise acquire, dispose
17 of, and maintain equipment, proprietary software, and
18 purchased services. This paragraph does not apply to
19 the legislative branch.
20 c. To develop statewide or interagency technical
21 policies, standards, and procedures.
22 d. To review and approve standards and common
23 specifications for new or expanded telecommunications
24 networks proposed by agencies, local governments,
25 public postsecondary education institutions, and
26 public schools with kindergarten through grade twelve.
27 e. To provide direction concerning strategic
28 planning goals and objectives for the state. The
29 board shall seek input from the general assembly and
30 the supreme court.
31 f. To develop and implement a process for the
32 resolution of appeals by vendors concerning the
33 conduct of an acquisition process by a state agency or
34 the department or a customer state agency concerning
35 the provision of services by the department or by
36 other state agency providers.
37 g. To establish policies for the periodic review
38 by the department of state agency performance which
39 may include but are not limited to analysis of:
40 (1) Planning, management, control, and use of

- 41 information services.
- 42 (2) Training and education.
- 43 (3) Project management.
- 44 h. To set its meeting schedules and convene at
- 45 scheduled times, or meet at the request of a majority
- 46 of its members, the chair, or the director.
- 47 i. To review and approve that portion of the
- 48 department's budget request that provides support to
- 49 the board.
- 50 2. As statewide technical standards to promote and

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- 1 facilitate electronic information sharing and access
- 2 are an essential component of acceptable and reliable
- 3 public access service and complement content-related
- 4 standards designed to meet those goals, the board
- 5 shall do all of the following:
- 6 a. Establish technical standards to facilitate
- 7 electronic access to government information and
- 8 interoperability of information systems. Local
- 9 governments are strongly encouraged to follow the
- 10 standards established by the board.
- 11 b. Require agencies to consider electronic public
- 12 access needs when planning new information systems or
- 13 major upgrades of systems.
- 14 Sec. . NEW SECTION. 18.180C ADVISORY
- 15 COMMITTEES.
- 16 1. The director shall appoint advisory committees
- 17 to assist the division of information technology
- 18 services. Advisory committees shall include, but are
- 19 not limited to, customer oversight committees.
- 20 2. Customer oversight committees shall provide the
- 21 division with advice concerning the type, quality, and
- 22 cost of the division's services. The number of
- 23 customer oversight committees and their membership
- 24 shall be determined by the director to assure that all
- 25 services are subject to oversight by a representative
- 26 selection of customers. At least annually, these
- 27 committees shall meet to recommend, review, and
- 28 comment on the service goals and objectives of the
- 29 division and the budgets for operations of those
- 30 services and the rates to be charged for those
- 31 services. The committees may call upon the board to
- 32 resolve disputes between agencies and the division
- 33 which may arise with regard to service offerings,
- 34 budgets, or rates.
- 35 3. Any advisory committee created by the director
- 36 may be convened by a majority of its members, by its
- 37 chair, or by the director.

- 38 Sec. ____ NEW SECTION. 18.181 IOWACCESS".
39 2. By renumbering as necessary.

MARY NEUHAUSER

HOUSE AMENDMENT TO
SENATE FILE 2068

S-5816

- 1 Amend Senate File 2068, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. ____ NEW SECTION. 364.25 RETIREE HEALTH
6 CARE.
7 A city may provide health or medical insurance
8 coverage or supplemental coverage to retired employees
9 of the city. A city providing health or medical
10 insurance coverage pursuant to this section may
11 establish such requirements or restrictions concerning
12 the coverage provided as the city may adopt. If
13 coverage is provided, the cost of the health or
14 medical insurance coverage shall be paid from moneys
15 held in a trust and agency fund established pursuant
16 to section 384.6, or out of an appropriation from the
17 city general fund for this purpose."
18 2. Page 1, line 21, by striking the word
19 "section" and inserting the following: "sections
20 364.25 and".
21 3. Title page, line 1, by inserting after the
22 word "pay" the following: "health and medical
23 insurance coverage to retired employees and".
24 4. By renumbering as necessary.

S-5817

- 1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by inserting after line 18 the
5 following:
6 "Sec. ____ Section 15E.195, Code Supplement 1997,
7 is amended to read as follows:
8 15E.195 ENTERPRISE ZONE COMMISSION.
9 1. A county which designates an enterprise zone
10 pursuant to section 15E.194, subsection 1, and in
11 which an eligible enterprise zone is certified shall
12 establish an enterprise zone commission to review
13 applications from qualified businesses located within
14 or requesting to locate within an enterprise zone
15 designated pursuant to section 15E.194, subsection 1,

16 to receive incentives or assistance as provided in
17 section 15E.196. The enterprise zone commission shall
18 also review applications from qualified housing
19 businesses requesting to receive incentives or
20 assistance as provided in section 15E.193A. The
21 commission shall consist of nine members. Five of
22 these members shall consist of one representative of
23 the board of supervisors, one member with economic
24 development expertise chosen by the department of
25 economic development, one representative of the county
26 zoning board, one member of the local community
27 college board of directors, and one representative of
28 the local workforce development center. These five
29 members shall select the remaining four members. If
30 the enterprise zone consists of an area meeting the
31 requirements for eligibility for an urban or rural
32 enterprise community under Title XIII of the federal
33 Omnibus Budget Reconciliation Act of 1993, one of the
34 remaining four members shall be a representative of
35 that zone community. However, if the enterprise zone
36 qualifies under the city criteria, one of the four
37 members shall be a representative of an international
38 labor organization and if an enterprise zone is
39 located in any city, a representative, chosen by the
40 city council, of each such city may be a member of the
41 commission. A county shall have only one enterprise
42 zone commission to review applications for incentives
43 and assistance for businesses located within or
44 requesting to locate within a certified enterprise
45 zone designated pursuant to section 15E.194,
46 subsection 1.
47 2. The commission may adopt more stringent
48 requirements, including requirements related to
49 compensation and benefits, for a business to be
50 eligible for incentives or assistance than provided in

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1 section sections 15E.193 and 15E.193A. The commission
2 may develop as an additional requirement that
3 preference in hiring be given to individuals who live
4 within the enterprise zone. The commission shall work
5 with the local workforce development center to
6 determine the labor availability in the area. The
7 commission shall examine and evaluate building codes
8 and zoning in the enterprise zone and make
9 recommendations to the appropriate governing body in
10 an effort to promote more affordable housing
11 development.
12 3. If the enterprise zone commission determines
13 that a business qualifies ~~for inclusion in an~~
14 ~~enterprise zone~~ and is eligible to receive incentives

15 or assistance as provided in either section 15E.193A
16 or section 15E.196, the commission shall submit an
17 application for incentives or assistance to the
18 department of economic development. The department
19 may approve, defer, or deny the application.

20 4. In making its decision, the commission or
21 department shall consider the impact of the eligible
22 business on other businesses in competition with it
23 and compare the compensation package of businesses in
24 competition with the business being considered for
25 incentives or assistance. The commission or
26 department shall make a good faith effort to identify
27 existing Iowa businesses within an industry in
28 competition with the business being considered for
29 incentives or assistance. The commission or
30 department shall also make a good faith effort to
31 determine the probability that the proposed incentives
32 or assistance will displace employees of existing
33 businesses. In determining the impact on businesses
34 in competition with the business seeking incentives or
35 assistance, jobs created as a result of other jobs
36 being displaced elsewhere in the state shall not be
37 considered direct jobs created.

38 However, if the commission or department finds that
39 an eligible business has a record of violations of the
40 law, including but not limited to environmental and
41 worker safety statutes, rules, and regulations, over a
42 period of time that tends to show a consistent
43 pattern, the eligible business shall not qualify for
44 incentives or assistance under section 15E.193A or
45 section 15E.196, unless the commission or department
46 finds that the violations did not seriously affect
47 public health or safety or the environment, or if it
48 did that there were mitigating circumstances. In
49 making the findings and determinations regarding
50 violations, mitigating circumstances, and whether an

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1 eligible business is eligible for incentives or
2 assistance under section 15E.193A or section 15E.196,
3 the commission or department shall be exempt from
4 chapter 17A. If requested by the commission or
5 department, the business shall provide copies of
6 materials documenting the type of violation, any fees
7 or penalties assessed, court filings, final
8 disposition of any findings and any other information
9 which would assist the commission or department in
10 assessing the nature of any violation.

11 5. A business that is approved to receive
12 incentives or assistance shall, for the length of its
13 designation as an enterprise zone business, certify

14 annually to the county or city, as applicable, and the
15 department of economic development its compliance with
16 the requirements of either section 15E.193 or section
17 15E.193A."

18 2. Page 5, by inserting after line 44 the
19 following:

20 "Sec. ____ 1998 Iowa Acts, House File 2538,
21 section 2, amending section 15E.195, is repealed.

22 Sec. ____ 1998 Iowa Acts, House File 2164, section
23 11, amending section 15E.195, subsection 1, is
24 repealed."

25 3. By renumbering as necessary.

DERRYL McLAREN

S-5818

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "Sec. ____ BUILDING INSPECTION.

7 1. The appropriation made in 1998 Iowa Acts, House
8 File 2498, if enacted, to the department of
9 inspections and appeals, health facilities division,
10 is reduced by \$90,000. The requirement in that
11 appropriation for the health facilities division to
12 use \$90,000 to pay the salary, support, and
13 miscellaneous expenses of a building inspector
14 position is void and the provisions of subsection 2
15 are substituted in lieu of that requirement.

16 2. Notwithstanding section 8.33 and the
17 reversionary provisions of 1997 Iowa Acts, chapter
18 209, section 10, unnumbered paragraph 2, of the moneys
19 appropriated in 1997 Iowa Acts, chapter 209, section
20 10, subsection 5, which remain unobligated or
21 unexpended at the close of the fiscal year beginning
22 July 1, 1997, \$90,000, or so much thereof as is
23 available, shall not revert but shall be transferred
24 to the department of inspections and appeals, health
25 facilities division. The transferred moneys shall be
26 used in the succeeding fiscal year to contract for the
27 performance of building inspections. Moneys
28 transferred pursuant to this section which revert at
29 the end of the fiscal year beginning July 1, 1998,
30 shall be transferred to the general fund of the
31 state."

32 2. By renumbering as necessary.

DERRYL McLAREN

S-5819

1 Amend the House amendment, S-5740, to Senate File
2 2381, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 30 the
5 following:

6 "_. Page 4, by inserting after line 8 the
7 following:

8 "Sec. __. There is appropriated from the rebuild
9 Iowa infrastructure fund to the department of economic
10 development for the fiscal year beginning July 1,
11 1998, and ending June 30, 1999, the following amount,
12 or so much thereof as is necessary, to be used for the
13 purpose designated:

14 To fund the community economic betterment
15 recreational and cultural program account established
16 in section 15.322:

17 \$ 5,000,000

18 Notwithstanding section 8.33, unencumbered or
19 unobligated funds remaining on June 30, 2001, from the
20 funds appropriated in this section shall revert to the
21 rebuild Iowa infrastructure fund on August 31, 2001."

22 2. Page 1, by striking lines 43 and 44.

23 3. Page 2, line 7, by striking the figure
24 "5,820,000" and inserting the following: "2,620,000".

25 4. Page 2, by inserting after line 48 the
26 following:

27 "_. Page 10, by inserting after line 11 the
28 following:

29 "Sec. __. NEW SECTION. 15.321 COMMUNITY ECONOMIC
30 BETTERMENT RECREATIONAL AND CULTURAL PROGRAM.

31 The purpose of the community economic betterment

32 recreational and cultural program is to assist
33 communities in the development and creation of
34 multipurpose recreational and cultural facilities.

35 The department shall consider whether the wages, the
36 benefits, including health benefits, safety, and other
37 attributes of the project, would improve the quality
38 of tourism and recreational employment in the
39 community and the extent to which such a facility
40 would generate additional tourism and recreational
41 opportunities in the state. The department may
42 provide financial assistance to communities for
43 infrastructure improvements to multipurpose
44 recreational and cultural facilities which meet the
45 definition of vertical infrastructure pursuant to
46 section 8.57, subsection 5, paragraph "c". Financial
47 assistance may be provided in the form of a loan,
48 forgivable loan, loan guarantee, cost-share, or any
49 combination of financial assistance deemed by the
50 department to be most efficient in facilitating the

Page 2

- 1 recreational or cultural project.
2 Up to \$2,000,000 may be expended by the department
3 for a project if the department determines that an
4 immediate opportunity exists for the establishment of
5 a facility that can produce a long-term tax-generating
6 economic impact, if such project has the approval of
7 the city council of the city or board of supervisors
8 of the county where the project is located.
9 Sec. __. NEW SECTION. 15.322 COMMUNITY ECONOMIC
10 BETTERMENT RECREATIONAL AND CULTURAL PROGRAM ACCOUNT.
11 1. A community economic betterment recreational
12 and cultural program account is established within the
13 strategic investment fund to be used by the department
14 for the community economic betterment recreational and
15 cultural program. The account shall consist of all
16 appropriations, grants, or gifts received by the
17 department specifically for use under section 15.321
18 and any moneys allocated to the community economic
19 betterment recreational and cultural program account
20 from the strategic investment fund.
21 2. Payments of interest, repayments of moneys
22 loaned under the community economic betterment
23 recreational and cultural program, or recaptures of
24 awards shall be deposited into the strategic
25 investment fund.""
26 5. By renumbering as necessary.

ALLEN BORLAUG
JOHN W. JENSEN
TOM VILSACK
WALLY E. HORN
MAGGIE TINSMAN
DENNIS H. BLACK
O. GENE MADDOX
ROD HALVORSON
PATRICK J. DELUHERY

S-5820

- 1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting before line 2 the
4 following:
5 "Sec. __. MUSSEL FISHING -- SEASON.
6 Notwithstanding sections 481A.38, 481A.39, 482.1, and
7 482.12, the open season for taking washboard mussel on
8 the Mississippi river and its connected backwaters in
9 calendar year 1998 shall be from April 1 to August 31.
10 The washboard mussel shall be taken only during the

11 hours between sunrise and sunset. The minimum size
12 limit on washboard mussel shall be four inches."

ALLEN BORLAUG

S-5821

1 Amend the amendment, S-5731, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. By striking page 1, line 9, through page 4,
5 line 1, and inserting the following:

6 "Section 1. Section 99D.11, subsection 7, Code
7 1997, is amended to read as follows:

8 7. A person under the age of twenty-one years
9 shall not make or attempt to make a pari-mutuel wager.
10 A person who violates this subsection commits a
11 scheduled violation under section 805.8, subsection
12 13.

13 Sec. ____ Section 99E.18, Code 1997, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 5. A person under the age of
16 twenty-one years shall not purchase or attempt to
17 purchase a ticket or share. A person who violates
18 this subsection commits a scheduled violation under
19 section 805.8, subsection 13.

20 Sec. ____ Section 99F.4A, subsection 2, Code 1997,
21 is amended to read as follows:

22 2. A license to operate gambling games shall be
23 issued only to a licensee holding a valid license to
24 conduct pari-mutuel dog or horse racing pursuant to
25 chapter 99D on January 1, 1994. However, a license to
26 operate gambling games issued pursuant to this
27 subsection may be transferred to another person after
28 a majority of the voters voting on the transfer
29 proposal approves it. Only the registered voters of
30 the county in which the racetrack enclosure is located
31 are eligible to vote on the proposal. The transfer
32 proposal shall be submitted by the board of
33 supervisors at a general election or a special
34 election called for that purpose. If the proposal is
35 approved, the issuance of a new license is subject to
36 application to, and approval by, the commission.
37 However, the commission shall not give its approval
38 unless the new licensee meets the requirements of
39 sections 99D.8 through 99D.10. In addition, if there
40 is in existence at the time of license transfer a
41 contract for purses and supplements for horse racing,
42 the contract shall remain in effect until its
43 termination, and thereafter, purses and supplements
44 shall be no lower than fifteen percent of the annual
45 adjusted gross receipts. A transferee shall not be

46 required to honor any material changes made to such
47 contract within one year before the transfer.
48 Sec. ____ Section 99F.4A, Code 1997, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 8. A civil penalty imposed by the

Page 2

1 commission on a licensee relating to a violation of
2 legal age for gambling or pari-mutuel wagering at an
3 excursion gambling boat or a pari-mutuel racetrack
4 shall not exceed one thousand dollars per incident if
5 the violator is removed by the licensee.
6 Sec. ____ Section 99F.4A, Code 1997, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 9. If a license issued pursuant
9 to this chapter or chapter 99D is transferred, an
10 existing collective bargaining agreement or the impact
11 of an employee representation election shall transfer
12 to the new licensee.
13 Sec. 201. NEW SECTION. 99F.5A MORATORIUM FOR
14 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
15 ON THE NUMBER OF GAMBLING GAMES.
16 1. The total number of licenses issued to conduct
17 gambling games on excursion gambling boats pursuant to
18 this chapter shall not exceed ten until July 1, 2003.
19 2. Notwithstanding subsection 1, the following
20 actions may be taken during the moratorium from July
21 1, 1998, until July 1, 2003, with the approval of the
22 commission:
23 a. A licensed excursion gambling boat may move to
24 a new location within the same county.
25 b. A licensed excursion gambling boat and its
26 facilities may be sold and a new license may be issued
27 for operation in the same county.
28 c. If a license to conduct gambling games on an
29 excursion gambling boat is surrendered, not renewed,
30 or revoked, a new license may be issued for operation
31 in the same county.
32 3. During the moratorium from six months after the
33 effective date of this section of this Act, until
34 January 1, 2001, the commission shall not authorize
35 any of the following:
36 a. An increase in the number of gambling games or
37 the number of slot machines on an excursion gambling
38 boat.
39 b. An increase in the number of slot machines at a
40 pari-mutuel racetrack.
41 4. The commission shall not authorize a licensee
42 to conduct pari-mutuel wagering at a licensed premises
43 in more than one county.
44 Sec. ____ Section 99F.7, subsection 1, Code 1997,

45 is amended to read as follows:

46 1. If the commission is satisfied that this
47 chapter and its rules adopted under this chapter
48 applicable to licensees have been or will be complied
49 with, the commission shall issue a license for a
50 period of not more than three years to an applicant to

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1 own a gambling game operation and to an applicant to
2 operate an excursion gambling boat. The commission
3 shall decide which of the gambling games authorized
4 under this chapter it will permit. The commission
5 shall decide the number, location, and type of
6 excursion gambling boats licensed under this chapter
7 for operation on the rivers, lakes, and reservoirs of
8 this state. However, after July 1, 2003, the
9 commission shall issue a new license for an excursion
10 gambling boat operation only if the excursion gambling
11 boat operates on the Mississippi or Missouri river.
12 The license shall set forth the name of the licensee,
13 the type of license granted, the place where the
14 excursion gambling boats will operate and dock, and
15 the time and number of days during the excursion
16 season and the off season when gambling may be
17 conducted by the licensee. The commission shall not
18 allow a licensee to conduct gambling games on an
19 excursion gambling boat while docked during the off
20 season if the licensee does not operate gambling
21 excursions for a minimum number of days during the
22 excursion season. The commission may delay the
23 commencement of the excursion season at the request of
24 a licensee.

25 Sec. . Section 99F.9, subsection 5, Code 1997,
26 is amended to read as follows:

27 5. A person under the age of twenty-one years
28 shall not attempt to make or make a wager on an
29 excursion gambling boat or in a racetrack enclosure
30 and shall not be allowed in enter the area of the
31 excursion gambling boat or racetrack enclosure where
32 gambling is being conducted. However, a person
33 eighteen years of age or older may be employed to work
34 in a gambling area on an excursion gambling boat or a
35 racetrack enclosure. A person who violates this
36 subsection with respect to a wager commits a scheduled
37 violation under section 805.8, subsection 13.

38 Sec. ____ Section 99F.9, Code 1997, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 7. A licensee shall not permit
41 the operation of a satellite terminal as defined in
42 section 527.2 to dispense cash or credit for gambling
43 purposes on an excursion gambling boat or within a

44 racetrack enclosure except in nongaming areas as
 45 designated by the commission. The commission may
 46 assess a civil penalty for a violation of this
 47 subsection.
 48 Sec. ____ Section 805.8, Code Supplement 1997, is
 49 amended by adding the following new subsection:
 50 NEW SUBSECTION. 13. GAMBLING VIOLATIONS. For

Page 4

1 violations of legal age for gambling or pari-mutuel
 2 wagering under section 99D.11, subsection 7, section
 3 99E.18, subsection 5, or section 99F.9, subsection 5,
 4 the scheduled fine is one hundred dollars. Failure to
 5 pay the fine by a person under the age of eighteen
 6 shall not result in the person being detained in a
 7 secure facility.
 8 Sec. ____ EFFECTIVE DATE. Section 201 of this
 9 Act, being deemed of immediate importance, takes
 10 effect upon enactment."

MARY A. LUNDBY

S-5822

1 Amend House File 2395, 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. ATTORNEY GENERAL. There is
 6 appropriated from the general fund of the state to the
 7 department of justice for the fiscal year beginning
 8 July 1, 1997, and ending June 30, 1998, to supplement
 9 the appropriations made in 1997 Iowa Acts, chapter
 10 205, section 1, the following amount, or so much
 11 thereof as is necessary, to be used for the purpose
 12 designated:
 13 For the office of the attorney general to be used
 14 in accordance with this section:
 15 \$ 10,000
 16 The moneys appropriated in this section shall be
 17 used by the office of the attorney general to
 18 facilitate coordination with the department of human
 19 services and the Iowa department of public health
 20 regarding the existence of, prevalence of, and causal
 21 linkage between injury, disease, or disability and the
 22 use of tobacco by recipients of medical assistance.
 23 The moneys shall also be used by the office of the
 24 attorney general in litigation efforts for state
 25 recovery of tobacco-related medical assistance
 26 payments pursuant to section 100 of this Act."
 27 2. Page 4, by inserting after line 1 the

28 following:

29 "Sec. 100. NEW SECTION. 249A.50 STATE RECOVERY
30 OF TOBACCO-RELATED MEDICAL ASSISTANCE PAYMENTS.

31 1. For purposes of this section:

32 a. "Manufacturer" means any person engaged in the
33 process of designing, fabricating, assembling,
34 producing, constructing, or otherwise preparing a
35 product containing tobacco, including any packaging or
36 labeling or repackaging or relabeling of such a
37 product, with the intention of selling the product for
38 gain or profit. "Manufacturer" does not include
39 persons whose activity is limited to growing natural
40 leaf tobacco or to selling tobacco products at
41 wholesale or retail to consumers.

42 b. "Tobacco" means any tobacco product, including
43 but not limited to loose tobacco suitable for smoking,
44 snuff, snuff flour, cavendish, plug and twist tobacco,
45 fine cuts and other chewing tobaccos, shorts, refuse
46 scraps, clippings, cuttings, and sweepings of tobacco,
47 and other kinds and forms of tobacco suitable for
48 chewing and smoking, including cigars and cigarettes.

49 2. The department of human services may coordinate
50 with the Iowa department of public health with regard

Page 2

1 to the existence of, prevalence of, and causal linkage
2 between injury, disease, or disability and the use of
3 tobacco by recipients of medical assistance.

4 3. The state and the department shall be entitled
5 to bring an action against and recover in full from
6 any manufacturer which caused in fact any injury,
7 disease, or disability arising from or connected with
8 the use of tobacco by recipients of medical
9 assistance, for the full amount of medical assistance
10 paid under this chapter on behalf of such recipients,
11 and for other relief, including legal and
12 administrative fees and expenses. The attorney
13 general may institute a civil action to enforce the
14 rights conferred by this section. The right of
15 recovery of the state and the department under this
16 section is independent from and not derivative of any
17 right or claim of the individual recipients of medical
18 assistance.

19 a. The court shall do all of the following:

20 (1) Shall permit evidence, proof, and argument as
21 to causation and amount of damages by and through
22 statistical analysis or other methods of scientific or
23 statistical proof.

24 (2) Shall not require proof of causation and
25 damages as to individual recipients.

26 b. The state or department may recover damages

27 against manufacturers based upon an aggregation of or
28 a reasonable estimation of payments made on behalf of
29 recipients of medical assistance. Apportionment of
30 damages among defendants shall be according to a
31 manufacturer's respective share of the market for
32 tobacco within the state.

33 c. Trial shall be by jury, if either party demands
34 a jury."

35 3. Page 4, line 2, by striking the word "DATE."
36 and inserting the following: "DATE AND
37 APPLICABILITY."

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

40 "Section 100 of this Act, being deemed of immediate
41 importance, takes effect upon enactment and applies to
42 medical assistance paid on or after the effective date
43 of this Act. Section 100 of this Act shall not affect
44 the common law rights of the state or the department,
45 if any."

46 5. By renumbering as necessary.

TOM VILSACK

S-5823

1 Amend the amendment, S-5731, to the House
2 amendment, S-5359, to Senate File 2320, as passed by
3 the Senate, as follows:

4 1. By striking page 1, line 9, through page 4,
5 line 1, and inserting the following:

6 "Section 1. Section 99D.11, subsection 7, Code
7 1997, is amended to read as follows:

8 7. A person under the age of twenty-one years
9 shall not make or attempt to make a pari-mutuel wager.

10 A person who violates this subsection commits a
11 scheduled violation under section 805.8, subsection
12 13.

13 Sec. ____ Section 99E.18, Code 1997, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 5. A person under the age of
16 twenty-one years shall not purchase or attempt to
17 purchase a ticket or share. A person who violates
18 this subsection commits a scheduled violation under
19 section 805.8, subsection 13.

20 Sec. ____ Section 99F.4A, subsection 2, Code 1997,
21 is amended to read as follows:

22 2. A license to operate gambling games shall be
23 issued only to a licensee holding a valid license to
24 conduct pari-mutuel dog or horse racing pursuant to
25 chapter 99D on January 1, 1994. However, a license to
26 operate gambling games issued pursuant to this
27 subsection may be transferred to another person after

28 a majority of the voters voting on the transfer
29 proposal approves it. Only the registered voters of
30 the county in which the racetrack enclosure is located
31 are eligible to vote on the proposal. The transfer
32 proposal shall be submitted by the board of
33 supervisors at a general election or a special
34 election called for that purpose. If the proposal is
35 approved, the transfer of a license is subject to
36 application to, and approval by, the commission.
37 However, the commission shall not give its approval
38 unless the new licensee meets the requirements of
39 sections 99D.8 through 99D.10. In addition, if there
40 is in existence at the time of license transfer a
41 contract for purses and supplements for horse racing,
42 the contract shall remain in effect until its
43 termination, and thereafter, purses and supplements
44 shall be no lower than fifteen percent of the annual
45 adjusted gross receipts. A transferee shall not be
46 required to honor any material changes made to such
47 contract within one year before the transfer.
48 Sec. ____ Section 99F.4A, Code 1997, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 8. A civil penalty imposed by the

Page 2

1 commission on a licensee relating to a violation of
2 legal age for gambling or pari-mutuel wagering at an
3 excursion gambling boat or a pari-mutuel racetrack
4 shall not exceed one thousand dollars per incident if
5 the violator is removed by the licensee.
6 Sec. ____ Section 99F.4A, Code 1997, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 9. If a license issued pursuant
9 to this chapter or chapter 99D is transferred, an
10 existing collective bargaining agreement or the impact
11 of an employee representation election shall transfer
12 to the new licensee.
13 Sec. 201. NEW SECTION. 99F.5A MORATORIUM FOR
14 ISSUANCE OF LICENSES FOR EXCURSION GAMBLING BOATS AND
15 ON THE NUMBER OF GAMBLING GAMES.
16 1. The total number of licenses issued to conduct
17 gambling games on excursion gambling boats pursuant to
18 this chapter shall not exceed ten until July 1, 2003.
19 2. Notwithstanding subsection 1, the following
20 actions may be taken during the moratorium from July
21 1, 1998, until July 1, 2003, with the approval of the
22 commission:
23 a. A licensed excursion gambling boat may move to
24 a new location within the same county.
25 b. A licensed excursion gambling boat and its
26 facilities may be sold and a new license may be issued

27 for operation in the same county.

28 c. If a license to conduct gambling games on an
29 excursion gambling boat is surrendered, not renewed,
30 or revoked, a new license may be issued for operation
31 in the same county.

32 3. During the moratorium from six months after the
33 effective date of this section of this Act, until
34 January 1, 2001, the commission shall not authorize
35 any of the following:

36 a. An increase in the number of gambling games or
37 the number of slot machines on an excursion gambling
38 boat.

39 b. An increase in the number of slot machines at a
40 pari-mutuel racetrack.

41 4. The commission shall not authorize a licensee
42 to conduct pari-mutuel wagering at a licensed premises
43 in more than one county.

44 Sec. ____ NEW SECTION. 99F.5B CHARITABLE
45 CONTRIBUTIONS.

46 A gambling game license holder may distribute
47 profits to a governmental body and the distribution
48 shall be considered a charitable contribution. The
49 duty to make charitable contributions may be the
50 subject of a contract between a governmental body and

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1 a gambling game license holder. The moneys received
2 by a county as charitable contributions shall be
3 distributed only after receiving advice from citizens
4 of the county obtained at public hearings held in the
5 county.

6 Sec. ____ Section 99F.7, subsection 1, Code 1997,
7 is amended to read as follows:

8 1. If the commission is satisfied that this
9 chapter and its rules adopted under this chapter
10 applicable to licensees have been or will be complied
11 with, the commission shall issue a license for a
12 period of not more than three years to an applicant to
13 own a gambling game operation and to an applicant to
14 operate an excursion gambling boat. The commission
15 shall decide which of the gambling games authorized
16 under this chapter it will permit. The commission
17 shall decide the number, location, and type of
18 excursion gambling boats licensed under this chapter
19 for operation on the rivers, lakes, and reservoirs of
20 this state. However, after July 1, 2003, the
21 commission shall issue a new license for an excursion
22 gambling boat operation only if the excursion gambling
23 boat operates on the Mississippi or Missouri river.
24 The license shall set forth the name of the licensee,
25 the type of license granted, the place where the

26 excursion gambling boats will operate and dock, and
27 the time and number of days during the excursion
28 season and the off season when gambling may be
29 conducted by the licensee. The commission shall not
30 allow a licensee to conduct gambling games on an
31 excursion gambling boat while docked during the off
32 season if the licensee does not operate gambling
33 excursions for a minimum number of days during the
34 excursion season. The commission may delay the
35 commencement of the excursion season at the request of
36 a licensee.

37 Sec. . Section 99F.9, subsection 5, Code 1997,
38 is amended to read as follows:

39 5. A person under the age of twenty-one years
40 shall not ~~attempt to make or~~ make a wager on an
41 excursion gambling boat ~~or in a racetrack enclosure~~
42 and shall not be ~~allowed in~~ enter the area of the
43 excursion gambling boat ~~or racetrack enclosure~~ where
44 gambling is being conducted. However, a person
45 eighteen years of age or older may be employed to work
46 ~~in a gambling area on an excursion gambling boat or a~~
47 racetrack enclosure. A person who violates this
48 subsection with respect to a wager commits a scheduled
49 violation under section 805.8, subsection 13.

50 Sec. _____. Section 99F.9, Code 1997, is amended by

Page 4

1 adding the following new subsection:

2 **NEW SUBSECTION. 7.** A licensee shall not permit
3 the operation of a satellite terminal as defined in
4 section 527.2 to dispense cash or credit for gambling
5 purposes on an excursion gambling boat or within a
6 racetrack enclosure except in nongaming areas as
7 designated by the commission. The commission may
8 assess a civil penalty for a violation of this
9 subsection.

10 Sec. _____. Section 805.8, Code Supplement 1997, is
11 amended by adding the following new subsection:

12 **NEW SUBSECTION. 13. GAMBLING VIOLATIONS.** For
13 violations of legal age for gambling or pari-mutuel
14 wagering under section 99D.11, subsection 7, section
15 99E.18, subsection 5, or section 99F.9, subsection 5,
16 the scheduled fine is one hundred dollars. Failure to
17 pay the fine by a person under the age of eighteen
18 shall not result in the person being detained in a
19 secure facility.

20 Sec. _____. **EFFECTIVE DATE.** Section 201 of this
21 Act, being deemed of immediate importance, takes
22 effect upon enactment."

MARY A. LUNDBY

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2163

S-5824

- 1 Amend the amendment, H-9271, to House File 2163, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, lines 12 through 13, by striking the
- 5 words "within twenty days of such acquittal or
- 6 dismissal".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2395

S-5825

- 1 Amend the Senate amendment, H-9333, to House File
- 2 2395, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 17 through 21.
- 5 2. By renumbering as necessary.

**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

Filed During The

SEVENTY-SEVENTH GENERAL ASSEMBLY

1998 Regular Session

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2295

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2295, a bill for an Act relating to and making appropriations for agriculture and natural resources and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-5365.

2. That Senate File 2295, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 11, line 12, by striking the figure "1,600,000" and inserting the following: "1,630,000".

2. Page 11, by inserting after line 17 the following:

" ____ Of the amount appropriated in this section, not more than \$30,000 shall be used by the department to carry out the provisions of 1998 Iowa Acts, Senate File 429, if enacted by the Seventy-seventh General Assembly, 1998 Session. However, if Senate File 429 is not enacted, the amount appropriated under this section for the administration and enforcement of navigation laws and water safety shall be reduced by \$30,000."

3. By striking page 15, line 20, through page 16, line 2.

4. Page 16, by inserting after line 18, the following:

"Sec. ____ REDUCTION OF APPROPRIATIONS. This section shall apply to each appointed nonelected position which is supported by moneys appropriated in sections 1 and 3 of this Act. If the amount of moneys to be used for a salary during the fiscal year beginning July 1, 1998, and ending June 30, 1999, is more than the amount actually required to pay that salary for the fiscal year, the amount of the relevant appropriation shall be reduced by the amount equal to the difference. The amount appropriated in section 1, subsection 4, of this Act, to support financial incentives for soil conservation practices under chapter 161A shall be increased by the amount of the difference. However, the amount of the difference shall be allocated in the same manner as other moneys which are reallocated to soil and water conservation districts after the moneys are returned by a district to the soil conservation division."

5. Page 16, by inserting after line 18, the following:

"Sec. ____ COOPERATION BETWEEN DEPARTMENTS. It is the intent of the general assembly that the division of soil conservation of the department of agriculture and land stewardship may provide technical assistance to the department of natural resources regarding the design and engineering of unformed manure storage structures pursuant to chapter 455B. As used in this section an unformed manure storage structure means the same as defined in section 455B.161, as amended by 1998 Iowa Acts, House File 2494."

On the Part of the Senate:

H. KAY HEDGE, Chair
JERRY BEHN
DENNIS H. BLACK
PATTY JUDGE
DERRYL McLAREN

On the Part of the House:

SANDRA GREINER, Chair
CECIL DOLECHECK
RALPH KLEMME
PAT MURPHY
DOLORES MERTZ

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2296

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 2296, a bill for an Act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, respectfully make the following report:

1. That the Senate recedes from its amendment, H-9327.

2. That the House recedes from its amendment, S-5540.

3. That Senate File 2296, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is appropriated from the general fund of the state and other designated funds to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, and for providing that a business receiving moneys from the department for the purpose of job creation shall make available ten percent of the new jobs created for promise jobs program participants who are qualified for the jobs created and for not more than the following full-time equivalent positions:

..... \$ 1,494,231

..... FTEs 25.75

One of the full-time equivalent positions authorized in this lettered paragraph relates to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

b. Film office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 253,632~~

..... FTEs 2.00~~

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for allocating \$495,000 to support activities in conjunction with the Iowa manufacturing technology center, \$150,000 to the graphic arts center, and for a strategic marketing effort for workforce development:

..... \$ 3,940,232~~

..... FTEs 22.75~~

Four of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent

positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program, the small business advisory council, and targeted small business program:

..... \$ 450,622
..... FTEs 5.00

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 103,967
..... FTEs 3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1999, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1999, for the same purposes.

d. Strategic investment fund

For deposit in the strategic investment fund for salaries, support, for not more than the following full-time equivalent positions:

..... \$ 6,803,513
..... FTEs 12.50

Two of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

The department may allocate from the strategic investment fund up to \$600,000 for the entrepreneurial ventures assistance program. The department shall seek the advice, consultation, and cooperation of the entrepreneurial centers and the major benefactor of the centers in the implementation of the entrepreneurial ventures assistance program.

The department may allocate from the strategic investment fund up to \$100,000 for the microbusiness rural enterprise assistance program under section 15.114.

The department shall provide an annual report on the progress made by the department in making the community economic betterment program a self-sustaining, revolving loan program.

e. Insurance economic development

There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for insurance economic development and international insurance economic development:

..... \$ 200,000

f. Value-added agriculture

There is appropriated from the moneys available to support value-added agricultural products and processes, four percent, or so much thereof as is necessary, of the total moneys available to support value-added agricultural products and

processes pursuant to section 423.24 each quarter for administration of the value-added agricultural products and processes financial assistance program as provided in section 15E.111, including salaries, support, maintenance, miscellaneous purposes, and for not more than 2.00 FTEs.

The department shall collaborate with the university of northern Iowa on a strategic initiative to develop ag-based industrial lubrication technology and to create projects to deploy the technology in commercial applications. Notwithstanding the requirements of section 15E.111 and the administrative rules for value-added agricultural products and processes, the department shall allocate \$150,000 for this initiative.

3. COMMUNITY DEVELOPMENT DIVISION

a. Community assistance

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development board:

..... \$ 654,547
 FTEs 8.50

b. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:

..... \$ 425,219
 FTEs 3.00

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state that remain unexpended on June 30, 1999, shall not revert to any fund but shall be available for expenditure for purposes of the contract during the fiscal year beginning July 1, 1999.

Community development program

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, for rural resource coordination, rural community leadership, rural innovations grant program, and the rural enterprise fund:

..... \$ 827,215
 FTEs 7.50

Three of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to provide to Iowa's councils of governments funds for planning and technical assistance to local governments:

..... \$ 150,000

There is appropriated from the rural community 2000 program revolving fund established in section 15.287 to the rural development program for the purposes of the program including the rural enterprise fund and collaborative skills development training:

..... \$ 484,343

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund of the state or through transfers from the Iowa community

development loan fund or from the rural community 2000 program revolving fund that remain unexpended on June 30, 1999, shall not revert but shall be available for expenditure for purposes of the contract during the fiscal year beginning July 1, 1999.

d. Community development block grant and HOME

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 418,737
 FTEs 21.75

Three of the full-time equivalent positions authorized in this lettered paragraph relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time equivalent positions until September 1, 1998. These provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

e. Housing development fund

For providing technical assistance to communities of all sizes and local financial institutions to help meet local housing needs and to provide and transfer matching funds for the HOME program:

..... \$ 1,300,000

Notwithstanding section 8.33, moneys committed to grantees under contract from the housing development fund and moneys transferred for matching funds for the HOME program that remain unexpended or unobligated on June 30, 1999, shall not revert to any fund but shall be available for obligation and expenditure for purposes of those programs during the fiscal year beginning July 1, 1999.

f. Shelter assistance program

For the purposes of the shelter assistance fund:

..... \$ 400,000

4. INTERNATIONAL DIVISION

a. International trade operations

For salaries, support, maintenance, miscellaneous purposes, for support of foreign representation and trade offices, and for not more than the following full-time equivalent positions:

..... \$ 2,010,073
 FTEs 10.00

From among the full-time equivalent positions authorized by this lettered paragraph, one position shall concentrate on the export sale of grain, one on the export sale of livestock, and one on the export sale of value-added agricultural products.

The department shall file a report every six months with the general assembly in a manner consistent with section 7A.11 and with the chairpersons and ranking members of the joint appropriations subcommittee on economic development which gives an update of all activities regarding trade promotion in the Chinese market.

b. Export trade assistance program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, including salaries and support:

..... \$ 425,000

Notwithstanding section 8.33, moneys appropriated by this lettered paragraph which remain unobligated or unexpended on June 30, 1999, shall not revert to the general fund of the state but shall be transferred to and deposited in the strategic investment fund created in section 15.313.

c. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

..... \$ 1,300

d. For transfer to the partner state program which the department may use to contract with private groups or organizations which are the most appropriate to administer this program and the groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this paragraph of the funds transferred:

..... \$ 125,000

5. TOURISM DIVISION

Tourism operations/advertising

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions:

..... \$ 5,038,912

..... FTEs 18.52

The department may expend up to \$130,000 to provide assistance to private welcome centers in the state. The department shall not provide assistance of more than \$10,000 to any one private welcome center. A private welcome center seeking assistance shall submit a competitive application to the department and may be eligible for receiving assistance if the private welcome center complies with all of the following criteria:

a. The private welcome center is at risk of a projected operating deficit.

b. The private welcome center complies with operational standards and requirements determined by the department.

c. The private welcome center submits a financial plan for self-sufficiency to the department.

The department shall conduct a study of the public and private welcome center system in the state. The department shall make recommendations to the general assembly for the future operation of the system including recommendations concerning funding for private welcome center operations and quality standards for public and private welcome centers.

The department shall not use the moneys appropriated in this subsection, unless the department develops public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

Sec. 2. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding section 15E.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund all the moneys available during the fiscal year beginning July 1, 1998, and ending June 30, 1999, to the department of economic development for the community development program to be used by the department for the purposes of the program.

Sec. 3. JOB TRAINING FUND. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the

following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administration of chapter 260E, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 210,000
..... FTEs 2.50

Appropriations to the department of economic development for administration of chapter 260E and the department of workforce development for the target alliance program shall be funded on a proportional basis if receipts to the job training fund are insufficient to fund both appropriations in their entirety.

Sec. 4. WORKFORCE DEVELOPMENT FUND. There is appropriated from the workforce development fund account created in section 15.342A, to the workforce development fund created in section 15.343, for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, for the purposes of the workforce development fund:

..... \$ 6,850,000

Sec. 5. Of all funds appropriated to or receipts credited to the job training fund created in section 260F.6, subsection 1, up to \$175,000 for the fiscal year beginning July 1, 1998, and ending June 30, 1999, and not more than 1.50 FTEs may be used for the administration of the Iowa jobs training Act.

Sec. 6. IOWA STATE UNIVERSITY. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For funding and maintaining in their current locations the existing small business development centers, and for not more than the following full-time equivalent positions:

..... \$ 1,235,880
..... FTEs 5.80

2. For the Iowa state university of science and technology research park, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 376,500
..... FTEs 4.31

3. For funding the institute for physical research and technology, provided that \$318,358 shall be allocated to the industrial incentive program in accordance with the intent of the general assembly, and for not more than the following full-time equivalent positions:

..... \$ 4,379,458
..... FTEs 46.42

It is the intent of the general assembly that the incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and legislative fiscal bureau the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated for the fiscal year which remain unobligated and unexpended at the end of the fiscal year shall not revert but shall be available for expenditure the following fiscal year.

Sec. 7. UNIVERSITY OF IOWA. There is appropriated from the general fund of the state to the state university of Iowa for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the university of Iowa research park, including salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 331,007
 FTEs 4.35

2. For funding the advanced drug development program at the Oakdale research park and for not more than the following full-time equivalent positions:

..... \$ 262,199
 FTEs 2.85

The board of regents shall submit a report on the progress of regents institutions in meeting the strategic plan for technology transfer and economic development to the chairpersons of the joint appropriations subcommittee on economic development, the joint appropriations subcommittee on education, the majority leader and minority leader of the senate, the majority and minority leaders of the house of representatives, the secretary of the senate, the chief clerk of the house of representatives, and the legislative fiscal bureau by December 1, 1998.

Sec. 8. UNIVERSITY OF NORTHERN IOWA. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the metal casting institute, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 166,349
 FTEs 2.75

2. For the institute of decision making, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 688,308
 FTEs 8.00

Sec. 9. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state, to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,902,693
 FTEs 93.00

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 2,390,927
..... FTEs	34.00

The division of industrial services shall continue charging a \$65 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances.

3. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position for the workforce development state and regional boards:

.....	\$ 106,929
..... FTE	1.00

4. For salaries, support, maintenance, miscellaneous purposes for collection of labor market information, and for not more than the following full-time equivalent position:

.....	\$ 65,354
..... FTE	1.00

5. WORKFORCE DEVELOPMENT AREA

For salaries, support, maintenance, and miscellaneous purposes for the development and maintenance of a workforce sufficient in size and skill to meet the occupational demands of each workforce development area, and for workforce development programs, including those provided for in sections 84A.7, 84A.8, and 84A.9. Each region shall be required to provide an equal amount of matching funds from local sources:

.....	\$ 1,480,022
..... FTEs	4.20

The department shall expend \$923,180 on youth workforce programs. Youth conservation corps program moneys shall be allocated among the regions which have developed a youth conservation corps program.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30, 1999, shall not revert to any fund but shall be available for expenditure for purposes of the contract during the fiscal year beginning July 1, 1999.

6. LABOR MANAGEMENT COORDINATOR

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:

.....	\$ 66,851
..... FTE	0.50

The Iowa workforce development board shall be responsible for the functions previously conducted by the state labor management cooperation council. The board, the department of workforce development, and the labor management coordinator shall cooperate to improve communications and facilitate dialogue between labor, management, and government on workforce development problems facing the state, to form in-plant labor management committees, and to provide technical assistance to establish effective labor management policies in the state.

7. WELFARE-TO-WORK MATCHING FUNDS

For matching funds for welfare-to-work grants authorized through the United States department of labor to provide additional services for the hardest to employ recipients of family investment program benefits:

..... \$ 888,633

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unexpended or unobligated on June 30, 1999, shall not revert to the general fund of the state but shall remain available for expenditure for the same purpose during the fiscal year beginning July 1, 1999.

Sec. 10. JOB TRAINING FUND. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the target alliance program:

..... \$ 30,000

Sec. 11. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There is appropriated from the administrative contribution surcharge fund of the state to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for the purposes designated:

Notwithstanding section 96.7, subsection 12, paragraph "c", for salaries, support, maintenance, conducting labor availability surveys, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,100,000

..... FTEs 125.42

Sec. 12. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 296,000

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 175,000

Any additional penalty and interest revenue may be used to accomplish the mission of the department.

Sec. 13. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 857,844

..... FTEs 12.80

Sec. 14. WORKFORCE RECRUITMENT INITIATIVE.

1. FINDINGS. The general assembly finds that growing levels of employment coupled with historically low levels of unemployment are evidence of increasing scarcity of skilled workers. Limited access to a skilled workforce is preventing Iowa companies from increasing employment and production, and is a barrier to sustained and stable economic growth.

Further, the general assembly finds that in order to increase the size of the workforce, a partnership of private sector employers, communities and public sector organizations should be formed to develop and implement a workforce recruitment initiative. The initiative is intended to include strategies for recruiting new workers that will meet the workforce needs of Iowa employers who are unable to fill high quality jobs.

2. ESTABLISHMENT. The general assembly finds an immediate need for the establishment of a workforce recruitment initiative with projects intended to retain and recruit new skilled and unskilled employees to fill the needs of both communities and businesses. The department of economic development and the department of workforce development shall enter into a cooperative memorandum of understanding to accomplish purposes of this initiative. The memorandum shall include, but not be limited to, provisions for the sharing and utilization of job matching databases and technology to accomplish the purposes of the initiative and for an allocation out of moneys appropriated to the department of economic development for purposes of the workforce recruitment initiative for payment of employee salaries related to the workforce recruitment initiative.

3. STATE AGENCY COOPERATION. The department of economic development and the department of workforce development shall seek and obtain the cooperation of any state agency and local economic development organization actively involved in workforce development initiatives which could provide employee recruitment and marketing assistance to accomplish the workforce recruitment initiative.

4. FTEs. For purposes of the workforce recruitment initiative, the department of workforce development shall increase the number of full-time equivalent positions authorized for the department during the fiscal year beginning July 1, 1998, by 2.00 FTEs through moneys authorized for expenditure in this Act and allocated pursuant to the cooperative memorandum of understanding entered into with the department of economic development as provided in section 2.

5. APPROPRIATION. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For workforce recruitment initiative purposes including technical support and maintenance of databases and an internet web site, for a joint proposal of the department of economic development and the department of workforce development relating to the workforce recruitment initiative which shall include provisions for private sector contributions, and including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	300,000
.....	FTEs	3.00

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unexpended or unobligated on June 30, 1999, shall not revert to the general fund of the state but shall remain available for expenditure in the fiscal year beginning July 1, 1999, for the purposes designated.~~

~I6. STRATEGIC INVESTMENT FUND ALLOCATION. There is allocated from the strategic investment fund to the department of economic development for the fiscal year beginning July 1, 1998, and ending June 30, 1999, \$150,000 to be used for the purchase of equipment, software, laptop computers, and other necessary technological equipment.

7. **BUSINESS DEVELOPMENT DIVISION.** The business development division of the department of economic development may expend from moneys appropriated to the department and allocated to the business development division, for business development operations, up to \$400,000 for increasing the labor availability and recruitment efforts in the state in all occupational areas and as deemed necessary.

Sec. 15. NEW SECTION. 15.361 TITLE.

This part shall be known and may be cited as the "Certified School to Career Program".

Sec. 16. NEW SECTION. 15.362 DEFINITIONS.

As used in this part, unless the context otherwise requires:

1. "Certified school to career program" or "certified program" means a sequenced and articulated secondary and postsecondary program registered as an apprenticeship program under 29 C.F.R. subtit. A, pt. 29, which is conducted pursuant to an agreement as provided in section 15.364 or a program approved by the state board of education, in conjunction with the department of economic development, as meeting the standards enumerated in section 15.363, that integrates a secondary school curriculum with private sector job training which places students in job internships, and which is designed to continue into postsecondary education and that will result in teaching new skills and adding value to the wage-earning potential of participants and increase their long-term employability in the state and which is conducted pursuant to an agreement as provided in section 15.364.

2. "Participant" means an individual between the ages of sixteen and twenty-four who is enrolled in a public or private secondary or postsecondary school and who initiated participation in a certified school to career program as part of secondary school education.

3. "Payroll expenditures" means the base wages actually paid by an employer to a participant plus the amount held in trust to be applied toward the participant's postsecondary education.

4. "Sponsor" means any person, association, committee, or organization operating a school to career program and in whose name the program is or will be registered or approved.

Sec. 17. NEW SECTION. 15.363 CERTIFICATION STANDARDS.

The state board of education, in consultation with the department of economic development, shall adopt rules pursuant to chapter 17A to guide the board and department in determining whether a potential school to career program should be approved.

A school to career program which is approved by the state board of education in conjunction with the department of economic development shall comply with all of the following standards:

1. The program is conducted pursuant to an organized, written plan embodying the terms and conditions of employment, job training, classroom instruction, and supervision of one or more participants, subscribed to by a sponsor who has undertaken to carry out the school to career program.

2. The program complies with all state and federal laws pertaining to the workplace.

3. The employer agrees to assign an employee to serve as a mentor for a participant. The mentor's occupation shall be in the same career pathway as the career interests of the participant.

4. The program involves an eligible postsecondary institution as defined in section 261C.3.

5. Other standards adopted by rule by the state board of education after consultation with the department of economic development.

Sec. 18. NEW SECTION. 15.364 CERTIFIED PROGRAM AGREEMENT.

The certified program shall be conducted pursuant to a signed written agreement between each participant and the employer which contains at least the following provisions:

1. The names and signatures of the participant and the sponsor or employer and the signature of a parent or guardian if the participant is a minor.

2. A description of the career field in which the participant is to be trained, and the beginning date and duration of the training.

3. The employer's agreement to provide paid employment, at a base wage, for the participant during the summer months after the participant's junior and senior years in high school and after the participant's first year of postsecondary education.

4. The participant and employer shall agree upon set minimum academic standards which must be maintained through the participant's secondary and postsecondary education.

5. This base wage paid to the participant shall not be less than the minimum wage prescribed by Iowa law or the federal Fair Labor Standards Act, whichever is applicable.

6. That in addition to the base wage paid to the participant, the employer shall pay an additional sum to be held in trust to be applied toward the participant's postsecondary education required for completion of the certified program. The additional amount must be not less than an amount determined by the department of economic development to be sufficient to provide payment of tuition expenses toward completion of not more than two academic years of the required postsecondary education component of the certified program at an Iowa community college or an Iowa public or private college or university. This amount shall be held in trust for the benefit of the participant pursuant to rules adopted by the department of economic development. Payment into an ERISA-approved fund for the benefit of the participant shall satisfy this requirement. The specific fund shall be specified in the agreement.

7. The participant's agreement to work for the employer for at least two years following the completion of the participant's postsecondary education required by the certified program. However, the agreement may provide for additional education and work commitments beyond the two years.

8. If the participant does not complete the two-year employment obligation, the participant's agreement to repay to the employer the amount paid by the employer toward the participant's postsecondary education expenses pursuant to subsection 6.

9. a. That if a participant does not complete the certified program contemplated by the agreement after entering a postsecondary education program, any unexpended funds being held in trust for the participant's postsecondary education shall be paid back to the employer. In addition the participant must repay to the employer amounts paid from the trust which were expended on the participant's behalf for postsecondary education.

b. That if a participant does not complete the certified program contemplated by the agreement prior to entering a postsecondary education program, one-half of the moneys being held in trust for the participant's postsecondary education shall be paid to a postsecondary education institution as defined in section 261C.3 of the participant's choice to pay tuition or expenses of the participant. The other one-half of the trust moneys shall be paid back to the employer. Any moneys to be transferred for the benefit of the participant which are not transferred within five years for purposes of education at the designated postsecondary institution, shall be paid back to the employer.

Sec. 19. NEW SECTION. 15.365 PAYROLL EXPENDITURE REFUND.

1. An employer who employs a participant in a certified school to career program may claim a refund of twenty percent of the employer's payroll expenditures for each participant in the certified program. The refund is limited to the first four hundred hours of payroll expenditures per participant for each calendar year the participant is in the certified program, not to exceed three years per participant.

2. To receive a refund under subsection 1 for a calendar year, the employer shall file the claim by July 1 of the following calendar year. The claim shall be filed on forms provided by the department of economic development and the employer shall provide such information regarding the employer's participation in a certified school to career program as the department may require. Forms should be designed such that claims for refunds for more than one participant may be made on a single form.

3. For each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2004, there is appropriated up to five hundred thousand dollars annually from the general fund of the state to the department of economic development to pay refunds under this section. If the amount appropriated in a fiscal year is insufficient to pay all refund claims for the calendar year in full, each claimant shall receive a proportion of the claimant's refund claim equal to the ratio of the amount appropriated to the total amount of refund claims. Any unpaid portion of a claim shall not be paid from a subsequent fiscal year appropriation.

4. The department of economic development shall consult with the department of revenue and finance for purposes of this section. The department of economic development shall adopt rules as deemed necessary to carry out the purposes of the certified school to career program.

Sec. 20. NEW SECTION. 15.366 CUSTOMER TRACKING SYSTEM.

All participants and sponsors participating in a certified school to career program shall be included in the customer tracking system implemented by the department of workforce development pursuant to section 84A.5.

Sec. 21. NEW SECTION. 15.367 REPEAL.

This part of chapter 15 is repealed June 30, 2004. However, any contracts in existence on June 30, 2004, shall continue to be valid and each party to such contract is obligated to perform as required under such contract. However, no employer is entitled to any payroll expenditure refund for payroll expenditures incurred after December 31, 2002.

Sec. 22. NEW SECTION. 15A.8 LOANS PAYABLE FROM NEW JOBS CREDIT FROM WITHHOLDING.

1. As an additional means to provide moneys for the payment of the costs of a new jobs training project or multiple projects under chapter 260E and this chapter, a community college may make an advance or loan, including an interfund transfer or a loan from moneys on hand and legally available, to be paid from the same sources and secured in the same manner as certificates described in sections 15A.7 and 260E.6.

2. Revenues from a job training agreement received prior to the completion by a business of its repayment obligation for a project and not pledged to certificates, loans, or advances, and not necessary for the payment of principal and interest maturing on such certificates, loans, or advances, may be applied by the community college to the reduction of any other outstanding certificates, loans, or advances.

Sec. 23. Section 15E.83, Code 1997, is amended to read as follows:

15E.83 SEED CAPITAL CORPORATION.

1. The Iowa seed capital corporation shall be incorporated under chapter 504A. ~~The purpose of the corporation shall be to provide seed capital to start up and emerging growth companies in Iowa that are bringing new products and processes to the marketplace, and it shall be the goal of the corporation to financially support the establishment and growth of start up and emerging growth companies that can~~

~~contribute to the economic diversity of the state and provide general and specific economic benefits to the state. The corporation shall only provide seed capital or financial assistance to Iowa businesses. The corporation shall not be regarded as a state agency, except for purposes of chapters 17A and 69, and a member of the board is not considered a state employee, except for purposes of chapter 669. An individual employed by the corporation is a state employee for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefit plans and chapter 669. Chapters 8, 18, 19A, and 20 and other provisions of law that relate to requirements or restrictions dealing with state personnel or state funds do not apply to the corporation and any employees of the board or corporation except to the extent provided in this division. Chapters 21 and 22 shall apply to activities of the corporation and to employees of the board or corporation except to the extent provided in this division.~~

2. The corporation shall be governed by a board of seven directors who shall serve a term of four years. Of the seven directors, four shall be persons experienced in business finance and employed at a bank or other financial institution, be a certified public accountant, be an attorney, or be a licensed stockbroker. Each director shall serve at the pleasure of the governor and shall be appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. A director is eligible for reappointment. A vacancy on the board of directors shall be filled in the same manner as an original appointment.

3. The board of directors shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. Members shall be reimbursed for necessary expenses incurred in the performance of duties from funds appropriated to the corporation.

4. Each director of the corporation shall take an oath of office and the record of each oath shall be filed in the office of the secretary of state.

5. The corporation shall receive information and cooperate with other agencies of the state and the political subdivisions of the state.

Sec. 24. Section 15E.85, Code 1997, is amended to read as follows:

15E.85 BOARD OF DIRECTORS.

The powers of the corporation are vested in and shall be exercised by the board of directors. Four members of the board constitute a quorum and an affirmative vote of at least four of the members present at a meeting is necessary before an action may be taken by the board. An action taken by the board shall be authorized by resolution at a regular or special meeting and takes effect immediately unless the resolution specifies otherwise. Notice of a meeting shall be given orally or in writing not less than forty-eight hours prior to the meeting.

Sec. 25. Section 15E.87, Code 1997, is amended to read as follows:

15E.87 CORPORATE PURPOSE -- POWERS.

The purpose of the corporation is to stimulate and encourage the development of new products within Iowa by the infusion of financial aid for invention and innovation in situations in which financial aid would not otherwise be reasonably available from commercial sources. For this purpose the corporation has the following powers:

1. To have perpetual succession as a corporate body and to adopt bylaws, policies, and procedures for the regulation of its affairs and conduct of its business consistent with the purposes of this division.

2. To enter into venture agreements with persons doing business in Iowa upon conditions and terms which are consistent with the purposes of this division for the advancement of financial aid to the persons. The financial aid advanced shall be for the development of specific products, procedures, and techniques which are to be developed and produced in this state. The corporation shall condition the agreements

~~upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in Iowa.~~

~~3. To issue notes and bonds as provided under this division.~~

5 2. To hold patents, copyrights, trademarks, or other evidences of protection or exclusivity issued under the laws of this state or the United States to any products.

6 3. To employ assistants, agents, and other employees and to engage consultants, attorneys, and appraisers as necessary or desirable to carry out the purposes of the corporation.

7 4. To make and enter into contracts and agreements necessary or incidental to its performance of the duties and the powers granted to the corporation.

8 5. To sue and be sued, plead, and adopt a seal.

9 6. With the approval of the treasurer of state, to invest funds which are not needed for immediate use or disbursement, including funds held in reserve, in obligations issued or guaranteed by the state or the United States.

10 7. To procure insurance against a loss in connection with its property and other assets.

11 8. To the extent permitted under a corporation contract with other persons, to consent to a termination, modification, forgiveness, or other change in the terms of a contractual right, payment, royalty, contract, or agreement.

12 9. To take necessary action to render bonds issued under this division more marketable.

Sec. 26. Section 422.16A, Code Supplement 1997, is amended to read as follows:

422.16A JOB TRAINING WITHHOLDING -- CERTIFICATION AND TRANSFER.

Upon the completion by a business of its repayment obligation for a training project funded under chapter 260E, including a job training project funded under ~~chapter 260E and section 15A.8~~ or repaid in whole or in part by the supplemental new jobs credit from withholding under section 15A.7 or section 15.331, the sponsoring community college shall report to the department of economic development the amount of withholding paid by the business to the community college during the final twelve months of withholding payments. The department of economic development shall notify the department of revenue and finance of that amount. The department shall credit to the workforce development fund account established in section 15.342A twenty-five percent of that amount each quarter for a period of ten years. If the amount of withholding from the business or employer is insufficient, the department shall prorate the quarterly amount credited to the workforce development fund account. The maximum amount from all employers which shall be transferred to the workforce development fund account in any year is ten million dollars.

Sec. 27. LIQUIDATION OF THE IOWA SEED CAPITAL CORPORATION.

Notwithstanding sections 15E.81 through 15E.94, sections 15E.181 through 15E.184, and 1997 Iowa Acts, chapter 143, sections 5 and 6, it is the intent of the general assembly that the commissioner's designee, the superintendent of banking or the superintendent's designee, and the treasurer of state or the treasurer's designee. The members of the ISCC liquidation corporation board and any staff providing assistance to the board shall not be liable for their acts or omissions in connection with the liquidation or sale of the corporation. The ISCC liquidation corporation board shall close the corporation offices at 200 East Grand, Des Moines, Iowa, by June 30, 1998, terminate the officers and staff of the corporation by June 30, 1998, and shall not hire a new permanent or temporary staff to operate this corporation.

The staff of the treasurer of state shall provide administrative support to the ISCC liquidation corporation board and the corporation shall reimburse the treasurer

of state for the reasonable costs of providing administrative support. The attorney general shall be consulted and shall provide legal support throughout the liquidation and sale process and the corporation shall reimburse the attorney general for the reasonable costs of providing any such consultation and legal support.

The ISCC liquidation corporation board's goals in supervising the liquidation or sale of the corporation are to maximize the net revenue to the state and minimize the impact to the companies involved. The board shall not make any new investments during the liquidation period, except for those necessary to protect and maintain its current holdings.

The ISCC liquidation corporation board is authorized to contract for the services, including brokers, other financial advisors or consultants, or legal advisors, necessary to complete the orderly liquidation or sale of the ISCC liquidation corporation.

The ISCC liquidation corporation board may determine the potential administrative, legal, and contractual service costs for the liquidation or sale of the corporation and may maintain a prudent reserve fund from liquid assets of the corporation for such purposes. Upon the unanimous vote of the ISCC liquidation corporation board the remainder of the liquid assets shall be transferred to the strategic investment fund established in section 15.313.

Following the complete liquidation and dissolution of the corporation or the sale of the corporation, all remaining moneys shall be transferred to the strategic investment fund. Upon transfer of the remaining moneys to the strategic investment fund, the ISCC liquidation corporation board shall be dissolved.

Sec. 28. SHELTER ASSISTANCE FUND. In providing moneys from the shelter assistance fund to homeless shelter programs, the department of economic development shall explore the potential of allocating moneys to homeless shelter programs based in part on their ability to move their clients toward self-sufficiency.

Sec. 29. The department of economic development and the department of workforce development shall within the budget proposals for the fiscal year beginning July 1, 2000, detail the number of FTEs and contract employees included in the budget proposal. During the budget process for the fiscal year beginning July 1, 2000, the joint economic development appropriation subcommittee shall examine contract employees in relationship to the budgets of the department of economic development and the department of workforce development.

Sec. 30. The department of economic development shall submit a report to the general assembly as provided in section 7A.11 by January 1, 1999, which includes all of the following:

1. A survey of all business, industry, and agriculture-related international trade activities in this state. The survey shall include the types of businesses and the products involved in international trade and the estimated costs and revenues resulting from such trade.

2. A list of specific targets and targeted opportunities for business, industry, and agriculture related to international trade activities in this state. These targets shall include the types of businesses and the products that are currently involved in international trade, as well as the types of businesses and the products that could potentially become involved in international trade in the future.

Sec. 31. BUDGET PROPOSALS. The department of economic development and the department of workforce development shall submit all budget proposals in the traditional format as well as in the budgeting for results format for the fiscal year beginning July 1, 1999.

Sec. 32. By December 31 of each year, the ISCC liquidation corporation shall submit an annual report to the chairpersons and the ranking members of the joint

appropriations subcommittee on economic development. The report shall include an update on the financial condition of the corporation relating to the status of any moneys, assets, or contracts currently being held by the corporation or transferred by the corporation during the prior year.

Sec. 33. NEW SECTION. 16.5A NONPROFIT CORPORATIONS.

Any nonprofit corporation created by or in association with the Iowa finance authority since January 1, 1989, shall file a report by January 15 of each year with the chairpersons and ranking members of the appropriate appropriations subcommittees of the general assembly. Any nonprofit corporation created by or in association with the authority since January 1, 1989, shall adopt a written conflict of interests policy.

Sec. 34. NEW SECTION. 16.5B HOUSING CORPORATION BOARD.

The board of directors of the Iowa housing corporation shall consist of seven voting members serving staggered three-year terms. One member of the board of directors shall be a representative of the home builders association of Iowa and one member of the board of directors shall be a representative of the Iowa bankers association.

Sec. 35. FEDERAL GRANTS. All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 36. The Iowa finance authority and the Iowa housing corporation shall consider restrictions on any per diem provided to a member of the board of directors serving both the authority and the Iowa housing corporation on occasions when meetings of both entities are held on the same day and in the same city or metropolitan area.

Sec. 37. Notwithstanding section 96.9, subsection 4, paragraph "a", moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act shall be appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year after June 30, 2001.

Sec. 38. Notwithstanding any full-time equivalent position limitations in this Act to the contrary, the department of economic development may add 3.00 FTEs for the commission on volunteer services and 1.00 FTE for the housing assistance program. Two of the full-time equivalent positions added under this section for the commission on volunteer services relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the state and union collective bargaining agreements shall not govern movement into these full-time positions until September 1, 1998. The provisions relating to the transition of personnel services contractors to full-time equivalent positions, chapter 19A, and collective bargaining agreements are void after September 1, 1998.

Sec. 39. Section 15E.86, Code 1997, is repealed.

Sec. 40. EFFECTIVE DATE. Sections 14, 15, 16, 17, 18, 19, 20, 21, and 27 of this Act, being deemed of immediate importance, take effect upon enactment."

On the Part of the Senate:

ALLEN BORLAUG, Chair
PATRICK J. DELUHERY
PATRICIA HARPER
DERRYL McLAREN
NEAL SCHUERER

On the Part of the House

STEVEN CHURCHILL, Chair
DAVID MILLAGE
JAMES VAN FOSSEN

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2381

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 2381, a bill for an Act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, or the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal

period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, respectively make the following report:

1. That the Senate recedes from its amendment, H-9331.

2. That the House amendment, S-5740 to Senate File 2381, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"_ Page 1, line 22, by striking the words "beginning July 1, 1998, and ending June 30, 1999" and inserting the following: "indicated".

Page 1, line 25, by inserting after the word "For" the following: "the fiscal year beginning July 1, 1998, and ending June 30, 1999, for"."

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

"_ Page 1, line 29, by inserting after the word "For" the following: "the fiscal year beginning July 1, 1997, and ending June 30, 1998, for"."

3. Page 1, by inserting after line 16 the following:

"_ Page 1, line 32, by inserting after the word "For" the following: "the fiscal year beginning July 1, 1998, and ending June 30, 1999, for"."

4. Page 1, by striking lines 22 and 23.

5. Page 1, by striking line 24.

6. Page 1, by inserting after line 46 the following:

"_ Page 5, by inserting after line 9 the following:
"If there is an unobligated or unencumbered balance in the rebuild Iowa infrastructure fund on June 30, 1999, the remaining balance of the funds up to an additional \$700,000 shall be appropriated for the fiscal year beginning July 1, 1998, for funding more critical and deferred maintenance needs at Terrace Hill."

7. By striking page 1, line 47, through page 2, line 2.

8. Page 2, by striking lines 8 through 13.

9. Page 2, by striking lines 16 through 26.

10. Page 2, by inserting after line 48 the following:

"_ Page 9, line 27, by striking the word "purpose" and inserting the following: "purposes".

"_ Page 9, by inserting after line 27 the following

"1. For an automated weather observation system at the city of Harlan airport:

..... \$ 55,000"~~

_ Page 9, line 28, by inserting before the word "For" the following: "2."

_ Page 9, line 30, by striking the figure "1,000,000" and inserting the following: "945,000"."

11. Page 3, line 31, by striking the word "loans" and inserting the following: "loan".

12. Page 3, line 35, by striking the word "loans" and inserting the following: "loan".

13. Page 3, line 44, by striking "sechool," and inserting the following: "sechool".

14. Page 4, line 10, by striking the word "and".

15. Page 4, by striking lines 23 through 45.

16. Page 5, by inserting after line 5 the following:

"_ Title, page 1, line 8, by inserting after the word "facility," the following: "for a prior fiscal year,"."

17. Page 5, by striking lines 15 through 17.
18. Page 5, by striking lines 18 through 20.
19. Page 5, by inserting after line 23 the following:
 " Title, page 2, line 21, by inserting after the word "airports" the following:
 "and for an automated weather observation system"."
20. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

MARY LOU FREEMAN, Chair
 MIKE CONNOLLY
 ROD HALVORSON
 JOHN W. JENSEN
 DERRYL McLAREN

On the Part of the House:

BARRY BRAUNS, Chair
 HENRY RAYHONS
 DAVID SCHRADER
 STEVEN WARNSTADT

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
previously printed during the**

SEVENTY-SEVENTH GENERAL ASSEMBLY

1998 Regular Session

SENATE RESOLUTION NO. 101

By: Committee on Rules and Administration

A Resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

WHEREAS, section 2.32, subsection 7, requires the Governor to provide the Secretary of the Senate with a list of all gubernatorial appointments requiring Senate confirmation during this session by February 1; and

WHEREAS, section 99D.6 requires the State Racing and Gaming Commission to appoint an Administrator of the Commission subject to confirmation by the Senate under procedures established pursuant to section 2.32, subsection 9; and

WHEREAS, this information has been submitted and is on file in the office of the Secretary of the Senate; and

WHEREAS, section 2.32, subsections 7 and 9, also require that the Senate by resolution approve the list of gubernatorial and other appointments or request corrections by February 15; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the following list of appointment positions submitted by the Governor and others pursuant to section 2.32, subsections 7 and 9, and on file with the Secretary of the Senate is approved:

Accountancy Examining Board

3 terms commencing 5-1-98 and ending 4-30-2001

African-Americans, Commission on the Status of

3 terms commencing 5-1-98 and ending 4-30-2002

Page 2

Agricultural Development Authority

3 terms commencing 5-1-98 and ending 4-30-2004

Alcoholic Beverages Commission

1 term commencing 5-1-98 and ending 4-30-2003

Alcoholic Beverages Division, Administrator of the

1 term commencing 5-1-98 and ending 4-30-2002

Architectural Examining Board

2 terms commencing 5-1-98 and ending 4-30-2001

Athletic Trainer Advisory Board

3 terms commencing 5-1-98 and ending 4-30-2001

Barber Examiners, Board of

1 term commencing 10-21-98 and ending 4-30-99

1 term commencing 5-1-98 and ending 4-30-2001

Behavioral Science Examiners, Board of

1 vacancy for a term ending 4-30-99

3 terms commencing 5-1-98 and ending 4-30-2001

Blind, Commission for the

1 term commencing 5-1-98 and ending 4-30-2001

Chiropractic Examiners, Board of

- 20 1 term commencing 5-1-98 and ending 4-30-2001
- 21 City Development Board
- 22 1 term commencing 5-14-97 and ending 4-30-2000
- 23 1 term commencing 5-1-98 and ending 4-30-2004
- 24 Civil Rights Commission, Director of the Iowa State
- 25 1 term served at the pleasure of the Governor
- 26 Community Action Agencies, Commission on
- 27 1 vacancy for a term ending 4-30-2000
- 28 3 terms commencing 5-1-98 and ending 4-30-2001
- 29 Community Health Management Information System
- 30 Governing Board

Page 3

- 1 1 vacancy for a term ending 4-30-99
- 2 1 vacancy for a term ending 4-30-2000
- 3 4 terms commencing 5-1-98 and ending 4-30-2001
- 4 Corrections, Board of
- 5 1 term commencing 5-1-98 and ending 4-30-2002
- 6 Corrections, Director of the Department of
- 7 1 term served at the pleasure of the Governor
- 8 Cosmetology Arts and Sciences Examiners, Board of
- 9 1 term commencing 5-1-98 and ending 4-30-2001
- 10 Credit Union Review Board
- 11 2 terms commencing 5-1-98 and ending 4-30-2001
- 12 Criminal and Juvenile Justice Planning Advisory Council
- 13 7 terms commencing 5-1-98 and ending 4-30-2002
- 14 Deaf, Commission on the
- 15 1 term commencing 9-8-97 and ending 4-30-99
- 16 3 terms commencing 5-1-98 and ending 4-30-2001
- 17 Deaf Services, Administrator of the Division of
- 18 1 term served at the pleasure of the Governor
- 19 Dental Examiners, Board of
- 20 3 terms commencing 5-1-98 and ending 4-30-2001
- 21 Dietetic Examiners, Board of
- 22 1 term commencing 5-1-98 and ending 4-30-2001
- 23 Economic Development Board, Iowa
- 24 1 term commencing 9-8-97 and ending 4-30-99
- 25 2 terms commencing 5-1-98 and ending 4-30-2002
- 26 Education, State Board of
- 27 1 term commencing 5-20-97 and ending 4-30-2002
- 28 1 term commencing 5-22-97 and ending 4-30-2002
- 29 2 terms commencing 5-1-98 and ending 4-30-2004
- 30 Educational Examiners, Board of

Page 4

- 1 1 term commencing 4-10-97 and ending 4-30-2001
- 2 1 term commencing 5-1-98 and ending 4-30-2002
- 3 Emergency Response Commission, Iowa
- 4 1 vacancy for a term ending 4-30-2001
- 5 1 term commencing 5-1-98 and ending 4-30-2001

- 6 Employment Appeal Board
- 7 1 term commencing 5-1-98 and ending 4-30-2004
- 8 Engineering and Land Surveying Examining Board
- 9 1 term commencing 8-15-97 and ending 4-30-98
- 10 2 terms commencing 5-1-98 and ending 4-30-2001
- 11 Ethics and Campaign Disclosure Board, Iowa
- 12 2 terms commencing 5-1-98 and ending 4-30-2004
- 13 First in the Nation in Education Foundation
- 14 Governing Board
- 15 1 vacancy for a term ending 4-30-2004
- 16 Foster Care Review Board, State Citizen
- 17 2 terms commencing 5-1-98 and ending 4-30-2002
- 18 General Services, Director of the Department of
- 19 1 term served at the pleasure of the Governor
- 20 Grain Indemnity Fund Board, Iowa
- 21 2 terms commencing 5-1-98 and ending 4-30-2001
- 22 Health Facilities Council
- 23 1 term commencing 5-20-97 and ending 4-30-2001
- 24 Hearing Aid Dealers, Board for the Licensing
- 25 and Regulation of
- 26 2 terms commencing 5-1-98 and ending 4-30-2001
- 27 Higher Education Loan Authority, Iowa
- 28 1 term commencing 5-1-98 and ending 4-30-2004
- 29 Higher Education Strategic Planning Council
- 30 7 terms commencing 5-1-98 and ending 4-30-2002

Page 5

- 1 Human Investment, Iowa Council on
- 2 1 vacancy for a term ending 4-30-99
- 3 3 terms commencing 5-1-98 and ending 4-30-2001
- 4 Human Rights, Director of the Department
- 5 1 term served at the pleasure of the Governor
- 6 Iowa Public Employees' Retirement System, Investment
- 7 Board of the
- 8 1 term commencing 5-1-98 and ending 4-30-2004
- 9 Landscape Architectural Examining Board
- 10 1 vacancy for a term ending 4-30-99
- 11 2 terms commencing 5-1-98 and ending 4-30-2001
- 12 Law Enforcement Academy Council, Iowa
- 13 1 term commencing 9-18-97 and ending 4-30-2000
- 14 2 terms commencing 5-1-98 and ending 4-30-2002
- 15 Lottery Board
- 16 2 terms commencing 5-1-98 and ending 4-30-2002
- 17 Medical Examiners, Board of
- 18 1 term commencing 11-15-97 and ending 4-30-99
- 19 4 terms commencing 5-1-98 and ending 4-30-2001
- 20 Mental Health and Developmental Disabilities Commission
- 21 5 terms commencing 5-1-98 and ending 4-30-2001
- 22 Mortuary Science Examiners, Board of
- 23 2 terms commencing 5-1-98 and ending 4-30-2001
- 24 Nursing Examiners, Board of

- 25 3 terms commencing 5-1-98 and ending 4-30-2001
- 26 Nursing Home Administrators, State Board of
- 27 Examiners for
- 28 1 vacancy for a term ending 4-30-2000
- 29 2 terms commencing 5-1-98 and ending 4-30-2001
- 30 Optometry Examiners, Board of

Page 6

- 1 2 terms commencing 5-1-98 and ending 4-30-2001
- 2 Parole, Board of
- 3 1 term commencing 1-9-98 and ending 4-30-99
- 4 1 term commencing 5-1-98 and ending 4-30-2002
- 5 Personnel Commission
- 6 1 vacancy for a term ending 4-30-2003
- 7 Petroleum Underground Storage Tank Fund Board, Iowa
- 8 Comprehensive
- 9 1 vacancy for a term ending 4-30-2001
- 10 Pharmacy Examiners, Board of
- 11 2 terms commencing 5-1-98 and ending 4-30-2001
- 12 Physical and Occupational Therapy Examiners, Board of
- 13 2 terms commencing 5-1-98 and ending 4-30-2001
- 14 Physician Assistant Examiners, Board of
- 15 2 terms commencing 5-1-98 and ending 4-30-2001
- 16 Podiatry Examiners, Board of
- 17 1 term commencing 5-1-98 and ending 4-30-2001
- 18 Prevention of Disabilities Policy Council
- 19 3 terms commencing 5-1-98 and ending 4-30-2001
- 20 Professional Licensing and Regulation, Administrator of
- 21 1 term commencing 5-1-98 and ending 4-30-2002
- 22 Psychology Examiners, Board of
- 23 2 terms commencing 5-1-98 and ending 4-30-2001
- 24 Public Employment Relations Board
- 25 1 term commencing 5-1-98 and ending 4-30-2002
- 26 Public Safety, Commissioner of
- 27 1 term served at the pleasure of the Governor
- 28 Racing and Gaming Commission, State
- 29 1 term commencing 5-1-98 and ending 4-30-2001
- 30 Racing and Gaming Commission, Administrator of the State

Page 7

- 1 1 term commencing 5-1-98 and ending 4-30-2002
- 2 Railway Finance Authority, Iowa
- 3 1 term commencing 5-1-98 and ending 4-30-2004
- 4 Real Estate Appraiser Examining Board
- 5 2 terms commencing 5-1-98 and ending 4-30-2001
- 6 Real Estate Commission
- 7 1 term commencing 5-1-98 and ending 4-30-2001
- 8 Renewable Fuels and Coproducts Advisory Committee
- 9 1 vacancy for a term ending 4-30-2000
- 10 1 term commencing 5-1-98 and ending 4-30-2001

- 11 Respiratory Care Advisory Committee
- 12 1 term commencing 5-1-98 and ending 4-30-2001
- 13 School Budget Review Committee
- 14 1 term commencing 5-1-98 and ending 4-30-2001
- 15 Seed Capital Corporation, Iowa
- 16 1 term served at the pleasure of the Governor
- 17 Small Business Advisory Council
- 18 3 terms commencing 5-1-98 and ending 4-30-2002
- 19 Social Work Examiners, Board of
- 20 2 terms commencing 5-1-98 and ending 4-30-2001
- 21 Soil Conservation Committee, State
- 22 1 term commencing 7-2-97 and ending 4-30-2001
- 23 1 term commencing 5-1-98 and ending 4-30-2004
- 24 Speech Pathology and Audiology Examiners, Board of
- 25 2 terms commencing 5-1-98 and ending 4-30-2001
- 26 Telecommunications and Technology Commission, Iowa
- 27 1 term commencing 7-11-97 and ending 4-30-99
- 28 1 term commencing 5-1-98 and ending 4-30-2004
- 29 Telecommunications and Technology Commission,
- 30 Chairperson of the Iowa

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- 1 1 term commencing 5-1-98 and ending 4-30-2000
- 2 Transportation Commission, State
- 3 2 terms commencing 5-1-98 and ending 4-30-2002
- 4 Utilities Board
- 5 1 term commencing 9-19-97 and ending 4-30-99
- 6 Veterans Affairs, Commission of
- 7 1 term commencing 10-20-97 and ending 4-30-98
- 8 3 terms commencing 5-1-98 and ending 4-30-2002
- 9 Veterans Affairs, Executive Director of the Commission of
- 10 1 term served at the pleasure of the Governor
- 11 Veterans Home, Commandant of the Iowa
- 12 1 term served at the pleasure of the Governor
- 13 Veterinary Medicine, Iowa Board of
- 14 1 term commencing 5-1-98 and ending 4-30-2001
- 15 Wallace Technology Transfer Foundation of Iowa
- 16 2 vacancies for terms ending 4-30-2000
- 17 3 terms commencing 5-1-98 and ending 4-30-2001
- 18 Women, Commission on the Status of
- 19 4 terms commencing 5-1-98 and ending 4-30-2002
- 20 Workforce Development Board, Iowa
- 21 1 vacancy for a term ending 4-30-2000
- 22 terms commencing 5-1-98 and ending 4-30-2002.

- 1 SENATE RESOLUTION NO. 102
- 2 By: Committee on Appropriations
- 3 (Successor to SSB 2116)
- 4 A Senate Resolution affirming the efforts of the
- 5 child welfare services work group established by

6 the Legislative Council, requesting approval for
7 continuance of the work group, and requesting that
8 leadership of the General Assembly work with the
9 Governor and Iowa's congressional delegation in
10 developing a memorandum of understanding with the
11 federal government.

12 WHEREAS, the state of Iowa has been a leader
13 nationally in developing comprehensive, community-
14 based services in child welfare and juvenile justice
15 through projects for decategorization of the funding
16 for these services; and

17 WHEREAS, the state of Iowa has been a leader
18 nationally in employing managed care approaches to
19 provide behavioral health and substance abuse
20 treatment services to the state's Medicaid population;
21 and

22 WHEREAS, the state of Iowa seeks to continue its
23 leadership in developing a well-managed and integrated
24 system of care for children and families that is
25 community-based, flexible, and holistic across child
26 welfare, juvenile justice, behavioral health, and
27 substance abuse treatment systems; and

28 WHEREAS, the General Assembly recognizes that
29 developing and implementing such a system will require
30 the commitment and participation of a broad range of

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1 Iowa organizations and individuals and the involvement
2 of federal officials; and

3 WHEREAS, the child welfare services work group
4 established by the Legislative Council in the fall of
5 1997 represents a broad-based planning group to
6 achieve these ends; and

7 WHEREAS, the work group has identified a vision for
8 obtaining accountability from an integrated system of
9 care involving alternative means of capitating costs
10 and has provided a series of recommendations and
11 planning activities needed to develop the system of
12 care; NOW THEREFORE,

13 BE IT RESOLVED BY THE SENATE, That the Senate
14 affirms the vision of the child welfare services work
15 group established by the Legislative Council and
16 recognizes the need to move forward on the work group
17 recommendations; and

18 BE IT FURTHER RESOLVED, That the Legislative
19 Council is requested to act immediately to reauthorize
20 the child welfare services work group to continue
21 planning and implementation activities; to add members
22 of the General Assembly to the work group, and to
23 require a final report to the chairpersons and ranking
24 members of the Joint Appropriations Subcommittee on

25 Human Services on or before January 1, 1999; and
26 BE IT FURTHER RESOLVED, That the leadership of the
27 General Assembly is requested to work with the
28 Governor and the leadership of the United States
29 Congress to develop a memorandum of understanding with
30 federal officials to continue federal participation

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1 with the state in this endeavor.

1 SENATE RESOLUTION NO. 103
2 By: Kramer
3 A Senate Resolution commemorating the founding and
4 accomplishments of the federal Civilian Conservation
5 Corps.
6 WHEREAS, on March 31, 1933, the United States
7 Congress approved, and President Franklin D. Roosevelt
8 signed, legislation establishing the greatest
9 environmental program in the history of the nation,
10 the Civilian Conservation Corps; and
11 WHEREAS, the enrollees, who were 17 to 23 years of
12 age, planted tens of millions of tree seedlings on
13 land in federal and state parks; and
14 WHEREAS, the United States Government has
15 collected, and continues to collect, millions of
16 dollars in harvesting fees from lumber companies as a
17 result of the trees planted by the Civilian
18 Conservation Corps; and
19 WHEREAS, thousands of farmers received assistance
20 from the Civilian Conservation Corps in terracing and
21 establishing contour farming practices, preventing
22 tons of soil erosion and substantially increasing crop
23 production; and
24 WHEREAS, many lodges, cabins, shelters, and trails
25 built by the Civilian Conservation Corps in state and
26 national parks have provided countless hours of
27 recreation and enjoyment to visitors; and
28 WHEREAS, the civilian conservation corps concept
29 could be a valuable complement to AmeriCorps and Job
30 Corps by performing needed work in the state and

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1 national forests and parks; and
2 WHEREAS, as in the 1930s, a new civilian
3 conservation corps would provide job training and
4 instill in the enrollees a work ethic and self-
5 discipline, and provide workfare assistance to needy
6 families; NOW THEREFORE,
7 BE IT RESOLVED BY THE SENATE, That Tuesday, March

8 31, 1998, be declared National Civilian Conservation
9 Corps Recognition Day in honor of the former members
10 of the federal Civilian Conservation Corps and to
11 encourage the discussion of benefits of establishing a
12 new civilian conservation corps for the youth of
13 today.

1 SENATE RESOLUTION NO. 104

2 By: Freeman

3 A Senate Resolution offering sympathy and encouragement
4 to Gustavus Adolphus College.

5 WHEREAS, on March 29, 1998, violent weather in
6 southern Minnesota produced a string of powerful
7 tornadoes; and

8 WHEREAS, the tornadoes ravaged nine small towns in
9 southern Minnesota including St. Peter, Minnesota; and

10 WHEREAS, it is estimated that 500 homes in St.
11 Peter were destroyed and another 1,700 homes were
12 damaged; and

13 WHEREAS, the historic and picturesque campus of
14 Gustavus Adolphus College located in St. Peter was
15 severely devastated as every building on campus
16 sustained some damage; and

17 WHEREAS, the damage to Gustavus Adolphus College
18 included destruction of nearly every window in the
19 dormitories, the destruction of 75 percent of the
20 trees on campus, and the destruction of the famed
21 spire located atop the school's focal point, Christ
22 Chapel; and

23 WHEREAS, Gustavus Adolphus College has stated an
24 intent to continue the school year despite the
25 destruction to the college's campus; NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
27 offers its sympathy and encouragement to Gustavus
28 Adolphus College and its students, faculty, and staff
29 as they strive to complete the current school year.

1 SENATE RESOLUTION NO. 120

2 By: Jensen and Flynn

3 A Senate Resolution requesting that the Legislative

4 Council authorize an interim study of statewide
5 jail space needs.

6 WHEREAS, there are approximately 2,800 county jail
7 beds located in 92 counties in Iowa; and

8 WHEREAS, 70 percent of Iowa jails are 50 years old
9 or older; and

10 WHEREAS, 70 percent of Iowa jails are structurally
11 inadequate and do not meet current jail design
12 standards; and

13 WHEREAS, 70 percent of Iowa jails are not designed

14 to house the inmate populations that currently occupy
15 those jails, thereby causing a risk to prisoners and
16 jail staff; and
17 WHEREAS, approximately one-quarter of Iowa's jails
18 are not staffed by full-time jailers; and
19 WHEREAS, a demonstrated shortage of county jail
20 space exists, including 15 Iowa jails which house
21 inmate populations which exceed rated capacity on a
22 daily basis, 14 jails which operate at an occupancy
23 rate of one bed less than rated capacity on a daily
24 basis, and 63 jails which operate at an average
25 occupancy rate of 85 percent of rated capacity on a
26 daily basis; and
27 WHEREAS, legislation initiated in recent years
28 could potentially increase the number of persons
29 sentenced to confinement in county jails; and
30 WHEREAS, individual counties are seeking solutions

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1 to jail space shortages and are considering individual
2 jail studies; NOW THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the Legislative
4 Council be requested to establish a legislative
5 interim study committee to conduct a comprehensive,
6 statewide study of jail space needs in Iowa,
7 including, but not limited to, an assessment of
8 current and future needs for jail space throughout the
9 state.

1 SENATE RESOLUTION NO. 122
2 By: Maddox and Dvorsky
3 A Senate Resolution honoring Mr. Walt Saur upon his retire-
4 ment as Chairperson of the Iowa Board of Parole.
5 WHEREAS, Mr. Walt Saur has announced his retirement
6 after two decades of service as chairperson of the
7 Iowa Board of Parole; and
8 WHEREAS, Mr. Saur, as chairperson of the Board of
9 Parole, has led the board to skillfully strike a fair
10 balance between the needs of citizens for public
11 safety through the continued incarceration of
12 dangerous inmates and the desire to release inmates
13 who are able and willing to fulfill the obligations of
14 a law-abiding citizen; and
15 WHEREAS, during his service as chairperson, Mr.
16 Saur promoted and implemented computerized
17 recordkeeping for the Board of Parole which has
18 greatly contributed to providing the Board of Parole
19 with the information it needs to render good
20 decisions; and
21 WHEREAS, the success of the Board of Parole under

22 Mr. Saur's leadership is exemplified by the fact that
23 approximately 19 percent of Iowa prison system
24 parolees are reincarcerated, well below the 32 percent
25 average recidivism rate for inmates in all state
26 prison systems; and
27 WHEREAS, the Board of Parole is charged with the
28 difficult and thankless job, critical to the efficient
29 operation of the correctional system in this state, of
30 determining whether a particular inmate has served a

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1 sufficient amount of time and can be safely released
2 from prison prior to the expiration of the inmate's
3 term, and therefore, members of the Board of Parole
4 including Chairperson Saur, deserve the thanks of all
5 Iowans for their public service; NOW THEREFORE,
6 BE IT RESOLVED BY THE SENATE, That tribute be paid
7 to Mr. Walt Saur for his devoted service to the Iowa
8 Board of Parole, the correctional system of this
9 state, and the citizens of this state, and, upon his
10 retirement, be wished health and happiness in the
11 years ahead; and
12 BE IT FURTHER RESOLVED, That an official copy of
13 this Resolution be prepared and presented to Mr. Walt
14 Saur.

1 SENATE RESOLUTION NO. 123
2 By: Tinsman, Hammond, Boettger, Szymoniak, Redwine,
3 Dvorsky, and Behn
4 A Senate Resolution recognizing the positive contributions
5 to the state from county implementation of a single entry
6 point process for mental health, mental retardation, and
7 developmental disabilities (MH/MR/DD) services known as
8 the central point of coordination or "CPC" system.
9 WHEREAS, Iowa has a long history of county
10 leadership in the provision of MH/MR/DD services to
11 the citizens of this state; and
12 WHEREAS, Iowa policymakers have focused on
13 reforming the MH/MR/DD service system in order to
14 provide high quality, cost-effective services to best
15 meet the needs of service consumers; and
16 WHEREAS, the county management plan approach was
17 established as a key element of reforming MH/MR/DD
18 services by employing professional qualified staff,
19 developing a system of accountability and control,
20 improving planning processes by formalizing the
21 processes, increasing the involvement of stakeholders,
22 improving coordination of services, and assuring the
23 appropriateness of the services authorized; and
24 WHEREAS, the CPC staff have become highly visible,

25 vital contributors to implementing reform of the
26 MH/MR/DD service system by planning, working with
27 providers, making eligibility determinations,
28 authorizing funding for services, making referrals,
29 monitoring and coordinating services, tracking and
30 evaluating services, and providing quality assurance;

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1 and
2 WHEREAS, CPC staff are qualified with college
3 education, demonstrated competency in program
4 administration and in human services, and experience
5 in working with persons with disabilities, and bring
6 many other competencies in serving persons with
7 disabilities; NOW THEREFORE,
8 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
9 recognizes the important role of CPC staff in
10 implementing MH/MR/DD service system reform beginning
11 with the initial CPC appointments in 1994 and
12 continuing with appointment of a CPC for every county
13 as of July 1, 1996; and
14 BE IT FURTHER RESOLVED, That the Iowa Senate
15 anticipates that many challenges lie ahead as system
16 reform evolves and expresses confidence that the CPC
17 staff will continue to provide leadership in
18 addressing these challenges by bringing people
19 together, making good recommendations, and empowering
20 persons with disabilities.

1 SENATE RESOLUTION NO. 124
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, 1998 and ending June 30, 1999, 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 \$2,916,566.
- 27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$330,000.
- 30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed
2 \$2,137,054.

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 \$40,000.

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~~ an educational program for the
14 Senate Pages to be used with the authorization of the
15 Committee on Rules and Administration, in an amount
16 not to exceed \$1,000.

17 Sec. 2. The Secretary of the Senate shall
18 immediately provide written notice to the majority and
19 minority leaders of the Senate and to the Chair and
20 Ranking Member of the Senate Appropriations Committee
21 if actual expenditures payable pursuant to Iowa Code
22 sections 2.10 through 2.14 inclusive exceed the
23 maximum amount allocated to any category of the budget
24 provided by section 1 of this resolution. The written
25 notice shall specify the amount of and reasons for any
26 excess expenditure.

27 Sec. 3. The expenditures referred to in section 2
28 of this resolution shall consist only of those sums
29 required for payment of the various expenses of the
30 General Assembly including such items as legislative

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1 printing expenses, unpaid expenses incurred during the
2 interim between sessions of the General Assembly,
3 expenditures incurred pursuant to resolutions, and
4 expenses for purchases of legislative equipment and
5 supplies necessary to carry out the functions of the
6 General Assembly. Joint expenditures or special
7 expenditures approved by the Committee on Rules and

8 Administration or the Legislative Council are not
9 included in the budget set forth in this resolution.
10 Sec. 4. If a special session of the General
11 Assembly is held, the Committee on Rules and
12 Administration shall provide for consideration of a
13 budget for the special session.

1 SENATE RESOLUTION NO. 125

2 By: Kibbie

3 A Senate Resolution honoring Carol Emerson.
4 WHEREAS, Ms. Carol Emerson will be retiring in
5 October of this year after serving the citizens of
6 this state in the state library system for over 27
7 years; and
8 WHEREAS, Ms. Emerson began her library career
9 working for the State Library in 1971 and has served
10 in several different capacities, including the
11 monitoring of library construction projects and as an
12 information officer for the State Library; and
13 WHEREAS, Ms. Emerson began her work in the Capitol
14 for the Law Library in 1989; and
15 WHEREAS, Ms. Emerson has earned the respect of all
16 who work with her, from state legislators, members of
17 the Iowa bar, and her coworkers, to the citizens of
18 this state, this nation, and other countries who
19 utilize the resources of the Law and State Libraries;
20 NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate pay
22 tribute to Ms. Carol Emerson for her devoted service
23 to the Law Library and the State Library and to their
24 patrons and wish her the very best in the years ahead;
25 and
26 BE IT FURTHER RESOLVED, That an official copy of
27 this resolution be presented to Ms. Carol
28 Emerson.

1 SENATE RESOLUTION NO. 126

2 By: Dvorsky and Neuhauser

3 A Senate Resolution recognizing the centennial anniversary
4 of the University of Iowa Hospitals and Clinics, and
5 honoring the women and men affiliated with the University
6 of Iowa Hospitals and Clinics.
7 WHEREAS, the first University Hospital on the
8 campus of the University of Iowa opened in 1898; and
9 WHEREAS, the University of Iowa Hospitals and
10 Clinics celebrated its centennial anniversary on
11 January 12, 1998; and
12 WHEREAS, the University of Iowa Hospitals and
13 Clinics has grown into a major statewide medical
14 resource dedicated to providing preeminent health care

15 services to over one-half million patients annually;
16 and
17 WHEREAS, the University of Iowa Hospitals and
18 Clinics provides outreach programs and supports
19 community-based physicians and hospitals contributing
20 to enhanced health care services throughout the state;
21 and
22 WHEREAS, the University of Iowa Hospitals and
23 Clinics serves as the primary teaching hospital for
24 the University of Iowa and its affiliated
25 institutions; and
26 WHEREAS, the University of Iowa Hospitals and
27 Clinics facilitates innovative research leading to
28 improved health care services for the citizens of this
29 state, this nation, and other countries; and
30 WHEREAS, the women and men affiliated with the

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1 University of Iowa Hospitals and Clinics serve the
2 citizens of the state of Iowa with compassion,
3 professionalism, and dedication; and
4 WHEREAS, the University of Iowa Hospitals and
5 Clinics is consistently acclaimed as one of the
6 nation's premier hospitals and constitutes a source of
7 great pride for the citizens of the state of Iowa; NOW
8 THEREFORE,
9 BE IT RESOLVED BY THE SENATE, That the recent
10 centennial anniversary of the University of Iowa
11 Hospitals and Clinics on January 12, 1998, is
12 officially recognized; and
13 BE IT FURTHER RESOLVED, That the citizens of the
14 state of Iowa honor the women and men affiliated with
15 the University of Iowa Hospitals and Clinics who have
16 contributed to the health and well-being of the
17 citizens of this state, of this nation, and of the
18 world.

1 SENATE CONCURRENT RESOLUTION NO. 101
2 By: Horn
3 A Concurrent Resolution recognizing the notable
4 achievements of the Jefferson High School Marching
5 Band from Cedar Rapids, Iowa.
6 WHEREAS, Mr. Earle Dickinson, Band Director, and
7 the Jefferson High School Marching Band in Cedar
8 Rapids, Iowa, traveled to Pasadena, California, during
9 the last week of December 1997 and the first week of
10 January 1998 to participate in festivities conducted
11 by the Tournament of Roses Committee; and
12 WHEREAS, the contingent traveling to California
13 from Jefferson High School consisted of 380 people,

14 including 315 marching band members; and
15 WHEREAS, members of the Jefferson High School
16 Marching Band raised \$350,000 to aid in financing the
17 eight-day trip; and
18 WHEREAS, the Jefferson High School Marching Band
19 performed at Disneyland, Knott's Berry Farm, and the
20 Tournament of Roses Committee's Band Fest during their
21 stay in California; and
22 WHEREAS, the Jefferson High School Marching Band
23 was one of only 12 high school marching bands
24 worldwide, including two international high school
25 marching bands from Canada and Thailand, invited to
26 perform in the Tournament of Roses Parade on January
27 1, 1998, in Pasadena, California; and
28 WHEREAS, the Jefferson High School Marching Band
29 performed in front of 1 million people on the parade
30 route of the Tournament of Roses Parade and in front

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1 of 450 million people on the telecast of the Parade;
2 NOW THEREFORE,
3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
4 REPRESENTATIVES CONCURRING, That Mr. Earle Dickinson
5 and the Jefferson High School Marching Band be
6 recognized and congratulated for their participation
7 in the Tournament of Roses Parade on January 1, 1998;
8 and
9 BE IT FURTHER RESOLVED, That, upon passage, an
10 enrolled copy of this Resolution be sent to Band
11 Director Earle Dickinson of Jefferson High School.

1 SENATE CONCURRENT RESOLUTION NO. 102

2 By: Tinsman and Boettger

3 A Concurrent Resolution requesting the United States
4 Department of Health and Human Services to revise a
5 proposed rulemaking for implementing welfare reform
6 and requesting the United States Congress to provide
7 oversight.

8 WHEREAS, the primary purpose of the federal
9 Personal Responsibility and Work Opportunity
10 Reconciliation Act of 1996 in providing Temporary
11 Assistance to Needy Families (TANF) block grants is to
12 reform six decades of welfare, focusing on helping
13 families to move toward economic self-sufficiency by
14 promoting work and supporting the family structure;
15 and

16 WHEREAS, to accomplish the primary purpose, United
17 States Congress increased the flexibility of the
18 states in providing welfare assistance, shifting
19 authority to the states from the federal government in

20 order to maximize innovation and creativity,
21 recognizing that "one size does not fit all," and that
22 states need this flexibility to best serve their
23 citizens; and
24 WHEREAS, the emphasis on flexibility has been
25 adopted by the state of Iowa by heavily involving
26 citizens from around the state in shaping the state's
27 welfare assistance programs in a manner so as to
28 engage community investment in the success of the
29 families participating in welfare programs; and
30 WHEREAS, the notice of proposed rulemaking for TANF

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1 issued in November 1997 by the United States
2 Department of Health and Human Services,
3 Administration for Children and Families, includes
4 provisions which may reduce flexibility, cause a shift
5 in resources from families to data collection, and
6 unnecessarily limit state responsibility for prudently
7 expending state moneys; NOW THEREFORE
8 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
9 REPRESENTATIVES CONCURRING, That the United States
10 Department of Health and Human Services,
11 Administration for Children and Families, is urged to
12 revise the proposed rulemaking as follows: eliminate
13 provisions which would expand the scope of activities
14 considered to be administrative costs; eliminate
15 requirements for purchased services to be subject to
16 administrative cost allocation; drop the
17 interpretation that calculation of the administrative
18 cost limitation is to be applied against the net of
19 transfers to federal Title XX and to child care block
20 grant services; limit data reporting requirements to
21 those explicitly required under the federal Act; allow
22 time for any new data collection requirements to be
23 thoughtfully integrated with existing requirements;
24 eliminate new requirements on state maintenance of
25 effort funding; and eliminate those requirements which
26 have been identified by states as creating a
27 disincentive for the states to develop and to
28 implement state-funded approaches targeted to special
29 needs populations; and
30 BE IT FURTHER RESOLVED, That the United States

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1 Congress is requested to provide oversight of the
2 proposed rulemaking to address the concerns of Iowa
3 and other states and to ensure that the overall and
4 specific effects of the rulemaking are consistent with
5 the purposes intended by Congress for implementation

6 of the federal Personal Responsibility and Work
7 Opportunity Reconciliation Act of 1996; and
8 BE IT FURTHER RESOLVED, That a copy of this
9 resolution be sent by the Secretary of the Senate to
10 the President of the United States; the Secretary of
11 Health and Human Services; the Administrator of the
12 Department of Health and Human Services,
13 Administration for Children and Families; the Majority
14 Leader of the United States Senate; the Speaker of the
15 House of Representatives of the United States; and
16 members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 103

2 By: Vilsack, Gronstal, Dearden, Fink, Halvorson,
3 Flynn, Black, Connolly, Harper, Horn,
4 Judge, Kibbie, Neuhauser, Palmer, McCoy, Gettings,
5 Fraise, and Hansen

6 A Concurrent Resolution encouraging the federal
7 government to ease restrictions on the immediate
8 removal from the classroom of students behaving
9 violently or disruptively and requesting an
10 appropriation increase to assist in establishing
11 alternative education programs.

12 WHEREAS, teachers cannot perform their jobs
13 effectively and students' learning abilities are
14 impaired when other students chronically or severely
15 disrupt class, sometimes to the point of endangering
16 the health and safety of teachers and students; and

17 WHEREAS, federal laws and regulations seemingly
18 ignore the rights of the students who choose to attend
19 school, focus on their education, and learn in a civil
20 environment; and

21 WHEREAS, schools are exposed to lawsuits from
22 parents who fear for their children's safety in
23 classrooms where disruptive and possibly violent
24 behavior must be tolerated because of federal laws and
25 regulations; and

26 WHEREAS, changes resulting from the enactment of
27 the revised Individuals with Disabilities Education
28 Act (IDEA), Pub. L. No. 105-17, improve the plight of
29 students, teachers, and administrators who wish to
30 learn and work in a safe environment, but do not go

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1 far enough; and

2 WHEREAS, students who exhibit violent or
3 chronically disruptive behavior need the special
4 attention an alternative education program can
5 provide; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

7 REPRESENTATIVES CONCURRING, That the federal executive
8 branch and Congress are encouraged and requested to
9 ease the restrictions on the immediate removal from
10 the classroom of students behaving violently or
11 disruptively; and
12 BE IT FURTHER RESOLVED, That the federal
13 administration and Congress are also encouraged and
14 requested to increase IDEA appropriations to assist
15 states in establishing alternative education programs
16 for violent students; and
17 BE IT FURTHER RESOLVED, That upon passage by both
18 the Senate and the House of Representatives, that
19 copies of this resolution be delivered to the
20 President of the United States, the members of Iowa's
21 congressional delegation, and United States Secretary
22 of Education Richard W. Riley or his successor.

1 SENATE CONCURRENT RESOLUTION NO. 104

2 By: Hansen and Gronstal

3 A Concurrent Resolution requesting the Congress of the
4 United States to establish a national park in the
5 Loess Hills area of western Iowa.

6 WHEREAS, although loess deposits occur extensively
7 throughout the world, the Iowa loess deposits are
8 unique, with some deposits attaining the depth of
9 nearly 200 feet; and

10 WHEREAS, other loess deposits which approach the
11 magnitude of Iowa's Loess Hills are located in
12 northern China; and

13 WHEREAS, the Iowa Loess Hills, encompassing more
14 than 600,000 acres, hold an abundance of rare plant
15 and animal communities including some of the few
16 remaining plats of native prairie grasses; and

17 WHEREAS, the State of Iowa is establishing the
18 Loess Hills Pioneer State Forest which currently
19 includes approximately 9,000 acres of forest, grass,
20 and cropland; and

21 WHEREAS, the loess deposits are highly erodible
22 soils which warrant appropriate conservation
23 management practices to protect the land from severe
24 soil losses; and

25 WHEREAS, many areas of Iowa's Loess Hills are
26 suitable for multiple public uses and benefits
27 including outdoor recreation, wildlife habitat, and
28 historical, geological, and cultural investigation;

29 NOW THEREFORE,

30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

2 of the State of Iowa requests the members of the
3 Congress of the United States to expeditiously pass
4 enabling legislation to, and direct the United States
5 Department of the Interior to, establish a Loess Hills
6 National Park in western Iowa; and
7 BE IT FURTHER RESOLVED, That copies of this
8 Resolution be transmitted to the President of the
9 United States Senate, the Speaker of the United States
10 House of Representatives, the Secretary of the United
11 States Department of the Interior, and the members
12 Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 105

2 By: Boettger

3 A Concurrent Resolution relating to the intent of
4 the Iowa General Assembly regarding federal
5 tobacco legislation.
6 WHEREAS, the Iowa General Assembly has determined
7 that reducing the use of tobacco products by minors is
8 a matter of the highest priority for the people of the
9 state of Iowa; and
10 WHEREAS, the Iowa General Assembly has determined
11 that strengthening restrictions on minors' access to
12 tobacco products, and implementing appropriate
13 educational campaigns to discourage underage tobacco
14 use, could significantly reduce the use of tobacco
15 products by minors; and
16 WHEREAS, the Iowa General Assembly has determined
17 that the exposure of minors to tobacco advertising and
18 promotion should be reduced, but that legislatively
19 imposed restrictions may be subject to legal
20 challenges; and
21 WHEREAS, the Iowa General Assembly is aware of the
22 national tobacco settlement announced on June 20,
23 1997, negotiated by a core group of state attorneys
24 general, counsel for class action plaintiffs,
25 representatives of the public health community, and
26 the tobacco industry; and
27 WHEREAS, the Iowa General Assembly is aware that
28 the June 20, 1997, agreement includes elements that,
29 if implemented by the United States Congress, would
30 fundamentally change the way the tobacco industry does

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1 business and achieve major public health goals,
2 including the following:
3 Congress would enact legislation placing tobacco
4 products within the jurisdiction of the United States
5 Food and Drug Administration (FDA), ending the
6 controversy regarding FDA's assertion of jurisdiction

7 over tobacco products and creating a regulatory
8 framework tailored to the special issues presented by
9 these products.
10 All of the provisions of the FDA's tobacco rules
11 designed to reduce underage tobacco use, including
12 sales and advertising restrictions, would become
13 effective, and in some cases would be extended, and
14 new warnings would be required on tobacco product
15 packages and advertising.
16 Targets for reducing underage tobacco use in the
17 next ten years would be established, and the industry
18 would be held financially accountable if those targets
19 were not achieved, without any showing of fault or
20 responsibility on the part of the industry.
21 Congress would enact legislation establishing a
22 federal standard on smoking in public places, and
23 state and local governments would be authorized to
24 enact more restrictive standards.
25 Some of the major civil litigation involving
26 tobacco issues pending in the nation's courts would be
27 settled conclusively, while preserving the right of
28 individuals to seek compensation from the tobacco
29 companies now and in the future for any alleged
30 tobacco-related injuries and to seek punitive damages

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1 for future conduct.
2 WHEREAS, the Iowa General Assembly is aware that
3 the tobacco industry has committed to provide \$368.5
4 billion in funding over the next 25 years under the
5 June 20, 1997, agreement, subject to adjustments for
6 inflation and changes in sales volume, with additional
7 payment obligations continuing indefinitely thereafter
8 without any additional charges to the state; and
9 WHEREAS, the Iowa General Assembly has determined
10 that the June 20, 1997, agreement could accomplish
11 results including but not limited to severe
12 advertising restrictions and funding that may not be
13 achievable by legislation without presenting legal
14 challenges, and therefore depends on a consensual
15 arrangement involving the tobacco industry; and
16 WHEREAS, the Iowa General Assembly has determined
17 that the state has a vital interest in securing the
18 state's fair share of tobacco industry funding to help
19 pay for state and local programs to reduce tobacco use
20 by minors and for other important public programs; and
21 WHEREAS, the Iowa General Assembly has determined
22 that the June 20, 1997, agreement requires the ongoing
23 industry payments to be reflected in price increases
24 for tobacco products in order to promote reduction in
25 underage tobacco use; and

26 WHEREAS, the Iowa General Assembly is aware that
27 the June 20, 1997, agreement has been forcefully
28 advocated by the attorneys general and public health
29 representatives who negotiated the agreement, and by
30 others, as offering an unparalleled opportunity to

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1 reduce underage tobacco use and advance the public
2 health; and
3 WHEREAS, the Iowa General Assembly recognizes that
4 the June 20, 1997, agreement, by the very nature of
5 the agreement, is a fragile compromise among diverse
6 interests, that the opportunity for approving the
7 agreement may be lost, and that the sweeping changes
8 in tobacco control policy contained in the agreement
9 should not be jeopardized; NOW THEREFORE,
10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
11 REPRESENTATIVES CONCURRING; That it is the intent of
12 the Iowa General Assembly that the Congress of the
13 United States enact comprehensive tobacco legislation
14 modeled on the June 20, 1997, agreement that allocates
15 to the states, including Iowa, a fair share of the
16 tobacco industry's payments under the agreement, that
17 is competitively fair and consistent with the
18 Constitution of the United States, and that will
19 reduce the availability of tobacco products to
20 underage individuals; and
21 BE IT FURTHER RESOLVED, That a copy of this
22 resolution be provided to the members of Iowa's
23 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 106
2 By: Harper and Redfern
3 A Concurrent Resolution designating March 1998 as Iowa
4 Women's History Month.
5 WHEREAS, this year, 1998, marks the 150th
6 anniversary of the women's rights movement in the
7 United States; and
8 WHEREAS, Iowa women of every race, class, and
9 ethnic background have made historic contributions to
10 the growth and strength of our state and nation in
11 countless recorded and unrecorded ways, including the
12 struggle for women's rights; and
13 WHEREAS, Iowa women have played and continue to
14 play a critical economic, cultural, and social role by
15 constituting a significant portion of the labor force,
16 working inside and outside the home; and
17 WHEREAS, Iowa women were particularly important in
18 the establishment of early charitable, philanthropic,
19 and cultural institutions in our state and the nation;

20 and

21 WHEREAS, Iowa women were leaders in the
22 abolitionist movement, the emancipation movement, the
23 industrial labor movement, the civil rights movement,
24 the peace movement, and the women's suffrage movement,
25 leading to a more equitable and just society for all;
26 and

27 WHEREAS, despite these contributions and those of
28 women throughout the world, the role of women is
29 consistently overlooked and undervalued in literature,
30 teaching, and the study of history; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
2 REPRESENTATIVES CONCURRING, That the General Assembly
3 designate the month of March 1998 as Iowa Women's
4 History Month, and invite the citizens of Iowa to
5 continue to uncover the roles women have played
6 throughout history.

7 BE IT FURTHER RESOLVED, That the General Assembly
8 request that the Governor issue a proclamation calling
9 upon the people of Iowa to observe Iowa Women's
10 History Month with appropriate programs, ceremonies,
11 and activities.

1 SENATE CONCURRENT RESOLUTION NO. 107

2 By: Gettings, Dearden, Horn, Palmer, and Gronstal
3 A Concurrent Resolution urging support of legislation
4 to prohibit the hiring of permanent striker replace-
5 ment workers.

6 WHEREAS, the right to strike is of critical
7 importance to all working Iowans in providing workers
8 the ability to bargain with their employers for fair
9 wages and working conditions; and

10 WHEREAS, the right to strike is a hollow and
11 meaningless right if permanent replacement workers can
12 be hired to replace striking workers; and

13 WHEREAS, the permanent hiring of striker
14 replacement workers is extremely uncommon in every
15 industrial country, including Japan, except in the

16 United States and South Africa; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
18 REPRESENTATIVES CONCURRING, That the Iowa
19 congressional delegation is urged to consider
20 legislation concerning the hiring of striker
21 replacement workers.

22 BE IT FURTHER RESOLVED, That copies of this
23 resolution be sent to the Governor, the President of
24 the United States, the President of the United States
25 Senate, the Speaker of the United States House of

26 Representatives, and members of Iowa's congressional
27 delegation.

1 SENATE CONCURRENT RESOLUTION NO. 108

2 By: Connolly and Drake

3 A Concurrent Resolution expressing support of
4 conservation efforts in the Mississippi
5 Blufflands.

6 WHEREAS, the Mississippi River basin is one of the
7 most scenic and unique natural areas in the world,
8 supporting a great diversity of plant and animal
9 species as well as thousands of archeological sites;
10 and

11 WHEREAS, the natural habitat along the Mississippi
12 River supports one of the most crucial migratory
13 flyways in the United States for waterfowl, songbirds,
14 and birds of prey; and

15 WHEREAS, the natural resources of the Mississippi
16 River basin are the basis of farming, tourism,
17 fishing, and boating that bring millions of dollars to
18 local economies each year; and

19 WHEREAS, these tremendous natural resources are at
20 risk because the Mississippi Blufflands comprise the
21 fourth fastest-growing region of the United States in
22 terms of inappropriate development rather than
23 population growth; and

24 WHEREAS, many nonprofit conservation organizations
25 and public agencies in Iowa, Minnesota, Wisconsin, and
26 Illinois are working to balance this trend toward
27 development by helping owners of blufflands take
28 voluntary, permanent actions to conserve natural
29 areas; and

30 WHEREAS, support for blufflands owners is critical

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1 to conserving the Blufflands for future generations
2 because the vast majority of land along the
3 Mississippi River is privately owned; and

4 WHEREAS, additional outreach and funding would make
5 it possible for many more landowners in the
6 Mississippi Blufflands to perpetuate their families'
7 tradition of stewardship; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
9 REPRESENTATIVES CONCURRING, That the members of the
10 General Assembly of the State of Iowa express their
11 support of current multistate efforts to protect
12 important natural and scenic resources in the
13 Mississippi Blufflands.

14 BE IT FURTHER RESOLVED, That Iowa's state and local
15 leaders are urged to increase their work with local

16 landowners to protect the Mississippi Blufflands and
17 to seriously consider establishing revolving funds to
18 make conservation efforts more timely and effective.

1 SENATE CONCURRENT RESOLUTION NO. 109

2 By: Dearden, Dvorsky, Maddox, Fraise, Horn,
3 McKean, and Angelo

4 (Companion To HCR 108 By: Garman)

5 A Concurrent Resolution to honor the memory of Jim
6 Hancock.

7 WHEREAS, Jim Hancock died on January 22, 1998, at
8 the age of 55.

9 WHEREAS, Jim Hancock dedicated his life to serving
10 Iowans by serving in community corrections for 27
11 years, and as director of the Fifth Judicial District
12 Department of Correctional Services for the last 20
13 years; and

14 WHEREAS, as director of the Fifth Judicial District
15 Department of Correctional Services, Jim Hancock
16 oversaw nearly 6,000 criminal offenders who
17 participated in programs such as probation, parole,
18 and pretrial release, as well as supervising three
19 community corrections residential facilities; and

20 WHEREAS, Jim Hancock was instrumental in the
21 development of several innovative programs to serve
22 the needs of the correctional system, such as the
23 development of programs for young criminals and the
24 establishment of Polk County's drug court program
25 which involves a team approach to working with drug
26 addicts; and

27 WHEREAS, Jim Hancock's dedicated service to
28 community corrections has been long recognized by his
29 colleagues, resulting in his being named the
30 correctional worker of the year by the Iowa

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1 Correctional Association in 1983; and

2 WHEREAS, Jim Hancock's legacy as a caring husband
3 and father, as well as dedicated public servant, will
4 continue to live on with every person who was touched
5 and affected by his life; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
7 REPRESENTATIVES CONCURRING, That the General Assembly
8 pay tribute and honor the memory of Jim Hancock as a
9 champion for his family, his colleagues, and for
10 community corrections in Iowa; and

11 BE IT FURTHER RESOLVED, That copies of this
12 resolution be sent to the family of Jim Hancock and to
13 the Fifth Judicial District Department of Correctional
14 Services.

1 SENATE CONCURRENT RESOLUTION NO. 110
2 By: Tinsman, Deluhery, Rife, and Rittmer
3 (Companion To HCR 113 By: Van Fossen)
4 A Concurrent Resolution relating to the increased
5 utilization of the Rock Island Arsenal.
6 WHEREAS, the United States Department of Defense
7 seeks to achieve economy and efficiency in the
8 utilization of resources and facilities; and
9 WHEREAS, the United States Department of Defense is
10 currently leasing office and facility space for
11 government military missions; and
12 WHEREAS, the facilities of the Rock Island Arsenal,
13 located on Rock Island Arsenal island in the
14 Mississippi River between the states of Iowa and
15 Illinois, employ approximately six thousand people,
16 contain tens of thousands of square feet of available
17 office space within buildings listed on the National
18 Register of Historic Places, reflect greatly enhanced
19 physical plant, machine tool inventory, and data
20 processing capabilities which are the result of a
21 multi-year modernization project and comprise one of
22 the largest weapons manufacturing arsenals in the
23 world; and
24 WHEREAS, the Defense Megacenter-Rock Island,
25 located at the Rock Island Arsenal, has significant
26 ability through a robust communications infrastructure
27 to furnish a full range of automation services,
28 including business, tactical, and logistical systems
29 support in both the classified and unclassified
30 environments, and can service, operate, and maintain

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1 automation and communications equipment for federal,
2 state, or local agencies on a reimbursable basis; and
3 WHEREAS, the facilities of the Rock Island Arsenal
4 warrant utilization of the facilities to the fullest
5 possible extent; and
6 WHEREAS, government military missions currently
7 housed in leased facilities at other locations could
8 readily be relocated to and accommodated on the Rock
9 Island Arsenal, resulting in a significant taxpayer
10 savings due to the discontinuance of the leases
11 currently in place; NOW THEREFORE,
12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
13 REPRESENTATIVES CONCURRING, That the Iowa General
14 Assembly urges the United States Department of Defense
15 and the United States Senate and House of
16 Representatives to maximize the use of the facilities
17 at the Rock Island Arsenal by moving government
18 military missions currently located in leased
19 facilities into the vacant and available buildings

20 located at the Rock Island facility.

21 BE IT FURTHER RESOLVED, That copies of this
22 resolution be sent to the President of the United
23 States, the United States Secretary of Defense, the
24 Majority and Minority Leaders of the United States
25 Senate, the Speaker, Majority Leader, and Minority
26 Leader of the United States House of Representatives,
27 and to the members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 111

2 By: Neuhauser

3 A Resolution honoring Ms. Barbara Grohe for being
4 named the 1998 National Superintendent of the Year.

5 WHEREAS, Ms. Barbara Grohe possesses a bachelor's
6 degree in education from Clarion State College,
7 Clarion, Pennsylvania, a master's degree in education
8 from Ohio University, Athens, Ohio, and a doctorate in
9 urban education from the University of Milwaukee; and

10 WHEREAS, Ms. Grohe has amassed over 30 years of
11 experience as an educator, serving in a wide variety
12 of capacities including as an elementary school
13 teacher and unit leader, a reading consultant, a local
14 program administrator for a federal special education
15 program, a right to read K-12 program director, an
16 assistant superintendent, and for the past 17 years as
17 a school superintendent in Shorewood, Wisconsin, and
18 Iowa City, Iowa; and

19 WHEREAS, Ms. Grohe has held the position of
20 superintendent of the Iowa City Community School
21 District, the eighth largest school district in the
22 state with an enrollment of 10,500 students in
23 kindergarten through grade 12, since 1990; and

24 WHEREAS, during her tenure as superintendent of the
25 Iowa City Community School District, Ms. Grohe has
26 adhered to a personal and professional philosophy of
27 profound concern for the children of our nation and
28 the belief that public education still paves the way
29 for their success, an awareness of the need to
30 understand and celebrate diversity in the school

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1 environment, and a conviction that the disparate
2 elements in a local community must join forces to
3 develop a sense of ownership in their local public
4 school system; and

5 WHEREAS, the emphasis placed by Ms. Grohe on
6 community involvement in the educational experience of
7 children, and the forging of community and business
8 partnerships to facilitate that involvement, has
9 expanded the estimated number of such partnerships in

10 the Iowa City school district from approximately 25
11 when Ms. Grohe began as superintendent in 1990 to over
12 250 in 1998; and
13 WHEREAS, Ms. Grohe has been the author of an
14 extensive number of publications and a lecturer of
15 numerous presentations relating to many aspects of
16 American education, and has been the recipient of a
17 number of previous local and national education-
18 related honors and awards; and
19 WHEREAS, Ms. Grohe was recently named Iowa's
20 Superintendent of the Year, and is the first female to
21 be selected for this honor; and
22 WHEREAS, it was announced on February 27, 1998,
23 that Ms. Grohe has been named the National
24 Superintendent of the Year by a blue ribbon panel of
25 leaders in education, business, and government,
26 employing selection criteria which included leadership
27 for learning, communications skills, professional
28 development, and community involvement, from among the
29 50 state superintendents of the year at the American
30 Association of School Administrators National

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1 Conference on Education in San Diego, California; NOW
2 THEREFORE,
3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
4 REPRESENTATIVES CONCURRING, That the General Assembly
5 recognizes and honors Ms. Barbara Grohe for her
6 lifetime of work and achievement in the field of
7 education, for her commitment to ensuring that the
8 children of the state of Iowa receive the best
9 possible public education, and for her outstanding
10 accomplishment in being selected the 1998 National
11 Superintendent of the Year.
12 BE IT FURTHER RESOLVED, That an official copy of
13 this Resolution be prepared for presentation to Ms.
14 Barbara Grohe.

1 SENATE CONCURRENT RESOLUTION NO. 112
2 By: Committee on Natural Resources and Environment
3 A Concurrent Resolution expressing support of
4 conservation efforts in the Mississippi
5 Blufflands.
6 WHEREAS, the Mississippi River basin is one of the
7 most scenic and unique natural areas in the world,
8 supporting a great diversity of plant and animal
9 species as well as thousands of archeological sites;
10 and
11 WHEREAS, the natural habitat along the Mississippi
12 River supports one of the most crucial migratory

13 flyways in the United States for waterfowl, songbirds,
14 and birds of prey; and
15 WHEREAS, the natural resources of the Mississippi
16 River basin are the basis of farming, tourism,
17 fishing, and boating that bring millions of dollars to
18 local economies each year; and
19 WHEREAS, these tremendous natural resources are at
20 risk because the Mississippi Blufflands comprise the
21 fourth fastest-growing region of the United States in
22 terms of inappropriate development rather than
23 population growth; and
24 WHEREAS, many nonprofit conservation organizations
25 and public agencies in Iowa, Minnesota, Wisconsin, and
26 Illinois are working to balance this trend by helping
27 owners of blufflands take voluntary and permanent
28 actions to conserve natural areas; and
29 WHEREAS, support for blufflands owners is critical
30 to conserving the Mississippi Blufflands for future

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1 generations because the vast majority of land along
2 the Mississippi River is privately owned; and
3 WHEREAS, additional outreach and funding would make
4 it possible for many more landowners in the
5 Mississippi Blufflands to perpetuate their families'
6 tradition of stewardship; NOW THEREFORE,
7 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
8 REPRESENTATIVES CONCURRING, That the members of the
9 General Assembly express their support of current
10 multistate efforts to protect important natural and
11 scenic resources in the Mississippi Blufflands; and
12 BE IT FURTHER RESOLVED, That Iowa's state and local
13 leaders are urged to increase their work with local
14 landowners to protect the Mississippi Blufflands and
15 to seriously consider establishing revolving funds to
16 make conservation efforts more timely and effective.

1 SENATE CONCURRENT RESOLUTION NO. 113
2 By: Committee on Natural Resources and Environment
3 (Successor To SSB 2217)
4 A Concurrent Resolution requesting the establishment
5 of a conference to study the protection of the Loess
6 Hills areas of this state.
7 WHEREAS, the Iowa Loess Hills, encompassing more
8 than 600,000 acres, hold an abundance of rare plant
9 and animal communities including some of the few
10 remaining plats of native prairie grasses; and
11 WHEREAS, the State of Iowa is establishing the
12 Loess Hills Pioneer State Forest which currently
13 includes approximately 9,000 acres of forest, grass,

14 and cropland; and
15 WHEREAS, the loess deposits are highly erodible
16 soils which warrant appropriate conservation
17 management practices to protect the land from severe
18 soil losses; and
19 WHEREAS, many areas of Iowa's Loess Hills are
20 suitable for multiple public uses and benefits
21 including outdoor recreation, wildlife habitat, and
22 historical, geological, and cultural investigation;
23 NOW THEREFORE,
24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
25 REPRESENTATIVES CONCURRING, That the legislative
26 council is requested to establish a conference to
27 develop, study, and analyze proposals for the
28 designation and protection of loess soil areas which
29 possess outstanding cultural and natural values, such
30 as scenic, forest, prairie, mineral, geological,

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1 historic, archaeological, recreational, educational,
2 water quality, or flood protection values.
3 BE IT FURTHER RESOLVED, That the legislative
4 council may authorize the Loess Hills Development
5 Authority to coordinate the study and develop
6 recommendations relating to the protection,
7 preservation, and uses of land in the Loess Hills
8 areas of this state.
9 BE IT FURTHER RESOLVED, That the conference shall
10 report its findings and recommendations to the
11 legislative council and to the members of the general
12 assembly.

1 SENATE CONCURRENT RESOLUTION NO. 114
2 By Committee on Natural Resources and
3 Environment
4 (Successor To SSB 2216)
5 A Senate Concurrent Resolution requesting that the
6 legislative council establish an interim study
7 committee to consider increasing the percent of
8 oxygen by weight in motor vehicle fuel.
9 WHEREAS, more than 40 percent of this nation's air
10 pollution is caused by vehicles, emitting a variety of
11 petroleum-based pollutants which endanger the public's
12 health and natural environment, including carcinogenic
13 organic vapors, benzene and other aromatics, nitrogen
14 oxides, particulate matter in the form of smoke and
15 soot, carbon monoxide, and carbon dioxide; and
16 WHEREAS, motor vehicle fuel which includes a higher
17 percent of oxygen enhances octane levels and provides
18 better fuel combustion resulting in reduced levels of

19 harmful pollutants; and

20 WHEREAS, members of the Iowa Senate and Iowa House
21 of Representatives have long supported the production
22 of ethanol as a vital component in promoting clean
23 air, supporting this state's economy, and reducing
24 imported nonrenewable energy sources; and

25 WHEREAS, this state has long championed industries
26 which add value to agricultural commodities produced
27 by farmers in this state; and

28 WHEREAS, persons involved in the production and
29 processing of corn in Iowa significantly contribute to
30 the wealth of this nation by supporting the production

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1 of agricultural commodities and value-added products;

2 NOW THEREFORE,

3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
4 REPRESENTATIVES CONCURRING, That the legislative
5 council is requested to establish an interim study
6 committee to consider the percent of oxygen by weight
7 currently contained in motor vehicle fuel, its effects
8 on this state's economy, public health, and natural
9 environment, and to investigate methods to increase
10 the oxygenate content in motor vehicle fuel in

11 appropriate circumstances; and

12 BE IT FURTHER RESOLVED, That the interim study
13 committee submit its findings and recommendations,
14 including any proposed legislation, for consideration
15 by the 1999 Session of the Seventy-eighth General
16 Assembly.

1 SENATE CONCURRENT RESOLUTION NO. 115

2 By: Drake, Maddox, Iverson, Gronstal, Horn,
3 Jensen, Kibbie, and Fink

4 (Companion To LSB 4413HH By: Tyrrell)

5 A Concurrent Resolution urging federal Congressional
6 support for widows and widowers under the federal
7 Railroad Retirement Act of 1974.

8 WHEREAS, a Concurrent Resolution has been
9 introduced in the United States House of

10 Representatives to encourage the United States

11 Railroad Retirement Board to modify the guaranteed
12 minimum benefit for widows and widowers to provide
13 adequate annuities; and

14 WHEREAS, for years, many in the railroad industry
15 have argued that annuities paid to widows and widowers
16 under the federal Railroad Retirement Act of 1974 are
17 inadequate; and

18 WHEREAS, during the lifetime of a railroad employee
19 and the employee's spouse, the employee receives a

20 full annuity and so does the spouse; and
21 WHEREAS, however, after the employee's death, only
22 a widow's or widower's annuity is payable, which under
23 current law is no less than that widow or widower
24 received as a spouse in the month before the
25 employee's death; and
26 WHEREAS, the widow's or widower's annuity is often
27 found inadequate and leaves the survivor with less
28 than the amount of income needed to meet ordinary and
29 necessary living expenses; and
30 WHEREAS, no outside contributions from taxpayers

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1 are needed, and any changes will be paid for from
2 within the railroad industry itself, including a full
3 share by active employees; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
5 REPRESENTATIVES, CONCURRING, That the General Assembly
6 urges the United States Congress to support U.S. House
7 of Representatives Concurrent Resolution 52 that calls
8 for the Congress of the United States to recognize the
9 concern of many in the railroad industry that the
10 spousal annuity under the current system is inadequate
11 and often leaves the survivor with less than the
12 amount of income needed to meet ordinary and necessary
13 living expenses and that a process of dialogue must
14 take place among all parties of the railroad
15 community, including rail labor, management, and
16 retiree organizations, before railroad annuity
17 legislation can be enacted; and
18 BE IT FURTHER RESOLVED, That the General Assembly
19 supports adoption of the federal Congressional
20 resolution which urges and exhorts all parties of the
21 railroad community, including rail labor, management,
22 and retiree organizations, to find a suitable way to
23 fund an amendment that would improve the survivor
24 benefits component to the Railroad Retirement Act of
25 1974; and
26 BE IT FURTHER RESOLVED, That copies of this
27 Resolution be sent by the Secretary of the Senate to
28 the President of the United States, the President of
29 the United States Senate, the Speaker of the United
30 States House of Representatives, all members of the

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1 Iowa Congressional delegation, and the members of the
2 United States Railroad Retirement Board.

SENATE CONCURRENT RESOLUTION NO. 116

By: Szymoniak

(Companion To LSB 4420HH By: Connors)

A Concurrent Resolution congratulating Dr. Joan

Roberts for being named the 1997 Iowa Secondary

Principal of the Year.

WHEREAS, Dr. Joan Roberts earned her undergraduate

degree in secondary education from the University of

Northern Iowa and her master's and doctorate degrees

from Drake University; and

WHEREAS, Dr. Roberts has worked within the Des

Moines Independent School District for 20 years,

serving since 1990 as the principal at Des Moines'

North High School; and

WHEREAS, North High School has a diverse

enrollment; and

WHEREAS, North High School has experienced

declining enrollment, high dropout and mobility rates,

and low academic achievement; and

WHEREAS, Dr. Roberts has been an energizing force

at North High School, which has in the past 12 years

doubled its enrollment, reduced its dropout rate to

less than five percent, tripled its enrollment in

advanced courses, and integrated case management and

support services for drug prevention, alcohol

prevention, violence prevention, and teen pregnancy

and parenting into the school program; and

WHEREAS, in the past five years, graduates of North

High School have earned more scholarship dollars on

average than the graduates from any other Des Moines

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high school; and

WHEREAS, Dr. Roberts has revitalized her school and

awakened the pride of North High School's students and

their families, brought positive recognition of North

High School, and is a tremendous role model for other

building principals and for the young women enrolled

in North High School; and

WHEREAS, Dr. Roberts was nominated by her peers,

selected by a committee of Iowa secondary principals,

and named the 1997 Iowa Secondary Principal of the

Year by the School Administrators of Iowa, and, in

addition, has received national recognition as a 1997

State Principal of the Year by the National

Association of Secondary School Principals; NOW

THEREFORE

BE IT RESOLVED BY THE SENATE, THE HOUSE OF

REPRESENTATIVES CONCURRING, That the General Assembly

honors Dr. Joan Roberts of North High School in Des

Moines for her exemplary work in education, applauds

20 the achievements realized by the school and its
21 students under her administration, and congratulates
22 her for her outstanding accomplishment in being named
23 the 1997 Iowa Secondary Principal of the Year; and
24 BE IT FURTHER RESOLVED, That an official copy of
25 this Concurrent Resolution be prepared for
26 presentation to Dr. Joan Roberts.

1 SENATE CONCURRENT RESOLUTION NO. 117

2 By: Rehberg

3 (Companion To LSB 4415HH By: Thomas)

4 A Concurrent Resolution recognizing and honoring
5 members of the Save the Backbone Lake Committee who
6 participated in the restoration of Backbone Lake in
7 Backbone State Park.

8 WHEREAS, Backbone State Park, encompassing 1,780
9 acres of forested bluffs, slopes, and uplands along
10 the Maquoketa River and Fenchel Creek, is Iowa's
11 oldest state park, dedicated on May 28, 1920; and

12 WHEREAS, a general plan for the development of
13 Backbone State Park was completed in 1925 by John
14 Fitzsimmons, extension service landscape architect,
15 Iowa State College; and

16 WHEREAS, with the Fitzsimmons "master plan", the
17 completion of the state 25-Year Conservation Plan and
18 the creation of the Civilian Conservation Corps in
19 1933 combined to provide for the completion of many
20 projects at Backbone State Park, including a dam on
21 the Maquoketa River which formed Backbone Lake; and

22 WHEREAS, after many decades of extensive
23 recreational use with limited financial resources for
24 maintenance, repairs, and improvements necessary to
25 meet the public demand, the Save the Backbone Lake
26 Committee was organized to provide volunteer services
27 for the Backbone Lake restoration to supplement
28 projects implemented by the Department of Natural
29 Resources; and

30 WHEREAS, the members of the Save the Backbone Lake

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1 Committee contributed personal labor, equipment, and
2 moneys to remove thousands of tons of siltation and to
3 complete related improvement projects; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
5 REPRESENTATIVES CONCURRING, That the General Assembly,
6 on behalf of the State of Iowa, extends its
7 appreciation to the Save the Backbone Lake Committee
8 and all of its volunteers and contributors for the
9 restoration work contributed to the Backbone Lake
10 project; and

11 BE IT FURTHER RESOLVED, That the Secretary of the
12 Senate shall transmit a copy of this Concurrent
13 Resolution to the chairperson of the Save the Backbone
14 Lake Committee.

1 SENATE CONCURRENT RESOLUTION NO. 118

2 By: Jensen

3 A Concurrent Resolution requesting the Legislative
4 Council to establish an interim study committee
5 to review the issue of the deregulation and
6 restructuring of the electric utility industry.

7 WHEREAS, the electric utility industry is shifting
8 from a regulated environment to one subject to more
9 competition and less regulation in certain areas of
10 this country; and

11 WHEREAS, such transformation of the electric
12 utility marketplace will potentially affect utilities
13 and consumers in this state; and

14 WHEREAS, federal legislation deregulating or
15 restructuring the electric industry has been offered
16 and state legislation has been offered and passed in
17 several states, and such legislation may impact Iowa
18 utilities and consumers; NOW THEREFORE,

19 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
20 REPRESENTATIVES CONCURRING, That the Legislative
21 Council is requested to establish an interim study
22 committee consisting of members of both houses of the
23 General Assembly to review the issue of deregulating
24 or restructuring the electric utility industry in this
25 state; and

26 BE IT FURTHER RESOLVED, That the committee review
27 the actions of other states regarding this issue and
28 the experience of such states enacting such
29 legislation; and

30 BE IT FURTHER RESOLVED, That the committee also

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1 review how such legislation may impact both electric
2 utilities and consumers in this state and develop
3 recommendations, if any, relating to deregulating or
4 restructuring the electric utility industry in this
5 state.

1 SENATE CONCURRENT RESOLUTION NO. 119

2 By: Committee on Judiciary

3 (Successor To SSB 2218)

4 A Concurrent Resolution requesting the Legislative
5 Council to establish a sentencing commission.

6 WHEREAS, the state of Iowa has experienced

7 unprecedented growth in its correctional populations,
8 including an approximate 73 percent growth in prison
9 populations since 1990, an approximate 76 percent
10 growth in county jail populations since 1990, and an
11 approximate 52 percent growth in community-based
12 corrections populations since 1990; and
13 WHEREAS, during the past decade policymakers have
14 enhanced Iowa's indeterminate sentencing structure
15 with various determinate sentencing mechanisms, such
16 as mandatory minimum penalties, alternative maximum
17 penalties, and mandatory service of sentence
18 requirements; and
19 WHEREAS, given the growth of correctional
20 populations and the kinds of changes which have been
21 made in sentencing practices, a comprehensive review
22 of sentencing policies and the impact of those
23 policies on sentencing practices would provide
24 information that would help future general assemblies
25 assess the impact of sentencing policy decisions on
26 correctional resources and public safety; and
27 WHEREAS, approximately 20 states have engaged in a
28 sentencing reform process, several of which have
29 allowed those states to better manage existing
30 correctional resources, project future correctional

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1 needs, engage in long range correctional budget
2 planning, and provide a sanctioning system that
3 apports severity and length of punishment based on
4 the nature and risk posed by the offense committed;
5 NOW THEREFORE,
6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
7 REPRESENTATIVES CONCURRING, That the Legislative
8 Council is requested to establish a commission to
9 review current criminal penalties and sentencing
10 practices, including but not limited to the effects of
11 mandatory minimum penalties and mandatory service of
12 sentence requirements on sentencing practices, and the
13 effects that those sentencing practices and
14 restrictions on Board of Parole discretion have on
15 populations at state and community-based correctional
16 facilities, as well as the numbers of persons on
17 probation and parole. The commission should also
18 conduct a comparative assessment of the relative
19 penalties imposed for various crimes based not only on
20 the threat posed by the prohibited criminal conduct,
21 but also by the risk generally associated with
22 criminal offenders. The commission should also review
23 the efforts of other states to implement reforms of
24 sentencing policy which permit the effective
25 management of correctional resources while

26 accommodating public safety concerns. The commission
27 should prepare a report containing any conclusions and
28 recommendations and submit the report to the
29 Legislative Council or a committee of the Legislative
30 Council during the interim period which commences in

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1 1999.
2 BE IT FURTHER RESOLVED, That the commission consist
3 of 20 members as follows:
4 1. Six members of the General Assembly, to be
5 selected as follows:
6 a. Three members from the House of
7 Representatives, two of whom shall be selected by the
8 Speaker of the House of Representative and one of whom
9 shall be selected by the Minority Leader of the House.
10 b. Three members from the Senate, two of whom
11 shall be selected by the Majority Leader of the Senate
12 and one of whom shall be selected by the Minority
13 Leader of the Senate.
14 2. Three members of the judicial branch, to be
15 selected by the Supreme Court.
16 3. The Attorney General or the Attorney General's
17 designee.
18 4. A county attorney, to be selected by an
19 organization which represents county attorneys.
20 5. A representative of the office of the State
21 Public Defender.
22 6. A private criminal defense attorney, to be
23 selected by the Iowa State Bar Association.
24 7. Two members of the general public, to be
25 selected by the Governor.
26 8. A director of a judicial district department of
27 correctional services to be selected by agreement of
28 the directors of the judicial district departments of
29 correctional services.
30 9. The Director of the Department of Corrections

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1 or the Director's designee.
2 10. A representative of the Iowa Board of Parole.
3 11. A victim rights advocate to be selected by the
4 Governor.
5 12. The Commissioner of Public Safety or the
6 Commissioner's Designee.
7 The Commissioner of Public Safety, or the
8 commissioner's designee, is designated to act as the
9 temporary chairperson of the commission for purposes
10 of convening the initial meeting of the commission.
11 BE IT FURTHER RESOLVED, That, if federal or private

12 funds are obtained, the commission may contract with
13 one or more consultants or experts who are qualified
14 to assist in the gathering of data and development and
15 use of models for the projection of the impact of
16 changes in sentencing policy on jail, community-based
17 corrections, and prison populations.
18 BE IT FURTHER RESOLVED, That the commission seek
19 assistance from the Iowa Division of Criminal and
20 Juvenile Justice Planning, the Department of
21 Corrections, and other appropriate state and local
22 agencies in the collection and organization of
23 information pertaining to prison and community-based
24 correctional resources and sentencing practices.

1 SENATE CONCURRENT RESOLUTION NO. 121

2 By: Freeman

3 A Concurrent Resolution recognizing National Organ and
4 Tissue Donation Awareness Week, designating the month
5 of May as Organ Donation Awareness Month in the state
6 of Iowa, and encouraging citizens of the state to
7 complete organ donor cards.

8 WHEREAS, approximately 200 people in this state are
9 currently awaiting organ transplants, including heart,
10 lung, liver, kidney, and kidney-pancreas transplants,
11 and approximately 60,000 individuals are awaiting
12 organ transplants nationwide; and

13 WHEREAS, the number of organ donors in this state
14 was only 52 in 1997, an increase of one donor over the
15 previous year; and

16 WHEREAS, the need for organ transplants in this
17 state, and nationally, continues to increase at a
18 faster rate than the rate of organ donations; and

19 WHEREAS, proposed changes in United Network for
20 Organ Sharing distribution procedures establishing one
21 prioritized national list for liver transplants are
22 generating concern that the availability of organs at
23 transplant centers within the state may be curtailed;
24 and

25 WHEREAS, organ donation cards have been developed
26 which are designed to inform medical staff and family
27 members of an individual's desire to become an organ
28 donor should circumstances so warrant; and

29 WHEREAS, a completed organ donation card increases
30 the likelihood that an individual's wish to donate

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1 will be communicated and carried out in an expeditious
2 manner, assisting and relieving family members
3 regarding their consent to donate; and
4 WHEREAS, the week of Sunday, April 19, 1998,

5 through Saturday, April 25, 1998, has been designated
6 National Organ and Tissue Donation Awareness Week; NOW
7 THEREFORE,
8 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
9 REPRESENTATIVES CONCURRING, That the designation of
10 the week of April 19, 1998, through April 25, 1998, as
11 National Organ and Tissue Donation Awareness Week is
12 officially recognized, and that the month of May shall
13 annually be designated Organ Donation Awareness Month
14 in the state of Iowa; and
15 BE IT FURTHER RESOLVED, That the citizens of the
16 state of Iowa are encouraged to consider the option of
17 organ donation and complete organ donor cards
18 available at driver's license renewal stations,
19 hospitals and doctor's offices, and statewide Organ
20 Procurement Organization locations; and
21 BE IT FURTHER RESOLVED, That the Secretary of the
22 Senate shall send copies of this Resolution to each
23 member of the Iowa congressional delegation, and to
24 the Secretary of the federal Department of Health and
25 Human Services.

1 SENATE CONCURRENT RESOLUTION 122
2 By: Committee on Rules and Administration
3 A Senate Concurrent Resolution to provide for
4 adjournment sine die.
5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
6 That when adjournment is had on Wednesday, April 22,
7 1998, it be the final adjournment of the 1998 Regular
8 Session of the Seventy-seventh General Assembly.

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FINK, BILL— Senator Forty-fifth District—

Bills introduced—10, 83, 84, 144, 153, 174, 199, 206, 216, 218, 239, 246, 270, 278, 293, 294, 309, 323, 365, 382
 Amendments filed—175, 176, 177, 214, 393, 472, 473, 474, 475, 476, 477, 478, 479, 483, 484, 529, 646, 647, 655, 741, 848, 856, 857, 874, 875, 876, 931, 944, 1002, 1063, 1068, 1071, 1127, 1142, 1143, 1196, 1208, 1239, 1241, 1286, 1288, 1289, 1290, 1297, 1301, 1303, 1314, 1357, 1378
 Amendments offered—175, 214, 472, 473, 478, 529, 646, 872, 873, 874, 875, 876, 931, 1244, 1357
 Amendments withdrawn—874
 Appointed to—5
 Petitions presented—1089
 Resolutions offered—216, 1139

FLYNN, TOM—Senator Seventeenth District—

Bills introduced—83, 109, 110, 125, 133, 145, 153, 199, 216, 233, 246, 270, 278, 293, 294, 365, 377, 382, 400
 Amendments filed—175, 176, 177, 321, 344, 413, 420, 442, 477, 484, 511, 529, 609, 620, 729, 741, 744, 849, 856, 857, 889, 944, 945, 989, 1041, 1063, 1067, 1068, 1127, 1142, 1143, 1286, 1288, 1290, 1294, 1297, 1299, 1303, 1357
 Amendments offered—524, 598, 609, 741, 744, 893, 894, 895, 979, 1041, 1130, 1193, 1208, 1299
 Amendments withdrawn—609, 741, 894, 911, 913
 Committee appointments—321
 Petitions presented—772, 888
 Resolutions offered—216, 1184

FRAISE, EUGENE—Senator Fiftieth District, Assistant Minority Leader

Bills introduced—73, 83, 153, 180, 199, 216, 245, 246, 270, 293, 294, 304, 305, 365, 377, 382
 Amendments filed—175, 176, 177, 321, 477, 483, 484, 549, 619, 620, 655, 741, 856, 857, 889, 899, 917, 944, 945, 961, 985, 989, 997, 1023, 1063, 1068, 1142,

1143, 1162, 1196, 1239, 1240, 1241, 1242, 1244, 1288, 1290, 1294, 1297,
1303, 1315, 1357

Amendments offered—637, 714, 974, 982, 983, 985

Amendments withdrawn—637, 1108

Resolutions offered—216, 571

FREEMAN, MARY LOU—Senator Fifth District, Assistant Majority Leader

Bills introduced—34, 133, 144, 168, 179, 217, 956

Amendments filed—393, 487, 548, 563, 753, 961, 997, 1129, 1230, 1231, 1347,
1415, 1418

Amendments offered—487, 753, 976, 1230, 1231, 1415, 1418

Amendments withdrawn—487, 629, 1230, 1231

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Resolutions offered—967, 1444

GASKILL, E. THURMAN—Senator Eighth District—

Bills introduced—956

Amendments filed—976, 1162

Committee appointments—231

Escorted to the Senate well and took oath of office—229

GENERAL ASSEMBLY (See Resolutions relating to-)

Senate Concurrent Resolution 106 — Designate March 1998 as Iowa Women's
History Month. (Comp. to HCR 111) S.J. 312, 369, 391, 463-464 adopted, 490
msgd. - H.J. 413, 417 adopted - S.J. 544.

Senate Concurrent Resolution 119 — Request Legislative Council to establish a
sentencing commission. S.J. 1237, 1250 adopted, 1251 msgd., H.J. 1635,
1677, 1920 adopted, 1923 msgd.

Senate Concurrent Resolution 122 — Final adjournment, Wednesday April 22,
1998, of the Second Session of the Seventy-seventh General Assembly. S.J.
1477 adopted, 1478 msgd., 1481 - H.J. 1967-1968 adopted.

Senate Resolution 102 — Affirm efforts of the child welfare services work group
established by the Legislative Council, request leadership of the G.A. work
with the Gov. and Iowa's congressional delegation. S.J. 311, 318, 337
Adopted.

Senate Resolution 119 — Congratulate Ms. Ruth Ann Gaines for being named
the Iowa Teacher of the Year for 1998. S.J. 1083, 1148, 1269-1270 adopted
and msgd.

Senate Resolution 124 — Daily operations of the Senate. S.J. 1410, 1434, 1435
adopted.

House Concurrent Resolution 101 — Joint convention Tuesday, January 13,
1998, 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the
state and budget message. H.J. 2 adopted and msgd. - S.J. 8 adopted, 37
msgd. - H.J. 26

House Concurrent Resolution 102 — Joint convention Wednesday, January 14,
1998, 10:00 a.m.; Chief Justice McGiverin present his message of the
condition of the judicial department. H.J. 2 adopted and msgd. - S.J. 9, 37
adopted and msgd. - H.J. 26.

GETTINGS, DONALD E.—Senator Forty-seventh District—

- Bills introduced—73, 83, 110, 144, 153, 199, 216, 246, 270, 294, 304, 305, 309, 311, 365, 382
- Amendments filed—175, 176, 177, 321, 483, 620, 655, 708, 741, 889, 917, 944, 945, 985, 997, 1063, 1162, 1196, 1241, 1244, 1288, 1290, 1294, 1357
- Amendments offered—716
- Reports—251
- Resolutions offered—216, 383

GOVERNOR BRANSTAD, TERRY E.—

- Addressed joint convention—39-47
- Bills signed by—172-173, 289, 373, 446, 491, 562, 790, 1013, 1048, 1178, 1256, 1343, 1398, 1408
- Bills signed after session—1488-1492
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- Committees to notify and/or report—5, 1483
- Committees to escort—38, 48
- Closing message—1485-1486
- Deferral letters—840-841
- Item veto messages—1492-1502
- Resolution relating to Condition of the State and Budget Message, House Concurrent Resolution 101 — H.J. 2 adopted and msgd. - S.J. 8 adopted, 37 msgd. - H.J. 26.
- Veto Messages—1502-1505

GRONSTAL, MICHAEL E.—Senator Forty-second District, Minority Floor Leader—

- Bills introduced—35, 83, 110, 144, 153, 179, 199, 200, 216, 219, 246, 270, 293, 294, 304, 305, 309, 311, 323, 365, 382, 438
- Amendments filed—92, 175, 176, 177, 321, 475, 477, 479, 483, 484, 487, 511, 548, 655, 671, 729, 741, 750, 848, 849, 856, 857, 906, 917, 944, 945, 1051, 1053, 1063, 1068, 1081, 1127, 1142, 1159, 1196, 1208, 1239, 1241, 1244, 1288, 1290, 1291, 1294, 1297, 1303, 1318, 1347, 1357, 1399, 1400, 1405
- Amendments offered—487, 575, 906, 1053, 1113, 1244, 1291, 1405
- Amendments withdrawn—1227, 1228, 1320
- Committee appointments—11-21, 1484
- Conference committee appointments—1411
- Conference committee reports—1468
- Petitions presented—169
- Presided at sessions of the Senate—1464
- Resolutions offered—216, 258, 383, 978, 1139

HALVORSON, ROD—Senator Seventh District—

- Bills introduced—83, 110, 127, 153, 173, 180, 199, 216, 246, 270, 278, 293, 294, 305, 323, 365, 377, 382, 400
- Amendments filed—94, 95, 175, 176, 177, 321, 360, 475, 477, 483, 484, 508, 511, 529, 620, 634, 655, 659, 661, 671, 687, 688, 848, 889, 944, 945, 989, 1063, 1064, 1067, 1068, 1127, 1149, 1161, 1162, 1236, 1239, 1240, 1241, 1245, 1246, 1261, 1286, 1288, 1290, 1294, 1301, 1303, 1347, 1357, 1367, 1368, 1379, 1449
- Amendments offered—94, 95, 176, 521, 659, 661, 687, 688, 981, 999, 1007, 1064, 1161, 1162, 1236, 1241, 1245, 1246, 1297
- Amendments withdrawn—1137, 1245

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 Petitions presented—205
 Resolutions offered—216

HAMMOND, JOHNIE—Senator Thirty-first District—

Bills introduced—9, 48, 83, 109, 110, 144, 153, 173, 180, 199, 206, 216, 246, 265, 270, 278, 293, 294, 347, 365, 382
 Amendments filed—474, 477, 483, 484, 549, 569, 611, 620, 634, 655, 671, 741, 798, 821, 855, 856, 857, 890, 894, 899, 910, 917, 944, 945, 948, 951, 954, 1063, 1064, 1067, 1068, 1071, 1096, 1142, 1143, 1161, 1174, 1175, 1181, 1193, 1196, 1208, 1239, 1240, 1241, 1244, 1247, 1261, 1286, 1289, 1290, 1302, 1303, 1328, 1357, 1415
 Amendments offered—474, 483, 611, 821, 861, 910, 923, 944, 945, 948, 954, 1067, 1068, 1071, 1161, 1175, 1199, 1302, 1415
 Amendments withdrawn—747, 948, 1232
 Introduced the Iowa State University Women's Basketball team and their coach—1004
 Resolutions offered—978, 1381, 1410

HANSEN, STEVEN D.—Senator First District, Assistant Minority Leader—

Bills introduced—83, 110, 144, 153, 199, 216, 219, 246, 270, 278, 288, 294, 323, 348, 365, 366, 382, 397, 399
 Amendments filed—154, 175, 176, 177, 477, 483, 593, 655, 685, 729, 741, 745, 856, 857, 889, 944, 945, 950, 951, 1023, 1063, 1106, 1113, 1126, 1127, 1142, 1143, 1167, 1239, 1241, 1242, 1244, 1262, 1287, 1288, 1289, 1294, 1297, 1303, 1420, 1430, 1431, 1442
 Amendments offered—154, 477, 655, 685, 743, 745, 856, 950, 974, 1242, 1244, 1287, 1420, 1430
 Amendments withdrawn—742, 743, 749, 951, 1420, 1430, 1431
 Resolutions offered—216, 258

HARPER, PATRICIA—Senator Thirteenth District—

Bills introduced—83, 109, 144, 145, 153, 173, 174, 179, 180, 199, 200, 216, 246, 270, 278, 293, 294, 323, 349, 365, 377, 382
 Amendments filed—175, 176, 177, 214, 470, 475, 477, 479, 483, 484, 620, 647, 648, 649, 651, 655, 658, 672, 741, 857, 890, 910, 917, 927, 945, 948, 1022, 1063, 1064, 1067, 1068, 1142, 1174, 1196, 1239, 1240, 1241, 1244, 1247, 1260, 1289, 1290, 1294, 1297, 1301, 1303, 1357, 1371
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HEDGE, H. KAY—Senator Forty-eighth District, Assistant Majority Leader—

Bills introduced—65, 133, 378, 956

Amendments filed—211, 286, 511, 527, 559, 573, 634, 848, 961, 976, 989, 1022, 1023, 1127, 1162, 1347, 1385
Amendments offered—211, 604, 696, 1162, 1281
Amendments withdrawn—1119
Appointed to—5
Called up appointees on En Bloc Confirmation Calendar—1266
Committee appointments—5
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Conference committee reports—1278
Introduced Tulip Queen Gina Bandstra and her court—1098
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HORN, WALLY E.—Senator Twenty-seventh District—

Bills introduced—83, 144, 153, 192, 199, 216, 232, 239, 246, 270, 278, 294, 304, 305, 309, 311, 323, 348, 365, 382
Amendments filed—175, 176, 177, 477, 483, 741, 857, 927, 944, 945, 1063, 1107, 1127, 1142, 1162, 1196, 1241, 1244, 1288, 1290, 1297, 1357, 1420, 1442, 1449
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IVERSON, JR., STEWART—Senator Ninth District, Majority Floor Leader—

Bills introduced—133, 144, 200
 Amendments filed—92, 729, 737, 848, 849, 961, 976, 988, 1127, 1380, 1395, 1405, 1420, 1442
 Amendments offered—92, 815, 981, 1009, 1228, 1395, 1443
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JENSEN, JOHN W.—Senator Eleventh District—

Bills introduced—73, 133, 168, 956
 Amendments filed—321, 659, 729, 927, 961, 970, 993, 1160, 1180, 1299, 1449
 Amendments offered—659, 859, 993, 1025, 1159, 1160, 1299
 Amendments withdrawn—753, 1231, 1299
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 Conference committee reports—1474
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 Reports—251
 Resolutions offered—1139, 1184, 1201

Senator Iverson presented Senator Jensen with an inscribed box with a carved depiction of the Iowa State Capitol Bldg. for his tireless efforts to restore the Capitol Bldg.—240

JOINT CONVENTIONS—

Condition of the State and Budget Message of Governor Terry E. Branstad—
Resolutions relating to:—
House Concurrent Resolution 101 — H.J. 2 adopted and msgd. - S.J. 8 adopted, 37 msgd. - H.J. 26
Condition of the Iowa Judiciary Message of Chief Justice Arthur A. McGiverin—
Resolution relating to:
House Concurrent Resolution 102 — H.J. 2 adopted and msgd. - S.J. 9, 37 adopted and msgd. - H.J. 26

JUDGE, PATTY—Senator Forty-sixth District, Assistant Minority Leader—

Bills introduced—10, 83, 153, 173, 199, 216, 219, 239, 246, 270, 293, 294, 323, 365, 377, 382
Amendments filed—156, 175, 176, 177, 442, 453, 471, 475, 477, 479, 480, 483, 484, 486, 528, 529, 530, 548, 558, 620, 655, 662, 671, 708, 741, 753, 856, 857, 944, 945, 997, 1022, 1063, 1067, 1068, 1127, 1139, 1142, 1196, 1239, 1240, 1241, 1244, 1290, 1294, 1297, 1303, 1315, 1357, 1423, 1431, 1432
Amendments offered—471, 486, 528, 530, 557, 558, 601, 658, 662, 1197, 1339, 1423, 1432
Amendments withdrawn—484, 658, 1108, 1109, 1431
Committee appointments—38
Conference committee appointments—1146
Conference committee reports—1278
Resolutions offered—216

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Appointees, investigation of—188, 281
Appointees referred to standing committees—1016
Bills introduced—173, 218, 293, 294, 295, 309, 347, 365, 376, 381, 422, 423, 454, 455, 456, 458, 459, 460, 461, 932
Amendments filed—276, 302, 793, 794
Referred to—152, 264, 544, 583, 584, 615, 616, 617, 631, 664, 665, 702, 725, 726, 730, 788
Resolution offered—1237

KIBBIE, JOHN P.—Senator Fourth District—

Bills introduced—35, 48, 67, 83, 133, 144, 153, 165, 174, 180, 199, 216, 217, 246, 265, 294, 323, 361, 365, 382, 443, 490
Amendments filed—175, 176, 177, 321, 471, 479, 480, 483, 530, 558, 563, 620, 634, 655, 708, 741, 856, 857, 917, 944, 945, 950, 989, 1001, 1023, 1063, 1067, 1068, 1127, 1139, 1142, 1143, 1162, 1196, 1239, 1240, 1241, 1243, 1244, 1290, 1297, 1301, 1303, 1357
Amendments offered—177, 471, 530, 628, 658, 659, 806, 1142, 1239
Amendments withdrawn—658, 659
Introduced the Honorable Paul Connaughton, member of the Irish Parliament, who was accompanied by his wife, Bernadette—731
Resolutions offered—216, 1139, 1419

KING, STEVE—Senator Sixth District—

- Bills introduced—127, 133, 218, 246, 287, 377, 378, 397, 398, 956
- Amendments filed—303, 321, 341, 342, 343, 344, 511, 671, 708, 709, 747, 961, 976, 1081, 1094, 1116, 1127, 1129, 1386, 1387
- Amendments offered—341 342, 747, 1116, 1129, 1137, 1157, 1347, 1386, 1387
- Amendments withdrawn—747
- Committee appointments—228
- Committee reports—229

KRAMER, MARY E.—Senator Thirty-seventh District, President of the Senate—

- Bills introduced—310, 956
- Announced appointment—320
- Announcement of vacancy—228
- Assignment of bills—51, 67, 74, 84—85, 101, 112, 125, 136, 148, 150, 163, 185-186, 203, 225, 235, 248, 259, 265, 270-271, 277, 278, 281-282, 287, 288, 293, 294, 304, 305, 309, 310, 311, 312, 323, 346, 347, 348, 349, 350, 362, 365, 366, 377, 378, 381, 382, 383, 397-400, 415, 421, 438, 443, 444, 445, 490, 518, 571, 583, 584, 614, 615, 616, 617, 631, 664-665, 702, 710, 730-731, 739-740, 788, 956, 967, 1028, 1110, 1111, 1145, 1184, 1185, 1201, 1258, 1340, 1367, 1381, 1444, 1445
- Conference committee appointments—1411
- Conference committee reports—1468
- Presented Governor Branstad who delivered the Condition of the State and Budget Address—39
- Introduced Pamela Schmidt, of Janesville Iowa, Director of Instructional Development for the Union and Hudson School Districts—104
- Presented Chief Justice McGiverin who delivered the Condition of the Iowa Judiciary Message—54
- Welcomed eleven Russian insurance executives—892
- Welcomed Marcey Machacek, "Mother of the Year"—971
- Presented Leanne Nieland, Lesley Allensworth and Emily Kinser, Future Homemakers of America from Glenwood and Walnut Iowa, accompanied by Janis Moore and Paulette Madson—1129
- Presided at sessions of the Senate—1, 37, 38, 48, 53, 63, 69, 77, 79, 89, 92, 104, 117, 127, 139, 150, 154, 168, 173, 175, 178, 206, 210, 228, 239, 240, 253, 269, 287, 304, 322, 327, 340, 342, 343, 361, 362, 374, 394, 414, 423, 438, 443, 454, 464, 483, 486, 513, 517, 520, 558, 564, 567, 569, 574, 596, 597, 621, 635, 636, 646, 655, 657, 661, 663, 674, 678, 679, 685, 712, 723, 732, 740, 742, 767, 782, 788, 789, 799, 801, 805, 818, 820, 850, 854, 856, 863, 869, 877, 891, 892, 893, 900, 903, 906, 912, 918, 922, 923, 924, 926, 939, 943, 955, 964, 965, 971, 972, 978, 990, 998, 1004, 1024, 1032, 1034, 1052, 1053, 1062, 1081, 1098, 1107, 1115, 1119, 1128, 1136, 1141, 1142, 1152, 1158, 1161, 1163, 1182, 1194, 1200, 1210, 1214, 1233, 1239, 1245, 1271, 1278, 1282, 1292, 1298, 1300, 1308, 1320, 1327, 1330, 1338, 1348, 1349, 1353, 1359, 1363, 1364, 1366, 1367, 1368, 1370, 1373, 1374, 1375, 1381, 1382, 1388, 1391, 1401, 1413, 1419, 1443, 1444, 1447, 1449, 1450, 1473, 1481, 1487
- Resolutions offered—349, 978, 1381
- Rulings—177, 214, 343-344, 477, 521, 525, 530, 559, 688, 718, 734, 743, 750, 768, 871, 893, 906, 909, 912, 927, 932, 951, 974, 976, 1002, 1055, 1064, 1068, 1070, 1109, 1140, 1162, 1196, 1214, 1216, 1287, 1290, 1302, 1308, 1339, 1367, 1372, 1374, 1375, 1452, 1453, 1454, 1455, 1462

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LOCAL GOVERNMENT, COMMITTEE ON—

Appointees, investigation of—188

Appointees referred to standing committees—844, 1017

Bills introduced—346, 349, 454, 455, 459, 461

Amendments filed—798

Referred to—207, 265, 282, 664, 739, 766, 778

Standing committees appointed to—172, 882

LUNDBY, MARY A.—Senator Twenty-sixth District—

Bills introduced—34, 127, 144, 246, 347, 348, 444, 445, 956

Amendments filed—573, 593, 641, 655, 660, 820, 869, 875, 898, 923, 927, 1081, 1082, 1142, 1160, 1162, 1163, 1454

Amendments offered—641, 676, 820, 1081, 1082, 1142, 1159, 1163, 1454

Amendments withdrawn—641, 810, 1160, 1454

Committee appointments—1484

Conference committee appointments—1411

Conference committee reports—1468

Presided at sessions of the Senate—591, 924, 1004, 1152, 1297

MADDOX, O. GENE—Senator Thirty-eighth District, Assistant Majority Leader—

Bills introduced—144, 174, 232, 233, 246, 382, 956

Amendments filed—238, 393, 548, 573, 619, 620, 622, 634, 672, 692, 708, 729, 917, 1070, 1081, 1106, 1180, 1195, 1238, 1259, 1318, 1392, 1416, 1449

Amendments offered—622, 640, 676, 692, 718, 734, 830, 1062, 1070, 1081, 1134, 1194, 1195, 1216, 1238, 1277, 1416

Amendments withdrawn—692, 734, 1063, 1217, 1277, 1341, 1392

Committee appointments—228, 1484

Committee reports—229

Petitions presented—916

Presided at sessions of the Senate—1243

Resolutions offered—571, 1139, 1406

MAJORITY FLOOR LEADER, Stewart E. Iverson, Senator Ninth District

(See Iverson, Stewart E. Senator Ninth District, Majority Floor Leader)

MANAGEMENT, DEPARTMENT OF—

Claims filed and approved—See House Journal Pages 116-146

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MCCOY, MATT—Senator Thirty-fourth District—

Bills introduced—35, 73, 83, 110, 133, 153, 199, 216, 217, 270, 277, 294, 311, 365, 382

Amendments filed—62, 63, 175, 648, 649, 651, 655, 741, 856, 857, 930, 943, 944, 945, 963, 965, 966, 1001, 1002, 1063, 1067, 1069, 1106, 1142, 1161, 1196, 1262, 1286, 1288, 1289, 1290, 1357, 1368, 1370, 1371, 1372, 1373, 1374, 1379, 1395, 1396

Amendments offered—63, 943, 965, 966, 976, 1001, 1002, 1161, 1367, 1368, 1370, 1373

Amendments withdrawn—966, 1069, 1395, 1400, 1420
 Conference committee appointments—1411
 Conference committee reports—1468
 Resolutions offered—216

McKEAN, ANDREW J., (ANDY)—Senator Twenty-eighth District—

Bills introduced—33, 133, 258, 378, 956
 Amendments filed—276, 393, 581, 587, 654, 688, 764, 777, 907, 909, 910, 913,
 1046, 1113, 1129, 1142, 1250, 1314, 1338, 1347, 1367, 1368, 1379
 Amendments offered—599, 626, 654, 678, 688, 777, 907, 913, 921, 1046, 1113,
 1250, 1338, 1368
 Amendments withdrawn—901, 1367
 Petitions presented—888
 Presided at sessions of the Senate—875, 911, 1410
 Resolutions offered—571

McKIBBEN, LARRY—Senator Thirty-second District—

Bills introduced—67, 73, 110, 127, 133, 144, 206, 218, 257, 258, 310, 398, 956
 Amendments filed—275, 360, 508, 620, 671, 977
 Amendments offered—275, 514, 700, 813, 977

McLAREN, DERRYL—Senator Forty-third District—

Bills introduced—73, 128, 133, 309
 Amendments filed—326, 343, 344, 360, 511, 527, 559, 652, 654, 659, 660, 672,
 729, 889, 976, 989, 1001, 1022, 1023, 1118, 1319, 1442, 1452
 Amendments offered—470, 527, 559, 654, 660, 893, 1001, 1385, 1451, 1452
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(See Gronstal, Michael E., Senator Forty-second District, Minority Floor Leader)

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Motions to reconsider—

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Prevailed:

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Appointees referred to standing committees—844, 1017
 Bills introduced—145, 257, 309, 347, 381, 399, 426, 459, 489, 492
 Amendments filed—284, 511, 797
 Referred to—154, 277, 281, 323, 549, 583, 664, 665, 740
 Resolutions offered—1083
 Standing committees appointed to—882

NEUHAUSER, MARY—Senator Twenty-third District—

Bills introduced—10, 48, 83, 109, 110, 144, 153, 173, 180, 199, 216, 230, 239, 246,
 270, 278, 293, 294, 347, 365, 382, 397, 443
 Amendments filed—175, 176, 177, 214, 276, 471, 472, 474, 477, 482, 483, 484,
 485, 573, 634, 650, 655, 671, 708, 764, 776, 777, 848, 856, 857, 889, 898, 938,
 944, 945, 953, 996, 1063, 1068, 1116, 1142, 1143, 1173, 1196, 1286, 1289,
 1290, 1347, 1357, 1439

Amendments offered—214, 276, 471, 472, 482, 650, 697, 923, 953, 1116, 1173, 1280, 1289

Amendments withdrawn—747, 805, 1116, 1439

Presented National Superintendent of the Year Barbara Grohe—635

Resolutions offered—216, 614, 978, 1445

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Bills introduced—83, 110, 153, 174, 199, 216, 246, 270, 294, 304, 305, 309, 311, 365, 381, 382

Amendments filed—175, 176, 177, 483, 657, 729, 944, 945, 1067, 1106, 1196, 1241, 1244, 1260, 1262, 1290, 1357

Amendments offered—657, 743, 1287

Presented Jamie Solinger, Miss Iowa Teen and Miss Teen USA 1992 from Altoona, Iowa—118

Resolutions offered—216, 383

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PRESENTATIONS—

(See also Addressed the Senate)

President Kramer presented Governor Branstad who delivered the Condition of the State and Budget Address—39

President Kramer presented Chief Justice McGiverin who delivered the Condition of the Iowa Judiciary message—54

Iowa Arts Council presented the Urbandale High School Music department choral group who performed in the Senate chamber in honor of Arts Day—90

Senator Palmer presented Jamie Solinger, Miss Iowa Teen and Miss Teen USA 1992 from Altoona, Iowa—118

Senator Iverson presented Senator Jensen with an inscribed walnut box with a carved depiction of the Iowa State Capitol building for his tireless efforts to restore the Capitol building—240

Senator Iverson presented the Honorable Charles Grassley, U.S. Senator from Iowa, and former member of the Iowa House—362

Senator Neuhauser presented National Superintendent of the Year Barbara Grohe—635

Senator Kibbie introduced the Honorable Paul Connaughton, member of the Irish Parliament who was accompanied by his wife Bernadette—731

Senator Szymoniak introduced members of the Moldova Business Group—782

President Kramer welcomed eleven Russian insurance executives—892

Senator Redfern introduced fourteen Russian exchange students attending the University of Northern Iowa—892

- President Kramer welcomed Marcey Machacek, "Mother of the Year"—971
 Senators Rife and Hammond introduced the Iowa State University Women's basketball team and their coach, National Coach of the Year runner-up, Bill Fennelly, and Athletic Director Gene Smith—1004
 Senator Szymoniak introduced the Drake University Women's basketball team and their coach, Lisa Bluder—1004
 Senator Hedge presented Tulip Queen Gina Bandstra and her court—1098
 President Kramer welcomed Leanne Nieland, Lesley Allenworth and Emily Kinser, Future Homemakers of America, from Glenwood and Walnut, Iowa accompanied by Janis Morre and Paulette Madson—1129
 Senator Szymoniak introduced Katarzyna Maria Piekarska, member of the Polish parliament—1152
 Senators Dearden and Szymoniak introduced Iowa Teacher of the Year, Ruth Ann Gaines—1265
 Senator Jensen introduced the Honorable Edgar Holden, former member of the Senate—1336
 Senator Szymoniak introduced Abram Vore, Hudson; Amy Alexander, Maquoketa; Sophia Gray, Council Bluffs; Karma Quick, Marion; and Rebecca Larson, Des Moines; the 1998 DSCI Junior Commissioners—1352
 Senator Black introduced former Lieutenant Gov. Robert Anderson—1420
 Senator Iverson welcomed the Honorable Jim Geringer, Governor of Wyoming—949

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 (See Kramer, Mary E.—Senator Thirty-seventh District, President of the Senate)

PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

Resolutions relating to:

Senate Concurrent Resolution 102 — Request U.S. Dept. of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and request U.S. Congress to provide oversight. S.J. 216, 225, 236, 237, 273 adopted - H.J. 239, 266, 275, 302-303 adopted and msgd. - S.J. 375.

Senate Concurrent Resolution 115 — Urge fed. Congressional support for widows and widowers under the fed. Railroad Retirement Act of 1974. S.J. 1139, 1148, 1211-1212 adopted, 1215 msgd., 1310 - H.J. 1603, 1632, 1661 adopted and msgd.

Senate Concurrent Resolution 121 — Recognize National Organ and Tissue Donation Awareness Week, designate the month of May as Organ Donation Awareness Month in the state of Iowa. S.J. 1444, 1445, 1446 adopted, 1451 msgd., 1463 - H.J. 1924, 1926 adopted and msgd.

PRESIDENT PRO TEMPORE OF THE SENATE—DONALD B. REDFERN,
 Senator Twelfth District (See Redfern, Donald B. Senator Twelfth District)

REAPPOINTMENTS—

(See Appointments — Reappointments, Statutory — Senators)

REDFERN, DONALD. B.— Senator Twelfth District, President Pro—tempore of the Senate—

Bills introduced—133, 246, 349, 956

Amendments filed—470, 486, 511, 750, 1239, 1298

Amendments offered—332, 470, 486, 750, 863, 1239
Amendments withdrawn—1298
Committee appointments—320
Presided at sessions of the Senate—192, 264, 531, 549, 569, 582, 645, 662, 678,
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1388, 1406, 1416, 1417, 1447, 1464
Resolutions offered—312
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Presented fourteen Russian exchange students attending UNI—592

REDWINE, JOHN—Senator Second District—

Bills introduced—48, 127, 133, 173, 218, 254, 271, 956
Amendments filed—520, 729, 951, 1174, 1247, 1387
Amendments offered—520, 856, 1387
Resolutions offered—1410

REHBERG, KITTY—Senator Fourteenth District—

Bills introduced—10, 49, 127, 133, 216, 218, 246, 277, 346, 378, 956
Amendments filed—275, 593, 609, 660, 737, 927, 976, 1079, 1129, 1162, 1180,
1295
Amendments offered—275, 660, 1079, 1280, 1292, 1295
Amendments withdrawn—630
Resolutions filed—1184

RENSINK, WILMER—Senator Third District—

Bills introduced—133, 217, 378, 956
Amendments filed—156, 620, 708, 961, 976, 1127, 1139, 1174, 1193, 1247
Amendments offered—639, 1139, 1193
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Introduction, Senate Resolutions—247, 967, 978, 1011-1012, 1083, 1184, 1381,
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RIFE, JACK—Senator Twentieth District—

Bills introduced—48, 73, 83, 95, 128, 218, 956

Amendments filed—205, 741, 890, 1051, 1079, 1107, 1162, 1260, 1299, 1305,
1318, 1347, 1399, 1417, 1439
Amendments offered—896, 1055, 1079, 1107, 1298, 1299, 1417, 1439, 1454
Amendments withdrawn—1305
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coach—1004
Resolutions offered—571, 978

RITTMER, SHELDON—Senator Nineteenth District—

Bills introduced—34, 48, 109, 144, 206, 956
Amendments filed—94, 848, 849, 894, 961, 976, 1137, 1161, 1219, 1243
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 study the protection of the Loess Hills areas of this state — S.J. 1083-1093,
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Senate Concurrent Resolution 114 - Request that the Legislative Council
 establish an interim study cmte. to consider increasing the percent of oxygen
 by weight in mtr. veh. fuel — S.J. 1083, 1094, 1129 adopted, 1138 msgd. -
 H.J. 1420, 1471-1472.

Senate Concurrent Resolution 118 — Request Legislative Council to establish an
 interim study committee to review the issue of the deregulation and
 restructuring of the electric utility industry — S.J. 1201, 1346, 1361 adopted
 - H.J. 1758, 1771-1772.

Senate Resolution 120 — Request that the Legislative Council authorize an interim study of statewide jail space needs — S.J. 1184, 1346, 1363-1364 adopted.

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SZYMONIAK, ELAINE—Senator Thirty-sixth District—

Bills introduced—74, 109, 124, 144, 145, 153, 180, 199, 216, 218, 240, 245, 270, 293, 294, 310, 323, 347, 365, 366, 382

Amendments filed—175, 176, 177, 214, 238, 263, 470, 477, 483, 563, 573, 634, 655, 729, 754, 825, 849, 856, 894, 898, 913, 923, 938, 944, 945, 950, 951, 952, 954, 1063, 1068, 1106, 1142, 1143, 1174, 1241, 1247, 1262, 1286, 1289, 1290, 1294, 1297, 1303, 1318, 1357, 1400

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Introduced members of the Moldova Business Group—782

Introduced the Drake University Women's basketball team and their coach, Lisa Bluder—1004

Introduced the Iowa Teacher of the Year, Ruth Ann Gaines—1265

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TINSMAN, MAGGIE—Senator Twenty-first District, Assistant Majority Leader—

Bills introduced—230, 232, 233, 245, 246, 257, 278, 287, 288, 956

Amendments filed—549, 569, 671, 737, 752, 825, 938, 944, 945, 946, 952, 953, 961, 1121, 1136, 1137, 1174, 1251, 1247, 1315, 1436, 1449

Amendments offered—679, 752, 810, 944, 945, 946, 953, 1121, 1136, 1199, 1251, 1436

Amendments withdrawn—952, 1137

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Resolutions offered—216, 571, 1381, 1410

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Appointees referred to standing committee—847, 1019

Bills introduced—35, 153, 199, 200, 233, 269, 347, 400

Amendments filed—372, 764, 780

Referred to—615, 664, 754, 766, 767

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